

## CHAPTER—19

### Zero Hour Submissions

The Rules of Procedure and Conduct of Business in the Rajya Sabha contain various procedural devices to enable members to raise matters of public importance on the floor of the House. By conventions and practices some other devices have also developed over the years without having any specific sanction of the rule book. In this category fall the Zero Hour submissions.

#### Definition

Dictionaries describe Zero Hour as “the hour at which a planned, especially military operation is timed to begin”; “a crucial moment”;<sup>1</sup> “a time set for the beginning of an attack”; “a decisive or critical time”<sup>2</sup> “a time when a vital decision or decisive change in the course of events is impending; the time set as a basis for reckoning the time of day”.<sup>3</sup> It is, however, used in a special sense in the parliamentary parlance in India inasmuch as ‘real action’ begins in the House at that hour. In that sense, Zero Hour may be defined as the interregnum between the end of Question Hour and the beginning of the regular listed business in the House. In other words, it is the time which begins at 12 o’clock after Question Hour which is from 11.00 a.m. to 12.00 noon. Since 233<sup>rd</sup> Session, *i.e.* November, 2014, the Question Hour has been shifted to 12.00 noon to 1.00 p.m. Consequently, the first item that is taken up at 11.00 a.m. is the laying of papers, etc. followed by matters of recent and urgent public importance raised with the permission of the Chair (Zero Hour Submissions), subject to a maximum of 15 such matters.<sup>4</sup> Although euphemistically called Zero Hour, it may not last for an hour; it may last for some time which may be half-an-hour or more or less. Sometimes, it may also occupy full one hour or may even extend beyond an hour, depending on the number of matters which members may like to raise and the gravity and importance of such matters. It is also not necessary that there would be Zero Hour submissions every day during the session.<sup>5</sup>

For instance, in the entire 130<sup>th</sup> Session (23 April to 10 May 1984), hardly an hour was spent on Zero Hour submissions. On 3 August 1993, Zero Hour lasted for two hours and fifty-seven minutes during which postponement of elections by the Chief Election Commissioner was the subject of submissions by fifteen members. The entire pre-lunch period

was spent on two submissions on 5 August 1993. On 18 August 1994, the Hubli incident which was raised during Zero Hour occupied nearly four hours resulting in a full-fledged debate. On the other hand, on 4 May 1994, three matters raised during Zero Hour occupied only nine minutes and the next day, one submission, took only three minutes of the time of the House.

On 15 March 1995, the constitutional crisis in Bihar was the subject of Zero Hour which lasted till the House rose for the lunch recess; on 21 March 1995, for two hours and twenty-seven minutes the subject of Zero Hour was certain statements of Maharashtra Minister regarding detection of foreigners in Bombay; the alleged bad treatment to the Minister of State for External Affairs by the Pakistan High Commissioner was the subject of Zero Hour which lasted for fifty minutes on 28 March 1995; a total of two hours and forty-three minutes was spent on 30 March 1995 during pre-lunch and post-lunch periods on the issue of reported statement of the Shiv Sena Chief, Zero Hour that day was split over upto 4.00 p.m.; Zero Hour issues which were raised on 10 May 1995, 19 May 1995, 30 May 1995, 1 June 1995 and 31 July 1995, occupied more than an hour each with the participation of more than one member.

During earlier days when the Rajya Sabha used to adjourn for the lunch recess at 1.00 p.m., Zero Hour was generally over by that time so that when the House reassembled after the lunch recess, it used to start the regular business as per the list of business. That seems to be the plausible reasoning behind the usage of the expression Zero Hour by the media. Further explanation for coinage of that expression is that Zero Hour is supposed to commence at 12 o'clock and 12 o'clock is nicknamed as Zero Hour.

### Origin

The emergence of Zero Hour can be traced to early sixties when many issues of great public importance and urgency began to be raised by members immediately after Question Hour, sometimes with prior permission of the Chairman or some other times without such permission. On an occasion, a member with the permission of the Chairman, raised a matter regarding policy announcements made by Ministers outside Parliament when Parliament was in session. When a point of procedure was raised by another member that important matters were sought to be raised in the House outside the provisions of the rule book, the Chairman made the following observations:

“Hon’ble Members are aware that in Parliament there are conventions besides rules. The “Zero Hour” has been a convention in this House from the days of Dr. Radhakrishnan. People have been permitted to raise questions during this Hour and it goes on in both the Houses.”<sup>6</sup>

Thus, a new technique or parliamentary device without any specific sanction in the rules was developed. A practice started developing that as soon as the Chairman declared "Question Hour is over" a member would be on his feet to raise a matter which he considered or felt to be of utmost importance to be brought to the attention of the House, and through the House, to the Government, and which could not brook any delay nor could it await to be raised by following the normally available procedures. However, according to the eminent parliamentarian late Prof. N.G. Ranga, "The most striking and exciting development is the emergence of the Zero Hour. Its growth and achievement of stability are not so much due to the inadequacy in the Rules of Procedure... as to the growing weakness of the Ministers, unmanageability of members and the rising complexity of political atmosphere. It cannot be so much due to the insufferable and irrepressible urgency of day's happenings."<sup>7</sup>

The interregnum between the end of Question Hour and the beginning of the regular proceedings came to be made use of by a fair number of members. Veteran parliamentarians utilised the period with consummate skill to draw the House's attention and thereby that of the nation to some truly important issues. Generally, the practice started getting parliamentary status, "a permanent but unacknowledged feature of Indian Parliament's agenda".<sup>8</sup> The Zero Hour proceedings started stealing the limelight in the media thereby encouraging more and more members to take resort to this quick and handy device.

That Zero Hour had become a regular phenomenon in the House since sixties is evident from the fact that when, on an occasion, while the question of extension of the session by a week and business before the House was under discussion, the Deputy Chairman observed, "But we must not forget the Zero Hour. The Zero Hour must be of a very brief period so that we do not jump the order paper every day".<sup>9</sup> The development of the Zero Hour practice can be summarised graphically by plagiarising a proverb about Hope: "Zero Hour is like a path in the countryside. There was never a path, but when people walk on it, it comes into existence."

### ***Raison d'être of Zero Hour***

While Zero Hour was gaining popularity and acceptability amongst members, media and masses, it did not find approbation from presiding officers in view of the unexpected encroachments upon the precious time of the House, sometimes leading to acrimonious and unruly scenes and disorderly conduct on the part of some members. Its emergence and establishment started causing grave concern amongst presiding officers in legislatures in India. The subject of Zero Hour was discussed at the Presiding

Officers' Conferences held in 1967 (at New Delhi), 1969 (at Goa) and 1978 (at Jaipur). Zero Hour was described in such veritable terms as "waste of public money", "mad hour", "a great beginning of evil day" and "an unwanted thing." At the same time, it was realised that Zero Hour had become lively and important, next to Question Hour. It was a device to air individual grievances and as such it could not be eliminated or dispensed with. At one spectrum, the view was that it was the biggest hurdle for presiding officers to transact the normal business, at another, it was regarded as something original by way of contribution to parliamentary lexicon or practice.

A presiding officer, at the Conference held at Panaji (Goa), referred to a Report of a Select Committee on Procedure of the House of Commons, to analyse the reasons for Zero Hour and maintained that the picture projected in the Report was very much applicable to Indian conditions. The Select Committee had observed:

In considering opportunities for debates on important matters of current public interest, your Committee have been aware of the criticism that the House is too much involved with the arranged legislative programme of the Government to be able to address itself to the issues that are of immediate concern to people outside. It is said that Parliament is losing its position as the forum of national debate.<sup>10</sup>

The Speaker of the House of Commons, in his evidence before the Select Committee, stated as follows:

Parliament is not only Government and Opposition—it is 630 individual members, among them minorities, even minorities of one. It is quite conceivable that for various reasons, neither the Government nor the official Opposition might wish to be discussed swiftly a matter which a smaller minority considered ought to be debated at once. The eternal problem in Parliament is that of reconciling the various claims—Government, Opposition, minorities and the single back bencher.<sup>11</sup>

### **Regulating Zero Hour**

With a view to preventing dislocation of the settled business before the House arising out of acrimonious scenes and loss of invaluable time of the House, and providing sufficient opportunities to the Government to respond to the points raised, the Special Mention procedure was introduced in the Rajya Sabha in the seventies. However, over the years, Zero Hour submissions have taken the shape of an additional device rather than a substitute for the Special Mention procedure. Even with the introduction of the special mention procedure, members have been showing increasing interest to raise matters of public interest during Zero Hour.

A member wanted to mention a matter (attempt on the life of a member of the Lok Sabha) not as a Special Mention but as a mention to be made during Zero Hour only for which he had given notice. The Chairman told him that he could do it as a Special Mention. But the member insisted that he should be permitted to mention it during Zero Hour. He was permitted. The Chair observed, "I think you are making it a double Zero Hour."<sup>12</sup>

When a member wanted to make a mention of a subject which had been permitted as a Special Mention, he pleaded with the Chair, "Special Mention is different; Zero Hour is different. This is my Zero Hour point." The Chair observed, "There is no Zero Hour point."<sup>13</sup>

On another occasion, the Deputy Chairman remarked, "There is no zero on the clock; there are only numbers from 1–12".<sup>14</sup>

On an occasion, the Vice-Chairman observed, "I thank everybody for cooperating to make the Zero Hour quite dignified silent Hour".<sup>15</sup>

On an occasion, when the Deputy Chairman did not permit some members to raise matters before a calling attention, a member stated, "you cannot challenge and dispute the Zero Hour. The Zero Hour takes precedence over everything else. The Deputy Chairman observed, "There is no mention in the rules about the Zero Hour".<sup>16</sup>

However, when some members who had given notice of suspension of Question Hour to discuss the situation arising out of suspension of elections by the Chief Election Commissioner, the Chairman asked them to raise the matter after Question Hour, which was eventually done during Zero Hour.<sup>17</sup>

During the eighties, the Chairman (Shri R. Venkataraman), had introduced an informal practice to have calling attention matters and special mentions on alternate days so as to eliminate Zero Hour. When, for instance, he permitted a member to raise a matter regarding making of a policy statement by Ministers outside the House while Parliament was in session, and objection was taken to it by another member, the Chairman observed, "Thanks to the cooperation I have received from the Opposition, I have managed to dispense with the Zero Hour", but since it concerned the House, he had given permission to raise the matter.<sup>18</sup>

However, dispensing with Zero Hour was not to the liking of everybody. On 13 December 1985, a member observed, "... One by one all the weapons of the Opposition, whether a calling attention or Zero Hour, are being eroded, "The Chairman explained the position thus:

"Generally, at 10.00 o'clock I come to the Chamber. People who want to raise matters—special mention or calling attention, they come and talk to me... if four-five people ask for four-five different things, then I judge, I decide, which is important and on that basis, I give them permission."<sup>19</sup>

Again after a few months the same member raised the matter saying that the Zero Hour privilege was being taken away and only in the Rajya Sabha it was not allowed. The Chairman also reiterated his position and wished that the time could have been saved if members had gone to his Chamber and mentioned those things.<sup>20</sup>

The media also did not react favourably to this. A newspaper reviewing the proceedings of the Rajya Sabha for the week commencing 19 March 1985, bemoaned that Zero Hour had virtually been sacrificed in the Rajya Sabha. It concluded by observing, “The Chairman too has to be a little indulgent like his predecessors to see that Zero Hour does not die”.<sup>21</sup>

However, during the tenure of the then Chairman, Shri Krishan Kant, the practice of allowing members to make submissions during the Zero Hour was almost stopped. Very rarely, a few members were permitted by the then Chairman to make submissions during Zero Hour. The matters permitted by the then Chairman to make submissions during Zero Hour were reflected in Bulletin Part-I as “Matters raised with permission”, which was not a practice earlier. For example during 190<sup>th</sup> Session, two matters were raised with permission on 31 July and 8 August 2000. This was more so as the procedure relating to special mention was formalised and rules relating to special mention were incorporated in the Rules of Procedure and Conduct of Business in the Rajya Sabha in May 2000. The new Rule (180A to 180E) relating to special mention came into force with effect from 1 July 2000. Moreover during the tenure of Shri Krishan Kant, the practice of publishing a para in Bulletin Part-II regarding the procedure relating to matters raised with permission, at the time of issue of summons to members was discontinued. However, during the 211<sup>th</sup> Session on 20 August 2007 the paragraph on Zero Hour mentioning the procedure relating to “Matters raised with permission” was again restored and found mention in the bulletin Part-II and since then the para is continuously being included in bulletin Part-II at the time of issue of summons to members, of course, with modifications in the procedure brought from time to time.

### **Views of the Business Advisory Committee**

The Business Advisory Committee was of the views that Zero Hour submissions might be permitted only sparingly and a member should not take more than two minutes to make such a submission, when permitted.<sup>22</sup> The Committee, at its meeting held on 5 May 1993, discussed at length the procedure concerning calling attention and special mention and was of the view that Zero Hour submission might be permitted only sparingly.<sup>23</sup> At the meeting held on 5 August 1993, the Committee discussed at length the ways to regulate the Zero Hour proceedings in the House and suggested

that the Zero Hour submission might be permitted sparingly. It held that only 3-4 submissions per sitting may be made and in case of sudden urgent matters only. On days when a calling attention item was admitted, the Zero Hour submission might not be permitted.<sup>24</sup> These recommendations were reiterated by the Committee at its meeting held on 19 August 1993.<sup>25</sup>

### Recommendations of the Rules Committee

The Rules Committee considered on 14 February 1995, *inter alia*, the practice of making Zero Hour submissions and was of the opinion that:

- (i) Zero Hour submissions may not extend beyond half-an-hour;
- (ii) the total number of submissions during Zero Hour may not normally exceed seven per day and in no case more than ten and a member should not take more than three minutes in making the submission;
- (iii) a member may make only one special mention or Zero Hour submission during a week; and
- (iv) Zero Hour submissions and special mentions should be completed before the House adjourns for lunch at 1.00 p.m.<sup>26</sup>

The House by a motion agreed with the recommendations of the Committee on 30 May 1995. Following the adoption of the recommendation of the Rules Committee regarding Zero Hour submissions contained in its Seventh Report on 30 May 1995, a practice was more or less developed till the early part of 1999 that members used to approach the Chairman in his Chamber and give him in writing the subjects they wish to raise. Only those members to whom permission was granted, were ordinarily permitted to mention the matter in the House. Due to formalisation of the procedure relating to special mentions in the year 2000, the instances of giving permission to members to raise matters of urgent public importance by way of Zero Hour submissions became very rare. The trend, in fact, started since May, 1999 and continued for about 5-6 years when only occasionally a few matters were permitted to be raised as "Matters raised with permission" in Zero Hour. These matters were also mentioned in the Parliamentary Bulletin Part-I as such.

There is a ruling from the Chair that the Zero Hour ends with the adjournment of the House. On 24 November 2006, a discussion on remarks on Arunachal Pradesh by the representatives of People's Republic of China took place with the permission of the Chair. Due to interruptions the speech of a member was abruptly ended and the Chairman called the concerned Minister to reply. After the Minister replied the Chairman adjourned the House at 12.33 p.m. When the

House reassembled after lunch at 2 p.m. the Deputy Chairman announced that special mention would be taken up. The concerned member whose speech came to an abrupt end due to interruptions demanded that he be allowed to complete his speech. The Deputy Chairman objected to the demand of the member and ruled "As far as the discussion on the subject raised in the Zero Hour is concerned, the convention is that once the House adjourns, the Zero Hour ends".<sup>27</sup>

### Current Practice

The popularity of Zero Hour and strong desire of members to raise matters of urgent public importance immediately after the Question Hour could not be overlooked and soon it was realised that the informal practice of allowing submissions during Zero Hour cannot be discontinued despite the fact that it is not obligatory on the part of the Government to respond, formally or informally, to those matters. The matter of regulating the Zero Hour and allowing members to raise issues of urgent public importance immediately after the Question Hour had been discussed several times in meetings of the Business Advisory Committee<sup>28</sup> and leaders of parties in the Rajya Sabha<sup>29</sup>. Based on consensus arrived at these meetings, a set of guidelines were evolved to regulate the Zero Hour and there had been a practice to regularly allow members to raise matters after the Question Hour and laying of papers, if any, on the Table and before any other item in the list of business was taken up. These guidelines, *inter alia*, provide that only those matters which have arisen very recently, particularly after 10.00 a.m. of the previous day's sitting, might be permitted to be raised. A member who wishes to raise a matter of urgent public importance on a particular day, should give notice of his or her intention to the Chairman latest by 10.00 a.m. on that day and should indicate in the notice a synopsis of the matter that he or she wishes to raise justifying its urgency and importance. The Chairman on examination and consideration of all such notices, may admit them to be raised as 'matters raised with permission'. Not more than one submission shall be permitted on one subject. No member shall be allowed to make more than one submission as 'matter raised with permission' in a week. Previously not more than ten matters were allowed to be raised on a day. Now a maximum of fifteen such matters are allowed to be raised per day.<sup>30</sup> A member may take not more than three minutes to make his submission. A reverse clock is operational in the House in this regard and after three minutes, the mike of the member raising the matter goes off automatically. These guidelines are published in the Parliamentary Bulletin, Part-II before the commencement of every session<sup>31</sup>. The matters raised in the Zero Hour are mentioned in the Parliamentary Bulletin Part-I under the caption 'Matters Raised with Permission'.

## Recent Developments

The Rules Committee in its 13<sup>th</sup> Report presented to the Rajya Sabha on 25 November 2014 and adopted by the House on 26 November 2014 *inter alia* recommended amendments in the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha) regarding change in the timings of the Question Hour from 11.00 a.m. - 12.00 noon to 12.00 noon-1.00 p.m. as the Question Hour, in the past few years, was frequently disrupted for various reasons. The Committee observed that the Question Hour suffered the most casualty due to eagerness of the members to raise matters of urgent public importance as soon as the Question Hour commenced. It, therefore, proposed to schedule the Question Hour from 12.00 noon to 1.00 p.m. for maintaining the inviolability of the Question Hour as an effective instrument of ensuring accountability of the Executive to the Parliament while at the same time giving adequate opportunities to members to raise matters of urgent public importance. Consequently, the first item of business to be taken up at 11.00 a.m. is the laying of papers and other business of formal nature, followed by matters of recent and urgent public importance to be raised with the permission of the Chair (Zero Hour submissions) subject to a maximum of 15 such matters, and if time permits, the special mentions (for raising matters of public importance) are taken up to 12.00 noon.<sup>32</sup>

## Government not bound to reply during the Zero Hour

The Chair has ruled on many occasions that the Government is not bound to reply during the Zero Hour. On 14 May 2007 after the Maternity Benefit (Amendment) Bill, 2007 was introduced by the Minister of State in the Ministry of Labour and Employment, there were some interruptions in the House. A member demanded to resolve the issue of Babli project and sought reply from the Government. The Deputy Chairman clarified that the member should give proper notice under the rules and observed:

“This is Zero Hour. The Government is not bound to reply... How can I ask the Government to reply during Zero Hour?... I cannot tell the Government during Zero Hour to reply...”<sup>33</sup>

On 16 December 2008 during a discussion on the matters raised with the permission of Chair on the allotment of spectrum, a member said that as per newspaper reports the Union Minister of Telecommunications had been charged with having allotted 2G spectrum for mobile services on a first-cum-first served basis rather than going for a global auction. He sought the dismissal of the Minister as well as examination of the matter by a Joint Parliamentary Committee. The Deputy Chairman observed:

“All of us have agreed for a Zero Hour and this House is following certain norms. Now, in Zero Hour, you know that the Minister cannot

reply. You insist that the Zero Hour should be taken up and when we take up the Zero Hour, you demand this and that. You have a right to say this but how can the Government respond? You have to use the other forum which is available to you under the rules. If you do not make use of the other forum and you say that Zero Hour is used for all purposes, I think this is not correct. In all party meeting, we have taken a decision. Let us respect that decision. Let us follow that.”<sup>34</sup>

### Follow-up action

Unlike special mentions, there is no follow-up action on matters raised as the Zero Hour submissions. In 1992, the Ministry of Parliamentary Affairs had decided, on the suggestion of some Members of Parliament, to make mandatory for Ministries of the Government of India to send replies to members on their Zero Hour submissions, as in the case of special mention.<sup>35</sup> It appears that the Ministry has yet to issue procedural guidelines to Ministries in respect of the Zero Hour submissions. However, sometimes, copy of reply/response of the Minister concerned to the member in respect of a ‘matter raised by him with permission’, is endorsed to the Secretariat. This indicates that the Ministry of Parliamentary Affairs probably keeps a note of these matters and corresponds with the concerned Ministry for furnishing a reply/response to the concerned member in this regard.

### NOTES AND REFERENCES

1. *The Concise Oxford Dictionary.*
2. *The Rendum House Dictionary.*
3. *Webster’s Third New International Dictionary.*
4. 13th Report of the Committee on Rules, Rajya Sabha Secretariat, New Delhi, November, 2014.
5. For instances, see R.S. Deb., 3.5.1994, 10.5.1994, 28.8.1994 and 26.8.1994.
6. R.S. Deb., 12.8.1985, c. 239.
7. *Journal of Parliamentary Information*, March 1992.
8. Prof. Ranga quoted in *People, Parliament and Administration* by Dr. Bal Ram Jakhar.
9. R.S. Deb., 2.6.1967, c. 1962; see also R.S. Deb., 7.8.1968; c. 2433.
10. Second Report of the Select Committee on Procedure (H.C., 1966-67, 282) on Urgent and Topical Debates, para. 12.
11. Memorandum from the Speakers to the Committee, *Ibid.*
12. R.S. Deb., 14.12.1981, c. 173-74.
13. *Ibid.*, 29.8.1991, c. 120.
14. *Ibid.*, 19.7.1991, c. 129.
15. *Ibid.*, 17.9.1991, c. 28.
16. *Ibid.*, 27.7.1993, c. 283.
17. *Ibid.*, 3.8.1993, c. 2.
18. *Ibid.*, 12.8.1985, c. 239.
19. *Ibid.*, 13.12.1985, c. 200-02.
20. *Ibid.*, 6.5.1986, c. 183-86.
21. *Statesman*, 25.3.1985.
22. BAC mts., 1.8.1991.
23. *Ibid.*, 5.5.1993.

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24. BAC mts., 5.8.1993.
  25. *Ibid.*, 19.8.1993.
  26. 7 Rpt., COR; see also R.S. Deb., 14.2.1995. However, see R.S. Deb., 21.3.1995, 23.3.1995, 28.3.1995, 30.3.1995; and 31.7.1995 when Zero Hour occupied considerable time of the House.
  27. *Rulings and Observations from the Chair (1952-2008)*, Rajya Sabha Secretariat, p. 440.
  28. BAC mts., 30.11.2006, 16.7.2009.
  29. Leaders of Parties meeting held on 9.5.2007, 20.8.2007 and 11.3.2008.
  30. 13th Report of the Committee on Rules, Rajya Sabha Secretariat, New Delhi, November, 2014.
  31. Bn. (II), 6.2.2013.
  32. 13th Report of the Committee on Rules, Rajya Sabha Secretariat, New Delhi, November, 2014.
  33. *Rulings and Observations from the Chair (1952-2008)*, Rajya Sabha Secretariat, p. 441.
  34. *Ibid.*
  35. F. No. 51/3/92-L.