

CHAPTER—23

Motions and Short Duration Discussions

Motions

Definition and classification

A motion is a proposal made by a member to the House that the House do something or order something to be done or express an opinion with regard to some matter. A motion must be phrased in such a way that, if assented to, it will purport to express the judgement or will of the House.¹ A matter requiring the decision of the House is decided by means of a question put by the Chairman on a motion made by a member and resolved in the affirmative or negative, as the case may be.² The proceedings between the rising of a member to move the motion and the ascertainment of the decision of the House by the Chair, constitute a debate. Thus, the essential stages in obtaining a decision of the House are: the moving of the motion, proposing of a question by the Chair, putting of the question and collection of voices by the Chair.³ These stages are connected together and as such the motion must be so framed as to be capable of expressing a decision of the House.

Motions may conveniently be classified as substantive or subsidiary. A substantive motion is a self-contained proposal made in reference to a subject which the mover wishes to bring forward. A subsidiary motion relates to a substantive motion and is made use of to enable the House to dispose it of in the most appropriate manner.⁴ Motions for the election of the Deputy Chairman, Motion of Thanks on the President's Address and Motion to declare the seat of a member vacant where leave of absence has not been granted⁵ are examples of substantive motions moved in the Rajya Sabha.

The conduct of persons in high authority can only be discussed on a substantive motion drawn in proper terms.⁶ The Constitution lays down specific procedure for the impeachment of the President and for the presentation of an address to the President by each House of Parliament for the removal of a Judge of the Supreme Court or of a High Court, the Comptroller and Auditor-General of India, or the Chief Election Commissioner.⁷ Similarly, provision has been made in the Constitution for the removal of the Vice-President and the Deputy Chairman of the

Rajya Sabha by means of resolutions.⁸ Except for the motion for election of the Deputy Chairman and the Motion of Thanks on the President's Address, no substantive motion requires to be seconded.⁹

Motions such as, "that the policy or situation or statement or any other matter be taken into consideration" are not, strictly speaking, substantive motions and are not generally put to the vote of the House since such motions are considered only a device to discuss a subject without asking the House to record its decision or opinion. However, amendments which seek to add words at the end of the original motion are permitted.

Besides the above classification, motions may also be of private members or of the Government subject to whether the mover is a private member or a Minister. Again, a motion may be statutory or general (*i.e.*, non-statutory) depending on whether it is moved in pursuance of a statutory provision or moved merely on a matter of general public interest.

General rules relating to motions

The general rule is that no discussion on a matter of general public interest can take place except on a motion made with the consent of the Chair.¹⁰ Notice of a motion is required to be given in writing addressed to the Secretary-General of the House.¹¹ In order that a motion may be admissible, it should raise substantially one definite issue; should not contain arguments, inferences, ironical expressions, imputations, or defamatory statements; should not refer to the conduct or character of persons except in their public capacity; should be restricted to a matter of recent occurrence; should not raise a question of privilege; should not revive discussion of a matter which has been discussed in the same session; should not anticipate discussion of a matter which is likely to be discussed in the same session; should not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India; should not seek discussion on a paper or document laid on the Table by a private member; should not ordinarily relate to matters which are under consideration of a Parliamentary Committee; should not ask for expression of opinion or the solution of an abstract legal question or of a hypothetical proposition; should not relate to a matter which is not primarily the concern of the Government of India; should not raise matter under the control of bodies or persons not primarily responsible to the Government of India; should not relate to a matter with which a Minister is not officially concerned; should not refer discourteously to a friendly foreign country; should not relate to or seek disclosure of information about matters which are in their nature secret such as Cabinet discussions or advice given to the President in relation to any matter in respect of which there is

constitutional, statutory or conventional obligation not to disclose information; and should not relate to a trivial matter.¹²

The Chairman decides on the admissibility of a motion and may disallow a motion or a part thereof when, in his opinion, it does not comply with the rules.¹³

The rules do not prescribe any particular form of a motion to raise a discussion on a matter of general public interest. The general form used, however, is: "This House do consider the situation, etc." or "the situation or a report be taken into consideration, etc."

No-day-yet-named motions

If the Chairman admits notice of a motion and no date is fixed for its discussion, it is notified in the Bulletin with the heading "No-Day-Yet-Named Motion."¹⁴ If a private member's motion is admitted and thereafter notice of a Government motion on the same subject is received, the Government motion is also admitted. If it is decided to have a discussion on that subject by way of a motion, the Government motion gets precedence over private member's motion, as 'no-day-yet-named motions' are discussed in Government time.

A private member's motion regarding the second report of the University Grants Commission was admitted and notified as a no-day-yet-named motion.¹⁵ Subsequently, a Government motion on the same subject was also admitted. However, the discussion took place on the Government motion as in the programme of business announced by the Minister of Parliamentary Affairs, mention was made of discussion on the Government motion only.¹⁶

A private member's motion on railway accidents was admitted as a no-day-yet-named motion.¹⁷ Subsequently, a Government motion on the subject was also admitted and notified.¹⁸ A point of order was raised when only the Government motion was included in the list of business. The Vice-Chairman ruled that where there were two motions from a member as well as from the Government on a Government business day, the Government motion would have precedence.¹⁹

However, sometimes both the motions, *i.e.*, one given notice of by a private member and another by a Minister, on the same subject, may be listed and discussed together.

A member gave notice of the following motion:

"That this House recommends to the President that the Governor of West Bengal be dismissed forthwith."

Subsequently, the Home Minister also gave notice of the following motion:

“That this House approves the statement made in the Rajya Sabha on November 30, 1967, on behalf of Government regarding the situation in West Bengal.”

Both the motions were admitted and discussed together. The private member's motion was negated and the Government motion was adopted.²⁰

Every session a number of motions are admitted and published in the Bulletin Part II under the heading 'No-Day-Yet-Named Motion' which reflect diverse views and focus attention on various issues of public importance in the country. On an occasion, a motion (regarding the BHEL-SIEMENS Agreement) was admitted in the names of as many as ninety-nine members.²¹

As per rules, the Chairman may, after considering the state of business in the House and in consultation with the Leader of the House allot a day or days or part of a day for the discussion of any such motion. An item in the list of business about the admitted motion is shown in the names of all members from whom notices are received.

Discussion on a motion

On being called by the Chair, the member in whose name the motion stands in the list of business formally moves the motion and makes his speech, unless he declares that he does not want to move the motion.

There is no provision in the rules for authorising another member to move a motion on behalf of the member in whose name the motion stands in the list of business, unlike in the case of resolutions. If the member is absent to move the motion, the second or the third member and so on, if any, in whose name the motion stands in the list of business is called to move the motion.

Where the content of two motions is cognate, both of them may be discussed together.

Two motions—one regarding activities of CIA in the country and another regarding internal security of the country in the context of increased espionage activities—were moved separately by two members but were discussed together.²²

Two motions—one disapproving the Award of Indo-Pakistan Western Boundary Tribunal on the Rann of Kutch and another taking the Award into consideration—standing in the names of two members were moved separately but discussed together.²³

A combined discussion was held on two motions moved together by the same member regarding Annual Reports of the Air India and the Indian Airlines Corporations, at the same sitting.²⁴

Normally, one member moves only one motion but there have been some rare occasions in early years when the same member moved two motions, at the same sitting.

On 21 December 1956, a member moved a motion regarding Indian Foreign Service Branch 'B' Rules. After the discussion was over, he moved another motion regarding the 8th report of the Industrial Finance Corporation, at the same sitting.²⁵

On 30 August 1957, a member moved a motion on the report of the Hindustan Housing Factory Pvt. Ltd.; thereafter, he also moved at the same sitting another motion on the report of the Ashoka Hotels Ltd.²⁶

After the member has moved the motion, the Chairman places the motion before the House. Amendments, if any, are then moved by members and discussion follows. After the members and the Minister concerned have participated in the debate, the mover of the motion may speak again by way of reply. Amendments, if any, are put to the vote of the House and disposed of after which the main motion may be put to the vote. Generally, as stated above, a motion to take a report or a matter into consideration is not put to the vote of the House.

The motion may be adopted in terms moved by the member or adopted with amendment, or negatived. It may also be withdrawn by leave of the House or it may also be talked out, *i.e.*, concluded with discussion without recording any decision of the House.

Two notices of motion regarding need to modify the Action Taken Report on the Justice Nanavati Commission of Inquiry were admitted and notified in Parliamentary Bulletin Part II, dated 11 August 2005. The motion was discussed on 11 August 2005 and negatived by voice-vote.²⁷

A motion regarding Volker Commission Report was admitted and notified in Parliamentary Bulletin Part II, dated 25 November 2005. The terms of the motion were subsequently revised and included in the list of business of 29 November 2005. The motion was moved and was negatived by voice-vote on 29 November 2005.²⁸

During 220th Session, a notice of motion regarding inflationary pressure on the country was given by the Leader of Opposition and others. Subsequently, the terms of the motion were revised and was admitted and included in the list of business of 4 August 2010 in the revised form. After the discussion on 5 August 2010 no decision of the House was obtained on the motion. However, after the discussion on the motion, a resolution in pursuance of the terms of the motion was moved by the Deputy Chairman, Rajya Sabha and was adopted.²⁹

The Chairman, Rajya Sabha admitted the notices of motion regarding decision of the Government to allow FDI in multi-brand retail sector in the leaders meeting held on 29 November 2012. The same was announced in the House on 30 November 2012. The discussion on the motion took place on 6 and 7 December 2012. It was put to vote of the House on 7 December 2012 and negatived.³⁰

The discussion on a Motion may remain inconclusive. In this eventuality, the motion lapses unless the House agrees formally or by consensus to carry forward the debate on that motion to the next session.

The seventeenth and eighteenth reports of the Commissioner for the Scheduled Castes and Scheduled Tribes were discussed on 5 and 7 September 1970 (73rd Session); the House agreed to carry the discussion to the next session and the Deputy Chairman announced to that effect on 7 September 1970. The reports were further discussed on 9 and 12 November 1970 (74th Session).

Discussion on a motion regarding disapproval of the conduct of certain members on the occasion of the President's Address was postponed to the next session by a motion adopted to that effect.³¹

Repetition and withdrawal of a motion

The general rule regarding motions is that a motion must not raise a question substantially identical with the one on which the House has already given a decision in the same session.³² If, however, the House desires to raise an identical question discussed earlier in the same session, the rule has to be suspended.

The Rajya Sabha passed the Constitution (Sixty-fourth Amendment) Bill, 1990, on 28 March 1990. The Bill could not be passed in the Lok Sabha. Another Bill, the Constitution (Sixty-fifth Amendment) Bill, 1990, on the same subject (extending the President's Rule in Punjab) was introduced in and passed by the Lok Sabha. Before the Bill was taken up for consideration in the Rajya Sabha, the Minister concerned moved a motion to suspend rule 228 for the purpose.³³ The motion was adopted.

A member who has made a motion can withdraw it only by leave of the House.³⁴ The leave is signified not upon question but by the Chairman taking the pleasure of the House. If any dissentient voice is heard or a member rises to continue the debate, the Chairman forthwith puts the original motion. If an amendment has been proposed to the motion, the original motion cannot be withdrawn until the amendment has been disposed of³⁵ or is withdrawn by leave of the House.

When a member wanted to withdraw an amendment to a motion, the Chair asked whether the member had the leave of the House to withdraw. Some members answered in the negative. Thereafter, the amendment was put to vote and negatived.³⁶

Dilatory motion

At any time after a motion has been made, a member may move that the debate on the motion be adjourned. If the Chairman is of the opinion that a motion for the adjournment of a debate is an abuse of the rules of the House, he may either forthwith put the question thereon from the Chair or decline to propose the question.³⁷

Dilatory motion is a generic name for motions the object of which is to put off further consideration of the business in hand for the time being. If the Chairman thinks that a dilatory motion is an abuse of the rules of the House, he may either refuse to accept the motion, or accept it and put the question on it forthwith, *i.e.*, without allowing it to be debated.³⁸

A dilatory motion is intended to have a postponing or indefinitely delaying effect on a debate. If it is moved and carried, the subject under discussion is either shelved or the debate is postponed. A dilatory motion is a superseding motion because if it is accepted by the Chair he proposes the motion as a new question, which supersedes the original question and must be disposed of before the debate on the original question can be resumed.³⁹

As regards the term 'abuse of the rules of the House', used in the above rule and which also occurs in some other rules, the term may be defined as the use by a member for an improper purpose (*e.g.*, to impede the transaction of business or to prevent the minority from giving utterance to sentiments unpalatable to the majority or which they do not wish to be voiced) of his right to move motions. For a member who has been speaking on a question to conclude his speech by moving the closure would probably be considered to be an abuse of the rules of the House.⁴⁰

Amendments

An amendment is a subsidiary motion moved in the course of debate upon another motion, which interposes a new cycle of debate and decision between the proposal and decision of the main motion and question. The object of an amendment is either to modify a question in such a way as to increase its acceptability or to present to the House a different proposition as an alternative to the original question.⁴¹

An amendment must be relevant to, and within the scope of the motion to which it is proposed.⁴² An amendment which has merely the effect of a negative vote is not admissible.⁴³ An amendment on a question should not be inconsistent with a previous decision on the same question.⁴⁴

An amendment is generally moved in the form of a proposal either to insert certain words in the motion, or to omit certain words or substitute certain words for the words in the original motion.

Notice of an amendment to a motion is to be given at least one day before the day on which the motion is to be considered, unless the Chairman allows the amendment to be moved without such notice.⁴⁵

The Chairman may refuse to put an amendment which in his opinion contravenes rules.⁴⁶ The Chairman has also power to select the amendments to be proposed, and may, if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgement upon it.⁴⁷

Subject-matter of a motion

Any matter of public importance can be the subject-matter of a motion. The following are some typical motions moved in the Rajya Sabha by private members.

Government resolution on the findings of Committee on LIC;⁴⁸ allegations against certain Chief Ministers and other Ministers of State Governments;⁴⁹ recommending dismissal of illegal Ghosh Ministry in West Bengal (motion negated);⁵⁰ use of force by police against two Ministers of U.P. in Delhi (motion adopted in an amended form);⁵¹ Seventh Conference of Heads of State or Government of non-aligned countries held in Delhi (motion adopted);⁵² propriety of the Deputy Prime Minister and Minister of Finance employing his son to assist in his work (motion was not put to House);⁵³ condemning unconstitutional action of the Governor of West Bengal in dismissing the UF Government in that State (motion negated);⁵⁴ constitution of a Parliamentary Committee to investigate all matters arising out of SQ no. 730 in the Rajya Sabha on 27 August 1974, and supplementaries thereto as well as the statement of the Minister of Commerce in connection therewith in the Rajya Sabha on the same day (Pondicherry licence case) (motion negated);⁵⁵ situation arising out of the continued suspension of the right to move any court for the enforcement of the rights conferred by article 21 and article 22 of the Constitution under the order made by the President under clause (1) of article 359 of the Constitution on 3 November 1962;⁵⁶ continued detention of persons under Defence of India Act, 1962, in the context of the Supreme Court Judgement in the case of *Makhan Singh Tarsikka v. State of Punjab*;⁵⁷ expressing concern of the House over the loss of life and property due to earthquake in Gujarat on 23 March 1970, and its sympathy with the grief stricken and affected people of the area (motion adopted, all members standing);⁵⁸ motion regarding appointment of two separate Commissions of Inquiry to inquire into allegations of corruption against members of families of the Prime Minister and the former Home Minister (motion adopted);⁵⁹ motion regarding disagreement with the reported statement of the Prime Minister giving a clean chit to three Ministers of the Union Cabinet namely, Shri Lal K. Advani, Dr. Murli Manohar Joshi and Sushree Uma Bharati, against whom the CBI had

completed investigations and filed chargesheets (motion adopted),⁶⁰ motion regarding Volcker Commission Report;⁶¹ motion regarding persistent violence in Gujarat (motion adopted);⁶² motion regarding inflationary pressure on the economy and its adverse impact on the common man;⁶³ motion regarding disapproval of the decision of the Government to allow FDI in multi-brand retail sector.⁶⁴

Progress of motion adopted on 10 August 1978

The motion regarding appointment of two separate Commissions of Inquiry, referred to in the list above had evoked a lot of interest and generated controversy which needs to be mentioned in more details. The notice for motion given by a member demanded appointment of two separate Commissions of Inquiry under the Commissions of Inquiry Act, 1952—one to inquire into allegations of corruption made against the members of the family of the Prime Minister, Shri Morarji Desai, and the other to inquire into the allegations of corruption against the members of the family of the former Home Minister, Chaudhary Charan Singh. The motion was admitted and notified in the Bulletin under the heading “No-Day-Yet-Named Motion”.⁶⁵

The Business Advisory Committee allotted one day and fixed 10 August 1978, for its discussion.⁶⁶ The motion was accordingly taken up on that day. Before the discussion on the motion commenced points of order were raised about its admissibility on the grounds that it violated rules 169(i), (iii), (iv) and (vi), and also section 3 of the Commissions of Inquiry Act, 1952, since under that Act, the Rajya Sabha had no jurisdiction to make a recommendation to the Government for the appointment of a Commission and the motion would be an exercise in futility.⁶⁷

The points of order were ruled out by the Deputy Chairman holding that (i) the motion did raise substantially one definite issue in its operative part; (ii) the provision of rule 169 had been substantially complied with in framing the motion; and (iii) whether the motion was violative of the Commissions of Inquiry Act or not, was not the consideration before the Chairman when the motion was admitted and in any case the argument was not very relevant so far as the discussion of the motion was concerned. As regards the argument about the motion being an exercise in futility, the Deputy Chairman observed, “...the limited point... is whether it should be taken up for discussion and whether it has been properly admitted. What effects it will have, whether it will be futile or not is again something with which we are not concerned at this stage... Therefore, looking to the provisions of our rules and the arguments that I have heard and above all, looking to the precedents which indicate that similar motions have been

accepted in this House for discussion, I hold that it has been properly accepted.”⁶⁸

On 3 August 1978, the Chairman while disposing points made by members regarding the admissibility of the above motion had cited two precedents, reference to which was made above. On 27 April 1963, a private members’ resolution regarding the appointment of a Commission to enquire into the administration of companies, under the Commissions of Inquiry Act was discussed and negatived. On an earlier occasion in 1961, a resolution given notice of by a private member regarding the appointment of a Commission under the Commissions of Inquiry Act, 1952, to enquire into the concentration of ownership in the newspaper industry was admitted and had secured a place in the ballot on two occasions.

Amendments were moved by five members to the motion. The one moved by Shri Bhupesh Gupta was put to the House and adopted by a division. The motion, as amended, was thereafter adopted in the following amended form at about 10.00 p.m. on 10 August 1978:

That having noted with regret and disappointment the refusal of the Prime Minister to place before the House all the correspondence including the correspondence between him and the former Home Minister, Chaudhary Charan Singh, and other documents in his possession relating to the allegations of corruption made by the former Home Minister, Chaudhary Charan Singh, against the family members of the Prime Minister and the counter-allegations of corruption made by the Prime Minister against the family members of the former Home Minister which have caused great disconcert in the country, this House is of the opinion that if the situation is not dealt with appropriately and with urgency it demands, it is likely to bring not only the persons of high public standing to avoidable disrepute but also cause irreparable damage to the very credibility of public life in the country and therefore, calls upon Government to seek forthwith the guidance and advice from a Committee comprising fifteen members of this House to be appointed by the Chairman, Rajya Sabha, for appropriate and necessary actions to be taken on the allegations or alternatively to straightaway appoint without delay, two separate Commissions of Inquiry under the Commissions of Inquiry Act, 1952, one to inquire into the allegations of corruption made against the members of the family of the Prime Minister, Shri Morarji Desai and the other to inquire into the allegations of corruption against the members of the family of the former Home Minister, Chaudhary Charan Singh, enjoining the Commissions to undertake comprehensive inquiries and to report thereon expeditiously.⁶⁹

The next day, the matter arising out of the adoption of the motion was raised in the context of some observations made in the Press by the

Leader of the House (Shri Lal K. Advani) about the nature of the resolution adopted on the previous day.⁷⁰ On 17 August 1978, the Chairman made the following announcement in the House:

The House at its sitting held on the 10 August 1978, adopted a motion in regard to the appointment of a Committee of this House or two separate Commissions of Inquiry under the Commissions of Inquiry Act, 1952, to enquire into certain allegations of corruption against members of families of the Prime Minister and the former Home Minister, Chaudhary Charan Singh. The said motion recommends to the Government to-

- (i) seek forthwith the guidance and advice from a Committee of fifteen members of the Rajya Sabha to be appointed by the Chairman, Rajya Sabha, for appropriate and necessary actions to be taken on the allegations; or
- (ii) straightaway appoint two separate Commissions under the Commissions of Inquiry Act, 1952, in the matter.

Two courses, therefore, seem to be open to Government namely, either they should seek the guidance and advice from a Committee of the members of Rajya Sabha or forthwith appoint two separate Commissions of Inquiry.

This matter was also raised in the House yesterday. I am of the opinion that in terms of the motion the question of appointment of a Committee by me would depend on the indication from the Government as to which one of the two alternatives mentioned in the motion is acceptable to them. The appointment of a Committee at this stage without knowing the mind of the Government would be infructuous. I would, therefore, request the Leader of the House to let me know what course the Government propose to adopt in the matter.⁷¹

On 21 August 1978, the matter was again raised about various implications of the motion adopted by the House. The Deputy Chairman requested the House to wait till the Government announce its reaction in this respect.⁷² On 24 August 1978, the Prime Minister made the following statement in the House in respect of the motion:

Government has given careful and anxious consideration to the resolution adopted by this House on the 10 August 1978. The resolution related to certain charges of corruption alleged to have been made and called upon the Government either to seek forthwith the guidance and advice from a Committee of fifteen members of the Rajya Sabha to be appointed by the Chairman for appropriate and necessary action to be taken on the allegations or straightaway appoint two separate Commissions, under the Commissions of Inquiry Act, 1952.

Any resolution of the House is entitled to the greatest respect from the Government, but a resolution is essentially recommendatory in nature. Having regard to the fact that no specific instances of corruption have been referred to in the resolution, Government do not consider that it would be justified in appointing Commissions of Inquiry which can only be set up for making an enquiry into any definite matter of public importance.

For the same reason Government do not consider it appropriate to adopt the alternative course of action suggested in the resolution, namely, to seek the guidance and advice of a Committee to be appointed by the Chairman.

Let me however, make it clear that my Government yields to none in its desire to maintain the highest standards of purity in the administration and would not allow any allegation of corruption to survive which may sully its image. So, even while regretting its inability to accept either of the two recommendations contained in the resolution, in the event of any specific charges of corruption in the context of the resolution being made to it in writing by any hon'ble member since my Government took office, Government proposes to refer the same to the Chief Justice of India for being examined by him.⁷³

Members expressed their views on the above statement. Thereafter, the Chairman promised to give his considered opinion in the matter. On 29 August 1978, the Chairman made the following announcement:

I had stated that the motion adopted by the House on the 10 August 1978, was a recommendation addressed to the Government to, *inter alia*, seek the guidance and advice from a Committee to be appointed by the Chairman. I had also stated that the question of appointment of a Committee by me would depend on the indication as to which one of the two alternatives mentioned in the motion was acceptable to the Government. The Prime Minister had accordingly, made a statement in the House on the 24 August 1978.

I have carefully gone through the statement made by the Prime Minister as well as the various views expressed by members in the House in the matter. It is evident from the Prime Minister's statement that neither of the two alternatives mentioned in the motion has been accepted by the Government. According to my reading of the 10th August motion, constitution of the Committee by me is dependent upon the Government showing willingness to seek advice and guidance from it, which the Government have declined. The motion also does not stipulate that the Committee should be appointed by me even if the Government decline to accept any of the two alternatives mentioned therein. I am therefore, of the opinion that in the circumstances I am not called upon to appoint such a Committee in terms of the said motion.⁷⁴

On the announcement, members expressed their views. A member also read out a motion given notice of by him resolving that the Government refer forthwith all the allegations of corruption, etc. to the Chief Justice of the Supreme Court for scrutiny and examination and directing the Government to report the findings to the House. Subsequently, a number of no-day-yet-named motions were received for (i) appointment of a parliamentary committee in the matter; and (ii) reference of the charges to the Chief Justice of India from members,⁷⁵ including the member who had read out his motion in the House on 29 August 1978.⁷⁶ A private member's resolution from a member who had secured the second place in the ballot was also admitted and notified for discussion on 23 February 1979.⁷⁷ On 23 February 1979, the Minister of Home Affairs (Shri H.M. Patel) made a statement in the House regarding decision of the Government to refer to the Chief Justice of India the debate on the motion adopted by the House on 10 August 1978, to enquire whether any *prima facie* case in respect of any charges of corruption against the family members of the Prime Minister and the former Home Minister, referred to in the debate and pertaining to the period after March 1977, was established so as to justify a formal enquiry under the Commissions of Inquiry Act, 1952.⁷⁸ On 26 and 27 February 1979, members expressed their views on the decision of the Government.⁷⁹

On 4 February 1980, some members were permitted to make special mention about a news report that Justice Vaidialingam (to whom the matter had been referred) had submitted his report indicting family members of the former Prime Minister and the former Home Minister. There was a demand made by some members that the report should be tabled in the House.⁸⁰

On 5 February 1980, the Minister of Parliamentary Affairs and Communications (Shri Bishma Narain Singh) laid on the Table a copy of the summary of conclusions and recommendations contained in the report (25 January 1980) of Justice C.A. Vaidialingam, Special Judge⁸¹ and the matter rested there.

Motion regarding persistence of violence in Gujarat

On 24 April 2002, the Chairman made the following announcement in the House:

Hon'ble members, based on the notice given by Dr. Manmohan Singh and others I have admitted the following motion under rule 170 of the Rules of Procedure and Conduct of Business in the Rajya Sabha:

That this House expresses its deep sense of anguish at the persistence of violence in Gujarat for over six weeks, leading to loss of lives of a large number of persons, destruction of property

worth crores of rupees and urges the Central Government to intervene effectively under article 355 of the Constitution to protect the lives and properties of the citizens and to provide effective relief and rehabilitation to the victims of violence.⁸²

The discussion will take place on Thursday, 2 May 2002.

On 2 May 2002, Shri Arjun Singh moved the motion on which the discussion continued on 3 May 2002, and 6 May 2002. The motion was unanimously adopted on 6 May 2002. Thereafter, the Chairman made the following observation in the House:

I congratulate the hon'ble members of the Rajya Sabha for adopting the motion on Gujarat with one voice. This motion agreed to by the Opposition and the Government is a testimony to the spirit of accommodation, adjustment and the resilience of our democracy.

I have every hope that this common voice will help strengthen the confidence of the people in our democratic institutions.

This one voice rising from the Chamber of the Rajya Sabha will reverberate throughout the country and blow away the dark and ominous clouds hovering over the State. Hopefully this will help usher in an era of lasting peace for the people of Gujarat.

On 23 July 2002, Shri Pranab Mukherjee raised a short duration discussion on the steps taken by the Government in pursuance of the motion adopted under rule 170 by the Rajya Sabha on 6 May 2002, to intervene in the State of Gujarat under article 355 of the Constitution of India. The discussion was concluded on 24 July 2002.

Government motions

Like private members, Ministers also move motions on matters of general public interest. Generally, these are either for the purpose of considering important reports, such as reports of the UPSC, Commission for SC/ST, UGC or any other Commission or for the purpose of discussing such matters as price situation, etc. or any other matter or paper. Apart from these, there have been some important Government motions which had been discussed in the Rajya Sabha. For instance:

Report of the States Reorganisation Commission;⁸³ Joint Communique issued on the conclusion of talks between the Prime Ministers of India and China;⁸⁴ Colombo proposals on India-China relations;⁸⁵ Indo-Pak Agreement relating to Gujarat-West Pakistan border;⁸⁶ report of the Committee on Defections;⁸⁷ White Paper on Punjab;⁸⁸ report of the Eighth Finance Commission;⁸⁹ situation in South Africa;⁹⁰ Sarkaria Commission Report on Centre-State Relations;⁹¹ Treaty of Peace, Friendship and Cooperation between India and USSR;⁹² IMF Loan;⁹³ Draft Five Year Plan (1978–83);⁹⁴ Sixth Five Year Plan; Approach to Seventh Five Year Plan;⁹⁵ economic situation;⁹⁶ Thakkar Commission Report;⁹⁷ and National Policy for Children;⁹⁸ etc.

Amendments to a motion may also be moved and the Government motion may be adopted in an amended form. However, amendments should normally be moved immediately after a motion is made and not after the debate has commenced.

After the motion for consideration of the twenty-second Annual Report of the UPSC was moved, the Chair announced that there were thirty amendments given notice of by a member but as the member was not present, the said amendments could not be moved. After the lunch recess, the member came to the House and requested the Chair to permit him to move the amendments, although the stage was over, as an exception taking into consideration the special circumstances under which he could not be present to move his amendments at the appropriate time. The Deputy Chairman after ascertaining that the House had no objection, permitted the member to move his amendments, making it clear that it was not going to be a precedent.⁹⁹

In the case of a Government motion to consider the report of the States Reorganisation Commission, a notice for moving amendments to the motion was given. The Chairman ruled “There is not any need here at this stage to reach decision. It is only discussion. Therefore, all amendments are out of place.”¹⁰⁰

On a number of occasions, certain important subjects/papers have been discussed on the basis of Government motions and at the end, Government motions have been adopted. For instance, Government motions on the following subjects were adopted:

J & K situation (moved by the Prime Minister, Shri Jawaharlal Nehru);¹⁰¹ report of the Press Commission;¹⁰² working of the Preventive Detention Act, 1950;¹⁰³ food situation in the country;¹⁰⁴ report of the Commission of Inquiry into the affairs of LIC of India;¹⁰⁵ White Paper No. II and subsequent correspondence between Governments of India and China;¹⁰⁶ strike of Central Government employees;¹⁰⁷ situation in Assam;¹⁰⁸ Third Five Year Plan;¹⁰⁹ India-China border situation;¹¹⁰ Pakistan’s attack on Kutch border;¹¹¹ Agreement on bilateral relations between India and Pakistan;¹¹² Tashkent Declaration;¹¹³ report of the Committee on Status of Women;¹¹⁴ statement on Kashmir;¹¹⁵ International situation¹¹⁶ (motion adopted after a lapse of nearly nine years); etc.

Statutory Motion*

Motions tabled in pursuance of a provision in the Constitution or an Act of Parliament are termed ‘statutory motions’. Notice of such a motion may be given either by a Minister or a private member.¹¹⁷

*The details of processing of Statutory Motions are given under the Committee on Subordinate Legislation in the Chapter 25.

The typical statutory motions which are moved frequently by Ministers relate to the elections of members of the House to various statutory bodies.

Acts of Parliament which confer power upon the Central Government to make rules, etc. also provide that the rules shall be subject to modification or annulment as Parliament may make within the prescribed period. Members move motions in pursuance thereof and the time for the purpose is made available from the Government time. A motion adopted by the House is required to be concurred in by the other House to make it binding as stipulated in the rule-laying clause in a statute.

The Government moved fourteen motions in the Rajya Sabha concurring in the modifications made by the Lok Sabha in the Displaced Persons (Compensation and Rehabilitation) Rules, 1955. For each rule modified, a separate motion was moved and adopted.¹¹⁸

During the 120th Session (1981), as many as ten notices of motions given by private members for modification of statutory rules and orders were admitted out of which seven were discussed although none of them was carried.¹¹⁹

Motion for the removal of the Judge of Supreme Court or High Court

A Judge of the Supreme Court or of a High Court may, by writing under his hand addressed to the President, resign his office¹²⁰ but he cannot be removed from his office except by an order of the President passed after an address by each House of Parliament in the prescribed manner.¹²¹

The address for the removal of a Judge, whether of the Supreme Court or a High Court, can be presented to the President only on the ground of 'proved misbehaviour' or 'incapacity'. Such an address has to be presented to the President in the same session in which it is passed by each House of Parliament supported by a majority of the total membership of each House and also by a majority of not less than two-thirds of the members of each House present and voting.¹²² If the address of both the Houses is in conformity with the aforesaid provisions of the Constitution, the President issues an order for the removal of the Judge from office.

The procedure for the investigation and proof of the misbehaviour or incapacity of a Judge and for the presentation of an address to the President has been prescribed in the Judges (Inquiry) Act, 1968 and the Judges (Inquiry) Rules, 1969.

Under the procedure laid down by the Act, a notice of a motion for presenting an address to the President for the removal of a Judge, if given

in Lok Sabha, is to be signed by not less than one hundred members of the House and if given in Rajya Sabha, by not less than fifty members of that House. The Speaker or the Chairman, as the case may be, after due consideration and consultation, may admit or refuse to admit the motion. Consequent on the admittance of the motion, the Speaker or the Chairman, as the case may be, constitutes a Committee of three members, one each from among (i) the Chief Justice and other Judges of the Supreme Court; (ii) Chief Justices of the High Court; and (iii) distinguished jurists. In case the notices of motion are given on the same day in both the Houses, the Committee will be constituted only if the motion has been admitted in both Houses and thereupon jointly by the Speaker and the Chairman. In case notices of motion are given in both the Houses on different dates, the notice which is given later shall stand rejected.

The Committee will frame definite charges against the Judge on the basis of which investigation is proposed to be held and will have the powers of a civil court in respect of summoning persons for examination on oath, production of documents, etc. The charges together with a statement of the grounds on which each such charge is based, shall be communicated to the Judge and he shall be given a reasonable opportunity of presenting a written statement of defence within such time as may be specified. In a case of alleged physical or mental incapacity and where such an allegation is denied, a Medical Board will be appointed for the medical examination of the Judge by the Speaker or, as the case may be, the Chairman, or where the Committee has been constituted jointly, by both of them. At the conclusion of the investigation, the Committee will submit its report to the Speaker or to the Chairman, as the case may be, or where the Committee has been constituted jointly, to both of them, stating therein its findings on each of the charges separately with such observations on the whole case as it thinks fit. The report will thereafter be laid before the respective House, or the Houses where the Committee has been appointed jointly by the Speaker and the Chairman.

If the Committee absolves the Judge of any charge of misbehaviour or incapacity, the motion pending in the respective House or Houses, as the case may be, will not be proceeded with. If the report of the Committee contains a finding that the Judge is guilty of any misbehaviour or suffers from any incapacity, the motion will, together with the report of the Committee, be taken up for consideration by the House or the Houses in which it is pending. In the event of the adoption of the motion in accordance with the constitutional provisions, the misbehaviour or incapacity of the Judge will be deemed to have been proved and an address praying for the removal of the Judge will be presented to the President in the prescribed manner by each House of Parliament in the same session in which the motion has been adopted.

In Rajya Sabha, two such notices of motion have been given in the past: (1) A notice of motion under article 217 read with article 124(4) of the Constitution of India was given by Shri Sitaram Yechury and 57 other members seeking for removal of Justice Soumitra Sen of Calcutta High Court on 20 February 2009. The motion was admitted by Hon'ble Chairman, Rajya Sabha and a Rajya Sabha Parliamentary Bulletin Part II dated 27 February 2009 to that effect was issued. The motion was kept pending and a Judges Inquiry Committee was constituted in terms of sub-section (2) of section (3) of the Judges Inquiry Act, 1968. As and when a casual vacancy arose, the Committee was reconstituted by Hon'ble Chairman. A notification in the Gazette of India, Extraordinary, Part II, Section-3, sub-section (iii) and a Parliamentary Bulletin Part-II were issued each time Inquiry Committee was constituted or reconstituted. The Committee had framed definite charges under section 3(3) of the Judges Inquiry Act, 1968 against Justice Soumitra Sen which were communicated to him under section 3(4) of the Act. The Judge was given an opportunity to defend himself before the Committee. The Committee after the conclusion of the investigation gave its report to the Chairman on 10 September 2010. The report of the Committee contained a finding that Justice Soumitra Sen was guilty of misbehaviour. The report alongwith a copy of evidence of witnesses tendered before the Inquiry Committee and documents exhibited during the Inquiry was laid on the Table of Rajya Sabha on 10 November 2010 by the Secretary-General. As required under rule 9(3) of the Judges (Inquiry) Rules, 1969, the report alongwith evidence and documents exhibited during the Inquiry was also laid on the Table of the Lok Sabha on the same day. A copy of the report was sent to Justice Sen who submitted his written reply on 18 January 2011 which was circulated to all members of Rajya Sabha.

It was decided that only the original signatories to the motion received under article 217 read with article 124(4) of the Constitution may give another notice of motion for consideration of the report of Inquiry Committee. Accordingly, notice of motion was received from Shri Sitaram Yechury, Shri Prasanta Chatterjee and Shri Arun Jaitley, Leader of Opposition which was admitted and listed as 'no-day-yet-named motion' under rule 170 of the Rules of Procedure and Conduct of Business in the Rajya Sabha. A Parliamentary Bulletin Part II dated 11 August 2011 was also issued.

The Chairman, Rajya Sabha in consultation with the Ministry of Parliamentary Affairs and the Leader of Opposition decided that the motion would be taken up in Rajya Sabha on 17 and 18 August 2011 and Justice Sen would be given an opportunity to make his presentation in the House on 17 August 2011. Accordingly an item, in three parts, containing the original motion, the subsequent motion and an address to be presented to

the President of India were included in the list of business for 17 and 18 August 2011.

On 17 August 2011 Shri Sitaram Yechury moved the motion for consideration of the report and spoke on it. Thereafter, Justice Soumitra Sen addressed the House from the bar of the House at the entry of the Rajya Sabha Chamber with a raised lectern/podium facing the Chair which was specially created for the occasion. After Justice Sen, the Leader of Opposition and other members also spoke. The discussion on the motion concluded on 18 August 2011 and thereafter it was put to vote. The motion and address to the President were adopted by the House by special majority as provided under article 124(4) of the Constitution with 189 members voting in favour and 16 members against the motion. A message from the Secretary-General, Rajya Sabha to the Secretary-General, Lok Sabha dated 18 August 2011 was communicated along with the certified copy of the address as passed by Rajya Sabha to be presented to the President.

In Lok Sabha, the motion along with the address was listed for consideration on 5 September 2011. The motion was proposed in the name of Hon'ble Speaker, Lok Sabha. However, before the other House could take up the matter, Justice Sen resigned from office on 1 September 2011. Subsequently, Lok Sabha at its sitting held on 5 September 2011 agreed that the motion and the address for presenting to the President praying for the removal from office of Justice Soumitra Sen of Calcutta High Court may not be proceeded with. Secretary-General, Lok Sabha communicated a message to Secretary-General, Rajya Sabha which was reported in Rajya Sabha on 6 September 2011.¹²³

(2) On 14 December 2009, three notices of motion, each signed by several members of Rajya Sabha for presenting an address to the President of India for the removal of Mr. Justice Paul Daniel Dinakaran, Chief Justice of the Karnataka High Court, under article 217 read with article 124(4) of the Constitution of India were received. The first notice had been signed by 49 members of Rajya Sabha. The second notice had been signed by 24 members of Rajya Sabha and the third notice had been signed by two members of Rajya Sabha. All the three notices taken together, thus, had been signed by 75 members of Rajya Sabha. The motion was admitted by the Chairman, Rajya Sabha on 17 December 2009 and a Rajya Sabha Parliamentary Bulletin Part II dated 17 December 2009 was issued to that effect. The motion was kept pending and a Judges Inquiry Committee was constituted in terms of sub-section (2) of section (3) of the Judges Inquiry Act, 1968. A notification in the Gazette of India, Extraordinary, Part II, section-3, sub-section (iii) and a Parliamentary Bulletin Part-II were issued

each time Inquiry Committee was constituted or reconstituted. Justice P.D. Dinakaran was, meanwhile, transferred as Chief Justice of the Sikkim High Court. The Committee had framed definite charges under section 3(3) of the Judges Inquiry Act, 1968 against Justice Dinakaran which were communicated to him under section 3(4) of the Act. The Judge was given an opportunity to defend himself before the Committee. Pending the outcome of the enquiry, Justice P.D. Dinakaran resigned from office w.e.f. afternoon of 29 July 2011 and a notification dated the 16 August 2011 was issued by the Department of Justice to that effect. In view of the resignation by Justice P.D. Dinakaran, Hon'ble Chairman, *vide* his order dated the 23 September 2011 wound up Inquiry Committee and a notification dated 4 October 2011 in the Gazette of India, Extraordinary, Part II, section-3, sub-section (iii) and a Parliamentary Bulletin Part-II dated 11 October 2011 were issued in this regard.¹²⁴

Short duration discussions

In the Rajya Sabha until 1964, there was no specific provision for short duration discussion of urgent nature. The Committee appointed to recommend Draft Rules of Procedure under clause (1) of article 118 of the Constitution made the following observations:

In considering these rules, the Committee took note of the feeling among some members that the procedure relating to "Motion for Papers" was so stringent that in practice it was found difficult to get any notice admitted under this procedure. The "no-day-yet-named motion" procedure also does not provide members with adequate opportunity to raise discussions on matters of urgent public importance at short notice. The Committee has, therefore, recommended that provision should be made in the Rajya Sabha rules enabling members to give notices of calling attention to matters of urgent public importance and to raise discussions on matter of urgent public importance for short duration.¹²⁵

A member desirous of raising discussion on a matter of urgent public importance for short duration has to give notice in writing specifying clearly and precisely the points on which he wishes the discussion to be raised. The notice is required to be accompanied by an explanatory note stating reason for raising discussion on the matter in question and has to be supported by the signatures of at least two other members.¹²⁶

If the Chairman is satisfied after calling for such information from the member who has given the notice and from the Minister as he may consider necessary that the matter sought to be raised is urgent and is of sufficient importance to be raised in the House at an early date, he admits the notice. In case an early opportunity is otherwise available for the

discussion of the matter in question, the Chairman may disallow the notice.¹²⁷

Notices for short duration discussion after admission are notified in the Bulletin. It is the Business Advisory Committee which generally allots time for the discussion. After a notice is admitted and a date is fixed for discussion, the item is included in the list of business for that date, in the names of all members from whom notices are received, including their supporters.

If the member in whose name the short duration discussion stands is absent or does not raise the discussion, when called, the member next in the list of business is called to do so and so on.

The short duration discussion on the CAG Report on Bofors was listed in the names of six members. The first five members did not raise it; the sixth member then raised the discussion.¹²⁸

There is no formal motion before the House nor there is any voting. The member who has given the notice raises the discussion by making a short statement. Thereafter other members are allowed to take part in the discussion and at the end the Minister concerned gives a brief reply. The member who has raised the discussion has no right of reply.¹²⁹

The Chairman may, if he thinks fit, prescribe a time-limit for speeches.¹³⁰ The Chairman may allow such time for discussion, not exceeding two and a half hours, as he may consider appropriate in the circumstances.¹³¹ However, in view of the importance of the subject-matter of the discussion, the time-limit of two and a half hours may exceed, as has happened more often than not, so much so that on occasions the heading 'Short Duration' becomes misnomer,¹³² the discussion resulting in a 'Long Duration' one. There have been a number of short duration discussions which have extended well beyond even four hours.¹³³

There have been occasions when more than two short duration discussions have been listed and discussed at the same sitting.¹³⁴ There have also been instances when the discussion was concluded on a matter raised at a previous sitting and thereafter another short duration discussion was taken up.¹³⁵

No-day-yet-named motion and short duration discussion—difference

There is a marked distinction between the two devices, namely, a no-day-yet-named motion and a short duration discussion. While the former is a motion for raising 'a matter of *general* public interest', the latter is for raising 'a matter of *urgent* public importance'. In the case of a motion, an amendment can be tabled, the mover of the motion has a right of reply

and the motion may be put to the vote of the House; in the case of a short duration discussion, there is no formal motion before the House nor voting; the member concerned raises the discussion and the Minister concerned replies.

In the early years of the Rajya Sabha there used to be a practice that whenever notice of a short duration discussion was received, the same was first admitted as a no-day-yet-named motion. Thereafter, it was placed before the Business Advisory Committee. In case, the Business Advisory Committee recommended that the time should be allocated in order to discuss that particular matter then the notice of short duration discussion was revived and published in the Bulletin Part-II under the caption 'Short Duration Discussion'.

Notices of motions and short duration discussion for discussion on the reports of the Shah Commission were admitted and notified under the caption 'no-day-yet-named motion' in the Bulletin. The Business Advisory Committee recommended that the reports should be discussed under rule 176 and accordingly the motion was listed for discussion under that rule. Several members objected to this procedure. The Deputy Chairman explaining the position in detail in the House stated:

Since a long time the names of members who had given notices under rule 176 were appended to notices of motions already admitted as no-day-yet-named motion under rules 170 and 171. If no such motion under rule 170 was there, still the short duration discussion notices were converted into no-day-yet-named motions in the first instance and again revived as short duration discussion if and when it was decided to take up the subject for a short duration discussion notice under rule 176. The intention behind this procedure appears to be to keep all the members informed of the motions received on a particular subject... In the past also, as stated by me earlier, this procedure had been followed and no objection was raised at any time. I, therefore, feel that no irregularity has been committed in this case.¹³⁶

The above practice has now been discontinued. Nonetheless, whether a matter should be discussed by way of a motion under rule 167 or a short duration discussion under rule 176, sometimes becomes crucial and controversial. The Rajya Sabha does not have a procedure for moving of an adjournment motion, censure motion or no-confidence motion against the Government. Apart from a private member's resolution, moving of a motion under rule 167 is the only procedure where the House can record its opinion and members can move amendments to such a motion which may be put to the vote of the House and even adopted (as in the case of 10 August 1978 motion and the motion moved on 18 December 2000, which was adopted on 19 December 2000). While the opposition may have its

own reasons to employ the device under rule 167 (to embarrass or criticise the Government), the Government may view it as a sort of adverse vote. Hence, the controversy. Two recent instances may be cited in this respect.

Before the short duration discussion on the report of the Joint Parliamentary Committee on Bofors was taken up, a point of order was raised by a member about the procedure adopted for consideration of the report. The member, *inter alia*, contended that had the Government come forward with a substantive motion rather than a short duration discussion members could have given amendments thereto. The Deputy Chairman ruled that generally such reports were not discussed. However, in view of the importance of the subject-matter, as an exception, it was being discussed; and it was thought more appropriate to discuss it by way of a short duration discussion than by way of a motion.¹³⁷

In the case of Hawala issue also there was controversy as to how the House should discuss the issue. Some opposition members demanded discussion under rule 167(motion), while the ruling party members wanted it to be under rule 176 (Short duration discussion). Members expressed their views in favour or against having the discussion under rule 167 or rule 176, as the case may be. A sort of deadlock prevailed and eventually, the House adjourned *sine die* without discussing the issue.¹³⁸

Conversion of notices of motion to short duration discussion

During 211th Session, the Chairman, Rajya Sabha gave following ruling on the notices received:

“I have received several notices under rule 168 on matters pertaining to the Indo-US Nuclear Agreement. On scrutiny of these notices, I have found that in some of the motions a demand has been made to disapprove or reject the agreement or have a vote of the House on it. In other cases, a demand has been made for renegotiation of the agreement. There are other notices of motions, again, under rule 168, in which a demand has been made to have a discussion on the Agreement. Since it is not a constitutional obligation for the Executive to have the approval of Parliament on any international treaty or agreement, admittance of these motions which involve approval of Parliament would not be in order. I am, therefore, converting these notices into notices for discussion under rule 176. The Business Advisory Committee has already identified this subject for discussion.”¹³⁹

During 223rd Session, a notice of motion under rule 168 was given by the Leader of Opposition in Rajya Sabha on the *suo moto* statement laid on the Table of the House by the Minister of State (Independent Charge) of the Ministry of Youth Affairs and Sports regarding Commonwealth Games, 2010. However, it was later decided in consultation with the Minister of

Parliamentary Affairs and the Leader of Opposition to convert the notice of motion into notice of Short Duration Discussion under rule 176. The discussion took place in the House on 9 August 2011.¹⁴⁰

Short duration discussions on important subjects

Notwithstanding the controversies, there is a growing trend to discuss important matters by way of short duration discussion. Some of the important issues which have been discussed under this procedure are the following:

Abolition of privy purses;¹⁴¹ unscheduled prorogation of the Madhya Pradesh Legislative Assembly;¹⁴² rule, power, functions and method of appointment of Governors;¹⁴³ implementation of official language policy by the Government;¹⁴⁴ UN Security Council Resolution on cease-fire between India and Pakistan;¹⁴⁵ British immigration law;¹⁴⁶ constitutional developments in Punjab, particularly in the context of events in the Punjab Legislative Assembly;¹⁴⁷ constitutional position in relation to the prorogation of Madhya Pradesh Legislative Assembly by Governor;¹⁴⁸ entry of policemen in West Bengal Legislative Assembly while it was in session;¹⁴⁹ role of Governors in the formation of Ministries (in the context of Uttar Pradesh and Bihar) and the constitutional implications thereof;¹⁵⁰ constitutional implications of the prorogation of Haryana Assembly after admission of a no-confidence motion against the Council of Ministers;¹⁵¹ allegation of use of money in biennial elections to the Rajya Sabha and its implications in the working and preservation of parliamentary democracy;¹⁵² role of Governor of Uttar Pradesh in the issue of Proclamation under article 356 in relation to that State;¹⁵³ allegations made in the House by a member during the Appropriation (No. 3) Bill, 1972 regarding printing of posters by a company of Calcutta, in violation of company law;¹⁵⁴ action taken by the Government on the memorandum submitted to the President regarding allegations of corruption and misuse of power by a Chief Minister;¹⁵⁵ supersession of three Judges of the Supreme Court and their resignations;¹⁵⁶ underground nuclear explosion conducted in Pokharan in Rajasthan on 18 May 1974;¹⁵⁷ Pondicherry import license case;¹⁵⁸ Proclamations in respect of nine States;¹⁵⁹ agreement between India and Bangladesh regarding sharing of Ganga waters;¹⁶⁰ reports of Justice Shah Commission of Inquiry;¹⁶¹ industrial policy;¹⁶² report of Commission of Inquiry into Jamshedpur riots;¹⁶³ growing corruption in the country;¹⁶⁴ Kuo-oil deal;¹⁶⁵ report of second Backward Class Commission;¹⁶⁶ non-implementation of Mandal Commission Report;¹⁶⁷ import of animal tallow;¹⁶⁸ development in Andhra Pradesh leading to a change in Government there;¹⁶⁹ aspects of black economy in the country;¹⁷⁰ Supreme Court judgement in the Indian Express Building case;¹⁷¹ reported statements of some Union Ministers against certain State Governments and judiciary;¹⁷² security environment in the country;¹⁷³ electoral reforms;¹⁷⁴ Bofors gun deal;¹⁷⁵

incidents of Sati;¹⁷⁶ report of J.J. Thakkar-Natarajan Commission on Fairfax;¹⁷⁷ HDW sub-marine deal;¹⁷⁸ report of Joint Parliamentary Committee on Bofors;¹⁷⁹ CAG report on Bofors;¹⁸⁰ Government's decision to implement Mandal Commission Report;¹⁸¹ inadequate security to the former Prime Minister, Shri Rajiv Gandhi;¹⁸² progress of investigation into Bofors deal;¹⁸³ award of contract to ABB for purchase of electric locomotives;¹⁸⁴ demolition of Ram Janmabhoomi-Babri Masjid structure;¹⁸⁵ report of Verma Commission on assassination of Shri Rajiv Gandhi;¹⁸⁶ securities scam¹⁸⁷ and JPC report thereon;¹⁸⁸ formulation of country's final decision on GATT;¹⁸⁹ import of sugar;¹⁹⁰ situation in Charar-e-Sharief (raised on a motion though not formally moved, the Prime Minister replied);¹⁹¹ nexus between criminals and politicians in the context of Vohra Committee Report;¹⁹² situation in J&K;¹⁹³ move to invite private Indian and foreign firms in the insurance sector;¹⁹⁴ functioning of WTO and participation of India in the International Trade negotiations¹⁹⁵ the issues raised by the former Advisor to the Finance Minister and the alleged improprieties arising thereof;¹⁹⁶ the disinvestments policy of the Government;¹⁹⁷ the National Telecom Policy-1999;¹⁹⁸ the failure of the Government of India to discharge its constitutional responsibility to protect secularism which is one of the basic tenets of the Constitution of India by not prevailing upon the State Government of Gujarat to withdraw the circular removing the ban imposed on the State Government employees in participating in the activities of RSS;¹⁹⁹ the role of Governors in discharging their constitutional responsibilities in the formation of Governments in States in the light of recent events in Bihar;²⁰⁰ steps taken by the Government in pursuance of the motion adopted under rule 170 by Rajya Sabha on 6 May 2002, to intervene in the State of Gujarat under article 355 of the Constitution of India;²⁰¹ disinvestment of public sector undertakings;²⁰² Tenth Five Year Plan as adopted by the National Development Council;²⁰³ role of CBI in the Babri Masjid demolition case;²⁰⁴ fake stamp papers scam in the country involving several thousand crores of rupees;²⁰⁵ Indo-US nuclear deal;²⁰⁶ misuse of funds under NREGP;²⁰⁷ attacks on North Indians in Maharashtra;²⁰⁸ rise in prices of essential commodities;²⁰⁹ Liberhan Commission Report and trial of Babri Masjid case;²¹⁰ Bhopal gas tragedy;²¹¹ payment of cash for votes;²¹² bomb blasts in Mumbai;²¹³ purchase of VVIP helicopters from Augusta Westland by Ministry of Defence;²¹⁴ and atrocities against women and children.²¹⁵

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97. *Ibid.*, 4.4.1989.
98. *Ibid.*, 12.12.1974.
99. R.S. Deb., 26.11.1973, c.131-37.
100. *Ibid.*, 19.12.1955, c. 3183.
101. Bn.(I), 5.8.1952.
102. *Ibid.*, 14.9.1955.
103. *Ibid.*, 31.5.1956.
104. *Ibid.*, 18.12.1957.
105. *Ibid.*, 21.2.1958.
106. *Ibid.*, 9.12.1959.
107. *Ibid.*, 23.8.1960.
108. *Ibid.*, 9.9.1960.
109. *Ibid.*, 31.8.1961.
110. *Ibid.*, 22.8.1962.

111. Bn.(I), 3.5.1965.
112. *Ibid.*, 3.8.1972.
113. *Ibid.*, 22.2.1966.
114. *Ibid.*, 13.5.1975.
115. *Ibid.*, 13.3.1975.
116. *Ibid.*, 17.12.1981.
117. The prescribed time period has been dealt in detail in separate chapter under Committee on Subordinate Legislation.
118. R.S. Deb., 15.9.1955, c. 3208-3300.
119. See also Bn. (I), 24.9.1954, 30.9.1954, 10.12.1970 and 14.5.1986.
120. Arts. 124(2)(a) and 217(1)(a).
121. Arts. 124(4) & (5) and 218.
122. Arts. 124(4) and 217(1)(b).
123. F. No. RS 8/2/2009-L.
124. F. No. RS 8/3/2009-L.
125. Rpt. of the Committee on Draft Rules of Procedure (1963), p. (vi).
126. R. 176.
127. R. 177.
128. R.S. Deb., 21.7.1989, c. 236.
129. R. 178
130. R. 179.
131. R. 177.
132. On some occasions, the heading 'Short Duration Discussion' was omitted from the list of business. See for instance, LoB 12.12.1991 (regarding discussions on terrorism and closure of Public Sector Undertakings).
133. For some instances see, Bn. (I), 11.11.1987, 12.11.1987, 13.11.1987, 16.11.1987, 17.11.1987, 18.11.1987, 19.11.1987, 14.12.1987, 28.4.1988, 29.4.1988, 11.5.1988, 12.5.1988, 2.8.1988, 3.8.1988, 4.8.1988, 15.11.1988, 16.11.1988, 21.7.1989, 25.7.1989, 27.7.1989, 7.8.1990, 8.8.1990, 1.10.1990, 5.10.1990, 22.2.1991, 25.2.1991, 4.6.1991, 12.12.1991, 16.12.1991, 17.12.1991, 19.12.1991, 2.4.1992, 18.12.1992, 21.12.1992, 9.7.1993, 29.12.1993, 30.12.1993, 9.3.1994, 15.3.1994, 8.8.1995, 9.8.1995, 23.8.1995, 24.8.1995, 29.11.1995, 4.12.1995, 17.7.1996, 3.12.1996, 5.12.1996, 6.3.1997, 10.3.1997, 28.7.1997, 29.7.1997, 30.7.1997, 5.8.1997, 6.8.1997, 28.5.1998, 29.5.1998, 15.7.1998, 7.12.1998, 8.12.1998, 13.3.1999, 15.3.1999, 30.11.1999, 28.2.2000, 1.3.2000, 2.3.2000, 25.4.2000, 26.4.2000, 27.7.2000, 31.7.2000, 1.8.2000, 27.11.2000, 28.11.2000, 24.7.2001, 25.7.2001, 30.7.2001, 31.7.2001, 1.8.2001, 2.8.2001, 8.8.2001, 9.8.2001, 10.8.2001, 16.8.2001, 17.8.2001, 20.8.2001, 27.8.2001, 28.8.2001, 22.11.2001, 26.11.2001, 27.11.2001, 4.12.2001, 5.12.2001, 10.12.2001, 7.3.2002, 11.3.2002, 18.7.2002, 23.7.2002, 24.7.2002, 31.7.2002, 1.8.2002, 21.11.2002, 22.11.2002, 4.12.2002, 23.7.2003 and 5.8.2003, 26.7.2005, 22.8.2005, 23.8.2005, 23.8.2006, 30.9.2006, 22.9.2007, 4.12.2007, 5.12.2007, 4.8.2009, 3.8.2011 and 7.12.2011.
134. For instance, see R.S. Deb., 26.8.1995, 22.8.2005, 23.8.2005 and 5.12.2007.
135. For instances, see R.S. Deb., 11.11.1987, 4.8.1988, 16.11.1988 and 19.12.1991.
136. R.S. Deb., 13.12.1978, c. 215-20.
137. *Ibid.*, 11.5.1988, c. 365-90.
138. *Ibid.*, 11.3.1996 and 12.3.1996.
139. *Ibid.*, 20.8.2007. p. 211.
140. Bn.(I), 9.8.2011.
141. *Ibid.*, 31.7.1967.
142. *Ibid.*, 24.7.1967.
143. *Ibid.*, 20.11.1967.
144. *Ibid.*, 22.2.1965 and 23.2.1965.
145. *Ibid.*, 24.9.1965.
146. *Ibid.*, 29.2.1968.

147. Bn.(I), 20.3.1968.
148. *Ibid.*, 13.3.1969.
149. *Ibid.*, 5.8.1969.
150. *Ibid.*, 24.2.1970.
151. *Ibid.*, 5.3.1970.
152. *Ibid.*, 28.7.1970.
153. *Ibid.*, 24.11.1970.
154. *Ibid.*, 1.6.1972.
155. *Ibid.*, 30.3.1973.
156. *Ibid.*, 3.5.1973.
157. *Ibid.*, 21.8.1974.
158. *Ibid.*, 4.12.1974.
159. *Ibid.*, 14.6.1977.
160. *Ibid.*, 28.11.1977.
161. *Ibid.*, 23.5.1979.
162. *Ibid.*, 15.12.1980.
163. *Ibid.*, 18.9.1981.
164. *Ibid.*, 6.5.1982.
165. *Ibid.*, 29.7.1982.
166. *Ibid.*, 13.10.1982.
167. *Ibid.*, 26.8.1983.
168. *Ibid.*, 16.11.1983.
169. *Ibid.*, 21.8.1984.
170. *Ibid.*, 14.8.1985.
171. *Ibid.*, 28.11.1985.
172. *Ibid.*, 29.7.1986.
173. *Ibid.*, 7.11.1986.
174. *Ibid.*, 4.12.1986.
175. *Ibid.*, 20.4.1987, 21.4.1987, 2.8.1988, 3.8.1988, 4.8.1988, 15.11.1988, 16.11.1988 and 13.10.1989.
176. *Ibid.*, 10.11.1987.
177. *Ibid.*, 14.12.1987.
178. *Ibid.*, 28.4.1988 and 29.4.1988.
179. *Ibid.*, 11.5.1988 and 12.5.1988.
180. *Ibid.*, 21.7.1989, 25.7.1989 and 27.7.1989.
181. *Ibid.*, 1.10.1990 and 5.10.1990.
182. *Ibid.*, 4.6.1991.
183. *Ibid.*, 2.4.1992.
184. *Ibid.*, 3.4.1992.
185. *Ibid.*, 18.12.1992 and 21.12.1992.
186. *Ibid.*, 14.5.1993.
187. *Ibid.*, 9.7.1992.
188. *Ibid.*, 29.12.1993 and 30.12.1993.
189. *Ibid.*, 9.3.1994 and 15.3.1994.
190. *Ibid.*, 28.8.1994 and 26.8.1994.
191. *Ibid.*, 15.5.1995 and 16.5.1995.
192. *Ibid.*, 8.8.1995, 23.8.1995 and 24.8.1995.
193. *Ibid.*, 29.11.1995 and 4.12.1995.
194. *Ibid.*, 11.12.1996.
195. *Ibid.*, 27.7.1998.
196. *Ibid.*, 13.3.1999 and 15.3.1999.
197. *Ibid.*, 13.12.1999.
198. *Ibid.*, 20.12.1999.
199. *Ibid.*, 28.2.2000, 1.3.2000 and 2.3.2000.

200. Bn.(I), 13.3.2000.
201. *Ibid.*, 23.7.2002 and 24.7.2002.
202. *Ibid.*, 4.12.2002.
203. *Ibid.*, 29.4.2003.
204. *Ibid.*, 23.7.2003.
205. *Ibid.*, 22.12.2003.
206. *Ibid.*, 4.12.2007 and 5.12.2007.
207. *Ibid.*, 5.12.2007, 6.12.2007 and 7.12.2007.
208. *Ibid.*, 5.3.2008.
209. *Ibid.*, 4.8.2009 and 6.8.2009.
210. *Ibid.*, 9.12.2009 and 10.12.2009.
211. *Ibid.*, 11.8.2010.
212. *Ibid.*, 23.3.2011.
213. *Ibid.*, 3.8.2011 and 4.8.2011.
214. *Ibid.*, 27.2.2013.
215. *Ibid.*, 22.4.2013.