

## CHAPTER-19

### Zero Hour Submissions

**T**he 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 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 being"; "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; crisis; 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. 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 a Zero Hour every day during the session.<sup>4</sup>

For instance, in the entire 130th session (23 April to 10 May 1984), hardly an hour was spent on Zero Hour submission. 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 limited 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, with the permission of the Chairman, a member raised a matter regarding policy announcements made by Ministers outside Parliament when Parliament was in session. Thereupon, 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>5</sup>

Members succeeded, by persistence and even in the face of serious opposition and strict attitude of the Chair, in familiarising (or formalising) Parliament with a new technique or parliamentary device without any specific sanction in the rules. 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 normal and 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>6</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 utilized the period with consummate skill to draw the House's attention and thereby that of the national to some truly important issues. Generally, the practice started getting a parliamentary status, "a permanent but unacknowledged feature of Indian Parliament's agenda."<sup>7</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>8</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'etre 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 legislature 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>9</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>10</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. The demand for Zero Hour has not diminished even with the introduction of the Special Mention procedure.

A member stated that he 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>11</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>12</sup>

On an occasion, the Deputy Chairman remarked, "There is no zero on the clock; there are only numbers from 1—12."<sup>13</sup>

On an occasion, the Vice-Chairman observed, "I thank everybody for cooperating to make the Zero Hour quite dignified silent Hour."<sup>14</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>15</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>16</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>17</sup>

However, dispensing with Zero Hour was not to the liking of everybody. On 13 December 1985, a member complained, "... 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>18</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>19</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 ended the piece advising, "The Chairman too has to be a little indulgent like his predecessors to see that Zero Hour does not die."<sup>20</sup>

### **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>21</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>22</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 and only 3-4 per sitting 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>23</sup> This recommendations was reiterated by the Committee at its sitting held on 19 August 1993.<sup>24</sup>

### Recommendations of the Rules Committee

The Rules Committee considered. *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>25</sup>

The House by a Motion agreed with the recommendations of the Committee, on 30 May 1995.

### Current practice

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. However, since May 1999, permission to the members to raise matters of urgent public importance by way of Zero Hour Submission is very rare, because whatever is said in the Zero Hour goes almost unnoticed and there is no mechanism available to ensure Government's response to the matters raised in the Zero Hour. It is now only under very exceptional circumstances or extreme urgency that the Chairman grants permission for raising a matter of urgent public importance by way of Zero Hour Submission. In order to ensure the Government's response to the matter raised by the members, another parliamentary device (Special Mention) for raising matters of urgent public importance has been strengthened with the framing of rules thereof and members are encouraged to raise their matter by way of Special Mention rather than the informal method of Zero Hour Submission.

### 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>26</sup> Since then the Secretariat has been forwarding relevant proceedings of the Zero Hour submissions to that Ministry on day to day basis for further action. It appears that the Ministry has yet to issue procedural guidelines to Ministries in respect of the Zero Hour submissions. the matter thus rests there.

## NOTES AND REFERENCES

1. *The Concise Oxford Dictionary*
2. *The Rendum House Dictionary*
3. *Webster's Third New International Dictionary*
4. For instances, see R.S. Deb., 3.5.1994, 10.5. 1994, 28.8.1994 and 26.8.1994.
5. R.S. Deb., 12.8.1985, c. 239.
6. *Journal of Parliamentary Information*, March 1992.
7. Prof. Ranga quoted in *People, Parliament and Administration* by Dr. Bal Ram Jakhar.
8. R.S. Deb., 2.6.1967, c. 1962; see also R.S. Deb., 7.8.1968; c. 2433.
9. Second Report from the Select Committee on Procedure (H.C., 1966-67, 282) on Urgent and Topical Debates, para. 12.
10. Memorandum from the Speakers to the Committee, *Ibid.*
11. R.S. Deb., 14.12.1981, c. 173-74.
12. *Ibid.*, 29.8.1991, c. 120.
13. *Ibid.*, 19.7.1991, c. 129.
14. *Ibid.*, 17.9.1991, c. 28.
15. *Ibid.*, 27.7.1993, c. 283.
16. *Ibid.*, 3.8.1993, c. 2.
17. *Ibid.*, 12.8.1985, c. 239.
18. *Ibid.*, 13.12.1985, c. 200-02.
19. *Ibid.*, 6.5.1986, c. 183-86.
20. *tatesman*, 25.3.1985.
21. BAC mts., 1.8.1991
22. *Ibid.*, 5.5.1993.
23. *Ibid.*, 5.8.1993
24. *Ibid.*, 19.8.1993.
25. 7Rpt., RC see also R.S. Deb., 14.2.1995. Hoever, 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.
26. F. No. 51/3/92-L.