

A GUIDE TO PARLIAMENTARY INTERVENTIONS

Rajya Sabha

Analie Dutta Choudhury
Tanvi Vipra

June 2024

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research ("PRS"). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.

Role of a Parliamentarian

Members of Parliament represent the hopes and aspirations of the people of India. They play a significant part in furthering the social and economic welfare of citizens. Work done by Parliament impacts everyday facets of a citizen's life such as health, education, home ownership, transport and public safety.

Rajya Sabha MPs have a slightly different role than their counterparts in Lok Sabha. They debate and pass laws that govern the country, except for Money Bills, where they can only make recommendations which are not binding in nature. They hold the government accountable by asking questions and raising urgent and important matters for discussion. They cannot vote a government out or discuss and pass the Budget. They do not directly represent constituencies; however, they can ask questions and raise issues related to a particular region.

These roles are not independent of each other and on any typical day, an MP could be using one or more interventions to fulfil these roles.

MPs carry out their work in Parliament on the floor of the House as well as through Parliamentary Committees. In the House, they hold the government accountable by asking questions and raising matters of public importance and bringing them to the attention of the government. They also participate in debates and discussions initiated by the government. Individual MPs can also introduce legislation and resolutions (called Private Member Business). In Committees, MPs engage deeply on important subject matters, call upon experts to solicit their views, and try to build consensus across party lines on various policy matters.

In Rajya Sabha, interventions that MPs can make are regulated by its Rules of Procedure. This primer seeks to assist newly elected Rajya Sabha MPs understand the functioning of the House so they can exercise their role more effectively.

Rajya Sabha: An Overview

The Vice President of India presides over Rajya Sabha proceedings as the Chairman of the House. Members elect a Deputy Chairman among themselves to preside over the House in the Chairman's absence. When both the Chairman and Deputy Chairman are not present, a member from the Panel of Vice-Chairmen presides over the House. This panel has six members of Rajya Sabha, and is nominated from time to time by the Chairman.

Participation in the House

Members participate in the House in broadly two ways. Certain interventions allow MPs to raise issues independently. These include the Question Hour, Zero Hour, or private member business. These matters are chosen for discussion either through a ballot or at the Chairman's discretion.

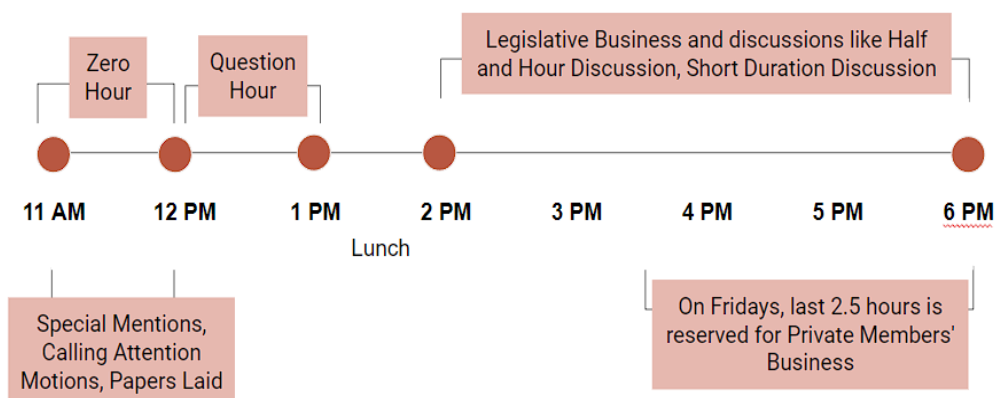
In other proceedings such as debates, discussions on government Bills, and budgets, MPs participate as representatives of their parties. The Chairman allocates speaking time for each party, and the party leadership decides who will participate in these proceedings.

The House **Business Advisory Committee** recommends the time to be allocated for business in the House. This Committee has MPs from the ruling as well as opposition parties.

A typical day in Rajya Sabha

Rajya Sabha begins work at 11 AM and is ordinarily scheduled to work till 6 PM. The first half of the day is reserved for MPs to raise issues and ask questions in their individual capacity. In the second half, typically government business is taken up. This could be discussion on Bills, budgets, or longer debates. Every week, half a day (typically a Friday) is reserved for members to introduce their own Bills and resolutions, also known as Private Members' Business.

Figure 1: A typical day in Rajya Sabha



House proceedings

Proceedings in the House are guided by its Rules of Procedure and Conduct of Business. These Rules require that Members give prior intimation to the Secretariat/Chairman for asking questions, raising issues, initiating, or participating in debates. This is called ‘giving notice’. Each intervention has a different notice period. This intimation can be submitted manually or digitally using the member’s e-portal.

In some matters, the Chairman can exercise his discretion. For example, the discretion to allow an MP to raise a matter of public importance at short notice rests with the Chairman.

Decision-making in the House

All decisions in the House are posed as motions, which are put to vote in the House. Typically, the voting is done orally with Members supporting the motion saying “aye” and those opposing the motion saying “no”. The motion is accepted if the Chairman is of the opinion that more Members are in favour of the motion. However, if any Member is unsatisfied with the Chairman’s decision, they can ask the Chairman to hold a recorded vote, called a division. Once this demand is raised, the Chairman must hold a division, in which the vote of each Member is recorded.

Important Parliamentary Documents

List of Business: The schedule and items of business to be taken up on a given day. It is circulated two days in advance to members.

Revised List of Business: The revised schedule, which is often circulated a day before the sitting of the House.

Supplementary List of Business: Lists additional items of business to be taken up the same day. It is made available on the day of sitting.

Bulletin 1: A brief record of the proceedings that have taken place in the House at each of its sittings. It is published after each day of sitting.

Bulletin 2: Contains information on any matter relating to the business of the House such as reference of Bills to Committees, changes in Committee membership, and matters related to protocol. It is circulated to members as and when it is published.

PARTICIPATING IN THE HOUSE

Government oversight

Introduction

In a Parliamentary democracy, the government is answerable to Parliament for its actions. Members have several devices at their disposal to scrutinise the work of the government. These include asking questions on the government's policies, debating on national issues, discussing and passing laws, and approving the spending of public funds. In this section, we discuss some key interventions that MPs can undertake on the floor of the House.

Asking questions

This section provides an overview of the various ways in which MPs can hold the government accountable by asking questions in their individual capacity.

Parliamentary Questions

Rajya Sabha holds Question Hour at 12 noon every day. Members use Question Hour to hold the government accountable for its policies and actions. They can also use this device to seek response from the government on important matters. During this Hour, a Member can ask a Minister any question related to the implementation of laws and policies under the purview of their Ministry. There are three different types of questions: Starred, Unstarred, and Short Notice Questions.

Starred Question: These MPs receive an oral response by the Minister-in-charge. MPs can also ask supplementary (or follow-up) questions.

Unstarred Question: These receive a written reply from the Ministry.

The format of the notice to file Starred and Unstarred Questions is the same. Starred Questions are distinguished by an asterisk.

Choosing between Starred and Unstarred Questions

Starred Questions are better suited to inquire about the government's views on national issues and its policy inclination as they allow members to seek further explanation by asking follow-up questions. After the minister's response, the MP can ask up to two supplementary questions.

The Chairman may also permit other MPs to ask supplementary questions.

Unstarred Questions do not allow for follow-up questions. Therefore, they may be more conducive for getting answers on queries related to data or information.

Preparing for supplementary questions

Typically, since the first 5-6 questions listed for a day are answered in the one hour allocated for Question Hour, it may be preferable to focus on these while preparing supplementary questions. The list of questions is available five days in advance and answers for starred questions are made available at 10:30 AM on the day the questions are to be answered.

Illustration

In February 2024, an MP asked a **starred question** regarding the status of pharmaceutical exports. The Minister provided data indicating growth in the pharma exports in the past three years, and also highlighted initiatives taken by the Ministry to promote growth. The MP then posed a **supplementary question** as to how the pharmaceutical PLI scheme has increased the capacity utilisation and competitiveness of the pharmaceutical sector.

Members have used **unstarred questions** to raise issues such as steps taken to reduce discrimination against transgender sportspersons, Anganwadi centres in Andhra Pradesh, the amount of off-budget borrowings raised by various states, and the impact of the CUET on enrolment of female students.

Short Notice Question: These questions allow MPs to question the government over matters of urgent public importance for which the prescribed notice period of 15 days may be too long. Like Starred Questions, Short Notice Questions are answered orally followed by supplementary questions. Admitted questions are usually taken up after the end of the Question Hour. This device is only occasionally used.

Illustration: In November 2014, a member questioned whether the government has enough strategic reserves of petroleum in case a war breaks out. The Minister replied that the government was in the process of setting up crude oil reserves with a storage capacity of 5.3 million metric tonnes in three states. The member had also asked if the government plans to create strategic reserves in all states. To this, the Minister replied that no such plan is currently in place.

Intervention	Notice Period	Limits per MP	Requirements	Selection Process
Starred Questions (Rule 42)	15 days	1 per sitting	To be marked with an asterisk Total 15 allowed per day	Ballot
Unstarred Questions (Rule 51A)	15 days	5 per sitting (4 if a starred question is also asked)	Total 160 allowed per day	Ballot
Short Notice Questions (Rule 58)	Less than 15 days	-	To elicit an oral response, the notice should be accompanied with a reason for short notice	Chairman's discretion

Using debates and motions to raise matters

MPs can raise and debate various issues in the House to hold the government accountable or bring matters to the attention of the government. Some of these issues are raised through motions and voted upon in the House. The House may also discuss issues without voting upon them. Issues may be raised by MPs on their own initiative or may be identified by the Business Advisory Committee. In case of the latter, political parties decide which MPs will participate in the discussion.

We discuss the devices that MPs may use to raise issues on their own initiative.

Zero Hour

Rajya Sabha starts its day with the Zero Hour. This period is usually used to raise matters that are urgent and cannot wait for the notice period required under other procedures. The submissions made during this hour are not specifically listed under a rule but appear on the list of business as Matters of Urgent Public Importance.

Illustration: MPs have raised matters related to shortage of super speciality doctors in reputed medical institutions, issues faced by paddy farmers in Kerala, and improvement of digital infrastructure in rural Odisha.

Intervention	Notice Period	Limits per MP	Requirements	Selection Process
Matters of urgent public importance	Before 10 AM	One submission per week	Notice given to Chairman	Chairman's discretion

Laying of Papers: At the beginning of Zero Hour, various papers such as Annual Reports of Ministries and Public Sector Undertakings, reports of Parliamentary Committees, and government notifications are laid on the table of the House. These reports become public only after they are tabled in the House.

Calling Attention

An MP can call the attention of a Minister to a matter of urgent public importance, to which the Minister may give a response.

Illustration: In July 2018, a member called the IT Minister's attention to the prevalence of fake news on social media platforms and the mob lynching that result from such rumours. The Minister made a statement where he recognised that social media platforms are being used to spread misinformation and affect stability in the country. The Minister accepted that innocent people lost their lives in mob lynching due to social media rumours. He highlighted that the government issued a notice to WhatsApp, following which WhatsApp took steps to increase the friction in propagating information. The Minister also informed the House that WhatsApp has informed the government that it would bring about fact checking and news verification mechanisms to make people more informed. The government asked WhatsApp to come up with better technological solutions to address this issue.

Intervention	Notice Period	Limits per MP	Requirements	Selection Process
Calling Attention (Rule 180)	Before 10:30 AM	Two submissions per sitting	Notices that have been filed remain valid till the end of the week. There will be no debate on the statement when it is made.	Chairman, in consultation with the BAC

Special Mentions

Matters which cannot be raised under the Rules relating to Questions, Short Notice Questions, Calling Attention etc., can be raised under Rule 180A.

Illustration: Issues such as dependence on coal during high demand for electricity, closed sugar mills in Uttar Pradesh, the impact of climate change, and drinking water issues in the Kuttanad region of Kerala have been raised as special mentions.

Intervention	Notice Period	Limits per MP	Requirements	Selection Process
Special Mentions (Rule 180A)	5 PM the previous day	2 notices per sitting	Text of notice should not exceed 250 words. Notice will remain valid till the end of the week.	Chairman's Discretion

Half-an-Hour Discussion

If an MP feels that an answer to a Starred or Unstarred question needs further explanation, they can raise a Half-an-Hour Discussion. Under this, an MP is allowed to make a short statement on the floor of the House and the concerned Minister replies. After the Minister's response, other MPs can ask further questions. No voting or formal motion takes place in this intervention.

Illustration: This intervention is only occasionally admitted. A half-an-hour discussion was held in 2019 on the Clean Ganga Drive, and its use for generating electricity. In 2016, a discussion was held on electrification of villages in Uttar Pradesh.

Intervention	Notice Period	Limits per MP	Requirements	Selection Process
Half-an-Hour Discussion (Rule 60)	3 days in advance	1 per week	The notice should be accompanied by the reason for raising this discussion as well as signatures from at least two MPs	Chairman's discretion

Private Member Resolutions

Any MP, who is not a Minister, can move a resolution in the form of a recommendation or approval or disapproval of an act or policy of the government. It can also be used to bring an important matter to the attention of the government. These are known as Private Member Resolutions. Resolutions can be used to express the opinion of the House in the form of a vote. The last two and a half hours of sitting on Fridays alternate between Private Member Resolutions and Private Member Bills.

Illustration: One private member resolution on unemployment among the educated youth was discussed in Rajya Sabha in 2020. The resolution urged that the government present a report on the current status of unemployment and plans to address it, and that the government constitute a Joint Parliamentary Committee to develop an Employment Guarantee Act. In 2019, private member resolutions on prohibition of manual scavenging, legislation for widows, and new methods for implementing benefits of reservation were also discussed.

Intervention	Notice Period	Requirements	Selection Process
Resolution (Rule 154)	Notice for private member resolutions should be filed 2 days before the date of ballot	Resolutions may be raised by private members or Ministers	Ballot

Statutory resolution

Members and Ministers can move statutory resolutions to facilitate bringing certain provisions of law into force. For instance, the Customs Tariffs Act, 1975 allows the government to change import duty on certain items by notification, which are then required to be approved by Parliament by resolution. Such a statutory resolution was adopted by Rajya Sabha on August 1, 2023 relating to increasing import duty on LPG. This intervention has also been used to oppose Ordinances promulgated by the President. If adopted, the Ordinance will lapse.

Illustration: A statutory resolution disapproving the Government of National Capital Territory of Delhi (Amendment) Ordinance, 2023 was discussed in Rajya Sabha in August 2023 with the Bill to replace the Ordinance. The resolution was voted on, and negated.

There are some interventions through which longer debates and discussions are held in the House. Participation in these debates is decided by the party leadership. We discuss these below.

Short Duration Discussion under Rule 176

Under this provision, an MP can raise a discussion on a matter of urgent public importance. The topic and duration is decided by the Business Advisory Committee. The MP raises the matter, which is followed by other MPs discussing the issue. The Minister-in-charge responds at the end of the discussion. Unlike some motions and resolutions, there is no formal voting for this intervention.

Illustration: In 2023, a discussion on global warming and its effects was taken up under this intervention. Members raised questions on the impact of warming in the near future, the importance of harnessing renewable energy like solar and wind, and the importance of forests. Some other major issues discussed as a short duration discussion include the law-and-order situation in Manipur, price rise, and the state of the economy.

Intervention	Notice Period	Requirements	Selection Process
Short Duration Discussion (Rule 176)	Notices are accepted from the date of issue of summons for a session	Notice should accompany reasons for raising the matter. Notice should be supported by at least 2 other MPs.	Chairman admits notice, BAC allocates time

Motions under Rule 167

The process for raising issues under this Rule is similar to that under Rule 176. However, there is one difference – under this Rule, issues are raised in the form of a motion. After the Minister’s reply, the House votes on the motion.

No-Day-Yet-Named Motions

If the Chairman admits a motion under this rule but a date is not assigned for discussion, it is notified in Bulletin II with the heading ‘No-Day-Yet-Named Motions’.

Intervention	Notice Period	Selection Process
Motions on matters of public interest (Rule 167)	Notices are given in writing to Secretary-General	Chairman admits notice; BAC allocates time

Motion of Thanks to the President's Address

The Constitution provides for an address by the President to both Houses when Parliament convenes after a general election and at the start of the first session every year. This address is drafted by the government, and contains the broad policy plans, and legislative agenda for the year. After the address, each House discusses the Motion of Thanks to the President's Address, and the Prime Minister responds at the end.

While participation in this debate is decided by the party, individual MPs can move amendments to the motion, which are put to vote. An amendment passed by Lok Sabha has the effect of a no-confidence motion. However, an amendment passed by Rajya Sabha is merely an indication of disapproval by the House. There have been five amendments to the Motion of Thanks in Rajya Sabha so far.

Illustration: Rajya Sabha last amended its motion of thanks to the President in 2016. The amendment added that Members regretted that the President's address did not mention the government's commitment to secure the right to contest elections at all levels.

In 2015, the motion was amended to add that the government did not address its failure to curb high-level corruption and bring back black money.

Intervention	Notice Period	Selection Process
Amendments to Motion of Thanks (Rule 16)	Can be moved after delivery of President's address	Chairman's discretion

Passing Bills

Discussing and passing laws

Parliament makes laws on various complex topics. Members have the opportunity to determine the contours of a law by participating in the law-making process. They can participate in the process by speaking on Bills introduced in the House, moving amendments to such Bills, or by deliberating on Bills in Parliamentary Committees. Members can also introduce Private Members' Bills on topics that they believe require regulation or to change the existing legal framework. Participation in government Bill debates is decided by the party leadership.

Legislation

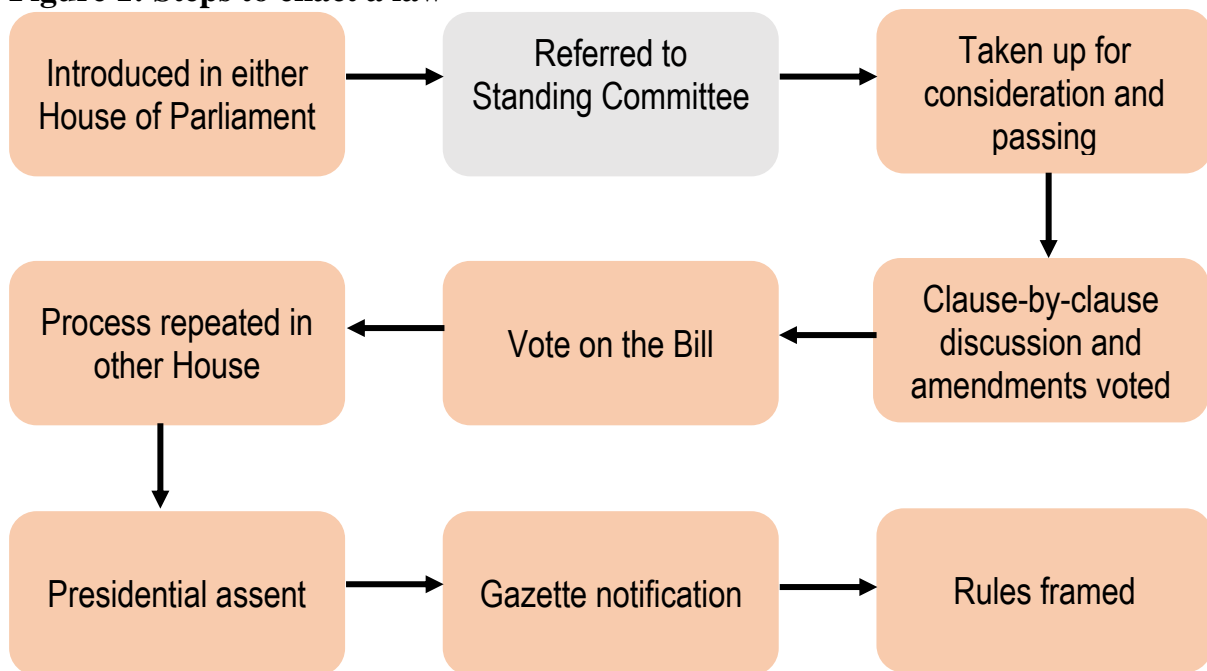
A Bill becomes an Act after it is passed by both Houses of Parliament, and receives the assent of the President. Government Bills are introduced by Ministers and those introduced by individual MPs are known as Private Member Bills. Parliament can pass laws on subjects under the Union List (such as defence or railways) and the Concurrent List (such as criminal procedure, forests or social security) of the Constitution. Both government and Private Member Bills have the same process for discussion and passing. However, Private Member Bills are rarely passed by Parliament (only 14 so far).

Table 1: Types of Bills in Parliament

Types of Bills	Subject	Introduction	Passage
Ordinary Bills	Any subject under the Union and Concurrent Lists	In either House	Simple majority in each House.
Constitution Amendment Bills	Amends the Constitution	In either House	Simple majority of total membership and 2/3 rd majority of MPs present and voting Some Bills may need to be ratified by half the state legislatures in the country
Money Bills	Involves taxation, borrowing, taking out money out of the Consolidated Fund of India or any other incidental matters	Only in LS	Simple majority in LS. RS may recommend changes but LS can accept or reject them. RS must agree to the Bill or return it with amendments within 14 days or it is deemed passed.

Law-Making Process

Figure 1: Steps to enact a law



Note: All Bills may not be referred to Committees

Circulation of a Bill

Bills are circulated to MPs at least two days before introduction in the House. However, the Chairman may waive this requirement. For example, the Water (Prevention and Control of Pollution) Amendment Bill, 2024 was introduced and discussed on the same day. It was passed the next day.

Introduction of a Bill

The Minister moves a motion to introduce a Bill in the House. The introduction of a Bill in Parliament is called its 'First Reading'.

Intervention at introduction of a Bill: MPs can object to the introduction of a Bill on the grounds that it is outside the legislative competence of Parliament, or violates the Constitution. When the introduction is opposed, the Chairman may allow the opposing MP and the Minister-in-charge to make brief statements. If opposition is on the grounds that the Bill deals with subjects outside the purview of Parliament, the Chairman may permit a full discussion on the Bill. Then,

the motion to introduce the Bill is put to vote. If the motion is passed, the Bill is introduced.

Illustration: The motion to introduce the Government of National Capital Territory of Delhi (Amendment) Bill, 2023 was opposed on the grounds that it violated the Constitution by legislating on a matter under state subject. However, the motion for opposing the introduction was defeated and the Bill was introduced.

Referring Bills to Committee

After a Bill is introduced, it may be taken up for discussion or referred to a Parliamentary Committee for further scrutiny. Both these motions are primarily made by the Minister who introduced the Bill. However, if the motion is moved for discussing the Bill, members can move an amendment to this motion that the Bill be referred to a Committee.

The Bill is not discussed until the Committee submits its report to the House. Once the report of the Committee has been tabled in the House, the concerned Ministry can move suitable amendments based on the recommendations. In some cases, the Bill may be withdrawn, or replaced by an entirely new Bill.

Illustration: The Biological Diversity (Amendment) Bill, 2021 was referred to a Joint Committee. The Committee highlighted that in the proposed Bill, preservation of habitats had been removed from the list of purposes of the Biodiversity Management Committee, and no plausible reason was given for this change. The Committee also suggested that the conservation of living things in water bodies be added to this list. These recommendations were accepted and included in the Bill passed by Parliament.

The Surrogacy (Regulation) Bill, 2019 was introduced in Lok Sabha in July 2019, and passed the next month. In November 2019, Rajya Sabha adopted a motion to form a Select Committee to examine the Bill. The Committee submitted its report in February 2020. After considering its report, Rajya Sabha passed the Bill in December 2021, and Lok Sabha in the same month.

Intervention	Notice Period	Requirements
Amendment to Motion for consideration of Bill (to send for committee examination) (Rule 69)	1 day	Names of proposed members of the Committee, along with their consent required

Discussion on the Bill

Once the motion for consideration of the Bill is adopted, the general discussion on the Bill begins. The time allocated for this debate is given to different parties based on their strength in the House. The party leadership decides which MPs will speak within the allocated time. Members can use this discussion to talk about the general principles of the Bill or flag clauses that they agree or disagree with.

After the general discussion, the Bill is discussed clause-by-clause. At this stage, both MPs and the Minister-in-charge can move amendments to the Bill. These amendments have to be filed with a day's notice, and are circulated before the discussion. These amendments are then voted upon. An amendment can become part of the Bill if it is accepted by a majority of MPs. This stage is called the 'Second Reading'.

Some pointers for preparing for a Bill discussion

- Does the Bill violate constitutional principles?
- What are the policy objectives of the Bill and are they desirable?
- Given the objectives of the Bill, is this the best way to achieve those objectives?
- How does the Bill affect different sections of society?
- If the Bill is creating Authorities or regulatory bodies, does it represent all relevant interests?
- Does the Bill have an impact on states, or Centre-state relations?
- If the Bill indicates punishment for an offence, is it reasonable and proportionate?
- What will be the impact of the Bill on the current regulatory framework? Does it contradict any other existing laws in the country?
- Are there any ambiguities in definitions that can cause loopholes later?
- How much detail about implementation of the Bill has been left to Rules?

Voting on the Bill

After the discussion, the Minister moves the motion for passing of the Bill. This is the 'Third Reading' of the Bill. A simple majority of members present and voting is needed for an Ordinary Bill to become a law. Rajya Sabha can only make recommendations to Money Bills.

Procedure in the second House:

Once a Bill is passed by the first House, it is sent to the other House for consideration and passing, where it follows a similar process.

Presidential Assent

Once a Bill has been passed by both Houses of Parliament, it is presented to the President for assent. Once the President gives assent, the Bill becomes an Act.

Exceptions to the process

- **The second House amends the Bill:** If a Bill passed by Rajya Sabha is amended by Lok Sabha, it must be passed by Rajya Sabha again before it goes to the President for his Assent.
- **The two Houses cannot agree on the Bill:** If a Bill has been passed by one House and rejected by the other, or if the two Houses have disagreed on amendments to the Bill, the President may call to vote in a joint sitting. This has occurred thrice in the past.
- **President returns the Bill:** Except for Money Bills and Constitution Amendment Bills, the President may return any Bill to Parliament for reconsideration. If Parliament passes the Bill, in the same or amended form, and sends it to the President again, assent must be given.
- **Money Bills:** These cannot be introduced in Rajya Sabha. Rajya Sabha can only recommended changes to such Bills and is required to return them within 14 days. If not, the Bill is deemed passed. Rejection of a Money Bill by Lok Sabha amounts to a no-confidence motion in the government.
- **Constitution Amendment Bills:** A simple majority of the total membership of the House, and two-thirds majority of MPs present and voting is required to pass such Bills. Some Bills may need to be ratified by half the country's state legislatures.

Ordinances

The Constitution allows the President to promulgate an Ordinance when Parliament is not in session and immediate action is required.

However, they must be approved by Parliament within six weeks of the commencement of the next session of Parliament, otherwise they lapse.

During the term of the 17th Lok Sabha, 29 Ordinances were issued on various subjects, including public health, marketing of agricultural goods, and tribunal reforms.

Opposing ordinances: To make the provisions of an Ordinance permanent, a Bill must be introduced to replace it. A member can table a Statutory Resolution (discussed more on page 14) under Article 123 of the Constitution, disapproving the promulgation of the Ordinance. If both Houses pass such resolutions, then the Ordinance lapses.

Subordinate Legislation

Bills provide a larger framework for policy and do not elaborate on the details required for its implementation. These details are delegated to the Executive in the form of subordinate legislation. These include Rules, Regulations, Orders, Schemes, and Bye-laws which are framed and notified by the government, and tabled in the House.

Examining subordinate legislation

After Rules have been tabled in the House, MPs can move a motion seeking their annulment or modification. If the motion is adopted in one House, it is transmitted to the other House for approval. If both Houses amend or repeal the Rules, they will be modified accordingly.

The Committee on Subordinate Legislation also examines and reports on Rules, Regulations, Orders, and other pieces of subordinate legislation.

Intervention	Notice Period	Requirements	Selection Process
Amendment/ Modifications to Rules	Before the expiry of the session following the session where 30 days have been completed	Laid on the Table for 30 days	Chairman in consultation with the Leader of the House

Private Member Bills

Private Member Bills (PMBs) are Bills that are introduced in Parliament by MPs who are not Ministers. In Rajya Sabha, the last two and a half hours of sittings on every alternate Friday are allotted for discussing and passing of PMBs.

PMBs are used by MPs to highlight gaps in existing laws, draw attention to matters of national concern, and to represent public opinion in the House. The process for passing a PMB is similar to that of a government Bill.

Illustration: During the period of the 17th Lok Sabha (2019-2024) 705 Private Member Bills were introduced in Rajya Sabha. These Bills dealt with several matters such as home affairs, health, and education.

The Right to Health Bill, 2021 was a Private Member’s Bill, and was discussed in Parliament in August 2022. The Bill sought to provide every individual with the right to the highest attainable standard of physical and mental health. It specified that the central government must ensure that healthcare providers do not deny treatment to any individual. The Bill was discussed for over four hours, and was later withdrawn.

The Right of Transgender Persons Bill, 2014 was introduced in Rajya Sabha in December 2014. It was passed by Rajya Sabha in 2015. Whereas this Bill lapsed in Lok Sabha, the government introduced a new Bill on this issue, which was passed by both Houses.

Intervention	Notice Period	Limits	Specific Details	Selection Process
Private Member Bills (Rule 62)	One month	Upto 3 Bills during a session	Notice should accompany copy of the Bill and explanatory note on statement of objects and reasons	Ballot

Financial Oversight

Scrutinising spending of public funds

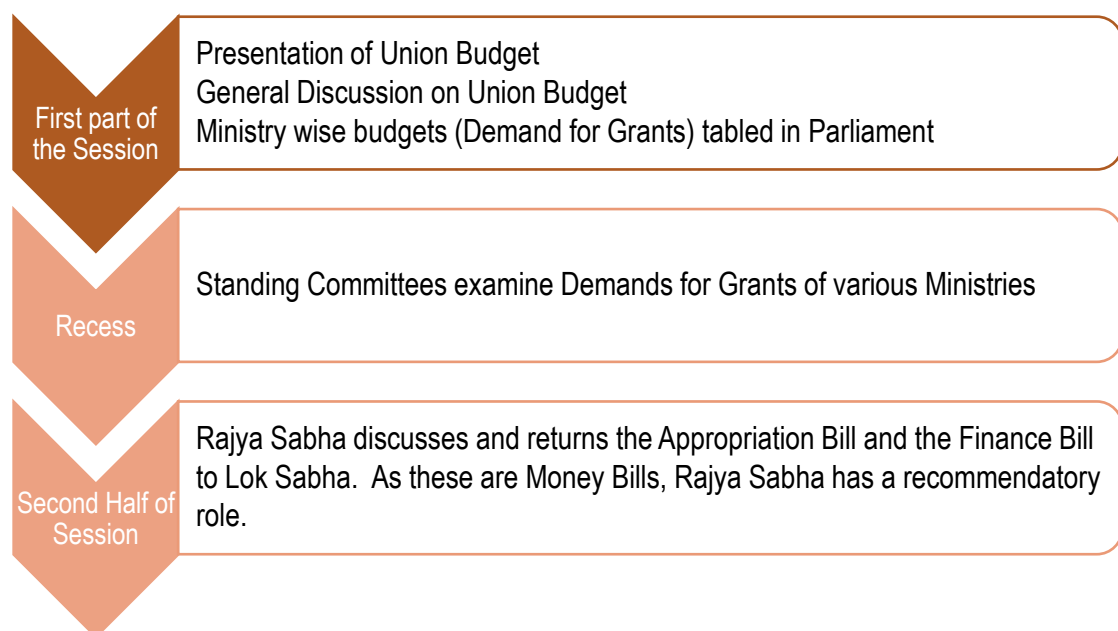
Spending of public funds requires sanction by Parliament. This process begins with the presentation of the Union Budget every year, which provides a financial statement of receipts and expenditure. Unlike their counterparts in Lok Sabha, Rajya Sabha MPs have a limited role in scrutinising the budget.

This section provides an overview of the budget process, budget documents, and the various ways in which MPs can participate in the discussion on the budget. For a detailed discussion on the budget process, please see the PRS primer on “[Overseeing Public Funds](#)”.

Union Budget

The Union Budget is presented by the Finance Minister to Parliament each year in February. The timing may vary during an election year. While presenting the budget, the Minister broadly outlines the details of the proposals for the upcoming financial year in relation to taxation, borrowing, and expenditure.

Figure 2: Usual Budget Session Timeline



Budget process

After the budget is tabled, a general discussion on the proposed budget takes place. Rajya Sabha Members can participate in this discussion and raise broader issues with the budget presented or the state of the economy. Participation in this general discussion is decided by the party leadership.

After the conclusion of the general discussion, Parliament breaks into recess for about three weeks. During this time, the Departmentally Related Standing Committees (more details on Committees on page 35) examine the proposed expenditure of ministries called Demands for Grants (DFGs). These committees submit reports on each DFG once Parliament reconvenes. Rajya Sabha MPs can examine budgets of certain ministries in greater detail in the Committee they are a part of.

Ministry expenditures are consolidated into an Appropriation Bill. Tax proposals of the government are brought into force through the Finance Bill. Lok Sabha votes upon these Bills, which then come to Rajya Sabha. Rajya Sabha can discuss these Bills but only has a recommendatory role in passing them, as they are Money Bills. If Rajya Sabha does not pass these Bills within 14 days, they are deemed passed by Parliament.

Illustration: Members have used the general discussion on the budget to talk about the performance of the Indian economy from a global perspective. Members have also highlighted the lack of allocation of funds to schemes like PM-KISAN, MGNREGA or requested a raise in spending on asset creation across states.

Key Budget Documents

Some important documents that are tabled at the time of presentation of the Union Budget include the following:

- **The Annual Financial Statement:** This provides an account of expenditure and receipts of the government for current year, previous year, and next financial year.
- **Budget at a Glance:** Brief overview of the budget to capture key proposals and numbers.

- **Expenditure Budget:** Details the expenditure of various ministries and departments including the Demands for Grants for each ministry.
- **Receipts Budget:** Details the income from tax and non-tax sources for the government.
- **Finance Bill:** Details any changes to the existing tax laws in the country.
- **Memorandum explaining provisions in the Finance Bill:** Explains the implications of the various changes in tax laws proposed in the Finance Bill.
- **Medium Term Fiscal Strategy Document:** This document highlights government's plans for reducing debt and deficit. It also sets three-year rolling targets for some fiscal indicators like deficit, revenue, debt as per the Fiscal Responsibility and Budget Management Act, 2003.

Vote on Account

During an election year, or whenever it is anticipated that the complete Budget may take longer to be passed by the House, a Vote on Account is approved for a suitable proportion of the estimated expenditure. This keeps the expenditure of ministries operational until the full budget is passed. In February 2024, a vote on account was passed, and the full Budget will be presented in July-August 2024 after the constitution of the new Lok Sabha.

**PARTICIPATING IN
PARLIAMENTARY
COMMITTEES**

Parliamentary Committees

Parliament's work is complex and varied, covering a wide range of issues that are often specialised and nuanced in nature. Due to the limited time available during a session, Members cannot scrutinise all issues in detail on the floor of the House. A significant portion of Parliament's work is carried out in the Parliamentary Committees.

Committees examine proposed Bills, explore specific topics, oversee government actions, and review government spending. They provide advice, scrutiny and ensure the accountability of the executive to the legislature. The reports submitted by Committees to the House allow for informed debate. They also provide a forum to build consensus across party lines and enable consultations with independent experts and stakeholders.

Types of Committees

Parliamentary Committees may be of two types: (i) Standing Committees, which are permanent in nature, and (ii) Ad-hoc Committees, which are constituted for a specific purpose.

Standing Committees scrutinise Bills, examine matters of public importance, and oversee public expenditure. Some committees have Members from both Houses. Most Standing Committees hold office for one year, after which the Speaker constitutes a new Committee.

Ad-hoc Committees may be constituted to examine a Bill or discuss a matter of national importance. These could be Select Committees (Members from one House) or Joint Committees (Members from both Houses).

Types of Ad Hoc Committees:

A Select Committee of Rajya Sabha was formed to examine the Constitutional Amendment Bill to introduce GST in 2014. The Bill provided for compensation to states in case of revenue losses due to the introduction of GST. The central government was required to pay this compensation for up to five years. The Select Committee recommended that given that states are losing the ability to raise their own taxes, compensation must be provided for all five years. It was expected to bridge the trust deficit between the central government and states. Rajya Sabha made the suggested amendments and passed the Bill in 2016. Lok Sabha passed it five days later.

Department Related Standing Committees

There are 24 Department Related Standing Committees to oversee a set of Ministries. They examine: (i) Bills referred to them, (ii) Ministry-wise budgets, and (iii) sector-specific subjects selected by them. Members may suggest subjects for examination to the Committee Chair.

Examining Bills: Committees examine Bills referred to them and submit their reports in the House. Based on the Committee's recommendations on a Bill, the government or any other MP may move amendments to the Bill. Members may also use recommendations of the DRSC for a more informed debate on the Bill in the House.

Illustration: A Bill amending the Motor Vehicles Act, 1988 was introduced in 2016, and was referred to a Standing Committee. The 1988 Act provided for compulsory third-party insurance for vehicles, and specified that the liability of the third-party insurer is unlimited. The 2016 Bill capped the maximum liability of third-party insurers. The Standing Committee noted that if courts award compensation higher than the prescribed cap, then vehicle owners will end up paying the remaining amount to the third party, and expose them to unlimited risk. It recommended removing the cap on the liability. The 2016 Bill lapsed on dissolution of Lok Sabha in 2019. However, a similar Bill was introduced and passed in 2019, which did not include a cap on third party insurance.

Examining Demand for Grants: DRSCs examine the expenditure budgets of various ministries. They examine the funds allocated to various schemes and programmes under each Ministry, and look at trends in the utilisation of these funds. The recommendations of Committees help MPs understand the implications of the allocation, and allow for a more informed debate.

Examining issues: Committees take up issues of public importance for detailed examination by themselves. They can choose subjects on sector-specific issues, or the implementation of policies or schemes of the concerned Ministry, in consultation with external experts.

Illustration: The Standing Committee on Health and Family Welfare examined the development and distribution of vaccines during the COVID pandemic. The Committee observed several shortcomings in the India's response to the pandemic, such as : (i) fragile health infrastructure and shortage of healthcare workers, (ii) poor vaccination rate in rural

areas in the beginning, and (iii) mismanagement of oxygen supply during second wave. It recommended that the government seek technical and financial assistance to strengthen the procurement planning strategy for future emergencies. It also recommended reviving underutilised public sector units to contribute to vaccine production.

Other Standing Committees

Committee of Privileges: Examines all questions involving breach of certain rights, privileges, and immunities enjoyed by MPs.

Committee on Ethics: Examines cases with reference to the moral and ethical conduct of MPs.

Committee on Subordinate Legislation: Scrutinises rules, regulations, orders, bye-laws, etc., which are laid on the table of the House.

Committee on Government Assurance: During a reply to a question or a discussion, the Minister may assure the House that further action will be taken by the government, and will be reported back. Such an assurance may include taking a matter into consideration, taking action, or providing further information to the House. The Committee on Government Assurances monitors and reports on the implementation of assurances made by Ministers.

Committee on Petitions: Examines petitions referred to it and suggests measures to address the complaint made in the petition

Committees related to day-to-day functioning of the House

Business Advisory Committee: Allocates time for various government and other business in the House. The Chairman is the ex-officio chairman of the Committee, and the Minister of Parliamentary Affairs is always nominated to the Committee. Leaders or representatives of parties with five or more MPs, which are not represented on the Committee, may be invited as special invitees.

Rules Committee: Examines the conduct of business in Rajya Sabha, and recommends amendments or additions to the rules of procedure.

Apart from the Committees named above, there are other Committees which look at providing facilities to MPs, such as the House Committee, and the Library Committee.

Working in Committees

Appointment to Committees: For some Committees, Members are elected by the House, and for some, they are nominated by the Chairman (See Table 2 on page 39). The Chairman nominates Members to Committees in a manner that all parties are represented in proportion to their strength in the House. The Chairperson of a Committee is appointed by the Chairman from amongst the Committee members.

Committee meetings: Committees meet whether the House is in session or not. These meetings are confidential and are conducted in a closed-door environment.

Stakeholder consultation: During Committee meetings, Members can invite Ministry officials, stakeholders, and subject experts for depositions. Specific questions can be put to Ministry officials, and data can be requested. The Committee may also undertake study tours, with the prior permission of the Chairman.

Illustration: The Joint Committee on the Personal Data Protection Bill, 2019 discussed the Bill in 63 meetings over 37 days. Public opinion on the Bill was sought, and over 15 stakeholders including industry associations gave evidence to the Committee.

Committee Reports: The Draft Report is circulated amongst Members of the Committee, and then adopted. Members may record a note of dissent if they disagree with the report findings. The report is then tabled in the House.

Once a committee submits its report on a subject in Parliament, the Ministry responds to its recommendations. On reports related to budgets and specific subjects, measures taken by the government to implement the Committee's recommendations are reviewed. The Committee then submits an Action Taken Report to the House.

Table 2: Types of Parliamentary Committees

Committee	Duties	Number of MPs	Election /Nomination of Chairman
Departmentally Related Standing Committees	Examine Bills, policies and issues, and their specific ministry's budget	21 LS, 10 RS	By Speaker and Chairman
Joint Parliamentary Committees (JPCs)	Temporary investigative Committees set up for a specific object and duration to examine issues of public importance or Bills	Decided by Speaker and Chairman	By Speaker and Chairman
Public Accounts Committee (PAC)	Analyses government expenditure and examines CAG audit reports	15 LS, 7 RS	Elected by LS and RS
Public Undertakings	Analyses the accounts and CAG reports of public sector undertakings (PSUs)	15 LS, 7 RS	Elected by LS and RS
Petitions	Examines petitions referred to it and determines whether it complies with rules. Empowered to take evidence and suggest remedial measures in the applicable case	10 RS	Nominated by Chairman
Government Assurances	Examines assurances made by ministers on the floor of the Parliament, and submits reports on the status of implementation	10 RS	Nominated by Chairman
Subordinate Legislation	Scrutinises all rules and regulations made by the government under delegated legislation	15 RS	Nominated by Chairman
Business Advisory Committee	Allocates time for the business of the House	11 RS	RS Chairman is the ex-officio Chairman
Rules	Deals with the Rules of Procedure of the House and recommends any amendments or additions.	16 RS	RS Chairman is the ex-officio Chairman
Privileges	Examines questions of privilege and whether a breach of privilege is involved, and makes necessary recommendations	10 RS	Nominated by Chairman
Ethics	Oversees the moral conduct of members, examines cases relating to the same	13 RS	Nominated by Chairman
House Committee	Deals with amenities like accommodation and medical aid for members	10 RS	Nominated by Chairman
General Purposes	Advise on matters concerning the House-procedural, functional, ceremonial issues	33 RS	RS Chairman is the ex-officio Chairman

Table 3: Interventions in Rajya Sabha

Rule No.	Intervention	Purpose	Notice period	Specific details
39	Question Hour	To ask questions from ministries	15 days	15 starred per sitting (1 per MP) 160 unstarred per sitting (5 per MP if all unstarred)
58	Short Notice Questions	To ask important questions at shorter notice	Less than 15 days	To elicit an oral response, the notice should be accompanied with a reason for short notice
60	Half-an-Hour Discussion	Further questions or response to a starred or unstarred question	3 days	Notice should be accompanied by the reason for raising this discussion.
167	Matters of public interest	Raising matters of urgent importance that cannot be raised under other rules	Advance notice to the Secretary General	The Chairman in Consultation with the Leader of the House allot a day or time for discussing this motion
180	Calling attention	Calling attention of a minister to matter of urgent public importance	Before 10:30 A.M on day of sitting, will only be valid for that week	1 per sitting (Members can file 2 notices per sitting)
180A	Special Mentions	To raise matters of urgent public importance	Before 5 PM the preceding day, and will be valid for a week	A member can make only 1 Special mention each week, and ordinarily only 7 special mentions will be admitted each day
154	Resolutions	To convey the opinion of the House on any matter of general public interest	Notice for private member resolutions should be filed 2 days before the date of ballot	Resolutions may be raised by private members or Ministers

Rule No.	Intervention	Purpose	Notice period	Specific details
176	Short Duration Discussion	Raising discussion on a matter of urgent public importance	Notices are accepted from the date following the date of issue of summons for a session	Discussion cannot exceed 2.5 hours, and there shall not be any formal voting. Support of at least 2 MPs is required to raise this discussion
67	Opposing introduction of a Bill	Opposing motion to introduce a Bill on specific grounds	-	Chairman may seek an explanatory statement from the member opposing introduction
70	Amendment to Motion for consideration of Bill	Sending a Bill to a committee for detailed scrutiny	1 day	Names of proposed Members of the Committee, along with their consent required.
95	Amendments to Bill	To propose changes to specific sections of a Bill	1 day	Notice for amendments may be waived if the House substantially agrees with the amendments, or if the Bill is listed for passing at short notice, or if the mover of the Bill agrees.
62	Private Member Bill	Bills introduced by MPs who are not Ministers	1 month	Notice should accompany copy of the Bill and explanatory note on statement of objects and reasons.

Sources:

- Rajya Sabha Rules of Procedure, Rajya Sabha Secretariat, Ninth Edition, 2016.
- Ruling and Observations from the Chair (1952-2017), Rajya Sabha, Rajya Sabha Secretariat, December 2018.
- Parliamentary Procedure, Abstract Series, Rajya Sabha.
- Practice and Procedures of Parliament, Lok Sabha Secretariat, M.N. Kaul and S.L. Shaktiher, 7th Edition, 2016.
- Our Parliament, Subhash Kashyap, 2005.

PRS Legislative Research

Institute for Policy Research Studies
3rd Floor, Gandharva Mahavidyalaya,
212, Deen Dayal Upadhyaya Marg, New Delhi-110002
Tel: (011) 4343-4035, 2323-4801
www.prsindia.org