

# Parliamentary Procedures

## A Primer

### Rajya Sabha

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## **Introduction**

Parliament is the highest law making body in the country. In addition to its legislative function, it keeps a check on the functioning of the government and passes the country's budget. As a representative institution, it also highlights important issues being faced by the people. These four responsibilities have been entrusted to both Houses of Parliament by the Constitution. The fulfilment of this mandate is dependent upon the effective participation of Members of Parliament (MPs) in its proceedings.

Parliament as an institution works in a structured manner. Both Houses of Parliament have detailed Rules of Procedure which regulate their functioning. For effective participation in parliamentary proceedings, advance preparation and an understanding of the Rules is important.

The purpose of this primer is to assist newly elected Rajya Sabha MPs in navigating the Rules of Procedure of the Rajya Sabha. It has been organised in a manner that highlights the opportunities for participation in Rajya Sabha on a typical day. Each section provides an overview of the Rules and explains the procedural requirements that need to be followed.

## **Rajya Sabha: An Overview**

Rajya Sabha's proceedings are presided over by the Chairman of the House. The proceedings are guided by the Rules of Procedure, which are implemented by the Chairman. The Rules give the Chairman discretion in some matters to ensure smooth functioning of the House. For example, the discretion to allow an MP to raise a matter of public importance rests with the Chairman. In the Chairman's absence, the Deputy Chair or the Panel of Chairmen presides over the House.

The functioning of the Rajya Sabha is co-ordinated by the Rajya Sabha Secretariat. Each morning, MPs receive a packet containing information about the day's agenda and a summary of the previous day's proceedings.

Rajya Sabha begins work at 11 am and is scheduled to work till 6 pm. Rules provide a break for lunch from 1 pm to 2 pm. The House can work through the lunch break and beyond 6 pm if the MPs agree to do so. Its proceedings can also be wound up before 6 pm at the direction of the Chairman. The pre-lunch proceedings of the Rajya Sabha include the Zero Hour and Question Hour. During this period MPs participate in the proceedings as individual legislators, independent of the political ideology of their parties. Post lunch the House meets for government business. This includes debates on national issues, passing laws, budget etc. In these proceedings, MPs act as representatives of their political parties.

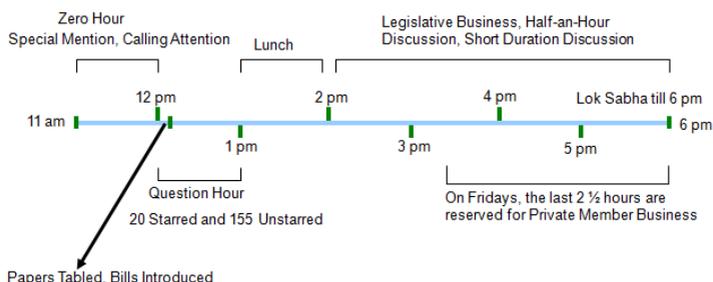
The government business of the House is regulated by a committee called the Business Advisory Committee. It is chaired by the Chairman and comprises leaders of political parties in the House. It decides the business that would be taken up in the week and allocates time for each debate.

Usually, the time allocated for debate is then distributed between the political parties depending on their strength in the House. The party leadership decides the names of the MPs who would speak in each debate.

Participation in the proceedings of the House often requires advance planning. Rules require that MPs give prior information to the Secretariat/Chairman for asking questions, raising issues, and initiating or participating in debates. This is called “giving notice”. For example, to ask a question in the House, a notice of fifteen days is required. There is some flexibility in the Rules to allow for debates without giving prior notice. This is left at the discretion of the Chairman. Annexure 1, at the end of the document, contains a table summarising the requirements of giving notice for participating in different debates of the House.

The Rajya Sabha also takes decisions on various issues through questions posed in the form of motions. The motion is then voted upon by MPs present in the House. Typically, the voting is done orally with MPs 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 MPs were in favour of the motion. MPs also have the option of asking the Chairman to hold a recorded vote which is called a division. The voting is then held electronically with MPs pressing buttons at their seats to express their support or opposition to a motion.

**Figure 1: A Day in Parliament**



## 1. Zero Hour

The Zero Hour is usually used to raise matters that are urgent and cannot wait for the notice period required under other procedures.

For raising matters during the Zero Hour, MPs give notice before 10 am to the Chairman on the day of the sitting. The notice must state the subject they wish to raise in the House. The Chairman decides whether to allow the matter to be raised. Short notice questions too are taken up during the Zero Hour.

**Laying of Papers:** During this time, various papers such as annual reports of ministries, public sector undertakings, government bodies, audit reports by the CAG, government notifications, etc. are also laid on the table of the House.

## 2. Question Hour

While Question Hour used to be the first hour of sitting in the Rajya Sabha, starting with the 2014 Winter Session, it will be held from 12 pm to 1 pm. This is used by parliamentarians to hold the government accountable for its actions. Facts relating to policies, etc. can be questioned and Ministers are answerable for their Ministry's actions.

### **What are the different types of questions?**

There are three different types of questions - starred, unstarred and short notice questions.

**Starred Question:** A starred question is asked by an MP and answered orally by the Minister-in-charge. MPs are allowed to ask one starred question each, in one sitting. Starred questions are submitted in advance (15 days) and only 15 questions are picked (through ballot) for oral answer on a day.

The questioning MP can thereafter ask upto two supplementary questions. Three other MPs can then ask supplementary questions based on the Chairman's discretion.

### **Preparing for a Starred Question**

- Since the answer to a starred question can be followed by supplementary questions, they are better used when asking about the government's views and policy inclination.
- Supplementary questions can be used to get answers on issues that the government may not have explained in its reply to the question.
- The list of starred questions is available three days in advance. This provides MPs with the opportunity to prepare for supplementary questions, even on questions listed against the names of other MPs.
- Typically, 5-6 questions are answered in the one hour allocated for Question Hour. Therefore, it may be preferable to focus on the first few questions while preparing supplementaries.

**Unstarred Question:** An unstarred question receives a written reply from the Ministry. They are submitted 15 days in advance. A maximum of 160 unstarred questions are picked for a day.

### **Preparing for an Unstarred Question**

Unstarred questions do not allow for follow-up questions. This is why they are more conducive for getting answers on queries related to data/information.

An MP can submit seven questions on a day. If chosen by the ballot, he can ask a maximum of five questions, of which only one can be a starred question.

**Short Notice Question:** These relate to a matter of urgent public importance. They can be asked with less than 15 days notice. Like starred questions, short notice questions are answered orally followed by supplementary questions. These are admitted at the discretion of the Chairman. This is not a very frequently used procedure. In the last three years, only 10 short notice questions were asked in Rajya Sabha. These questions were on the right to safe drinking water, assessment of drought affected regions, progress made by space application centres, etc.

### 3. Debates and Motions

MPs may raise and debate various issues in the House. Some of these are voted upon by the House and some are just discussed with no successive voting.

#### Debates

##### Half-an-Hour Discussion

Where an answer to a starred or unstarred question needs further explanation, an MP can table a notice stating reasons for raising a half-an-hour discussion. The notice needs to be given within three days of the question being answered. The notice will have to be accompanied with an explanatory statement and supported by the signatures of at least two other MPs. This is a rarely used procedure. In the last five years no half-an-hour discussions have been held in Rajya Sabha.

##### Short Duration Discussion (Rule 176)

Under this provision, an MP can raise a discussion on a matter of urgent public importance. The time for the discussion is allocated by the Business Advisory Committee. The MP will

need to give notice specifying the matter to be raised and the reasons for doing so. The Chairman decides the admissibility of the notice, after calling for such information from the MP who has given the notice and from the Minister, as he may consider necessary. The MP raises the matter and this is followed by other MPs discussing the issue. The Minister-in-charge responds at the end of the discussion.

Issues raised under this Rule in the last five years include the economic situation of the country, increasing pollution in various rivers, purchase of VVIP helicopters from Augusta Westland by Ministry of Defence, attacks on migrants from North-Eastern region in different parts of the country, etc.

### **Calling Attention (Rule 180)**

An MP may call the attention of a Minister to a matter of urgent public importance, to which the Minister gives a statement. Clarificatory questions can be asked after the Minister's statement and he/she shall reply at the end to all such questions.

Notices given any time before 5 pm of the day of sitting will be considered for the next sitting. Up to five members can be shortlisted by ballot. The notice is valid for a week. Only one such matter is allowed to be raised in the same sitting.

Issues raised under this Rule in the last five years include the growing number of swine flu cases in the country, hike in price of petrol and diesel, repeated attacks on Indian fishermen by Sri Lankan Navy etc.

## **Special Mention (Rule 180A)**

After the laying of papers, matters of public importance which cannot be raised under the Rules relating to questions, short notice questions, calling attention, motions, etc. can be raised under Rule 180A. Notice needs to be given before 10 am on the day of the sitting and the text of the notice cannot exceed 250 words. Presently 7 MPs are permitted to raise matters under Rule 180A per day. An MP may give up to two notices per day, but only one notice per week may be admitted. MPs can associate themselves with a Special Mention with the permission of the Chairman. Examples of matters raised under this Rule in the last five years include the withholding disinvestment of the Coal India Limited, declaring Bihar as a drought hit State, steady tax regime to attract the foreign investors in the country, checking unauthorised trade practices in domestic LPG, etc.

## **Motions**

### **Rule 167**

This Rule can be used to determine the sense of the House on matters of general public interest. The issue must be raised in the form of a motion. After the Minister's reply, the House votes on the motion. In the last five years, motions were raised to require the government to appoint a Joint Committee to inquire allegations of payment of bribes in the acquisition of VVIP Helicopters by the Ministry of Defence (motion adopted) and to disapprove permitting Foreign Direct Investment in multi-brand retail (motion denied).

## **President's Address and Motion of Thanks**

The Constitution provides for an address by the President to both Houses of Parliament, assembled together after each general election, at the start of the first session every year. The address is drafted by the government and contains its broad policy plans and legislative agenda for the year.

MPs may move amendments to the President's address. This is followed by a discussion called the motion of thanks to which the Prime Minister responds. Finally, the House votes on these amendments.

## 4. Legislation

A legislative proposal, known as a Bill, has to be passed by each House of Parliament and obtain presidential assent to become an Act. Government Bills are introduced by Ministers and Private Member Bills by any other MP. While the procedure to introduce and pass these Bills is the same, only 14 Private Members Bills have ever been passed.

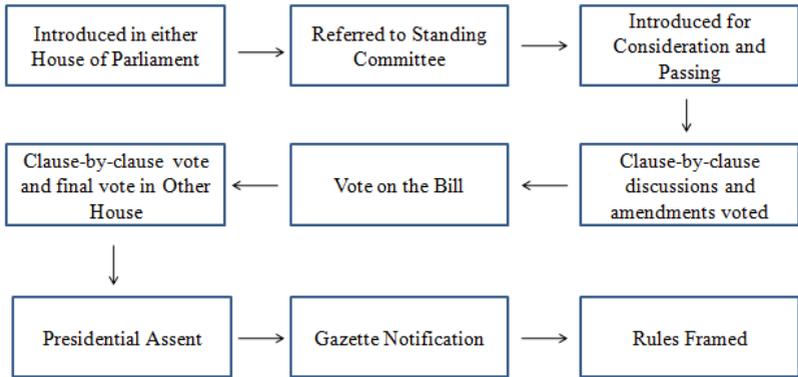
**Table 1: Kinds of Bills in Parliament**

| Kind of Bills                  | Subject   | Introduction               | Passage   |
|--------------------------------|---|----------------------------|---|
| Ordinary Bills                 | Anything under the Union and Concurrent Lists   | Introduced in either House | Simple majority in each House   |
| Money Bills                    | Involving taxation, borrowing, govt funding, payment or withdrawal of money from the Consolidated or Contingency Funds of India | Introduced only in LS      | Simple majority in LS<br>RS can recommend changes but LS has the right to reject them<br>RS must return or pass a Money Bill within 14 days or it is deemed passed            |
| Constitutional Amendment Bills | Amends the provisions of the Constitution   | Introduced in either House | Simple majority of total membership and two-third majority of the MPs present and voting<br>Some Bills also need to be ratified by half the state legislatures in the country |

### The Law Making Process

- **Circulation:** A Bill is circulated at least two days before it is scheduled to be introduced in either House. However, the House has the discretion to waive this requirement.

**Figure 2: Steps Leading to the Enactment of a Law**



- **Introduction:** The Minister moves a motion to introduce a Bill in the House. He/she has to give seven days notice before moving this motion. The Chairman may allow the motion to be moved at a shorter notice. The introduction of a Bill in Parliament is called the “First Reading”. If the motion to introduce the Bill is defeated, the Bill cannot be introduced. For example, when the motion to introduce the Allahabad University Bill was moved in 2004, it was put to vote and negated by the Upper House. Consequently the Bill could not be introduced.

An MP can also object to the introduction of a Bill on the grounds that the Bill initiates legislation outside the jurisdiction of Parliament or in violation of the Constitution. An MP opposing the introduction of a Bill has to give notice of his/her objections to the Bill

by 10 am on the day it is listed for introduction. When the motion to introduce a Bill is opposed, the Chairman can allow the opposing MP and the Minister-in-charge to give brief statements. If a Bill is opposed on the ground that it falls outside Parliament's jurisdiction, the Chairman may permit a full discussion on the Bill. Then the motion to introduce the Bill is put to vote. For example, when the motion to introduce The Prevention of Communal Violence (Access to Justice and Reparations) Bill, 2014 was moved in February 2014, it was opposed on the grounds of legislative competence by several MPs. The decision to introduce the Bill was then deferred by the government.

- **Reference of Bill to a Standing or Select Committee:** Once a Bill has been introduced it may be referred to a Committee for detailed examination. In case a Bill has been passed by one House without reference to a Standing Committee, the other House may refer the Bill to a Select Committee comprised of its own MPs. More information on this process can be found in the section on Standing Committees.

### **Consideration and Passing**

- **Discussion or Second Reading:** Once the report of the Standing or Select Committee has been received by the House, it is taken up for discussion. The time allocated for the debate is given to different parties based on their strength in the House. The party leadership decides on which MPs will speak within the allocated time.

- **Clause-by-clause Discussion:** Once a general discussion on the Bill has taken place, it is discussed clause-by-clause. The motion to adopt the Bill into consideration is then raised. At this stage, MPs can move amendments to the Bill. For this, a notice of one day needs to be given before the Bill is listed for consideration. The MP who has moved an amendment has to explain the reasons for moving the specific amendment. An amendment can become part of the Bill if it is accepted by a majority of MPs present and voting. This is known as the “Second Reading”.

### **Preparing for a Debate on a Bill**

Some things to consider while preparing for a legislative debate are:

What does the Standing Committee Report on the Bill say?

What are the merits of the legislation?

Given the objectives of the Bill, what are the alternative approaches that can be taken?

Does it contradict any other existing laws in the country?

Are there any provisions in the Bill that are contradicting each other?

Are there any ambiguities in definitions?

Does the financial memorandum clearly lay out the financial implication of the provisions of the Bill, including for states?

Is there a reasonable level of balance in the Bill in specifying the details and leaving enough flexibility for the Rules?

- **Final Vote:** The Minister can then move that the Bill be passed. At this stage the debate is confined to arguments either in support or against the Bill, as amended in the previous stage. A simple majority of MPs present and voting is needed for an Ordinary or Money Bill to become a law. This is known as the “Third Reading”.
- **Other House:** Once a Bill is passed by the first House, it is sent to the other House for consideration and passing.

#### **Exceptions to the above process**

- **The second House amends the Bill:** A Bill passed by the Rajya Sabha can be further amended and passed by the Lok Sabha. In such a case, the Bill, as passed with amendments, has to be passed by the Rajya Sabha again before it goes to the President for Assent.
- **The two Houses cannot agree on the Bill:** A joint sitting of both Houses may be called if a Bill has been passed by one House and rejected by the other or if the two Houses disagree on the amendments to be made to the Bill. In a joint sitting, the Bill needs to be passed by a simple majority of the members of both Houses present and voting. Over the last 60 years only three such joint sittings have been held. The Bills that were considered in these joint sittings were The Dowry Prohibition Bill, 1959, The Banking Service Commission (Repeal) Bill, 1977, and The Prevention of Terrorism Bill, 2002. All three Bills were passed.

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

- **President returns the Bill:** Except for Money Bills, the President may return a Bill to Parliament for reconsideration. If Parliament passes the Bill, in the same or amended form, and sends it to the President again, he/she has to give assent. Over the past 60 years, there has only been one instance when the President returned a Bill for reconsideration. The Parliament (Prevention of Disqualification) Amendment Bill, 2006 was returned by the President for reconsideration to the Houses. When the Bill was again passed by Parliament without any change, the President gave his assent.

### **Subordinate Legislation**

Most laws provide for Rules and Regulations to be framed by the government, and other authorities, after a Bill has passed. This is known as subordinate legislation and includes Rules, Regulations, Orders, Schemes, and Bye-laws. The Committee on Subordinate Legislation scrutinises and reports on the Rules and Regulations framed.

After the Rules have been tabled, MPs may move a statutory motion seeking an annulment or modification of the Rules. The parent Act usually provides that the Rules shall be tabled in the House for a period of 30 sitting days. MPs may move a motion to amend or annul a Rule till the last date of the subsequent session. Most laws provide that the amendment to

the Rules shall apply prospectively and any prior action under the Rules will not be affected.

### **Private Member Bills**

Private Member Bills are Bills that can be introduced in Parliament by MPs who are not Ministers. In the Rajya Sabha, the last two and a half hours of sitting on every alternate Friday are allotted for discussing and passing of Private Members' Bills. A notice of one month has to be given by an MP to introduce a Private Member Bill. The list of Private Members' Bills to be taken up for consideration and passing during a Parliament Session is determined by ballot.

Private Member Bills are used by MPs to highlight gaps in government Bills, draw attention to matters of national concern, and to represent public opinion in the House. The process for the passage of a Private Member Bill is similar to that of a government Bill.

### **Private Member Resolutions**

Any MP, who is not a Minister, may move a resolution in the form of a recommendation, declaration of opinion, approval or disapproval of an Act or policy of the government, or to call attention of the government to an important matter. These are known as Private Member Resolutions.

MPs are required to give a two day notice to move a Private Member Resolution. The last two and a half hours of sitting on Fridays alternate between Private Member Resolutions and Private Member Bills.

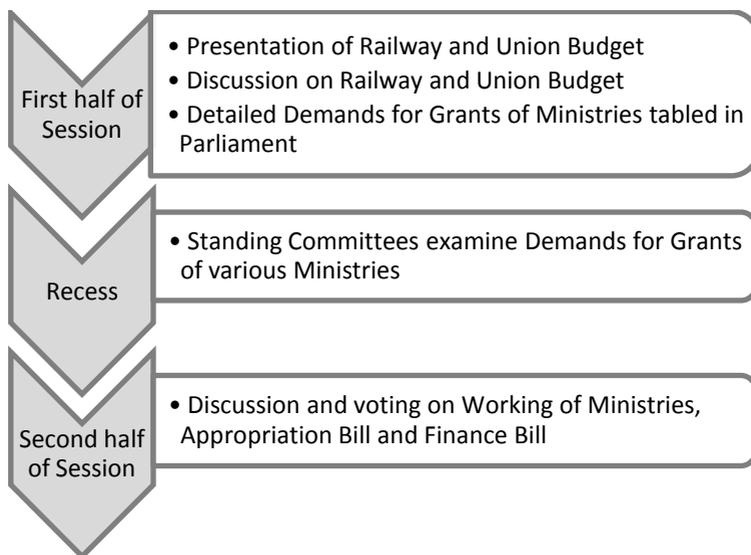
## 5. The Union Budget

The budget is presented by the Finance Minister to Parliament each year during the Budget Session in February. The timing may vary during an election year.

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

- **The Annual Financial Statement:** Summarises the expenditure and receipts of the government
- **Budget at a Glance:** Brief overview of the budget
- **Expenditure Budget:** Details the expenditure of various ministries and departments including the Demands for Grants for each ministry
- **Receipts Budget:** Details the tax and non-tax funding plan for the government
- **Finance Bill:** Details any changes to the existing tax laws in the country
- **Medium Term Fiscal Strategy Document:** Sets three-year rolling targets for select fiscal indicators as per the Fiscal Responsibility and Budget Management Act.

**Figure 3: Budget Session of Parliament**



### **Process**

After the budget is tabled, a general discussion on the broad budget measures takes place. No voting takes place at this stage. Parliament may go into recess for about three weeks while detailed estimates of ministries' expenditure, called Demands for Grants, are examined by the Departmentally Related Standing Committees. These committees submit reports on each ministry's Demands for Grants.

## **Discussion**

Once the Departmentally Related Standing Committees table their reports, a discussion takes place on the working of various ministries. After the Demands for Grants are passed by Lok Sabha, they are consolidated into an Appropriation Bill. This Bill seeks to withdraw funds from the Consolidated Fund of India for the sanctioned expenditure.

The Appropriation Bill and the Finance Bill are transmitted to the Rajya Sabha once they have been passed by the Lok Sabha. The Rajya Sabha only has a recommendatory role in passing the Appropriation and Finance Bills as they are Money Bills.

## **Vote on Account and Supplementary Demand for Grants**

The government also brings a Vote on Account in advance which permits government expenditure until the final budget has been passed. During the year, if the government needs to spend any money which has not been approved by Parliament, it can introduce Supplementary Demands for Grants, seeking approval. These are consolidated into an Appropriation Bill.

## **6. Parliamentary Committees**

Parliamentary committees are composed of groups of MPs. These Committees review proposed laws, oversee activities of the government, and scrutinise government expenditure. Their reports allow for informed debate in Parliament, as well as increase the efficiency and expertise of Parliament. Committees also provide a forum to build consensus across party lines and enable consultations with independent experts and stakeholders.

### **Kinds of Parliamentary Committees**

Parliamentary Committees can be divided into two categories, namely Standing Committees and Ad Hoc Committees. The Chairs of different Committees are appointed by the Chairman. While seats on some Committees are allocated to parties in proportion to their strength in the House, some are determined by a vote in the House.

Standing Committees are of three kinds- Financial, Departmentally Related, and Other Standing Committees. Ad Hoc Committees are appointed for a specific purpose such as the Joint Committee to examine pricing of telecom licenses and spectrum. They cease to exist after the task assigned to them is over. They also include Select Committees on Bills, such as the one constituted in August 2014 to examine the Insurance Laws (Amendment) Bill, 2008.

**Table 2: Different Kinds of Standing Committees**

| <b>Committees</b>                                 | <b>Number of MPs</b> | <b>Duties</b>  |
|---|----------------------|--|
| <b>Financial Committees</b>                       |                      |  |
| Estimates Committee                               | 30 LS MPs            | Examines estimates of Ministries   |
| Public Undertakings Committee                     | 15 LS MPs, 7 RS MPs  | Examines functioning of public undertakings                                    |
| Public Accounts Committee                         | 15 LS MPs, 7 RS MPs  | Scrutinises government finances and CAG reports                                |
| <b>Departmentally Related Standing Committees</b> |                      |  |
| 24 Ministry/Department wise Committees            | 21 LS MPs, 10 RS MPs | Examine Bills, Demands for Grants, and subjects related to the department      |
| <b>Other Standing Committees</b>                  |                      |  |
| Business Advisory Committee                       | 11 RS MPs            | Recommends time to be allocated for the discussion of Bills and other business |
| Committee on Petitions                            | 10 RS MPs            | Examines petitions referred to it  |
| General Purposes Committee                        | 15 RS MPs            | Consider and advise on matters concerning the House, as referred to it         |
| Committee on Subordinate Legislation              | 15 RS MPs            | Scrutinises Rules, Regulations, Sub-rules, Bye-laws etc.                       |
| Committee on Privileges                           | 10 RS MPs            | Determines whether a breach of privilege is involved                           |
| Committee on Government Assurances                | 10 RS MPs            | Scrutinises the assurances, promises and undertakings given by Ministers       |
| Rules Committee                                   | 16 RS MPs            | Considers matters of procedure and conduct of business in the House            |

## **Annexure 1: List of Procedures Requiring Advance Notice**

| <b>Rule No.</b> | <b>Particulars</b>  | <b>Notice requirement / Notice period</b>         |
|-----------------|---|---|
| 39              | Starred and Unstarred Questions                                 | 15 days   |
| 58              | Short Notice Questions  | Less than 15 days                                 |
| 60              | Half-an-hour Discussions  | 3 days in advance                                 |
| Practice        | Circulation of Bill   | 2 days in advance                                 |
| 62              | Notice for leave to introduce Private Member Bills              | 1 month in advance                                |
| 72              | Opposition of Introduction of Bill                              | Before 10 am                                      |
| 69              | Consideration of Bill   | 2 days in advance                                 |
| 95              | Notice of Amendments to Clauses or Schedules                    | 1 day in advance                                  |
| 113             | Notice for consideration of amendments recommended by Lok Sabha | 2 days in advance                                 |
| 123             | Bills originating from Lok Sabha: Consideration of Bill         | 2 days in advance                                 |
| 136             | Reconsideration of Bills returned by the President              | 2 days in advance                                 |
| 137             | Petitions   | MP must intimate the Secretary General in advance |
| 154             | Resolutions   | 2 days before the date of ballot                  |
| 160             | Amendments to Resolutions                                       | 1 day prior to consideration                      |

| <b>Rule No.</b> | <b>Particulars</b>         | <b>Notice requirement / Notice period</b>  |
|-----------------|----------------------------|--|
| 167             | Motions                    | Written notice must be given to the Secretary General in advance   |
| 176             | Short Duration Discussions | Notice must be given to the Secretary General in advance with an explanatory note  |
| 180             | Calling Attention          | Notices given before 5 pm on the day of sitting will be considered for the next sitting  |
| 180 A           | Special Mentions           | Before 10 am on the day of sitting, to be considered for that sitting, Notices received between 10 am - 5 pm will be considered for the next day. All notices will only be valid for that week |
| 187             | Privileges                 | Before 11 am   |

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