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# **PARLIAMENTARY PROCEDURES: PROBLEMS AND PERSPECTIVES**



**RAJYA SABHA SECRETARIAT  
NEW DELHI  
MAY 2009**

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*NIC has assisted in drawing the charts and graphs.*

## **PREFACE**

Parliament is the sounding board of public opinion. It truly reflects the people's will if it meets frequently and makes effective use of procedural devices to exercise control over the Executive. In India, it is the Executive which decides the number of days the Parliament should meet in a year. Over the past few years it has been observed that Parliament is meeting for less and less number of days, so much so that during last year it met only for 46 days. If Parliament Sessions are shorter and Parliament meets only for a few days in a year, it would, naturally, not be able to discharge its constitutional mandate of deliberating, scrutiny of the Executive and airing public grievances, which the members do by using several procedural devices provided in the Rules of Procedure and Conduct of Business.

Concerned about the reduction in number of days the House meets, the Chairman, Rajya Sabha took the initiative to commission this study by the Secretariat, the purpose of which was not only to identify the problem areas but also to find out possible procedural solutions to various problems that he had encountered during his Chairmanship.

Accordingly, an effort has been made in this study to analyse the various problems that are faced by our Parliament from time to time, and also suggest possible solutions.

It is hoped that this study would be found useful by members, scholars of political science and those interested in public affairs.

NEW DELHI  
8 June, 2009

**V. K. Agnihotri,**  
*Secretary-General.*

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## **PARLIAMENTARY PROCEDURES: PROBLEMS AND PERSPECTIVES**

### **Introduction**

The main functions of Parliament are: law-making, control over executive, having discussion on matters of public importance, ventilation of public grievances so as to seek redressal for the same and to be the watch-dog of the nation. Parliament being the highest representative body also ensures the accountability of the Government towards it. In order to be effective the deliberations in Parliament should be constructive, purposeful and within the parameters of the rules of procedure. "Parliament" as said by Edmund Burke "is not a *congress* of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a *deliberative* assembly of *one* nation, with *one* interest, that of the whole - where not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole"<sup>1</sup>.

Procedures prescribed in the rule book for raising issues that agitate the minds of the members in the House have to be dynamic, should be in line with the changing needs and desires of the people and should enable members to get their concerns articulated in the Houses of Parliament effectively.

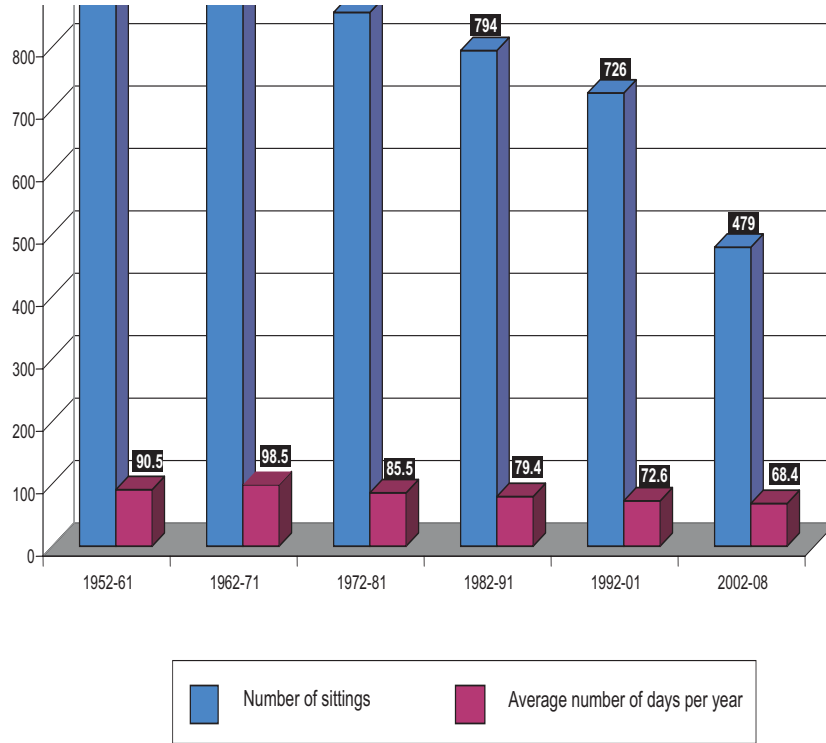
In order to facilitate smooth conduct of the proceedings and to make House more productive, some issues have been identified in this paper particularly in relation to Rajya Sabha and an effort has been made to search some possible solutions to the problem that beset our Houses today.

### **Reduction in the number of sittings**

In early years Rajya Sabha used to meet on an average for 90 days in a year. During the past seven years, however, this number has gone down to an average of 68 days in a year. The chart on the next page shows that the number of days for which the House sits is getting reduced progressively.

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<sup>1</sup> *The Philosophy of Edmund Burke: A selection from his speeches and writings (Edited) Louis I. Bredvold and Ralph G. Ross, The University of Michigan Press 1960, p.147-48.*

*Chart I<sup>2</sup>**Number of sittings in Rajya Sabha*

Incidentally, during the year 2008 Rajya Sabha had only 46 sittings and in the previous year it had only 65 sittings. Due to reduction in number of days that House sits, members have not been able to discuss a number of issues that have a bearing on public weal as also the issues which palpably can be termed as contentious. There is also a recent trend of curtailing the number of sittings from the original schedule of the sittings of the House as can be seen from the table-II.

<sup>2</sup> Data compiled by the Table Office, Rajya Sabha Secretariat.



Curtailement of sittings and reduction in the number of days the House sits ultimately infringes on the constitutional role of Parliament as a watch-dog and to make Government accountable to Parliament. Expressing his concern over this reduction in number of days for which the House sits, a member in Rajya Sabha has even introduced in December 2008 ‘a private member’s Bill’ emphasizing the need for increasing the number of sittings of legislative bodies by prescribing the minimum number of days of sittings for both Houses of Parliament and Assemblies in the States in a calendar year, so that issues concerning the public could be discussed. The Bill sought to amend article 85 and 174 of the Constitution to provide that each House of Parliament should sit at least for 120 days and Houses of Legislature of the States should sit at least for 60 days in a year.<sup>4</sup>

*Though not the election year but the House sat for 46 days in 2008, the lowest number of days in a year ever.*

The constitutional scheme, as it exists today, does not provide for a fix number of days of a Parliament Session. The only constitutional requirement under article 85 of the Constitution is that six months should not intervene between its last sitting in one Session and the date appointed for its first sitting in the next Session. The Session of Parliament is convened by the Government which also fixes the number of days of its sittings in a Session.

On the question of duration of sittings of the Legislative Bodies in India, the Conference of Presiding Officers in its meeting held on 10-11 October 1996, adopted a Resolution in New Delhi, which, *inter alia*, stated:<sup>5</sup>

It is also a matter of serious concern that the periodicity, as well as duration of sittings of several legislatures are grossly inadequate. There should be more frequent and longer sittings, lest the members get frustrated in that they are not able to transact business on the problems of their constituencies. In this context, legislatures should establish conventions, rules or practices of enhancing the minimum number of sittings and stipulating the minimum duration of each of the sittings, largely following the model of the Parliament.

<sup>4</sup> *The Constitution (Amendment) Bill, 2008 introduced in Rajya Sabha on 19 December 2008 by Sh. Mahendra Mohan.*

<sup>5</sup> *Proceedings of the Conference of Presiding Officers of Legislative Bodies in India, New Delhi, 10-11 October 1996.*

Again, in Shimla, the Presiding Officers of Legislative Bodies in India passed a Resolution in 1997 wherein it was stated:<sup>6</sup>

Considering that the surest way to ensure greater accountability of the Executive to the Legislature is to have meaningful scrutiny of the functioning of the Government, the State Legislative Bodies may have sittings for not less than sixty days in the case of smaller States and hundred days in the case of larger States in a year, Sessions not being a mere formality of fulfilment of obligation under article 174(1) of the Constitution.

At their Conference in Chandigarh in 2001, Presiding Officers of Legislative Bodies had unanimously adopted the Report on *Procedural Uniformity and Better Management of the Time of the House*.<sup>7</sup> This Report, *inter alia*, recommended that there should be some constitutional provisions regarding minimum number of sittings of legislatures. It should be 100 sittings for the bigger States and 60 sittings for the smaller ones.<sup>8</sup>

It may be quite relevant here to quote what the Vice-President of India and Chairman, Rajya Sabha had said in his Address before the Fourteenth All India Whips' Conference which was held in Mumbai in 2008. He said:<sup>9</sup>

The deliberative role of the Parliament must be restored by increasing the number of its sittings per annum to about 130 days. The comparative figures for the British and Canadian Parliaments are in excess of 140. The US Congress remains in Session, on an average, for over 150 days in a year.

In the Thirteenth All India Whips' Conference it was held that amendment to the Constitution be considered for providing for a minimum number of sittings of the Houses of Parliament and State Legislatures. The Fourteenth All India Whips' Conference endorsed this recommendation and reiterated it recently in their Conference at Mumbai in 2008.<sup>10</sup>

<sup>6</sup> *Proceedings of the Conference of Presiding Officers of Legislative Bodies in India, Shimla, 21, 22 and 23 October 1997.*

<sup>7</sup> *Proceedings of the Conference of Presiding Officers of Legislative Bodies in India, Chandigarh 28-29 June 2001.*

<sup>8</sup> *Report on 'Procedural Uniformity and Better Management of the Time of the House', Lok Sabha Secretariat, New Delhi, January 2001 (Adopted at Chandigarh at P.O.'s Conference in June 2001.)*

<sup>9</sup> *Address at the inauguration of the Fourteenth All India Whips' Conference, Mumbai, 4 February 2008.*

<sup>10</sup> *Report of the Fourteenth All India Whips' Conference, New Delhi, Ministry of Parliamentary Affairs, March 2008.*

It may be pertinent here to quote what the National Commission to Review the working of the Constitution which functioned under the Chairmanship of Justice M. N. Venkatachaliah, former Chief Justice of India had mentioned in their Report:<sup>11</sup>

The Parliament and the State Legislatures should assemble and transact business for not less than a minimum number of days. The Houses of State Legislatures with less than 70 members should meet for at least 50 days in a year and other Houses for at least 90 days while the minimum number of days for sittings of Rajya Sabha and Lok Sabha should be fixed at 100 and 120 days respectively.

It is, thus, for the Government not to curtail the number of days of sittings of the House and respect the wishes of the Presiding Officers and the Whips of political parties at the Centre and the States.

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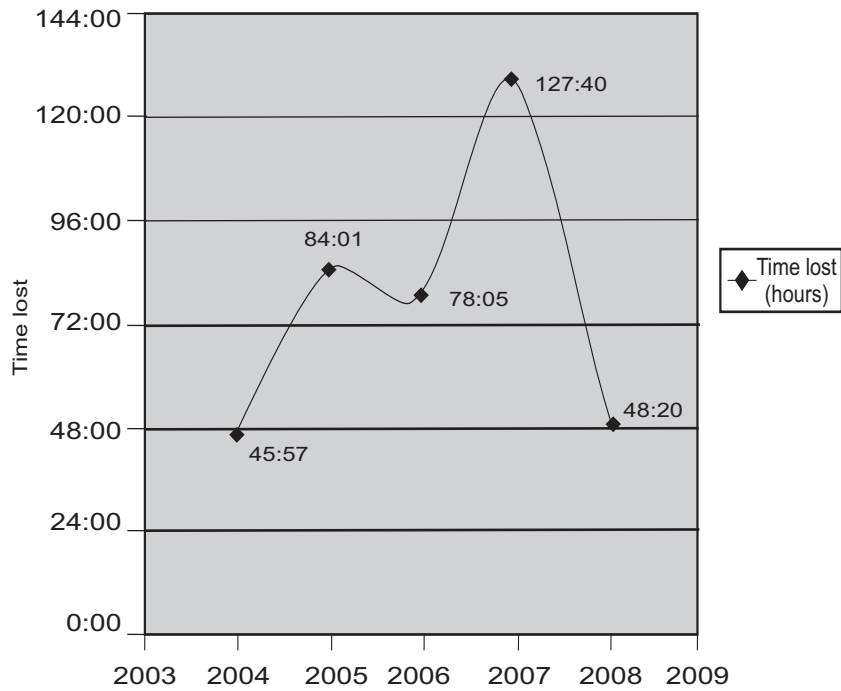
<sup>11</sup>*Report of the National Commission to Review the working of the Constitution, Volume I, Chapter 5 (Para 5.11.4).*

### Discipline and decorum

During the past few Sessions, it has been observed that instances of interruptions and disruptions leading sometimes even to adjournment of the proceedings of the House have increased. This, not only, results in the wastage of time of the House but also affects adversely the very purpose of Parliament. The chart below indicates the time lost in Rajya Sabha due to disruptions during the last five years:

*Chart II<sup>12</sup>*

*Time Lost due to disruption in Rajya Sabha*



Unfortunately, instances of disturbance and pandemonium have become a regular phenomenon in the Houses of Parliament. Often concern is expressed about the huge money which is spent on running the Houses which goes waste due to disruption of proceedings. Recent studies have shown that over

<sup>12</sup> Data compiled by Table Office, Rajya Sabha Secretariat.

400 hours of precious time of the Lok Sabha has been lost till November 2008 during the Fourteenth Lok Sabha due to interruptions and forced adjournments. The figure was 133 hours in 2007 as compared to about 75 hours in 2005 and 98 hours in 2006. During the Budget Session of 2008, as many as 28 hours were lost due to interruptions and forced adjournments. Even during the brief Session of two-days held on 21 and 22 July 2008 when the Prime Minister moved the Confidence Motion, three hours were lost due to pandemonium. With each minute of Parliament costing the public exchequer to the tune of about rupees twenty-nine thousand, such disruptions result in loss of taxpayers' money.<sup>13</sup>

With a view to curbing the growing incidence of indiscipline, Lok Sabha has incorporated a new rule in the Rules of Procedure for automatic suspension of the member of the House after the Speaker names him, for five consecutive sittings or the remainder of the Session, whichever is less, for coming into the well of the House or abusing its rules, persistently, and willfully obstructing its business by shouting slogans.<sup>14</sup> There are, however, some practical difficulties in implementing this rule. If one or two members create disorder, they can be named by the Speaker as a result they may stand automatically suspended. But if a sizable number of members willfully obstruct the proceedings of the House, abusing the rules, it becomes almost impossible to have all of them suspended. Moreover, suspending a large number of members may compromise the principle of participatory democracy. The dilemma which the Presiding Officer faces is the legitimacy of the debate when a sizable section of the House remains suspended. A Presiding Officer would, therefore, be hesitant in invoking this rule, particularly, when a large section of the House willfully obstruct the proceedings. In fact the orderly functioning of the House depends on all the three constituents, namely, the members, ministers and the Presiding Officer. As has been rightly pointed out by Shri K. R. Narayanan, the then Vice-President of India and Chairman, Rajya Sabha that 'in exceptional circumstances when the members are agitated, the Presiding Officers, Leaders of political parties and groups and whips of the political parties can also sit together to find out a solution to the problem.' Going into the genesis of the problem that beset our legislatures, Shri Narayanan while inaugurating the Conference of Presiding Officers, Leaders of Parties, Whips, Ministers of Parliamentary Affairs, Secretaries and Senior Officers of Parliament and State Legislatures in New Delhi in 1992 said:<sup>15</sup>

<sup>13</sup> *Discussion paper, Second Round Table Discussion on Strengthening Parliamentary Democracy, Lok Sabha Secretariat, New Delhi, November 2008.*

<sup>14</sup> *Rule 374 A of the Rules of Procedure and Conduct of Business in Lok Sabha.*

<sup>15</sup> *All India Conference of Presiding Officers, Leaders of Parties, Ministers of Parliamentary Affairs, Whips, Parliamentarians and Legislators on 'Discipline and Decorum in the Parliament and State Legislatures', New Delhi, 23-24 September 1992.*

In most cases, disorders in the House arise out of a sense of frustration felt by members (*sic.*) due to lack of opportunities to make his point, or clear his chest of grievances of the people that move him or out of the heat of the moment. They are perhaps easier to deal with. What is more difficult to tackle is planned parliamentary offences and deliberate disturbances for publicity or for political motives. Even more serious are disturbances caused by decisions taken by political parties to disrupt the functioning of the House to get a demand conceded by the Government or to ignite or support some political movement outside the Parliament or the Legislature.

On the occasion of the Golden Jubilee of Independence, political parties represented in Parliament expressed their concern over the breach of discipline and decorum in our Legislatures. A resolution was adopted unanimously on 1 September 1997 in the Houses of Parliament whereby the members committed themselves to maintain the inviolability of the Question Hour, to refrain from transgressing into the well of the House or from shouting, and to desist from any effort at interruptions or interference with the address of the President of the Republic.<sup>16</sup>

The problem of discipline and decorum in Legislatures has been deliberated upon at various Conferences of Presiding Officers of Legislative Bodies in India. The All India Conference of Presiding Officers, Leaders of Parties, Ministers of Parliamentary Affairs, Whips, Parliamentarians and Legislators on 'Discipline and Decorum in the Parliament and State Legislatures' held in September 1992, resolved that the political parties should evolve a code of conduct for their legislators and ensure its observance by them.<sup>17</sup> The Sixty-fourth Conference of Presiding Officers held at Chandigarh in June 2001, deliberated on the need to evolve a code of conduct for legislators and steps to contain frequent adjournment of the Legislatures on account of interruptions.<sup>18</sup> Again, an All India Conference of Presiding Officers of Legislative Bodies, Chief Ministers, Ministers of Parliamentary Affairs and Leaders & Whips of Parties, convened in November 2001 in New Delhi, also had discussed this issue.<sup>19</sup> The Presiding Officers of

<sup>16</sup> Resolution passed by the Houses of Parliament on 1 September 1997 (For text of the Resolution, see Appendix-I).

<sup>17</sup> All India Conference of Presiding Officers, Leaders of Parties, Ministers of Parliamentary Affairs, Whips, Parliamentarians and Legislators on 'Discipline and Decorum in the Parliament and State Legislatures', New Delhi, 23-24 September 1992 (For the text of the Resolution adopted at the Conference, see Appendix-II).

<sup>18</sup> Conference of Presiding Officers of Legislative Bodies in India, Chandigarh, 28-29 June 2001.

<sup>19</sup> All India Conference of Presiding Officers of Legislative Bodies, Chief Ministers, Ministers of Parliamentary Affairs and Leaders & Whips of Parties, New Delhi, 25 November 2001 (For the text of the Resolution adopted at the Conference, see Appendix-III)

Legislative Bodies in their conference held on 21-22 September 2008 in Chandigarh had in the agenda of the Conference an item *viz.*, 'Time Management in the House and Code of Conduct for Members'. The Presiding Officers were of the view that the disruption of the proceeding of the House had seriously eroded the ability of the House to articulate the genuine grievances of the people. Such disruptions and forced adjournments of the House proceedings had resulted in wastage of public money as also denial of opportunity to committed members who might like to raise issues of public importance on the floor of the House. A resolution adopted at the Conference on the theme, mentioned that the forced adjournment of the House infringes upon the rights of the members to participate in the deliberations. According to the Resolution:<sup>20</sup>

The acts of disruptions and forced adjournments of the proceedings ... amount to the negation of duties which a legislator owes to his constituents. These acts also render nugatory to the constitutional scheme of accountability of the executive towards the legislature, besides resulting in avoidable loss of the national exchequer.

Dignified behaviour of the members is a *sine qua non* for the success of parliamentary democracy. Disruption of proceedings of the House or members' coming into the well of the House, shouting slogans, interrupting other member who is speaking or showing disrespect to the Chair cause forced adjournment of the House. This naturally lowers the prestige of Parliament and undermines the faith of the people in it. It has been rightly said by the Speaker, Lok Sabha in the Valedictory Session of the Fourteenth All India Whips' Conference:<sup>21</sup>

All of us, as stakeholders in our parliamentary polity, should be greatly concerned about the falling standards of parliamentary behaviour. As we all know, scenes of unruly conduct attract adverse public comments and we cannot lose sight of the fact that the loss of people's faith can damage our democratic polity. All of us must acknowledge that disturbances and forced adjournments should never be used as tools for articulating concerns on issues, howsoever grave they be.

Some of the suggestions given by the Vice-President of India and Chairman, Rajya Sabha to deal with the situation caused due to the willful obstruction of the proceedings of the House at the Fourteenth All India Whips' Conference deserve serious consideration for implementation. According to him:<sup>22</sup>

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<sup>20</sup> *Seventy-third Conference of Presiding Officers of Legislatives Bodies in India, Chandigarh, 21-22 September 2008.*

<sup>21</sup> *Address by Hon'ble Speaker, Lok Sabha at the Valedictory Session of the Fourteenth All India Whips' Conference, Mumbai, 5 February 2008.*

<sup>22</sup> *Address by the Hon'ble Vice-President of India and Chairman, Rajya Sabha at the inauguration of the Fourteenth All India Whips' Conference, Mumbai, 4 February 2008.*

If time is lost due to disruptions it should be compensated for, the same day, by sitting beyond normal hours.

The Chair should take up with the whips, on a daily basis, incidents of violation of behavioural norms by members. The rule about naming members should be invoked whenever necessary.

The practice of resisting debate, or mention, of contentious issues should be eschewed and both Government and Opposition should specifically commit themselves to deliberate on issues for which a request is made by at least one-third or one-fourth of the members of the Legislature.

#### **Disturbance during the Question Hour**

Rule 38 of the Rules of Procedure and Conduct of Business in Rajya Sabha provides that unless the Chairman otherwise directs, the first hour of every sitting shall be available for asking and answering questions. Thus, between 11 a.m. and 12 noon there is Question Hour in Rajya Sabha. The Question Hour is important because it provides an opportunity to the House to continuously monitor the functioning of different Ministries and Departments of the Government as also ensuring the accountability of the Government towards the House. During the Question Hour, members get an opportunity to seek answers to their questions and also ask further supplementaries. The Question Hour is, thus, an important time of the House. It has been the endeavour of the Presiding Officers to ensure that Question Hour runs smoothly and a large number of supplementary questions are answered on the floor of the House. In order to see that no time is wasted during the Question Hour, the Chairman does not permit any point of order to be raised during the Question Hour. Similarly, he also sees that questions are asked directly by members without any preface or introductory remarks and short and pointed replies are given by Ministers. In this regard Chairman has issued a direction on 3 March 2008:<sup>23</sup>

... The Question Hour is meant for putting supplementaries and eliciting answers. It is incumbent on the members to put crisp supplementaries and for Hon'ble Ministers to give crisp answers. Question Hour is not meant for statement or speeches...

The General Purposes Committee (GPC) of Rajya Sabha also made a recommendation in its meeting held on 4 March 2008 that a member in whose

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<sup>23</sup> *Rajya Sabha debate, dated 3 March 2008.*



name a starred question is admitted will be allowed two supplementaries and if there is another member whose name is clubbed with the member for that question he or she will be allowed one supplementary. Thereafter, only two supplementaries will be permitted on that question.<sup>24</sup> The Leaders' meeting convened by the Chairman, Rajya Sabha on 11 March 2008 reiterated the recommendation of the GPC which was issued for the information of the Members:<sup>25</sup>

Members are requested to ask two supplementaries and Ministers are requested to give precise replies to the questions/supplementaries asked. Since question time is limited to one hour, an endeavour should be made to ensure coverage of more questions during that time.

There is no specific rule in the Rules of Procedure for the suspension of Question Hour. It has been observed that on many occasions, as soon as the Question Hour begins, members start demanding that the Question Hour be suspended to discuss a particular issue which is agitating their mind. This demand is generally supported by a notice for the suspension of Question Hour submitted under rule 267. It may be pointed out here that rule 267 is not a specific rule under which suspension of rule 38 can be demanded. It is, in fact, a general rule.<sup>26</sup> If the motion is carried the Question Hour can be suspended and if the motion is not carried, then there is no suspension of Question Hour and the House proceeds with its normal business during the Question Hour. There have been instances in the past when motions for the suspension of the Question Hour were moved in the House. But in most of the cases the Question Hour could not take place due to disruption caused by members or members shouting slogans and entering the well of the House demanding to raise a matter during the Question Hour which was agitating their mind. The chart on the next page shows the details of the sitting from 2004-2008 when the Question Hour could not take place.

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<sup>24</sup> *Rajya Sabha, Parliamentary Bulletin No.45698, dated 22 January 2009.*

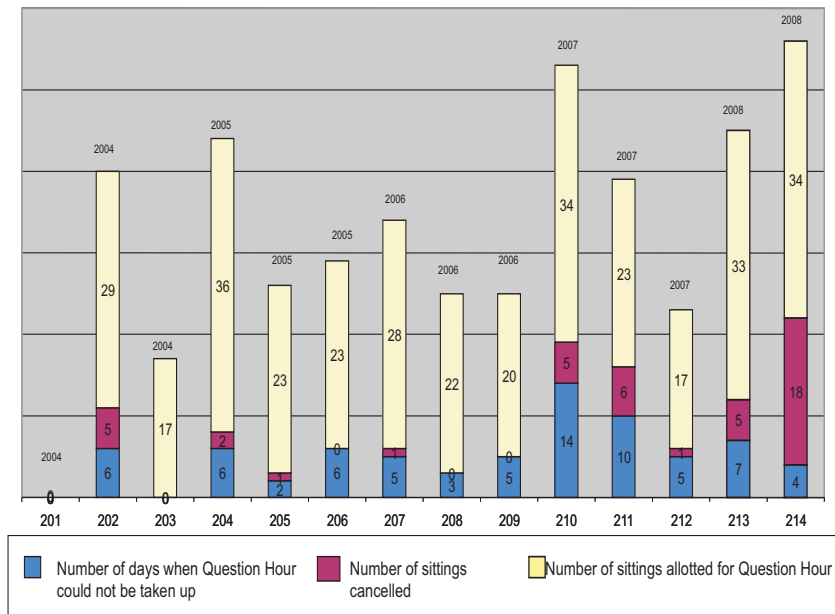
<sup>25</sup> *Ibid.*

<sup>26</sup> *Rule 267 reads: Any member, may, with the consent of the Chairman, move that any rule may be suspended in its application to a motion related to the business listed before the Council of that day and if the motion is carried, the rule in question shall be suspended for the time being:*

*Provided further that this rule shall not apply where specific provision already exists for suspension of a rule under a particular chapter of the Rules.*

**Chart III<sup>27</sup>**

*Chart Showing the details when Questions were taken up  
from 2004 to 2008  
(201st Session to 214th Session)*



It is for consideration whether the provisions of rule 267 should always be invoked when any member demands suspension of the Question Hour. In the morning meeting itself which the Chairman holds with the leaders of political parties/groups, he may impress upon the members or the representatives of the party or leaders concerned, who wish to have the Question Hour suspended, to raise the issue after the Question Hour or else they should give proper notice for moving a motion for suspension of the Question Hour under rule 267. This would perhaps reduce the possibility of disruption of proceedings during Question Hour to some extent because if the members demanding the suspension of the Question Hour are not sure of the majority support to their move, they may, then, not prefer to press for a motion for suspension of the Question Hour.

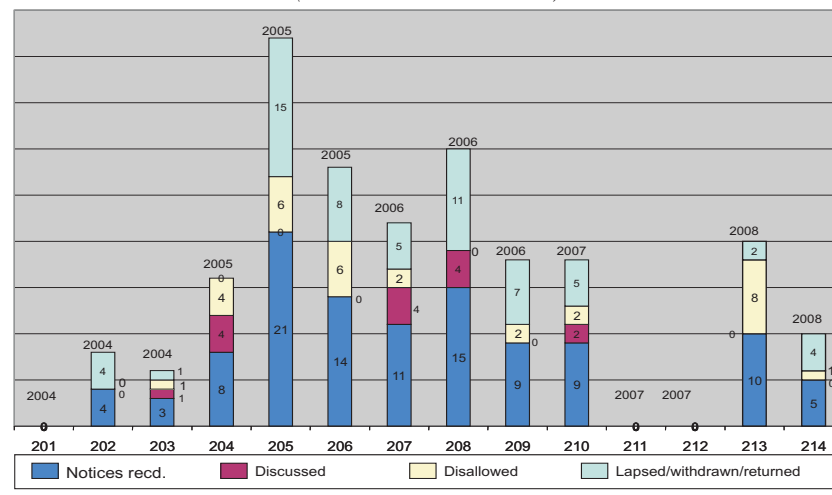
<sup>27</sup>Data compiled by the Questions Branch, Rajya Sabha Secretariat.

### Half-an-Hour Discussion — an opportunity often missed

Half-an-Hour Discussion, the provision for which is contained in rule 60 of the Rules of Procedure and Conduct of Business in Rajya Sabha, provides an opportunity to members to raise a discussion on a matter of sufficient public importance which has been the subject of a recent question in Rajya Sabha and answer to which needs elucidation on a matter of fact.<sup>28</sup>

Generally, Half-an-Hour Discussions are taken up at 5 p.m. but sometimes when the House rises earlier, a Half-an-Hour Discussion can be taken up as the last business of the day. It is an important procedural device provided in the rules which enables members to seek clarification on a question which has not been properly answered during the Question Hour. Not only the member who has given the notice for raising a Half-an-Hour discussion but other members can also seek clarification from the Minister when the Half-an-Hour Discussion is taken up. It has, however, been observed that during Question Hour members agitate about the answer to their supplementary questions not been properly given by the Minister, they, generally, do not give notices for seeking further elucidation on that point under the Half-an-Hour Discussion procedure. The Chart IV below shows the number of notices received from members for raising Half-an-Hour Discussions which were disallowed, those which were admitted, and were actually discussed.

**Chart IV<sup>29</sup>**  
*Details of Half-an-Hour discussion from 2004 to 2008*  
*(201st to 214th Session)*



<sup>28</sup> Rule 60, Rules of Procedure and Conduct of Business in Rajya Sabha.

<sup>29</sup> Data compiled by the Questions Branch, Rajya Sabha Secretariat.

From the above chart it is clear that already very few notices are received and out of the notices admitted very few reach the stage of discussion.

It is, therefore, submitted that if a member finds answer to a particular question is not given properly or adequately by the Minister, he should give notice for raising a Half-an-Hour Discussion. This will enable members to cover more questions during the Question Hour and have meaningful discussion on matters relating to questions which require further elucidation.

#### **Submissions made after the Question Hour**

The interregnum between the Question Hour and commencement of the formal business in the House, popularly called Zero Hour, is utilized by members to raise issues of urgent public importance. There is no provision in the rules for the 'matters raised with permission', as they are known in Rajya Sabha during Zero Hour. It has been observed quite often that 'matters raised with permission' encroach upon the precious legislative time and also lead to pandemonium. Several initiatives have so far been taken to regulate the raising of these matters. The guidelines have now been framed on the initiative of the Chairman, which have been unanimously agreed to in the meetings of the Chairman, with leaders of political parties and operation of reverse clock allowing a member only three minutes to speak are a few steps to regulate the proceedings during the so-called Zero Hour. Notwithstanding these facts, the Zero Hour is still a critical period in so far as smooth conduct of proceedings of the House is concerned. Sometimes, under this informal procedure, members seek to raise State subjects, *sub judice* matters, subjects which are not of national/international importance and not being urgent in nature. A perusal of the guidelines for admissibility of notices for 'matters raised with permission' *vis-a-vis* problems encountered during Zero Hour, reveal that:

- (a) Most of the members do not give synopsis of the matter to be raised justifying its urgency and importance as stipulated in the guidelines. This poses problems to the Chairman in assessing the gravity of the matter as also the nature of matter the member is desirous of raising. If the synopsis is there, the Chairman can assess the importance of subject and may, at his discretion, allow or disallow it or may allow it to be raised as a special mention under rule 180A;
- (b) Only those matters which are of urgent public importance in nature should be allowed to be raised;

- (c) It may be pertinent here to quote what the Committee of Presiding Officers on 'Regulation of Zero Hour' which was constituted by Speaker, Lok Sabha at the Sixty-sixth Conference of Presiding Officers of Legislative Bodies in India held in Mumbai had, *inter alia*, recommended. The Committee recommended in their Report that only those matters which arise during the period after the conclusion of the previous day's sittings and before the commencement of the day's sittings, be permitted to be raised;<sup>30</sup> and
- (d) Matter for which Central Government is responsible only should be allowed to be raised.

### **Special Mention**

As per Rule 180A, a member can make a Special Mention on a matter of public importance in Rajya Sabha. Members are frequently using this procedural device for raising matters of public importance after Question Hour and the laying of papers. Special Mention in Rajya Sabha is not a listed business. During the 213<sup>th</sup>, 214<sup>th</sup> and 215<sup>th</sup> Sessions of the Rajya Sabha, 128, 48 and 63 matters were either made or laid through Special Mentions respectively.

There appears to be a growing trend to allow laying of the Special Mentions instead of mentioning them by reading out the approved text. It may be mentioned that during the 215<sup>th</sup> Session, out of 63 Special Mentions 59 matters were laid, during 214<sup>th</sup> Session, out of 48 Special Mentions, 7 were allowed to be laid and during 213<sup>th</sup> Session out of 128 Special Mentions, 84 matters were laid.

Looking at the number of Special Mentions made or laid, it appears that raising a matter through Special Mention is quite popular among the members but, unfortunately, as members often complaint in the House that Ministers either take lot of time in responding to the Special Mentions made by them or they even do not bother to respond, though according to the instructions of the Ministry of Parliamentary Affairs, the reply to the Special Mention should be sent to the member concerned by the Minister within one month of making of the Special Mention. This leads to frustration among members. Ministry-wise pendency of replies to Special Mentions made by members is given in the table below:

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<sup>30</sup> Report on 'Regulation of Zero Hour', Committee of Presiding Officers on 'Regulation of Zero Hour', Lok Sabha Secretariat, New Delhi, December 2003.

**Table II<sup>31</sup>**

Ministry-wise pendency of replies to Special Mentions during the last five years

**(As on 5.2.2009)**

Sl. No.	Ministry	2004	2005	2006	2007	2008	Total
1.	Chemical & Fertilizers					2	2
2.	Civil Aviation			2	1	5	8
3.	Commerce & Industry					2	2
4.	Coal					1	1
5.	Environment & Forests				3	5	8
6.	External Affairs					1	1
7.	Finance		1		2	4	7
8.	Health & Family Welfare			1	1	6	8
9.	Home Affairs	1		5	7	17	30
10.	Human Resource Development				4	5	9
11.	Labour & Employment			3	1	1	5
12.	Law & Justice			1		2	3
13.	Personnel, Public Grievances & Pensions				1		1
14.	Petroleum and Natural Gas		1		1	2	4
15.	Planning				1		1
16.	Railways					1	1
17.	Shipping, R.T. and Highways				1	1	2
18.	Rural Development				1	3	4
19.	Social Justice & Empowerment		1		1	3	5
20.	Tribal Affairs				1	1	2
21.	Urban Development				1		1
22.	Minority Affairs					2	2
	<b>TOTAL</b>	<b>1</b>	<b>3</b>	<b>12</b>	<b>27</b>	<b>64</b>	<b>107</b>

Rules relating to Special Mention do not provide for laying of Special Mentions. The approved texts of Special Mentions are to be read out by the concerned members in the House. When a member reads out the text of his Special Mention in the House, other members present also know about the issue being raised and they may like to associate with Special Mention. Moreover, the constituents of the members or the people who are watching the proceedings of

<sup>31</sup> Compiled by the Legislative Section, Rajya Sabha Secretariat.

the House, come to know of the subject-matter when they read out the text. If the Special Mention is simply laid, the text of Special Mention gets incorporated in the proceedings but other members in the House or the people who are watching the proceedings of the House do not know about the contents of the Special Mention. Reading out the approved text of the Special Mention, as required under the rules, provides an opportunity to members to express their feelings in a structured manner within the permitted time. It is, therefore, suggested that emphasis should be placed on making of Special Mentions rather than laying the text on the Table of the House.

According to Rule 180D, unless the Chairman otherwise directs no member is allowed to make more than one Special Mention in a week and the total number of Special Mentions admitted for a day should not, ordinarily, exceed seven. However, Special Mentions are not taken up regularly. This results in accumulation of the approved texts of Special Mentions and after four or five days, when a decision is taken to allow Special Mentions on a particular day, there are already thirty to forty names in the list. This leaves the Chair with no option but to ask the members to lay their Special Mentions as allowing members to read out the text would consume a lot of time. It is, therefore, suggested that Special Mentions should be taken up on a daily basis.

#### **Calling Attention**

Calling Attention is another effective device for members to raise matters of urgent public importance. There was a practice in the seventies to take up Calling Attention almost on daily basis. After coming into existence of Special Mentions, the procedure for which later got incorporated in the Rules of Procedure, the practice of taking up Calling Attention regularly was not adhered to. Even then, a reasonable number of Calling Attentions were used to be taken up till the recent past. However, during the last six years, the number of Calling Attentions taken up in the House has gone down miserably.

*From 209<sup>th</sup> Session in 2006 till May 2009  
not a single notice of Calling Attention  
was taken up in Rajya Sabha.*

As per Rule 180, a member may with the permission of the Chairman, call the attention of a Minister to any matter of urgent public importance. It is entirely for the Chairman to admit a notice of Calling Attention. There is no requirement under the rules to consult the Leader of the House or the Government/Minister concerned in this regard as a copy of the notice is sent to the Minister concerned and to the Minister of Parliamentary Affairs. The Calling Attention may be taken up on the

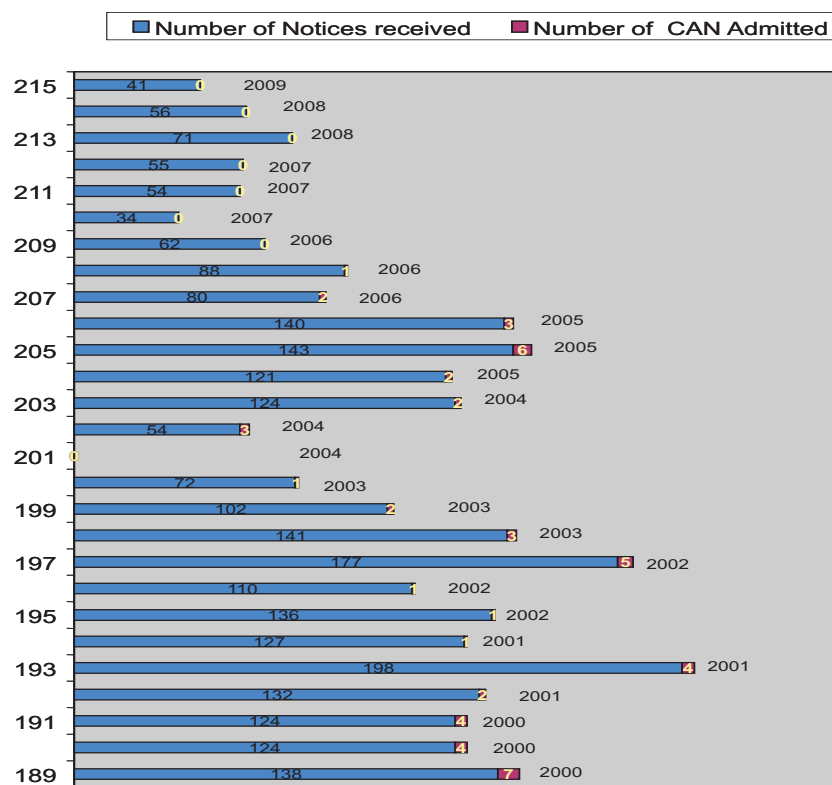
'Question Day' of the concerned Ministry in order to avoid any inconvenience to the Minister. It is further suggested that two or three Calling Attentions may be considered for admittance during a week by the Chairman. No discussion on the statement made by the Minister should be allowed. Only pointed clarifications by the members may be allowed by the Chair to be answered briefly by the Minister at the end. It is felt that if issues of urgent public importance regularly appear in the List of Business for being raised/discussed in the House, the members would concentrate more on deliberations to give vent to their feelings leading to reduction in the frequent instances of interruption/pandemonium.

The position of Calling Attention from the year 2000 onwards is given in the Chart V below.

**Chart V<sup>32</sup>**

*Notices received and admitted (Calling Attention) since 2000 onwards*

*(Calling Attention) Since 2000 onwards*



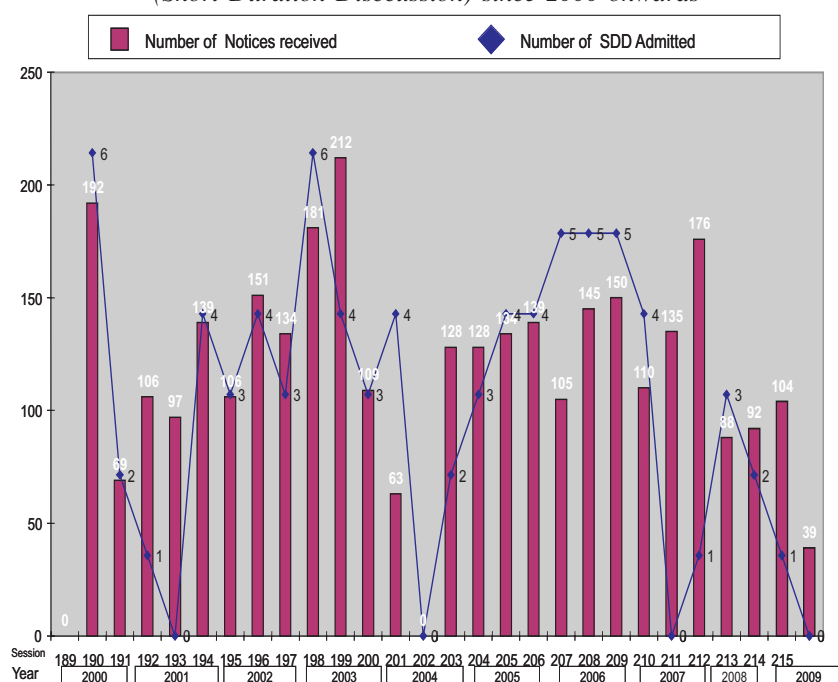
<sup>32</sup> Data compiled by the Legislative Section, Rajya Sabha Secretariat.



### Short Duration Discussion

This is another device available to members under Rule 176 of the Rules of Procedure to raise discussions on matters of urgent public importance. The position obtaining from the year 2000 onwards with regard to Short Duration Discussion is indicated in the chart below.

**Chart VI<sup>33</sup>**  
*Number of notices received and admitted  
 (Short Duration Discussion) since 2000 onwards*



The number of Short Duration Discussions, has, also gone down considerably, as can be seen from the Table above. Here again, the Chairman is empowered to decide the admissibility of notices of Short Duration Discussion. The allotment of time and date for discussion under Rule 176 is decided at the meeting of Business Advisory Committee (BAC) which enables consultation with the Government about fixing the date for taking up the discussion. In order to increase the frequency of discussions under Rule 176, it is suggested that the Chairman may, identify subjects for discussion from among the notices given by members and then in the meeting of the Business Advisory Committee itself

<sup>33</sup> Data compiled by the Legislative Section, Rajya Sabha Secretariat.

prioritise those discussions as this would enable him to evolve consensus on having a discussion in consultation with the Government whose representative is present in the meetings of the BAC.

### **Private Members' Business**

Unless Chairman otherwise directs, not less than two and a half hours of a sitting on a Friday shall be allotted for the transaction of private members' business. The Chairman may allot different Fridays for different classes of such business. Further, Chairman may, in consultation with Leader of the House, allot any day other than a Friday for the transaction of private members' business and if there is no sitting on the Friday, he may direct that two and a half hours of a sitting on any other day in the same week may be allotted for the transaction of private members' business<sup>34</sup>.

#### *a. Private Members' Resolutions:*

Generally, every Friday, two and a half hours after 2.30 p.m. are devoted to private members' business. Alternate Fridays are allotted for Bills and Resolutions. Any member may, subject to the provisions contained in the rules, move a resolution in Rajya Sabha relating to a matter of general public interest. A resolution moved by a private member is known as private member's resolution. A resolution may be in the form of a declaration of opinion by the House or in such other form as the Chairman may consider appropriate. Resolutions have been moved in the past in the form of expression of concern on the situation, urging reversal, change, review, reformulation of a policy, urging for a legislation or Constitution amendment or drawing urgent attention to a matter of public interest or making an appeal to international community on a subject and so on.<sup>35</sup> In order to regulate the time of the House when the House is transacting private members' business, the Chairman has issued directions that the maximum time-limit for the discussion on a private member's resolution shall be two hours.<sup>36</sup> Since 1952, a number of private members' resolutions have been discussed in the House and so far only 12 such resolutions have been adopted, the last being in 1995.<sup>37</sup>

Private members' resolutions provide an opportunity to the members to offer their views on issues concerning general public interest and usually the debate is held in a relaxed atmosphere. The Government often comes out with an assurance that they will look into the issues raised in the resolution.

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<sup>34</sup> Rule 24, *Rules of Procedure and Conduct of Business in Rajya Sabha*.

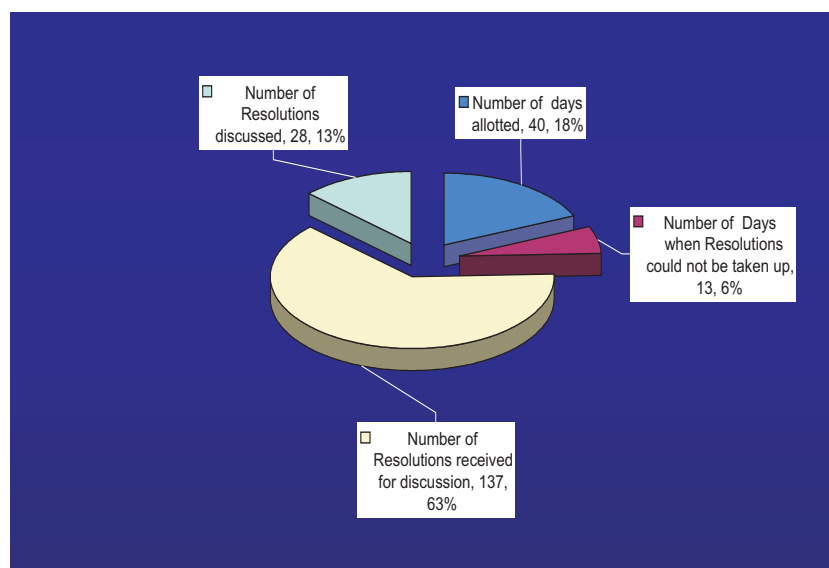
<sup>35</sup> *Rajya Sabha At Work, 2006, p.609, New Delhi, Rajya Sabha Secretariat*.

<sup>36</sup> *Rajya Sabha, Parliamentary Bulletin, Part II, dated 2 May, 1997*.

<sup>37</sup> *Rajya Sabha At Work, op. cit.*

The interesting aspect of the private members' resolutions is that the mover of the resolution has the right to reply and the resolution is put to vote for taking a decision on it. The chart below indicates that from 2003 till 2009, there were 40 days allotted for private members' resolutions, on 13 days resolutions could not be taken up because either the House could not sit due to the lack of quorum or the Government business was accorded priority over the private members' business. Out of 137 resolutions which were received for discussion from 2003 till 2009, only 28 could be discussed and in some cases the debate had remained inconclusive.

**Chart VII<sup>38</sup>**  
*Private member's resolutions (From 2003 onwards)*  
*Summary*



**b. Private Members' Bills:**

The procedure for introduction of private members' Bills provides an opportunity to private members to give their views in a structured manner on various problems that beset our society. A member is allowed to introduce three Bills during one Session and ten Bills are listed for consideration and passing on a private members' day. So far, fourteen private members' Bills have been enacted into laws. Out of the fourteen Bills, nine were introduced in Lok Sabha and five in Rajya Sabha. The private member's Bill which got into the statute book last

<sup>38</sup> Data compiled by the Legislative Section, Rajya Sabha Secretariat.

was the one which became an Act in August 1970. Thereafter, no private member's Bill has become a statute. Nowadays there are very little chances for any private member's Bill becoming an Act. However, there have been number of instances when private members' Bills have created opinion which ultimately lead the Government to bring forward Government legislation on those subjects. Private member's legislation is an important procedure for influencing the policy-makers and giving vent to the feeling of the people on a particular problem. In fact, when any private member's Bill is considered by the House, invariably, nowadays the Minister requests the member to withdraw the Bill on the ground that he appreciates the principles underlying in the Bill and the Government will certainly look into the issues which the member has sought to raise through the Bill and in many cases subsequently Government legislation is introduced which later gets enacted into a law. Though private members' legislation is an important procedural opportunity provided to the members, but even this opportunity is getting reduced over a period of time. The table below shows that many private members' days which were supposed to have been devoted to private members' Bills, the House either got adjourned due to interruptions or for other reasons. Out of a total of 46 days from 2003 till 2009, 17 private members' days were either cancelled or the House adjourned. This shows that this important procedural device which is available to members could not be fully availed of by them.

**Table III<sup>39</sup>**

*Private Members' Bills (From 2003 onwards)*

Year	Session	Number of days allotted	Number of days when the Bills could not be taken up
1	2	3	4
2003-2004	200	03	01 (on suggestion of some members and agreed to by the House postponement to next Session)
2004	201	-	-
2004	202	03	02 (House adjourned)
2004	203	02	-
2005	204	03	01 (Interruptions leading to adjournment)

<sup>39</sup>Data compiled by the Bill Office, Rajya Sabha Secretariat.

1	2	3	4
2005	205	03	-
2005	206	03	01 (Interruptions leading to adjournment)
2006	207	06	02 (House adjourned <i>sine die</i> before schedule)
2006	208	03	-
2006	209	02	-
2007	210	04	01 (House adjourned due to celebrations in memory of Heroes of the First War of Independence)
2007	211	03	01 (Obituary reference)
2007	212	02	01 (Sitting cancelled)
2008	213	04	04 (BAC's decision and the House adjourned <i>sine die</i> )
2008	214	04	03 (Interruptions leading to adjournment of the House)
2009	215	01	-
TOTAL		46	17

### Parliamentary Committees

Parliamentary Committees discharge important function of making the administration accountable to Parliament. Parliamentary Committees are often described as mini-legislatures which function in a business-like manner and the deliberations in Committees do not take place on party lines. Apart from the Standing Committees and Department-related Committees, sometimes *ad hoc* Committees are also appointed by the Chairman or by the House to discharge a particular function. In case of Bills, sometimes Joint Select Committees or Select Committees are appointed by the House on a motion to refer a Bill to a Joint Select Committee or Select Committee. This motion also prescribes the time-limit by which the Committee shall make its report to the House and where there is no time-limit given in the motion, the Committee has to present its report within three months.<sup>40</sup> In the case of Department-related Committees also when a Bill is referred by the Chairman or the Speaker to a Department-related Committee,

<sup>40</sup>Rule 90, Rules of Procedure and Conduct of Business in Rajya Sabha.

invariably he gives a time limit of three months to the Committee to make its report. Sometimes, when there is an urgency about the matter, then even less time may be given. If the Committee is not able to complete its work and give its report within three months or the time allowed by the Chairman/Speaker, then it has to seek extension of time from the Chairman or the Speaker.

There have been instances when delay is caused in laying of reports on the Table by different Committees due to delay caused by the Ministries and Departments in furnishing information to the Committee. For example, the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 was assented to by the President on 6 June 2005. On 13 April 2006, the Rajya Sabha Secretariat sought information from the Ministry of External Affairs on the status of framing rules under Section 26 (1) and (2) of the Act. Despite several reminders, the Ministry informed on 22 February 2007 that the Act came into force on 17 November 2006 and certain rules have been framed. But when the Ministry was told that the rules under Section 26 (2) (a) and (c) of the Act had not yet been framed and reminded about it, the Ministry informed that Subordinate Legislation under that Section of the Act was not warranted. Thereafter, the Secretariat sought a detailed note from the Ministry on the position taken by them. The Ministry had last been reminded on 9 May 2008 but no communication has so far been received from the Ministry.

In the case of the Micro, Small and Medium Enterprises Development Act, 2006, which, according to the Government, came into force on 18 July 2006, rules under the Act have not been framed despite several reminders sent by the Rajya Sabha Secretariat. The Ministry of Micro, Small and Medium Enterprises on being reminded several times sought extension of time, and further extension of time for framing the rules was sought. There is still no communication from the Ministry despite the expiry of the extended time for framing of the rules. The same story repeats in the case of the Energy Conservation Act, 2001 and the Railways (Amendment) Act, 2005.

All this is, despite a strong recommendation given by the Committee on Subordinate Legislation in its 57<sup>th</sup> Report. In that report the Committee has recommended:<sup>41</sup>

The Committee ... recommends that rules and regulations as specifically provided under the various Acts should invariably be made at the earliest and in no case later than the prescribed period of six months of the enactment of the law.

It may be pertinent to quote here what the Chairman of the Committee on Subordinate Legislation said in the House on 20 February 2009 while presenting the reports of the Committee about the delay that was caused in presenting one

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<sup>41</sup>57<sup>th</sup> Report of the Committee on Subordinate Legislation, New Delhi, Rajya Sabha, Paragraphs 116—193.

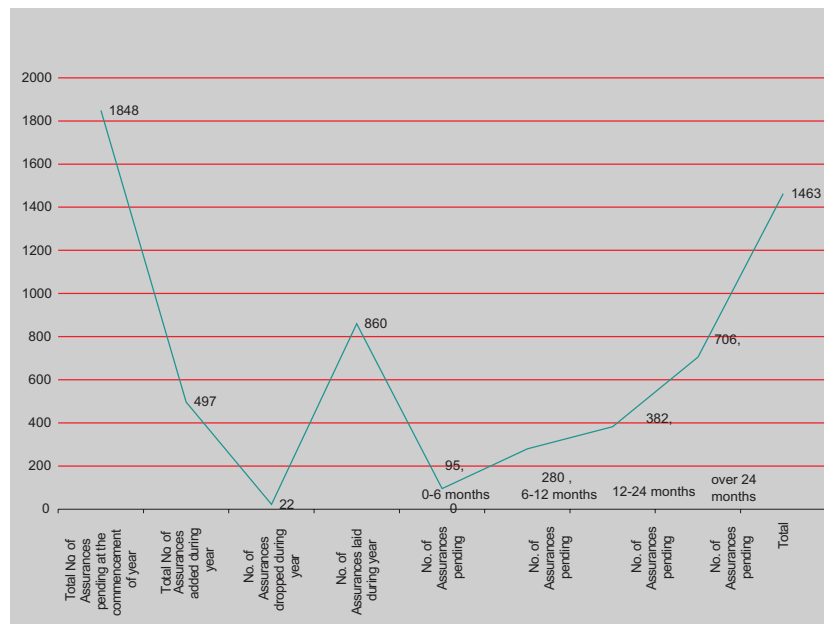
of the reports of the Committee. She said:

Sir, the first report which I have presented should have been presented in 2001. But the delay is because the Ministries do not reply in time. Sometimes, they take five years to give the reply. As we have for the Questions the time-limit, I feel, many Chairmen will agree with me that the Government should also be given some direction that they should reply in time. Some time-limit should be given. Some time-bound programme should be there. Otherwise, Sir, what happens is, I have seen that the matter becomes irrelevant and there is no point in presenting a report to the House when the matter has got no meaning at all. So, kindly send some direction to the Ministries.<sup>42</sup>

The same story gets repeated in the case of Committee on Government Assurances. The chart given below indicates the pendency of implementation of assurances which are lying for years.

**Chart VIII<sup>43</sup>**

*Assurances pending during the year 2008*



<sup>42</sup>Rajya Sabha debate dated 20 February 2009.

<sup>43</sup>Data compiled by the Committee III Section, Rajya Sabha Secretariat.

In the case of the Department-related Committees, a direction has been issued by the Chairman that the Minister concerned shall make once in six months statement in the House regarding the status of implementation of the recommendations contained in the reports of the Department-related Parliamentary Standing Committees (DRSCs) of Rajya Sabha with regard to his Ministry.<sup>44</sup> This direction of the Chairman has also not been acted upon by many Ministries.

In 2007-08, an exercise was done at the level of the Rajya Sabha Secretariat on the direction of the Chairman, Rajya Sabha about the status of making/laying of the statements by Ministers in respect of the reports of the Department-related Parliamentary Standing Committees. According to the data compiled, it was found that perhaps except the Ministry of Commerce, Ministers' statements in respect of the reports of the DRSCs, in most cases, had either been made/laid on the Table after considerable delay or not made/laid at all. On the direction of the Chairman, the matter was then taken up with the Ministry of Parliamentary Affairs.

Parliamentary Committees can become an effective instrument of ensuring accountability of the Government towards Parliament if the Ministries and the Government departments cooperate with them and supply them the information which they require. The scrutiny exercised by the Parliamentary Committees is not meant to offer only criticism of the work of the Ministries/Departments. In fact, through their recommendations, Parliamentary Committees can provide better insight to Government agencies for implementing a particular programme or policy or improving the contents of a Bill. There has to be mutual respect for each others role.

### **Legislative activity**

Legislative activity is central to the functioning of the House. Even here sometimes, the time tested procedures are sought to be bypassed. Some such cases relate to issuance of Ordinances on the eve of the Session when there is no real urgency or requesting the Chairman/Speaker not to refer a Bill to the Department-related Parliamentary Standing Committees (DRSCs), and introducing a revised Bill after withdrawing the old Bill and then requesting not to refer the Bill to the Committee, without actually reflecting in the Statement of Objects and Reasons the substantive changes made in the revised Bill, on the basis of

<sup>44</sup>Rajya Sabha, *Parliamentary Bulletin Part II*, dated 28 September 2004.



recommendations of the DRSC.

a. *Legislation through Ordinance:*

Legislation through ordinance is one of the areas which often leads to heated exchanges between the members in the Opposition and the Treasury benches. The Constitution confers upon the President the power to promulgate an Ordinance at a time when both Houses of the Parliament are not in Session and on being satisfied that circumstances exist rendering it necessary for him to take immediate action.

Members have often expressed their concern over issuance of frequent and large number of Ordinances even when there exist no urgency or exceptional circumstances. There are instances of raising strong objection by members to the issuance of Ordinances on fiscal matters or on dates too close to a Session of Parliament. Giving notices of statutory resolutions by members disapproving Ordinances under article 123 of the Constitution is one way of expressing their opposition to issuance of Ordinances by the Government. While taking part in the debates on Ordinance replacing Bills, members have often criticised the Government on the grounds that Ordinances had been issued even when there was no real urgency or the Government had resorted to this mechanism to serve its political purpose. After the introduction of the Department-related Parliamentary Standing Committee system, it has been the practice not to refer generally the Ordinance replacing Bills to these Committees because of the time constraints as an Ordinance must be replaced by a Bill within six weeks from the reassembly of Parliament, if the provision contained in the Ordinance are to be continued. Members in the Opposition often feel that by issuing Ordinance when there is no real urgency, the Government is trying to avoid a Bill being referred to the DRSC. The Government, on the other hand, has argued that it never intends to undermine the legislative competence of Parliament and issues Ordinances only when there exist circumstances necessitating immediate legislation by Ordinance. It has been observed that often such positions taken by the Opposition and the Government result in disruptions of the smooth passage of a Bill by the House.

It is, therefore, necessary for smooth conduct of legislative business in the House, that the Government exercises its power of issuing Ordinances sparingly or in case of an utmost urgency and not in a routine manner. It is also felt that Government should avoid bringing an Ordinance containing provisions of the Bill(s) pending in Parliament or pending before the Committee. Instead, priority should be to get the Bill passed expeditiously.

b. *Frequent requests for not referring Bills to Committees:*

It has been the general practice to refer a Bill to the concerned Department-

related Parliamentary Standing Committee (DRSC) for examination and report immediately after introduction in the Rajya Sabha/Lok Sabha. It is the sole prerogative of the Chairman/Speaker to refer or not to refer a particular Bill to the DRSC. Ministers-in-charge of Bills often request the Chairman not to refer Bills introduced in the Rajya Sabha/Lok Sabha for various reasons to Committees. Some of the reasons cited by the Ministers in the recent past have been as follows:

- (i) It is urgent to pass the Bill in that Session itself;
- (ii) All or some provisions of the Bill need immediate implementation;
- (iii) It is in the national interest to pass the Bill expeditiously;
- (iv) Passage of the Bill is urgent, as it meets certain international obligations; and
- (v) Some procedural matters involved in the legislation need timely clearance.

Frequent requests for not referring Bills to the Committees also leads to some discontentment among members. There have been some instances when members demanded reference of a Bill to the Committee at the stage of consideration. One of the functions of the Committee is to examine Bills referred to it and, therefore, such requests by the Minister may deprive the legislature a detailed scrutiny of the legislative proposals through its Committees. Howsoever important or urgent a Bill is, it should not be allowed to be passed by Parliament in a haste. In fact, important Bills need careful examination by the Committees. Whenever an important Bill is considered by the House without being referred to the Committee, members raise doubt about the intention of the Government leading to disruption of the proceedings. There have also been instances when Ministers-in-charge pleaded for expeditious passage of Bills but such Bills, despite urgency shown by the Ministers, could not be passed during that Session. This raises a question on the seriousness shown by the Ministers in requesting that the Bill be passed expeditiously in the same Session by emphasizing urgency, though later, when the Bill is not passed by the Houses, the urgency factor is ignored totally. Ultimately, the decision to refer a Bill or not to refer it to the Committee rests with the Chairman/Speaker. Recently, in some cases, the Chairman has emphasized on evolving a consensus on not referring a Bill to the Committee instead of being agreeing to the requests of the Ministers on his own.

c. *Withdrawing a Bill after Committee's report and introducing new Bill:*

When a Bill is referred to the DRSC, it undergoes a detailed scrutiny by the Committee and the Committee, thereafter, presents its report to the House. After the report of the Committee has been presented, it is for the Government to accept the recommendations of the Committee fully or partially or even totally ignore them. If the Government accepts the recommendations of the Committee then two courses are open to the Government. One, the Government may bring amendments to the Bill on the basis of the recommendations of the Committee and the other, the Government may withdraw the Bill and introduce a fresh Bill incorporating amendments accepted by the Government. In latter case, it becomes difficult for the members to understand which recommendations of the Committee have been accepted and which have not been accepted.

Whenever a fresh Bill is introduced by withdrawing an old Bill, it is, *inter alia*, examined in the light of the Statement of Objects and Reasons. It has often been observed that whenever Government introduces a new Bill on the ground of incorporating extensive changes made in the old Bill proposed to be withdrawn, it does not specifically mention about the clauses of the Bill which incorporate the recommendations of the Committee. Statement of Objects and Reasons though mentions about the substantive changes being incorporated in the Bill on the basis of the recommendations of the Committee, yet it is a difficult task for any member to compare the old Bill with the new one to know exactly as to which clauses of the new Bill have been drafted incorporating the recommendations of the Committee. This leads to resentment among members as they often want to know the changes made in the new Bill in accordance with the recommendations of the Committee.

A Bill which has been modified/alterd incorporating the recommendations of the Committee, it should highlight in the Statement of Objects and Reasons of such a Bill, as to which of the recommendations of the Committee have been accepted by the Government and incorporated in the revised Bill.

The Gram Nyayalayas Bill, 2008 and the Limited Liability Partnership Bill, 2008 are two recent examples where the Government withdrew the old Bills and introduced fresh Bills making substantive changes in the Bill incorporating the recommendations of the Committees to which the original Bills were referred. Since, the changes proposed by the Committees were not reflected clearly in the Statement of Objects and Reasons appended to the Bills, the Chairman while considering the request of the concerned Ministers for not referring the Bills, again to the Committee, took a view that before taking a decision not to refer the Bills, as requested by the Ministers, it should be made clear that new Bills were based on the substantive recommendations of the respective Committees. In

the absence of this, the Chairman emphasized on evolving a political consensus for not referring the Bills to the Committees.

d. *Passing of Bills in din:*

The last three Sessions of Parliament witnessed transaction of heavy legislative business. During these Sessions, some very important Bills were passed by Parliament. While on the one hand, the Government had reasons to be happy for getting passed so many Bills in such a short span, on the other hand, the Government was severely indicted by the Opposition for the avoidable haste and the manner in which the Bills were passed. On the 23 December 2008, in Lok Sabha eight Bills<sup>45</sup> were passed in just fifteen minutes. The position was no better in Rajya Sabha. On the same day, six Bills were passed in Rajya Sabha in thirteen minutes,<sup>46</sup> out of which two Bills were not allotted the time for discussion by the BAC. For the remaining four Bills, the time allotted by the BAC was six hours but virtually without discussion, in eight minutes, these Bills were passed/returned. Getting legislations passed amid noise and din has set bad precedents violating the principles of participatory democracy, which is characterized largely by discussion and debate. In fact, Legislatures go down in public estimation when such instances occur. Legislatures are expected to consider the provisions of the Bills which are

<sup>45</sup> (i) *The Post Graduate Institute of Medical Education and Research, Chandigarh (Amendment) Bill, 2008, as passed by Rajya Sabha. (2 minutes)*

(ii) *The Prevention of Corruption (Amendment) Bill, 2008. (1 minute)*

(iii) *The Constitution (Scheduled Tribes) (Union Territories) Order (Amendment) Bill, 2008, as passed by the Rajya Sabha. (2 minutes)*

(iv) *The South Asian University Bill, 2008, as passed by Rajya Sabha. (2 minutes)*

(v) *The Code of Criminal Procedure (Amendment) Bill, 2008, as passed by Rajya Sabha. (2 minutes)*

(vi) *The Collection of Statistics Bill, 2008, as passed by Rajya Sabha. (2 minutes)*

(vii) *The Agricultural and Processed Food Products Export Development Authority (Amendment) Bill, 2008. (1 minute)*

(viii) *The Compensatory Afforestation Fund Bill, 2008. (3 minutes)*

<sup>46</sup> (i) *The South Asian University Bill, 2008.*

(ii) *The Scheduled Caste and the Scheduled Tribes (Reservation in Posts and Services) Bill, 2008*

(iii) *The Constitution (Scheduled Tribes) (Union Territories Order) (Amendment) Bill, 2007.*

(iv) *The Appropriation (No.4) Bill, 2008.*

(v) *The Appropriation (Railways) No. 5 Bill, 2008.*

(vi) *The Information Technology (Amendment) Bill, 2008.*

brought before them as the motion moved by Ministers in the House is for 'consideration and passing' of the Bill. The Business Advisory Committee (BAC) which consists of leaders of political parties deliberates and allocates time for the legislative business to be transacted in the House. But at times, the recommendations of the BAC which are also announced in the House are totally overlooked and Bills are passed without properly considering them.

On a number of occasions, passing Bills in din has given rise to unruly scenes in the House. Members of the opposition raise slogans, rush to the well of the House, move towards the podium where Chairperson is sitting, sometimes cross the floor and reach the other side to register protest and even tear copies of the Bills to express their strong disapproval. The All-India Institute of Medical Sciences (Amendment) Bill, 2008 is a case in point. The Bill having been passed by Lok Sabha came up for consideration in Rajya Sabha where members demanded its reference to Parliamentary Standing Committee on Health and Family Welfare. It was also pointed out that the Government had attempted to get it passed without even being considered by the BAC and that the Members had no prior intimation of bringing it before the House as this Bill was sought to be brought before the House for consideration and passing by getting a Supplementary List of Business issued. Later, the Supreme Court had struck down the law.

It has also been experienced that whenever the Government expresses its urgency for the passage of a Bill, the procedural requirements are not strictly followed which, again, gives an occasion to members to raise their voice or shout slogans on the floor of the House. For example, when a Bill passed by Lok Sabha is to be considered by Rajya Sabha and an urgency is shown by the Government in getting it passed, in such a situation even printed copies of Bills are sometimes not made available as a result of which members do not get sufficient time to go through the Bill or give their notice of amendments. This obviously causes agitation among members and the proceedings are disrupted.

### **Conclusion**

Success of parliamentary democracy depends much on the quality of those who represent the people<sup>47</sup> in the Houses of Legislatures. It is quite understandable that members, sometimes, are eager to provide relief to their constituents for which they want to highlight their problems in the House at the first available opportunity. But by obeying rules and following the well laid out procedures, they can always do so without paralyzing the House. It is quite possible that sometimes a situation may arise where a member may find a sort of

<sup>47</sup> *Menhennet, David and Palmer, John: Parliament in Perspective - a background book, London, The Bodley Head, 1967, p.84.*

conflict existing between the local and the national interest. In order to be truly representing the people, members, however, cannot afford to keep the local interests above the national interests. Often an argument is advanced that if unrest exists in the society, it is bound to reflect in our Legislatures. Though it may be generally true but then as the former Vice-President of India and Chairman, Rajya Sabha Shri K. R. Narayanan has once said:<sup>48</sup>

It is unavoidable for the Legislatures to reflect the mood of the people, but then as elected representatives they must not only reflect the mood, but also mould it giving a lead to the thinking and activities of the people in the right direction.

When television was first introduced to provide live telecast of the Question Hour in the two Houses, it was hoped that this would lead to responsible behaviour, at least, during the Question Hour, when the House proceedings were being shown live. Later, when it was observed that incidents of disorder and disturbances even during Question Hour were not being reduced, still it was believed that public opinion might make members change their behaviour. The then Chairman, Shri K. R. Narayanan, in his inaugural Address before the delegates of the Conference of Presiding Officers, Leaders of Parties, Whips, Ministers of Parliamentary Affairs, Secretaries and Senior Officers of Parliament and State Legislatures said:<sup>49</sup>

Without advocating telecast of all the proceedings of the House, I may say that it might be good if the conduct of the members is exposed to the full view of the constituents whom they represent. I am aware that this has to be done gradually and judicially. Ultimately, only the opinion of the people can check the undesirable behaviour of the representatives.

This he said in 1992. The situation now has changed so drastically that intelligentsia and opinion-makers wish that there should be rethinking on the live telecast of parliamentary proceedings. In the Second Round Table Discussion on the theme 'Strengthening Parliamentary Democracy', which was held in November 2008 and presided over by the Speaker, Lok Sabha Shri Shyam Benegal, a nominated member of Rajya Sabha said:<sup>50</sup>

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<sup>48</sup> *Inaugural speech at the Conference of Presiding Officers, Leaders of Parties, Whips, Ministers of Parliamentary Affairs, Secretaries and Senior Officers of Parliament and State Legislatures, op.cit.*

<sup>49</sup> *Ibid.*

<sup>50</sup> *Proceedings of the Second Round Table Discussion on 'Strengthening Parliamentary Democracy', New Delhi, 1 November, 2008.*

I do believe that television coverage, in fact, is not helping Parliament to function well. I personally think a lot of the parliamentarians, political parties and so on and so forth use television coverage more for grand standing than to conduct work in the House because they are very conscious that they are standing there in the Parliament and their constituents feel happy that they are doing something. Now, I personally think maybe the television coverage should be scrapped. What can be done is that television recordings can be made which can be offered to the media as and when they require and what they want. According to me, by doing that one of the things that will happen certainly is that there will be much more media coverage of the events in the Parliament than is today. As you know, because of the television coverage, a lot of people do not believe that they need to cover that again in the media.

Another participant in that Round Table Discussion, Dr. N. Bhaskara Rao said:<sup>51</sup>

But I think, as has been suggested, we need to rethink about the telecast. I talk to many members of Parliament as well as the members of the State Assemblies who have introduced the live telecast of their deliberations. They all think in the private conversation that the live broadcast has done more harm in exposing them and that has become their pre-occupation. As has been said by Shri Shyam Benegal, I think, we need to rethink. But, at the same time, I do not think that we need to shut off the proceedings from the larger public.

A legislator has to discriminate between what is essential for the welfare of the nation and what is secondary. A member, after all, is not just an agent of his constituents. An elected member has to use his own judgement at all times as he is the elected leader of the people whom they trust. In one of his speeches to the electors of Bristol, Sir Edmund Burke made this clear when he said:<sup>52</sup>

Certainly, gentlemen, it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinion, high respect; their business, unremitting attention. It is his duty to sacrifice his repose,

~~his pleasures, his satisfactions, to theirs; above all, ever, and in all~~

<sup>51</sup> *Proceedings of the Second Round Table Discussion on 'Strengthening Parliamentary Democracy', New Delhi, 1 November, 2008.*

<sup>52</sup> *The Works of the Right Honourable Edmund Burke, Vol. I, Chapter 17, London (Speech to the Electors of Bristol), 1774.*

cases, to prefer their interest to his own. But his unbiased opinion, his mature judgement, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure; no, nor from the law and the Constitution. They are a trust from providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgement; and he betrays, instead of serving you, if he sacrifices it to your opinion.

Members of Parliament enjoy a position of respect in society. They perform functions central to the working of democratic system of governance. Party discipline of course is the reality that cannot be brushed aside and sometimes it may hamper members more than is desirable, but then members have to discharge their mandate towards the people with a high sense of duty. Members receive a real measure of public esteem for what they do, and sometimes for what it is thought they can do. This is a gratifying experience for them and a further attraction of their calling. "Parliament is by its very definition," as writes Quintin Hogg, "an instrument of discussion". He further goes on to say:<sup>53</sup>

When I was in the Army, critics sometimes said to me that they could not understand what Members of Parliament were about. "They seem to do nothing but talk," was the complaint. My reply was, "That is why they are called a Parliament." The right to talk, to reason with Government before compulsion is brought to bear, is the foundation on which the whole of Parliamentary Government is built.

The standing of Members of Parliament in society is a fair measure of their quality; the higher they stand in public estimation, the better will the public be served. Describing the purpose of Parliament Menhennet and Palmer write:<sup>54</sup>

Parliament is the agreed constitutional forum for the attempted working out, in the interest of society, of those party and other political activities which result from the right of free people to differ among themselves. It substitutes discussion for physical force, and its ultimate aim is neither anarchy nor dictatorship, but Government by reasoned and open majority decision.

The founding fathers of the Indian Constitution have crafted a magnificent document drawing upon the experience of many countries. Looking at the

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<sup>53</sup> Hogg, Quintin: *The Purpose of Parliament*, London, Blandford, n.d., p.3.

<sup>54</sup> Menhennet, David and Palmer, John. *op.cit*, p.149.



objective realities which were existing at the time of independence and thereafter, the Constituent Assembly deliberated on the provisions of the Constitution and created a Constitution which has many special and redeeming features that have stood the test of time. But it would be quite pertinent to remember the words of Dr. B. R. Ambedkar who said in the Constituent Assembly:<sup>55</sup>

...I feel, however good a Constitution may be, it is sure to turn out bad because those who are called to work it, happen to be a bad lot. However bad a Constitution may be, it may turn out to be good if those who are called to work it, happen to be a good lot. The working of a Constitution does not depend wholly upon the nature of the Constitution. The Constitution can provide only the organs of State such as the Legislature, the Executive and the Judiciary. The factors on which the working of those organs of the State depend are the people and the political parties they will set up as their instruments to carry out their wishes and their politics. Who can say how the people of India and their parties will behave? Will they uphold constitutional methods of achieving their purposes or will they prefer revolutionary methods of achieving them? If they adopt the revolutionary methods, however good the Constitution may be, it requires no prophet to say that it will fail. It is, therefore, futile to pass any judgment upon the Constitution without reference to the part which the people and their parties are likely to play.

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<sup>55</sup> *Constituent Assembly debate dated 25 November 1949.*

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## ANNEXURES

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*Annexure-I*

**Text of the Resolution adopted by Rajya Sabha on 1 September 1997 on the occasion of the Golden Jubilee of Independence**

We, the Members of Rajya Sabha meeting in a specially convened Golden Jubilee Session of both Houses of Parliament, to commemorate the completion of half a century of freedom;

Having recalled remembered with gratitude the great sacrifices made and the salutary service rendered by our freedom fighters;

Having recalled with deep satisfaction and pride the maturity of our people in vigilantly preserving democracy and safeguarding the unity of the nation and the valour of our soldiers, sailors and airmen in service to the country;

Having reflected upon the state of the nation with the Preamble to the Constitution as the guide;

Having then, specifically deliberated upon matters concerning our current political life, state of democracy in the country, our economy, infrastructure, science, technology and human development;

Do now solemnly affirm our joint and unanimous commitment to the issues hereinafter mentioned, and we also do solemnly resolve and direct that they be adopted as minimum task, constituting our “Agenda for India” on this historic occasion:

That meaningful electoral reforms be carried out so that our Parliament and other legislative bodies be balanced and effective instruments of democracy; and further that political life and processes be free of the adverse impact, on governance of undesirable extraneous factors including criminalization.

That continuous and proactive efforts be launched for ensuring greater transparency, probity and accountability in public life so that the freedom, authority and dignity of the Parliament and other legislative bodies are ensured and enhanced; that more especially, all political parties shall undertake all such steps as will attain the objective of ridding our polity of criminalization or its

influence;

That the prestige of the Parliament be preserved and enhanced, also be conscious and dignified conformity to the entire regime of Rules of Procedure and Conduct of Business of the House and Directions of the Presiding Officers relating to orderly conduct of business, more especially by—

- maintaining the inviolability of the Question Hour,
- refraining from transgressing into the official areas of the House, or from any shouting of slogans, and
- invariably desisting from any efforts at interruptions or interference with the address of the President of the Republic;

That a vigorous national campaign be launched by all political parties to combat unsustainable growth of population, recognizing that such growth lies at the root of most of our human, social and economic problems;

That education at all levels be made employment-relevant, special attention being given to quality; that achievement of the constitutional mandate of universalization of elementary education be closely monitored; and that universal primary education be achieved by A.D. 2005;

That the national economy be prudently managed, with emphasis on—

- efficient use of resources and avoidance of wastes,
- priority attention to development of infrastructure,
- generation of wealth as a sustainable means of achieving full, freely chosen and productive employment of elimination of poverty and of securing equity and social justice, and
- balanced regional development;

That continuous effort be made for achieving, in a time-bound manner, marked improvement in the quality of life of all citizens of our country with special emphasis on provision of our minimum needs—food, nutrition and health security at the household level, potable water, sanitation and shelter;

That gender justice be established in the spirit of the Declaration and Platform for Action of the UN Fourth World Conference on Women (1995) and be practised as a way of life, with particular emphasis on education of the girl child;

That constant efforts be made in terms of inculcation of values and adjustment of the life and working styles of our people to secure protection of environment

and preservation of ecology and bio-diversity;

That science and technology be primarily anchored in the creation of a scientific temper, be developed by promotion of governmental as well as non-governmental efforts and be pressed into service not merely for economic development but human development in all its dimensions.

That, finally, the essence of participatory democracy be seen in the inculcation

of our national spirit of self-reliance, in which our citizens are equal partners in all spheres of our national endeavour, and not simply the beneficiaries of governmental initiatives.

*Annexure-II*

**Text of the Resolution adopted by the First All India Conference of Presiding Officers, Leaders of Parties, Ministers of Parliamentary Affairs, Whips and Senior Officers of Parliament and State Legislatures held in New Delhi on 23-24 September 1992**

**RESOLUTION**

The Presiding Officers, Leaders of Parties, Ministers of Parliamentary Affairs and Party Whips in Parliament and State Legislatures and Senior Parliamentarians and Legislators, having met in a Conference in New Delhi on 23 and 24 September 1992, and deliberated on the need for a more meaningful, effective and orderly functioning of the Houses of Parliament and State Legislatures:

- (1) *Feel* greatly satisfied that the Parliamentary System has taken firm roots in the country notwithstanding the challenges from within and outside;
- (2) *Compliment* the People of India for their continued faith in the principles and ideals of democracy and reaffirmation of their allegiance to the Parliament and Parliamentary Institutions;
- (3) *Reiterate* their responsibilities and duties to protect and preserve that hard-won freedom, strengthen the unity of the people, defend the integrity of the country and achieve for the people a life of peace, prosperity and happiness;
- (4) *Agree* unanimously that with a view to preserving democratic and secular fabric and strengthening the Parliamentary Institutions, it is necessary that—
  - (i) At the time of Address by the President to the Members of both Houses of Parliament and at the time of Address by the Governor to the Houses of Legislatures, decorum and dignity of the occasion be maintained fully and due respect be shown to the President



and the Governor;

- (ii) The Question time should be utilized fully and effectively and a well-established device to ensure accountability of the Administration and that the demand for the suspension of the Question Hour should not be made and acceded to except with the consensus in the House to discuss a matter of very urgent nature and exceptional importance;
  - (iii) The Legislatures should hold sufficient number of sittings in a year with a view to affording adequate opportunities to the Legislators to deliberate;
  - (iv) Members should scrupulously observe the Rules of Procedure in order to maintain order and decorum in the House; and
  - (v) The Committee System be strengthened in the Parliament and State Legislatures in order to enable in-depth study and closer scrutiny as well as to ensure accountability of the Executive to the Legislature.
- (5) **Suggest** that the political parties evolve a code of conduct for their Legislators and ensure its observance by them; and

- (6) *Urge* that the political parties, Governments at the Centre and in the States, the Press and other concerned should help create a climate conducive to the healthy growth of Parliamentary System in the country.

*Annexure-III*

**Text of the Resolution adopted at the All India Conference of Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders and Whips of Parties on 'Discipline and Decorum in Parliament and Legislatures of States and Union Territories' held at New Delhi on Sunday, 25 November 2001**

The Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders of Parties, Whips and other distinguished Members of Parliament and Legislatures of States and Union Territories;

*Having* met in a Conference at New Delhi on 25 November 2001 to deliberate on the need for 'Discipline and Decorum in Parliament and Legislatures of States and Union Territories';

*Taking serious note of* the growing tendency to disturb and stall the proceedings of Parliament and State Legislatures and incidents of disorderly conduct by members inside the House which, besides eroding the credibility of these representative institutions, also lead to public disillusionment with the very system of parliamentary democracy;

*Taking note of* the steps taken in this direction at the All India Conference of Presiding Officers and others on 'Discipline and Decorum in Parliament and State Legislatures', held at New Delhi on 23 and 24 September 1992, which considered the matter in great deal;

*Also taking note of* the unanimous Resolution adopted by the two Houses of Parliament at their commemorative Session to mark the Golden Jubilee of India's Independence on 1 September 1997, whereby the members committed themselves to maintain the inviolability of the Question Hour, to refrain from transgressing into the well of the House or from shouting slogans, and to desist from any effort of interruptions or interference with the Address of the President of the Republic;

**Commending** the endeavours of the Ethics Committees of Rajya Sabha, Lok Sabha and Andhra Pradesh and Orissa Legislative Assemblies to evolve a Code of Conduct and ethical norms for their members inside and outside the House;

**Appreciating** the efforts made by the Presiding Officers at their Sixty-fourth Conference held in June 2001 at Chandigarh on the initiative of Speaker, Lok Sabha to find ways and means for curbing the incidents of disorderly conduct in Parliament and Legislatures of States/Union Territories, and the ongoing endeavours by Lok Sabha for making provisions in the Rules of Procedure for automatic suspension of members of the House for a specified period for their acts of transgression into the well of the House and creating disorder there; and

**Being concerned** that all these concerted efforts have proved to be inadequate in curbing this increasingly disturbing trend;

**Hold** that acts of improper conduct in the House such as shouting of slogans, showing of placards, tearing and throwing of papers, showing of indecent postures, making of improper gestures, rushing to the well of the House, holding demonstrations, sitting on *dharna*, disturbing the proceedings and not allowing other members to speak, not heeding to the direction of the Chair to maintain order, questioning the rulings of the Presiding Officers etc., affect adversely the proper functioning of the Parliament and the Legislatures;

**Urge** the legislators to realise that they belong to the supreme representative institutions of our democratic polity, that their conduct, both inside and outside the House, has a direct bearing on its success and that being the custodians of the interests of the entire nation, their conduct should not only be exemplary but also conform to the highest democratic traditions and expectations of the people;

**Call upon** the leaders of political and legislature parties to come forward and play a proactive role in maintaining decorum in Legislatures by restraining their members from indulging in disorderly conduct inside the House and to impress upon them the need for faithful adherence to the norms of discipline, decorum and decent behaviour in the House;

**Emphasize** that the time has come to seriously introspect and analyse the root causes of this malady and take effective measures to stamp it out from our body politic;

**Are of the view** that some of the major contributory factors behind this trend of disorderly conduct by members in Legislatures are:

- (i) non-availability of adequate time and consequent frustration of members

over perceived inadequacy of opportunities to raise matters pertaining to their grievances on the floor of the House,

- (ii) misgivings created at times by seemingly unresponsive attitude adopted by Government and retaliatory posture by treasury benches,
- (iii) disinclination, at times, on the part of the leadership of legislature parties to adhere to parliamentary norms and to discipline their members,
- (iv) absence of prompt and proper action against erring members under the Rules of Procedure, and
- (v) lack of sufficient training and orientation, especially of new members, in parliamentary procedure and etiquette;

*Aware that—*

- (i) the Presiding Officers of Legislative Bodies in India, at their Conference held at Shimla in October 1997 and the Committee of Presiding Officers of Legislative Bodies, in their Report on 'Procedural Uniformity and Better Management of the Time of the House', adopted at the Presiding Officers' Conference held at Chandigarh in June 2001, had recommended that there should be constitutional provisions to ensure a minimum of 100 sittings of bigger State Legislatures having at least 100 members and 60 sittings for smaller State Legislatures having less than 100 members,
- (ii) the Committee of Privileges (Eleventh Lok Sabha), in their Report on 'Ethics, Standards in Public Life, Privileges, Facilities to Members and Other Related Matters' had recommended that 'immediate corrective measures' and 'comprehensive electoral reforms' are required to check the 'criminalisation of politics which was eating into the very vitals of our democratic system',
- (iii) the Committee on Ethics, Rajya Sabha, in their First Report, presented on 8 December 1998 had recommended that the political parties should 'devise self-controlling norms which should regulate the conduct of their members' and that 'the parameter for the selection of candidates for elections by political parties should be proven standards in public life',
- (iv) the Committee of Presiding Officers on 'Procedural Uniformity and Better Management of the Time of the House' had recommended that Departmentally Related Standing Committees and Ethics Committee should be constituted in all the Legislatures,

- (v) the Committee on Ethics, Rajya Sabha in their Second Report presented on 13 December 1999 had recommended that—
  - (a) a Register of Members' Interests be maintained under the authority of the Committee on Ethics or of the House,
  - (b) every member may be required to furnish information annually relating to any pecuniary interest or other material benefits which he receives, and
  - (c) every member may be required to notify changes if any, in the information so furnished by him within ninety days of such changes occurring,
- (vi) the Committee on Ethics, Lok Sabha in their First Report on "Ethics Related Matters" laid on the Table of the House on 22 November 2001 recommended that—
  - (a) it may be made mandatory for each member of Lok Sabha to disclose his/her income, assets and liabilities. For this purpose members may be required to file a financial disclosure statement immediately after their election to Lok Sabha,
  - (b) members may file revised forms whenever any change occurs and also at the end of the tenure of Lok Sabha, and
  - (c) a Register of Members' Interests may be maintained in the Lok Sabha Secretariat on the basis of information furnished by the members;

*Rededicate* themselves to preserving, nurturing and strengthening the parliamentary democracy which is the very essence of our polity and to make the parliamentary institutions a success; and

*Towards this end resolve that —*

- (i) the prestige of Parliament and the Legislatures of States and Union Territories be preserved and enhanced by adopting and enforcing a Code of Conduct for legislators which forms part of this Resolution as an Annexure,
- (ii) necessary changes, wherever required, be incorporated in the Rules of Procedure of all Legislatures to facilitate the implementation of the said Code of Conduct,
- (iii) all violations or breaches of the Code of Conduct be duly punished by measures like admonition, reprimand, censure or withdrawal from the House for offences of a less serious nature and by automatic

suspension from the service of the House for a specific period for grave misconduct as may be specified,

- (iv) immediate steps be taken to ensure a minimum of 110 days of sittings of Parliament and 90 and 50 days of sittings of the Legislatures for the big and small States respectively, if necessary, through appropriate Constitution amendment,
- (v) necessary changes be made in the Rules of Procedure to strengthen the Committee System in Parliament and Legislatures of States and Union Territories to provide increased participation of legislators in the parliamentary process,
- (vi) Ethics Committees be constituted by the Presiding Officers forthwith in all the Legislatures where these have not already been constituted for enforcing the Code of Conduct,
- (vii) Urgent steps be taken requiring —
  - (a) legislators to file a financial disclosure statement comprising information with regard to their income, assets and liabilities immediately after their election to respective Legislatures,
  - (b) legislators to notify changes, if any, in the information furnished by them in their financial disclosure statements within a specified period, and
  - (c) maintenance of a Register of Members' Interest by all Legislatures,
- (viii) earnest endeavours be made by all political parties to lay down parameters with emphasis on proven standards in public life, for selection of candidates for elections,
- (ix) a more responsible and effective role in maintaining decorum in the House be played by the Leader of the House, the Leader of the Opposition and leaders of political and legislature parties by ensuring disciplined behaviour on the part of the members,
- (x) a more positive and responsive attitude be adopted by the Government and Treasury Benches towards the Opposition by being more accommodative and by responding promptly to the matters raised by opposition members on the floor of the House,
- (xi) the Treasury and Opposition Benches in the House should be more tolerant, accommodative and understanding towards each other,
- (xii) Presiding Officers and leadership of political and legislature parties should ensure that the members, especially the new members, are given proper training and orientation in parliamentary procedure, discipline and decorum, by the Bureau of Parliamentary Studies and Training of Lok Sabha and those constituted in some State Legislatures or by other institutions or bodies;

*And hope that* all concerned will act in accordance with this Resolution in letter and spirit.

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**APPENDIX  
TABLES**

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**Table I<sup>1</sup>**  
*Number of sittings of Rajya Sabha*

Years	Number of sittings	Average number of days per year
1952—61	905	90.5
1962—71	985	98.5
1972—81	855	85.5
1982—91	794	79.4
1992—01	726	72.6
2002—08	479	68.4

<sup>1</sup> Data Compiled by the Table Office, Rajya Sabha Secretariat.



**Table II<sup>2</sup>**

*Statement showing scheduled and actual duration of sittings in the Sessions  
(February, 2000 to February, 2009)*

Session	Scheduled duration and number of sittings		Actual duration and number of sittings		Remarks
	Duration	Days	Duration	Days	
1	2	3	4	5	6
189th	23-2-2000 to 16-3-2000	17	17-4-2000 to 16-3-2000	17	
	17-4-2000 to 17-5-2000	21	17-4-2000 to 17-5-2000	21	
190th	24-7-2000 to 25-8-2000	23	24-7-2000 to 25-8-2000	22	The sitting of the House scheduled for 14 August 2000 was cancelled on the recommendation of the Business Advisory Committee.
191st	20-11-2000 to 22-12-2000	25	20-11-2000 to 22-12-2000	25	
192nd	19-2-2001 to 23-3-2001	23	19-2-2001 to 23-3-2001	31	Due to continuous interruptions and on the recommendation of the Business Advisory Committee the House was adjourned <i>sine die</i> before schedule.
	16-4-2001 to 11-5-2001	18	16-4-2001 to 27-4-2001		
193rd	23-7-2001 to 31-8-2001	29	23-7-2001 to 31-8-2001	29	
194th	19-11-2001 to 21-12-2001	23	19-11-2001 to 19-12-2001	21	Due to terrorist attack on the Parliament House and for security reasons, the House was adjourned <i>sine die</i> before schedule.

195th	25-2-2002 to 22-3-2002 15-4-2002 to 17-5-2002	18 23	25-2-2002 to 22-3-2002 15-4-2002 to 17-5-2002	16 22	On the recommendation of the Business Advisory Committee the sittings fixed for 5 and 6 March 2002 and 26 April 2002 were cancelled.
196th	15-7-2002 to 14-8-2002	23	15-7-2002 to 12-8-2002	21	Due to continuous interruptions over the issue of irregularities in allotment of Petrol Pumps, the house adjourned <i>sine die</i> before schedule.
197th	18-11-2002 to 20-12-2002	23	18-11-2002 to 20-12-2002	23	
198th	17-2-2003 to 31-3-2003 7-4-2003 to 9-5-2003	19 20	17-2-2003 to 31-3-2003 7-4-2003 to 9-5-2003	19 18	On the recommendation of the Business Advisory Committee the sittings fixed for 16 & 17 April 2003 was cancelled.
199th	21-7-2003 to 22-8-2003	22	21-7-2003 to 22-8-2003	21	The sitting fixed for 11 August 2003 was cancelled.
200th	2-12-2003 to 23-12-2003 30-1-2004 to 5-2-2004	16 04	2-12-2003 to 23-12-2003 30-1-2004 to 5-2-2004	16 04	
201st	4-6-2004 to 10-6-2004	05	4-6-2004 to 10-6-2004	05	
202nd	5-7-2004 to 23-7-2004 16-8-2004 to 3-9-2004	15 15	5-7-2004 to 23-7-2004 16-8-2004 to 26-8-2004	15 09	Due to continuous interruptions on certain issues regarding the Godhra incident, Vir Sawarkar,

1	2	3	4	5	6
					warrant against Sushree Uma Bharti, etc., the House adjourned <i>sine die</i> before schedule.
203rd	1-12-2004 to 23-12-2004	17	1-12-2004 to 23-12-2004	17	
204th	25-2-2005 to 24-3-2005 18-4-2005 to 13-5-2005	20 19	25-2-2005 to 24-3-2005 18-4-2005 to 13-5-2005	20 18	The sitting fixed for 18 April 2005 was cancelled on account of Ram Navami.
205th	25-7-2005 to 26-8-2005	23	25-7-2005 to 26-8-2005	24	The House was extended upto 30 August 2005 on the recommendation of the Business Advisory Committee in order to complete Government Legislative Business.
					The House sat on 29 & 30 August 2005. The sitting for 26 August 2005 was, however, cancelled on the recommendation of the Business Advisory Committee.
206th	23-11-2005 to 23-12-2005	23	23-11-2005 to 23-12-2005	23	
207th	16-2-2006 to 17-3-2006 3-4-2006 to 28-4-2006	21 17	16-2-2006 to 22-3-2006 10-5-2006 to 23-5-2006	25 10	The House which was scheduled to adjourn on 17 March 2006 was extended up to 22 March 2006 on the recommendation of the Business Advisory Committee. The Business Advisory Committee also

recommended that the 2nd part of the Session may commence from 10 to 23 May 2006 instead of 3 to 20 April 2006. Due to interruptions on the issues relating to the Banerjee Commission of Inquiry Report on the Godhra incidents, Government's reported move to curtail the current Session to bring an Ordinance seeking to amend the Act relating to Office of Profit, etc., the sittings of the House were re-fixed.	22
On the recommendation of the Business Advisory Committee the sittings fixed from 28 August 2006 to 30 August 2006 were cancelled. The House was adjourned <i>sine die</i> before schedule.	20
The House unanimously agreed to reschedule the 2nd part of the Session from 26 April 2007 instead of 18 April 2007 and continue up to 22 May 2007. The	18
	13

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208th	24-7-2006 to 30-8-2006	25	24-7-2006 to 25-8-2006	22
209th	22-11-2006 to 19-12-2006	20	22-11-2006 to 19-12-2006	20
210th	23-2-2007 to 21-3-2007 18-4-2007 to 22-5-2007	19 23	23-2-2007 to 21-3-2007 26-4-2007 to 17-5-2007	18 13

1	2	3	4	5	6
					House, however, adjourned <i>sine die</i> on 17 May 2007 following a proposal received from the Minister of Parliamentary Affairs and agreed to by the Hon'ble Chairman, Rajya Sabha. Due to Assembly election in the State of Uttar Pradesh, the second part of the Session was re-scheduled.
211th	10-8-2007 to 14-9-2007	23	10-8-2007 to 10-9-2007	17	Due to continuous interruptions on the Indo-US Nuclear Deal, the House adjourned <i>sine die</i> before schedule.
212th	15-11-2007 to 7-12-2007	17	15-11-2007 to 7-12-2007	17	
213th	25-2-2008 to 20-3-2008 15-4-2008 to 9-5-2008	35	25-2-2008 to 20-3-2008 15-4-2008 to 9-5-2008	30	Sitting for 7 March 2008 and 2 May 2008 were cancelled. The House adjourned <i>sine die</i> before schedule.
214th	17-10-2008 to 21-11-2008	24	17-10-2008 to 24-11-2008 10-12-2008 to 23-12-2008	16	To enable the leaders of political parties to participate in the election campaign and other election-related matters in relation to Assembly elections in five States, the House was adjourned on 24 October 2008 to meet again on 10 December 2008.
215th	12-2-2009 to 26-2-2009	10	12-2-2009 to 26-2-2009	10	

<sup>2</sup> Data compiled by the Table Office, Rajya Sabha Secretariat.

**Table III<sup>3</sup>**

*Time lost due to disruptions in Rajya Sabha*

Year	Time lost
2004	45 hrs. and 57 mts.
2005	84 hrs. and 01 mts.
2006	78 hrs. and 05 mts.
2007	127 hrs. and 40 mts.
2008	48 hrs. and 20 mts.

<sup>3</sup> Data compiled by the Table Office, Rajya Sabha Secretariat.

**Table IV<sup>4</sup>**

*Statement showing the details of sittings when Questions were taken up from  
2004 to 2008*

*(201st to 214th Session)*

Year	Session	Number of sitting allotted for Question Hour	Number of sittings cancelled	Number of days when Question Hour could not be taken up
2004	201	Nil	Nil	Nil
-do-	202	29	5	6
-do-	203	17	Nil	Nil
2005	204	36	2	2
-do-	205	23	1	2
-do-	206	23	Nil	6
2006	207	28	1	5
-do-	208	22	Nil	3
-do-	209	20	Nil	5
2007	210	34	5	14
-do-	211	23	6	10
-do-	212	17	1	5
2008	213	33	5	7
-do-	214	34	18	4

<sup>4</sup>Data compiled by the Questions Branch, Rajya Sabha Secretariat.

**Table V<sup>5</sup>**

*Statement showing the details of Half-an-Hour Discussion from  
2004 to 2008 (201st to 214th Session)*

Year	Session	Notices recd.	Discussed	Disallowed	Lapsed/withdrawn/ returned
2004	201	-	-	-	-
-do-	202	4	-	-	4
-do-	203	3	1	1	1
2005	204	8	4	4	-
-do-	205	21	-	6	15
-do-	206	14	-	6	8
2006	207	11	4	2	5
-do-	208	15	4	-	11
-do-	209	9	-	2	7
2007	210	9	2	2	5
-do-	211	-	-	-	-
-do-	212	-	-	-	-
2008	213	10	-	8	2
-do-	214	5	-	1	4

<sup>5</sup>Data compiled by the Questions Branch, Rajya Sabha Secretariat.



**Table VI<sup>6</sup>**  
*Ministry-wise pendency of replies to Special Mentions during  
the last five years*

(As on 5.2.2009)

Sl. No.	Ministry	2004	2005	2006	2007	2008	Total
1.	Chemical & Fertilizers					2	2
2.	Civil Aviation			2	1	5	8
3.	Commerce & Industry					2	2
4.	Coal					1	1
5.	Environment & Forest				3	5	8
6.	External Affairs					1	1
7.	Finance		1		2	4	7
8.	Health & Family Welfare			1	1	6	8
9.	Home Affairs	1		5	7	17	30
10.	Human Resource Development				4	5	9
11.	Labour & Employment			3	1	1	5
12.	Law and Justice			1		2	3
13.	Personnel, Public Grievances & Pensions				1		1
14.	Petroleum and Natural Gas		1		1	2	4
15.	Planning				1		1
16.	Railways					1	1
17.	Shipping, R.T. and Highways				1	1	2
18.	Rural Development				1	3	4
19.	Social Justice & Empowerment		1		1	3	5
20.	Tribal Affairs				1	1	2
21.	Urban Development				1		1
22.	Minority Affairs					2	2
TOTAL:		1	3	12	27	64	107

<sup>6</sup>Data compiled by the Legislative Section, Rajya Sabha Secretariat.

**Table VII<sup>7</sup>**  
*Statement showing number of Notices received and admitted  
 (Calling Attention)  
 Since 2000 onwards*

Year	Session	Number of Notices received	Number of CAN Admitted
2000	189	138	07
2000	190	124	04
2000	191	124	04
2001	192	132	02
2001	193	198	04
2001	194	127	01
2002	195	136	01
2002	196	110	01
2002	197	177	05
2003	198	141	03
2003	199	102	02
2003	200	72	01
2004	201	Nil	Nil
2004	202	54	03
2004	203	124	03
2005	204	121	02
2005	205	143	06
2005	206	140	03
2006	207	80	02
2006	208	88	01
2006	209	62	Nil
2007	210	34	Nil
2007	211	54	Nil
2007	212	55	Nil
2008	213	71	Nil
2008	214	56	Nil
2009	215	41	Nil

<sup>7</sup>Data Compiled by the Legislative Section, Rajya Sabha Secretariat.

**Table VIII<sup>8</sup>**  
*Statement showing numbers of notices received and admitted  
 (Short Duration Discussion)  
 Since 2000 onwards*

Year	Session	Number of Notices Received	Number of SDD Admitted
2000	189	192	06
2000	190	69	02
2000	191	106	01
2001	192	97	Nil
2001	193	139	04
2001	194	106	03
2002	195	151	04
2002	196	134	03
2002	197	181	06
2003	198	212	04
2003	199	109	03
2003	200	63	04
2004	201	Nil	Nil
2004	202	128	02
2004	203	128	03
2005	204	134	04
2005	205	139	04
2005	206	105	05
2006	207	145	05
2006	208	150	05
2006	209	110	04
2007	210	135	Nil
2007	211	176	01
2007	212	88	03
2008	213	92	02
2008	214	104	01
2009	215	39	Nil

<sup>8</sup>Data compiled by the Legislative Section, Rajya Sabha Secretariat.

**Table IX<sup>9</sup>**  
*Private Members' Resolutions (From 2003 onwards)*

Year	Session	Number of days allotted	Number of Days when Resolution could not be taken up	Number of Resolutions received for discussion	Number of Resolutions discussed
1	2	3	4	5	6
2003	198	03	-	08	02
2003	199	02	-	09	02
2003	200	02	01 (House Adjourned)	06	01
2004	202	03	01 (House Adjourned)	07	01 (Partially discussed)
2004	203	01	-	03	02 (01 Inconclusively)
2005	204	04	-	17	05
2005	205	02	-	09	01
2005	206	02	01 (House Adjourned)	08	01
2006	207	03	-	08	03
2006	208	02	01 (House Adjourned)	10	01
2006	209	02	01 (Demise of a sitting Member)	10	01

<sup>9</sup>Data compiled by the Legislative Section, Rajya Sabha Secretariat.

1	2	3	4	5	6
2007	210	03	02 (House Adjourned)	12	02 (01 Inconclusively)
2007	211	02	02 (House Adjourned)	-	-
2007	212	02	01 (House Adjourned)	10	01 (Inconclusively)
2008	213	03	01 (BAC's decision)	13	03 (01 Inconclusively)
2008	214	03	01 BAC's decision)	05	01 (Inconclusively)
2009	215	01	01 (BAC's decision)	03	-
TOTAL :		40	13	137	28

**Table X<sup>10</sup>***Private Members' Bills (From 2003 onwards)*

Year	Session	Number of days allotted	Number of days when the Bills could not be taken up
2003-2004	200	03	01 (on suggestion of some members and agreed to by the House postponement to next Session)
2004	201	-	-
2004	202	03	02 (House adjourned)
2004	203	02	-
2005	204	03	01 (Interruptions leading to adjournment)
2005	205	03	-
2005	206	03	01 (Interruptions leading to adjournment)
2006	207	06	02 (House adjourned <i>sine die</i> before schedule)
2006	208	03	-
2006	209	02	-
2007	210	04	01 (House adjourned due to celebrations in memory of Heroes of the First War of Independence)
2007	211	03	01 (Obituary reference)
2007	212	02	01 (Sitting cancelled)
2008	213	04	04 (BAC's decision and the House adjourned <i>sine die</i> )
2008	214	04	03 (Interruptions leading to adjournment of the House)
2009	215	01	-
TOTAL		46	17

<sup>10</sup>Data Compiled by the Bill Office, Rajya Sabha Secretariat.

*Table XI<sup>11</sup>*

*Statement on Assurances pending during the year 2008*

Total No. of Assurances pending at the commencement of year	Total No. of Assurances added during year	No. of Assurances dropped during year	No. of Assurances laid during year	No. of Assurances Pending				Total
				0-6 Months	6-12 months	12-24 months	Over 24 months	
1848	497	22	860	95	280	382	708	1463

<sup>11</sup>Data compiled by the Committee III Section, Rajya Sabha Secretariat.