



SESSIONS OF PARLIAMENT

- A session is the period of time between the meeting of a Parliament & its prorogation.
- The period between the prorogation of Parliament & its reassembly in a new session is termed as a 'recess'
- The period between the pause of meetings in either House & the resumption of its sitting is generally called 'adjournment'.
- The fixation of dates of summoning & prorogation of the two Houses of Parliament is one of the functions assigned to the Ministry of Parliamentary Affairs.
- Adjournment sine die means termination of the sitting of the House without specifying or fixing any definite date for its next sitting.
- The power to adjourn the House from time to time or sine die vests in the Presiding Officer.
- A prorogation terminates a session; an adjournment is an interruption in the course of session.
- A session is terminated only by prorogation & not by adjournment.
- The period between the prorogation of the House & its reassembly in a new session is termed as "inter-session" period.
- "Prorogation Order" made by the President under article 85(2) of the Constitution.
- Usually prorogation follows the adjournment sine die of the House.
- The Ministry of Parliamentary Affairs places a note before the Cabinet Committee on Parliamentary Affairs for making a recommendation as to the date of the commencement of a session of Parliament and its likely duration
- After obtaining the approval of the Cabinet Committee on Parliamentary Affairs to prorogue the House, the Ministry of Parliamentary Affairs conveys Government's decision to the Secretary-General.
- Summoning – president summons - gap between session shouldn't be more than 6 months – should meet at least twice a year
- 3 sessions a year – Budget ,Monsoon ,Winter
- The time-lag between the adjournment of the House sine die and its prorogation varies between 2 and 10 days.
- It is not necessary that both Houses should be prorogued simultaneously
- Adjournment does not affect the bills & other business of house while all pending notices laps on prorogation

- Article 107(3) - a Bill pending in Parliament shall not lapse by reason of the prorogation of the House.
- This saving also covers Bills pending before a Select or Joint Committee of the House.
- Notices of intention to move for leave to introduce Bills also do not lapse on prorogation & no fresh notice is necessary in the next session for that purpose except where any sanction or recommendation granted under the Constitution in respect of a Bill has ceased to be operative
- On the prorogation, all pending notices lapses except those relating to introduction of Bills, & fresh notices must be given for the next session
- This covers notices of motions, calling attention, resolutions, amendments, etc.
- Motions & resolutions which have been moved & are not disposed in the session also lapse upon prorogation & are not taken up for further discussion in the next session unless a specific motion to that effect is moved and carried or the House agrees by consensus.
- Business pending before Parliamentary Committees: According to Rules of Procedure any business pending before a committee shall not lapse by reason only of the prorogation of the House
- On prorogation of either House of Parliament, the President has the power to issue Ordinances under article 123.
- If an Ordinance is issued & notified before the order of prorogation, the Ordinance would be void.

ON DISSOLUTION OF LOK SABHA

- Under art 107(5) a Bill pending in the Lok Sabha or passed by the Lok Sabha is pending in the Rajya Sabha, lapses on the dissolution of the Lok Sabha
- Under Article 108(5), a Joint Sitting of both Houses to resolve a deadlock on a Bill may be held & a Bill passed in such a sitting, notwithstanding the fact that a dissolution of the Lok Sabha has intervened since the President has notified his intention to summon the Houses to meet in a Joint Sitting.
- Bills originating in the Rajya Sabha which are still pending in that House do not lapse on the dissolution of the Lok Sabha.
- Bills originating in the Rajya Sabha which having been passed by the House & transmitted to the Lok Sabha and pending there lapse on the dissolution of the Lok Sabha.
- Bills originating & passed in the Lok Sabha & pending in the Rajya Sabha on the date of dissolution of the Lok Sabha, lapse.

- Bills originating in the Rajya Sabha & returned to that House by the Lok Sabha with amendments & still pending there on the date of its dissolution, lapse.
- A Bill passed by the two Houses & sent to the President for assent does not lapse on the dissolution of the Lok Sabha.
- A Bill returned by the President to the Rajya Sabha for reconsideration of the Houses does not lapse if the dissolution of the Lok Sabha takes place without the Houses having reconsidered the Bill.
- On the dissolution of the Lok Sabha, a Joint Committee consisting of members of both Houses initiated by that House stands dissolved & members of the Rajya Sabha serving on such a Joint Committee also cease to be the members of the said Joint Committee along with the members of the Lok Sabha. E.g. Committee on the Welfare of Scheduled Castes & Scheduled Tribes,
- Statutory Joint Committees: Members of the Rajya Sabha elected to serve on the Committee on Official Language which consists of members of both Houses continue to remain on that Committee notwithstanding the dissolution of the Lok Sabha. Only the members of the Lok Sabha on that Committee cease to be members of the Committee on the dissolution of that House
- Its because, the Official Language Committee derives its authority from an Act of Parliament & the term of the members on that Committee is co-terminus with their term as members of the House. As opined by the Ministry of Law & Justice.
- It was a statutory Committee & the members having been elected to that Committee by the Rajya Sabha, they remain members & the Committee itself could continue to function notwithstanding the absence of the members of the Lok Sabha, consequent on its dissolution, provided the necessary quorum was present.
- Ad hoc Committees: It becomes defunct on the dissolution of Lok Sabha.
- Articles 83(2) & 85(2) of the Constitution provide for dissolution of the Lok Sabha, ahead of expiry of its tenure.
- Dissolution - automatic dissolution – president – all bills, notices ,petitions, resolutions laps – some pending bills & assurance that are to be examined by committee on govt assurance do not lapse
- QUORUM – Minimum no. of members present in house to transact any business – one tenth of total no. – 55 in LS & 25 in RS
- Language – Hindi & English- Presiding officer can permit a member to address in mother tongue – English was to be discontinued after expiration of 15 yrs of commencement of constitution but official language act 1963 allowed English to continue

- Ministers & AGI have right to speak & take part in : – proceedings of either house , joint sittings of both houses , any committee of Parliament which he is member without entitled to vote.

LAME DUCK SESSION

- Lame Duck Session – Last session of existing LS after new LS has been elected - the members who could not get re-elected to new LS are called as lame ducks.
- The term has been traced back to the British Stock Exchange in the mid-1800s, where it was used to refer to a man unable to pay his debts.
- It finds its incorporation into polity in the late 1800s through President Abraham Lincoln, who has been quoted as saying that a "senator or representative out of business is a sort of lame duck. He has to be provided for."
- It is conducted after election of new members but before they are installed
- It is a term for a person or legislature that continues to hold the office after losing an election.
- The practice of holding election in US , in November while the President continues to hold the office till January , such President is called as Lame Duck President.
- Lame duck session in USA ratified the General Agreement on Tariffs and Trade, a critical document that guides international trade.

QUESTION HOUR

- There was no Question Hour during :- the 33rd (1961), 93rd (1975), 98th (1976) & 99th (1977) sessions as these sessions were summoned for special purpose.
- Govt recently cancelled the 'question hour' due to Pandemics - Opposition accuses govt of using the pandemic as an excuse to do away with any form of accountability.
- Rajya Sabha's research wing has pulled out statistics from the last five years which reveal that nearly 60% of the time allotted for the hour has been lost due to disruptions.
- Between 2015-19, Rajya Sabha held a total of 332 sittings. Out of the 332 hours available for Question Hour (one hour per sitting), only 133 hours and 17 minutes were spent raising questions and obtaining oral replies from the concerned Ministers.
- The lowest time on Question Hour was spent in 2018 when only 22% of the allotted time was utilised for asking and answering questions.
- The best performance in the five years was in 2017 when 57.73% of the available time was used.
- The Rules of Procedure in both Houses prescribe the operational details.
- These include, inter alia, the notice period, conditions of admissibility, balloting, & a host of other procedural or regulatory prescriptions.

- Our parliamentary history records instances of answers given to questions leading to wider debates, inquiries & even administrative scandals.
- Even otherwise the information so made available adds to public information essential to informed debates on matters of interest or concern.
- Parliament has comprehensive rules for dealing with every aspect of Question Hour. The presiding officers of the two houses are the final authority with respect to the conduct of Question Hour.
- In 2014, Rajya Sabha Chairman Hamid Ansari shifted Question Hour in the House from 11am to 12 noon (earlier 12 to 1pm) The move was to prevent the disruption of Question Hour.
- According to Parliamentary rules, Questions have to be limited to 150 words. They have to be precise & not too general.
- The question should also be related to an area of responsibility of the Government of India.
- Questions should not seek information about matters that are secret or are under adjudication before courts.
- It is the presiding officers of the two Houses who finally decide whether a question raised by an MP will be admitted for answering by the govt.
- In 1952, Lok Sabha rules provided for Question Hour to be held every day.
- Rajya Sabha, had a provision for Question Hour for two days a week.
- A few months later, this was changed to four days a week.
- Then from 1964, Question Hour was taking place in Rajya Sabha on every day of the session.
- Now, Question Hour in both Houses is held on all days of the session. But there are two days when an exception is made. There is no Question Hour on the day the President addresses MPs from both Houses in the Central Hall.
- The President's speech takes place at the beginning of a new Lok Sabha & on the first day of a new Parliament year.
- Question Hour is not scheduled either on the day the Finance Minister presents the Budget.
- To streamline the answering of questions raised by MPs, the ministries are put into five groups. Each group answers questions on the day allocated to it.
- This grouping of ministries is different for the two Houses so that ministers can be present in one house to answer questions
- MPs can specify whether they want an oral or written response to their questions.
- They can put an asterisk against their question signifying that they want the minister to answer that question on the floor. These are referred to as starred questions.
- After the minister's response, the MP who asked the question and other MPs can also ask a follow-up question.
- Ministries receive the questions 15 days in advance so that they can prepare their ministers for Question Hour.
- They also have to prepare for sharp follow-up questions they can expect to be asked in the House.
- Governments officers are close at hand in a gallery so that they can pass notes or relevant documents to support the minister in answering a question.
- When MPs are trying to gather data & information about govt functioning, they prefer the responses to such queries in writing. These questions are referred to as unstarred questions.
- MPs usually ask questions to hold ministers accountable. But the rules also provide them with a mechanism for asking their colleagues a question.
- In Lok Sabha, until the late 1960s, there was no limit on the number of unstarred questions that could be asked in a day. Now, Parliament rules limit the number of starred and unstarred questions an MP can ask in a day.
- With the help of random ballot in Lok Sabha, 20 starred questions are picked for answering during Question Hour & 230 are picked for written answers.
- Last year, a record was set when on a single day, after a gap of 47 years, all 20 starred questions were answered in Lok Sabha.
- Parliamentary records show that during the Chinese aggression in 1962, the Winter Session was advanced. The sitting of the House started at 12 pm and there was no Question Hour held.
- Parliament of U.K. has a provision of Prime Minister's question during question hour – PM takes questions of MPs regularly .
- Questions may lead to appointment of commission , act or court of inquiry
- Question hour are many a time lively & quicksilver repartees between the Members asking the questions & the Ministers answering them - Coupled with flashes of wit & humour. Maintains enthusiasm among MPs
- The Govt is put on trial during the Question Hour & every Minister whose turn it is to answer Questions has to stand up & answer for the administration's acts of omission & commission.
- At the same time, through the Question Hour, the Government is able to quickly feel the pulse of the nation & adopt its policies and actions accordingly.
- It is through questions in Parliament that the Govt remains in touch with the people inasmuch as Members are enabled to ventilate grievances of the public in matters concerning the administration.
- In addition, 25 more questions can also be included in the Unstarred List relating to States under President's Rule.
- A Short Notice Question is one which relates to a matter of urgent public importance & can be asked

with a shorter notice than the period of notice prescribed for an ordinary question

- The Question to a Private Member is addressed to the Member herself/ himself and it is asked when the subject-matter of it pertains to any Bill, Resolution or any matter relating to the Business of the House for which that Member is responsible.
- The List of Starred, Unstarred, Short Notice Questions and Questions to Private Members are printed in green, white, light pink and yellow colour, respectively.
- A Member is allowed to give not more than five notices of questions, both for oral and written answers
- A Short Notice Question can be asked with a notice shorter than ten days but the Member has to state briefly the reasons for asking the question at such short notice.
- A computerized auto ballot is then held in respect of notices received in the Secretariat at the same time to determine their inter se priority.
- Separate ballots are held for Starred & Unstarred Questions.
- The next stage is to examine the notices of questions in the light of Rules of Procedure & Conduct of Business in Lok Sabha.
- If the subject matter of a question is pending for judgement before any court of law or any other tribunal or body set up under Law or is under consideration before a Parliamentary Committee, the same is not permitted to be asked.
- Questions making discourteous references to foreign countries with whom India has friendly relations are disallowed. Similarly, questions raising larger issues of policy are not allowed.
- Questions going into minor details of administration and day-to-day working of the Government/ Organisations are also not permitted.
- A Short Notice Question which is of wide public importance is first referred to the Ministry concerned.
- If the Minister accepts the short notice and the matter sought to be raised is considered urgent by the Speaker.
- The Short Notice Question is taken up after the Question Hour.
- The Member who had asked the question can ask only two supplementary questions.
- After that, the second Member whose name is clubbed on the question is allowed to ask one supplementary question.
- Thereafter, the Speaker may allow one supplementary each to Members who are able to catch the Speaker's eye
- However, the number of supplementaries permitted on a starred question depends upon the relative importance of the question

ZERO HOUR

- Dictionaries describe Zero Hour as "the hour at which a planned, especially military operation is timed to being"; "a crucial moment"
- It is , used in a special sense in the parliamentary parlance in India inasmuch as 'real action' begins in the House at that hour
- In other words it is the time which begins at 12 o'clock after Question Hour which is from 11.00 a.m. to 12.00 noon.
- Although euphemistically called Zero Hour, it may not last for an hour; it may last for some time which may be half-an-hour or more or less.
- Generally, the practice started getting a parliamentary status, "a permanent but unacknowledged feature of Indian Parliament's agenda."
- The Zero Hour proceedings started stealing the limelight in the media thereby encouraging more & more members to take resort to this quick and handy device.
- Zero Hour is an Indian parliamentary innovation since 1962 .
- The phrase does not find mention in the rules of procedure. When MPs felt the need for raising important constituency & national issues.
- Informal device available to members to raise matters without any prior notice
- Starts immediately after question hour – it is a Gap between question hour & the agenda.
- During the initial days, Parliament used to break for lunch at 1 pm. Therefore, the opportunity for MPs to raise national issues without an advance notice became available at 12 pm and could last for an hour until the House adjourned for lunch
- Its importance can be gauged from the support it receives from citizens, media, MPs & presiding officers despite not being part of the rulebook.
- During the Zero Hour, parliamentarians can raise issues of urgent public importance.
- Members usually give expression to their feelings.
- 9th LS Speaker, Rabi Ray proposed a mechanism to regulate the proceedings during the 'Zero Hour', raise matters in a more orderly manner & optimize the time of the House.
- The Zero Hour concept has gained popularity because of the freedom it gives to any member irrespective of party affiliations to ask questions and seek immediate answers.
- Over the years, Zero Hour has come to be known as an important 'device' to air grievances & reaffirm Parliament's role as a platform for debate.
- Zero Hour did not find approbation from presiding officers in view of the unexpected encroachments upon the precious time of the House, sometimes leading to acrimonious and unruly scenes and disorderly conduct on the part of some members

- Its emergence & establishment started causing grave concern amongst presiding officers in legislature in India.
- At the Presiding Officers' Conferences held in 1967 (at New Delhi), 1969 (at Goa) and 1978 (at Jaipur), zero Hour was described as "waste of public money", "mad hour", "a great beginning of evil day" and "an unwanted thing"
- With a view to preventing dislocation of the settled business before the House, the Special Mention procedure was introduced in the Rajya Sabha in the seventies.
- Its emergence & establishment started causing grave concern amongst presiding officers in legislature in India.
- At the Presiding Officers' Conferences held in 1967 (at New Delhi), 1969 (at Goa) and 1978 (at Jaipur), zero Hour was described as "waste of public money", "mad hour", "a great beginning of evil day" and "an unwanted thing"
- With a view to preventing dislocation of the settled business before the House, the Special Mention procedure was introduced in the Rajya Sabha in the seventies.
- Zero Hour submissions have taken the shape of an additional device rather than a substitute for the Special Mention procedure.
- During the eighties, the Chairman (Shri R. Venkataraman), had introduced an informal practice to have calling attention matters & Special Mentions on alternate days so as to eliminate Zero Hour.
- The Business Advisory Committee was of the views that Zero Hour submissions might be permitted only sparingly & a member should not take more than two minutes to make such a submission (1993).
- The Rules Committee opined that: (i) Zero Hour submissions may not extend beyond half-an-hour; (ii) the total number of submissions during Zero Hour may not normally exceed seven per day & in no case more than ten and a member should not take more than three minutes in making the submission; (iii) a member may make only one Special Mention or Zero Hour submission during a week; and (iv) Zero Hour submissions & Special Mentions should be completed before the House adjourns for lunch at 1.00 p.m.
- Since May 1999, permission to the members to raise matters of urgent public importance through Zero Hour Submission is very rare, because whatever is said in the Zero Hour goes almost unnoticed & there is no mechanism available to ensure Government's response to the matters raised in the Zero Hour
- Only under very exceptional circumstances or extreme urgency that the Chairman grants

permission for raising a matter of urgent public importance by way of Zero Hour Submission

- To ensure the Govt's response to the matter raised by the members, another parliamentary device (Special Mention) for raising matters of urgent public importance has been strengthened with the framing of rules
- In 1992, the Ministry of Parliamentary Affairs had decided, to make mandatory for Ministries to send replies to members on their Zero Hour submissions, as in the case of Special Mention.
- Since then the Secretariat has been forwarding relevant proceedings of the Zero Hour submissions to that Ministry on day to day basis for further action.

GOVT IS NOT BOUND TO REPLY DURING ZERO HOUR

- The Chair has ruled on many occasions that the Govt is not bound to reply during the Zero Hour.
- On 14 May 2007 after the Maternity Benefit (Amendment) Bill, 2007 was introduced by the Minister of State in the Ministry of Labour and Employment, there were some interruptions in the House – A member demanded to resolve the issue of Babli project and sought reply from the Government – The Deputy Chairman clarified that, "This is Zero Hour. The Government is not bound to reply".

RESOLUTION

- It is a self-contained independent proposal submitted for approval of House & drafted in such away as to be capable of expressing a decision of House.
- A resolution may be in the form
 - of declaration of opinion; or
 - of a recommendation; or
 - approval or disapproval by the House of an act or policy of Government; or
 - convey a message; or
 - commend, urge or request an action; or
 - call attention to a matter or situation for consideration by govt; or
 - in such other form as the Speaker may consider appropriate.
- According to Erskine May, every question when agreed to, becomes either an order or a resolution of the House
- A resolution is one of the procedural devices to raise a discussion in the House on a matter of general public interest.
- Subject to the provisions of the rules, a member or a Minister may move a resolution.
- A resolution for being admissible should satisfy the following conditions:— (i) it shall be clearly & precisely expressed; (ii) it shall raise substantially one definite issue; (iii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements; (iv) it shall not refer to the conduct or character of persons

except in their official or public capacity; and (v) it shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India. [Rule 173]

TYPES OF RESOLUTIONS

- Resolutions may be classified as:—
 - (i) Private Members' Resolutions;
 - (ii) Government Resolutions; and
 - (iii) Statutory Resolutions.

PRIVATE MEMBER RESOLUTION

- Resolutions which are moved by private members are termed as Private Members' Resolutions.
- A member who desires to move a resolution has, in the first instance only to give written intimation to that effect at least two days before the date of ballot.
- The names of members from whom such intimations are received are balloted.
- A separate ballot is held for each day allotted to Private Member Resolutions.
- Members who secure first three places in the ballot are requested to give notice of one resolution each within two days from the date of ballot
- A copy each of the admitted resolutions is forwarded to the Ministry concerned.
- The member in whose name a resolution stands in the list of business, moves the resolution and makes a speech thereon.
- After other members have spoken on the resolution & the Minister concerned has intervened, the member-in-charge of the resolution may speak again by way of reply.
- The member may either withdraw the resolution or insist that it be put to vote.
- So far, 34 private members' resolutions have been adopted in the Lok Sabha.
- After a resolution has been moved, any member may move an amendment to the resolution.
- When a resolution has been moved, no resolution or amendment raising substantially the same question shall be moved within one year from the date of moving of the earlier resolution.
- However, when a resolution has been withdrawn by the leave of the House, no resolution raising substantially the same questions shall be moved during the same session. [Rule 182]
- The time for discussion of a resolution is allotted by the Committee on Private Members, Bills and Resolutions. Usually, two hours are allotted in the first instance
- Sometimes discussion on a particular resolution continues for a longer period & as a result thereof the resolutions, which has secured first place in the subsequent ballot, is not taken up for discussion.
- A resolution, which is not taken up for discussion on a particular day, will lapse.
- A Private Member's Resolution, when adopted, is not binding. It is upto the Government to

implement the provisions contained in the resolution

GOVERNMENT RESOLUTION

- The four broad categories under which Government resolutions may be classified are:—
- (a) Resolutions approving international treaties, conventions or agreements to which the Government is a party: Such type of resolutions are occasionally tabled by Ministers seeking approval of Lok Sabha to a convention or its recommendation, or for ratification of a convention or agreement by the Government of India.
- For example : – This House approves the Convention for the Protection of Cultural Property in the event of armed conflict, as passed at the Hague, on the 14th May, 1954,
- (b) Resolutions declaring /approving certain policies of the Government:
- Example: – This House approves the National Housing Policy laid on the 9th July, 1992.”
- (c) Resolutions approving recommendations of certain Committees
- Example : – That this House approves the recommendations contained in paras 45,46, 47, 48, 49, 50, 51 and 53 of the First Report of the Railway Convention Committee (2004).
- (d) Resolutions for approval of the proposal of the Government to reject the Award given by the Board of Arbitration
- Besides the above four broad categories of Resolutions, there have also been occasions when resolutions were moved by the Government immediately after conclusion of debate under Rule 193. Example (i) "This House unanimously resolves— (1) To condemn the inhumane policy of apartheid of the racist regime of South Africa;

STATUTORY RESOLUTION

- Resolutions tabled in pursuance of a provision in the Constitution or an Act of Parliament are termed statutory resolutions.
- Notice of such resolutions may be given either by a Minister or by a private member.
- There is no particular period of notice for moving a statutory resolution unless the period itself is prescribed in the particular article of the Constitution
- Example : – “That this House approves the Proclamation issued by the President on the 4th March, 2005 under article 356 of the Constitution in relation to the State of Goa.”
- The Supreme Court found no harm in State Legislative Assemblies, such as those in Kerala & West Bengal, passing resolutions against Central laws like the controversial Citizenship Amendment Act or the controversial new farm laws.
- A Bench, said, these resolutions are merely “opinions” of the majority members of a Legislative Assembly & do not have the force of law.

- There are three types of resolutions: 1) When passed, the govt will have to implement statutorily; 2) Which can control the procedure of the House; 3) An expression of the opinion of the House. (A.V. Dicey)
- Article 123- if both Houses pass a resolution disapproving an Ordinance promulgated by the President, it shall be mandatory to cease to operate it.
- Under Article 356, the Proclamation of President's Rule issued for a State should be approved by Parliament through a resolution; otherwise it will cease to operate.
- Resolutions moved by private members are generally meant to express an opinion; even if passed it is not mandatory that the government implements it.
- Practice & Procedure of Parliament by Kaul & Shakhder states: "Resolutions may be divided into 3 categories: "Resolutions which are mere expression of opinion of the House: Since the purpose of such a resolution is merely to obtain an expression of opinion of the House, the Govt is not bound, as convention has it, to give effect to opinions expressed in these resolutions. It entirely rests on the discretion of the Govt
- Resolutions which have statutory effect: The notice of a statutory resolution is given in pursuance of a provision in the Constitution or an act of Parliament. Such a resolution, if adopted, is binding on the Government and has the force of law.
- Resolutions which the House passes in the matter of control over its own procedure: The House by such a resolution evolves sometimes its own procedure to meet a situation not specifically provided for its Rules. It has the force of law, but its validity cannot be questioned in a court of law."
- In Parliament, Ivor Jennings writes: "Private Members' Motions then are part of the technique of propaganda. They enable the opinion of the House to be taken. The 'opinion' need not be representative for the attendance may be small.
- On August 10, 1978, N.K.P. Salve moved a motion in the Rajya Sabha for the appointment of two Commissions of Inquiry to look into corruption charges against the family members of the Prime Minister and the former Home Minister.
- Under the "Commissions of Inquiry Act" a motion passed by the Lok Sabha has statutory effect, & the govt has to implement it.
- A motion passed in the Rajya Sabha was only a recommendation to be considered by the government at its discretion.

MOTIONS

- Motions & resolutions are procedural devices to raise a discussion in the House on a matter of general public interest.

- In its widest sense, the term 'motion' means any proposal submitted to the House for eliciting its decision.
- Every matter is determined in the House by means of a question put from the Chair on a motion made by a member & resolved either in the affirmative or negative.
- By a motion, the House discusses a matter, by a resolution the House declares its own opinion. Motions & resolutions can be moved by private members as well as Ministers.
- Govt motions get precedence over private members' motions, on the same subject.
- When they are moved in pursuance of a constitutional or statutory provision, they are called statutory motions or resolutions.
- The short duration discussion is a procedural device to enable members to raise discussion without a formal motion on a matter of urgent public importance.
- It is the Business Advisory Committee which selects the motion(s) for discussion in the House according to the urgency & importance of the subject & allots time for the same.
- Motion— A formal proposal made to the House by a member requesting the House to do something or express an opinion with regard to some matter
- Motions are the basis of parliamentary proceedings. A motion can be moved only with the approval of the presiding officer .
- There are certain motions which per se are not put to vote of the House.
- Rule 342 of the Rules of Procedure & Conduct of Business in Lok Sabha which governs such type of motions inter-alia provides that 'a motion that the policy or situation or statement or any other matter be taken into consideration shall not be put to the vote of the House.
- Rule 342 : – But the House shall proceed to discuss such matter immediately after the mover has concluded his speech & no further question shall be put at the conclusion of the debate at the appointed hour unless a member moves a substantive motion in substitution of the original motion in appropriate terms to be approved by the Speaker & vote of the House shall be taken on such motion'.

SUBSTANTIVE MOTIONS

- A motion is substantive if it calls for action or expresses an opinion.
- It is a self-contained independent proposal submitted for the approval of the House & drafted in such a way as to be capable of expressing a decision of the House
- e.g. all resolutions are substantive motions.
- Examples of substantive motion - Motion of thanks on the President's address, Motion for adjournment

on a matter of public importance, No confidence motion, Privilege motions, Motion for impeachment

- The conduct of persons in high authority can only be discussed on a substantive motion drawn in proper terms.
- Discussion on general public importance cannot take place except on a motion made with consent of the presiding officer
- Houses expresses its decision & opinions on various issues
- The Constitution lays down specific procedure for the impeachment of the President & for the presentation of an address to the President by each House of Parliament for the removal of a Judge of the Supreme Court or of a High Court, the Comptroller & Auditor-General of India, or the Chief Election Commissioner
- Except for the motion for election of the Deputy Chairman & the Motion of Thanks on the President's Address, no substantive motion requires to be seconded.
- Motions such as, "the policy / situation / statement / any other matter be taken into consideration" are not, substantive motions & are not generally put to the vote of the House since such motions are considered only a device to discuss a subject without asking the House to record its decision or opinion.
- When substantive motions have been moved by members in substitution of a motion under rule 342, the Speaker may, in own discretion, put them to the vote of the House in the following order:— (i) Motions expressing disapproval of the policy or action of Govt referred to in the original motion; & (ii) Motions expressing approval of the policy or action of Govt referred to in the original motion.
- Substantive motion should raise substantially one definite issue; should not contain arguments, inferences, ironical expressions, imputations, or defamatory statements
- It should not refer to the conduct or character of persons except in their public capacity
- It should be restricted to a matter of recent occurrence
- It should not raise a question of privilege
- It should not revive discussion of a matter which has been discussed in the same session
- Discussion on a motion is initiated by the mover of the motion, and later, unless he withdraws it, the House either adopts it or with such amendments as it may like to make or it may reject it altogether
- The mover of a motion frames it in a form in which he/she wishes it ultimately to be passed by the House & on which the vote of the House can conveniently be taken.
- The members who wish the motion to be passed in a different form may move amendments after the original motion has been proposed by the Speaker.

SUBSTITUTE MOTION

- Moved in substitution of an original motion which proposes alternative – supersedes the original motion
- Motions moved in substitution of the original motion for taking into consideration a policy or situation or statement or any other matter are called substitute motions.
- Such motions, though drafted in such a way as to be capable of expressing an opinion by themselves are not, substantive motions in as much as they depend upon the original motion
- After the original motion that the policy or situation, etc. be taken into consideration has been placed before the House & the mover of the motion has concluded the speech, the House proceeds to discuss the matter.
- No further question is put thereon on conclusion of the debate.
- Before the commencement of discussion, a member can move a substitute motion, the opinion of the house is made in conformation of the original motion
- The substitute motion, in the nature of an amendment to the original motion, is also placed before the House & is discussed along with the original motion.
- Amendments to substitute motions are not permissible.
- At the end of the debate, the substitute motion only is put to the vote of the House.
- The substitute motion is a form of amendment applied when the desire is to amend a motion in several different, nonconsecutive places.
- It also is used when the text to be amended is longer than a paragraph.
- The following are examples of substitute motions:
 1. Move to postpone— indefinitely or to a specific date
 2. Refer the main motion to a committee for review (generally not practiced by boards)
 3. Amend a motion
 4. Limit debate
 5. Call for the question –(means that a member feels the item has been adequately discussed and it is time for a vote)
 6. Table (means that the item will be discussed later in the same meeting)

DIFFERENCE BETWEEN RESOLUTION & MOTION

- All resolutions are substantive motions.
- However, all motions need not be of a substantive character it means, they may not require to be voted upon in the House.
- The difference between a resolution & a motion is more of a procedural nature than of content.
- Quite often both motion & resolution on the same subject are admitted with some slight change of form.

- A substitute motion is not to be moved to a substantive motion.
- As such, a substitute motion is not moved to a resolution.
- On the other hand, substitute motions can be moved to a motion which is not substantive.

SUBSIDIARY MOTION

- They depend upon or relate to other motions or follow upon some proceedings in the House.
- They by themselves have no meaning & are not capable of stating the decision of the House without reference to the original motion or proceedings of the House.
- Subsidiary motions are further divided into:— (a) Ancillary Motions; (b) Superseding Motions; and (c) Amendments.
- (a) Ancillary Motions— They are recognized by the practice of the House as the regular way of proceeding with various kinds of business.
- The examples of ancillary motions, namely:— (i) That the Bill be taken into consideration. (ii) That the Bill be passed.
- (b)Superseding Motions—They are motions which, though independent in form, are moved in the course of debate on another question and seek to supersede that question.
- In that class fall all the dilatory motions. Dilatory motions refer to the motions that seek adjournment / delay / retard of the debate on Bills, motions or resolutions etc.
- The following motions are superseding motions in relation to the motion for taking into consideration a Bill:—
- (i) That the Bill be re-committed to a Select Committee.
- (ii) That the Bill be re-committed to a Joint Committee of the Houses.
- (iii) That the Bill be re-circulated for eliciting further opinion thereon.
- (iv) That consideration of the Bill or the debate on the Bill be adjourned sine die or to some future date.
- Amendments—They are subsidiary motions which interpose a new process of question & decision between the main question & its decision.
- Amendments may be to the clause of a Bill, to a resolution or to a motion, or to an amendment to a clause of a Bill, resolution or motion.
- Motions which assist the assembly in treating or disposing of a main motion.
- They have the effect of hastening action upon, delaying action upon, or modifying the main motion.
- A subsidiary motion relates to a substantive motion – The patterns are given below:
- a) Lay on the table: Lays a pending question aside temporarily when something more urgent has

arisen. "I move that the motion be laid on the table."

- b) Previous question: Ends debate & orders an immediate vote. "I move the previous question" or "I move we vote immediately on the motion."
- c) Limit or extend debate: Modifies debate by limiting or extending the number or length of speeches. "I move that debate be limited to one speech of two minutes for each member"
- d) Postpone to a certain time: Defers consideration to a definite day, meeting, or hour, or until after some particular event. "I move that the question be postponed until the next meeting" or "I move to postpone the motion until after the address by our guest speaker."
- e) Refer to a committee: Gives a motion more detailed attention or permits it to be handled in privacy. "I move to refer the matter to the Program Committee."

CLOSURE MOTION

- In order to bring a debate to a close, a member may move "That the question be now put".
 - The acceptance of a closure motion lies within the discretion of the Speaker. Before he accepts it, he considers whether the question before the House has received adequate debate or not
 - Such a motion is generally made at the conclusion of a speech
 - The Speaker may accept it immediately or within a few minutes after a proposal to this effect is made to the House.
 - The convention is to leave to the Speaker much discretion as to the time & circumstances in which closures should with propriety be granted.
 - The discretion of the Speaker in this matter of accepting a proposal for closure or in refusing it is entirely absolute & is not open to debate.
 - No debate is allowed on a closure motion.
 - When a closure has been moved & carried, it is not considered to be in order to the moving of the closure.
 - Neither time nor motive of closure can be discussed.
 - Closure motion – moved to cut short the debate
1. Simple closure – Sufficiently discussed issues be now put to vote
 2. Closure by compartment – clauses of a bill or lengthy resolutions are grouped into parts before debate .
 3. Kangaroo closure – only important clauses are taken up for debate & vote
 4. Guillotine closure – undiscussed clauses of bill or resolution are put to vote

PRIVILEGE MOTION

- Parliamentary privileges are certain rights & immunities enjoyed by members of Parliament, individually & collectively, so that they can "effectively discharge their functions".

- The powers, privileges & immunities of either House of Parliament & of its Committees & Members have mainly been laid down in article 105 of the Constitution.
- When any of these rights & immunities are disregarded, the offence is called a breach of privilege & is punishable under law of Parliament.
- A notice is moved in the form of a motion by any member of either House against those being held guilty of breach of privilege.
- Each House also claims the right to punish as contempt actions which, while not breach of any specific privilege, are offences against its authority & dignity.
- Rule No 222 in Chapter 20 of the Lok Sabha Rule Book & correspondingly Rule 187 in Chapter 16 of the Rajya Sabha rulebook governs privilege.
- It says that a member may, with the consent of the Speaker or the Chairperson, raise a question involving a breach of privilege either of a member or of the House or of a committee thereof.
- The rules however mandate that any notice should be relating to an incident of recent occurrence and should need the intervention of the House.
- Notices have to be given before 10 am to the Speaker or the Chairperson.
- The Speaker/RS chairperson is the first level of scrutiny of a privilege motion
- It is moved by a member when he feels that a minister has committed a breach of privilege of the House or one or more of its members by withholding facts of a case or by giving wrong or distorted facts.
- Its purpose is to censure the concerned minister.
- It can be moved in Rajya Sabha as well as Lok Sabha.

CONTEMPT OF THE HOUSE

- Contempt of the House may be defined as any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officers of such House in the discharge of his or her duty, or which has a tendency, directly or indirectly, to produce such results even though there is no precedent of the offence.
- Whereas all breaches of privilege are contempts of the House, a person may be guilty of a contempt of the House even though he does not violate any of the privilege of the House.

CONSEQUENTIAL & PENAL POWERS

- These powers are: to commit persons, whether they are members or not, for breach of privilege or contempt of the House; to compel the attendance of witnesses & to send for persons, papers & records; to regulate its procedure & the conduct of its business; to prohibit the publication of its debates and proceedings and to exclude strangers.

- Punishment for “breach of privilege” or “contempt of the House”. The House has the power to determine as to what constitutes breach of privilege and contempt.
- The penal jurisdiction of the House in this regard covers its members as well as strangers & every act of violation of privileges, whether committed in the immediate presence of the House or outside of it.
- A person found guilty of breach of privilege or contempt of the House may be punished either by imprisonment, or by admonition (warning) or reprimand.
- Two other punishments may also be awarded to the members for contempt, namely, ‘suspension’ & ‘expulsion’ from the House.

CALLING ATTENTION MOTION

- A member may, with the prior permission of the Speaker, call the attention of a Minister to any matter of urgent public importance & the Minister may make a brief statement or ask for time to make a statement at a later hour or date.
- Notice of a calling attention should be given, in writing, addressed to the Secretary-General and copies thereof endorsed separately to: (i) the Speaker, & (ii) the Minister concerned
- Normally, a member should not give more than two calling attention notices for any one sitting.
- Ordinarily, only one matter is taken up on a day. In certain cases, however, the Speaker may select two such matters to be taken up at one sitting.
- If the Prime Minister is to make a statement in response to one of the two calling attention matters on a day, that matter is given inter se priority in the List of Business
- After the member has called the attention, the Minister makes a brief statement in response thereto.
- No debate is permitted on such a statement at the time it is made but member whose called for attention is permitted to ask a brief clarificatory question.
- The member who calls the attention may take not more than ten minutes & other members not more than five minutes each.
- Calling attention motion(Rule 197 in Lok Sabha & 180 in RS) – to call the attention of a minister to a matter of urgent public importance & to seek authoritative statement from him on that matter – Indian innovation – since 1954 – mentioned in the Rules of procedures.
- It gives members an opportunity to bring to the surface the inadequate action of Govt on a matter of urgent public importance. This procedural device is analogous to an adjournment motion without its censure aspect.
- The proposed matter shall be raised after the questions and the laying of papers, if any, on the Table and before any other item in the list of

business is taken up and at no other time during the sitting of the Council.

- Ordinarily, the Calling Attention is concluded before lunch-break, but there have been occasions in the past when the discussion on a Calling Attention had gone beyond lunch-break or took the whole day or even next day depending on the importance of the subject and desire of the House
- Calling attention: Members cannot make speeches, they can only seek clarifications
- Members can ask questions or clarifications but cannot read letters and papers or give information to the Minister
- One member from each party is to be called
- Every member to be replied to separately by the Minister as per convention
- Presiding Officer has to call members as per the list given by the Minister of Parliamentary Affairs
- A Minister can ask for more time to make a statement at a later hour/date
- The Government can decide as to which Ministry will deal with a calling attention
- Calling attention to come up immediately after the question hour
- Minister of State or Cabinet Ministers can reply; whole day can be allotted with the consent of the House if matter raised is very important
- If a calling attention notice or a motion for papers, etc. is disallowed, members cannot raise the question in the House but can discuss it with the Chairman in his Chamber.
- A notice for calling attention lapses, if not accepted within a week
- The Chair cannot direct a member to speak in a particular way
- Whatever the Chair does is done with the approval of the House
- The Chair does not pronounce on the constitutional validity of documents laid on the Table
- Other members not to comment on the mention being made by a member with the Chair's permission
- Statement from the Chair should be deemed to be a unanimous resolution of the House
- Supplementary questions: Supplementaries to be asked only with the permission of the Chair
- The Chairman's prerogative is not to be questioned in the House
- The Chairman has powers to order expunction even when he is not presiding over the House

ADJOURNMENT MOTION

- The adjournment motion is a form of censure of the government. It originated in the House of Commons in the United Kingdom, and started its journey in India under the rules of the pre-independent bicameral legislature established under the Government of India Act of 1919.

- The central assembly and legislative council members could move the adjournment motion in their Houses.
- Presiding officers of these Houses allowed adjournment motions because members did not have other procedural devices for raising urgent matters
- Adjournment Motion is the procedure for adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance, which can be moved with the consent of the Speaker.
- The Adjournment Motion, if admitted, leads to setting aside of the normal business of the House for discussing the matter mentioned in the motion.
- To be in order, an adjournment motion must raise a matter of sufficient public importance to warrant interruption of normal business of the House & the question of public importance is decided on merit in each individual case.
- The purpose of an Adjournment Motion is to take the Govt to task for a recent act of omission or commission having serious consequences.
- Its adoption is regarded as a sort of censure of the Government.
- To draw attention of house on to a definite matter of urgent public importance – needs support of 50 members, as it interrupts the normal conduct of the business of the house
- No less than 2:30 hrs of discussion on adjournment motion
- Matter raised should be definite, factual, urgent & of public importance, should not cover more than one matter.
- Should be restricted to matter of recent occurrence, should not raise question of privilege –should not review discussion on matter that has discussed in same session
- Should not deal with issue under adjudication of court –should not raise any question that can raised on a distinct motion
- Not more than one such motion shall be made at the same sitting
- The motion shall be restricted to a specific matter of recent occurrence — involving responsibility of the Govt of India.
- In determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Speaker.
- The motion shall not raise any question which under the Constitution or these rules can only be raised on a distinct motion by a notice given in writing to the Secretary-General.
- No motion which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry.

- The Speaker may while exercising discretion allow such matter being raised in the House.
- Where the Speaker has refused consent under rule 56 or is of opinion that the matter proposed to be discussed is not in order, the Speaker may, if thinks it necessary, read the notice of motion & state the reasons for refusing consent
- Where the Speaker is not in possession of full facts about the matter mentioned therein, the Speaker may before giving or refusing consent read the notice of the motion and hear from the Minister, or members concerned, a brief statement on facts and then give decision on the admissibility of the motion.
- If objection to leave being granted is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their places, and if not less than fifty members rise accordingly, the Speaker shall intimate that leave is granted.
- The motion 'that the House do now adjourn' shall be taken up at 16.00 hours or at an earlier hour if the Speaker, after considering the state of business in the House, so directs.
- The Speaker shall prescribe a time limit for speeches.
- Given the availability of other procedural devices in the Rule Book for MPs to raise urgent matters, Lok Sabha Speakers have been reluctant to allow adjournment motions.
- Most Lok Sabha have spent less than 3% of their time on adjournment motions.
- The only exception was the 9th Lok Sabha (1989-91, Speaker Rabi Ray) which spent almost 5% (36 hours) of its time on it. During its short-lived tenure, this Lok Sabha took up eight adjournment motions on subjects like terrorist activities in Punjab, criminalization of politics, and violence triggered by the decision to implement the Mandal Commission report.
- The Rajya Sabha Rule Book does not provide for an adjournment motion.
- Rajya Sabha MPs have used Rule 267 to suspend Question Hour to raise urgent matters.
- In 1952, this rule stated, "Any member may, with the consent of the Chairman, move that any rule may be suspended in its application to a particular motion before the Council & if the motion is carried the rule in question shall be suspended for the time being."
- But in 2000, the Rules Committee of Rajya Sabha amended this Rule. The committee observed that MPs were using Rule 267 to "seek discussion either on a matter not listed in the agenda for the particular day or on a subject that has not yet been admitted". The committee recommended an amendment to tighten Rule 267 only to allow the suspension of a Rule for a matter "related to the business listed before the Council of that day".

- It also added a proviso that if an existing procedure allowed suspending Rules (like suspension of Question Hour), an MP could not use 267. So now 267 can be used only to suspend a Rule, only to take up matters that are already on the list of business.

NO CONFIDENCE MOTION

- A government can function only when it has majority support in the Lok Sabha. The party can remain in power when it shows its strength through a floor test
- If any member of the House feels that the govt in power does not have a majority then he/she can move a no-confidence motion.
- If the motion is accepted, then the party in power has to prove its majority in the House. The member need not give a reason for moving the no-confidence motion.
- A no-confidence motion can be moved by any member of the House. It can be moved only in the Lok Sabha and not Rajya Sabha.
- Rule 198 of the Rules of Procedure & conduct of Lok Sabha specifies the procedure for moving a no-confidence motion.
- The member has to give a written notice of the motion before 10 am which will be read out by the Speaker in the House.
- A minimum of 50 members have to accept the motion & accordingly, the Speaker will announce the date for discussion for the motion. The allotted date has to be within 10 days from the day the motion is accepted.
- Otherwise, the motion fails and the member who moved the motion will be informed about it.
- If the govt fails to prove its majority in the House, then it has to resign.

HISTORY OF "NO CONFIDENCE MOTION"

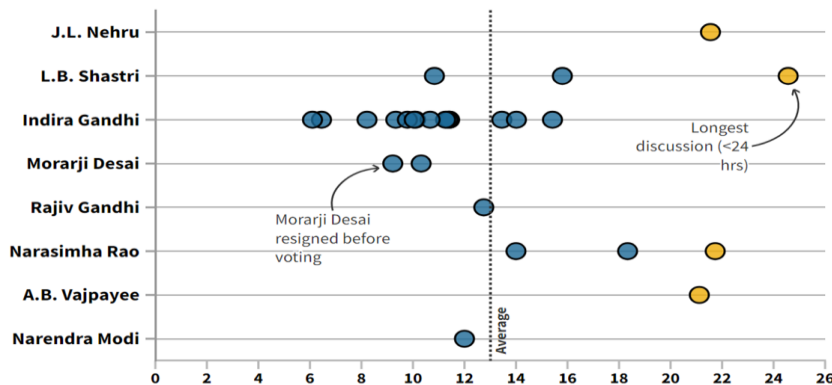
- Till date total 28 no-confidence motions have been moved in the Lok Sabha
- The most number of no-confidence motions, which is 15, have been moved against Indira Gandhi during her time as Prime Minister.
- The first motion of this kind was moved in August 1963 by Acharya Kripalani after the India-China war against Jawaharlal Nehru govt.
- There were three motions against Lal Bahadur Shastri, three against P V Narasimha Rao, two against Morarji Desai and one each against Rajiv Gandhi and Atal Behari Vajpayee.
- July 18, 2018, Kesineni Srinivas, an MP from the BJP's former ally Telugu Desam Party moved a no-confidence motion against the Modi government. Before that it was 2003 by Congress leader Sonia Gandhi against the Vajpayee-led NDA government.
- Only once in the history of the lower house has the Prime Minister resigned after a no-confidence motion. In 1979, Morarji Desai resigned as the discussion on the motion was inconclusive.

- Six no-confidence motions were moved in the third and the fourth Lok Sabha, the maximum.
- The third Lok Sabha, from 1962 to 1967 saw three prime ministers—Jawaharlal Nehru, Lal Bahadur Shastri and Indira Gandhi.
- The fourth Lok Sabha was from 1967 to 1970 with Indira Gandhi as Prime Minister.
- Four of the 15 no-confidence motions against Indira Gandhi were moved by CPI(M) leader Jyotirmoy Basu.
- The Atal Bihari Vajpayee government, in 1999 lost power, when they lost a no-confidence motion, after their ally AIADMK pulled out of the coalition. The ruling NDA got 269 votes, while the Opposition got 270 votes, beating out the government.
- All 28 motions were defeated by the govt in power, except one in 1979 when the then-Prime Minister Morarji Desai resigned before voting could begin.

- Jawaharlal Nehru faced only one NCM in his term of 12.11 years.
- While Indira Gandhi's tenure was 15.86 years long, L.B. Shastri's was only 1.59 years long.
- No-confidence motions against the Indira Gandhi government were discussed for close to 160 hours in total. In comparison, the three NCMs against L.B. Shastri were discussed for a total of just over 51 hours
- H.D. Deve Gowda and V.P. Singh won confidence motions by voice vote in 1996 and 1989 respectively. In 1997, I.K. Gujral won another by voice vote.
- In 1952, the Rules of Lok Sabha provided that a no-confidence motion could be moved with the support of 30 MPs. Even then, not a single no-confidence motion was moved during the term of the first two Lok Sabhas.

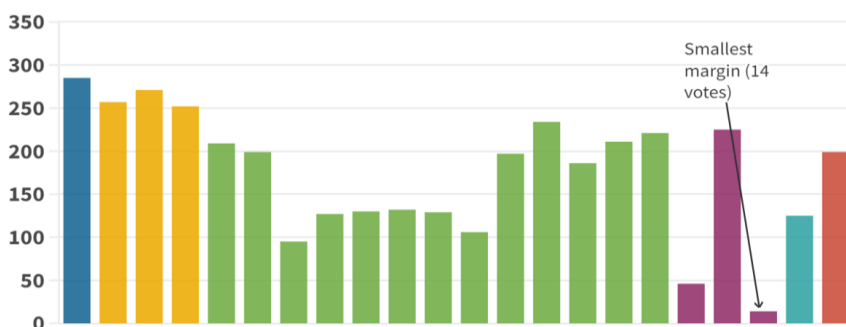
Hours spent discussing no-confidence motions

Hours spent: ● More than 20



- Both censure motion and no-confidence motion can be moved in Lok Sabha or lower house in states.

Winning margins in NCMs for Jawaharlal Nehru, Lal Bahadur Shastri, Indira Gandhi, Narasimha Rao, Atal Bihari Vajpayee and Narendra Modi



Source: CABINET RESPONSIBILITY TO LEGISLATURE - Motions of Confidence and No-confidence in Lok Sabha and State Legislatures • The Hindu Graphics

CENSURE MOTION

- A 'motion of censure' is one that seeks to criticise the behaviour of the government: typically, the motion is critical of a specific government policy, or of the conduct of particular government minister.
- A censure literally means expression of strong disapproval or harsh criticism.
- It can be a stern rebuke by a legislature, generally opposition against the policies of Government or an individual minister.
- However, it can also be passed to criticize, condemn some act.
- A censure motion can be moved in Lok Sabha or in a state assembly.

CENSURE MOTION & NO CONFIDENCE MOTION

- Both censure motion & the no-confidence motion can be moved in the Lok Sabha or State Legislative Assemblies;
- While the no-confidence motion is moved against the entire council of ministers, censure motion can be moved against individual ministers or members.

The Govt of the day is not impacted by the censure motion being passed by the House whereas it has to resign if a no-confidence motion is passed.

fact, they may be allowed by the Speaker to raise a discussion in the House for half an hour. The procedure is, therefore, termed as 'Half-an-Hour Discussion'.

- Notices for raising Half-an-Hour Discussions should normally be given within 3 days of answering of the question and at least 3 days in advance of the day on which the discussion is desired to be raised.

HALF AN HOUR DISCUSSION

- Members have a right to get information from the Government on any matter of public concern by means of questions to Ministers.
- When members feel that the answer given to a question, Starred or Unstarred or Short Notice, is not complete or does not give the desired information or needs elucidation on a matter of

- An instrument available to the Members of parliament & assemblies for raising issue of public importance is the Half-an-Hour Discussion.
- Under this, a Member may raise discussion on a matter of sufficient public importance which has been the subject of a recent question, Starred, Unstarred or Short Notice Question & the answer to which needs further elucidation on a matter of fact.
- A notice is also required to be accompanied by an 'Explanatory Note' stating the reasons for raising the discussion & should also be signed.
- Normally, only one notice of Half-an-Hour Discussion is put down for a sitting & no formal motion is moved in the House nor does voting take place.
- The Member who has given notice makes a short statement & the Members who have previously intimated the Speaker and have secured one of the four places in the ballot are permitted to put a question each for the purpose of further elucidating any matter of fact.
- Thereafter, the Minister concerned replies briefly.
- Half-an-Hour Discussions are normally held on three sittings in a week namely, Monday, Wednesday & Friday.
- Normally, it is not held on the first sitting of the session. Further, normally it is not held till the passage of the Finance Bill by the House
- Normally the discussion is for half an hour on the said days and is taken up during the last half an hour of the sitting.

CUT MOTION

- A cut motion is a special power vested in members of the Lok Sabha to oppose a demand being discussed for specific allocation by the government in the Finance Bill as part of the Demand for Grants.
- If the motion is adopted, it amounts to a no-confidence vote, and if the government fails to jot up numbers in the lower House, it is obliged to resign according to the norms of the House.
- The decision to accept a cut motion relies solely on the Speaker of the House. He decides whether a cut motion is admissible under the rules or not.
- If a notice of a motion to reduce any demand for a grant has not been given a day prior to the day on which the demand is under consideration, any member may object to the moving of the motion, and such objection prevails, unless the Speaker allows the motion to be made
- The motions to reduce the amounts of demands for grants are called 'Cut Motions'.
- The object of a cut motion is to draw the attention of the House to the matter specified therein.

TYPES OF CUT MOTION

- Disapproval of policy cut: A disapproval of policy cut demand seeks the amount of the demand be reduced to Re 1, representing the disapproval of the policy undermining the demand. However, if a

member moves the cut, they have to indicate in precise terms the details of the policy which they want to discuss and should be confined to the specific points mentioned in the cut notice.

- Economic cut: It calls for a reduction in the allocation of the demand to a specific amount. It represents the economy that can be affected. Such a specified amount may either be a lump-sum reduction in the demand or omission or reduction of an item in the demand. The notice has to indicate briefly and precisely the particular matter on which a discussion is sought to be raised.
- Token cut: A token cut motion is moved so that the amount of the demand is reduced by Rs 100. This is to ventilate a specific grievance that is within the sphere of the responsibility of the Government of India.
- The notices of cut motions can be tabled after the presentation of Union Budget.
- Members should table the notice of cut motions at least two days before the day the demands for grants
- It should not relate to a State subject or to matters which are not primarily the concern of the Government of India.
- It should not relate to expenditure 'Charged' on the Consolidated Fund of India.
- It should not relate to a matter which is under adjudication by a court of law having jurisdiction in any part of India.
- It should not raise a question of privilege.

NO-DAY-YET-NAMED MOTION

- The term 'motion' in its wide sense means any proposal submitted to the House for eliciting its decision.
- Every matter is determined in the House by means of a question put from the Chair on a motion made by a member and resolved either in the affirmative or negative.
- Motions are in fact the basis of all parliamentary proceedings.
- Any matter of public importance can be the subject matter of a motion.
- Along with the notice, the member is required to specify the points for discussion & furnish an explanatory note.
- Only one specific matter can be raised in a motion. A notice signed by more than one member is deemed to have been given by the first signatory only.
- It should not seek discussion on a paper laid on the Table by a private member;
- It should not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;
- It should not relate to a matter which is not primarily the concern of the Government of India

- It should not raise matters under the control of bodies or persons not primarily responsible to the Government of India;
- It should not relate to a matter with which a Minister is not officially concerned;
- It should not refer discourteously to a friendly foreign country
- It should not refer to disclosure of information about matters which are in their nature secret such as Cabinet discussions or advice given to the President in relation to any matter in respect of which there is a constitutional, statutory or conventional obligation not to disclose information; and
- It should not relate to a trivial matter.
- The admitted motions are published in Bulletin— Part II from time to time as ‘No-Day-Yet- Named Motions’.
- Names of all the members who have tabled notices of a motion are shown against it in the Bulletin.
- After publication of a motion, further notices of motions on the same subject are not admitted.
- Unless the Speaker otherwise directs, No-Day-Yet-Named Motions and Short Duration Discussions are arranged in such a way that no member moves or raises more than two of these during a session.
- If the Speaker admits notice of a motion & no date is fixed for its discussion, it is called a "No-Day-yet-Named Motion" and a copy of the admitted motion is forwarded to the Minister concerned with the subject matter of the motion.
- Admitted notices of such motions may be placed before the Business Advisory Committee for selecting the motions for discussion in the House according to the urgency and importance of the subject-matter thereof, and allotting time for the same.
- If a private member’s motion is admitted & thereafter notice of a Government motion on the same subject is received, the Government motion is also admitted. The Government motion gets precedence over private member’s motion, as ‘no-day-yet-named motions’ are discussed in Government time.
- There is no provision in the rules for authorising another member to move a motion on behalf of the member in whose name the motion stands in the list of business, unlike in the case of resolutions.
- If the member is absent to move the motion, the second or the third member and so on, if any, in whose name the motion stands in the list of business is called to move the motion.

SHORT DURATION DISCUSSION

- In the Rajya Sabha until 1964, there was no specific provision for short duration discussion of urgent nature.
- The Committee appointed to recommend Draft Rules of Procedure under clause (1) of article 118 of the Constitution
- Notices for short duration discussion after admission are notified in the Bulletin.
- It is the Business Advisory Committee which generally allots time for the discussion.
- After a notice is admitted & a date is fixed for discussion, the item is included in the list of business for that date, in the names of all members from whom notices are received, including their supporters.
- There is no formal motion before the House nor there is any voting. The member who has given the notice raises the discussion by making a short statement. Thereafter other members are allowed to take part in the discussion and at the end the Minister concerned gives a brief reply.
- The member who has raised the discussion has no right of reply.
- The Chairman may allow such time for discussion, not exceeding two and a half hours, as she may consider appropriate in the circumstances
- There have been a number of short duration discussions which have extended well beyond even four hours.
- There have been occasions when more than two short duration discussions have been listed and discussed at the same sitting.
- In order to provide opportunities to Members to discuss matters of urgent public importance, a convention was established in March 1953 which was incorporated later into the Rules of Procedure & conduct of Business in Lok Sabha under Rule 193 as Short Duration Discussion.
- Under this Rule, Members can raise discussion for short durations without a formal motion or vote thereon.
- The notice should be accompanied by an explanatory note stating reasons for raising the discussion
- Only one matter can be raised in a notice.
- It should not contain allegations/ unparliamentary expressions etc
- It should not raise a matter of hypothetical nature;
- It should not raise a matter which lacks an element of urgency

COMPARISON: – NO-DAY-YET-NAMED & SHORT DURATION DISCUSSION

NO-DAY-YET-NAMED	SHORT DURATION DISCUSSION
<ul style="list-style-type: none"> ● For raising ‘a matter of general public interest’ ● An amendment can be tabled, the mover of the motion has a right of reply. ● The motion may be put to the vote of the House. 	<ul style="list-style-type: none"> ● For raising ‘a matter of urgent public importance’ ● The member concerned raises the discussion & the Minister concerned replies. ● There is no formal motion before the House nor voting.

- The Rajya Sabha does not have a procedure for moving of an adjournment motion, censure motion or no-confidence motion against the Government.
- Private member's resolution & moving of a motion under rule 167 is the only procedure where the House can record its opinion & members can move amendments to such a motion which may be put to the vote of the House & even adopted.
- There is a growing trend to discuss important matters by way of short duration discussion.

POINT OF ORDER

- It relates to the interpretation or enforcement of the Rules of Procedure & Conduct of Business in the House or convention or such Articles of the Constitution as regulate the business of the House & raises a question which is within the cognizance of the Speaker.
- It may be raised only in relation to the business before the House at the moment.
- A Member may formulate a Point of Order and the Speaker shall decide whether the point raised is a Point of Order and if so give the decision thereon, which is final.
- Matters, which are not points of order can be raised by way of Special Mentions under Rule 377 in Lok Sabha
- This procedural device, framed in 1954, provides opportunity to the Members to raise matters of general public interest.
- At present, the number of matters that can be raised by Members under rule 377 on a single day is 20.

DISCUSSION UNDER RULE 193 IN LOK SABHA

- Discussion under Rule 193 does not involve a formal motion before the House. Hence no voting can take place after discussion on matters under this rule.
- The Member who gives notice may make a short statement and such of the Members as have previously intimated to the Speaker, may be permitted to take part in the discussion.
- The Member who raises the discussion has no right of reply. At the end of the discussion, the Minister concerned gives a brief reply.

SUBORDINATE LEGISLATION

- It is law made under the authority of a power conferred by an Act of Parliament
- It is simply listed under, or referred as, regulations even though it includes other types of instruments - Acts sometimes confer the authority on other persons or bodies
- Under the general law, the term 'subordinate legislation' is often used to refer to a legislative instrument made by an entity under a power delegated to the entity by the Parliament.
- It can be necessary for legislative power to be delegated for any of the following reasons:
 - to save pressure on parliamentary time
 - the legislation is too technical or detailed to be suitable for parliamentary consideration
 - to deal with rapidly changing or uncertain situations
 - to allow for swift action in the case of an emergency.
- The expression 'subordinate legislation' means the act of making statutory instruments by a body subordinate to the Legislature & in exercise of the power, within specific limits, conferred by the Legislature. The term also connotes and covers the statutory instruments themselves
- Explaining the meaning of the expressions "delegated legislation" and "delegating legislative power", Fazl Ali, J. in Delhi Laws Act case observed: ... the expressions "delegated legislation" & "delegating legislative power" are sometimes used in a loose sense, and sometimes in a strict sense

SOME OTHER TERMINOLOGIES

- Crossing the Floor - Passing between the Member in of the House & Chair- breach of Parliamentary etiquette.
- Bulletin - Part I - brief record proceedings at each of its sittings; & Part II - information on the Business of House or Committees
- Expunction - Deletion of words, phrases or expressions from the proceedings or records of the House being defamatory or indecent .
- Maiden Speech is the first speech of member elected first time in House Such a member is, as a matter of courtesy, called upon by the Speaker to make his maiden speech in preference to others.