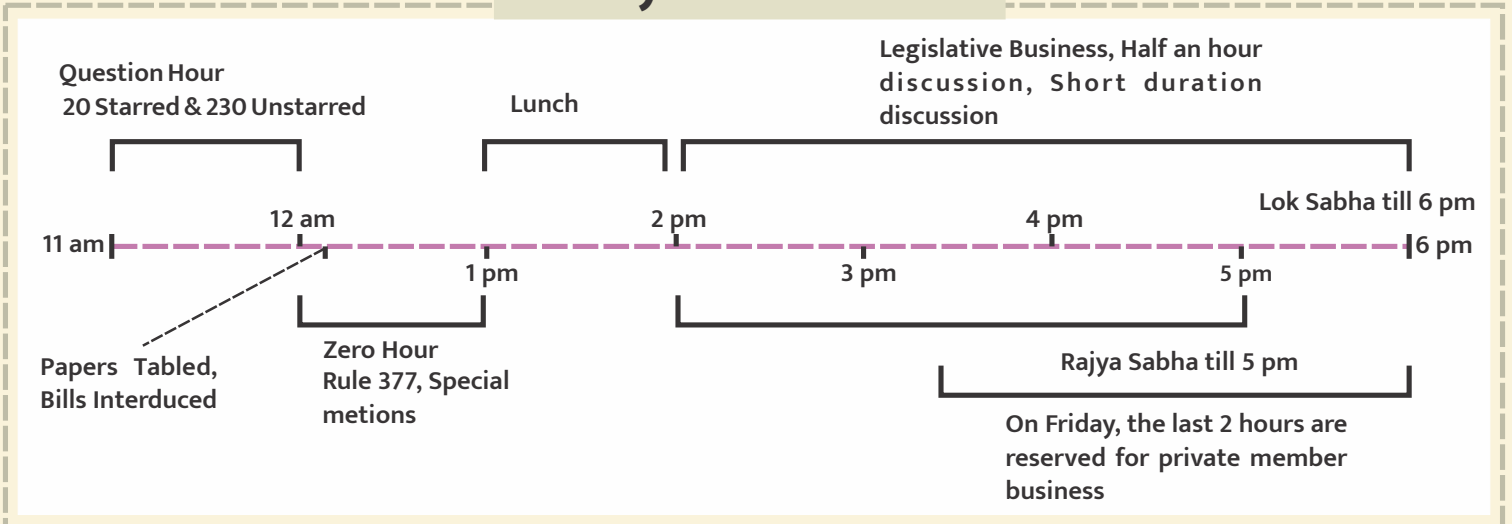


PARLIAMENT PART-2

A Day in Parliament



Question Hour



1st hour of every parliamentary sitting

Mentioned in the Rules of Procedure

Members ask questions and the ministers usually give answers.

In addition to the ministers, the questions can also be asked to the private members.

3 kinds of questions		
Type of question	Oral/written answer	Supplementary questions
1. Starred question > Distinguished by an asterisk > Submitted in advance (15 days) > Only 20 questions are picked (through ballot) for oral answer on a day.	Oral answer	Yes
2. Unstarred question > Submitted in advance (15 days)	Written answer	No
3. Short notice question > Asked by giving a notice of less than 10 days Admitted at discretion of Speaker	Orally	Yes
4. Questions to private members		

Zero Hour

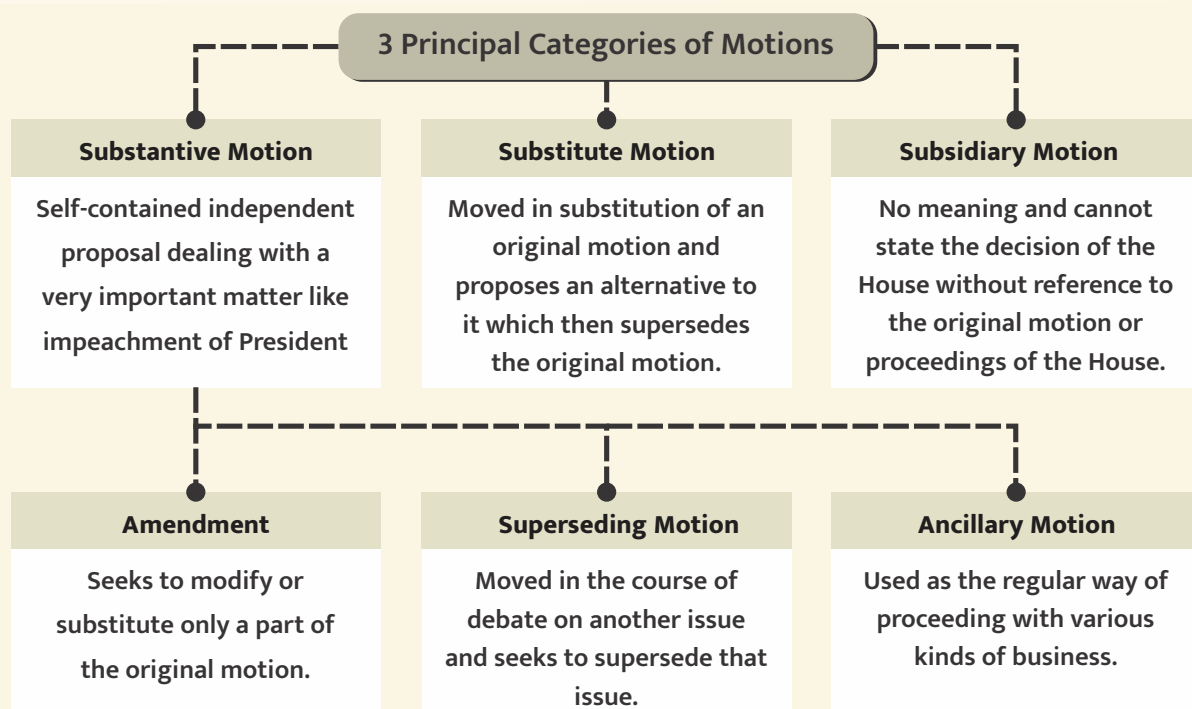


- Indian Innovation since 1962 and **Not mentioned in the Rules of Procedure.**
- Informal device available to the MPs to raise matters that are urgent without any prior notice.
- MPs give notice before 10 am to the Speaker on the day of the sitting.
- Starts immediately after the question hour and lasts until the agenda for the day
- Speaker decides whether to allow the matter to be raised.

Motions



- House expresses its decisions or opinions on various issues through the adoption or rejection of motions
- With the consent of the presiding officer.



Motions	Description
 Closure Motion	<ul style="list-style-type: none">● By a member to cut short the debate on a matter before the House and matter is put to vote.● 4 kinds of closure motions:<ul style="list-style-type: none">○ Simple Closure○ Closure by Compartments○ Kangaroo Closure: Only important clauses are taken up for debate.○ Guillotine Closure: Undiscussed clauses of a bill or a resolution are also put to vote.
 Privilege Motion	<ul style="list-style-type: none">● Concerned with the breach of parliamentary privileges by a minister.● Moved by a member when he feels that a minister has committed a breach of privilege of House or by withholding facts of a case or by giving wrong or distorted facts.● To censure the concerned minister.
 Calling Attention Motion	<ul style="list-style-type: none">● By a member to call the attention of a minister to a matter of urgent public importance, and to seek an authoritative statement from him on that matter.● Indian innovation since 1954.● Mentioned in the Rules of Procedure.



Adjournment Motion

- To draw attention of the House to a definite matter of urgent public importance.
- Needs support of 50 members.
- Not in Rajya Sabha.
- Discussion should last for not less than 2.5 hours.
- Conditions for motion:
 - Not more than 1 matter;
 - Restricted to a specific matter of recent occurrence and should not be framed in general terms;
 - Not raise a question of privilege;
 - Not revive discussion on a matter that has been discussed in the same session;
 - Not deal with any matter that is under adjudication by court;
 - Not raise any question that can be raised on a distinct motion.



No-Confidence Motion

- Article 75: Council of ministers shall be collectively responsible to the Lok Sabha.
- Needs the support of 50 members to be admitted.
- Lok Sabha can remove the ministry from office by passing a no confidence motion.
- Word not mentioned in Constitution.



Confidence Motion

- New procedural device to cope with the emerging situations of fractured mandates resulting in hung parliament, minority governments and coalition governments.
- Called upon by President to prove their majority on the floor of the House.
- If the confidence motion is negated, it results in the fall of the government.



Motion of Thanks

- First session after each general election and first session of every fiscal year is addressed by the president.
- Here, the president outlines the policies and programmes of the government in the preceding year and ensuing year.
- This address is discussed in both the Houses of Parliament on a motion called the 'Motion of Thanks' and the motion is put to vote.
- Must be passed in the House, otherwise amounts to the defeat of the government.



No-Day-Yet-Named Motion

- Admitted by the Speaker but no date has been fixed for its discussion.



Dilatory Motion

- Motion for the adjournment of the debate on a bill / motion / resolution etc.
- Motion to retard or delay the progress of a business under consideration of the House.
- Moved by a member at any time after a motion has been made.

Censure Motion	No Confidence Motion
● State the reasons for its adoption	● State the reasons for its adoption
● Moved against an individual minister or group/entire council of ministers	● Moved against the entire council of ministers only
● For censuring the council of ministers for specific policies and actions	● For ascertaining the confidence of Lok Sabha in the council of ministers.
● If passed, council of ministers need not resign	● If passed, council of ministers need to resign



Point of Order

- When the proceedings do not follow the normal rules of procedure.
- Extraordinary device as it suspends the proceedings before the House.
- No debate is allowed on a point of order.
- Relate to interpretation or enforcement of the Rules of the House or other articles that regulate the business of House.



Half-an-Hour Discussion

- For discussing a matter of sufficient public importance.
- Speaker can allot 3 days in a week for such discussions.
- No formal motion or voting before the House.



Short Duration Discussion

- Known as 2-hour discussion as the time allotted for such a discussion should not exceed 2 hours.
- Matter of urgent public importance.
- Speaker can allot 2 days in a week for such discussions.
- No formal motion or voting before the House.



Special Mention

- A matter which is not a point of order, half-an hour discussion, etc can be raised under special mention in the Rajya Sabha.
- Notice (Mention) Under Rule 377' in the Lok Sabha.



Resolutions

To draw the attention of the House or the government to matters of general public interest.

3 categories:

- Private Member's Resolution: Moved by a private member (other than a minister) and discussed only on alternate Fridays and in the afternoon sitting.
- Government Resolution: Moved by a minister and can be taken up any day from Monday to Thursday.
- Statutory Resolution: Moved either by a private member or a minister and Tabled in pursuance of a provision in the Constitution or an Act of Parliament.
- All resolutions come in the category of substantive motions, but all motions need not necessarily be substantive.
- All motions are not necessarily put to vote of the House, whereas all the resolutions are required to be voted upon.



Youth Parliament

- Started on the recommendation of the 4th All India Whips Conference.
- To acquaint the younger generations with practices and procedures of Parliament.
- Ministry of parliamentary affairs provides necessary training and encouragement to the states in introducing the scheme.

Legislative Procedure in Parliament

- Every bill has to pass through the same stages in each House.
- Bill is a proposal for legislation and it becomes an act or law when duly enacted.

Bills in the Parliament

Public bills (government bills)

1. Introduced by a minister
2. Reflects of the policies of the government (ruling party).
3. Greater chance to be approved by the Parliament
4. Rejection may lead to Govt's resignation
5. Introduction requires 7 days' notice
6. Drafted by the concerned department in consultation with the Law department.

Private bills (private members' bills)

1. Introduced by any member of Parliament other than a minister.
2. Reflects the stand of opposition party on public matter.
3. Lesser chance to be approved by the Parliament
4. Rejection by House has no implication on the parliamentary confidence in the government or its resignation.
5. Introduction requires 1 month's notice
6. Drafting is the responsibility of the member concerned.

4 Categories of bills



Ordinary bills

Concerned with any matter other than financial subjects.

Money bills

Concerned with the financial matters like taxation, public expenditure, etc.



Financial bills

Concerned with financial matters (but are different from money bills).

Constitution amendment bills

Concerned with the financial matters like taxation, public expenditure, etc.



Ordinary Bills

First Reading

Introduction of the bill and its publication in the Gazette constitute the first reading of the bill. Introduced in either House of Parliament.

- Either by a minister or by any other member and have to ask for the leave of the House.
- Introduced by **reading title and objectives.**
- **No discussion** on the bill takes place at this stage.
- **Published in the Gazette of India.**
- * If a bill is published in the Gazette before its introduction, leave of the House to introduce the bill is not necessary.

Second Reading

General and detailed scrutiny of bill and assumes its final shape.

Three sub-stages

3.1 Stage of General Discussion:

- Printed copies distributed to all the members.
- Principles of the bill and its provisions are discussed generally, but the details of the bill are not discussed.

4 actions by House:

- Take the bill into consideration immediately or on some other fixed date;
- Refer the bill to a select committee of the House (consists of members of the House where the bill has originated)
- Refer the bill to a joint committee of the two Houses (consists of members of both the Houses of Parliament)
- Circulate the bill to elicit public opinion.

1.2 Committee Stage:

- **Committee examines the bill thoroughly** and in detail, clause by clause.
- **Can also amend its provisions**, but without altering the principles underlying it.

1.3 Consideration Stage:

- House now **considers the provisions of the bill clause by clause.**
- Each clause is discussed and voted upon separately.
- **Members can also move amendments** and if accepted, they become part of the bill.

Third Reading

- **Confined to the acceptance or rejection** of the bill as a whole.
- **No amendments are allowed**
- If the majority of members present and voting accept the bill, the bill is regarded as passed by the House.
- Then, Bill is authenticated by the presiding officer and **transmitted to the second House for consideration and approval.**

Bill in the Second House

Passes through all the three stages as above.

4 alternatives before this House:

- Pass the bill without amendments;
- Pass the bill with amendments and return it to the first House for reconsideration;
- Reject the bill altogether;
- Not take any action and thus keep the bill pending.
- If first house accepts the amendments then it is deemed to be passed and **sent to President.**
- If first house rejects the amendments by second house or no action is taken by second house in 6 months then **deadlock happens and president can summon joint sitting.**

Assent of the President

3 alternatives before the president:

- **Give his assent and bill becomes an act** and is placed on the Statute Book.
- **Withhold his assent** then bill ends and does not become an act
- **Return the bill for reconsideration of the Houses.** If it is passed by both the Houses again with or without amendments and presented to the President for his assent, the president must give his assent to the bill. Thus, the President enjoys only a "suspensive veto."

Money Bill

Article 110

Bill is deemed to be a money bill if it contains 'only' provisions dealing with all or any of the following matters:

1. **Imposition, abolition, remission, alteration or regulation of any tax;**
2. **Regulation of the borrowing of money by the Union government;**
3. **Custody of the Consolidated Fund of India or the contingency fund of India, the payment of moneys into or the withdrawal of money from any such fund;**
4. **Appropriation of money out of the Consolidated Fund of India;**
5. **Declaration of any expenditure charged on the Consolidated Fund of India or increasing the amount of any such expenditure;**
6. **Receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money, or the audit of the accounts of the Union or of a state;**
7. **Any matter incidental to any of the matters specified above.**

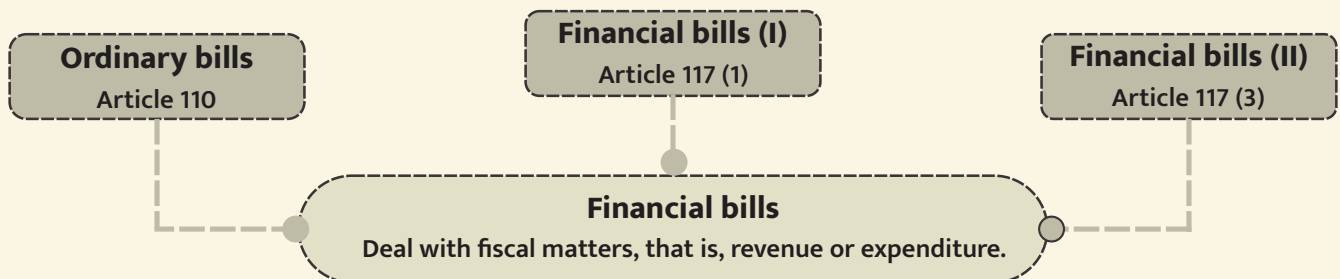
However, a bill is not to be deemed to be a money bill by reason only that it provides for:

- **Imposition of fines or other pecuniary penalties,**
- **Demand or payment of fees for licenses or fees for services rendered;**
- **Imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.**

Other features of bill

- **Decision of the Speaker of the Lok Sabha is final on question whether a bill is a money bill or not.**
- **His decision cannot be questioned in any court of law or in the either House of Parliament or even the president.**
- **Money bill can only be introduced in the Lok Sabha with the recommendation of the president.**
- **It is a government bill and can be introduced only by a minister.**
- **Rajya Sabha cannot reject or amend a money bill.**
- **It can only make the recommendations and return the bill to the Lok Sabha within 14 days, whether with or without recommendations.**
- **Lok Sabha can either accept or reject all or any of the recommendations of the Rajya Sabha.**

Financial Bill



Financial Bills (I)

- **Bill that contains all the matters mentioned in Article 110 as well as other matters of general legislation.**
- **It can be either rejected or amended by the Rajya Sabha.**
- **Joint sitting to resolve the deadlock.**
- **President can either give his assent or withhold or return the bill for reconsideration of the Houses.**
- **Similarity in financial bill (I) and money bill–**
 - (a) both of them can be introduced only in the Lok Sabha and not in the Rajya Sabha,
 - (b) both of them can be introduced only on the recommendation of the president.
- **In all other respects, a financial bill (I) is governed by the same legislative procedure applicable to an ordinary bill.**

Financial Bills (II)

- **Contains provisions involving expenditure from the Consolidated Fund of India, but does not include any of the matters mentioned in Article 110.**
- **Can be either rejected or amended by either House of Parliament.**
- **Joint sitting to resolve the deadlock.**
- **President can either give his assent or withhold or return the bill for reconsideration of the Houses.**
- **Recommendation of the President is not required at the introduction stage but is required at the consideration stage.**
- **Treated as an ordinary bill.**

Joint Sitting of two Houses

What? Extraordinary machinery provided by the Constitution to resolve a deadlock between the two Houses over the passage of a bill.

Who Summons? President

Applicable to: Ordinary bills or financial bills

Not applicable to: Money bills or Constitutional amendment bills.

In case of dissolution of Lok Sabha:

- If the bill has already lapsed due to the dissolution of the Lok Sabha, no joint sitting can be summoned.
- Joint sitting can be held if the Lok Sabha is dissolved after the President has notified his intention to summon such a sitting (as the bill does not lapse in this case).

Quorum: 1/10th of the total number of members of the two Houses.

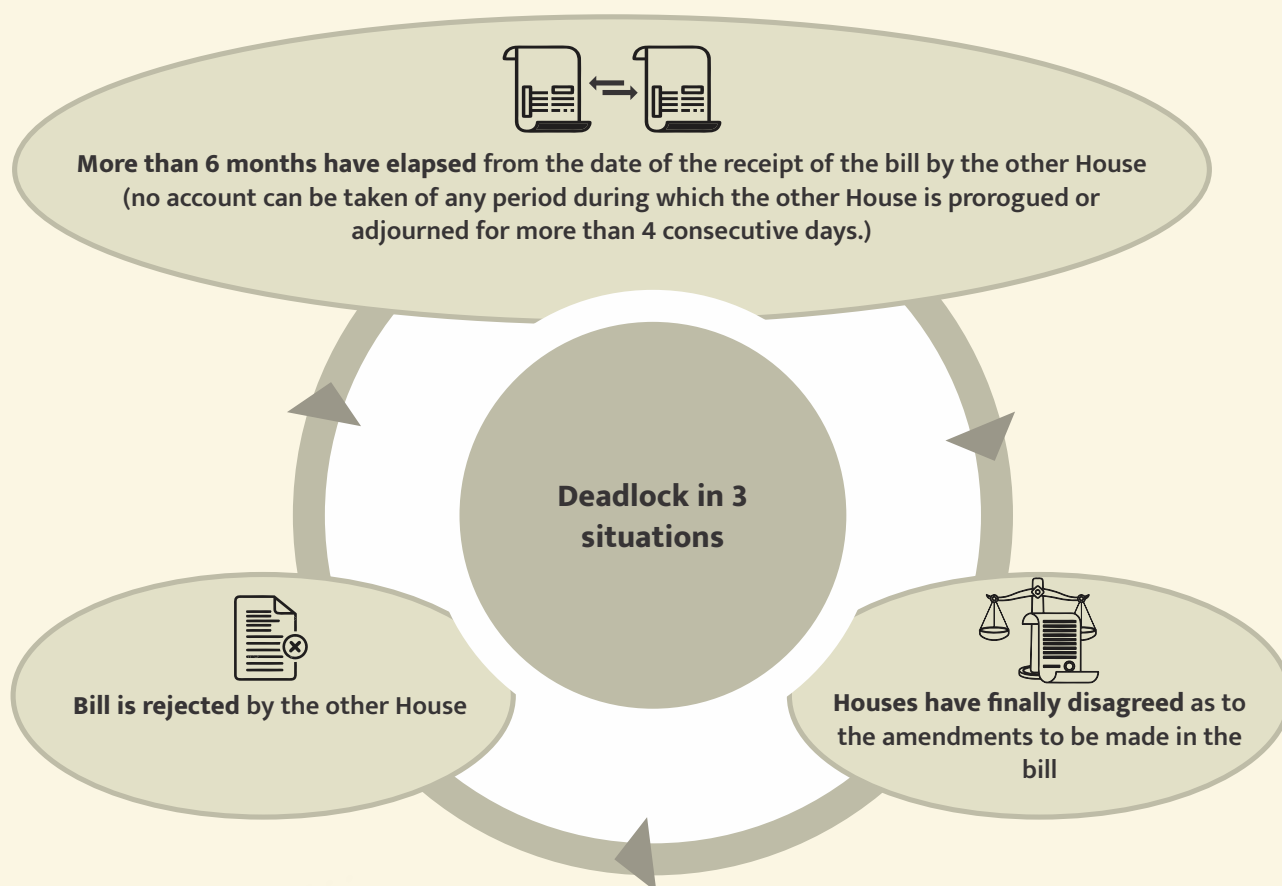
Governed by? Rules of Procedure of Lok Sabha and not of Rajya Sabha.

Majority needed: Majority of the total number of members of both the Houses present and voting in the joint sitting.

No New Amendment: Constitution has specified that at a joint sitting, new amendments to the bill cannot be proposed except in two cases:

1. Those amendments that have caused final disagreement between the Houses;
2. Those amendments that might have become necessary due to the delay in the passage of the bill.

Provision used: Only Thrice in: Dowry Prohibition Bill, 1960, Banking Service Commission (Repeal) Bill, 1977 and Prevention of Terrorism Bill, 2002.



Who presides?

Speaker of Lok Sabha

Deputy Speaker

Deputy Chairman of
Rajya Sabha

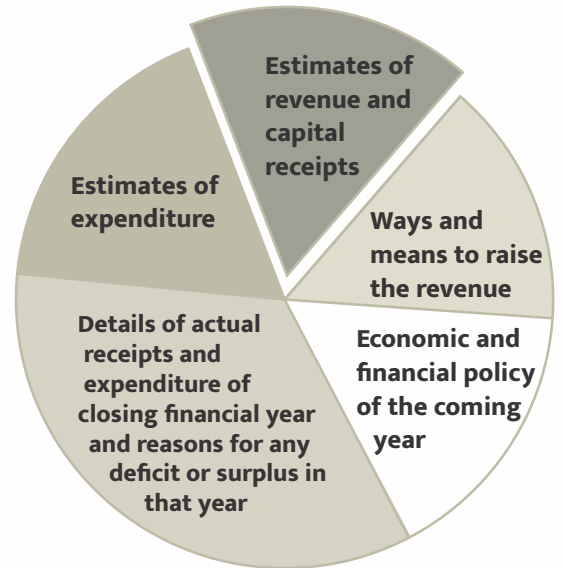
Such other person as may
be determined by the
members present at
the joint sitting.

Chairman of Rajya Sabha cannot preside

Article 112

Annual financial statement. Statement of the estimated receipts and expenditure of the Government of India in a financial year, which begins on 1 April and ends on 31 March of the following year.

- Term 'budget' has nowhere been used in the Constitution.
- In 2017, Central Government merged the railway budget into the general budget.
- Railway Budget was separated from the General Budget in 1924 on the recommendations of the **Acworth Committee Report (1921)** to
 - Introduce flexibility in railway finance.
 - Facilitate a business approach to the railway policy.
 - Secure stability of the general revenues by providing an assured annual contribution from railway revenues.
 - Enable the railways to keep their profits for their own development (after paying a fixed annual contribution to the general revenues).



Constitutional Provisions

- **President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of estimated receipts and expenditure of the Government of India for that year.**
- No demand for a grant shall be made **except on the recommendation of the President**
- No money shall be withdrawn from the Consolidated Fund of India except under appropriation made by law.
- **No money bill imposing tax shall be introduced in the Parliament except on the recommendation of the President, and such a bill shall not be introduced in the Rajya Sabha.**
- No tax shall be levied or collected **except by authority of law.**
- Parliament can **reduce or abolish a tax but cannot increase it.**
- A money bill or finance bill dealing with taxation cannot be introduced in the Rajya Sabha – it must be introduced only in the Lok Sabha.
- **Rajya Sabha has no power to vote on the demand for grants.**
- Rajya Sabha should return the Money bill (or Finance bill) to the Lok Sabha within 14 days.
- Estimates of expenditure embodied in the budget shall show separately the expenditure charged on the Consolidated Fund of India and the expenditure made from the Consolidated Fund of India.
- Budget shall distinguish expenditure on revenue account from other expenditure.
- Expenditure charged on the Consolidated Fund of India shall not be submitted to the vote of Parliament. However, it can be discussed by the Parliament.

Charged Expenditure

Budget consists of 2 types of expenditure

- Expenditure 'charged' upon the Consolidated Fund of India: non-votable by the Parliament, can only be discussed by the Parliament.
- Expenditure 'made' from the Consolidated Fund of India: voted by the Parliament.

List of the charged expenditure

1. **Emoluments and allowances of the President** and other expenditure relating to his office.
2. Salaries and allowances of the Chairman and the Deputy Chairman of the **Rajya Sabha** and the **Speaker** and the **Deputy Speaker of the Lok Sabha**.
3. Salaries, allowances and pensions of the **judges of the Supreme Court**.
4. Pensions of the **judges of high courts**.
5. Salary, allowances and pension of the **CAG**.
6. Salaries, allowances and pension of the chairman and members of the **UPSC**.
7. **Administrative expenses of the Supreme Court**, the office of the CAG and the UPSC including the salaries, allowances and pensions of the persons serving in these offices.
8. **Debt charges for which the Government of India is liable**, including interest, sinking fund charges and redemption charges and other expenditure relating to the raising of loans and the service and redemption of debt.
9. Any sum required to satisfy any judgement, decree or award of any court or arbitral tribunal.
10. Any other expenditure declared by the **Parliament to be so charged**.

Stages in Enactment

1. Presentation of Budget



- Presented to the Lok Sabha by the **finance minister on 1st of February**.
- Can be presented to the House in **2 or more parts**.
- **No discussion of the budget on the day** on which it is presented to the House.
- Finance minister presents the budget with a speech known as the '**budget speech**'.
- At the end of the speech in the Lok Sabha, the budget is laid before the **Rajya Sabha, which can only discuss it and has no power to vote on the demands for grants**.
- **Economic Survey** indicating the status of the national economy is presented one day or a few days before the presentation of the budget.

Budget documents

<ol style="list-style-type: none"> 1. Budget Speech 2. Annual Financial Statement 3. Demands for Grants 4. Appropriation Bill 	<ol style="list-style-type: none"> 5. Finance Bill 6. Statements mandated under the FRBM Act: <ol style="list-style-type: none"> a) Macro-Economic Framework Statement b) Fiscal Policy Strategy Statement c) Medium Term Fiscal Policy Statement 7. Expenditure Budget 8. Receipts Budget 	<ol style="list-style-type: none"> 9. Expenditure Profile 10. Memorandum Explaining the Provisions in the Finance Bill 11. Budget at a Glance 12. Outcome Budget
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2. General Discussion

- Begins a few days after its presentation.
- Takes place in **both the Houses of Parliament** and lasts usually for 3 to 4 days.
- **No cut motion can be moved** nor can the budget be submitted to the vote of the House.
- **Finance minister has a general right of reply** at the end of the discussion.

3. Scrutiny by Departmental Committees



- **Houses are adjourned** for about 3 to 4 weeks.
- During this gap period, **24 departmental standing committees of Parliament** examine and discuss in detail the demands for grants of the concerned ministers and prepare reports on them.
- **Reports are submitted** to both the Houses of Parliament for consideration.
- Committee makes parliamentary financial control over ministries much **more detailed, close, in-depth and comprehensive**.

4. Voting on Demands for Grants



- Lok Sabha takes up voting of demands for grants.
- Demands are presented ministry wise.
- A demand becomes a grant after it has been duly voted
- Demands for grants is the exclusive privilege of the Lok Sabha.
- Voting is confined to the votable part of the budget– the expenditure charged on the Consolidated Fund of India is not submitted to the vote (it can only be discussed).
- Each demand is voted separately by the Lok Sabha.
- MPs can also move motions to reduce any demand for grant called as 'cut motion':

Policy Cut Motion

- Represents the disapproval of the policy underlying the demand.
- States that the amount of the demand be reduced to Re 1.
- Members can also advocate an alternative policy.

Economy Cut Motion

- Represents the economy that can be affected in the proposed expenditure.
- States that the amount of the demand be reduced by a specified amount (which may be either a lumpsum reduction in the demand or omission or reduction of an item in the demand)

Token Cut Motion

- Ventilates a specific grievance that is within the sphere of responsibility of the Government of India.
- States that the amount of the demand be reduced by ₹100.

Significance of a cut motion

- Facilitating the initiation of concentrated discussion on a specific demand for grant;
 - Upholding the principle of responsible government by probing the activities of the government.
 - Their passage by the Lok Sabha amounts to the expressions of want of parliamentary confidence in the government and may lead to its resignation.
- On the last day of the days allotted for discussion and voting on the demands for grants, the Speaker puts all the remaining demands to vote and disposes them whether they have been discussed by the members or not. This is known as 'guillotine'.

Conditions for cut motion

Should

1. Relate to one demand only.
2. Clearly expressed and should not contain arguments or defamatory statements.
3. Confined to one specific matter.

Should not

4. Make suggestions for the amendment or repeal of existing laws.
5. Refer to a matter that is not primarily the concern of Union government.
6. Relate to the expenditure charged on the Consolidated Fund of India.
7. Relate to a matter that is under adjudication by a court.
8. Raise a question of privilege.
9. Relate to a trivial matter.
10. Revive discussion on a matter on which a decision has been taken in the same session.
11. Reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion.
12. Anticipate a matter which has been previously appointed for consideration in the same session.
13. Seek to raise a discussion on a matter pending before any statutory tribunal or statutory authority performing judicial or quasi-judicial functions or any commission or court of enquiry.



5. Passing of Appropriation Bill

- Constitution states that 'no money shall be withdrawn from the Consolidated Fund of India except under appropriation made by law'.
- **Appropriation bill** is introduced to provide for the appropriation, out of the Consolidated Fund of India, all money required to meet:
 - Grants voted by the Lok Sabha.
 - Expenditure charged on the Consolidated Fund of India.
- **Appropriation Bill becomes the Appropriation Act** after it is assented to by the President.
- This takes time and usually goes on till the end of April.
Vote on account: Special provision by which the government obtains Parliament's nod for funds sufficient to incur expenditure for a part of the year, enabling it to incur expenses for a short period of time or until a full Budget is passed. It is passed (or granted) after the general discussion on budget is over. It is generally granted for 2 months for an amount equivalent to 1/6th of the total estimation.



6. Passing of Finance Bill

- **Finance Bill** is introduced to give effect to the financial proposals of the Government of India for the following year.
- It is subjected to all the conditions applicable to a Money Bill.
- Unlike the Appropriation Bill, the amendments (seeking to reject or reduce a tax) can be moved in the case of finance bill.
- According to the Provisional Collection of Taxes Act of 1931, the Finance Bill must be enacted (i.e., passed by the Parliament and assented to by the president) within 75 days.
- Finance Act legalises the income side of the budget and completes the process of the enactment of the budget.

Other Grants

Supplementary Grant

- Granted when the amount authorised by the Parliament through the appropriation act for a particular service for the current financial year is found to be insufficient for that year.

Additional Grant

- Granted when a need has arisen during the current financial year for additional expenditure upon some new service not contemplated in the budget for that year.

Excess Grant

- Granted when money has been spent on any service during a financial year in excess of the amount granted for that service in the budget for that year.
- Voted by the Lok Sabha after the financial year.
- Must be approved by the Public Accounts Committee.

Vote of Credit

- Granted for meeting an unexpected demand upon the resources of India, when on account of the magnitude or the indefinite character of the service, the demand cannot be stated with the details ordinarily given in a budget.

Exceptional Grant

- Granted for a special purpose and forms no part of the current service of any financial year.

Token Grant

- Granted when funds to meet the proposed expenditure on a new service can be made available by reappropriation

Funds

Consolidated Fund of India (Article 266)

- Fund to which all receipts are credited and all payments are debited i.e.
- All revenues received by the Government of India;
- All loans raised by the Government by the issue of treasury bills, loans or ways and means of advances;
- All money received by the government in repayment of loans forms the Consolidated Fund of India.
- All the legally authorised payments on behalf of the Government of India are made out of this fund.
- No money out of this fund can be appropriated (issued or drawn) except in accordance with a parliamentary law.

Public Account of India (Article 266)

- All other public money (other than those which are credited to the Consolidated Fund of India) received by or on behalf of the Government of India.
- This includes provident fund deposits, judicial deposits, savings bank deposits, departmental deposits, remittances etc.
- This account is operated by executive action, that is, the payments from this account can be made without parliamentary appropriation.
- Such payments are mostly in the nature of banking transactions.

Contingency Fund of India (Article 267)

- Amounts determined by law are paid from time to time.
- This fund is placed at the disposal of the president,
- President can make advances out of it to meet unforeseen expenditure pending its authorisation by the Parliament.
- The fund is held by the finance secretary on behalf of the president.
- Operated by executive action.

