
JATIN GUPTA

Parliamentary Functioning

Indian Polity and Constitution

“Question hour can send tremor waves across the entire Council of Ministers.” In this context discuss the importance of question hour and some of the concerns related to its functioning in the recent past.

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Presiding Officers for Lok Sabha

- There are two Presiding officers in the Lok Sabha i.e. Speaker and Deputy Speaker.
- There are no prescribed qualifications for the Presiding Officer except being a member of the house.
- As per convention, the deputy speaker is from the opposition.
- The Speaker shall continue to hold the position till the first sitting of the newly elected LS.
- In case the speaker resigns from the position before the new LS is elected, the Deputy Speaker shall perform the role of Speaker.

Pro Tem Speaker

- As per the second proviso to article 94 of the Constitution, the office of the Speaker becomes vacant immediately before the first meeting of the new Lok Sabha. In that case, the duties of the Speaker are to be performed by a Member of the House appointed for this purpose by the President as Speaker pro tem.
- The Constitution does not expressly use the term 'Pro-tem Speaker'.
- Pro-tem Speaker is a temporary speaker appointed for a limited time period to conduct proceedings in Parliament. A pro-tem Speaker is ordinarily elected for the first sitting of a new legislative assembly where the Speaker is yet to be elected.

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Functions of Pro Tem Speaker

- The main duty of the pro-tem speaker is to administer the oath of office to new members of the house.
- He also enables the House to elect the new speaker.
- Once the new speaker is elected, the office of the pro-tem speaker ceases to exist.

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Removal of Presiding Officer:

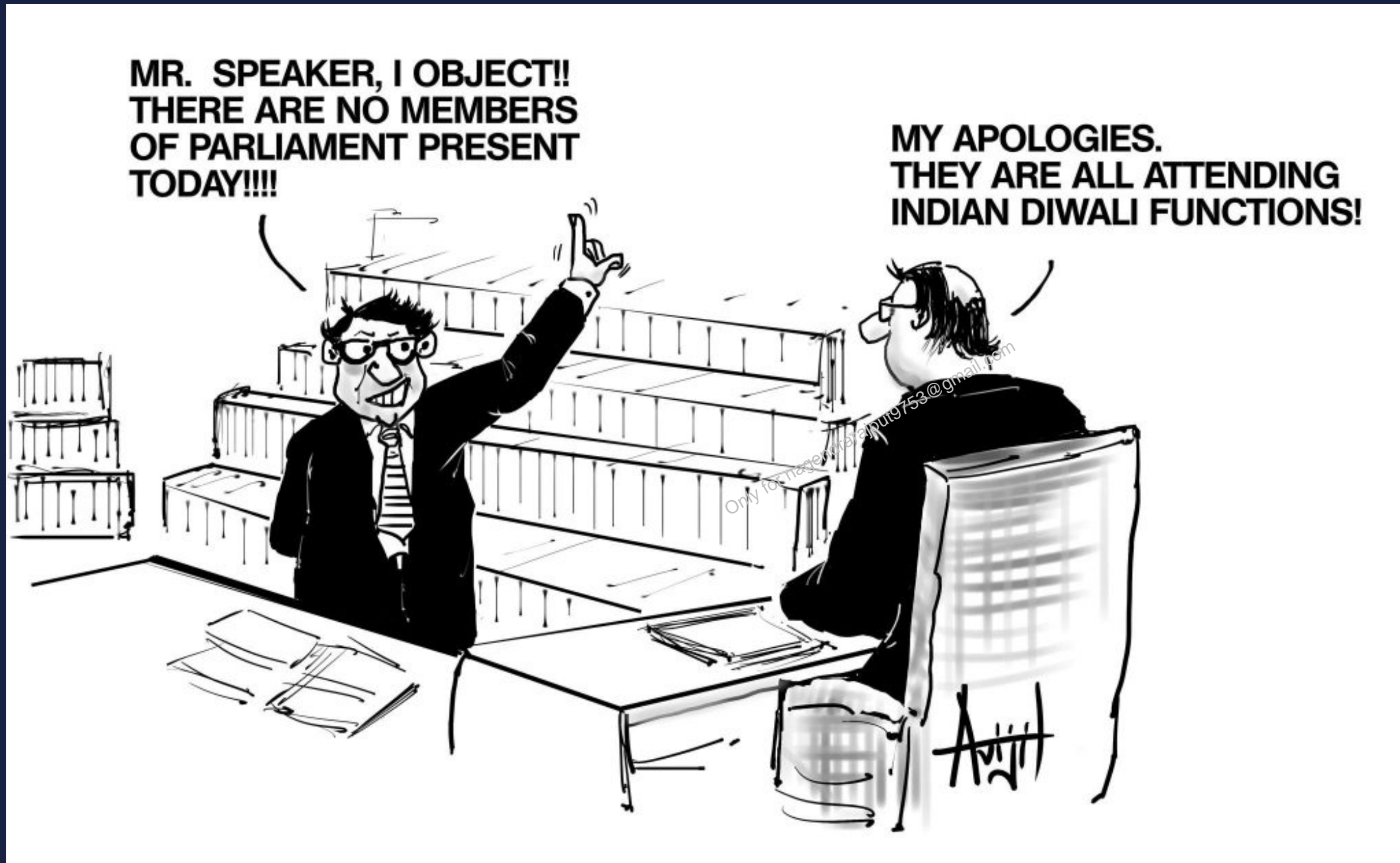
- The Speaker and a Deputy Speaker can be removed as per a resolution passed by the House with a **majority of the then membership** of the House.
 - Such a resolution must be moved by giving at least 14 days' notice.
 - While the motion for the removal is under consideration, the Speaker shall not preside over the proceedings of the House but can take part in the proceedings as a member.
 - He can vote in the **first instance** but does not have a casting vote in case of a tie
 - The Speaker of LS can submit his resignation to the DS but he must also inform the President of India about the same.
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Functions and Responsibilities of Presiding Officers (PO):

- Decides upon the disqualification under the anti-defection law.
 - Responsible for maintaining the decorum in House. In case of indiscipline by a member, may even take disciplinary action against the erring member including suspension or expulsion from the House.
 - Final interpreter of the laws, rules, regulations and constitution within the House.
 - Empowered to adjourn the House and to suspend its sitting in the event of the absence of a quorum.
 - Decides the time to be allocated to the members to speak in the House.
 - Has the discretion over acceptance or rejection of the various motions in the House.
 - He is the final authority in accepting or rejecting the point of order raised in the House.
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Functions and Responsibilities of Presiding Officers (PO):

- Supposed to ensure the proper and smooth functioning of the House so that the Parliament can continue to enforce accountability on the executive.
 - In case of a tie in the House, he is supposed to make a casting vote in the House.
 - The Speaker is also the chair of the Business Advisory Committee, which is responsible for deciding the business of the House and allocating time for the same.
 - The Speaker also chairs the General Purposes Committee and the Rules Committee of the Lok Sabha and appoints the chairpersons of other committees amongst the members.
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Somewhere in Australian Parliament

Question hour

- It is an important tool in the hands of the Parliament to hold the executive accountable for its actions.
- The MPs may post a question related to laws and policies under the control of various ministries.
- The members may pose questions to the private members as well related to private member bills and the functioning of the committees of the Parliament.
- These questions can be classified into three categories: Starred, Unstarred and Short Notice Questions.

Question hour

(i) Starred Questions – If a Starred Question is asked, this means that the Member who asks the question wants an oral answer from the concerned Minister. The Minister's answer may be followed by other additional questions by Members.

(ii) Unstarred Questions – An Unstarred Question does not need an oral answer, and the question will get a written answer which will be submitted to the Parliament by the concerned Minister. In this case, no additional questions can be asked.

(iii) Short Notice Questions – These are questions asked on matters of public importance which need to be addressed urgently, within a shorter time period than ordinary questions. Like a Starred Question, a Short Notice Question is answered orally, and can be followed by additional questions.

Importance of Question Hour

- It ensures legislative control over the executive and keeps the ministers on their toes as their answers are widely publicised for public consumption and scrutiny.
- It is an effective method of ensuring checks and balances on the functioning of the executive.
- It acts as a deterrent for the government to involve itself in financial misdoings.
- Government remains in touch with the issues faced by the people
- Ministers can become aware of many loopholes which they might have overlooked.

THE FIRST
SCAM
STORY OF
HARIDAS
MUNDHRA
MAHENDRA ARYA

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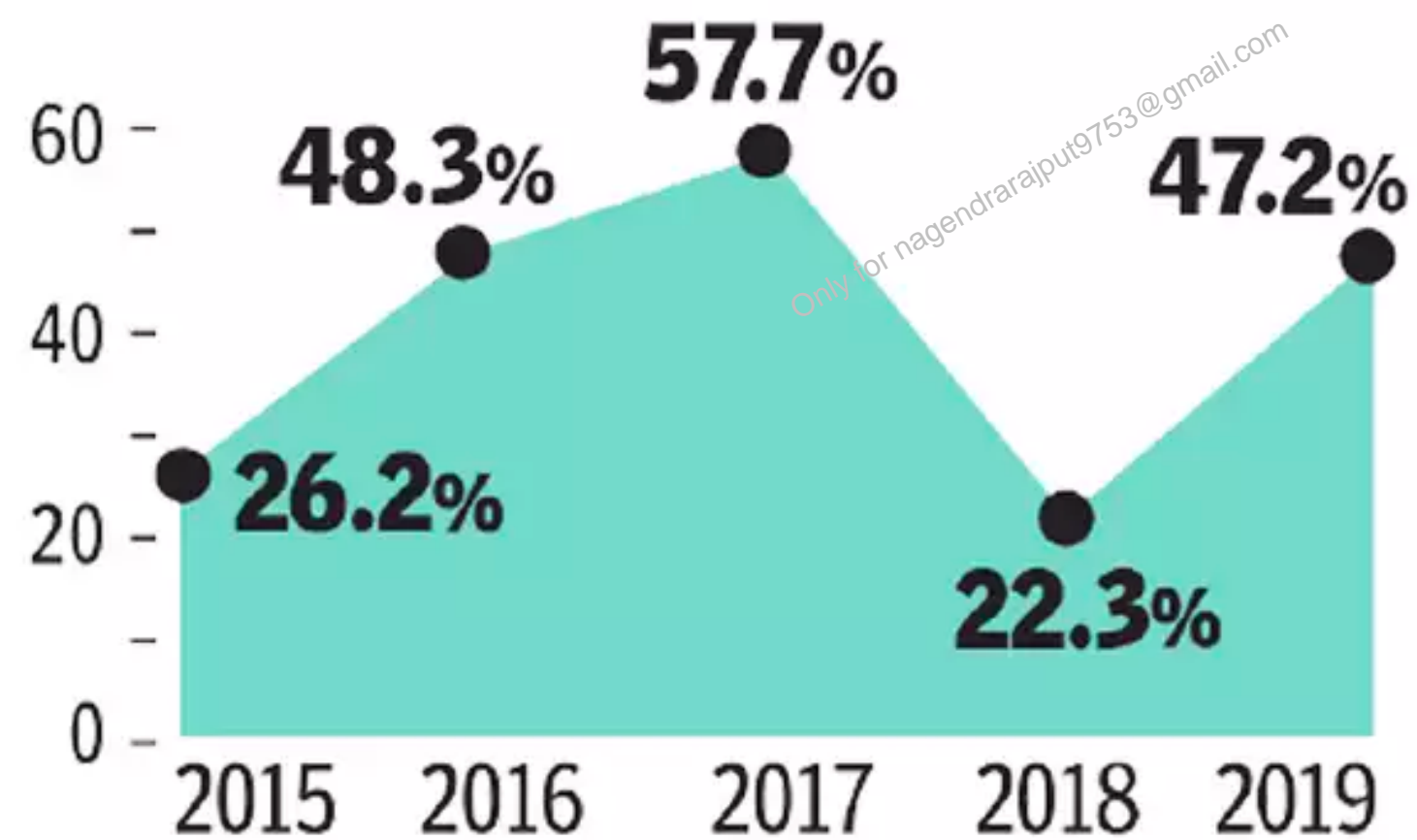
Rules regarding Question Hour

- They have to be precise and 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 government.

Issues related to Question Hour

- It has been the biggest casualty of parliament disruption in India.
 - A large portion of time allocated to the question hour has been wasted due to a ruckus in the Parliament. For example in 2015, 26% of the time allocated to question hour was utilised for asking the question. In 2020, this number stood at 20%
 - Recently, the Business Advisory Committee of LS even suspended the question hour due to COVID-19
 - In the past, the MPs have been found guilty of asking the questions after taking money during the question hour
 - Many MPs do not use the opportunity provided during the question hour due to several reasons including lack of research and support staff
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Time spent on question hour in Rajya Sabha



Time Wasted on the Question Hour

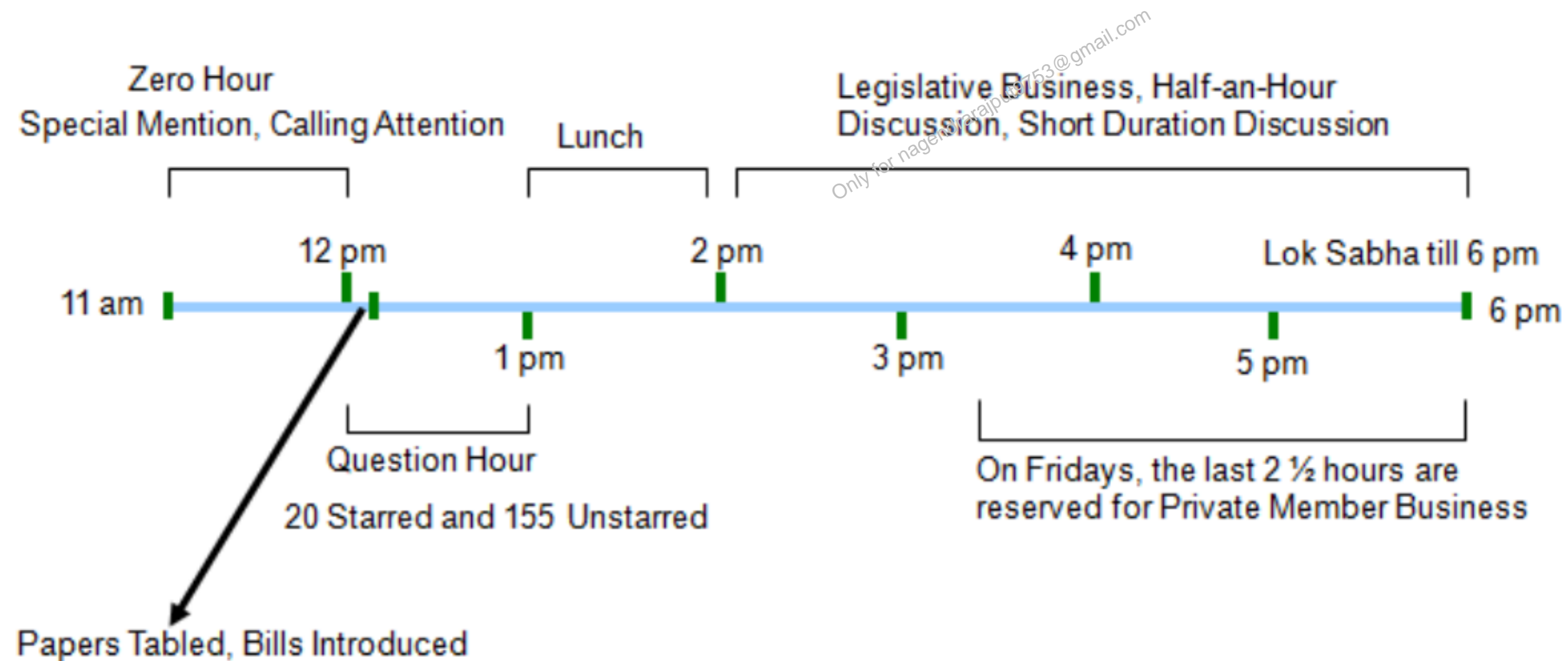
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Question Hour

Functioning of the Parliament

Figure 1: A Day in Parliament



Zero Hour

- The Zero Hour is usually used to raise matters that are urgent and cannot wait for the notice period required under other procedures.
- For raising matters during the Zero Hour, MPs give notice before 10 am to the Chairman on the day of the sitting. The notice must state the subject they wish to raise in the House.
- The Chairman decides whether to allow the matter to be raised.
- Short notice questions too are taken up during the Zero Hour.

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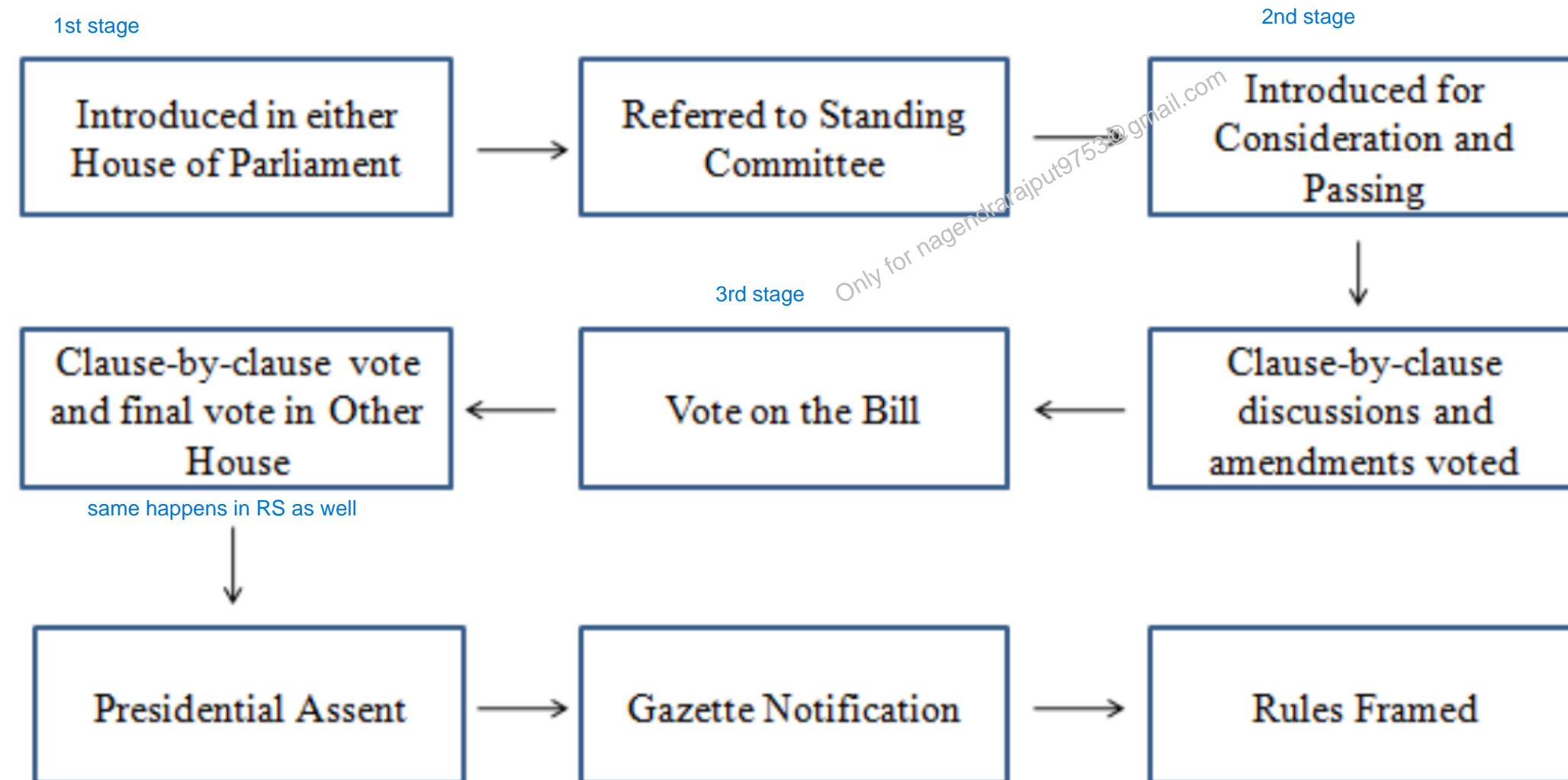
Legislative Business

Table 1: Kinds of Bills in Parliament

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

Legislative Business

Figure 2: Steps Leading to the Enactment of a Law



THANK YOU

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