

# QUESTIONS AND HALF-AN-HOUR DISCUSSION

## PREFACE

This booklet is part of the Rajya Sabha Practice and Procedure Series which seeks to provide, in brief, the procedure regarding asking and answering of Questions and also Half-an-Hour Discussions. It is based on the Rules of Procedure and Conduct of Business in Rajya Sabha and decisions/rulings given by the Chairman from time to time. The booklet is intended to serve only as a handy guide for ready reference. The information contained in it is not exhaustive. For full and authentic information original sources may be referred to and relied upon.

New February, 2005.	Delhi;	DR.YOGENDRANARAIN, <i>Secretary-General.</i>
------------------------	--------	---

## QUESTIONS AND HALF-AN-HOUR DISCUSSION IN RAJYA SABHA

The 'Question Hour' is an important part of the parliamentary proceedings which gives the institution of Parliament the great significance it possesses. This Hour has assumed greater importance because the members can elicit information through questions on matters affecting the day-to-day life of the citizens for which Ministers are collectively and severally answerable to the legislature. This parliamentary device, in fact, is primarily meant for exercising a kind of legislative control over executive actions. Besides, the Members also find an opportunity through this device to criticise Government's policies and programmes; ventilate public grievances; expose Government's lapses; and extract promises from Ministers. Members also get opportunity to give vent to their feelings when they are not satisfied with the answers by putting supplementaries. The Question Hour serves another purpose. The Ministers are also made aware of the working of their departments at the ground level which otherwise could have gone unnoticed.

Although the apparent purpose of asking a question is to elicit information, the real object of the member is to point out shortcomings of the administration; to ascertain the thinking of the Government on a particular matter or even to help the Government in formulating their policy; and where policy already exists, in making suitable modifications in that policy. Thus, answers to questions achieve twin objectives -- one, the public at large comes to know of the policies of the Government and two, information about public reaction and public opinion about a Government policy and its implementation including its shortcomings is fed back to the Government to enable them to make necessary modifications, if required in the public interest.

The Question Hour sometimes witnesses fine repartees, full of wit and humour. Ministers doing their home work are better equipped to face the questions as well as the volley of supplementaries which throw a searchlight on the working of the administration.

Thus, the Question Hour enjoys a special place in the parliamentary proceedings. Perhaps this is the only parliamentary device which is made use of by most of the Members of the House. This device is an effective

method for obtaining information on a variety of matters concerning administration. The Question Hour also provides a wide attraction to the press as well as the public.

Ministers have to be precise and accurate while answering questions. The information given through the answers is always taken as authentic. So, Ministers have to be very careful while giving answers. They cannot afford to mislead the House by giving wrong and inaccurate answers which might lead to raising questions of privilege. If a Minister later finds that the information supplied is inaccurate or incorrect, he may make a statement in the House correcting the previous answer, in case it is a starred question or lay a statement on the Table of the House, in case of an unstarred question. Where a Minister feels that he cannot supply authentic information when the question is asked, he may ask for time and assure the House to supply it as soon as it is available. A Minister may refuse an answer to a question in public interest. A heavy responsibility devolves on a Minister while answering a question as he presents the viewpoint of the Government in the House.

Like other legislatures, Rajya Sabha has provided for the procedure for asking questions in its Rules of Procedure and Conduct of Business. The first sitting of Rajya Sabha was held on 13 May 1952. From that day till 26 May 1952 there was no Question Hour in the House. The first half-an-hour was made available for asking and answering questions on 27 and 28 May 1952. In Rajya Sabha the questions were thus put for the first time on 27 May 1952. The Chairman, Rajya Sabha made an announcement on 14 July 1952 regarding amendment in the Rules thereby making the first hour of the sitting on every Monday to Thursday available for asking questions. The new procedure was followed in the House from 21 July 1952. This procedure continued till July 1964 when it was further revised to include Friday also.

Rule 38 of the Rules of Procedure and Conduct of Business in Rajya Sabha provides that unless the Chairman otherwise directs, the first hour of every sitting shall be available for the asking and answering of questions.

The Question Hour starts at 11.00 a.m. and concludes at 12.00 noon on five days a week when the House sits, *i.e.*, from Monday to Friday. In case any other business like oath taking by members or obituary references is taken up at 11.00 a.m. the time taken thereon is not made good by extending the Question Hour beyond 12.00 noon.

Asking of questions is an inherent parliamentary right of a member irrespective of his party affiliation. Hence every member, whether belonging to the ruling party or the Opposition, is entitled to ask questions. Members can ask questions on different aspects of administration and governmental activity. Questions are to be addressed to a Minister for the purpose of eliciting information on a matter of public importance within the cognizance of that Minister.

### **Grouping of Ministries and types of questions**

For the purpose of answering questions in Rajya Sabha, the Ministries and Departments of the Government of India have been divided into five Groups, *i.e.*, I, II, III, IV and V and these Groups have been allotted Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, respectively. The grouping is done in such a way that each Minister has one day fixed in the week for answering questions in Rajya Sabha and another fixed day in the week for answering questions in Lok Sabha.

Changes are introduced in the grouping of Ministries according to the changes in the restructuring of Ministries or due to a reshuffle in the portfolios of Ministers or some such valid reasons. In each Group of Ministries, there are some important Ministries about which more questions are tabled. Grouping is done in such a way that, as far as practicable, each Group has approximately the same number of questions. The Ministries which attract a large number of questions are not usually bunched together; one or two such Ministries are normally put along with other Ministries which attract lesser number of questions.

Questions in Rajya Sabha have been categorised as under:-

**Starred Questions:** Questions to which answers are desired to be given orally on the floor of the House during the Question Hour. These are distinguished in the printed lists by asterisks.

**Unstarred Questions:** Questions to which written answers are given by Ministers which are deemed to have been laid on the Table of the House at the end of the Question Hour.

**Short Notice Questions:** Such questions can be asked orally in the House after the Question Hour or as the first item in the agenda where there is no Question Hour at a notice shorter than that prescribed for Starred and Unstarred Questions. These must relate to a subject-matter considered by the Chairman to be of urgent public importance.

**Supplementary Questions:** These are questions which arise out of a Minister's answer to a Starred or Short Notice Question. These can be asked with the Chair's permission immediately after the Minister has answered the main question, for the purpose of further elucidating any matter of fact.

#### **Notices of questions**

A member has to give a minimum of 15 clear days' notice of a question. Members can give notices of questions after the issue of summons. In respect of all notices of questions for any particular day received up to 3.00 p.m. of the last date of receipt of such notices under Rule 39 of the Rules of Procedure, two draws of lot are held at 5.00 p.m. on that day with a view to determining the *inter se* priority of members who have given such notices and the lists of Starred and Unstarred Questions are prepared in accordance with the result of such draw of lot.

A member can give as many notices of questions as he likes for a particular day but only seven notices are considered for one date and rest are to be carried over to the next date and the total number of questions that can be put down in his name in the list of questions, both Starred and Unstarred together for a day cannot exceed five.

In order to enable members to address their questions to the appropriate Ministers, a booklet entitled "Subjects for which various Ministers are responsible for answering questions in Rajya Sabha" is brought out by the Rajya Sabha Secretariat and when it becomes necessary. This booklet is based on the information furnished by the Cabinet Secretariat.

### **Admissibility of questions**

The admissibility of questions in Rajya Sabha is governed by Rules 47 - 50 of Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha).

Questions seeking information on matters falling within the exclusive domain of the States and for which the State Governments are not answerable to the Union Government are generally not admitted. When a State is under the President's Rule, all Questions pertaining to matters falling within the sphere of that State are admitted. Usually the following types of questions are admitted for written answer, that is, as Unstarred Questions :

- (i) questions seeking information of statistical nature;
- (ii) questions seeking information in great details;
- (iii) questions raising matters of local interest;
- (iv) questions relating to strength of staff in Government offices or Departments and representation in the service of communities protected under the Constitution;
- (v) questions on which *prima facie* there could be no scope for Supplementaries;
- (vi) questions asking for statements to be laid on the Table; and
- (vii) questions of interest only to a limited section of the people.

These, however, are only illustrative of the types of questions which may be admitted as Unstarred. Each question, however, is considered on its merit.

In certain cases it becomes necessary to refer a question to the Ministry concerned to ascertain facts in the first instance. This is ordinarily done in the following circumstances:

- (i) where the responsibility of the Central Government is not clear;
- (ii) where the question *prima facie* relates to a matter affecting the security of the country;
- (iii) where the subject-matter of the question appears to be *sub judice*;
- (iv) where relations with foreign countries are involved; and
- (v) where the subject-matter is already under the consideration of a Parliamentary Committee.

Ministries are requested to furnish these types of facts as well as other factual information to the Rajya Sabha Secretariat as early as possible. Inclusion of a question in the list of questions for oral answer depends upon the priority secured by the member in the draw of lot, the order of preference indicated by him and the orders passed by the competent authority.

On receipt of the facts from the Ministry in response to the reference made by the Secretariat, the question is further examined and thereafter a decision is taken. Admitting or disallowing questions is the sole discretion of the Chairman.

Rule 47(2)(i) of the Rajya Sabha Rules provides that a question "shall be pointed, specific and confined to one issue only." Rule 47(2)(vii) provides that a question shall not exceed 100 words.

Questions containing arguments, inferences or defamatory statements or which otherwise refer to the conduct or character of any person except in his official or public capacity are not admitted. Questions which are in substance repetitions of those that have been answered previously or in regard to which information is available in accessible documents or in ordinary works of references are not admitted. Besides, if subject-matter of a question is pending consideration before any court of law or is under consideration of a Parliamentary Committee, the same is not permitted to be asked. Questions making discourteous references to a friendly foreign country are not admitted. Similarly, questions which raise policy matters too large to be dealt within the limits of an answer to a question are not generally admitted.

### **Question lists**

Under Rule 51-A, the total number of questions to be included in the lists of questions for oral and written answers for any day shall not exceed 175 including 20 questions for oral answers, questions postponed

from one list of questions to another for written answers and 15 questions pertaining to the State(s) under the President's Rule.

For determining the *inter se* priority of members for including their questions admitted for oral and written answers, two ballots are held on the last day for receipt of questions for the day. The Ballot for Starred Questions indicates names of members for a list of 20 questions. A separate ballot indicating the ballot priority of members for including their questions for written answers for a list of 155 questions in pursuance of Rule 51- A is held simultaneously. The ballot priority thus obtained by each member who has given notices for a day, is displayed on the Notice Board in the Outer Lobby of Rajya Sabha.

After the last date of receipt of questions for a particular date is over, the admitted questions for oral answers are arranged in order of priority obtained by the members in the draw of lot and also as per the preferences indicated by the members on the notices. In putting down the questions in the list, questions of first priority of the members are included unless they have been admitted as Unstarred or disallowed or transferred. Where there is no question admitted as Starred from any of the members securing a position within the limit of twenty, a question from the member securing the twenty-first position is put down in the list and so on.

The list of questions for written answers does not contain more than 155 questions and is prepared on the basis of the ballot priority indicated in the ballot for written answers. To illustrate the point, if for Monday 100 members have given their notices, the ballot will indicate 100 priorities and 100 questions for written answers will be included as per the priority indicated. For the rest of 55 questions the priority commencing from serial No. 1 of the ballot for written answers will be taken in the second round. This process will continue until the ceiling of 155 is reached or all the questions have been exhausted.

The left over admitted questions after 155, if any, may be carried over to the next date. While preparing the list of questions for written answers, questions which have been postponed from any previous date(s) and also 15 questions pertaining to States under President's Rule may also be included within the limit of 155 questions per day as per rule.

The list of questions is printed both in English and Hindi. The printed lists are circulated to Ministries/ Members five clear days in advance of the date of answer.

### **Withdrawal or postponement of questions**

A member may, by notice given at any time before the meeting for which his question has been placed on the list, withdraw his question or have it postponed to a later day to be specified in the notice, and on such later day the question shall be placed on the list after all questions which have not been so postponed, provided that a postponed question shall not be placed on the list until two clear days have expired from the time when the notice of postponement has been received by the Secretary-General.

### **Final lists of questions**

The printed lists of questions, circulated to Ministers are the final lists on the basis of which Ministries frame their answers.

### **Sets of answers**

Five sets of answers are sent to the Press Gallery of Rajya Sabha for use by Press Correspondents in the Gallery. These answers are, however, not made public until the Question Hour is over and have been answered in the House or laid on the Table of the House.

Five complete sets of English/Hindi versions of answers to Starred and Short Notice Questions included in a day's list are placed in the Notice Office an hour before the commencement of the Question Hour for reference by members.

When Question Hour is dispensed with owing to the cancellation of the sitting of the House or its adjournment without transacting any business, the questions entered in the lists of questions (both Starred and Unstarred) for that day are treated as Unstarred Questions for the next sitting and printed with their answers as such in the official report of that day.

### **Corrections to answers**

When a Minister wishes to correct any inaccuracy in the information which he has earlier given in answer to a Starred/Short Notice Question or a Supplementary Question he may, with the prior permission of the Chairman, make a statement on the floor of the House correcting the reply already given by him. In respect of an Unstarred Question, a statement correcting the reply is laid on the Table of the House by the Minister.

### **Short Notice Questions**

On receipt of a Short Notice Question it is examined to ascertain if it relates to a matter of public importance which requires urgent attention. An inquiry is made from the Minister as to whether he is prepared to answer the question at a short notice. If the Minister is not in a position to answer the question at a short notice, an intimation to that effect is sent to the member concerned. There is, however, a provision in the Rules that if the Chairman is of the opinion that a Short Notice Question which a Minister is unable to answer at short notice is of sufficient public importance to be orally answered in the House, he may direct that the question be placed as the first question on the list of questions for the day on which it would be due for answer under the Rules. Ordinarily, not more than one such question on a day is given such priority.

### **Half-an-hour discussion**

Members can give notice under Rule 60(2) of the Rules of Procedure and Conduct of Business in Rajya Sabha for raising discussion on a matter of sufficient public importance which has been the subject of a recent question, oral or written and the answer to which needs elucidation on a matter of fact.

The discussion, if admitted, is limited to half-an-hour and is held in the last half-an-hour of a sitting.

A member wishing to raise a half-an-hour discussion has to give notice in writing at least three days in advance of the day on which the discussion is desired to be raised. He has to specify in the notice the date on which he desires to raise the discussion, the points on which elucidation is required and the question whose reply needs further elucidation. The notice should also be accompanied by an explanatory note stating the reasons for raising discussion and should be countersigned by two other members.

The notices are carefully scrutinised and the following points are examined with reference to the original reply given to the questions and supplementaries thereon:

- (i) whether the points intended to be raised by the member arise out of the answer to the relevant question;
- (ii) whether the period of notice satisfies the requirements of Rule 60(2);
- (iii) whether the points desired to be raised have been specified and relate to a matter of fact; and
- (iv) whether the reasons stated justify a discussion being raised.

When a notice is to be put down for discussion, the Ministry concerned is informed and copies of the notice, explanatory note and points proposed to be raised by the member are sent to the Ministry.

On the date when the discussion is to take place members may with the permission of the Chairman ask clarificatory questions. The member raising the discussion, when called by the Chairman, makes a short statement and the Minister concerned replies thereafter.

If the member who has given the notice for half-an-hour discussion is absent, any other member who has supported the notice may, with the permission of the Chairman, initiate the discussion.

Observations of hon'ble Chairman, Rajya Sabha regarding Questions

In order to make the question procedure more effective, the hon'ble Chairman, Rajya Sabha, Shri Bhairon Singh Shekhawat made the following important observations :



(i) Restriction on supplementary questions

On 25 November 2002, during the Question Hour, he observed that henceforth not more than two members would be allowed to ask supplementaries on a Starred Question, apart from the member(s) against whose name the question is listed, so that maximum number of questions could be covered for oral answer.

(ii) Attendance during Question Hour

On 26 November 2002, immediately after the Question Hour was over, he observed that since a lot of time and effort is involved in preparation of answer to a question, a member in whose name question is listed for oral answer, shall remain present in the House during Question Hour. In case of his/her inability to do so, he/she must either give prior intimation to the Chairman in writing or seek his prior permission to authorise some other member to ask the question on his/her behalf.