

Bill and Motion of Parliament

Joint Sitting of Parliament

The Constitution of India provides for a joint session of the Parliament.

- India has a bicameral Parliament. To pass any bill, both the Houses (the Lok Sabha and the Rajya Sabha) must concur. The bill has to be passed by both Houses before the President can give his/her assent.
- The founding fathers foresaw situations where there could be a deadlock between both Houses of Parliament.
- Therefore, they provided for a constitutional mechanism to break this deadlock, in the form of joint sittings.

Joint Sitting of Parliament is Summoned by

- The joint sitting is called by the President.
- The Speaker presides over a joint sitting. In the absence of the Speaker, the Deputy Speaker of the Lok Sabha presides over it, and in his absence, the sitting is presided over by the Deputy Chairman of the Rajya Sabha.
- If any of the above-mentioned people are not available, any Member of Parliament (MP) can preside over the sitting by consensus of both Houses.
- The quorum to constitute a joint sitting: 1/10th of the total number of members of the House.

Joint Sitting Constitutional Provision

Article 108 of the Indian Constitution provides for a joint sitting of both Houses of Parliament. Accordingly, a joint session can be summoned when:

If after a bill is passed by one House and transmitted to the other House –

1. The other House rejects this bill, or
2. The Houses do not agree on the amendments made to the bill, or
3. More than six months elapse with the bill being received by the other House without it being passed.

Then, the President can summon a joint sitting unless the bill had elapsed because of the Lok Sabha's dissolution.

How is the period of the above-mentioned 6 months calculated?

Those days are not taken into account when the House is prorogued or adjourned for over 4 consecutive days.

Conduct of Business

- According to Article 118, the President can make rules for the procedure of the joint sitting after due consultation with the Lok Sabha Speaker and Rajya Sabha Chairman.
- In a joint sitting, any new amendment cannot be proposed in the bill, excepting those which have been passed by one House and refused by the other.
- Amendments which are relevant to the matter at discussion can only be proposed.
- About the admissibility of amendments, the decision of the presiding officer is final.
- The bill in a joint sitting is passed by a simple majority.

According to Article 87 of the Constitution, there are two instances when the country's President specifically addresses a joint sitting of both Houses. They are:

1. At the start of the first session after a general election. This is when the reconstituted Lok Sabha meets for the first time after being elected.
2. At the start of the first session every year.

Exceptions to Joint Sitings

There are two exceptions when a joint sitting cannot be summoned. They are for the following bills:

1. **Constitution Amendment Bill:** According to Article 368, the Constitution can be amended only by a 2/3rd majority in both Houses. There is no provision for a joint sitting in case of a disagreement between both Houses.
2. **Money Bill (Article 110):** As per the Constitution, money bills require the Lok Sabha's approval only.
 1. Even if the Rajya Sabha does not pass the money bill within 14 days, the bill is considered passed by both Houses after 14 days is over.
 2. The Rajya Sabha can make recommendations to the Bill which the Lok Sabha is not required to accept.
 3. Thus, in the case of a money bill, the necessity of a joint sitting does not arise.

Prorogation of House

Prorogation means the termination of a session of the House by an order made by the President under article 85(2)(a) of the Constitution. Prorogation terminates both the sitting and session of the House.

Usually, within a few days after the House is adjourned sine die by the presiding officer, the President issues a notification for the prorogation of the session. However, the President can also prorogue the House while in session.

Prorogation means the end of a session.

- Prorogation implies the end of the sitting as well as the session and not the dissolution of the House.
- Point to note: The Rajya Sabha is not dissolved as it is a permanent House, only the Lok Sabha is dissolved.
- The President can prorogue the House while in session also.
- Generally, the President issues a notice for the session's prorogation a few days after the House is adjourned sine die by the presiding officer of the House.
- All pending notices lapse on the prorogation of the House.
- However, there is no impact on bills upon prorogation.
- The time between prorogation and reassembly is called Recess.

Dissolution of House

The Lok Sabha is dissolved at the end of its five-year term (automatic dissolution) or by Presidential order. Dissolution terminates the life of the house.

- The Rajya Sabha is not dissolved. Its members have a fixed term of 6 years, with a third of its members up for elections every two years.
- When does the President give the order for Lok Sabha's dissolution?
- If authorised by the Council of Ministers, he can give the order even before the end of the five-year term.
- He can also dissolve if the Council of Ministers loses confidence and no party is able to prove majority.

When the Lok Sabha is dissolved, all business including bills, motions, resolutions, notices, petitions, etc. pending before it or its committees lapse.

The last session before the Lok Sabha is dissolved is called a *Lame Duck* session.

Only the President can dissolve the House.

Question Hour:

- Definition: The first hour of every parliamentary sitting is slotted for the Question Hour.

During this one hour, Members of Parliament (MPs) ask questions to ministers and hold them accountable for the functioning of their ministries.

The questions can also be asked to the private members (MPs who are not ministers).

- Regulation: It is regulated according to parliamentary rules.

The presiding officers of the both Houses (Rajya Sabha and Lok Sabha) are the final authority with respect to the conduct of Question Hour.

- Kinds of Questions: There are three types of questions asked.

Starred question (distinguished by an asterisk)- this requires an oral answer and hence supplementary questions can follow.

Unstarred question- this requires a written answer and hence, supplementary questions cannot follow.

Short notice question is one that is asked by giving a notice of less than ten days. It is answered orally.

- Frequency: Question Hour in both Houses is held on all days of the session. But there are two days when an exception is made.

When the President addresses MPs from both Houses.

- The President's speech takes place at the beginning of a new Lok Sabha and on the first day of a new Parliament year.

On the day the Finance Minister presents the Budget

Zero Hour:

- Zero Hour is an Indian parliamentary innovation. It is not mentioned in the parliamentary rules book.
- Under this, MPs can raise matters without any prior notice.
- The zero hour starts immediately after the question hour and lasts until the agenda for the day (i.e. regular business of the House) is taken up.
- In other words, the time gap between the question hour and the agenda is known as zero hour.

Impact:

- Over the last 70 years, MPs have successfully used the parliamentary device of 'Question Hour' to shine a light on government functioning. Their questions have exposed financial irregularities and brought data and information regarding government functioning to the public domain.

- Suspension of the Question Hour would mean that the Opposition would lose the right to question the government. Also, the Ministers are not liable to reply to the issues raised during the Zero Hour.
- This would mean that the MPs would not be able to hold the government accountable for its action. This will go against the spirit of parliamentary democracy.

Types of Motions in Indian Parliament

Privilege Motion	<ul style="list-style-type: none"> ▪ 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.
Censure Motion	<ul style="list-style-type: none"> ▪ It should state the reasons for its adoption in the Lok Sabha. It can be moved against an individual minister or a group of ministers or the entire council of ministers. ▪ It is moved to censure the council of ministers for specific policies and actions. It can be moved only in Lok Sabha.
Call-Attention Motion	<ul style="list-style-type: none"> ▪ It is introduced in the Parliament 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. ▪ It can be moved in Rajya Sabha as well as Lok Sabha.
Adjournment Motion	<ul style="list-style-type: none"> ▪ It is introduced in the Lok Sabha to draw the attention of the House to a definite matter of urgent public importance. It involves an element of censure against the government. ▪ It can be moved only in Lok Sabha.
No-Day-Yet-Named Motion	<ul style="list-style-type: none"> ▪ It is a motion that has been admitted by the Speaker but no date has been fixed for its discussion. ▪ It can be moved in Rajya Sabha as well as Lok Sabha.
No Confidence Motion	<ul style="list-style-type: none"> ▪ Article 75 of the Constitution says that the council of ministers shall be collectively responsible to the Lok Sabha. In other words, the Lok Sabha can remove the

	<p>ministry from office by passing a no-confidence motion. The motion needs the support of 50 members to be admitted.</p> <ul style="list-style-type: none"> ▪ It can be moved only in Lok Sabha.
Motion of Thanks	<ul style="list-style-type: none"> ▪ The first session after each general election and the first session of every fiscal year is addressed by the president. This address of the president is discussed in both the Houses of Parliament on a motion called the 'Motion of Thanks'. ▪ This motion must be passed in the House. Otherwise, it amounts to the defeat of the government.
Cut Motions	<ul style="list-style-type: none"> ▪ 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. ▪ A motion may be moved to reduce the amount of a demand in any of the following ways: <ul style="list-style-type: none"> ○ Policy Cut Motion: It is moved so that the amount of the demand be reduced to Re.1 (represents disapproval of the policy underlying the demand). ○ Economy Cut Motions: It is moved so that the amount of the demand will be reduced by a specified amount. ○ Token Cut Motions: It is moved so that the amount of the demand is reduced by Rs.100 (expresses a specific grievance). ▪ It can be moved only in Lok Sabha.

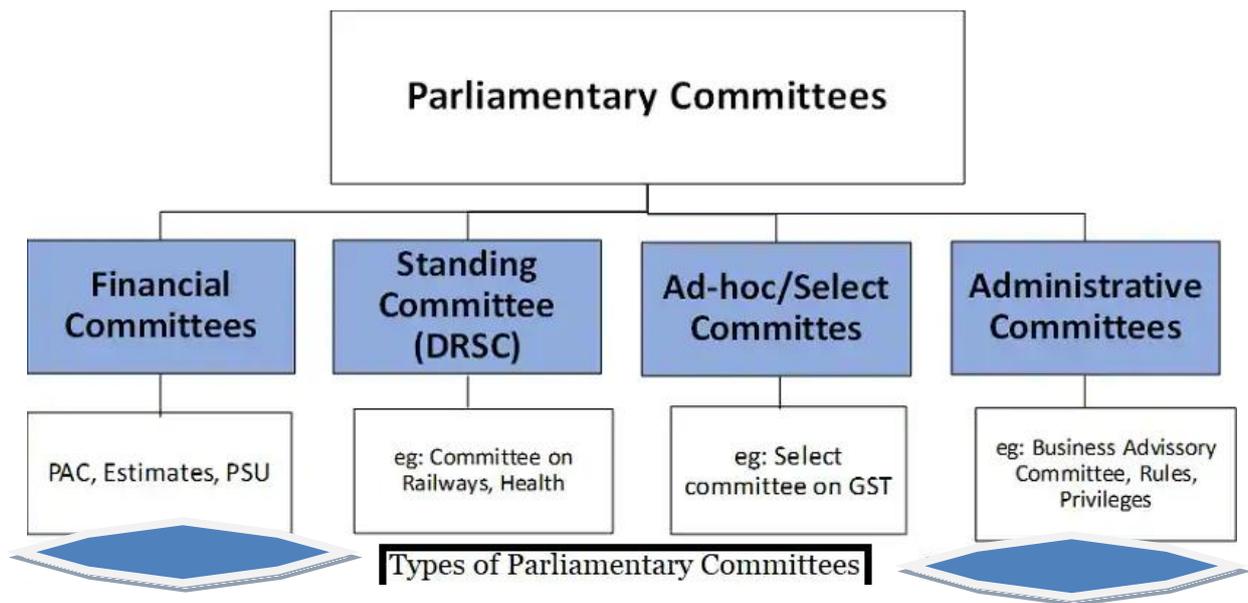
Parliament's Control over the Financial System

The two key articles that pertain to financial oversight of the parliament are article 266 and article 110. As per article 266, no amount of money can be withdrawn from the consolidated fund unless authorized by parliament by making law. Article 110 further specifies Money Bill, ensuring that custody of Consolidated Fund of India along with payment of moneys into or withdrawal of money from should be done with the approval of the Parliament. Thus,

parliament exercises complete control of the finances of the government because without no bill whether money or financial can become act without clear passage from it. Taxation and related policies need to be approved by the Parliament before coming into force.

Parliamentary Committees

Parliamentary Committees help with this by providing a forum where Members can engage with domain experts and government officials during the course of their study. There is a need to strengthen the parliamentary committees rather than bypassing them for the betterment of the parliamentary democracy.



Standing Committees in Lok Sabha

1. Absence of Members from the sitting of the House
2. Business Advisory Committee
3. Committee on Welfare of Other Backward Classes
4. Empowerment of Women
5. General Purposes Committee
6. Government Assurances
7. House Committee
8. Library Committee
9. Papers Laid on the Table
10. Petitions
11. Private Members Bills and Resolutions
12. Privileges
13. Rules Committee
14. Subordinate Legislation
15. The welfare of Scheduled Castes and Scheduled Tribes

Standing Committees in Rajysabha

1. Committees to enquire—

- (a) Committee on Petitions;
- (b) Committee of Privileges; and
- (c) Ethics Committee.

COMMITTEE ON PUBLIC ACCOUNTS

(i) The particulars of its organization, functions and duties

The Committee on Public Accounts is constituted by Parliament each year for examination of accounts showing the appropriation of sums granted by Parliament for expenditure of Government of India, the annual Finance Accounts of Government of India, and such other accounts laid before Parliament as the Committee may deem fit such as accounts of autonomous and semi-autonomous bodies (except those of Public Undertakings and Government Companies which come under the purview of the Committee on Public Undertakings).

The Committee on Public Accounts is the oldest Parliamentary Committee and was first constituted in 1921. The Committee consists of 22 Members, 15 Members are elected by Lok Sabha and 7 Members of the Rajya Sabha are associated with it. The Speaker is empowered to appoint the Chairman of the Committee from amongst its Members.

Functions of the Committee

The Committee on Public Accounts scrutinizes the Appropriation Accounts of the Government of India and the reports of the Comptroller and Auditor General of India thereon. While doing so, it is the duty of the Committee to satisfy itself:-

- (a) That the moneys shown in the accounts as having been disbursed were legally available for, and applicable to, the service or purpose to which have been applied or charged;
- (b) That the expenditure conforms to the authority which governs it; and
- (c) That every re-appropriation has been made in accordance with the provisions made in this behalf under rules framed by competent authority.

It is also the duty of the PAC:-

- (a) to examine the statement of accounts showing the income and expenditure of State Corporations, trading and manufacturing schemes, concerns and projects together with the balance sheets and statements of profit and loss accounts which the President may have required to be prepared or are prepared under the provisions of statutory rules regulating the financing of a particular corporation trading or manufacturing scheme or concern or project and the report of the C&AG thereon;

(b) to examine the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies, the audit of which may be conducted by the C&AG of India either under the directions of the President or by a statute of Parliament; and

(c) To consider the report of the C&AG in cases where the President may have required him to conduct an audit of any receipts and to examine the accounts of stores and stocks.

Committee on Public undertakings

The committee on public undertakings consists of not more than 22 members-fifteen elected by the Lok Sabha and seven by the Rajya Sabha, from amongst their members, according to the principle of proportional representation by means of a single transferable vote. The chairperson is appointed by the speaker from amongst the member of the committee.

A minister is not eligible to become a member of the committee. If a member, after election to the committee is appointed a minister, that member ceases to be member of the committee from the date of such appointment.

The term of the committee does not exceed one year

Functions

The functions of the committee on public undertaking are:-

- To examine the reports and accounts of the public undertakings specified in the fourth schedule to the rules of procedure and conduct of Business in Lok Sabha;
- To examine the reports, if any, of the controller and Auditor general of India on the public undertakings;
- To examine, in the context of the autonomy and efficiency of the public undertakings whether the affairs of the public undertakings are being managed in accordance with sound business principles and prudent commercial practices; and
- To exercise such other functions vested in the public accounts committee and the estimates committee in relation to the public undertaking as are not covered by clauses (a), (b) and (c) above and as may be allotted to the committee by the speaker from time to time