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LEGISLATIVE AND FINANCIAL BUSINESS OF THE GOVERNMENT

In a parliamentary democracy, the main task of the Parliament relates to Government Business. Planning of Government Business, therefore, assumes great significance. The function of planning and coordination of Legislative and other official business in both the Houses of Parliament has been allocated to the Ministry of Parliamentary Affairs under the Government of India (Allocation of Business) Rules, 1961.

Any business initiated or moved by a member of the Council of Ministers in either House of the Parliament is known as the Official or Government Business. Government Business comprises the Legislative, Non-legislative, Financial and Non-financial business introduced or moved/piloted by the Ministers in either House. The Rules of the two Houses provide that on the days allotted for transaction of Government Business, the business sponsored by the Government shall be given precedence and that it shall be arranged in such order as the Presiding Officers of the two Houses may determine in consultation with the Leaders of the respective Houses. Barring the Question Hour and two and a half hours during the Private Members' days (in the Rajya Sabha, no Government Business is normally provided on the Private Members' days), the entire time of the two Houses is at the disposal of the Government for transaction of Government Business. However, the Government normally agrees to provide for discussion on topics of urgent public importance, as demanded by Members from time to time and recommended by the Business Advisory Committees of the Houses, during the time available for Government Business. In this chapter, the official Legislative and Financial business taken up in the two Houses of Parliament alone has been dealt with. In so far as the other official business taken up in the two Houses is concerned, it has been dealt with separately in chapter 5 of this Handbook.

Government Legislative Business

Any Bill(s) introduced or moved for consideration and passing/piloted by the Minister(s), constitute the Government legislative business. [Bills introduced or moved for consideration and passing by any Member (other than a Minister) in the two Houses, whether he/she belongs to the ruling party/parties or opposition parties/groups, constitute the Private Member's Legislative Business. This can be taken up only during the time set apart for Private Members Business in the two Houses, i.e. two and half hours on the last working day of the alternative week or any other day in a week as may be specified by the Presiding Officer in each House.]

Financial Business

The Financial business brought before the Houses by the Government consists of the following items:

- (i) Presentation of the Railway and the General Budgets and Statements of Supplementary/Excess Demands for Grants;
- (ii) Presentation of the Budgets and Statements of Supplementary/Excess Demands for Grants in respect of State(s) under President's Rule;
- (iii) General discussion on the General and Railway Budgets; discussion and voting on the Demands for Grants on Account, Demands for Grants, Supplementary and Excess Demands for Grants in respect of the General and Railway Budgets;
- (iv) Introduction, consideration and passing of the Appropriation Bills in respect of various Demands voted by the Lok Sabha;
- (v) Introduction, consideration and passing of the Finance Bill; and
- (vi) General discussion on the Budgets, discussion and voting on Supplementary Demands and Excess Grants of States and Union Territories which are under President's Rule, and introduction, consideration and passing of the connected Appropriation Bills.

PROCESS

In discharge of this function, the Ministry of Parliamentary Affairs plans the Government Business in the following three stages:

- (i) Likely business for the entire session, i.e. Tentative List of Government Legislative and other Business for the session;
- (ii) Planning of business on a weekly basis, i.e. statements made by the Ministers of Parliamentary Affairs in each House every week regarding the Government Business likely to be taken in the respective Houses during the following week; and
- (iii) Planning of business in the two Houses on a day to day basis, i.e. furnishing lists of government business to the Lok Sabha and Rajya Sabha Secretariats daily for inclusion in the Lists of Business of the respective Houses for the following day and the day thereafter.

Government Business for the Entire Session - Tentative Lists

In order to chalk out a tentative plan of the Government Legislative, Financial and other business for a session, it is essential that the Ministry of Parliamentary Affairs should have with it, in advance, information regarding various items of business which Ministries/Departments intend to bring before the Houses during the ensuing session. Though the information regarding the Bills which remain pending in the two Houses on the conclusion of the previous session of the Parliament and the Ministries administratively concerned with these Bills is available with the Ministry, it, however, is not aware whether the administrative Ministry would move its pending Bills for consideration and passing during the next session. It is only the administrative Ministry which can authoritatively state whether it proposes or does not propose to bring a particular pending Bill during the ensuing session. Not only the pending Bills, a Ministry may also bring fresh Legislative proposals or any item of Non-legislative and/or, Financial business during the forthcoming session. It is, therefore, imperative for the Ministry of Parliamentary Affairs to approach all the Ministries/

Departments of the Government of India sufficiently in advance of each session of Parliament to obtain the details regarding the Legislative and other business proposed to be brought by them in Parliament during the ensuing session.

For this purpose, as soon as the two Houses are prorogued on the conclusion of their preceding session or as soon as the new Government is formed after the general election or otherwise, the Secretary, Ministry of Parliamentary Affairs, addresses a D.O. letter (**Annex IV-A**) to his counterparts in all the Ministries/Departments of the Government of India, requesting them to furnish, by a prescribed date [normally four weeks before the commencement of the session (this may vary, depending upon the time available before a session)], information regarding the Legislative (pending as well as new Bills) and other business likely to be introduced/moved by them during the forthcoming session, in the prescribed proforma (**Annex IV-B**). In this communication, an indication about the probable date on which the next session is likely to start is also given.

The position of receipt of replies from the Ministries/Departments is monitored and the Ministries from whom the replies are awaited, are telephonically requested at various levels to expedite them. On the expiry of the date prescribed for furnishing the information, the Parliament Units of the defaulting Ministries are formally reminded at the level of the Under Secretary. Thereafter, whenever necessary, the Secretary and other senior officers in the Ministry also telephonically request their counterparts/concerned senior officers to expedite the information. The information received from various Ministries/Departments is compiled in the format as at **Annex IV-C**.

With a view to finalising the Tentative List of Government and other business for the session, the information received from various Ministries/Departments is processed in two stages. In the first stage, the list, particularly the Bills included in the List, are individually scrutinized in consultation with the Legislative Department of the Ministry of Law & Justice with reference to the stage of drafting of the 'Note for Cabinet', preparation of the Bill and whether the Cabinet has accorded its approval/fresh approval, where necessary, to the Bill or not. This gives a broad idea to the Ministry about the state of preparedness of each Bill and also whether with this preparedness, it will be feasible for

the administrative Ministry to complete all the procedural formalities to bring the Bill before Parliament during its ensuing session, in time. For this purpose, a meeting of the Secretary, Ministry of Parliamentary Affairs, with the Legislative Secretary is arranged, in the latter's office, about eight to ten days in advance of the session, which is also attended by the senior officers of the two Ministries. In this connection, a D.O. letter (**Annex IV-D**), forwarding the consolidated list of business furnished by various Ministries/Departments (in format at **Annex IV-C**), is addressed by the Secretary, Ministry of Parliamentary Affairs, to the Legislative Secretary, about ten to twelve days before the session, requesting him to fix a meeting for the purpose. In actual practice, the Secretary normally first fixes up the meeting in informal consultation with the Secretary, Legislative Department, and thereafter addresses the D.O. letter to him, forwarding therewith a copy of the consolidated list.

In the second stage, after the Bills included in the list have been scrutinized in consultation with the Legislative Department, the Minister of Parliamentary Affairs takes a meeting, about a week in advance of the session, with the Secretaries/senior officers of the concerned Ministries to review and finalise the Government Business for the next session. For this purpose, a note, about a month in advance of the session, is submitted to the Minister seeking his/her convenience regarding the time and date, preferably about a week in advance of the session, for the meeting. Sometimes, when it is not convenient to the Minister, one of the Ministers of State for Parliamentary Affairs indicated by the Minister, presides over the meeting. After the Minister/Minister of State has indicated his/her convenience regarding the date and time for the meeting, the Lok Sabha or the Rajya Sabha Secretariat, as the case may be, is requested to reserve, for a specified date, one of the larger Committee Rooms in the Parliament House or Parliament House Annexe for the purpose. After the reservation of the Committee Room has been confirmed by the Secretariat, the Secretary addresses a D.O. letter (**Annex IV-E**) to the Secretaries of the Ministries/Departments concerned requesting them to attend or depute the concerned senior officer(s) of the Ministry to the meeting. A list of items of business concerning each Ministry, which is to be reviewed in the meeting, is also forwarded to the Ministry with the D.O. letter.

Simultaneously, a Note from the Secretary, MPA, to the Minister/Ministers of State for Parliamentary Affairs, requesting them to attend the meeting, is also sent, along with a copy of the consolidated scrutinized list of the items of business to be reviewed in the meeting. Arrangements for tea/refreshment, security at the venue of the meeting, entry passes for the officers of various Ministries/Departments, attendance sheet for obtaining the signatures of the officers attending the meeting, etc. are made after taking necessary approval from senior officers or IFD, wherever necessary.

Each item included in the scrutinized list is taken up one by one in the meeting (either in the ascending or the descending order, or from the middle, as may be decided by the Minister, keeping in view the order followed in the earlier meeting) and is accorded priority after discussion, if necessary, with the officers of the Ministries/Departments concerned. Depending upon their importance and urgency, they are accorded, category A or B or C (Minister sometimes may also accord A+, B+, A -, B - categories.) Bills to replace Ordinances, all items of Financial business and any item of Legislative or other business which is required to be passed by Parliament within stipulated period/date, viz., adoption of resolution regarding Proclamation issued under Article 356 in respect of a State, are always accorded the highest priority. Items of business accorded categories A+, A-, B+ are those which are to be necessarily taken up during the session. Items accorded categories B and B- are those which may be taken up either for introduction only or for introduction and also for consideration and passing during the second/later part of the session. While items accorded category C are those which are of lowest priority and are not expected to be taken up during the session. Minutes of the meeting are prepared and, after their approval by the Minister, are circulated to the concerned Ministries/Departments, etc. for information and necessary action.

On the basis of the decisions taken in the Minister's meeting, Tentative Lists of Government Legislative and other Business likely to be taken during the forthcoming session are prepared in respect of each House separately. (Items accorded C category in the meeting are not included in the Tentative Lists, while items accorded the remaining categories are included, if necessary, with

remarks, viz., for introduction only, etc.) After their approval by the Secretary/Minister, the Tentative Lists as in the format as at **Annex IV-F**, are sent to the Lok Sabha and the Rajya Sabha Secretariats, about three to four days in advance of the session, for publication in their Parliamentary Bulletins Part II for the information of the Members of their respective Houses and the Ministries/Departments. (During the session which commences with the President's Address in terms of article 87(2) of the Constitution, the copies of the Tentative Lists are sent to the two Secretariats after the President has addressed the Houses.)

Though all the items of business included in the Lists may not necessarily be taken up during the session, the lists, however, give a broad idea to the Members about the Legislative and other business likely to be brought by the Government during a session and also affords them an opportunity to prepare themselves in advance for participation in discussion on such items in the Houses. Besides, the lists also apprise, and, thereby, enable the Ministry/Department concerned to plan/take necessary action in advance for introduction/consideration and passing of their Bills by the Houses during the ensuing session. It also enables the Ministry of Parliamentary Affairs to plan and prioritise the business for the session.

Planning of Business on Weekly Basis

During the session periods, the Ministry reviews and plans the Government business on a weekly basis. On the basis of such reviews, the Ministers of Parliamentary Affairs also make statements in the two Houses every week, normally on the last sitting of the House in the week, about the Government business likely to be brought during the following week. In the Lok Sabha, it is included in the List of Business while in the Rajya Sabha, it is not included in the List of Business of that House for the day on which the statement is proposed to be made. As the statements are made almost simultaneously in the two Houses - after Question Hour and laying of Papers - the Minister of Parliamentary Affairs makes the statement in the Lok Sabha and the Minister of State for Parliamentary Affairs from the Rajya Sabha, makes the statement in the Rajya Sabha. At the time of making of these statements, Secretary is expected to remain present in the Official Gallery, Lok Sabha and the Joint Secretary is expected to remain present in the Official Gallery, Rajya Sabha

to assist, if necessary, the Ministers, as also to attend to any exigencies that may arise in relation to the statements.

The Ministry prepares these statements, keeping in view the importance and urgency of various items of Official business which are ready or are likely to be ready for listing in a couple of days/in the following week and also the time likely to be available for transaction of Government Business during the following week. As these statements are prepared during the session periods, they also take into account the Government Business likely to be disposed of by the Houses on the day the lists are prepared as also on the following day. Thus, for the statement prepared on Thursday, the business likely to be disposed of by the Houses on Thursday and Friday is also taken note of. Such statements, prepared for each House separately, are submitted every Thursday or on the penultimate sitting of the Houses every week, for the approval of the Minister. The statements are approved by the Minister on the same day. After their approval, the Secretary informs the Secretary-Generals of the two Secretariats (**Annexes IV-G & IV-H**), along with the requisite number of copies of the statement, about the statements to be made by the Minister of Parliamentary Affairs in the Lok Sabha and by the Minister of State for Parliamentary Affairs in the Rajya Sabha on the next day. After the Ministers have made statements in the two Houses, the Members, with the permission of the Presiding Officers, may make submissions/suggestions, if any. Normally, Ministers do not respond to these submissions, however, if necessary, or if directed by the Chair, the Minister may react to the suggestions/submissions made by the Members. The weekly statements give advance information to the Members about the impending business during the following week and also an opportunity to the Government to sense the mood of the House on its proposed business and, if necessary, to recast it accordingly.

Planning of Government Business on Day to Day Basis

During the session periods, the Ministry of Parliamentary Affairs reviews, plans and provides the Government Business for consideration in the two Houses on day-to-day basis. The Ministry is responsible for providing Government Business, in the order of priority which it deems appropriate, in the two Houses. The responsibility of bringing out the printed Lists of

Business, containing the Private as well as the Government Business, is that of the respective Parliament Secretariats. For inclusion of any items of the Government Business in the Lists of Business of the Houses for any date, the Ministry has to request the two Parliament Secretariats through the List of Government Business sent to them daily during the session period. Initially, the Ministry furnishes the Lists of Government Business for the first two or three sittings of the two Houses to two Secretariats separately, about two to three days in advance of the Session. After the commencement of the session, the Lists of Government Business are provided to the two Secretariats daily. Normally, the List of Government Business in respect of each House is provided to the Secretariat concerned two days in advance of the date to which it relates. However, when if it becomes necessary to take up any business on the same day, a Supplementary List of Government Business is sent to the Parliament Secretariat concerned on the same day *inter alia* requesting that such business may be included in the List of Business for that day as per the priority indicated in the Ministry's communication. The matter can be taken up in the House concerned only after its Secretariat issues the Revised Supplementary List of Business. All the proposals regarding the Lists of Government Business are issued after approval of the Minister of Parliamentary Affairs. (These proposals are not normally routed through the Minister(s) of State for Parliamentary Affairs.) At any time before the item included in the List of Business is taken up by the House, the Government can withdraw that item or change its order of priority or issue the revised List of Government Business, as the case may be, for that day.

Points to be Kept in View While Submitting the List of Government Business

While submitting the proposals for Lists of Government Business to the Minister, the Ministry has to ensure that the items being suggested for inclusion therein fulfil the following criteria:

- (i) All the procedural requirements for listing of the item(s) for introduction or consideration and passing, as the case may be, have been fulfilled. The Ministry/ Department may also be consulted on phone, as far as possible.

- (ii) BAC of the House concerned has allotted time for its consideration/discussion (However, for introduction, no time allocation by the Committee is necessary).
(Items of business which have not been allotted time can also be proposed in exceptional circumstances, viz., when no Government Business with time allotment is available, etc. The allocation of time, in such cases, is to be done by the Speaker/Chairman with the approval of the House.)
- (iii) Note being submitted indicates against each item the time allotted, if any, by the BAC as also whether the Bill, if being included in the proposal, has already been examined by the Standing Committee.
- (iv) Total time allotted to items being suggested for a particular day is not less than time available for transaction of Government Business on that day (Normally, four hours in the Lok Sabha - from 2.00 p.m. to 6.00 p.m. and three hours in the Rajya Sabha - from 2.00 p.m. to 5.00 p.m., are available for transaction of Government Business. However, on Fridays or on the last sitting of the Houses in a week, i.e. Private Members' day, only one and a half hours - from 2.00 p.m. to 3.30 p.m. - are available in the Lok Sabha for transaction of the Government Business; while in the Rajya Sabha normally no Government Business is provided on such days unless recommended by the BAC, Rajya Sabha or decided otherwise by the Government, keeping in view the urgency of the business.
- (v) Whether the items being suggested have been included in the weekly statement of Government Business for that week (Although, it is not necessary as per the Rules of the Houses, care should, however, be taken to obviate any objections being raised by Members on the floor of the Houses).
- (vi) In case of Constitution Amendment Bills, whether the BAC has recommended the date, etc. for its introduction or consideration and passing. (As the Constitution Amendment Bills require special majority for their introduction or consideration and passing, they are

normally included in the List of Business if BAC of the House concerned has recommended the date on which they may be taken up as also the time when they will be put to the vote of the House.

Time Allocation to Government Business by the BACs

Meetings of the Business Advisory Committees of the two Houses are held normally once a week during the session periods. Before the commencement of each session of Parliament, the Ministry reviews the Bills remaining pending in the two Houses on the conclusion of the last session of Parliament as also the new Bills (particularly relating to Ordinances) or other items of business for which all procedural formalities have been completed and which can be taken up during the first week and thereafter in the two Houses. In case, allotment of time to any of these items has not already been made by the Business Advisory Committees of the respective Houses, efforts are made to seek allotment of time thereto from the committees as soon as possible. Thereafter, the position in respect of time allotment for Government Business in each House is reviewed from time to time, particularly after the weekly statements regarding Government Business are made by the Ministers in the two Houses and time allotment for such items of Business - new as well as old - which have not already been allotted time, is sought from the committees. All proposals seeking allotment of time from the committees are sent with the approval of the Minister.

There is a slight difference in the procedure followed in this regard by the two Secretariats. The meetings of the BAC, Lok Sabha, are normally convened when the Ministry makes a request to the Lok Sabha Secretariat to move the BAC for allotment of time to certain items of Government Business. In case of the BAC, Rajya Sabha, the Chairman, Rajya Sabha, fixes the date and time of its meeting and, thereafter, a request is sent by the Rajya Sabha Secretariat to the Ministry to furnish items of Government Business to which allocation of time is to be sought from the committee in its scheduled meeting. In exceptional cases, the Ministry may, however, request the Rajya Sabha Secretariat to move the committee for allocation of time to urgent items of Government Business. Further, the time allotted by the BAC, Lok Sabha, to any business which is not taken up, lapses on the

conclusion of the term of that Lok Sabha and not on conclusion of the Session during which that business had been allotted time by the committee. Time allotted by the BAC, Rajya Sabha, lapses, if the business to which it had allotted time is not taken up in that session and it has to be sought afresh from the committee, during the next session or during that session in which that business is proposed to be taken up. Therefore, in obtaining allocation of time for items of Government Business from BAC, Rajya Sabha, total time available in the session should be kept in view.

Time Table of Likely Government Business

During every session of Parliament, particularly after the first meeting of the Business Advisory Committees of the Lok Sabha and the Rajya Sabha, a time-table of the likely Government Business in the days to come may be prepared and updated in the following proforma:

DATE	SUBJECT	NATURE OF BUSINESS	DURATION (in hours)	CUMULATIVE TOTAL (in hours)
1	2	3	4	5

One assumption implicit in the time-table is that the working time for Government Business available in the Lok Sabha is 4 hours and it is 3 hours in the Rajya Sabha. A sample of the time-table for the Lok Sabha and the Rajya Sabha is at **Annexes-IV-I & J**. The last column of the time-table relating to cumulative total is filled up in respect of subjects for which time has been specifically allotted by the Business Advisory Committee of the concerned House. Time-table may be updated every working day, highlighting (or bold typing) the current day's business.

Procedural Requirements for Listing of Government Business

Various procedural formalities which are required to be fulfilled by administrative Ministries/Departments concerned in respect of various items of Government Business are indicated in the following sections.

Introduction of Bills

A Bill can be listed for introduction only after the following procedural formalities have been completed:

- (i) For introduction of a Bill in the Lok Sabha, notice of Motion (English and Hindi versions), duly signed by the Minister has been sent to the Lok Sabha Secretariat seven days before the date on which the Bill is sought to be introduced, unless the Speaker allows the Motion to be made at a shorter notice (Direction 19A of the Directions by the Speaker).
In the Rajya Sabha, notice of the Motion has to be given in advance but there is no requirement of sending it seven days in advance.
- (ii) Printed copies of the Bill (English and Hindi versions), duly scrutinised by the Legislative Department, have been circulated to the Members two days in advance of the date on which the Bill is sought to be introduced (Direction 19B), except in the case of Appropriation, Finance and Secret Bills.
In the Rajya Sabha, Bills can be introduced even if copies of the Bill are circulated only a day in advance or sometime, even on the day of its proposed introduction.
- (iii) Where the Bill attracts the provisions of the articles 3, 117(1), 274 and 348 of the Constitution, the President's recommendation/sanction for its introduction has been obtained and communicated to the Parliament Secretariat.
- (iv) Where, however, the requirement as mentioned at (ii) above has not been fulfilled and the Ministry desires to introduce a Bill in the Lok Sabha at a shorter notice than the period prescribed therein, the Minister concerned may address a letter to the Speaker, Lok Sabha, seeking relaxation of the Direction 19B for introduction of the Bill. The Minister concerned may also consult the Leaders of major opposition parties in the Lok Sabha in this regard and inform the Speaker that they have no objection to the introduction of the Bill. Such requests should be accompanied by 550 copies of the Memorandum (English and Hindi

versions), including one copy in each version duly authenticated by the Minister, explaining the reasons as to why the Bill is sought to be introduced at a shorter notice than the period prescribed in Direction 19B.

- (v) In case of Bills proposed to be introduced, one copy of the Bill (English and Hindi versions), duly authenticated by the Minister concerned, may also be supplied by the Ministry to the Parliament Secretariat concerned before introduction of the Bill.

Bills for Consideration and Passing

A Bill can be listed for consideration and passing in the House only after the following procedural formalities have been completed:

- (i) The Bill has already been introduced in the House in which it is proposed to be listed for consideration and passing.
- (ii) Notice of Motion (English and Hindi versions) for consideration and passing of the Bill, duly signed by the Minister concerned, has been received in the Parliament Secretariat.
- (iii) Where, however, the Bill attracts the provisions of article 117(3) or 274(1) of the Constitution, the President's recommendation for its consideration has been obtained and communicated to the Parliament Secretariat concerned. The President's recommendation has to be obtained separately in respect of each House.
- (iv) In case of Bills passed by one House and proposed to be listed for consideration and passing in the other House, (a) a message regarding its passing by the former House has been reported in the House in which the Bill is proposed to be listed. (For expediting the message, the administrative Ministry has to ensure that copies of the Bill (other than Appropriation Bills), in both English and Hindi versions, are scrutinised by the Legislative Department as soon as possible and are sent to the Parliament Secretariat concerned to enable it to send the message to the other House); (b) copies of the Bill (English and Hindi versions) as passed by one House, have been printed and circulated to the Members of the House in which the Bill is proposed to

be listed for consideration and passing; and (c) where the Bill is proposed to be listed for consideration and passing, at a notice shorter than two days, the Minister concerned has addressed a letter to the Presiding Officer of the Lok Sabha or the Rajya Sabha, as the case may be, for relaxation of the requirements of Rule 116 of the Lok Sabha Rules or Rule 123 of the Rajya Sabha Rules, as the case may be.

- (v) Where the Bill proposed to be introduced is also proposed to be taken up for consideration and passing on the same day, the Minister concerned, citing reasons underlying its urgency, may address a letter to the Presiding Officer for grant of permission to list the Bill for consideration and passing on the same day. Consensus in the BAC of the concerned House, obtained by the Minister of Parliamentary Affairs, facilitates this process.

Coordinating Government Legislative Business

Management of Government Legislative business in Parliament requires coordinating the efforts of several agencies such as, the Ministry concerned with the Legislative business, President's Secretariat, Cabinet Secretariat, Lok Sabha and Rajya Sabha Secretariats, Ministry of Law and Justice (Legislative Department), Government Printing Press, etc. In some of these organisations, further coordination among these different units is also required such as, in the case of Lok Sabha Secretariat, coordination among Legislative Branch, Printing Branch and Distribution Branch is needed.

Introduction, Consideration and Passing of Bills Seeking to Replace Ordinances

In terms of article 123(1) of the Constitution, the President may promulgate such Ordinance as the circumstances appear to him to require. An Ordinance has the same force and effect as an Act of Parliament. Every Ordinance is required to be laid before both Houses of Parliament and it ceases to operate at the expiration of six weeks from the assembly of Parliament unless it is replaced by an Act of Parliament before the expiration of the above period (Where the Houses of Parliament are summoned to reassemble on different dates, the period of six weeks shall be

reckoned from the later of those dates). An Ordinance can be withdrawn any time by the President.

The Ministry of Parliamentary Affairs is responsible for laying of copies of the Ordinances in both Houses of Parliament. Besides, it also coordinates with administrative Ministries for introduction, consideration and passing of the Bills seeking to replace Ordinances by both Houses of Parliament within the stipulated period. As soon as an Ordinance is promulgated, the Ministry requests the administrative Ministry (**Annexes IV-K & IV-L**) to get the Bill in replacement of the Ordinance drafted well in time and also take necessary action to fulfil the requisite procedural formalities for their introduction as also for consideration and passing in time so that the Bill in replacement of the Ordinance could be passed by both Houses as soon as possible during the ensuing session. The Ministry is also requested to take appropriate action as envisaged in Rule 71 of the Rules of Procedure and Conduct of Business in Lok Sabha or Rule 66 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, depending upon where the Bill is proposed to be introduced, which provides that whenever a Bill seeking to replace an Ordinance with or without modification is introduced in a House, there shall be placed before the House along with the Bill, a statement explaining the circumstances which had necessitated immediate legislation by Ordinance. However, whenever an Ordinance which embodies wholly or partly or with modification the provisions of a Bill pending before either House is promulgated, such statement shall be laid on the Table of the House at the commencement of the session following the promulgation of the Ordinance.

For the purpose of laying of copies of Ordinances in two Houses, the Ministry, as soon as an Ordinance is promulgated, obtains 75 copies of the Ordinance, each in English and Hindi versions, from the Ministry of Law and Justice (Legislative Department). On receipt of copies of all the Ordinances promulgated before the commencement of each Parliament session, one copy each of the Ordinances in English and Hindi versions is submitted to the Minister of State for Parliamentary Affairs concerned for authentication. (Minister of State for Parliamentary Affairs, concerned with the Lok Sabha, authenticates copies of the Ordinances to be laid in the Lok Sabha whereas the Minister of State for Parliamentary Affairs concerned with the Rajya Sabha, authenticates copies of the Ordinances to

be laid in the Rajya Sabha.) Thereafter, copies of the Ordinances as authenticated by the Ministers are sent to the Lok Sabha and Rajya Sabha Secretariats with the request to include an entry regarding laying of copies of the Ordinances on the Table of the Houses by the Ministers of State for Parliamentary Affairs, in the List of Business of the respective Houses for the first day of the session. Normally, the Minister of State for Parliamentary Affairs (Lok Sabha) lays the copies of the Ordinances in the Lok Sabha and the Minister of State for Parliamentary Affairs (Rajya Sabha) lays the copies in the Rajya Sabha. (Other procedural formalities for introduction as well as for consideration and passing of a Bill in replacement of an Ordinance are the same as explained in the preceding paras.)

Non-Legislative and Other Items

Discussion on any item of Non-Legislative Business, viz., Motion regarding statement made by the Minister, policy documents or reports of Statutory bodies and Motions, Resolutions on any other subjects/topics, sought to be moved by the Ministers can be listed in the Houses after the following procedural formalities have been fulfilled by the administrative Ministry:

- (i) Notice of Motion (English and Hindi versions), duly signed by the Minister concerned for consideration/discussion of the policy document, etc. by the House, has been received in the Parliament Secretariat.
- (ii) The Motion has been admitted by the Presiding Officer and has also been bulletined for information of the Members.
- (iii) Copies of such documents/relevant literature, material etc., in English and Hindi versions, have been laid on the Table of the House in which the discussion is proposed to be listed. (Where it is not possible for the Ministry to lay copies of such documents in the House, before the proposed discussion, they may, with the permission of the Presiding Officer of the House concerned, circulate copies of such documents etc. to the Members and also lay a few copies thereof in the Parliament Library, for information of the Members.)

Order of Priority of Government Business

In case, all the items proposed to be included in the List of Government Business fulfil the requisite procedural formalities, they are prioritised in order of their importance and urgency. Normally, Bills seeking to replace Ordinances, Financial business etc. are given priority over other business. A sample list of business is at **Annex IV-M**.

Reference of Bills to Standing Committees

There are 24 departmentally related Standing Committees (**Annex IV-N**) consisting of Members of the Lok Sabha and the Rajya Sabha, under whose jurisdiction, various Ministries/Departments have been placed. The functions of these Committees are examination and submission of reports to the Houses on (i) Demands for Grants of Ministries/Departments; (ii) National Long Term Policy Documents; (iii) Bills referred to them by the Presiding Officers of the respective Houses; and (iv) Annual Reports of Ministries/Departments. The Bills, other than the Finance Bills, Appropriation Bills and Bills of a trivial nature, after their introduction, are normally referred by the Presiding Officer to the Departmentally related Standing Committees for examination and report to the Houses. Where, however, the Bills are of an urgent nature and are required to be enacted early, the Minister concerned, citing the reasons underlying the urgency, may request the Presiding Officer of the House where the Bill is being introduced or has been introduced, not to refer the Bill to the Standing Committee for examination. In case of Bills introduced in the Lok Sabha, the consent of the Leaders of major Opposition Parties in that House to the effect that they have no objection to the proposal to not refer the Bill to the Standing Committee has also to be obtained and communicated to the Speaker/Parliament Secretariat while making such requests.

Financial Business

In terms of article 112 of the Constitution, the President, in respect of every financial year, causes to be laid before both Houses of Parliament, an Annual Financial Statement of the estimated receipt and expenditure of the Government of India. The Annual Financial Statement known as the 'Budget' is presented in two parts, the Railway Budget relating to Railway

finance and the General Budget relating to Government of India finances except Railways. According to Rule 204 of the Rules of Procedure and Conduct of Business in Lok Sabha, the Budget is presented to the Lok Sabha on such day as the President may direct. By convention, the General Budget is presented on the last working day of February each year at 11.00 a.m. (Before 1999, the General Budget was presented at 5.00 p.m. on the last working day of February.) If on the last working day of February, the Houses are not scheduled to meet, the Houses are specifically summoned to meet on that day for presentation of the General Budget. However, in a year when the session of the Parliament commences later than February, viz., in an election year or otherwise, the General Budget may be presented on any day convenient to the Government during that session. The Railway Budget is normally presented three to six days in advance of the date of presentation of the General Budget.

The Railway Budget is presented to the Lok Sabha by the Minister of Railways and the General Budget is presented to the Lok Sabha by the Minister of Finance. While presenting the Budgets in the Lok Sabha, the respective Ministers deliver their speeches and thereafter lay the Annual Financial Statement, duly authenticated by them, on the Table of the House. After the presentation of the Budgets in the Lok Sabha, the Ministers lay the respective Annual Financial Statements on the Table of the Rajya Sabha on the same day. On the date of presentation of the General Budget, no other formal business is included in the Order Papers of the two Houses. Therefore, after presentation/laying of the General Budget, the two Houses are adjourned for the day. If any State is under President's Rule and it becomes necessary to have the Budget, Demands for Grants etc. of that State presented/approved by Parliament during that period, the Budgets etc. in respect of such States are also presented to Parliament by the Minister of Finance and approval of Parliament thereto obtained within the stipulated time.

Immediately after presentation of the General Budget in the Lok Sabha, the Minister of Finance introduces the Finance Bill to give effect to the financial proposals of the Government for the following financial year. As per second proviso to Rule 72 of the Lok Sabha Rules, the Motion for leave to introduce a Finance Bill cannot be opposed and it is forthwith put to vote. (The motion for leave to introduce an Appropriation Bill also cannot be opposed.) As per provision of the Provisional Collection of Taxes

Act, 1931, the Finance Bill has to be passed by Parliament and assented to by the President before the expiry of 75 days after the date on which it was introduced.

In an election year, the Railway and General Budgets may be presented twice - first to secure a Vote on Account for a few months i.e. an Interim Budget followed by the Annual financial statement for that year or the full-fledged Budget. Whenever the General Budget is presented twice in a financial year, the Finance Bill is also presented twice in that year - once in the outgoing Lok Sabha and the other in the new Lok Sabha or once in the First Session of the new Lok Sabha and another in its Second Session. A sample check list of activities to be undertaken in respect of obtaining the Vote on Account is at **Annex IV-O**.

Provisional Programme for Consideration of Financial Business

On the basis of advance information furnished by the Ministries of Railways and Finance regarding the Financial business to be brought by them before Parliament during the Budget Session, the Ministry of Parliamentary Affairs prepares a provisional programme of dates for presentation and general discussions on the Railway and General Budgets and related Financial business. Depending upon the availability of time, normally three to four sittings in each House are provided for general discussion on the Railway and General Budgets in the provisional programme, six sittings in the Lok Sabha for discussion and voting on the Demands for Grants of various Ministries/Departments and consideration and passing of the related Appropriation Bill and one sitting in the Rajya Sabha for consideration and return of the Appropriation Bill after it has been passed by the Lok Sabha, one sitting each in the two Houses for discussion and voting on the Demands for Grants (Railway) and consideration and passing of the related Appropriation Bill, three sittings in the Lok Sabha and two sittings in the Rajya Sabha for consideration and passing/return of the Finance Bill. The general discussion on the respective Budgets and the corresponding discussion and voting on the Demands for Grants on Account, the Supplementary Demands for Grants, if any, and the Excess Demands for Grants, if any, and the introduction, consideration and passing of the related Appropriation Bills, are normally clubbed together for discussion. In the Rajya Sabha, discussion and voting on any Demands of Grants etc. are not taken up. That

House considers and returns the related Appropriations Bills only, after they have been passed by the Lok Sabha. A statement indicating the detailed information regarding the time allotted to various items of Financial business is at **Annex IV-P**.

The provisional programme, after it has been approved by the Minister, is forwarded to the Ministries of Railway and Finance, about a fortnight before the commencement of the session, for their concurrence/suggestions regarding change in dates, etc., if any. After receipt of their comments/suggestions, the programme is finalised and copies thereof are sent to the two Parliament Secretariats and the Ministries of Railway and Finance for necessary action. On receipt of the programme, the Lok Sabha Secretariat, in terms of Rule 204 (1) of the Lok Sabha Rules, obtains the approval of the President to the dates of the presentation of the Railway and the General Budgets to the Lok Sabha. The two Secretariats, through their Bulletin Part II, then circulate the programme of their respective Houses to the Members for their information. On receipt of the programme from the Ministry of Parliamentary Affairs, the Ministries of Railway and Finance also take appropriate advance action for presentation/discussion of their Financial business in the two Houses, as per the programme.

After forwarding the programme to the two Parliament Secretariats etc., the Ministry of Parliamentary Affairs takes necessary action for obtaining allotment of time from the Business Advisory Committees of the two Houses to various items of Financial business included in the programme. After obtaining allotment of time, the Ministry, from time to time, issues the Lists of Government business *inter alia* providing those items for consideration in the two Houses, as far as possible, on the dates indicated in the programme. In case, however, it is not possible to stick to the dates indicated in the programme in respect of items other than the presentation of Budgets, those items are provided for consideration/discussion on the revised dates, preferably after taking the BAC of the House concerned into confidence.

So far as presentation/laying of the Railway and General Budgets in the two Houses is concerned, the two Parliament Secretariats include an entry in this regard in their printed Lists of Business only when the Ministry of Parliamentary Affairs intimates them through the Lists of Government business, the

date and time of their presentation/laying in the Houses. In regard to presentation/laying of Demands for Grants/Supplementary Demands of Grants etc., the Ministry does not make a request to the Secretariats and they themselves include an entry in this regard in the printed Lists of Business of their respective Houses on the basis of requests received by them from the Ministries concerned.

General discussions on the Railway and General Budgets are normally held in the two Houses before they adjourn for recess during the Budget Session. (However, there have been instances when the general discussions on the Budgets have been held after recess during the second part of the Budget Session.) After the general discussion on the Budgets is over, the two Houses are adjourned for recess for a period of about three weeks. During this period, the various Departmentally related Standing Committees, in terms of provisions of Rule 331(G) of the Rules of Procedure and Conduct of Business in Lok Sabha and Rule 272 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, consider the Demands for Grants of various Ministries/Departments and present their separate reports on the Demands for Grants of each Ministry on reassembly of the two Houses after the recess. The Demands for Grants are considered by the Lok Sabha in the post-recess period in the light of the reports of the committees.

However, before the two Houses are adjourned for recess, Ministries/Departments are required to prepare the Detailed Demands for Grants, Performance Budget and Annual Reports of that financial year and make requisite copies thereof available to the two Parliament Secretariats, at least three days before the date on which the Houses are scheduled to adjourn for recess, for laying on the Table of the Houses/circulation to the Members of their respective Houses to enable them to make use of these documents during the deliberations of the Standing Committees. This requirement is generally brought to the notice of all Ministries/Departments sufficiently in advance of the commencement of the Budget Session of Parliament (**Annex V-Q**).

The tentative dates for discussion of the Demands for Grants of various Ministries/Departments in the Lok Sabha, as recommended by the Business Advisory Committee, Lok Sabha, are circulated by the Ministry to the Ministries concerned

(Annex IV-R) immediately after the adoption of the report of the committee in this regard by the House, to enable them to prepare themselves for discussion in advance. Discussion and voting on Demands of various Ministries is proposed by the Ministry in the Lok Sabha on the dates, unless changed either by the BAC subsequently or agreed to in the House, as recommended by the BAC.

Procedure followed for Discussion and Voting on Demands for Grants of Ministries/Departments

Discussion and voting on the Demands for Grants of the selected Ministries/Departments is provided by this Ministry in the List(s) of Business of the Lok Sabha for such days as are recommended by the BAC, Lok Sabha. Discussion on the Demands for Grants of a Ministry is not initiated or moved by the Minister concerned in the House. As per practice, when the item regarding the Demands of the Ministry comes up for discussion as per entry in the List of Business for a particular day, it is assumed to have been moved and the Demands are proposed from the Chair for discussion by the House to save the time of the House. After the Demands have been proposed by the Chair, the discussion thereon is initiated by one of the Members of the House. On conclusion of the debate, it is replied to by the Minister concerned. Thereafter the cut motions moved by Members, if any, are put to the vote of the House. After the cut motions have been negatived or withdrawn by the Members concerned. Demands for Grants of the Ministry are put to the vote of the House and are adopted, normally by voice vote. This concludes the item regarding discussion and voting on the Demands for Grants of a Ministry. Discussion and voting on Demands for Grants of other selected Ministries/Departments continues in this manner until the day and time fixed by the BAC for guillotining of outstanding Demands. On the day and time recommended by the Business Advisory Committee for Guillotine, the Speaker puts every question necessary to dispose of all the outstanding matters in connection with Demands for Grants. Besides the Minister of Finance, all the Cabinet Ministers and Ministers of State holding independent charge, except those whose Ministries' Demands for Grants have been discussed and voted by the House, are requested by the Minister of Parliamentary Affairs (**Annex IV-S**) to remain present in the Lok

Sabha at the time of guillotining of outstanding demands. After the adoption of the Demands, the related Appropriation Bill is introduced, considered and passed by the House, normally without discussion.

The procedural formalities required to be fulfilled for listing of the Appropriation Bills and the Finance Bills in the two Houses are the same as for other Bills except that copies of Appropriation Bills, after they have been passed by the Lok Sabha, are not required to be scrutinised by the Legislative Department before messages regarding their passing are sent to the Rajya Sabha.

Important Rules/Precedents

- (i) The relative precedence of various classes of business to be listed in the Order Paper of the Lok Sabha shall be in the same order as provided in the Direction 2 of the 'Directions by the Speaker'.
- (ii) Immediately after presentation of the General Budget in the Lok Sabha, the Finance Bill is introduced by the Minister of Finance.
- (iii) The two Houses of Parliament were convened on gazetted holidays for presentation of the General Budget in the years 1954, 1955, 1981, 1982, 1983, 1984, 1987, 1992 and 1999.
- (iv) On the day on which the General Budget is presented to the Parliament, the two Houses are adjourned for the day immediately after presentation/laying of the Budgets in the Houses.
- (v) General Budget, Railway Budget and Finance Bills were presented twice in the years 1957, 1962, 1966, 1971, 1977, 1980, 1991, 1996, 1998 and 2004
- (vi) On a point of order as to whether a caretaker Government was competent to pilot Financial business in the Lok Sabha, raised by several Members in the Lok Sabha on 11 March, 1991, the Speaker ruled that "the Council of Ministers headed by the Prime Minister continues to function. There is no vacuum. Government is fully competent to pilot the Government Business".
- (vii) Railway Budget/Demands for Grants (Railways) and General Budget/Demands for Grants (General) presented to the Lok Sabha on 26 and 28 February, 1997 by the Minister of Railways and Minister of Finance

respectively in the outgoing Government headed by Shri H.D. Deve Gowda, were moved by the same Minister of Railways and Minister of Finance in the Lok Sabha under the subsequent Government headed by Shri I.K. Gujaral and were passed by the House on 2 and 6 May, 1997.

- (viii) In terms of the Provisional Collection of Taxes Act, 1931, the Finance Bill has to be passed by the Parliament and assented to by the President before the expiry of 75 days after the day on which it was introduced.
- (ix) The motion for leave to introduce a Finance and Appropriation Bill cannot be opposed. It is forthwith put to vote (Lok Sabha Rule 72).
- (x) General discussion on the Railway Budget in the Rajya Sabha was taken up before the general discussion on the Railway Budget in the Lok Sabha in the years 1953-63, 1965, 1974, 1975, 1993 and 1998.
- (xi) General discussion on the General Budget was taken up in the Lok Sabha before general discussion on the Railway Budget in the years 1957, 1962, 1995 and 2002; general discussion on the General Budget in the Rajya Sabha was taken up before the general discussion on the Railway Budget in the years 1952, 1957, 1966, 1987 and 1994.
- (xii) Seventeen Departmentally Related Standing Committees for various Ministries/Departments were formally constituted w.e.f. 8 April, 1993 and twenty-four Departmentally Related Standing Committees were formally constituted on 20 July, 2004.
- (xiii) All Cabinet Ministers and Ministers of State (Independent Charge) are requested to remain present in the Lok Sabha at the time of guillotining of the outstanding Demands relating to various Ministries/Departments of Government of India.

CHECK LIST

A check list indicating steps to be taken at various stages in connection with the function relating to the planning and co-ordination of official business in the two Houses of Parliament is at **Annex IV-T**.