CHAPTER IV
ARRANGEMENT OF BUSINESS

Nature of Business

The main business before the Legislature consists of legislation, i.e., passing of laws, and sanctioning of expenditure out of the public revenues, i.e., passing of the annual budget. There are, however, many other matters which come up before the Legislature for consideration. One of the important items of these is questions put by members to the Ministers regarding matters under their administrative control. Resolutions and other motions, e.g., adjournment motions or motions of no-confidence, are other kinds of business that frequently come up before the Legislature. Then there are various matters about which information has to be given to the Legislature. If ordinances have been passed, they have to be laid before the Legislature. The report of the Comptroller and Auditor General and that of the Public Service Commission are required by the Constitution to be laid before the Legislature. Rules made under various statutes and reports and/or accounts of statutory bodies may also be required by those statutes to be laid before the Legislature. Petitions from the public are also presented to the House not infrequently. The business before the Legislature may, therefore, be classified as
follows:

(1) Legislation, i.e., the passing of Bills.

(2) Financial business, i.e., the passing of the annual budget, vote on account, supplementary budget, excess grants and exceptional grants, if any, and the finance and the Appropriation Bills.

(3) Questions.

(4) Resolutions.

(5) Motions: (a) Motion of thanks in Address in reply,
    (b) Adjournment motions,
    (c) Motion of no-confidence,
    (d) Other motions.

(6) Information to be laid before the Legislature:
    (a) Ordinances,
    (b) Statutory Rules,
    (c) Report of the Comptroller and Auditor General,
    (d) Report of the Public Service Commission,
    (e) Reports and Accounts of Statutory bodies,
    (f) Reports of Committees of the House,
    (g) Communication of messages from one House to another.
(7) Presentation of public petitions.

(8) Miscellaneous:

(a) Oath or affirmation,
(b) Obituary references,
(c) Communication regarding arrest, detention or release of members,
(d) Leave of absence of members,
(e) Communication regarding resignation of members, nomination to panel of Chairmen or temporary Presiding Officers, Committees, etc.
(f) Ruling or announcements of Presiding Officer,
(g) Personal statements by ex-Minister,
(h) Miscellaneous statements by Ministers.

Classification of Business

The business of the Legislature is usually classified into two categories: (a) official and (b) non-official. Official business is business which is initiated on behalf of the Government by Ministers. All business which is initiated by members (even though belonging to the Government party) other than Ministers is non-official.
It is necessary to bear this classification in mind, as non-official business, except questions and certain other matters, cannot be taken on any day not allotted for such business.

It will be seen that some of the business of the Legislature mentioned above may be either official or non-official, some exclusively official and some exclusively non-official. For example, legislation may be initiated by the Government or by non-official members; financial business is exclusively official business; questions are by their nature non-official business; resolutions may be either official or non-official. Similarly, other motions may be official or non-official. There are some matters which although initiated by non-official members (e.g., questions, adjournment motions) are not treated as non-official business but may be and are taken up on days allotted to official business (see below).

Arrangement of Sessional Business

As the Government is responsible for carrying on the administration, it must have its financial estimates and its legislative proposals in the form of bills passed by the Legislature. Consequently, it must have the power to control the time of the House; that is to say, to decide,
having regard to the volume of business, as to how long a session of the House would last, on what days the House would sit, what business would come up before the House and what business should get priority. The programme of sessional business is therefore settled by the Government. In India, however, it is the Business Advisory Committee which settles the time for different kinds of Government Bills and other Government business which may be referred to the Committee by the Speaker in consultation with the Leader of the House. There is another Committee - the Committee on Private Members' Bills and Resolutions which settles the programme of non-official business. Even when the Presiding Officer fixes the days of sitting, he is required by the rules to do so in consultation with the Leader of the House and in practice it is the Government which fixes the days.

**Non-official Days**

The last two and a half hours of every sitting on a Friday are reserved for non-official business; the Speaker may allot the requisite hours on any other day. Any day other than a Friday may also be allotted for such business in consultation with the Leader of the House.

1 For practice in the House of Commons, see Report of the Select Committee on Procedure, H.C.189, Third Report, p.16.
Ballot of Non-official Business

If a large number of notices relating to non-official business which ordinarily consists of Bills and Resolutions is received, it may not be possible to finish all of them within the time allotted for such business. It becomes, therefore, necessary to determine the order in which non-official business would be taken up. Usually, certain dates are allotted for non-official Bills and certain others for resolutions etc. The order of priority is determined separately for each class of business by taking a ballot. The rules of procedure of certain Legislatures, e.g., West Bengal, provide that a resolution may be taken out of its turn as obtained in a ballot by a requisition made by a specified number of members.

Non-official Business which can be taken up on Government Days.

As has already been stated, certain kinds of business although initiated by non-official members are not treated as non-official business and may be taken up on days which are not non-official days.

(a) Questions: A fixed period, usually one hour, is set apart at the beginning of each day's sitting for the answering of questions.
(b) Motion of thanks to the Head of the State: The Constitution requires that time must be provided for a debate on the opening speech of the Head of the State. The motion of thanks initiating such debate is proposed by a non-official member but some days are allotted for the discussion of the motion.

(c) Adjournment motions: If leave is granted for moving an adjournment motion for the purpose of discussing a definite matter of urgent public importance, the motion is taken up on the day on which it is moved which is always an official day; such adjournment motions are invariably moved by members of the Opposition.

(d) No-confidence motion: If any motion of no-confidence on the Ministry is tabled, the Speaker allocates a day or days or part of a day for discussing the motion.

(e) If any motion of disapproval of an ordinance or amendment of any statutory rule laid before the House be tabled or if any motion is made for the consideration of any report of the Auditor and Comptroller General or the Public Service Commission, the time may be allotted for the purpose.

2 Arts. 87, 176.
Arrangement of Daily Business

The hours of commencement of a daily sitting and the termination thereof are fixed by the Rules of Procedure of the respective Houses. The first hour of every sitting is, as already stated, set apart for the asking of questions and the giving of answers. If, however, the questions are finished before the expiry of one hour, other business may be entered into at the time. In the Lok Sabha and in some of the States, the Presiding Officer is required to allot half-an-hour for the discussion of matters of sufficient public importance raised by any questions if a member gives notice of raising such a matter. In the Lok Sabha and the States the Presiding Officers allot the time when notices requesting such discussion are received and admitted. In the Rajya Sabha two days in a week are fixed for such discussion but the days can be varied by the Chairman. This is taken from the practice obtaining in the British House of Commons where at the interruption (which is fixed by the Standing Order at 10 o'clock p.m.) or conclusion of business, an adjournment motion is moved and for half an hour thereafter, members can discuss any matter of which notice has been given. Such matters are not however limited in the House of Commons to matters
raised by questions. In India two matters can be set down for discussion on any particular day and if more than two notices are received, a lot is drawn for two. If any matter is not disposed of on the day allotted it can be raised on a subsequent day only if it is drawn on the ballot for that day. No formal motion is moved but the Minister concerned is bound to reply.

As regards other business, the Government arranges the business in any way it likes for the days allotted to official business. In some legislatures, there is a practice that on days allotted to the voting on demands for budget grants no other business can be taken up earlier than one hour before the time fixed for the daily adjournment except with the consent of the Speaker.\(^3\) This prohibition, however, does not apply to the moving of the adjournment motions if otherwise in order. Leave for such adjournment motions has to be asked for just after the questions are over.

In the LokSabha, the Speaker has prescribed that the daily business should be taken in the following order unless the Speaker otherwise directs:

\(1\) Oath or affirmation; \(2\) Questions (including

\[^3\text{W.B.L.A. Procedure Rules, Rule 209.}\]
short notice questions); (3) Obituary references; (4) Papers to be laid on the Table; (5) Communication of messages from the President; (6) Communication of messages from the Council of States; (7) Intimation regarding President’s assent to Bills; (8) Communications from Magistrates or other authorities regarding arrest or detention or release of members of the House; (9) Presentation of reports of Committees; (10) Laying of evidence before Select/Joint Committee in respect of Bills; (11) Presentation of petitions; (12) Questions involving a breach of privilege; (13) Leave to move motions for adjournment of the business of the House; (14) Calling attention notices; (15) Announcement by the Speaker regarding leave of absence of members from the sittings of the House; (16) Announcement by the Speaker regarding various matters, e.g., resignations of members of the House, nominations to panel of Chairmen, Committees, etc.; (17) Rulings or announcements by the Speaker; (18) Miscellaneous statements by Ministers; (19) Personal statement by ex-Minister in explanation of his resignation; (20) Motion for election to Committees; (21) Motion for extension of time for presentation of report of Select/Joint Committee on a
Bill; (22) Bill to be withdrawn; (23) Bill to be introduced; (24) Laying of explanatory statement giving reasons for immediate legislation by Ordinances; (25) Motion for adoption of Report of Business Advisory Committee; (26) Motion for leave to move a Resolution for removal of Speaker/Deputy Speaker; (27) Motion for leave to make a motion of no-confidence in the Council of Ministers; (28) Consideration of report of Committee of Privileges; (29) other business, e.g. Legislation, Resolution, Financial Business, etc. etc.

**Business Advisory Committee**

Rules of Legislatures provide for the setting up of a Business Advisory Committee and for the passing of an Allocation of Time Order by the House. The Business Advisory Committee consisting of members from all parties is nominated by the Speaker and is presided over by him. Government Bills and other Government business may be referred to this Committee by the Speaker in consultation with the Leader of the House. The Committee fix a time-table for the different stages of a Bill or other business and makes recommendation to that effect. A motion to approve of the recommendation of the Committee is made in the House and if the motion
is accepted, the allocation of time made by the Committee becomes an order of the House and on the expiry of the time limit for each stage, all motions pending at the time are guillotined. A debate on the motion for allocation of time can last half-an-hour and amendments to refer back the matter to the Committee may be moved. An allocation of time can however be varied by a motion made with the consent of the Speaker and accepted by the House. The Speaker can also without any motion increase the time by one hour after taking the sense of the House.

The procedure followed in the House of Commons will appear from the following extracts from May:

"The detailed task of drawing up a time-table for the proceedings on a bill in Committee of the whole House and on report, in respect of which an Allocation of Time order has been made, is delegated by Standing Order No. 41 to a Business Committee unless alternative arrangements are made in the original order. For the Committee stage of a bill committed to a standing committee this detailed task is referred, without question put, to a business sub-committee of that standing committee.

"The Business Committee consists of the members of the Chairmen's Panel and not more than five other members nominated by the Speaker; its quorum is seven. It is

the duty of the Business Committee to allot to each portion of the bill as many days or portions of days as may seem appropriate, within the limits laid down by the Allocation of Time order. Any recommendations which it makes must be reported to the House, and a time limit within which the report must be made has sometimes been prescribed in the Allocation of Time order. On consideration of any such report the question 'That this House doth agree with the Committee in the said report' is put forthwith and decided without amendment or debate. If agreed to, such recommendations have effect as if they were part of the Allocation of Time order.

"The Allocation of Time order may however have provided for any amendment of the Business Committee's Resolution that might prove necessary after the House had agreed to it. Such provision might lay down that any motion moved by a member of the Government to vary or supplement the Business Committee's Resolution must be concluded within a fixed time.

"Standing Order No. 41 also provides that the Business Committee may be used to perform a similar function when there is a voluntary agreement, notified orally to the House by a Minister of the Crown, to
limit the proceedings on a bill; and although this has not yet been done under the present Standing Order, there is a precedent for such procedure, which is quoted immediately below.

"Instead of the compulsory provisions of an Allocation of Time order, an agreement between parties in the House for the purpose of securing the completion of business within a limited time has occasionally been made. An outstanding instance of such an agreement was that in the case of a complicated and contentious bill but one which did not reproduce the ordinary lines of party cleavage - the Government of India Bill, 1935."\(^5\)

**List of Business**

A list of business for each day is prepared and circulated to members and no business not included in such list can be taken up without the leave of the Presiding Officer. In giving leave, the Presiding Officer, of course, has regard to the urgency of the matter and the convenience of the members to participate in the discussion.\(^6\) The order in which the daily business appears in the list is followed but it may be varied with the general consent of the House.\(^7\)

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\(^5\) May, p. 489-90
\(^6\) Legislative Assembly Debates, 1922, vol. iii, p.688.
\(^7\) ibid. 1932, vol. ii, p.938.
Business not disposed of

Any business which is appointed for any particular day but not disposed of on that day is generally carried over to the next day appointed for the business of the class to which it belongs. In the case of non-official business, however, rules of Legislatures provide that such business (unless discussion has actually begun) should get priority by ballot also for the next day.