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1. No Confidence Motion

- The No Confidence Motion forms the bedrock of a functioning democracy and ensures responsibility and accountability of the executive to the House of the People, Lok Sabha.
- Furthermore, as per Article 75, the principle of collective responsibility implies that the Lok Sabha can remove the ministry (i.e., council of ministers headed by the prime minister) from office by passing a vote of no confidence.
- This means that all the ministers own joint responsibility to the Lok Sabha for all their acts of omission and commission. They work as a team and swim or sink together. When the Lok Sabha passes a no-confidence motion against the council of ministers, all the ministers have to resign including those ministers who are from the Rajya Sabha.
- This motion can be moved when “the Member asking for leave shall, by 10.00 hours on that day give to the Secretary-General a written notice of the motion which such member proposes to move.” The Speaker then, once satisfied that the motion is in order, will ask the House if the motion can be adopted. The motion needs the support of at least 50 members to be admitted. Once admitted, it has to be passed within 10 days in the house.

Important things to remember

- Article 118 of the Constitution permits each house of Parliament to make its own rules for conduct of business. The No Confidence motion is not explicitly mentioned in the Constitution but finds mention under Rule 198
- (b) in Chapter XVII of Rule of Procedure and Conduct of Business in Lok Sabha. The no- confidence motion can be taken up only in the Lok Sabha.
- The motion needs the support of 50 members to be admitted. It need not state the reasons for its adoption in the Lok Sabha and it is not necessary to mention reasons for the same.
- It can be moved against the entire council of ministers only who necessarily have to resign. Each minister need not resign individually. The resignation of PM amounts to the resignation of entire CoM.
- It is different from censure motion which is also initiated in Lok Sabha which can be moved for censuring and individual minister or the council of ministers for specific policies and actions. With the anti-defection law, Vote of no-confidence has no relevance left in case the majority party has an absolute majority in the House. If the majority party (with an absolute majority in the House) issues whip to vote party members in favour of the Government, then it is impossible to remove the Government by no-confidence motion. Hence the no- confidence exercise of House merely becomes the no-confidence exercise of the Party.

2. Adjournment Motion

- The primary object of an adjournment motion is to draw the attention of the House to a recent matter of urgent public importance having serious consequences and with regard to which a motion or a resolution with proper notice will be too late.

- The adjournment motion is an extraordinary procedure which, if admitted, leads to setting aside the normal business of the House for discussing a definite matter of urgent public importance.

What subject matter is allowed?

- The subject matter of the motion must have a direct or indirect relation to the conduct or default on the part of the Union Government
- It must precisely pin-point the failure of the Government of India in the performance of its duties in accordance with the provisions of the Constitution and Law.
- A matter which falls within the jurisdiction of a State Government is inadmissible, but a matter concerning the constitutional developments in a State or atrocities on the Scheduled Castes and Scheduled Tribes and other weaker sections of the society which bring the Union Government into picture may be considered for admission on merits.
- The notice of an Adjournment motion should be addressed to the Secretary-General and copies thereof endorsed to the Speaker, the Minister concerned and the Minister of Parliamentary Affairs. To be admitted the motion needs support of at least 50 members.
- During the session period, notice of an adjournment motion should be given by 10.00 hours on the day on which the motion is proposed to be made. While giving consent to an adjournment motion the Speaker is guided by the following principles:—
 - ✓ The matter raised is definite.
 - ✓ The matter raised is urgent.
 - ✓ The matter raised is of public importance.
 - ✓ It relates to a specific matter of recent occurrence.
 - ✓ It does not raise a question of privilege.
 - ✓ It does not revive discussion on a matter already discussed in the same session.
 - ✓ It does not relate to a matter which is sub-judice.
 - ✓ The matter involves direct or indirect responsibility of the Government of India.
- As it interrupts the normal business of the House, it is regarded as an extraordinary device. It involves an element of censure against the government and hence Rajya Sabha is not permitted to make use of this device.
- The discussion on an adjournment motion should last for not less than two hours and thirty minutes.

3. Censure Motion

- A censure literally means expression of strong disapproval or harsh criticism. It can be a stern rebuke by a legislature, generally opposition against the policies of Government or an individual minister. However, it can also be passed to criticise, condemn some act. A censure motion can be moved in Lok Sabha or in a state assembly.

- Much like No- Confidence Motion, the Censure motion can only be moved in Lower or the Popular House of the central or state assembly. While no confidence motion is moved against the entire motion, censure may be directed against an individual or a couple of ministers within the Council.
- While the Council of Ministers has to resign if the no-confidence motion is passed there is no such requirement with regard to the censure motion.

4. Calling Attention Motion (Rule 197)

- Calling Attention notices are governed by **Rule 197** of the Rules of Procedure and Conduct of Business in Lok Sabha and Directions 47A and 2(xxii) of Directions by the Speaker. **Rule 180** of the Rules of Procedure and Conduct of Business of Rajya Sabha deal with the calling attention motion in the Upper House.
- A member may with the prior permission of the Speaker/Chairperson call the attention of a Minister to a matter of **urgent public importance** and request him to make a statement thereon. This is a purely **India innovation** fulfilling the needs felt by members to bring to the notice of the House the matters of urgent public importance without taking recourse to an Adjournment Motion. Notice must be given **before 10 am** on the day of the sitting, and up to five members can be shortlisted by ballot. The notice is valid for a week.
- The test of admissibility decided by the Speaker is urgency and public importance of the subject matter. Its notice should be given preferably on the same day on which the subject matter of the motion has arisen. The Procedure is that when the member is called by the Speaker, he rises in his place and calls attention of the Minister concerned to the matter and requests him to make a statement. **Clarificatory questions** can be asked after the Minister's response and he shall reply at the end to all such questions
- Ordinarily, only one matter is taken up on a day. In certain cases, however, the Speaker may select two such matters to be taken up at one sitting. The time for taking up the second matter is decided by the Speaker after taking into consideration the business of the House. However, the second matter cannot be raised by the same members who raised the first matter. If the Prime Minister is to make a statement in response to one of the two calling attention matters on a day, that matter is given inter se priority in the List of Business. Not more than two such matters can be raised at the same sitting. The total time taken on a Calling Attention on a day is restricted to half an hour to forty-five minutes.

5. Privilege Motion

Privilege Motion

- Parliamentary privileges are certain rights and immunities enjoyed by members of Parliament, individually and collectively, so that they can "effectively discharge their functions". When any of these rights and immunities are disregarded, the offence is called a breach of privilege and is punishable under law of Parliament.
- Rule No 222 in Chapter 20 of the Lok Sabha Rule Book and correspondingly Rule 187 in Chapter 16 of the Rajya Sabha rulebook governs privilege.

- The rules however mandate that any notice should be relating to an incident of recent occurrence and should need the intervention of the House. Notices have to be given before 10 am to the Speaker or the Chairperson.

What is the privileges committee?

- In the Lok Sabha, the Speaker nominates a committee of privileges consisting of 15 members as per respective party strengths. Its function is to examine every question involving breach of privilege of the House or of the members of any Committee thereof referred to it by the House or by the Speaker/Chairperson.
- A report is then presented to the House for its consideration. The Speaker may permit a half-hour debate while considering the report. The Speaker may then pass final orders or direct that the report be tabled before the House.
- A resolution may then be moved relating to the breach of privilege that has to be unanimously passed. Currently, Meenakshi Lekhi is the chairperson of the privileges committee. In the Rajya Sabha, the deputy chairperson heads the committee of privileges that consists of 10 members.

6. No Confidence Motion and Trust Vote

- **No-Confidence Motion:** Article 75 of the Constitution says that the council of ministers shall be collectively responsible to the Lok Sabha. A no-confidence motion can be moved by any member of the House. It can be moved only in the Lok Sabha and not Rajya Sabha. Rule 198 of the Rules of Procedure and conduct of Lok Sabha specifies the procedure for moving a no-confidence motion. The member need not give a reason for moving the no-confidence motion.
- The member has to give a written notice of the motion before 10 am which will be read out by the Speaker in the House. A minimum of 50 members have to accept the motion and accordingly, the Speaker will announce the date for discussion for the motion. The allotted date has to be within 10 days from the day the motion is accepted. Otherwise, the motion fails and the member who moved the motion will be informed about it.
- A no-confidence motion is slightly different from a motion of confidence, or trust vote, which is moved by the government, as an ordinary motion under Rule 184. A government can prove its majority by moving a confidence motion as a counter to the opposition parties.
- The Prime Minister and Council of Ministers can only hold office if they have the confidence of the Lok Sabha. If they fail to do so, then they are obliged to resign. The Prime Minister may also suggest dissolving the House before the vote on either a confidence or a no-confidence motion. Once a motion of no-confidence has been defeated, the same can't be raised for another 6 months.

7. Public Accounts Committee

- The Committee on Public Accounts was first set up in 1921 in the wake of the Montague-Chelmsford Reforms which led to the coming in of the Government of India Act 1919. The Finance Member of the Executive Council used to be the Chairman of the Committee.
- This position continued right up to 1949. During the days of the Interim Government, the then Finance Minister acted as the Chairman of the Committee, and later on, after the attainment of Independence in August, 1947, the Finance Minister became the Chairman.

- The Committee on Public Accounts underwent a radical change with the coming into force of the Constitution of India on 26 January, 1950, when the Committee became a Parliamentary Committee functioning under the control of the **Speaker with a non-official Chairman appointed by the Speaker** from among the Members of Lok Sabha elected to the Committee.
- The Public Accounts Committee is now constituted every year under **Rule 308 of the Rules of Procedure and Conduct of Business in Lok Sabha**. The Public Accounts Committee consists of not more than 22 members comprising of 15 members elected by Lok Sabha every year from amongst its members according to the principle of proportional representation by means of single transferable vote and not more than 7 members of Rajya Sabha elected by that House in like manner.
- The term of office of members of the Committee does not exceed **one year** at a time. A **Minister is not elected** a member of the Committee, and if a member, after his election to the Committee is appointed a Minister, he ceases to be a member of the Committee from the date of such appointment. The Chairman of the Committee is appointed by the Speaker from amongst the members of the Committee from Lok Sabha.
- The PAC serves as a check on the government especially with respect to its expenditure bill and its primary function is to examine the audit report of CAG after it is laid in the Parliament. CAG assists the committee during the course of investigation.
- That public expenditure is not only **examined from a legal and formal point of view to discover technical irregularities** but also from the point of view of the economy, prudence, wisdom and propriety. The sole purpose to do this is to bring out the cases of waste, loss, corruption, extravagance, inefficiency and nugatory expenses.

It examines appropriation accounts and finance accounts of the central government which is laid before Lok Sabha

It scrutinizes the audit reports of CAG to satisfy itself that:

- The money that has been disbursed was legally available for the applied service or purpose
- The expenditure conforms to the authority that governs it
- Every re-appropriation has been made in accordance with the related rules

It examines the accounts of:

- State corporations
- Trading concerns and,
- Manufacturing projects

Note: The audit report of these bodies are made by the CAG

It examines the accounts of:

- Autonomous
- Semi-autonomous bodies

Note: The audit report of these bodies are made by the CAG

It keeps a check on the money spent on any service during a financial year. If the money is in excess of the amount granted by the Lok Sabha for that purpose, it goes on to its report.

8. Estimates Committee

- The Committee on Estimates, constituted for the first time in 1950 was established following directives by India's first Minister of Finance, John Mathai. It is a Parliamentary Committee consisting of 30 members, elected every year by the Lok Sabha from amongst its Members. The Chairperson of the Committee is appointed by the Speaker from amongst its members. The term of office of the Committee is one year.
- Initially the membership of the committee was limited to 25 members, however, in 1956, the membership was expanded to 30 members. A Minister cannot be elected as a member of the Committee and if a member after selection to the Committee is appointed a Minister, the member ceases to be a Member of the Committee from the date of such appointment. The functions of the Estimates Committee are:
 - ✓ to report what economies, improvements in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates may be effected;
 - ✓ to suggest alternative policies in order to bring about efficiency and economy in administration;
 - ✓ to examine whether the money is well laid out within the limits of the policy implied in the estimates; and
 - ✓ to suggest the form in which the estimates shall be presented to Parliament.

9. Committee on Public Undertakings

- The first proposal for a separate committee had been raised by Lanka Sundaram in 1953, stating the inadequacies Public Accounts committee (PAC) and the Estimates committee (EC) with respect to public undertakings, but the then finance minister did not relent to that idea. In May of 1956, Ashok Mehta also proposed that there should be a separate committee for public undertakings, however the then finance minister held the view that the PAC and the EC were sufficient to handle the work load.
- By 1957, the government had agreed to form a standing sub-committee of the EC on public undertakings. In 1958, the congress formed the **V. K. Krishna Menon** committee. Which put forward a number of recommendations intended to reconcile the accountability of public undertakings to parliament while keeping their autonomy on one hand and also ensuring efficiency on the other.
- In the September of 1963, the then Minister of Commerce and Industry Nityanand Kanungo, put forward a motion in the Lok Sabha proposing the formation of a separate Parliamentary Committee on Public Undertakings. In pursuance of this motion the Committee on Public Undertakings was formed with effect from May 1, 1964.
- The Committee on Public Undertakings is a Parliamentary Committee consisting of **22 Members, fifteen of whom are elected by the Lok Sabha every year** from amongst its Members according to the principle of proportional representation by means of a single transferable vote and seven Members to be nominated by Rajya Sabha for being associated with the Committee.
- The Chairman is **appointed by the Speaker** from amongst the Members of the Committee. A Minister is not eligible to become a Member of the Committee. If a Member after his election to the Committee is appointed a Minister, he ceases to be a Member of the Committee from the date of such appointment. The term of the Committee does not exceed one year.

- The functions of the Committee on Public Undertakings are :-
 1. to examine the reports and accounts of Public Undertakings specified in the Fourth Schedule to the Rules of Procedure and Conduct of Business in Lok Sabha ;
 2. to examine the reports, if any, of the Comptroller and Auditor General of India on the Public Undertakings ;
 3. 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
 4. to exercise such other functions vested in the Public Accounts Committee and the Estimates Committee in relation to the Public Undertakings 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.

10.Parliamentary Privileges

- Parliamentary privilege refers to rights and immunities enjoyed by Parliament as an institution and MPs in their individual capacity, without which they cannot discharge their functions as entrusted upon them by the Constitution. These are also extended to all those persons who participate in the proceedings of the House or its committees including the Attorney General of India and Union Ministers. However these don't extend to the President who is also part of the Parliament.
- These include both collective privileges which are enjoyed by each member of the legislature collectively and individual privileges which are enjoyed by the members individually.
- Article 105 and 194 of the constitution of India deals with the power privileges and immunities of parliament and its members and of their state legislature and their members respectively. This constitution of India does not exhaustively enumerate the privileges of Indian parliamentarian. As Section 3 of both these articles refers directly to the privilege of the House of Commons at the commencement of the constitution. Hence it basically deals with all those privileges that exist in the House of Commons as on 26 January 1950.
- According to the Constitution, the powers, privileges and immunities of Parliament and MP's are to be defined by Parliament. No law has so far been enacted in this respect. In the absence of any such law, it continues to be governed by British Parliamentary conventions.
- Parliamentary privileges in India are based on five main sources:
 - ✓ Constitution
 - ✓ Various laws made by the Parliament
 - ✓ Rules of both the Houses o Parliamentary Conventions
 - ✓ Judicial Interpretations
- While the Constitution makers themselves wanted that the privileges of the United Kingdom should be taken into consideration, there is a major difference between the two.

- Unlike the British Parliament, the Indian Parliament is not sovereign. It is the Constitution which is supreme and sovereign and Parliament will have to act within the limitations imposed by the Constitution. This is a mark of distinction between the British Parliament and the Indian Parliament. British Parliament is sovereign.

11. Collective Privileges

These privileges belonging to each House of Parliament collectively are:

- It has the **right to publish its reports, debates and proceedings** and also the right to prohibit others from publishing the same. The 44th Amendment Act of 1978 restored the freedom of the press to publish true reports of parliamentary proceedings without prior permission of the House. But this is not applicable in the case of a secret sitting of the House.
- It can **exclude strangers** from its proceedings and hold secret sittings to discuss some important matters.
- It can **make rules to regulate its own procedure and the conduct** of its business and to adjudicate upon such matters.
- It can **punish members as well as outsiders** for breach of its privileges or its contempt by reprimand, admonition or imprisonment (also suspension or expulsion, in case of members).
- It has the **right to receive immediate information of the arrest, detention, conviction, imprisonment and release** of a member.
- It can **institute inquiries and order the attendance of witnesses** and send for relevant papers and records
- The **courts are prohibited to inquire** into the proceedings of a House or its committees.
- No person (either a member or outsider) can be arrested, and no legal process (civil or criminal) can be served within the precincts of the House without the permission of the presiding officer.

12. Individual Privileges

These privileges belonging to the members individually are:

- They **cannot be arrested during the session of Parliament** and 40 days before the beginning and 40 days after the end of a session. This privilege is available only in civil cases and not in criminal cases or preventive detention cases.
- They have **freedom of speech in Parliament**. No member is liable to any proceedings in any court for anything said or any vote given by him in Parliament or its committees. This freedom is subject to the provisions of the Constitution and to the rules and standing orders regulating the procedure of Parliament.
- They are **exempted from jury service**. They can refuse to give evidence and appear as a witness in a case pending in a court when Parliament is in session.

13. Breach of Privilege and Contempt of House

- Though the two phrases, '**breach of privilege**' and '**contempt of the House**' are used interchangeably, they have different implications. When any individual or authority disregards or attacks any of the privileges, rights and immunities, either of the member individually or of the House in its collective capacity, the offence is termed as breach of privilege and is punishable by the House.
- On the other hand act or omission which obstructs a House of Parliament, its member or its officer in the performance of their functions or which has a tendency, directly or indirectly to produce results against the **dignity, authority and honour of the House** is treated as a contempt of the House.
- Normally, a breach of privilege may amount to contempt of the House. Likewise, contempt of the House may include a breach of privilege also. Contempt of the House, however, **has wider implications**. There may be a contempt of the procedure of Parliament without specifically committing a breach of privilege. For example **disobedience towards a legitimate order** of the House is not a breach of privilege, but can be punished as contempt of the House.