

Development of Question Hour in Indian Parliament

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Abstract

The development of question procedure in Parliament is intimately associated with the constitutional changes that have taken place from time to time in the composition, functions and powers of the Legislature. With every installment of constitutional reforms which the British Parliament introduced in India, the scope for asking questions widened. The first Legislative Council set up under the Charter Act of 1853 was primarily meant for making laws and regulations. The Charter Act did not define the powers of the Legislative Council, but the Council showed some degree of independence by asking questions as to, and discussing the propriety of the measures of the Executive Government. The Indian Councils Act of 1861, which explicitly circumscribed the functions of the Legislative Council to purely legislative matters, was retrograde in many respects and this led to a demand for reform of the Legislative Council so as to allow its members to elicit information by means of questions. This was conceded under the Indian Councils Act of 1892.

KEYWORDS: - Parliament, Executive Government, Question, legislative Council.

“As a legislator it is the prerogative of the Member to ask questions and to hold the Government to account. Question Hour is a severe test, an ordeal by fire for the Hon’ble Minister”.

Dr Murli Manohar Joshi

A Question is a parliamentary device for seeking information on a matter of public importance within the specific cognizance of the Government. However, more often the members have certain foreknowledge and the real objective behind seeking information is to press for action or highlight delay, inefficiency, waste, malpractice, and acts of omission and commission of the Government. By each question, therefore, hangs a different tale. No other parliamentary tool is as versatile and efficacious in its deployment and reach as a simple, innocuous looking question. It is in recognition of the time tested efficacy of questions and as a potentially powerful tool of oversight and accountability that, unless directed otherwise, the first hour of every sitting of Parliament, known as a Question Hour, is earmarked for asking and answering questions.

The origin and growth of parliamentary question is inextricably intertwined with the evolution of parliamentary institutions introduced half heartedly and reluctantly by the Britishers under the successive doses of constitutional reforms in India. The legislative Council, introduced under the Charter Act of 1853, which transacted its business in the public for the first time and recorded its verbatim proceedings, allowed the Members to discuss the propriety of the measures of the executive government. Lord Dalhousie, the Governor-General started the proceedings of the Council” with the certain flourish”. Lord Canning remarked sarcastically on the nature of discussion that the Indian Council”

had a resumed jurisdiction in the nature of that of a 'grand inquest of the nation'. It was not intended to be. The Britishers did not wish to rise up a great independent body in India more than it was necessary for the 'purpose of elaborating laws'. He further made it clear that he didn't want, as some of the Young Indians did," the beginning of a constitution in Parliament in India “.

The British parliament, therefore, confined the functions of the legislative council under the Indian Councils Act, 1861, only to law making. The first battle of independence and the constantly growing demand for self governing institutions pause the Britishers to enact the Indian Council Act 1892. Which for the first time recognized the right of asking question? Lord Curzon, speaking on the aims and objects of the Indian Councils Bill in the British House of Commons, said that the right to interpellation or asking questions would be in the interest of the government which is at the present moment without the means of making known its policy, or of answering criticism silencing calumny. He further said that it would also be 'desirable in the interest of the public, who, in the absence of correct official information, are apt to be misled, and to entertain erroneous ideas, apprehensions and to entertain unjust ideas.'

Question under the Indian Councils Act, 1909

The supposed objective of the Morley- Minto Reforms, leading to the enactment of the Indian Council Act 1909, was to associate the people of India to a greater extent with government in the decision of public affairs. But the actual import as stated by Lord Minto," was to say this is not to advocate the introduction of popular representation." The Government of India must remain autocratic; the sovereignty must be vested in British hands and cannot be delegated to any kind of representatives' assembly.

No such assembly could claim to speak on behalf of the Indian people so long as the uneducated masses, forming nearly 90% of the adult male population, are absolutely incapable of understanding what 'representative Government' means and of taking any effective part in any system of election". The new Legislative Council, however, greatly enlarges the scope of asking questions including, for the first time, the right of asking supplementary questions. The widened scope of asking questions, the increase in number of non-official Indian members and their greater participation in the Council debates increased the number of questions. 2640 questions were asked and answers during 1910 to 1920 as against 268 questions during 1892 to 1909.

Question under the Government of India Act, 1919

The loudly growing demand for *Swaraj* forced the Britishers to enact the Government of India Act, 1919. The rules and the standing Orders framed by the Legislative Assembly under the Government of India Act, 1919 further widened the scope of questions. The first hour of every sitting was earmarked for questions. No business except obituary references could precede questions. The device of questions was utilized with great foresight and assiduity by the Indian members.

The president of the Assembly, Sir Fredrik Whyte, displayed remarkable degree of Independence by admitting questions on sensitive subjects. A question enquiring if it was proposed to undertake legislation to prevent Street beggary in India and whether

such legislation was enforced in Great Britain or in any other part of the world was admitted on the ground that the Governor- General -In- Council was not called upon to collect the information for the members but only to make it available if he already had it .another question enquiring about the health of Subhash Chandra Bose, who was then a detainee under the Bengal criminal law (Amendment) Act was admitted by the president in exercise of his discretionary power on the ground that the matter had assumed all India importance, though the home department suggested disallowance of the question as relating to a matter of provisional concern.

Questions in the Legislative Assembly formed under the Government of India Act, 1935

The Rules of procedure and conduct of business framed by the Legislative Assembly after coming into force of the Government of India act ,1935, while retaining most of the earlier provisions ,made some new innovations and restricted asking of more than 5 questions of a member for oral answer on any one day to facilitate participation by more members. The question hour was allotted on rotational basis and a question could be addressed even to a private member or non- official member .the president of the Assembly displayed independence by admitting questions seeking information in areas for which consent was withheld by the Governor -General under the Legislative Assembly. Rules on the ground that disclosure of information would affect relations of His Majesty's government or of the Governor- General with the foreign country in question .there were 631 sitting of the assembly and an aggregate of 17313 questions were asked and 631 starred question were orally answered.

Questions in The Legislative Assembly and The Provisional Parliament

On attaining independence on 15 August, 1947, the government became fully accountable to the legislature and a duty was cast on the government to furnish all information sought by the member of the Legislative Assembly. The constituent assembly, when discharging normal legislative functions, met as Legislative Assembly in the chamber, since known as Lok Sabha chamber. the Legislative Assembly was presided over by G.V. Mavalankar as speaker. after India became a Republic on 26 January ,1950, the Legislative Assembly transformed into provisional Parliament and it ceased to exist with the constitution of the first Lok Sabha in May 1952. The rules governing the admissibility of questions were further enlarged and suitable adapted. The questions procedure was further modified from time to time from 1st to 16th Lok Sabha to suit to the requirement of the members.

References

1. Banerji, Anil Chandra (ed.); Indian Constitutional Documents, Vol. I, p. xxvi.
2. Rules for the Conduct of Business in the Legislative Council, framed under the Indian Councils Act, 1892, Rule 6.
3. Until 1921, the Governor-General used to preside over the deliberations of the Legislative Council. In that year, the Council gave place to the Legislative Assembly and

its deliberations began to be conducted by an officer known as President. In 1947, the designation was changed to Speaker. The term “Speaker” has, however, been used throughout in the text.

4. Rules for the Conduct of Business, op. cit., Rule 9.

5. Speech of Dr Murali Manohar Joshi, (2015), M.P. and Chairman Estimate Committee Lok Sabha while releasing the book “Parliamentary Question: - Glorious Beginning to an Uncertain Future”, page 26 -28.

6. Devender Singh (2015) “Parliamentary Questions: - Glorious Beginning to an Uncertain Future” Orange books International.