

# ECONOMIC AND SOCIAL IMPACT OF STALLING PARLIAMENT BY OPPOSITION PARTIES AND A MECHANISM TO OVERCOME IT



# ECONOMIC AND SOCIAL IMPACT OF STALLING PARLIAMENT BY OPPOSITION PARTIES AND A MECHANISM TO OVERCOME IT

AUTHORED BY :

VIJAY K. TYAGI  
G.SAI KRISHNA KUMAR  
YASHDEEP CHAHAL

EDITED BY :

AYUSH ANAND  
(RESEARCH ASSOCIATE)

COVER DESIGNED BY :

ROHAN PAREEK

LAYOUT BY :

AJIT KUMAR SINGH

---



DR. SYAMA PRASAD MOOKERJEE RESEARCH FOUNDATION  
9, ASHOKA ROAD, NEW DELHI - 110001

Web - [www.spmrf.org](http://www.spmrf.org) | E-Mail - [office@spmrf.org](mailto:office@spmrf.org)

Phone - 011-23005850

# Preface

Parliament is the apex legislative body entrusted with the duty of making laws for the people of this country. The non-functioning of Parliament raises grave concerns about the state of laws in the country. The Narendra Modi led NDA government has undertaken multiple measures to improve the functioning of the Parliament, either by increasing the business hours or by increasing quality legislative hours, thereby enhancing productivity. The upper house, under the leadership of Chairman Venkaiah Naidu has taken the lead and a panel, under his guidance, is exploring strict options including the automatic suspension of disrupting members. The recent decision to shuffle the timings of Zero Hour and Question Hour in Rajya Sabha led to greater number of working hours and produced tangible results in terms of productivity. Effectively, it reduced the scope of undue disruptions in the guise of zero hour. What has been a challenging, yet an intriguing issue is the constant stalling of Parliament by the opposition or other parties. This issue has been amidst all political debates on the functioning of Parliament during the present Government's tenure.

Stalling of Parliament refers to the causation of disruption or putting Parliament in such a state that it cannot proceed with its business, thereby making it impossible for the process of legislation to move ahead. Legislation forms the basis of rule of law in a country, and has a direct impact on the very life of the public at large. Therefore, it has to be deliberated upon very minutely. Any attempt at deriding the legislative process on account of various tactics is highly detrimental to the health of the Indian polity. Of late, it has been observed that the opposition parties have often resorted to irrational acts of opposition, in contradistinction to an informed democratic opposition. Of various methods that are employed to achieve this objective, most prominent ones are characterised by acts of compelling the apex legislative body to remain in a state of impasse. The disruption or stalling leads to no legislative business and has huge negative impact on the general trend of policy making, policy implementation and on the overall health of governance.

Legislative disruption or obstruction is not unique to India. Some historians claim it was practiced even in the assemblies of ancient Greece. This report undertakes an elaborate research and does a comparative analysis of the existence and impact of Parliamentary disruptions across multiple jurisdictions. In a healthy democracy, the importance of opposition cannot be undermined. However, the fine line between an informed and an uninformed opposition has to be duly recognised.

This report is an attempt to understand the impact of such disruptions on Indian society and policy. This study is an elaborate exercise on examining the various dimensions of the issue and also proposes to create a framework to curb these disruptions by not violating the existing constitutional setup and structure.

**Dr. Anirban Ganguly**  
**Director,**  
**Dr. Syama Prasad Mookerjee Research Foundation**

# *Content*

|    |   |    |
|----|---|----|
| 1. | Introduction  | 1  |
| 2. | Legislative Process and Conduct of Business   | 2  |
| 3. | What is Stalling?   | 6  |
| 4. | Statistical Analysis of Parliamentary Proceedings Since 2014  | 8  |
| 5. | Political Cost of Stalling  | 30 |
| 6. | Analysis of Legal Safeguards with respect to Disruptions in the Legislative Bodies of other Jurisdictions | 31 |
| 7. | Take-aways for India: An Analysis of Foreign Jurisdictions in the Indian Context                          | 43 |
| 8. | The Way Forward   | 44 |

# Introduction

On 25th November 1949, when our Constitution was adopted, Dr. B.R. Ambedkar, its principal architect searchingly asked, “If we wish to maintain democracy... what must we do?” “...first thing in my judgement we must do”, he said, “is to hold fast to constitutional methods of achieving our social and economic objectives”. Stating that “When there was no way left for constitutional methods for achieving economic and social objectives, there was a great deal of justification for unconstitutional methods,” he remarked that such methods in the context of the availability of constitutional methods “are nothing but the grammar of anarchy and the sooner they are abandoned, the better for us”. What Dr. Ambedkar said in the context of democracy is intensely and all the more relevant for the functioning of democratic institutions. In cases where required mechanisms are available for overall participation of members in such institutions going beyond the scope of rules, procedures and constitutional methods would make us susceptible to a harsh judgement. It is, therefore, imperative that our legislative institutions articulate a mechanism to maintain order and discipline so that we may script the story of success for our democracy which the ordinary people of this country so vigorously defend.

Questions of “discipline, dignity and decorum” are as old as the origin of democracy. It would not be wide off the mark to say that quest for democracy arose out of the quest for a disciplined and orderly existence of life in society. Mankind has been addressing these questions of discipline and decorum as part of the constant strivings for further perfecting democracy not only as a form of government but also as a way of life. It is essential, therefore, to dispel the notion that these questions have suddenly assumed currency, primarily because of the prevailing perception that Parliamentary institutions have been functioning in a manner in which they should be. As we peep into deep our own history, we are pleasantly surprised that there was a time in this very India when republics studded our land. There were Parliament type institutions with detailed procedures to determine their functioning which were quite proximate to the activities of modern-day representative bodies.

Parliament is the apex legislative body which is armoured with the duty of making law for the people of this country. Parliament comprises of the two legislative houses i.e. the lower house is called the Lok Sabha; Upper house is called the Rajya Sabha and the President.

## President of India

The President of India is most important component of the Parliament. The constitution of India under the Article 60 and Article 111 provide him /her with the responsibility to examine and inspect that the bills which are passed by the two houses of the Parliament are in consonance with the provisions of the constitution and that the procedure established by the law in force has been followed before his/her approval is granted for the bill. The President of India is indirectly elected, that is, by the members of Parliament and the members of state legislature and he/she serves a term for 5 years.

## Lok Sabha

Lok Sabha commonly known as house of the people or the lower house currently has a total of 545 members. Out of these 545 members, 543 are elected by the citizens of India directly by universal adult franchise. These 543 members represent different Parliamentary constituencies across the territory of India. Two members are nominated by the President to the lower house from the Anglo-Indian Community. The Constitution of India provides for the lower house to have a maximum strength of 552. Every member of lower house serves a term of 5 years and has to be re-elected by the people directly in order to serve as the member of Lok Sabha.

## Rajya Sabha

Rajya Sabha commonly known as Council of States or the upper house of the Parliament. It is a body which is permanent in nature and its structure is such that it cannot be dissolved ever. Every second year, almost one-third of the members retire and get replaced by new members. Each member of Rajya Sabha serves a term of 6 years. The member of upper house is elected indirectly and people have no direct say in it. Rajya Sabha has a total strength of 250 members of whom 238 are elected indirectly from the states as well as union territories, whereas 12 are nominated by the President based on their expertise in various fields such as art, science, literature etc.

## Legislative Process and Conduct of Business

Legislation is the process of making or enacting the laws. The framers of the constitution entrusted the task of giving birth to the laws with the Parliament. The object behind handing over this job to the Parliament was that the law, which is a tool for governance of the people at large, should emerge from the people themselves. The Parliament of India represents the will of people both directly and indirectly. It is the actual representation of the large population of this country.

The Constitution of India itself provides for the procedure or the process of law making in the Parliament. For the better facilitation of this process, the Lok Sabha and Rajya Sabha have provided themselves with rules and procedure which are in accordance with the constitutional provisions to make the conduct of business smooth.



For initiating the process of law making, bills are brought before either house of the Parliament. A Bill is a basic draft of the legislation which is intended to be passed and made applicable across the territory of India. In short, it can also be termed as a legislative proposal. For a legislative proposal or a bill to be called a law and be enforceable it has to undergo various stages. The first stage as already mentioned above is the introduction of bills in either house of the Parliament. After the introduction of the bill the members of that house indulge in deliberation on the contents of that bill. Each and every member tries to put forth his views in accordance with the need and requirements of the section of people that he is representing.

The second stage involves the passing of the bill in the house with a majority. If the bill that has been brought forward for discussion is a normal legislation, it requires simple majority to be passed and if the legislation brought for discussion is a constitutional amendment, then it requires 2/3rd majority or special majority (as it is commonly referred) to be passed.

When the bill is passed with the required majority, it then reaches the third stage that is discussion in the other house of the Parliament. If a bill has been introduced and passed in Rajya Sabha, it would be sent to Lok Sabha and if it has been introduced and passed in the Lok Sabha, then it would be sent to Rajya Sabha. Another discussion, in the house which has received the bill subsequently, takes place and members put forward their views in accordance with the need and requirements of the people they are representing.

After this due deliberation on the intended legislation in the second house, voting takes place and is passed in the similar manner as that of the second stage. The bill, after it receives the required votes, goes to the final stage that is to get the assent of the President. Without the assent of the President, the legislative proposal would not have any enforceability.

Importantly, not all legislations have to undergo these stages. For instance, a money bill, under Article 110, can originate only in the Lok Sabha and the Rajya Sabha can only provide recommendations to it, that too within 14 days. The money bill is introduced by the speaker of the Lok Sabha and it becomes enforceable with the assent of President. The responsibility to decide as to which bill could be presented as a money bill has also been entrusted with the speaker of Lok Sabha, thereby making the office of speaker immensely important.

This process of law making was decided after due deliberations in the constituent assembly and is considered one of the finest processes of refining the law which comes to the table of the house in raw form.

In order to make this process of making law smoother, without hurdles and free from any kind of fear, the constitution of India provides for privileges to the members of Parliament. These privileges are provided to safeguard these members and provide them immunity while they are performing their duty and to enable them to represent the voices of the population which has elected them with due diligence.

Article 105 of the constitution provides the powers and privileges of the members and it has been reproduced hereinbefore:

105. Powers, privileges, etc of the Houses of Parliament and of the members and committees thereof

1. Subject to the provisions of this constitution and the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament ;
2. No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.;
3. In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined shall be those of that House and of its members and committees immediately before the coming into force of Section 15 of the Constitution (Forty fourth Amendment) Act 1978;
4. The provisions of clauses (1), (2) and (3) shall apply in relation to persons who by virtue of this constitution have the right to speak in, and otherwise to take part in the proceedings of, a House of Parliament or any committee thereof as they apply in relation to members of Parliament.

To understand the concept of Parliamentary privileges, we shall now delve into the following extracts from a lecture on Parliamentary Privileges by Viscount Kilmer - The Lord High Chancellor of Great Britain, [Delivered on May 4, 1959 at the University of London]:

“The first question which springs to the mind is, ‘What precisely is Parliamentary Privilege?’ - and it is question which is not altogether an easy one to answer.

A privilege is essentially a private advantage in law enjoyed by a person or a class of persons or an association which is not enjoyed by others. Looked at from this aspect, privilege consists of that bundle of advantages which members of both Houses enjoy or have at one time enjoyed to a greater extent than their fellow citizens: freedom to access to Parliament, freedom from arrest or process, freedom from liability in the courts for what they say or do in Parliament. From another point of view, Parliamentary Privilege is the special dignity and authority and enjoyed by each House in its corporate capacity such as its right to control its own proceedings and to punish both members and strangers for contempt. We think these are really two sides of the coin. Any Parliament, if it is to function properly, must have some privileges which will ensure freedom (to a greater or lesser degree) from outside interference. If the business of Parliament is of supreme importance, then nobody else must be allowed to impede it, whether by throwing fireworks from the gallery or bringing actions against members for what they say in debate.

The apex court in the case of **Raja Ram Pal v. The Speaker** <sup>1</sup>, had to face a complex question of law involving the Parliamentary privileges and while dealing with that question, it shed light on the history of these privileges. The relevant opinion of the court has been laid down herein: -



**Indian Law : Historical Background** - It is no doubt true that the existing law relating to Parliamentary privileges in India is essentially of English origin. But the concept of Parliamentary privileges was not unknown to ancient India. Prititosh Roy in his work 'Parliamentary Privilege in India' (1991) states that even during Vedic times, there were two assemblies; Sabha and Samiti which were keeping check on all actions of the King. Reference of Sabha and Samiti is found in all Vedas. In Buddhist India, we find developed Parliamentary system. Members were not allowed to disobey directions of Assemblies. Offenders were answerable to Assemblies and after affording an opportunity to them, appropriate actions used to be taken against erring officers. It has thus 'rudimentary features' of Parliamentary privilege of today. In 1600, East India Company came to India primarily as 'trader'. The British Parliament effectively intervened into the affairs of the Company by passing the East India Company Act, 1773 (popularly known as 'the Regulating Act, 1773'), which was followed by the Act of 1784. The roots of modern Parliamentary system were laid in various Charter Acts of 1833, 1853, 1854, 1861, 1892, 1909, etc. During 1915-50, there was remarkable growth and development of Parliamentary privileges in India. For the first time, a limited right of freedom of speech was conferred on the Members of Legislature by the Government of India Act, 1919 (Section 67). By the Legislative Members Exemption Act, 1925, two Parliamentary privileges were allowed to Members:

- i. exemption from jury service; and
- ii. freedom from arrest.

The Government of India Act, 1935 extended the privileges conferred and immunities granted. The Indian Independence Act, 1947 accorded sovereign legislative power on the Indian Dominion.

The apex court has been of the opinion that the provisions of Article 105 and of Article 194, which is in the same terms but deals with the privileges of members of Legislative Assemblies. A full and free debate is of the essence of 'Parliamentary democracy'. The argument that the whole of Article 194 was subject to Article 19(1)(a) overlooked the provisions of Article 194(2). The right conferred on a citizen under Article 19(1)(a) could be restricted by a law which fell within clause(2) of that Article and he could be made liable in a court of law for breach of such law, but Article 194(2) has categorically laid down that no member of the legislature was to be made liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or in committees thereof and that no person would be liable in respect of the publication by or under the authority of the House of such a Legislature of any report, paper or proceedings. The provisions of Article 194(2), therefore, indicated that the freedom of speech referred to in Article 194(1) was different from the freedom of speech and expression guaranteed under Article 19(1)(a) and could not be curtailed in any way by any law contemplated by Article 19(2). A law made by Parliament in pursuance of the earlier part of Article 105(3) or by a State Legislature in pursuance of the earlier part of Article 194(3) was not law made in exercise of constituent power but law made in exercise of ordinary legislative power under Article 246 read with the relevant entries.

Consequently, if such a law took away or abridged any of the fundamental rights, it would contravene the peremptory provisions of Article 13(2) and would be void to the extent of such contravention. It might as well be that, that was reason why Parliament and the State Legislatures had not made laws defining their powers, privileges or immunities conferred by the latter part of Articles 105 and 194 as

repugnant to the fundamental rights, they would be void to the extent of such repugnancy. It could not be overlooked that the provisions of Articles 105(3) and 194(3) were constitutional law and not ordinary law made by Parliament or the State Legislatures and therefore, they were as supreme as the provisions of part II of the Constitution. Further, quite conceivably, the Constitution makers, not knowing what powers, privileges and immunities Parliament or the State Legislatures might claim, though for not to take any risk and made such laws subject to the provisions of Article 13; but that, knowing and being satisfied with the reasonableness of the powers, privileges and immunities of the House of Commons at the commencement of the Constitution, they did not, in their wisdom, think fit to make such powers, privileges and immunities subject to the fundamental right conferred by Article 19(1)(a)<sup>2</sup>.

The apex court very authoritatively laid that the exercise of legislative privileges is not an end in itself. They are supposed to be exercised in order to ensure that legislative functions can be exercised effectively, without undue obstructions. These functions include the right of members to speak and vote on the floor of the house as well as the proceedings of various legislative committees. In this respect, privileges can be exercised to protect persons engaged as administrative employees as well.

Providing these privileges by the constitution to the members of Parliament is well intended and well-reasoned. These privileges are of utmost importance while performing their public duty. Without these privileges the elected member's will, which is to represent people, may be overshadowed because of fear of prosecution due to political motives. Restriction of speech may lead to improper representation of the will of the people. The very object of these privileges is to empower the members or to facilitate them in doing their duty with due-diligence but the recent trend shows us that these privileges have become biggest hurdle to the progress of the country.

Since the Narendra Modi government came into power, it has been seen, through the official data, that the government has been trying to improve the structure and efficiency of this legislative body by carrying out more business than what was usually done before. It was during the research of this mammoth task of improving the efficiency of legislature or the Parliament that it was discovered that the real cause of loss of time of the Parliament was the constant disruptions. It is these disruptions which lead to stalling of Parliament. Disruption has no particular definition; it can be caused by speech, verbal representation or by an unwanted antic by any of Member of Parliament.

## What is stalling?

Stalling of Parliament is ideally causing any kind of disruption or putting the Parliament in such a state that it cannot proceed with its business and making it impossible for the process of legislation to move ahead.

Legislation has a direct impact on the very life of the common man and hence it has to be deliberated upon very minutely and requires a very heavy role of the opposition to help laws to be formulated in such way so that it will protect the constitutional ideals and represent most of the people of the country at large. But what is seen is that since the last 4 years, the opposition parties have indulged themselves into the act of stalling Parliament just to oppose each and every move of the government instead of performing their duty of proposing various recommendations for the better law for the

people of this country. In the subsequent chapters the authors shall be providing a detailed analysis of the working of the Parliament and how disruptions are hampering progress of nation and how to curb these legislative disruptions in future.

Regular stalling/obstruction of proceedings of the legislature i.e. Parliament and state legislative assemblies has become a characteristic/common feature of our democracy in recent years. Obstruction/stalling is neither a 'Parliamentary instrument' made available to members by the rules of the Houses, nor is it morally defensible, at least in the manner and form in which it is currently practiced by our elected representatives in the legislative bodies.

Parliamentary obstruction in India has effectively substituted the constitutionally mandated normal decision-making rule which requires majority support with one requiring near unanimity. This has led to state of legislative paralysis and has caused serious threat to our democracy. Legislative obstruction is not unique to India. Some historians claim it was practiced even in the legislative assemblies of ancient Greece. In our times, it is famously practiced in the form of a 'filibuster' in the Senate of the United States.

## Provisions related to Stalling/Obstructing

Stalling the Parliament or creating obstruction in such a manner so as to bring the house into such idle mode, in India, is usually violative of detailed procedural rules that govern our legislative bodies. This can be understood only by going through, the Rules of Procedure and Conduct of Business in Lok Sabha.

Rule 349 requires members, among other things, to remain silent when not speaking, not interrupt a member who is speaking, not obstruct proceedings, not shout slogans, not approach the chair, and not tear documents in the House in protest.

Rule 352 prohibits members from using their freedom of speech for the purpose of obstructing the business of the House.

Rules 373, 374 and 374A allow for withdrawal and suspension of the obstructing members. Similar rules exist for other houses. Successively, Speakers have failed terrifically in their obligation to implement these principles, compelled as they are by the political shortcoming of their office and the across the board acknowledgment of the act of deterrent by the political foundation.

Legislative paralysis leads to the dominance of other organs of the state, which steps in to fill the void created by the stalled legislature. The last few decades have seen a remarkable increase in judicial and executive power in comparison to the legislature. Important decisions which ought to be made after due deliberations in a legislative forum are made by the executive or by the judges which are not very transparent and not easily understood by the public at large. Judges have in clear words criticised the legislative dysfunction as one of the causes for judicial legislation.

# Statistical Analysis of Parliamentary Proceedings since 2014

## Introductory Session:

[4th June – 11th June, 2014]

In the introductory session, both houses were addressed by the President in the Central Hall of Parliament.

## Budget Session 2014:

[7th July – 14th August, 2014]

Budget Session, 2014 was the first budget session of newly elected NDA Government led by Hon'ble Prime Minister Sh. Narendra Modi. In the first Budget session of 16th Lok Sabha, the Parliament discussed Union and Railway Budget and passed much important legislations like the National Judicial Appointments Commission Bill. Lok Sabha discussed several issues related to inflation, monsoon etc.

## Lok Sabha: 2nd Session

During the 1st Budget Session of 16th Lok Sabha, the productivity of Lower House was 104%<sup>3</sup>. The numbers of actual days of sittings were 27 and numbers of hours of sitting were 167 Hours and 14 minutes<sup>4</sup>. Total 13 Hours and 51 Minutes were lost due to interruptions/forced adjournments during the session<sup>5</sup>. The house sat for 28.1 Hours extra to complete the listed business<sup>6</sup>. Total 20 bills were introduced by the government during the session and 13 were passed by the house<sup>7</sup>.

## Causes of Disruptions:

**Lok Sabha lost the aforesaid time due to a number of interruptions and walkouts staged by members like :**

1. In protest against introduction of the Andhra Pradesh Reorganisation (Amendment) Bill, 2014, Shri A.P. Jithender Reddy and other members of Telangana Rashtra Samithi staged a walkout from the House.
2. Members of Indian National Congress, Rashtriya Janata Dal, CPI (M); Nationalist Congress Party and J&K Peoples Democratic Party walked out of the House in protest of the Chair's decision disallowing them from discussing the 'alleged' misconduct of a Member of Parliament with a staffer of the Maharashtra Sadan, New Delhi.

## Rajya Sabha: 232nd Session

The productivity of the Upper House during its 232nd session was 106%<sup>8</sup>. The house sat for 27 days and accounted for 142 Hours and 23 Minutes<sup>9</sup> of sitting. There were more disruptions in Rajya Sabha than Lok Sabha but it covered lost time by working overtime on several days. Total 33 Hours 59 Minutes were lost due to disruptions by the opposition during the 232nd session<sup>10</sup>. The house

3. PRS Legislative Research

4. <https://loksabha.nic.in/>

5. Supra

6. Supra

7. Supra

8. PRS Legislative Research

9. <https://rajyasabha.nic.in/>

10. Supra

sat for 39 Hours 18 Minutes extra to complete the listed business<sup>11</sup>. No bill was introduced by the government during the session and 12 were passed/returned to Lok Sabha<sup>12</sup>.

## Causes of Disruptions:

**The Rajya Sabha lost the aforesaid time due to a number of reasons like :**

1. The House was repeatedly adjourned and could not move forward with its business due to demand by opposition Members for taking up the Short Duration Discussion on the violence in Gaza and West Bank area of Palestine which lead to the death of civilians.
2. The House was interrupted by INC Members to raise a privilege matter regarding leakage of Railway Budget proposals in the media before its presentation in the House. AITC Members also disrupted the house during the Zero Hour demanding a statement from the Prime Minister over the destruction of files in the Ministry of Home Affairs relating to records of Cabinet meeting regarding assassination of Mahatma Gandhi.

**Important Legislations Passed :**

1. Two bills related to National Judicial Appointments Commission
2. Andhra Pradesh Reorganization (Amendment) Bill, 2014

## Winter Session 2014:

[24th November - 23rd December, 2014]

Winter Session, 2014 was the first winter session of newly elected NDA Government. In this session, the upper house was disrupted by opposition parties and it lost nearly half of the allotted time. Both houses discussed various issues related to Black Money, Natural Calamities, MNREGA, India's stand at WTO etc.

## Lok Sabha: 3rd Session

During the 3rd Session of 16th Lok Sabha, the productivity of Lok Sabha was 98%<sup>13</sup>. The number of actual days of sitting were 22 and total time of sitting was 129 Hours and 27 minutes<sup>14</sup>. The House lost 3 Hours and 28 Minutes due to interruptions/forced adjournments during the session<sup>15</sup>. The house sat for 17.3 Hours overtime to complete the listed business<sup>16</sup>. Total 16 bills were introduced by the government during the session and 18 were passed by the house<sup>17</sup>.

## Causes of Disruptions:

**The Lok Sabha lost time for a variety of reasons such as:**

1. Members of AITC and INC walked out from the House in protest of The Delhi Special Police Establishment (Amendment) Bill, 2014 being taken up.
2. Members of AITC walked out alleging wrong attitude of Central Government towards the Government of West Bengal.
3. Shri Mallikarjun Kharge along with other members of INC staged a walkout in protesting the

11. Supra

12. Supra

13. PRS Legislative Research

14. <https://loksabha.nic.in/>

15. Supra

16. Supra

17. Supra

comments made by the Minister for Parliamentary Affairs about the INC.

4. Members of SP, RJD and JD(U) walked out to protest the non – fulfillment of promises made by the Prime Minister concerning various issues like black money.

## Rajya Sabha: 233rd Session

The productivity of the 233rd session of the Rajya Sabha was extremely low – only 59%<sup>18</sup>. The number of actual days of sitting were 22 and actual hours of sittings were 76 Hours and 15 Minutes<sup>19</sup>. There were more disruptions in Rajya Sabha than Lok Sabha by the opposition. Total 62 Hours 24 Minutes were lost due to disruptions by the opposition during the 233rd session<sup>20</sup>. In order to complete the listed business, the house sat for an extra 7 Hours 54 Minutes<sup>21</sup>. The Rajya Sabha decided to extend its sitting time by an hour every day to provide more time to Hon'ble MPs to raise matters in the house. To improve the productivity of upper house, the timing of Question Hour was moved to 12 noon from 11 am. Only 1 bill was introduced by the government during the session and 12 were passed/returned to Lok Sabha<sup>22</sup>.

## Causes of Disruptions:

**The Rajya Sabha was disrupted for reasons like:**

1. The House was interrupted by all members of the opposition over the alleged derogatory speech made by a Minister in the Union Cabinet (Sadhvi Niranjana Jyoti) at a poll rally in Delhi.
2. The House was disrupted by CPI(M) members over the listing of a Government Bill in the Revised List of Business without allocation of time by BAC. Further, the house was disrupted by Members of INC over the issue of Nathuram Godse's death anniversary allegedly being celebrated as 'Shourya Divas'.
3. The house was stalled due to protests by all the Opposition Members for a discussion suspending all proceedings of the House on issues of mass religious conversions, Government's move to celebrate 'Good Governance Day' on Christmas Day without giving holiday to schools.

## Important Legislations Passed:

1. The Indian Institutes of Information Technology Bill, 2014,
2. The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Amendment Bill, 2011.

## Budget Session 2015:

Budget Session 2015 was the second budget session of NDA Government. The Parliament discussed Union and Railway budgets and passed several bills. Member of Parliaments raised a demand for referring bills to Standing Committees for greater Examination. Both house witnessed disruptions from opposition. After 47 years, a Private Member Bill moved by Mr. Tiruchi Siva, the Rights of Transgender Persons Bill, 2014, was passed unanimously by Rajya Sabha.

18. PRS Legislative Research

19. <https://rajyasabha.nic.in/>

20. Supra

21. Supra

22. Supra



## Lok Sabha: 4th Session

[23rd February - 20th March, 2015] and [20th April – 8th May, 2015]

The productivity of the 4th session of the 16th Lok Sabha was 123%<sup>23</sup>. The numbers of actual days of sittings were 35 and numbers of hours of sitting were 242 Hours and 54 minutes<sup>24</sup>. Total 7 Hours and 4 Minutes were lost due to interruptions/forced adjournments during the session<sup>25</sup>. The house sat for 55.44 Hours overtime to complete the listed business<sup>26</sup>. Total 25 bills were introduced by the government during the session and 24 were passed by the house<sup>27</sup>.

### Causes of Disruptions:

**A few causes of the disruptions were:**

1. Members of INC, AITC, CPI (M), RJD, SP, AAP, BJD and NCP walked out from the House protesting the introduction of the Bill to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Bill, 2015.
2. Shri Mallikarjun Kharge along with members of INC, AITC, CPI(M), AAP, RJD and CPI staged a walkout from the House being not satisfied with the statement of Shri Rajnath Singh, Minister for Home Affairs and the intervention by Shri Narendra Modi, Prime Minister regarding reported release of an alleged separatist leader by Jammu & Kashmir Government.
3. Members of INC and CPI (M) were not satisfied with the response of Shri M. Venkaiah Naidu, Minister of Parliamentary Affairs on the CAG report on loan secured by a sugar factory and the statement made by Smt. Harsimrat Kaur, Minister of Food Processing Industries on the cancellation of Shaktiman Food Park in Amethi in Uttar Pradesh and thus, walked out of the house.

## Rajya Sabha :

**234th Session - [23rd February - 20th March, 2015]**

**235th Session – [23rd April – 13th May, 2015]**

During the 234th & 235th Session of Rajya Sabha, the productivity of Upper House was 101%<sup>28</sup>. The house sat for 42 days and actual hours of sittings were 181 Hours and 09 Minutes<sup>29</sup>. The house lost 38 Hours 55 Minutes due to disruptions by the opposition during the 234th & 235th session<sup>30</sup>. The house sat for 25 Hours 08 Minutes late to complete the listed business<sup>31</sup>. Only 2 bills were introduced by the government during the session and 24 were passed/returned to Lok Sabha<sup>32</sup>. In upper house, 31% of scheduled questions were answered orally which is the highest number of questions answered orally since past 10 years.

### Causes of Disruptions:

**A few causes of the time lost were :**

1. The House was disrupted by members belonging to opposition parties for suspension of the business of the House for the day under Rule 267 and take up discussion on the release of

23. PRS Legislative Research

24. <https://loksabha.nic.in/>

25. Supra

26. Supra

27. Supra

28. PRS Legislative Research

29. <https://rajyasabha.nic.in/>

30. Supra

31. Supra

32. Supra

separatist Leader, Masarat Alam by the State Government of Jammu & Kashmir and on the controversial remarks made by the Sri Lankan Prime Minister regarding the shooting of Indian fishermen entering their territorial waters by the Sri Lankan Navy.

2. The House was disrupted and adjourned repeatedly due to objection by Opposition Members on certain procedural aspects related to the Mines and Minerals (Development and Regulation) Amendment Bill, uproar by the Opposition Members over the reported decision of the State Government of Jammu & Kashmir to release many separatist leaders from jail and demand by Members belonging to Samajwadi Party and other Opposition parties for immediate enquiry into the Dimapur lynching incident.
3. The House could not proceed with its Legislative Business due to demand for the resignation of Shri Nitin Jairam Gadkari, Minister of Road Transport and Highways and Minister of Shipping in the wake of a CAG Report.
4. The House was disrupted for some time on the issue of treating the Black Money Bill as Money Bill and over the absence of Minister of State (Independent Charge) of the Ministry of Youth Affairs and Sports in whose name a statement was listed in the agenda for the day.

## Important Legislations Passed:

1. The Citizenship (Amendment) Bill, 2015
2. The Constitution (One Hundred and Nineteenth Amendment) Bill, 2013 [India-Bangladesh Land Boundary Bill]

## Monsoon Session 2015:

[21st July – 13th August, 2015]

In the first 3 sessions of NDA government, the productivity of Parliament was considerably good. But the 5th Session of the Parliament was unnecessarily disrupted by the opposition. In Lok Sabha, Hon'ble Speaker suspended 25 Indian National Congress MPs for five consecutive sittings for "persistently and wilfully obstructing" the House. Several bills were introduced by the government but only one bill was passed in the Parliament.

## Lok Sabha : 5th Session

During the 5th Session of 16th Lok Sabha, the productivity of Lok Sabha was only 48%<sup>33</sup>. The number of actual days of sittings was 17 and hours of sitting were 47 Hours and 27 minutes<sup>34</sup>. Total 34 Hours and 04 Minutes were lost due to interruptions/forced adjournments during the session<sup>35</sup>. The house sat for 5.27 Hours late to complete the listed business<sup>36</sup>. Total 10 bills were introduced by the government during the session and 6 were passed by the house<sup>37</sup>.

## Causes of Disruptions :

**The Lok Sabha lost the aforesaid hours for a number of reasons, a few of which are :**

1. Members of CPI(M), SP and CPI staged a walkout in protest against suspension of members of

33. PRS Legislative Research

34. <https://loksabha.nic.in/>

35. Supra

36. Supra

37. Supra

INC by Hon'ble Speaker under Rule 374A for five consecutive sittings from 3 to 7 August, 2015.

2. Members of INC and CPI(M) walked out from the House protesting the reply by Finance Minister, Shri Arun Jaitley to the Adjournment motion moved by the Leader of INC in Lok Sabha. They were demanding a reply from the Prime Minister.
3. Members of SP and RJD also staged a walkout in protest against Vyapam Case.

## Rajya Sabha: 236th Session

The productivity of the 236th Session of the Upper House was only 9% <sup>38</sup>. The number of actual days of sittings was 17 and actual hours of sittings were 9 Hours and 01 Minutes <sup>39</sup>. Unfortunately, the house lost 72 Hours 17 Minutes due to disruptions by the opposition <sup>40</sup>. No bill was introduced by the government during the session and 2 were passed/returned to Lok Sabha <sup>41</sup>. In upper house, only 2% of scheduled questions were answered orally because of unnecessary disruptions made by opposition.

## Causes of Disruptions:

**The Rajya Sabha lost time in its 236th session for reasons like:**

1. The House was repeatedly adjourned and Question Hour as well as Government Legislative and other Business could not be taken up due to demand by Opposition Members for the resignations of the Minister of External Affairs and the Chief Ministers of Rajasthan and Madhya Pradesh for their alleged involvement in the Lalit Modi visa controversy and Vyapam scam respectively and demand for a discussion thereon suspending the Business for the day under Rule 267 and reply by the Prime Minister and also due to Opposition Members rushing into the 'Well' of the House shouting slogans.

## Important Legislation Passed:

During the 2015 Monsoon session, no important legislation was passed by the Parliament except Delhi High Court (Amendment) Bill, 2014. Some important legislations like "Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2015" was blocked by opposition.

## Winter Session 2015:

**[26th November – 23rd December, 2015]**

The winter session of 2015 was considerably better than the last session. In this session also, the upper house saw more disruptions than lower house by opposition. The important point here is that the house was disrupted more on trivial issues rather than substantial issues. In this session, majority of productive time was spent on discussing issues related to price rise, drought and floods, and a two-day special sitting on Commitment to India's Constitution.

## Lok Sabha: 6th Session

During the 6th Session of 16th Lok Sabha, the productivity of Lok Sabha was 98% <sup>42</sup>. The house sat for 20 days and accounted for 117 Hours and 14 minutes of sitting <sup>43</sup>. Total 8 Hours and 37 Minutes

38. PRS Legislative Research

39. <https://rajyasabha.nic.in/>

40. Supra

41. Supra

were lost due to interruptions/forced adjournments during the session <sup>44</sup>. The house sat for 17.11 hours extra to complete the listed business <sup>45</sup>. Total 9 bills were introduced by the government during the session and 13 were passed by the house <sup>46</sup>.

## Causes of Disruptions:

**The Lok Sabha lost the aforesaid time for many reasons, some of which are:**

1. Shri Sudip Bandyopadhyay, Shri P. Karunakaran and some other hon. Members staged a walkout from the House as they were not satisfied with the reply being given by the Hon'ble Minister of Home Affairs, Shri Rajnath Singh on the discussion under Rule 193 on 'the situation arising out of the incidents of intolerance in the country' raised by Shri Mohammed Salim on the 30th November, 2015.
2. Members of INC walked out to express their dissatisfaction over the decision by the Hon'ble Speaker to disallow their Adjournment Motion, Notice.
3. Shri Jyotiraditya M. Scindia with some other hon. Members of INC staged a walkout from the House as they were not satisfied with the reply of the Government on the issue regarding alleged withdrawal of invitation to the Kerala Chief Minister from a function to unveil statue of a former Chief Minister of Kerala by the Prime Minister in Kollam district of Kerala.

## Rajya Sabha: 237th Session

During the 237th Session of Rajya Sabha, the productivity of Upper House was only 51% <sup>47</sup>. The number of actual days of sittings was 20 and actual hours of sittings were 60 Hours and 08 Minutes <sup>48</sup>. Total 47 Hours 58 Minutes were lost due to disruptions by the opposition <sup>49</sup>. The house sat for 5 Hours and 15 Minutes late to complete the listed business <sup>50</sup>. One bill was introduced by the government during the session and 9 were passed/returned to Lok Sabha <sup>51</sup>.

## Causes of Disruptions:

**The Rajya Sabha lost time for the following reasons amongst others:**

1. The House was repeatedly stalled due to protests by Members belonging to INC rushing into the 'Well' of the House shouting slogans over the remarks of Shri Arun Jaitley, Leader of the House and Union Minister, Shri Piyush Goyal disputing the statement made by Kumari Selja, Member and former Union Minister that she was asked about her caste in a temple in Gujarat while participating in the discussion on commitment to India's Constitution on 30th November, 2015.
2. The House could not move forward with its Business due to Members belonging to INC rushing into the 'Well' of the House raising slogans against the alleged 'vendetta politics' of the Government over the issue of summons by the Patiala House Court to senior members of their party for a personal appearance in the National Herald case.
3. The House was disrupted by members of BJD rushing into the 'Well' of the House, displaying placards and shouting slogans opposing the multi-purpose Polavaram irrigation project.

42. PRS Legislative Research

43. <https://loksabha.nic.in/>

44. Supra

45. Supra

46. Supra

47. PRS Legislative Research

48. <https://rajyasabha.nic.in/>

49. Supra

50. Supra

51. Supra

## Important Legislation Passed:

1. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2015.
2. The Juvenile Justice (Care and Protection of Children) Bill, 2015.

## Budget Session 2016:

[23rd February to 16th March, 2016 & 25th April to 13th May, 2016]

Budget Session 2016 was the third budget session of NDA Government. In this session, the Parliament discussed Union and Railway Budget and passed several important legislations. In this session, highest number of Questions answered orally in Lok Sabha in last 15 years.

## Lok Sabha: 7th & 8th Session

During the 7th & 8th Session of 16th Lok Sabha, the productivity of Lok Sabha was 121%<sup>52</sup>. The number of actual days of sittings was 29 and number of hours of sitting were 199 Hours and 09 minutes<sup>53</sup>. The house lost 4 Hours and 45 Minutes due to interruptions/forced adjournments during the session<sup>54</sup>. The house sat overtime for 45.50 Hours to complete the listed business<sup>55</sup>. Total 16 bills were introduced by the government during the session and 20 were passed by the house<sup>56</sup>.

## Causes of Disruptions:

**The Lower House of the Parliament lost the aforesaid time for reasons such as:**

1. Members of INC, CPI(M) and CPI staged a walkout from the House in protest of the clarification made by Minister of Human Resource Development (Smt. Smriti Z. Irani) relating to education system to the discussion under Rule 193 regarding situation arising out of recent incidents in institutions of higher education in reference to Jawaharlal Nehru and Hyderabad Universities.
2. Shri Dinesh Trivedi walked out of the House protesting the decision by the Chair for not allowing him to speak on the Amendments made by Rajya Sabha on the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Bill, 2016.
3. Members of BJD staged a walkout in protest on the issue of Polavaram project.
4. Shri Mallikarjun Kharge and other members of INC staged a walkout in protest of the consideration and passing of the Demands for Grants on Account (Uttarakhand) 2016-17.

## Rajya Sabha: 238th & 239th Session

During the 238th & 239th Session of Rajya Sabha, the productivity of Upper House was 91%<sup>57</sup>. The number of actual days of sittings was 31 and actual hours of sittings were 156 Hours and 11 Minutes<sup>58</sup>. Total 29 Hours 39 Minutes were lost due to disruptions by the opposition<sup>59</sup>. The house sat for 29 Hours and 51 Minutes late to complete the listed business<sup>60</sup>. 1 bill was introduced by the government during the session and 24 were passed/returned to Lok Sabha<sup>61</sup>.

52. PRS Legislative Research

53. <https://loksabha.nic.in/>

54. Supra

55. Supra

56. Supra

57. PRS Legislative Research

58. <https://rajyasabha.nic.in/>

59. Supra

60. Supra

61. Supra

## Causes of Disruptions:

**The Rajya Sabha lost time for interruptions like:**

1. The House was repeatedly adjourned due to Members belonging to Bahujan Samaj Party shouting slogans over the issue of suicide of Shri Rohith Vemula, a Dalit research scholar of the University of Hyderabad and atrocities against other Dalit students of the University as well as demand for appointment of a Dalit Member on the Committee enquiring into the said incident.
2. The House was repeatedly adjourned during Zero Hour as Members belonging to AIADMK party rushed into the 'Well' of the House and shouted slogans demanding immediate action against former Union Minister Shri P. Chidambaram and his son, Shri Karthi Chidambaram and their arrest over newspaper reports alleging that the Enforcement Directorate and the Income Tax Department had unearthed huge investments in real estate assets in foreign lands during the course of their probe on their involvement in the Aircel-Maxis deal.
3. The House was repeatedly adjourned, Question Hour was disrupted and Government Legislative Business could not be taken up due to Members belonging to INC protesting against the political crisis in Uttarakhand and the Central Government's stand on the said issue.

## Important Legislation Passed:

1. The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016. (discussed for 7 hours in both the houses)
2. The Insolvency and Bankruptcy Code, 2016. (discussed for 4 hours in both the houses)

## Monsoon Session 2016:

**[18th July – 12th August, 2016]**

The Monsoon Session 2016 witnessed passing of biggest tax reform legislation of the country's history i.e. legislations related to Goods and Services Tax (GST). Parliament also discussed various issues related to inflation and the New Education Policy. During this session, both Houses sat for extra hours on most days to complete the listed business.

## Lok Sabha: 9th Session

The productivity of the 9th session of the 16th Lok Sabha was 101% <sup>62</sup>. The number of actual days of sittings was 20 and number of hours of sitting were 121 Hours and 23 minutes <sup>63</sup>. Total 6 Hours and 33 Minutes were lost due to interruptions/forced adjournments during the session <sup>64</sup>. The house sat overtime for 18.05 Hours in order to complete the listed business <sup>65</sup>. Out of 20 days, Lok Sabha sat beyond its scheduled time on 11 days. Total 14 bills were introduced by the government during the session and 13 were passed by the house <sup>66</sup>.

62. PRS Legislative Research

63. <https://loksabha.nic.in/>

64. Supra

65. Supra

66. Supra



## Causes of Disruptions:

The Lok Sabha lost time in its 9th session due to disruptions like:

1. Members of INC staged a walkout from the House in protest of Shri Rajnath Singh, Home Affairs Minister's reply on the alleged attempts by the Union Government to destabilise the elected State Governments.
2. Prof. Saugata Roy along with other members walked out from the House in protest as they were not satisfied with the response of Shri Rajnath Singh, Home Affairs Minister on the issue of attack on Dalits in Gujarat for skinning a dead cow raised by Shri Kodikunnil Suresh, MP during 'Zero Hour'.
3. Dr. P. Venugopal with some other members of AIADMK staged a walkout from the House as they were not satisfied with the reply of Shri Arun Jaitley, Finance Minister on the demands that AIADMK made regarding the Constitution (One Hundred & Twenty Second Amendment) Bill, 2014 (Also known as the GST Bill).

## Rajya Sabha: 240th Session

During the 240th Session of Rajya Sabha, the productivity of Upper House was 96%<sup>67</sup>. The number of actual days of sittings was 20 and actual hours of sittings were 112 Hours and 59 Minutes<sup>68</sup>. Total 20 Hours and 27 Minutes were lost due to disruptions by the opposition<sup>69</sup>. In order to complete the listed business, the house sat for 20 Hours and 10 Minutes overtime<sup>70</sup>. Out of 20 days, Rajya Sabha sat beyond its scheduled time on 14 days. One bill was introduced by the government during the session and 14 were passed/returned to Lok Sabha<sup>71</sup>.

## Causes of Disruptions:

**The house was interrupted for reasons such as :**

1. The House was repeatedly adjourned due to Members belonging to INC, AITC, BSP, JD(U) and BJD protesting against atrocities committed against Dalits at Una in Gujarat.
2. Legislative Business could not be taken up due to Members belonging to BJP shouting slogans in protest over the live streaming of Parliament precincts and security arrangements by a Member of the Lok Sabha and demanding discussion on the issue and action against the Member.
3. The House was repeatedly adjourned and Government Legislative Business could not be taken up due to Members belonging to INC demanding that the Private Member Bill related to the Andhra Pradesh Reorganisation, may be taken up for consideration and passing immediately.

## Important Legislations Passed:

1. The Constitution (One Hundred and Twenty Second Amendment) Bill, 2014 (Commonly known as GST Bill).
2. The Benami Transactions (Prohibition) Amendment Bill, 2016.

67. PRS Legislative Research

68. <https://rajyasabha.nic.in/>

69. Supra

70. Supra

71. Supra

## Winter Session 2016:

[16th November – 16th December, 2016]

On 8th November 2016, Hon'ble Prime Minister Narendra Modi announced demonetization of currency to curb the menace of black money, drugs, terrorism and promoting cashless economy. But the Winter Session of 2016 was one of the least productive sessions for both houses in last 15 years because of repeated disruptions made by opposition on the issue of demonetization of currency.

## Lok Sabha: 10th Session

During the 10th Session of 16th Lok Sabha, the productivity of Lower House was only 15% <sup>72</sup>. The number of actual days of sittings was 21 and number of hours of sitting was 19 Hours and 26 minutes <sup>73</sup>. Total 91 Hours and 59 Minutes were lost due to interruptions/forced adjournments during the session <sup>74</sup>. Total 10 bills were introduced by the government during the session but only 4 were passed by the house <sup>75</sup>.

## Causes of Disruptions:

**The Lok Sabha lost time in its 10th session for reasons such as:**

1. Members of INC, AITC and NCP staged a walkout from the House demanding a tragic reference in respect of the martyred soldiers in the terrorist attack in Jagrotta District of Jammu & Kashmir.

## Rajya Sabha: 241st Session

During the 241st Session of Rajya Sabha, the productivity of Upper House was only 18% <sup>76</sup>. The number of actual days of sittings was 21 and actual hours of sittings were 22 Hours and 26 Minutes <sup>77</sup>. Total 86 Hours and 47 Minutes were lost due to disruptions by the opposition <sup>78</sup>. No bill was introduced by the government during the session and only 1 was passed/returned to Lok Sabha <sup>79</sup>.

## Causes of Disruptions:

**Following were a few causes of disruptions during the 241st Session of the Rajya Sabha:**

1. Legislative Business could not be taken up because Members belonging to AIADMK interrupted the house demanding for constitution of Cauvery Water Management Board.
2. The House was repeatedly adjourned due to Members belonging to INC, AITC, BSP and CPI (M) protesting against the demonetization of 500 and 1000 notes and demanding the presence of the Prime Minister in the House during the discussion on the issue.
3. The House was repeatedly adjourned and Zero Hour, Question Hour and Government Legislative Business could not be taken up due to Members of the opposition parties demanding an apology from the Prime Minister for his statement on the issue of the demonetization of currency outside the House.

72. PRS Legislative Research

73. <https://loksabha.nic.in/>

74. Supra

75. Supra

76. PRS Legislative Research

77. <https://rajyasabha.nic.in/>

78. Supra

79. Supra

## Important Legislations Passed:

1. The Rights of Persons with Disabilities Bill, 2014.

## Budget Session 2017:

[31st January - 9th February, 2017 & 9th March - 12th April, 2017]

The Budget Session 2017 was far more productive than the Winter Session 2016. For the first time after independence, the Railway Budget was merged with Union Budget in pursuance of the recommendations of the Committee headed by Shri Bibek Debroy, Member, NITI Aayog and a separate paper on 'Dispensing with the Railway Budget' by Shri Bibek Debroy along with Shri Kishore Desai. The President's address was discussed for 125 hours in both the houses with 141 Members of Parliament participating in it.

## Lok Sabha: 11th Session

During the 11th Session of 16th Lok Sabha, the productivity of Lok Sabha was 108%<sup>80</sup>. The house sat for 29 days and number of hours of sitting was 178 Hours<sup>81</sup>. Total 8 Hours and 12 Minutes were lost due to interruptions/forced adjournments during the session<sup>82</sup>. The house sat for 27.58 Hours late to complete the listed business<sup>83</sup>. Total 24 bills were introduced by the government during the session and 23 were passed by the house<sup>84</sup>. A Constitutional Amendment Bill to recognize National Commission for Backward Classes as constitutional body was passed by Lok Sabha.

## Causes of Disruptions:

**The House lost time because of many reasons like:**

1. Members of CPI(M) along with two independent members and some members of INC & RSP belonging to Kerala staged a walkout from the House in protest of not adjourning the House on the sad demise of Shri E. Ahamed, MP (IUML).
2. Members of INC walked out in protest of the Chair's decision to not allow Shri Mallikarjun Kharge, Leader of INC to raise his issue.
3. Some other members staged a walkout as they were not satisfied with the reply of the Finance Minister (Shri Arun Jaitley) on the issue of Agricultural income tax.

## Rajya Sabha: 242nd Session

The productivity of the 242nd session of the Upper House was 86%<sup>85</sup>. The number of actual days of sittings was 29 and actual hours of sittings were 136 Hours and 18 Minutes<sup>86</sup>. Total 13 Hours and 20 Minutes were lost due to disruptions by the opposition<sup>87</sup>. The house sat for 6 Hours and 51 Minutes late to complete the listed business<sup>88</sup>. No bill was introduced by the government during the session and 14 were passed/returned to Lok Sabha<sup>89</sup>.

80. PRS Legislative Research

81. <https://loksabha.nic.in/>

82. Supra

83. Supra

84. Supra

85. PRS Legislative Research

86. <https://rajyasabha.nic.in/>

87. Supra

88. Supra

89. Supra

## Causes of Disruptions:

### The Rajya Sabha lost time because:

1. The House was adjourned and could not proceed with Zero Hour and Question due to Members belonging to AIADMK and INC rushing into the Well of the House demanding swearing-in of Shrimati V.K. Sasikala, General Secretary of AIADMK as Chief Minister of Tamil Nadu immediately and apology from the Prime Minister for his remarks in the House during the reply to the discussion on the Motion of Thanks respectively.
2. Legislative Business could not be taken up due to Members belonging to INC protesting over the manner of formation of Governments by BJP in Goa and Manipur alleging disrespect for the people's mandate.
3. The House was repeatedly interrupted by members of SP, INC and BSP shouting slogans in protest over the delay in filling up of vacancies in Commissions on Minorities, SCs/STs and OBCs.

## Important Legislations Passed:

1. The Payment of Wages (Amendment) Bill, 2017
2. The Mental Healthcare Bill, 2016

## Monsoon Session 2017:

[17th July - 11th August, 2017]

In the Monsoon Session 2017, productivity of both the houses was considerably lower than the last budget session 2017. During this session, new President and Vice-President of India were elected. In both elections, NDA candidates won with comfortable margins. Both houses also undertook discussions on various other issues including incidents of lynching, floods and situation of farmers in the country.

## Lok Sabha: 12th Session

During the 12th Session of 16th Lok Sabha, the productivity of Lok Sabha was only 67% <sup>90</sup>. The number of actual days of sittings was 19 and number of hours of sitting was 76 Hours and 41 Minutes <sup>91</sup>. The house lost a total of 29 Hours and 57 Minutes due to interruptions/forced adjournments during the session <sup>92</sup>. In order to complete the listed business, the house sat for 10.36 Hours overtime <sup>93</sup>. Total 17 bills were introduced by the government during the session and 14 were passed by the house <sup>94</sup>.

## Causes of Disruptions:

### The Lok Sabha lost time in its 12th Session for a variety of reasons such as:

1. Smt. Sonia Gandhi, Shri Mallikarjun Kharge, Shri P. Karunakaran, Prof. Saugata Roy and other members of INC, CPI(M), NCP & AAP staged a walkout from the House in Protest of the agrarian crisis and plight of the farmers in the country.

90. PRS Legislative Research

91. <https://loksabha.nic.in/>

92. Supra

93. Supra

94. Supra

2. Other members of INC walked out from the House demanding a statement by the Prime Minister on the plight of the farmers in the country.
3. Shri Gaurav Gogoi and other members of INC staged a walkout from the House protesting against remarks not being made by the Government on the issue of political vendetta unleashed against the Opposition parties.

## Rajya Sabha: 243rd Session

During the 243rd Session of Rajya Sabha, the productivity of Upper House was only 72%<sup>95</sup>. The number of actual days of sittings was 19 and actual hours of sittings were 81 Hours and 03 Minutes<sup>96</sup>. Total 25 Hours and 42 Minutes were lost due to disruptions by the opposition<sup>97</sup>. The house sat for 7 Hours and 17 Minutes late to complete the listed business<sup>98</sup>. No bill was introduced by the government during the session and 9 were passed/returned to Lok Sabha<sup>99</sup>.

## Causes of Disruptions:

**The Upper House lost the aforesaid time for interruptions such as:**

1. The House was repeatedly disrupted due to Members belonging to Opposition parties protesting over the increasing incidents of lynching and violence by cow vigilantes and others and plight of farmers throughout the country.
2. The House could not proceed with its business due to Members belonging to INC rushing into the 'Well' of the House shouting slogans in protest over the alleged abduction of an INC MLA in Gujarat by a State police official in order to influence the outcome of the Biennial elections to the Rajya Sabha from that State.
3. The House was repeatedly adjourned and Zero Hour, Question Hour and Government Legislative Business could not be taken up due to Members belonging to INC rushing into the 'Well' of the House shouting slogans in protest over the issue of two different sizes of `500 and `2000 currency notes printed and issued by the Reserve Bank of India, post demonetization.

## Important Legislations Passed:

1. The Indian Institutes of Information Technology (Public-Private Partnership) Bill, 2017.
2. The Right of Children to Free and Compulsory Education (Amendment) Bill, 2017.

## Winter Session 2017:

**[15th December, 2017 - 5th January, 2018]**

After the comfortable victory of BJP in Gujarat Assembly Elections, the Winter Session saw introduction of some historic legislations. Three discussions on various topics related to natural calamities, air pollution in Delhi, and the state of economy were undertaken by both Houses of Parliament. The proportion of Bills being discussed for less than 30 minutes has fallen from 26% in the 15th Lok Sabha to 4% in the 16th Lok Sabha.

95. PRS Legislative Research

96. <https://rajyasabha.nic.in/>

97. Supra

98. Supra

99. Supra

## Lok Sabha: 13th Session

During the 13th Session of 16th Lok Sabha, the productivity of Lok Sabha was only 78% <sup>100</sup>. The house sat for 13 days and accounted for 61 Hours and 48 Minutes of sitting <sup>101</sup>. Total 14 Hours and 51 Minutes were lost due to interruptions/forced adjournments during the session <sup>102</sup>. The house sat for 8.1 Hours late to complete the listed business <sup>103</sup>. Total 17 bills were introduced by the government during the session and 13 were passed by the house <sup>104</sup>. The Muslim Women (Protection of Rights on Marriage) Bill, 2017 was introduced and passed by Lok Sabha.

### Causes of Disruptions:

**The Lok Sabha lost time because of interruptions such as:**

1. Members of INC and RSP walked out from the House demanding an apology from the Prime Minister over his comments on an Ex-Prime Minister who is not a member of the House.
2. Prof. Saugata Roy and other members of AITC staged a walkout from the House in protest of the disallowance of the notice of Adjournment Motion given by Prof. Saugata Roy on communal clashes in Maharashtra.

## Rajya Sabha: 244th Session

During the 244th Session of Rajya Sabha, the productivity of Upper House was only 72% <sup>105</sup>. The number of actual days of sittings was 13 and actual hours of sittings were 40 Hours and 59 Minutes <sup>106</sup>. The House lost 33 Hours and 43 Minutes due to disruptions by the opposition <sup>107</sup>. The house sat for 2 Hours and 53 Minutes late to complete the listed business <sup>108</sup>. No bill was introduced by the government during the session and 9 were passed/returned to Lok Sabha <sup>109</sup>.

### Causes of Disruptions:

**The Upper House lost time for reasons such as:**

1. Government Legislative Business and as well as Private Member's Legislative Business could not be taken up due to Members belonging to INC and SP shouting slogans over the issues of disqualification of Shri Sharad Yadav from the membership of Rajya Sabha and over the Prime Minister's allegation against the former Prime Minister (Dr. Manmohan Singh) during an election campaign in Gujarat.

## Important Legislations Passed:

1. The Indian Forest (Amendment) Bill, 2017
2. The Insolvency and Bankruptcy Code (Amendment) Bill, 2017

## Budget Session 2018:

[29th January, 2018 – 9th February, 2018 & 5th March, 2018 – 6th April, 2018]

Budget Session 2018 was the least productive budget session of both houses since 2000. In first part

100. PRS Legislative Research

101. <https://loksabha.nic.in/>

102. Supra

103. Supra

104. Supra

105. PRS Legislative Research

106. <https://rajyasabha.nic.in/>

107. Supra

108. Supra

109. Supra



of the session, productivity of both houses was good but in second part both houses were disrupted by TDP MPs. Government was ready to grant aid equal to the special status grant but the houses were continuously disrupted. Several notices for Motion of No Confidence were given by MPs which were not discussed as the lower house was not in order.

## Lok Sabha: 14th Session

The productivity of the 14th session of the 16th Lok Sabha was extremely low – only 27% <sup>110</sup>. The number of actual days of sittings was 29 and number of hours of sitting was 34 Hours and 05 Minutes<sup>111</sup>. Total 127 Hours and 45 Minutes were lost due to interruptions/forced adjournments during the session <sup>112</sup>. The house sat for 9.47 Hours late to complete the listed business <sup>113</sup>. Total 5 bills were introduced by the government during the session and 5 were passed by the house <sup>114</sup>.

## Causes of Disruptions:

**The house was disrupted for reasons such as:**

1. Members of opposition protests stalled the proceedings over issues such as the fraud at Punjab National Bank, the agrarian crisis that farmers in parts of the country are confronting and the perceived dilution of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act by a Supreme Court order banning automatic arrest and registration of cases for alleged harassment of underprivileged communities.
2. Neither Question Hour nor Zero Hour could be taken up as TDP, Congress, AIADMK, TRS and Trinamool Congress MPs disrupted Lok Sabha proceedings.

## Rajya Sabha: 245th Session

During the 245th Session of Rajya Sabha, the productivity of Upper House was only 72% <sup>115</sup>. The number of actual days of sittings was 30 and actual hours of sittings were 45 Hours and 17 Minutes <sup>116</sup>. Total 121 Hours and 25 Minutes were lost due to disruptions by the opposition <sup>117</sup>. The house sat for 10 Hours and 03 Minutes late to complete the listed business <sup>118</sup>. No bill was introduced by the government during the session and only 1 was passed/returned to Lok Sabha <sup>119</sup>.

## Causes of Disruptions:

**The House lost time due to a number of interruptions like:**

1. The House was adjourned due to protests by Members belonging to AITC against the interference by the Governor of West Bengal in the administrative functioning of the State and by Members belonging to TDP, who entered the Well of the House, displayed placards and shouted slogans demanding special status for Andhra Pradesh.
2. The house could not take up legislative business due to protests by Members belonging to AIADMK, DMK, AITC, INC, SP and AAP who shouted slogans over the issues of constitution of Cauvery Water Management Board, increase in frauds in Public Sector Banks especially PNB scam and special status to Andhra Pradesh.

110. PRS Legislative Research

111. <https://loksabha.nic.in/>

112. Supra

113. Supra

114. Supra

115. PRS Legislative Research

116. <https://rajyasabha.nic.in/>

117. Supra

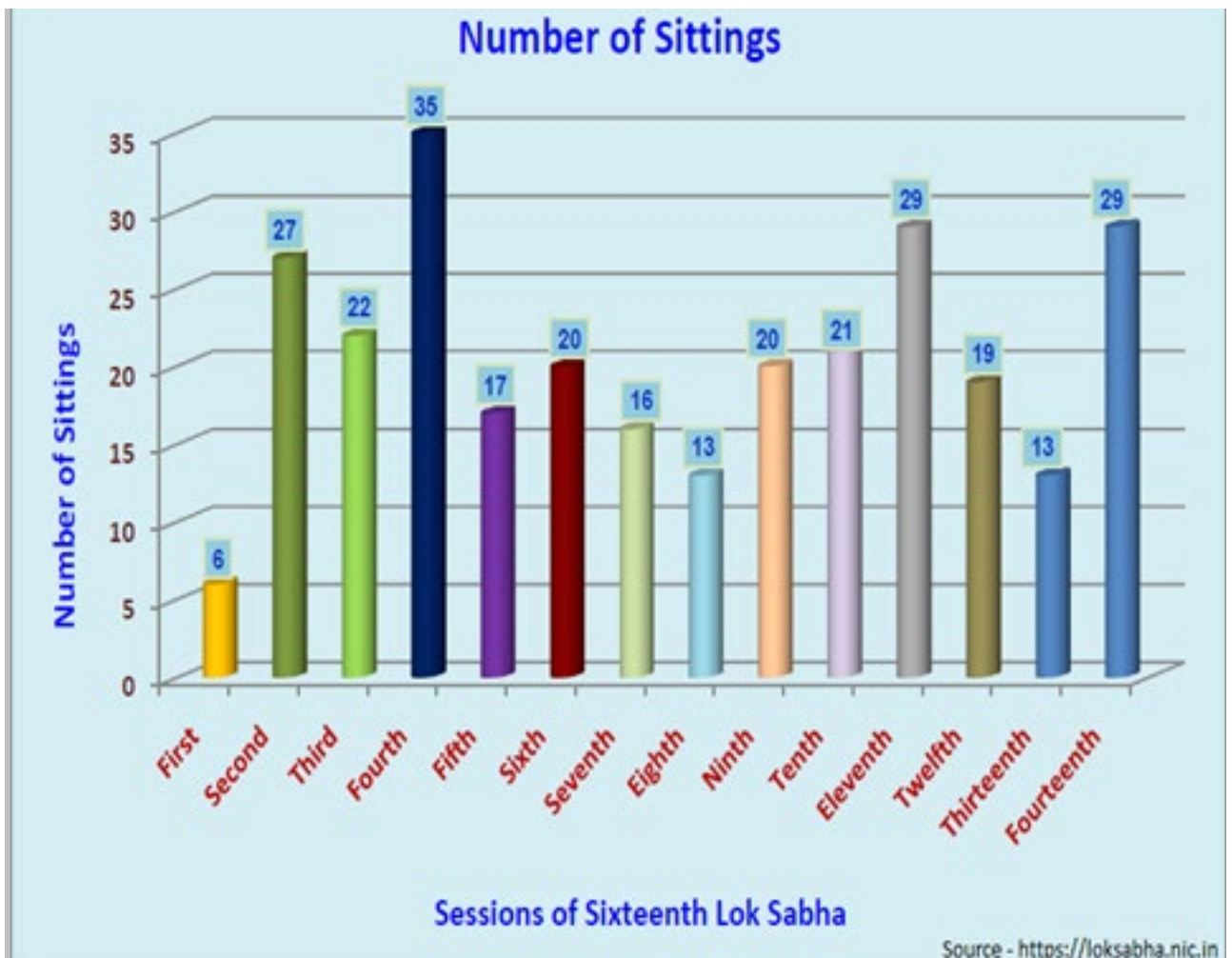
118. Supra

119. Supra

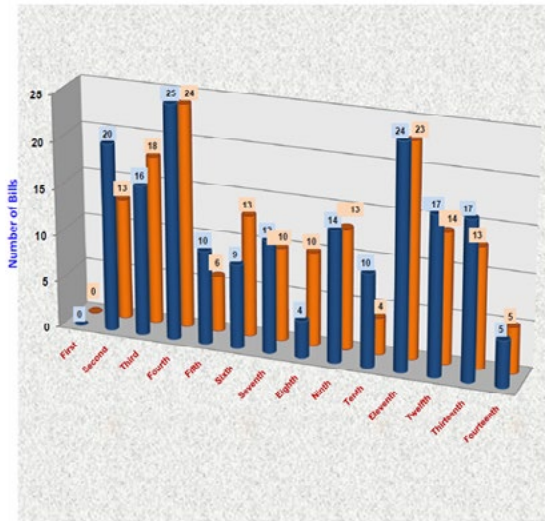
## Important Legislations Passed:

1. The Payment of Gratuity (Amendment) Bill, 2018

## 16th Lok Sabha: Graphical Representation



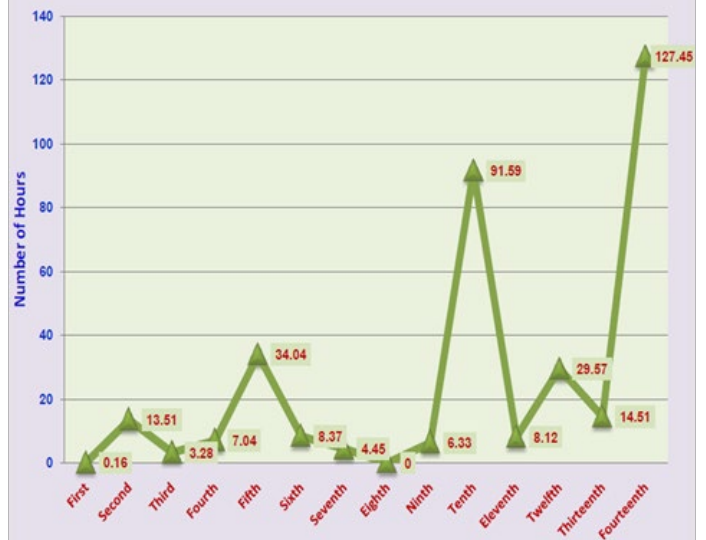
Government Bills introduced/passed during the Session



Sessions of Sixteenth Lok Sabha

■ Number of Govt. Bills Introduced ■ Number of Govt. Bills Passed  
Source - <https://loksabha.nic.in/>

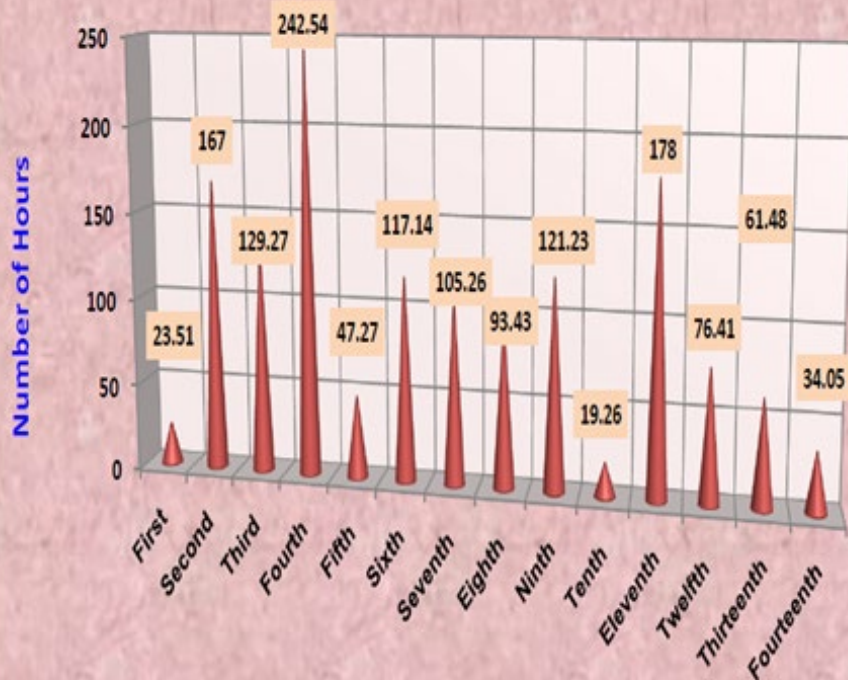
Time lost due to interruptions / forced adjournments



Sessions of Sixteenth Lok Sabha

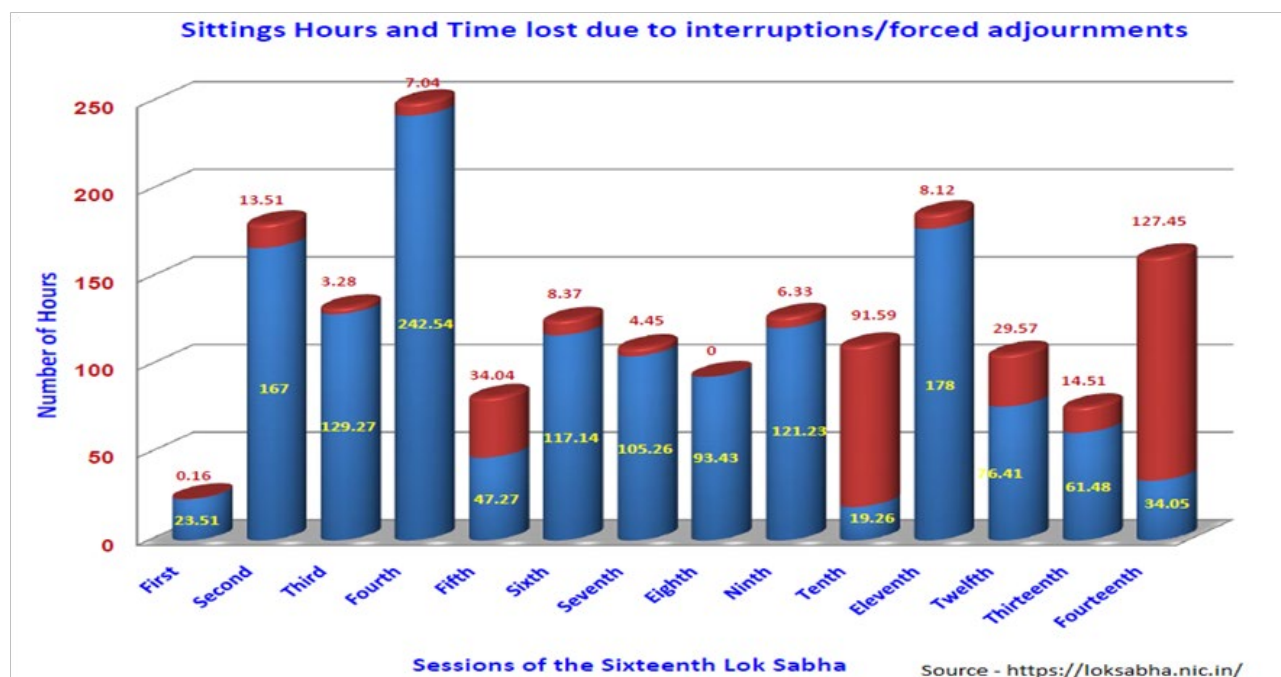
Source - <https://loksabha.nic.in/>

Sitting Hours



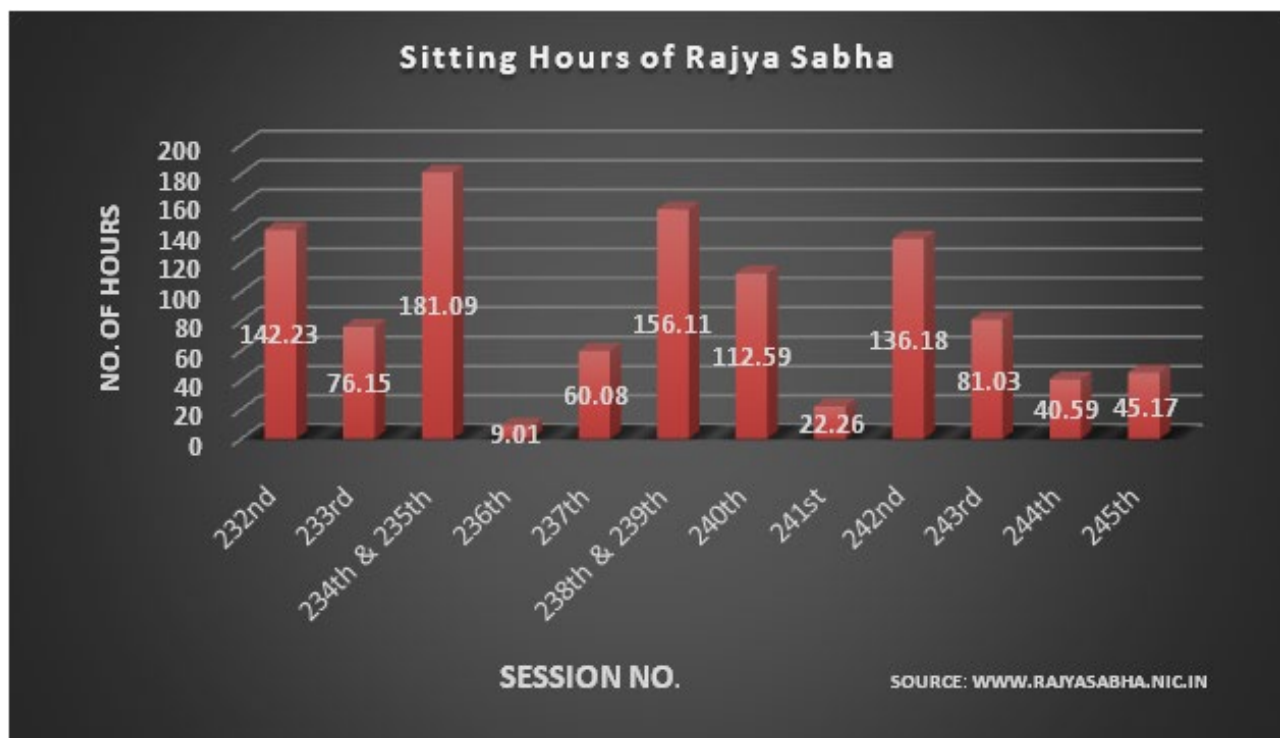
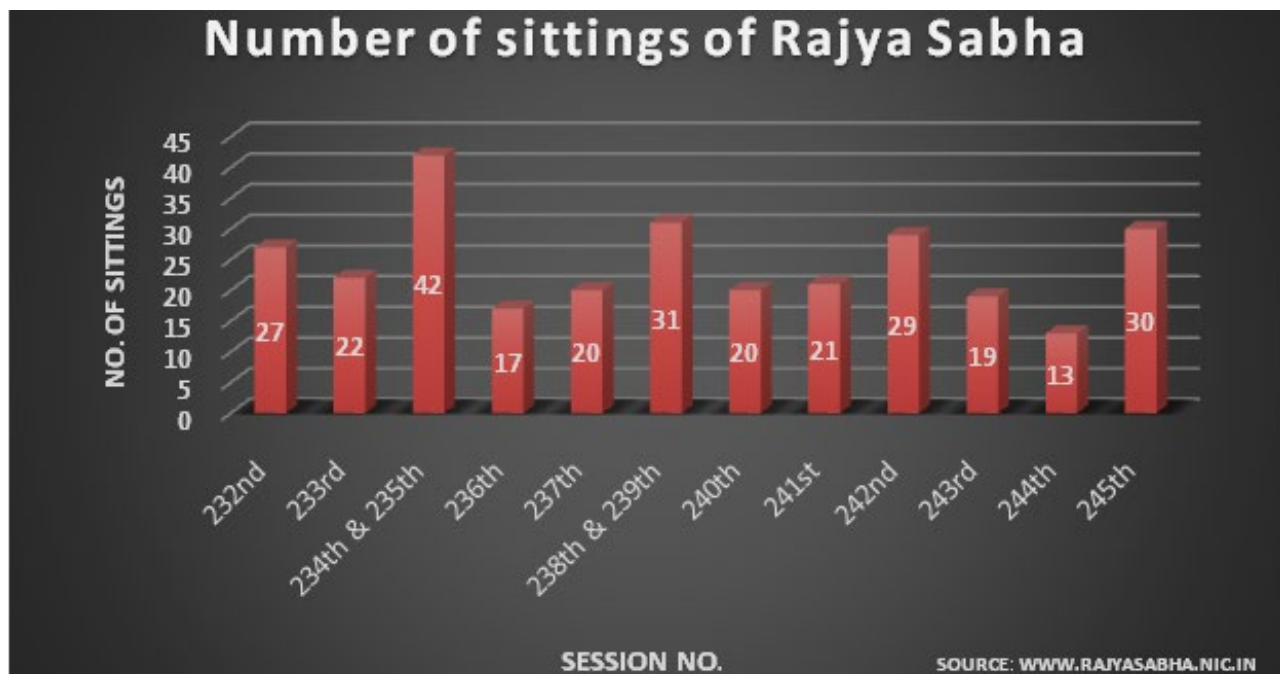
Sessions of Sixteenth Lok Sabha

Source - [https://loksabha.nic.in](https://loksabha.nic.in/)

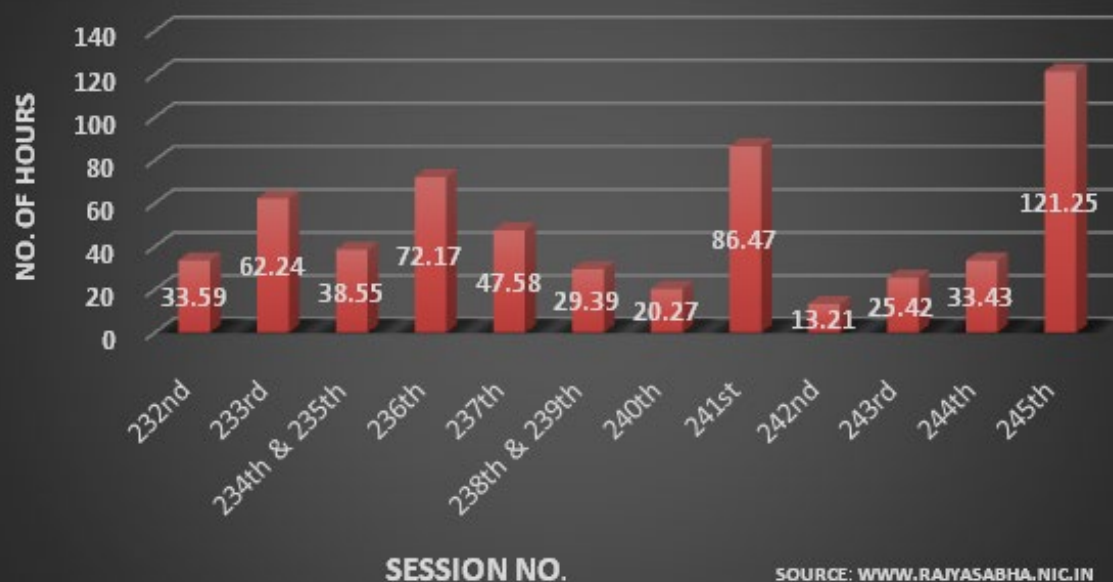




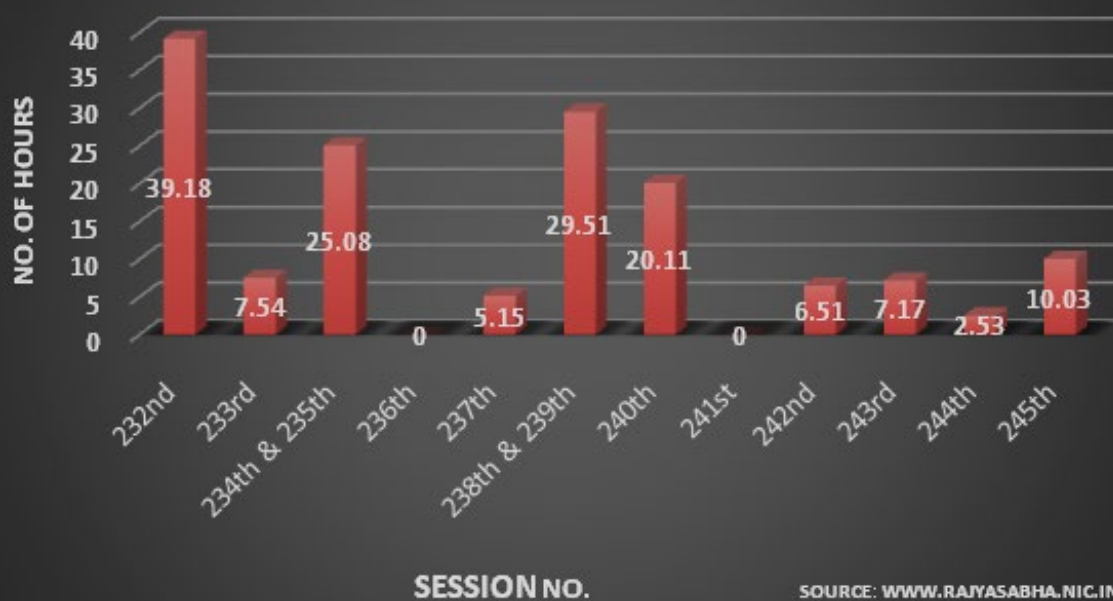
## Graphical Representation of Rajya Sabha corresponding to 16th Lok Sabha:



## Time Lost Due to Interruptions

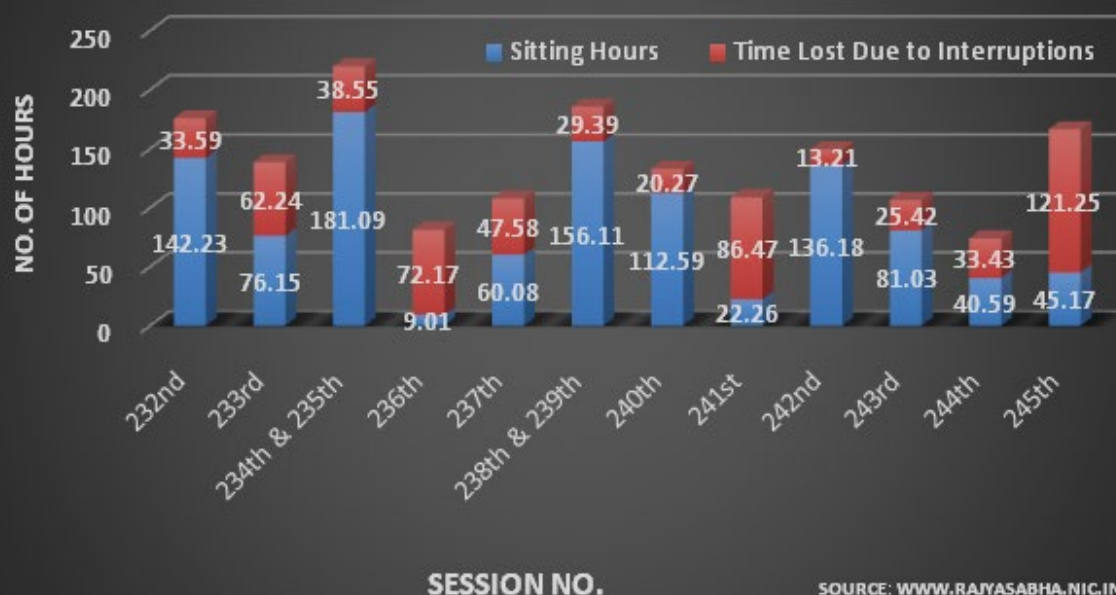


## House Sitting Late to Complete Buisness

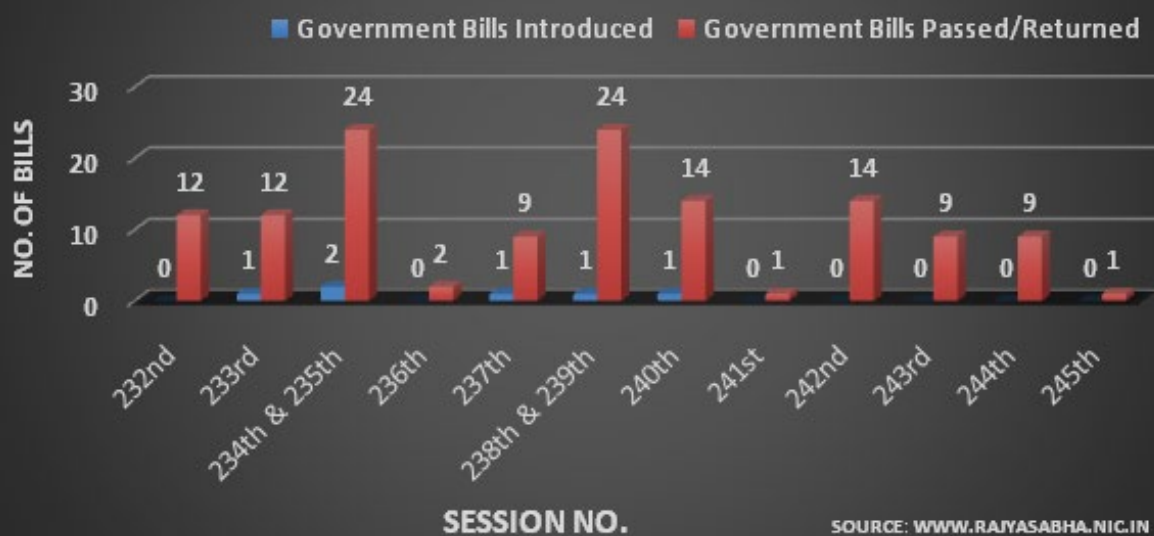




## Sitting Hours and Time Lost due to Interruptions/forced adjournments



## Number of Bills Introduced/Passed/Returned in Rajya Sabha



## Political Cost of Stalling :

Other than the physical costs associated with stalling, there are various other kinds of burden on the public exchequer, in political or legal forms, arising due to the stalling/ disruptions of the Parliament. The authors have above focused on how obstruction to Parliament by way of slogans, loud voices, bringing the house into idle state is beyond the procedure established in the Lok Sabha & if the Speaker strictly adheres to the rules and starts imposing fines on the defaulting MP's irrespective of their status and influence, then the cost of fines would rise exponentially. But in reality, the rules are never enforced and the powers of the Presiding Officer are never utilised entirely, hence the cost of obstruction is seen as negligible and it allows the MP's to indulge in disruptive activities more and more. The only instances when disruptions could have a political effect are when they become unpopular amongst the voters and they decide not to elect the disrupting MP's to the house again. Despite regular coverage from media, the real time political costs are almost nil. First, it is difficult to disassociate the disruptions or stalling of Parliament as a legislative strategy from the substantive motion which was blocked using it.

Second, for there to be crucial political expenses of the stalling of Parliament, the voter must have the understanding to actually differentiate between political players who consider it to be a real apparatus for their political moves and individuals who don't. There have likewise been stressing affirmations that legislatures not sure of their numbers or individuals in the House now and then make these undesirable obstacles of these nature to cause stalling to protect their interest.

## Surpassing Debate through Disruptions

In previous sessions of Lok Sabha, Speakers have sometimes ignored the state of the House and put the motion to vote in spite of it being in a situation where deliberation is impossible. After three bills were passed in such dreadful manner in September 2012, the Finance Minister P. Chidambaram acknowledged that the practice was not good for democracy. Indeed, even the treasury sometimes appears to be fairly awkward utilizing this strategy for surmounting an impediment. It surely does not have a similar level of political acknowledgment in India that block has come to procure, and isn't utilized so often.

We have seen that legislative disruption in India is easy and desired by the members of the Parliament. The authors would like to borrow a concept from Gary Cox's excellent analysis of the organization of democratic legislatures- disruptions induce in Parliament a situation akin to the 'legislative state of nature' in order to explain the scenario of disruptions which lead to state of legislative paralysis by minority in the house.

Cox has put out in his theory that a member has more power to block a piece of legislation or a motion than pass it. Every member wields a veto in himself. In a Parliamentary setup it is consensus which matters even if it is a consensus to stall. It is this unavoidable nature of disruptions in India that makes the majority kneel down before the minority in the Parliament to get their motion adopted or for the legislation to be brought for discussion. As a result, the constitutionally mandated majority

rule is kept at bay. The Triple Talaq bill is a prudent example of legislation which has been stalled by a motivated minority or for its political benefit, even when it has the support of the actual beneficiary the Muslim women. Thus, this makes it very difficult for the majority even though with numbers to avoid stalling and make way for constructive debate.

## Lack Of Collective Action In Legislature:

As mentioned above even with numbers, a majority is not able to get motion passed in the house because of lack of unanimity. Without a collective action a legislative assembly cannot work to the full of its potential. A legislative assembly can function properly if it has a corporate structure. It must provide for rules which will allow it to function in a particular manner, these rules must be for better administration of work and for decision making.

## Analysis of Legal Safeguards with respect to Disruptions in the Legislative Bodies of other jurisdictions

Disruptions in Parliament are not a local phenomenon. Across the world, disrupting the Parliament has become a commonly used mode of protest against the ruling government. However, Parliamentary disruptions in the countries studied in this section tend to be more principled and disciplined as compared to India. In order to understand the universal nature of this practice and conduct a comparative analysis vis-à-vis India, this section has focused majorly on 4 countries, namely- United Kingdom (UK), United States of America (USA), Germany and South Africa.

### 1. United Kingdom

The procedures governing the conduct of the house in United Kingdom have evolved through the process of convention. The house is presided over by a Speaker chosen from members within the house, by members within the house. However, elaborate guidelines on the conduct of business may be found in the Standing Orders<sup>120</sup> of the House of Commons, which is a duly codified framework.

“To the end that all the Debates in this House should be grave and orderly, as becomes so great an Assembly; and that all Interruptions should be prevented; Be it Ordered and Declared, That no Member of this House do presume to make any Noise or Disturbance, whilst any Member shall be orderly debating, or whilst any Bill, Order or other Matter, shall be in reading or opening: And, in case of such Noise or Disturbance, that Mr Speaker do call upon the Member, by Name, making such Disturbance: And that every such Person shall incur the Displeasure and Censure of the House.” - HC Journal 22 January 1693.

## I. Devices for Members of Parliament in the House of Commons

### • Motions

In the House of Commons, as the British lower house is called, motions serve multiple purposes. For instance, the concept of Early Day Motions<sup>121</sup> (EDMs) is used for submitting formal motions

120. Standing Orders of the House of Commons, Standing Order 1. “Standing Orders of the House of Commons”, available at <<http://www.publications.Parliament.uk/pa/cm201516/cmstords/0002/toc.htm>>, accessed on 8th April, 2016. The Official Report of the debates can be found at “Hansard- The Official Report of all Parliamentary Debates”, available at <<http://hansard.Parliament.uk/>>, accessed on 8th April, 2017.

121. ‘Early Day Motions’, available at <<http://www.Parliament.uk/edm>>, accessed on 8th April, 2017.

for debate in the House. It may also be used for publicising the view-points of individual Members of Parliament and for highlighting specific events, campaign etc. for urgent response. Furthermore, motions may be used for the introduction of bills, discussions pertaining to the same and subsequently, for adjournment of the House. A motion is a tool to initiate discussions of reports and bills in House. This analysis used the debate of March, 2017 to understand the functioning and application of disciplinary proceedings in the House.

- **Questions**

By virtue of standing orders 21 and 22, debates begin in the house with oral answers to the questions. It was observed that the oral answer sessions were relatively peaceful, as they are one of the most disruptive segments of the debates in Lok Sabha. Interruptions were observed at certain instances by other members who wished to extend a point of view on the issue at hand or wished to point out fallacies in the existing law or policy. The role of Speaker is also of paramount importance here as the Speaker made sure that the time limit prescribed for oral questioning is strictly adhered to and the house shifted to the List of Business to be conducted without undue delay <sup>122</sup>.

- **Matters of Urgent Public Importance**

After the time allotted for questions has lapsed, the house becomes open for taking up the matters of public importance. It has been observed that this session is usually prone to disruptions and certain arguments and disruptions tend to occur when such issues come to the floor of the House. However, unlike India, disruptions are not brought into the sessions as a mere political tool. Rather, the possibility of disruptions depends upon the subject matter of the questions. For example, the session on questions from the Prime Minister saw maximum interruption when the European Union referendum was discussed.

It is pertinent to note that disruptions are not regulated by a strict rule here, despite that the magnitude of disruptions is controlled. Whereas in India, we have witnessed, time and again, how an entire session gets washed out due to a uniform policy of disruption followed by the opposition. Can we, then, say that the matter does not fall under legal purview, but under the moral purview?

- **Points of Order<sup>123</sup>**

In UK, points of order are dealt in a separate segment for which a specific time has been allotted. It is commonly observed that in India, the points of order are raised in a very haphazard manner and consume significantly more time than they technically require. On the contrary, in UK, such points are dignified by brief and specific discussions, with members sticking to the point and apparently, negligible time is spent on stretching the discussion on these points. Here as well, the ultimate resort is self-restraint.

- **Provisions available for non-government led discussions**

In the House of Commons, there is a separate category of members who are collectively referred to as the Backbenchers. As per the official website of UK Parliament, Backbenchers are defined as: Backbenchers are MPs or members of the House of Lords that are neither government ministers nor opposition Shadow spokespeople. They are so called because, in the Chamber, they sit in the rows of benches behind their parties' spokespeople who are known as frontbenchers. Traditionally,

122.Standing Order 21(2) states that "No question shall be taken more than one hour after the House sits, except questions which have not appeared on the order paper but which are in the Speaker's opinion of an urgent character and relate either to matters of public importance or to the arrangement of business".

123.A point of order is an appeal to the Chair or Speaker for clarification or for a ruling on a matter of procedure in the House of Commons. The MP must explain their reasons for believing the rules of the House have been broken and the Speaker decides whether it is a valid point of order or not. This definition has been taken from the glossary on the official website of the UK Parliament.

backbenchers were called 'private members'; when a bill is introduced by a backbencher it is still described as a Private Member's Bill <sup>124</sup>.

A separate time has been allotted in the House of Commons for backbench debates. There is a separate backbench committee which receives applications from the members falling under this category for raising issues during the course of debates. The underlying basis of this provision is to ensure that the members are not left unheard merely because they do not hold significant portfolios on either side of the spectrum. Interestingly, in a diverse Parliament like ours, such a provision can go a long way in ensuring equitable opportunity within the party system.

Interestingly, the House of Commons reserves its Tuesdays for the opposition, which are referred to as the 'Opposition Days'. This provision is inculcated to ensure that difference of opinion with the government of the day is not bypassed through informal routes. In other words, any difference of opinion is addressed formally through debate as a part of the business of the House. Furthermore, a unique feature called as 'Questions to the Prime Minister', also known as PMQs, has also evolved as a constitutional convention, thereby offering the MPs a weekly opportunity to put their concerns and queries directly to the leader of the house.

## II. Parliamentary Etiquette and Suspension of Members for Disorderly Conduct in the House

The responsibility of maintaining order and conduct in the Parliament lies with the Speaker of the House and is exercised in accordance with Rules of Procedure. Broadly speaking, code of conduct sweeps across various matters including general principles of conduct, rules against lobbying for reward, registration of members' financial interests etc.

Furthermore, the houses are governed by a Committee of Ethics, headed by a Parliamentary Commissioner. All the allegations made against the members of Parliament, whether of breach of the code or criminal misconduct, are looked into by the Commissioner. Parliamentary Commissioner, as an authority, is governed and appointed under the Parliamentary Commissioner Act, 1967 <sup>125</sup>.

**Notably, powers of the Speaker are laid down in the Standing orders. It is essential for the members wishing to speak or ask questions in the house to 'catch the speaker's eye'. Speaker in House of Commons is vested with complete authority to ensure that members abide by the rules of the house. Such powers include :**

- a. Withdrawal of remarks made by any members if, for instance, abusive language is used.
- b. Directing the members to be quiet when others members are speaking.
- c. Suspension of the sittings of House due to serious disorder.
- d. Naming procedure- includes the suspension of MPs who are intentionally non-compliant.

It has been observed that members who wish to interject a speaker generally seek the permission of the member who is speaking to interject, to which a member may respond with a 'yes' or 'no' or 'very briefly'. The process of taking permission before interjection is denoted as 'give way' procedure. When the members ask each other 'to give way', the member speaking may refuse to give way and he/she

124. Available at <<http://www.Parliament.uk/site-information/glossary/backbenches/>>, accessed on 8th April, 2016.

125. Available at < <http://www.legislation.gov.uk/ukpga/1967/13/contents>>, accessed on 8th April, 2016.

126. 'Office and Role of the Speaker', available at <<http://www.Parliament.uk/business/commons/the-speaker/the-role-of-the-speaker/role-of-the-speaker/>>, accessed on 9th April, 2016.



is usually allowed to continue with the speech without further interruption, let aside the disruption. Interestingly, even during discussions on the most controversial subjects, speaker's instructions are duly respected when the interrupting members are asked not to interject. More importantly, in a situation of disruption, the Speaker requests order from the members and promises full opportunity to the disrupting members to address their concerns. It is pertinent to note that management of order and peaceful debate is not entirely governed by legal sanctions. Fundamentally, it is the respect for the office of the Speaker and sanctity of the Parliament which ensures smooth and orderly conduct of the proceedings with due opportunity to address the issues to every faction sitting in the house <sup>126</sup>.

## Does it mean that there are no legal sanctions for violating the orders of the Speaker?

In instances when a request or order of the Speaker is subjected to disobedience by the members, the Speaker has the power to invoke Standing Order No. 43, which requires the member to leave the House. The validity of such an order lasts for the remaining part of the day <sup>127</sup>. Therefore, it can be said that disturbances occurring in the House of Commons are taken very seriously. If a Member has disregarded the authority of the Speaker, and persistently and wilfully obstructs the House by abusing its rules, he (after generally being given every opportunity to apologise and set matters right) may be 'named' by the Speaker. Where the Member has been suspended from the service of the House under Standing Order No 44, salary is forfeited during the period of suspension.

The highest punishment with which a member can be subjected to is expulsion. Interestingly, a total of three expulsions have taken place in the House of Commons so far <sup>128</sup>.

## III. Findings

In 'Rules and Traditions of Parliament', the style of proceedings in the UK Parliament has been referred to as 'cut and thrust' <sup>129</sup>. It can certainly not be said that the discussions are not noisy. In fact, instances of multiple members speaking at the same time do occur when issues are of greater public interest. However, despite such disturbances, the debates do not suffer to a great extent and largely, the debates are finely structured with due adherence to the framework of rules of procedure. The most important takeaway from these observations is the morally sacrosanct status of the Speaker, whose authority is not questioned as often as it is questioned in India and is largely respected. Unlike the Indian Parliamentary debates, interjections by the Speaker are effectively controlled to ensure that the House does not spend its time on disruptions eventually leading to the disposal of the entire debate in the drain.

Following a debate on 6 November 1995, the House approved the setting up of the Standards and Privileges Select Committee. On 24 July 1996, the House approved a Code of Conduct for Members. If the Committee considers the abuse of its rules to be serious, the Committee can recommend that a Member apologise to the House. The most recent occurrence of this was the Member for Brent East (Mr Ken Livingstone) who apologised for 'breaching the rules on registration of interests and not

---

127. 'Disciplinary and Penal Powers of the House' (Factsheet G6 General Series, A publication of the House of

office/g06.pdf>, accessed on 8th April, 2016.

128. Offenders are removed and escorted from the premises. If the disruption was serious enough to interrupt the sitting of the House or Committee, the offender(s) may be detained in a police custody room on the premises until the rise of the House, at whatever hour that may be.

129. Rules and Traditions of Parliament', available at <<http://www.Parliament.uk/about/how/role/customs/>>, accessed on 9th April, 2016.



observing the principle of openness which then Code of Conduct requires.' The Committee can also recommend that a Member be suspended for a specific length of time. A Motion to this effect is put to the House and may be debated. The Motion may also call for the suspension of salary for the same period.

Such a Motion has been moved on several occasions, a recent case on 8 February 2006 regarded Johnathan Syeed, former Member for Mid Bedfordshire, who was deemed by the House to have an inappropriate financial relationship with a private company. In this instance, a period of suspension for two weeks was agreed to by the House, with suspension of salary. Although suspended, if already nominated, a Member may continue to serve only on a committee for the consideration of a Private Bill. Other than for this purpose, the Member may not enter the Parliamentary Estate for the duration of the suspension.

Therefore, Parliamentary debates can be best governed with a cumulative effect of procedure, legal sanctions, due guidance by the conduct, respect for the procedure and most importantly, conduct of the members which is guided not merely by their position of responsibility but also by self-restraint in the interest of the public. Furthermore, the unique concepts of backbench debates, opposition days etc. also go a long way in ensuring the smooth conduct of the debate in the house. It is not the point of the authors that opposition should be silenced in any form, but it is strongly contended that the opposition is presented in a dutiful manner without sacrificing the very essence of the house of Parliament. The power of the Speaker in House of Commons with regards to ordering the forfeiture of salary of the members on account of misconduct is also unique, though it has not been invoked often. In fact, the disciplinary powers in their totality are invoked in rare instances and generally, the members self-conduct themselves <sup>130</sup>.

## 2. United States Of America

The legislative procedure in the United States is governed by a body of rules and precedents created by the past rulings of presiding officers or by votes in the Congress <sup>131</sup>. Legislative process in the House of Representatives is governed by the Rules of Procedure of the House. These rules comprise of a duly structured framework of provisions relating to mode of raising issues, questions, motions, conduct of members during the course of debate etc. Let us understand the practices followed by the House of Representatives with regards to the issue at hand.

### I. Devices Available To Members For Raising Issues

- **Motions**

Motions are dealt with by Rule XVI of the Rules of the House of Representatives. Various motions are levelled as per the order of priority with the adjournment motions getting the top priority. The motions to postpone indefinitely have been accorded the last spot. Interestingly, the motions for adjournment cannot be put to debate.

- **Questions**

In the House of Representatives, there is no separate provision for governing the time allotted to questions. However, during the debate on bills and amendments, asking of questions is provided for

130. Richard Kelly and Matthew Hamlyn, 'The Law and the Conduct of Members of Parliament', available at <<http://www.hartpub.co.uk/pdf/samples/9781849462952sample.pdf>>, accessed on 8th April, 2016.

131. The Rules governing Senate Procedure, available at <<http://www.rules.senate.gov/public/index.cfm?p=RulesOfSenateHome>>, accessed on 8th April, 2016.

by the rules.

- **Matter of urgent public importance**

Debates in the House of Representatives begin with the members raising issues of importance pertaining to their respective districts or states. This session is referred to as the 'Morning Hour Debate' and it also incorporates the raising of issues of national and social relevance, condolences or issues of national importance. It is pertinent to note that the members seek leave to speak before speaking and are usually allotted a time of one minute each for raising the issues of importance.

- **Provisions available for members of the opposition to raise issues**

The entire time for debate in the House of Representatives is divided between proponents and opponents. Each side yields time to those members who wish to speak on a bill. A total of five minutes is allotted to each side of the House and the day begins with the general one-minute speeches. In the House of Representatives, debates are concluded in a topic-wise manner and one debating hour is allotted for every such topic. Interestingly, the time of such debate is equally split between the majority and minority without unanimous consent <sup>132</sup>.

- **Points of Order**

Points of order in the House can be raised on limited grounds. For instance, the document on Procedure of Committees states that a point of order cannot be accepted on the ground that hearing of a committee was not conducted as per the procedure. Furthermore, all the questions which relate to the priority of business are decided by a majority without any debate, thereby saving crucial time of the Parliamentary debates.

## **II. Etiquettes and Suspension of Members for Disorderly Conduct**

Decorum and debate in the house are governed by the Rules. Members of the house speak only after recognition by the Speaker and are only allowed to speak on the subject matter of the debate. Rule XVI even provides that any matter which is not integral to the motion being discussed in the house shall be debated.

The Speaker in the House of Representatives is vested with various powers and duties including the preservation of order in the House and deciding questions of order which are raised in the House. Furthermore, the Speaker is vested with elaborate powers to manage the debate and issues incidental to the same. An offending member can be called to order by the Speaker. On doing so, the member is legally obligated to sit down immediately after being called out by the Speaker.

Under Article 1 of the US Constitution, authority is granted to the Congress to discipline its own members <sup>133</sup>. The Committee on Ethics is the body responsible for overseeing the standards and conduct of the Members of Congress. This Committee publishes a Code of Conduct (one for the Senate and one for the House of Representatives). Allegations in specific form and inquiry conducted into such allegations against specific members of the House are also published by the Committee on Ethics <sup>134</sup>. All the information pertaining to members and inquiries into their allegations are put on

132. This practice has been described as such in the official website of the Office of the Clerk of the US House of Representatives, see 'Legislative FAQs', available at <<http://clerk.house.gov/legislative/legfaq.aspx>>, accessed on 8th April, 2016.

133. Article 1, Section 5 states in part that: Each House may determine the Rules of its proceedings, punish its Members for disorderly behaviour, and, with the concurrence of two thirds, expel a Member.

the website of the committee on ethics. The idea here is to ensure public accountability, which is the foundational principle of a democratic society governed by the rule of law.

In addition to the Conduct of both Houses and House Rules stated above, Rulings of the Select Committee on Ethics provide guidance for governing the conduct of the members and ethical standards to be followed by them. These were answers given (as far back as 1977) on specific questions related to practice and procedure that were put forth before the House by members of the US Congress.

The rules of procedure in the House of Representatives have also undergone various changes with the underlying principle of larger public interest in mind. Sanctioning procedure has been strengthened so as to ensure that the members are left with least incentives while creating a ruckus in the house. The main tools available to the House to punish its members include expulsion, censure and reprimand. There are provisions for multiple punitive measures and the character of punitive measure imposed on the defaulting member depends on the extent of the disorderly conduct or violation of the code of conduct for both houses. Specific instances of violation of the code and malpractices are duly recorded in the House and on the basis of such recordings, precedents are created that should be mandatorily adhered to.

According to data available up to September 2010, a total of 23 members have been subjected to censure proceedings in the House of Representatives. Out of these 23 members, 10 members have been censured for their conduct during the debate which mainly included assault on another member and use of un-Parliamentary language. Interestingly, one of these 10 members has been subjected to reprimand under the charge of misconduct as he 'Interrupted the President's remarks addressed to a joint sitting of both the Houses.' This act was labelled as a breach of decorum which resulted into the degradation of the proceedings of the joint session. There is a score of members who frequently indulge into practices which degrade the proceedings of the Parliament in India. How far have we gone ahead and taken serious cognizance of such acts, that may sound normal to a layman but have a great bearing on the sanctity of the Parliamentary debates?

## II. Findings

It has been observed that various provisions contained in the rules of house which are meant to regulate the proceedings, including members taking permission from the Speaker before making a statement or motion (even after prior notice), yielding time to another member when he interjects etc. are followed in a principled manner. Interjections form a crucial part of the proceedings in the house but there is no basis for an interjection converting into a disruption except the lack of bona fides. The House dealt with interjections in the routine course of debate without leading to substantial disruption, sometimes by the speaking member agreeing to yield and reserving the remaining time for such purpose.

Interestingly, the resorting to punitive measures against members is not a frequent phenomenon, majorly because members who have been found to be guilty of misconduct chose to resign themselves before being subjected to formal action. Defeat in the elections of Members who had engaged in misconduct was precisely the principal "ethics" oversight planned by the framers of the Constitution, who looked to the necessity of re-election to be the most efficient method of regulating Representatives'

134. Statement of the Chairman and Ranking Member of the Committee on Ethics Regarding Representative Jared Polis' (Committee on Ethics, 14th December 2015), available at <<https://ethics.house.gov/press-release/statement-chairman-and-ranking-member-committee-ethics-regarding-representative-jared>>, accessed on 9th April, 2016. The reports of the investigation against defaulting members are made public on the website.

conduct <sup>135</sup>. This kind of oversight is referred to as the ‘habitual recollection of their dependence on the people’ by James Madison. In Federalist Papers, Madison argues that despite various precautions taken by structural separation of powers in the government or by law, the most effective control over the members has been this ‘habitual recollection’.

It is also pertinent to note that the details of a member’s censure <sup>136</sup> or suspension are often made public, which acts as a deterrent to engaging in the disruptive conduct. Indian framework lacks this feature. In India, the reprimand for disruptions or suspension is rarely accompanied by proper reasoning so as to create a real deterrent effect through wide communication. It has often been observed that in the Indian Parliament, the Speaker indulges into argumentation with members who disrupt continuously and pay no heed to the warnings. Such acts lead to the degradation of the role of the Speaker as the presiding officer of the house.

### 3. South Africa

National Assembly and the National Council of Provinces constitute to make the Parliament of South Africa. In the National Assembly, the proceedings are conducted in accordance with the rules of procedure <sup>137</sup>. Every sitting in the Assembly is governed by a set of rules including the provisions in the Constitution of the Republic of South Africa, the rules of procedure and resolutions passed in the Assembly by a vote of the members. In order to understand these practices and their co-relation with the disruptions in the South African Parliament, certain debates have been observed.

## II. Devices Available to Members of the Assembly to Raise Issues of Public Importance

- **Motions**

As per the rules of the assembly, no motion can be put to a discussion twice and once a matter has been discussed on the floor of the Assembly, it shall be put to rest. Interestingly, in the South African National Assembly, statements from Members and Cabinet Ministers are taken on fixed days i.e. Tuesdays, Thursdays and Fridays and rest of the days are reserved for other matters in public interest.

It has been observed that disruptions form a part of the proceedings inside the Assembly and members often resort to disruptions to draw attention to their views and questions that they wish to put forth. Members frequently raise points of order in the Assembly right from the beginning, particularly when the notices for motions are read out by the Presiding Officer. The Presiding Officer or the Speaker is vested with the powers to call the Assembly to order whenever members disturb the proceedings to a substantial extent. In the National Assembly, a pre-decided order of business<sup>138</sup> is

---

135. Information available in the ‘Appendix- Disciplinary Actions Taken by the Full House Against a Member’ in Maskell, Jack, ‘Expulsion, Censure, Reprimand and Fine: Legislative Discipline in the House of Representatives’ (Congressional Research Service, 2nd May, 2013).

136. In the House, a “censure” is a formal vote by the majority of Members present and voting on a resolution disapproving a Member’s conduct, generally with the additional requirement that the Member stand at the “well” of the House chamber to receive a verbal rebuke and reading of the censure resolution by the Speaker of the House.

2014.pdf>, accessed on 9th April, 2016.

138. The list of business includes which include opportunity for silent prayer or meditation; announcements from the Chair; notices of motion; formal motions; opportunity for statements by members; opportunity for statements and personal explanations by Cabinet members; petitions; Orders of the Day and notices of motion on the Order Paper.

not followed as a matter of rigid procedure, rather the members submit notices for motions that they wish to discuss on the next day. As a result, discussions in the National Assembly are prolonged as compared to India.

- **Questions**

A member in the National Assembly cannot ask more questions than one in a single day and that too after giving notice of the same in advance. As per the rules, questions can also be asked from the President and all such questions would be reserved for answers on a single day in every term. A period of 2 hours has been allotted for asking questions. Interestingly, the questions in the National Assembly are not bound to be asked in one go and a provision for supplementary questions has been made for the free-flow of debate<sup>139</sup>.

- **Issues of urgent public importance**

In order to raise a matter of urgent public importance, a member is required to make a written request to the Speaker regarding the same. The Speaker, thereafter, enters into a discussion with the Leader of the House and decide a time limit for such discussion. Under no circumstance can such discussion exceed the limit allocated to the same.

- **Provisions available for members of the opposition to raise issues**

This is probably the most important part of the report and examines whether ample opportunities are available for smaller players to raise their concerns. In the National Assembly, the minority parties get adequate opportunities to participate and make a certain number of statements. Even the independent members get opportunity to raise the issues which are of urgent public importance as per their understanding.

## II. Parliamentary Etiquette and Suspension of Members for Disorderly Conduct

Behavioural standards to be followed by the members in the National Assembly are governed a document titled the 'code of conduct'<sup>140</sup>. Moreover, on the lines of India, there is also a committee on ethics which consists of members from the both the houses. Any breach of the code of conduct is deemed to call for a disciplinary action and the same has been provided under the code itself. The code also specifies the procedure to be followed while lodging a complaint and investigating such instances.

Violations of the code may call for various penalties that include reprimands, fine up to the salary of 30 days, suspension of the privileges of the members and prohibition from being a part of the debates in the Assembly for a period up to 30 days. The code also deals effectively with the issues of corruption and financial declarations by the members<sup>141</sup>.

139.113(4) also places limits upon the number of Supplementary questions that can be asked (four), the reply of which cannot be more than two minutes.

140. 'Code of Conduct', Parliament of the Republic of South Africa, available at <[http://www.Parliament.gov.za/live/content.php?Category\\_ID=83](http://www.Parliament.gov.za/live/content.php?Category_ID=83)>, accessed on 9th April, 2016.

141. In the event that the breach is minor, the House can order the member to rectify the breach and be counselled on the requirements of the code. In case the breach is serious, the House can exercise discretion and impose appropriate punishment as it deems fit. There is also provision of referral of conduct or mis-behaviour against a member (for an action which falls outside the scope of the Code) to the Chairperson or Speaker, who is authorised to take appropriate action.

The rules of procedure also provide for a naming procedure for naming the members who create disruptions in the assembly. The speaker is vested with the power to suspend a member for the entire day on account of such practices. Even other members of the Assembly may name a member who is disrupting the debate and the Speaker can take cognizance of the same. The Speaker also takes care of berating and abusive language coming from any members of the House. Unlike the Indian Parliament, such words are not only expunged but the defaulting member is also asked to issue an oral apology in the Assembly. However, the National Assembly witness various instances when the members disobey the rulings of the Speaker. Such instances were observed to a greater extent when the no-confidence motion against President Zuma was being discussed in the Assembly.

### III. Findings

On the lines of United Kingdom, United States of America and Germany, even the South African Parliament has duly framed rules of procedure and code of conduct to be followed by the members. However, the members indulged in the instance of disruptions and misconduct more frequently than other countries studied in the report. Furthermore, instances showcasing utter disregard for the authority of the Speaker are also high in number. As per a Report on the Parliament of South Africa<sup>142</sup>, published in 2015, there have been instances when disruptions escalated to such an extent that police were called in the Assembly. It has also been observed that the major opposition parties absented themselves from the annual Presidential Address as a mark of protest.

As stated above, the code of conduct provides for the powers of suspension to the Speaker, however, such powers are often rendered ineffective due to the lack of implementation<sup>143</sup>. This is where the situation in the South African Parliament comes at par with India. In India too, frequent disrupters are left unpunished and reprimands in the House produce little or no difference in the behaviour. It has also been observed that a significant amount of time is spent on procedural issues and not while debating substantial issues. A major cause behind this is the absence of provisions regarding time limits in the rules of procedure and as a result, insignificant matters get stretched for long periods in the Assembly. There may not be a direct parallel between the observations of South African Parliament and Indian Parliament, but productivity concerns are there in both and are largely associated with the lack of implementation of the rules of procedure and conduct.

### 4. Germany

Procedure of the German Parliament is governed by the Rules of Procedure for Bundestag and Bundesrat<sup>144</sup>. For the purpose of this report, a peripheral examination has been made of the rules of procedure as well as the code of conduct for Bundestag. Before the beginning of any session in the Bundestag, the members belonging to different political parties participate in a parties' meet and decide the agenda<sup>145</sup> for discussions in the upcoming session through the Council of Elders<sup>146</sup>.

142. The South African Parliament in 2015' [A paper commissioned by the Council for Advancement of the South African Constitution (CASAC), 2015], available at <<http://www.casac.org.za/wp-content/uploads/2015/07/The-South-African-Parliament-in-2015.pdf>>

143. The duties of the Speaker fall broadly into three categories, namely –

- presiding over sittings of the House, maintaining order and applying its rules;
- acting as representative and spokesperson for the Assembly and (with the Chairperson of the Council) for Parliament; and
- acting as chief executive officer for Parliament, in conjunction with the Chairperson of the Council.

144. Available at [http://www.Parliament.gov.za/live/content.php?Category\\_ID=26](http://www.Parliament.gov.za/live/content.php?Category_ID=26).

145. The Bundestag and Bundesrat are the two Houses of the German Parliament. For details of the framework governing procedure in the Bundesrat, available at [http://www.bundesrat.de/EN/funktionen-en/go-en/go-en-node.html;jsessionid=5628A3325AB8A64A79262DD6C16003C5.2\\_cid382#doc5157334bodyText4](http://www.bundesrat.de/EN/funktionen-en/go-en/go-en-node.html;jsessionid=5628A3325AB8A64A79262DD6C16003C5.2_cid382#doc5157334bodyText4).



# I. Provisions for Raising Issues

- **Motions**

The time limit for delivering speeches on the topics of current interest has been clearly specified to be 5 minutes per member. In order to discuss the matters of urgent interest and to put questions to the Government, motions may be raised by the members as per the rules of procedure.

- **Questions**

As per Rule 46, the questions put forth by the members are presented by the Presiding Officer in such a manner that they can suitably be answered with a simple 'Yes' or 'No'. The rules of procedure also provide that a long question can be bifurcated into multiple parts in order to extract a precise answer<sup>147</sup>. These methods not only make the process well confined within the time limits but also increase the productivity of the sessions.

Procedural motions in the house are given precedence over other motions as far as they relate to the subject matter of the debate in the house. Every question asked in the house can be followed by a maximum of two supplementary questions, thereby ensuring a logical conclusion for the questions. However, the presiding officer is entitled to not allow such supplementary questions if the proceedings of the house are disrupted on the pretext of such questions. Questions are taken seriously by both factions of the house and are generally followed by a constructive debate on the subject matters raised in such questions.

- **Issues of urgent public importance**

The rules of procedure in Bundestag do not expressly provide for a motion on raising discussion on matters of urgent public importance. However, the rules do provide for raising the matters of topical interest on the notice of at least one day<sup>148</sup>. Such discussions can be stretched for a period of one hour only and not beyond that. This provision provides an opportunity to the opposition and minority parties to raise issues against the Government on the short notice of a day. Such debates are often resorted to when the questions are not answered properly by the Government and its Ministers.<sup>149</sup>

- **Interpellations<sup>150</sup>**

An interesting feature in Bundestag is a Parliamentary tool called as Interpellations, using which the members of the house can demand that a government official explains a particular policy or Act. Such interpellations are addressed to the Speaker who further conveys them to the Government. Thereafter, the government comes up with a time frame to abide by this tool and explains the policy as per such time frame.

---

146. The agenda of the Bundestag includes bills, committee reports, amendments, major interpellations addressed to the Federal Government, Motions for resolutions on bills, communications, government policy statements, major interpellations, resolutions of the European Parliament, EC items, stability measures, as well as ordinances. 'Rules of Procedure of the German Bundestag and Rules of Procedure of the Mediation Committee' (Deutscher Bundestag, May 2014).

147. The Council of Elders comprises the President of the German Bundestag, the Vice-Presidents and 23 other Members. These are not necessarily the oldest Parliamentarians, but certainly need to possess great experience of political life. The Council of Elders assists the President of the German Bundestag in his or her work, helping to ensure that the business of the Bundestag is coordinated effectively and conducted as smoothly as possible.

## II. Disorderly Conduct and Parliamentary Etiquettes

Before the commencement of speeches, the members are required to seek the leave of the Speaker<sup>151</sup>. Even in the cases when a member wishes to intervene, he may do so by switching on the microphone and putting across the point or question to be made. Such intervention in the form of a question or point must be concise and must be made once the Speaker has consented to such intervention. During the course of debate, the members who seek leave of the Speaker for making a statement are given precedence over those who wish to intervene in an ongoing speech. Moreover, while seeking the leave to make a statement, the members are supposed to provide the reason and basis of their statements before delivering them in the house. Such statements which are made in the course of debate must relate only to such remarks which are made against them and are usually in the form of rebuttals.

It has been observed that debates in the German Parliament are comparatively more peaceful and orderly. Every provision for intervention ranging from question to rebuttal is marked by time constraints and the Speaker does not allow any extension in the prescribed limits. Generally, political parties are allotted a time for presentation and they may or may not include certain members who wish to put forth their views. However, there have been certain occasions when even the excluded members were given the leave to speak, outside the allotted time for their party. Therefore, German Parliament goes beyond the set mechanisms to inculcate the voices which deserve to be heard.

Rules of procedure of Bundestag also have provisions for suspension of members and they may be suspended for 30 sitting days. The President has also been vested with certain powers to invoke measures for maintaining order in the house<sup>152</sup>. Therefore, the powers of the Speaker to ensure an orderly debate in house are well reserved and are wide in nature as compared to other countries including India. Suspension of members for misbehaviour in the House, either expressly or by conduct, has happened in the past. Bundestag offers a fair balance of provisions which facilitate maximum

---

148. Annexure 4 of the Rules of Procedure of the Bundestag contains elaborate guidelines on the use of Question Time, and guidelines as to how the Ministers and/or their representatives are to conduct themselves in the answering of these questions. The questions are grouped according to the departmental responsibilities and the President of the Bundestag shall determine in what order these questions are to be taken. Questions that cannot be answered in the time allotted are then submitted to the Minister for a written reply.

149. Rule 106- Debate on matters of topical interest and questions put to the Federal Government (1) Debates on clearly defined topics of general current interest conducted in the form of speeches not exceeding five minutes (debate on matters of topical interest) shall be governed by the guidelines (Annexure 5 to the Rules of Procedure to the Bundestag) unless these Rules of Procedure provide otherwise.

150. Annex 5 to the Rules of Procedure to the Bundestag contains guidelines for conducting a discussion on matters of general topical interest. Annexure 5(III) to the Rules of Procedure to the Bundestag contains information on the speaking time. It provides that if a member takes the floor after expiry of the time limit prescribed for debates on matters of topical interest or takes the floor so late in the debate that a five-minute reply is no longer possible, one speaker from each Parliamentary group shall be permitted to take the floor once more, if a Parliamentary group so demands, or five per cent of the Members of the Bundestag, who shall be present, so demand.

151. Rules 100-104 of the Rules of Procedure govern interpellations in the Bundestag. See also Speer, S., Pattyn, V. and De Peuter B. 'The Growing Role of Evaluation in Parliaments: Holding Governments Accountable' (2015), *International Review of Administrative Sciences*, 81 (1), 37-57; which states: "Major interpellations usually consist of long lists of questions, sometimes more than two hundred relating to a specific area or topic. These are handed in by a fraction of the opposition or government parties, but alternatively can also be asked by a minimum of 5% of total MPs. It often takes a few months until the government answers these questions. The major interpellation is stronger in its effect because the government's answer can be discussed in Parliament."

debate through questions and statements in the house while ensuring strict measures for the members who become a cause of disruption alongside.

### III. FINDINGS

Debates in the Parliament are often faced with situations where members disagree with each other. Such disagreements surface in the house in varied forms and are dependent on the local conditions of the country and issues that are sensitive from a country's point of view. One peculiar feature of Bundestag is that there is no provision for direct questions to the Chancellor. In fact, it was because of this limitation that the time allocated for questions has been called as the most futile time of the proceedings in Bundestag. Debates in Bundestag are controlled in such a manner that individual confrontations are not generally observed and largely, political parties confront with each other as separate entities. Interestingly, thinkers have also labelled the debates in Bundestag as boring and lacking in fervour.

## Take-Aways for India: An Analysis of Foreign Jurisdictions in the Indian Context

An analysis of the study of various jurisdictions conducted above would help us in finding probable solutions to various unaddressed concerns in the Indian Parliament. Major concerns in India range from lack of implementation of the rules of procedure to structural concerns in the conduct of debates and from procedural hurdles to undefined limits of interruptions. In order to inculcate greater discipline and orderliness in the conduct of proceedings in the Parliament, the following suggestions may be followed:

### 1. Misbehaviour to result in the reduction of salaries for effective deterrence

Mere suspension from the house on account of misbehaviour or violation of rules is not enough if there is no alteration in the salaries. Reduction of salaries of the members who are found to be violating the rules could act a deterrent in continuation of such acts of misbehaviour from other members. In fact, mere existence of this power has the potential to put a break on inexplicable acts of misconduct. The House of Commons, through its Standing Orders in Rule 45 and Rules of the South African National Assembly provide for provisions mandating the reduction of salaries for proved misbehaviour.

### 2. Provisions for opposition led discussions in the House

Most of the jurisdictions studied above incorporate rules for conducting discussions which are led by the opposition. The House of Commons provides for the provision of backbench debates which have the potential to go a long way in ensuring participation from members who are not holding portfolios and are not a part of the cabinet. Additionally, House of Commons reserves every Tuesday as an 'Opposition Day'. In Germany, the Parliamentary tool of interpellations serves well for the opposition to raise and discuss issues pertaining to policy and its implementation in an effective

---

152. Rule 27- Leave to speak and request for leave to speak (1) Members of the Bundestag may take the floor only if given leave to do so by the President. If the President wishes to speak in the debate, he or she shall vacate the Chair for that purpose. Members of the Bundestag who wish to speak on the subject under debate shall, as a rule, inform the Secretary who keeps the list of speakers. Members of the Bundestag who wish to raise a point of order or to make a statement may do so by intervention.

manner. Disruptions are often labelled as means of expression. However, by altering the structure of discussions as suggested above, members would be able to express themselves better without any need to resort to measures like organized disruptions and walk-outs.

### 3. Flexibility in the sessions

Except South Africa, in all other countries studied above, sessions are categorized into 2 segments: specific days allotted to particular order of business, for example- Opposition Days and day-wise structuring of the sessions. Despite these prescribed modes of order of business, the rules of procedure in UK, US and Germany leave space for raising matters of urgent public importance over other business. Flexibility in the structuring of the sessions could also go a long way to ensure reduction of time wasted as a result of disruptions and interruptions, as well as to ensure that crucial aspects of effective Parliamentary functioning, such as legislative discussions or policy clarifications continue unhindered. In the House of Commons and House of Representatives, the Presiding Officer reads out the order of business before starting the debate, thereby giving due notice to all the members about the course of debate for the day.

### 4. Time limit for different kinds of business

In the jurisdictions studied above, particularly in US and Germany, we observed how every little business in the House is governed by a set of time limits. The rules of procedure followed in the Indian Parliament lack this feature to a substantial extent. For instance, as per the Lok Sabha Rules, a broad time is prescribed for the question hour and a significant amount of such time gets wasted on a few questions because of disruptions and interruptions. The provision for placing time limits on every exchange in the house, through questions and answers, could be explored for better productivity.

## The Way Forward

In the light of comparative studies, interpretation of provisions, analysis of the period starting from 2014 and case laws pertaining to the issue, it can be safely stated that the status quo needs to be altered. This section deals with certain recommendations which can be considered for finding the way forward.

### 1. Composition of the Upper House

Rajya Sabha performs the function of checks and balances but this purpose gets defeated in the light of disruptions that have surfaced in recent years in the so-called intellectual house. The composition of the upper house should be altered in such a manner that along with hardcore politicians, the house also draws individuals from intellectual class holding reasonable political views. By following this method, a balance would be struck between full time legislators and individuals of eminence with a diversified opinion. An alteration may be carried out in Article 80 for this purpose. It has also been observed that after doing away with the requirement of state domicile of Rajya Sabha members, disruptions have increased. This is primarily due to less accountability which ultimately reflects in the conduct of the members inside the House.

153. Rule 38(1) of the Rules of Procedure of the Bundestag states that: The President may order a Member of the Bundestag who has committed a serious breach of order or failed to respect the dignity of the Bundestag to leave the Chamber for the remainder of the sitting even if he or she has not been called to order or no fine has been imposed. Before the sitting is closed the President shall announce for how many sitting days the Member in question will be suspended.

## 2. Anti-Defection Provisions

Whip has surfaced as a tool which is often used by the opposition to make their members speak the same tone. This is directly against the public interest because the primary role of the opposition is not to criticise the government irrespective of any logical basis. The underlying idea of any criticism is for it to be an informed criticism. The application of this tool in ordinary legislative activity keeps the house divided even on matters which require the support of opposition. Due to this feature, crucial legislations getstalled in either house of the Parliament.

## 3. Inner Party Democracy

Inner party democracy has been recommended to be the single most important reform in the electoral politics of India. However, little has been achieved in this direction. It has been observed that the members often make conflicting statements on the same issue which is usually the result of party diktats. In the last 4 years, disrupting the house has become a full-fledged strategy of the opposition and in such an environment, moral self-regulation cannot be expected from individual members. In such a scenario, it is important to mandatorily impose principles of natural justice in the expulsion of members from the party so that they do not hesitate in taking a strong stand on issues in public interest.

## 4. Drawing limits on permissible interventions

As per the Lok Sabha and Rajya Sabha rules, interventions in the course of debate are permitted. However, the rules do not define the terms ‘interventions’ and ‘disruptions’ anywhere. As a result of this, the members are left with no guidance to determine whether a particular act of theirs would be within the legally permissible limits of intervention or would become a blatant disruption of the house. Therefore, the rules must define in unambiguous terms the meanings of these two terms. Moreover, the rules must also provide for the circumstances in which interventions by other members are permissible and to what extent so that the time of the House does not get wasted on determining these issues on a case to case basis.

## 5. Naming of disrupting members

Generally, the members indulging in disruptions are verbally reprimanded by the Speaker in the House. However, this practice has produced little effect in their behaviour which is often guided by party strategies. This is majorly because such verbal reprimands are not recorded in the report of the Ethics Committee. It is recommended that the Speaker is vested with express powers to issue verbal reprimands against the members. Furthermore, such reprimands shall find a place in the reports of the ethics committee which are made public. A distinction must also be laid down between members who disrupt once and those who do it repeatedly. This would go a long way in ensuring that the electorate becomes cognizant about the conduct of a member inside the House.

## 6. Report on Stalling

154. It is corroborated by official statistics that the proportion of time lost to disruption has been increasing. The loss of time, just below 10% during the 10th Lok Sabha (1991-1996), reached a record high of 40% during the 15th Lok Sabha (2009-2014). Interestingly, this period corresponds to the significant increase in penetration of mass media in society (including direct coverage of Parliamentary proceedings on TV and the passage of anti-defection law. See Pandey, ‘The politics of Parliamentary disruption’ (Live Mint (Opinion), 24th August 2015), available at <<http://www.livemint.com/Opinion/Vf3anAosbfd9A6TJJiYFHL/The-politics-of-Parliamentary-disruption.html>>

Generally, the presiding officers give a review of the session at the end of it. Various statistics about the working hours, questions, loss of time etc. are made available to the members as well as to the media. This convention could be modified to include a detailed report on the loss of productivity due to chaos in the house and also the names of the members who have found a place in the reports of the ethics committee due to consistent disruptions. It would go a long way in ensuring that the public gets to know the performance of their representatives in a formal manner.

The effectiveness of the Ethics Committee has been questioned before. For instance, in October 2015, a new Ethics Committee was formed in the Lok Sabha and at the time of its formation, there were concerns as to whether this Committee had enough teeth to enforce disciplinary measures and codes of conduct in the Lok Sabha. Further, the Rajya Sabha Ethics Committee, which is supposed to periodically revise the code of conduct for Parliamentarians under the Rajya Sabha Rules, has not done so in the longest time. In fact, the rules of procedure and code of conduct of the Rajya Sabha and Lok Sabha are outdated and in urgent need of review, particularly with regard to issues of disruptions, and discipline within Parliament. Therefore, the ethics committee must be subjected to periodic review in accordance with the practices followed in other countries studied above.

## **7. Reduction of Salaries**

Lack of deterrence has become a major cause behind the persistence of disruptions. It is high time that the rules of the Parliament explore the incorporation of provisions for reduction of salaries of the members who indulge in disruptions without any second thought. However, the same should be done through a detailed examination of the acts in question and after investigation by the ethics committee.

## **8. No live telecast of excessive disruptions**

It has been recently observed that members often resort to disruptive activities for live coverage by the media. Media coverage and mass outreach have become incentives for the members to resort to such tactics<sup>153</sup>. More often than not, such activities are propagated over trivial issues and not on substantial legislative work. Therefore, the live telecast of such excessive disruptions must be stopped.

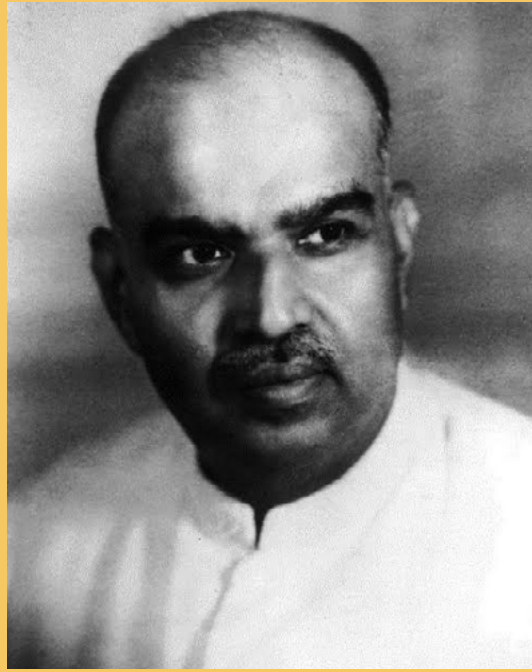
## **9. Weekly Report on Productivity**

The existing government has faced great damage due to disruptive tendencies of the opposition and the same can be verified by the initial section of this report. The idea of incorporating a weekly productivity report could be explored by the house which would eventually act as a quick reminder to all the members with regards to their work, productivity and loss of time and public money.



**Sources:**

1. <https://www.Parliament.uk/documents/commons-information-office/g06.pdf>
2. Disruptions in Parliament, Vidhi Centre for Legal Policy
3. PRS India
4. [www.loksabha.nic.in](http://www.loksabha.nic.in)
5. SCC Online
6. The Real Price of Parliamentary Obstruction, Tarunabh Khaitan.



“The gigantic task of reconstruction, cultural, social, economic and political can be rendered possible through coordinated efforts of bands of trained and disciplined Indians. Armed with the knowledge of India's past glory and greatness, her strength and weakness, it is they who can place before their country a programme of work, which while loyal to the fundamental traditions of India civilisation will be adapted to the changing conditions of the modern world.”

**-Dr. Syama Prasad Mookerjee**  
*Convocation Address delivered at Gurukul Kangri  
Viswavidyalaya, Haridwar, 1943*