

Follow Us:

**The Indian EXPRESS**

Friday, July 29, 2022

[Home](#) [Explained](#) [Political Pulse](#) [India](#) [Cities](#) [Opinion](#) [Entertainment](#) [Videos](#) [Sports](#) [Audio](#) [Educat](#)[Home](#) / [Explained](#) / Suspension of MPs: the rules, and the powers of presiding officers

Premium

# Suspension of MPs: the rules, and the powers of presiding officers

Lok Sabha has suspended four Congress MPs, and Rajya Sabha 23 MPs from the Trinamool Congress, DMK, TRS, CPI, CPI(M) and AAP, besides the independent. The Rajya Sabha suspensions are for the remaining part of this week, and those from Lok Sabha are for the rest of the session.

Written by [Chakshu Roy](#) | New Delhi |

Updated: July 29, 2022 7:07:58 am



Over this week, **the two Houses of Parliament have suspended 27 MPs between them**, the latest being two AAP MPs and an independent MP from Rajya Sabha on **Thursday**. Lok Sabha has suspended four Congress MPs, and Rajya Sabha 23 MPs from the Trinamool Congress, DMK, TRS, CPI, CPI(M) and AAP, besides the independent. **The Rajya Sabha suspensions are for the remaining part of this week, and those from Lok Sabha are for the rest of the session.**

**The two Houses suspended these MPs because they disrupted proceedings, demanding a debate on rising prices and increasing GST rates on essential commodities. The suspended MPs have started a fifty-hour dharna on the Parliament complex, and Opposition parties are demanding the revocation of the suspensions.**

**Express View | Depriving Opposition MPs of their voice isn't discipline, it's disproportionate — and a dismal signal**

## Why do MPs disrupt Parliament?

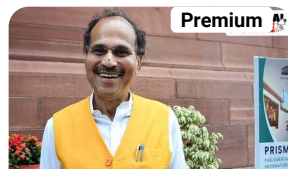
Over the years, the presiding officers of legislatures and political leaders have discussed and identified four broad reasons leading to disorder in legislatures. **One reason is the lack of time available to MPs for raising important matters; a second is the “unresponsive attitude of the government and retaliatory posture by Treasury benches”.** The other two reasons are deliberate disruption by parties for political or publicity purposes, and the absence of prompt action against MPs disrupting parliamentary proceedings.

## SUBSCRIBER ONLY STORIES

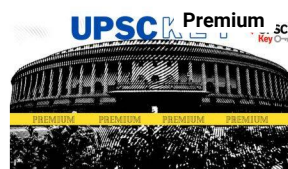
[View All](#)



**With tea, talk and idlis, protesting MPs brave rain, mosquitoes, 'indiffe...**



**Adhir Ranjan Chowdhury: 'Today I felt I am not an orphan...I have a guardia...**



**UPSC Key-July 28, 2022: Why you should read 'Burden of Proof' or 'Twin Te...**



**Explained: Why Facebook parent Meta saw first-ever fall in quarterly reve...**

## Best of Explained

[Fed Reserve rate hike, US recession and impact on India](#)

[Who's representing India at CWG, and from which state](#)

[What's the plan for cheetahs at Kuno, and why does it divide opinion?](#)

[CLICK HERE FOR MORE](#)

## What has Parliament done to address these issues?

The government and not Parliament decides the parliamentary calendar. Therefore, the decision about the time available with Parliament for discussions rests with the government. Parliamentary procedure also prioritises government business over other debates that take place in the legislature.

In this regard, Parliament has not updated its rules over the last 70 years to give Opposition parties a say in deciding the agenda for discussion. The stance of political parties on uninterrupted parliamentary functioning depends on whether they belong to the ruling party/coalition or are in the Opposition. And in 2001, Lok Sabha amended its rules to give the Speaker more powers to discipline MPs who disrupt House proceedings.

TMC's Sushmita Dev, Santanu Sen, Dola Sen A...



## Who can suspend MPs, and for how long?

Rules for ensuring the smooth functioning of Parliament have been unchanged since 1952. First, the presiding officers can direct an MP to withdraw from the House for any disorderly conduct. If the MP continues disrupting the House, the

presiding officer can “name” the legislator. After that, the House can move a motion to suspend the MP until the end of the session. These powers are common to the presiding officers of both Houses.

In 2001, during Speaker G M C Balayogi’s term, Lok Sabha changed its rules to give the Speaker more powers to deal with grave and disorderly conduct. As per this new rule, the Speaker can “name” an MP, who shall then automatically stand suspended for five days or the remaining part of the session. This rule removes the need for the House to pass a motion for suspension. Rajya Sabha has not incorporated this provision in its procedures.

### **Can courts intervene in a matter of suspension of MPs?**

Article 122 of the Constitution says parliamentary proceedings cannot be questioned before a court: “No officer or Member of Parliament in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order, in Parliament shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers”.

In some cases, however, courts have intervened in the procedural functioning of legislatures. For example, the Maharashtra Legislative Assembly passed a resolution in its 2021 Monsoon Session suspending 12 BJP MLAs for a year. The matter came before the Supreme Court, which held that the resolution was ineffective in law beyond the remainder of the Monsoon Session.

### **Do presiding officers have a role in breaking a deadlock?**

Presiding officers are the custodians of Parliament, and their role is to be a nonpartisan implementer of the rules. In the 14th Lok Sabha (2004-09), during the tenure of Speaker Somnath Chatterjee, Lok Sabha was continuously getting disrupted by Opposition MPs. They asked him to convey their grievances against the government and the Treasury benches to the Prime Minister. Speaking in Lok Sabha, Speaker Chatterjee said, “I feel it will be an unwarranted exercise of power of the Speaker if he meddles into the political affairs or the political formulations of any Party or Group of Parties, and seeks to intervene.” He said such an action would be “an intrusion by the Speaker into an arena, which should be left to the political parties to decide and resolve”.

***Chakshu Roy is Head of Outreach at PRS Legislative Research***