

Disruption in Proceedings of Indian Parliament: an Exploratory Study

Javeed Ahmad Bhat

Abstract: *In contemporary India, tremendous changes have occurred in parliamentary proceedings, most of the quality time of Parliament is being unnecessarily utilized on political controversies, disorderliness, and theatrics. The reasons for disruptions can be altogetherly different like; discussion on matters of controversy, grandstanding by the leaders and members of the opposition, disruptions sometimes help ruling party evade responsibility, lack of dedicated time for unlisted discussion or scarce resort to disciplinary powers etc. There is an immediate need to fully overhaul parliamentary functioning in India. It will need changes in the constitution and the rules of procedures of Parliament. This paper is an attempt to explore the existing studies and analyze the extent of disruptions in the parliamentary proceedings and to suggest the viable measures for minimizing the existing trend of distractions so to save the spirit and ethos of Indian parliament.*

Index Terms: *Parliamentary proceedings, Disruption, Measures and Constitution*

I. INTRODUCTION

The Parliament of India is a law-making institution; however in contemporary India there occurred the substantial amount of change in the working of Parliament. The frequency of disruptions through the mechanism of walk outs is becoming an endemic characteristic in the working of the Indian Parliament. [1] These features lead to widespread public outcry, which put focus on two things- Firstly, the wastage of taxpayers money on a perpetually disrupted and consequently, non-working Parliament; Secondly, the legislative paralysis that has numbed administration from gross root to union level. The most of the quality time of the Sansad is being wasted on political disagreements, disorder, rowdiness and theatrics. [1] The manifestation of the perversion in parliament can also be visualized not only in the degrading standard of the MPs but also in their nexus with money, crime, scams and corruption. It has been found from the records of the Sansad that our MPs are deliberately losing the opportunities to strengthen this institution through not proactively participating in sittings of parliament, debates and discussions, question hours, and budget-related proceedings .

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II. OVERVIEW OF EXISTING LITERATURE

[2] in his study "the Politics of Parliamentary Disruption" has stated that the rise in Parliament disruptions can be attributed to the making of anti-defection law in the year 1985, it weakens the incentives for individual legislators to debate and take a stand and increases the incentives to control or create a political party to be able to issue diktats to its members. [5] in his study titled "Decline of Parliamentary Governance: Indian Scenario" vehemently talked for the Parliamentary reforms which are very much necessary in light of the challenges and problems that India is currently confronted with. In this scenario, there is an urgent need to bring out some instrumental changes in the style working of Sansad of India to continue its existence. [7] in the article titled "The Cost of Parliamentary Disruption" proposed that debate and deliberation is the hall mark of democracy, the need of the hour is to increase the frequency of the business days of the Parliament to meet for more number of sittings in a year and sit for longer hours. This would help to a longer extent that even if the proceedings are disrupted there is still enough time for deliberations and discussions. [7] in the article titled "Put House In Order" proposed structural changes to keep up with the changing political environment. It will require changes to the Constitution and the rules of procedures of Parliament. [1] in their study titled "Disruptions in the Indian Parliament" proposed for the changes in the disciplinary rules of the lower house and the upper house for ensuring greater productivity in parliamentary sessions. In this regard, measures promoting popular accountability may also be useful in deterring some MPs from engaging in disruptions, due to their fear of losing credibility in the public eye. [2] in his study titled "The Decline of the Indian Parliament" has said that the downward trend in working of Parliament continued because of unprecedented rise in malpractices and rowdiness of political phenomena that needs to be sorted out henceforth. [5] in his article "The politics of parliamentary paralysis" states that disruptions are now very much a part of established practice in parliament of India. However any attempt to end them is not possible at all, attempt to reduce them is in the best interests of country. [1] in her study titled "Logic and strategy of disruption: Behind the persistent noise in Parliament, a fair bit of nous" proposed that the disruptions are not antidemocratic, it provide representation that might not otherwise exist.

III. CONCEPT OF PARLIAMENTARY DISRUPTION

The constitution provides Parliament the mandate to keep the government accountable by scrutinizing the work of ministers, making laws and passing the budget so to keep the country financially stable and represent hopes and aspirations of common masses. Quit at often disrupting the Parliament hinders the work of MPs as they are not able to question ministers or to assess their work. To exactly understand the phenomena of parliamentary disruptions, it is a scenario where the Speaker, presiding over a parliamentary session, is forced to prematurely adjourn a session following unruly behaviour exhibited by members of parliament (MPs). Such behaviour ranges from repeatedly interrupting or preventing another member of parliament from speaking, shouting slogans and descending onto the floor of the House so as to physically obstruct the proceedings. Such un-parliamentary acts infringe on Rule 374A of (Conduct of Business) (Rules of Procedure), of the Lower House of Parliament of India.[1]

However, disruptions differ from other forms of legislative obstruction such as filibusters, disappearing quorums and dilatory motions. Though members have a range of other devices available to them while debating in Parliament, they are also required to adhere to certain standards of parliamentary etiquettes. The lower house and the upper house Rules contain numerous provisions that outline such etiquettes. The Office of the Speaker of lower house and the Office of the Chairman of upper house has also issued directions to regulate the behaviour of MPs in pursuance of the powers vested in the Speaker and the Chairman respectively, under the Rules of both Houses of Parliament. These directions deal with the operation of the Rules of both Houses in accordance with the inherent powers of the Speaker or the Chairman, as applicable.

Among other things, the Rules of the lower house and the upper house instruct all MPs to “(1) not interrupt any member while he or she is speaking, by disorderly expressions or noises or in any other disorderly manner; (2) not pass through, between the Chair and any member, while he or she is speaking; (3) not leave the House when the Speaker is addressing the House; (4) maintain silence when not speaking in the House; (5) not obstruct proceedings or interrupt and to avoid making running commentaries, when another member is speaking; (6) not shout slogans in the House; (7) not tear off documents in the House in protest; (8) not display flags, emblems or any exhibits in the House; (9) not sit or stand with their back towards the Chair; and (10) not approach the Chair personally in the House, but to, instead, send chits to the officers at the Table, if necessary”. As the Chairperson of the proceedings in each House of Parliament, the Speaker of the lower house and the Chairman of the upper house respectively, have issued directives to all MPs to ensure their effective participation during parliamentary deliberations. Specifically, the directives provide guidance on (1) the methods for participation in debates; (2) mistake or inaccuracy in statements made in the House; (3) personal explanation by a member; and (4) management of questions, discussions, motions and such other devices during the proceedings.[1]

IV. REASONS FOR DISRUPTION

The reasons for disruptions can be varied like; discussion on matters of controversy, grandstanding by the leaders and members of the opposition, disruptions sometimes help ruling party evade responsibility, Lack of dedicated time for unlisted discussion or scarce resort to disciplinary powers etc. In the year 2001, the Conference of Presiding Officers of Legislatures attempt to find out the reasons behind MPs' consistent interruption of proceedings of parliament. It was held that unavailability of proper time and consequent frustration of MPs for not being permitted to take up issues on the floor of the House was one of the main reason for MPs disrupting Parliamentary proceedings. Other cause is not taking the prompt action against MPs accused for disrupting the parliamentary business. It was unanimously resolved in the Conference that the MPs should be automatically suspended, found guilty of misconduct for specified period of time.[2] However while deeply analyzing the functioning of the parliament it had been found that other significant reasons for increasing trend of the parliamentary disruptions in India are; firstly, there is not serious will among MPs to inculcate values and ethics among their personalities as it has been noticed that some members have been caught live on camera doing unethical practices. Secondly, we see that the crime-politics nexus has dominated the political landscape of India, where the large number of members has criminal charges against them, Corruption and criminalization of politics have made parliamentary and legislative elections an affair of the rich and of musclemen, interestingly; First-past-the-post system provides viable opportunities for the non-serious candidates with money and muscle power to contest the elections at the cost of this institution. Thirdly, the live telecast of the parliamentary proceedings gives opportunity to the members indulging in the walkouts, protests, disruptions during proceeding to gain cheap publicity by manifesting such untoward behavior. Fourthly, we see that the rising trend of regional parties are sometimes taking toll on the issues of national importance which otherwise should be prioritized over the regional fringes for the discussion in the house. Fifthly, we see that the political scenario of India had largely been dominated by the dynastic rule by few families like Ghandis, Yadavs, Muftis, Shiekhs etc. Sixthly, the anti-defection law restricts members to take an individual stand on the issues during the debates and discussions; instead they have to be compulsorily the mouth piece of their parent parties. All this can provide them prospects to get re-nomination in the future elections, otherwise they have to face the brunt for their personal stand over the issues.

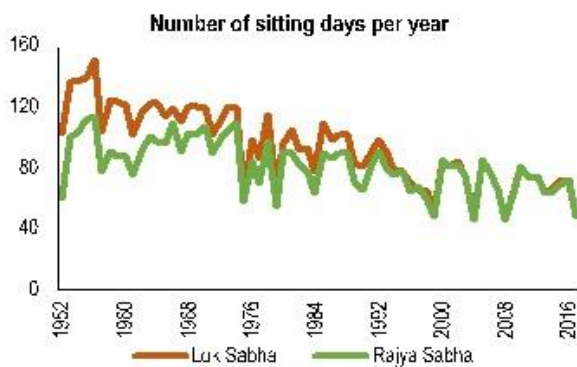
However, many are of the view that the culture of disruptions in parliament has emerged over number of years- notwithstanding the logic that lot of devices are available to parliamentarians to take up issues of public importance and sought attention of the government. Which consists of (Adjournment Motion)- which is what the Opposition want in lower house to discuss-(No-Day-Yet-Named Motion), Short Duration Discussion, Calling Attention Motion, etc.[3] There are various theories as to why disruption became a popular mode of protest for MPs.

Some are of the opinion that members saw its

potential from the very time Sadan proceedings began to be telecast live. Columnists and authors held responsible noisy parliamentarians and members of legislative assemblies, of seeking headlines and media houses are in this way obliging them.

V.MAGNITUDE OF DISRUPTIONS

A sharp decline in the business of Parliament impairs its mandate to efficiently perform the duties that are entrusted to it by the Constitution. Disruptions are wasting the time available for Parliamentary business; resultantly, bills either are passed without adequate debate or exclusively get lapsed. The lesser number of business days heavily affects productivity on account of disruptions, consequently MPs are not able to deliberate over matters of urgent public importance and present bring it to the attention of the stakeholders. We need to thoroughly understand the phenomena. Each year, there is a sharp fall in the number of business days for both: lower house and upper house of Indian Parliament, for which discussions are made to decide upon the issues of national relevance has significantly minimized to a larger extent. According to the latest Report of PRS Legislative Research (PRS), though making a comparison, against the average 127 days of sitting in the period of 1950s, Lower house met only 74 times in the year 2012. The story of upper house is also not much different. The data shows that upper house on an average met 93 days per year in 1950s. But it has consistently minimized to only 74 days in the year 2012. Worst of all was the winter session of Parliament in the year 2010. In the Whole session, the upper house met just for two hours and 44 minutes, the lower house for seven and half hour.[4] The number of lower house sessions that took place during the winter session was just 23 which are significantly less than last few years.



Sources Lok Sabha and Rajya Sabha websites as on August 11, 2017; PRS.

In every democratic nation there would be number of contentious issues and the strength of a democracy would be entirely demonstrated by the quality of debate on such pertinent issues. There is an urgent need of parliamentary procedure for debate and deliberation to happen, to enable various political parties on different sides of the issue to set an agenda for debate and thoroughly discuss the issues in detail in the parliament. This would also require house to meet for more number of days in a year and sit for longer

hours of duration. This would enable us that even if the proceedings are disrupted there is still adequate time for deliberations and discussions.

Moreover, it is an established fact that our Parliamentary procedures are unchanged significantly over the last seventy years. In this context, we can draw inferences from the other countries of the world. For example, there are certain days in a week in each Parliamentary session in the British Parliament, where the opposition parties are being given opportunity to decide the agenda for the days business. The House of Commons sits for round about 150 days in a year with an average sitting are lasting for seven and a half hours while as currently in India, the Parliament sits for an average of only 70 days in a year and the rules of conduct provides that Lower house would meet for 6 hours and upper house would meet for 5 hours.[5] It is a practice in any parliamentary democracy that parliament influences and is also getting influenced by the public opinion, though it is a platform where we see that ideas are throughly discussed so to iron out the political and ideological differences to arrive at the consensus. If the present trend of disruptions in Parliament will continue then slowly but surely it would ultimately lead to people getting disengaged with the institution of Parliament. In a parliamentary democracy like ours, this institution is supposed to be the voice of the common people and people's disengagement with the parliamentary system would surely risk the relevance of this 70 year old institution and the people would lost faith on the sanctivity of this pious institution of our society.[6]

VI.SUGGESTIONS/REFORMS

There is an important need to overhaul the whole parliamentary functioning, It requires solid change to the Constitution and the rules of procedures of Parliament. It seems that the problem areas pertaining to parliamentary functioning are two-fold- first, the lack of deterrents for crossing the limits of permissible interruptions in Parliament, and second, structural issues in the conduct of debates. The immediate measures needed to decrease the extent of disruption in the parliamentary proceedings are as follows:

a. *Stopping live telecast when disruptions become excessive*- Members deliberately resort to disruptions as they find it to be the most convenient way to stay relevant in the public eye. To counter this trend, it is suggested that the live telecast of parliamentary debates be stopped when disruptions become excessive.[7]

b. *Parliamentary disruptions index*- Parliamentary Disruptions Index" (PDI) be formulated which would measure the number of disruptions caused by an individual MP and would also tabulate the time lost to such disruptions. Through the PDI, the track record of an MP who engages in disruptions may be calculated, which would then be useful in shedding light on the member's propensity to engage in such conduct, and her motivations for such conduct.[8]

c. *Productivity Meter*- In addition to PDI, the overall productivity of the session also ought to be studied and disseminated to the public on a weekly basis. For this, a “Productivity Meter” could be created which would take into consideration the number of hours that were wasted on disruptions and adjournments, and monitor the productivity of the day-to-day working of both Houses of Parliament. The methodology for calculating the Productivity Meter will be released along with the PDI.

Besides the above measures the following are some lessons and suggestions which could be a step towards ensuring greater discipline in the Houses of the Indian Parliament, and higher levels of productivity in the debates.

- The political parties have to be very much fair in providing opportunity for contesting elections to those candidates only who are deserving and have a good image among the common people, it can provide a way to give tickets to skilled professionals like lawyers, doctors, academician and social activists etc. so as to use their intellect, experience, skill in law making.
- There should be provision to recall those members who are not performing upto the mark, there seems a positive change in this direction by incorporating this NOTA (right to reject) in the ballot box.
- It should be mandatory for every MP to have a report card, and their attendance during sessions of the parliament, active role in debates and discussions and the number of queries raised in the Sansad etc. and these things should be kept open for the perusal of public.
- There should be a mechanism to audit their undue income and performance on the basis of their respective parliamentary constituencies.
- Orientation programmes, workshops, conference, and training sessions should to be made mandatory to equip MPs on the working tools of the Sansad like; decorum of the house, parliamentary decency, important national and international issues, procedure for law making etc to increase their level of efficiency so to maximize individual contributions.
- Reformation on the qualification to become a parliamentarian should be made prime requisite feature including conditions such as basic educational qualification, free from any criminal record etc.
- The first constitutional change which is very much needed, is to empower our legislators to call for the session of Parliament. In many democracies (the US and UK) legislatures meet for an whole year with prefixed calendars.
- Their should be amendment in anti-defection provisions as over the last three decades, these provisions have limited the individual voting voices of our MPs.

1. “Rules of Conduct and Parliamentary Etiquette”, Chapter 9, Rajya Sabha Secretariat (2006), available at <http://rajyasabha.nic.in/rsnew/rsat_work/chapter-9.pdf>, accessed on 6th April, 2016; “General”, Chapter II, *Hand Book for Members of the Lok Sabha*, Lok Sabha Secretariat (2004), available at <<http://parliamentofindia.nic.in/lshandbook/chapter2.pdf>>, accessed on 06-04-2016
2. Rethinking the Functioning of the Indian Parliament Background Note for the Conference on Effective Legislatures available on <http://www.prsindia.org/uploads/media/Conference%20note/Functioning%20of%20the%20Indian%20Parliament.pdf> accessed on 14-01-2018
3. Abantika Gosh, “Logic and strategy of disruption: Behind the persistent noise in Parliament, a fair bit of nous” available on <http://indianexpress.com/article/explained/lok-sabha-speaker-sumitra-mahajan-winter-session-4424027/> accessed on 28-01-2018
5. Afroz Alam, “Decline of Parliamentary Governance: Indian Scenario” available on <https://rostrumlegal.com/decline-of-parliamentary-governance-indian-scenario/> accessed on 28-01-2018
6. Chakshu Roy, “the Cost of Parliamentary Disruption” available on <http://www.prsindia.org/media/articles-by-prs-team/the-cost-of-parliamentary-disruption-2801>
7. Devesh Kapur and Pratap Bhanu Mehta, “The Indian Parliament as an Institution of Accountability” available on <https://casi.sas.upenn.edu/sites/casi.sas.upenn.edu/files/bio/uploads/The%20Indian%20Parliament.pdf> accessed on 10-01-2018
8. Yashaswini Mittal and others, “Disruptions in the Indian Parliament” available on https://static1.squarespace.com/static/551ea026e4b0adba21a8f9df/t/5790647ab8a79bc4629180ca/1469080933324/Report_Disruptions+in+the+Indian+Parliament_Vidhi.pdf accessed on 08-01-2018
9. Medha Srivastava and others, “Measuring Disruptions in the Indian Parliament”, available on <https://vidhilegalpolicy.in/reports/2017/2/9/parliamentary-productivity-index-measuring-disruptions-in-the-indian-parliament> accessed on 06-01-2018