Suspension of MPs

Why in news?

Recently 78 opposition MPs have been suspended for disrupting Parliamentary proceedings over the Parliament security breach issue.

What is the issue?

- Presiding officers of the Lok Sabha and Rajya Sabha suspended the opposition lawmakers for disrupting the parliamentary proceedings.
- They were suspended as the legislators demanded a discussion and a statement from the Home Minister regarding last week's *security breach*.
- This was the *highest number of MPs suspended* in a single day in the history of Indian Parliament.
- The opposition accused the government of failing to provide security on the 22nd anniversary of a deadly attack on the parliament.
- The speaker of the Lok Sabha, has said that security is his responsibility and is conducting a review. He has blamed the MPs for breaking the rules of the House.
- At least 149 suspensions have been meted out, both Houses included, since 2019, compared with at least 81 in 2014-19, and at least 36 in 2009-14.
- Over the years, 4 broad reasons have been identified for disorder in legislatures.
    - The lack of time available to MPs for raising important matters,
    - The unresponsive attitude of the government and retaliatory posture by Treasury benches,
    - Deliberate disruption by parties for political or publicity purposes, and
    - The absence of prompt action against MPs disrupting Parliamentary proceedings.
- Parliamentary processes can carry on, following the suspension of the opposition MPs, as the quorum of 10% will be met by the governing party and its allies with an overwhelming majority.

What are the rules and procedures for suspension of MPs?

About	Lok Sabha	Rajya Sabha
Power to suspend	Speaker	Chairman
Rules of procedure and conduct of business	Rules 373, 374, and 374A	Rules 255 and 256
Procedure for suspension	Rule 374A allows the Speaker to automatically suspend an MP for five days or the remaining part of the session	Automatic suspension is not available here, a motion has to be moved and adopted by the House to suspend an MP

Authority of presiding officers	To direct, name, and suspend MPs for disorderly conduct, as per the rules of procedure and conduct of business in each House
Mild offences	• They are punished by admonition or reprimand. • Admonition is a *milder form* of reprimand, and is usually given by the Presiding Officer in the House. • Reprimand is a *more severe form* of admonition, and is given by the ***President*** or the ***Vice-President of India*** in the Central Hall of Parliament, in the presence of both Houses.
Punishment of withdrawal	• If the Presiding officers is of the opinion that the conduct of any member is grossly disorderly, may direct such Member to withdraw immediately from the House. • The member so ordered to withdraw shall do so forthwith and shall remain absent during the remainder of the day's sitting.
Punishment of suspension	• Continuing to disregard the Presiding Officer's directions can invite the punishment of suspension. • A member can be suspended, at the maximum, for the remainder of the session only.
Reinstate suspended member	The house at any time can reinstate a suspended member by passing a motion.
Extreme misconduct	The House may expel a member "to rid the House of persons who are unfit for membership."

What are the consequences of suspension of MPs?

- **Prevent debates-** It can prevent opposition parties from raising crucial issues and can lead to the *government's unresponsiveness* and the Treasury benches' retaliatory posture.
- **Lack of representation-** The bills in the parliament will be introduced without two-thirds of the opposition members present in the House.
- **Dysfunctional**-MPs have all the right to seek answers and hold the government accountable to the parliament, suspension of MPs dilutes the spirit of accountability.

Court intervention in matter of suspension of MPs
• **Article 122-** It protects the parliamentary proceedings from judicial scrutiny and grants immunity to the presiding officers and MPs from any legal action for their conduct in Parliament. • **Exceptions to Article 122**-The courts can intervene in some cases where the procedural rules of the legislature are violated or the fundamental rights of the legislators are infringed. - For example the courts can review the validity of the anti-defection law or the expulsion of MPs from the House. • **Maharashtra Legislative Assembly case**- The Supreme Court stayed the suspension of 12 MLAs and observed that it was disproportionate and arbitrary, and violated the principles of natural justice.

References

1. Indian Express- Opposition MPs suspended

2. Indian Express- The rules and powers of presiding officers