

Suspension of MPs from Parliament

July 28, 2022

In news– Nineteen opposition members were suspended from Rajya Sabha for unruly behaviour recently.

Rules for suspension of MPS-

- **The general principle is that it is the role and duty of the Presiding Officer, Speaker of Lok Sabha and Chairman of Rajya Sabha,** to maintain order so that the House can function smoothly.
- In order to ensure that proceedings are conducted in the proper manner, the **Speaker/ Chairman is empowered to force a Member to withdraw from the House.**
- **Rule Number 373 of the Rules of Procedure and Conduct of Business says: “The Speaker, if he is of the opinion that the conduct of any Member is grossly disorderly, may direct such Member to withdraw immediately from the House,** and any Member so ordered to withdraw shall do so forthwith and shall remain absent during the remainder of the day’s sitting.”
- **To deal with more recalcitrant Members, the Speaker makes recourse to Rules 374 and 374A. Rule 374 says:**
 - “(1) The Speaker may, if deems it necessary, name a **Member who disregards the authority of the Chair or abuses the rules of the House** by persistently and wilfully obstructing the business thereof.
 - “(2) **If a Member is so named by the Speaker,** the Speaker shall, on a motion being made forthwith put the question that the Member (naming such Member) **be suspended from the service of the House for a period not exceeding the remainder of the session:** Provided that the House may, at any time, on a motion being made, resolve that such

suspension be terminated.

- “(3) A member suspended under this rule shall forthwith withdraw from the precincts of the House.”
- **Rule 374A was incorporated in the Rule Book on December 5, 2001.** The intention was to skirt around the necessity of moving and adopting a motion for suspension.
- According to Rule 374A: “(1) **Notwithstanding anything contained in rules 373 and 374, in the event of grave disorder occasioned by a Member coming into the well of the House** or abusing the Rules of the House persistently and wilfully obstructing its business by shouting slogans or otherwise, such Member shall, on being named by the Speaker, **stand automatically suspended from the service of the House for five consecutive sittings** or the remainder of the session, whichever is less: Provided that the House may, at any time, on a motion being made, resolve that such suspension be terminated.
- “(2) On the Speaker announcing the suspension under this rule, the Member shall forthwith withdraw from the precincts of the House.”

Rules in Rajya Sabha-

- The process in **Rajya Sabha** is largely similar to Lok Sabha.
- Like the Speaker in Lok Sabha, the Chairman of **Rajya Sabha is empowered under Rule Number 255 of its Rule Book** to “direct any Member whose conduct is in his opinion grossly disorderly to withdraw immediately” from the House.
- **Under Rule 256, the Chairman may “name a Member** who disregards the authority of the Chair or **abuses the rules of the Council** by persistently and wilfully obstructing” business.
- In such a situation, **the House may adopt a motion suspending the Member** from the service of the House for a period not exceeding the remainder of

the session.

- **The House may, by another motion, terminate the suspension.**

Note:

Incidents of suspensions have occurred in the past as well. In November 2021, 12 Opposition members of Rajya Sabha were suspended after some of them climbed on the table, flung papers and damaged property.