



## Rules regarding Suspension of MPs

**For Prelims:** Suspension of Members of Parliament, Provisions related to the Houses of Parliament

**For Mains:** Rules for the Suspension of MPs

### Why in News?

Recently, [Lok Sabha](#) has suspended four (Member of Parliament) MPs and [Rajya Sabha](#) also suspended 23 MPs as they were disrupting the proceedings of the house.

### Why is the Disruption Done by the MPs?

- As per the analysis done by political leaders, and presiding officers there is **four main causes that lead to disruption**:
  - MPs do not have enough time to raise crucial issues.
  - The government's unresponsiveness and the Treasury benches their retaliatory posture.
  - Parties intentionally cause disturbance for political or publicity reasons.
  - The failure to take immediate action against MPs who interrupt parliamentary proceedings.

### Who can suspend MPs?

- **General Principle:**
  - 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.
- **Rules of Procedure and Conduct:**
  - **Rule 373:** The Speaker can direct a member **to withdraw immediately from the House** if he finds the member's conduct disorderly.
    - Members so ordered to withdraw shall do so forthwith and shall remain absent during the remainder of the day's sitting.
  - **Rule 374:** The Speaker can 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.
    - And the member so named will be suspended from the House for a period not exceeding the remainder of the session.
    - A member suspended under this rule shall forthwith withdraw from the precincts of the House."
  - **Rule 374A:** Rule 374A was incorporated in the Rule Book in December 2001.
    - In case of gross violation or severe charges, on being named by the Speaker, the member stands automatically suspended from the service of the House for five consecutive sittings or the remainder of the session, whichever is less.
  - **Rule 255 (Rajya Sabha):** Under Rule 255 of the General Rules of Procedure of the Rajya

Sabha, the presiding **officer of the House can invoke suspension of the Member of Parliament.**

- The Chairman as per this rule can direct any member whose conduct in his opinion was not right or was disorderly.
- **Rule 256 (Rajya Sabha):** It provides **for suspension of members.**
  - The Chairman can suspend a member from the service of the Council for a period not exceeding the remainder of the Session.

### What are the terms of Suspension?

- The maximum period of suspension is for the remainder of the session.
- Suspended members cannot enter the chamber or attend the meetings of the committees.
- He will not be eligible to give notice for discussion or submission.
- He loses the right to get a reply to his questions.

### What are Interventions by the Court?

- **Article 122 of the Constitution** says parliamentary proceedings cannot be questioned before a court.
- Although courts have intervened in the procedural functioning of the legislature like,
  - 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.**

### Way Forward

- It is difficult to deal with planned parliamentary offenses and deliberate disturbances for publicity or political reasons.
  - So, **opposition members should play a constructive role in Parliament** and they should be allowed to put forward their views and express themselves in a dignified manner.
- There is a need to strike balance between deliberate disruption and raising the important issue.

## UPSC Civil Services Examination Previous Year Question (PYQ)

### Prelims

**Q. Regarding the office of the Lok Sabha speaker, consider the following statements: (2012)**

1. He/She holds the office during the pleasure of the President.
2. He/She need not be a member of the House at the time of his/her election but has to become a member of the House within six months from the date of his/her election.
3. If he/she intends to resign, the letter of his/her resignation has to be addressed to the Deputy Speaker.

**Which of the statements given above is/are correct?**

- (a) 1 and 2 only
- (b) 3 only
- (c) 1, 2 and 3
- (d) None

**Ans: (b)**

**Exp:**

- The Speaker is elected by the members of Lok Sabha from amongst its members (as soon as may

be, after its first sitting). Hence, statement 2 is not correct.

- Whenever the office of the Speaker falls vacant, the Lok Sabha elects another member to fill the vacancy. The date of election of the Speaker is fixed by the President. Usually, the Speaker remains in office during the life of the Lok Sabha. However, he has to vacate his office earlier in any of the following three cases:
- If he ceases to be a member of the Lok Sabha. if he resigns by writing to the Deputy Speaker; Hence, statement 3 is correct.
- If he is removed by a resolution passed by a majority of all the members of the Lok Sabha. Such a resolution can be moved only after giving 14 days advance notice. Hence, statement 1 is not correct. **Therefore, option (b) is the correct answer.**

### **Mains**

**Q.** The Indian Constitution has provisions for holding joint session of the two houses of the Parliament. Enumerate the occasions when this would normally happen and also the occasions when it cannot, with reasons thereof. **(2017)**

**Source: IE**

PDF Refernece URL: <https://www.drishtias.com/printpdf/rules-regarding-suspension-of-mps>

