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The Big Picture - Debate, Discussion & Decision

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The Rajya Sabha Chairman has recently expressed his displeasure over the conduct of some members of the upper house during the last two years. Appealing to the Members of Parliament, to show exemplary conduct in ensuring effective functioning of Parliament, the Rajya Sabha Chairman said **disorder, disruption and delay in legislation cannot replace debate, discussion and decision which are hallmarks of democracy.** Amidst the ongoing standoff between the government and the opposition over passage of certain bills in the Parliament, the Rajya Sabha Chairman also said that both the government and the opposition need to function as joint stake-holders and compete in serving the people.

Reasons behind the Disruptions

- Presently, the Upper House (**Rajya Sabha**) is the **last remaining option for the opposition to speak** as it has a very small presence in the lower House i.e. Lok Sabha.
- An elected candidate's **conduct depends on the side of the House where s/he is sitting** i.e. on the ruling side or the opposition side.
- **The opposition and the ruling party differ from each other** mostly over the contentious issues, leading to needed debates and discussions. However, sometimes such issues lead to disruptions purely due to **vested political interests**.
- Disruptions are also the result of fatuous nature of politics that India had for almost more than two to three decades. Through the era of **coalitions**, competing political interests and political ideologies came to the House, and tried to do business together, which led to disruptions, more often than not.

Recent Incidents

- **Just before the general elections** there were **repeated disruptions in the working of Rajya Sabha** and the House had to be adjourned on multiple occasions, for the lack of order and decorum.
- If one considers the present session, even though the productivity of the House has been beyond 90% (i.e. working for more than 90% of its allocated time), there have been incidents that marred the proceedings of the House, for instance, **papers were thrown at the Deputy Chairman** when he was presiding over the functioning of the House.
- **Impact:** Conduct in the House by the representatives also sets the benchmark for debate in society. Acrimonious scenes in the Parliament leave a negative impact on the minds of people.

Why Debates and Discussions are necessary in the Parliament?

- Debate in the House is important to ensure that **every legislation is scrutinized** extremely well on the floor of the House. The **Upper House** was designed basically as a **part of the checks and balances** that exists in India's Parliamentary system.
 - When required, the legislation is also referred to a committee where detailed scrutiny and deliberations take place.
 - In the past two years, out of the ten bills that were introduced in the Upper House, eight were referred to the Parliamentary Standing Committees. There is **a lot of work which is done at the committee level, where members belonging to different parties and ideologies come together and work diligently**, but this does not get reported as rules do not permit it.
- **The debates and discussions are also important because when the courts have to interpret a law**, one of the things that they consider is the debate in the House. The court looks at debate in the Parliament to determine as to what was the legislative intent of the Parliament for formulating that law.

- In the Council of States, a lot of members have **issues relating to their respective states** and try to raise the same.
 - **Allocation of time to speak in the House is based on the strength of the party.**
 - There was a recent incidence in the Upper House where Mr. D Raja stood up to speak. Mr. Raja belongs to a single member party in the Rajya Sabha and thus accordingly had only 2-3 minutes to speak.
 - The Chairman said that he would exercise his discretion and ensure that even single member parties have 4-5 minutes to actually speak in the House.
 - This is a wonderful way of encouraging members to put forth their views irrespective of what the strength in the House is.

Existing Rules

- There is a hierarchy of rules and regulations to govern the proceedings and conduct in the House. On the top is the **Rules of Procedure and Conduct of Business of the House**, which is a formal document.
- Next comes the **Handbook for members**. This handbook elaborates on the rules and also provides some additional sort of guidelines. It is part of the welcome kit of the members when they join.
 - There are two sections under this handbook, one section is relating to **customs and conventions of the House** and another section is on **Parliamentary etiquette**.
 - As a matter of fact, Parliamentary etiquette has 42 items in it in terms of how the member should behave in the House.
- At the third level is **directions from the Chairman**. From time to time, for general purposes, directions are issued by the Chairman but one has not seen many directions in regard to the conduct of business in the House.
- There is also a **section on dignity and decorum** that is again very relevant in terms of how the members conduct themselves in the House.

Way Forward

- The House needs to function in a smooth and orderly manner with rules in place by which the business of the House is conducted.
 - **The opposition should have its say and the government should have its way**, but all this should happen in a manner which is cordial, conducive and takes care of the cut and thrust of politics without disrupting the functioning of the House.
 - **Accommodations and negotiations should be part of the conduct of the House.**

- Each Parliamentarian should be provided with **adequate opportunity to express his/her views** on the floor of the House. Also, members need to be more judicious about how they use their time.
- A code of conduct (also including the conduct of members in the House) should be evolved for all political parties.
- The rulebook needs to be updated with respect to how debate and deliberations happen in the House.
- There needs to be **self-realisation on behalf of the members**, belonging either to the ruling side or the opposition side. Both sides should use the rulebook judiciously and the Chair should be adjudicator of that rulebook.
 - The members need to realise their responsibility so that the proceedings of the House are conducted without disruptions except the limited **strategic disruptions** (i.e. necessary disruptions) within a certain framework.
 - In recent times, it has been seen that when Houses are disrupted, members make up by sitting late. Such a move needs to be encouraged more and more.
 - In recent times, it has also been seen that when a member breaks rules, entire House, including his/her own party, comes together to reprimand him/her. Such a move by the political parties need to be appreciated.
- There needs to be **a criticism of the office or that of the government and not that of the individuals**. This would help foster an environment of debate leading to lesser disruptions.
- There is a **need to increase the number of days of sitting**. It used to be 150 when the Parliament began and now it is only about 60-70 days a year.

It has to be the concerted effort of all sections, stakeholders of the House to ensure that there is no disruption, no disorder, no delay rather entire time is devoted to discussion and which ultimately leads to a decision making process.