

**DELIBERATE, DON'T DISRUPT: ON BUDGET SESSION****Context:**

- ▶▶ Recently our Honourable Vice President Venkaiah Naidu has sought a consensus on a Code of Conduct for MPs and MLAs.

**Introduction:**

- ▶▶ One of the most unedifying sights in public life is lawmakers taking to organised disruption of legislative business.
- ▶▶ Such displays became common in Parliament in the past decade as political parties and legislators demonstratively advertised their points of view without recourse to debate.
- ▶▶ Many sessions of Parliament in the recent past saw little business being done due to repeated disruption.
- ▶▶ The issue of model code of conduct has been a longstanding concern but progress has been slow and uneven.
- ▶▶ A Code of Conduct for members of Rajya Sabha has been in force since 2005; there is no such code for Lok Sabha.

**Background:**

- ▶▶ Code of conduct for high constitutional functionaries and representatives of the people have been discussed for long.
- ▶▶ A code for Union ministers was adopted in 1964, and state governments were advised to adopt it as well.
- ▶▶ A conference of Chief Justices in 1999 resolved to adopt a code of conduct for judges of the Supreme Court and High Courts. This 15-point 'Re-instatement of Values in Judicial Life' recommended that serving judges should maintain an air of "aloofness" in their official and personal lives.
- ▶▶ In the case of MPs, the first step was the constitution of Parliamentary Standing Committees on Ethics in both Houses.
- ▶▶ The Committee in Rajya Sabha was inaugurated in 1997 to oversee the moral and ethical conduct of the Members and to examine the cases referred to it with reference to ethical and other misconduct of Members.

## Need for a Code of Conduct:

- ▶▶ Elections in India are often remembered for personal attacks, snide remarks and hate speeches made at the expense of taking political discourse to its nadir.
- ▶▶ In a bid to assert their superiority over the rest, some political leaders go overboard and blur the line between public and private lives. Some even threaten voters with dire consequences if they are not voted to power.
- ▶▶ Therefore, to ensure civility in political speeches and expressions, establishing code of conduct for politicians is mandatory.
- ▶▶ The politicians representing their constituencies in the Parliament have time and again brought ill-repute to the institution with their incivility.
- ▶▶ Creating ruckus in the Parliament; making unacceptable remarks and disrupting the House proceedings are some of the major allegations they face.
- ▶▶ Tenure of some of the politicians is also fraught with severe charges of impropriety.
- ▶▶ It has been long since a parliamentary panel had recommended a 14-point code of conduct that somewhat outlines what's expected from the politicians.

## Key Suggestions:

- ▶▶ No parliamentarian should be allowed to vote on those questions in the House, in which he/she has a vested interest.
- ▶▶ Amend the Constitution to ensure a minimum of 110 days of sitting in a legislature having more than 100 members, and 90-50 days of sitting in Houses with less than 100 members depending on the size of the State involved.
- ▶▶ The filing by legislators of a statement of income, assets and liabilities, and an indication of changes in these figures over time.
- ▶▶ Prohibit MPs from misusing the power and immunities they get.
- ▶▶ An MP should avoid conflict between a private and a public interest.
- ▶▶ Punishment of members by admonition, reprimand, censure or withdrawal from the House in case of violations or breach of the code of conduct.
- ▶▶ Automatic suspension from the House of any member involved in offences of grave misconduct.

## Dwindling Importance of Parliamentary Committees:

- ▶▶ The absence of disruption alone does not make for meaningful debate.
- ▶▶ Even though the current Budget session sailed through with minimal disruption, the high productivity during the session came without sufficient deliberation over crucial bills.
- ▶▶ Most of the bills were rushed through without vetting by parliamentary standing and select committees.

- ▶▶ These committees have in the past been useful in expanding discussion over laws with civil society and experts from various streams of the larger society. They have also facilitated an enhanced cross-party coordination over issues.
- ▶▶ Not even a single Bill among the 28 that were recently introduced in the parliament were not passed on to standing or select committee for scrutiny.
- ▶▶ Unlike the 15th Lok Sabha (2009-2014), when 71% of the bills were referred to such committees, in the 16th Lok Sabha, they constituted only a fourth of the overall number of bills. Thus, the current session has accentuated the trend that has minimised the importance of such committees over the last few years.
- ▶▶ Time spent on debates in the current session in both the Lok Sabha and Rajya Sabha was barely a third of the overall business. This does not augur well for law making.

### Worldwide Scenario:

- ▶▶ In the UK, a code of conduct for MPs was prepared pursuant to the Resolution of the House of 19 July 1995. The Canadian House of Commons has a Conflict of Interest and Ethics Commissioner with powers to examine violations of the Conflict of Interest Code at the request of another Member or by Resolution of the House or on his own initiative.
- ▶▶ Germany has had a Code of Conduct for members of the Bundestag since 1972.
- ▶▶ The US has had a Code since 1968. Pakistan has a Code of Conduct for members of the Senate.

### Need of the hour:

- ▶▶ There's a lot more that the Election Commission ought to do to make it difficult for the errant politicians.
- ▶▶ Its responsibility doesn't ends with the filing of an FIR against a candidate who is violating code of conduct. It should direct political parties to withdraw such candidates.
- ▶▶ Stronger actions such as derecognizing political parties and other powers need to be exercised for the larger interest of the democracy.

### Conclusion:

- ▶▶ A number of crucial bills have taken an inordinate time to be enacted due to disruption, while others were not enacted despite a broad consensus such as the Women's Reservation Bill.
- ▶▶ It is important to note that the deliberation is an important component of the parliamentary democracy apart from legislation and accountability of lawmakers.
- ▶▶ A code of conduct for legislators is absolutely essential at this point of time, when coalition Governments mean increasing and more intense activity within the walls of the legislatures.