

2. Trinamool's Derek O'Brien suspended for Unruly Behaviour

Prelims Syllabus: Parliament

Mains Syllabus: GS-II Parliament and State Legislatures - Structure, Functioning, conduct of business, powers & privileges and issues arising out of these.

Why in News?

- Trinamool Congress floor leader Derek O'Brien was suspended from Rajya Sabha recently for the remaining days of the winter session for 'unruly behaviour' of hurling rule book at the Chair.

About Rule 256 of the General Rules of Procedure of the Rajya Sabha:

- The Chairman invoked rule 256 to suspend them.
- Under Rule 256 ('Suspension of Member') "The Chairman may, if he deems it necessary, name a member who disregards the authority of the Chair or abuses the rules of the Council by persistently and willfully obstructing the business thereof.
- If a member is so named by the Chairman he shall forthwith put the question on a motion being made, no amendment, adjournment or debate being allowed, that the member (naming him) be suspended from the service of the Council for a period not exceeding the remainder of the Session:
 - ✓ Provided that the Council may, at any time, on a motion being made, resolve that such suspension be terminated.
- A member suspended under this rule shall forthwith quit the precincts of the Council.

How is suspension under Rule 256 different from Suspension under Rule 255?

- Rule 255 provides for 'Withdrawal of Member'; whereas Rule 256 provides for Suspension of a Member.
- Under Rule 255, "of the General Rules of Procedure of the Rajya Sabha, "The Chairman may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Council and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting."

Differences in Powers of Speaker and Chairman of Rajya 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.

- Unlike the Speaker, however, the Rajya Sabha Chairman does not have the power to suspend a Member. The House has to adopt a motion suspending the Member from the service of the House for a period not exceeding the remainder of the session.

What is the Additional Power in Lok Sabha?

- Similar rules for the withdrawal (Rule 373) and suspension (Rule 374) are in place for Lok Sabha as well. Under Rule 374A, however, there is an additional provision for “automatic suspension” of an errant member: “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.”

Procedure to be followed for suspension of Rajya Sabha MPs:

- 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, however, by another motion, terminate the suspension.

Efforts to bring Order in the House:

- As Chairman of Rajya Sabha, Vice-President Ansari had attempted several steps to bring order to the House. In 2013, he mooted a number of radical solutions to maintain decorum. This included:
 - ✓ Naming and shaming MPs in the Rajya Sabha bulletin for stepping outside House rules. Those named were to include members who came into the Well, or indulged in other grossly disorderly behaviour. The telecast of proceedings to be deferred to prevent visuals of disorder from being made public.

How can Suspension of MPs be Justified?

- The solution to unruly behaviour has to be long-term and consistent with democratic values. There can be no question that the Enforcement of the supreme authority of the Presiding Officer is essential for smooth conduct of Proceedings.
- However, a balance has to be struck. It must be remembered that the job of the Presiding Officer is to run the House, not to lord over it.