

## THE MONSOON RUCKUS IN THE RAJYA SABHA: EMERGING ISSUES

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### **ABSTRACT**

*The Monsoon session of the Parliament although remarkable from the sense of its productivity will be remembered because of the ruckus in the Rajya Sabha (the House of the elders); subsequent suspension of eight opposition members and disruptions caused thereafter, and motion of no confidence against the Deputy Chairman. It came to a premature end on 23<sup>rd</sup> September, 2020 without completing its notified schedule because of COVID-19 with a bitterness and discord between the Government and the opposition members of Parliament. This is to appreciate that the Government summoned the session of the Parliament but at the same time, somewhere, it failed in its duty to take the 'sense of the House' towards logical and harmonious conclusion of its Monsoon session. Equally well this is high time the Parliament innovates new mechanisms to strengthen its due role for a prudent, successful and democratically well-functioning Parliament is must for a successful representative parliamentary democracy.*

**KEY-WORDS:** *1. Parliamentary Democracy; 2. Disruptions in Parliament; 3. M. P.'s Code of Conduct; 4. Relevance of Parliament; 5. Future of Parliament; 6. Sense of the House*

### **INTRODUCTION**

The Indian Parliament which symbolizes the integration of the President, Lok Sabha and Rajya Sabha is one of the most important institutions, making constitutional and parliamentary democracy thrive and march towards the

realization of the aspirations of its diverse electorates. On 2<sup>nd</sup> September, 2020 (Wednesday) the Lok Sabha and Rajya Sabha secretariats notified that there will be no ‘Question Hour’ and ‘Private Member’s Business’ during the Monsoon session of Parliament which had been truncated to September 14- October 1, 2020 in view of COVID-19 pandemic. It also mentioned that that ‘Zero Hour’ will be restricted to thirty minutes only in both the House much to the dislike of Members of Parliament (M. P.).

The Rajya Sabha was holding its proceedings into seventh day on 20<sup>th</sup> September (Sunday) when the Government dismissing and not caring for the opposition’s objections and arguments, pushed through two key farm Bills in the House amid unprecedented scenes of chaos, confusion, noise by the agitated opposition members protesting the extension of the House sitting beyond the scheduled timing of 1 p.m. Some of the honorable Members of Parliament tore the copies of the Bills, broke microphones on the Chairman’s table (Deputy Chairman was presiding over the House), created ruckus in the well of the House, flung a copy of the Rule Book at the deputy Chairman. The House was adjourned for the day but the protesting members sat on a dharnain the House.

All social distancing and COVID-19 precautions were violated by the protesting opposition members who were after the deputy Chairman who had pushed the Bills in the House without considering the opposition’s demand to refer the same to a House Committee. The deputy Chairman rejected the demand for division of votes and finally the Bills were passed by the Rajya Sabhathrough voice vote. The opposition members lingered with their protest inside the Rajya Sabha chamber. This had a “trickle-down effect” on the proceedings of the lower House (Lok Sabha) which was scheduled to meet at 3 p.m. and whose members were to sit in the Rajya Sabha chamber because of COVID-19 protocol.

Further in an unprecedented move, as many as twelve opposition parties came together and submitted a no confidence resolution seeking the removal of Rajya Sabha Deputy Chairman. The move followed uproar in the House over his decision to extend the session of the House beyond 1 p. m. while overruling opposition’s pleas to

continue the discussion on the contentious farm bills the next day. The resolutions moved by the protesting members maintained, “the Deputy Chairman had violated all the canons of law, procedure and fair play etc.”

P. D. T. Achary, former Secretary General of Lok Sabha, on the events of 20<sup>th</sup> September, 2020 commented, “what happened in the Upper House of Parliament on September, 20<sup>th</sup> was unusual and unprecedented. The refusal of the Deputy Chairman of the Rajya Sabha, Harivansh to adjourn the session, the manner in which a voice-vote was conducted, and the no-confidence motion against him by the opposition M.P.s all indicate a breakdown of trust between the Government and the opposition”(Newslick, 2020).

The face-off between the Government and the opposition over the proceedings of Rajya Sabha a day before escalated on Monday (21/09/2020) for the Chairman of the Rajya Sabha (Vice President of India) had suspended eight Members of Parliament “for the remaining part of the current session” on the motion brought in by the Minister of State, Parliamentary Affairs citing “unruly behaviour”, saying “he was deeply pained” over the House ruckus the previous day and said, “Is it Parliamentary Standard?” (Federal, 2020).

The Chairman also rejected the notice for a no confidence resolution against the deputy Chairman of the House because it was not in the proper format and the same was without the requisite fourteen day notice. Later in a press conference, Ravi Shankar Prasad commented, “the conduct of opposition leaders in the upper House of the Parliament on Sunday was shameful, irresponsible and utter disrespectful to parliamentary rules and dignity”, (Press Trust of India, 2020).

Initially the suspended members continued with their protest in the House and refused to leave despite repeated instructions from the Chair leading to multiple adjournments, with the proceedings being washed out without any business being transacted on Monday (21<sup>st</sup> September 2020). On Wednesday (23<sup>rd</sup> September) the Monsoon session 2020 came to a premature end citing the spread of COVID-19 among various M.P.s and officials of the Parliament. A few days later unfortunately the Vice President of India (Chairman of Rajya Sabha) was also found

COVID-19 positive. With this backdrop, following emerging issues about the functioning of Parliament (Rajya Sabha) needs the detailed discussion as given below:

### **1. Pandemonium in the Parliament is nothing new**

According to P. D. T. Achary, pandemonium in the Houses of Parliament is nothing new. Angry members troop down to the well of the House and shout slogans. It has almost become normal behaviour in the House (Achary, 2020). He adds further that not being satisfied with just the shouting of slogans, one member went to the extent of spraying pepper spray in the Lok Sabha when the House was discussing the Telangana Bill some years ago. Thankfully, this form of protest was not repeated in the House thereafter. Regarding the recent ruckus (20<sup>th</sup> September, 2020) of the members in Rajya Sabha, Harivansh, the Deputy Chairman in his letter to the Vice President said, “the sight of disrobing of democracy jolted my mind and heart. I could not sleep for the whole night. It caused unimaginable loss to the dignity of the House and Chair” (Times of India, 2020).

If we see the functioning of Parliament over the years, it becomes clear (Table-1) that adjournment brings disruptions in the legislative proceedings of the Rajya Sabha. It is vivid that during 2008 and 2009, the lost time has been relatively less in comparison of other selected years in the said Table. During 2010-18, barring 2017, every year the increasing lost time of the House has been an important concern for the effective and conducive conduct of the proceedings of the House, for example, in 2018, total lost time is more than the total actual hours of sitting.

**Table-1**

**Total Actual Hours of Sitting (excluding recess and intervals) and Time Lost  
Due to Interruptions/Adjournments in Rajya Sabha**

Year	Actual hours of Sitting Hours - Minutes	Lost Time Hours -Minutes	Year	Actual hours of Sitting Hours - Minutes	Lost Time Hours - Minutes
2008	211 - 45	10 – 00	2009	321 - 27	23(Approx.)- 00
2010	252 - 12	184 – 29	2011	236 - 11	129 - 57
2012	248 - 26	135 – 37	2013	193 - 39	146 - 05
2014	250 - 31	144 – 24	2015	250 - 18	159 - 10
2016	291 - 36	136 – 53	2017	258 - 20	72 - 45
2018	139 - 26	227 – 44			

Source: Table- 30&31; Rajya Sabha – Statistical Information 1952-2018, pp. 99-100.

(Website: <https://rajyasabha.nic.in> ; <https://parliamentofindia.nic.in>)

An observation over the functioning of the House over the years makes it is very clear that adjournments bring disruption in the legislative proceedings of Parliament. Some of the annoying behaviour of the members seen over the years are for example, many members speaking/shouting simultaneously; not allowing the minister to make statements about the questions asked or proposing a fresh bill; rushing down to the well and taking names and shouting down the Chairman/Deputy Chairman/Speaker/Deputy Speaker. In the recent memory of the Parliament, this act of suspension of the opposition members is the second suspension of a significant number of the Members of Parliament (Times of India, 2020).

In 2010, seven M. P.s, four from the Samajwadi Party, one each from Janta Dal (U), Rashtriya JantaDal (RJD) and Lok Janshakti Party (LJP) were suspended for fracas during passage of the ‘women reservation bill’. In recent

times, as per live relay on Lok Sabha/Rajya Sabha TV, unruly scenes across both the Houses instead of sound debates; frequently rushing to the well of the House in the name of the protest etc. has become routine on the part of the opposition members. These habits were common among some of the members who used to sit in the opposition when they were not in power, so the traits of unruly behaviour belong to both the members of treasury benches and opposition, only the timing of its exhibition remains different.

The matter of misbehaviour and indiscipline within the House had become so serious that Parliament in 1992 convened a Special Forum for the sole purpose of discussing the need to maintain decorum and discipline within the House (Dayal, 2017). Five years later, in 1997, the primary legislative business of the special session of the Parliament had to pass a unanimous resolution calling for greater discipline within Parliament, he adds further. Then again in November 2001, the All India Conference of the Presiding Officers and parties adopted a sixty point code of conduct guidelines aimed at sanctioning misbehaviour with suspension. This resolution was unanimously supported by three hundred leaders from all parties both at the federal and sub-national level (Dayal, 2017).

Although the code of conduct adopted by the House in 2005 lays down several guidelines relating to behaviour of members, it is important to understand the proximate cause of disruption. The Government blames the opposition and the opposition does the vice –versa, it may be one of the ‘parliamentary tactics’ to get the edge in the art called ‘politics’.

Inaugurating the 79<sup>th</sup> Conference of Presiding Officers of Legislative Bodies in Dehradun on 18<sup>th</sup> December, 2019; Lok Sabha Speaker Om Birla said that the House should run smoothly underlining that there should be debate, dissent and discussion in the House but ‘no disturbance’ (Lok Sabha, 2019). He also said that there should not be obstruction while opposing; this is the dignity as well as the tradition of democracy. He felt that disruptions hurt the very soul of democracy because the rights of members are compromised.

## 2. Impact of the ruckus on the productivity of the House

The monsoon session of the Parliament was curtailed on 23<sup>rd</sup> September, 2020 (Wednesday) with both the Houses managing to hold only ten sittings instead of eighteen as per earlier schedule to be held during 14<sup>th</sup> September- 1 October, 2020. Approximately thirty M.P.s and several more staffers tested positive for COVID-19. As per the Times of India report, “the 252<sup>nd</sup> session (the monsoon session) of the Rajya Sabhas got the distinction of being the fourth shortest among sixty nine monsoon session held so far since the upper House was established in 1952”(Times of India, 2020).

According to Rajya Sabha Statistical Information 1952-2018, the other monsoon sessions of the House that were shorter still were the 110<sup>th</sup> session held in July 1979 and 187<sup>th</sup> session held in October 1999, both of which had only six sittings each. Overall the shortest session of Rajya Sabhas was its 111<sup>th</sup> session, which had only one sitting on August 20, 1979 because former Prime Minister Charan Singh resigned on the same day leading to fall of the Janta Party Government. The 89<sup>th</sup> session of the House held during July-September 1974, in contrast, holds the record for the longest monsoon session with forty sittings of all the sixty nine monsoon sessions held and only four including the present one that ended on 23<sup>rd</sup> September, 2020 finished with ten or less sittings so far.

The disruptions in the House takes much time and as a result many bills get passed in the Parliament without proper discussions. With the opposition boycotting the proceedings, Rajya Sabha passed fifteen bills in the last two days of the monsoon session; nearly one-third of the total twenty five bills passed by it on the last day shows the impact of disruptions in the House on the quality of debate and discussion putting a question mark on legislation as the primary function and therein role of the Parliament.

The Chairman of the Rajya Sabha, M. Venkaiah Naidu said in his valedictory address, “during the ten sittings, a total of twenty five bills have been passed and six bills have been introduced. The productivity of the House during the session had been 100.47 percent. As against the scheduled available time of thirty eight hours and

thirty minutes, the actual functional time of the House has been thirty eight hours and forty one minutes”(Manoj, 2020).

The Lok Sabha too passed twenty five bills as said by the Speaker, Om Birla to the members of the House, “the productivity of the House was 167 percent, despite the threat of COVID-19 pandemic, you prioritized your constitutional responsibility.... I congratulate you”(Times of India, 2020).

He maintained further that while the Question Hour was suspended in this session, members raised three hundred and seventy issues during Zero Hour. The proceedings of the House also included forty statements by various ministers including those on corona virus, on minimum support price and prevailing situation on the Ladhakh border.

### **3. The Road Ahead**

In his valedictory remarks to end 252<sup>nd</sup> session (Monsoon Session) of Rajya Sabha, the Chairman expressed his displeasure on the ruckus taking place in the House, “though this session had been satisfying in terms of productivity, there have been some areas of concern as well. We need to collectively ponder over these issues for making a difference in future”, he said (The Indian Express, 2020). He added further that for the first time in the history of Rajya Sabha, a motion for removal of Deputy Chairman was given which he rejected on the ground that it should have been a proper resolution and needed a fourteen day notice.

If we analyze the ruckus which took place in Rajya Sabha on 20<sup>th</sup> September 2020, following two points emerge: Firstly, as alleged by the opposition members, the farm Bills were passed during the extended time beyond the scheduled time set earlier, without having the consensus on it in the House. The Convention has been there that when the House has to extend its sitting beyond the scheduled time, ‘the sense of the House’ is taken by the Chairperson and if there is no such consensus, the Chair normally adjourns the House for the next day. The sequence of the events on that day has to be thoroughly scrutinized to see whether any attempt to arrive at such consensus was made by the Chair or not? P. D. T.Achary rightly maintains, “Parliament is a very sophisticated



system which needs to be worked with certain finesse. Mutual trust, accommodation of each other's larger interests and respect for each other's views make it possible to build consensus on issues which come before the parliament".

Secondly, as per allegations made by the opposition members and the telecast shown on the Rajya Sabha TV (the author was himself observing the live telecast), 'division' was not allowed despite their demand and the bills were passed by a voice vote amidst the noise in the House. The Constitution of India does not mention voice vote and Article 100 mentions that all questions in a sitting of the House shall be determined by a majority of votes of the members present and voting. The House believes in 'actual voting'. Under no circumstances can the Chair ignore the demand for a vote (division) and declare a motion passed through a voice vote. According to P. D. T. Achary, "it goes against all rules that the Chair in Rajya Sabha refused to hold a vote on the farm bills despite being asked to do. India needs a reminder on how Parliament is supposed to function".

He adds further that a Government which has a majority in the Parliament has nothing to fear, "Parliament can function smoothly only if the crudity of bitter adversarial politics is discarded and the stakeholders elevate themselves to a higher level. Parliament's systems are designed to enable the opposition to have its say and the Government to have its way. If the former is not possible, parliament as a democratic institution can't function for long".

Indian Parliament is a multifunctional institution which performs variety of roles, e.g. to form or end the Government; to represent the electorate; to legislate; to hold the Government accountable for its functions; to monitor the expenditure of public funds; to be a forum of debate; to be a forum for the expression of grievances and to call for information etc. It is the duty of the Government to maintain decency and decorum of the House and to ensure all such conditions through which the Chair conduct the proceedings of the House as per law to serve the national interest.

Following steps may be some of the guiding principles for the smooth functioning of the proceedings of Parliament in future:

**Firstly**, as it has been observed that the Government does not desire to hold the sittings of Parliament in certain situations when it thinks that doing so may be embarrassing for it. The Government should remember the famous dictum, “in parliamentary system, the opposition should have its say and the Government will have its way”. If this is practiced by our M. P.s, our Parliament would certainly attain greater heights it deserves, failing this, there may be new mechanism through which the session of parliament may be called upon by a certain number of Members of Parliament in contrast of the present practice of convening the session of Parliament (Article 85). This will ensure M. P.s a session of the Parliament as per their demand and need.

**Secondly**, an annual calendar of the sittings of the Houses of the Parliament may be notified in advance on a regular basis. It is important to note that in some countries like the UK, Australia, Canada and South Africa etc. calendar of the Legislature with sitting dates are announced at the beginning of the year itself (Khullar, 2017). This is high time; the Indian Parliament issues the annual calendar in the beginning of the year itself highlighting the sittings of the two Houses in advance.

**Thirdly**, the role of the minister of parliamentary affairs; Speaker/Deputy Speaker of Lok Sabha; Chairman/Deputy Chairman of Rajya Sabha remains crucial for the smooth functioning of Parliament. They should function independently without favouring or punishing the members of their own party or the opposition respectively. The powers of the Speaker regarding the final decision in the cases of defection under ‘anti defection law’ in Lok Sabha needs a relook by the Parliament. Similarly the ‘practice of issuing whips by the political parties’ needs a review to maintain the independent view of the M Ps.

**Fourthly**, Keeping the Indian diversity in mind, the Parliament should innovate ways to respect the minority view on a particular topic during debates and discussions, and due respect should also be given to members who hold different/opposite views from the members of the Government/ruling party. Private members’ bill should also be

given due care and attention. Parliament should take its due time in its deliberations and should never pass a bill in a hurry.

**Fifthly**, M. P.s must follow the basic principles of ‘rule of law’ and Constitution of India. They must follow ‘code of conduct’ framed by the concerned House and their behaviour should be exemplary. They should be reminded of their oaths and in case of violations, they should be dealt strictly without exceptions being made. Presently the Speaker/Chairman deals with the cases related with disciplinary actions, the Parliament may have a relook into this matter. One welcome change may be that instead of the Speaker/Chairman, a multi-party membered, Parliamentary Committee deals with the matters of violation of discipline in the Parliament. And a fresh law may be passed by the Parliament mentioning that members suspended/dismissed from the House on the grounds of discipline won’t have an impact on the majority of the Government and no fresh election will be conducted for that seat. After all members whose conduct is unparliamentary does not deserve to be a Member of Parliament and the decency and decorum of the House must be maintained by all the stakeholders. As has rightly been observed by Granville Austin, “the goals of the Constituent Assembly when drafting the Legislative provisions of the Constitution were to bring popular opinion into the halls of government and, by the method of bringing it there, to show Indians that although they were many peoples, they were but one nation”(Austin, 1966).

## CONCLUSION

The Monsoon session of the Parliament although remarkable from the sense of its productivity will be remembered because of the ruckus in the Rajya Sabha (the House of the elders); subsequent suspension of eight opposition members and disruptions caused thereafter, and motion of no confidence against the Deputy Chairman. It came to a premature end on 23<sup>rd</sup> September, 2020 without completing its notified schedule because of COVID-19 with a bitterness and discord between the Government and the opposition members of Parliament. This is to appreciate that the Government summoned the session of the Parliament but at the same time, somewhere, it failed in its duty to take the ‘sense of the House’ towards logical and harmonious conclusion of its

Monsoon session. Equally well, this is high time the Parliament innovates new mechanisms to strengthen its due role because a prudent, successful and democratically well-functioning Parliament is must for a successful representative parliamentary democracy. We must remember that Indian Parliament is not only a law making body rather it is the supreme representative body shaping the dreams of the billions and transforming the destiny of its people towards betterment by giving a hope for the future and each of its proceedings must reflect and ensure these solemn goals.

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