

**30 – 11 – 2021**

**News:** 12 RS MPs suspended for ‘misconduct’

- Twelve Opposition members of the Rajya Sabha were suspended for the entire winter session on Monday for “unprecedented acts of misconduct”, and “unruly and violent behaviour” on August 11, the last day of the previous monsoon session.
- This is the first time RS members have been suspended for misconduct during the previous session.

## **Suspension of Member of Panchayats**

- 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.**

# Legislative Backup of Suspension of MPs from Lok

## Sabha

- Rule Number 373 of the Rules of Procedure and Conduct of Business provides for the suspension of MPs by the Speaker of the House.
- To deal with more recalcitrant Members, the Speaker make take recourse to Rules 374 and 374A.
- Rule 374 says: The Speaker may, if deems it necessary, 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.
- Rule 374A was incorporated in the Rule Book on December 5, 2001. The intention was to skirt around the necessity of moving and adopting a motion for suspension.
- Even though suspending a member is in the hands of Speaker, power of revoking such suspension is vested with Lok Sabha. The Lok Sabha passes a separate motion to revoke the suspension of its members.

## Procedure in 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 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, by another motion, terminate the suspension**.