

## Suspension of MPs

### Why in news?

Recently 78 opposition MPs have been suspended for disrupting Parliamentary proceedings over the Parliament security breach issue.

### What is the issue?

- Presiding officers of the Lok Sabha and Rajya Sabha suspended the opposition lawmakers for disrupting the parliamentary proceedings.
- They were suspended as the legislators demanded a discussion and a statement from the Home Minister regarding last week's security breach.
- This was the highest number of MPs suspended in a single day in the history of Indian Parliament.
- The opposition accused the government of failing to provide security on the 22nd anniversary of a deadly attack on the parliament.
- The speaker of the Lok Sabha, has said that security is his responsibility and is conducting a review. He has blamed the MPs for breaking the rules of the House.
- At least 149 suspensions have been meted out, both Houses included, since 2019, compared with at least 81 in 2014-19, and at least 36 in 2009-14.
- Over the years, 4 broad reasons have been identified for disorder in legislatures.
  - The lack of time available to MPs for raising important matters,
  - The unresponsive attitude of the government and retaliatory posture by Treasury benches,
  - Deliberate disruption by parties for political or publicity purposes, and
  - The absence of prompt action against MPs disrupting Parliamentary proceedings.
- Parliamentary processes can carry on, following the suspension of the opposition MPs, as the quorum of 10% will be met by the governing party and its allies with an overwhelming majority.

### What are the rules and procedures for suspension of MPs?

About	Lok Sabha	Rajya Sabha
<b>Power to suspend</b>	Speaker	Chairman
<b>Rules of procedure and conduct of business</b>	Rules 373, 374, and 374A	Rules 255 and 256
<b>Procedure for suspension</b>	Rule 374A allows the Speaker to automatically suspend an MP for five days or the remaining part of the session	Automatic suspension is not available here, a motion has to be moved and adopted by the House to suspend an MP

<b>Authority of presiding officers</b>	To direct, name, and suspend MPs for disorderly conduct, as per the rules of procedure and conduct of business in each House
<b>Mild offences</b>	<ul style="list-style-type: none"> <li>• They are punished by admonition or reprimand.</li> <li>• Admonition is a <i>milder form</i> of reprimand, and is usually given by the Presiding Officer in the House.</li> <li>• Reprimand is a <i>more severe form</i> of admonition, and is given by the <b>President</b> or the <b>Vice-President of India</b> in the Central Hall of Parliament, in the presence of both Houses.</li> </ul>
<b>Punishment of withdrawal</b>	<ul style="list-style-type: none"> <li>• If the Presiding officers is of the opinion that the conduct of any member is grossly disorderly, may direct such Member to withdraw immediately from the House.</li> <li>• The member so ordered to withdraw shall do so forthwith and shall remain absent during the remainder of the day's sitting.</li> </ul>
<b>Punishment of suspension</b>	<ul style="list-style-type: none"> <li>• Continuing to disregard the Presiding Officer's directions can invite the punishment of suspension.</li> <li>• A member can be suspended, at the maximum, for the remainder of the session only.</li> </ul>
<b>Reinstate suspended member</b>	The house at any time can reinstate a suspended member by passing a motion.
<b>Extreme misconduct</b>	The House may expel a member "to rid the House of persons who are unfit for membership."

### What are the consequences of suspension of MPs?

- **Prevent debates-** It can prevent opposition parties from raising crucial issues and can lead to the *government's unresponsiveness* and the Treasury benches' retaliatory posture.
- **Lack of representation-** The bills in the parliament will be introduced without two-thirds of the opposition members present in the House.
- **Dysfunctional-** MPs have all the right to seek answers and hold the government accountable to the parliament, suspension of MPs dilutes the spirit of accountability.

<b>Court intervention in matter of suspension of MPs</b>
<ul style="list-style-type: none"> <li>• <b>Article 122-</b> It protects the parliamentary proceedings from judicial scrutiny and grants immunity to the presiding officers and MPs from any legal action for their conduct in Parliament.</li> <li>• <b>Exceptions to Article 122-</b> The courts can intervene in some cases where the procedural rules of the legislature are violated or the fundamental rights of the legislators are infringed. <ul style="list-style-type: none"> <li>- For example the courts can review the validity of the <a href="#">anti-defection law</a> or the expulsion of MPs from the House.</li> </ul> </li> <li>• <b>Maharashtra Legislative Assembly case-</b> The Supreme Court stayed the suspension of 12 MLAs and observed that it was disproportionate and arbitrary, and violated the principles of natural justice.</li> </ul>

### References

1. [Indian Express- Opposition MPs suspended](#)

2. [Indian Express- The rules and powers of presiding officers](#)

