

## CHAPTER—9

### Rules of Conduct and Parliamentary Etiquette

#### General observations

There are certain established parliamentary customs, conventions, etiquette and rules which are required to be observed by members, both inside the House as well as outside. These are based not only on Rules of Procedure and Conduct of Business in the Rajya Sabha and Rulings and Observations by the Chair but also on past practices, customs and conventions and precedents and traditions of Parliament, which a member comes to know through his/her personal experience in Parliament. All these are, what is technically known as parliamentary etiquette.<sup>1</sup>

A few days prior to the first sitting of the Rajya Sabha on 13 May 1952, a paragraph was issued in the Parliamentary Bulletin under the heading “Parliamentary Etiquette.”<sup>2</sup> It listed some of the important rules numbering twenty-seven which members were generally expected to observe in the Chamber. On 16 May 1952, a member objected to the said Bulletin on the ground that it was not in keeping with the privileges of members of the House and, therefore, demanded that it should be withdrawn. The Chairman observed that the Bulletin referred to practices which had been in observance hitherto and it was only for members’ guidance. Most of them were rules of parliamentary etiquette which were observed in Parliaments all over the world. Some of the members happened to be new to the House. Therefore, those suggestions had been made<sup>3</sup> (The paragraph was not, however, repeated thereafter).

The various customs, conventions, etc. are now mentioned in the *Handbook for Members* published by the Rajya Sabha Secretariat from time to time. Information about the parliamentary customs and etiquette required to be observed by members is also published in the Parliamentary Bulletin Part-II prior to the commencement of every session. These constitute in a way Do’s and Don’ts intended to guide members in their parliamentary behaviour. Generally, the behaviour of members should be such as to enhance the dignity of the House and its members. In other words, the conduct of members should not be contrary or derogatory to the dignity or prestige of the House or in any way inconsistent with the standards which the House is entitled to expect of its members. What precisely constitutes an unbecoming or unworthy conduct has not been exhaustively defined.

It is within the powers of the House to determine each case. Apart from the Committee of Privileges of the House which may inquire into cases of breach of privilege of the House by its members, the House may also appoint an *ad hoc* Committee to investigate the conduct of a member of the House with a view to determining whether a particular conduct of the member is derogatory to the dignity of the House and is, therefore, inconsistent with the standards which the House expects of the members. For example, the House appointed such committee to investigate the conduct of a member in 1976.<sup>4</sup>

### **Punishment for misconduct by members**

The House has the right to punish its members for their misconduct in the House or outside. In cases of misconduct or contempt committed by the members, the House can impose punishment in the form of admonition, reprimand, withdrawal from the House, suspension from the service of the House, imprisonment and expulsion from the House.

The Madhya Pradesh High Court upheld expulsion of two members of the Madhya Pradesh Legislative Assembly observing that since the Legislative Assembly had the power and privilege of expelling a member resulting in the vacation of his seat, the correctness, legality or propriety of the resolutions expelling the concerned members could not be challenged in courts of law.<sup>5</sup>

However, the Punjab and Haryana High Court held that a State Legislature was not clothed with any power to expel duly elected members as a measure of punishment for contempt of the House. The Court, *inter alia*, observed that the punishment for contempt of the House was “known and well settled as being reprimand, suspension, fine and lastly the keystone in this context being the power to commit the contemner to prison.”<sup>6</sup>

The Supreme Court of India while upholding the Parliament’s power to expel the members involved in cash for query scam and in the alleged irregularities in the MPLAD Scheme, considered the question whether the powers and privileges of the Legislatures in India, particularly with reference to clause (3) of article 105 of the Constitution, include the power of expulsion of their members. While answering the question affirmatively, the Apex Court held that the power of expulsion can be claimed by Indian legislatures as one of the privileges inherited from the British House of Commons through articles 105(3) and 194(3) of the Constitution. The Court opined that the power of expulsion is not solely derived from the power of the British House of Commons of regulating its constitution or composition. It also held that the right to enforce privileges either by imposition of fine or confinement to prison or by expulsion is not part of any other privileges but is by itself a separate and independent power or privilege.<sup>7</sup>

Offences which are not sufficiently grave are punished by admonition or reprimand. An admonition is a milder form of reprimand; reprimand is more serious punishment of the two.<sup>8</sup> On an occasion, a motion to condemn the behavior of a member of the Rajya Sabha who had caused obstruction during the President's Address was included in the list of business and discussed inconclusively.<sup>9</sup> On another occasion, during 188<sup>th</sup> Session, a member of the Rajya Sabha was reprimanded by the Chairman for his unbecoming conduct while making a special mention regarding murder of a Hindu in Rajasthan.<sup>10</sup>

### Reprobation of conduct

There have been instances when a member's misconduct or misbehaviour has attracted adverse comments or reprobation from the Chair.

On an occasion when a member was persistently disobeying, the Chairman (Dr. S. Radhakrishnan) remarked, "I am very sorry that you behave like this. Your behaviour is an indignity to the whole House."<sup>11</sup>

On 18 February 1963, a member of the Rajya Sabha interrupted the President's Address in the Central Hall and walked out. Next day when the House met, members belonging to different sections expressed regret on that incident. The Chairman agreed with the views expressed by members that the conduct of the member who interrupted the President's Address was reprehensible and unbecoming of a Member of Parliament. He, *inter alia*, observed that "any member who deviates from decorum and dignity deserves to be chastised."<sup>12</sup>

On another occasion, when a member physically restrained another member from addressing the House, the Chairman expressed his concern at the lack of orderly conduct on the part of the concerned member. The Chairman described the action of the member as amounting to contempt of the House which the House could have condemned then and there. He further observed that the reputation of the House was sullied by such action which could not be tolerated. No action was taken against the erring member in view of the apology tendered by him.<sup>13</sup>

Yet on another occasion, a member used certain derogatory words against another member of the House which were expunged by the Deputy Chairman. The member was also alleged to have waved a shoe in the House against another member. The Chairman called the concerned member to his Chamber. In view of the denial by the member that he waved a shoe, the Chairman allowed the matter to rest there, but observed, *inter alia*:

...such lack of decorum either in speech or behaviour does credit to none. The reputation of the entire House is sullied by such actions. It is my personal request to every member of this House to carry on the work we are called upon to do by the people in a dignified and orderly manner.<sup>14</sup>

On 26 April 1988, towards the end of the sitting, a member threw a copy of the rule book and angrily walked out at the time of laying on the Table a copy of the JPC Report on Bofors. The Deputy Chairman described the member's behaviour as "most disgusting" before adjourning the House for the day. Next day, the Chairman after reading out the report of the Deputy Chairman on the incident condemned the member's conduct and observed that it was an act which was repulsive and deplorable, to say the least. No amount of provocation could justify such an unbecoming and undignified conduct. He cautioned that "an act which brought disrepute to the House would not be tolerated."<sup>15</sup>

On 3 March 2008, eight members entered the 'Well' of the House during Question Hour shouting slogans on the issue of loan waiver to farmers. That was viewed by the Chair as violation of the rules on the part of those members. Later, a Parliamentary Bulletin Part-II was issued on the same day, giving the names of erring members, and urging the members to recall the Resolution unanimously adopted by the Rajya Sabha on 1 September 1997, on the occasion of Golden Jubilee of Independence which *inter alia* stated, "That the prestige of the Parliament be preserved and enhanced, also by conscious and dignified conformity to the entire regime of Rules of Procedure and Conduct of Business of the Houses and directions of the Presiding Officers relating to orderly conduct of business, more especially by maintaining the inviolability of the Question Hour, refraining from transgressing into the official areas of the House, or from any shouting of slogans," Attention of members was also invited to rule 235 of the Rules of Procedure and Conduct of Business in the Council of States, which deals with rules to be observed in the Council. The members were requested to scrupulously observe those rules of behaviour.<sup>16</sup> However, the said para in the Bulletin was later expunged by another para in Parliamentary Bulletin Part-II dated 5 March 2008 in view of the regret expressed by the party leader of the erring members and accepted by the Chairman.<sup>17</sup>

The 230<sup>th</sup> Session, held in two parts from 5 to 18 December 2013 and 5 to 21 February 2014, was marred by continuous disruptions when several members came to the Well of the House, shouted slogans and displayed banners in gross violation of the rules of procedure and parliamentary etiquette. As a result, Question Hour could not be conducted throughout the Session and not even a single question could be answered orally. On many days, the Chair was forced to repeatedly adjourn the House. The Chairman (Shri M. Hamid Ansari) during the second part of the 230<sup>th</sup> Session on 7 February 2014 *inter alia* observed:

"Hon'ble members, for several days, now, we have been in a situation of being forced to witness deviations from the decorum of the House by people coming into the Well and shouting slogans. I wish to inform the Hon'ble members that this will precisely be reflected in the proceedings of the House."

Accordingly, the names of members, who from time to time, indulged in gross disorderly conduct in violation of rules and etiquette of the Rajya Sabha by entering the Well of the House and persistently and wilfully obstructed the proceedings of the House, were published on a daily basis in Parliamentary Bulletin Part-I.<sup>18</sup>

During the 230<sup>th</sup> Session, a member disrupted persistently the proceedings of the House by coming into the Well of the House and shouted slogans opposing the passing of the Andhra Pradesh Reorganisation Bill, 2014. On one occasion, the member tried to snatch the copy of the Bill from the Secretary-General while the latter was reporting the message from the Lok Sabha to the House regarding passing of the said Bill by the other House. The conduct of the said member was viewed seriously and Deputy Chairman who was in the Chair observed that this might tantamount to breach of privilege of the House. Later, the member tendered his unconditional apology to all the members in the House and also submitted his written apology in this regard. The member also expressed regret for the inconvenience caused to the officers and staff of the Secretariat. The matter was thereafter closed.<sup>19</sup>

### Withdrawal from the House

The Chairman may direct any member whose conduct is grossly disorderly to withdraw from the House immediately.<sup>20</sup> There have been instances in the Rajya Sabha when members have been directed to withdraw for disorderly behaviour:

When during Question Hour a member went on interrupting the House and said that he would not keep quiet and would raise his voice, the Chairman directed him to withdraw as his conduct was, in the opinion of the Chairman, grossly disorderly. When the member persisted, the Chairman said that he would have to name the member whereupon the member withdrew.<sup>21</sup>

On 25 July 1989, during the Question Hour, a member was physically prevented from putting a supplementary question by another member. The Chairman remarked, "No manhandling of any member by anybody is permitted."<sup>22</sup> The matter was raised during zero hour on 27 July 1989. Some members wanted that the erring member should apologise to the House. The member concerned explained that he had already regretted the incident in the Chairman's room and would not regret again on the floor of the House. Thereupon, the Deputy Chairman observed that if the member did not regret, he should not sit in the House. The member thereafter withdrew from the House.<sup>23</sup>

When during Question Hour, a member went on disrupting the proceedings of the House in violation of the rules despite repeated

requests from the Chairman to desist from such behaviour, the Chairman observed that he would have to invoke rule 255 of the Rules of Procedure and Conduct of Business in the Council of States. The Chairman invoked the said rule directing that this should be on record.<sup>24</sup>

On 26, 27 August and 2 September 2013, the Deputy Chairman, under rule 255, directed two members to withdraw immediately from the House. Thereafter, the said members withdrew from the House.<sup>25</sup>

## Suspension

The Chairman may, if he 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.<sup>26</sup> If a member is so named by the Chairman, a motion is moved and adopted by the House for 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.<sup>27</sup> A few instances when members have been suspended are mentioned below:

Shri Godey Murahari was suspended for the remainder of the session on 3 September 1962. He was removed by the Marshal of the House.<sup>28</sup>

Shri Bhupesh Gupta and Shri Godey Murahari were suspended for the rest of the day on 10 September 1966, which was the last day of the 57<sup>th</sup> Session of the Rajya Sabha. Two separate motions were moved by the Chief Government Whip (Shri R.S. Doogar).<sup>29</sup>

Shri Raj Narain and Shri Godey Murahari were suspended for one week by two separate motions moved on 25 July 1966, by the Leader of the House (Shri M. C. Chagla) and adopted by the House. After they refused to withdraw, they were removed by the Marshal of the House. Next day, the Chairman expressed his distress and leaders of parties expressed their regret at the incident.<sup>30</sup>

The Leader of the House (Shri M. C. Chagla) moved a motion on 16 November 1966, for suspension of Shri B.N. Mandal for a period of ten days. Later on, the member withdrew and the Leader of the House also withdrew the motion.<sup>31</sup>

The Leader of the House (Shri Jaisukhlal Hathi) moved a motion on 14 December 1967, for suspension of Shri Raj Narain for the rest of the session. The motion was adopted but the member did not withdraw. The House was adjourned for lunch-recess. When the House reassembled, the member continued to sit in the House. A motion was moved by a member that the House be adjourned for ten minutes. It was accordingly adjourned. After the House reassembled, upon a motion moved and adopted, the suspension of the member was terminated.<sup>32</sup>

The Minister of Parliamentary Affairs (Shri Om Mehta) moved a motion on 12 August 1971, for the suspension of Shri Raj Narain for the remainder of the session. The motion was adopted. Shri Raj Narain, on refusing to withdraw, was removed by the Marshal of the House.<sup>33</sup>

The Minister of State in the Department of Parliamentary Affairs moved a motion for the suspension of Shri Raj Narain on 24 July 1974, for the remainder of the session. The motion was adopted. He refused to leave the House. The Marshal of the House was called and the member was removed. Thereafter, the House discussed the matter and at the end, the Minister moved the following motion which was adopted:

“That Shri Raj Narain be suspended from the service of the House for the rest of the day and his suspension for the remainder of the session as resolved earlier by the House, be terminated.”

Next day, Shri Raj Narain was permitted to make a statement on the incident.<sup>34</sup>

The Minister of State in the Ministry of Parliamentary Affairs (Shri M. M. Jacob) moved the following motion on 29 July 1987:

The hon'ble member Shri Puttapaga Radhakrishna has violated the rules of this House by exhibiting derogatory remarks written on a piece of paper which is contempt of this House and the House unanimously resolves that he may be suspended for a week from the House.

The motion was adopted. The member, however, continued to sit. The House was, therefore, adjourned for an hour and then for the rest of the day.<sup>35</sup>

Consequent upon the acceptance of the recommendation of the Committee on Ethics as contained in its Fifth Report, Dr. Chhatrapal Singh Lodha was suspended from the House on grounds of having been caught on tape accepting money for asking questions, pending the presentation of the final report of the Committee.<sup>36</sup>

The Minister of State in the Ministry of Parliamentary Affairs (Shri Prithviraj Chavan) moved a motion on 9 March 2010 for suspension of seven members, namely Shri Kamal Akhtar, Shri Veer Pal Singh Yadav, Dr. Ejaz Ali, Shri Sabir Ali, Shri Subhash Prasad Yadav, Shri Amir Alam Khan and Shri Nand Kishore Yadav for the remaining part of the session. The motion was adopted by the House. Accordingly, the said members were suspended from the service of the House for the remaining part of the 219<sup>th</sup> Session, *i.e.* from 9 March to 7 May 2010.<sup>37</sup> Those members were also evicted from the House by the Parliament Security Service on the instructions of the Chair when they refused to

leave the House and squatted on its floor and continued to disrupt the proceedings. Later, however, the Minister of Parliamentary Affairs (Shri Pawan Kumar Bansal) moved a motion on 15 March 2010 to terminate the suspension of four members namely, Shri Veer Pal Singh Yadav, Shri Kamal Akhtar, Shri Nand Kishore Yadav and Shri Amir Alam Khan from the services of the House w.e.f. 9 March 2010 for the remaining part of the 219<sup>th</sup> Session. The motion was adopted by the House.<sup>38</sup> Subsequently, on two motions moved by the Minister of State in the Ministry of Parliamentary Affairs (Shri Prithviraj Chavan) and adopted by the House, the suspension of Shri Sabir Ali and Shri Subhash Prasad Yadav was terminated on 23 April and 28 April 2010 respectively.<sup>39</sup> The suspension of Dr. Ejaz Ali, however, continued till the end of the session.

## Expulsion

In an extreme case of misconduct, the House may expel a member from the House. As observed by May, “The expulsion by the House of Commons of one of its Members may be regarded as an example of the House’s power to regulate its own constitution, though it is, for convenience, treated here as one of the methods of punishment at the disposal of the House. Members have been expelled for a wide variety of causes”.<sup>40</sup>

There have been three instances of expulsion of members of the Rajya Sabha.

Shri Subramanian Swamy was expelled on 15 November 1976 on the basis of the Report of the Committee appointed to investigate his conduct and activities. The Committee found his conduct derogatory to the dignity of the House and its members and inconsistent with the standards which the House expects from its members.<sup>41</sup>

Dr. Chhatrapal Singh Lodha was expelled on 23 December 2005, for his conduct being derogatory to the dignity of the House and inconsistent with the Code of Conduct, consequent on the adoption of a motion by the House agreeing with the recommendation contained in the Seventh Report of the Committee on Ethics.<sup>42</sup>

Dr. Swami Sakshi Ji Maharaj was expelled on 21 March 2006, for his gross misconduct which brought the House and its members into disrepute and contravened the Code of Conduct for members of Rajya Sabha, consequent on the adoption of a motion by the House agreeing with the recommendation of the Committee on Ethics contained in its Eighth Report.<sup>43</sup>

## Customs and Conventions

A member elected for the first time has to make himself familiar with certain parliamentary customs and conventions which are

well-established. Some such customs and conventions (which may not be taken as exhaustive) are mentioned below:

Before making and subscribing the oath or affirmation, it is customary for members to call on the Chairman. The calling on is arranged by the Table Office or the Notice Office who also advise members on the procedure for making and subscribing the oath or affirmation and the papers to be submitted by them.<sup>44</sup> Members have also to deposit in the Table Office the Certificate of their election issued by the Returning Officer and furnish information regarding their political affiliation in the prescribed form under the Tenth Schedule to the Constitution. For other information and matters concerning their membership or parliamentary business, members can contact the Rajya Sabha Notice Office.

Every member should, while coming to the House for a sitting, bring with him/her the Identity Card issued to him/her by the Rajya Sabha Secretariat so that the security staff on duty in the precincts of the Parliament House may let him/her in without hindrance, the security staff have strict orders not to allow strangers into the Parliament House; it is also not always easy for the staff to get acquainted with the names and appearances of a large number of members.<sup>45</sup>

Before entering the House, a member has to record his/her presence every day in the Attendance Register which is placed on a rostrum in the Lobby.<sup>46</sup>

During the sittings of the House, a member may receive a slip or slips intimating about that a visitor wishes to see him/her. Arrangements have been made for members to meet such visitors in the Reception Office adjacent to the Parliament House Building.<sup>47</sup>

A member should say or do nothing on the floor of the House that is not warranted by the Rules of Procedure, rulings or precedents or by the accepted and established customs, conventions and usages of the House.<sup>48</sup>

If members are in possession of confidential information owing to their being Members of Parliament or Members of Parliamentary Committees, they should not disclose such information for advancing their personal interests.<sup>49</sup>

Members should desist from giving certificates to individuals and institutions of which they have no personal knowledge and are not based on facts.<sup>50</sup>

A notice for raising a matter in the House should not be given publicity by any member or other person until it has been admitted by the Chairman and circulated to members.<sup>51</sup>

Rulings are given by the Chair according to precedents of the House and where there is no precedent, the usual parliamentary practice is followed. Rulings given by the Chair should not be criticised directly or indirectly inside or outside the House.<sup>52</sup>

When a member questioned the decision of the Chairman in rejecting a calling attention notice, the Chairman ruled, "...according to the practice which prevails in this House, any hon'ble member who wishes to say something about the ruling or decision of the Chair, should meet the Chairman in his Chamber. His ruling cannot be contested or his decision cannot be contested on the floor of the House."<sup>53</sup>

On 25 February 1970, certain remarks made by a member against the Supreme Court were expunged by the Chair. Next day, the member raised the matter in the House. Some other members also participated in the discussion. The Deputy Chairman made the following observation:

...It is rather an unfortunate thing that this has been discussed in this House... If at all any person feels aggrieved by any ruling given by the Presiding Officer, the normal course would be for him to approach the Chairman and, in consultation with the Presiding Officer at that time, to discuss the whole matter and to get it settled. It is not desirable that the rulings of the Presiding Officers should be discussed in this House. I hope this will not be treated as a precedent but only as a sort of exception. I hope no such ruling would be debated and discussed in this House in future.<sup>54</sup>

The decorum and the seriousness of the proceedings of the House require that there should be no "Thanks", "Thank you", "*Jai Hind*", "*Bande Mataram*" or any other slogans raised in the House. The proceedings of the House do not record any "Applause" or "Cheers" or "Laughter" made in the House.<sup>55</sup>

Matters pertaining to the Rajya Sabha/Lok Sabha Secretariats, their working, or the functioning of the Chairman, Rajya Sabha/Speaker, Lok Sabha, should not be mentioned on the floor of the House. Questions pertaining to them are not admitted or answered on the floor of the House nor are the budget estimates of the Rajya Sabha/Lok Sabha Secretariat's discussed either in the House or any Committee. It is also not proper to refer to or mention about officers of either House in debates.<sup>56</sup>

When a member made certain remarks about the Secretariat with regard to admission of certain questions, some members objected to the same as being derogatory. The Deputy Chairman observed that no aspersions should be cast on the Secretariat on the floor of the House.<sup>57</sup>

A member while speaking on the Appropriation (No. 2) Bill, 1968, suggested that officers of the Rajya Sabha Secretariat should be transferred after every three years. If they stayed longer than three years in one place, a certain amount of vested interest was being created, this did not make either for impartiality or objectivity or fair play. Next day, the Chairman made the following observation:

I was unhappy to see in yesterday's proceedings certain references made by one of the members to the Secretariats of the Rajya Sabha and the Lok Sabha. It is a well known convention that ordinarily no reference to the Secretariat of a House of Parliament or its officers is made on the floor of the House. If any member has any grievance against any particular officer or anything done in the Secretariat, the proper course for that member is to approach the Presiding Officer in his Chamber. Members should remember that officers of the Secretariat perform a very difficult and sometimes delicate job, because they have to deal with members belonging to all parties and groups and it is expected of them that they will discharge their duties without fear or favour. In any case, a member, if he has any complaint, must invariably seek his remedy in the Presiding Officer's Chamber, as the Presiding Officer is responsible for all actions of the Secretariat.<sup>58</sup>

On another occasion, in respect of a calling attention notice, a member stated that the Secretariat had become a super cabinet.<sup>59</sup>

On 19 August 1968, the Chairman gave a ruling regarding admission of calling attention notices and made the following observation in respect of the reference to the Secretariat:

...It is unfortunate that some members should have made references to the Secretariat in this connection... members should remember that the officers of the Secretariat perform a very difficult and sometimes delicate job, because they have to deal with members belonging to all parties and groups and it is expected of them that they will discharge their duties without fear or favour. It will not be conducive to the efficient and independent functioning of the Secretariat if members start attributing motives to it or make allegations against it on the floor of the House.<sup>60</sup>

On an occasion when a member wanted to raise a matter regarding an article published in a newspaper about the procedure being followed in the Secretariat (perhaps regarding admission of notices) the Deputy Chairman invited the attention to the convention that the procedure or the activities or work done by the Rajya Sabha Secretariat had never been discussed on the floor of the House.<sup>61</sup>

A member while participating in the discussion on the Administrative Tribunals (Amendment) Bill, 1986, referred to the appointment of an

I.A.S. Officer made by the Chairman in the Secretariat.<sup>62</sup> He expunged those portions and gave a ruling next day inviting attention of the House to the well-established convention that matters pertaining to the Secretariat and the functioning of the Chairman and reference to officials of the Secretariat in the debates were not proper. He implored upon the House to adhere to this convention so that the House was able to secure the services of the officials in the Secretariat impartially and without fear or favour.<sup>63</sup>

During the course of a special mention on 30 April 1992, regarding educational and allied problems of minorities, a member mentioned a case of an alleged injustice to an employee in the Lok Sabha Secretariat. The remarks went unnoticed that day. Subsequently, on the attention being drawn to this, the Chairman ordered the expunction of the remarks and the member was informed accordingly.<sup>64</sup>

### Rules to be observed in the House

While the House is sitting, members are expected to observe certain rules of parliamentary etiquette. Some of the important rules are as follows:

Members should be present in the House a few minutes before the scheduled time of the commencement of the sitting which is ordinarily 11.00 a.m. At the appointed time, the Marshal announces the arrival of the Chairman, whereupon the Chairman immediately enters the Chamber. Members should stop all conversation, be in their seats and rise in their places. Members who enter the House at that time should stand silently in the gangway till the Chairman takes the Chair and thereafter they should go to their seats.<sup>65</sup>

Every member should enter and leave the Chamber with decorum and in such a manner as not to disturb the proceedings of the House. During a sitting, a member may, if he/she requires, go out by a door of the Chamber close to his seat without causing any disturbance to the House. Members should not so converse amongst themselves in the House as to disturb the proceedings of the House. Such talks, though not very audible at distance, yet considerably cause disturbance due to special and sophisticated sound arrangements in the Chamber.<sup>66</sup> Also, while in the Lobby, members should conduct in a manner and converse with each other in a subdued tone to avoid disturbance to proceedings of the House.<sup>67</sup>

During a discussion on a calling attention, when some cross-talk was going on between some members, the Deputy Chairman observed:

“Cross-talks and whisperings will not go on record... unless they have to form part of the proceedings.”<sup>68</sup>

While entering or leaving the House and also when taking or leaving his/her seat every member should bow to the Chair.<sup>69</sup> Such bowing symbolises the respect to the whole House and not to any occupant of the Chair only.

A member should not pass between the Chair and other member who is then speaking.<sup>70</sup>

On 9 August 1952, a member, *inter alia*, said, "Everyday I am seeing the sergeants (staff) almost crawling on the floor when they approach some hon'ble members or Secretary." The Chairman observed, "They do not want to come between the Chair and the speaker."<sup>71</sup>

A member should not sit or stand with his/her back to the Chair.<sup>72</sup> This is considered disrespectful and whenever it is brought to the notice of the Chair the member concerned is instantly checked.

On an occasion, the Prime Minister, Shri Jawaharlal Nehru, was talking to his colleague Shrimati Lakshmi Menon at her seat in the House, in a manner that the Chairman noticed his back. With firmness Chairman (Dr. S. Radhakrishnan) said, "Mr. Prime Minister, what are you doing?" The Prime Minister realised, walked back to his seat and apologised.<sup>73</sup>

On an occasion, the Chairman requested Shri Pilloo Mody, (rather a fat member) not to turn his back to the Chair. The member saying that he did not mean any offence explained in good humour, that he had certain physical disabilities and one of them was that "the eyes are located on one side of my body only."<sup>74</sup> On another occasion when a member pointed out that Shri Mody was standing with his back to the Chair, Shri Mody again said, "You know I am round; I have no back and no front."<sup>75</sup>

On another occasion, the Chairman noticing a member's back (addressing the member) remarked: "... you are too handsome, do not show your back."<sup>76</sup>

A member, in his seat, should not read any newspaper, periodical, book or letter, except in connection with, or necessary for, the business of the House.<sup>77</sup>

When a member drew the Chairman's attention to the fact that some member was reading newspaper in the House, the Chairman observed:

I think it is very improper and very discourteous to the House, not to say to the Chair, to read newspaper in the House.

When another member contended that it might be in connection with a particular subject, the Chairman further observed, "He cannot hold it and read it like that...He can refer to that."<sup>78</sup>

A member is not to interrupt or obstruct any member who is speaking, by disorderly expression, hissing, making running commentaries or other interruptions or noises or in any other disorderly manner.<sup>79</sup> He should maintain silence when not speaking in the House.<sup>80</sup>

When a member wants to speak he should rise in his place to attract the attention of the Chair. No member should speak unless he/she has caught the 'eye' of the Chair and has been identified by the Chair by name or by a sign to speak.<sup>81</sup>

On an occasion when a member was trying to interrupt the Leader of the House frequently while he was speaking, the Deputy Chairman observed:

I find that there is a tendency to speak even before catching the eye of the Chair. That is not contemplated by the rules. No member can make a speech before he catches the eye of the Chairman. Let there be no interruption from anyone before catching the eye of the Chair. Let the member first catch the eye of the Chair and then begin to speak.<sup>82</sup>

No member should argue with another member when the latter is speaking. He/she may, however, ask through the Chair, questions with a view to obtaining information from the member who is speaking. But a member who is addressing the House with the permission of the Chair should not be interrupted by another member persistently. It is open to the former not to give way or yield but go on with his speech if the interruption is not for raising a point of order with the permission of the Chair.<sup>83</sup>

A member should speak only from the seat allotted to him. When a member is not sitting in his own seat, he may not be called to ask a supplementary question or to speak.<sup>84</sup>

During Question Hour, on an occasion, several members were found to be putting questions from seats other than those allotted to them. The Deputy Chairman requested that during Question Hour each member should be in his allotted seat.<sup>85</sup> On another occasion, when a member who was sitting in another member's seat was trying repeatedly to intervene, the Deputy Chairman reminded the member that he was not in his seat.<sup>86</sup>

However, if a member speaking from his place is inaudible to the reporters, he may be permitted by the Chair to speak from a seat near the microphone.

On an occasion, the Deputy Chairman asked a member to come near the mike and speak. Another member raised a point of order that the

member was not speaking from his designated seat and that by leaving his seat and coming nearer the mike, the concerned member had shown disrespect to the House. The Deputy Chairman, while overruling the point of order, explained that he had permitted the member to speak from another seat because the reporters could not hear him from his seat and observed:

“...On several other occasions, people have been permitted to come near the mike from their seats...so that the reporters can hear them properly and take down. Even if a seat is not the seat of a particular member, it is up to the discretion of the Chair to allow him to speak from there. Sometimes, some members have been allowed to speak even while sitting also.”<sup>87</sup>

No member should raise in the House the subject-matter of a notice or communication sent by him to the Chairman unless he has been specifically permitted by the Chairman to do so. If no intimation has been received by the member, he should presume that the matter is either under the consideration of the Chairman or it has been disallowed by him.<sup>88</sup>

Members should not leave the House immediately after they finish their speeches. Courtesy to the House requires that after finishing their speeches they resume their seats and leave the House only afterwards, if necessary.<sup>89</sup>

When any member offers a criticism of another member or Minister, the latter is entitled to expect that the member criticising should be present in the House to hear his reply.<sup>90</sup>

In the course of his ruling regarding permission sought by a member to make a statement of personal explanation, the Chairman observed at the end:

I would also like to add that normally members who participate in debates and make criticisms of Government should be present in the House to listen to the replies to their criticisms so that occasions for personal explanation/statements...may not arise in future.<sup>91</sup>

No member should speak to the Gallery from inside the House, nor should he/she make any reference or appeal to it. Applause for any person sitting in the Gallery is out of order.<sup>92</sup> However, whenever the Chairman makes a reference to the presence of distinguished foreign visitors in the Special Box of the House, members do cheer those visitors by thumping their desks.

In the midst of discussion on a Bill, a member raised a point of order whether it was open to a member of the House to go to a visitors'

gallery and watch the proceedings from that place. Before the House adjourned for the day, the Deputy Chairman observed that although it was the custom for members to visit various galleries, it was not in order for a member to retain a seat in the gallery to the exclusion of, or on behalf of, a holder of a card for that gallery.<sup>93</sup>

A statement made by a Minister from the records in his possession should be accepted as correct, unless a point is deliberately raised to challenge it.<sup>94</sup>

If any statement is imputed to another member and the latter says that he did not make that statement the contradiction should be accepted without demur.<sup>95</sup>

Entering the House with coat hanging on the arm is improper and against the decorum of the House.<sup>96</sup>

Members should not stand in the passage of the Chamber. They must either sit down or go out.<sup>97</sup>

Members are forbidden to smoke in the Chamber. With the enactment of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 and the rules framed thereunder, smoking stands banned in public places. The provisions of the Act are also applicable to Parliament House Complex including Central Hall, Lobbies and corridors of the Rajya Sabha and Refreshment Room.<sup>98</sup> Smoking in any part of Parliament Library and taking of meals and/refreshments in the Reading Rooms are strictly prohibited.<sup>99</sup>

On an occasion, a member referred to the Parliamentary Bulletin instructing members regarding not throwing the cigarette ends on the floor, etc. The member considered the Bulletin as disrespect to the members. He stated that when smoking was not allowed in the Chamber, there was no need to put such a thing in a Parliamentary Bulletin. The Chairman saying that time should not be wasted over cigarette ends, observed, "There must have been cigarette ends found before a reference was made to them. We have not mentioned corpses, we have not mentioned dead stock because they have not been found."<sup>100</sup>

Two members should not keep standing at the same time.<sup>101</sup>

When a member is making a maiden speech, *i.e.*, when he is making a speech for the first time in the House he should not be interrupted.<sup>102</sup>

It has, however, been observed that sometimes a member making his or her maiden speech goes beyond the normally expected time and at times speaks beyond the scope of the matter under discussion.

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Hon'ble Chairman has directed that a member making his/her maiden speech should do so in a manner that does not impinge on time management for the scheduled business of the day and should not exceed 15-20 minutes.<sup>103</sup>

Members should not, as far as possible, approach the Chair personally in the House. They may send chits to him, if necessary.<sup>104</sup>

While the discussion on a calling attention was going on, a member walked upto the Chairman to say something. The Chairman observed:

I would like hon'ble members, I would beg of them, not to come to me while the debate is going on. I am sorry for that. My attention is completely diverted...and it is a disadvantage to the House.<sup>105</sup>

The Chairman reiterated this after a couple of days when another member approached him.<sup>106</sup>

Members should not distribute within the precincts of the Parliament House, any literature, questionnaire or pamphlets, etc., unless prior permission has been obtained from the Chairman in writing in advance.<sup>107</sup>

On 13 September 1963, when the House reassembled immediately after the lunch recess, the Deputy Chairman made the following observation:

My attention has been drawn to the fact that on every seat a leaflet was put this afternoon. I think every hon'ble member knows the well-established convention in this House that nothing should be distributed in this House without the prior permission of the Chairman, whether it be a pamphlet, questionnaire or any other kind of paper. I do hope every hon'ble member will follow this well-established convention and whoever has done it will realise that he must never do it again.<sup>108</sup>

Members should not carry walking sticks into the Chamber, unless permitted by the Chairman on health grounds.<sup>109</sup>

Members should not carry and display arms in any part of the Parliament House complex. Production of exhibits on the floor of the House is not in order.<sup>110</sup> Some instances of wearing of badges or display of material in the House are mentioned below:

On an occasion, some members came to the House with black bands around their arms as a protest against attacks on Tamilians in Sri Lanka. When a member was calling the attention to the subject, he was asked to remove the badge.<sup>111</sup>

A member was wearing a badge and said that democracy was being murdered in Andhra Pradesh. The Chairman asked him to take off the badge and observed, "Anybody sporting a badge will be asked to leave the House by me and suspended for the rest of the day...no badge will be allowed and arms bands also or any of these things. After all, we are inside the House."<sup>112</sup>

On 6 May 1985, some members came to the House with a badge of Congress Centenary Celebrations. On a point of order being raised, the Deputy Chairman asked members to remove the badges. Thereafter, some arguments ensued. The Chairman who was in his Chamber came back to the House to rule that although there was no rule prohibiting members from wearing badges, it was against the convention of the House. Thereafter, the concerned members removed the badges.<sup>113</sup>

A member came to the House with a garland of bullets when the House was to discuss Meham incident in Haryana. The Deputy Chairman asked him to remove it as it was against the convention of the House. Amidst noisy and disorderly scenes the House was adjourned for the day.<sup>114</sup>

A member tried to display a bottle of a popular brand of juice containing foreign matter. The Chairman did not allow, ruling that it was improper and if the member persisted action would be taken against him.<sup>115</sup>

However, there have been instances when members have produced or displayed exhibits in support of points they were making, such as, for instance, garland of onions,<sup>116</sup> model of Insat-1A,<sup>117</sup> small coins,<sup>118</sup> an arrow,<sup>119</sup> bloodstained clothes,<sup>120</sup> bottles of medicines,<sup>121</sup> stick (wooden piece) found in *idli*,<sup>122</sup> etc.

The Minister of Food and Civil Supplies displayed an advertisement in a newspaper wherein a man was shown drinking tea with a bitter face, to make out a point that propaganda was being carried by sugar mill owners against imported sugar which was the subject of a calling attention discussion that day.<sup>123</sup>

A member, while making a special mention about supply of poor quality of shoes to the Indian participants in Moscow Games, brought a specimen of them.<sup>124</sup> Next day under the direction of the Chairman the member apologised. The Chairman observed, "...it is against all rules and all kinds of conventions to produce a material object in the House. It was produced. You have expressed regret. The House is happy."<sup>125</sup>

Immediately after Question Hour, a member displayed some photographs of political leaders in the company of an alleged smuggler. This provoked the Deputy Chairman to remark, "This is not a picture gallery; don't bring photographs here."<sup>126</sup>

A member is not to resort to hunger strike, *dharna*, demonstration, etc. in the precincts of the Parliament House or Estate or use it for the purpose of performing any religious ceremony.<sup>127</sup>

When a member was on hunger strike in the Lobby of the House, he was removed from the Parliament House, under the orders of the Chairman who made the following observations the next day:

Now, I want to make it quite clear that Parliament is not intended for Members of Parliament to remain here during the night or to make demonstrations or “Bhukh Hartals” or for any such activities. There was one member of Lok Sabha and one member of this House.

They did not want to leave the Parliament’s precincts and the Parliament estate because they said that they wanted to stay here for the night and they wanted to have some political demonstration or “Bhukh Hartal”. Now, under my orders, when they refused to leave, they were made to leave. I want to make it clear that this has never happened in the history of Parliament that anyone was allowed to remain here during the night. This Parliament, the Parliament’s precincts and estate are intended for parliamentary work and members are entitled to remain here when the work is going on. After that they have no right to remain here.

When a member pointed out that there was a compromise between the striking member and a Minister that the members could sit in the portico of the Parliament House Building, the Chairman disclaimed any knowledge of such compromise but observed, “There cannot be any such compromise even at the instance of the Government.”

On the observations of the Chairman quoted above, when a member stated that there was no fixed hour for leaving, the Chairman stated, “There is a fixed hour, reasonable time after the sitting is over.” He clarified further, “I am the judge of what is a reasonable time.”<sup>128</sup>

Members should maintain decorum and dignity in the debates, they should not indulge in any frivolity or flippancy during debate.

During the discussion on the Budget, there were exchanges between a Minister and a member. The Chairman observed:

Our discussions should take place with dignity, decorum and even charity to our opponents and if I find that these qualities are lacking, I am sorry for the House and for myself.<sup>129</sup>

On another occasion, referring to the tone of some of the speeches made on 17 March 1961, during the discussion on the resolution

regarding 'Prohibition of marriage where the difference in age is over 15 years', the Chairman observed:

I saw the proceedings of the House yesterday and I was greatly distressed by the lack of seriousness with which many members spoke in this House. That does not add to the dignity of the speakers or the reputation of the House.<sup>130</sup>

In ordering the expunction of some portion of the proceedings of the House on 27 September 1955, the Chairman observed:

...We want to maintain the good name and dignity of this House. Every one of us is interested in that as much as I am. I do not want it to be said that sometimes these discussions suggest that we are not behaving like serious, responsible Members of Parliament but rather like irresponsible professional agitators. That impression even all members of this House to whatever side they may belong, should avoid. We must be careful and preserve our good name and our dignity. That is what I am anxious about.<sup>131</sup>

### **Rules to be observed while speaking**

When a member rises to speak, his name is called by the Chairman. If more members than one rise at the same time, the member whose name is so called is entitled to speak.<sup>132</sup>

Members desiring to participate in a debate or discussion may adopt any of the following three methods.

- (a) The names of members may be supplied to the Chairman by the parliamentary party/group.
- (b) A member can also write directly to the Chairman expressing his wish to speak in a discussion.
- (c) A member may adopt the well-known parliamentary practice of catching the Chairman's eye by rising in his place.

Lists of members who wish to participate in any debate in the House or slips from individual members in that regard should be sent to the Table and not to the Chair.

Unless a member rises in his place and catches the Chairman's eye, he is not called upon by the Chairman to speak, irrespective of whether he has sent his name through his party/group or written directly to the Chairman.

The Chairman is not bound by the lists or order in which names have been directly given by parties/groups or individual members. The lists are for the Chair's guidance only and it is always open to him to make changes therein whenever he considers it necessary.

In the case of half-an-hour discussion, clarification on *suo motu* statement of ministers or statement in response to calling attention, members wishing to seek clarifications may send their names to the Table of the House or may catch the Chairman's eye, and speak when called.

In case of short duration discussions, Bills, resolutions, etc. where time is generally fixed or allocated by the Business Advisory Committee, time is allocated party-wise in proportion to their numerical strength and members wishing to participate may send their names to the Table through the Leader/Whip of the party, for inclusion in the list of speakers of that party subject to availability of time. Members permitted may participate when called on to do so by the Chair.<sup>133</sup>

It has been found in actual practice that the Presiding Officer has difficulty in allocating and regulating the speaking-time of individual members because a full list of intending participants is not available at the commencement of a debate. To overcome this difficulty and to minimise reminders from the Chair, it has been decided to request members who wish to speak in a debate to give their names to the Table Office no later than 30 minutes prior to the commencement of a debate.<sup>134</sup>

When speaking, members are to speak from their seats and rise while speaking and address the Chairman. A member disabled by sickness or infirmity is, however, permitted to speak while sitting.<sup>135</sup>

Before the Minister for Home Affairs (Shri Govind Ballabh Pant) moved a Motion for reference of the Constitution (Fourth Amendment) Bill, 1954, to a Joint Committee, the Chairman suggested to him that if it was more convenient to him to sit down and speak, with the permission of the House, he might do so. He accordingly did so thanking the Chairman and members for permitting him to speak while sitting.<sup>136</sup>

When, however, the Prime Minister, Shri Jawaharlal Nehru, who was unwell and was replying to questions in the Rajya Sabha, a member requested, through the Chairman, the Prime Minister to reply sitting and that he need not stand every time, the Prime Minister said, "Sir, I would like to preserve the decorum of the House."<sup>137</sup>

In their speeches, members cannot refer to any matter of fact on which a judicial decision is pending,<sup>138</sup> *i.e.*, a matter which is *sub-judice*.

Where a member refers to such a matter in the course of his speech, the Chair asks him not to do so or may ask him to discontinue his speech.

Members are not allowed to make personal charges against other members.<sup>139</sup>

A member made certain personal charges against the Prime Minister, Shrimati Indira Gandhi, in the course of the debate on the Appropriation Bill.<sup>140</sup> The Chairman referring to rule 238(ii) observed that he had noticed a tendency recently in the House on the part of some members to overlook this important rule. Such tendency, he said, lowered the dignity of the House and certainly did not enhance the prestige of the members of the House. He also informed that the Prime Minister in her letter to the Chairman denied the charges as utterly baseless. He, therefore, asked the member to withdraw the allegations made by him. Upon the member not agreeing to it, the Leader of the House (Shri M.C. Chagla) read out a notice of motion to refer the matter to the Committee of Privileges. The motion was discussed in the House.<sup>141</sup> Next day, on the suggestion of a member the matter was left to be disposed by the Chairman and the motion was withdrawn.<sup>142</sup> On 7 September 1966, after hearing the member who made the allegation and reiteration by the Prime Minister of her denial, the Chairman asked the member to withdraw what he had said, which the member did and thus the matter was closed.<sup>143</sup>

No member is expected to use offensive expressions about the conduct or proceedings of the Houses or any State Legislature.<sup>144</sup> Rulings by the Chair further affirm that members should not make any critical reference about debates in the Lok Sabha.

A member speaking on the motion on the international situation made some critical reference to the debate on the subject in the Lok Sabha. The Prime Minister, Shri Jawaharlal Nehru, suggested that it should not be made a practice in the Rajya Sabha to refer to the debates in the Lok Sabha, even though it might be justified technically, it was a bad practice, the Lok Sabha discussing the Rajya Sabha and the Rajya Sabha discussing the Lok Sabha leading to trouble between the two Houses. The Chairman asked the member not to refer to the Lok Sabha and stated that the reference made by the member would be expunged from the proceedings.<sup>145</sup>

A member made certain comments about the manner in which the proceedings of the U.P. Legislative Assembly were being carried on. On an objection being taken to it, the Chairman stated that he did not want the proceedings of the U.P. Assembly discussed in the House. The portions referring to the Assembly were expunged from the proceedings.<sup>146</sup>

The Minister of Home Affairs (Giani Zail Singh), while replying to the debate on the dissolution of nine State Assemblies, referred to the expulsion of Shrimati Indira Gandhi from membership of the Lok Sabha and her being sent to jail. A point of order was raised that it amounted to casting reflection on the other House which was not permissible. The Chairman clarified that the Minister was attacking the attitude of a party which worked through a particular House and was not criticising the House, but requested the Minister that whatever he wanted to say might be said without reflecting on the other House.<sup>147</sup>

Members are also not expected to cast reflections on any decision or determination of the House except on a motion for rescinding such a decision.<sup>148</sup>

Members should not make allegations against or cast aspersions on persons in high authority unless the discussion is based on a substantive motion drawn in proper terms under the Constitution.<sup>149</sup>

When certain reports of the U.P.S.C. were being taken up for discussion the Deputy Chairman clarifying its scope observed. "Under articles 317 and 318, the powers of the Government and the Commission are defined. Any action of the Government in not implementing or accepting the recommendations of the Commission is open for criticism but criticism of the recommendations made by the Commission or the actions of the Commission or of particular members of the Commission will not be relevant." In this context, he also quoted the then existing rule 200(v) [corresponding to the present rule 238(v)].<sup>150</sup>

When the Comptroller and Auditor-General (Conditions of Service) Bill, 1953 was being discussed, a member said that though the then incumbent of the office of the Comptroller and Auditor-General had discharged some of his responsibilities very well, he had failed, in spite of his independence, to control certain things. The Deputy Chairman observed:

I will not allow any reflections to be cast on the Auditor-General... He is a person of high authority removable under the Constitution. If he has failed in his duty, there are certain ways of removing him... rule 200(v) [Corresponding to the present rule 238 (v)] says that a member while speaking shall not reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms. This is not a substantive motion to criticise the Auditor-General or to remove him.<sup>151</sup>

During the course of discussion on the Report of the Comptroller and Auditor-General of India on Defence Services (paragraphs 11 and 12), laid on the Table of the House on 19 July 1989, certain critical

references were made about the Comptroller and Auditor-General by some members on 21 and 25 July 1989, which had the effect of denigrating the office and person of the Comptroller and Auditor-General. The Chairman, on a representation made to him by a former member of the Rajya Sabha, ordered expunction of objectionable<sup>152</sup> comments from the proceedings as indicated in a list kept in the Notice Office and while doing so observed on the file:

I am constrained to record my sense of distress at the nature and number of objectionable comments made during the discussion, by which neither the dignity of the House, nor of the Comptroller and Auditor-General of India, has remained unaffected. Considerations of constitutional propriety as well as parliamentary etiquette would require that all derogatory references to the Comptroller and Auditor-General of India... be expunged forthwith from the record.<sup>153</sup>

Members are also barred from bringing in the name of the President for influencing the debate.<sup>154</sup> The conduct of the President should also not be discussed in the House.

During the course of a discussion on the Finance Bill, 1970 Shri Raj Narain brought in the name of the President. The Vice-Chairman stated that the conduct of the President shall not be discussed. On this, a member tried to make a distinction between the Office of the President and his personality saying that one was free to criticise the person in his individual capacity. Disallowing it, the Vice-Chairman ruled:

So neither by the name of the President nor, so long as he is the President, by the name of Mr. Giri should we discuss his conduct. So my ruling is that such a discussion cannot be allowed.<sup>155</sup>

On 7 June 1971, Shri A.G. Kulkarni while asking a supplementary question referred to the name of the President. The Chairman observed:

President's name should not have been mentioned.<sup>156</sup>

The language which members use should be parliamentary. They should not use words or expressions which are treasonable, seditious or defamatory.<sup>157</sup>

During the discussion on the international situation, a member made certain references to the President of Pakistan. The Prime Minister, Shri Jawaharlal Nehru, objecting to it said that it would not be proper in the House for the Head of a foreign State to be mentioned in the language the member had used...there were certain proprieties which had to be observed. The Vice-Chairman observed:

There are certain rules of procedure which preclude us from referring to the Head of a neighbouring State in such terms... I hope the hon'ble member will take care and he should not use such disparaging words.

The objectionable words were expunged from the proceedings.<sup>158</sup>

Once when a member was asking about help being given to guerillas fighting in Bangladesh, equipments captured, etc. the Minister of External Affairs stated that whatever the member had stated was likely to be used against India in international forums and appealed to the member not to indulge in that sort of exercise. The Deputy Chairman observed:

When we are performing our duties in this House hon'ble members should use responsible language in the House. The paramount consideration in everybody's mind should be that we will not do anything which will do even the slightest harm to our national interests.<sup>159</sup>

Members should not use their right of speech for the purpose of obstructing the business of the House.<sup>160</sup>

Except with the prior leave of the Chair, a member is not allowed to read out a written speech though notes may be referred to.<sup>161</sup>

A member is not allowed to read the speech for another member during the latter's presence in the House.<sup>162</sup>

A member should not make a personal reference by way of imputation of motive to or questioning the *bona fides* of any member, unless it is imperatively necessary for the purpose of the debate, being itself a matter in issue or relevant thereto.<sup>163</sup>

Words containing insinuations and offensive and unparliamentary expressions should be scrupulously avoided. When the Chair holds that a particular word or expression is unparliamentary, it should be immediately withdrawn without any attempt to raise any debate over it. Words or expressions held to be unparliamentary and ordered to be expunged by the Chair are omitted from the printed debates.<sup>164</sup>

As per convention, members should not in their speeches, refer to the proceedings of or matters raised during the meetings of Consultative Committees.

While taking part in the debate on the Finance (No. 2) Bill, 1980, a member wanted to quote from a document which had been circulated to the members of the Consultative Committee of Parliament attached to the Ministry of Finance. Upon an objection being raised, the Vice-Chairman advised the member to put it in a different way without referring to the Consultative Committee. He observed:

...normally we do not refer to documents or discussions in the Consultative Committees. Therefore, without bringing the Consultative Committee on the record, you can spell out what the Finance Minister said... do not bring in the Consultative Committee.<sup>165</sup>

On 21 August 1990, the Minister of State in the Ministry of Defence (Dr. Raja Ramanna), informed the House that the Prime Minister would make a statement at 5.00 p.m. on firing on Indo-Pakistan border "because the subject is of some importance." While clarifying the use of expression "some importance" to which a member objected, he referred to the walkout of some members at a meeting of the Consultative Committee (of Defence). Member contended that as per settled convention, matters pertaining to the proceedings of the Consultative Committee were not to be mentioned in the House. There was some controversy about the matter. The Minister later apologised.<sup>166</sup>

On 27 March 1995, the Minister of Labour, in his written statement in response to a calling attention made mention about the discussions held in the meeting of the Consultative Committee of the Ministry of Labour on 14 December 1994. When objection was taken to this, nearly two paragraphs of the statement containing the references were omitted by him while making the statement.<sup>167</sup>

However, on an occasion the matter regarding the cancellation of a meeting of the Consultative Committee of the Ministry of Labour was raised in the House.<sup>168</sup>

### **Allegations against members**

No member should make any allegation of a defamatory or incriminatory nature against any other member or a member of the Lok Sabha unless the member making the allegation has given previous intimation to the Chairman and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply. The Chairman may at any time prohibit the member from making the allegation if he is of the opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such an allegation.<sup>169</sup>

During the course of a calling attention a member mentioned that three persons whose names were given and one Member of Parliament had cornered the quota of yarn. Next day, he expressed regret for this, saying, "I have not done so in my career of 15 years as an M.P. I am immune as an M.P. and I have misused my privilege."<sup>170</sup>

### **Questions to be asked through the Chair**

If a member desires to make an observation on a matter before the House or to ask a question of another member either to obtain clarification

or for the purpose of any elucidation or explanation about a matter which is under consideration of the House, he has to do so through the Chair.<sup>171</sup>

A member must not address individual members of the House while speaking, but he should always address the Chair and make all remarks to other members through the Chair. It is desirable that as far as practicable, a member should not be referred to by name, but in some other suitable way, e.g., “the member who has last spoken”, “the member representing such and such State”, “the member from...” etc. If necessary, full name may be used. Similarly, Ministers should be referred to by their specific designations and not by name.<sup>172</sup>

### **Irrelevance or repetition**

If the Chairman feels that a member while speaking is indulging in persistent irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, he may direct the member to discontinue his speech.<sup>173</sup>

When a member was speaking, the Deputy Chairman repeatedly warned him to be relevant to the subject matter of the calling attention. When the member persisted in speaking on issues not relevant, the Chair ordered that the rest of the member’s speech would go off the record. Some members took exception to the Chair’s order. The Deputy Chairman in his support, cited rule 259 (Chairman to preserve order and enforce decisions). This was also disputed by a member. Another member observed that this power should be used only in extreme cases. The Deputy Chairman, while giving his ruling observed that the Chair could exercise this power if in spite of three or four warnings a member persisted in making irrelevant remarks during his speech. Otherwise, it would become impossible to conduct the proceedings of the House. In conclusion he observed, “But there is some amount of discipline which members should also observe. Then this occasion will never arise.”<sup>174</sup>

### **Procedure when Chairperson rises**

Whenever the Chairperson rises to address the House, members ought to hear him in silence and any member who is then speaking or offering to speak is required to sit down. No member should leave his/her seat while the Chairman is addressing the House.<sup>175</sup>

It is a well-known and recognised parliamentary convention that every member should resume his/her seat as soon as the Chairman enters to preside or rises to speak, or calls out “order”.<sup>176</sup> It follows that members should not raise a point of order when the Chairman is addressing.

When a member sought to raise a question of privilege, the Deputy Chairman stood up to say that the facts presented by the member in the House had already been presented to the Chair in the Chamber. At that stage when many members stood up to speak all at once, the Deputy Chairman rose and said, "... I think this is very indecorous. When the Chair stands, I think, in courtesy to the Chair, every member should take his seat. I hope such thing like this will never recur in this House."<sup>177</sup>

On an occasion, when several members stood up and Chairman's request to them to resume their seats went unheeded, the Chairman stood up and observed, "If an hon'ble member speaks when I am standing, my instructions to the reporters are to completely black out what he says."<sup>178</sup>

### **Members having personal interest in a matter before the House and its Committees**

Whenever a member has a personal or specific pecuniary interest (direct or indirect) in a matter being considered by the House or a Committee, he shall declare the nature of such interest notwithstanding any registration of his interests in the Register, and shall not participate in any debate taking place in the House or its Committees before making such declaration.

On a division in the House if the vote of a member is challenged on the ground of personal, pecuniary or direct interest in the matter to be decided, the Chairman may, if he considers necessary, call upon the member making the challenge to state precisely the grounds of his objection, and the member whose vote has been challenged shall state his case, and the Chairman shall then decide whether the vote of the member should be disallowed or not and his decision shall be final.<sup>179</sup>

The Committee on Ethics in its Fourth Report presented to Rajya Sabha on 14 March 2005 and adopted by the House on 20 April 2005, identified five pecuniary interests, viz. (i) Remunerative Directorship; (ii) Regular Remunerated Activity; (iii) Shareholding of Controlling Nature; (iv) Paid Consultancy; and (v) Professional Engagement. Members are required to furnish information on these five pecuniary interests, which is maintained in the "Register of Members' Interests" as provided under rule 293 of the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha). As per rule 293, there shall be maintained a "Register of Members' Interest" in such form as may be determined by the Committee

which shall be available to members for inspection on request; the register shall be maintained under the authority of the Council; and information contained in the Register may be given to the general public in accordance with such rules and procedures as may be determined by the Committee from time to time.<sup>180</sup>

It may be mentioned that even prior to the framing of specific rules relating to the members' interests, a healthy parliamentary convention was prevalent in the House. Before participating in a discussion, a member would declare his personal, pecuniary or direct interest in a matter before the House or a committee.

The Committee of Privileges had under its consideration a complaint of breach of privilege against a journal, for which a notice was given by a member. On his own request, the Committee agreed that as the offending remarks made personal references to the member, it would not be proper for him to take part in the deliberations of the Committee as a member thereof.<sup>181</sup>

Again, when the Committee of Privileges was considering a complaint of breach of privilege arising out of a press release of a company, at the outset, a member of the Committee stated that as he had been associated with a number of legal cases where that company was involved, it would not be proper for him to take part in the deliberations of the Committee as member thereof. He, therefore, withdrew from the meeting of the Committee with its permission.<sup>182</sup>

A member disclosed at the beginning of his speech during the short duration discussion on JPC Report on Securities Scam on 30 December 1993, that he was professionally associated with the main accused involved in the scam and would subject himself to a voluntary restraint of not commenting on that portion of the controversy which had anything to do with the accused. There upon the Chair ruled:

“A member having a personal pecuniary or direct interest on a matter before the House, is required, while taking part in the proceedings on that matter to declare the nature of that interest”.<sup>183</sup>

On 31 August 2001, the Chairman made a ruling in the House on the issue relating to a pecuniary or other interest of a member while participating in the debates in the House. The Chairman ruled:

“While it is true that there is no rule at present which prohibits a member of this House from speaking on a subject of public interest merely because it affects the case of a person who is the member's client in that or another matter, the question is ultimately one of propriety, and I think that the House will agree with me that this has to be left to the good sense of the member concerned”.<sup>184</sup>

Therefore, declaration of direct, indirect or specific pecuniary interest in a matter before the House by the members was accepted as a reasonable practice in the absence of any rules in this regard. This aspect was also highlighted by the Second Report of the Ethics Committee of Rajya Sabha. Para 6 of the Report says:

There are occasions when a member may have direct, indirect or specific pecuniary interest in a matter being considered by the House or a Committee thereof. In such a case, he may declare the nature of such interest notwithstanding any registration of his interests in the Register and desist from participating in any such debate or vote taking place in the House or its Committees before making such declaration.<sup>185</sup>

### **Code of Conduct for Members**

The Committee on Ethics in its First Report presented to the Rajya Sabha on 8 December 1998 and adopted by it on 15 December 1999, after having deliberated on the Code of Conduct for Members at length, came to a definite conclusion that a framework of Code of Conduct be prepared for the Members of Rajya Sabha. The Committee in its Fourth Report also considered the Code of Conduct for Members and was of the view that the Code enumerated in the First Report was quite comprehensive. The Committee, however, felt the need to reiterate the same for information and compliance of the members. The Fourth Report of the Committee was presented to the Rajya Sabha on 14 March 2005 and adopted by it on 20 April 2005. Keeping in view the special needs and circumstances which obtain in our country, the Committee recommended the following framework of a Code of Conduct for Members of Rajya Sabha:<sup>186</sup>

The members of the Rajya Sabha should acknowledge their responsibility to maintain the public trust reposed in them and should work diligently to discharge their mandate for the common good of the people. They must hold in high esteem the Constitution, the law, parliamentary institutions and above all the general public. They should constantly strive to translate the ideals laid down in the Preamble to the Constitution into a reality. The following are the principles which they should abide by in their dealings:

- (i) Members must not do anything that brings disrepute to the Parliament and affects their credibility.
- (ii) Members must utilise their position as Members of Parliament to advance general well-being of the people.

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- (iii) In their dealings if members find that there is a conflict between their personal interests and the public trust which they hold, they should resolve such a conflict in a manner that their private interests are subordinated to the duty of their public office.
  - (iv) Members should always see that their private financial interests and those of the members of their immediate family\* do not come in conflict with the public interest and if any such conflict ever arises, they should try to resolve such a conflict in a manner that the public interest is not jeopardised.
  - (v) Members should never expect or accept any fee, remuneration or benefit for a vote given or not given by them on the floor of the House, for introducing a Bill, for moving a resolution or desisting from moving a resolution, putting a question or abstaining from asking a question or participating in the deliberations of the House or a parliamentary committee.
  - (vi) Members should not take a gift which may interfere with honest and impartial discharge of their official duties. They may, however, accept incidental gifts or inexpensive mementoes and customary hospitality.
  - (vii) Members holding public offices should use public resources in such a manner as may lead to public good.
  - (viii) If members are in possession of confidential information owing to their being Members of Parliament or members of parliamentary committees, they should not disclose such information for advancing their personal interests.
  - (ix) Members should desist from giving certificates to individuals and institutions of which they have no personal knowledge and are not based on facts.
  - (x) Members should not lend ready support to any cause of which they have no or little knowledge.
  - (xi) Members should not misuse the facilities and amenities made available to them.
  - (xii) Members should not be disrespectful to any religion and work for the promotion of secular values.
  - (xiii) Members should keep uppermost in their mind the fundamental duties listed in Part-IVA of the Constitution.
  - (xiv) Members are expected to maintain high standards of morality, dignity, decency and values in public life.

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\*Immediate family includes spouse, dependent daughters and dependent sons.

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