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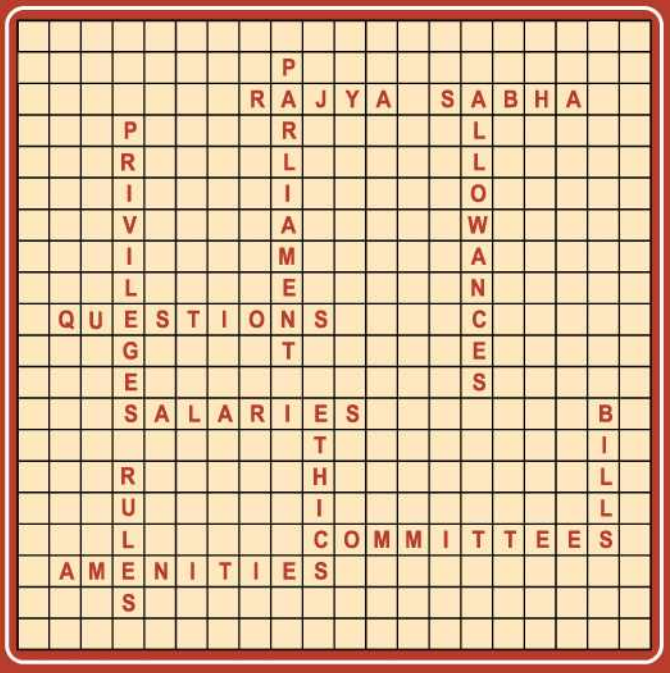
सत्यमेव जयते

PARLIAMENT OF INDIA
RAJYA SABHA



MEMBERS – DOS & DON'TS

भारतीय संसद, राज्य सभा

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PREFACE

This booklet is part of the series of booklets brought out for the benefit of the newly elected Members of Rajya Sabha. It covers briefly certain do's and don'ts for the Members. For detailed-information, original sources may be referred to.

It is intended to serve as a handy guide for ready reference. I hope the Members will find this booklet useful.

New Delhi
July, 2018

DESH DEEPAK VERMA
Secretary-General

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SIGNIFICANCE OF RULES OF CONDUCT AND PARLIAMENTARY ETIQUETTE

Every legislature, apart from having a body of formal rules, also has well-established customs and conventions evolved over a period of time. These rules, customs and conventions help the Chair, not only in conducting the proceedings of the House smoothly but also in laying down norms of behaviour expected from the Members.

In order to maintain the highest tradition of parliamentary system and proper functioning of Parliament, it is very essential for the Member of Parliament to observe a certain standard of conduct both inside the House as well as outside it. His/her behaviour should be such as to enhance the dignity of Parliament and its Members in general. In the day-to-day functioning of Parliament, the observance by Members of certain rules by way of personal behaviour and etiquette is very important for smooth conduct of the debates in the House. The parliamentary customs, conventions, etiquette and rules are based on the past practices, rulings and observations by the Presiding Officers from time to time, Rules of Procedure and Conduct of Business and the unrecorded traditions of Parliament which a Member comes to know through his/her personal experience in Parliament.

DUTIES OF MEMBERS *vis-a-vis* THE CHAIRMAN

As Presiding Officer, the Chairman of the Rajya Sabha is the guardian of the prestige and dignity of the House. Within the walls of the House, his authority is supreme. His impartial and judicious judgments enhance the prestige of his office. As the Presiding Officer of the Rajya Sabha, he is the principal spokesman of the House and represents its collective voice and is its sole representative to the outside world. As Chairman, his main duties are to preside over the sittings of the Rajya Sabha and to regulate the debates and proceedings of the House in accordance with the provisions of the Constitution and the Rules of Procedure and Conduct of Business in the Rajya Sabha. The House commences its sitting when the Chairman or any other Member competent to preside over the sitting under the Constitution or the Rules, is in the Chair[1]. Utmost respect and attention is required to be paid to him by all Members of the House. Whenever he rises to speak, he is to be heard in silence and any Member who is then speaking or offering to speak is required to resume his/her seat. No one is expected to leave the Chamber when the Chairman is addressing the House[2].

Various powers are conferred on the Chairman under the Rules of Procedure of the Rajya Sabha in connection with

[1] Rule 10 of the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha), Rajya Sabha Secretariat, 9th Edn., August 2016.
[2] Rule 243.

the proceedings of the House, Committees and such other various matters as Questions, Motions, Resolutions, etc. It is the right of the Chairman to interpret the Constitution and the Rules so far as these matters are concerned. A Member should not, therefore, enter into any argument or controversy with the Chairman over such interpretation. His rulings constitute precedents by which the subsequent Chairman, Members and Officers are guided. These rulings should not be questioned. A Member who protests against the ruling of the Chair commits contempt of the House. In giving his ruling or decisions, the Chairman is not bound to give any reason therefor. Members cannot also criticise directly or indirectly, obliquely or incidentally inside or outside the House, any ruling given, opinion expressed or statement made or action taken by the Chairman. If a Member desires to make a submission to the Chairman on the floor of the House regarding a ruling, the Chairman may permit the Member to do so after satisfying himself that he does not unduly interfere with the proceedings of the House. The Member making such a submission should not criticize the decision but only submit a request to the Chair to reconsider the ruling in the light of the facts submitted by him. Members should also not raise matters which under the Rules and Conventions cannot be raised except with the prior permission of the Chairman.

Parliament is the highest democratic forum where issues are deliberated upon and divergent views are expressed and reconciled as far as possible by debate and discussion. For the proper functioning of Parliament and for maintaining the highest traditions of parliamentary life, it is essential that Members of Parliament observe a certain code of conduct and follow a certain norm of behaviour according to certain

rules, customs and conventions. Whether inside the House or outside it, Members' conduct should be such that it enhances the dignity and prestige of Parliament. Observance of parliamentary etiquette, customs and conventions which have been evolved over the years, contribute to a great extent to the furtherance of dignity of Parliament. There are certain laid down norms of well established behaviour that a member is expected to observe[3]:

(a) bow to the Chair while entering or leaving the House and also before taking or leaving his/her seat;

(b) never pass between the Chair and any Member who is speaking;

(c) not rise or leave the House when the Chairman is addressing the House;

(d) always address the Chair;

(e) not show his/her back to the Chair;

(f) speak from his/her place and rise when he/she speaks;

(g) resume his/her seat when the Chairman rises;

(h) listen to the Chair in silence without any interruption;

(i) not speak unless he/she has caught the 'eye' of the Chair and has been called upon by name or by a sign to speak; and

(j) not, as far as possible, approach the Chair personally in the House but only send chits to him, if necessary, through the Chamber attendants.

[3] Rule 235 and Handbook for Members of Rajya Sabha, 2010, para 2.3.

These norms of parliamentary etiquette are very significant and contribute to the maintenance of the dignity of the House, the Chair and the Member himself/herself. These are to be observed so that the Chair is given due respect and honour and also help build a durable and dignified relationship of Members with the Chair.

Maintaining order in the House is a fundamental duty of the Chair. The Chairman derives his disciplinary powers from the Rules. The Chair's decision in matters of discipline should not be challenged. There are times, when tempers in the House run high and situation then becomes uncontrollable, but the Presiding Officer with a cool head and calm mind, tries to bring the situation under control. The Members may be carried away by the circumstances, but may have soon to cooperate with the Chairman. A Member rebuked for unruly behaviour usually should submit with good grace. The Chairman may direct any Member guilty of disorderly conduct to withdraw from the House[4]. If a Member persists to disrupt the proceedings of the House wilfully, the Chairman can name him/her, in which case the House is bound to take notice of the misdemeanour and vote upon motion to suspend such Member from the service of the House for a period not exceeding the remainder of the Session[5]. But it is the duty of Members towards the Chair not to create a situation in which he is left with no option but to invoke this power.

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[4] Rule 255.
[5] Rule 256.

Every Member should bear in mind that there may be more Members willing to participate in debate/discussion than the Chairman has time to call. The practice which the Chairman invariably follows is to call Members from the Government and the Opposition turn by turn. He is also careful to protect the interests of minorities and also allow those Members who have some contribution to make on the subject under discussion. No grievance should, therefore, be made that a Member was not called to speak or was called to speak later than desired.

Members desiring to participate in a debate or discussion may adopt any one of the following three methods[6]:

(a) A Member may have his/her name forwarded to the Chairman by the parliamentary party or group, to which he/she belongs.

(b) A Member may also write directly to the Chairman expressing his/her wish to speak in a discussion.

(c) A Member who may not like to give his/her name to the Chairman through his/her party or to write directly to the Chairman, may adopt the well known parliamentary practice of 'catching the Chairman's eye' by rising in his/her place whenever he/she wishes to take part in a debate.

(d) 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 officers at the Table and not to the Chair.

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[6] Rajya Sabha At Work, 3rd Edn., Rajya Sabha Secretariat, 2017.

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

It should also be appreciated that perhaps the most anxious time of the day for the Chairman is the Question Hour. On the Order Paper, there are 15 Starred Questions, on which Members can ask supplementary questions. The original questioner is called by the Chair to ask two supplementary questions, and then the Chairman allow three more Members to ask a supplementary question each. The Chairman may also take up a question for oral answer even if the Question is not put or the Member in whose name it stands is absent[7]. In such case, three Members may be allowed one supplementary each. The Chair is always anxious to cover more questions for being asked and answered on the floor of the House. At the same time, he is anxious to see that, as far as possible, those who intend to ask supplementaries are accommodated. Members have, therefore, to cooperate with the Chair by asking precise supplementaries and curtailing the preface or long introductory statements before posing supplementaries.

In order to save the time during the Question Hour so that more starred questions are covered, Hon'ble Chairman observed on 13 August, 2010, that while asking supplementary questions, attempts are at times made to raise matters that go beyond the scope of admitted question. Supplementary

[7] Rule 54(3).

questions should flow from the original question and should be brief, specific, relevant and within the scope of the main question. The Chairman exhorts the Members to seek information and avoid giving information, making any suggestion for action and prefacing their supplementary with an introductory statement. The Chairman also observed that Ministers should give brief answers to supplementary questions and provide details, only if essential.

One of the most vexatious parliamentary practices which confronts a Presiding Officer and which he has to encounter is a 'Point of Order' raised during the debate. The problem for the Presiding Officer lies in the fact that until he hears at least a substantial part of a Member's submission, he (the Chair) is not in a position to rule that it is not a point of order. The Chair may, of course, rebuke a Member who flagrantly and frequently raises a 'bogus' or unwarranted point of order. But at the same time, the Chair cannot, in general, refuse to hear points of order. A Member wishing to raise a point of order has the right to be heard before a decision can be given by the Chair. After hearing the Member who has raised a point of order, the Chair decides whether the point raised is a point of order and, if so, gives his decision thereon, which is final[8]. Ruling given by the Chair cannot be discussed in the House, nor can any clarification or explanation sought thereon. Members should, therefore, raise points of order only when there are real points of order. They should not interrupt a speech of another Member in the guise of 'point of information' or 'point of explanation'. For doing so they should take recourse to other provisions under the rules.

[8] Rule 258(2).

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 prior 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[9].

It is primarily the duty of every Member to uphold the authority and dignity of the Chair. While preserving the dignity of the Chair, the Members ultimately preserve the dignity of the whole House and also individually their own.

[9] Rule 238A.

CUSTOMS AND CONVENTIONS

A Member elected for the first time has to make himself/herself familiar with the established parliamentary customs and conventions. These customs and conventions are based on the past practices, the rulings of the Presiding Officers and on the unrecorded traditions of Parliament, which a Member comes to know through his personal experience in Parliament. Such customs and conventions are enumerated below[10]:

1. Before making and subscribing the oath or affirmation, it is customary for the Members to call on the Chairman which is arranged by the Table Office or the Notice Office. They also advise the Members on the procedure for making and subscribing the oath or affirmation and give information on other matters concerning their membership and parliamentary business. Members may contact the Rajya Sabha Notice Office which coordinates between the concerned offices/sections and the Members.
2. Every Member should, while coming to the House for a sitting, bring with him/her the identity card issued by the Secretary-General in order to enable the Security Staff on duty in the premises of the House to easily recognise them, as it is not always easy for them to get acquainted with the names and appearances of a large number of Members.

[10] Handbook, 2010, para 2.2.

3. Before entering the House, a Member should sign, every day, the Attendance Register placed in the Inner Lobby. For the convenience of Members, the Attendance Register has been split-up into four parts according to their Division Numbers and each part is kept on a separate rostrum in the Inner Lobby:

   (i) Division Nos. 1 to 61;

   (ii) Division Nos. 62 to 127;

   (iii) Division Nos. 128 to 195; and

   (iv) Division Nos. 196 to 250.

4. During the sittings of the House, a Member may receive one or more slips intimating that someone is waiting outside to see him/her on an urgent and important business. Members may meet the visitors who come to see them in Reception Office adjacent to the main Parliament building. The Chamber Attendants who bring the slips to the Member will get message in this respect conveyed to the Reception Office.

5. Members should say or do nothing on the floor of the House that is not warranted by the Rules of Procedure or by the rulings or precedents, or by the accepted and established customs and conventions of the House.

6. The decorum and the seriousness of the proceedings of the House require that there should be no 'Thanks', 'Thank You', 'Jai Hind', 'Vande Mataram' or any other slogans raised in the House.

7. ‘Applause’ or ‘Cheers’ and ‘Laughters’ are not recorded in the proceedings of the House.
8. 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. A Member should not raise the issue of a notice given by him and pending consideration of the Chairman.
9. 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 criticized directly or indirectly inside or outside the House.
10. Questions pertaining to the Rajya Sabha/Lok Sabha Secretariat and the functions of the Chairman, Rajya Sabha/Speaker, Lok Sabha are not answered on the floor of the House.
11. Reference to Officers of either House in debates is improper.
12. Proposals for expenditure from grants relating to Rajya Sabha/Lok Sabha Secretariat are not discussed on the floor of either House or in Parliamentary Committees.
13. Carrying and display of arms in the House is prohibited.
14. Production of exhibits on the floor of the House is not in order.

PARLIAMENTARY ETIQUETTE

Observance of certain rules is integral to maintaining the discipline and decorum in the House. Therefore, while the House is sitting, Members are expected to observe certain rules of parliamentary etiquette. These rules are based on the Rules of Procedure and Conduct of Business in the Rajya Sabha and also on the rulings given by the Chair from time to time. Some of the important rules of parliamentary etiquette which the Members have generally to observe in the House are listed below[11]:

1. Members should be present in the House a few minutes before the scheduled time, which is ordinarily 11.00 a.m. At the appointed time in the House, the Marshal announces the arrival of the Chairman, who immediately thereafter enters the Chamber. Members should stop all conversation 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.
2. Every Member should bow to the Chair while entering or leaving the House and also before taking or leaving his/her seat.
3. While the House is sitting, every Member should enter and leave the Chamber in such a manner as not to disturb the proceedings in the House.

[11] Handbook, 2010, para 2.3.

4. A Member should never pass between the Chair and the Member who is speaking.
5. Members should not sit or stand with their backs to Chair.
6. During a sitting, a Member may, if he/she requires, go out quickly by a back door close to his/her seat without causing any disturbance to the House.
7. Members should not so converse amongst themselves as to disturb the proceedings of the House. Such talks, though not very audible at a distance, may considerably disturb the Chair due to special sound arrangements in the Chamber.
8. Members, in their seats, should not read newspapers, periodicals, books or letters, not directly connected with, or necessary for the business before the House.
9. When a Member wants to speak, he/she should rise in his/her place to attract the attention of the Chair. No Member should speak unless he or she has caught the 'eye' of the Chair, and has been called upon by name or by a sign to speak.
10. No Member should raise in the House the subject matter of a notice or a communication sent by him to the Chairman, unless he/she has been specifically permitted by the Chairman to do so. If no intimation has been received by the Member, he/she should presume that the matter is either under consideration of the Chairman or it has been disallowed by him.

11. Every Member should resume his/her seat as soon as the Chairman rises to speak, or calls out 'Order' and also when any other Member is in possession of the Floor (*i.e.,* speaking with the permission of the Chair) or has interposed in the course of the debate to raise a point of order, or to offer a personal explanation.
12. No Member should rise or leave the House when the Chairman is addressing the House. The Chairman should always be heard in silence.
13. Except with the prior leave of the Chair, no Member should read out a written speech, though notes may be referred to.
14. Member is not allowed to read the speech for another Member during the latter's presence in the House.
15. 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.
16. When any Member offers a criticism of another Member or a Minister, the latter is entitled to expect that the critic should be present in the House to hear his/her reply. To be absent when the latter is replying, is a breach of parliamentary etiquette.
17. Members who participate in a debate should be present in the House when the Minister replies to the debate. Members are expected to extend this courtesy to the Minister.

18. 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 Members from...', etc. If unavoidably necessary, full name may be used.

19. Repetition of the arguments of previous speakers, or one's own, should be avoided. It may be resorted to rarely with a view to giving emphasis to a point.

20. Personal reference (unless it is imperatively necessary for the purpose of the debate, being itself a matter in issue or relevant thereto) by way of imputation of motive to or questioning the *bonafides* of any Member, should not be resorted to.

21. Members, when in the Lobby, should talk to each other in a subdued tone so as not to disturb the proceedings of the House.

22. 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 except for the visiting foreign dignitaries whose presence in the Special Box is brought to the notice of the House by the Chairman, is out of order.

23. A Member, while speaking, should not address the individual Member directly but should always address the Chair, and make all remarks to other Members through the Chair.

24. No Member should argue with another Member when the latter is speaking. He, 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 yield but to go on with his speech, if the interruption is not for raising a point of order.
25. A Member should not interrupt any Member who is speaking, making noises or in any other disorderly manner.
26. The Chairman may direct any Member whose conduct, in his opinion, is grossly disorderly, to withdraw immediately from the House, and any Member so ordered to withdraw should do so forthwith and should absent himself/herself during the remainder of the day's sitting.
27. A statement made by a Minister from the records in his possession should be accepted as correct unless a specific point is raised to challenge it.
28. A Member may, with the permission of the Chairman, make a personal explanation, although there is no question before the House, but in such case, no debatable matter may be brought forward, and no debate shall arise.
29. If any statement is attributed to have been made by another Member, and the latter says that he did not make that statement, the contradiction should be accepted without demur.

30. Words containing insinuations, 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.

31. As Members enjoy exemption from prosecution for a statement made by them in the House, allegations should not be made by them against a fellow Member or a Member of the other House.

32. A Member should speak only from the seat allotted to him/ her. When a Member is not sitting in his/ her own seat, he/she may not be called to speak or ask supplementary questions.

33. A Member while speaking should not[12]:

    a. refer to any matter of fact on which a judicial decision is pending;

    b. make a personal charge against another Member;

    c. use offensive expressions about the conduct of proceedings of Parliament or any State Legislature;

    d. reflect on any determination of the House, except on a Motion for rescinding it;

[12] Rule 238.

e. use the President's name for the purpose of influencing the debate;

f. utter treasonable, seditious or defamatory words;

g. use his right of speech for the purpose of obstructing the business of the House; and

h. reflect on the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms.

34. In their speeches, Members should not refer to Government officials by name.

35. Two Members should not keep standing at the same time.

36. When a Member is making a maiden speech *i.e.,* when he/she is making a speech for the first time in the House, he/she should not be interrupted.

37. Members should not obstruct proceedings and should avoid making a running commentary when speeches are being made in the House.

38. Entering the House with coat hanging on the arms is improper and against the decorum of the House.

39. Members should not stand in the passage of the Chamber. They must either be in their seats or go out.

40. Members should not, as far as possible, approach the Chair personally in the House. They may send chits to the Chair, if necessary, through the Chamber Attendants.

41. Members should not distribute within the precincts of the Parliament House, any literature, questionnaire or pamphlets, etc., unless permission has been obtained from the Chairman in writing in advance.
42. Members should not carry walking sticks into the Chamber unless permitted by the Chairman.

CODE OF CONDUCT FOR MEMBERS

The Committee on Ethics in its First Report 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.

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[13].

The Members of 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.

[13] Code of Conduct for Members of Rajya Sabha, 2005; Handbook, 2010, para 2.4; *see also* First and Fourth reports of Committee on Ethics, Rajya Sabha.

(ii) Members must utilise their position as Members of Parliament to advance general well-being of the people.

(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.

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

(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 a 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.

SELECT BIBLIOGRAPHY

1. Kaul, M.N. and Shakdher, S.L.: *Practice and Procedure of Parliament,* 7th edn., Lok Sabha Secretariat, New Delhi, 2016.
2. More, S.S.: *Practice and Procedure of Indian Parliament,* with an introduction by Dr. S. Radhakrishnan, Vice-President of India, 1960.
3. Handbook for Members of Rajya Sabha, Rajya Sabha Secretariat, New Delhi, 2010.
4. Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha), 9th edn., Rajya Sabha Secretariat, New Delhi, 2016.
5. Rajya Sabha At Work, 3rd edn., Rajya Sabha Secretariat, New Delhi, 2017.