

POLICY REPORT
NO. 1

DECISIONAL ANALYSIS AND THE ROLE OF THE SPEAKER

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Abstract

In this policy brief, Harsimran Kalra examines the manner in which the Speaker of the Lok Sabha is able to use his discretionary powers to discipline the House. Her argument recognises that Speakers are not apolitical entities and are embedded in party politics. In spite of this, in the Indian context, Harsimran Kalra finds that Speakers have shown much skill in exercising their powers of discretion. Often their decisions are guided by pressing political concerns, public opinion and a desire to augment the legislative functioning of the Lok Sabha. She identifies the frequency of disruptions caused by Members of Parliament as a key pressure on the role of the Speaker. The Speaker's job is to maintain decorum and ensure that debate occurs in a productive manner. In recent years, the pull of coalition governments has made this role tougher for most Speakers. In this Policy Report, Ms. Kalra identifies mechanisms that Speakers have used to discipline Members of Parliament and offers policy suggestions that can enhance the Speaker's role.

Chapter 1

Introduction and Statement of the Problem

The role of the Speaker is pivotal in Indian parliamentary democracy.¹ As the presiding officer, he is at the helm of affairs in the Lower House where the government has to prove its majority. It is in the Lower House that no-confidence motions are fought, and, most often, where the Prime Minister sits. It is the Speaker's duty to ensure that the business of the House is conducted in an orderly manner in accordance with parliamentary rules and procedures. His decisions cannot be easily challenged and he cannot be asked to review them.² He decides the length of speeches and debates, and can discipline members and even override decisions by committees. He represents the collective voice of the House, and is the sole representative of the House in the international arena.

Recently, there has been much talk about the Indian parliamentary system being imperilled, primarily in light of continued disruptions in Parliament that have reduced the productivity of the House.³ Such despondency associated with Parliament's effectiveness suggests the need to systematically study the performance of various facets of parliamentary functioning. Towards that end, this paper attempts to evaluate the role and performance of the office of the Speaker. I argue that there are means for the Speaker to improve the efficiency and representative nature of parliament through effective use of discretionary powers conferred on the office, while working within the framework of the Rules of Procedure and guided by larger principles of democratic governance.

Aim and Analysis

The aim of this paper is to make recommendations regarding the Speaker's powers to strengthen democratic traditions of the Indian polity. Its objectives are:

- To understand the powers and functions of the Speaker under the Constitution and the Rules;
- To examine if there are unwritten restrictions on the powers of the Speaker;
- To examine the manner in which Speakers have dealt with recent challenges of continuous disruption and coalition governments;
- To determine, if through attitudinal changes, the performance of the Speaker could strengthen democratic traditions in the House;
- To consider whether changes to the Rules could increase parliament's representativeness and efficiency.

¹ See: *Subhash C Kashyap, Office of the Speaker and the Speakers of Lok Sabha* (Delhi: Shipra Publications, 1991); Kaul MN, SL Shukdhar, *Practice and Procedures of Parliament* (Delhi: Lok Sabha Secretariat, Metropolitan, Fifth Ed., 2001).

² G.V. Mavalankar, "The Office of the Speaker", *Journal of Parliamentary Information*, Vol. II (1), (April, 1956): 33.

³ *The Hindu*, 'Indian Parliamentary Democracy – Imperilled', December 25, 2010 last accessed on August 27, 2013 at <http://www.thehindu.com/opinion/op-ed/parliamentary-democracy-imperilled/article977077.ece>; Tehelka, Shashi Tharoor, 'Shall We Call the President', Vol 8, Issue 50, December 17, 2011.

Significance of the Study

Since the convening of the first Lok Sabha in 1952, various texts have focused on the role of the Speaker in India. Some of the important writing focuses on the compilation of precedents like Dr. Kashyap's book on parliamentary procedures⁴, M.N. Kaul and S.L. Shakdhar's *Practice and Procedures of Parliament*⁵ and PDT Achary's *Speaker Rules*.⁶ Dr. Kashyap's *Office of the Speaker and Speakers of Lok Sabha*⁷ gives us information on previous Speakers, while contextual discussions can be found in a collection of speeches by Mr. Balayogi⁸ and by Mr. Sangma⁹, Mr. Somnath Chatterjee's autobiography¹⁰, oral history transcripts of interviews with Mr. Hukam Singh¹¹ and an article by former Speaker of the United Kingdom House of Commons, Baroness Boothroyd.¹² A commentary on Defection law can be found in A.G. Noorani's *Constitutional Questions in India*.¹³

All of these texts provide valuable insights to the role of the Speaker and the use of his powers over the past 60 years. They also discuss some innovative decisions that have been made by Speakers to accommodate democratic interests in the past. However, with the exception of A.G. Noorani's authoritative text of defection law in India, these texts analyse the role of the Speaker apolitically, i.e., they do not consider the political contexts in which Speakers' decisions were made.

In contrast, this paper contextualises decisions of Speakers within their contemporaneous political scenarios. It also attempts to identify patterns in the exercise of powers by the Speaker in the coalition era. On the basis of such contextual analysis of the Speaker's decisions and performance, I aim to make recommendations for the reconsideration of conventions, Rules and external regulatory mechanisms to increase the representative and deliberative character of the Lok Sabha.

In the chapters that follow, I will first describe the role of the Speaker as envisaged under the Rules and the challenges he faces in coalition era. The chapter sets the tone for deeper enquiries into the exercise of powers by the Speaker.

In the second and third chapters, I will discuss the Speaker's role in democracy and the evolution in the exercise of the Speaker's powers. I will look specifically at the challenges thrown up by the coalition era and what changed these have brought about in the manner in which Speakers view their role and exercise their powers. This chapter will review the constraints imposed by coalition governments on the exercise of Speaker's powers, with specific reference to their disciplinary role. The chapter suggests alternate approaches to dealing with indecorum.

In the fourth chapter, I will look at the exercise of discretionary powers by the Speakers and how individual Speakers make decisions about exercising these powers. While the Rules contain some limits on the discretionary powers conferred upon the

⁴ Subhash C Kashyap, *Parliamentary Procedure - The Law, Privileges, Practice and Precedents*, Vol I & II (New Delhi: Universal Law Publishing Company, 2003).

⁵ MN Kaul and SL Shakdhar, *Practice and Procedures of Parliament: with particular reference to Lok Sabha*, G.C Malhotra, ed. (New Delhi: Lok Sabha Secretariat, Metropolitan Book Co. Pvt. Ltd.)

⁶ PDT Achary, *Speaker Rules* (Delhi: Jainco Art India 2001).

⁷ Subhash C Kashyap, *Office of the Speaker and the Speakers of Lok Sabha* (Delhi: Shipra Publications, 1991).

⁸ Lok Sabha Secretariat, *The Speaker Speaks: Selected Speeches of Speaker Balayogi* (New Delhi: Jainco Art India, 1999)

⁹ Lok Sabha Secretariat, *In to the Third Millennium: A Speaker's perspectives* (New Delhi: Jainco Art India, 1998)

¹⁰ Somnath Chatterjee, *Keeping the Faith: Memoirs of a Parliamentarian* (New Delhi: HarperCollins Publishers India, 2010)

¹¹ Nehru Memorial Library, Manchanda, Oral History Project: Interview with Sardar Hukam Singh

¹² Baroness Boothroyd, "Role of the Speaker in the 21st Century", in *Speakers and the Speakership, Parliamentary History*, ed. Paul Seaward (Chicester: John Wiley and Sons Ltd, 2010)

¹³ AG. Noorani, *Constitutional Questions in India: The President, Parliament and the States* (New Delhi: Oxford University Press, 2000)

Speaker, those limits are not exhaustive. Another source of limits on the Speaker's powers is parliamentary conventions, which have developed over the years. In addition, there are occasions where the Speaker is prevented from using a power, which vests with him, on account of prevailing political constraints. In this chapter, the pattern of use of the discretionary powers in relation to legislative business is analysed. The chapter also highlights the role of public opinion in influencing the performance of the Speaker.

In chapters five and six I will focus on how Speakers have managed to use their discretion in innovative ways and how public opinion may have influenced these decisions. Practices that had been developed to aid the Speaker during the early years of Parliament, may not be the best suited to meet the challenges posed by coalition governments and representative diversity in the House. In such cases, where conventions seem to constrain the Speaker, there is a need to review parliamentary history to identify farsighted precedents, and devise innovative mechanisms to aid the Speaker in increasing the representative nature of parliamentary proceedings. In this regard, the role of responsible media and informed public opinion is also discussed. In the final chapter, I suggest that transparency and merit-oriented use of the Speaker's powers can only go so far in improving parliamentary functioning. Certain measures to improve the quality of discussions in the House and the degree of oversight exercised by it can only be implemented through legislation and amendments to the Rules. In this regard, this chapter specifically considers the conduct of financial business of the House, and the limitations faced by the Speaker in ensuring adequate parliamentary oversight.

This working paper concludes with a few thoughts on the need to revisit the history of the Indian Parliament to identify precedents that have been replaced by later practices and whether the Rules and laws should be amended to better serve parliamentary democracy. Comparisons are drawn between the procedures and customs followed in other countries and their adaptability to India is also considered.

Limitation and Methodology

This research is limited to an examination of the decisions of the Speaker over the last nine years. In order to comprehend the Rules and precedents that guide the Speaker, previous decisions of the Speaker and their contemporaneous political scenarios have also been used to bolster my argument. The research is heavily reliant on parliamentary debates. One limitation of these debates is that often they do not capture the entirety of political circumstances surrounding parliamentary proceedings. In order to comprehend the complex circumstances that may have impacted Speakers' decisions, which have been considered, I have also used news reports, autobiographies and speeches. This has been supplemented by interviews with former Speakers, their aides and officials, Members of Parliament, news correspondents and political experts. Due to the sensitivity of the subject, some of the interviewees requested that their statements should not be attributed to them. In keeping with that request, their anonymity has been maintained.

Chapter 2

The Role of the Speaker in India

The Speaker's powers and functions can be carved into three broad categories. First, the Speaker facilitates the business of the House. The Speaker has to be apolitical and cannot participate in the discussions in the House. However, when he presides over different sessions of the House's business, he is actively involved in them. While the members, through the Business Advisory Committee, decide the business of the House, the Speaker decides the permissibility of different motions such as adjournment motions and motions for short duration discussions.¹⁴ He assists members in holding the executive accountable by selecting members who may ask supplementary questions¹⁵ and compelling Ministers to make statements before the House.¹⁶ Thus, through his decisions, the Speaker facilitates the parliamentary function of representing the electorate and holding the government accountable.

Second, in order to maintain decorum in the House, the Speaker takes on the role of a disciplinarian. In case of disorder, he is empowered to suspend members,¹⁷ or ask them to withdraw from the House.¹⁸ He can make such directions to members as well as persons in the gallery.¹⁹ In case of gross disorder, he may also adjourn the House.²⁰ In order to ensure that decorum is maintained in the House, the Speaker may interrupt members to withdraw their statements if they are un-parliamentary.²¹ He may also require expunction of statements of an un-parliamentary nature.²²

The Speaker also performs a quasi-judicial role. In matters of defection, the Speaker decides on the petition alleging defection.²³ Defection from one party to another is a ground for disqualification of a Member from Parliament. Members of Parliament may make a petition to the Speaker alleging that members have defected and are liable to be disqualified. Thereafter it is the onus of the Speaker to determine the facts of the case and determine if the members had in fact defected.

Review of the Speaker's Decisions

Under the Rules, the Speaker is not answerable to any person in performing the roles assigned to him. Decisions of presiding officers are final and are not open to appeal or subject to review. The Speaker cannot review even a decision of a Deputy Speaker.²⁴ This is in stark contrast with the American system, where the presiding officer's decisions may be appealed against to a committee.²⁵ In India, a member of the House

¹⁴ For instance Motions under Rule 56 and Rule 193, Rules of Procedure of the Lok Sabha.

¹⁵ Rule 56, 193, and 194, Rules of Procedure of the Lok Sabha

¹⁶ As per Rule 197, Rules of Procedure of the Lok Sabha, the Speaker can require Ministers to make statements in response to urgent matters of public importance that are raised in the House on the basis of motions moved on the same day. Apart from this, Ministers can even be compelled to make a statement in case of grave circumstances have arisen and issue of prior notice was not possible in the matter. See: Lok Sabha, Debate, March 17, 1978.

¹⁷ Rule 374 and 374A, Rules of Procedure of the Lok Sabha.

¹⁸ Rule 373, Rules of Procedure of the Lok Sabha.

¹⁹ Rule 387, Rules of Procedure of the Lok Sabha

²⁰ Rule 375, Rules of Procedure of the Lok Sabha.

²¹ Rule 352 and 378, Rules of Procedure of the Lok Sabha.

²² Rule 380, Rules of Procedure of the Lok Sabha.

²³ Tenth Schedule, Constitution of India, 1950.

²⁴ Lok Sabha Debates, July 16, 1977.

²⁵ Vijay Kumar, "Presiding Officers of the Indian Parliament", *The Indian Parliament: A Comparative Perspective*, Ajay K. Mehra, Gert W. Kueck, eds., (New Delhi: Centre for Public Affairs, Konrad Publishers Pvt. Ltd., 2003) 177.

may strongly disagree with the determination of the Speaker, but as per the Rules, he does not have any recourse apart from pursuing his interests through parliamentary procedures.

Very often, discussions and protests against the Speaker's decisions within the House are not allowed, as these are in the nature of a request for reconsideration. A precedent in support of this principle was established as early as March 9, 1953, when some members who were not satisfied with a decision by the Speaker Mavalankar, staged a walk out. These members argued that they had the democratic right to disagree with the Chair and to record their protest by retiring from the House peacefully. The Leader of the House, Jawaharlal Nehru, also proposed that such protest be accorded recognition by noting the names of dissenting members in the record of proceedings. However, Speaker Mavalankar observed that members did not have the right to protest against the rulings of the Chair. If a member protested against his ruling, it meant that the member wanted the Speaker to go against his ruling, or change his ruling merely because the member refused to accept the ruling.²⁶ The Speaker refused to note the protesting members' names in the record of proceedings. Despite such precedents, a practice has developed whereby when members stage a walk out, the parties' name or the name of the leader amongst the cohort that retires from the House is mentioned in the record of proceedings. However, the names of all the members are usually not listed.

Recently, there has been at least one instance where the Speaker has intervened to overcome an impasse resulting from opposition to one of his decisions. This was when Mr. Advani led a protest against Mr. Somnath Chatterjee's decision to disallow a privilege motion against the Prime Minister, Mr. Manmohan Singh. The protesting members had boycotted the Business Advisory Committee and Standing Committee meetings. Mr. Somnath Chatterjee wrote letters to Mr. Advani, the Leader of the Opposition at that time, requesting him to join the proceedings to ensure democratic functioning of the House.²⁷

Despite the finality of the Speaker's decisions, members often protest or question them. The box below provides a verbatim reproduction of an interaction between Basudeb Achariya, a veteran parliamentarian, who sought an opportunity to speak on a discussion moved by Gurudas Dasgupta on price rise. The conversation gives a flavour of what Speakers often have to deal with in Parliament.

²⁶ Lok Sabha debate, March 9, 1953.

²⁷ *Somnath Chatterjee, Keeping the Faith: Memoirs of a Parliamentarian* (New Delhi: HarperCollins Publishers India, 2010) 156.

“Basu Deb Achariya: Sir, what about me? My name is there in the list.

Mr. Speaker: It will be in due course.

Basu Deb Achariya: Sir, in the Calling Attention...

Mr. Speaker: It is not a Calling Attention matter. Your name will come in due course, Mr. Achariya. You have to have some patience.

Basu Deb Achariya: When will I get the chance?

Mr. Speaker: You will get the chance after the ruling party Member. After Shrimati Sumitra Mahajan, I will have to call one Member from this side of the ruling party.

Basu Deb Achariya: Had the Calling Attention Notice been taken up, then, I could have participated immediately after Shri Gurudas Dasgupta.

Mr. Speaker: Then you have to go back to that period of Calling Attention. You are questioning the Speaker's decision, Mr. Achariya.

Basu Deb Achariya: No, Sir, I am not.

Mr. Speaker: Please accept my decision in good grace.”²⁸

Apart from such common and mundane disagreements with the Speaker's decisions within the House, members also voice anguish before the media.²⁹ While dissenting against the Speaker's ruling, members also allege prejudice on the Speaker's part. This is not a new phenomenon and was faced even by the first Speaker. This has been discussed in greater detail in the next section of this chapter.

Challenges Faced by the Speaker

The Speaker's decisions and application of Rules are based on the circumstances before him. Changing political scenarios strain the office of the Speaker in novel ways. Today the Speaker faces three broad challenges: (a) claims of prejudice; (b) managing a large number of political parties and coalition governments; and (c) increase in disruptions.

Claims of Prejudice and the Problem of Partisanship

The first challenge faced by Speakers, which relates to their impartiality, is not a recent phenomenon. In fact, the very first Lok Sabha witnessed allegations against the Speaker of bias towards his party. The scenario that prevailed around these allegations and the relevant parliamentary proceedings are summarised here to give the reader an idea about the impact of the presumption of party bias.

In 1952, G.V. Mavalankar had been elected the presiding officer of the first Lok Sabha with the support of the Congress party. Though Mr. Mavalankar seemed like a natural choice for the Lok Sabha, having performed as the Speaker for a long time, his election was not unanimous.³⁰ A motion was moved by A.K. Gopalan, leader of the Communist Party of India to nominate S.S. More of the Peasant Workers' Party. Mr. Gopalan argued that the Speaker was required to safeguard the interest of the opposition

²⁸ Source: Official transcript, Lok Sabha, April 16, 2008, p.5, accessible at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=9754>

²⁹ See for instance: NDTV, 'Only what Sonia Gandhi wants happens in House: SushmaSwaraj, April 30, 2013

³⁰ Mavalankar had presided over the Maharashtra Legislative Assembly, from 1937 to 1945, and later was elected the Speaker of Provisional Parliament between 1947 and 1952. See: *Subhash C Kashyap, Office of the Speaker and the Speakers of Lok Sabha* (Delhi: Shipra Publications, 1991), 104.

parties, and should therefore not hail from the ruling party.³¹ However, Mavalankar won the vote hands down. In his felicitation address, he said that he would not give up Congress membership but, as a Speaker, would belong to the House.³² In 1954, Mavalankar, as Speaker, disallowed an adjournment motion on *lathi* charge by policemen in Manipur to be discussed in the House. As a consequence, a no-confidence motion was moved by opposition parties on 18 December, 1954 against the Speaker. The members who mooted the motion to remove the Speaker had little to say but that their demands were not met. A supporter of the motion, SS More, added that “The Speaker is not doing what we would like him to do”, a statement that is reported to have met with laughter.³³ Mr. Gopalan, who also supported the motion for Mr. Mavalankar’s removal, invoked the statement by the Speaker that he would not resign from his party, at the time of his election. While Mr. Mavalankar returned to the House with strong support, the office of the Speaker had been dragged into political controversy. Such allegations can cause significant damage to the reputation of the chair, and the stature of the Parliament.

Even today, allegations of bias persist.³⁴ This is because of structural issues regarding the manner in which the Speaker is appointed and his tenure in office. In India, a member is appointed to the office of the Speaker if a motion nominating him is carried in the House. Elections are not always by consensus and there have been occasions when parties have fielded their own candidates. However, in the recent past, a tradition has developed that the Speaker is chosen from the majority party, and the Deputy Speaker from the opposition side. The convention of Speakers foregoing their party membership has not developed in India. This is because the Speaker’s re-election to the House is not secure. All political parties campaign in the constituency of the Speaker. Even if the Speaker is re-elected to the House, the office of the Speaker in India is still open for elections.³⁵ Thus, as the electoral system and conventions have not developed to ensure protection to the office, there are cogent reasons for Speakers to retain party membership.

In contrast, in other parliamentary democracies, steps are taken to ensure that the Speaker’s office remains apolitical, and untouched by the desire for political gains or fear of loss of office. For instance, in the United Kingdom, major political parties, including the Speaker’s, do not field candidates in the Speaker’s constituency during general elections.³⁶ During the election, the Speakers do not campaign on political issues, and instead stand as “Speaker seeking re-election”.³⁷ There is a presumption that the Speaker, if re-elected to the House would continue as the Speaker, unless he shows unwillingness to do so. In the first instance, an un-amendable motion to the effect that the House takes him as the Speaker, is moved. Only if this motion is negated, is a subsequent election

³¹ Ganguly Anirban, “Wheels of Democracy on the Straight Road”, *Rediff News*, August 27, 2012 <http://www.rediff.com/news/column/wheels-of-democracy-on-the-straight-road/20120827.htm>

³² Subhash C Kashyap, *Office of the Speaker and the Speakers of Lok Sabha* (Delhi: Shipra Publications, 1991), 104.

³³ “The Speaker of the House of the People”, *The Hindu*, December 20, 1954 p.1.

³⁴ “Sushma Swaraj slams Sonia Gandhi, says sad Speaker interrupted me: Highlights” *NDTV*, April 30, 2013, Chatterjee Somanth, *Keeping the Faith: Memoirs of a Parliamentarian* (Delhi: HarperCollins Publishers, 2010), 150.

³⁵ Take for instances the case of Speaker P.A. Sangma, who was Speaker between 1996-98, was re-elected in 1998 to the House but was not nominated as a candidate for the position.

³⁶ House of Commons, Office and Role of Speaker, United Kingdom <http://www.parliament.uk/business/commons/the-speaker/the-role-of-the-speaker/role-of-the-speaker/>.

³⁷ House of Commons, Office and Role of Speaker, United Kingdom <http://www.parliament.uk/business/commons/the-speaker/the-role-of-the-speaker/role-of-the-speaker/>.

conducted.³⁸ These circumstances allow the Speaker to renounce his party membership, and not fear political ostracism despite his decisions as a Speaker.

Explaining the quandary Indian Speakers face, G.V. Mavalankar, India's first Speaker, after his election to the office made the following observations in the House,

“We have yet to evolve political parties and healthy conventions about Speakership, the principle of which is that, once a Speaker he is not opposed by any party in the matter of this election, whether in the Constituency or in the House, so long as he wished to continue as the Speaker. To expect the Speaker to be out of politics altogether without the corresponding convention is perhaps entertaining contradictory expectations.”³⁹

Apart from this, Indian Speakers have held ministerial positions immediately before and after their term.⁴⁰ On the other hand, their British counterparts do not hold executive posts immediately before their appointment.⁴¹

Against this background, it is not surprising that the Speakers in India have been blamed for partisanship even if there is no evidence to support such claims. Till date, only two Speakers have given up party membership upon being elected to the office, and one was expelled from his party for refusing to follow the party diktat. The problem of partisanship runs deeper than the ceremonial renunciation of party affiliation. Baroness Boothroyd, former Speaker of the House of Commons of the United Kingdom (1992-2000), noted that despite resignation from the party, Speakers faced the difficulty of distancing themselves from its ideology. She states,

“When you have been committed all your adult life to the ideals and policies of one party, impartiality is a quality that you have to work at. But if you cannot put aside partisanship you have no right to even think of becoming a Speaker.”⁴²

A former Speaker whom I interviewed said that disassociation from the party is not freedom from bias. A Speaker should be seen to act independently.

The Challenge of Coalitions

The second problem faced by Speakers is that of diversity and competing demands. During the Nehruvian majority government era, when the opposition in total comprised only 107 seats⁴³, house management was primarily the task of the Minister for Parliamentary Affairs. With the increase in representation of other political parties and fall in the number of treasury members, house management became a shared responsibility. Today the largest opposition party comprises 116 seats in the Lok Sabha.

³⁸ Since 1835, every sitting Speaker has been confirmed in office. See: Second Report, Select Committee on Procedure, House of Commons, United Kingdom, February 15, 2001.

³⁹ G.V. Mavalankar, Lok Sabha Debate, May 15, 1952 Col. 19-27

⁴⁰ For instance, Meira Kumar was the Minister for Social Justice and Empowerment between 2004-2009, and was appointed Speaker in 2009. Similarly, Neelam Sanjeeva Reddy was Minister for Aviation and Transport.

⁴¹ Pat Strickland, Election of a Commons Speaker, Parliament and Constitution Centre, House of Commons, United Kingdom, p.24 – 25.

⁴² Baroness Boothroyd, “Role of the Speaker in the 21st Century”, in *Speakers and the Speakership, Parliamentary History*, ed. Paul Seaward (Chichester: John Wiley and Sons Ltd, 2010)

⁴³ Parliament of India, Party-wise list of Members of the First Lok Sabha, <http://parliamentofindia.nic.in/ls/lok01/01sparty.htm>

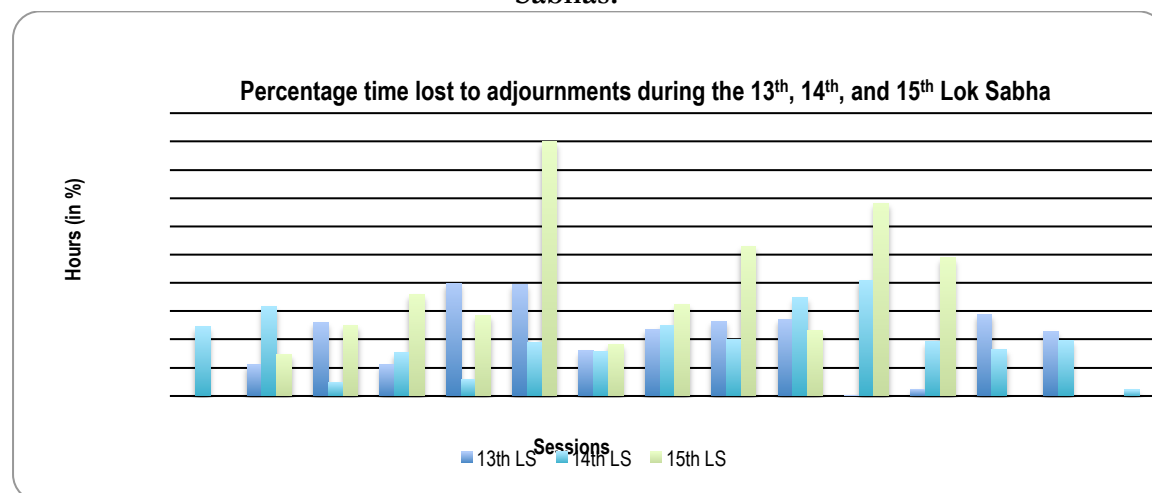
There are a total of 38 parties in the 15th Lok Sabha, apart from independent candidates. In contrast, in the first Lok Sabha, there were 27 parties represented.

With the increase in the multitude of parties, the time available to each party to represent its interests during discussions is reduced. The time spent on issues, which parties wish to move for discussions, increases, even when the number of sittings in Parliament has not increased proportionately. In fact, there has been a decrease in the number of annual sittings of Parliament. This aggravates the constraints faced by the members and the Speaker in prioritising between matters. In the Lok Sabha, time is allotted by the Speaker to members on the basis of the strength of the party.⁴⁴ This often means that smaller parties get a smaller chunk of the time to contribute to discussions in the House. This process can also come in the way of allowing members who are experts on a subject to speak. Other parliamentary democracies have found ways to foster expertise-based debates.⁴⁵

Disruptions and Deviation from the Agenda

The third, most obvious problem faced by the Speaker is that of increase in disruptions in the House. For instance, during the 2013 Monsoon session of the 15th Lok Sabha, the Speaker and the House witnessed a clamour of conflicting demands for indulgence of the House's time almost every day. During the nine parliamentary sittings between August 5, 2013 and August 19, 2013 there were daily requests for suspension of Question Hour. This was with the exception of August 5th and 19th when the House was adjourned for obituary references. On the remaining days, only on one occasion, August 8, the House proceeded to the second question, but nevertheless, had to be adjourned.⁴⁶ The graph below indicates the loss of time faced by the House between the 13th and the 15th Lok Sabha.

Fig 1: Percentage Time Lost to Adjournments During the 13th, 14th and 15th Lok Sabhas.



Source: Lok Sabha Secretariat, Resume of Work

One of the reasons for the loss of time is that members seek to use *un-parliamentary* means for attaining the indulgence of the Speaker and the House. The

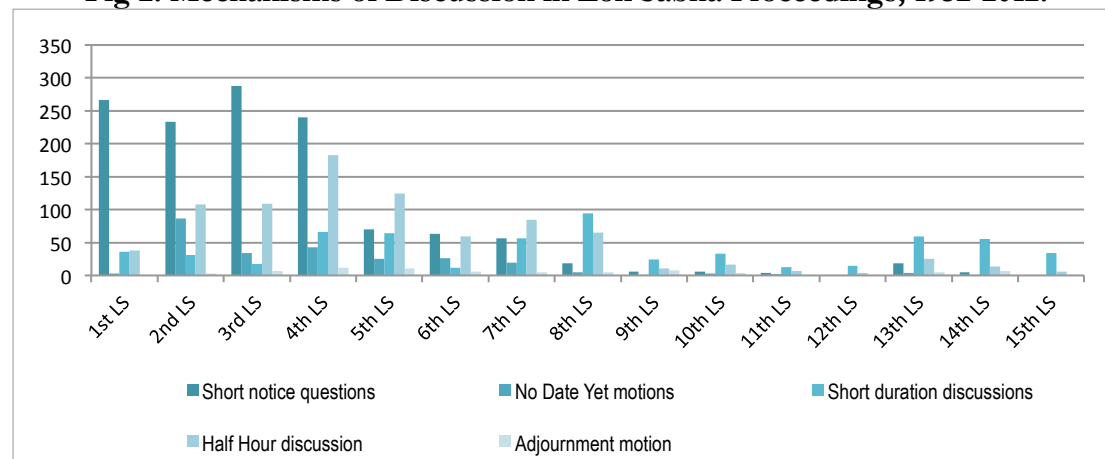
⁴⁴ Para 5, Allocation of Time and Selection of Speakers, Abstract Series, Lok Sabha
http://164.100.47.132/LssNew/abstract/allocation_of_time_and_selection.htm

⁴⁵ See Chapter 4 below.

⁴⁶ Lok Sabha Debates, August 8, 2013

members are often seen to resort to use of placards, posters, walk-outs and protests within the Lok Sabha for putting forth their interests. Discussions on motions such as motions for short notice questions,⁴⁷ no-date-yet motions⁴⁸ have decreased over the years. This may be attributable to reduction in their use, Speaker's refusal to take up these instruments for discussion, and lack of time to take up such motions. The table below indicates the use of these mechanisms for initiating discussions in the Lok Sabha between 1952 and 2012.

Fig 2: Mechanisms of Discussion in Lok Sabha Proceedings, 1952-2012.



Source: Statistical Handbook, 2012 Ministry of Parliamentary Affairs.

The above cited challenges compound each other. For instance, the allocation of time during debates is affected by both the lack of time, and the Speaker's apprehension to be seen to act impartially even when he makes a Rule compliant and merit driven decision in choosing members for the debate.

Impact of Change of Scenario and Changed Tools

It was once said that members are afraid of disappointing the Speaker, because if they do not abide by the Speaker's decision, they know the Speaker may not give them a chance to speak again.⁴⁹ However today, the most powerful weapon in the hands of the Speaker is not his power to discipline, but his power to persuade. In order to get the House in order, the Speaker requires patience and has to resort to persuasion of even the most indecorous members of the House. Where earlier Speakers were stern,⁵⁰ today's

⁴⁷ To secure informed answers from Ministers, questions listed for oral answer are circulated 10 days in advance to them. However, in case the question relates to an urgent matter of public importance, it may be admitted on shorter notice. Any member, with the consent of the Speaker, may raise such a Short Notice Question if the Minister is agreeable to answer it on the day the notice is sent, or on such date as may be decided.

⁴⁸ Discussions in relation to matters of general public interest may be raised by any member with the consent of the Speaker. Since the date for discussion on these motions is not specified immediately upon their acceptance by the Speaker, they are listed in the Bulletin with the heading: 'No-Day-Yet-Named Motions', and are named such.

⁴⁹ G.V. Mavalankar, Lok Sabha Debate, March 1956, c. 3319

⁵⁰ See G.V. Mavalankar observed, "I have already noted that none of his decisions in the House can be challenged even though he may be wrong. But apart from this, he exercises a very effective power of control because of the rule that only that member can put a question or speak who is called upon to do so. The result is that Speakers have refused to call upon members ... unless the Members behave properly and make amends" *Subhash C Kashyap, Office of the Speaker and the Speakers of Lok Sabha* (Delhi: Shipra Publications, 1991), 119.

Speakers have to exhibit political prowess while simultaneously upholding the mantle of parliamentary sovereignty.

According to Speaker Sangma, in order to manage daily crises,

“A Speaker must know the Rules and Constitution to perform the role of the Speaker. But these don’t help you. What you really need are three things. You should know all members by name, party and constituency. Then, go a step further, to understand them. Then you should know how you can communicate with members and win them over.”⁵¹

Telecommunication systems and ubiquitous media have made the parliamentary system more sensitive to external events. In such circumstances, the role of the Speaker is to not only deal with conflicting interests, but also anticipate them. Baroness Boothroyd wrote that in order to stay abreast with events in the country and all over the world, she abided by a strict time schedule. She would start her day with a morning routine during which she listened to news, and followed it with a meeting with her deputies, where they would consider the scenarios they expected in the House. Later in the day, before the Question Hour, she would again consult with her deputies who would update her on the developments of the day.⁵²

Speakers have differed in their approaches in dealing with daily disruptions that lead to the dire scenarios of ineffective parliamentary democracy. For instance, when the house would break into disruptions, Speaker Somnath Chatterjee would often be forced into criticising the House’s lack of decorum. In his memoirs he has reproduced some of his statements in the House. A few are captured below:

“There seems to be no rule, no law and no procedure”.⁵³

“I am sorry to say that you are all working overtime to finish democracy in this country. It is a matter of great sorrow to me... With great sorrow, sadness, and with great resentment, I am forced to adjourn the House. Let the country decide what is to be done. I cannot do anything”.⁵⁴

The current Speaker, Meira Kumar, often makes repeated requests to the House to return to order before adjourning it. Managing disruptions in an exquisite manner, Speaker Sangma would turn a deaf ear to requests that were not presented as per the rules of the House. He would continue to preside over a disorderly house till members tired themselves into resignation. They would approach him with chits requesting him to demand the house resume order.⁵⁵

Today, Speakers engage in building a positive environment between leaders of political parties. They hold meetings with leaders and disruptive members to develop ways in which they can help the house function smoothly. Concessions have to be given to ensure that the opposition has its say. On one occasion, Mr. Somnath Chatterjee allowed an adjournment motion to be moved on the second day of the fifth session of the 14th Lok Sabha. The motion related to Bangladeshi immigration to India and was being moved by the Leader of the Opposition, L.K. Advani of the BJP. According to an

⁵¹ Interview with former Speaker, Mr. P.A. Sangma on August 1, 2013.

⁵² Baroness Boothroyd, “Role of the Speaker in the 21st Century”, in *Speakers and the Speakership, Parliamentary History*, ed. Paul Seaward (Chichester: John Wiley and Sons Ltd, 2010).

⁵³ Lok Sabha Debates, May 14, 2007, last accessed On August 19, 2013 at <http://164.100.47.132/LssNew/Debates/textofdebatedetail.aspx?sdate=05/14/2007>

⁵⁴ Lok Sabha Debates, February 28, 2008 last accessed On August 19, 2013 at <http://164.100.47.132/LssNew/Debates/textofdebatedetail.aspx?sdate=02/28/2008>

⁵⁵ Interview with former Speaker, Mr. P.A. Sangma on August 1, 2013.

interviewee, who did not wish to be named, the Leader of the Opposition had urged, that in case the issue was not allowed for discussion, the opposition would be disgruntled.⁵⁶ Adjournment motions are rarely allowed to be moved since they are treated like censure motions. However, to Mr. Advani's surprise, the Speaker immediately agreed to the discussion. The motion was discussed from 2:15 pm to nearly 7:15 pm. No division was sought by the members of the opposition on the motion. Similarly, on August 8, 2012, the first day of the monsoon session, the current Speaker allowed a discussion on an adjournment motion led by Mr. Advani, on ethnic violence in the North East. For the purpose of accommodating the opposition, the Zero Hour was taken up at the end of the day at 5:54 pm.

The Rules do not anticipate every possible scenario, or provide all the answers. In this regard, Speakers are assisted by the rule of precedent. Previous decisions of the Speaker's office guide him in his role. However, circumstances may not always be comparable and precedents too may not suffice. What guides the Speaker's hands on such occasions? What are the forces that restrict or strengthen his power? Is there enough room within the Rules to make a fractious polity function democratically? What steps can be taken outside the Rules and through reforms to increase representativeness and secure for the people an informed democratic government? The following chapters make an attempt to answer these questions.

⁵⁶ Interview with an official who worked closely with Mr. Somnath Chatterjee, dated June 28, 2013

Chapter 3

Evolution in the Exercise of Powers by the Speaker

“The hallmark of an effective parliamentarian now seems to be the ability to shout and disrupt proceedings, preferably from the well of the House”⁵⁷

“The problem of indiscipline in our Legislatures has been a matter of concern for a long time. Over the years, though several guidelines and conventions have been developed to regulate the conduct of legislators, the situation has only worsened with each passing year.”⁵⁸

In theory, the Rules determine the scope of the Speaker’s powers. On many occasions, the Rules provide guidelines on how powers may be used. For instance, they provide that in order to extend a sitting, the Speaker has to take into account the consensus within the House. However, there are instances where such guidance is not provided. One such instance is the disciplinary power to suspend a member for creating disorder without requiring a vote in the House. The Speaker was vested with this is power in 2001 after an amendment to the Rules. In this chapter, the scope of this power is reviewed.

Increase in disruptions has had adverse impact on Parliament’s productivity.⁵⁹ The loss in time due to disruptions has been criticised as a cost to the coffers as well as the loss of an opportunity cost to conduct other business.⁶⁰ Disruptions by a few members can hold the House to ransom, and make all efforts by the majority ruling and opposition parties to conduct business, futile. For instance, the better half of the monsoon session of 2013 was lost to disruption over the demand for a separate State of Telangana, making it impossible for the government to introduce the Food Security Bill. Not only has the length of time devoted to discussion per legislation come down,⁶¹ but, as the graph below indicates, the number of Bills passed has also reduced.

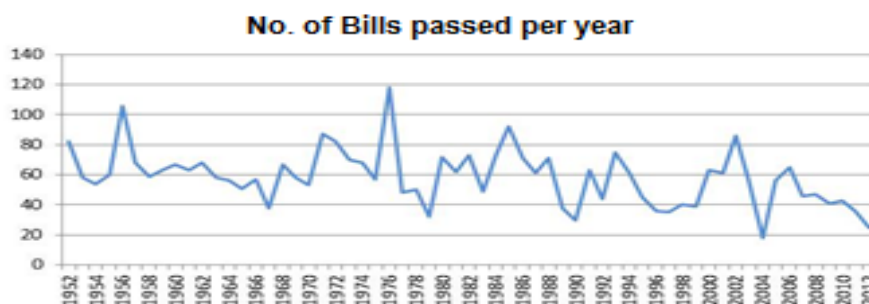
⁵⁷ Arvind P. Datar, “Debates in Parliament”, *The Hindu*, August 16, 2004, last accessed on August 29, 2013 at <http://www.hindu.com/2004/08/16/stories/2004081600891000.htm>.

⁵⁸ Balayogi, Order midst chaos

⁵⁹ C.V. Madhukar, JPC Probe Needed on the Functioning of Parliament, Rediff, December 13, 2010 last accessed on August 8, 2013 at <http://www.rediff.com/news/interview/jpc-probe-needed-on-functioning-of-parliament/20101213.htm>.

⁶⁰ Madhav Godbole, Parliament and Democratic Governance, *The Indian Parliament: A comparative perspective*, A.K. Mehra and G.W. Kuek, Centre for Public Affairs, Konrad Adenauer Foundation, Konark Publications, TarunabKhaitan ‘The Real Price of Parliamentary Obstruction’ (2013) 642 Seminar 37.

⁶¹ Devika Malik and Vishnu Padmanabhan, “Vital Stats: Parliament Monsoon Session 2012”, *PRS Legislative Research*, last accessed on August 25, 2013, at http://www.prsindia.org/administrator/uploads/general/1347091514_Vital%20Stats%20-%20Parliament%20in%20Monsoon%20Session%202012.pdf

Fig 3: No. of Bills passed in the Lok Sabha, 1952-2012

Source: Rohit Kumar and Devika Malik, “Vital Stats: 60 Years of Parliament”, *PRS Legislative Research*, May 11, 2012.

There are different tactics used for disrupting the House. In order to gain attention of the ruling party as well as public attention, members create a din by shouting from their seats or rushing into the well of the House.⁶² Often, members even flash placards and posters in the House.⁶³ Though, these are prohibited under the Rules of the Lok Sabha,⁶⁴ the members also stage walk outs and boycotts to protest against decisions of the ruling party or the Speaker.⁶⁵

Under the Rules, Speakers are empowered to deal with disruptions of different degrees. The Speaker can name a member who is causing gross disorder in the House. A member who is named has to withdraw from the House immediately for the remainder of the sitting. Apart from naming a person, a Speaker may put a motion to the House whether the member creating disorder should be suspended.⁶⁶ Such a motion requires a simple majority and is passed by a voice vote. In such a motion, the House can decide the term of the suspension which may range up to a maximum five days. Speakers are also empowered to adjourn the House in case of gross disorder. In the following case studies, I explore instances of lack of decorum in the House and the evolution of powers of the Speaker in averting democratic crises.

President's Speech

The President's Address is delivered annually at the start of the Budget Session of Parliament. The speech is not just a ceremonial occasion when the President reaches out to the members of the two Houses. It is an occasion to reflect upon the performance of the government in the previous year and its plans for the forthcoming fiscal year.⁶⁷ The republican Head of State lists the Bills that the government aims to introduce in Parliament and enact. Noting the nation's interest in the speech, the telecast of the

⁶² Madhav Godbole, Parliament and Democratic Governance, The Indian Parliament: A comparative perspective, A.K. Mehra and G.W. Kuek, Centre for Public Affairs, Konrad Adenauer Foundation, Konark Publications,

⁶³ Indian Express, Parliament adjourned till noon after uproar, March 22, 2013, last accessed on August 20, 2013 at <http://m.indianexpress.com/news/parliament-adjourned-till-noon-after-uproar/1091880/>, DNA, Placards ensure that voices in Parliament are heard, November 23, 2011, last accessed on August 20, 2013 at <http://www.dnaindia.com/india/1616226/report-placards-ensure-voices-in-parliament-are-heard-mps-discover>.

⁶⁴ Rule 349 (xvii), Rules of Procedure of the Lok Sabha; Lok Sabha Debates, 23 March 1961 and 28 April, 1965.

⁶⁵ March 9, 1953, Lok Sabha debate cited in Office of the Speaker and Speakers of India, Shipra Publications, Delhi, p. 119; April 30, 2013, Lok Sabha debate, last accessed on August 20, 2013 accessible at [http://164.100.47.132/debatetext/15/XIII/3004\(1\).pdf](http://164.100.47.132/debatetext/15/XIII/3004(1).pdf)

⁶⁶ Rule 374, Rules of Procedure of the Lok Sabha

⁶⁷ This is comparable to the State of the Union Address in the American presidential system.

address to the entire country began in 1989, well in advance of the telecast of day-to-day proceedings of the House.⁶⁸ The address is delivered in a joint sitting conducted in the Central Hall, where the Constituent Assembly drafted and discussed the draft Constitution of India. The Hall, usually incandescent with the dignity of India's constitutional history, has, in recent past, witnessed a fall from grace.

In 2012 and in 2013, Members of Parliament disrupted the President's speech for various demands that were regional or which in any case could have been reasonably addressed during the course of the proceedings in Parliament. Such disruptions, though disappointing, are however not an altogether new phenomenon.

Probably the first instance of the President's speech being interrupted can be traced to 1963. The movement to adopt Hindi as the national language that began during the time of the framing of the Constitution, thrived during the 1960s.⁶⁹ The Constituent Assembly had decided that while Hindi would be the official language of the Parliament and the Union Government, its use as the sole official language would be implemented after 15 years of adoption of the Constitution, subject to any law to the contrary made by Parliament in this regard.⁷⁰ This timeframe was provided "to prepare" members and the States time to have a national language for themselves.⁷¹ This period also acted as a buffer against an immediate federal crisis.⁷² The southern States did not wish to supplant their regional language with Hindi, which they viewed as form of northern domination of the south. Thus, the southern States viewed the culmination of these 15 years with some suspicion.⁷³ In 1963, the deadline to convert to Hindi as the only official language, loomed before the nation. Expectant Hindi zealots demanded that the president deliver his address in Hindi. To counter such expectations, the Dravida Munnetra Kazhagam (DMK), a leading regional political party in the southern State of Tamil Nadu, sought an assurance from the Prime Minister that a Bill to accord English its "rightful" place would be tabled in Parliament. When the President began delivering his speech in English, the members of Praja Socialist Party interrupted him and demanded that he speak in Hindi. Despite the President's reassurance that the speech would be delivered in Hindi as well (a tradition that is continued till date) the members continued to shout. The President was forced to address the disorderly members, and stated "members should exhibit decent and dignified behaviour as well as tolerance if democracy was to be a success in the country."⁷⁴ At this the members staged a walkout.

Members of all parties condemned the legislators' behaviour and the walkout staged while the President was delivering his address.⁷⁵ Subsequently, during the Lok Sabha sitting, Prime Minister Nehru suggested that the matter be referred to a committee to inquire into the conduct of the members.⁷⁶ Other members of the House seconded the suggestion. Nominated member Frank Anthony suggested that a committee should decide if the behaviour of members amounted to a breach of privilege. On the very next day, the Speaker appointed a committee to report to the House on the disorderly conduct of members and if such conduct amounted to a breach of privilege. The committee in its report recommended that the member's code of conduct had to be

⁶⁸ Audio Video and Telecasting Services, Parliament of India, last accessed on August 6, 2013 <http://www.parliamentofindia.nic.in/ls/intro/p11.htm>

⁶⁹ Guha Ram, *India after Gandhi* (London: Pan Macmillan), 392.

⁷⁰ Article 120 (3), and Article 343, Constitution of India, 1950.

⁷¹ B. Pocker Sahib Bahadur, Constituent Assembly Debates, Volume 7, November 9, 1948.

⁷² Guha, Ram, *India after Gandhi* (London: Pan Macmillan), 117-120, 391.

⁷³ Guha, Ram, *India after Gandhi* (London: Pan Macmillan), 392.

⁷⁴ "Socialists' walk-out an insult to President", *The Hindu*, February 19, 1963 p. 1

⁷⁵ "Socialists' walk-out an insult to President", *The Hindu*, February 19, 1963 p. 1

⁷⁶ Lok Sabha Debate, February 18, 1963

abided by, even during the President's Address. It further recommended that deviance by members be punished with expulsion from the House for up to one year.

Again in 1971, when the President began reading his speech, he was interrupted by a Lok Sabha member. Raj Narain of the Samajwadi Socialist Party (SSP) began reading out loudly from a written paper as President V.V. Giri was delivering his speech. The member moved to the very front of the Central Hall even as the President warned him that he must desist and only raise his protest in a "respectful manner".⁷⁷ The protests against Raj Narain from across the Hall drowned his voice. He eventually walked out with other members showing him the door. It was later confirmed by G. Murahai, the Leader of the SSP, that the party was protesting against the use of English and not an Indian language by the President in giving his speech. The form of protest that the party had agreed upon was a walkout and not Raj Narain's style of protest.⁷⁸

Subsequently, the Speaker set up a committee to look into the matter. Like the 1963 Committee Report, this one held that the member's conduct was improper and inconsistent with the dignity of the occasion. The Committee formulated certain guidelines for the conduct of members and maintenance of order, dignity and decorum on the occasion of the President's Address.⁷⁹

It is interesting to note that the Hindi language issue caused a furore even in the Tamil Nadu State Legislative Assembly in the 1980s, and was relevant to the evolution of the disciplinary powers of the Speakers of both the Parliament and State Legislature. In the year 1986, when the AIADMK's coalition government was in power and held 195 of the 234 seats in the State Assembly, certain DMK members resorted to burning pages of the Indian Constitution to mark their protest against the use of Hindi as the sole official language.⁸⁰ On November 24, 1986 the Speaker, Mr. P.H. Pandian, declared seven members of the State Assembly, who indulged in such acts, as disqualified to sit as members on the ground that they violated the oath of allegiance taken by them under the Constitution of India.⁸¹ Subsequently, the same seven members (along with three others) were expelled by a resolution of the Assembly passed on 22 December 1986. The validity of the both the Speaker's declaration of disqualification of the members and the resolution of the State Assembly to expel the said members was challenged before the Madras High Court. The court upheld the House's power of expulsion but did not feel the need to declare the Speaker's ruling to be inoperative because the State Assembly, while expelling the seven members, regarded the Speaker's decision as rescinded. Subsequently in 2007, the Supreme Court, while considering the scope of the privileges of Members of Parliament and the powers of the Speaker of the Lok Sabha, cited the decision of the Madras High Court, as authority to support the existence of the House's power of expulsion.⁸² Thus, the decision of a Speaker of a State Legislative Assembly proved to be an important catalyst in understanding the powers of the Speaker of the Lok Sabha and State Assemblies.

Recent Trends

In later years, we find that such instances of disruption have not subsided despite the recommendation that indecorous behaviour during the President's Speech should be

⁷⁷ "President admonishes S.S.P. member", *The Hindu*, March 23, 1971

⁷⁸ "President admonishes S.S.P. member", *The Hindu*, March 23, 1971

⁷⁹ "Imperative of Discipline and Decorum in Parliament", *The Speaker Speaks: Selected speeches of Speaker Balayogi*, Lok Sabha Secretariat, 1999.

⁸⁰ Resume of Business, Third Session, Tamil Nadu Eighth Legislative Assembly, 1986, p. 16

⁸¹ *K. Anbazhagan vs. The Tamil Nadu Legislative Assembly*: AIR1988 Mad 275

⁸² *Raja Ram Pal vs. Speaker, Lok Sabha*: (2007) 3 SCC 184.

severely punished. In fact, recent occasions of interruptions during the address have not received the harsh criticism and scrutiny by parliamentarians and their committees, since these have become commonplace. For instance, in 2012, while President Pratibha Patil delivered her address, members raised slogans for not one but various demands. The Congress MPs from Andhra Pradesh shouted slogans for a separate state of Telangana, members of the DMK sought to divert attention to the atrocities committed against Sri Lankan Tamils,⁸³ while others raised issues relating to fertiliser subsidies and reservations for minorities.⁸⁴ More recently, the President's address delivered on February 21, 2013 by President Pranab Mukherjee was interrupted by protests over the hanging of Afzal Guru and war crimes in Sri Lanka.⁸⁵ Delay in Afzal Guru's hanging has been a frequent cause for disruptions during the President's speech. Even in 2007, when President Kalam spoke of security in Jammu and Kashmir during his address, members of the Shiv Sena began to sloganeer, shouting, "*Afzal desh drohi hai usko phasi dijiye*" (Traitor Afzal should be hanged).⁸⁶ The former Speaker of the Lok Sabha, Manohar Joshi, who rose in support of the indecorous member of his party, however, did not join in the shouting. Members of the main opposition party, who had also demanded hanging of Afzal Guru, joined in a derisive laugh as the President spoke of external peace and stability in the region.

Certain other incidents in Parliament point to the despicably poor standards in parliamentary behaviour. For instance, on December 19, 2012 the Minister of Parliamentary Affairs, Narayansamy, was making his speech to move a motion to introduce the Constitution 117th Amendment Bill, 2012. The Bill sought to provide reservation in promotions to Other Backward Classes, to which members of the Samajwadi Party were opposed. As per news reports, as soon as Narayanasamy stood to introduce the Constitution Amendment Bill for consideration and passing, the Samajwadi Party MP from Nagina, Yashvir Singh, walked up to the Minister and snatched the papers from the Minister's hand.⁸⁷ It was reported that he then joined party colleagues protesting against the Bill in the well of the House.⁸⁸ The President of the Congress Party, Sonia Gandhi, followed the Samajwadi Party MPs into the well and attempted to take the Bill back while telling the Minister to continue with his speech referring to another copy. A scuffle broke out and other members came to aid. In such indecorous circumstances, the Speaker immediately adjourned the House. Later a press release from the Speaker's office condemned the incident.⁸⁹ An excerpt from the statement is reproduced below,

⁸³ "Shouts of protests before and during President's address to Parliament", NDTV.com, March 12, 2012, last accessed on August 6, 2013 <http://www.ndtv.com/article/india/shouts-of-protest-before-during-president-s-address-to-parliament-184978>.

⁸⁴ "President Pratibha Patil's speech marred by disruptions", Economic Times, March 12, 2012 last accessed on August 6, 2013 http://articles.economicstimes.indiatimes.com/2012-03-12/news/31153403_1_obc-quota-fertiliser-production-telangana-statehood.

⁸⁵ Afzal, Sri Lanka protests mar President's address, Times of India, February 21, 2013 last accessed on August 6, 2013 http://articles.timesofindia.indiatimes.com/2013-02-21/india/37220891_1_sri-lanka-afzal-guru-president-pranab-mukherjee.

⁸⁶ 'Hang Afzal' Shiv Sena MPs tell President Kalam, One India News, March 17, 2007 accessed on August 6, 2013, at <http://news.oneindia.in/2007/02/23/hang-afzal-shiv-sena-mps-tell-president-kalam-1174150145.html>.

⁸⁷ "SP MPs Snatch Qupta Bill, tear it", Indian Express, December 20, 2012 last accessed on August 6, 2013 at <http://www.indianexpress.com/news/sp-mps-snatch-quota-bill-tear-it/1047882/#sthash.F9vM4goJ.dpuf>

⁸⁸ "SP MPs Snatch Qupta Bill, tear it", Indian Express, December 20, 2012 last accessed on August 6, 2013 at <http://www.indianexpress.com/news/sp-mps-snatch-quota-bill-tear-it/1047882/#sthash.F9vM4goJ.dpuf>

⁸⁹ Observation made by Lok Sabha Speaker in Lok Sabha on 20 December 2012

“In a democracy there may be differences of opinion on issues. But the issues should be resolved through debates and discussions. There are provisions for voting to ensure that the majority will prevail. Yesterday’s incident is not in conformity with the democratic traditions of the House. I am greatly anguished by that incident. Hon’ble Member has, this morning, expressed his regret. Now onwards, I would like all Hon’ble Members to discuss all issues in a proper and orderly manner in the House”.⁹⁰

Analysis

The reasons for the difference in reaction over the years is well summarised by Mr. Pran Chopra, a known journalist and political analyst. He says,

“The guilty were few in those days, and so the rest were able to shake heads tolerantly on what they saw only as untrained exuberance on the part of newly elected members who had yet to digest the unfamiliar sense of power which the vote had given them. But today the guilty are many, in all parts of the House and they are drawn from all sections of society. So the contagion spreads. What those in one legislature do today they are able to do because others in other legislatures had done it yesterday”.⁹¹

As is evident, from the Speaker’s statement on December 20, 2012, a mere apology sailed the member through this crisis, while the House, political parties and political life suffered losses of credibility. This incident and the Speaker’s decision may be compared with an incident in 1987. On July 29, 1987, members of the opposition parties had given notice to discuss the Bofors scam and the involvement of the Prime Minister in the affair. The moment the Speaker took his seat, the entire opposition was on its feet asking for the question hour to be adjourned and the adjournment motion to be taken up.⁹² As a countermotion, the treasury benches demanded that their motion to discuss the role of the Central Intelligence Agency (CIA), in attempting to destabilise the Indian government be discussed.⁹³ While the question hour was suspended for the day, much to the chagrin of the opposition members, their adjournment motion was not taken up. In the din that followed, the House had to be adjourned. Subsequently, when the House reconvened, the Minister for Defence, Mr. K.C. Pant, read out a motion to institute a joint parliamentary committee to look into the Bofors scam. At this point of time, Mr. Ajoy Biswas (CPIM) snatched the papers from which the Defence Minister was reading.⁹⁴ The House was immediately adjourned. The next day, Mr. Ajoy Biswas’ letter to the Speaker, expressing his regret, was read out by the Speaker to the House. The Speaker then pointed out that it was not uncommon for individuals to make mistakes, and that the members should keep in mind what the people would think of the way they were conducting themselves in the House.⁹⁵

Despite the apology offered, the Minister for Parliamentary Affairs moved a motion for the suspension of the member for the remainder of the session. This

⁹⁰ Office of the Speaker, Press Release, December 20, 2012 <http://speakerLokSabha.nic.in/pressrelease/PressreleaseDetails.asp?PressId=1140&button=Edit>.

⁹¹ Chopra Pran, “A Crime against Democracy”, *The Hindu*, March 27, 2001 last accessed on August 29, 2013 at <http://hindu.com/2001/03/27/stories/05272523.htm>

⁹² *The Hindu*, Parliament adjourns after noisy scenes. July 29, 1987, p. 1

⁹³ *The Hindu*, Parliament adjourns after noisy scenes. July 29, 1987, p. 1

⁹⁴ *The Hindu*, Parliament adjourns after noisy scenes. July 29, 1987, p. 1

⁹⁵ *The Hindu*, Lok Sabha suspends CPI(M) member, July 30, 1987 p. 6

triggered a larger protest in the House, and the leaders of 16 opposition parties boycotted the proceedings.⁹⁶ Caught in an extremely sticky situation, where the opposition en masse criticised the decision to suspend an apologetic member, the suspension was revoked and Mr. Ajoy Biswas returned to the House the very next day.⁹⁷

The decision to suspend a member is thus not an easy one, and requires tacit agreement from all stakeholders. The incident of 1987 relates to a time when the government held an unprecedented majority position in the House. After the 1984 election, Congress-I had won 407 seats, higher than the strength of the Congress on the first election. Despite their numerical might in the House, the opposition's criticism could not go unnoticed and the suspension order was revoked. Similarly, in 2012, when Mr. Narayanasamy's papers were snatched by members of the Samajwadi Party, not only was the ruling party's strength in the House significantly lower, but also other political parties did not come to the aid of the Congress in the wake of the incident.⁹⁸

Thus, use of disciplinary power has to be in line with the sense of the House. A review of recent occasions when the power to suspend has been used would also evidence this. For instance, on April 24, 2012, eight Congress Members of Parliament belonging to the Telangana region were suspended for repeatedly disrupting the House over the demand for statehood for Telangana. The business of the House had been disrupted over the entire session, which was split over two months, March and April. On facing rebukes from opposition members who pointed out that the members of the Congress were disrupting the House, the party moved a motion for suspension of the disorderly bunch. Later, Leader of the Opposition, Sushma Swaraj and Basudeb Acharya called the incident unprecedented, for "Never in the history of Parliament has such an event occurred before".⁹⁹ They were referring to the fact that members of the ruling party had never before been suspended from Parliament.

In an even more recent incident on August 23, 2013, the Speaker for the first time invoked the power to suspend a member without requiring a vote of the House. This power had been included under the Rules following an amendment in 2001. The suspension of 12 members of the UPA (8 from the Congress and four from TDP) came when they had, through disruptions, made it impossible for the government to conduct its business.¹⁰⁰ The Congress, keen to pass the Food Security Bill, had secured the agreement of all political parties to run the House even as the TDP MPs disrupted proceedings. Despite protests and disruptions since the beginning of the session, the Speaker Meira Kumar had not taken action till August 23, 2013 when, as per reports, different political parties agreed to support her decision if she chose to suspend some of

⁹⁶*The Hindu*, Lok Sabha suspends CPI(M) member, July 30, 1987 p. 6

⁹⁷*The Hindu*, Opposition boycotts Rajya Sabha, August 1, 1987 p.1

⁹⁸ Indian Express, SP's Yashveer Singh snatches quota bill from Narayanasamy in Lok Sabha, Sonia Gandhi rushes to rescue, heckled, December 19, 2012 last accessed on August 28, 2013 at <http://www.indianexpress.com/news/sps-yashveer-singh-snatches-quota-bill-from-narayanasamy-in-lok-sabha-sonia-gandhi-rushes-to-rescue-heckled/1047597/0>

⁹⁹ 'Suspension of Telangana demanding AP Cong MPs unprecedented' Business Standard, April 24, 2012 last accessed on August 13, 2013 at http://www.business-standard.com/article/pti-stories/-suspension-of-telangana-demanding-ap-cong-mps-unprecedented-112042400359_1.html; Suspension of ruling party MPs from Telangana unprecedented: CPI(M), DNA, April 24, 2012, last accessed on August 13, 2013 at <http://www.dnaindia.com/india/1680104/report-suspension-of-ruling-party-mps-from-telangana-unprecedented-cpi-m>

¹⁰⁰ DNA, Let the House Run, Congress appeals to TDP, August 13, 2013 last accessed on August 23, 2013 at <http://www.ndtv.com/article/india/protesting-over-telangana-tdp-mp-siva-prasad-whips-himself-outside-parliament-409203>

the members.¹⁰¹ Furthermore, it was also reported that members may carry dangerous substances with themselves into the House. It was later reported that an MP from TDP had carried a whip into the House and upon being suspended lashed himself with it.¹⁰²

As is evident from the examples cited above, Speakers are well within their powers to suspend members if they are faced with grave disorder. However, the Speaker's power is circumscribed by the opinion that other members of the House share on the act in question. The rise in the number of political parties and varied political interest has made it harder for the Speaker to find consensus between members on use of disciplinary powers. While it is easier to take action against members of the treasury benches, Speakers are loathe to take that decision unilaterally. They have to gauge circumstances, and avoid embarrassing situations like the 1987 decision for the House. Any attempt to ride roughshod over the opposition could backfire. Speakers increasingly rely upon their powers of persuasion as against disciplinary powers. They are involved in all party meetings, and separate meetings with leaders of respective political parties where they try to build a positive atmosphere for the House to function. For instance, bucking the trend of viewing adjournment motions with some disfavour,¹⁰³ Speaker Somnath Chatterjee, in an exclusive meeting with the leaders of BJP, promised that he would allow an adjournment motion to be tabled in the House.¹⁰⁴

In order to let the House function smoothly, Speakers often allow members to engage in a healthy banter and frivolity¹⁰⁵, though there are precedents against this.¹⁰⁶ Speaker Sangma would often rely upon the good humour of the members to impede precipitation of disruptions in the House. In an interview, Mr. Sangma confessed to having greatly enjoyed the jokes made by late MP Mr. Surender Singh on the floor of the House. He would also request the present Speaker Ms. Meira Kumar to share some *shairi* (lyrical couplet) with the House. Through these measures, he would keep short tempers at bay. According to Mr. Sangma, suspending a member blunts the Speaker's powers of persuasion and has wide repercussions on the personal and political rapport shared by the Speaker with the member and his party. As noted in the 1987 decision, the ramifications of suspending a member may very well lead to an increase in defiance and disorder in the House.

¹⁰¹ Hindustan Times, Reluctant Speaker suspends 12 MPs for 'safety', last accessed on August 25, 2013 at <http://www.hindustantimes.com/India-news/NewDelhi/Speaker-feared-suspended-MPs-could-carry-dangerous-objects-to-Lok-Sabha/Article1-1111810.aspx>

¹⁰² Protesting over Telangana, TDP MP Siva Prasad whips himself outside Parliament, last accessed on August 25, 2013 at <http://www.ndtv.com/article/india/protesting-over-telangana-tdp-mp-siva-prasad-whips-himself-outside-parliament-409203>

¹⁰³ Speaker Mr. Mavalankar was very stringent when it came to granting permission to table adjournment motions and asked members to rely on other parliamentary methods such as Half Hour Discussions. During the first Lok Sabha, only one adjournment motion was allowed to be moved. Whereas, Speaker Somnath allowed members seven such motions to be discussed in the House. Ministry of Parliamentary Affairs, Statistical Hand Book, 2012; *Subhash C Kashyap, Office of the Speaker and the Speakers of Lok Sabha* (Delhi: Shipra Publications, 1991), 113-114.

¹⁰⁴ *Somnath Chatterjee, Keeping the Faith: Memoirs of a Parliamentarian* (New Delhi: HarperCollins Publishers India, 2010) 157

¹⁰⁵ For instance, Presentation of the Railway Budget 2008-09, by Minister of Railways, Mr. Lalu Prasad Yadav, at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=10980> February 13, 2008; Also see, Mr. Speaker Somnath Chatterjee's response to laying of papers by the Minister for Railways, Mr. Lalu Prasad, before the House, <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=9486>

¹⁰⁶ C.A (Leg) Debates, Volume III, p. 2118; MN Kaul and SL Shakhdar, *Practice and Procedures of Parliament: with particular reference to Lok Sabha*, G.C Malhotra, ed. (New Delhi: Lok Sabha Secretariat, Metropolitan Book Co. Pvt. Ltd.) 326

Chapter 4

What Guides the Speaker's Discretionary Powers?

There are various instances where the Rules vest the Speakers with unguided powers. For instance, while the Rules empower the Speaker to adjourn the House in case of gross disorder, they do not provide a benchmark for what gross disorder is.¹⁰⁷ In such circumstances where Rules are ambiguous or silent, the Speaker can turn to other aids. Some such aids are customs and precedents and the Speaker is free to determine whether these are applicable to the circumstances before him. On certain occasion, even these external aids do not suffice. In this chapter an attempt has been made to identify factors that guide the Speaker in making decisions specifically relating to the exercise of his discretionary powers to hasten the passage of Bills, and, to refer Bills to Standing Committees for consideration prior to passage. Recommendations are also made to ensure that these influences guide the Speaker to make deliberation driven choices.

Introduction and Passage of a Bill

In order for members to participate effectively in law-making, they need to be armed with adequate information about the Bills that are to be introduced in Parliament and they need time to deliberate upon them both before and after they are introduced. The Rules and Directions by the Speaker provide members with the protection required to perform this role successfully. For instance, the Rules require mandatory circulation of the Bills two days before introduction. However, the Speaker can allow deviation from such Rules if he is satisfied that the circumstances warrant it. In this section, I explore the circumstances in which the deviation has been allowed and its impact.

Notice of introduction of a Bill has to be given at least seven days before the Bill is introduced.¹⁰⁸ Two days prior to introduction of a Bill, it has to be circulated amongst members.¹⁰⁹ With an understanding of the subject matter of the Bill and the Bill's provisions, members may be able to oppose its introduction. In fact, circulation was not required until 1957 when the Speaker made a direction to that effect. Earlier, on the day that the Bill was to be introduced, a few copies of the Bill used to be kept in the Parliament for members.¹¹⁰ This, members argued, was untenable in light of Rule 72 that empowered members to oppose Bills in case the House did not enjoy competence to legislate over the subject. This may be the case if the Bill related to an issue that fell under the state list (List II, Seventh Schedule of the Constitution of India). In order for a member to oppose a Bill, he therefore needed to scrutinise it prior to speaking before the House. Taking note of the argument, the Speaker ordered that Bills be circulated at least two days before the Bill was listed for introduction.¹¹¹ However, the Speaker retains the power to allow introduction of a Bill without circulation if he is content that there were adequate reasons for this departure.¹¹² If such power is exercised by the Speaker, it would have the consequence of precluding members from raising informed objections under Rule 72.

¹⁰⁷ Rule 375, Rule of Procedures of the Lok Sabha.

¹⁰⁸ Direction 19A, Directions by the Speaker.

¹⁰⁹ Direction 19B, Directions by the Speaker.

¹¹⁰ MN Kaul and SL Shakhdar, *Practice and Procedures of Parliament: with particular reference to Lok Sabha*, G.C Malhotra, ed. (New Delhi: Lok Sabha Secretariat, Metropolitan Book Co. Pvt. Ltd.) 550

¹¹¹ Direction 19B, Directions by the Speaker.

¹¹² Direction 19B, provision 2, Directions by the Speaker

Time Gap Before Consideration of a Bill

By convention, Bills that have been circulated prior to introduction cannot be considered on the day they are introduced.¹¹³ If a Bill is not circulated at least two days before its introduction, it cannot be considered by the House for a minimum of two days after its introduction.¹¹⁴ However, Speakers are empowered to allow deviation from such convention, thus, leaving open the possibility that Bills could be considered even on the day of introduction.

Table 1: Bills where Speakers allowed less than two days between introduction and consideration.

| Lok Sabha | Bills passed [^] | Bills considered on the day of introduction | Bills considered the day after introduction |
|--|---------------------------|---|---|
| 14 th | 78 | 5 | 7 |
| 15 th * | 55 | 1 | 3 |
| Source: Lok Sabha. | | | |
| [^] Does not include Bills referred to LS from RS, Appropriation and Finance Bills; * Till budget session 2013. | | | |

Notice of Amendments

In relation to amendments to a Bill, notice has to be given at least a day before their discussion.¹¹⁵ Even in the case of amendments, Speakers may allow deviations from such prescribed time-frames.

Reference of Bills to Standing Committees

The Speaker is also empowered to refer the Bill to a Standing Committee. As per prevailing practice, all Government Bills, except Bills to replace Ordinances, Bills repealing obsolete laws, Appropriation Bills, Finance Bills and Bills of a technical or trivial nature, are usually referred to the concerned Departmentally Related Standing Committees for examination and report.¹¹⁶ A member can move a motion for reference to the pertinent Standing Committees¹¹⁷, or such reference may be made by the presiding officer.¹¹⁸ A recent occasion of a Bill being referred to the Standing Committee by the

¹¹³ MN Kaul and SL Shukdhar, *Practice and Procedures of Parliament: with particular reference to Lok Sabha*, G.C Malhotra, ed. (New Delhi: Lok Sabha Secretariat, Metropolitan Book Co. Pvt. Ltd.) 557.

¹¹⁴ Rule 74 proviso 2, Rule of Procedures of the Lok Sabha.

¹¹⁵ Rule 79, Rule of Procedures of the Lok Sabha.

¹¹⁶ Lok Sabha Procedures, Abstract Series, <http://164.100.47.132/LssNew/abstract/index.aspx>

¹¹⁷ Rule 74 and 75, Rules of Procedure of the Lok Sabha.

¹¹⁸ Parliament of India, How a Bill becomes an Act, last accessed on August 28, 2013 at <http://www.parliamentofindia.nic.in/ls/intro/p5.htm>

Speaker without a motion of reference by a member is that of the Criminal Law Amendment Bill, 2012.¹¹⁹

Trends

In making these decisions, the Speaker balances the need for efficiency with representativeness and deliberation. From an analysis of Bills that were discussed on the day they were introduced or the subsequent day, four factors appear to guide the Speaker in making decisions on: (a) referring the Bill to a Standing Committee; or (b) allowing the Bills to be considered on the day they were introduced. These factors are,

- The minimal impact of the Bill;
- Consensus between the ruling party and the main opposition party;
- Public perception of the Bill; or
- The crisis sought to be managed through the Bill.

These trends are discussed in greater detail below.

Bills With Minimal Impact

In relation to Bills that have limited impact on policies, Speakers have neither referred Bills to Standing Committees, nor have they enforced compliance to the usual timeframe for introduction and passage of the Bill. Some examples of these Bills are the Salaries and Allowances of Members of Parliament Bill, 2006 and the Governors (Emoluments, Allowances and Privileges) (Amendment) Bill, 2008. Even when, members of the Lok Sabha suggested that the Bill be referred to the Standing Committees and opposed their introduction for want of prior circulation, the Speaker did not intervene to refer the Bill to the Committee. Since the Bills are in the nature of minor amendments that are periodically made, there may be merit in allowing shorter time gaps between their introduction and passage. Furthermore, some of these Bills are drafted on the basis of recommendations by previous parliamentary committees.¹²⁰

Bills Passed with Consensus Between Parties

In cases where Bills enjoy support of the major opposition party, even though they make substantial changes to the existing laws, the Speaker has been seen to allow their passage without reference to Standing Committees. During the 14th Lok Sabha, four substantive Bills were considered and passed on the day after they were introduced, without prior reference to Standing Committees. These included major anti-terrorism Bills, the National Investigation Agency Bill, 2008 (NIA Bill) and the Unlawful Activities (Prevention) Amendment Bill, 2008, (UAPA Bill); as well as economic game changers – the Special Economic Zone Bill, 2005 (SEZ Bill) and the Agricultural and Processed Food Products Export Development Authority (Amendment) Bill, 2008 (APFEDA Bill).

The NIA and the UAPA Bill were introduced in response to the terror attacks at Mumbai on November 26, 2008. There was in fact an all-party decision to pass anti-

¹¹⁹ Rajya Sabha Parliamentary Bulletin, Part II, No. 50467 January 2, 2013

¹²⁰ The Salaries and Allowances of Members of Parliament Bill, 2006 was passed by the Lok Sabha on August 23, 2006 upon the recommendation of a parliamentary committee. In 2002, Pramodmahajan as Minister of Parliamentary Affairs had taken a decision to increase MPs' salaries in 2006. Lok Sabha Debate, August 23, 2006 accessible at <http://164.100.47.132/LssNew/Debates/textofdebatedetail.aspx?sdate=08/23/2006>

terrorism laws quickly.¹²¹ The Leader of the Opposition, Mr. L.K. Advani, did have certain reservations against the Bill, however he offered full support to the government in all steps it took to combat terrorism.¹²² Despite opposition from some left members, the Bills were not referred to Standing Committees.

Hasty passage of Bills without compliance with the practice of reference to Standing Committees can adversely impact the quality of legislation. One such instance is the Special Economic Zone Act, 2005 that was passed by the Lok Sabha with consensus amongst most political parties in the House.¹²³ Recent Reports of the Standing Committee on Commerce have observed problems within the SEZ Act.¹²⁴ Prior deliberation upon the Bill at the time of passage may have allowed for public participation and course correction. Special provisions may have been built in to ensure higher compliance.

Public Perception of Bills

Some Bills that make significant changes to the existing legal framework appear to have been introduced and passed within the House, without compliance to the usual timeframe on the basis of public opinion about those Bills. Examples of such Bills are the Lokpal and Lokayuktas Bill, 2011 and the Criminal Law Amendment Bill, 2013. The Lokpal and Lokayuktas Bill was introduced in Parliament without prior circulation.¹²⁵ While its predecessor had been discussed threadbare over news channels and in print, the new version of the Bill, which was circulated at the time of introduction, was significantly different from the previous version.¹²⁶

The Bill was tabled amidst a heightened frenzy to weed out corruption in governance. Over the months preceding the introduction of the Bill, many protests and strikes were held in Delhi and across the country.¹²⁷ Annza Hazare, who led the anti-corruption “movement”, was amassing a sort of national leader image during this time. By December 2011, the main opposition party had joined the Anna Hazare movement to add to the government’s woes.¹²⁸ The government was facing disapproval for delaying the Bill’s introduction in the House in the form of criticism in the media, protests led by

¹²¹ Lok Sabha Debates, December 17, 2008 last accessed on August 23, 2013 at

<http://164.100.47.132/LssNew/Debates/textofdebatedetail.aspx?sdate=12/17/2008>

¹²² Lok Sabha Debates, December 17, 2008 last accessed on August 23, 2013 at

<http://164.100.47.132/LssNew/Debates/textofdebatedetail.aspx?sdate=12/17/2008>

¹²³ Business Standard, Government may scrap SEZ Policy, June 24, 2013 last accessed on August 25, 2013 at http://www.business-standard.com/article/economy-policy/govt-may-scrap-sez-policy-113062400100_1.html

¹²⁴ Hundredth Report of the Standing Committee on Commerce on Demand for Grants, 2012-13, last accessed on August 25, 2013 at

<http://164.100.47.5/newcommittee/reports/EnglishCommittees/Committee%20on%20Commerce/100.pdf>

¹²⁵ Lok Sabha Debate, December 22, last accessed on August 22, 2013 at

<http://164.100.47.132/debatetext/15/IX/2212.pdf>

¹²⁶ PRS Legislative Research, *Major differences between the Lok Pal Bill 2011 and the Lok Pal and Lokayuktas Bill, 2011*,

<http://www.prsindia.org/administrator/uploads/media/Lok%20Pal%20Bill%202011/Major%20differences%20between%20the%20Lok%20Pal%20Bill%202011%20and%20the%20Lok%20Pal%20and%20Lokayuktas%20Bill.pdf>

¹²⁷ The Economic Times, “Anna Hazare's movement among top 10 news stories of 2011” December 8, 2011 http://articles.economicstimes.indiatimes.com/2011-12-08/news/30490261_1_anna-hazare-arab-spring-magazine

¹²⁸ India Today, Opposition parties agree with Anna Hazare on Lokpal Bill but say Parliament supreme, December 12 2011, last accessed on August 22, 2013 at <http://indiatoday.intoday.in/story/anna-hazare-lokpal-bill-fast-jantar-mantar/1/163659.html>.

Anna Hazare, as well as from the Members of Parliament.¹²⁹ The move to introduce the Bill was thus, seen to be in keeping with public perception of ‘good’.¹³⁰ The haste with which the amended version of the Bill was introduced was objected to by Members of Parliament. In this regard, the statement made by Gurudas Dasgupta on the floor of the House is relevant,

“Gurudas Dasgupta: This Bill is being sought to be introduced in an unusual haste. I am here in the Parliament for many years. But I have never seen this; in the Order Paper there was no reference to this Bill. Even half-an-hour ago, we did not know what is going to happen. Suddenly there was a Supplementary List. You have the right and I do not question the right. Let us not be afraid of anybody, least of all an ex-policeman, least of all, an ex-bureaucrat, least of all somebody who pretends to be another Father of the Nation. There is only one Father of the Nation. There is only one Father of the Nation – Mahatma Gandhi. Let there be no one pretend himself to be so... Let us not allow anybody. I am not naming anybody because it is not parliamentary practice. Let nobody pretend as the single crusader against corruption. We fought against corruption. How did the JPC in Harshad Mehta Case come about? How the JPC in 2G case came about? The Congress Party also fought against corruption; BJP also fought; we also fought against corruption; many parliamentarians raised a number of Calling Attention motions against corruption... Therefore, there is not a single crusader against corruption. Please do not be afraid of any individual. Please do not be afraid of another phase of hunger strike. Do not surrender the sovereignty of Parliament’.”¹³¹

The other example of hasty passage of a Bill with support from the public was in the case of the Criminal Law Amendment Bill, 2013. This Bill, which amended the law on rape and other sexual offences in India, was the only Bill to be introduced and passed on the same day during the 15th Lok Sabha. Amendments to the Bill were not circulated a day in advance of their consideration in the House. This instance of quick passage of a Bill was precipitated in light of prevailing circumstances. The Delhi Gang Rape of December 16, 2012 brought out the brutality of crimes against women, the lacunae in the law and the need for concerted effort. The public outcry against the incident pressurised the government to hasten administrative efforts to legislate amendments. On February 3, 2013 an Ordinance was passed to immediately reform penal and procedural laws on rape and other heinous crimes against women on the basis of recommendations made by an expert group led by Justice Verma.¹³² The expert group’s recommendations and the Bill that was introduced differed on some important aspects that would have significant social ramifications. Since the requirement of minimum time gap of two days between circulation and consideration was not adhered to, members did not have adequate time to grapple with the changes.

Some of the amendments to the Bill were moved by the government after consultations with the some opposition parties.¹³³ As per the debate in the House, the consultation process was not inclusive. Some of the parties that objected to the Bill’s

¹²⁹ Ministry of Parliamentary Affairs, Table 3-A: Reasons for disruption during 15th Lok Sabha, Statistical Handbook 2012.

¹³⁰ Lok Sabha Debate, December 22, 2011 and December 27, 2011

¹³¹ Source: Lok Sabha Debate, December 22, last accessed on August 22, 2013 at <http://164.100.47.132/debatestext/15/IX/2212.pdf>

¹³² Criminal Laws (Amendment) Ordinance, 2013

¹³³ “Anti-rape bill gets all-party okay, to be introduced in House today” *The Economic Times*, March 19, 2013.

introduction on this ground included the Biju Janta Dal and the Telugu Desam Party (together about 20 seats).¹³⁴ Here is an excerpt of the debate in Lok Sabha on March 19, 2013 on the Criminal law Amendment Bill, 2013,

“Sushil Kumar Shinde (Minister of Home Affairs): I also express my gratitude to the leaders of various political parties who have given valuable suggestions in the all-Party meeting held on 18th March, 2013. ... (Interruptions).

Nama Nageswara Rao: It was not an all-Party meeting. ... (Interruptions)

Bhartruhari Mahtab: It was a select-Party meeting. ... (Interruptions)”¹³⁵

Crisis Management

The last scenario where the Speaker exempted compliance with the Rules and conventions governing timelines and consideration of Bills is that of crisis management. During the last nine years, one instance where the Speaker granted exemption for evading a crisis was the Office of Profit (Amendment) Bill, 2006 that exempted members from disqualification for appointment to certain offices.¹³⁶

Members of Parliament are liable to be disqualified for holding offices of profit. Such disqualification was mandated by the Parliament (Prevention of Disqualification) Act, 1959 to ensure that legislators did not hold executive positions, and the separation between the two wings of the state was maintained.¹³⁷ The Act did not clearly define what an office of profit meant, but provided a list of offices that would be exempt from such disqualification. In case the office was not exempted, the court had to determine whether the office held by the parliamentarian was incompatible with the member's position as an MP and whether his independence and loyalty to the Constitution of India would be compromised.¹³⁸

On May 8, 2006, the Supreme Court had given its judgment on a petition challenging the membership of parliamentarian Jaya Bachchan. It clarified that when members held government positions that were remunerative, they were liable to be disqualified, even if they were not interested in the remuneration or had not received them yet.¹³⁹ The decision opened the door for many other petitions challenging the membership of 40 other parliamentarians, including the Speaker, Mr. Somnath Chatterjee.

In response to the judgment and the flurry of disqualification petitions that followed, the government introduced the Office of Profit Bill, 2006 and moved that it be considered and passed on that very day.¹⁴⁰ The Bill sought to amend the Schedule to the 1959 Act to expand the list of exempted office. Over the years amendments were made to the Act to exempt or disqualify specific persons from holding those offices or

¹³⁴ Lok Sabha Debate, March 19, 2013.

¹³⁵ Source: Lok Sabha Debates, March 19, 2013 last accessed on August 20, 2013 at <http://164.100.47.132/debatetext/15/XIII/1903.pdf>.

¹³⁶ The official name of this Bill is the Parliament (Prevention of Disqualification) Act (Amendment) Bill, 2006.

¹³⁷ *Consumer Education and Research Society vs. Union of India & Ors.* (2009) 9 SCC 648. The Court in this case held that the concept of Office of Profit shared its roots in British parliamentary history. According to the principle, certain offices or positions held by a Member of Parliament (Hereinafter also referred to as ‘MP’) may be either incompatible with his/her duty as an elected representative of the people, or affect his/her independence, and thus weaken the loyalty to his/her constituency and, therefore, should disqualify the holder

¹³⁸ *Consumer Education & Research Society vs. Union of India & Ors.* (2009) 9 SCC 648

¹³⁹ *Jaya Bachcha vs. Union of India.* (2006) 5 SCC 266.

¹⁴⁰ Lok Sabha Debate, May 16, 2006, last accessed on August 20, 2013 at <http://164.100.47.132/LssNew/Debates/textofdebatedetail.aspx?sdate=05/16/2006>

membership of the parliament.¹⁴¹ The BJP wanted an amendment to define the scope of “office of profit” under the Act.¹⁴² However, the Bill did not bring about such clarity and neither did it provide a rationale for the list of exemptions.

As mentioned above, the Bill came in response to petitions challenging the membership of 40 Members of Parliament, including Speaker Somnath Chatterjee, on the ground that they held offices of profit.¹⁴³ It was alleged that the Speaker was the President of the Asiatic Society and the Chairperson of the Sriniketan Shantiniketal Development Authority.¹⁴⁴ It argued that these positions were executive in nature and that the Speaker, Mr. Somnath Chatterjee, was liable to be disqualified, but for the amendment that was proposed. Speaker Somnath Chatterjee honourably defended himself before the press¹⁴⁵ and clarified in his autobiography that the positions he held were not administrative and that he didn’t derive profit from them.¹⁴⁶ During the debate on the Bill, he also recused himself as the Speaker.¹⁴⁷

However, there were certain steps taken in relation to the Bill, which reduced the ability of members to deliberate over the provisions of the Bill or deal with the larger constitutional issues it stirred. The main opposition party vociferously argued against the hasty timeline adopted in relation to the Bill. An excerpt from the debates is provided below.

L.K. Advani: “The manner in which this particular matter is being dealt with by the Government is not the right way. For example, waiving of notices required for Bills or the circulation of the copy of the Bill to the Members can be waived in certain circumstances. But by saying that the Bill is to be introduced today, to be passed today and is to be passed by the other House today, they are trying to bulldoze it which is not necessary at all ... I would like to plead with the Speaker to advise the Government and let the Government also decide on this matter. There is ample time. We are sitting till the 23rd of May. What is the hurry about it? Why is it being bulldozed? There should be a full-fledged discussion on this particular matter so that whatever has to be said can be said. Even though it was said that before the Bill would be introduced, the Opposition would be consulted, I was not consulted”.¹⁴⁸

In her speech in the House, Maneka Gandhi also spoke of her own experience with the statute book and urged that the Bill be referred to the Standing Committee. The following is an excerpt of the debate and adds to this argument.

Maneka Gandhi: “In 1995, Shri Rajesh Pilot of the Congress Party, who was then the Minister for Environment, appointed me as the Chairperson of the Animal Welfare Board of India. I stayed in that post for many years and was re-appointed in 2000. In 2002, the Animal Welfare Board had become a great

¹⁴¹ Maneka Gandhi, Lok Sabha Debate, 16 May, 2006; Also see: “Office of Perplexity & Pandemonium” *The Indian Express*, June 3, 2006.

¹⁴² Times of India, No Ordinance on Office of Profit, Govt for talks, March 26, 2006 http://articles.timesofindia.indiatimes.com/2006-03-26/india/27809029_1_profit-parliament-suggestions

¹⁴³ Statement of Objects and Reasons, Parliament (Prevention of Disqualification) Amendment Bill, 2006.

¹⁴⁴ “Not holding any Office of Profit, says Somnath”, Neena Vyas, *The Hindu*, March 25, 2006

¹⁴⁵ “Not holding any Office of Profit, says Somnath”, Neena Vyas, *The Hindu*, March 25, 2006

¹⁴⁶ *Somnath Chatterjee, Keeping the Faith: Memoirs of a Parliamentarian* (New Delhi: HarperCollins Publishers India, 2010) 186 -190.

¹⁴⁷ Lok Sabha Debate 16 May, 2006

¹⁴⁸ Source: L.S. Debate, last accessed on August 12, 2013 at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=5191>

nuisance for the pharmaceutical companies that ran bad laboratories. So, it was decided to remove me. But how to do that without incurring my wrath as a Member of the NDA, since the NDA Government was in power. So, Shri Baalu, who was then the Minister for Environment, all of a sudden notified the post of the Chairperson of the Animal Welfare Board as an office of profit – 42 years after it had been made. I was removed and a Joint Secretary was put in my place for whom obviously it was not an office of profit even though it carried the same supposed perks... This cynical exercise has been repeated in the last Session with the removal of a Rajya Sabha Member who also held the post of the UP Film Development Council.

“Tasting success in getting rid of an opponent, immediately the ruling coalition filed similar intents for other MPs that they were inimical to. Unfortunately this move backfired when it was seen that more Members of the ruling coalition including the Chairperson held similar offices of profit. Whereas the expelled Rajya Sabha Member did not take a house, car or any money given to her by the UP Film Development Corporation which in itself was in pathetic state, the Chairperson of the NAC on the other hand had both house, office and other perks given directly from the Prime Minister's office... In order to stop the growing criticism, in another extraordinary move, Parliament was adjourned *sine die*, cutting short a Session in which financial Bills had to be debated... This (Bill) may be of great importance to the politicians who are reluctant and obstinate to leave their posts. But is it of national importance? I can understand a special Session being called to discuss terrorism or the continuing desperation of farmers. But why a special Session for this small and insignificant reason. How extraordinarily cynical is this?

“In this haste, every parliamentary norm has been abandoned. The then Speaker, Shri Shivraj Patil, had once said that even if an amendment took place, the Bill should go back to the Standing Committee of the subject. This Bill has not gone to the Standing Committee at all. It has not been circulated two days before. The Parliamentary Affairs Minister said that it would only be passed with consensus. There is absolutely no consensus on the exemptions which have little meaning. The only consensus that we really do have is that every party has rushed to give the Parliamentary Affairs Minister a list of their own special people who are holding offices of profit. That is the limited consensus that we have. This Bill was supposed to eliminate the confusion over the office of profit. It has merely added to the confusion becoming a Bill to save the office and keep the profit. It is even sadder that a large proportion of the saved offices should be those of West Bengal. I suppose that is one of the parties of being the driving force in the ruling coalition. The Left has 19 out of 46 which is approximately 40 per cent which is their share of this bizarre list”¹⁴⁹

On behalf of the ruling party, Mr. Rao, of the Congress Party argued the Bill had been introduced to avoid a crisis.¹⁵⁰ Accordingly, to avoid the crisis, the Bills consideration was allowed on the day it was introduced. Failure to tackle the larger

¹⁴⁹ Source: L.S. Debate, last accessed on August 12, 2013 at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=5221>.

¹⁵⁰ Lok Sabha Debate, May 5, 2005 accessible at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=5221>

constitutional issues, were soon to bring embarrassment to the government.¹⁵¹ Once the Bill was passed by both Houses and was forwarded to the President for his assent, he withheld his assent with two questions. First, whether the term Office of Profit had the same meaning across different states, and second, whether retrospective amendment was desirable. In a similar case, the Representation of People (Amendment) Bill, 2013, was passed by the Rajya Sabha, without reference to the Standing Committee. The Bill that overturns the Supreme Court judgment prohibiting convicts from contesting elections was introduced in the Upper House on August 26, 2013 and passed on August 27, 2013.

Analysis

From an analysis of the previous nine years, it appears that on occasion, Speaker exempts compliance with Rules and conventions on introduction and consideration of Bills on the basis of public opinion on the Bill. The Speaker's observation in the Lok Sabha debate on the combined discussion on the NIA and the UAPA Bill, 2008 is telling in this regard. At the cost of repetition, his statement is reproduced,

“I thought, people would blame me if I send it to the Standing Committee.”¹⁵²

If public opinion has any influence on Speakers' decisions, attempts should be made to make it more informed. This is because reliance on public reason and perception that is guided by rhetoric instead of awareness of law, policy and empirical data can have serious repercussions on: (a) the quality of the legislation passed; and (b) the level of trust between different stakeholders in the polity – opposition members and the electorate.

Quality of Legislation

In relation to the Lokpal Bill, while the Lok Sabha passed the Bill, it was stalled in the Rajya Sabha. The Upper House later noted the need for greater debate on the subject and the Bill was subsequently referred to a Select Committee of the House.¹⁵³ The Committee headed by the Leader of Opposition in the Upper House, Arun Jaitley, made various recommendations to amend the Bill. To improve the effectiveness of the legislation, the Committee recommended specific steps to make the investigative and prosecution bodies independent of the government.¹⁵⁴ Some members had recommended financial autonomy for the CBI in order to ensure that it is able to combat corruption.¹⁵⁵

¹⁵¹ “Kalam returns Office of Profit Bill”, IBNLive, May 31, 2006, <http://ibnlive.in.com/news/kalam-returns-office-of-profit-bill/11851-4.html>

¹⁵² Lok Sabha debate, December 17, 2008, <http://164.100.47.132/LssNew/Debates/textofdebatedetail.aspx?sdate=12/17/2008>

¹⁵³ Lok Sabha Debate, May 21, 2012 last accessed on August 22, 2013 at <http://164.100.47.132/debatestext/15/X/2105.pdf>

¹⁵⁴ Report of the Select Committee of the Rajya Sabha on the Lokpal and the Lokayukta Bill, 2011 last accessed on August 22, 2013 at <http://164.100.47.5/newcommittee/reports/EnglishCommittees/Select%20Committee%20on%20the%20Lokpal%20and%20Lokayuktas%20Bill,%202011/1.pdf>

¹⁵⁵ Recommendation received by the Committee from D.P. Tripathi, Report of the Select Committee of the Rajya Sabha on the Lokpal and the Lokayukta Bill, 2011, last accessed on August 22, 2013 at <http://164.100.47.5/newcommittee/reports/EnglishCommittees/Select%20Committee%20on%20the%20Lokpal%20and%20Lokayuktas%20Bill,%202011/1.pdf>

Trust Deficit

In the clamour for change, legislative scrutiny by Members of Parliament failed to be inclusive. Passage of the Bills or their introduction without adequate notice and time for consideration precluded both parliamentarians and civil society from engaging with the issues effectively. New issues cropped up at the time the Bills were introduced. These were not known to stakeholders for them to interact with the legislative process. Members could not engage with the public to ensure that refined Bills are passed that go through fewer amendments at later stages.¹⁵⁶ It should be noted that civil society does not speak in one coherent voice, and with reduction of time to deliberate, a number of interests are ignored. This also led to accusations by parliamentarians about the fact that they or their party was not consulted.

In order to ensure that public opinion with an interest to improve discussions guides the Speaker, citizens can make concerted effort to engage with the presiding officers. Such engagement may be directly through petitions to the Speaker, or through the media. Presently, the Save RTI movement spearheaded by Commonwealth Human Rights Initiative is relying on both these methods to stall an amendment to the Right to Information Act.¹⁵⁷ The Bill that seeks to exempt political parties from the Right to Information Act, 2005, has the support of most political parties.¹⁵⁸ The initiative has petitioned to the Speaker to refer a Bill to a Standing Committee. However, in terms of public support, the movement is nowhere close to the magnitude of the anti-corruption movement led by Anna Hazare, or the movement that swept the nation after the Delhi Gang Rape of December 16, 2012. Public awareness on the issue has been limited as the issue made the headlines only in June 2013. At the time of introduction of the Bill, media attention was hijacked by the Food Security Bill, 2011 and government effort to combat sexual crimes. While the movement may not succeed, it is a start for direct public engagement with the Speaker.

¹⁵⁶ First report, Select Committee on Modernisation of the House of Commons, 2006

¹⁵⁷ *The Hindu*, RTI activists oppose govt's move to exempt political parties, August 2, 2013, <http://www.thehindu.com/news/national/rti-activists-oppose-govts-move-to-exempt-political-parties/article4981884.ece>; Change.org, Petitioning Shrimati Meira Kumar, <http://www.change.org/en-IN/petitions/speaker-of-the-lok-sabha-shrimati-meira-kumar-send-the-rti-amendment-bill-2013-to-a-standing-committee-select-committee>

¹⁵⁸ This is with the exception of the BJD; See: Rajya Sabha Debate, August 27, 2013;

Chapter 5

Innovative Use of Discretionary Powers and the Role of Public Opinion

As has been discussed earlier, in the absence of Rules, conventions have developed to aid Speakers. One such convention relates to the allocation of time between members during a debate. As per the convention, members are allotted time on the basis of the strength of their parties in the House. In this chapter it is argued that such a mechanism to allocate time does not further the interest of representativeness and in fact, reduces the ability of the House to benefit from expertise driven debates. Public opinion and engagement, which as we have seen, has an impact on the performance of the House, can help in strengthening debate.

Diversity in the House

Parliamentary democracy in India, by adopting the multiparty system, has always accommodated a diversity of public opinion. Although initially, governments with clear majority could be formed, in time, a situation has developed where the largest party in the House comes to power with the support of its coalition partners. This has primarily been because of the rise of regional parties as forces to reckon with in the national scenario as well. In the First Lok Sabha, apart from the 27 political fronts that were represented, 33 independent candidates were elected.¹⁵⁹ Of the political parties, eight contributed one member each. The second largest party, the Communist Party had 18 representatives in the house, and close on its heels, the Socialist party contributed another 12. The opposition during Nehruvian era was often referred to as non-existent. There was no single concerted opposition party that had won an election on the same symbol or manifesto. During the 60 years of Parliament, the largest opposition party has risen from an insignificant 18 to over a hundred. The current Lok Sabha comprises 38 political parties and nine independents, with a strong main opposition party with 117 seats. A number of other parties contribute between 10 and 22 members to the House.

¹⁵⁹ List of Members of the First Lok Sabha, Parliament of India last accessed on August 29, 2013 at <http://parliamentofindia.nic.in/ls/lok01/01lsparty.htm>

As indicated in Table 2, over the years, participation by different social and economic classes has changed, with political power percolating to the marginalised groups.

Table 2: Percentage of Members of Parliament by Profession (First to Fifteenth Lok Sabha)¹⁶⁰

| Profession | 1 st | 3 rd | 5 th | 7 th | 10 th | 12 th | 15 th |
|----------------------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|------------------|
| Agriculturalist | 22.5 | 27.4 | 33.2 | 39.3 | 32.1 | 49.0 | 40.0 |
| Civil and Military Service | 3.7 | 0.9 | 3.4 | 0.9 | 3.2 | 0.2 | 1.4 |
| Journalists | 10.4 | 5.8 | 6.3 | 2.9 | 2.2 | 1.3 | 1.4 |
| Lawyers | 35.6 | 24.5 | 20.5 | 22.2 | 16.3 | 10.2 | 13.6 |
| Medical practitioners | 4.9 | 3.0 | 1.7 | 1.9 | 4.9 | 3.2 | 3.8 |
| Political & social workers | - | 18.7 | 19.0 | 17.2 | 18.1 | 18.0 | 18.4 |
| Educationists | 9.9 | 5.8 | 7.1 | 6.7 | 9.7 | 5.3 | 4.7 |
| Traders and Industrialists | 12.0 | 10.3 | 6.8 | 6.3 | 3.2 | 2.3 | 5.3 |

The increase in the number of parties and diversity in members in the House has improved the representative character of Parliament.¹⁶¹ However, this does not necessarily translate to higher quality of discussion in the House. This is because, membership of the House does not guarantee the ability to effectively participate in discussion on account of the parliamentary convention to give precedence to the members of larger political parties in terms of the time allocated to them to contribute to discussions. This convention has the potential to exclude voices of members who may have expertise on a subject or whose constituencies may be specially affected by an issue being considered by the House. It could also have the impact that some issues are not taken up for discussion at all, i.e., the choice of who is allowed to speak has a direct bearing on what is spoken about.

According to a parliamentary analyst, Mr. Vijay Kumar, it is the duty of the Speaker to listen to the members from all sides of the House with an open mind and to ensure that all sections of the House get a fair deal in projecting their viewpoints on matters of public importance.¹⁶² The question then is, whether the time of the House is to be divided on the basis of party strength, or, with a view to allow maximum possible diversity in opinions voiced on issues. While these sound identical, the two are in fact distinct.

¹⁶⁰ Sources: Lok Sabha, Members by Professional Qualifications, www.Lok Sabha.nic.in/, LARRDIS, Members of the Lok Sabha – A Socio-Economic Study, Journal of Parliamentary Information, March 2000, Chapter 5, www.parliamentofindia.nic.in/jpi/MARCH2000/CHAP-5.htm;

¹⁶¹ Balveer Arora, “The Indian Parliament and Democracy”, *The Indian Parliament: A Comparative Perspective*, Ajay K. Mehra, Gert W. Kueck, eds., (New Delhi: Centre for Public Affairs, Konrad Publishers Pvt. Ltd., 2003) 17 – 21.

¹⁶² Vijay Kumar, “Presiding Officers of the Indian Parliament”, *The Indian Parliament: A Comparative Perspective*, Ajay K. Mehra, Gert W. Kueck, eds., (New Delhi: Centre for Public Affairs, Konrad Publishers Pvt. Ltd., 2003) 179.

Pressures On Time and Ways of Seeking Opportunity

In order to allow ideas to grow in the House, there is a need for time to discuss issues. The government decides upon the number of days in a session and the Bills it would introduce during that time.¹⁶³ Thereafter, the schedule of a day in the Lok Sabha is decided by the Business Advisory Committee, in which members of all major political parties are represented. As is evident from recent news headlines, time is a scarce commodity in Parliament.¹⁶⁴ The number of Parliament sittings in a session has come down drastically. Where previously, the House used to sit for over 120 days in a year, it now sits for 70 days.¹⁶⁵ Even when the House is in session, a lot of time is lost in disruptions. This increases the pressure on time, making it all the more dear. The Speaker's power to allocate time for effective deliberation therefore becomes important.

There are three ways in which a member who wishes to participate in a discussion may seek permission to speak in the House. First, he may communicate his desire to the Speaker through the parliamentary party or group he belongs to; second, he may directly write to the Speaker; or third, he may catch the Speaker's eye.¹⁶⁶

Time allocation for speeches on legislative business is decided as per party strength.¹⁶⁷ This is based on principles applied as far back as in 1950.¹⁶⁸ Since all the members and political parties could not be heard in a debate, the system of granting time based on the party strength was developed. Members are divided into the following categories, major parties with more than 15 members, medium groups with 5 to 14 members, small groups with two to four members, and unattached or single member parties. Thus, members of the ruling party, not only present the Bill that is debated, but also spend time discussing it in the House with different members getting the opportunity to air their views. Opportunities are given to the Minister in Charge as well as other members on occasions.

There are various drawbacks to this mechanism. First, the rule allows members to participate in debates on the bases of their party strength as against other parameters. Presently, members from different parties sharing the same opinion are both allowed time to speak on a motion. This may result in repetitive and rhetorical debates. In the recent past, allegations of rhetoric have been made even against major party leaders.¹⁶⁹ Alternate parameters such as those based on participant's prior engagement with the subject, professional expertise, may result in more informed debates. Second, this rule does not take into account the fact that members of smaller parties may in fact bring expertise to the table, or that their electorate may be affected differently by the motion from the rest of the nation. The latter often rings true for members from the North-Eastern States. These states are represented by one or two members each, with the

¹⁶³ Article 85, Constitution of India, 1950.

¹⁶⁴ Hindustan Times, "44 Bills in 16 days: will Opp play ball?", August 4, 2013, last accessed on August 16, 2013 at <http://www.hindustantimes.com/India-news/NewDelhi/44-bills-in-16-days-of-Parliament-will-Oppn-play-ball/Article1-1103117.aspx>

¹⁶⁵ Ministry of Parliamentary Affairs, Statistical Handbook, 2012 p. 7 and 15.

¹⁶⁶ Directive 115A, Directions by the Speaker.

¹⁶⁷ Para 5, Allocation of Time and Selection of Speakers, Abstract Series, Lok Sabha last accessed on August 16, 2013 at http://164.100.47.132/LssNew/abstract/allocation_of_time_and_selection.htm

¹⁶⁸ MN Kaul and SL Shakhdar, *Practice and Procedures of Parliament: with particular reference to Lok Sabha*, G.C Malhotra, ed. (New Delhi: Lok Sabha Secretariat, Metropolitan Book Co. Pvt. Ltd.) 915

¹⁶⁹ <http://newindianexpress.com/nation/Sonia-stars-in-day-long-debate-Food-Bill-clears-Lok-Sabha-test/2013/08/27/article1753881.ece>

exception of Assam (14 members).¹⁷⁰ According to a news report, issues arising from the North-East get marginalised in Parliament as members do not have strength to gain momentum around them in the House.¹⁷¹ This is evidenced in the following example.

In 2012, the communal clashes in Kokrajhar in the North Eastern state of Assam during the months of July and August resulted in enormous loss of life and property. Kokrajhar has been the hotbed for ethnic and communal violence since the 1990s. Various members gave notice of adjournment motion to the Speaker to discuss the plight of the victims and the failure of government machinery. One such motion was moved by Mr. L.K Advani from the BJP, which was the main opposition party in the House. Mr. Bwiswmuthiary, who was sole representative of the Kokrajhar constituency and also the sole elected member of the House from the Bodoland Peoples' Front party, also moved a similar motion. Since adjournment motions need to be supported by at least fifty members in case their discussion is challenged,¹⁷² it is not surprising that the motion moved by Mr. L.K. Advani was given precedence over Mr. Bwiswmuthiary, despite that fact that Mr. Bwiswmuthiary's constituency had historically faced the maximum brunt of the violence.

The house heard Mr. Advani deliver a speech of approximately 4,500 words.¹⁷³ Over all, members of the BJP contributed approximately 6,182 words. After the BJP, the second largest participation was by the Congress Party which contributed about 4,896 words. The party was represented in the debate through three members, including the Minister of Home Affairs, Mr. Shinde. Janta Dal United, the third largest participant by word count was represented by a single member, Sharad Yadav who contributed approximately 1,872 words. Mr. Bwiswmuthiary, who hails from a single member party, got his chance to address the House, towards the fag end of the debate. He was the penultimate member to address the House before the Minister replied to the discussion. He contributed 1,779 words to the debate.

Analysis

In a parliamentary democracy all members of the House are to be regarded as equal and must enjoy an equal right to participate in debates.¹⁷⁴ However, since this is practically impossible, parameters have to be built to ensure greatest democratic benefit. Allocation of time on the basis of party strengths has its merits – it allows representation in proportion to the electoral support enjoyed by the party. But, it is inadequate as the sole parameter for time allocation.

As is noticed in the above-cited example, the use of the party strength principle could lead to anomalous situations where the representative of the most affected constituency is relegated to a secondary role in the debate. In relation to the Kokrajhar incident, although undisputedly the Speaker allowed the member representing the affected constituency to participate in the debate, the quality of debate could potentially have been enhanced by allowing such member to speak first. Such an approach may have allowed the other participants to benefit from the local expertise brought to the table by Mr. Bwiswmuthiary. Given that he was the representative of the constituency over the last 15 years, he benefited from special knowledge about the plight of the population of

¹⁷⁰ Lok Sabha, State-Wise list of members, last accessed on August 16, 2013 at <http://164.100.47.132/LssNew/Members/Statewiselist.aspx>

¹⁷¹ The Economic Times, Local Issues of NE States gets marginalised, April 18, 2010 last accessed on August 23, 2013 at www.articles.economictimes.indiatimes.com/2010-04-18/news/27628593_1_union-minister-national-issue-congress-mp

¹⁷² Rule 60, Rules and Lok Sabha Debate, March 15, 1960.

¹⁷³ Lok Sabha Debates, August 8, 2012.

¹⁷⁴ Lok Sabha Debates, May 15, 1952.

such constituency. He would have been in a strong position to set the tone for the debate. Unfortunately, the current system of time allocation compounds the difficulties of marginalisation for these members, who not only find it hard to move discussions under adjournment motions due to lack of support from other members, but are also allocated lesser time to participate in these debates.

In order for the system for allocation of time between members to be representative and informed, the party strength rule should be flexible to incorporate participants' distinctive value additions. In this regard, a statement made by the first Speaker on his election bears some relevance.

“A Parliamentary Government is described as government by discussion. Every member has the fullest liberty to express his own views remembering that every other member has the same liberty. It becomes necessary, therefore, to exercise restraint on the contents and the extent, as also on the language of the discussion. As atmosphere of sportsmanship, mutual goodwill and respect is an essential condition for the debates being useful, helpful and effective. This, in turn, will mean a disciplined mind, which will respect not only rules and regulations, but also the innumerable conventions of parliamentary debates, every one of which cannot obviously be the subject of a rule or regulation. To the extent to which persons holding different points of view, or ideologies exhibit the qualities of tolerance, “give and take”, and make an effort to understand the differing points of view, to that extent only, the parliamentary government stands the chance of being successful.”¹⁷⁵

While the statement has a bearing on the need for disciplined debates, it also highlights the right and the need for contrary or dissimilar opinions to be heard. For the sake of increasing representativeness, the Speaker may consider exercise of discretionary powers to make decisions merit based. In fact, Speakers in the past have made decisions to allow for efficient time management with a greater emphasis on ingenuity of arguments over representation as per party strength.

During the initial days of the Indian Parliament, Speaker Mavalankar had devised an ingenious method of managing time allocations for speeches in the House. When the States Reorganisation Committee Report was tabled in the House, there was a furore. Every member from every political party, wanted to speak. Of course, not all members were expected to raise different arguments. A day before the debate was scheduled, the Speaker asked members to specify the arguments they wished to raise, so that he may club them and ensure that the discussion was creative and members did not rehash each other's statements.

Similar methods have been deployed by former Speaker of the UK House of Commons Baroness Boothroyd.¹⁷⁶ In the UK, political parties cannot influence the Speaker on the choice of participants in a debate. Members have to approach the Speaker themselves. Baroness Boothroyd chose amongst members who communicated their interest in a subject to her taking into account their expertise, membership to select committees, constituency and previous speaking record.¹⁷⁷ In the absence of Rules that bind the Speaker to follow the convention in favour of proportional strength, steps can be taken unilaterally by Speakers, if they follow a formula that is based on merit. Such a

¹⁷⁵ Lok Sabha Debates May 15, 1952.

¹⁷⁶ Baroness Boothroyd, “Role of the Speaker in the 21st Century”, in *Speakers and the Speakership, Parliamentary History*, ed. Paul Seaward (Chicester: John Wiley and Sons Ltd, 2010).

¹⁷⁷ Baroness Boothroyd, “Role of the Speaker in the 21st Century”, in *Speakers and the Speakership, Parliamentary History*, ed. Paul Seaward (Chicester: John Wiley and Sons Ltd, 2010).

step may also force members to develop niche interests and engage both within and outside the House on them. To some extent, public opinion can also guide the Speaker in making merit oriented decisions. A note of caution is that all decisions of the Speaker cannot be made subject to public opinion. For instance, the decision of the Speaker to 'name' one among many other disorderly members of the House in order to make an example of that member may be open to public discussion, but should as far as possible be guided by a determination of the circumstances before the Speaker, and not driven by public opinion.

Chapter 6

The 2013 Union Budget and Allegations Against the Speaker

As argued in the previous chapter, significant changes can be made to increase the representative nature of the House by re-examining the Rules and precedents that guide the Speaker. Apart from that, steps may even be taken from outside – that is by reforming the Rules and other laws. Such steps should only be taken in relation to those issues that can either not be addressed through a new interpretation to a precedent, or are capable of being dealt with in a significantly better way by amendments.

Subsequent to the presentation of the budget, on any day appointed by the Speaker, time is allotted for discussion on the budget. Members may discuss the budget as a whole or raise specific questions.¹⁷⁸ The Speaker, in consultation with the Leader of the House, allots the number of days during which the demand for grants may be discussed in the House.¹⁷⁹ On the last day allotted for discussion, the Speaker has to put the demands to vote at 1700 hours or any such time decided by the Speaker.¹⁸⁰ The Speaker is also empowered to limit the speeches made by members.¹⁸¹

The budget debate and discussions on the demand for grants are a mechanism by which the House exercises oversight over financial matters. Apart from discussions in the House, Department Related Parliamentary Standing Committees also scrutinise the demand for grants and make recommendations and require ministries to respond on the expenses sought and their use. The Committee Reports assist parliamentarians in voting upon the demand for grants presented by the government. Failure to discuss the demand for grants is a denial of parliamentary oversight of government's expenditure. In this chapter we will analyse the role of the speaker in allowing financial debates.

Historical Reference

The convention that the Annual Finance Bill be tabled and that the House have a chance to discuss it thoroughly can be traced back to the chairmanship of Sir Frederick Whyte, who was the first presiding officer of the Central Legislative Assembly (the lower house).¹⁸² Sir Whyte's contributions to the Indian Parliament have been extolled by Dr. Kashyap who has observed, "Sir Whyte had fought a tough battle to establish a right for the legislature to conduct financial oversight of the executive"¹⁸³. One may recall that this was a right that he secured to the legislature of a dominion nation against a colonial government. In a democratic country, where the executive was responsible to the Parliament, should the right to discuss the budget be abrogated?

The failure to discuss the budget debate in the House is indeed very unfortunate, but has become a recurrent theme over the past 15 years. As is evident, on numerous occasions, the Budget, Finance Bill and the Appropriation Bill have been passed without debate in the House even when time was allotted for discussions. As indicated in Table No. 3, in 1999-2000 the railway budget was passed within 63 minutes. This period has been reducing. Subsequently, the length of discussion on railway budget was seen to fall to a minute in 2001-02. A similar feat was achieved in 2004-05 and 2006-07 when the

¹⁷⁸ Rule 207(1), Rules of Lok Sabha.

¹⁷⁹ Rule 208(1), Rules of Lok Sabha.

¹⁸⁰ Rule 208(2), Rules of Lok Sabha.

¹⁸¹ Rule 207(3), Rules of Lok Sabha.

¹⁸² *Subhash C Kashyap, Office of the Speaker and the Speakers of Lok Sabha* (Delhi: Shipra Publications, 1991), p. 3.

¹⁸³ *Subhash C Kashyap, Office of the Speaker and the Speakers of Lok Sabha* (Delhi: Shipra Publications, 1991), p. 3.

railway budget was passed within two minutes and three minutes respectively. The Railway budget for 2004-05¹⁸⁴ and 2006-07¹⁸⁵ were passed through disruptions. In 2006, elections in five States had compelled the government to reschedule the Parliament session. As a result, the demand for grants had to be passed before the House went on the recess which is the time members mull over the Budget documents.

Similarly, the Demands for Grants were voted without discussion in 1999-2000. In 2004-05, five days were allotted for discussion on demand for grants. However the business was completed in seven minutes.¹⁸⁶ Members had no option but to table their speeches, so that they may be incorporated in the record. At the conclusion of the debate, the Speaker stated that everyone seemed satisfied.¹⁸⁷ Even in this short debate that ran into 33 pages, the Leader of the Opposition, only intervened when the discussion was sidetracked by allegations of un-parliamentary observations against the Bhartiya Jansangh leader, Deen Dayal Upadhyay.¹⁸⁸ Thus, it is evident that the time allotted for consideration of demand for grants for the general and the railways budget has been reducing. While this is not a new phenomenon, it has consequences for the economy of the country whose regulation by parliament is reducing. As witnessed in the April 30 incident described below, failure to accommodate dissenting voices results in aspersions being cast upon the Speaker. The incident provides an opportunity to review the rules regarding budget debate.

On April 30, 2013 the outstanding demand for grants for the Union Budget was scheduled for voting.¹⁸⁹ The government was constrained for time to pass the Appropriation Bill and the Finance Bill for the year, which after being passed by the Lok Sabha had to be communicated to the Rajya Sabha for its assent. The Bill would be sent for the President's assent only after it was passed by both Houses. The statement made by the Speaker in the House was as follows.

“Hon. Members would recall that the Business Advisory Committee at its sitting held on 22nd April, 2013, decided that the discussion and voting on Demands for Grants (Railways) for 2013-14 would be taken up on 23rd April, 2013. The Committee also decided the dates of discussion on the Demands for Grants (General) and the Finance Bill, 2013. However, under the prevailing circumstances, the discussion could not take place as per schedule. Hon. Members would appreciate that we have very limited time at our disposal for completing the financial business, besides the related Appropriation Bills and the Finance Bill, after being passed by the House, have to be transmitted to the Rajya Sabha in order to ensure timely completion of the financial business. I held a meeting with the Members of the Business Advisory Committee yesterday. In the meeting, it was decided by the Leaders that the Demands for Grants (Railways) for 2013-14, Demands for Grants (General) for 2013-14, and the Finance Bill,

¹⁸⁴ Official transcript, Lok Sabha, July 14, 2004, accessible at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=623>.

¹⁸⁵ Official transcript, Lok Sabha, March 11, 2006 accessible at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=5487>.

¹⁸⁶ Official transcript, Lok Sabha, July 21, 2004, accessible at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=646>.

¹⁸⁷ Official transcript, Lok Sabha, July 21, 2004, accessible at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=646>.

¹⁸⁸ Official transcript, Lok Sabha, July 21, 2004, accessible at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=646>.

¹⁸⁹ List of Business, April 30, 2013 dated April 26, 2013 accessible at <http://164.100.47.132/lob/15/XIII/LOB30.4.2013.pdf>.

2013 may be passed without a discussion. As per the decision arrived at the meeting, I would now proceed with the financial business”.¹⁹⁰

The Speaker’s announcement that the Business Advisory Committee had decided that the Demand for Grants and Finance Bill be passed without discussion was objected to by the members of the left parties as well. Members of the left parties, Basu Deb Acharya, Gurudas Dasgpta, Saugata Roy and others all objected in the House. As per the transcript of the debate, after some interruptions, the Speaker asked the Leader of the Opposition, Ms.Sushma Swaraj to speak. Below, I reproduce the procedure and time taken to pass the railways budget and the general budget, over time.

¹⁹⁰ Source: Official transcript, Lok Sabha, April 30, 2013, p. 44 accessible at [http://164.100.47.132/debatetext/15/XIII/3004\(1\).pdf](http://164.100.47.132/debatetext/15/XIII/3004(1).pdf)

| Railways Budget | | | | General Budget | | | | |
|--------------------|---|---|---|--------------------|------------|--|------------|-------|
| General Discussion | | Demands for Grants | | General Discussion | | Demands for Grants | | |
| Time allotted | Time taken | Time allotted | Time taken | Time allotted | Time taken | Time allotted | Time taken | |
| Days/Hrs. | H M | Days/Hrs. | H M | Days/Hrs. | H M | Days/Hrs. | H M | |
| 1993-94 | General Discussion and Demands for Grants were taken up together (Time allotted 2 Days; Time taken 17 hours 27 minutes). | | | 2 Days | 20 56 | - | 22 37 | |
| 1994-95 | 15 hrs. | 15 37 | 3 hrs. | 8 58 | 10 hrs. | 17 30 | 11 hrs. | 15 46 |
| 1995-96 | General Discussion and Demands for Grants were taken up together (Time allotted 2 Days; Time taken 18 hours 58 minutes). | | | 10 hrs. | 5 50 | 3 days & 5 hrs. & 30 min. | 19 39 | |
| 1996-97 | As per the decision of Business Advisory Committee taken on 25-7-96, instead of Vote on Account, the Demands for Grants of Budget (Railways) for 1996-97 were discussed along with General Discussion (Time allotted 3 days; Time taken 25 hours 16 minutes). | | | 8 hrs. | 13 34 | 28 hrs. | 3 28 | |
| 1997-98 | ** | 26 05 | ** | 7 32 | 8 hrs. | 17 18 | 8 hrs. | 10 54 |
| | Total time allotted 9 Hrs. | | | | | | | |
| 1998-99 | ** | 21 06 | ** | 5 15 | 3 days | 17 49 | - | 1 27 |
| 1999-2000 | General discussion and Demands for Grants (Railways) were taken up together (Time taken 1 hr. 2 minutes). | | | 2 days | 11 15 | - | 0 05 | |
| | | | | | | (voted without discussion) | | |
| 2000-01 | 4 hrs. | 11 17 | - | 4 54 | 4 hrs. | 11 49 | 24 hrs. | 16 20 |
| 2001-02 | 2 days | 0 05 | 1 day | 0 01 | 3 days | 0 05 | 2 days | 6 52 |
| | | | | | | | | |
| | | | | | | | | |
| | (voted without discussion) | | | | | | | |
| 2002-03 | 2 days | 9 20 | 1 day | 4 43 | 2 days | 14 26 | 1 day | 5 48 |
| 2003-04 | 8 hrs. | 10 58 | - | 4 56 | 10 hrs. | 14 45 | 3 days | 12 56 |
| 2004-05 | 4 hrs. | General Discussion and Discussion and Voting on Interim Budget (Railways) were taken up together (Time taken 4 hrs. 18 minutes) | | | 6 hrs. | General Discussion and discussion and voting on Interim Budget (General) were taken up together (Time taken 7 hrs. 12 minutes) | | |
| 2004-05 | 10 hrs. | 11 03 | - | 0 02 | 12 hrs. | 17 35 | 5 days | 0 07 |
| | | | | | | | | |
| | (voted without discussion) | | | | | | | |
| 2005-06 | 10 hrs. | 14 32 | - | 3 36 | 12 hrs. | 17 28 | 4 days | 14 24 |
| 2006-07 | 12 hrs. | 14 57 | Considered and voted without discussion (Time taken 03 minutes) | | 12 hrs. | 13 05 | 3 days | 19 01 |
| | | | | | | | | |
| | | | | | | | | |
| 2007-08 | 12 hrs. | 12 44 | Considered and voted without discussion time taken 03 minutes) | | 16 hrs. | 17 27 | - | 15 32 |

Source: Procedure in Financial Matters, Practice and Procedure in Parliament, Parliament of India, p. 744 and 745.

In past debates, Speakers had announced the Business Advisory Committee's decision that the budget would be passed within a specified time. The Speakers have not imposed an embargo on the discussion on the budget in their statements. But the

implied consequence of their statements is not different. Upon being given an opportunity to participate in the budget discussion, the Leader of Opposition did not address any issue that arose directly from the budget and instead discussed allegations of corruption against the UPA government. Here the Speaker interjected on a number of occasions and eventually asked the Minister of Parliamentary Affairs to speak, even as the Leader of Opposition was on her legs.

Unsurprisingly, the situation became acrimonious and members of the BJP walked out of the House. As per news reports, this walk out was a part of the party's proposal to the BAC: that it be allowed to leave the House after making some comments on the Budget.¹⁹¹ The Leader of Opposition went on to express her disappointment in the Speaker to the media for not allowing her ample opportunity to speak.¹⁹²

Despite these allegations, the instant case reflects highly on the tolerance of the present Speaker, who allowed the Leader of the Opposition to address the Chair (albeit, for a short span of about six minutes) even when she did not discuss any monetary policy or plan of the government. In the past, when the union budget or Demands for Grants were passed with little or no debate in the House, the members confined themselves to the budget proposal and tax policy. Members would largely confine themselves to the budget documents though on occasions take pot shots at the government. In case of disruptions they would even table their speeches before the House, so that the issues they raised would be a part of the record. On the other hand, the purpose of the speech, as explained by the LoP in the House, was to elaborate upon BJP's reasons to not participate in the budget discussions. Speeches were not tabled by members, nor the policy analysed.

In parliamentary democracy, attempts have to be made to allow the opposition to engage in debates and hold discussions on issues it wants to focus on. Per se, the argument that members did not get an opportunity to debate was valid. However, in the circumstances that surrounded the debate and the manner in which the discussion was being lead, the Speaker's decision to ask the LoP to terminate her speech was within the Rules. It is still unclear why other members, who wanted to use parliamentary methods of discussion, were stalled from doing so. These concerns were addressed by Gurudas Dasgupta who spoke after the LoP. His statement in Parliament is reproduced here.

Gurudas Dasgupta: "We do not associate with the points made by Shrimati Sushma Swaraj. But we never wanted any disruption. We want discussion and parliamentary control over the spending of the Government. Unfortunately, the Government has become so insensitive and not committed to parliamentary democracy. ... (Interruptions) That forces us to disrupt the House".¹⁹³

¹⁹¹ BJP won't oppose passage of Finance Bill today, India Today, April 29, 2013, last accessed on August 29, 2013 at <http://indiatoday.intoday.in/story/parliament-finance-bill-bjp-house-adjourned-lower-house/1/268338.html>.

<http://indiatoday.intoday.in/story/parliament-finance-bill-bjp-house-adjourned-lower-house/1/268338.html>

¹⁹² "Sushma says Sonia Gandhi undemocratic, BJP to 'boycott' meetings", Indian Express, May 1, 2013, last accessed on August 29, 2013 <http://www.indianexpress.com/news/sushma-says-sonia-gandhi-undemocratic-bjp-to-boycott-meetings/1109999/#sthash.yqc2VJfi.dpuf>

¹⁹³ Source: Unofficial transcript, Lok Sabha, April 30 2013 [http://164.100.47.132/debatetext/15/XIII/3004\(1\).pdf](http://164.100.47.132/debatetext/15/XIII/3004(1).pdf)

As is evident, the blame is on the failure of the system to incorporate dissenting voices and protect the right of the opposition to discuss issues they deem relevant in the House. It is unfortunate that the only occasion the opposition was able to avail to protest the state of the administration, was during the budget debate, and equally unfortunate, that the only opposition to the budget did not relate to the budget document. Opportunity should have been created to include members who wished to participate using parliamentary methods of discussion.

Chapter 7

Conclusion

Indian parliamentary history is rich and offers many solutions to the current problems faced by the House and the Speaker. Over the years, processes have developed and some conventions have become relatively stronger than others, even though they may not necessarily further representative and deliberative democracy. The turn of the decade has seen the rise of an aware and participative citizenry. In light of this new force that has already had an impact on the legislative process, the time is ripe to consider measures to improve the efficiency of the system and increase its representative character. I conclude with some recommendations.

1. The aim of increasing representativeness should permeate Speaker's decisions on matters where he is vested with discretionary powers. In debates and during question hour, attempts should be made to not only give members time as per party strength, but to also accommodate members who wish to convey different grievances or views, and bring to the House relative expertise – such as committee membership, professional engagement, constituency or historical experience. Such steps would improve the quality of the debate by ensuring representation of a greater variety of opinions and reducing rhetoric.
2. Speakers must take steps to encourage members to develop their niche interests. This would benefit the members and the House as a whole. Small party members would get a higher chance to participate and members would be allowed room to develop expertise in areas of their interest. The House would benefit from an informed discussion and decision. The political party too would have experts it can wield to counter the government Ministers in prospective debates who can then go on to become Ministers when the party comes to power.
3. One mechanism to increase efficiency and trust in the Speaker is to increase transparency in his decision making process. For instance, decisions by Speakers should be made available to the public. At present, there is no mechanism to ensure that reasons for decisions of the Speaker in refusing admittance of adjournment motions, short duration discussions and oral questions are disseminated to members and the public. In fact, at present, the citizens do not have any way to know the questions and discussions (under Rule 377) that their elected representatives have attempted to pursue before the House, unless these are admitted. This information gap adversely affects citizens' ability to monitor the performance of the House and their elected representatives. It also reduces their ability to engage with the Parliament, and rally for representation of their interests in the House, and influence its conduct.
4. Greater understanding of parliamentary procedures and constraints faced by Speakers, coupled with transparency in the Speaker's decision making process would help dissipate mistrust and allegations of partiality against the Speaker. Since the Speaker's office is receptive to public reason, it is imperative that the public itself is familiarised with the concerns that constrain the Speaker. The decision to telecast parliamentary proceedings was a remarkable start for bringing the Lok Sabha into the living room. In the second stage of awareness building, different arms of the media should engage in understanding and empirically analysing the parliamentary system.

5. The Speakers' reluctance to take action against disorderly members could potentially be reduced if an atmosphere is created whereby public opinion is informed and clearly views misconduct by members of the House as undesirable. Such public opinion can be created where the media plays a constructive role in highlighting instances of disorderly conduct and the adverse impact such conduct has on the performance of the House and the health of Indian democracy.
6. Apart from steps that can be taken within the framework of the Rules, some minor amendments may also be made to the Rules that relate to other parliamentary offices:
 - a. At present the government decides the length of the session, which has been falling over the last few years. Speaker's power to extend the length of sittings during the session does not adequately compensate for the reduction in the time the parliament sits. An enactment, mandating the minimum number of days on which the House is in session, would go a long way in reducing disruptions by allowing members more time to voice their interests.
 - b. It should be made mandatory that the Budget and the Demand for Grants be discussed by the House. Such discussions should follow the submission of reports by the Committees, which should be duty bound to submit their reports within a specified timeframe. A law that requires mandatory discussion on budget documents by parliament would ensure higher parliamentary oversight of financial business.