



## Suspension of MPs from Parliament

**For Prelims:** Suspension of MPs from Parliament, Lok Sabha, [Rajya Sabha](#), Member of Parliament, Presiding Officer, Speaker.

**For Mains:** Suspension of MPs from Parliament.

**Source:** [HT](#)

### Why in News?

Recently, one of the MPs (Member of Parliament) of the [Rajya Sabha](#) has been suspended for “violating” the **directives of the chair**.

- The Rajya Sabha has been witnessing protests from the opposition over the Manipur Issue. They are demanding the Prime Minister's response to the matter, and as a result, one of the involved MPs was suspended.

### What is the Process of Suspension of MPs?

- **General Principle:**
  - The general principle is that it is the **role and duty of the Presiding Officer — Speaker of Lok Sabha and Chairman of Rajya Sabha** — to maintain **order so that the House can function smoothly**.
  - To ensure that proceedings are conducted in the proper manner, **the Speaker/ Chairman is empowered** to force a member to withdraw from the House.
- **Rules of Procedure and Conduct:**

Lok Sabha	Rajya Sabha
<b>Rule 373:</b> <ul style="list-style-type: none"><li>▪ According to Rule Number 373 of the Rules of Procedure and Conduct of Business “The Speaker, if is of the opinion that the conduct of any Member is <b>grossly disorderly</b>, may direct such Member to <b>withdraw immediately from the House</b>, and any Member so ordered to withdraw shall do so <b>forth with and shall remain absent</b> during the rest of the day's sitting.</li><li>▪ To deal with more obstinate or</li></ul>	<b>Rule 255:</b> <ul style="list-style-type: none"><li>▪ Like Speaker in Lok Sabha, the <b>Chairman of Rajya Sabha</b> is empowered under <b>Rule Number 255</b> to “direct any Member whose conduct is in his opinion grossly disorderly to withdraw immediately” from the House.</li><li>▪ Unlike the Speaker of Lok Sabha, the Rajya Sabha <b>Chairman doesn't have the power to suspend</b> a member. Therefore, the House may by another motion, terminate the</li></ul>

<p>recalcitrant Members, the Speaker makes recourse to <b>Rules 374 and 374A.</b></p>	<p>suspension.</p> <ul style="list-style-type: none"> <li>▪ The Chairman may "<b>name a member who disregards the authority</b> of the Chair or abuses the rules of the Council by persistently and wilfully obstructing" business.</li> <li>▪ In this type of situation, the House may adopt a motion suspending the Member from the service of the House for a period not exceeding the remainder of the session.</li> </ul>
<p><b>Rule 374:</b></p> <ul style="list-style-type: none"> <li>▪ The Speaker may name a member if <b>deems it necessary</b>, who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business thereof.</li> <li>▪ If a Member is so named by the Speaker, the <b>Speaker shall, on a motion being made forthwith</b> put the question that the Member (naming such Member) be suspended from the service of the House for a period not exceeding the remainder of the session.</li> </ul>	<p><b>Rule 256:</b></p> <ul style="list-style-type: none"> <li>▪ It provides for <b>suspension</b> of members.</li> <li>▪ The <b>Chairman can suspend a member from the service of the Council</b> for a period <b>not exceeding the remainder of the Session.</b></li> </ul>
<p><b>Rule 374A:</b></p> <ul style="list-style-type: none"> <li>▪ Rule 374A was incorporated in the <b>Rule Book in December 2001.</b></li> <li>▪ In case of gross violation or severe charges, on being named by the Speaker, the <b>member stands automatically suspended</b> from the service of the House for five consecutive sittings or the remainder of the session, whichever is less.</li> </ul>	

▪ **Terms of Suspension:**

- The maximum period of **suspension is for the remainder** of the session.
- Suspended members **cannot enter the chamber or attend the meetings** of the committees.
- He will not be **eligible to give notice for discussion** or submission.
- He loses the right to get a reply to his questions.

### What are Interventions by the Court?

- **Article 122** of the Constitution says parliamentary proceedings cannot be questioned before a court.
- Although courts have intervened in the procedural functioning of the legislature like,

- Maharashtra Legislative Assembly passed a resolution in its 2021 Monsoon Session **suspending 12 BJP MLAs** for a year.
  - The matter came before the Supreme Court, which held that the resolution was ineffective in law beyond the remainder of the Monsoon Session.

## Way Forward

- It is difficult to **deal with planned parliamentary offenses** and deliberate disturbances for publicity or political reasons.
- So, opposition members should play a constructive role in Parliament and they should be allowed to put forward their views and express themselves in a dignified manner.
- There is **a need to strike a balance between deliberate disruption** and raising the important issue.

PDF Reference URL: <https://www.drishtias.com/printpdf/suspension-of-mps-from-parliament>

