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# CRAFTING A NEW CHAPTER IN PARLIAMENTARY CONDUCT

Relevant for: Indian Polity | Topic: Parliament - structure, functioning, conduct of business, powers & privileges and issues arising out of these



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The new (left) and old buildings of Parliament | Photo Credit: PTI

As Members of Parliament troop into brand-new chambers of Parliament on Tuesday for the unexpectedly-convened special session, one of the possibilities in their minds must be the prospects for disruption. That practice, sadly, is often par for the course in India's Parliament, many of whose members (and not only in the Opposition) appear to believe that the best way to show the strength of their feelings is to disrupt the lawmaking rather than debate the law. Last session, the Opposition parties united to stall both Houses almost every single day. While that was extreme, there has not been a single session in recent years in which at least some days were not lost to deliberate disruption.

It was not always this way. Indian politicians were initially proud of the parliamentary system they had adopted upon Independence, patterned as it was on Britain's Westminster model. India's nationalists had been determined to enjoy the democracy their colonial rulers had long denied them, and had convinced themselves the British system was the best, precisely since they had been excluded from enjoying its benefits. When a future British Prime Minister, Clement Attlee, travelled to India as part of a constitutional commission and argued the merits of a presidential system over a parliamentary one, his Indian interlocutors reacted with horror. "It was as if," Attlee recalled, "I had offered them margarine instead of butter."

Many of India's first generation of parliamentarians — several of whom had been educated in England and watched British parliamentary traditions with admiration — revelled in the authenticity of their ways. Indian MPs still thump their desks in approbation, rather than applauding by clapping their hands. When Bills are put to a vote, an affirmative call is still usually "aye", rather than "yes" (though "hanh" is gaining ground on the Treasury benches these days). An Anglophile Communist MP, Professor Hirendranath Mukherjee, boasted in the 1950s that a visiting British Prime Minister, Anthony Eden, had commented to him that the Indian Parliament was in every respect like the British one. Even to a Communist, that was a compliment to be proud of.

But seven-and-a-half decades of Independence have wrought significant change, as exposure to British practices has faded and India's natural boisterousness has reasserted itself. Some of the State Assemblies have already witnessed scenes of furniture overthrown, microphones

ripped out and slippers flung by unruly legislators, not to mention fisticuffs and garments torn in scuffles among politicians. While things have not yet come to such a pass in the national legislature, the code of conduct that is imparted to all newly-elected MPs — including injunctions against speaking out of turn, shouting slogans, waving placards and marching into the well of the house — is routinely breached. Pepper spray was once released in the well by a protesting MP, resulting in the hospitalisation of some MPs and the then Speaker experiencing discomfort. Equally striking is the impunity with which lawmakers flout the rules they are elected to uphold. On several occasions now, MPs in the Upper and Lower Houses have been suspended from membership for such transgressions as charging up to the presiding officer's desk, wrenching his microphone and tearing up his papers — only to be quietly reinstated after a few months and some muted apologies.

Perhaps this makes sense, out of a desire to allow the Opposition its space in a system where party-line voting, made obligatory by the anti-defection law, determines almost all legislative outcomes. But in the process, standards have been allowed to slide, with adjournments being preferred to expulsions. The result is a curiously Indian institution, where standards of behaviour prevail that would not be tolerated in most other parliamentary systems.

But can India's Parliament go on like this? Many worry that such conduct has so thoroughly discredited the legislature in the eyes of the public that the credibility of the institution is beyond redemption. This would be one more nail in the coffin of a democratic system that is already under severe assault from an overweening government, media intimidation, the hollowing out of autonomous institutions, pressures by investigative agencies on political opponents and the government's flagrant disregard for parliamentary conventions. Currently, all major parliamentary committees dealing with sensitive issues are chaired by MPs of the ruling party or its allies, in disregard of the practice whereby, for instance, the External Affairs Committee was always chaired by an Opposition MP, to show that the nation was of one mind on foreign policy.

Perhaps the answer lies in returning for inspiration to the source — the Houses of Westminster. There are two British parliamentary procedures that were curiously never adopted by India — which, if brought into our practices, could remove any incentive for disruption.

The first is to allow the Opposition a day a week to set the agenda, since disruptions are always sought to be justified as required to force the government to debate an issue it does not want to. In Britain, "Opposition Day" permits Opposition parties to select specific policy areas or issues they want to bring to the floor of the House for debate. These debates allow the Opposition to focus on matters of political significance that the government would rather sweep under the carpet, and they provide Opposition parties with the opportunity to draw attention to issues they believe are important, criticise government policies, and propose alternatives. The number of Opposition Days in a parliamentary session is typically determined by the government and Opposition parties through negotiation and agreement. This arrangement ensures that the Opposition has a designated platform to express its views and priorities within the parliamentary schedule. It could be adopted as part of a grand bargain under which the Opposition, in turn, foreswears any resort to disruption.

A second practice is especially worth emulating in our country, where the Prime Minister notoriously prefers monologues to answering questions and does not even answer the questions addressed to him in the daily Question Hour, leaving that task to a Minister of State in his office. This is Prime Minister's Question Time (PMQs), a significant and widely watched parliamentary event in the United Kingdom, where MPs have the opportunity to question the Prime Minister about various issues. PMQs take place every Wednesday when the House of Commons is in session, usually at noon, and typically lasts for about 30 minutes, though the exact duration can vary. The order of questioning alternates between the Leader of the Opposition and backbench

MPs from both government and Opposition benches. The Leader of the Opposition starts by asking several short questions, followed by supplementaries, and then other MPs have a go. Each question is relatively short, and the Prime Minister responds in kind. PMQs are known for spirited exchanges and are immensely popular television viewing in Britain. Both are key aspects of the British parliamentary system's tradition of executive accountability. While Opposition Days and PMQs can be raucous and often confrontational affairs, sometimes characterised by political theatre, they serve the important function of allowing MPs to scrutinise the Prime Minister and the government, are central to the U.K.'s democratic process and show parliamentary democracy in action.

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Finally, the Speaker can change his current habit of rejecting every single adjournment motion moved by an Opposition MP; clubbing all proposed amendments to Bills into one and rejecting them by voice vote without discussion; and refusing to even notice requests for recording dissent through "division". These parliamentary techniques are essential for Opposition members to feel they are valued members of an institution rather than irrelevances who can always be disregarded and outvoted. If the government and Opposition can come together on such basic matters, Parliament — and our democracy — can still be saved.

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