



A point of order

Parliament must not abridge right of MPs to take a stand in debates and votes

Rajya Sabha Deputy Chairman Harivansh's refusal to conduct a division of votes on two controversial pieces of legislation on Sunday, despite persistent demands from members, was unprecedented in its sheer brazenness. The Bills in question have been challenged on constitutional and practical grounds, but that is a different point. The rules of procedure regarding voting are unambiguous that if a voice vote is challenged, "votes shall be taken by operating the automatic vote recorder or by the members going into the Lobbies". Even if a single member demands a division, it is required to be carried out. Quite often, a division of vote is demanded even when the outcome is predictable, in order to bring on record the positions of parties and members on a particular bill. The explanation that members were not demanding a division from their seats and the House was not in order is disingenuous. To begin with, the disorder was triggered by the Chair's refusal to order a division. And curiously, the Chair went on to declare the Bills passed amid the din, this time unaffected by disorder. Significant amendments were sought and several parties had demanded that they be referred to a parliamentary select committee. The government's claim that it had the numbers to pass the Bills is dubious in the wake of the skulduggery it deployed for their passage. In any case, regardless of which side has the majority, procedure is sacrosanct and voting is the foremost tool of establishing parliamentary authority. It cannot be reduced to an act of benevolence by the Chair or the executive.

The chaos that followed in the Upper House, though not unprecedented, was unsavoury. Parliament is a deliberative forum and not a theatre for protest demonstration. Regardless of the provocation, the Opposition should have adhered to decorum while articulating its views. But, meaningful parliamentary discussions have become infrequent, and the voice of the Opposition is often ignored. Upper House functions have been significantly curtailed by the arbitrary labelling of money bills, which bypass it. The flat out denial of a division of votes was a new low in parliamentary history. Not stopping there, eight Opposition members were suspended for one week while notice for a no-confidence motion against the Deputy Chairman was rejected at the threshold by Chairman M. Venkaiah Naidu. Opposition parties have now petitioned President Ram Nath Kovind to not give assent to the two Bills passed by voice vote. There must be immediate efforts led by the executive to restore the effective and meaningful functioning of Parliament.