

PUCL

PEOPLE'S UNION FOR CIVIL LIBERTIES

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PUCL PRESS STATEMENT

Revoke suspension of 146 Members of Parliament.

Immediately upload in Parliament's website answers to all 290 Questions raised by MPs!!

Don't reduce India's Parliament to an appendage of the executive!

The PUCL condemns the undemocratic suspension of the 146 opposition party Members of Parliament in a matter of 8 days. This is a blot in the history of constitutional democracy in India. In one fell stroke, the current administration has shown not just its indifference but its intolerance to any demand of accountability by the opposition. By suspending 146 MPs, the ruling BJP government has clearly indicated that its actions in earlier sessions of passing laws without any meaningful parliamentary discussion and bypassing parliament by passing Money Bills, were not accidental but intended to devalue the parliamentary process. By these repeated acts of contempt for constitutional conventions, this government has rendered India's parliament as just an appendage to the executive, like in any autocracy.

The en masse suspension of opposition members, has resulted in a parliament where a dissenting viewpoint is increasingly unlikely. Previously the highest number of MP's suspended from the Lok Sabha was 63. Now, the toll is an unprecedented 100 Members of the Lok Sabha, drawn from across opposition parties, including Indian National Congress, National Conference, Samajwadi Party, Nationalist Congress Party, Indian Union Muslim League, Janata Dal United, DMK, Aam Aadmi Party, Viduthalai Chiruthaigal Katchi, Bahujan Samaj Party, All India Trinamool Congress, Revolutionary Socialist Party, Communist Party of India, Communist Party of India (Marxist).

In the Rajya Sabha, 46 MP's have been suspended, again all from the opposition ranging from an independent member from Assam, members from Janta Dal United, Jharkhand Mukti Morcha among others.

All these suspensions were on the pretext of 'unruly behaviour' and 'grave disorder'. The actual demand from the MP's was to discuss the Parliamentary security breach and for a statement by the Home Minister on the security breach which the government is stubbornly refusing to accede to. It needs to be noted that it is unprecedented for a Home Minister to refuse to give a statement especially on a serious issue such as the breach of parliamentary security.

The consequence of the suspension of Lok Sabha MPs is that the voices of over 19 crore people will not be represented in the Lok Sabha. The barring of these 100 MPs puts in jeopardy the very foundation of parliamentary democracy. What should be kept in mind is that the Lok Sabha is designed to reflect the will of the people and in this lies its strength. The democratic promise lies shattered with these suspensions.

The Rajya Sabha is designed to serve as a chamber where the states of the Union of India are represented as States in keeping with federal principle. The fact that 46 MP's from the Rajya Sabha

have been suspended, has reduced the representation of many opposition ruled states in the house, resulting in the diminution of the principles of federalism.

Parliament is envisaged to be an independent institution in our democracy that is a deliberative and legislative body which has the mandate to control public finance, deliberate and discuss legislations and most importantly hold the executive accountable. They cannot be reduced to becoming an echo chamber of the voice of the government.

When the Government continues to use the parliamentary shell to push forward its agendas, it dishonours the very meaning of parliamentary democracy making a mockery of constitutional rule which is premised on dispute, discussion and debate leading to decision making.

Paying no heed to the void created by the suspension of almost the entire opposition in Parliament, the ruling government passed three crucial laws seeking to change the character of criminal justice system in India. The Bharatiya Sakshya (Second) Bill, 2023, The Bharatiya Nagarik Suraksha (Second) Sanhita, 2023 and The Bharatiya Nyaya (Second) Sanhita, 2023 were passed by both houses of Parliament with only a voice vote of the ruling party members. The three criminal law bills have far reaching consequences for the entire people of this country seriously jeopardising decades of jurisprudence of criminal justice which had evolved many checks and balances to make the police and state accountable for violation of law.

Similarly, the controversial Telecommunications Bill, 2023 was passed by both the Lok Sabha and Rajya Sabha, which has serious privacy concerns since it allows for the interception of private messages as well. Both bills were passed with parliament being reduced to nothing more than a reflection of the voice of the executive.

An alarming total of 14 Bills have been passed in this session after the suspensions of MPs began. Apart from the above 4 Bills, these include the following, amongst others: [The Post Office Bill, 2023](#), [The Jammu and Kashmir Reorganisation \(Amendment\) Bill, 2023](#), [The Government of Union Territories \(Amendment\) Bill, 2023](#), [The Chief Election Commissioner and Other Election Commissioners \(Appointment, Conditions of Service and Terms of Office\) Bill, 2023](#) and [The National Capital Territory of Delhi Laws \(Special Provisions\) Second \(Amendment\) Bill, 2023](#).

What is not known widely is that with the suspension of the 146 MPs, the questions they asked the Government to answer in Parliament, were also arbitrarily suspended. It is outrageous that 290 Questions raised by opposition MPs have been cancelled in this session for they represent the right to information of the common citizens of India.

It must be noted that the questions are submitted by the MP's much in advance of their suspensions and are selected through a secret ballot process. These questions provide a check on day-to-day administration and schemes, as well as ensures accountability of the government for their actions. It must be noted that the power to cancel questions or delete them post suspension of MP's is not explicitly mentioned in the Rules of Procedure and Conduct of Business in the Lok Sabha which is the binding document for all substantive and procedural aspects of the functioning of the Lok Sabha.

The suspensions of the Members of Parliament were in effect used as an excuse to not answer critical questions. With 290 questions cancelled, the government has subverted these attempts to hold them accountable.

In the interest of upholding and preserving the fundamental rights of citizen to speech and information, it is absolutely crucial that the information sought by the opposition MPs, who represent common citizens, should be uploaded in the website of Parliament for citizens to know the answers to the queries posed by MPs. The answers themselves should be taken up for further discussion in the next session of Parliament in 2024.

Lok Sabha and Rajya Sabha questions have historically been a critical tool used to expose government's failure to abide by the mandate of the Constitution. A case in example is the questions on the death of SC/ST students in educational institutions. The Union Ministry said they had no

specific data pertaining to SC/ST students. But as it eventually was established, overall 35,000+ students have died by suicide. Without a Parliamentary Question, this jarring number pointing to a crisis in the youth population would not have come to light.

The Modi government has shown a brazen contempt for parliamentary processes and mechanisms be it cancellation of the 'question hour' or the setting up of Joint Parliamentary committees or winding down constitutional conventions such as the practice of MP's (including from the opposition) representing India in multilateral forums. The government has attenuated parliaments' functioning reducing it to a hollow shell. This reduction of parliament to a rubber stamp, is a step towards the extinguishment of parliamentary democracy itself.

The strength of India, of the world's largest democracy is the people. Without the voices of the representatives of the people in parliament in all their diversity, democracy suffers irreparable harm.

These baseless suspensions must be seen as a way of not just stifling opposition viewpoints, but also invisibilising the voices of 'We the People'. The suspension of 146 MPs has undermined democracy and the constitutional foundations of a people's sovereignty on which this country is built. While the Parliament has been adjourned sine die on the 21st of December, before the upcoming budget session of the Parliament these suspensions must be revoked.

PUCL demands that:

- 1) The suspension of the 146 MPs be revoked with immediate effect so that they can freely participate in the next session of Parliament.
- 2) In the interest of upholding the fundamental rights of citizens for speech and information, answers to all the 290 questions that were raised by opposition MPs during the recently concluded winter Parliament session but had been cancelled, must be uploaded immediately in the website of Parliament. They should be taken up for further discussion in the next session of the Parliament, in 2024.
- 3) The next session must begin with discussing the Lok Sabha breach of security.

23.12.2023

Kavita Srivastava, President

Dr. V. Suresh, General Secretary

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