

1. The rules governing the functioning of the Rajya Sabha have not kept pace with the times and requires reform. Examine. (250 words)

Answer:

Background:-

- Concerned over repeated disruptions and adjournments in the Rajya Sabha during the Budget session, Chairman of Rajya Sabha has constituted a two-member committee to review Rules of Procedure and Conduct of Business to ensure smooth conduct of proceedings.
- The Agnihotri committee has been set up at a time when the two Houses of Parliament are facing similar structural challenges. So its recommendations, while meant for the Rajya Sabha, will also influence rule-making for the Lok Sabha

Rules governing functioning of Rajya Sabha:-

- Both Houses of Parliament have their own rules of procedure. These rules govern every detail of how the Houses function on a daily basis. For Parliament to be effective in its role, these rules require regular updating and strengthening. The Constitution, through Article 118(1), gives the two Houses of Parliament the power to make rules to regulate their functioning.
- When the Rajya Sabha met for the first time in 1952, it did not have any rules of its own. Article 118(2) of the Constitution provided an interim mechanism for rules.
- Under this article, the chairman of Rajya Sabha had the power to modify and adopt rules that were in place before the commencement of the Constitution. In 1952, these were the rules of the Constituent Assembly, the body which had framed the Constitution. Sarvepalli Radhakrishnan, the first chairman of Rajya Sabha, amended these to be used as the rules of procedure.
- Among other things, they provided for Question Hour in the style of the House of Lords. Ministers had to answer questions two days a week and three oral questions a day. The rules also created a committee of 15 MPs to suggest any change. Based on this committee's recommendation, the initial rules were amended four more times until the end of 1952.
- But it was not until 1964 that the Rajya Sabha made its own rules under Article 118(1). And it is the 1964 rules that have been amended over the years and currently govern the functioning of the Upper House.
- However, these rules were not made from the ground up. The old framework of 1952 was used as a base and supplemented. In some cases, the provisions were merely carried forward and continue to exist even today. For example, the 1952 Rajya Sabha rules to discipline disorderly MPs are the same ones as now.

They have not kept pace with times:-

- According to the Rajya Sabha Secretariat, the need for a review was felt as over 120 working hours of a total of 165 were lost during the Budget session.
 - There is no specific provision for automatic suspension of members who persistently and wilfully obstruct House proceedings by shouting slogans unlike Rule 374 (A) of the Lok Sabha Rules that provides for automatic suspension. So, the Chair is often left with no option but to adjourn the House if there is grave disorder.

- **Disruptions also make it difficult to get Bills passed:-**
 - The current Rules of Procedure relating to voting procedure on the Bill become inadequate in such a situation. Therefore, there is a need to amend such rules to make them effective and robust in future.
 - There were differences in provisions of Lok Sabha and the Rajya Sabha Rules in certain matters, with some Upper House Rules being more precise than corresponding Lower House Rules and some inadequate and not very precise. Some of these Rules relate to Points of Order, Suspension of Rules, Discussion on Matters of Public Interest, and Notice of Privilege,
 - Rajya Sabha (Council of States), was devised to represent the states and prevent hasty, ill-conceived legislation. But it is performing poorly on both counts.
 - Today's Rajya Sabha is acting as a tool for partisan politics.
 - The existing mechanisms (like Question Hour) for securing the government's accountability to Parliament have lost their edge.
 - Issues facing Parliament are now more complex and technical than ever.

What can be done?

- **Agnihotri committee:-**
 - The committee will have to balance completion of government business with discussions raised by other political parties
 - The committee will have to suggest measures for completely overhauling mechanisms like question hour.
 - The committee's suggestions for strengthening deliberations in the House will be crucial.
 - The committee will have the difficult task of suggesting solutions for protecting the sanctity of parliamentary proceedings.

PRACTICE QUESTIONS

Answer the following Questions

1. Discuss the legal, administrative and other issues associated with the idea of allocating cadres and services based on the combined score of CSE and FC. (250 words)
2. Discuss the impact that fluctuations in oil prices have on economy. Also, suggest steps on how should India prepare itself to deal with fluctuations in oil prices? (250 words)