

STRENGTHENING LINKS BETWEEN PARLIAMENTS AND CITIZENS

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RAJYA SABHA'S CITIZEN INTERFACE

Democracies the world over are based on the cardinal principle that power vests with people and is derived from them. The system of governance must, therefore, reflect the sovereign will of the people and be accountable to them. The Upper House of the Indian Parliament, Rajya Sabha, ever since its inception in 1952, has played an important role in strengthening parliamentary democracy in India. Envisaged as a federal chamber to provide representation to the States (Provinces), Rajya Sabha remains sensitive to the needs and aspirations of the States and their people. It has helped in strengthening the country's federal fabric and promoting national integration. It has provided an important platform for debating and discussing issues. The prime role of Rajya Sabha, as a deliberative chamber, has been reinforced by the provision in the Constitution of nomination of twelve members known for their contributions in the fields of literature, science, art and social service. The high standard of debates held in the House have guided the members not only to hold informed discussions on public issues but also to endeavour to make the proceedings of the House relevant to public welfare. As representatives of States, members of Rajya Sabha articulate the concerns of respective States and their people. Through well established procedural devices, Rajya Sabha Members have raised issues of public importance, focussed attention on matters affecting policies of the Government and ventilated public grievances. The parliamentary devices and mechanisms are constantly evolved and fine-tuned to enhance effectiveness of the Parliament

to perform its assigned role in our constitutional polity to ensure the accountability of the executive to the Parliament and through Parliament to the people. Rajya Sabha, being an indirectly elected House, is relatively free from the compulsions of party politics and has constantly endeavoured to set high standards of public discourse by becoming open and responsive to the hopes and aspirations of people at large. A number of measures have been devised to engage with the public, including civil society, and thereby enable them to contribute in the process of governance.

The Role of Parliamentary Committees

There is a well organised committee system in Indian Parliament. Besides Standing and *ad hoc* Committees, there are 24 Department-related Parliamentary Standing Committees, out of which 8 are functioning under the direction and control of the Chairman, Rajya Sabha. These committees, which act as mini legislatures in our system of governance, provide a forum where parliamentarians from various political parties adopt a non-partisan perspective to scrutinise any particular issue of public importance largely because the proceedings are held in camera. At present, any Bill or subject referred to such Committees is examined in detail and various recommendations are made to the Government keeping in view the larger public interest. In the course of such examinations, views of various experts from the concerned fields, civil society institutions, representatives from research institutions/universities are sought in the form of written memoranda. They are also invited before the Committee to give their oral evidence, which helps the Members to gain alternate perspective and take into cognizance varied nuances of a policy proposal. Parliamentary Committees often undertake study tours to various parts of the country, going to the remote areas to find out the grass root reality by interacting with various stakeholders, including the average citizen. The implementation of various policies/programmes of the Government is examined to ascertain whether they are serving their objectives. The constructive criticism and

considered recommendations made by such committees have been found to be useful by the ministries and departments concerned and helped them in fine tuning their functioning and to formulate realistic budgets, plans and programmes for the welfare of the people. In order to ensure that the ministries give more attention to the recommendations contained in the reports of the Committees, the Chairman, Rajya Sabha/Speaker, Lok Sabha (Lower House) have issued direction in September 2004 that the concerned Minister would make a statement once in six months in the two Houses regarding the status of implementation of the recommendations contained in the reports of the Committee to which their Ministry assigned. This has helped not only in ensuring the accountability of the executive to the Parliament but has also enabled Parliament and the people to learn about the government's response to the Committees' specific recommendations.

Committee on Petitions:

The right to petition is yet another significant device of establishing direct link between the Parliament and the people. The Constitution of India has provided that every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a State. Pursuant to this provision, the Rules of Procedure and Conduct of Business in the Rajya Sabha contain rules for the presentation of petitions by the people and their consideration by a Committee of the House specially constituted for the purpose. Subject to the rules, the Petition Committee examines in depth the complaints and grievances contained in the petitions, calls for formal comments from the relevant Ministries and examines witnesses, including petitioners and the representatives of the Government concerned with the subject matter of the petition. The Committee may also undertake on-the-spot study tours to gain first hand knowledge of the problem which is the subject matter of the petition. The report of the Committee is presented to the House. In respect of specific complaints, the Committee has to suggest remedial measures. In case of letters and telegrams

from individuals and associations which are not covered by the rules relating to the petitions, the Rajya Sabha Secretariat scrutinizes these representations and, if appropriate, forwards these to the concerned Ministry or Department for necessary action. The right to petition is being increasingly exercised by the people on several issues of public importance, thereby promoting the cause of participatory democracy. Numerous reports presented by the Committee are indicative of people's faith in it. The Committee has been quite pro-active in its approach in dealing with the issues contained in the petitions presented or reported to the House. In order to generate awareness among the people about the mandate of the Committee and its role as an important forum for redressal of grievances of the people, the Committee on Petitions has issued press releases from time to time for wider dissemination of its activities to people through print and electronic media. As a result, a number of petitions have been received from the people on diverse subjects of public interest. This step on the part of the Committee has certainly enhanced the image of Parliament, which is continuously engaged in addressing the grievances of the people.

Committee on Ethics:

Rajya Sabha has always been alive to ethical and moral concerns of the society and has given utmost attention to the conduct and behaviour of its members within and outside the House. The Committee on Ethics, the first of its kind in any legislature in India, was constituted in March 1997 to oversee the moral and ethical conduct of the Members and to examine the cases referred to it with reference to their ethical and other misconduct. It is an internal self-regulatory mechanism for enforcing ethical and moral values in public life. The Committee has prepared a comprehensive Code of Conduct for Members of Rajya Sabha, for maintaining high standards of public behaviour. It enforces the ideal that Members should acknowledge their responsibility to maintain the public trust reposed in them and should work diligently to discharge their mandate for the common good of the people.

They must hold in high esteem the Constitution, the Law, parliamentary institutions and above all the general public. The Committee also acts as the record keeper and overseer of the declaration of assets and liabilities by members under the Members of Rajya Sabha (Declaration of Assets and Liabilities) Rules 2004 framed by the Chairman, Council of the States, under sub-section (3) of Section 75A of the Representation of the People Act, 1951. Under these Rules, every elected member is required to furnish information regarding his/her assets and liabilities and the assets of his/her spouse and dependent children. Similarly, as per Rule 294(1) of the Rules of Procedure and Conduct of Business in the Council of States, whenever a member has a personal or specific pecuniary interest (direct or indirect) in a matter being considered by the Council or a Committee thereof, he shall declare the nature of such interest notwithstanding any registration of his interests in the Register, and shall not participate in any debate taking place in the Council or its Committee before making such declaration. The Committee on Ethics, in its Fourth Report presented to the Council of States on 14 March 2005 and adopted by it on 20 April, 2005, identified five pecuniary interests, *viz.* remunerative directorship; regular remunerated activity; shareholding of controlling nature; paid consultancy; and paid professional engagement. The recommendations of the Committee were enforced with effect from 2 May 2005. Members are required to declare their interests in the prescribed form for the registration in the Register of Members' Interests as provided in Rule 293 of the Rules of Procedure. Information about the assets and liabilities and pecuniary interests of the Members can be provided to the general public in accordance with such rules and procedures laid down by the Committee on Ethics or the Members of Rajya Sabha (Declaration of Assets and Liabilities) Rules, 2004. These measures have been taken by the Rajya Sabha with the objective of bringing accountability and transparency in its functioning and to reinforce people's faith in our parliamentary institutions.

Member of Parliament Local Area Development Scheme

Member of Parliament Local Area Development Scheme (MPLADS), introduced in 1993, provides the members a unique opportunity to contribute in the task of development in the States. Through this Scheme, the members can direct the District administration to take up developmental projects based on locally felt needs leading to the creation of durable assets, to the tune of rupees 20 million (US \$425,000 approximately) annually. Members can utilize the MPLADS Fund in a systematic and planned manner in accordance with the prescribed guidelines to render useful service to the public. There is a Committee on MPLADS which undertakes reviews with the Ministry of Statistics and Programme Implementation, the nodal Ministry for implementing the Scheme, and also conducts periodic site visits to assess the works executed or being executed under the MPLADS in special cases. It provides valuable inputs and suggestions for revision of the guidelines framed for the administration of the Scheme. The Committee also monitors the timely release of funds by the Ministry of Statistics and Programme Implementation to the District Collectors, proper and timely execution of the works recommended by the Members and suggests measures for removal of bottlenecks. It forwards the grievances of the Members to the Ministry and suggests measures for their speedy disposal. The Scheme is, therefore, a vital instrument in meeting the developmental needs of the constituents by the members.

The Rajya Sabha Website

Like other parliaments in the world, Rajya Sabha too has remained in the forefront in adopting information and communication technologies in its day-to-day functioning in a systematic and focused manner. The Rajya Sabha website, in its bilingual format, has contributed significantly to bring the functioning of Rajya Sabha and its Members closer to the ordinary citizens of the country and to put as much information as possible in the public domain.

There is proactive disclosure of information in both English and Hindi regarding every aspect of the Upper House, be it the Members or the Committees, business transacted, procedures and so on. Information about Members and their participation in House proceedings has been provided on their respective Home pages, with their contact details and e-mail addresses. This website has enabled citizens to get a much clearer picture of their representative's performance and of the legislative procedures followed in the House. During the Session period, there is live webcast of the proceedings of the House. Most of the published documents, including Committee Reports, are made available on the Rajya Sabha website. Greater availability of parliamentary documents in the public domain profoundly strengthens transparency and openness in the democratic process. The Rajya Sabha website has been awarded "Gold Icon" under the category 'Comprehensive Web Presence – Ministry/Department' of the Web Ratna Awards 2009, instituted by the Ministry of Communications and Information Technology, Government of India, for promoting noteworthy e-governance initiatives in India. The Award was presented to the Secretariat by the Minister of Communications and Information Technology on 19 April 2010. It has been acclaimed for being user-friendly, citizen-centric and responsive in its web based information and service delivery initiatives.

Digitization of Verbatim Debates

The project of digitization of debates of the Rajya Sabha since its inception in 1952 and bringing them to the public domain through the internet and DVD format, in a highly user-friendly manner, has been initiated. The first phase of the project has been recently launched. This massive task, when completed, will ensure universal access to the proceedings of Rajya Sabha since its inception. Availability of such debates in electronic form, with a very advanced search engine, in the internet will enable people to easily explore the treasure of information contained in them.

Archiving of digital assets in democratic institutions and its availability in public domain has assumed critical importance for reaching out to the people.

Right to Information

The Right to Information Act, 2005 seeks to enforce the citizens' fundamental right to information and secure access to information under the control of the public authorities. It serves the larger cause of promoting transparency and accountability in the functioning of public authorities/institutions. Following the implementation of the Act, an RTI Cell has been set up in the Rajya Sabha Secretariat. Central Assistant Public Information Officer, Central Public Information Officer and an Appellate Authority have been appointed to supervise all the RTI related work in the Secretariat. All applications seeking information on different aspects of Rajya Sabha and its Secretariat are considered and all efforts are made to furnish the desired information. In case, the application concerns some other public authority, it is forwarded to that authority in order to enable the applicant to get the desired information. As people are gradually becoming aware about the Act, the number of applications received under the Act in the Rajya Sabha Secretariat has been continuously increasing, which is an indicator of the growing public interest in the activities of the Rajya Sabha and its role in meeting the aspirations of the people.

Public Gallery and Show-round of Rajya Sabha Chamber

Rajya Sabha, like other parliaments in the world has made arrangements for the public to witness its proceedings. There are six galleries, namely, Public Gallery; Distinguished Visitors' Gallery; Press Gallery; Lok Sabha Members' Gallery; Special Box; and Official Gallery. During Session time, public gallery inside the Rajya Sabha Chamber is open to the general public for viewing the proceedings of the House. In addition, regular show-rounds of the Rajya Sabha chamber and other precincts of the Parliament House are conducted by the Secretariat for the general public, especially

students and the youth of the country. Such visits contribute significantly to visitors' knowledge and information about the functioning of the House in the democratic polity.

Rajya Sabha TV Channel

The need for allowing the entry of the electronic media inside the chambers of Parliament of India has been engaging the attention of the Presiding Officers from time to time, with the objective of connecting our parliamentary institutions with the country's citizens. Presently, the proceedings of the Rajya Sabha are telecast live by separate dedicated satellite channel namely 'DD Rajya Sabha'. The Chairman of Rajya Sabha in a recent initiative has cleared the proposal for setting up of an independent TV channel owned and operated by the Rajya Sabha. It will broadcast live the proceedings of the House during Session time while during the inter-Session period various programmes relating to parliamentary and other institutions and practices will be telecast. Panel discussions on various issues of topical interest will feature prominent experts from various fields that will give voice to different civil society organizations. To popularize various aspects of parliamentary functioning, mock parliaments, youth parliaments, etc., will also be featured.

The Way Forward

India is an evolving democracy. We need to devise a mix of technologically innovative and traditional tools to meet the demands of the people to be heard, to enhance their access to the decision making processes, to increase peoples' participation leading to more meaningful consultation and dialogue. A lot depends on enhancing the image of representative institutions in the eyes of the people as also making people important stakeholders in the processes of inclusive development and governance.

MANAGING THE DOWNSIDE

The foundation of parliamentary democracy is based on accountability of the elected representatives of the people. They are the repositories of the public trust. Their accountability is at two levels: one is their role as members of the legislature in holding the government accountable and the other is their accountability to their own constituents for their performance in the legislature and for the integrity of their conduct. However, like in any other institution, deviations occur in parliamentary institutions from time to time, which negatively influence public opinion. The growing public apathy and cynicism across democracies about the effectiveness of parliaments and parliamentarians is an indication of this problem. But ultimately what matters in the long run are the corrective measures taken to address such issues. It has been the constant endeavour of the Rajya Sabha, being the House of Elders, to devise ways and means of self-assessment and self-regulation so that people's faith in the democratic institutions of the country can be restored.

Disruption of Proceedings and Declining Participation of Members

Disruption of proceedings and declining participation of the Members in the debates and discussions of the House have emerged as a major concern in the public domain. This is particularly true in the present day context when the ubiquitous public gaze on the people's representatives and their performance is ensured through the presence of mass media in the hallowed Chambers of democracy. The Chairman, Rajya Sabha, expressed his concern on such issues while making valedictory remarks on the conclusion of the 219th Session of the Rajya Sabha in May 2010:

“During this long Budget Session, not even a single sitting could be devoted to Private Members' Legislative Business. Hon'ble Members also did not have adequate time to raise Special Mentions or Matters of Public Importance. These trends in the conduct of business have invited adverse comments and lowered the image of the Legislature in the eyes of the public. Correctives have thus become imperative.”

Again, the Chairman of Rajya Sabha in his valedictory remarks on the conclusion of the 220th Session of Rajya Sabha on 31 August 2010 expressed his concern on this issue in the following manner:

“This is a matter on which I wish to draw the attention of the Members. When the Rules of Conduct of Business were drawn up decades back, it was not visualized that perceived concerns or grievances would be articulated through disruption of proceedings. This is now taking place with disturbing regularity. The practice tramples on the rights of individual Members, detracts from the dignity of Parliament, and, has invited public criticism”.

Innovative Measures for Effective Management of Parliamentary Business.

3. Various innovative measures have been taken for effective management of scarce legislative time by making necessary amendments in procedures. For instance, in the Rajya Sabha, the Chairman has regulated the number of supplementaries to starred questions besides emphasizing the need for asking short and crisp supplementaries to save the time of the House. The provision of ‘Special Mentions’ was introduced in the Rules of Procedure in the year 2000 and a strict word limit was fixed in order to accommodate more Members for raising issues in the House. The 'Zero Hour' (when members, at about 12 noon can raise any matter with the permission of the Chair) has also been regulated in the Rajya Sabha, providing opportunity to those Members whose notices have been admitted by the Chairman to raise issues of urgent public importance within a stipulated time in an orderly manner. Two Electronic Display Boards have been installed recently on both sides of the Rajya Sabha Chamber, which show the names of the Members participating in the debate or in the discussion on Bills, etc., their party affiliation and also the time taken by them (in reverse mode). They also indicate the time allotted to various parties and time already taken by the speakers sponsored by the respective parties.

Examples of Misconduct and Disciplinary Action against Erring Members

In addition to various measures which have been taken in right earnest, at times disciplinary proceedings against Members have also been resorted to in view of the gravity of their misconduct. There are detailed rules of conduct and parliamentary etiquette which are required to be observed by Members, both inside the House as well as outside it. Moreover, the House has the right to punish its Members for their misconduct or contempt of the House. It can impose a punishment in the form of admonition, reprimand, withdrawal from the House, suspension from the service of the House, imprisonment and expulsion from the House. The Rules of Procedure and Conduct of Business in the Rajya Sabha clearly state that in case the Presiding officer of the House finds that the conduct of any Member is grossly disorderly, he may order for his withdrawal or even suspension.

If a Member disregards the authority of the Chair or abuses the rule of the House by persistently and willfully obstructing the business thereof, the Chairman may suspend the concerned Member from the House for the remaining period of the Session. The House may, however, by another motion terminate the suspension. There have been several instances when Members have been suspended for unruly behaviour in the House. For instance, during the Budget Session in March 2010, the Constitution (One Hundred and Eighth Amendment) Bill, 2008, popularly known as the Women's Reservation Bill, was passed in the Rajya Sabha. During the passage of the Bill, unruly scenes took place on the floor of the House, which presented an unwholesome spectacle of violation of all norms of good legislative conduct. Following this, seven Members were suspended from the House for the remaining part of the Session. However, subsequently, suspension was terminated in case of six Members on two motions adopted by the House.

In an extreme case of misconduct, the House may expel a Member from the House. Though such instances are rare, resort to such a punishment is taken in order to reinforce people's faith in democratic institutions. Punishing the erring Members by the House itself also sends the message that the people's representatives are not above scrutiny and assessment. There have been three instances of expulsion of Members of Rajya Sabha, as follows:

- (i) In November 1976, one Member was expelled on the basis of the Report of the Committee appointed to investigate his conduct and activities. The Committee found his conduct derogatory to the dignity of the House and its Members and inconsistent with the standards which the House expects from its Members.
- (ii) In December 2005, based on the recommendation contained in the Report of the Committee on Ethics, the House adopted a motion for expelling one Member as his conduct was found to be derogatory to the dignity of the House and inconsistent with the Code of Conduct.
- (iii) Again in March 2006, based on the recommendation contained in the Report of the Committee on Ethics, the House adopted a motion for expelling one Member. The Committee on Ethics after detailed investigation had concluded that the Member was guilty of gross misconduct which brought the House and its Members into disrepute and contravened the Code of Conduct.

Concluding Observations

It has been the constant endeavour of Rajya Sabha to make the Members sensitive to their duties and responsibilities. Every two years when new Members join the fold of Rajya Sabha, an orientation programme is organized for them to familiarize them with the parliamentary rules and procedures. There are certain established parliamentary customs, conventions, etiquette and rules which the Members are required to observe,

both inside the House as well as outside it. The various customs and conventions are listed in the 'Handbook for Members' issued by the Secretariat from time to time. These are more in the nature of Do's and Don'ts to guide the Members in their parliamentary behaviour. There is also a Code of Conduct which contains certain do's and don'ts for members, which *inter alia* states that members must not do anything that brings disrepute to the Parliament and affects its credibility. The Committee of Privileges of the House may inquire into cases of breach of privilege of the House by its Members. The House may also appoint an *ad hoc* Committee to investigate the conduct of a Member of the House to determine whether a particular conduct of the Member is derogatory to the dignity of the House.

Today, when legislatures face a critical challenge of declining public trust and confidence, a lot depends on developing innovative ways to enhance their performance and high standards of conduct. The legislators, through their outstanding performance in the House and their vision and wisdom have the potential to narrow the gap between the people and the legislature and thus strengthen the democratic fabric of society.