

## **Powers and Functions as Chairman**

As Presiding Officer of the House

As the Principal Spokesman of the House

Casting of Vote by the Chairman

Powers and Duties of the Chairman, as laid down by the Constitution of India

Role in the Deliberations of the House

Powers Conferred on the Chairman under the Rules of Procedure of the Rajya Sabha

Right of the Chairman to interpret the Constitution and Rules

Maintenance of Order in the House

References by the Chairman

Powers relating to Bills passed in Rajya Sabha

Powers relating to the Rajya Sabha Secretariat and Precincts of Rajya Sabha

Duties conferred on the Chairman

As Presiding Officer of the House

As the Chairman of the Rajya Sabha, the Vice-President presides over the meetings of the House. As the Presiding Officer, the Chairman of the Rajya Sabha is the unchallenged guardian of the prestige and dignity of the House. He is also the principal spokesman of the House and represents the collective voice to the outside world. He ensures that the proceedings of the House are conducted in accordance with the relevant constitutional provisions, rules, practices and conventions and that decorum is maintained in the House. He is the custodian and guardian of the rights and privileges of the House and its members. Due to several pressing and urgent engagements and preoccupations as Vice-President he may not be able to devote full time as Presiding Officer of the Rajya Sabha, but in practice he presides during the first hour of the sitting of the House which is the Question Hour. This lively and occasionally tumultuous period is one of the high points of the day during each Session where the accountability of Government is most obviously on display. He deftly handles the situation, ensures that Members' rights of asking questions and receiving complete replies is well enforced and gives rulings on privilege matters and

other procedural points. Whenever important debates or landmark discussions such as on Constitution Amendment Bills take place, he is invariably in the Chair. He has no vote except when there is a tie (article 100). The Chairman's rulings constitute precedents which are of a binding nature. The Chairman is not bound to give reasons for his decisions. The Chairman's rulings cannot be questioned or criticised and to protest against the ruling of the Chairman is a contempt of the House.

In his task as Chairman, he is assisted by the Deputy Chairman who is a member of the House and elected by it. The Deputy Chairman presides over the Rajya Sabha in the absence of the Chairman and performs the duties of the office of the Chairman if the Vice-President is acting as President or if there is a vacancy in the office of the Vice-President. There is also a panel of six Vice-Chairmen, which is constituted every year. A Vice-Chairman presides over the meeting of the Rajya Sabha in the absence of the Chairman or the Deputy Chairman. There is a Secretariat of the Rajya Sabha headed by a Secretary-General to assist the Chairman in the discharge of his functions.

As the Presiding Officer, the Chairman of the Rajya Sabha is the unchallenged guardian of the prestige and dignity of the House. His impartial and fair judgment enhances the reputation and prestige of his office.

On 20 April 1987, before a short duration discussion regarding Government's decision to institute an inquiry into the involvement of commission agents in certain defence deals started, the Chairman announced: "From 15 January 1982, through the middle of June 1984, I was the Defence Minister. Therefore, I do not think it proper for me to preside over the debate." He, therefore, vacated the Chair and the proceedings were conducted by the Deputy Chairman. [31](#)

#### As Principal Spokesman of the House

The Chairman is also the principal spokesman of the House and represents its collective voice to the outside world.

Communications from the President to the House are made to the Chairman.[32](#) When a message from the President, whether with respect to a Bill pending in Parliament or otherwise, is received by the Chairman, he reads it to the House and gives necessary directions in regard to the procedure that is to be followed for the consideration of matters referred to in the message and in giving those directions he can suspend or vary the rules to such extent as may be necessary.[33](#) Similarly, communications to the President are made through the Chairman in the form of a formal address after a motion has been made and carried by the House.[34](#) For instance, the Motion of Thanks on the President's Address to the two Houses of Parliament assembled

together, after its adoption by the House, is conveyed to the President by the Chairman.

As the representative of the House to the outside world, the Chairman communicates the decisions of the House to the authorities concerned, requiring them to comply with the terms of such decisions. Similarly, he communicates to the House letters and documents addressed to him, as Chairman, such as those relating to the rights and privileges of the House and its members.

The Chairman also communicates messages received by him from foreign countries and legislatures.

He also issues warrants to execute the orders of the House, where necessary.

#### Casting of Vote by the Chairman

Under the Constitution, the Chairman exercises only a casting vote in the case of equality of votes. However, if at any sitting of the House a resolution for the removal of the Chairman from his office is under consideration, he is not to preside at that sitting. He cannot also vote at all on such resolution or on any other matter during such proceedings.

#### Powers and Duties of the Chairman, as laid down by the Constitution of India

The Constitution also lays down certain powers and duties of the Chairman: he is empowered to adjourn the House or to suspend its sitting in the event of absence of quorum. In case of resignation of a member from the House, the Chairman is required not to accept the resignation, if from information received or otherwise, and after making such inquiry as he thinks fit, he is satisfied that such resignation is not voluntary or genuine; under the Tenth Schedule to the Constitution, the Chairman determines the question as to disqualification of a member of the Rajya Sabha on ground of defection; he also makes rules for giving effect to the provisions of that Schedule; he is empowered to direct that any wilful contravention of the said rules should be dealt with in the same manner as a breach of privilege of the House; and the Chairman may permit a member who is unable to express himself in Hindi or in English, to address the House in his mother tongue.

#### Role in the Deliberations of the House

The Chairman does not take part in the deliberations of the House except in the discharge of his duties as the Presiding Officer. However, on a point of order raised or

on his own, he may address the House at any time on a matter under consideration with a view to assisting members in their deliberations.

#### Powers Conferred on the Chairman under the Rules of Procedure of the Rajya Sabha

Various powers are conferred on the Chairman under the Rules of Procedure of the Rajya Sabha in connection with the proceedings of the House, Committees and such other matters as questions, calling attention, motions, resolutions, amendments to Bills, authentication of Bills, petitions, papers to be laid on the Table, personal explanations, etc.

The Chairman may also, if he thinks fit, call a sitting of the House before the date or hour to which it has been adjourned, or at any time after the House has been adjourned sine die, but not prorogued by the President. The Chairman's consent is required to raise a question of breach of privilege in the House. He can also, suo motu, refer any such question to the Committee of Privileges for examination, investigation and report.

Parliamentary Committees, whether set up by the Chairman or by the House, work under his guidance. He appoints their Chairmen and issues such directions to them as may be necessary in respect of the procedure and work. He nominates members to various Standing Committees and the Department-related Parliamentary Committees. He himself is the Chairman of the Business Advisory Committee, the Rules Committee and the General Purposes Committee.

#### Right of the Chairman to interpret the Constitution and Rules

It is the right of the Chairman to interpret the Constitution and rules so far as matters in or relating to the House are concerned, and no one can enter into any argument or controversy with the Chairman over such interpretation. The Chairman's rulings constitute precedents which are of a binding nature. The Chairman's rulings cannot be questioned or criticised and to protest against the ruling of the Chairman is a contempt of the House and the Chairman. The Chairman is not bound to give reasons for his decisions. The rulings are generally delivered by the Chairman on the floor of the House but in some contingency his ruling may be read to the House by the Deputy Chairman, on his request.

#### Maintenance of Order in the House

Maintenance of order in the House is a fundamental duty of the Chairman and he has been invested with all the necessary disciplinary powers under the rules for the purpose, such as checking irrelevance or repetition in the speech of a member,

intervening when a member makes an unwarranted or defamatory remark by asking him to withdraw the same. The Chairman may also order expunction of any unparliamentary or undignified words used in the debate, or order that anything said by a member without his permission would not go on record. He may direct any member guilty of disorderly conduct to withdraw from the House and name a member for suspension if he disregards the authority of the Chair and persists in obstructing the proceedings of the House. He may also adjourn or suspend the sitting of the House in case of grave disorder.

#### References by the Chairman

It is customary for the Chairman to make appropriate references in the House on solemn occasions like anniversary of Universal Declaration of Human Rights by U.N., Martyrs Day, Quit India Day, anniversary of bombing of Hiroshima, Nagasaki, etc. Similarly, the Chairman may place before the House motions or resolutions on matters of national or international importance to express the sentiments of the House on occurrences or events of great importance, or on a tragedy or happy event. Such motions or resolutions are unanimously adopted without discussion. As per the established practice in the Rajya Sabha, generally the Chairman alone makes obituary references on behalf of the House, though in some exceptional cases, leaders of various parties/groups in the Rajya Sabha may also associate themselves with the sentiments expressed by the Chairman. The Chairman delivers farewell address when members retire on completion of their term of office in the Rajya Sabha and welcomes the newly elected members.

Whenever any distinguished foreign visitors or members of parliamentary delegations from abroad are present in the Special Box to watch the proceedings of the House, the Chairman welcomes them to the country on behalf of the House.

#### Powers relating to Bills passed in Rajya Sabha

The Chairman is empowered under the rules to correct patent errors in a Bill after it has been passed by the House and to make such other changes in the Bill consequential on the amendments accepted by the House. When a Bill is passed by the Houses and is in possession of the Rajya Sabha, the Chairman authenticates the Bill with his signature before presenting it to the President for assent.

All matters not specifically provided for in the rules and all questions relating to the detailed working of the rules are regulated in such manner as the Chairman may, from time to time, direct.

#### Powers relating to the Rajya Sabha Secretariat and Precincts of Rajya Sabha

The Rajya Sabha Secretariat functions under the control and direction of the Chairman. Admission to various galleries including Press Gallery, is regulated under the direction of the Chairman. The Chairman is responsible for the protection of the rights of members and for ensuring that all reasonable amenities are provided to them. If a member is arrested or detained the fact is required to be reported immediately to the Chairman by the concerned authority. The same is applicable when a member is released. No member can be arrested, nor can a legal process, civil or criminal, be served on him, within the precincts of the House without obtaining the Chairman's permission, whether the House is in session or not.

#### Duties conferred on the Chairman

Some statutes also confer duties on the Chairman. For instance, rules made under the Salary, Allowances and Pension of Members of Parliament Act, 1954, do not take effect until they are approved and confirmed by the Chairman and the Speaker.

Under the Judges (inquiry) Act, 1968, the Chairman has to constitute a Committee, upon receipt of a motion for the removal of a Judge of the Supreme Court or of a High Court, for investigation into the grounds on which the removal of a Judge is prayed for. The rules made under that Act are also required to be approved and confirmed by the Chairman and the Speaker.

Under the Press Council Act, 1978, the Chairman is one of the members of the Committee which nominates the Chairman of the Press Council.

The Chairman nominates members of the Rajya Sabha on various bodies such as Courts of Banaras Hindu University, Jawaharlal Nehru University, North-Eastern Hill University, Pondicherry University, University of Hyderabad, Anjuman (Court) of Jamia Millia Islamia University, Haj Committee, Press Council of India, Samsad (Court) of Visva Bharati, National Council for Teachers Education, etc. set up under the relevant statutes. The Chairman also nominates members of the Rajya Sabha on other bodies like General Assembly of the Indian Council for Cultural Relations, General Body of the Central Social Welfare Board, General Council of the School of Planning and Architecture, Hindi Shiksha Samiti, Institute of Constitutional and Parliamentary Studies, etc.

The Chairman may also, if there is a general consensus in the House, make an inquiry into a matter which was raised on the floor of the House or appoint a Committee of the House in respect thereof.