CHAPTER – 5
LEGISLATIVE BEHAVIOUR

In order to prevent the wastage of the precious time and for smooth working of the house, the necessity of observing decorum and order is obvious. The behaviour of the members should be such as to enhance the dignity of the House and its members. For it, the Constitution provides for the office of the speaker who presides over the meeting of the House and is responsible for orderly conduct of its business. Without him the House will the like a ship without a sailor. He is chosen by the House from its member immediately after the Assembly election.

In case of Haryana Assembly also, any member may propose the name of a fellow member to take the Chair of the House as the Speaker. If the motion is seconded and no other name is proposed, the person presiding shall without putting the question declare that member to be elected and will call him to take the chair. If the name of any other member is proposed and seconded, the question is to be put to vote one by one in order in which the motions have been moved, if necessary by division. If any motion is carried, the person presiding without putting later motions to vote will declared elected the member proposed in the motion which has been carried and will call the member to take the chair. There is a Deputy Speaker who is also elected by the House. And the procedure of election is the same as in the case of the speaker.

In Haryana, the election of the Speaker has been fought very much on party lines and the opposition has never been consulted before the election.

1 The Constitution of India, Article 178.
2 Haryana Legislative Assembly Ruler, Rule (2).
3 Ibid, Rule 8(3)
4 Ibid, Rule 8(4)
5 The Constitution of India, Article 208.
The Speaker, who maintains order and regulates debates in the House, has been vested with vast powers. He decides every item of the business including motions, questions, resolutions and interpretation of rules, time and venue of the sitting etc. and his decision is not open for consideration of any court. The foremost duty of the Speaker is to see that the proceedings of the House are conducted in an orderly manner. However, he may not be successful in ordering the House without the cooperation of the members and ministers in the House.

So the conduct of the members should not be contrary to the usage, conventions, or in any way inconsistent with the standard prescribed by the rules of procedures. While speaking in the House they should follow certain rules which prescribe a definite procedure governing the time and manner of speaking. The rules prescribe a standard of correct behavior which is vital for maintaining the dignity and decorum of the House and are sine-qua-non of the cordial, peaceful and calm atmosphere in the House. Rules of Procedure and Conduct of Business are as essential to the Legislative Body as a code of procedure to a court of law. A representative body cannot function effectively and without serious conflict and confusion unless the members know their rights and obligations when discharging their duties as popular representatives. So knowledge of such rules is a must for all legislators. If the members lack this knowledge, they may deviate from the procedural functioning of the House. The rules exist to facilitate the transaction of business and to promote cooperation and harmony among the members in the House.

While the Assembly is in sitting, members are expected to observe certain rules of procedure which are technically known as parliamentary etiquettes, listed as under:

---

When the Speaker enters the House, members are to stop all conversation, resort to their respective seats and rise in their places. Members who enter the House at the time are required to stand silently in the gateway till the Speaker takes his chair. They shall neither read any book, newspaper or letter except in connection with the business of the Assembly, nor can they read a pamphlet in the House. They are also supposed not to interrupt any other member when he is speaking. Besides they are supposed not to create noise in the other manner.

They are expected to bow to the Chair while entering or leaving the Assembly and also when taking or leaving their seat. They are further desired not to pass between the Chair and any member who is speaking nor between the Chair and the Table of the Assembly. Nor are they permitted to leave the Assembly when the Speaker is addressing it. Moreover, they must address the Chair only. While speaking in the House he should speak from his own seat only. They shall maintain silence when not speaking themselves in the Assembly. Neither they should obstruct the proceedings nor hiss or interrupt and nor should they make running commentaries when speeches are being made in the Assembly. A member is expected to rise to speak only when his name is called by the Speaker. If more than one member rise at the same time, the member whose name is called shall be entitled to speak. A member cannot deliver a speech after the ruling from the Chair. Expect as otherwise

---

7 Haryana, Legislative Assembly, Rules, Rule 97(1).
8 Ruling given by the Speaker.
9 Haryana Legislative Assembly Rules, Rule 97(ii).
10 Ibid, Rule 97(iii).
11 When a member crossed the way between the Speaker and the member who was in possession of the House, the Speaker ruled ”The honourable member should go over again. He has crossed between the Chair and the member speaking. He should move again and come again from the right direction” and the member complied with.
12 Haryana Legislative Assembly, Rules, Rule 97(v).
13 Ibid, Rule 97(vi)
14 Ibid, Rule 97(vii) The Speaker directed, who was speaking from a seat other than his own, to speak from his seat.
15 Haryana, Legislative Assembly, Rules, Rule 97(viii)
16 Ibid, Rule 97(ix)
17 Ibid, Rule 98.
provided in these rules a member may speak in any question before the Assembly on a point of order. The member who desires to speak shall rise and address the speaker. At any time if the speaker rises, any member speaking shall resume his seat. The matter of every speech should be strictly relevant to the matter before the Assembly. A member while speaking should not cast reflection upon the persons in high authority unless the discussion is based on the substantive motion drawn in proper terms. He should not use the name of the person in high authority for the purpose of influencing the debates nor should he utter treasonable, seditious, defamatory or offensive words, nor refer to a matter of fact on which a judicial decisions is pending. He should also not to speak against any determination of the Assembly unless he is moving to rescind the same. Nor should he make a personal charge against a member nor use his right of speech for the purpose of obstructing the business of the Assembly nor should he use the offensive expressions about the conduct of proceedings of the Parliament or any other state legislature.

A member other than a minister may not read his speech may refresh his memory by reference to his notes. A member should not come to the House in a drunken state. The Speaker may interrupt a member who is speaking and ask him to resume his seat if in his opinion the member is taking too much time and thereby depriving other members of their legitimate right to express their

---

18 Haryana legislative Assembly, Rules, Rule 99(i).
19 Ibid, Rule 99(ii)
20 Ibid, Rule 100(i).
21 Ibid, Rule, 100(2) 1) As observed by the Speaker all that has been said about the Governor be removed from the proceedings”.
22 Haryana legislative Assembly, Rules Rule 100(ii)
23 Ibid, Rule 100(iii)
24 Ibid, Rule 100(2) (iv) The Speaker ruled a point of order saying “That the case which is subjudice need not be brought under discussion in House”.
25 Haryana Legislative Assembly, Rules, Rules 100(2) (v)
26 Ibid, Rule 100(2) (vii)
27 Ibid, Rule 100(2) (viii)
28 Ibid, Rule 100(2) (viii)
30 It was observed by the Speaker that "As per convention and etiquette no member should come here in a drunken state".
views. He may also direct a member to discontinue his speech who persists in tedious repetition and irrelevant arguments.

**Observance of Rules and Legislative Behaviour**

The aforesaid rules had, however, not been fully observed by the members because a majority of them did not have good knowledge of the same. Consequently, the Speaker had to remain, usually on his legs to enforce his order for maintaining the decorum of the House.

**Resort to Unparliamentarily Expressions**

A bloody fool, salable, living with other's wife, peon, dog, silly, black marketer, smuggler, ruffian, flatterer, chamchangiri, beggar, criminal, tees- tees repaye main tumahari balm bation ki ejatt bikti hai, c1irty hippism, nikama, sala, gaddar, behuda , doom, bhand, fraud, impotent, characterless, concocted, corrupt, blackfaced, rand to randapa kat leti hain per rand way nahin katne dete, nuisance, unprincipled, frail-minded, naked, bogus, cheap, enemy of the state, fascist, nonsense, monkey, lootera, shameless, chandal-chokhari, conspirator, rascal etc.

The above mentioned indecent words have been used frequently from time to time and almost in every sitting of the Assembly. Moreover, the undesirable expressions registered an upward trend especially after 1982 when in every sitting in the Assembly, derogatory remarks became a common thing. Ministers and even Chief Minister were no exception to it. They also used defamatory language freely.

Inspite of clarifications, observations and rulings by the Speaker from time to time, the members used personal comments, abusive language and cast personal reflection. However, such words were expunged from the proceedings and the Speaker took the matter very seriously. For instance the Revenue and

---

31 Haryana Legislative Assembly, Rules, Rule 102,
32 Ibid, Rule 103,
33 Disclosed a former Speaker, Haryana Vidhan Sabha.
34 Haryana Vidhan Sabha, Debates : 1996-2009
35 Ibid.
Development Minister remarked that the rules of the Assembly could be ignored. At this a member of the opposition, wanted the words be withdrawn by the Minister concerned. The Speaker also ruled that "rules cannot be ignored" and the Minister concerned had to withdraw his words there on. But the Chief Minister remarked that he would beat a certain member in the House. Likewise the Development Minister called the Chief Minister and the Chief Minister in response called him a flatterer of a Central Leader who got his ticket after having touched his feets. Above all, the Speaker who held such a dignified office, used undignified language in the House on some occasions.36

When a lady made member suggestions regarding family planning, then the Chief Parliamentary Secretary asked her whether she had observed the principles of family planning by giving birth to twins.37

For example, the Speaker used undignified language when two members, at a time, were on their legs to speak on a point of order. He said “tere pichhe aak aur khara hain". 'When objected to by the member, he said that he had simply used a regional dialect and nothing melafide was there behind it.38

Similarly, the Speaker apologized to the House for having used strong words against a Lok Dal member during the question hour. The trouble rose when the member threatened to stage a walk out if the Chair did not allow him to ask supplementaries. An agitated Speaker told the member that "You are free to walk out and the door are wide open for you". Again the Speaker called the members bogus sepoys, and he was not afraid of them.39

Similarly, the Finance Minister while opposing a private member's resolution regarding Hindu Succession Act, 1956 directed her apply at the

36 Ibid
37 Ibid
38 Ibid.
39 Ibid.
Speaker and said: "Do not make a fun of the House". The Speaker took the remarks very seriously and there was a great disorder and noise in the House on the Matter. On the same day the Finance Minister called a member 'a fool'. Likewise the members indulged in personal attacks and abusive language in the House at this the Speaker has to observe that "We all are the representatives elected by the people of the state of Haryana and our conduct naturally will depend the fair name of Haryana. I am quite sure that if some undignified happenings, what ever happens in this House, appears in the press, it will be very bad thing for the state. Therefore, once again, I request that no personal references should be made."40

However, the member paid no heed to the directions given by the Speaker. During the discussion on Motion of Thanks to the Governor's Address a member of the ruling party passed on a chit to a member of the opposite which read "You are a fool in opposition". Further more, the members said things in the House in an irresponsible manner as observed by the Speaker.41 A member during the course of his speech said that an M.L.A. could aspire to become a Chief Minister, Minister, Deputy Minister and not a peon. At this the Chief Minister remarked that "a Chaprasi is more responsible than this member". There upon, the Speaker held the word "Chaprasi' as undignified, saying "That in the book Practices and Procedure of Indian Parliament by S.S. More, at page 341, the words comparing a certain member with the tea seller have been mentioned in the category of deprecated words. Accordingly, I hold that the words a chaprasi is more responsible than this member" undignified and be expunged from the proceedings of the House.42

Thus unwanted and undesirable expression had become a part and parcel of legislators' behavior as observed by the Speaker that "Unfortunately

---

40 Observation made by the Speaker.
41 The Speaker observed that "There is no doubt what so ever that the manner the words are used are unparliamentary. So I request that let us now say things with full responsibility to have a normal atmosphere in the House.
42 Ruling given by the Speaker.
from the very start of the day to day, we are losing temper, indulging in rather harsh things. But with a view to maintaining the decorum and dignity of the House and the normal feeling among the colleagues I feel that unnecessary remarks may not be made. So I request you to control your passion, your temper to conduct the proceedings on a higher plane".43

Sometimes even the old and seasoned members behaved in an irresponsible manner as observed by the Speaker "I am very serious that such things are not expected from such old, important veteran members of the House. They are not cooperating in the House. Of course, humorous remarks are made here and there but they should not take the form of personal reflection. I may assure the House that these remarks have been expunged and will not appear anywhere in the proceedings".

In a session, the Chief Minister was heard abusing MLA after MLA and the Secretary of the Vidhan Sabha and ridiculed the press. He made unparliamentary references even to the Speaker. A member while speaking on the Motion of Thanks to the Governor's Address said "There is a rapid decline of democratic institutions and standard of debate in the House has suffered a woeful decline. The House instead of being prime forum of discussion, has become rather a field of private and personal wrangles. On another occasion, a member said that “There is a no decorum in the House and the standard of debate has become very low. The Speaker should not allow such things in the House. The making of undignified remarks against one another is a worst thing for elected representative who are supposed to perform certain very important duties for the welfare of the state as a whole. Instead the members have thrown all rules to the wind. Like wise, a member of Treasury Benches, passed very woeful remarks against another monitor who was demanding a judicial enquiry into an abduction case.44

43 Ibid.
44 Ibid
On another occasion, when the Speaker was agitated by the abusive language and personal remarks among the members, he ruled "Some members are making personal remarks which is not good. If the House permits me I can enforce discipline within a minute. Let the House give me permission, because the House is supreme. You will not find a stronger Speaker than me in India."\(^{45}\)

Moreover, uproarious scenes and bitter clashes, usually, consumed much of the time during the question hour. For example, there was exchange of hot words between the then Chief Minister and the Leader of the Opposition which consumed the hour.\(^{46}\)

When a member persistently creates disturbance and obstructs the proceedings of the House, the Speaker can ask him to withdraw from the House, to enforce his decision. Such a member would be required to absent himself from the meeting of the Assembly for purpose of D.A. but he would not deem to be absent for the purpose of Article 196(4) of the Constitution.\(^{47}\)

However, the authority of the Speaker was, frequently, defied in the Haryana Assembly and in some extreme cases, the Speaker had to take the help of sergeant-at-arms to enforce his order for removing the defiant members.\(^{48}\)

**Naming of Members in the Assembly**

The Speaker from time to time had to name the defiant members. But they did not comply with the order and continued their presence in the House. At this the Speaker ruled "It is a matter of shame and disgrace that the dignity and decorum of the House is not maintained. It is also not healthy for our democracy. Since there is no cooperation from a certain section, I adjourn the House till tomorrow". Again the Speaker requested the members to rise above individual and party level and behave in a manner conducive to the good name of the country, our prant, our people and this August House."\(^{49}\)

\(^{45}\) Ibid  
\(^{46}\) See Haryana Vidhan Debates: 1996-2009  
\(^{47}\) See Constitution of India  
\(^{49}\) Ibid
The Assembly also witnessed uproarious atmosphere in the House. The opposition put up a determined fight and did not allow the House to proceed with its business till a discussion on the tragedy was allowed the member named by the speaker for defying the chair but he did not leave the House. The opposition threw a cardoon around the defiant member and prevented the marshal from approaching him. Sensing the mood the House, the Speaker adjourned the House for half-an-hour and left. After the reassembly of the Sabha, a member went to the podium and occupied the Speaker's Chair. He called the House to order and promptly named a member.

A member rose to speak, but the Speaker disallowed him. At this stage he disobeyed the Chair and was named by the Speaker. This created a horrible scene and the members of opposition started shouting slogans against the Speaker. The Speaker also became angry.50

Some members of the opposition rose in their seats to speak while the Speaker was giving his ruling regarding the unbecoming role of the opposition. The Speaker asked them to be seated but they disobeyed him. He named two members and asked them to leave the House but they defied the order. This resulted in a great noise, and a state of turmoil in the House. The Speaker adjourned the House for 15 minutes.51

But the same atmosphere persisted when the Sabha reassembled. The members of the opposition started shouting slogans and the Assembly was again adjourned for an hour. But the defiant members were still present in the House when the Sabha reassembled. The Speaker requested them to leave the House. At this, the opposition blamed the speaker for his partial attitude and again shouting slogans.52

50 Ibid
51 Ibid
52 Ibid
Suspension of Members

Sometimes, the Speaker had to suspend the different members in order to maintain decorum. For example, four members of the opposition were suspended for defying the Chair and gross contempt of the House. But the members refused the leave the House even after their suspension and this created a great trouble in the House. At this the Speaker had to adjourn the Assembly for the next day. However, the suspended members were present even the next day not in the House, but in lobbies of the House.53

Similarly, the members of the opposition opposed the motion for considering an amendment bill. A member proceeded towards the Chair of the Speaker while shouting slogans. The Speaker named him and ordered to leave the House. But both the members kept on standing near the Table of the House cordoned by other members of the opposition. At this, a motion for their suspension was moved and carried but they did not leave the House even after their suspension. Therefore, the Speaker adjourned the Assembly. But the aforesaid members were present when the Assembly reassembled. They left the House only after being requesting by the Speaker but they came back shouting slogans after a few minutes and the Assembly was adjourned for the next day.54

A member of the opposition was suspended for disobeying the Chair.55 Likewise, another member of the opposition did not leave the House even after his suspension and the members of the opposition raised slogans. Mukhya Mantri (Chief Minister) "Murdabad" Murdabad".56 Similarly, two members

---

53 Ibid
54 Ibid
55 However, the opposition held his suspension mala fide because the member concerned had regretted personally before being suspended and the members of the opposition also regretted on his behalf. Even after that he had been suspended which was mala fide. They referred to a book by Kaul and Shakdhar (Vol. II) at page 243 which reads, "When a motion is brought before the House, the member concerned should be present in the House". But the member was not present when motion for his suspension was moved. Thus, it was wrong.
56 Again, the opposition challenged his suspension because the motion for his suspension was brought in his absence.
were suspended, for continuous defiance of the chair. But they did not leave
the House and the member of the opposite shouted slogans in the House and
talked of bringing a motion of no confidence against the Speaker. 57

**Legislative Behavior: Points of order**

Although this is a very important and valuable right of the member of
the raise a point of order if its is used properly. The purpose of it is to check the
proceedings of the House from being against the rules or provisions of the
Constitution and there fore, the member raising it has to quote a specific rule,
which in his opinion, may have been ignored, neglected or violated. So it is
meant to draw the chair's attention for setting the proceedings on the right
track. 58 Thus, points of order with regard to the maintenance of order can be
raised during the interval between the termination of the item of business and
commencement of another. 59

But in the Haryana Assembly, points of order were raised only to seize
an opportunity to achieve the objects of being heard in the House. The
tendency to raise more and more points of order, increased tremendously from
Assembly to Assembly under review. Inspite of observations, clarifications
from the Speaker, who deprecated the same, this tendency remained unabated
which made the proceedings cheap. For instance some members were named
by the Speaker for raising frivolous points of order and for interrupting the
business of the House. But the member defied the order and three other
members surrounded him to prevent the marshal to carry out his duties. They
were also named and ordered to leave the House but they too defied and the
chair and committed a gross contempt of the House. 60

57 Ibid
58 Observation made by the speaker.
59 See Rules, Haryana Legislative Assembly
60 See Haryana Vidhan Sabha Debates : 1996-2009
Similarly, a member of the opposition raised a point of order during the question hour. The Speaker told him that such things were not allowed during the question hour. But the member persisted and repeated his point of order. The Speaker named him and ordered to leave the House. At this the member of the "started shouting slogans which compelled the Speaker to adjourn the House for half – an – hour. But the defiant member was present when the Assembly reassembled and other members prevented the marshall to perform his duty. AT this, Speaker named them also which resulted into a scene of pandemonium in the House and the Assembly and adjourned for another half-an- hour. But it proved of no use because the defiant members were still present in the House. This created disorder and noise the House and nothing was heard.\textsuperscript{61}

Likewise, a member of the opposition, raised a point of order during the question hour saying that the chief Minister should with draw his words used for a Harijan MLA. But the Deputy Speaker asked him to be seated. But the member continued to repeat his point of order. AT this, he was named and asked to leave the House. But the member refused to do the same and sergeant at arms escorted him while leaving the House. AT this the Speaker observed "We should raise points of order where it is absolutely necessary to do so. At the moment undue interruption is being caused to the member on his legs. It is a fact that we can raise points of order many times, but they should be timely and relevant, couched in proper language. If it is couched in disrespectful and discourteous language, it will not be entertained."\textsuperscript{62}

Inspite of persistent clarification from the Chair, a plethora of irrelevant and fraudulent point of orders were raised. In case of non - acceptance of the same, the members adopted the strategies either to obstruct the proceedings by

\textsuperscript{61} Ibid
\textsuperscript{62} Ruling given by the Speaker
raising slogans and creating noise or staged a walk out as a protest.\(^63\)

**Legislative Behaviour: Walk Outs**

Walk out is justified only to the extent of highlighting the unfulfilled expectations of the people in regard to the various programmes and policies of the government. But the member of the Haryana Assembly exercised this technique for other purposes and it was unusual for even a single session of the Assembly to pass without a walk out.\(^64\)

**Number of walk out**

Indicates, that the frequency of walk outs witnessed an upward trend from the Ninth Assembly onward and rose to higher number during the Eleventh Assembly. Even a single sitting witnessed walk out twice, four times and five times.\(^65\)

The legislators made their presence felt strangely by remaining absent. The member of the opposition staged walk outs as a symbol of protest against the decision of the Chair or rash actions taken by the government. The total no of walkout took place in different assemblies since 1996 to 2009 as given in table 4.1

<table>
<thead>
<tr>
<th>Assemblies</th>
<th>Total no of Walk out</th>
<th>Party in Walk out</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996-1999 (9(^{th}))</td>
<td>66</td>
<td>INLD, INC, Haryana Lok Dal, Samta Party</td>
</tr>
<tr>
<td>2000-2005 (10(^{th}))</td>
<td>72</td>
<td>INC Havipa</td>
</tr>
<tr>
<td>2005-2009 (11(^{th}))</td>
<td>89</td>
<td>INLD, Independent</td>
</tr>
</tbody>
</table>

Source: Resumes, Haryana Vidhan Sabha, 1996 – 2009

---

\(^64\) Ibid
\(^65\) Ibid
Table 5.2

Number of Walk-outs by Members

<table>
<thead>
<tr>
<th>Assemblies</th>
<th>First Session</th>
<th>Second Session</th>
<th>Third Session</th>
<th>Fourth Session</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>9th (1996-2000)</td>
<td>38</td>
<td>23</td>
<td>--</td>
<td>05</td>
<td>66</td>
</tr>
<tr>
<td>10th (2000-05)</td>
<td>37</td>
<td>24</td>
<td>8</td>
<td>3</td>
<td>72</td>
</tr>
<tr>
<td>11th (2005-09)</td>
<td>25</td>
<td>14</td>
<td>17</td>
<td>33</td>
<td>89</td>
</tr>
</tbody>
</table>

Source: Resumes, Haryana Vidhan Sabha 1996-2009

Table 5.1 and 5.2 depicts that the maximum number of walkouts took place in the 11th assembly with 89 walkout followed by 72 in 10th assembly and 66 in 9th assembly. Moreover, it is being noticed during the study that the walkout is basically an instrument of opposition party in power. Whenever the opposition party felt that they are not being noticed by the ruling party they use it widely.

The members used un-parliamentary words which were expunged by the speaker. Members staged a walk-out when they were not allowed to raise supplementary and came back after some time.

The members spoke without the permission of the Speaker which was expunged. The Speaker said, your behavior is like a school boy. I have already ordered that nothing will be recorded and you please take your seat.

Dr. Sitaram a member from the INLD stayed a walkout in protest against not being satisfied with the reply of the power minister given by him.

---

66 Ibid.
67 Ibid.
for his supplementary.\textsuperscript{68}

The speaker said, “the conduct of the member is most undesirable and unbecoming. Whatever has been said without my permission may be expunged. The member should apologies for his conduct.” At this several members rose to speak.\textsuperscript{69} Smt. Rekha Rana staged a walkout in protest against the suspension of her parties members.

**Punctually of Legislators in the House**

For contingency the rules provide for leave of absence from the House. "But the rules do not bind a member to be present continuously during the proceedings. So the members after marking their presence in the attendance register, go out from the House either in lobbies or in party meetings etc. Consequently the presence remains thin in the Assembly, barring the question hour. Sometimes, the House has to stop transaction of its business for want of quorum.\textsuperscript{70} This poses a great problem because the members given notices of their questions, motions several of which are admitted. But when the members concerned are called upon by the Speaker to put their question and motions etc. many of them are found absent from the House.\textsuperscript{71}

Thus absenteeism becomes a regular feature during the working hours of the Assembly, which amounts to be undemocratic, because being the representatives of the people they do not perform their duty properly and many lapses on the part of the government go unheeded during their absence which can be very vital and detrimental for the decision making process in the House.

The legislators should be punctual and vigilant and must know what is transpiring in the House. Regular attendance is the first pre-requisite in

\textsuperscript{68} Ibid.,
\textsuperscript{69} Ibid.
\textsuperscript{70} Ibid.
\textsuperscript{71} Ibid. For example, many members were found absent when being called upon to put their questions during the question hour. Likewise, some members were not present even during the discussion on confidence motion and they, instead, attended the party meeting and other programmes. Similarly, all opposition benches were lying vacant at the time of discussion on Haryana Appropriation Bill.
respect of the discharging of legislative duties responsibly.

**Legislative Behavior: Breach of Privilege**

Modern Constitutions following the British practice, grant certain extraordinary rights to the legislators called "Privileges" without such rights it will be impossible for either Houses or their members to discharge their duties satisfactorily and to maintain their independence and dignity.  

Since neither the Indian Parliament nor the State Legislatures have defined these privileges so far, the privileges as those of the House of Commons (U.K.) are applied to the Indian legislatures. The study concerns here only with the privileges of Haryana Legislative Assembly.

The privileges of Haryana Assembly, like those of the House of Commons (U.K.) are of two types: privileges of the House as a whole and privileges of the individual members.

The purpose of parliament privileges is to ensure smooth running and complete independence of the legislators in the House. They apply to anything spoken, written or any act committed by a member of the Assembly in the ordinary course of his official duties and any action which presupposes that the person carrying it out is in the course of his duties and which no person other than a member can do. So in parliamentary democracy where decisions are arrived at after discussion and debate, such privileges to the members invest

---

72 Article 194(3) of Indian Constitution declares" ... In order respects the power, privilege and immunities of a House of legislature of a state and its members and the committees of such legislative, shall be as may from time to time defined by the legislature by saw and until so defined, shall be those of Commons of the Parliament of the U.K. and its members and committees, at the commencement of this Constitution”. Madhu Limaye, Politics, After Freedom, Delhi: Atma Ram and Sons, 1982, P. 306. However, the only difference between the position of British Parliament and the legislature in India is that in U.K. such privileges are sum total of peculiar rights enjoyed by each I-house collectively as a constituent pan of the High court of the Parliament but the Indian Parliament is not descendent of High Court of Parliament of England. So Legislatures in India do not function as the court of record. Here supreme court and High courts are the Courts of record and no such status is conferred on our Legislatures. Ibid, P.307.


74 They are : right to define privileges, regulation of proceedings, freedom of publication of debates and in case in breach in any privilege, to punish the guilty member etc.

75 They are : Freedom of speech, Freedom from arrest in civil cases when the House or any of the its committees is in session and forty days before and after etc.
the members with unquestioned freedom of speech.

Anything done contrary to these privileges is called "breach of privilege". The Assembly can punish its members or any other person for such breach of privilege or contempt of the House through expulsion, reprimand and imprisonment etc. The courts of law in this country recognise a Legislature to be the sole authority to judge as to whether or not, there is breach of any privilege. For example in Keshav Singh V.S. State of Uttar Pradesh in which the Supreme Court, in its advisory opinion, held that the Legislature has the right to punish for its contempt. Likewise in Suresh Seth's case, who was expelled by Madhya Pradesh Assembly in September 1978 for showing disrespect to the Chair. The Madhya Pradesh High Court held in 1979 that the Legislature has power to expel its member. But in Harewari Lal’s case who was expelled from the Haryana Assembly in 1975, the Punjab and Haryana High Court, by three-two-majority, held on April 8, 1977 that a legislature was not clothed with any power to expel a duly elected member as a measure of punishment for the contempt of the House. The Judgement added that the punishment for contempt of the House "known and well settled was to reprimand, suspension from the House for the duration of the session, fine and lastly and the key stone in the context being the power to commit the contemnor to prison.

Thus, both the ruling as well as the opposition parties misused this right. However, the ruling party was always on the winning side because of its brute majority. Both sides raised frivolous issues and many of them were not allowed by the Speaker. However, the opposition was more active in raising such issues not because it was conscious of its rights but because it provided an opportunity to oppose and criticize the government, to gain prominence among the legislators, to get popularly and publicity in the press and there by come in

---

77 Ibid, p. 194.
to lime - light.

The government as well as the House were apathetic to these issues which not only devalued the committee on privilege but reduced the importance of privileges as well.

Above all, the Assembly failed to take any action against the guilty in 99 per cent of the cases and most of the cases which were referred to the committee either lapsed or left undecided.

Besides Haryana Assembly, one could experience unprecedented unruly atmosphere even in the Parliament. And the Assemblies of other States.

**Legislative Behaviour during Question Hour:**

Most members perform an onerous responsibility by reading out answers written by bureaucrats in response to starred questions and unstarrred questions in the Assembly. Technically the minister is supposed to the

---

79 For example, the speaker of the Haryana Vidhan Sabha observed that “on one occasion the prime Minister was not allowed to speaks for a long time. In other Houses also have seen interruptions and slogan shouting etc.” on another occasion, a M.P. burnt a copy of a bill in the House, regarding the official language of the government of India. There upon a scene of pandemonium arose in the House. Nav Bharat Times, August, 23, 1984. Like wise, on another occasion, a member leveled some allegation against Ram Manohar Lohia for embezzlement in “Gold Scandal” which resulted into a great noise and disorder in the House. An MP called a congress member ‘badmash’ a thief and a ‘raffian’ in the House. Some times later, another member was ordered to leave the House for obstruction. Some members kept on shouting slogans in the House to prevent the Prime Minister from making speech on an adjournment motion. The Lok Sabha was adjourned under unusual conversation and amid noise and disorder.

80 For example, in the Punjab Assembly, police was brought on the sacred floor of the House to control the situation. In Rajasthan, Assembly, the members shook fists and screamed, input at the Speaker, toppled over the desks and kicked away the chairs. W.H. Morris Jones, Op. cit. p. 142. In Tamil Nadu Assembly, the members of the opposition started shouting on the issue of attach of Kurunidhi, the former chief minister, by some miscreants when he was on the way to his house after attending the session. In between S.R. Radha, M.L.A after attending the session. In between S.R. Radha, M.L.A. Chairman of Tourism and Development of Cooperation made an Vulgur gesture and lifted his Dhoti in House and abused the opposition members. Arun Shourie, Op. cit. pp. 26-27. Again for several minutes, at each other and one of them brandished his slipper at the Deputy Speaker, another member knocked off a mike and created unruly atmosphere in the House. Op. Cit., pp. 29-30. The Andhra Pradesh Assembly was adjourned admist uproarious scenes for not observing the question hour, slogans shouting opposition members demands adjournment of the House following a state – wide band call, given by all party action committee. For that, the members of the opposition assembled at the entrance of the Assembly before and scheduled commencement of the sitting at 8.30 a.m. and prevented the entry of the ruling party members and ministers across the gates. Moreover, the members of the opposition occupied the seats of the Assembly officials in front of the podium and prevented the speaker from conducting the proceedings. Amidst noisy scenes, the Assembly was adjourned for a day.
responsible for what he or she said but sometimes they took a different take. When some of them were asked by the journalist for giving contradictory answer to questions, they said, they only read out the answers, they don't frame them.

On some question asked in the House, the state government had to constitute inquiry in order to bring the guilty to books e.g., malfunctioning of cooperative banks, non-availability of LPG in the state, bogus BPL cards, non-inclusion of eligible persons in the old age pension, lack of facilities in Jails, non-availability of fertilizers and seeds in the sowing season etc.: 

As per rules the hour of every sitting should be a question hour. However, in several sitting, obituary references were made and then held the question hour.


---

81 See Resumes, Haryana Vidhan Sabha, 1996-2009
82 No question hour was held in June session.
83 Ibid., January 19, 1998
84 Resignation by the Chief Minister on July 21, 1999 and by the Speaker on July 27, 1999
85 Elections of the Speaker and Deputy Speaker were held on July 28, 1999
86 Governor delivered his Address on March 5, 2001.
87 Discussion on the Governor's Address was held on March 7, 2001.
88 Governor delivered his Address on October 31, 2002.
89 Ibid, On March 5, 2003 and February 9, 2004

No question hour was held on March, 9, 2000 in the morning sitting\(^{90}\) on March 10, 2000\(^{91}\) However, Bhajan Lal raised the matter of admission of questions as short notice questions. The Speaker observed that since there was no mention of short notice on the questions and he had no option but to reject them. Consequently, when there is no question hour, such matters can't be raised because there is no zero hour.

Similarly, no question hour was held on March 14, 2000\(^{92}\) no question hour was held on March 15, 2000\(^{93}\).

**Half an Hour Discussion**

When replying a supplementary to question No. 150 could not satisfy the, members, Attar Singh Saini, a member from Treasury Benches requested for half an hour discussion on it and the Home Minister expressed his willingness for the discussion. At this the Speaker allotted it on November 20, 1996.

**Leave of Absence**


---

\(^{90}\) The Speaker and Dy-Speaker were elected on March 9, 2001.
\(^{91}\) Discussion on the Governor's Address was held on March 13,2000.
\(^{92}\) The Budget was presented on March 14,2000
\(^{93}\) The general discussion on Budget was held on March 15,2000.

The rest of the members and ministers remained absent without leave of absence from the House.

**Personal Reflection**

Om Prakash Mahajan of the Congress raised the matter of maintaining the decorum of the House. But the members of Opposition Smt. Chandrawati, Mangal Sain and Virender Singh explained their position and blamed the ruling party for using unlawful language in the House. However, the words said by the Chief Minister, and these members were expunged by the Speaker during the question hour. Moreover, the member used unparliamentary
language during the question hour on an other occasion.\textsuperscript{106}

Personal explanation was given by Devi Lal but the Speaker said, There is no provision of personal explanation in the question hour.\textsuperscript{107} Only 2 questions were taken up because of personal reflection and hot exchange took place between the ruling and opposition members\textsuperscript{108} on March 28, 1984. The members made personal reflection about each other and unparliamentary words were expunged.\textsuperscript{109} Question hour could not be started because Chandrawati pointed out a news item, Chandrawati gets drubbing, Speaker told her this is not zero hour, but she kept on speaking. However nothing was recorded\textsuperscript{110} on September 5, 1984.

Arguments between the Speaker and Sampat Singh for asking more supplementaries on a question pertaining to construction of dharmasalas took place. When the Speaker refused him to put a supplementary, he staged a work out.\textsuperscript{111} Supplementary raised by Manphul Singh, MLA was expunged from the record and the Speaker said, This is no question.\textsuperscript{112}

At once, the Speaker deferred the question for further time. Meanwhile the Chief Minister said there is no need of deferring it, we are ready to answer it. Then the speaker said, reply if you want to reply. At this many members stood to speak. However on another occasion the speaker said, ‘How can I force the industries Minister to tell the required information about the factories loan given by Haryana Financial Corporation. At this the Chief Minister said, give separate notice.\textsuperscript{113}

\begin{footnotes}
\textsuperscript{106} Ibid.,
\textsuperscript{107} Ibid.,
\textsuperscript{108} Ibid
\textsuperscript{109} Ibid.
\textsuperscript{110} Ibid.,
\textsuperscript{111} Ibid.
\textsuperscript{112} Ibid.,
\textsuperscript{113} Ibid.,
\end{footnotes}
There were lot of interruption in the question hour, when Chandrawati, MLA asked a supplementary about new road construction in Rohtak and Sonepat, the Minister said, I don’t have the required figures leading to noise by the members in the House and Speaker said, I would not allow anybody to raise supplemtaries in such a noise.\textsuperscript{114}

**Suspension of Members**

Questions 173, 167, 217, 232, 229 were deleted as the members concerned were suspended from the House.\textsuperscript{115}

When the question of planting tree was in process, Amar Singh Danda raised the issue of suspension of party member which was wrong. The Speaker said, take your seat. This is question hour and you can’t permitted to speak this. You can speak in zero hour. Nothing more from Amar Singh Danda will be recorded. But he defied again. He was warned and asked to leave. But he defied when he was taken out by the Marshal.\textsuperscript{116}

Questions 152, 128, 200 were deleted as the concerned members were suspended from the services of the House.\textsuperscript{117}

On a question regarding sale of agriculture land, the Chief Minister replied that 89 acres were purchased by Devi Lal for 30 years tenancy. At this Sampat Singh said that 12 ½ acre land is purchased by the family of Bhajan Lal. This led to hot exchange of word between them. Bansi Lal demanded a Judicial enquiry in both cases. At this the Chief Minister said that Bansi Lal has purchased land at change. Bansi Lal gave his Personal explanation and lot of time was taken.\textsuperscript{118} Allegations and anti-allegations were exchanged by Bansi Lal and Bhajan Lal on a book written by Hardwari Lal.\textsuperscript{119} The allegation of

\textsuperscript{114} Ibid.,
\textsuperscript{115} Ibid.,
\textsuperscript{116} Ibid.
\textsuperscript{117} Ibid.,
\textsuperscript{118} Ibid.,
\textsuperscript{119} Ibid.,
misleading the house were leveled against the minister.\textsuperscript{120}

Sampat Singh walked out for not being permitted to put the supplementary.\textsuperscript{121}

A quote relating to printing of fake ticket in Haryana roadways was raised and replied by Bhajan Lal. At this Chhatarpal Chauhan alleged that these tickets printed by the influential persons petronised by the Chief Minister. Bhajan Lal said that during Devi Lal period every work was done at the hint of O.P. Chautala. This all members of SJP stood up to speak. Sampat Singh said that now every work is being done at the hint of Kuldeep Bishnoi and Chander Mohan.\textsuperscript{122}

The Speaker said, nothing is to be recorded out of unparliamentary words from both sides. Interruption by Bhajan Lal, Sampat Singh and Anand Singh Dangi continues. The Speaker said, when speaker is on his legs all members should sit, if you don’t carry out my order. I shall have to name you. But the members of SJP did not resume their seats and continued speaking. At the speaker named Sampat Singh but he did not leave the House and Marshal was called to get him out.\textsuperscript{123}

Jagdish Nehra, Parliamentary Affairs Minister quoted a rule that if a member is named twice, he should be suspended from the House for rest of the session. But then Ramesh Kumar rose of Speak. He was named and Marshal got out.

At this Bansi Lal told the Speaker, you always go by what the ruling party servants. The present situation could be avoided if the Minister had replied the question correctly. However, Bhajan Lal said, my reply was correct or wrong is not the duty of members to examine.\textsuperscript{124}

\textsuperscript{120} Ibid.,
\textsuperscript{121} Ibid.,
\textsuperscript{122} Ibid.
\textsuperscript{123} Ibid.
\textsuperscript{124} Ibid.
Not being satisfied from the answer, all members of JP, HVP and BJP staged a walk out\textsuperscript{125} on question 1017.

When Sampat Singh did not get convincing reply from the minister he asked the question again. At this the Chief Minister deviated the matter and started to talk about Devi Lal government during 1987-89. But Sampat Singh said, “I am not satisfied with the reply, so half an hour discussion be allowed. When the speaker disallowed the discussion, all the members of J.P. stated a walk out.”\textsuperscript{126}

When the members raised the issue of non-operational water supply, the Minister gave irrelevant reply and all the ember of J.P. agitated against it.\textsuperscript{127}

During the question hour, Jai Singh Rana, MLA from Opposition Benches raised the matter of covering the mouth with a piece of cloth by the member of Samata Party, present in the House and their decision not to speak in the House during this question hour and requested for reconsideration of decision suspending four members of House. He was also supported by Birender Singh another member of the Opposition.

The speaker made a few observations going the details of the time given to the members of opposition and ruling parties. The Chief Minister also spoke on the issue.

Thus, the question hour was disrupted.\textsuperscript{128}

When the Speaker called upon Sat Narain Lather, MLA to put question 241, members of the Congress party rose in their seats and started speaking without permission of the Speaker, opposing the Haryana State Electricity Reform Bill, 1997. The Speaker repeatedly requested them that they can speak on this matter immediately after the question hour but members defied the request and they walked in the well of the House, raising slogans. The Speaker

\textsuperscript{125} Ibid., March 8, 1995
\textsuperscript{126} Ibid., March 9, 1995
\textsuperscript{127} Ibid., March 21, 1995
\textsuperscript{128} Ibid., March 29, 1997
warned them again and again to resume their seats and let the House continue with the question hour. However, the members continued speaking and raised slogans in the well of House where upon the Speaker named Randeep Singh Surjewala, who left the house immediately.129

The remaining members of the Congress continued to raise slogans ding to turmoil in the House. At this the Agriculture Minister moved a motion under rule 104 that Satvinder Singh Rana, MLA be suspended form the services of the House for the remainder of the session for his misconduct, most irresponsible behaviour unbecoming of the member of this August House and his grossly disorderly conduct.130

The motion was carried and Satvinder Singh Rana was asked to leave the House but be continued speaking without the permission of the Speaker apart from raising slogans. At this the Speaker directed the Marshal to take the member from the House with the aid of ward staff and he was carried out form the House. However, other members of the Congress party continued speaking without the permission of the Speaker and raised slogans in the well of the House.131

Again the motion under rule 104 was carried to get Dilu Ram, MLA suspended for the session and he left the House. However, the members of the congress continued speaking without permission and raising slogans in the well of the House. The speaker requested them to resume their seats and speak after the question hour and the members complied the order.132

But the Chief Minister raised another matter while blaming Khurshed Ahmed for giving wrong statement that he staged a walk out for the Business Advisor Committee. Also the Chief Minister made certain remarks again Birender Singh when he tired to speak on the issue.

129 Ibid.
130 Ibid.
131 Ibid., July 22, 1997
132 Ibid.
The Speaker requested the Chief Minister to discuss such things after the question hour. At this Birender Singh and other members of the Congress party rose to speak without the permission of the Speaker. The Speaker requested them to resume their seats and let the question hour continue but to no effect. On finding grave disorder in the House, the Speaker asked the leader of other parties to meet him in the chamber and adjourned the house for 15 minutes.133

After the session resumed, the speaker called up Anil viz. to ask this question. But the members of the congress continued speaking without the permission of the Chair. Jai Singh Rana, MLA repeatedly persisted that the members from the opposition benches be allowed to speak first.

At is, the Agriculture Minister moved a motion under rule 104 for the suspension of Jai Singh Rana, MLA from the services of the House for the remainder of the session for his misconduct most irresponsible behavior, unbecoming of the members of the August House and his grossly disorderly conduct in the House and he was asked to leave and he complied with the orders.134

Bhagi Ram and Mani Ram both MLAs from opposition staged a walk out as a protest against not having been allowed to ask more supplementaries on question 538. Similarly, Ashok Kumar, a Lok Pal MLA and other party members staged a walk out in protest against naming of Virender Pal and not allowing them to speak on the matters regarding appointment of Vice-Chancellor, Kurukshetra University, Kurukshetra.135

Dilu Ram, a Congress MLA along with some other party members stated a walk out against naming of Randeep Singh Surjewala.136

133 Ibid., January 22, 1998
134 Ibid.
135 Ibid., July 22, 1997
136 Ibid., January 29, 1998
All members of Haryana Lok Dal and Congress party staged a walk out against not having received satisfactory replies to their supplementaries on question 653.

All the members of Haryana Lok Dal staged a walk out for not being satisfied from replies given on question 698 and demanded more supplementaries one it.\(^{137}\)

The members have privilege to ask question about the government functioning but when it is found that these questions are raised in lieu of money or at the stance of vested interests, particular privileges can’t be invoked to protect the members of legislature. Similarly, the member can’t be prevented from attending House sessions. But when the police arrest a member for his involvement in, say, a murder case, they can’t say that parliamentary privileges have been breached. There is a need to codify the duties of members which include attending the Assembly regularly and maintaining the decorum in the House.

The members have a right to protest in the legislature against the wrong moves of the government but this right don’t mean that they can create a situation where the speaker is compelled to adjourn the House out of disorder.

A code of conduct may be enforced. Moreover, a proper codification of privileges and duties may obviate the need for interpretation because the members would know that they don’t enjoy any privilege except to discharge their duty as legislators.

In case code of conduct is adopted, members found guilty of misconduct will be liable to be admonished, reprimanded or suspended from the services of the House as well as of the committees of the house for a specified period of time. On being found guilty of misconduct of an even more serous nature, he is likely to be expelled from the membership of the house.

\(^{137}\) Ibid., July 29, 1998
A disciplinary committee consisting of MLAs from main political parties should be constituted to watch the members’ conduct in the House. The defaulters should be punished in many ways like penalizing their session perk, suspension and permanent disqualification.

Thus after examining the occurrences of unruly atmosphere and abusive remarks in the Haryana Assembly one may conclude that the norms of procedure and conventions have been thrown to the winds and the members have indulged in disobeying the Chair on petty grievance.

It has been observed that tenor and temper of the Assembly proceedings have been deteriorating over the years and the opposition has had unwillingly helped in the process or erosion. The nagging sentiments have persisted and the members have tried to cross all parliament norms of conduct in the House.

It is correct that in a democratic set up, healthy criticism is always preferred to allegations, references based on policies, principles, in the public interest. But now the sole aim of ruling as well as the opposition parties has become to malign the image of each other and the conduct of the members has been deteriorating day by day. They have forgotten their real objectives to raise the issues of unemployment, poverty, economic disparity and social change, in the House and most of the time of the House was being wasted in personal discussion, allegations and counter allegations.

The Speaker has not been able to control the House because of his partisan attitude and the motion of suspension and expulsion of members have been passed on the basis of majority. In practice, it is the leader of the House, who has run the House, and not the speaker.

It the problem of the unruly behavior of the members is to be solved then the press should list the abuses and epithets hurled by the legislature in the House with their which the proceedings of the House was disturbed. This would bring their behavior to the notice of the common people who have sent them to the legislature. Their conduct should be broadcast on radios and
relayed on television so that the members who had obstructed the business regularly might lose support in the ensuing elections.

The members should guarantee a constructive debate in the House because the state spends hard earned money on them. There fore, it is their duty to make the best use of the time of the House for the benefits of the state. The precious time of the Assembly does not sit throughout the year and therefore it is expected that the members should try to conserve their precious time so that the business can go through and others may get chance of participation. If the members behave abnormally in the House by shouting slogans and defying the Chair, they are simply abusing the public exchequer. The members of the Assembly are collectively a caravan of pilgrims towards a common democratic goal which means a fuller and prosperous life for the people. So the effectiveness of each members depends on his behaviour with which the discharges his duty in the House and seriousness with which he brings effectively to the notice of the authority the difficulties and grievances of the people at large, particularly of his constituency and thus influences and executive to provide a timely and constructive solution to the problems.