

Legislative Process: the Study of Haryana

Abstract

This research paper has mainly examined the process of legislature of Haryana .The Haryana state legislature is unicameral, which means it has a single house. Bihar, Maharashtra, Karnataka and Uttar Pradesh have bicameral legislatures. At present, the Haryana Vidhan Sabha has a total of 90 members. Of these, 17 seats are reserved. There is no nominated member. Besides of the process of legislature, we will discuss some other factor of the house such education of MLAs' reserved seats etc.

Keywords: Haryana, Business, Assembly, Minister.

Introduction

The basic function of legislative is to make laws, amend them or repeal them. The process of law making or the legislative process, in relation to assembly, may be defined as the process by which a legislative proposal brought before it, is translated into the law of the land. All legislative proposals are brought before legislative in the form of Bills. A Bill is a statute in the draft form and cannot become law unless it has received the approval of both the legislative and the assent of the governor of Haryana.

On 1 November 1966 Haryana was constituted as a separate state with seven districts, according to the partition plan of the then East Punjab. The seven districts were Rohtak, Jind, Hisar, Mahendragarh, Gurgaon, Karnal, Ambala. The partition was based on the linguistic demographics and was held after the recommendation of Sardar Hukam Singh—the then Speaker of the Lok Sabha—Parliamentary Committee. Now it has 22 districts, 4 divisions, 57 sub-divisions, 119 blocks, 154 towns and 6841 villages with a population of 2.53 crores. Haryana came into existence as a result of the linguistic reorganization of Punjab.¹

Aim of the Study

The present study aim is to provide knowledge about the process of Haryana state legislature, because its legislature is unicameral, where all laws are passed by legislature and after consent of the governor, they become laws and government and bureaucrats apply them and achieve the goals of government.

Process of Legislative

The normal tenure of the Assembly is five years, unless it is dissolved before the completion of the tenure. The elected leader of the majority party is the Chief Minister. Each party has a whip. The House is divided between the treasury and opposition benches. The Speaker occupies the podium with his staff.²

The Haryana legislative Assembly act 1979 defines some words, which are important for the process of any legislature such as, it explain "Assembly" means Haryana Legislative assembly; Speaker means the speaker of the Assembly; Deputy Speaker means the deputy speaker of the Assembly; Minister means a member of the Council of Minister, by whatever name called, and includes a Deputy Minister; member" means a member of the Assembly and includes the Chief Minister, a Minister, a Minister of State, a Deputy Minister, the Chief Parliamentary Secretary and a Parliamentary Secretary. So this act does remove all doubt and explain every terminology of the assembly.³

The Deputy Speaker sits with the leader of the opposition. A police officer drawn from the state police acts as a marshal to check any untoward incident. Speaker's main work is maintaining decorum in the house and conduct voting in house any issue. There is an officers' gallery, a visitors' gallery and another for the VIPs. The media covers the proceedings of the House from the press gallery. The Governor opens the first session as well as the Budget Session each year.



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The Speaker presides over the House and the Deputy Speaker in his absence. In case both the Speaker and Deputy Speaker are absent, it's the duty of the Presiding Officer to carry out the working of the house. The Constitution prescribes that a party with one tenth of the total strength of the House can claim to be the opposition party. If no party has sufficient numbers to claim the status of the opposition party, then there is no official opposition party in the Assembly. It is for the first time in Haryana that there is no official opposition party. The opposition plays an important role as it keeps a check on the functioning of the party in power and criticizes its policies. The first and the second Vidhan Sabhas had very short tenures. The first Vidhan Sabha lasted for three months and the second for eight months.⁴

Business of the House

In allocating time to various government legislations and for Somnath Chatterjee addressing 73rd conference of presiding officers of legislative bodies of India in Haryana Assambly.

Assembly Elections

Other business of the government, the Business Advisory Committee plays an important role. It meets from time to time during the session and recommends to the House the allocation of priorities and time for all items of business pending before the House. At the commencement of the Assembly, after each general election or from time to time, the Speaker nominates the members other Business Advisory Committee, which comprises six members. According to Rule 32 of the Rules of Procedure and Conduct of Business, the list of business of the day is prepared by the Secretary. A copy of the list is given to every member. No business other than that in the list can be transacted.

Private Members' Business

Private members' business is taken up on Thursdays. On all other days, no business other than government business is transacted except with the consent of the leader of the House. On a motion made after a day's notice by a minister, this rule may be suspended and the Assembly may transact the government business on a Thursday.

Questions and Answers

There are two types of questions asked in the Assembly -- starred and unstarred. The starred

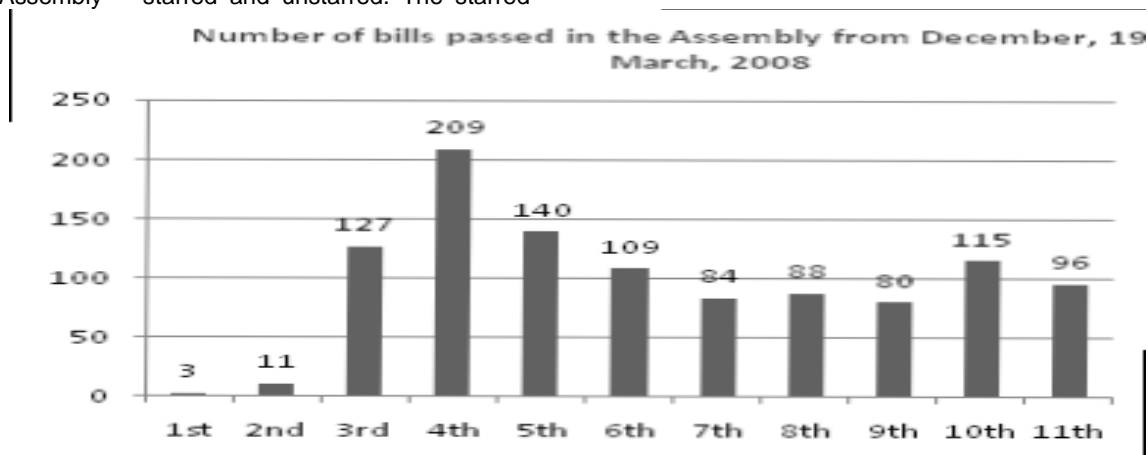
questions are important questions and it's the prerogative of the Speaker to mark the questions as starred. The Speaker sends the questions to the minister concerned. The starred questions are taken up in the House and some questions are answered. The questions which are not answered owing to paucity of time are answered in the written form. The unstarred questions are not asked orally in the House but their answer is laid on the table of the House and the member putting such a question is given a copy of the answer. A copy of the unstarred questions is also given to the media.

Rules of Debate

When a member rises to speak, his name is called by the Speaker. If more than one another member rise at the same time, the member whose name is called is entitled to speak. Besides, the Speaker takes due notice of the requests of other members. Normally, interruptions are not allowed. However, the Speaker may allow an interruption where he deems it relevant. The title of the debate is printed in Hindi and it contains the details of the volume and number of the debate, date of debate and the heading of the subjects discussed on the day. The proceedings of the Assembly are printed in Hindi and English. If a member speaks in Punjabi, his speech is printed in the Devanagri script. But these days the standard of debate is going dawn, due to the lack of responsibility both groups- ruling and opposition. There are three methods of voting in the Assembly, that is, voice voting, standing and division in Lobbies.⁵

Making Laws

There are three sessions of the Assembly. The Budget Session is the longest, followed by the monsoon and winter sessions. The First Vidhan Sabha (1966), which lasted for three months and 11 days, had only three sittings. The highest number of sittings was held during the fourth Vidhan Sabha (April 1972 to March 1977) and till date, it's a record. As compared to 124 sittings in the fourth Vidhan Sabha, the fifth Assembly held 116 sittings, the second highest till now. . The number of sittings in the sixth, seventh, eighth, ninth, tenth and eleventh Vidhan Sabhas was 96, 71, 81, 54, 66 and 69 sittings, respectively.



Source: Haryana Review, p.11.

In the first Vidhan Sabha, three bills were passed which lasted for just three months and 11 days. The highest numbers of bills – 209 – were passed in the fourth Vidhan Sabha. In the second, third, fifth, sixth, seventh, eighth, ninth and tenth Assemblies, 11, 127, 140, 109, 84, 88, 80 and 115 bills were passed, respectively. In the eleventh Assembly, 96 bills were passed.

The process of law making or the legislative process, in relation to assembly, may be defined as the process by which a legislative proposal brought before it, is translated into the law of the land. All legislative proposals are brought before house in the form of Bills. A Bill is a statute in the draft form and cannot become law unless it has received the approval of the assembly and the assent of the governor of Haryana.⁶

Democracy is the government of the people, by the people and for the people. In parliamentary form of government, law making is an important process which is done by the legislature. This not only ensures the accountability of the government to the popular will but also results in debates and deliberations, which are healthy for any democracy. There is concern among senior leaders as the number of sittings of the Vidhan Sabha has decreased and debates are also losing their quality. Stronger the legislature, healthier the democracy. Over the years, the legislature, instead of becoming a healthy debating arena where policies could be debated threadbare, is in the danger of becoming an appendage to the executive. This can diminish the accountability of the government towards the popular will of the people. The executive can become stronger. Besides, practices like shouting, breaking mikes and walkouts have become common in the Assemblies and Parliament. This shakes the faith of people in democracy.⁷

Conclusion

In nutshell, we can say that the process of legislative Assembly of Haryana is also same as other assemblies, which have unicameral system. In this process, we observe that in the assembly every person has a particular place, according his/her rank. The basic function of legislative is to make laws, amend them or repeal them. The process of law making or the legislative process, in relation to assembly, may be defined as the process by which a legislative proposal brought before it, is translated into the law of the land. All legislative proposals are brought before house in the form of Bills. A Bill is a statute in the draft form and cannot become law unless it has received the approval of the assembly and the assent of the governor of Haryana.

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