

Suspension of MLAs in Gujarat

In the Gujarat Legislative Assembly, two congress MLAs have been suspended for 3 years and one MLA for one year for unparliamentary behaviour.

The Rules of Gujarat Assembly:

- Rule 51: empowers the Speaker to “direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the House”. The member concerned “shall withdraw from the House forthwith and shall absent himself from that day’s sitting....”
- Rule 52(1): “The Speaker may, if he deems it necessary, name a member who disregards the authority of the Chair or persistently and wilfully obstructs the business of the House by abusing the rules of the house or otherwise.” Under Rule 52(2): “If a member is so named by the Speaker, the Speaker shall forthwith put the question on a motion being made ‘that such member be suspended from the service of the House for ... days’ (any period not exceeding the remainder of the session)”.
- Rule 47: does say that “it shall be the duty of the Speaker to preserve order in the House and the Speaker shall have all powers necessary for the purpose”.

Earlier Precedents: There have been instances of such long suspensions in the state like Karnataka, Andhra Pradesh and Uttarakhand.

Such long suspension opposed because

- three-year suspension is excessive
- punishment has to be proportionate to the offence.
- the people of those constituencies will remain unrepresented which is against basic principle of Democracy.

Similar Parliamentary (Lok Sabha) Provisions (Source: Parliamentary Procedures)

- Rule 374: Suspension of a member – Under this rule

The Speaker may name a member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business.

When a member is so named by the Speaker and a motion is adopted by the house in that regard, the member (naming him) is suspended from the service of the House for a period not exceeding the remainder of the session

- Rule 374A: Automatic Suspension of a Member – Under this rule

In the event of grave disorder created by a member coming into the well of the House or abusing the Rules of the House persistently and wilfully obstructing its business by shouting slogans or otherwise, such member shall, on being named by the Speaker; stand automatically suspended from the service of the House for five consecutive sittings or the remainder of the session, whichever is less:

- Effects of Suspension:

When a member is suspended from the service of the House, the following consequences arise from his suspension and remain in force during the period of his suspension:

- He stands suspended from sittings of Parliamentary Committees of which he may be a member, since working in Committees is also serving the House.
- Notices of sitting of Committees held during the period of his suspension, are not sent to him.
- No item is put down in the List of Business in his name.
- No notice tabled by him is acceptable during the period of his suspension.

- He cannot vote at elections to Committees held during the period of his suspension.
- He is not entitled to daily allowance for the period of suspension, if suspended from the service of the House for the remainder of the Session. However he is, entitled to daily allowance if suspended for a specific period during a session.



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