

**CHAPTER XXIV-RESIGNATION AND VACATION OF SEATS IN VIDHAN SABHA AND LEAVE OF ABSENCE FROM MEETINGS OF VIDHAN SABHA**

**Resignation of seats in Vidhan Sabha.**

276. (1) A member who desires to resign his seat in the Vidhan Sabha shall intimate in writing under his hand addressed to the Speaker, his intention to resign his seat in the Vidhan Sabha in the following form and shall not give any reason for his resignation :-

To,

The Speaker,  
Chhattisgarh Vidhan Sabha,  
Raipur.

Sir,

I hereby tender my resignation of my seat in the House with effect from . . . .

.....

Yours faithfully,

Place : .....

Date : .....

Member of the  
Chhattisgarh Vidhan Sabha.

Provided that where any member gives any reason or introduces any extraneous matter the Speaker may, in his discretion, omit such words, phrases or matters and the same shall not be read out in the House.

(1-A). If a member hands over the letter of resignation on the Speaker personally and informs him that the resignation is voluntary and genuine and the Speaker has no information or knowledge to the contrary, the Speaker may accept the resignation immediately.

(1-B). If the Speaker receives the letter of resignation either by post or through someone else, the Speaker may make such inquiry as he thinks fit to satisfy himself that the resignation is voluntary and genuine. If the Speaker, after making a summary enquiry either himself or through the agency of Vidhan Sabha Secretariat or through such other agency, as he may deem fit, is satisfied that the resignation is not voluntary or genuine he shall not accept the resignation.

(1-C). A member may withdraw his letter of resignation at any time before it is accepted by the Speaker.

(2) The Speaker shall, as soon as may be, after he has accepted the resignation of a member, inform the House that the member has resigned his seat in the House and he has accepted the resignation.

Explanation - When the House is not in session, the Speaker shall inform the House immediately after the House reassembles.

(3) The Secretary shall, as soon as may be, after the Speaker has accepted the resignation of a member, cause the information to be published in the Patrak and the Gazette and forward a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused :

Provided that where the resignation is to take effect from a future date ,the information shall be published in the Patrak and the Gazette not earlier that the date from which it is to take effect.

**Permission to remain absent from meetings of Vidhan Sabha.**

277. (1) A member wishing to obtain permission of the House for remaining absent from meetings thereof under Article 190 of the Constitution shall make an application in writing to the Speaker, stating the period for which he may be permitted to be absent from the meetings of the House.

(2) After the receipt of an application under sub-rule (1) of this rule, the Speaker shall, as soon as may be, read out the application to the House and ask “Is it the pleasure of the House that permission be granted to such and such a member for remaining absent from all meetings of the House for such and such a period”. If no one dissents, the Speaker shall say : “Permission to remain absent is granted”. But if any dissentient voice is heard, the Speaker shall take the sence of the House and thereupon delcare the determination of the House.

(3) No discussion shall take place on any question before the House under this rule.

(4) The Secretary shall, as soon as may be, after a decision has been signified by the House, communicate it to the member.

**Lapse of unexpired portion of leave if member attends House earlier.**

278. If a member who has been granted leave of absence under these rules attends the session of the House during the period for which the leave of absence has granted to him, the unexpired portion of the leave from the date of his resumed attendance shall lapse.

**Vacation of seat in Vidhan Sabha.**

279. (1) The seat of a member shall be declared vacant, under clause (4) of Article 190 of the Constitution, on a motion by the Leader of the House or by such other member to whom he may delegate his functions in this behalf.

(2) If the motion referred to in sub-rule (1) of this rule is carried, the Secretary shall cause the information to be published in “Gazette” and forward a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused.

**FIRST SCHEDULE**

Form of petition

(See rule 107)

To,

Chhattisgarh Vidhan Sabha.

The humble petition of .....

(Here insert name and designation or description of petitioner(s) in concise form, e.g., "A.B. and others" or "the inhabitants of ....." or "the municipality of ....."  
.....  
.....". etc.)

**(Here insert concise statement of case)**

and accordingly your petitioner(s) pray that

(Here insert "that the Bill be or be not proceeded with" or "that special provision be made in the Bill to meet the case of your petitioner(s)" or any other appropriate prayer regarding the Bill or matter before the House or a matter of general public interest).

and your petitioner(s) as in duty bound will every pray.

Name of petitioner	Address	Signature or thumb impression

.....

Counter signature of member presenting.

**SECOND SCHEDULE**

(See rules 171 and 172)

**Form of communication regarding arrest, detention, conviction or release,  
as the case may be, of a member of the Chhattisgarh Vidhan Sabha**

To, Place : .....  
Date : .....  
The Speaker,  
Chhattisgarh Vidhan Sabha,  
Raipur.

**“A”**

Sir,

I have the honour to inform you that I have found it my duty, in the exercise of my power under section ..... of the ..... (Act), to direct that Shri ....., member of the Chhattisgarh Vidhan Sabha be arrested/detained for, ..... (reasons for the arrest or detention, as the case may be) Shri ..... was accordingly arrested/taken into custody at ..... (time) on ..... (date) and is at present lodged in the ..... Jail ..... (Place .....).

**“B”**

I have the honour to inform you that Shri ....., Member of the Chhattisgarh Vidhan Sabha was tried at the ..... Court before me on a charge/charges of ..... (reasons for the conviction).

On ..... (date) after a trial lasting for ..... days, I found him guilty of ..... and sentenced him to imprisonments for ..... (period). (His application for leave, to appeal to ..... is pending consideration).

\* Name of the Court.

**“C”**

I have the honour to inform you that Shri ....., Member of the Chhattisgarh Vidhan Sabha, who was convicted on ..... (date) and imprisoned for ..... (period) for ..... (reasons for conviction) was released on bail pending appeal (or released on the sentence being set aside on appeal, as the case may be) on the ..... (date).

Yours faithfully,

(Judge, Magistrate or Executive Authority)

## **THIRD SCHEDULE**

(See rule 223-A)

### **List of Public Undertakings**

#### **(Public undertaking established by Central or Chhattisgarh Acts)**

1. Chhattisgarh Mineral Development Corporation Limited.
2. Chhattisgarh State Ware-Housing Corporation Limited.
3. Chhattisgarh State Industrial Development Corporation Limited.
4. Chhattisgarh State Civil Supplies Corporation Limited.
5. Chhattisgarh State Beverages Corporation Limited.
6. Chhattisgarh State Forest Development Corporation Limited.
7. Chhattisgarh Infrastructure Development Corporation Limited.
8. Chhattisgarh State Co-operative Schedule Caste, Finance Development Corporation Limited.
9. Chhattisgarh State Electricity Board
10. Chhattisgarh State Handicraft Development Corporation Limited.
11. Chhattisgarh State Housing Board.

## **FOURTH SCHEDULE**

(See rule 234-H)

### **(I) Guidelines for Ethical Behaviour of Members Outside the House**

- (1) Information given to Members in confidence or by virtue of their being Members of Committees of Legislature should not be divulged to anyone nor used by them directly or indirectly in the profession in which they are engaged, such as in their capacity as Editors or Correspondents or News-papers or Proprietors of Business firms and so on.
- (2) A Member should not try to secure business from Government for a firm, company or organisation which is constituted to earn profit.
- (3) Every Member should take decisions solely in terms of public interest, but not in order to gain financial or other material benefits for himself/herself, their family members.
- (4) A Member should not give certificates which are not based on facts.
- (5) A Member should not make profit out of a Government residence allotted to him by sub-letting the premises.
- (6) A Member should not unduly influence the Government officials or the Ministers in a case in which he is interested financially either directly or indirectly.
- (7) A Member should not in his capacity as a Legal Advisor appear before a Minister or an Officer exercising quasi judicial powers.
- (8) A Member is entitled to approach an Officer at his office to obtain information and make representation on public matters and the officer shall strive to furnish the required information as expeditiously as possible.
- (9) A Member or his family members shall not accept any gifts for more than Rs. 25,000.00 without prior permission of Speaker.

### **(II) Guidelines for Ethical Behaviour of Members in the House**

- (1) During a meeting, a member may, if necessary, go out quietly by a back-door close to his seat without causing any disturbance to the House.
- (2) Members should not talk amongst themselves when the House is at work, unless indispensably necessary.
- (3) Every Member should resume his seat as soon as the Speaker rises to speak, or calls out 'Order' and also when any other Member is in possession of the Floor (i.e., speaking with the permission of the Chair) or has interposed in the course of the debate to raise a point of order, or to offer a personal explanation.
- (4) Members, when in the Lobby, should avoid talking or laughing loudly.

- (5) Members wishing to address the House or ask a question should raise their hands until they succeed in catching the eye of the Speaker. No members should speak unless he or she has caught the eye of the Speaker, and has been called upon by him by name or by a sign to address the Chair or to put the question. Words containing insinuations, and offensive and unparliamentary expressions should be carefully avoided by all when addressing the Chair.
- (6) When the Speaker holds that a particular word or expression is unparliamentary, it should be immediately withdrawn by the Member who has used it without trying to raise any debate over it.
- (7) No Member is to argue with another Member or oppose him directly when the latter is speaking. He may, however, put through the Chair.
- (8) A Member who is addressing the House with the permission of the Chair should not, as a general rule, be interrupted by another Member. It is open to the former not to give way by resuming his seat, but to go on with his speech if the interruption is not due to the raising of a point of order.
- (9) Document cited by a Member in the course of his speech, which is not available to other Members, should be placed by him on the Table of the House, if he is so directed.
- (10) A Statement made by a Minister from the records in his possession should be accepted as correct, unless a point is not deliberately raised under rules.
- (11) When any Member offers a criticism of the speech of another Member, the latter is entitled to expect that the critic should be present in the House to hear the reply of the Member criticised. To be absent when the latter is replying is a breach of Parliamentary etiquette.
- (12) A Member should not absent without prior permission of Speaker when any question of the Member is printed in question list as stated question.
- (13) A Member should not accept any allurement, money, gift for asking question, raising any matter, to move motion or to give vote.