

CHAPTER XXIII-GENERAL RULES OF PROCEDURE

(A) LANGUAGE OF VIDHA SABHA

Language of Vidhan Sabha. 235. Subject to the provisions of Articles 210 and 345 of the Constitution the business of the House shall be transacted in Hindi.

(B) NOTICES

Notices by members. 236. (1) Unless otherwise provided for, every notice required by the rules shall be given in writing addressed to the Secretary and shall be left at the Vidhan Sabha Office, which shall be open for this purpose between 11.00 Hrs. to 16.00 Hrs. on every day except Sunday or a public holiday.

(2) Notices left or received when the office is closed shall be treated as given on the next working day.

Publicity of notices. 236-A. A notice shall not be given publicity by any member or other person until has been admitted by the Speaker and circulated to members :

Provided that a notice of a question shall be given any publicity until the day on which the question is answered in the House.

Circulation of Notice and papers to members. 237. Every notice or other paper which is required to be sent or despatched to members shall be deemed to have been duly sent or despatched if a copy thereof is posted to the address of every member as registered in the Vidhan Sabha Office :

Provided that when the Vidhan Sabha is in session and for two clear days before the commencement of a session, such notice of paper shall be deemed to have been posted to each member if it is placed in the seat allotted to the member in the Vidhan Sabha Chamber.

Lapse of pending notices on prorogation of House. 238. On the prorogation of the House, all pending notices, other than notices of intention to move for leave to introduce a Bill, shall lapse and fresh notices shall be given for the next session :

Provided that a fresh notice shall be necessary of intention to move for leave to introduce any Bill in respect of which sanction or recommendation has been granted under the Constitution if the sanction or recommendation, as the case may be, has ceased to be operative.

Motion, resolution or amendment moved not to lapse. 239. A motion, resolution or an amendment, which has been moved and is pending in the House, shall not lapse by reason only of the prorogation of the House.

Power of Speaker to amend notices. 240. If in the opinion of the Speaker, any notice contains words, phrases or expressions which are argumentative, unparliamentary, ironical, irrelevant, verbose or otherwise inappropriate, he may, in his discretion, amend such notice before it is circulated.

(C) MOTIONS

- Repetition of motion.** 241. A motion must not raise a question substantially identical with one on which the House has given a decision in the same session.
- Withdrawal of motion.** 242. (1) A member who has made a motion may withdraw the same by leave of the House.
- (2) The leave shall be signified not upon question but by the Speaker taking the pleasure of the House. The Speaker shall ask : “Is it your pleasure that the motion be withdrawn ?” If no one dissents, the Speaker shall say : “The motion is by leave withdrawn”. But if any dissentient voice be heard or a member rises to continue the debate, the leave to withdraw shall be deemed to have been refused :
- Provided that if an amendment has been proposed to a motion the original motion shall not be withdrawn until the amendment has been disposed of.
- Adjournment of debate on motion.** 243. At any time after a motion has been made, a member may move that the debate on the motion be adjourned.
- Dilatory motion** 244. If the Speaker is of opinion that a motion for the adjournment of a debate is an abuse of the rules of the House, he may either forthwith put the question thereon from the Chair or decline to propose the question.
- Motion that policy or situation or statement or any other matter be taken into consideration.** 245. A motion that the policy or situation or statement or any other matter be taken into consideration shall not be put to the vote of the House, but the House shall proceed to discuss such matter immediately after the mover has concluded his speech and no further question shall be put at the conclusion of the debate at the appointed hour unless a member moves a substantive motion in appropriate terms to be approved by the Speaker and the vote of the House shall be taken on such motion.

(D) AMENDMENTS

- Amendments.** 246. (1) An amendments shall be relevant to and within the scope of the motion to which it is proposed.
- (2) An amendment shall not be moved which has merely the effect of a negative vote.
- (3) The Speaker may disallow any amendment which, in his opinion, is frivolous.
- (4) The Speaker may prescribe the other in which amendments shall be moved, and may at any time confine the debate to one amendment.
- Notice of amendments.** 247. Notice of an amendment to a motion shall be given one day before the day on which the motion is to be considered, unless the Speaker allows the amendment to be moved without such notice.

(E) RULES TO BE OBSERVED BY MEMBERS

Member to rise when speaking and to resume his seat when point of order is raised.

248. (1) A member desiring to make any motion or make any observations on any matter shall rise from his seat and if called upon by the Speaker address his remarks to the Speaker if he is not called upon by the Speaker he shall resume his seat.

(2) If at any time while a member is speaking another member rises on a point of order, the member speaking shall resume his seat.

Procedure when Speaker rises.

249. (1) Whenever the Speaker rises he shall be heard in silence and any member who is then speaking or offering to speak shall immediately sit down.

(2) No member shall enter the House or leave his seat while the Speaker is addressing the House.

Prohibition to enter in "Well of the House."

250. (1) During the sitting of House no member shall leave his seat to enter the well of the House. The membership of such member who enters in the well of the House will be deemed sumoto suspended for such period as Speaker decides.

(2) Repeated act's of member to obstruct Proceeding of House shall be referred by Speaker to Ethics Committee to investigate and report.

Rules to be observed by member while present in House.

250-A. Whilst the House is sitting, a member -

- (i) shall not read any book, newspaper or letter except in connection with the business of the House;
- (ii) shall not interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner;
- (iii) shall bow to the Chair while entering or leaving the House and also when taking or leaving his seat;
- (iv) shall not pass between the Chair and any member who is speaking;
- (v) shall not leave the House when the Speaker is addressing the House;
- (vi) shall always address the Chair;
- (vii) shall keep to his usual seat while addressing the House;
- (viii) shall maintain silence when not speaking in the House;
- (ix) shall not obstruct proceeding, his or interrupt and shall avoid making running commentaries when speeches are being made in the House;
- (x) shall not applaud when a stranger enters any of the Galleries;
- (xi) shall not, while speaking make any reference to the strangers in any of the galleries.

Rules to be observed while speaking.

251. A member while speaking shall not -

- (i) refer to any matter of fact on which a judicial decision is pending;
- (ii) make a personal charge against a member;
- (iii) use offensive expressions about the conduct of proceeding of Parliament or any State Legislature.
- (iv) reflect on any determination of the House except on a motion for rescinding it;
- (v) reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms;

Explanation - The words “person in high authority” means persons whose conduct can only be discussed on a substantive motion drawn in proper terms under the Constitution or such other persons whose conduct, in the opinion of the Speaker, should be discussed on a substantive motion drawn in terms to be approved by him.

(vi) utter treasonable, seditious or defamatory words;

(vii) use his right of speech for the purpose of obstructing the business of the House;

(viii) question any ruling, order or direction of the Speaker except on a motion for the removal of the Speaker.

Procedure regarding allegation against person.

252. No allegation of a defamatory or indiscriminatory nature shall be made in a debate by a member against any person unless the member has, one day before taking part in the debate given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose or reply :

Provided that the Speaker may, at any time prohibit the member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation.

Question to be asked through Speaker.

253. When for the purposes of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question of another member on any matter then under the consideration of the House, he shall ask the question through the Speaker.

Irrelevance or repetition.

254. The Speaker, after having called the attention of the House to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

Personal explanation.

255. A member may, with the permission of the Speaker make a personal explanation although there is no question before the House, but in this case no debatable matter may be brought forward, and no debate shall arise.

(F) ORDER OF SPEECHES AND RIGHT OF REPLY

Order of speeches and right of reply.

256. (1) After the member who moves has spoken and the Minister has stated the position of Government in regard to the subject matter of the motion, other members may speak to the motion in such order as the speaker may call upon them. If any member who is so called upon does not speak, he shall not be entitled, except by the permission of the Speaker, to speak to the motion at any later stage of the debate.

(2) Except in the exercise of a right of reply or as otherwise provided by these rules, no member shall speak more than once to any motion, except with the permission of the Speaker.

(3) A member who has moved a motion may speak again by way of reply, and if the motion is moved by a private member, the Minister concerned may, with the permission of the Speaker, speak (whether he has previously spoken in the debate or not) after the mover has replied :

Provided that nothing in this sub-rule shall be deemed to give any right of reply to the mover of a motion to reduce any demand for grant or to the mover of an amendment to a Bill or a resolution save with the permission of the Speaker.

(G) CLOSURE

Closure. 257. (1) At any time after a motion has been made any member may move “the question be now put”, and unless it appears to the Speaker that the motion is an abuse of these rules or an infringement of the right of reasonable debate the Speaker shall then put the motion that “the question be now put”.

(2) Where the motion that “the question be now put”, has been carried, the question or questions consequent thereon shall be put forthwith without further debate :

Provided that the Speaker may allow a member any right of reply which he may have under rules.

Limitation of debate. 258. (1) Whenever the debate on any motion in connection with a Bill or on any other motion becomes unduly protected, the Speaker may fix a time limit for the conclusion of discussion on any stage or all stages of the Bill or the motion, as the case may be.

(2) At the appointed hour, in accordance with the time-limit fixed for the completion of a particular stage of a Bill or a motion, the Speaker shall, unless the debate is sooner concluded forthwith put every question necessary to dispose of all the outstanding matters in connection with that stage of the Bill or the motion.

(H) QUESTION FOR DECISION

Procedure for obtaining decision of House. 259. A matter requiring the decision of the House shall be decided by means of a question put by the Speaker on a motion made by a member.

Proposal and putting or question. 260. When a motion has been made, the Speaker shall propose the question for the consideration, and put it for the decision of the House. If a motion embodies two or more separate propositions, those propositions may be proposed by the Speaker as separate questions.

(I) DIVISION

Division. 261. (1) Votes may be taken by voices or division and shall be taken by division, any member so desires. The Speaker shall determine the method of taking votes by division.

(2) The result of a division shall be announced by the Speaker and shall not be challenged.

No speech after voices collected. 262. A member shall not speak on a question after the Speaker has collected the voices both of the “Ayes” and of the “Noes” on that question.

Statement made by Minister. 263. A statement may be made by a Minister on a matter of public importance with the consent of the Speaker but no question shall be asked at the time the statement is made.

(II) PAPERS QUOTED TO BE LAID ON THE TABLE

Papers quoted to be laid on Table.

263-A. If any Minister quotes in the House a despatch or other State paper which has not been presented to the House, he shall lay the relevant paper on the Table :

Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest.

Provided further that where a Minister gives in his own words a summary or gist of such despatch or State paper, it shall not be necessary to lay the relevant papers on the Table.

(III) DISCLOSURE OF SOURCE OF ADVICE OR OPINION BY MINISTER

Procedure when a Minister discloses source of advice or opinion given to him.

263-B. If, in answer to a question or during debate, a Minister discloses the advice or opinion given to him by any officer of the Government or by any other person or authority, he shall ordinarily lay the relevant document or parts of document containing that opinion or advice, or a summary thereof on the Table.

Authentication of papers laid on the Table.

263-C. (1) A paper or document to be laid on the Table shall be duly authenticated by the Member presenting it.

(2) All papers and documents laid on the Table shall be considered public.

(J) WITHDRAWAL AND SUSPENSION OF MEMBERS

Withdrawal of member.

264. The Speaker may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the House, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting.

Suspension of member.

265. (1) The Speaker may, if he deems it necessary, name a member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business thereof.

(2) If a member is so named by the Speaker, he shall forthwith put the question that the member (naming him) be suspended from the service of the House during the remainder of the session :

Provided that the House may, at any time, on a motion being made, resolve that such suspension be terminated.

(3) A member suspended under this rule shall forthwith quit the precincts of the House.

(K) ADJOURNMENT OF HOUSE OR SUSPENSION OF SITTING

Power of Speaker to adjourn House or suspend sitting.

266. In the case of a grave disorder arising in the House, the Speaker may, if he thinks it necessary to do so, suspend the sitting of the House till a later hour on the same day or adjourn the House to the next sitting in the same session.

(L) POINT OF ORDER

Point of order and decision thereon.

267. (1) A point of order shall relate to the interpretation of enforcement of these rules or such Articles of the Constitution as regulate the business of the House and shall raise question which is within the cognizance of the Speaker.

(2) A point of order may be raised in relation to the business before the House at the moment :

Provided that the Speaker may permit a member to raise a point of order during the interval between the termination of one item of business and the commencement of another if it relates to maintenance of order in or arrangement of business before the House.

(3) Subject to conditions referred to in sub-rules (1) and (2) a member may formulate a point of order and the Speaker shall decide whether the point raised is a point of order and if so give his decision thereon which shall be final.

(4) No debate shall be allowed on a point of order, but the Speaker may, if he thinks fit, hear members before giving his decision.

(5) A point of order is not a point of privilege.

(6) A member shall not raise a point of order -

(a) to ask for information; or

(b) to explain his position; or

(c) when a question on any motion is being put to the House; or

(d) which may be hypothetical; or

(e) that division bells did not ring or were not heard.

Raising a matter which is not a point of order.

267-A. A member who wishes to bring to the notice of the House any matter which is not a point of order shall give notice to the Secretary in writing stating briefly the point which he wishes to raise in the House together with reasons for wishing to raise it, and he shall be permitted to raise it only after the Speaker has given his consent and at such time and date as the Speaker may fix.

267-A. (1) Matters under rule 267-A can be raised after Question Hour, after decision about the admissibility of adjournment motion, and after the Minister has replied to Calling Attention Motions, if the Speaker so permits.

(2) Only ten minutes shall be available to raise matters under rule 267-A during which only five notices shall in order of receipt of notices, be raised during a sitting.

(3) Members who want to bring to the notice of the House some information under rule 267-A pointing out briefly the reason, shall give to the Vidhan Sabha Secretariat in writing by 10 A.M. the notice on the prescribed proforma.

(4) Only after the Speaker has given his consent and when his name is called a member shall raise a matter at such time and date as the Speaker appoints. No Matter can be raised without the permission of the Speaker.

(5) On having raised such matters no information shall be rendered by the Government and no member shall insist on the behalf.

(6) The permission to raise the matters mentioned in the notice received on Monday, can be granted in that week on any day out of the working days of the Vidhan Sabha. Such notices as are not permitted till the last working day of the week, shall lapse. The members may, looking to the importance of the matter in the lapsed notice, give a fresh notice in that respect in the next week.

(7) A copy of such notice, as is read in the House shall be sent as early as possible, to the concerned department of the Government and its written reply on behalf of the Government shall be sent to Vidhan Sabha Secretariat within a maximum period of one month. A copy of the reply shall be made available to the concerned member by the Vidhan Sabha Secretariat as early as possible. The replies received on behalf of Government regarding the notice that are read in the House shall be compiled and printed and will be laid on the table of the House on the first day of the next session and a copy thereof shall be made available to all the members.

(M) MAINTENANCE OF ORDER

The Speaker to preserve order and enforce decision.

268. The Speaker shall preserve order and shall have all powers necessary for the purpose of enforcing his decisions.

(N) RECORD OF PROCEEDING'S ETC.

Record of Proceeding of Vidhan Sabha.

269. (1) The Secretary shall cause to be prepared a full report of the proceedings of the Vidhan Sabha at each of its meetings, and shall, as soon practicable, publish it in such form and manner as the Speaker may, from time to time, direct.

(2) The Secretary shall cause a register of pending Bills to be maintained in such form as may be directed by the Speaker in which shall be entered names of all Bills introduced in the Vidhan Sabha.

Expunction of words.

270. (1) If the Speaker is of opinion that words have been used in debate which -

- (a) are indecent; or
- (b) contain any offensive expression about either House of Parliament or a House of a State Legislature or any Committee thereof; or
- (c) contain any such expression with regard to the conduct of any member of such House;

the Speaker may, in his discretion, order that such words be expunged from the proceedings of the House.

(2) The portion of the proceedings of the House so expunged shall be marked by asterisk and explanatory foot note shall be inserted in the proceedings as follows :-

“Expunged as ordered by the Chair.”

Grant of certified copy speech, etc.

271. (1) If an application is received from a member or other person for certified copy of any particular speech, statement, ruling, reply to question or other part of a day's proceeding or an extract thereof for production in any Court, such copy shall be given after the time allowed for corrections by the member concerned.

(2) The charges for the time being in force for the grant of certified copies by Civil Courts in the State shall be payable for certified copy given under sub-rule (1).

(3) If a member or other person wants a copy of any particular speech, statement, ruling, reply to question or other part of day's proceeding or an extract thereof, copy marked “Uncorrected-Not for Publication” may be supplied after the speech, etc., is sent to the member for correction and such copy may be charged at the rate of Rupee One for every typed page or part thereof.

(4) No such copy shall be used for publication until the proceedings are published under rule 269 (1) :

Provided that the use of any copy supplied to Government for official purpose shall not be deemed to be publication.

(5) If a member wants to refer to the proceeding of any day, he may refer to the reporters copy.

(N-1) CUSTODY OF PAPERS

Custody of papers.

271-A. The Secretary shall have custody of all records, documents and papers belonging to the House or any of its Committees or Vidhan Sabha Secretariat and he shall not permit any such records, documents or papers to be taken from the Vidhan Sabha Bhavan without the permission of the Speaker.

(N-2) CHAMBER OF THE ASSEMBLY

Restriction on use of Chamber of the Assembly.

271-B. The Chamber of the Assembly shall not be used for any purpose other than the sittings of the Assembly.

(O) ADMISSION OF STRANGERS

Admission of strangers.

272. The admission of strangers during the sittings of the House to those portions of the House which are not reserved for the exclusive use of members shall be regulated in accordance with orders made by the Speaker.

Withdrawal of Strangers.

273. The Speaker, whenever he thinks fit, may order withdrawal of strangers from any part of the House.

Removal and Taking into custody of strangers.

273-A. An officer of the Secretariat authorised in this behalf by the Speaker shall remove from the precincts of the House or take into custody, any stranger whom he may see, or who may be reported to him to be, in any portion of the precincts of the House, which is reserved for the exclusive use of members and also any stranger who, having been admitted, into any portion of the precincts of the House misconducts himself or wilfully infringes the orders made by the Speaker under rule 272 or does not withdraw when the strangers are directed to withdraw under rule 273 while the House is sitting.

(P) SUSPENSION OF RULES

Suspension of rules. 274. Any member may, with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the House and if the motion is carried, the rule in question shall be suspended for the time being.

(Q) RESIDUARY POWER AND STANDING ORDERS

Residuary powers. 275. (1) All matters not specifically provided in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Speaker may from time to time direct.

Standing Orders. (2) The Speaker may make standing orders in respect of any matter to be regulated under sub-rule (1).