

CHAPTER VII

Questions

(a) General

29. Categorisation of Questions.— Questions shall be of three categories, namely:—

- (1) Starred Questions,
- (2) Unstarred Questions, and
- (3) Short Notice Questions

Notice of each category of question shall be given on the form prescribed for such category.

Explanation.—

- (1) Starred Questions are those Questions to which a member desires an oral answer to be given and in respect of which supplementary questions may be asked.
- (2) Unstarred Questions are those to which written replies shall be given to the member concerned.
- (3) Short Notice Questions are those to which a member desires an oral answer within a period shorter than fourteen clear days.

30. Form of notice of Questions.— Notice of a Question shall be given in writing to the Secretary and shall specify the official designation of the Minister to whom it is addressed.

(b) Starred and Unstarred Questions

31. Time for Starred Questions.— (1) Unless the Speaker otherwise directs, the first hour of every sitting shall be available for the asking and answering of starred questions, including short notice questions.

(2) Ordinarily asking and answering of a question should not take more than 5 minutes and endeavour should be made that at least 12 questions are taken up each day.

32. Notice of Starred and Unstarred Questions.— Unless the Speaker otherwise directs, not less than fourteen clear day's notice of a starred and unstarred question shall be given.

33. Limit of Starred and Unstarred Questions.— (1) Unless the Speaker otherwise permits, no member shall give notice of more than forty starred questions and sixty unstarred questions during a session in which the demands for grants in respect of the Annual Financial Statement of the State are discussed and more than ten starred questions and twenty unstarred questions during any other session.

(2) Not more than two starred questions by the same member shall be placed on the list of questions for oral answer on any one day.

33A. Notice of Unstarred Questions during the inter-sessional period.— (1) For obtaining information with regard to a matter of public importance, a member may

give notice of not more than one unstarred question a week during an inter-sessional period.

(2) A reply to such a question shall invariably be sent by the Government direct to the member within a period of 30 days with a copy of the reply to the Legislative Assembly.

34. Allotment of days for oral answers to questions.— The time available for answering questions shall be allotted on different days in rotation for the answering of questions relating to such department or departments as the Speaker may, from time to time, provide, and on each such day, unless the Speaker with the consent of the Minister concerned otherwise directs, only questions relating to the department or departments for which time has been allotted on that day shall be placed on the list of questions for oral answer.

35. Written answer to questions not replied orally.— If any question placed on the list of questions for oral answer on any day is not called for answer within the time available for answering questions on that day, the Minister to whom the question is addressed shall forthwith lay on the Table a written reply to the question, and no oral reply shall be required to such question and no supplementary questions shall be asked in respect thereof. The written reply to such question shall be furnished to the member concerned.

36. Questions to private members.— A question may be addressed to a private member provided the subject matter of the question relates to some Bill, resolution or other matter connected with the business of the House for which that member is responsible and the procedure in regard to such question shall, be as far as may be, the same as that followed in the case of questions addressed to a Minister with such variations as the Speaker may consider necessary or convenient.

37. Conditions of admissibility of questions.— (1) Subject to the provisions of sub-rule (2), a question may be asked for the purpose of obtaining information on a matter of public importance within the special cognizance of the Minister to whom it is addressed.

(2) The right to ask a question is governed by the following conditions, namely :—

- (i) it shall not relate to a matter with which a Minister is not officially connected;
- (ii) it shall not bring in any name or statement not strictly necessary to make the question intelligible;
- (iii) if it contains a statement, the member shall make himself responsible for the accuracy of the statement;
- (iv) it shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;
- (v) it shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;
- (vi) it shall not ask as to the character or conduct of any person except in his official or public capacity, or reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion;

- (vii) it shall not ask for information on a matter which is under adjudication by a court of law having jurisdiction in any part of India ;
- (viii) it shall not be of excessive length;
- (ix) it shall not ask for information set forth in accessible documents or in ordinary works of reference.
- (x) it shall not raise question of policy too large to be dealt with within the limits of an answer to a question;
- (xi) it shall not amount in substance to a suggestion or request for any particular action but it may ask for a statement of the intentions of Government in respect of a matter on which a question may be asked;
- (xii) it shall not relate to a matter which is not primarily the concern of the State Government;
- (xiii) it shall not raise matters under the control of bodies or persons not primarily responsible to the State Government;
- (xiv) it shall not make or imply a charge of a personal character;
- (xv) it shall not ask about proceedings in a Committee which have not been placed before the House by a report from the Committee;
- (xvi) it shall not repeat in substance questions already answered or to which an answer has been refused;
- (xvii) it shall not ask information on trivial matters;
- (xviii) it shall not ordinarily ask for information on matters of past history;
- (xix) it shall not ordinarily ask for information on matters which are under consideration before a Committee;
- (xx) it shall not ordinarily ask about matters pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into or investigate any matter but may refer to matters concerned with procedure or subject or stage of enquiry, if it is not likely to prejudice the consideration of the matters by the tribunal or commission or court of inquiry;
- (xxi) It shall relate to a single matter;
- (xxii) it shall not relate to an individual case unless it raises a question of principle or policy;
- (xxiii) it shall not relate to any matter within the jurisdiction of the Speaker;
- (xxiv) it shall not relate to day-to-day administration of local bodies or other autonomous or semi-autonomous bodies but may seek to elicit information on a subject arising out of their relation with the Government or to refer breaches of law or rules or relate to important matters involving general welfare; and
- (xxv) it shall not ask for information regarding Cabinet discussions or advice given to the Governor in relation to any matter in respect of which there is a constitutional, statutory or conventional obligation not to disclose information.

38. Speaker to decide admissibility of questions.— (1) The Speaker shall decide whether a question, or a part thereof, is or is not admissible under these rules and may disallow any question, or part thereof, when in his opinion it is an abuse of the right of questioning or is calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of these rules.

(2) If a question is disallowed, the Secretary shall give intimation to the member that his question has been disallowed and shall also state the reason or reasons thereof.

39. Speaker to decide if a question is to be treated starred or unstarred.—If, in the opinion of the Speaker, any question put down for oral answer is of such a nature that a written reply would be more appropriate, the Speaker may direct that such question be placed on the list questions for written answer :

Provided that the Speaker may, if he thinks fit, call upon the member who has given notice of a question for oral answer to state in brief his reasons for desiring an oral answer and, after considering the same, may direct that the question be included in the list of question for written answer.

40. List of questions.— Questions which have not been disallowed shall be entered in the list of questions for the day for oral or written answer, as the case may be, in accordance with the orders of the Speaker.

41. Order in which questions shall be called.— Questions for oral answer shall be called, if the time made available for questions permits, in the order in which they stand on the list before any other business is entered upon at the sitting :

Provided that a question not reached for oral answer may be answered after the end of the Question Hour with the permission of the Speaker, if the Minister represents to the Speaker that the question is one of special public interest to which he desires to give a reply.

42. Answers laid on the Table.— Lengthy answers to starred questions may, on statement by the Minister concerned, be laid on the Table without being read, but a copy in such case may be delivered to the member asking such question in advance of the answer being laid on the Table.

43. Withdrawal or postponement of questions.—A member may, by notice given at any time before the sitting for which his question has been placed on the list, withdraw his question or postpone it to a later day to be specified in the notice and on such later day the question shall, subject to the provisions of rule 34, be placed on the list after all questions which have not been so postponed :

Provided that a postponed question shall not be placed on the list until four clear days have expired from the day when the notice of postponement has been received by the Secretary.

44. Mode of asking question.—(1) When the time for asking questions arrives, the Speaker shall call successively each member in whose name a question appears on the list of questions.

(2) The member so called shall rise in his place and unless he states that it is not his intention to ask the question standing in his name, ask the question by reference to its number on the list of questions.

(3) If on a question being called, it is not asked or the member in whose name it stands is absent, the Speaker may, at the request of any member, direct that answer to it be given.

45. Questions of absent members.— When all the questions for which oral answers are desired have been called, the Speaker may, if time permits, call again any question which has not been asked by reason of the absence of the member in whose name it stands, and may also permit a member to ask a question standing in the name of another member, if so authorised by him.

46. Supplementary questions.— (1) No discussion shall be permitted during the time for questions under rule 31 in respect of any question or of any answer given to a question.

(2) Any member when called by the Speaker may ask a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given:

Provided that the Speaker shall disallow any supplementary question, if in his opinion, it infringes the rules regarding questions:

Provided further that priority to ask supplementary question shall be given to the member in whose name the question stands.

47. Publicity of answers to questions in advance.— Answers to questions which Ministers propose to give in the House shall not be released for publication until the answers have actually been given on the floor of the House or laid on the Table.

(c) Short Notice Questions

48. Short notice questions.— (1) A question relating to a matter of public importance may be asked with notice shorter than fourteen clear days and if the Speaker is of opinion that the question is of an urgent character, he may direct that an enquiry may be made from the Minister concerned if he is in a position to reply and, if so, on what date.

(2) If the Minister concerned agrees to reply, such question shall be answered on a day to be indicated by him and shall be called immediately after the questions which have appeared on the list of questions for oral answer have been disposed of.

(3) If the Minister is unable to answer the question at short notice, he shall give reasons thereof in writing to the Speaker and if the Speaker is still of opinion that the question is of sufficient public importance to be orally answered in the House, he may fix the date when the question shall be asked and answer given thereto:

Provided that where two such questions have been fixed for a particular day, the relative priority of such questions shall be such as may be determined by the Speaker.

(4) Where two or more members give notice of short notice questions on the same subject and one of the questions is accepted for answer at short notice, the names of the other members shall be bracketed with the name of the member whose question has been accepted for answer:

Provided that the Speaker may direct that all the notices be consolidated into a single notice, if in his opinion it is desirable to have a single self contained question covering all the important points raised by members, and the Minister shall then give his reply to the consolidated question:

Provided further that in the case of a consolidated question the names of all the members concerned may be bracketed and shown against the questions in the order of priority of their notice.

(5) Where a member desires an oral answer to a question at a shorter notice, he shall briefly state the reasons for asking the question with short notice. Where no reasons have been assigned in the notice of the question the question shall be returned to the member.

(6) The member who has given notice of the question shall be in his seat to read the question when called by the Speaker and the Minister concerned shall give a reply immediately:

Provided that when a question is shown in the names of more than one member the Speaker shall call the name of the first member or, in his absence, any other name.

(7) In other respects, the procedure for short notice question shall be the same as for ordinary questions for oral answer, with such modifications as Speaker may consider necessary or convenient.