

CHAPTER XXV

General Rules of Procedure

Notices

254. Notices by members.— (1) Every notice required by these rules shall be given in writing addressed to the Secretary and signed by the member giving notice, and shall be left at the Notice Office which shall be open for this purpose between the hours to be notified from time to time on every day except Sunday or Public Holiday.

(2) Notices left at the Notice Office after the hours notified under sub-rule (1) shall be treated as given on the next open day.

255. Circulation of notices and papers to members.— (1) The Secretary shall make every effort to circulate to each member a copy of every notice or other paper which is required by these rules to be made available for the use of members.

(2) A notice or other paper shall be deemed to have been made available for the use of every member if a copy thereof is deposited in such manner and in such place as the Speaker may, from time to time, direct:

Provided that a notice shall not be given publicity by any one until it has been admitted and circulated to members:

Provided further that a notice of a question shall not be given publicity until the question is answered in the House.

256. Lapse of pending notices on prorogation of House.—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.

257. Motion, resolution or amendment moved not to lapse.— 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.

258. Speaker to amend notices of questions and motions, etc.— 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.

Motions

259. Repetition of motion.— A motion raising a question substantially identical with one on which the House has given a decision in the same session shall in no case be repeated.

260. Withdrawal of motion.— 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 Speaker shall forthwith put the motion:

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.

261. Adjournment of debate on motion.— At any time after a motion has been made, a member may move that the debate on the motion be adjourned.

262. Dilatory motion in abuse of the rules of House.— (1) 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 or decline to propose the question.

(2) If the Speaker is of opinion that a motion for re-circulation of a Bill to elicit further opinion thereon is in the nature of a dilatory motion in abuse of the rules of the House inasmuch as the original circulation was adequate or comprehensive or that no circumstance has arisen since the previous circulation to warrant the re-circulation of the Bill, he may forthwith put the question thereon or decline to propose the question.

(3) If the Speaker is of opinion that a motion for re-committal of a Bill to a Select Committee of the House or circulation or re-circulation of the Bill after the Select Committee of the House has reported thereon is in the nature of a dilatory motion in abuse of the rules of the House inasmuch as the Select Committee of the House has dealt with the Bill in a proper manner or that no unforeseen or new circumstance has arisen since the Bill emerged from such Committee, he may forthwith put the question thereon or decline to propose the question.

263. Motion that policy or situation or statement or any other matter be taken into consideration.— 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 moved a substantive motion in appropriate terms to be approved by the Speaker and the vote of the House shall be taken on such motion.

Anticipating Discussion

264. Anticipating discussion.— No member shall anticipate the discussion of any subject of which notice has been given provided that in determining whether a discussion is out of the order on the ground of anticipation, regard shall be had by the Speaker to the probability of the matter anticipated being brought before the House within a reasonable time.

Amendments

265. Scope of amendments.— (1) An amendment 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) An amendment on a question shall not be inconsistent with previous decision on the same question.

(4) An amendment to an amendment may be moved with the permission of the Speaker and no prior notice is required in such a case.

266. Notice of amendments.— 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.

267. Selection of amendments.— The Speaker shall have power to select the amendments to be proposed in respect of any motion, and may, if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgement upon it.

268. Putting of amendments.— The Speaker may put amendments in such order as he may think fit:

Provided that the Speaker may refuse to put an amendment which in his opinion is frivolous.

Rules to be observed by Members

269. Rules to be observed by members while present in House.— While 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 or enter or move in 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 House;
- (ix) shall not obstruct proceedings, hiss 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 or the Governor's Box;
- (xi) shall not while speaking make any reference to the strangers in any of the galleries;
- (xii) shall not smoke or drink water or any other potable or eat anything in the House;
- (xiii) shall not bring arms, stick or umbrella inside the House; and
- (xiv) shall not sleep in the House;

270. Members to speak when called by Speaker.— When a member rises to speak, his name shall be called by the speaker. If more members than one rise at the same time, the member whose name is so called shall be entitled to speak.

271. Mode of addressing House.— A member desiring to make any observations on any matter before the House shall speak from his place, shall rise when he speaks and shall address the Speaker:

Provided that a member disabled by sickness or infirmity may be permitted to speak sitting.

272. Rules to be observed while speaking.— 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 proceedings of the Assembly, 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 "persons in high authority" mean 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) use the name of the President or the Governor for the purpose of influencing the debate;
- (vii) utter treasonable, seditious or defamatory words;
- (viii) use his right of speech for the purpose of obstructing the business of the House;
- (ix) read his speech, but may refresh his memory by reference to notes;
- (x) reflect upon the conduct of the Speaker except on a substantive motion for his removal; and
- (xi) reflect upon the conduct of the President or the Governor of any State.

273. Procedure regarding allegation against a person.— No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has 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 of a reply:

Provided that the Speaker may at any time prohibit any 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.

274. Questions to be asked through the Speaker.— 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 consideration of the House, he shall ask the question through the Speaker.

275. Irrelevance or repetition.— 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.

276. Personal explanation.— 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.

Order of speeches and right of reply

277. Order of speeches and right of reply.— (1) After the member who moves a motion has spoken, 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 with 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:

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

278. Mover's reply concludes debate.— The reply of the mover of the original motion shall in all cases conclude the debate.

Address by Speaker

279. Address by Speaker.— The Speaker may himself, or on a point being raised or on a request made by a member, address the House at any time on a matter under consideration, in the House with a view to aid members in their deliberations, and such expression of views shall not be taken to be in the nature of a decision.

Procedure when Speaker rises

280. Procedure when Speaker rises.— (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 leave his seat while the Speaker is addressing the House.

Closure

281. Closure.—(1) At any time after a motion has been made, any member may move: "That 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 these rules.

282. Limitation of debate.— (1) Whenever the debate on any motion in connection with a Bill or on any other motion becomes unduly protracted, the Speaker may, after taking the sense of House, 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.

282 A Time limit for speeches.— Unless otherwise prescribed in these rules, the Speaker may, if he thinks fit, prescribe different time limit for speeches on different motions and other items of business.

Question for Decision

283. Procedure for obtaining decision of House.— 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.

284. Proposal and putting of question.— When a motion has been made, the Speaker shall propose the question for 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.

285. No speech after voices collected.— 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.

Division

286. Division.— (1) On the conclusion of a debate, the Speaker shall put the question and invite those who are in favour of the motion to say "Aye" and those against the motion to say "No."

(2) The Speaker shall then say : "I think the Ayes (or Noes as the case may be) have it". If the opinion of the Speaker as to the decision of a question is not challenged, he shall say twice. "The Ayes (or the Noes, as the case may be) have it" and the question before the House shall be determined accordingly.

(3) (a) If the opinion of the Speaker as to the decision of a question is challenged, he shall order that the Lobbies be cleared.

(b) After the lapse of two minutes, he shall put the question a second time and declare whether in his opinion the "Ayes" or the "Noes" have it.

(c) If the opinion so declared is again challenged, he shall direct that the votes be recorded by the members going into the Lobbies:

Provided that if, in the opinion of the Speaker, the Division is unnecessarily claimed, he may ask the members who are for "Aye" and those for "No", respectively, to rise in their places and, on a count being taken, he may declare the determination of the House. In such a case, the names of the voters shall not be recorded.

(4) If the Speaker grants the request for a division, the division bell shall be rung for five minutes.

(5) After the division bell stops ringing, the Speaker shall again read over the terms of the question.

287. Division by going into the Lobbies.— (1) Where the Speaker directs under clause (c) of sub-rule (3) of rule 286 that the votes shall be recorded by the members going into the Lobbies, he shall direct the 'Ayes' to go into the Right Lobby and the 'Noes' into the Left Lobby. In the 'Ayes' or 'Noes' Lobby, as the case may be, each member shall state his Division Number and the Division Clerk, while marking his number on the Division list, shall simultaneously call out the name of the member.

(2) After voting in the Lobbies is completed, the Division Clerks shall bring the Division Lists to the Table where the votes shall be counted by the officers at the Table and the totals of 'Ayes' and 'Noes' presented to the Speaker.

Provided that where a member remains neutral and desires that the fact of his remaining neutral may be recorded, such fact shall be recorded.

(3) The result of the Division shall be announced by the Speaker and it shall not be challenged.

(4) A member who is unable to go to the Division Lobby owing to sickness or infirmity may, with the permission of the Speaker, have his vote recorded either at his seat or in the Lobby before the result of the Division is announced.

Papers quoted to be laid on the Table

288. Papers quoted to be laid on the Table.— If a 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 of gist of such despatch or State paper, it shall not be necessary to lay the relevant papers on the Table.

289. Treatment of papers and other things laid on the Table of House.— (1) A paper or document to be laid on the Table shall be duly authenticated by the member presenting it.

(2) All papers, documents and other things laid on the Table shall be considered public and shall not be allowed to be withdrawn or returned except with the permission of the Speaker:

Provided that the Speaker may dispose of things other than papers and documents in such manner as he may consider necessary or appropriate.

Procedure when a Minister disclosed sources of advice or opinion given to him

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

Objection to vote of a Member on grounds of personal, pecuniary or direct interest

289 B. Objection to vote of a member.— If the vote of a member in a Division in the House is challenged on the ground of personal, pecuniary or direct interest in the matter to be decided, the Speaker may, if he considers necessary, call upon the member making the challenge to state precisely the ground of his objection, and the member whose vote has been challenged to state his case, and shall decide whether the vote of the member should be disallowed or not and his decision shall be final:

Provided that the vote of a member or members is challenged immediately after the Division is over and before the result is announced by the Speaker.

Explanation:— For the purposes of this rule, the interest of the member should be direct, personal or pecuniary and separately belong to the person whose vote is questioned and not in common with the public in general or with any class or section thereof or on a matter of State policy.

Statement by Minister

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

Withdrawal and suspension of Members

291. Withdrawal of member.— 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 sitting.

292. Suspension of member.— (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 for a period not exceeding 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 withdraw from the precincts of the House.

Suspension of sitting

293. Power of Speaker to adjourn House or suspend sitting.— In the case of a grave disorder arising in the House, the Speaker may, if he thinks it necessary to do so, adjourn the House or suspend any sitting for a time to be named by him.

Points of Order

294. Points of order and decisions thereon.— (1) A point of order shall relate to the interpretation or enforcement of these rules or such Articles of the Constitution as regulate the business of the House and shall raise a 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 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-rule (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.

295. Raising a matter which is not a point of order.— 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.

Maintenance of Order

296. Speaker to preserve order and enforce decisions.— The Speaker shall preserve order and shall have all powers necessary for the purpose of enforcing his decisions.

Report of Proceedings

297. Report of proceedings of House.— The Secretary shall cause to be prepared a full report of the proceedings of the House at each of its sittings and shall, as soon as practicable, publish it in such form and manner as the Speaker may, from time to time, direct.

298. Expunction of words from debates.— If the Speaker is of opinion that words have been used in debate which are defamatory or indecent or unparliamentary or undignified, he may, in his discretion, order that such words be expunged from the proceedings of the House.

299. Indication in printed debates of expunged proceedings.— The portion of the proceedings of the House so expunged shall be marked by asterisks and an explanatory foot-note shall be inserted in the proceedings as follows:—

"Expunged as ordered by the Chair"

Printing and Publication of Assembly papers

300. Printing and publication of Assembly papers.— (1) The Speaker may authorise printing, publication, distribution or sale of any paper, document or report in connection with the business of the House or any paper, document or report laid on the Table or presented to the House or a Committee thereof.

(2) A paper, document or report printed, published, distributed or sold in pursuance of sub-rule (1) shall be deemed to have been printed, published, distributed or sold under the authority of the House within the meaning of clause (2) of Article 194 of the Constitution.

(3) If a question arises whether a paper, document or report is in connection with the business of the House or not, the question shall be referred to the Speaker whose decision shall be final.

Custody of Papers

301. Custody of papers.— The Secretary shall have custody of all records, documents and papers belonging to the House or any of its Committees or Assembly Secretariat and he shall not permit any such records, documents or papers to be taken from the Assembly House without the permission of the Speaker.

Chamber of the House

302. Restriction on use of the Chamber of House.— The Chamber of the House shall not be used for any purpose other than the sittings of the House.

Admission of Strangers

303. Admission of strangers.— The admission of the 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.

304. Withdrawal of strangers.— The Speaker may, whenever he thinks fit, order any strangers to withdraw from the house or any gallery to be cleared.

305. Removal and takings into custody of strangers.— The Marshal/Sergeant-at-Arms or an officer of the Assembly 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 regulations made by the Speaker under rule 303 or does not withdraw when the strangers are directed to withdraw under rule 304 while House is sitting.

Suspension of Rules

306. Suspension of Rules.— 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.

Residuary Powers

307. Residuary powers.—All matters not specifically provided for in these rules and all question relating to the detailed working of these rules shall be regulated in such manner as the Speaker may, from time to time, direct.

Interpretation and Removal of Difficulties

308. Interpretation and removal of difficulties.— If any doubt arises as to the interpretation of any of the provisions of these rules, the decision of the Speaker shall be final.