

**RULES OF PROCEDURE
AND
CONDUCT OF BUSINESS
IN
HIMACHAL PRADESH
LEGISLATIVE ASSEMBLY**

Ninth Edition



**Himachal Pradesh Legislative Assembly Secretariat
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PREFACE

In order to conduct its business efficiently and smoothly, each legislature enacts its rules under Article 208 of the Constitution of India. After attaining statehood, the Himachal Pradesh Legislative Assembly enacted its own Rules of Procedure and Conduct of Business in the year 1973 in accordance with the Constitution of India.

With the change in time and thought in the developing society, the Rules also require suitable modifications and amendments. Since 1973, eight editions of such rules have already been published.

In the year 2014, with the initiative of Hon'ble Speaker Shri Brij Behari Lal Butail the e-governance solution e-vidhan was implemented in the H.P. Legislative Assembly. As a result, the working of House including various House Committees and its Secretariat have become online. By implementing e-vidhan, Himachal Pradesh Legislative Assembly has got the distinction of becoming India's first ever paperless Legislative Assembly. Hence, Rules Committee recommended some amendments and modifications in the Rules of Procedure and Conduct of Business.

The recommendations of the Rules Committee were approved by the House, and accordingly the amendments were incorporated in the Rules of Procedure and Conduct of Business and as a result thereof, this ninth edition is being published for the convenience of Hon'ble Members and those concerned and interested in the legislative procedures and practices.

I hope, the Hon'ble Members and those concerned and interested in the legislative procedures and practices would be benefited from this updated edition.

**Shimla-171004
January, 2017.**

**Sunder Singh Verma,
Secretary.**

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CHAPTER-I
SHORT TITLE AND DEFINITIONS

1. Short title.—These rules may be called "The Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1973".

2. Commencement.—These rules shall come into force from the date on which they are adopted by the Himachal Pradesh Legislative Assembly.

3. Definitions.—(1) In these rules, unless the context otherwise requires,—

"**Assembly**" means the Legislative Assembly of the State of Himachal Pradesh;

"**Bulletin**" means the Bulletin of the House containing—

- (a) a brief record of the proceedings of the House at each of its sittings;
- (b) information on any matter relating to or connected with the business of the House or other matter which in the opinion of the Speaker may be included therein;
- (c) information regarding House Committees;

"**Chamber**" means the hall in which the Assembly meets;

"**Clear days**" include Sundays and holidays but do not include the day of the sitting and the day of the receipt of notice or the day of issue of summons by the Secretary;

"**Committee**" means any Committee elected or constituted by the House or nominated by the Speaker for any specific or general purpose and which works under the direction of the Speaker and presents its report to the House or to the Speaker;

"**Constitution**" means the Constitution of India;

"**Governor**" means the Governor of Himachal Pradesh;

"**Speaker**" means the member chosen under Article 178 of the Constitution to be the Speaker of the Assembly;

"Deputy Speaker" means the member chosen under Article 178 of the Constitution to be the Deputy Speaker of the Assembly;

"Council of Ministers" means collectively the Cabinet Ministers and Ministers of State and Deputy Ministers, if any;

"Minister" means a member of the Council of Ministers, a Minister of State or a Deputy Minister;

"Government" means the Government of Himachal Pradesh;

"Leader of the House" means the Chief Minister, if he is a member of the House, or a Minister who is a member of the House and is nominated by the Chief Minister to function as the Leader of the House;

"Finance Minister" means the Minister-in-charge of Finance including any other Minister functioning for the time being as the Finance Minister;

"Unattached" means a member who having returned on a political party's ticket, is later on expelled by the concerned legislature party and subsequently declared by the Speaker as unattached member. If a member on his election to the office of Speaker or Deputy Speaker, gives up the primary membership of his party then he will also be deemed as an unattached member;

"Year" means duration from 1st January to 31st December;

"Division" means taking of votes by sending the members to lobbies or by adopting any other method under which preparation of lists of members voting on either side is provided;

"Financial Year" means a period of 12 months commencing on April 1st, and ending on March 31st, next;

"Gazette" means the Gazette of Himachal Pradesh;

"House" means the Assembly;

"Leader of the Opposition" means the leader of the largest party in Opposition and recognised as such by the Speaker;

"Legislature" means the Legislative Assembly of Himachal Pradesh;

"Lobby" means the covered corridor immediately adjoining the Chamber and co-terminus with it.

"Member" means a member of the Assembly provided that a Minister who is not a member and the Advocate General, shall be deemed to be members for the purpose of speaking in, moving motions and otherwise taking part in the proceedings of the Assembly but shall not be deemed to be members for the purpose of quorum or voting;

"Member-in-Charge of the Bill" means, as respects a Government Bill, any Minister and as respects other Bills, the member who has introduced the Bill or a member authorised in writing by such member to act in his behalf;

"Member-in-Charge" means, as respects, a resolution or motion, the member who has moved or made such a resolution or motion;

"Motion" means a proposal made by a member for the consideration of the House and includes a resolution and an amendment to a motion;

"Naming a Member" means drawing by the Speaker the attention of the House to the conduct of a Member with a view to action being taken against him;

"Precincts of the House" means and includes the Chamber, the Lobbies, the Galleries and approaches leading thereto and such other places as the Speaker may from time to time specify;

"Private Member" means a member other than a Minister;

"Prorogue and its derivative prorogation" means the ending of a session by an order of the Governor under sub-clause (a) of clause (2) of Article 174 of the Constitution;

"Secretariat" means and includes the Assembly Secretariat at Shimla and Tapovan, Dharamshala and any camp office set-up outside Shimla or Dharamshala for the time being for, or under the authority of the Speaker;

"Secretary" means the Secretary to the Assembly and includes any other person, for the time being performing the duties of the Secretary;

"Resolution" means a motion for the purpose of discussing a matter of general public interest;

"Select Committee" means a Committee of Members to which a Bill is referred by the Assembly for consideration and report;

"Session" means the period of time between the first sitting of the Assembly upon the summons of the Governor under Article 174 (1) of the Constitution and its prorogation or dissolution under clause (2) thereof;

"Sitting" means the sitting together of the members of the House for transacting the business on any day from its commencement till the House rises for the day;

"Sitting of the Committee" means the sitting together of the Members of the Committee for transacting the business of the Committee on any day from its commencement till the Committee rises for the day;

"Table" means the Table of the House;

"e-Vidhan" means an online system to automate the process involved in working of House including various House Committees, its Secretariat and managing constituencies by respective Hon'ble Members;

"Official websites" <http://evidhan.nic.in> and <https://secure.evidhan.nic.in> are respectively official public and official secure websites of H.P. Legislative Assembly. e-vidhan system will be operated by using official websites, which will be notified by the Legislative Assembly Secretariat from time to time;

"Online" means the information/documents to be submitted/retrieved by the users anywhere anytime using their login credentials through the secure website of H.P. Legislative Assembly which can be accessed by clicking Login button on Home page of the public website of H.P. Legislative Assembly <http://evidhan.nic.in> or by directly from the secure website <https://secure.evidhan.nic.in>; and

"Digital Library" means auto collection and grouping of various online papers available in various modules of e-vidhan System.

(2) Words and expressions used in the Constitution and not defined herein shall, unless the context otherwise requires, have the meanings assigned to them in the Constitution.

CHAPTER-II

SUMMONS TO MEMBERS AND SEATING ARRANGEMENT

4. Sessions of the House.—The House shall meet often enough for its duties to be amply fulfilled and shall meet, at least, in three sessions in each calendar year for not less than thirty-five sittings in aggregate.

5. Summons to members.—(1) The Secretary shall issue summons to each member in writing or online specifying the date and place for a session of the House :

Provided that, if for any unavoidable reasons the Secretary remains absent from Shimla, the summons shall be issued by any other officer, so authorised in this behalf, by the Speaker.

(2) The summons to members shall ordinarily be issued by the Secretary in writing or online twenty days before the date so appointed under sub-rule (1) :

Provided that when a session has for any unavoidable reasons to be called at short notice or emergently, summons may not be issued to each member separately but an announcement of the date and place of the session shall be published in the Gazette and made in the press and over the radio/television.

6. Oath or affirmation.—A member who has not already made and subscribed an oath or affirmation, in pursuance of Article 188 of the Constitution, may do so at the commencement of a sitting of the House or at any other time of the sitting of the House or at any other time and place on any other day, as the Speaker may direct, after giving previous notice in writing or online to the Secretary.

7. Order of seating.—The members and ministers shall sit in such order as the Speaker may determine.

8. Contravention of the provisions of Article 193 of the Constitution.—(1) No person other than a member shall sit on the seats meant exclusively for the members in the Assembly Hall.

(2) Any person violating the provisions of Article 193 of the Constitution, when so determined by the Speaker, shall be liable to the penalty provided therefor. The decision of the Speaker in this behalf shall be final.

9. Roll of Members.—There shall be a Roll of Members of the House which shall be signed in the presence of the Secretary by every member, before taking his seat.

CHAPTER-III

ELECTION OF SPEAKER, DEPUTY SPEAKER AND NOMINATION OF PANEL OF PRESIDING CHAIRMEN

10. Election of Speaker.—(1) The Election of a Speaker shall be held on such date as the Governor may fix and, the Secretary shall send to every member notice in writing or online thereof.

(2) At any time before noon on the day preceding the date so fixed, any member may give notice in writing or online addressed to the Secretary, of a motion that another member be chosen as the Speaker of the House, and the notice shall be seconded by a third member and shall be accompanied by a statement by the member whose name is proposed in the notice that he is willing to serve as Speaker, if elected :

Provided that a member shall not propose his own name or second a motion proposing his own name, or propose or second more than one motion.

(3) A member in whose name a motion stands on the list of business shall, unless he states that he does not wish to move the motion, move the motion when called upon to do so. In either case he shall confine himself to a mere statement to the effect that he moves the motion or that he does not intend to move the motion.

(4) The motions which have been moved and duly seconded shall be put one by one in the order in which they have been moved, and decided, if necessary, by division. If any motion is carried, the person presiding shall, without putting later motions, declare that the member proposed in the motion which has been carried, has been chosen as the Speaker of the House.

11. Election of Deputy Speaker.—(1) The election of a Deputy Speaker shall be held on such date as the Speaker may fix, and the Secretary shall send to every member notice in writing or online thereof.

(2) At any time before noon on the day preceding the date so fixed, any member may give notice in writing or online addressed to the Secretary, of a motion that another member be chosen as the Deputy Speaker of the House and the notice shall be seconded by a third member and shall be accompanied by a statement by the member whose name is proposed in the notice that he is willing to serve as Deputy Speaker, if elected :

Provided that a member shall not propose his own name, or second a motion proposing his own name, or propose or second more than one motion.

(3) A member in whose name a motion stands on the list of business shall, unless he states that he does not wish to move the motion, move the motion when called upon to do so. In either case he shall confine himself to a mere statement to the effect that he moves the motion or that he does not intend to move the motion.

(4) The motions which have been moved and duly seconded shall be put one by one in the order in which they have been moved, and decided, if necessary, by division. If any motion is carried, the person presiding shall, without putting later motions, declare that the member proposed in the motion which has been carried, has been chosen as Deputy Speaker of the House.

12. Nomination of Panel of Chairmen.—(1) As soon as, may be after the commencement of the first session each year and, from time to time, as the need may arise, the Speaker shall nominate from amongst the members of the House a panel of not more than four members, any one of whom may preside over the House in the absence of the Speaker and the Deputy Speaker.

(2) A Chairman nominated under sub-rule (1) shall hold office until a new panel of Chairmen is nominated.

13. Powers of Deputy Speaker or other Member presiding over sitting of the House.—The Deputy Speaker or any other member competent to preside over a sitting of the House under the Constitution or these rules shall, when so presiding, have the same powers as the Speaker and all references to the Speaker in these rules shall be deemed to be references to the Deputy Speaker, or to the member, so presiding, as the case may be.

14. Delegation of powers to Deputy Speaker.—The Speaker may at any time, by order in writing delegate to the Deputy Speaker all or any of his powers under these rules and may likewise revoke any such delegation.

CHAPTER-IV
SITTINGS OF THE HOUSE

15. When is sitting of the House duly constituted.—A sitting of the House is duly constituted when it is presided over by the Speaker or any other member competent to preside over a sitting of the House under the Constitution or these rules.

16. Sittings of the House.—The House shall sit on such days as the Speaker, having regard to the state of business before the House, and in consultation with the Leader of the House, may, from time to time, direct.

17. Commencement of Sittings.—Unless the Speaker otherwise directs, sittings of the House from Tuesday to Friday shall ordinarily commence at 1100 hours and conclude at 1700 hours with a lunch break for one hour, which may ordinarily be from 1300 hours to 1400 hours. On Monday, the Sitting of the House shall commence at 1400 hours.

18. Conclusion of Sittings.—Unless the Speaker, otherwise directs, the sittings of the House from Tuesday to Friday shall ordinarily conclude at 1700 hours. The sitting on Monday shall conclude at 1900 hours.

There shall be no sittings on Saturdays, Sundays and other Public/gazetted holidays unless the House otherwise determines.

19. Quorum.—The quorum to constitute a sitting of the House shall be 'one-third' of the total number of members of the House.

20. Adjournment of House.—The Speaker may adjourn a sitting of the House either on his own motion or on a resolution of the House in this behalf :

Provided that where the House is adjourned sine die, ten days' notice shall ordinarily be given to members in writing or online of the date on which the House shall re-assemble :

Provided further that the Speaker may, if he thinks fit, call a sitting of the House, before the date or time to which it has been adjourned or at any time after the House has been adjourned sine die.

21. Effect of prorogation.—When the Assembly is prorogued—

- (a) all pending notices except notices of intention to move for leave to introduce Bills shall lapse and fresh notices shall be given for the next session :

Provided that the questions which have been entered in the list of business but were postponed and remained pending for answer at the close of the preceding session shall not lapse;

- (b) a Bill pending in the House at the time of prorogation shall not lapse by reason of the prorogation of the House;
- (c) any business pending before a Committee of the House shall not lapse; and
- (d) any motion, resolution or amendment which has been moved and is pending in the House, shall not lapse.

21.(A) Effect of dissolution.—Whenever the House is dissolved, all pending works lying before the House such as questions, motions, resolutions, amendments, supplementary demands, issues of breach of privilege, bills or other works will automatically be lapsed. Similarly all assurances given on the floor of the House by the Ministers but not reported in the Committee's reports shall be lapsed. All pending works before the House Committees shall also stand lapsed automatically.

CHAPTER-V
GOVERNOR'S ADDRESS AND MESSAGE TO THE
HOUSE

22. Allotment of time for discussion.—The Speaker in consultation with the Leader of the House, shall allot time for discussion on the matters referred to in the Governor's Address under Article 176(1) of the Constitution.

23. Scope of discussion.—On such day or days or part of any day, the House shall be at liberty to discuss the matters referred to in such Address on a Motion of Thanks moved by a member and seconded by another member.

24. Amendments to Motion of Thanks.—Amendments may be moved in writing or online to such Motion of Thanks in such form as may be considered appropriate by the Speaker.

25. Other business that may be taken up.—(1) Notwithstanding that a day has been allotted for discussion on the Governor's Address—

- (a) a motion or motions for leave to introduce a bill or bills may be made and a Bill or Bills may be introduced on such day; and
- (b) other business of a formal character may be transacted on such day before the House commences or continues the discussion on the Address.

(2) The discussion on the Address may be postponed in favour of a Government Bill or other Government business on a motion being made that the discussion on the address be adjourned to a subsequent day to be appointed by the Speaker. The Speaker shall forthwith put the question, no amendment or debate being allowed.

(3) The discussion on the Address shall be interrupted in the course of a sitting by an adjournment motion under rule 67 :

Provided, however, that the total time allotted for discussion under rule 22 shall be reduced.

26. Government's right of reply.—The Chief Minister or any other Minister, whether he has previously taken part in the discussion or not, shall on behalf of the Government have a general right of explaining the position of the Government at the end of the discussion and the Speaker may enquire

how much time will be required for the speech so that he may fix the hour by which the discussion shall conclude.

27. Time limit for speeches.—The Speaker, may, if he thinks fit, prescribe a time limit for speeches after taking the sense of the House.

28. Governor's Address under Article 175(1).—The Speaker may allot time for the discussion of the matters referred to in the Address of the Governor under Article 175(1) of the Constitution.

29. Message of Governor under Article 175(2).—Where a message from the Governor for the House under Article 175(2) of the Constitution is received by the Speaker, he shall read the message to the House and give necessary directions in regard to the procedure that shall be followed for the consideration of matters referred to in the message. In giving these directions, the Speaker shall be empowered to suspend or vary the rules to such extent as may be necessary.

30. Observance of order during Governor's Address.—No member shall interrupt the Governor when he is addressing the House; or display any placard; or shout any slogans; or make any protest; or raise any point of order, debate; or discussion; or otherwise wilfully disrupt the proceedings, immediately preceding or during, or immediately following the Governor's Address under Article 175(1) of the Constitution and the Governor's Special Address under Article 176(1) of the Constitution, and the commission of any of the above lapses shall be treated as contempt of the House and dealt with as such under these rules.

CHAPTER-VI

ARRANGEMENT OF BUSINESS AND LIST OF BUSINESS

31. Arrangement of Government business.—(1) On days allotted for the transaction of Government business, such business shall have precedence and the Secretary shall arrange that business in such order as the Speaker may, after consultation with the Leader of the House, determine :

Provided that such order of business shall not be varied on the day that business is set down for disposal unless the Speaker is satisfied that there is sufficient ground for such variation.

(2) On the first working day of every week, when the House meets, the Leader of the House or any member of the Council of Ministers shall, inform the House of the business to be transacted during the week.

32. Allotment of time for private members' business.—For transaction of private members' business ordinarily Thursday is fixed but in unavoidable circumstances the Speaker can change it.

33. Precedence of private members' business.—(1) On days allotted for the disposal of private members' business, such business shall be taken up in the following order :—

- (a) Bills to be introduced;
- (b) Resolution on matters of general public interest;
- (c) Bills which have been introduced;
- (d) Bills returned by the Governor with a message under Article 200 of the Constitution;
- (e) Bills in respect of which a motion has been carried that the Bill be taken into consideration;
- (f) Bills in respect of which the report of a Select Committee has been presented;
- (g) Bills which have been circulated for the purpose of eliciting opinion thereon;
- (h) Bills introduced and in respect of which no further motion has been made or carried; and
- (i) other Bills.

(2) The relative precedence of Bills falling under the same clause of sub-rule (1) shall be determined by ballot to be held in accordance with the orders made by the Speaker and on such day and in such manner as the Speaker may direct :

Provided that the motion in respect of Bills falling under clause (a) of sub-rule (1) shall be entered in the list of business in the order in which notices of such motions have been received in point of time.

(3) The Speaker may by special order to be announced in the House make such variations in the relative precedence of Bills set out in sub-rule (1) as he may consider necessary or convenient.

(4) No member can table more than one Bill and one Resolution for ballot. The name of the members shall be entered in the list of business in the precedence indicated by the members or in the absence of indication of precedence by members, in the order of receipt of notices.

33. (A) Precedence of private members' resolutions.—(1) A ballot of the names of members desiring to move a resolution shall be held in accordance with orders made by the Speaker, on such day as the Speaker may direct.

(2) Unless the Speaker otherwise directs not more than four resolutions shall be set down in the list of business for any day allotted for the disposal of private members' resolution.

34. Private members' business outstanding at the end of the day.—Private members' business set down for the day allotted for that class of business and not disposed of on that day, shall not be set down for any subsequent day unless fresh notice thereof is received and it has gained priority at the ballot held with reference to that day :

Provided that notwithstanding anything contained in Rules 33 and 33(A) any such business which is under discussion at the end of that day shall be set down for the next day allotted to business of that class and shall have precedence over all other business set down for that day.

35. Resumption of adjourned debate on private member's Bill or Resolution.—(1) When on a motion being carried the debate on a private members' Bill or Resolution is adjourned to the next day allotted for private member's business in the same or next session, it shall not be set down for further discussion unless it has gained priority at the ballot.

(2) When the debate on a private member's Bill or Resolution is adjourned sine die, the member-in-charge of the Bill or the mover of the resolution, as the case may be, may if he wishes to proceed with such Bill or Resolution on a subsequent day allotted for private members' business, give notice for resumption of the adjourned debate and on receipt of such notice the relative precedence of such Bill or Resolution shall be determined by ballot.

36. List of business.—(1) A list of business for the day shall be prepared by the Secretary, and a copy thereof shall be made available in writing or online for the use of every member.

(2) Save as otherwise provided in these rules, no business not included in the list of business for the day, shall be transacted at any sitting without the permission of the Speaker.

(3) Unless the Speaker otherwise directs, no business requiring notice shall ordinarily be set down for a day before the period of the necessary notice has expired.

CHAPTER-VII

QUESTIONS

37. Question hour.—(1) Unless the Speaker otherwise directs, the first hour of every sitting shall be available for asking and answering of questions.

38. Period of notice.—Unless the Speaker otherwise directs, not less than fifteen clear days' notice of a question shall be given.

39. Form of notice.—(1) Notice of a question shall be given in writing or online to the Secretary and shall specify :—

- (a) the text of the question;
- (b) the official designation of the Minister to whom the question is addressed;
- (c) the date on which answer to the question is desired; and
- (d) the order of preference, if any, for its being placed on the list of questions, where a member tables more than one notice of questions for the same day.

(2) Where a notice is signed by more than one member, it shall be deemed to have been given by the first signatory only.

40. Notice of admitted questions to Ministers.—Unless the Speaker otherwise directs, the notice of admitted questions shall be delivered in writing or online to the Minister concerned by the Secretary within five days.

41. Starred questions.—A member who desires an oral answer to his question shall distinguish it by an asterisk. If he does not distinguish it by an asterisk, the question shall be placed on the list of questions for written answer.

42. Limit of number of questions.—(1) A member shall not ask more than two starred questions and three unstarred questions on any one day, which includes his bracketed questions also.

(2) Unless the Speaker otherwise directs, where a member has given more than two notices of questions distinguished by an asterisk for the same day, his questions for the list of questions for oral answer shall be

selected in the order indicated by the member and if no such order is indicated, any two of these questions shall be placed on the list of questions for oral answer.

43. Rotational allotment of days of answering 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 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.

44. Unstarred questions.—(1) If a question is not distinguished by an asterisk, or if a 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, or if called for answer, the member in whose name it stands is absent, a written answer to such question shall be deemed to have been laid on the Table at the end of Question Hour or as soon as the questions for oral answer have been disposed of, as the case may be, by the Minister to whom the question is addressed :

Provided that if a member, on being called by the Speaker, states that it is not his intention to ask the question standing in his name, the question shall be treated as having been withdrawn.

(2) If there is no Question Hour owing to the cancellation of a sitting or its adjournment without transacting any business, the answers to questions included in the list of questions for oral as well as written answer shall be deemed to have been laid on the Table by the Ministers to whom such questions are addressed at the next sitting of the House after the Questions Hour and form part of the proceedings of that day.

(3) If the Question Hour on any day is dispensed with or suspended to devote time on a significant matter or for any other reason, the answers to questions included in the lists of questions for oral as well as written answer for that day shall be deemed to have been laid on the Table of the House by the Ministers to whom such questions are addressed and shall form part of the proceedings of that day:

Provided that if the Question Hour is interrupted after having taken up the list of questions for oral answer and the list is partly disposed of and the sitting continues, answers to remaining questions in the list of questions for oral answers and answer to questions in the list of questions for written

answer shall be deemed to have been laid on the Table after Question Hour and form part of the proceedings of that day.

(4) If the last sitting of a session is cancelled, the questions in the lists of questions for oral as well as written answer for that day shall lapse.

45. Questions to private members.—Questions may be addressed to private members 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 questions shall, as far as may be, the same as is followed in the case of the questions addressed to a Minister with such variations as the Speaker may consider necessary or convenient.

46. Short notice questions.—(1) Whenever a member desires to ask a short notice question on matter of urgent public importance, he shall give five clear days' notice of such a question in writing or online to the Secretary of Legislative Assembly. The Secretary will ordinarily obtain the orders of the Speaker regarding the admissibility of the question as a short notice question within one day of its receipt.

(2) 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.

(3) After the orders of the Speaker have been obtained, a copy of the question shall be sent in writing or online to the Minister concerned requesting him to inform the Secretary whether he is in a position to reply the question as short notice question.

(4) If the Minister agrees to answer it at a short notice it shall be placed immediately on the agenda before the starred questions or so soon thereafter as the Speaker may direct.

(5) If the Minister concerned is not in a position to answer it at short notice and the Speaker is of the opinion that it is of sufficient public importance, he may direct it to be placed as the first question on the list of questions for the day on which it would be due for answer as a starred question.

(6) Where more than one member give short notice questions on the same subject and the question of one of the members is accepted for answer at a 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 single notice if in his opinion it is desirable to have single self contained questions:

Provided that such consolidated question should cover all the important points raised by the members.

47. Admissibility of questions.—(1) Subject to the provision of sub-rule (2), a question may be asked for the purpose of obtaining information on a matter of public importance and which is 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 be clearly and precisely expressed and shall not be too exhaustive, which cannot be replied;
- (ii) it shall not be expressed in the form of an informatory question;
- (iii) it shall not bring any name or statement, not strictly necessary to make the question intelligible;
- (iv) it shall not relate to a matter which is under the jurisdiction of the Speaker;
- (v) it shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;
- (vi) it shall not ask for an expression of opinion or the solution of an abstract legal questions or of a hypothetical proposition;
- (vii) it shall not ask as to the character or conduct of any person except in his official or public capacity;
- (viii) it shall not ordinarily exceed 150 words.
- (ix) it shall not ask about a matter which is not primarily the concern of the State Government;
- (x) it shall not ask about proceedings of the Committee, which have not been placed before the House by a report from the Committee;

- (xi) it shall not reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion;
- (xii) it shall not repeat in substance questions already answered in the same session or to which an answer has been refused;
- (xiii) it shall not ask for such information set forth in the accessible documents or in reference books;
- (xiv) it shall not ask for information on matter which is under adjudication by a court of law, having jurisdiction in any part of India;
- (xv) it shall not ask about the conduct of any judge;
- (xvi) it shall not make or imply a charge of a personal character;
- (xvii) it shall not ask for information on trivial, vague, meaningless matters nor information of too many details;
- (xviii) it shall not relate to day to day administration of local bodies or other autonomous, semi-autonomous bodies. The Speaker may, however allow such questions which may be of public importance or which arise out of their mutual relations with the Governments or which refer to breaches of law or rules;
- (xix) it shall not refer to the debates of the current session;
- (xx) it shall not generally ask for information on such matters which are under consideration of any House Committee;
- (xxi) it shall not contain the criticism of the decision of the House;
- (xxii) it shall not seek information about matters which are in their nature secret, such as composition of cabinet Committees, 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;
- (xxiii) it shall not refer to the assurances given or announcements made by the Ministers in the public meetings;

- (xxiv) it shall not raise question of policy too large to be dealt with within the limits of an answer to a question;
- (xxv) 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 subjects or stage of inquiry, if it is not likely to prejudice the consideration of the matter by the Tribunal or Commission or Court of Enquiry;
- (xxvi) it shall not ordinarily ask for information for more than last three years;
- (xxvii) it shall not raise such matters which weaken the unity and integrity of the Country or the State;
- (xxviii) it shall not ask about the matter pertaining to a particular person or Category;
- (xxix) it shall not seek redressal of general service grievances of Government employees;
- (xxx) it shall not seek constituency-wise information as is not to be furnished; and
- (xxxi) it shall not seek for such information for which the time, labour and money required would be highly incommensurate to the possible benefit of the information.

48. 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 a 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 or which asks for information on more than one subject.

(2) In special circumstances, the Speaker may change the order of preference and date of question, specified by a member and also amend the shape of question.

49. Power of Speaker to change class of a question.—If in the opinion of the Speaker any short notice question or starred question 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 of 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 the reasons for desiring an oral answer and, after considering the same, may direct that the question be included in the list of questions for written answer.

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

51. Order in which questions to be called.—Questions for oral answers 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 the special public interest to which he desires to give a reply.

52. Postponed questions to have precedence.—Questions postponed shall have precedence over other questions of the same class fixed for the same day and they will be printed separately. If answer to a question is given that the information is being collected or the question remains unanswered at the conclusion of the Session, comprehensive reply in writing or online to the question shall be made available by the Government in the next Session positively.

In case of any difficulty in providing the information or furnishing of reply to a question in the next session the concerned Minister shall furnish the reasons and circumstances in writing or online for the delay caused in collection and furnishing of the information atleast three days before the date fixed for answer. The matter shall be referred to the Speaker whose decision shall be final.

53. Withdrawal or postponement of questions.—A member may, with the consent of the Speaker, by notice, given at any time before the

sitting for which his question has been placed on the list, withdraw question, or make a request to postpone it to a later day to be specified in the notice, and on such later day, the question shall subject to the provision of Rule 43 be placed on the list after the questions tabled for the day :

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

54. Mode of asking questions.—(1) During the question hour the Speaker shall call successively each member in whose name a question is listed with due regard to priority of questions or any other manner, as the Speaker may, in his discretion decide.

(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 is not asked, or the member in whose name it stands is absent, the Speaker may, at the request of any member, duly authorised by the absentee member, direct that the answer to it be given.

55. Answers to questions to be complete.—(1) Answers to questions given in the House shall be complete and as far as possible, each part thereof shall be answered separately.

(2) If, on his attention being drawn to an answer and the Speaker is satisfied that it does not fulfill this requirement, may direct the Minister to give a complete answer.

56. Questions of absent members.—When all 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 earlier.

57. Supplementary questions.—(1) The member in whose name a question is listed for oral answer or any other 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.

(2) A supplementary question shall be disallowed by the Speaker, if in his opinion :

- (a) it does not arise from the main question or its answer;
- (b) instead of seeking information, it gives information;
- (c) it involves more than one question;
- (d) it seeks confirmation or denial of an opinion; and
- (e) it infringes any of the rules relating to questions.

(3) No discussion shall be permitted during the time for questions under Rule 37 in respect of any question or of any answer given to a question.

58. Procedure for short notice questions.—In other respects, the procedure for short notice questions shall be same as for ordinary questions for oral answer with such modifications as the Speaker may consider necessary or convenient :

Provided that if a member, on being called by the Speaker, states that it is not his intention to ask the question standing in his name and the Speaker consents to the withdrawal of the question, the question shall be treated as having been withdrawn and no written answer thereafter shall be deemed to have been laid on the Table. However, if the Speaker withholds his consent to the withdrawal, the question would not be orally answered but a written answer to it shall be deemed to have been laid on the Table by the Minister to whom the question is addressed.

59. Lapse of pending questions referred to members.—Where reference is made to a member in connection with notice of a question and no reply is received, or a reply received from him is too late for the consideration of the Speaker and the placing of the question, if admitted, on the list of questions for an appropriate date, such notice shall be deemed to have lapsed.

60. Prohibition of publicity of questions and answers in advance.—Questions, of which notices have been given by members and answers to questions, which the Ministers propose to give in the House, shall not be released for publication until such questions are taken up and answers given on the floor of the House or laid on the Table of the House.

CHAPTER-VIII
HALF AN HOUR DISCUSSION

61. Discussion on matters arising out of answers to questions.—(1)

The Speaker may allot half an hour on two sittings in a week for raising discussion on a matter of sufficient public importance which has been the subject of a recent question, oral or written, and the answer to which needs elucidation on a matter of fact.

(2) A member wishing to raise a matter shall give notice in writing or online to the Secretary three days in advance of the day on which the matter is desired to be raised, and shall briefly specify the point or points that he wishes to raise :

Provided that the notice shall be accompanied by an explanatory note stating the reasons for raising discussion on the matter in question :

Provided further that if a notice is signed by more than one member it shall be deemed to have been given by the first signatory only :

Provided further that in special circumstances, the Speaker may waive the requirement of notice period.

(3) The speaker shall decide whether the matter is of sufficient public importance to be put down for discussion, and may not admit a notice which, in his opinion, seeks to revise the policy of the Government.

(4) If more than two notices have been received and admitted by the Speaker, the Secretary shall hold a ballot with a view to determine the two notices and such notices shall be put down in order in which they were received :

Provided that if any matter put down for discussion on a particular day is not disposed of on that day or the concerned member is absent, such notice shall stand lapsed.

(5) There shall be no formal motion before the House for voting. The member who has given notice may make a statement and the members who have previously intimated to the Secretary may also take part in the debate for the purpose of further elucidating any matter of fact :

Provided that not more than four members who have previously intimated to the Secretary may be permitted to ask a question for the

purpose of further elucidating any matter of fact. Thereafter, the Minister shall reply in short.

(6) The members wishing to ask a question shall make such request in writing or online before the commencement of the sitting at which the discussion is to take place. If such requests are received from more than four members, the names of first four members shall be determined by holding a ballot.

(7) These discussions shall be placed as the last item in the list of business fixed for the day.

CHAPTER-IX
CALLING ATTENTION

62. Procedure regarding Calling Attention.—(1) A member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief statement or ask for time to make a statement at a later hour or date :

Provided that no member shall give more than two such notices for any one sitting.

(2) There shall be no debate on such statement at the time it is made but each member in whose name the item stands in the list of business may, with the permission of the Speaker, ask a clarificatory question and the Minister shall reply at the end to all such questions :

Provided that names of not more than five members shall be shown in the list of business :

Provided further that when a notice is signed by more than one member, it shall be deemed to have been given by the first signatory only.

(3) Notice for a sitting received in writing or online up to an hour before the commencement of the sitting shall be deemed to have been received on that day. Notices received after the commencement of sitting shall be deemed to have been given for the next sitting.

(4) Not more than two such matters shall be raised at the same sitting and a member shall raise only one matter.

(5) All the notices which have not been taken up during the week for which they have been given, shall lapse at the end of the week unless the Speaker has admitted any of them for a subsequent sitting or a notice referred for facts to a Minister.

(6) If two notices of calling attention are received for the same sitting, then the Speaker may, determine the priority keeping in view the importance of the matter.

CHAPTER-X
SHORT DURATION DISCUSSIONS

63. Notice for raising discussion.—Any member desirous of raising discussion on a matter of urgent public importance may give notice in writing or online to the Secretary specifying clearly and precisely the matter to be raised :

Provided that the notice shall be accompanied by an explanatory note stating reasons for raising a discussion on the matter in question :

Provided further that the notice shall be supported by the signatures of at least two other members.

64. Speaker to decide admissibility and allotment of time.—(1) If the Speaker is satisfied after calling for such information from the member who has given notice and from the Minister, as he may consider necessary, that the matter is urgent and is of sufficient importance to be raised in the House at an early date, he may admit the notice :

Provided that if an early opportunity is otherwise available for the discussion of the matter, the Speaker may refuse to admit the notice.

(2) The Speaker may allot two sittings in a week on which such matters be taken up for discussion and allow such time for discussion, but not exceeding two hours at a sitting, as he may consider appropriate in the circumstances.

(3) No member can move or raise more than two short duration discussions during a session.

65. No formal motion.—There shall be no formal motion before the House for voting. The member who has given notice may make a short statement and the minister shall reply in short. Any member who has previously intimated to the Speaker may be permitted to take part in the discussion.

66. Time limit for speeches.—The Speaker may, if he thinks fit, prescribe a time limit for speeches.

CHAPTER-XI
ADJOURNMENT MOTION

67. Speaker's consent.—Subject to the provisions of these rules, a motion for an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker.

68. Notice.—Notice of an adjournment motion shall be given in writing or online to the Secretary, an hour before the commencement of the sitting and the copies thereof shall be endorsed to :—

- (i) the Speaker;
- (ii) the Minister concerned; and
- (iii) the Minister of Parliamentary Affairs :

Provided that each notice received after prescribed time limit shall be deemed to have been received on the next day on which the House sits :

Provided further that no member shall give more than one such notice for any one sitting.

Explanation :—(1) Where a notice is signed by more than one member, it shall be deemed to have been given by the first signatory only.

(2) A ballot shall be held to determine the relative priority of all notices on the same subject for the sitting for which they are valid.

69. Restrictions on right to move motion.—The right to move motion for the adjournment of the House for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely :—

- (1) not more than one such motion shall be made at the same sitting;
- (2) not more than one matter shall be discussed on the same motion;
- (3) the motion shall be restricted to a specific matter of recent occurrence;
- (4) the motion shall not raise a question of privilege;

- (5) the motion shall not revive discussion on a matter which has been discussed in the same session;
- (6) the motion shall not anticipate a matter, which has been previously appointed for consideration. In determining whether a discussion is out of order on the ground of anticipation, regard shall be held by the Speaker to the probability of the matter anticipated being brought before the House within a reasonable time;
- (7) the motion shall not deal with a matter on which resolution could not be moved;
- (8) the motion shall not deal with any matter which is under adjudication by a Court of Law having jurisdiction in any part of India; and
- (9) the motion shall not raise any question which under the Constitution or these rules can only be raised on a distinct motion by a notice given in writing or online to the Secretary.

70. Motion for discussion on matters before tribunals, commissions etc.—No adjournment motion which seeks to raise discussion on a matter 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 investigated any matter, shall ordinarily be permitted to be moved :

Provided that the Speaker may, in his discretion, allow such matter being raised in the House as is concerned with the procedure or subject of stage of enquiry, if Speaker is satisfied that it is not likely to prejudice the consideration of such matter by the Statutory Tribunal or Statutory Authority or Commission or Court of Enquiry, as the case may be.

71. Mode of asking for leave to move adjournment motion.—(1) The Speaker, if he gives consent under rule 67 and holds that the matter proposed to be discussed is in order, shall call the member concerned who shall rise in his place and ask for leave to move the adjournment of the House :

Provided that where the Speaker has refused his consent under rule 67 or is of opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of motion and state the reasons for refusing consent or holding the motion as being not in order :

Provided further that where the Speaker is not in possession of full facts about the matter mentioned therein, he may before giving or refusing his consent, read the notice of the motion and hear or demand in writing or online from the Minister and/or members concerned a brief statement on fact and then give his decision on the admissibility or inadmissibility of the motion.

(2) If objection to leave being granted is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their places and if, not less than one sixth of the total number of members of the House for the time being rise accordingly, the Speaker shall intimate that leave is granted and if less than the required number of members rise, the Speaker shall inform the member that he has not the leave of the House.

72. Time for taking up motion.—If leave to make such a motion is granted, the motion "that the House do now adjourn" shall be taken up an hour before the time fixed for usual termination of the business for the day or at an earlier hour if the Speaker, after considering the state of business in the House, so directs.

73. Closure of debate.—The Speaker may, if he is satisfied that there has been adequate debate, put the question at such hour not being less than an hour from the time of the commencement of the debate.

74. Time limit for speeches.—The Speaker may prescribe a time limit for speeches.

CHAPTER-XII
QUESTIONS INVOLVING BREACH OF PRIVILEGES AND
CONTEMPTS

75. Procedure for drawing attention of the House towards the question of breach of privilege and contempt.— A question involving a breach of privilege either of a member or of the House or of a Committee thereof may, with the consent of the Speaker, be brought to the notice of the House by :—

- (i) a complaint from a Member;
- (ii) a report from the Secretary;
- (iii) a petition; and
- (iv) a report from a Committee :

Provided that if the breach is committed in the actual view of the House, the House may take action without any complaint :

Provided further that if the complaint is against a member, the Speaker, may hear him before giving his consent.

76. Complaint by member.—A member wishing to raise a question of privilege or contempt of the House shall give notice in writing or online to the Secretary. If the complaint is based on a document, a duly certified copy thereof shall accompany the notice.

77. Conditions for admissibility of a question of privilege.—The right to raise a question of privilege shall be governed by the following conditions, namely :—

- (i) not more than one question shall be raised at the same sitting;
- (ii) the question shall be restricted to a specific matter of recent occurrence; and
- (iii) the matter requires the intervention of the House.

78. Mode of raising question of privilege.—If the Speaker gives his consent under rule 75, he may refer the matter to the Committee on Privileges and acquaint the House thereof, or he may ask the member making the complaint after the questions, but before entering upon the list

of business for further elucidation. Thereupon, the member shall read his complaint as well as the documents, if any, before the House and may make a short statement. The Speaker, after hearing any other member if necessary, shall decide if the complaint is in order :

Provided that where the Speaker has refused his consent under rule 75 or is of opinion that the matter proposed to be discussed is not in order, he may read the complaint in the House and state that he refuses his consent or holds that the notice of question of privilege is not in order :

Provided further that the Speaker may, if he is satisfied about the urgency of the matter, allow a question of privilege to be raised at any other time.

79. Complaint against a member.—(1) If the complaint is against a member and the matter is brought before the House, the said member shall be given a notice if he has not already been heard by the Speaker under the second proviso to rule 75.

(2) A copy of the complaint shall be supplied in writing or online to the member alongwith a copy of the document upon which the complaint is based and the member, with the permission of the Speaker, shall have a right of inspecting all the documents. He shall also be given an opportunity to be heard in explanation or exculpation.

(3) The member against whom a complaint is made shall attend the House in his place on the day so fixed and if he is unable to attend, he shall intimate the Speaker his reasons for non-attendance and the House may, in view of the reasons given, postpone the consideration of the matter:

Provided that if the House is of the opinion that there are no good reasons for absence or the member has wilfully absented, it may proceed with the matter in his absence. In case a member is absent and has failed to intimate the reasons for his absence due to unavoidable circumstances, the House may re-open the question at his request.

(4) The member against whom a complaint is made after attending the House as aforesaid, shall withdraw from the House after his explanation under sub-rule (2) and shall not enter as long as the matter is under consideration of the House. The House may, however, allow him to hear the proceedings or recall him for purposes of giving a further explanation or for tendering an apology.

80. Speaker to refer the matter to the Committee on Privileges.—

When the Speaker asks for further elucidation as contemplated by the first part of rule 78 and holds the complaint in order under the later part of the said rule, he may refer it to the Committee on Privileges for examination, investigation and report or he may, if he is of the opinion that the matter is such as may be disposed of by the House, ask the member making the complaint to make motion that the matter be taken into consideration forthwith or at some future date.

81. Complaint by Secretary or Petition.—(1) Whenever a question of breach of privilege has been raised on the report of the Secretary or by a Petition given under rule 75 (ii) or 75 (iii), the Speaker may, if he gives his consent thereto refer the matter to the Committee on Privileges and acquaint the House thereof or he may, after reading the complaint and hearing any member, decide whether the complaint is in order and if it is held to be so, may refer the matter to the Committee of Privileges.

(2) If the Speaker is of the opinion that the matter is such which should be placed for consideration before the House, he shall ask the Secretary to read the complaint before the House. The House may take the report into consideration at once or at some future time :

Provided that the copies of the complaint shall be supplied in writing or online to the members before consideration of the matter in the House.

82. Complaint by a Committee.—Whenever a breach of privilege of a Committee has been committed, the Chairman of the Committee shall make a report thereof to the Speaker. The Speaker shall bring the matter to the notice of the House and the Chairman or in his absence, any other member of the Committee, may make a motion that the question of breach of privilege be taken into consideration forthwith or at some future date. Thereafter the procedure laid down in rules 78 and 79, so far as it is not inconsistent, shall be followed.

83. Substantive Motion.—After anyone of the following motions is agreed to by the House :—

- (1) motion under rule 80 that the matter be taken into consideration; or
- (2) motion under rule 253 that the report of the Privileges Committee be taken into consideration; or

- (3) motion under rule 81 that the complaint or petition be taken into consideration; or
- (4) motion under rule 82 that the question of the breach of privilege, as contained in the report of the Committee, be taken into consideration;

any member may move a substantive motion indicating the commission of a breach of privilege and also suggesting the action to be taken by the House and any other member may move an amendment to the said motion. After a brief discussion on the motion and the amendments, if any, the Speaker shall put the question.

84. Opportunity to person charged.—Except where the breach of privilege committed in the actual view of the House, the House shall give an opportunity to the person charged to be heard in explanation or exculpation of the offence against him, before the sentence is passed :

Provided that if the matter has been referred to the Committee on Privileges and the person charged has been heard before the Committee, it will not be necessary for the House to give him that opportunity unless the House directs otherwise.

85. Summoning the party charged.—The Speaker may, summon the person against whom a complaint is made by serving notice or warrant of arrest to appear before the House at any stage of the proceedings.

86. Punishment.—If the Committee on Privileges is of the opinion that a breach of privilege has been committed, the Committee may recommend and the House shall have power to inflict the following punishments :—

- (1) admonition;
- (2) reprimand;
- (3) suspension of a member;
- (4) fine;
- (5) expulsion of a member;

- (6) imprisonment, the term whereof is at the pleasure of the House but cannot extend beyond the prorogation or dissolution; or
- (7) any other punishment which the House may deem proper and fit in pursuance of the provisions of Article 194 of the Constitution.

87. Groundless complaint.—In case the House finds that a charge of breach of privilege is groundless, it may order the payment of an amount not exceeding Rs. 500 as costs of issue to the party charged by the party complaining.

88. Execution of orders of House.—The Speaker or any other person authorized by him in this behalf, shall have the power to execute all the orders passed and sentences inflicted by the House.

89. Brevity of debate.—The debate at all stages on questions involving breach of privilege shall be brief.

90. Regulation of procedure.—The Speaker may issue such directions as may be necessary for regulating the procedure in connection with all matters connected with the consideration of the question of privilege either in the Committee or in the House.

91. Power of Speaker to refer question of privilege to Committee.—Notwithstanding anything contained in these rules, the Speaker may refer any question of privilege to the Committee on Privileges for examination, investigation or report and acquaint the House thereof.

92. Application of the Rules to Contempt.—The above rules, so far as they are not inconsistent, shall apply to all cases of contempt.

93. Procedure on question of breach of privilege or contempt of House by a member, officer or servant of other legislature.—If a member, officer or servant of other Legislature in India is involved in a case of contempt or alleged breach of privilege of the House, the Speaker shall refer the matter to the Presiding Officer of that Legislature, unless on hearing the member who raised the question or perusing any document, where the complaint is based on a document, the Speaker is satisfied that no breach of privilege has been committed or the matter is too trivial to be taken notice of, in that case he may disallow the motion for breach of privilege.

When a case of contempt or an alleged breach of privilege against other Legislature in India, in which a member, officer or servant of this House is involved, is referred to the House by the Presiding Officer of the legislature concerned, the Speaker shall deal with the matter in the same way as if it was a case of breach of privilege of the House and communicate to the Presiding Officer who made the reference, a report about the enquiry and the action taken on the reference received.

94. Application of this chapter to persons entitled to take part in the proceedings of the House.—The foregoing provisions of this chapter shall apply in relation to persons who have the right to speak in and otherwise take part in the proceedings of the House or any Committee thereof, as they apply in relation to members of the House.

95. Intimation to Speaker of arrest, detention etc. of a member.—When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive order, the committing judge, magistrate or executive authority, as the case may be, shall immediately intimate such facts to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the prescribed form.

96. Intimation to Speaker on release of a member.—When a member is arrested and after conviction released on bail pending an appeal or otherwise released, such fact shall also be intimated to the Speaker by the authority concerned in the prescribed form.

97. Treatment of communication regarding arrest, detention, release etc.—As soon as may be, the Speaker shall, after he has received a communication referred to in rule 95 and 96, read it out in the House if in session, or if the House is not in session, direct that it may be published in the Bulletin Part-II for the information of the members :

Provided that if the intimation of the release of a member either on bail or by discharge on appeal is received before the House has been informed of the original arrest, the fact of his arrest or his subsequent release or discharge may not be intimated to the House by the Speaker.

98. Intimation to Speaker/Chairman of other State Legislature of arrest, detention etc. of a member of that State Legislature.—When a member of the other State Legislature is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained

under an executive order, the committing judge or magistrate or executive authority, as the case may be, shall immediately intimate such fact to the Speaker/Chairman of the concerned State Legislature indicating the reason for the arrest, detention or conviction, as the case may be, as also the place of detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate prescribed forms.

99. Arrest within the precincts of the House.—No arrest shall be made within the precincts of the House without obtaining the permission of the Speaker.

100. Service of legal process.—(1) A legal process, civil or criminal, shall not be served within the precincts of the House without obtaining the permission of the Speaker.

(2) No military, para-military and police personnel in uniform shall enter into the Assembly Hall, Lobbies and Galleries.

CHAPTER-XIII
RESOLUTIONS

101. Notice of resolution by a private member.—(1) A Member other than a Minister who wishes to move a resolution on a day allotted for private members' resolution, shall give a notice in writing or online to that effect alongwith the text of resolution to the Secretary on a prescribed form at least one day before the date of ballot. The names of all members from whom such notices are received shall be balloted and those members who secure the first four places in the ballot for the day allotted for private members' resolutions shall be included in the list of business for private members' day.

(2) During each session, a day may be allotted for transaction of private members' business but in budget session two days shall exclusively be allotted for that purpose.

102. Notice of resolution by Government.—If the Government desire to move a resolution it shall give three days' notice in writing or online alongwith a copy of the text of the resolution :

Provided that in special circumstances the Speaker may admit it on a shorter notice.

103. Form of resolution.—A resolution may be in the form of a declaration of opinion; or a recommendation; or may be in the form so as to record either approval or disapproval by the House of an act or policy of Government; or convey a message; or commend, urge or request an action or call attention to a matter or situation for consideration by Government or in such other form as the Speaker may consider appropriate.

104. Subject matter of resolution.—Subject to the provisions of these rules, a member or a minister may move a resolution on a matter of general public interest.

105. Conditions of admissibility of resolutions.—In order that a resolution may be admissible, it shall satisfy the following conditions, namely :—

- (1) it shall be clearly and precisely expressed;
- (2) it shall raise substantially one definite issue;
- (3) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;

- (4) it shall not refer to the conduct or character of persons except in their official or public capacity;
- (5) it shall not relate to any matter which is under adjudication by a Court of Law having jurisdiction in any part of India; and
- (6) no resolution shall be admitted on a matter already discussed in the same session or during last one year.

106. Speaker to decide admissibility.—The Speaker shall decide whether a resolution or a part thereof is or is not admissible under these rules and may disallow any resolution or a part thereof which in his opinion, is an abuse of the right of moving a resolution or calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of these rules.

107. Matters under consideration before tribunals, commissions etc.—No resolution which seeks to raise discussion on a matter 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 shall ordinarily be permitted to be moved:

Provided that the Speaker may, in his discretion, allow such matter being raised in the House as is concerned with the procedure or particular subject or stage of enquiry, if the Speaker is satisfied that it is not likely to prejudice the consideration of such matter by the statutory tribunal, statutory authority, commission or court of enquiry.

108. Amendments.—(1) After a resolution has been moved, any member may, subject to the rules relating to resolutions, move an amendment to the resolution.

(2) If notice of such amendment has not been given one day previous to the day on which the resolution is moved, any member, may object to the moving of amendment, and such objection shall prevail, unless the Speaker allows the amendment to be moved.

(3) The Secretary, shall, if time permits, make available to members from time to time lists of amendments in writing or online of which notices have been received.

109. Duration of speeches.—No speech shall, except with the permission of the Speaker, exceed fifteen minutes in duration:

Provided that the mover of a resolution when moving the same and the Minister-in-charge of the department concerned when speaking for the first time may speak for such longer time as the Speaker may permit.

110. Allotment of time.—Allotment of time for resolutions, government and private bills, shall be determined by the Business Advisory Committee of the Houses.

111. Scope of discussion.—The discussion on a resolution shall be strictly relevant to and within the scope of the resolution.

112. Resolution not discussed.—If a resolution of which notice has been given in writing or online and has been entered in the list of business, is not discussed during the sitting, it shall be deemed to have lapsed.

113. Splitting of resolution.—When any resolution involving several points has been discussed, it shall be in the discretion of the Speaker to split the resolution and put each or any point separately to the vote as he may think fit.

114. Repetition of resolution.—When a resolution has been moved, no resolution or amendment raising substantially the same question shall be moved within one year from the date of the moving of the earlier resolution:

Provided that when a resolution has been withdrawn with the leave of the House, no resolution raising substantially the same question, shall be moved during the same session.

115. Withdrawal of resolution and amendment.—(1) A member in whose name a resolution stands in the list of business may, when called upon, withdraw the resolution and shall confine himself to a mere statement to that effect.

(2) A member who has moved a resolution or amendment to a resolution shall not withdraw the same except by leave of the House.

116. Copy of resolution passed to be sent to Minister and action thereon.—A copy each of the resolution, which has been passed by the House, shall be forwarded to the Minister concerned in writing or online and he shall inform the House of the action taken thereon in the next session on private members' day.

CHAPTER-XIV

MOTIONS

117. Discussion on matter of public interest.—Save in so far as is otherwise provided in the Constitution or in these rules, no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Speaker.

118. Notice of motion.—Notice of a motion shall be given in writing or online addressed to the Secretary.

119. Admissibility of motion.—In order that a motion may be admissible, it shall satisfy the following conditions:—

- (i) it shall raise substantially one definite issue;
- (ii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;
- (iii) it shall not refer to the conduct or character of persons except in their public capacity;
- (iv) it shall be restricted to a matter of recent occurrence;
- (v) it shall not raise a question of privilege;
- (vi) it shall not revive discussion of a matter which has been discussed in the same session;
- (vii) it shall not anticipate discussion of a matter which is likely to be discussed in the same session;
- (viii) it shall not relate to any matter which is under adjudication by a Court of Law having jurisdiction in any part of India;
- (ix) if it contains a statement, the member shall make himself responsible for the accuracy of the statement;
- (x) it shall not seek discussion on a paper or document laid on the Table by a private member;
- (xi) it shall not ordinarily relate to matters which are under consideration of a House Committee;

- (xii) it shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;
- (xiii) it shall not relate to matter which is not primarily the concern of the State Government;
- (xiv) it shall not raise matter under the control of bodies or persons not primarily responsible to the State Government;
- (xv) it shall not refer to or seek disclosure of information about matters which are in their nature secret, such as 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; and
- (xvi) it shall not relate to trivial matter.

120. Speaker to decide admissibility.—The Speaker shall decide whether a motion or a part thereof is or is not admissible under these rules and disallow any motion or a part thereof when in his opinion it is an abuse of the right of moving a motion or is calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of these rules.

121. Matters before tribunals, commission etc.—No motion which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court or enquiry appointed to enquire into or investigate any matter, shall ordinarily be permitted to be moved:

Provided that the Speaker may, in his discretion, allow such matter being raised in the House as is concerned with the procedure or subject or stage of enquiry if the Speaker is satisfied that it is not likely to prejudice the consideration of such matter by the statutory tribunal, statutory authority, commission or court of enquiry.

122. Publication of admitted motion.—If the Speaker admits any notice of motion, that shall be notified in Bulletin Part-II.

123. Allotment of time for discussion.—(1) The Speaker may, after considering the state of business in the House or on the recommendations of the Business Advisory Committee allot a day or days or part of day for the discussion of any such motion.

(2) The Speaker shall, at the allotted day or the last day of the allotted days, as the case may be, forthwith put every question necessary to determine the decision of the House on the original question.

124. Withdrawal of a motion.—A member who has made a motion may withdraw the same by the leave of the House. In this context, the Speaker shall ask, "is it the pleasure of the House that the motion be withdrawn?" If no one dissents, the Speaker shall say, "the motion is withdrawn by leave of the House." But if any dissenting voice is heard or a member rises to continue the debate the Speaker shall forthwith put the motion for voting :

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.

125. Limit of number of motions.—A member shall not move or raise more than two such motions during a session.

126. Scope of amendments.—(1) An amendment shall be relevant to and within the scope of motion to which it is proposed.

(2) No amendment shall be moved which has merely the negative vote.

127. Notice of amendments.—Amendments to any motion shall be given in writing or online one day before when it is likely to be taken for consideration. In special circumstances, if Speaker thinks appropriate, may reduce or exempt the time limit. The Secretary shall, as soon as possible, make available the copies of amendments in writing or online to the members.

128. Admission of amendments.—(1) The Speaker shall have the power to admit the amendments, and if he thinks fit, call upon any member, who has given the notice of an amendment to explain the reasons thereof so as to enable him to take decision.

(2) The Speaker shall put the amendments in such order, as he may deem fit:

Provided that the Speaker may refuse any such amendment, which in his opinion is frivolous.

129. Action taken by the Government on the motion passed by the House.—A copy of the motion passed by the House under rule 117 shall be forwarded in writing or online to the Minister concerned, who shall acquaint the House of the action taken thereon in the next session.

130. Motion to consider policy, situation, statement, report or any other matter.—(1) A motion that the policy, situation, statement, report 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.

(2) The Speaker may allow or disallow a motion made on policy, situation, statement, report or any other matter and may also fix date and time for its discussion. The Speaker's decision in this regard shall be final.

(3) The Speaker shall decide whether any motion or a part thereof is or is not admissible under the rules and he may disallow any motion and a part thereof which in his opinion is an abuse of the right of moving a motion or calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of these rules. The admitted motion shall be notified in Bulletin Part-II.

(4) It shall not seek discussion of a matter which has been already discussed in the same session or during last six months.

CHAPTER-XV

(A) INTRODUCTION AND PUBLICATION OF BILLS ORIGINATING IN THE HOUSE

131. Publication of Bill in the Gazette before introduction.—The Speaker may, on request being made to him, order the publication of any Bill (together with the statement of objects and reasons, the memorandum regarding delegation of legislative power and the financial memorandum accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case, it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it shall not be necessary to publish it again. A copy of Bill together with notice shall be made available in writing and online to the Secretary.

132. Notice for leave to introduce private members' Bills.—(1) Any member, other than a Minister, desiring to move for leave to introduce a Bill, shall give notice of his intention in writing or online and shall, together with the notice, submit a copy of the Bill and an explanatory statement of objects and reasons which shall not contain arguments :

Provided that the Speaker may, if he thinks fit, revise the statement of objects and reasons.

(2) If the Bill, is a Bill which under the Constitution cannot be introduced without the previous sanction or recommendation of the President/Governor, the member shall annex to the notice such sanction or recommendation conveyed through a Minister, and the notice shall not be valid until this requirement is complied with.

(3) The period of notice of a motion for leave to introduce a Bill under this rule shall be fifteen days unless the Speaker allows the motion to be made at a shorter notice.

133. Bill dependent on another pending Bill.—A Bill, which is dependent wholly or partly upon another Bill pending before the House, may be introduced in the House in anticipation of the passing of the Bill on which it is dependant :

Provided that the second Bill shall be taken up for consideration and passing in the House only after the first Bill has been passed by the House and assented to by the President/Governor.

134. Identical Bills.—When a Bill is pending before the House, notice of an identical Bill, whether received before or after the introduction of the pending Bill, shall be removed from, or not entered in the list of pending notices, as the case may be, unless the Speaker otherwise directs.

135. Disallowing a notice.—The Speaker may, disallow a notice of a Bill, in case the Bill does not comply with the requirement of sub-rule (2) of rule 132 or rule 136, 137 and 141.

136. Financial memorandum and clauses involving expenditure.—
(1) A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law.

(2) Clauses or provisions in Bill involving expenditure from the Consolidated Fund of the State shall be printed in thick type or in italics :

Provided that where a clause in a Bill, involving expenditure is inadvertently not printed in thick type or in italics, the Member-in-charge of the Bill shall, with the permission of the Speaker, bring such clauses to the notice of the House.

137. Memorandum regarding delegated legislation.—A Bill involving proposals for the delegation of legislative power, shall further be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character.

138. Statement regarding ordinances.—(1) Whenever a Bill seeking to replace an Ordinance with or without modification is introduced in the House, there shall be placed before the House alongwith the Bill a statement explaining the circumstances which had necessitated immediate legislation by Ordinance.

(2) Whenever an Ordinance, which embodies wholly or partly or with modification the provisions of a Bill pending before the House, is promulgated, a statement explaining the circumstances which had necessitated immediate legislation by Ordinance shall be laid on the Table at the commencement of the session following the promulgation of the Ordinance.

139. Procedure when introduction of a Bill is opposed.—If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, brief statements from the member who opposes the motion and the member who moved the motion, may, without further debate, put the question :

Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon :

Provided further that the Speaker shall forthwith put to vote the motion for leave to introduce a Finance Bill or an Appropriation Bill.

(2) Notice to oppose introduction of a Bill shall be addressed to Secretary in writing or online and given by an hour before the commencement of the sitting, on the day on which the motion for leave to introduce the Bill is included in the list of business.

140. Publication of Bill in the Gazette after introduction.—As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette.

141. Communication of President's/Governor's re-recommendation regarding Bill.—The order of the President/ Governor, granting or withholding the sanction or recommendation to the introduction and consideration of a Bill shall be communicated to the Secretary by Minister concerned in writing or online.

B. MOTION AFTER INTRODUCTION

142. Motion after introduction.—When a Bill is introduced, or on some subsequent occasion, the Member-in-charge of the Bill may make one of the following motions in regard to his Bill, namely :—

- (a) that it be taken into consideration either at once or at some future day to be then specified; or
- (b) that it be referred to a Select Committee of the House; or
- (c) that it be circulated for the purpose of eliciting opinion thereon :

Provided that no such motion shall be made until copies of the Bill have been made available in writing or online for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so made available for two clear days before the day on which the motion is made, and such objection shall prevail, unless the Speaker allows the motion to be made.

143. Power to ask for papers connected with a Bill.—(1) After a Bill has been introduced, any member may demand that copies of papers, if any, on which the Bill is based and which are not confidential, be placed on the Table of the House.

(2) If the demand is opposed, the Speaker shall determine whether the papers asked for shall or shall not be made available.

144. Discussion on principles of Bill.—(1) On the day on which any motion referred to in rule 142 is made, or on any subsequent day to which the discussion is postponed, the principles of the Bill and its general provisions may be discussed, but the details of the Bill shall not be discussed further than is necessary to explain its principles.

(2) At this stage no amendments to the Bill may be moved, but if the Member-in-charge moves that the Bill :—

(a) be taken into consideration, any member may move as an amendment that the Bill be referred to Select Committee or be circulated for the purpose of eliciting opinion thereon by a date to be mentioned in the motion; or

(b) be referred to a Select Committee, any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

(3) (a) Where opinions upon circulation of a Bill for eliciting opinion under the foregoing rules have been received, a statement containing a gist of opinions shall be laid on the Table by the Secretary as soon as possible following the last date of the receipt of such opinion.

(b) Thereupon the Member-in-charge of the Bill, if he wishes to proceed with it, shall move that the Bill be referred to a Select Committee unless the Speaker allows a motion to be made that the Bill be taken into consideration forthwith or at some future date :

Provided that if an amendment or a motion for reference to a Select Committee has been moved under this rule, any member may move that the House give instructions to the Select Committee to make some particular or additional provision in the Bill, and, if necessary or convenient to consider and report on amendments which may be proposed to the original Act which the Bill seeks to amend.

145. Member entitled to move motion in respect of Bills.—No motion that a Bill be taken into consideration or be passed shall be made by any member other than the Member-in-charge of the Bill, and no motion that a Bill be referred to a Select Committee or be circulated or re-circulated for the purpose of eliciting opinion thereon, shall be made by any member other than the Member-in-charge of the Bill, except by way of amendment to a motion made by the Member-in-charge of the Bill :

Provided that if the Member-in-charge of a Bill is unable for reasons which the Speaker considers adequate to move the next motion in regard to his Bill at any subsequent stage after introduction, he may authorise another member to move that particular motion with the approval of the Speaker.

Explanation:—Notwithstanding the provisions contained in the proviso, the member who introduced the Bill shall continue to be the Member-in-charge of the Bill.

(C) PROCEDURE AFTER PRESENTATION OF REPORT OF SELECT COMMITTEE

146. Motion that may be moved after presentation of report of Select Committee.—(1) After the presentation of the final report of the Select Committee of the House on the Bill, the Member-in-charge may move :—

- (a) that the Bill, as reported by the Select Committee of the House, be taken into consideration; or
- (b) that the Bill, as reported by the Select Committee of the House, be re-submitted to the same Select Committee or to a new Select Committee, either:—
 - (i) without limitation; or
 - (ii) with respect to particular clauses or amendments only; or
 - (iii) with instructions to the Committee to make some particular or additional provision in the Bill; or

(c) (1) that the Bill as reported by the Select Committee of the House, be circulated or re-circulated, as the case may be, for the purpose of eliciting opinion or further opinion thereon.

(2) The Bill may be withdrawn in pursuance of the report presented by the Select Committee :

Provided that any member may object to any such motion being made if a copy of the report has not been made available in writing or online for the use of the members two days before the day on which the motion is made and such objection shall prevail, unless the Speaker allows the motion to be made.

(3) If the Member-in-charge moves that the Bill, as reported by the Select Committee of the House, be taken into consideration any member may move as an amendment in writing or online that the Bill be re-submitted or be re-circulated for the purpose of eliciting opinion or further opinion thereon.

147. Scope of debate.—The debate on a motion that the Bill as reported by the Select Committee be taken into consideration shall be confined to consideration of the report of the Select Committee and the matters referred to in that report or any alternative suggestions consistent with the principle of the Bill.

(D) AMENDMENTS TO CLAUSES ETC. AND CONSIDERATION OF BILLS

148. Notice of amendments to clauses or schedules.—(1) If notice of an amendment to a clause or schedule of the Bill has not been given one day before that day on which the Bill is to be considered, any member may object to the moving of the amendment and such objection shall prevail, unless the Speaker allows the amendment to be moved :

Provided that in the case of a Government Bill, an amendment of which notice has been received from the Member-in-charge shall not lapse by reason of the fact that the Member-in-charge has ceased to be a Minister or a member and such amendment shall be printed in the name of the new Member-in-charge of the Bill :

Provided further that if Speaker permits, the Government's amendment can be taken for consideration at any time.

(2) The Secretary shall, if time permits, make available to the members from time to time lists of amendments in writing or online of which notices have been received.

149. Conditions of admissibility of amendments.—The following conditions shall govern the admissibility of amendments to clauses or schedules of a Bill :—

- (i) an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates;
- (ii) an amendment shall not be inconsistent with any previous decision of the House on the same question;
- (iii) an amendment shall not be such as to make the clause which it proposes to amend unintelligible or ungrammatical ;
- (iv) if an amendment refers to, or is not intelligible without a subsequent amendment or schedule, notice of the subsequent amendment or schedule shall be given in writing or online before the first amendment is moved, so as to make the series of amendments intelligible as a whole;
- (v) the Speaker shall determine the order in which amendments shall be moved;
- (vi) the Speaker may refuse to propose an amendment which in his opinion, is frivolous or meaningless; and
- (vii) an amendment may be moved to an amendment which has already been proposed by the Speaker.

150. Recommendation of the President/Governor regarding amendments.—If any member desires to move an amendment which under the Constitution cannot be moved without the previous sanction or recommendation of the President or Governor, he shall annex to the notice required by these rules such sanction or recommendation conveyed through a concerned Minister and the notice shall not be valid until this requirement is complied with :

Provided that no previous sanction or recommendation of the President or Governor shall be required, if an amendment seeks to :—

- (a) abolish or reduce the limits of the tax proposed in the Bill or amendments; or
- (b) increase such tax upto the limits of existing tax.

(2) The order of the President or Governor, granting or withholding the sanction or recommendation to an amendment to a Bill, shall be communicated to the Secretary by the Minister concerned in writing or online.

151. Selection of new clauses or amendments.—(1) The Speaker shall have power to select the new clauses or amendments to be proposed, and may, if he thinks fit, call upon concerned Minister or 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.

(2) Amendments of which notice has been given shall, as far as practicable, be arranged in the list of amendments, issued from time to time, in the order in which they may be called. In arranging amendments raising the same question at the same point of a clause, precedence may be given to an amendment proposed by the Member-in-charge of the Bill.

Subject to aforesaid, amendments may be arranged in the same order in which notices thereof are received.

(3) (i) Amendments shall ordinarily be considered in the order of the clauses of the Bill to which they respectively relate; and in respect of any such clause a motion shall be deemed to have been made :—

"That this clause do stand part of the Bill".

(ii) The Speaker may, if he thinks fit, put as one question similar amendments to a clause:

Provided that if a member requests that any amendment be put separately, the Speaker shall put that amendment separately.

152. Moving of amendments.—When a motion that a Bill be taken into consideration has been carried, any member may, when called upon by the Speaker, move an amendment to the Bill of which he has previously given notice in writing or online :

Provided that in order to save time and repetition of arguments, single discussion may be allowed to cover a series of inter-dependent amendments.

153. Withdrawal of amendments.—An amendment moved may, by leave of the House, but not otherwise be withdrawn on the request of the member moving it, if an amendment has been proposed to an amendment,

the original amendment shall not be withdrawn until the amendment proposed to it has been disposed of.

154. Submission of Bills clause by clause.—(1) Notwithstanding anything contained in these rules, the Speaker may, when a motion that a Bill be taken into consideration, has been carried, submit the Bill, or any part of the Bill, to the House clause by clause. The Speaker may call each clause separately, and when the amendments relating to it have been dealt with, shall put the question :—

"That this clause (or, that this clause as amended, as the case may be) do stand part of the Bill".

(2) The Speaker may, if he thinks fit, put as one question of a group of clauses to which no amendments have been moved :

Provided that if a member requests that any clause be put separately, the Speaker shall put that clause separately.

(3) The Speaker may, if he thinks fit, postpone the consideration of a clause.

155. Consideration of schedules.—The consideration of the schedule or schedules, if any, shall follow the consideration of clauses. Schedules shall be put from the Chair, and may be amended in the same manner as clauses, and the consideration of new schedules shall follow the consideration of the original schedules.

The question shall then be put "That this schedule (or, that this schedule as amended, as the case may be), do stand part of the Bill" :

Provided that the Speaker may allow the schedule or schedules, if any, being considered before the clauses are disposed of or alongwith a clause or otherwise, as he may think fit.

156. Clause one, Enacting Formula, Preamble and Title.—Clause one, the Enacting Formula, the Preamble, if any, and the Title of a Bill shall stand postponed until the other Clauses and schedules (including new clauses and new schedules) have been disposed of and the Speaker shall then put the question :—

"That Clause one, or the Enacting Formula, or the Preamble, or the title (or, that Clause one, Enacting Formula, Preamble or Title, as amended, as the case may be) do stand part of the Bill".

(E) PASSING AND AUTHENTICATION OF BILLS

157. Passing of Bill.—(1) When a motion that a Bill be taken into consideration has been carried and no amendment of the Bill is made, the Member-in-charge of the Bill may at once move that the Bill be passed.

(2) Where a Bill has undergone amendments, the motion that the Bill as amended be passed, shall not be moved on the same day on which the consideration of a Bill is concluded, unless the Speaker allows the motion to be made.

(3) To such a motion no amendment may be moved which is not either formal, verbal or consequential upon an amendment made after the Bill was taken into consideration.

158. Scope of debate.—The discussion on a motion that the Bill or the Bill as amended, as the case may be, be passed, shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character.

159. Correction of patent errors.—When a Bill is passed by the House, the Speaker shall have the power to correct patent errors and make such other changes in the Bill as are consequential upon the amendments accepted by the House.

(F) GENERAL

160. Power of Speaker to bring the year of the Bill in conformity with the year of assent.—In cases of Bills introduced in the preceding year but passed in subsequent year, or if passed in the same year but the assent is likely to be given in the subsequent year, the Speaker may change the year of the Bill bringing it in conformity to the year of its passing or likely assent by the President or the Governor, as the case may be.

161. Assent to Bill.—(1) When a Bill has been passed by the House and corrected, if necessary, under Rule 159, is shall be signed by the Speaker and if it is a Money Bill, certified in the manner prescribed under Article 199 of the Constitution. It shall thereupon be presented to the Governor for assent within a period of one month from the date of signing of the Bill by the Speaker.

Every Bill passed by the House and getting assented to by the President/Governor under Article 200 of the Constitution shall be laid by the Secretary on the Table of the House.

(3) One copy of the Bill so assented to shall be preserved for verification and record and shall not be allowed to be passed out of the custody of the House without permission of the Speaker.

(G) RECONSIDERATION OF BILLS RETURNED BY GOVERNOR

162. Message of Governor.—(1) When a Bill passed by the House is returned to the House by the Governor with a message requesting that the House should re-consider the Bill or any specified provisions thereof or any such amendments as are recommended in his message, the Speaker shall read the message of the Governor in the House, if in session, or if the House is not in session, direct that it may be published in the Bulletin for the information of the members.

(2) The Bill as passed by the House and returned by the Governor for reconsideration shall thereafter be laid on the Table of the House.

163. Notice of motion for consideration of amendments.—At any time after the Bill has been so laid on the Table, any Minister in the case of Government Bill, or, in any other case, any member may give notice of his intention to move that the amendments recommended by the Governor be taken into consideration.

164. Motion for consideration.—On the day on which the motion for consideration is set down in the list of business which shall, unless the Speaker otherwise directs, be not less than two days from the receipt of the notice, the member giving notice may move that the amendments be taken into consideration.

165. Scope of debate.—The debate on such a motion shall be confined to consideration of matters referred to in the message or to any suggestion relevant to the subject matter of amendments recommended.

166. Consideration of amendments.—If the motion that the amendments recommended in the message be taken into consideration is carried, the Speaker shall put the amendments to the House in such manner as he thinks most convenient for their consideration.

167. Procedure for consideration of amendments.—An amendment relevant to the subject matter of an amendment recommended in the message may be moved, but no further amendment shall be moved to the Bill unless it is consequential upon, incidental or alternative to an amendment recommended in the message.

168. Passing again of Bill.—When all the amendments have been disposed of, the member giving notice of the motion under rule 163 may move that the Bill as originally passed by the House, be passed again, or passed again as amended, as the case may be.

169. Disagreement of House with message.—If the motion that the amendments recommended by the Governor in the message be taken into consideration is not carried, the member giving notice of the motion under rule 163 may at once move that the Bill as originally passed by the House be passed again without amendment.

170. Authentication of Bill.—When a Bill is passed again by the House, it shall be signed by the Speaker and presented to the Governor in the following form :—

"The above Bill has been passed again by the Legislative Assembly in pursuance of the proviso to Article 200 of the Constitution".

(H) STATUTORY REGULATION, RULE ETC. LAID BEFORE THE HOUSE

171. Laying of regulation, rule etc. on the Table of the House.—
(1) Where a regulation, rule, sub-rule, bye-law etc., framed in pursuance of the legislative functions delegated by the Parliament or Legislature to a subordinate authority, is laid before the House, the period specified in the relevant Act for which it is required to be laid, shall be completed before the House is adjourned sine die and later prorogued, unless otherwise provided in the Constitution or in the relevant Act.

(2) Where the specified period is not so completed, the regulation, rule, sub-rule, bye-law etc. shall be re-laid in the succeeding session or sessions until the said period is completed in one session.

172. Allotment of time for discussion of an amendment.—The Speaker shall, in consultation with the Leader of the House, fix a day or days or part of a day, as he may think fit, for the consideration and passing

of an amendment to such regulation, rule, sub-rule, bye-law etc. of which notice has been given by a member:

Provided that notice of the amendment shall be in such form as the Speaker may consider appropriate and shall comply with these rules.

173. Laying of regulation, rule etc. as amended on the Table.—If a regulation, rule, sub-rule, bye-law etc. is modified in accordance with the amendment passed by the House, the amended regulation, rule, sub-rule, bye-law etc. shall be laid on the Table.

(I) WITHDRAWAL OF BILLS AND DROPPED BILLS

174. Adjournment of debate on a Bill.—At any stage of a Bill which is under discussion in the House, a motion that the debate on the Bill be adjourned, may be moved with the consent of the Speaker.

175. Withdrawal of Bill.—The Member-in-charge of a Bill may, at any stage of the Bill, move for leave to withdraw the Bill on the ground that :—

- (a) the legislative proposal contained in the Bill is to be dropped; or
- (b) the Bill is to be replaced subsequently by a new Bill which substantially alters the provisions contained therein; or
- (c) the Bill is to be replaced subsequently by another Bill which includes all or any of its provisions in addition to other provisions; and
- (d) if such leave is granted, no further motion shall be made with reference to that Bill, which shall automatically stand withdrawn :

Provided that where a Bill is under consideration by a Select Committee, notice of any motion for the withdrawal of the Bill shall automatically stand referred to the Committee and after the Committee has expressed its opinion in a report to the House, the motion shall be set down in the list of business.

176. Procedure when withdrawal of Bill opposed.—If a motion for leave to withdraw a Bill is opposed, the Speaker may, if he thinks fit, permit the member who moves and the member who opposes the motion, make

brief explanatory statements and may thereafter, without further debate, put the question.

177. Removal of Bill from Register of Bills.—(1) Where any of the following motions made by a Member-in-charge of a Bill is rejected by the House, no further motion shall be made with reference to that Bill and such Bill shall be removed from the Register of Bills pending in the House for the session :—

- (i) that leave be granted to introduce the Bill;
- (ii) that the Bill be referred to a Select Committee;
- (iii) that the Bill be taken into consideration;
- (iv) that the Bill as reported by Select Committee be taken into consideration; and
- (v) that the Bill (or, that the Bill as amended, as the case may be) be passed.

(2) A Bill pending before the House shall also be removed from the Register of Bills pending in the House in case a Bill substantially identical is passed by the House or the Bill is withdrawn under rule 175.

Explanation:—A Bill pending before the House shall include :—

- (i) a Bill introduced in the House which does not fall within the categories of Bills mentioned in this rule or rule 178; and
- (ii) a Bill returned by the Governor or the President with a message under Article 200 or 201 of the Constitution, as the case may be.

178. Special provision for removal of private members' Bill from Register of Bills.—A private members' Bill pending before the House, shall also be removed from the Register of Bills pending in the House in case:—

- (a) the Member-in-charge of the Bill ceases to be a member of the House; and
- (b) the Member-in-charge of the Bill is appointed a Minister.

179. Dropped Bills.—Any Bill in respect of which no motion has been made in the House for two years, shall be deemed to have been dropped and removed from the Register of Bills, by the orders of the Speaker.

**(J) PROCEDURE FOR RATIFICATION OF AMENDMENT TO
THE CONSTITUTION**

180. Ratification of amendment to the Constitution.—(1) On receipt of a communication or message for ratification of the amendment to the Constitution, the same along with a copy of the Bill and the debates thereon shall be laid on the Table by the Secretary.

(2) The Speaker shall, in consultation with the Leader of the House, fix a date for discussion thereon.

(3) Rules and orders relating to discussion of a resolution shall apply mutatis mutandis to the discussion of the said resolution.

(4) A copy of the resolution, if passed by the House, shall be sent in writing or online by the Secretary to the Government and to Parliament. In case the resolution is not passed, an intimation to that effect shall also be sent in writing or online.

CHAPTER-XVI

PETITIONS

181. Scope of petitions.—Petitions may be presented or submitted in writing or online with the consent of the Speaker on :—

- (i) a Bill which has been published under rule 131 or which has been introduced in the House;
- (ii) any matter connected with the business pending before the House;
- (iii) any matter of general public interest provided that it is not one :—
 - (a) which falls within the cognizance of a court of law having jurisdiction in any part of India or a court of enquiry or a statutory body or tribunal or authority or a quasi-judicial body or a commission;
 - (b) which should ordinarily be raised in the Parliament or any other State Legislature;
 - (c) which can be raised on a substantive motion or resolution; or
 - (d) for which remedy is available under the law; including rules, regulations, bye-laws made by the Union or State Governments or any authority to whom power to make such rules, regulations, etc. is delegated.

182. Petitions dealing with financial matters.—A petition, dealing with any of the matters specified in sub-clauses (a) to (f) of clause (1) of Article 199 of the Constitution or involving expenditure from the Consolidated fund of the State, shall not be presented to the House unless recommended by the Governor.

183. General form of petition.—(1) The general form of petition, with such variations as the circumstances in each case require, may be used, and, if used, shall be sufficient.

(2) Every petition shall be couched in respectful, decorous and temperate language.

(3) Every petition shall be addressed either in Hindi or English language. If any petition is submitted in other than these languages, it shall be accompanied by a translation either in Hindi or in English language, and must be signed by the petitioner.

184. Authentication of petition.—(1) The full name and address of every signatory to a petition shall be set out therein and shall be authenticated by his signature and if illiterate by his thumb impression.

(2) Where there are more than one signatory to a petition, at least one person shall sign, or, if illiterate, affix his thumb impression on the sheet on which the petition is inscribed. If signatures or thumb impressions are affixed to more than one sheet, the prayer of the petition shall be repeated at the head of each sheet.

185. Documents not to be attached to a petition.—Letters, affidavits or other documents shall not be attached to any petition.

186. Countersignature.—(1) Every petition shall, if presented by a member be countersigned by him. If a petition is made in other than Hindi or English languages its translation in Hindi or English languages shall also be countersigned by the member presenting it.

(2) A member shall not present a petition from himself.

187. Petition to be addressed to House.—Every petition shall be addressed to the House and shall conclude with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates.

188. Notice of presentation.—A member shall give at least two days advance intimation to the Secretary of his intention to present a petition.

189. Presentation of petition.—(1) A petition may be presented by a member or to be forwarded to the Secretary, who shall report it to the House. The report shall be made in the prescribed form. No debate shall be permitted on the presentation, or the making of such report.

(2) A member presenting a petition shall confine himself to a statement in the following form :—

Sir, I beg to present a petition signed by.....petitioner (s) regarding.....and no debate shall be permitted on this statement.

190. Reference to concerned Committee.—Every petition shall, after presentation by a member or report by the Secretary, as the case may be, stand referred to the concerned Departmental Standing Committee.

CHAPTER-XVII

PROCEDURE REGARDING FINANCIAL MATTERS

(A) BUDGET

191. Budget and its presentation.—(1) The annual financial statement of the estimated receipt or expenditure of the State in respect of each financial year (hereinafter referred to as the Budget) shall be presented to the House in writing and online on such day as the Governor may determine.

(2) The Budget shall be presented to the House in such form as the Finance Minister may, after considering the suggestions, if any, of the Estimates Committee, settle.

(3) Nothing hereinbefore contained shall be deemed to prevent the presentation of the Budget to the House in two or more parts shall be dealt with in accordance with these rules as if it were the Budget.

192. Discussion on Budget.—(1) No discussion on the Budget shall take place on the day on which it is presented to the House.

(B) DEMANDS FOR GRANTS

193. Demands for grants.—(1) No demand for grant shall be made except on the recommendation of the Governor.

(2) A separate demand shall ordinarily be made in respect of the grant proposed for each department of the government:

Provided that the Finance Minister may include in one demand for grants proposed for two or more departments, or make one demand in respect of expenditure which cannot readily be classified under particular demand.

(3) Each demand shall contain first a statement of the total grant proposed and then a statement of the detailed estimate under each grant divided into items.

194. Stages of Budget debate.—The Budget shall be dealt with by the House in two stages, namely :—

(i) a general discussion; and

(ii) the voting of demands for grants.

195. General discussion.—(1) On days to be appointed by the Speaker which shall not be earlier than two days subsequent to the day on which the Budget is presented and for such time thereafter, as the Speaker may allot for this purpose, the House shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved at this stage, nor shall the Budget be submitted to the vote of the House.

(2) The Finance Minister shall have a general right of reply at the end of discussion.

(3) The Speaker may, if he thinks fit, prescribe a time limit for speeches.

196. Voting on demands.—(1) The Voting on demands for grants shall take place on such days (not exceeding 15 days) as the Speaker may, after consultation with the Leader of the House, allot for the purpose.

(2) The demands for grants shall be presented in such order and discussion shall continue for such time with the period under sub-rule (1) as the Speaker, in consultation with the Leader of the House and Leader of Opposition, may determine.

(3) On the days allotted under sub-rule (1) no other business except the questions shall be taken up without the consent of the Speaker.

(4) Motion may be moved at this stage to reduce any demand for grant but not to increase or alter the destination of a demand for grant.

(5) No amendments to motions to reduce any demand for grant shall be permissible.

(6) When several motions relating to the same demand for grant are made, they shall be discussed in the order in which the heads to which they relate appear in the Budget.

(7) On the last day of the days allocated under sub-rule (1), half an hour or so before the close of the usual sitting of the day, or at such other hour as he may fix, the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants; and procedure shall not be anticipated by any motion for

adjournment or be interrupted in any manner whatsoever, nor shall any dilatory motion be moved in regard thereto.

197. Cut motions.—A motion may be moved to reduce the amount of a demand in any of the following ways :—

- (a) "that the amount of the demand be reduced to Re.1/-" as representing disapproval of the policy underlying the demand. Such a motion shall be known as "Disapproval of Policy Cut". A member giving notice of such a motion shall indicate in precise terms the particulars of the policy which he proposes to discuss. The discussion shall be confined to the specific point or points mentioned in the notice and it shall be open to members to advocate an alternative policy;
- (b) "that the amount of the demand be reduced by a specified amount" representing the economy that can be effected. Such specified amount may be either a lump sum reduction in the demand or omission or reduction of an item in the demand. Such a motion shall be known as "Economy Cut". The notice shall indicate briefly and precisely the particular matter on which discussion is sought to be raised and speeches shall be confined to the discussion as to how economy can be effected; and
- (c) "that the amount of the demand be reduced by Rs.100/-" in order to ventilate a specific grievance, which is within the sphere of the responsibility of the State Government. Such a motion shall be known as "Token Cut" and the discussion thereon shall be confined to the particular grievance specified in the motion.

198. Conditions of admissibility of cut motions.—In order that a notice of motion for reduction of the amount of demand may be admissible, it shall satisfy the following conditions, namely:—

- (i) it shall relate to one demand only;
- (ii) it shall be clearly expressed and shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;

- (iii) it shall be confined to one specific matter which shall be stated in precise terms;
- (iv) it shall not reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion;
- (v) it shall not make suggestions for the amendments or repeal of existing laws;
- (vi) it shall not refer to a matter which is not primarily the concern of the State Government;
- (vii) it shall not relate to expenditure charged on the Consolidated Fund of the State of Himachal Pradesh;
- (viii) it shall not relate to a matter which is under adjudication by a court of law having jurisdiction in any part of India;
- (ix) it shall not raise a question of privilege;
- (x) it shall not revive discussion on a matter which has been discussed in the same session and on which a decision has been taken;
- (xi) it shall not anticipate a matter which has been previously appointed for consideration in the same session;
- (xii) it shall not ordinarily seek to raise a discussion on a matter 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:

Provided that the Speaker may in his discretion allow such matter being raised in the House as is concerned with the procedure or stage of enquiry, if the Speaker is satisfied that it is not likely to prejudice the consideration of such matter by the statutory tribunal, statutory authority, Commission or Court of Enquiry; and

- (xiii) it shall not relate to a trivial matter.

199. Speaker to decide admissibility of cut motions.—The Speaker shall decide whether a cut motion is or is not admissible under these rules

and may disallow any cut motion when in his option it is an abuse of the right of moving cut motions or is calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of these rules.

200. Notice of cut motion.—Unless the Speaker otherwise directs, notice of a motion to reduce any demand for grant shall be given in writing or online not less than two days before the day appointed for the discussion of such demand for grant.

201. Vote on account.—(1) A motion for vote on account shall state the total sum required and the various amounts needed for each department or service, or item of expenditure which compose that sum shall be stated in a schedule appended to the motion.

(2) Amendments may be moved for the reduction of the whole grant or for the reduction or omission of the items whereof the grant is composed.

(3) Discussion of a general nature may be allowed on the motion or any amendments moved thereto, but the details of the grant shall not be discussed further than is necessary to develop the general points.

(4) In other respects a motion for vote on account shall be dealt within the same way as if it were a demand for grant.

202. Supplementary, additional, excess and exceptional grants and votes of credit.—Supplementary, additional, excess and exceptional grants and votes of credit shall be regulated by the same procedure as is applicable in the case of demands for grants subject to such adaptations, whether by way of modifications addition or omission, as the Speaker may deem to be necessary or expedient.

203. Scope of discussion on supplementary grants.—The debate on the supplementary grants shall be confined to the items constituting the same and no discussion may be raised on the original grants nor policy underlying them save in so far as it may be necessary to explain or illustrate the particular items under discussion.

204. Token grant.—When funds to meet proposed expenditure on a new service can be made available by re-appropriation, a demand for the grant of a token sum may be submitted to the vote of the House, and if the House assents to the demand, funds may be so made available.

(C) APPROPRIATION BILL

205. Procedure regarding Appropriation Bill.—(1) Subject to the provisions of the Constitution, the procedure in regard to an Appropriation Bill shall be the same as for Bills generally with such modifications as the Speaker may consider necessary:

Provided that no amendment shall be proposed to an Appropriation Bill which will have the effect of varying the amount or altering the destination of any grant made under Article 203 of the Constitution or of varying the amount of any expenditure charged on the Consolidated Fund of the State.

(2) The debate on an Appropriation Bill shall be restricted to matters of public importance or administrative policy implied in the grants covered by the Bill which have not already been raised while the relevant demands for grants were under consideration.

(3) The Speaker may, in order to avoid repetition of debate, require members desiring to take part in discussion on Appropriation Bill to give advance intimation of the specific points they intend to raise, and he may withhold permission for raising such of the points as in his opinion appear to be repetition of the matters discussed on a demand for grant or as may not be of sufficient public importance.

(4) If an Appropriation Bill is in pursuance of a supplementary grant in respect of an existing service, the discussion shall be confined to the items constituting the same, and no discussion shall be raised on the original grant nor the policy underlying it save in so far as it may be necessary to explain or illustrate a particular item under discussion.

(5) The Speaker may suspend the operation of any rule for the timely passing of an Appropriation Bill.

206. Time limit for disposal of financial business.—In addition to the powers exercisable under these rules, the Speaker may exercise all such powers as are necessary for the purpose of the timely completion of all financial business, particularly allotment of time for the disposal of various kinds of such business and where time is so allotted, he shall, at the appointed hour, put every question necessary to dispose of all the outstanding matters in connection with the stage or stages for which time has been allotted.

Explanation:—"Financial Business" includes any business which the Speaker holds as coming within this category under the Constitution.

207. Publication of Appropriation and Finance Accounts and Audit Reports.—As soon as may be practicable after the Appropriation and Finance Accounts and Audit reports thereon have been laid on the Table of the House, the Secretary shall issue a notification in writing or online declaring them to be published for general information.

208. Report of the Public Service Commission.—As soon as may be practicable, the report of the State Public Service Commission along with the memorandum of action taken thereon by the Government shall be laid in writing or online on the Table of the House. A motion for discussion on the report as well as the action taken thereon shall be brought by the Government in the House.

CHAPTER-XVIII

PROCEDURE FOR COMMITTEES

(A) GENERAL

209. Appointment of Committees of the House.—(1) At the commencement of the first session after each general election and thereafter before the commencement of each financial year or from time to time when the occasion otherwise arises, different Committees of the House for specific, or general purposes shall be nominated by the Speaker :

Provided that no member shall be appointed to a Committee if he is not willing to serve on the Committee :

Provided further that unless otherwise provided no Minister shall be appointed a member of a Committee and if member of a Committee is appointed a Minister, he shall cease to be member of the Committee from the date of such appointment.

(2) Casual vacancies in the Committees shall be filled by nomination and any member nominated to fill such vacancies shall hold office for the un-expired portion of the term of the Committee :

Provided that the proceedings of the Committee shall not be held upon the ground that casual vacancies have not been filled.

210. Objection to membership of Committee.—Where an objection is taken to the inclusion of a member in a Committee on the ground that the member has a personal, pecuniary or direct interest of such an intimate character that it may prejudicially affect the consideration of any matters to be considered by the Committee, the procedure shall be as follows :—

- (a) the member who has taken objection shall precisely state the ground of his objection and the nature of the alleged interest, whether personal, pecuniary or direct, of the proposed member, in the matters coming up before the Committee;
- (b) after the objection has been stated, the Speaker shall give an opportunity to the member against whom the objection has been taken to state the position;
- (c) if there is dispute on facts, the Speaker may call upon the member taking objection and the member against whose appointment on the Committee objection has been taken to

produce documentary or other evidence in support of their respective cases;

- (d) after the Speaker has considered the evidence so tendered before him, he shall give his decision which shall be final;
- (c) until the Speaker has given his decision the member against whose appointment on the Committee objection has been taken shall continue to be a member thereof if nominated and take part in discussion, but shall not be entitled to vote; and
- (f) if the Speaker holds that the member against whose appointment objection has been taken has a personal, pecuniary or direct interest in the matters before the Committee, he shall cease to be a member thereof forthwith :

Provided that the proceedings of the sittings of the Committee at which such member was present shall not in any way be affected by the decision of the Speaker.

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

211. Chairman of Committee.—(1) The Chairman of all these Committees shall be appointed by the Speaker from amongst members of the Committee :

Provided that if the Deputy Speaker is a member of any Committee of which the Speaker himself is not the Chairman, the Deputy Speaker shall be the Ex-officio Chairman of such Committee.

(2) If the Chairman is for any reason unable to act, the Speaker may appoint another Chairman in his place.

(3) If the Chairman of the Committee is absent from any sitting, the Committee shall choose its another member to act as Chairman for that sitting.

212. Quorum.—(1) Save as otherwise provided in these rules, the quorum to constitute a sitting of the Committee shall be one third of the total Member of the Committee.

(2) If at any time fixed for any sitting of the Committee, or if at any time during any such sitting, there is no quorum, the Chairman of the Committee shall either suspend the sitting until there is quorum or adjourn the sitting to some future date.

(3) When the Committee has been adjourned in pursuance of sub-rule (2) on two successive dates fixed for sittings of the Committee, the Chairman shall report the fact to the Speaker. On receipt of such information, the Speaker shall determine the further course of action.

213. Discharge of members absent from sittings of Committee.—If a member remains absent consecutively in eight sittings of a Committee, Speaker may nominate another member in his place.

214. Resignation of a Member.—A member may resign his seat from the Committee by writing under his hand addressed to the Speaker.

215. Term of Committee.—The term of office of members of each of these Committees shall be one year :

Provided that members shall hold office until a new Committee is constituted by the Speaker.

216. Voting in the Committee.—All questions at any sitting of the Committee, shall be determined by a majority of votes of the members present and voting. In case of equality of votes on any matter, the Chairman shall have a second or casting vote.

217. Power to appoint Sub-committees.—(1) Any of these Committees under these rules may appoint one or more Sub-committees, each having the powers of the undivided Committee to examine any matter that may be referred to them, and the reports of such Sub-committees shall be deemed to be the reports of the whole Committee, if they are approved at a sitting of the whole Committee.

(2) The order of reference to a Sub-committee shall clearly state the point or points for investigation. The report of the Sub-committee shall be considered by the whole Committee.

218. Sittings of Committee.—The sittings of a Committee shall be held on such days and at such hour as the Speaker may fix :

Provided that in exceptional circumstances the Chairman of the Committee may also fix the date and time of a sitting.

219. Committee may sit whilst House is sitting.—A Committee may sit whilst the House is sitting :

Provided that on a division being called in the House, the Chairman of the Committee shall suspend the proceedings in the Committee for such time as will, in his opinion, enable the members to vote in a division.

220. Sittings in private.—The sittings of a Committee shall be held in private.

221. Venue of sittings.—The sittings of the Committee shall be held in the precincts of the House and if it becomes necessary to change the venue to a place outside the precincts of the House, the matter shall be referred to the Speaker whose decision shall be final.

222. Strangers to withdraw when Committee deliberates.—All persons other than members of the Committee and officers of the Legislative Assembly Secretariat shall withdraw whenever the Committee is deliberating.

223. Power to take evidence or call for papers, records or documents.—(1) A witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of the Committee.

(2) It shall be in the discretion of the Committee to treat any evidence given before it as secret or confidential.

(3) No document submitted to the Committee shall be withdrawn or altered without the knowledge and approval of the Committee.

(4) The Committee shall have power to take evidence on oath and to require the attendance of persons or the production of papers or record if considered necessary for the discharge of its duties:

Provided that the Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

(5) All evidence given before the Committee shall be treated as secret and confidential till the presentation of the report of the Committee to the House :

Provided that it shall be in the discretion of the Committee to treat any evidence as secret and confidential and in that case it shall not form part of the report.

(6) Each paper, letter or document submitted to the Committee for consideration in writing or online shall invariably be duly signed/ authenticated by the Secretary of the concerned department.

224. Counsel for a witness.—A Committee may, under the direction of the Speaker, permit a witness to be heard by a counsel appointed by him and approved by the Committee.

225. Evidence on oath.—(1) A Committee may administer oath or affirmation to a witness examined before it.

(2) The form of the oath or affirmation shall be as follows :

"I, A. B. Swear in the name of God that the evidence
solemnly affirm

which I shall give in this case shall be true, that I will conceal nothing; and no part of my evidence shall be false".

226. Procedure for examining witnesses.—The examination of witnesses before the Committee shall be conducted as follows:—

(1) The Committee shall, before a witness is called for examination, decide the mode of procedure and the nature of questions that may be put to the witness.

(2) The Chairman of the Committee may first put to the witness such question or questions as he may consider necessary with reference to the subject matter under consideration or any subject connected therewith according to the mode of procedure mentioned in sub-rule (1) of this rule.

(3) The Chairman may call other members of the Committee one by one to put any other questions.

(4) A witness may be asked to place before the Committee any other relevant points that have not been covered and which a witness thinks are essential to be placed before the Committee.

(5) A verbatim record of proceedings of the Committee shall, when a witness is summoned to give evidence, be kept.

(6) The evidence given before the Committee may be made available in writing or online to all members of the Committee.

227. Record of decisions.—A record of the decisions of the Committee shall be maintained and circulated in writing or online to members of the Committee under the direction of the Chairman.

228. Evidence, report and proceedings treated as confidential.—(1) A Committee may direct that the whole or a part of the evidence or a summary thereof may be laid in writing or online on the Table.

(2) No part of the evidence, oral or written, report or proceedings of the Committee which has not been laid in writing or online on the Table shall be open to inspection by any one except under the authority of the Speaker.

(3) The evidence given before a Committee shall not be published by any member of the Committee or by any other person until it has been laid in writing or online on the Table :

Provided that the Speaker may, in his discretion , direct that such evidence be confidentially made available to members before it is formally laid on the Table.

229. Special report.—A Committee may, if it thinks fit, make a special report on any matter that arises or comes to light in the course of its work which it may consider necessary to bring to the notice of the Speaker or the House, notwithstanding, that such matter is not directly connected with, or does not fall within or is not incidental to, its terms of reference.

230. Signing of report of the Committee.—The report of the Committee shall be signed by the Chairman on behalf of the Committee:

Provided that in case the Chairman is absent or is not readily available, the Committee shall choose another member to sign the report on behalf of the Committee.

231. Availability of report to Government before presentation.—The Committee may, if it thinks fit, make available in writing or online to the Government a copy of its report or any completed part thereof, before presentation to the House. Such reports shall be treated as confidential until presented to the House.

232. Presentation of report.—(1) The report of the Committee shall be presented and laid on the Table of the House by the Chairman or in his absence by any member of the Committee.

(2) In presenting the report, the Chairman or in his absence, the member presenting the report shall, if he makes any remarks confine himself to a brief statement of facts or draw the attention of the House to the recommendations made by the Committee but there shall be no debate on that statement.

(3) The Minister concerned or any Minister may, give a short reply on that very day or on some future date to which the matter has been postponed explaining the Government's point of view and the action which the Government proposes to take.

(4) Soon after presentation of a report to the House, the Legislative Assembly Secretariat shall forward a copy thereof in writing or online to the Minister-in-charge and to the Secretary of the department and the concerned department shall furnish detailed reply in writing or online to the Legislative Assembly Secretariat within three months duly approved by the Minister concerned and authenticated by the secretary of the department.

233. Publication or circulation of report before its presentation to House.—The Speaker may, on request being made to him and when the House is not in session, order publication or circulation of report of a Committee, although it has not been presented to the House. In that case the report shall be presented to the House during its next session at the first convenient opportunity.

234. Power to make suggestions on procedure.—A Committee shall have power to pass resolutions on matters of procedure relating to that Committee for the consideration of the Speaker, who may make such variations in procedure as he may consider necessary.

235. Power to make detailed rules.—A Committee may, with the approval of the Speaker, make detailed rules of procedure to supplement the provisions contained in this chapter.

236. Power of Speaker to give direction on a point of procedure or otherwise.—(1) The Speaker may, from time to time, issue such directions to the Chairman of a Committee, as he may consider necessary for regulating its procedure and the organisation of its work.

(2) If any doubt arises on any point of procedure or otherwise, the Chairman may, if he thinks fit, refer the point to the Speaker whose decision shall be final.

237. Unfinished work of Committee.—A Committee which is unable to complete its work before the expiration of its term, the Legislative Assembly Secretariat shall prepare a memorandum relating to unfinished works of previous Committee and place it for consideration of the newly constituted Committee. The new Committee may decide either to pursue it or not.

238. Secretary to be ex-officio secretary of Committees.—The Secretary shall be the ex-officio Secretary of all the Committees constituted under these rules.

239. Applicability of general rules to Committees.—Except as otherwise specially provided for any particular Committee, the general rules in this chapter shall apply to all Committees; and if, and so far as any provision in the special rules relating to a Committee is inconsistent with the general rules, the former rules shall prevail.

(B) BUSINESS ADVISORY COMMITTEE

240. Constitution of the Committee.—There shall be a Committee called the Business Advisory Committee nominated by the Speaker which shall consist of not more than seven members including the Speaker, Deputy Speaker and Parliamentary Affairs Minister. The Speaker shall be the ex-officio Chairman of the Committee.

241. Functions of the Committee.—(1) It shall be the function of the Committee to recommend the time that should be allocated for the discussion of Government and private bills, motions, resolutions and other business referred to it by the Speaker.

(2) The Committee shall have such other functions as may be assigned to it by the Speaker or the House from time to time.

242. Report of the Committee.—The recommendations of the Committee shall be presented to the House in the form of a report.

243. Motion in House after presentation of Report.—At any time after the report has been presented to the House a motion may be moved that the House agrees or agrees with amendments or disagrees with the report :

Provided that an amendment may be moved that the report be referred back to the Committee either without limitation or with reference to any particular matter :

Provided further that not more than half-an-hour shall be allotted for the discussion of the motion and no member shall speak for more than five minutes on such motion.

244. Notification of allocation of Time Order.—The allocation of time in respect of Bills and other business as approved by the House shall take effect as if it were an order of the House and shall be notified in Bulletin Part-II.

245. Disposal of outstanding matters at appointed hour.—At the appointed hour, in accordance with the Allocation of Time Order for the completion of a particular stage of a Bill or other business, the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with that stage of Bill or other business.

246. Variation in the Allocation of Time Order.—No variation in the allocation of Time Order shall be made except on a motion made, with the consent of the Speaker, and accepted by the House :

Provided that the Speaker may, after taking the sense of the House increase the time, not exceeding one hour, without any motion being moved.

(C) COMMITTEE ON PUBLIC ACCOUNTS

247. Constitution of the Committee.—There shall be a Committee on Public Accounts which shall consist of not more than eleven members nominated by the Speaker.

248. Functions of the Committee.—(1) The Committee shall examine the reports of the Comptroller and Auditor General of India relating to the Appropriation Accounts of the State, the annual financial accounts of the State or such other accounts or financial matters as are laid before the House or assigned to the Committee by the House or the Speaker or which the Committee with the prior approval of the Speaker deems necessary to scrutinize.

(2) In scrutinizing the Appropriation Accounts of the State and the report of the Comptroller and Auditor General of India, it shall be the duty of the Committee to satisfy itself :—

- (a) that the moneys shown in the accounts of the State as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged;
- (b) that the expenditure conforms to the authority which governs it; and
- (c) that every re-appropriation has been made in accordance with the provisions made in this behalf under rules framed by the competent authority.

(3) If any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose, the Committee shall examine with reference to the facts of each case the circumstances leading to such an excess and make such recommendations as it may deem fit.

- (4) It shall also be the duty of the Public Accounts Committee:—
 - (a) to examine the statement of accounts showing the income and expenditure of State Corporations, trading or manufacturing schemes or concerns and projects together with the balance sheets and statements of profit and loss accounts which the Governor may have required to be prepared or are prepared under the provisions of the statutory rules regulating the finances of a particular corporation, trading or manufacturing scheme or concern or project and the report of the Comptroller and Auditor-General of India thereon;
 - (b) to examine the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies, the Audit of which may be conducted by the Comptroller and Auditor General of India either under the directions of the Governor or by a statute; and
 - (c) to consider the report of the Comptroller and Auditor-General of India in cases where the Governor may have required him to conduct an audit of any receipts or to examine the accounts of stores and stock :

Provided that the Committee shall not exercise its functions in relation to such public undertakings as are allotted to the Committee on Public Undertakings by these rules or by the Speaker.

(D) COMMITTEE ON ESTIMATES

248-(A) Constitution of the Committee.—There shall be a Committee on Estimates which shall consist of not more than eleven members nominated by the Speaker.

248-(B) Functions of the Committee.—The Committee shall examine such of the estimates as may seem fit to the Committee or are specifically referred to it by the House or the Speaker. The functions of the Committee shall be:—

- (a) to suggest what economics, improvements in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates, may be effected;
- (b) to suggest alternative policies in order to bring about efficiency and economy in administration;
- (c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and
- (d) to suggest the form in which the estimates shall be presented to the House.

The Committee may continue the examination of the estimates from time to time throughout the financial year and report to the House as its examination proceeds. It shall not be incumbent on the Committee to examine the entire estimates of any one year. The demands for grants may be finally voted notwithstanding the fact that the Committee has made no report.

Provided that the Committee shall not exercise its functions in relation to such public undertakings as are allotted to the Committee on Public Undertakings or Departmentally Related Standing Committees by these rules or by the Speaker.

(E) COMMITTEE ON PUBLIC UNDERTAKINGS

249. Constitution of the Committee.—There shall be a Committee on Public Undertakings which shall consist of not more than eleven members nominated by the Speaker.

250. Functions of the Committee.—The Committee shall examine the working of the public undertakings. The functions of the Committee shall be :—

- (a) to examine the reports and accounts of the public undertakings, the Committee shall examine the working of the various public undertakings, functioning in the State;
- (b) to examine the reports, if any, of the Comptroller and Auditor-General of India on public undertakings;
- (c) to examine, in the context of the autonomy and efficiency of the public undertakings, whether the affairs of the public undertakings are being managed in accordance with sound business principles and prudent commercial practices; and
- (d) to exercise such other functions vested in the Committee on Public Accounts in relation to the Public Undertakings specified in the Directions by the Speaker as are not covered by clauses (a), (b) and (c) above and as may be allotted to the Committee by the Speaker from time to time:

Provided that the Committee shall not examine and investigate any of the following, namely:—

- (i) matters of major Government policy as distinct from business or commercial functions of the Public Undertakings;
- (ii) matters of day-to-day administration; and
- (iii) matters for the consideration of which machinery is established by any special statute under which a Public Undertakings is established.

(F) COMMITTEE ON PRIVILEGES

251. Constitution of the Committee.—There shall be a Committee on Privileges which shall consist of not more than seven members nominated by the Speaker every year.

252. Examination of the question by the Committee and report of the Committee.—(1) The Committee shall examine every question referred to it and determine with reference to the facts of each case whether a breach of privilege is involved, and if so, the nature of the breach, the

circumstances leading to it and make such recommendations as it may deem fit.

(2) The report may also state the procedure to be followed by the House in giving effect to the recommendations made by the Committee.

(3) Execution of any other works assigned to it by the House/Speaker.

253. Consideration of report by House.—(1) After the report has been presented, the Chairman or any member of the Committee or any other member may move that the report be taken into consideration, where upon the Speaker may put the question to the House.

(2) Before putting the question to the House, the Speaker may permit a debate on the motion, not exceeding half-an-hour in duration, and such debate shall not refer to the details of report further than is necessary to make out a case for the consideration of the report by the House.

(3) After the motion made under sub-rule (1) is agreed to, the Chairman or any member of the Committee or any other member, as the case may be, may, move that the House agrees or disagrees or agrees with amendments, with the recommendations contained in the report.

(G) LIBRARY AND MEMBERS' AMENITIES COMMITTEE

254. Constitution of the Committee.—The Speaker shall every year nominate nine members to the Library and Members Amenities Committee. The Speaker shall be ex-officio Chairman of the Committee and Parliamentary Affairs Minister shall be a member of it.

255. Functions of the Committee.—(1) To give suggestions from time to time regarding proper functioning of Dr. Yashwant Singh Parmar-Library, to assist members in providing full services of library, to consider members' suggestions and to accord approval of the books purchased by the Book Purchase Committee.

(2) To suggest to the Government regarding facilities and amenities to be provided to hon'ble members and ex-members from time to time, to deal with all questions relating to Shimla based residential accommodation meant for the members, to deal with subjects like maintenance and improvement in facilities in M. L. As' hostels and Legislative Assembly premises, to exercise supervision over facilities for

medical and food etc. in the M. L. As' hostels and Legislative Assembly premises, and to suggest to the government regarding the allowances of the members, and to carry out any other functions assigned by the House or the Speaker.

256. Sittings of the Committee.—The sitting of the Committee shall be convened by the Chairman as and when required. The Committee may sit even if the House is in session; and it may, with the prior approval of the Speaker, call the experts and other persons to its sittings to hear their views on the subject.

257. Other provisions.—In other respects, the general rules applicable to the House Committee enumerated in Chapter-XVIII of the Rules of Procedure and Conduct of Business of Himachal Pradesh Legislative Assembly shall apply as it is or with such amendments as the Speaker may consider necessary or accurate in accordance with the rules.

(H) RULES COMMITTEE

258. Constitution of the Committee.—There shall be a Committee on Rules to consider the Rules of Procedure and Conduct of Business in the House, which shall consist of not more than seven members including Speaker, Deputy Speaker and Parliamentary Affairs Minister.

259. Functions of the Committee.—The functions of the Committee shall be to consider matters of procedure and conduct of business in the House and to recommend any amendments or additions to these rules as may be deemed necessary.

260. Chairman of the Committee.—The Speaker shall be the ex-officio Chairman of the Committee. If the Speaker for any reason is unable to preside over any sitting of the Committee, the Deputy Speaker shall be the Chairman for that sitting. If both are unable to preside for any reason, the Speaker shall nominate a Chairman for that sitting from amongst the members of the Committee.

261. Procedure for amendments to rules—(1) The recommendations of the Committee shall be laid on the Table of the House and within a period of seven days, beginning with the day on which they are so laid, any member may give notice of any amendment in writing or online to such recommendations.

(2) Upon receipt of such notice, the amendments shall stand referred to the Committee who shall consider it and make such changes in

their recommendations as considered necessary. The final report shall again be laid on the Table of the House. Thereafter on a motion made by a member of the Committee, the House may adopt the report and the amendments as approved by the House shall be incorporated in the rules.

(3) If no notice of amendment to the recommendations of the Rules Committee is given as stated under sub-rule (2) the recommendations shall be deemed to have been approved by the House and the recommendations shall be incorporated in the rules after the expiry of seven days.

(4) The amended rules shall come into force as soon as adopted by the House, according to the foregoing provisions.

(I) SELECT COMMITTEE

262. Constitution of Select Committee.—(1) The members of a Select Committee on a Bill shall be appointed by the Speaker after a motion that the Bill be referred to a Select Committee is made.

(2) The Select Committee shall consist of following members :—

- (i) Minister-in-Charge of the Bill;
- (ii) Member-in-Charge of the Bill, if the Bill is not a Government Bill; and
- (iii) Such number of members of the House as be nominated by the Speaker in consultation with the Leader of the House and the Opposition.

(3) The Chairman of the Committee shall be the Minister-in-Charge of the Bill.

263. Procedure in Select Committee.—The procedure in a Select Committee shall, as far as practicable, be the same as is followed in the House during the consideration stage of a Bill, with such adaptations, whether by way of modification, addition or omission, as the Speaker may consider necessary or convenient for the smooth working of the Committee.

264. Notice of amendments by members other than members of Select Committee.—When a Bill has been referred to a Select Committee, any notice given by a member of any amendment in writing or online to a clause in the Bill shall stand referred to the Committee :

Provided that where notice of amendment is received from a member, who is not a member of the Select Committee, such amendment shall not be taken up by the Committee unless moved by a member of the Committee.

265. Power of Committee to take evidence.—A Select Committee may hear expert evidence and representative of special interests affected by the measure before them.

266. Presence of other members at sittings.—Members who are not members of the Select Committee may be present during the deliberations of the Committee but shall not address the Committee nor sit in the body of the Committee :

Provided that a Minister may with the permission of the Chairman address the Committee of which he may not be a member.

267. Report by Select Committee.—(1) As soon as may be, after a Bill has been referred to a Select Committee, it shall meet from time to time in order to consider the Bill and shall make a report thereon within the time fixed by the House:

Provided that where the House has not fixed any time for the presentation of the report, the report shall be presented before the expiry of three months from the date on which the House adopted the motion for the reference of the Bill to the Select Committee:

Provided further that the House may, at any time on a motion being made, direct that the time for the presentation of the report by the Select Committee be extended to a date specified in the motion.

(2) Reports may be either preliminary or final.

(3) The Select Committee shall in their report state whether the publication of the Bill directed by these rules has taken place or not and the date on which the publication has taken place.

(4) Where a Bill has been altered, the Select Committee may, if it thinks fit, include in its report a recommendation to the Member-in-Charge of the Bill, that his next motion should be a motion for circulation, or, where the Bill has already been circulated, for re-circulation.

268. Minute of dissent recorded by member.—(1) Any member of a Select Committee may record a minute of dissent on any matter or matters connected with the Bill or dealt within the report.

(2) A minute of dissent shall be couched in temperate and decorous language and shall not refer to any discussion in the Select Committee nor cast aspersion on the Committee.

(3) If, in the opinion of the Speaker, a minute of dissent contains words, phrases or expressions which are unparliamentary or otherwise inappropriate, he may order such words, phrases or expressions to be expunged from the minute of dissent.

(4) The minute of dissent, if any, shall form part of the report.

269. Presentation of report.—The report of the Select Committee on a Bill together with the minutes of dissent, if any, shall be presented in writing or online to the House by the Chairman or in his absence by any member of the Committee.

270. Publication of report.—The Secretary shall cause every report of a Select Committee to be prepared and a copy of the report shall be made available in writing or online for the use of every member of the House. The report, and the Bill, as reported by the Select Committee, shall be published in the Gazette.

(J) COMMITTEE ON WELFARE

271. Constitution of the Committee.—There shall be a Committee on the Welfare of Scheduled Castes, Scheduled Tribes, Backward Classes and Women which shall consist of not more than eleven members nominated by the Speaker.

272. Functions of the Committee.—The functions of the Committee shall be :—

- (i) to examine the measures taken by the State Government to secure due representation of the Scheduled Castes and Scheduled Tribes in services and posts under its control (including appointments in the Public Undertakings, Statutory and Semi-Government Bodies) having regard to the provisions of Article 335 of the Constitution;
- (ii) to review the progress and implementation of the welfare programmes and other ameliorative measures as also

constitutional safeguards for Scheduled Castes and Scheduled Tribes;

- (iii) to consider and examine the recommendations contained in the reports submitted by the Commissioner for Scheduled Castes and Scheduled Tribes under Article 338 (5) (D) of the Constitution and to report as to the measures that should be taken in respect of matters within the purview of the State Government;
- (iv) to report to the House on the action taken by the Government on the measures proposed by the Committee;
- (v) to examine such other matters as are specifically referred to it by the House or the Speaker;
- (vi) to consider the Demands for Grants pertaining to Demand No 19-Social Justice and Empowerment, and Demand No. 31-Tribal Development and Demand No.-32 Scheduled Castes Sub-Plan and to make a report on the same to the House;
- (vii) to consider annual reports of the Departments covered under Demand No. 19, 31 and 32 and to present reports thereon in the House;
- (viii) the Committee shall scrutinise the assurances, promises, undertakings etc. given by Ministers from time to time on the floor of the House pertaining to departments covered under Demand Nos. 19, 31 and 32 and to report on :—
 - (a) the extent to which such assurances, promises, undertakings etc. have been implemented; and
 - (b) if implemented, whether such implementation has taken place within the minimum time necessary for the purpose;
- (ix) to ensure cent percent work in Hindi in the Departments covered under Demand Nos. 19, 31 and 32 and if found below to suggest ways to boost the same; and
- (x) the functions assigned to Departmentally Related Standing Committees as per Rule 273 shall apply mutatis mutandis to Demand Nos. 19, 31 and 32 also. The Committee shall also look after the welfare works of backward classes and women.

(K) COMMITTEE ON SUBORDINATE LEGISLATION

272-(A) Constitution of the Committee.—There shall be a Committee on the Subordinate Legislation, which shall consist of not more than nine members, nominated by the Speaker.

272-(B) Functions of the Committee.—The Committee shall in particular, scrutinise and report to the House whether the powers to make rules, regulations, sub-rules, bye-laws etc. conferred by the Constitution or delegated by any lawful authority, are being properly exercised within such delegation. The functions of the Committee shall be :—

- (i) whether the delegated legislation is in accordance with the general objects of the Constitution or the Act pursuant to which it is made;
- (ii) whether it contains matter which in the opinion of the Committee should more properly be dealt within an Act of legislature;
- (iii) whether it contains imposition of any tax or not;
- (iv) whether it directly or indirectly bars the jurisdiction of the Courts;
- (v) whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act pursuant to which it is made, does not expressly give any such power;
- (vi) whether it involves expenditure from the Consolidated Funds of the State or the public revenues or not;
- (vii) whether it appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
- (viii) whether there appears to have been unjustifiable delay in the publication or laying it before legislature or not;
- (ix) whether for any reason its form or purport calls for any elucidation or not;

- (x) the Committee shall examine all papers laid on the Table of the House and to report to the House on:—
- (a) whether there has been compliance of the provisions of the Constitution, Act, rule or regulations under which the paper has been laid on the Table of the House;
 - (b) whether there has been any unreasonable delay in laying the papers on the Table of the House;
 - (c) if there has been such delay, whether a statement explaining the reasons for delay has been laid on the Table of the House and whether those reasons are satisfactory;
 - (d) whether any document due to be laid on the Table of the House is overdue; and
 - (e) in addition to the paper laid on the Table of the House the Committee shall perform such other functions as may be assigned to it by the Speaker or House from time to time.

272. (C) Report of the Committee.—(1) If the Committee is of opinion that any such legislation should be annulled wholly or in part, or should be amended in any respect, it shall report that opinion and the grounds thereof to the House.

(2) If the Committee is of the opinion that any other matter relating to such legislation, should be brought to the notice of the House, it may report that opinion and matter to the House.

(L) DEPARTMENTALLY RELATED STANDING COMMITTEES

273. Departmentally Related Standing Committees.—Each year, the Speaker shall nominate Departmentally Related Standing Committees, and each of such Committee shall consist of not more than nine members, and shall look after the functioning of the departments relating to their Demands for Grants as under :

1. Public Administration Committee :

Demand No.	Department
2.	Governor and Council of Ministers
3.	Administration of Justice

4. General Administration
5. Land-Revenue and District Administration
6. Excise and Taxation
7. Police and Allied Organisations
21. Co-operation
22. Food and Civil Supplies

2. Human Development Committee :

8. Education
9. Health and Family Welfare
15. Planning and Backward Area Sub-Plan
24. Printing and Stationery
27. Labour, Employment and Training
29. Finance
30. Miscellaneous General Services

3. General Development Committee :

10. Public Works-Roads, Bridges and Buildings
13. Irrigation, Water supply and Sanitation
17. Election
23. Power Development
25. Roads and Water Transport
26. Tourism and Civil Aviation
28. Urban Development, Town and Country Planning and Housing

4. Rural Planning Committee :

- | | |
|-----|--|
| 11. | Agriculture |
| 12. | Horticulture |
| 14. | Animal Husbandry, Dairy Development and Fisheries |
| 16. | Forest and Wildlife |
| 18. | Industries Minerals, Supplies and Information Technology |
| 20. | Rural Development |

- Functions**
- (i) to consider the Demands for Grants of the departments;
 - (ii) to consider annual reports of the departments;
 - (iii) to consider policy documents or other important matters presented/raised in the House, assigned to the Committee by the House or Speaker and to report thereon;
 - (iv) the Committee shall consider only those matters relating to schemes which are assigned to it by the Speaker;
 - (v) the Committee shall also scrutinise the assurances and promises given by different Ministers on the floor of the House pertaining to their departments that:
 - (a) the extent to which such assurances, promises, undertakings etc. have been implemented;
 - (b) where implemented, whether such implementation has taken place within the minimum time necessary for the purpose;
 - (vi) to examine Bills pertaining to the concerned departments and to scrutinise and report to the House whether the powers to make rules, regulations, sub-rules, bye-laws etc. conferred by the Constitution or

delegated by any lawful authority are being properly exercised within such delegation;

- (vii) to ensure cent percent work in Hindi in the departments and if found below, to suggest ways to boost the same;
- (viii) the Committee shall examine every petition assigned to it, and if the petition complies with these rules, the Committee may direct that it be circulated. Where circulation of the petition has not been directed, the Speaker may at any time direct that the petition be circulated.—
 - (a) circulation of the petition shall be in extenso or in summary form as the Committee or the Speaker, as the case may be, may direct;
 - (b) it shall also be the duty of the Committee to report to the House on specific complaints made in the petition assigned to it after taking such evidence as it deems fit and to suggest remedial measures in a concrete form applicable to the case under review or to prevent such cases in future;
 - (c) the Committee shall also consider representations, letters and emails from various individuals, associations etc., which are not covered under rule 181 and give directions for their disposal :

Provided that representations which fall in the following categories shall not be considered by the Committee, but shall be filed on receipt in the Secretariat—

- (i) anonymous letters or letters on which names and/or addresses of senders are not given or are illegible or are related to individual's grievances;
- (ii) endorsement copies of letters addressed to authorities other than the House or Speaker; and
- (ix) any other matter as assigned to the Committee by the House or Speaker;

- (x) the following procedure be followed by each of the Standing Committees in their consideration of the Demands for Grants and making a report thereon to the House :
 - (a) after the general discussion on the budget in the House is over, the House shall be adjourned for a fixed period;
 - (b) the Committees shall consider the demands for grants of the concerned departments during the aforesaid period;
 - (c) the Committees shall make their report within the aforesaid period and shall not ask for more time;
 - (d) the Demands for Grants shall be considered by the House in the light of the reports of the Committees, and thereafter these shall be passed;
 - (e) there shall be a separate report on the Demands for Grants of each department; and
- (xi) Standing Committees shall not consider those matters which are considered by other House Committees.

CHAPTER-XIX

RESOLUTION FOR REMOVAL OF SPEAKER OR DEPUTY SPEAKER FROM OFFICE

274. Notice of resolution for removal of Speaker or Deputy Speaker.—(1) A member wishing to give notice of a resolution under Article 179 (c) of the Constitution for the removal of the Speaker or the Deputy Speaker shall do so in writing or online to the Secretary and shall furnish the full text of such resolution.

(2) On receipt of a notice under sub-rule (1) a motion for leave to move the resolution shall be entered in the list of business in the name of the member concerned, on a day fixed by the Speaker, provided that the day so fixed shall be any day after fourteen days from the date of the receipt of notice of the resolution.

(3) In order that such a resolution may be admissible, it shall satisfy the following conditions, namely :—

- (i) it shall be specific with respect to charges;
- (ii) it shall be clearly and precisely expressed; and
- (iii) it shall not contain arguments, inference, ironical expressions, imputations or defamatory statements.

275. Leave of House to move resolution.—(1) Subject to the provisions of Article 181 (1), the Speaker or the Deputy Speaker or such other person, as is referred to in Article 180 (2) of the Constitution shall preside when a motion for removal under the foregoing rule is taken up for consideration.

(2) The member in whose name the motion stands on the list of business shall, unless he states that he does not intend to move the motion, move the motion when called upon to do so, but in either case, no speech shall be permitted at this stage.

(3) The Speaker or the Deputy Speaker or the person presiding, as the case may be, shall thereupon place the motion before the House and shall request those members who are in favour of leave being granted to rise in their places. If not less than one third members of total strength rise accordingly, the Speaker, the Deputy Speaker or the person presiding, as

the case may be, shall declare that leave has been granted and that the resolution will be taken up on such day, not being more than three days from the date on which leave is asked for, as he may appoint. If less than one third members of total strength rise, the Speaker, the Deputy Speaker or the person presiding, as the case may be shall inform the member that he has not the leave of the House.

276. Inclusion of resolution in list of business.—On the appointed day the resolution shall be included in the list of business.

277. Scope of discussion.—(1) The discussion on the resolution shall be strictly confined to the charges preferred in the resolution.

(2) Except with the permission of the Speaker or the person presiding, a speech on the resolution shall not exceed fifteen minutes in duration, provided that the mover of the resolution, when moving the same, may speak for such longer period as the Speaker or the person presiding may permit.

CHAPTER-XX

MOTION OF NO CONFIDENCE IN COUNCIL OF MINISTERS AND STATEMENT BY MINISTER WHO HAS RESIGNED

278. Procedure regarding Motion of No Confidence in Council of Ministers.—(1) A motion expressing no confidence in the Council of Ministers, may be made subject to the following restrictions, namely :—

- (a) leave to make the motion shall be asked for by the member when called by the Speaker; and
- (b) the member asking for leave shall, an hour before the commencement of the sitting on the day, give to the Secretary a written notice of the motion which he proposes to move, provided that notices received after that shall be deemed to have been received on the next day on which the House sits.

(2) If the Speaker is of opinion that the motion is in order, he shall read the motion to the House and shall request those members who are in favour of leave being granted to rise in their places, and if not less than one third of the total number of members of the House rise accordingly, the Speaker shall declare that leave is granted and that the motion will be taken up on such day, not being more than ten days from the date on which the leave is asked for. If less than the requisite number of members rise, the Speaker shall inform the member that he has not the leave of the House.

(3) If leave is granted under sub-rule (2) the Speaker, may after considering the state of business in the House, allot a day or days or part of a day for the discussion of the motion.

(4) The Speaker shall, at the appointed hour on the allotted day or the last of the allotted days, as the case may be, forthwith put every question necessary to determine the decision of the House on the motion.

(5) The Speaker may, if he thinks, fit, prescribe a time limit for speeches.

279. Statement by Minister who has resigned.—(1) A member who has resigned the office of Minister may, with the consent of the Speaker, make a personal statement in explanation of his resignation on any day

during the session in which the resignation has been accepted by the Governor:

Provided that a member may make such a statement at the earliest opportunity on a day not being more than five days from the date of commencement of the session if the resignation was accepted by the Governor when the House was not in session.

(2) A copy of the statement shall be forwarded in writing or online to the Speaker and the Leader of the House at least an hour in advance of the day on which it is made.

(3) There shall be no debate on such statement, but after it has been made, a Minister may make a statement pertinent thereto.

CHAPTER-XXI

COMMUNICATIONS BETWEEN GOVERNOR AND THE HOUSE

280. Communications from Governor to House.—Communications from the Governor to the House shall be made to the Speaker by written message signed by the Governor.

281. Communications from House to Governor.— Communications from the House to the Governor shall be made:—

- (1) by formal address, after a motion made and carried in the House; and
- (2) through the Speaker.

CHAPTER-XXII

SECRET SITTING OF THE HOUSE

282. Secret sitting.— (1) On a request made by the Leader of the House, the Speaker shall fix a day or part thereof for sitting of the House in secret.

(2) When the House sits in secret no stranger shall be permitted to be present to the Chamber, Lobbies or Galleries :

Provided that persons authorised by the Speaker may be present in the Chamber, Lobbies or Galleries.

283. Report of proceedings.— The Speaker may cause a report of the proceedings of a secret sitting to be issued in such manner as he thinks fit, but no other person present shall keep a note or record of any proceedings or decisions of a secret sitting, whether in part or full, or issue any report of, or purport to describe, such proceedings.

284. Procedure in other respects.— The procedure in all other respects in connection with a secret sitting shall be in accordance with such directions as the Speaker may give.

285. Lifting of ban on publication of proceedings.—(1) When it is considered that the necessity for maintaining secrecy in regard to the proceedings of a secret sitting has ceased to exist and subject to the consent of the Speaker, a motion may be moved by the Leader of the House or any member authorised by him that the proceedings in the House during a secret sitting be no longer treated as secret.

(2) On adoption by the House of the motion under sub-rule (1), the Secretary shall cause to be prepared a report of the proceedings of the secret sitting, and shall, as soon as practicable, publish it in such form and manner as the Speaker may direct.

286. Disclosure of proceedings or decisions.— Subject to the provisions of rule 285, disclosure of proceedings or decisions of a secret sitting by any person in any manner shall be treated as a gross breach of privilege of the House.

CHAPTER-XXIII

**RESIGNATION AND VACATION OF SEATS IN THE HOUSE AND
INTIMATION OF ABSENCE**

287. Resignation of seats in House.— (1) A member who desires to resign his seat in the House shall intimate in writing or online under his hand addressed to the Speaker, his intention to resign his seat in the House, in the following form and shall not give any reason for his resignation :—

To

The Speaker,
Himachal Pradesh Legislative Assembly,
Shimla-4.

Sir,

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

Yours faithfully,

Member of the House:

Place.....

Date.....

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

(2) If a member hands-over the letter of resignation to 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.

(3) If the Speaker receives the letter of resignation either by post or through someone else, the Speaker may make such enquiry 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 Legislative Assembly Secretariat or through such other agency,

as he may deem fit, is satisfied that the resignation is not voluntary and genuine, he shall not accept the resignation.

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

(5) 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.

(6) 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 writing or online in the Bulletin Part-II and the Gazette and forward a copy of the notification in writing or online to the Election Commission of India 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 Bulletin Part-II and the Gazette not earlier than the date from which it is to take effect.

288. Permission to remain absent from sittings of House.—(1) A member desiring permission of the House to remain absent from the sittings thereof under clause (4) of Article 190 of the Constitution shall make an application in writing or online to the Speaker.

(2) An application under sub-rule (1) shall specify the period for which leave of absence is required, indicating also the date of commencement and termination such leave of absence and the grounds for it :

Provided that leave of absence applied for at any one time shall not exceed a period of sixty days.

(3) Such application shall be set down for consideration by the House soon after receipt, as may be directed by the Speaker.

(4) The Speaker shall decide the manner in which the decision of the House shall be taken on such applications.

(5) The Secretary shall inform the member, as soon as possible, the decision of the House in writing or online on his application.

289. Lapse of unexpired portion of leave.—If a member who has been granted leave of absence under the foregoing rules attends the session of the House during the period for which the leave of absence has been granted to

him, the unexpired portion of his leave from the date of his resumed attendance shall lapse.

290. Vacation of seats in House.—(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) is carried, the Secretary shall cause the information to be published in the Gazette and forward a copy of the notification in writing or online to the Election Commission of India for taking steps to fill up the vacancy thus caused.

291. Attendance in the House.—A record of attendance of members in the sittings of the House shall be kept by the Secretary and for this purpose an attendance register and digital record shall be maintained. Attendance register will be placed in the lobbies an hour before the commencement of sitting and the members, other than the Speaker, the Deputy Speaker, Council of Ministers, Chief Parliamentary Secretaries and Parliamentary Secretaries shall sign it before the sitting is adjourned for the day. Besides this, Member may mark his presence by login the touch screen installed on his Table in the House. Apart this, if any member takes part in the proceeding of the House, but does not mark his/her attendance, even then Member shall be considered present on that day. A member who has not signed the register or has not login the touch screen or has not taken part in the proceedings of the House shall be treated as absent :

Provided that the member who has been so treated as absent, may inform the Speaker within 15 days thereof that he attended the sitting, but failed to sign or login touch screen. The Speaker, if so satisfied, may order that he be marked present.

CHAPTER-XXIV
GENERAL RULES OF PROCEDURE
(A) NOTICES

292. Notice by members.—(1) Every notice required by these rules must be under the jurisdiction of the State government and shall be given in writing or online addressed to the Secretary and signed by the member giving notice, and shall be left at the "Notice Office" which shall be kept open for this purpose between the hours to be notified from time to time except on Sunday or a 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 day.

293. Contingent notice.—(1) A member may give notice of a motion or resolution or Bill which he may desire to be taken up on the conclusion of other business on which that motion is contingent and if such a notice is admitted by the Speaker, it may be included in the list of business under the heading "Contingent notice of motion or resolution or Bill", as the case may be.

(2) A contingent notice shall be in such form as the Speaker may prescribe and shall be taken up in the House only after the business on which the notice is contingent, is disposed of.

294. Circulation of notices and paper to member.—(1) The Secretary shall make every effort to circulate to each member in writing or online 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 in writing or online if a copy thereof is deposited in such manner and in such place as the Speaker may, from time to time, direct.

(3) The Secretary shall, as soon as possible, forward a copy of every notice in writing or online which has been received for asking question or seeking discussion, to the Secretary of the concerned department, in addition to a Minister.

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

Provided that a notice of a question shall not be given any publicity until the day on which the question is answered in the House.

296. Speaker to amend notices of questions, motions and resolutions etc.—(1) 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.

(2) The Speaker may direct that all the notices of identical nature pertaining to questions, motions and resolutions etc. be consolidated into single notice of questions, motions and resolutions, respectively, before their inclusion in the list of business :

Provided that not more than five names of members shall be shown against an admitted question or motion, as the case may be.

(3) The Speaker may in his discretion, convert any notice from one rule to another rule.

(4) If a notice is admitted and the Speaker is informed later on that the same matter is under consideration of a Court or it is subjudice, he may disallow discussion thereon in the House or reject the Notice.

(B) AMENDMENTS

297. Admissibility of amendments.—(1) Subject to these rules an amendment must be relevant to the subject matter of the motion to which it is proposed.

(2) An amendment shall not be moved which, if carried, would have merely the effect of a negative vote.

(3) After decision has been given on an amendment to any part of a motion, an earlier part shall not be amended.

(4) No amendment may be proposed which is inconsistent with a previous decision on the same subject.

(5) The Speaker may, at any stage, disallow an amendment or refuse to put an amendment which, in his opinion, is frivolous.

298. Amendment how to put.—(1) When one or more amendments are moved to a motion the Speaker shall, before putting the question thereon, state or read to the House the terms of the original motion.

(2) It shall be in the discretion of the Speaker either to put the original motion to vote first or any of the amendments thereon.

(3) The Speaker may put amendments in such order as he may think fit.

(C) RULES TO BE OBSERVED BY MEMBERS

299. Rules to be observed by members while present in House.—

- (i) shall not read any book, newspaper or letter, nor shall he do any thing 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 cross the floor of 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 proceedings, hiss or interrupt and shall avoid making running commentaries when speeches are being made in the House;
- (x) shall not while speaking make any reference to a stranger in any of the galleries of the House;
- (xi) shall not applaud when a stranger enters any of the galleries or the Special Box;
- (xii) shall not sit or stand with his back towards the Chair;

- (xiii) shall not approach the Chair personally in the House. He may send chits to the officers at the Table, if necessary;
- (xiv) shall not wear or display badges of any kind in the House;
- (xv) shall not bring or display arms in the House;
- (xvi) shall not display flags, emblems or any exhibits in the House;
- (xvii) shall not leave the House immediately after delivering his speech;
- (xviii) shall not distribute within the precincts of the House any literature, questionnaire, pamphlets, press notes, leaflets etc. not connected with the business of the House;
- (xix) shall not place his hat/cap on the desk in the House, bring boards in the Chamber for keeping files or for writing purposes, smoke or enter the House with his coat hanging on the arms;
- (xx) shall not carry walking stick into the House unless permitted by the Speaker on health grounds;
- (xxi) shall not tear off documents in the House in protest;
- (xxii) shall not bring or play cassette or tape recorder in the House;
- (xxiii) shall avoid talking or laughing in lobby loud enough to be heard in the House; and
- (xxiv) shall not bring cellular telephone or pager in the House.

300. Member 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.

301. Mode of addressing House.—A member desiring to make any observations on any matter before the House shall rise when he speaks and shall address the Speaker from his/her seat :

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

302. Rule to be observed while speaking and answering questions.—

A member while speaking or answering a question shall not—

- (i) give an evasive reply to any question;
- (ii) refer to any matter of fact on which a judicial decision is pending;
- (iii) make a personal charge against a member;
- (iv) use offensive expressions about the conduct of proceedings of Parliament or any State Legislature;
- (v) reflect on any determination of the House except on a motion rescinding it;
- (vi) 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" 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 substantive motion drawn up in terms to be approved by him;

- (vii) use the name of President or Governor for the purpose of influencing the debate;
- (viii) utter treasonable, seditious or defamatory words;
- (ix) use his right of speech for the purpose of obstructing the business of the House;
- (x) refer to government officials by name;
- (xi) read a written speech except with the previous permission of the Chair; and
- (xii) make a reference to a person who is not present in the House except his actions, if he has been in public post in the past.

303. Procedure regarding allegation against any 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 the opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation.

304. Questions to be asked through Speaker.—When for the purpose of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question from another member on any matter then under the consideration of the House, he shall ask the question through the Speaker.

305. Irrelevance or repetition.—If a member does not wind up his speech despite the repeated requests from the Chair, his speech shall not form part of the proceedings and the Speaker may also order him to leave the House.

306. Personal explanation.—A member may, with the permission of the Speaker, make a personal explanation in the House immediately at that time or he may do so in the next sitting of the House on making a written or online request in this behalf. No debatable matter may be brought forward during making personal explanation and no debate shall take place. With the making of personal explanation the discussion shall be treated as closed.

(D) ORDER OF SPEECHES AND RIGHT OF REPLY

307. 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 by the Speaker does not speak, he shall not be entitled, except with the permission of the Speaker, to speak on the motion at any later stage of the debate.

(2) Except in the exercise of right of reply or as otherwise provided by these rules no member shall speak more than once on 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 an amendment to a Bill or a Resolution save with the permission of the Speaker.

308. Mover's reply concludes debate.—Subject to the provisions of sub-rule (3) of rule 307 the reply of the mover of the original motion shall in all cases conclude the debate.

309. 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 the House, fix 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 completion of a particular stage of a Bill or a motion, as the case may be, 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.

(E) ADDRESS BY SPEAKER

310. Address by Speaker.—The Speaker may himself, or on a point being raised or on 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.

311. 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 resume his seat.

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

311. (A) Matters in the jurisdiction of Speaker.—No matter relating to Legislative Assembly Secretariat which falls under the jurisdiction of the Speaker, shall be raised in the House in any form.

(F) DECISION

312. 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.

313. Proposal and putting of question.—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.

314. 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 the 'Noes' on that question.

315. Procedure regarding 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, the Speaker 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) If the opinion of the Speaker as to the decision of a question is challenged, he may, if he thinks fit, 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 decision of the House. In such a case, the name of the voters shall not be recorded.

3(a) If the opinion so declared is challenged, the Speaker shall direct that votes be recorded by e-voting using any of the options i.e. "Aye" or "No" or "Abstain" on the touch screen of the respective members.

3(b) After the result of the voting appears on the Display Panels, the result of the Division shall be announced by the Speaker and it shall not be challenged.

3(c) A member who is not able to cast his vote by pressing the button provided for the purpose due to any reason considered sufficient by the Speaker, may with the permission of the Speaker, have his vote

recorded verbally by stating whether he is in favour of or against the motion, before the result of the Division is announced.

(4) (a) If the opinion of the Speaker as the decision of a question is challenged, he shall order that the lobby 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 votes be recorded either by using 'Aye' and 'No' slips in the House or by members going into the lobbies.

(d) Thereafter the votes shall be recorded by members on 'Aye' and 'No' slips, the Division Clerk shall provide 'Aye' or 'No' slips to the members at their places in accordance with their desire. A member shall record his vote on this slip after signing it and writing his division number.

After completion of recording the votes by members the Division Clerks shall collect the 'Aye' and 'No'slips and bring them to the table where votes shall be counted by the officers and the totals of 'Ayes' and 'Noes' presented to the Speaker. Then result of the Division shall be announced by the Speaker and it shall not be challenged.

(e) Where the Speaker directs 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 '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 of his number on the Division List, shall simultaneously call out the name of the member.

(f) After voting in the Lobbies is completed, the Division Clerks shall bring the Division Lists to the Table and then the votes shall be counted by the Officers at the Table and the totals of "Ayes" and "Noes" presented to the Speaker.

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

(h) 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 at his seat or in lobby before the result of the Division is announced.

(i) If a member finds that he has voted by mistake in the wrong Lobby, he may be allowed to correct his mistake, provided he brings it to the notice of the Speaker before the result of Division is announced.

(j) When the Division Clerks have brought the Division Lists to the Table, a member who has not up to that time recorded his vote but who then wishes to have his vote recorded may do so with the permission of the Speaker before the result of Division is announced.

316. 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 grounds 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 purpose of this rule the interest of the member should be direct, personal or pecuniary and separately being 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.

(C) STATEMENT BY MINISTER

317. Statement by Minister.—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.

(H) WITHDRAWAL AND SUSPENSION OF MEMBERS

318. Power to order withdrawal of member.—The Speaker may direct any member whose conduct 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.

319. 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, the Speaker shall, on a motion being made 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.

320. Lapses of conduct/contempt of House.—If any member is found liable for the lapses of conduct or violation under rules 299, 300, 302, 303 and 319 of these rules, it shall be treated as contempt of the House and action be taken against him/her according to rule-92.

(I) MAINTENANCE OF ORDER

321. 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.

322. Speaker to preserve order and enforce decisions.—The Speaker shall have all powers necessary for the purpose of preserving order and enforcing his decisions, and may employ, or authorise the employment of necessary force at any stage of the proceedings.

(J) POINTS OF ORDER

323. 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 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 the 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.

324. Special Mention.—A member who wishes to bring to the notice of the House a matter which is not a point of order or for which he has not given any previous notice within stipulated period to raise the issues under any rules, shall give notice in writing or online to the Secretary specifying clearly and precisely the text of the matter to be raised. The member 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.

325. Conditions of admissibility.—In order that a notice may be admissible, it shall satisfy the following conditions :—

(1) it shall refer to a matter of public interest which should be based on a recently occurrence;

- (2) it shall refer to a matter which falls under the jurisdiction of the State Government;
- (3) it shall not exceed 150 words;
- (4) it shall not raise more than one issue;
- (5) it shall not contain arguments, inferences, ironical expressions, imputations, epithets, defamatory statements and breach of privilege;
- (6) it shall not refer to a matter already discussed or likely to be discussed in the same session;
- (7) it shall not ask for figures already available in budget books;
- (8) it shall not raise a matter pertaining to an individual or particular category of people or to the service matters of the government officials;
- (9) it shall not raise a matter which is under adjudication by a Court of law; and
- (10) it shall not mention a matter which is under consideration of the House Committee.

326. Time for tabling of notices and their validity.—

- (i) notices received during a week commencing from its first sitting till 10.00 hours on the last day of the week on which the House sits shall be valid for that week;
- (ii) notices received after 10.00 hours on the last day of the week on which the House sits shall be valid for the next week; and
- (iii) notices not selected during the week for which they have been tabled shall lapse at the end of the week :

Provided that notices referred to the government for facts under order of the Speaker shall not lapse till these are finally disposed of.

327. Restriction on raising of matters.—

- (i) no member shall raise more than two matters during a week; and
- (ii) only the text approved by the Speaker shall go on record.

328. Record of proceedings of House.—(1) The Secretary shall cause to be prepared a brief record of the proceedings of each sitting of the House and shall get it circulated in writing or online through Bulletin Part-1.

(2) The Bulletin Part-1 shall be signed by the Speaker and when so signed it shall form an authentic record of the proceedings of the House.

(3) As soon as possible, the Bulletin Part-1 shall be made available to the members in writing or online.

329. Language of House.—The proceedings of the House shall be conducted in Hindi language, but on a request being made to the Speaker, a member may make his speech in English language too.

330. Report of proceedings of House.—The Secretary shall also cause to be prepared in writing or online 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. If any couplet, lyric, poem or any extract from a book or a magazine are quoted by members, a copy thereof shall be made available by the concerned member so that it may be printed accurately in the proceedings.

331. Expunging of words from debates.—(1) If the Speaker is of opinion that word or words has or have been used during the proceedings of the House which is or are defamatory or indecent or unparliamentary or undignified or without the permission of the Chair, he may, in his discretion, order that such word or words be expunged from the proceedings of the House :

Provided that in appropriate cases, the Speaker may, in his discretion, substitute suitable words for the expunged words.

(2) 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'.

332. Printing and publication of Parliamentary 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.

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

(K) ADMISSION OF STRANGERS

334. Speaker to regulate admission of strangers.—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 order or rules made by the Speaker.

335. Power to order withdrawal of strangers.—The Speaker may, whenever he thinks fit, order the withdrawal of strangers from any part of the precincts of the House.

336. Steps for expulsion of strangers.—The Speaker may take such steps, as may be necessary, or such action as the circumstances of the case may, in his discretion, require for the expulsion of any stranger from any portion of the House.

337. Removal and taking into custody of strangers.—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 regulations made by the Speaker under rule 334 or does not withdraw when the strangers are directed to withdraw under rule 335 while the House is sitting.

338. Restriction on use of Chamber and Committee rooms.—Unless the Speaker otherwise directs, the Chamber and Committee Rooms in the precinct of the House, shall not be used for any purpose other than the sittings of the House and House Committees.

(L) NOMINATION OF MEMBERS BY SPEAKER

339. Nomination of members by Speaker.—In pursuance of an adopted motion or an Act, or wherever otherwise provided that Speaker is to nominate the representatives of the members or any section of them on a Committee, Commission or any other body, the Speaker shall nominate the members accordingly.

(M) LAYING PAPERS OR DOCUMENTS ON THE TABLE OF HOUSE

340. Laying of papers or documents on the Table of House.—No paper or document in writing or online shall be laid on the Table of the House without the order or permission of the Chair.

341. Papers quoted to be laid on the Table of House.—If a Minister quotes in the House a dispatch or other State paper which has not been presented to the House, he shall lay the relevant paper on the Table of the House :

Provided that this rule shall not apply to any document 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 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 of the House.

342. Authentication and treatment of papers laid on the Table of the House.—(1) A paper or document to be laid in writing or online on the Table of the House shall be duly authenticated by the member presenting it.

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

343. Documents containing advice or opinion disclosed to be laid on the Table of the House.—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 in writing or online containing that opinion or advice, or a summary thereof on the Table of the House.

(N) MISCELLANEOUS

344. Suspension of rules.—Any member may, with the consent of the Speaker, move in writing or online 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.

345. Interpretation and removal of difficulties.—If any doubt as to the interpretation or any difficulty in the enforcement of any of the provision of these rules arises, the decision of the Speaker shall be final.

346. Residuary powers.—All matters not specifically provided for 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.

347. Speaker's decision not to be questioned.—No decision of the Speaker in respect of disallowance of any resolution, motion or question or in respect of any other notice shall be questioned.