

# Rules of Procedure and Conduct of Business in the Orissa Legislative Assembly

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## Rules of Procedure and Conduct of Business in the Orissa Legislative Assembly

### Rule

### **RULES-OF-PROCEDURE-AND-CONDUCT-OF-BUSINESS-IN-THE-ORISSA of 1955**

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#### **1. Short title and commencement.**

(1) These rules may be called the Rules of Procedure and Conduct of Business in the Orissa Legislative Assembly. (2) They shall come into force with effect from the date of publication in the Gazette.

#### **2. [ Definition. [Substituted vide O.G.E.No. 573 dated 6.4.2005.]**

(1) In these Rules, unless the context otherwise requires, "Assembly" means the Orissa Legislative Assembly; "Bulletin" means the bulletin of the House containing (a) a brief record of the proceedings of each of its sitting; (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; and (c) information regarding legislative committees. "Clear days" includes Sundays and holidays; "Committee" means any Committee appointed or elected by the Assembly or nominated by the Speaker for any specific or general purpose and the Secretariat for which is provided by the Legislative Assembly Secretariat; "Constitution" means the Constitution of India; "Finance Minister" means a Minister in charge of Finance and includes any Minister performing the function of the Finance Minister; "Gazette" means the Orissa Gazette; "Government Business" means Government

Business include all business other than Private Members Business;"House" means the Orissa Legislative Assembly;"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;"Leader of the Opposition" means Leader of the Opposition as defined in Section 2 (b-1) of the Orissa Legislative Assembly Members' Salary, Allowances and Pension Act, 1954;"Legislative Assembly Secretariat" means and includes the Orissa Legislative Assembly Secretariat at Bhubaneswar and any camp office set up outside Bhubaneswar for the time being for or under the authority of the Speaker;"(Legislature Group)" means a group of not less than 4 Members belonging to a Legislature Party;"(Legislature Party)" means any party which has been recognised by the Election Commission for the purpose of contesting election to the Legislative Assembly and allotted- a common symbol;"(Lobby)" means the covered corridors immediately adjoining the chamber and conterminous with it;"(Member)" means a Member of the House;"(Member-in-charge of the Bill)" means the Member who has introduced the Bill and includes any Minister in case of Government Bill;"(Minister)" means a Member of the Council of Ministers and includes a Minister of State, a Deputy Minister and the Parliamentary Secretary;"(Motion)" means any subject matter brought before the Assembly for consideration in accordance with these rules and includes substantive, substitute and subsidiary motions;"(Precincts of the House)" means and includes the chamber, lobbies, the gallery and such other places as the Speaker may from time to time specify;"(Private Member)" means a Member other than a Minister;"(Recognition of party or group)" means the Speaker may recognise an association of Members as a party or group for the purpose of functioning in the House and his decision shall be final;"(Resolution)" means a motion other than Statutory motion for the purpose of discussion on a matter of public importance which may be a form of 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 comment, urge or request on action or call attention to a matter of situation for consideration by the Government or any such other form as the Speaker may consider appropriate and includes Private Members' Resolution, Government Resolutions & Statutory Resolutions;"(Secretary)" means the Secretary to the Assembly and includes any person for the time being performing the duties of the Secretary;"(Session)" means the whole time between the first meeting 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;"(Statutory Motion)" means a motion which is made in pursuance of any statute or enactment for the time being in force;"(Sub-Committee)" means a Committee constituted by the Committee as provided under the rules and which works under the direction of the Committee."Table" means the table of the House;(2)Words and expression used in the Constitution and also in these rules shall, unless the context otherwise requires, have the meaning assigned to them in the Constitution.(3)Words and expressions used in the Constitution and not defined in these rules shall have the meanings assigned to them in the Constitution.]Chapter-II

### **3. [ Summons to members. [Substituted vide O.G.E.No. 573 dated 6.4.2005.]**

- The Secretary shall issue summons to each Member specifying the time and place for a session of the Assembly :Provided that when a session is called at short notice or emergently, summons would be issued to each Member separately but an announcement of the date and place of the session shall

be published in the Gazette, in the press and in electronic media and Members may be informed by telegram or fax or any other means.]

#### **4. Sitting of members.**

- The member shall sit in such order as the Speaker may determine.

#### **5. Oath or affirmation.**

- A member, who has not already made and subscribed an oath or affirmation in pursuance of Article 188 of the Constitution, can do so at the commencement of a sitting of the House on any day after giving previous notice in writing to the Secretary. Chapter-III

#### **6. [ Election of Speaker. [Substituted vide O.G.E.No. 573 dated 6.4.2005.]**

(1)The election of Speaker shall be held on such date as the Governor may fix and the Secretary shall thereupon send to every member notice of the date so fixed.(2)At anytime before noon on the day preceding the date so fixed, any member may give notice in writing address to the Secretary of a motion that another member be chosen as the Speaker 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)Such notice shall be delivered to the Secretary in person by the candidate, proposer or seconder and a notice not so delivered in person shall not be valid.(4)A member in whose name a motion stands in the list of business may when called, move the motion or withdraw the motion, in which case he shall confine himself to a mere statement to that effect.(5)The motion 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.(6)The date so fixed should be not later than immediate next session for the appointment of Speaker when the post is vacant.]

#### **7. Election of Deputy Speaker.**

(1)The election of Deputy Speaker shall be held as early as possible and on such date as the Speaker may fix and the Secretary shall thereupon send to every member notice of the date so fixed.(2)The provisions of Sub-rules (2) to (5) (both inclusive) of Rule 6 shall apply mutatis mutandis to such election.(3)If a vacancy in the office of the Deputy Speaker occurs during the life of the House, a fresh election shall be held in accordance with the procedure herein before mentioned.(4)And the dates so fixed shall not be later than the immediate next session.

## **8. Panel of Chairman.**

(1) At the commencement of every session or from time to time, as the case may be, the Speaker shall nominate from amongst the members of the House a panel of not more than seven Chairmen, anyone of whom may preside over the House in the absence of the Speaker and the Deputy Speaker, when so requested by the Speaker, or in his absence, by the Deputy Speaker, or in his absence, also by the Chairman presiding : Provided that when both the Speaker and the Deputy Speaker are absent, and no request as above has been made any Member in the panel as shown in the list in the order in which they have been nominated by the Speaker shall preside over the House. (2) The members of panel of Chairmen nominated under Sub-rule (1) shall hold office until new panel of Chairmen have been nominated.

## **9. Delegation of powers to Deputy Speaker.**

- When by reason of illness or of absence from India or for any other sufficient cause, the Speaker is unable to exercise any of his powers or discharge any of his functions, he may by order in writing delegate to the Deputy Speaker such of his powers and functions as he may deem fit. He may likewise revoke any such delegation.

## **10. [ [Omitted vide O.G.E.No. 573 dated 6.4.2005.]**

\* \* \*] Chapter-IV Sitting of the Assembly

## **11. [ Session of the Assembly [Substituted vide O.G.E.No. 573 dated 6.4.2005.]**

- Subject to Article 174 of the Constitution of India in every calendar year the Assembly shall have not less than three sessions with minimum 60 sitting days.

## **12. When sitting of the Assembly 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.

## **13. Commencement of sitting.**

- The sitting of the House on any day shall commence at 10-30 hours and conclude at 19 hours with a lunch break for two hours, which shall be from 13 hours to 15 hours. The Speaker however, under any special circumstances, allow the House to continue till 21 hours.

## **14. Sitting of the Assembly.**

- Subject to provisions contained in Rule 12, the House shall sit on such days as the Speaker having regard to the state of business of the House, may from time to time direct.

## **15. Adjournment of the Assembly.**

- The Speaker shall determine the time when the sitting of the House shall adjourn sine die or to a particular day or to a hour or part of the same day subject to the provision of the Rule 14:-Provided that the Speaker may, if he thinks fit, call a sitting of the Assembly before the date or time to which it has been adjourned or at any time after the Assembly has been adjourned sine die.

## **15A. Secretary's Report.**

- The Secretary shall at the commencement of every session and after the new Members, if any, have taken their seats lay on the table of the House a list of Bills which have received the assent of the Governor or the President.]Chapter-VGovernor's Address and messages to the Assembly

## **16. Allotment of time for discussion of Governor's special address.**

- The Speaker, in consultation with the Leader of the House, shall allot time for the discussion of the matter referred to in the Governor's address to the Assembly under Article 176 (1) of the Constitution.

## **17. Scope of discussion.**

- On such day or days or part of any day the Assembly 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.

## **18. Amendment.**

- Amendments may be moved to such motion by way of adding additional words at the end but not otherwise on such notice being given as the Speaker may determine.

## **19. 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 formal character may be transacted on such, day before the Assembly commences or continue the discussion on the Address.(2)The discussion on the Address may be postponed in favour of a Government Bill or ether 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.

## **20. 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.

## **21. Time-limit for speeches.**

- The Speaker may, if he thinks fit, prescribe a time-limit for speeches.

## **22. Governor's address under Article 175 (1) of the Constitution.**

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

## **23. Message from the Governor.**

- Where a message from the Governor for the Assembly under Article 175 (2) of the Constitution is received by the Speaker, he shall read the message to the Assembly 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 any rules to such extent as it may be necessary to do so.

Chapter-VI Arrangement of Business and Business Advisory Committee

A - Arrangement of business

## **24. Arrangement of Government business.**

- On days allotted for the transaction of Government business, the Secretary shall arrange that business in such order as the Speaker, after consultation with the Leader of the House, may 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.

## **25. Allotment of time for private member business.**

- The last two and half hours of sittings on Friday shall be allotted for the transaction of private members' business :Provided that the Speaker may allot different Fridays for the disposal of different classes of such business and on Fridays so allotted for any particular class of business, business of that class shall have precedence:Provided further that the Speaker may in consultation with the leader of the House allot any day other than a Friday for the transaction of private members' business :Provided also that if there is no sitting of the Assembly on a Friday the Speaker may direct that two and a half hours on any other day in the week be allotted for private members'

business :[Provided also that during the period from the date of presentation of the budget till the passing of the same, the Speaker may, in consultation with the Business Advisory Committee, allot any one or more of the days for private members' business for the various stages of discussion of the budget and in that event, an equal number of days shall be allotted for private members' business during the same session at such time as the Speaker may decide, in addition to the days of private members' business which are otherwise admissible.] [Inserted vide Orissa Gazette Extraordinary No. 962/16-7-1985-Notification No. 6902/11.7.1985.]

## **26. Precedence of private members' Bills.**

(1)The relative precedence of notices of Bills given by private members shall be determined by ballot, to be held in accordance with the orders made by the Speaker on such day as the Speaker may direct.(2)On a day allotted for the disposal of private members' Bills, such Bills shall have relative precedence in the following order, namely :(a)Bills in respect of which the motion is that leave be granted to introduce the Bill;(b)Bills returned by the Governor with a message under Article 200 of the Constitution;(c)Bills which have reached a stage at which the next motion is a motion that the Bill be passed;(d)Bills in respect of which a motion has been carried that the Bill be taken into consideration;(e)Bills which have reached stage at which the next motion is a motion that the Bill be taken into consideration;(f)Bill in regard to which the next stage is the presentation of the report of the Select Committee;(g)Bills which have reached a stage at which the next motion is a motion that the Bill be referred to a Select Committee;(h)Bills which have been circulated for the purpose of eliciting opinion thereon;(i)Bills introduced and in respect of which no further motion has been made or carried.(3)The relative precedence of Bills falling under the same clause of Sub-rule (2) shall be determined by ballot to be held at such time and in such manner as the Speaker may direct :Provided that Bills falling under Clause (i) of Sub-rule (2) shall be arranged in groups in the order of their date of introduction and relative precedence within each group shall be determined by ballot.(4)The Speaker may by special order to be announced in the Assembly make such variation in the relative precedences of Bills set out in Sub-rule (2) as he may consider necessary or convenient.

## **27. Precedence of private member's resolutions.**

- The relative precedence of notices of resolutions given by private members shall be determined by ballot, to be held in accordance with the orders made by the Speaker, on such day as the Speaker may direct.

## **28. Business outstanding at end of day.**

- All business appointed for any day and not disposed of on that day shall stand over until the next day of the session available for business of class to which it belongs or until such other day in the session so available as the member-in-charge may desire but private members' business so standing over shall have no priority on such day unless it has been commenced, in which case it shall only have priority over private members business of the same class fixed for that day.

## **29. 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 for the use of every member.(2)Save as otherwise provided in these rules, on business not included in the list of business for the day shall be transacted at any meeting without the leave of the Speaker.(3)Save as otherwise provided by these rules, no business requiring notice shall be set down for a day earlier than the day after that on which the period of the notice necessary for that class of business expires.(4)Unless the Speaker otherwise directs not more than five resolutions in addition to any resolution which is outstanding under Rule 28 shall be set down in the list of business for any day allotted for the disposal of private members' resolutions :Provided that in case of all the resolutions put down in the list of business being disposed of before the Assembly rises for the day, other resolutions in the final list of ballot shall be taken up sariatim.B-Business Advisory Committee

## **30. Constitution of the Business Advisory Committee.**

(1)The Speaker may nominate a Committee called the Business Advisory Committee consisting of eight members including the Speaker who shall be the Chairman of the Committee.(2)The Committee nominated under Sub-rule (1) shall hold Office until a new Committee is nominated.(3)If the Speaker for any reason is unable to preside over any meeting of the Committee he shall nominate a Chairman for that meeting.

## **31. Quorum.**

- The quorum of the Committee shall be three.

## **32. Functions of the Committee.**

(1)It shall be the function of the Committee to fix time that should be allocated for the discussion of the stage or stages of such Bills or other business as are referred to the Committee by the Speaker on a motion made and adopted by the House.[(1-a) It shall also be the function of the Committee to select the Demands for grants/Supplementary Demands for grants for discussion and to fix the dates for such discussion on a motion made and adopted by the House after presentation of the same.(1-b) The Committee shall have such other functions as may be assigned to it by the Speaker from time to time] [Inserted vide O.L.A. Notification No. 14675-L.A. dated 12.10.1988, O.G.E. dated 12.10.1988.].(2)[ \* \* \* ] [Deleted vide O.G.E. No. 573 dated 6.4.2005.]

## **33. [ Report of the Committee & Motion thereon. [Substituted vide O.G.E. No. 573 dated 6.4.2005.]**

(1)The recommendations of the Committee shall be presented to the House in the form of a report.(2)At any time after the report has been presented to the House, a motion may be moved that the House agrees, or agrees with the amendments or disagrees with the report.(3)Not more than half an hour shall be allotted for the discussion on a motion under Sub-rule (2); and(4)No member



shall speak for more than five minutes on such a motion or on any amendment moved;]

### **34. Disposal of order outstanding matters at the appointed hour.**

- Having due regard to the allocation of time for the completion of a particular stage of a Bill or any business under consideration of the Assembly, the Speaker may put every question necessary to dispose of all the outstanding matters in connection with that stage of the Bill or other business.

### **35. Provisions applicable in other respects.**

- In other respects, the rules applicable to Committees in general provided in Chapter XXV of these rules shall mutatis mutandis apply. Chapter-VII Questions and short notice questions A-Questions

### **36. Time for questions.**

- The first hour of every sitting shall be available for the asking and answering of questions unless the Speaker for special reasons otherwise directs.

### **37. Notice of questions.**

- Unless the Speaker otherwise directs, not less than fourteen clear days' notice of a question shall be given.

### **38. Starred and unstarred questions.**

(1) A Member who desires an oral answer to his question shall distinguish it by an asterisk. Such a question is called a starred question. (2) If he does not distinguish it by an asterisk the question shall be printed in the list of questions for written answer which are called unstarred questions.

### **39. Form of notice of question.**

- Notice of a question shall be given in writing to the Secretary and shall specify-(a) the official designation of the Minister to whom it is addressed; and (b) [\* \* \*] [Deleted vide Orissa Gazette Extraordinary No. 278/13.3.1991-Notification No. 7123-L.A./13.3.1991.] the date on which the question is proposed to be placed on the list of questions for oral answer.

### **40. Member entitled to give notice of three starred and five unstarred questions on a day.**

- No Member shall give notice of more than three starred questions and five unstarred questions for any one day on which the Assembly sits.

#### **41. Allotment of days for oral answers to questions.**

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

#### **41A.**

[(1)] [Re-numbered vide Orissa Gazette Extraordinary No. 278/13.3.1991- Notification No. 7123-L.A./1 3.3.1991.] [The Minister concerned shall furnish to the Secretary five copies of the answers to the questions twelve hours before the date scheduled for answer of the questions in the Assembly.] [Inserted vide Orissa Gazette Extraordinary No. 424/3.4.1972.](2)[ Answers to questions which Minister proposes to give in the House shall not be released for publication until the answers have actually been given on the floor of the House or laid on the Table.] [Inserted vide Orissa Gazette Extraordinary No. 278/13.3.1991 - Notification No. 7128-L A./13.3.1991.]

#### **42.**

[\* \* \*] [Omitted vide O.L.A.Notification No. 7123-L.A. dated 13.3.1991 O.G.E. dated 13.3.1991.]

#### **43. Questions to private member.**

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

#### **44. Conditions of admissibility of question.**

(1)Subject to the provisions of Sub-rule (2) a question may be asked for the purpose of obtaining information on a matter of public importance within the special cognizance of the Minister to whom it is addressed:(2)The right to ask a question is governed by the following conditions:(i)It shall not bring in any name or statement not strictly necessary to make the question intelligible:(ii)If it contains a statement the member shall make himself responsible for the accuracy of the statement;(iii)It shall not contain arguments, inferences, ironical expressions, amputations, epithets or defamatory statements,(iv)It shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;(v)It shall not ask as to the character or conduct of any person, except in his official or public capacity;(vi)It shall not relate to a matter which is not primarily the concern of the State Government;(vii)[ it shall not exceed more than 100 words;] [Substituted vide O.G.E. No. 573 dated 6.4.2005.](viii)It shall not ask about proceedings in

a Committee which have not been placed before the Assembly by a report from the Committee;(ix)It shall not reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion;(x)It shall not suggest action;(xi)It shall not deal with several subjects having no close connection with one another;(xii)It shall not ordinarily raise a matter in which the interest of a particular individual is involved;(xiii)It shall not raise questions of policy too large to be dealt with within the limits of an answer to a question;(xiv)It shall not repeat in substance questions already answered or to which an answer has been refused ;(xv)It shall not ask for information on trivial matter(xvi)It shall not ordinarily seek information on matters of past history;(xvii)It shall not require information set forth in accessible documents or in ordinary works of reference ; and(xviii)It shall not ask for information on a matter which is sub judice.(xix)[ It shall not ask any information on the matter published in a newspaper.] [Added vide O.G.E. No. 573 dated 6.4.2005.]

#### **45. Speaker to decide admissibility of question.**

(1)The Speaker shall decide whether a question or a part thereof is or is not admissible under these rules and may disallow any question or part thereof when in his opinion it is an abuse of the right of questioning or calculate to obstruct or prejudicially affect the procedure of the Assembly or is in contravention of these rules.(2)Subject to the provisions of Rule 41, the Speaker may direct that a question be placed on the list of questions for answers on a date later than that specified by a member in his notice, if he is of the opinion that a longer period is necessary to decide whether the question is or is not admissible.(3)In case a question has been disallowed the Secretary shall intimate the same to the member along with the reasons within five days of its disallowance.

#### **46. Speaker to decide if a question is to be treated as starred or unstarred.**

- If in the opinion of the Speaker any question put down for oral answer is of such a nature that a written reply would be more appropriate, the Speaker may direct that such question be placed on the list 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 his reasons for desiring an oral answer and after considering the same, may direct that the question be included on the list of questions for written answer.

#### **47. Answers to unstarred questions.**

- [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 or if called for answer the member in whose name it stands is absent, a written answer to such questions shall be deemed to have been laid on the Table at the end of the 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.] [Substituted vide Orissa Gazette Extraordinary No. 278/13.3.1991-Notification No. 7123-L.A./ 13.3.1991.]

#### **48. Copy of admitted questions to be sent to Administrative Department.**

- On the admission of a question by the Speaker, he shall at once cause a copy of it to be forwarded to the Administrative Department concerned. If more than one Administrative, Department is concerned, a copy of the question shall be sent to each and the Departments concerned shall arrange between themselves as to the Department by which the answer shall be given.

#### **49. List of questions.**

- Questions which have not been disallowed shall be entered in the list of questions for the day.

#### **50. Order in which question shall be called.**

- Questions for oral answers shall be called if the time made available for questions permits in the order in which they stand in the list before any other business is entered upon at the meeting :Provided that a question not reached for oral answer may be answered after the end of the question hour which the permission of the Speaker if the Minister represents to the Speaker that the question is one of special public interest to which he desires to give a reply.

#### **51. Withdrawal of questions.**

- A member may, by notice given at any time before the meeting for which his question has been placed on the list, withdraw his question.

#### **52. Mode of asking questions.**

(1)When the time for asking questions arrives, the Speaker shall call successively each member in whose name a question appears on the list of questions.(2)The member so called shall rise in his place and unless he states that it is not his intention to ask the question standing in his name, he shall ask the question by reference to its number on the list of question.(3)If, on a question being called it is not put or the member in whose name it stands is absent, the Speaker at the request of any member may direct that the answer to it be given.

#### **53. Questions of absent members.**

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

#### **54. Prohibition of discussion of question or answers.**

- No discussion shall be permitted in respect of any question or of any answer given to a question.

#### **55. Supplementary questions.**

- Any member when called by the Speaker may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given :Provided that the Speaker may disallow any supplementary question, if in his opinion, it infringes the rules as to the questions.B-Short notice questions

#### **55A.**

Unless the Speaker otherwise directs not more than half an-hour shall be available in one sitting for asking and answering of short notice question.

#### **56. Short notice starred question.**

(1)A starred question relating to a matter of public importance may be asked with shorter notice than fourteen clear days and if the Speaker is of opinion that the question is of an urgent character he may direct that an enquiry may be made from the Minister concerned, if he is in a position to reply if so, on what date.(2)If the Minister concerned agrees to reply, such question shall be answered on a day to be indicated by him and shall be called immediately after the questions which have appeared on the list of questions for oral answer have been disposed of.(2-a) If the Minister is unable to answer the question at a short notice and the Speaker is of opinion that the question is of sufficient public importance to be orally answered in the House, he may direct that the question be placed as the first on the list of questions for the day on which it would be due for answer under Rule 37.Not more than two starred questions asked with shorter notice than 14 clear days shall be set down for answer on any day :[Provided that the Speaker shall have power to order for inclusion of such number of questions for answer, after taking into consideration the business of the House.] [Substituted vide Orissa Gazette Extraordinary No. 278/13.3.1991-Notification No. 7123-L.A./13.3.1991.](3)The member who has given notice of the question shall be in his seat to read the question when called by the Speaker and the Minister concerned shall give a reply immediately.(4)In other respects, the procedure for short notice questions shall be the same as for ordinary questions for oral answer, with such modifications as the Speaker may consider necessary or convenient.Chapter-VIII Half-an-hour discussion

#### **57. Discussion on a matter of public importance arising out of answers to questions.**

(1)The Speaker may allot half-an-hour on three sittings in a week for raising discussion on a matter of sufficient public importance which has been subject-matter 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 to the Secretary three days in advance of the day on which the matter is desired to be raised and shall shortly 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 the discussion on the matter in question:Provided further that the notice shall be supported by the signatures of at least two other members :Provided also that the Speaker may with the consent of the Minister concerned waive the requirement concerning the period of notice.(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 may, in his opinion, seek to revise the policy of 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 draw to notices and the notices shall be put down in the order in which they were received in the point of time :Provided that if any matter put down for discussion on a particular day is not disposed of on that day it shall not be set down for any other day, unless the member so desires, in which case it shall be included in the ballot for the next available day.(5)There shall be no formal motion before the Assembly nor voting. The member who has given notice may make a short statement and the Minister concerned shall reply shortly. Any member who has previously intimated to the Speaker may be permitted to put a question for the purpose of further elucidating any matter of fact.The Speaker may prescribe time-limit both for the member raising the discussion and for the Minister concerned :Provided that if the member who has given notice is absent any member who has supported the notice may, with the permission of the Speaker, initiate the discussion.Chapter-IXMotion for adjournment on a matter of public importance

## **58. Speaker's consent necessary to make motion.**

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

## **59. Method of giving notice.**

- Notice of an adjournment motion together with a written statement of the matter proposed to be discussed shall be given to the Secretary not later than one hour before the commencement of the sittings on the day on which the motion is proposed to be made.

## **60. Restriction of right to make motion.**

- The right to move the adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely:(i)not more than one such motion shall be made at the same sitting;(ii)not more than one matter shall be discussed on the same, motion;(iii)the motion shall be restricted to a specific matter of recent occurrence;(iv)the motion shall not raise a question of privilege;(v)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 had by the-Speaker to the probability of the matter anticipated being brought before the Assembly within a reasonable time;(vi)the motion shall not revive discussion on a matter which has been discussed in the same session;(vii)the motion

shall not deal with any matter which is under adjudication by a Court of Law;(viii)the motion shall not deal with a matter on which a Resolution could not be moved ; and(ix)the motion shall not raise any question which under the Constitution or the rules can only be raised on a distinct motion by a notice given in writing to the Secretary.

## **61. Mode of asking for leave to move adjournment motion.**

(1)The Speaker, if he gives consent under Rule 58 and holds that the matter proposed to be discussed is in order, shall after the questions and before the list of business is entered upon, call the member concerned who shall rise in his place and ask for leave to move the adjournment of the Assembly:[Provided that where Speaker is not in possession of full facts about the matter mentioned therein, he may, before giving or refusing his consent, read out the notice of the motion and the names of signatories and hear from the Minister and/or members concerned a brief statement on facts and then give his decision on the admissibility of the motion :Provided further that unless the Speaker otherwise directs maximum two such matters shall be brought before the Assembly and maximum one hour shall be available for disposal of such matters in any sitting :Provided further that unless the Speaker otherwise directs, not more than five members, having given notices of Adjournment Motion, shall be allowed to make a brief statement of facts. In case of Calling Attention notice on the same subject has been received not latter than one hour before the commencement of the sitting on the day, it shall be clubbed with the Adjournment Motion and the names of the signatories shall be read out by the Speaker and not more than four members, having given the Calling Attention notice shall be allowed to put a question each by way of clarification:Provided further that the Speaker shall have the discretion to select five signatories to the notice of Adjournment Motion and four signatories to the Calling Attention notice, if so, clubbed.] [Substituted vide O.L.A.Notification No. 18164-L.A. dated 18.9.1986, O.G.E. No. 1279 dated 18.9.1986.][Provided also that as far as possible no member shall be allowed to participate in more than one Adjournment Motion even if he has signed in more than one such notice.] [Inserted vide Orissa Gazette Extraordinary No. 376/4.3.1993-Notification No. 5579-L.A./4.3.1993.]Provided also that no such matter shall be entertained for discussion and no such matter shall continue in the afternoon sitting on any day or in case of morning sitting, three hours after the commencement of the sitting.(1-a) All the notices which have not been taken at the sitting for which they have been given shall lapse at the end of the sitting unless the Speaker has admitted any of them for a subsequent sitting.(2)If objection is taken to leave being granted the Speaker shall request those members who are in favour of leave being granted to rise in their places, and if not less than fourteen members rise accordingly the Speaker shall intimate that leave is granted. If less than fourteen members rise, the Speaker shall inform the member that he has not, the leave of the Assembly.

## **62. Time for taking up motion.**

- The motion shall be taken up at 4 p.m. or if the Speaker so directs, at any earlier hour at which the business of the day may terminate.

### **63. Limitation of time of discussion.**

- On a motion to adjourn for the purpose of discussion a definite matter of urgent public importance, the only question that may be put shall be "That the Assembly do now adjourn": Provided that the debate if not earlier concluded shall automatically terminate at the end of two hours and thereafter no question shall be put.

### **64. Duration of speech.**

- No speech during the debate except with the permission of the Speaker shall exceed fifteen minutes in duration. Chapter-X Legislation Introduction of Bill

### **65. Publication before introduction.**

- The Speaker may order the publication of any Bill (together with the Statement of Objects and Reasons accompanying) 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. The Speaker shall cause a copy of the notice and of the Bill together with the Statement of Objects and Reasons to be forwarded to the Secretary to the Governor and the Law Department.

### **66. Notice of motion for leave to introduce private members' Bill.**

(1) Any member other than a Minister desiring to move for leave to introduce a Bill, shall give notice of his intention, and shall together with the notice, submit a copy of the Bill and a full Statement of Objects and Reasons. The Speaker shall cause a copy of the notice and of the Bill and the Statement of Objects and Reasons to be forwarded to the Governor's Secretary, the Chief Minister, the department to which the matter belongs and to the Law Department. (2) The period of notice of motion for leave to introduce a Bill under this rule shall be 30 days [unless the Speaker allows the motion to be made at shorter notice] [Added vide Orissa Gazette Extraordinary No. 278/13.3.1991-Notification No. 7123-L.A./13.3.1991.].

### **66A. Statement in connection with Ordinance.**

(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, along with 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 during the session [following the promulgation of the Ordinance] [Inserted vide Orissa Gazette Extraordinary/30.4.1965-Notification No. 5635-L.A./30.4.1965.].



## **67. Motion for leave to introduce Bills.**

- If a motion for leave to introduce a Bill is opposed, the Speaker after permitting, if he thinks fit, a brief explanatory statement from the member who [opposes] [Substituted respectively vide Orissa Gazette Extraordinary No. 278/13.3.1991-Notification No. 7123-L.A./13.3.1991.] and from the member who [moves] [Substituted respectively vide Orissa Gazette Extraordinary No. 278/13.3.1991-Notification No. 7123-L.A./13.3.1991.] the motion, may, without further debate, put the question thereon.

## **68. Publication 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.

## **69. Requisitions for papers connected with Bills.**

(1)Any member may ask for any papers or returns connected with any Bill before the Assembly.(2)The Speaker shall determine, either at the time or at the meeting of the Assembly next following whether the papers or returns asked for can be given.B-Motions after introduction of Bills

## **70. Motion after introduction of Bills.**

- When a Bill is introduced on some subsequent occasion, the Member-in-charge may make one of the following motions in regard to his Bill, namely : (i)that it be taken into consideration; or (ii)that it be referred to a Select Committee composed of such members of the Assembly and with instruction, if any, to report before such date as may be specified in the motion; or (iii)that it be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion : Provided that no such motion shall be made until after copies of the Bill have been made available 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 seven days before the day on which the motion is made and such objection shall prevail, unless the Speaker allows the motion to be made.

## **71. Discussion of principle of Bill.**

(1)On the day which any motion referred to in Rule 70 is made or on any subsequent date to which discussion thereof is postponed, the principle of the Bill and its provision, may be discussed generally, 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-(a)if the Member-in-charge moves that the Bill 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 specified in the motion;(b)if the member in-charge moves that the Bill 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)Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon is carried, and the Bill is circulated in accordance with that direction and opinions are received thereon, the Member-in-charge if he wishes to proceed with the Bill thereafter, 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.

## **72. Person by whom motions in respect of Bills may be made.**

- No motion that the 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 for the purpose of eliciting opinion thereon shall be made by any member other than the Member-in-charge except by way of amendment to a motion made by the Member-in-charge.C-Select Committees on Bills

## **73. Composition of Select Committee.**

(1)The Minister-in-charge of the department to which the Bill relates and the Member who introduced the Bill shall be members of every Select Committee.(2)The other members of a Select Committee on a Bill shall be appointed by the Assembly when a motion that the Bill be referred to a Select Committee is made. The number of such other members so appointed shall not without the leave of the Assembly [exceed twelve] [Substituted vide Orissa Gazette Extraordinary No. 376/4-3-1993-Notification No. 5579-L.A./ 4.3.1993.].

## **74. Quorum of Select Committee.**

(1)In order to constitute a meeting of the Committee the quorum shall be as near as may be one-third of the total number of members of the-Committee.(2)If at the time fixed for any meeting of the Select Committee or if at any time during any such meeting there is no quorum the Chairman of the Committee shall either suspend the meeting until there is a quorum or adjourn the meeting to some future day.(3)When the Select Committee has been adjourned in pursuance of Sub-rule (2) on two successive dates fixed for meetings of the Committee, the Chairman shall report the fact to the Assembly.(4)On the presentation of a report under Sub-rule (3) the Member-in-charge of the Bill may, notwithstanding anything contained in Rule 79 move that the Bill be taken into consideration.

## **75. Power to take evidence.**

(1)A witness may be summoned by an order signed by the Secretary to give evidence or to produce such documents as are required for the use of the Committee.(2)A Select Committee may hear expert evidence and representatives of special interest affected by the measure before it.

## **76. Report by Select Committee.**

(1)After a Bill has been referred to a Select Committee-(a)the Select Committee shall examine the Bill clause by clause and if they decide to recommend any alteration in the Bill, the Bill shall be revised so as to bring it into conformity with such recommendations; and(b)the Committee shall make a report on the Bill.(2)The report of a Select Committee may be either preliminary or final. A preliminary report shall be confined to-(a)a statement of the reasons why the Committee have been unable to present a final report; and(b)a request for further time or further instruction or both.The final report shall be confined to-(a)a statement whether the publication directed by the rule or by the Assembly has taken place, or whether publication in more than one language is ordered the date on which the publication in each such language has taken place;(b)a statement of the alterations (if any) made by the Committee and of their reasons for such alteration; and(c)a recommendation that the Bill be passed; or(d)a recommendation that the Bill be republished with the report; or(e)a recommendation that the Bill be not further proceeded with.(3)A member of a Select Committee who has been present at one meeting at least of the Committee may record a note of dissent on any point from the report of the Committee if when signing the majority, report he states that he signs subject to such dissent and at the same time delivers or forwards his note of dissent. Every such note of dissent must be confined to a discussion of matter contained in the report and must be free from personal remarks. If any such note of dissent is open to objection under the foregoing provision, the Speaker shall cause it to be returned to the member concerned for the purpose of amendments, and if the member does not, within such time as Speaker may fix in this behalf, re-submit the note duly amended, the note shall be deemed to have been withdrawn.(4)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.(5)If in the opinion of the Speaker 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.

## **77. Printing and publication of report.**

- The Secretary shall cause every report of a Select Committee to be printed and a copy of the report shall be made available for the use of every member of the Assembly. The reports and the Bill as reported by the Select Committee shall be published in the Gazette.

## **78. Provisions applicable in other respects.**

- In other respects, the rules applicable to Committees in general provided in Chapter XXV of these rules shall mutatis mutandis apply.

D-Procedure after presentation of report of a Select Committee

## **79. Motions that may be moved after presentation of the report of a Select Committee.**

(1)After the presentation of the final report of a Select Committee on a Bill, the member-in-charge may move-(a)that the Bill as reported by the Select Committee be taken into consideration

:Provided that any member of the Assembly may object to its being so taken into consideration if a copy of the report has not been made available for the use of members for four days and such objection shall prevail, unless the Speaker allows that report to be taken into consideration or : (b) that the Bill as reported by the Select Committee be re committed [to the same Select Committee or to a new Select Committee] [Inserted vide Orissa Gazette Notification No. 5634-L.A./30.4.1964.] either-(i) without limitation ; or (ii) with respect to particular clauses or amendments only ; or (iii) with instructions to the Select Committee to make some particular or an additional provision in the Bill ; or (c) that the Bill as reported by the Select committee be circulated or recirculated, as the case may be, for the purpose of eliciting opinion or further opinion thereon. (2) If the member-in-charge moves that the Bill, be taken into consideration, any member may move as an amendment that the Bill be recommitted or be circulated or recirculated for the purpose of eliciting opinion or further opinion thereon.

## **80. Scope of debate on report of Select Committee.**

- 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. E-Amendments to clauses, etc. and consideration of Bills

## **81. Notice of amendments.**

(1) If notice of an amendment has not been given two days before the 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 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 stand in the name of the new member-in-charge of the Bill. (2) The Secretary shall, if time permits make available to members from time to time lists of amendments of which notices have been received.

## **82. Conditions of admissibility of amendments.**

- The following conditions shall govern the admissibility of amendments : (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 Assembly on the same question in course of debate on the same Bill; (iii) An amendment shall not be such as to make the clause which it proposed to amend unintelligible or ungrammatical; (iv) If an amendment referred to or is not intelligible, without a subsequent amendment or schedule, notice to the subsequent amendment or schedule shall be given before the first amendment is moved so as to make the series of amendments intelligible as a whole: - Provided that in order to save time and repetition of arguments, a single discussion may be allowed to cover a series of interdependent amendments; (v) The Speaker shall determine the order in which an amendment shall be moved ; (vi) The Speaker may refuse to propose an amendment which is in his opinion, frivolous or

meaningless.

### **83. Order of amendment.**

- Amendments shall ordinarily be considered in the order of the clauses of the Bill to which they respectively relate.

### **84. Withdrawal of amendment.**

- An amendment moved may by leave of the Assembly 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.

### **85. Submission of a Bill clause by clause.**

- Notwithstanding anything 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 Assembly 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, as the case may be, that this clause as amended) do stand part of the Bill" :Provided that the Speaker may put the question relating to more than one clause together where he thinks fit.

### **86. Schedule.**

- 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, as the case may be, that this schedule as amended) do stand part of the Bill".

### **87. Clause one enacting formula, preamble and title of the Bill.**

- 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, the enacting formula, the Preamble and the title (or, as the case may be, that clause one, enacting formula, preamble or title as amended) do stand part of the Bill".F-Passing of Bills

### **88. 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 may at once move that the Bill be passed.(2)If any amendment of

the Bill is made, any member may object to any motion being made on the same day that the Bill be passed, and such objection shall prevail unless the Speaker allows the motion to be made.(3)Where the objection prevails, a motion that the Bill be passed may be brought forward on any future day.(4)No amendments, not being merely verbal, shall be made to any Bill after such a motion is moved.

### **89. Scope of debate.**

- The discussion on a motion that the Bill be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill without going into its details.

### **90. Power of Speaker to correct patent errors and make consequential changes in a Bill as passed.**

- Where a Bill is passed by the Assembly the Speaker shall have power to correct patent errors and make such other changes in the Bill as are consequential upon the amendments accepted by the Assembly.G-Authentication and reconsideration of Bills

### **91. [ Authentication of a Bill. [Substituted vide O.L.A.Notification No. 11258/1.A. dated 9.4.1997 O.G.E. Dated 9.4.1997.]**

(1)After a Bill has been passed by the Assembly, three copy thereof, shall be signed by the Speaker and presented to the Governor.](2)In the case of a Money Bill which has been passed by the Assembly, the Speaker shall endorse a certificate as required under Article 192 (4) of the Constitution before it is presented to the Governor.

### **92. Reconsideration by the Assembly of a Bill passed.**

- When a Bill which has been passed by the Assembly is returned by the Governor for reconsideration the point or points referred for reconsideration shall put before the Assembly by the Speaker, and shall be discussed and voted upon in the same manner as amendments to a Bill, or in such other way as the Speaker may consider most convenient for their consideration by the Assembly.H-Adjournment of Debate and withdrawal and removal of Bills

### **93. Adjournment of debate on Bill.**

- At any stage of a Bill which is under discussion in the Assembly a motion that the debate in the Bill be adjourned may be moved with consent of the Speaker.

### **94. Withdrawal of Bill.**

- The member who has introduced a Bill may, at any stage of the Bill, move that the Bill be withdrawn :Provided that where a Bill has been referred to 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 Assembly the motion shall be set down in the list of business.

### **95. Explanatory statement by member who moves or opposes withdrawal motion.**

- If a motion for leave to withdrawal of a Bill is opposed the Speaker may, if he thinks fit, permit the member who moves and the member who opposes the motion to make brief explanatory statements and may thereafter, without further debate, put the question.

### **96. Removal of a Bill from the list of Bills.**

- Where any of the following motions under these rules in regard to a Bill is rejected by the Assembly no further motion shall be made with reference to the Bill and such Bill shall be removed from the List of Bills pending in the Assembly for one 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 the Select Committee be taken into consideration; and(v)that the Bill (or as the case may be, that the Bill as amended) be passed.

### **97. Special provision for removal of private Member Bills from the list of Bills.**

- Private Members Bill pending before the Assembly shall also be removed from the List of Bills pending in the Assembly in case-(a)the member-in-charge ceases to be a member of the Assembly;(b)the member-in-charge is appointed as a Minister;(c)a Bill substantially similar in nature is passed by the Assembly.

### **98. [ Form of resolution. [Substituted vide Orissa Gazette Extraordinary/dated 3.4.1972-Notification No. 6012-L.A./3.4.1972.]**

- 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.]

### **98A. [ Subject-matter of resolution. [Inserted vide Orissa Gazette Extraordinary/dated 3.4.1972-Notification No. 6012-L.A./3.4.1972.]**

- Subject to the provisions of these rule a member or a Minister may move a resolution relating to a matter of general public interest.

## **98B. Notice of resolutions.**

(1)A member other than a Minister who wishes to move a resolution shall give fifteen clear day's notice of his intention and shall, together with the notice, submit the text of the resolution which he wishes to move :Provided that the Speaker with the consent of the Minister in charge of the Department to which the resolution relates may admit it with shorter notice than fifteen days.(2)No member shall give notice of more than three resolutions for each day allotted for disposal of private members resolutions.]

## **99. Condition of admissibility of resolution.**

- No resolution, shall be admissible which does not comply with the following conditions, namely;(a)it shall be clearly and precisely expressed and shall raise a definite issue;(b)it shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity;(c)it shall not be in respect of any matter which is under adjudication by a Court of law;(d)it shall not be in respect of any matter which is not primarily the concern of the State Government; and(e)[\* \* \*] [Omitted vide Orissa Gazette Extraordinary/3.4.1972-Notification No. 6012-L.A./ 3.4.1972.]

## **100. Speaker to decides admissibility of resolution.**

- The Speaker shall decide the admissibility of a resolution and may disallow a resolution or a part thereof when in his opinion it does not comply with these rules.

## **101. Copy of admitted resolution to be sent to Administrative Department and members.**

- On the admission of a resolution by the Speaker he shall at once cause a copy of it to be forwarded to the Administrative Department concerned and copies thereof shall be sent as early as possible to all the members of the Assembly.

## **102. Moving a resolution.**

(1)A member in whose name a resolution stands on the list of business shall except when he wishes to withdraw it when called upon, move the resolution, in which case he shall commence his speech by a formula motion in the terms appearing in the list of business.(2)A member may, with the permission of the Speaker, authorise any other member, in whose name the same resolution stands lower in the list of business to move it on his behalf, and the member so authorised may move accordingly.(3)If a member other than a Minister when called on is absent, any other member authorised by him in writing in his behalf may, with the permission of the Speaker move the resolution standing in his name.



### **103. Amendments.**

(1)After a resolution has been moved, any member may, subject to the rules relating to resolutions, move on amendment to the resolution.(2)If notice of such amendment has not been given three days before the day on which the resolution is moved, any member may object to the moving of the 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 list of amendments of which notices have been given.

### **104. Time-limit of speeches.**

- No speech on a resolution, except with the permission of the Speaker, shall exceed fifteen minutes, in duration :Provided that the mover of a resolution when moving the same and the Minister concerned when speaking for the first time, may speak for thirty minutes or for such longer time as the Speaker may permit.

### **105. Scope of discussion.**

- The discussion of a resolution shall strictly relevant to and within the scope of resolution.

### **106. Withdrawal of resolution and amendment.**

(1)Member in whose name a resolution stands on the list of business may, when called upon, withdraw the resolution in which case he 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 Assembly.(3)If a resolution which has been admitted is not discussed during the session, it shall be deemed to have been withdrawn.

### **107. Splitting of resolution.**

- When any resolution involving several points has been discussed, the Speaker may divide the resolution and put each or any point separately to the vote as he may thinks fit.

### **108. Order of amendments.**

(1)When an amendment to any resolution is moved, or when two or more such amendments are moved the Speaker shall, before putting the question state or read to the Assembly the terms of the original motion and of the amendment or amendments proposed.(2)It shall be in the discretion of the Speaker to put first to the vote either the original motion or any of the amendments which may have been brought forward.

## **109. Repetition of resolution.**

(1)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.(2)When a resolution has been withdrawn with the leave of the Assembly no resolutions raising substantially the same questions shall be moved during the same session.

## **110. Copy of resolution passed to be sent to Department.**

- A copy of every resolution which has been passed by the Assembly shall be forwarded to the Department concerned, but any such resolution shall have effect only as a recommendation to the Government.  
Chapter-XIIMotions

## **111. Motions And Notice Of Motions.**

- [(1) Save in so far as 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.] [Substituted Vide Orissa Gazette Extraordinary/3.4.1972-Notification No. 6012-L.A./3.4.1972.](2)A member who wishes to move a motion (other than motion for which a specified period is otherwise prescribed) shall give notice of his intention to the Secretary two days in the case of a motion of an amendment and fifteen days in the case of other motions before the meeting at which he intends to move the motion :Provided that the Speaker may, in his discretion admit at any time any motion at shorter notice than that prescribed in these rules, or may admit a motion without notice.(3)Votes may be taken by voices or by division and shall always be taken by division if any member so desires. [\* \* \*] [Omitted Vide Orissa Gazette Extraordinary/3.4.1972-Notification No. 6012-L.A./3.4.1972.](4)[\* \* \*] [Omitted Vide Orissa Gazette Extraordinary/3.4.1972-Notification No. 6012-L.A./3.4.1972.]

## **112. Repetition of motions.**

- A motion must not raise a question substantially similar to one on which the Assembly has given a decision in the same session :Provided that nothing herein contained shall, unless the Speaker in any case otherwise directs, be deemed to present the making of any of the following motion, namely :  
(a)a motion for taking into consideration or reference to a Select Committee of a Bill where an amendment has been carried a previous motion of the same kind to the effect that the Bill be circulated for the purpose of eliciting opinion thereon;(b)any motion for the amendment of a Bill which has been recommitted to a Select Committee or recirculated for the purpose of eliciting opinion thereon;(c)any motion for the amendment of a Bill made after the return of the Bill by the Governor for reconsideration by the Assembly;(d)any motion for the amendment of a Bill which is consequential on or designed merely to alter the drafting of another amendment which has been carried; and(e)any motion which has to be made within a period determined by or under the rules:.

**113.**

[\* \* \*] [Omitted Vide Orissa Gazette Extraordinary/3.4.1972-Notification No. 6012-L.A./3.4.1972.]

**113A. [ Conditions of admissibility of motion. [Inserted Vide Orissa Gazette Extraordinary/3.4.1972-Notification No. 6012-L.A./3.4.1972.]**

(1) In order that a motion may be admissible it shall satisfy the following conditions, namely: (i) it shall raise substantially one definite issue; (ii) it shall not contain arguments, inferences, ironical expressions, amputations 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 ; and (viii) it shall not relate to any matter which is under adjudication by a Court of law having jurisdiction in any part of India. (2) The Speaker shall decide whether a motion or a part thereof is or is not admissible under these rules and may 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 Assembly or is in contravention of these rules.]

**113B. [ No-day-yet named motions. [Inserted vide Orissa Gazette Extraordinary/3.4.1972-Notification No. 6012-L.A.13.4.1972.]**

(1) If the speaker admits notice of a motion given in writing addressed to the Secretary and no date is fixed for the discussion of such motion it shall be immediately circulated as no-day-yet named motion for information of all concerned. (2) The Speaker may, after considering the state of the business in the House and in consultation with the Leader of the House, allot time for the discussion of any such motion. (3) The Speaker shall, at the appointed hour on the allotted days or the last of the allotted day, as the case may be, forthwith put every question necessary to determine the decision of the House on the original question.]

**113C. [ Motion to consider policy situation etc. [Inserted vide Orissa Gazette Extraordinary/3.4.1972-Notification No. 6012-L.A.13.4.1972.]**

- A motion that the policy or situation or statement or any other matter be taken into consideration shall not be put to the vote of the House, but the House shall proceed to discuss such matter immediately after the mover has concluded his speech and no further question shall be put at the conclusion of the debate at the appointed hour unless a member moves a substantive motion in appropriate terms to be approved by the Speaker and the vote of the House shall be taken on such motion.]

## **114.**

[\* \* \*] [Omitted vide Orissa Gazette Extraordinary/3.4.1972-Notification No. 6012-L.A.13.4.1972.]

## **115. Time-limit for speeches.**

- The Speaker may, if he thinks fit, prescribe a time-limit for speeches.

## **116. Withdrawal of motions.**

(1)A member who has made a motion may withdraw the same by leave of the Assembly.(2)The leave shall be signified not upon question put by the Speaker taking the pleasure of the Assembly. The Speaker shall ask : "is it your pleasure that the motion be withdrawn?" If no one dissents the Speaker shall say; "The motion is by leave withdrawn." But if any dissentient voice be heard or a member rises to continue the debate, the Speaker shall forthwith put the motion :Provided that if an amendment has been proposed to a motion, the original motion shall not be withdrawn until the amendment has been disposed of.Chapter-XII A Calling attention to matters of urgent public importance

### **116A. Calling attention to matters of urgent public importance.**

(1)A member may with the previous permission of the Speaker call the attention of Minister to any matter of urgent public importance and the Minister will 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 one such notice for any one sitting.(2)There shall be no debate on such statement 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 question :Provided that names of not more than three members shall be shown in the list of business.Explanation. - Where a notice is signed by more than one member, it shall be deemed to have been given by the first signatory only.(3)[ Not more than two such matters shall be raised at the same sitting:Provided that the second matter shall not be raised by the same Members who have raised the first matter :Provided further that where two Calling Attention matters have been included in the list of business for a day, the Minister concerned may make a brief statement in respect of the first matter. In respect of the second matter a statement may be laid on the table by the Minister concerned Copies of the statement so laid shall also be supplied to the Members in whose name the item stands in the list of business.] [Substituted O.L.A.Notification No. 18164-L.A.dated 18.9 1986, O.G.E.No. 1279 dated 18.9.1986.](4)In the event of more than one matter being presented for the same day, priority shall be given to the matter which is, in the opinion of the Speaker, more urgent and important.(5)The proposed matter shall be raised after the questions and before the list of business is entered upon and at no other time during the sitting of the House.(6)All the notices which have not been taken up at the sitting for which they have been given shall lapse at the end of the sitting unless the Speaker has admitted any of them for a subsequent sitting.(7)Unless the Speaker otherwise directs not more than half-an-hour shall be available in one sitting for disposal of a calling attention notice.[Chapter-XII-B] [Inserted vide

Orissa Gazette Extraordinary/26.11.1960-Notification No. 11645-L.A./26.11.1960.] Discussion on matters of urgent public importance for short duration

### **116B. Notice of raising discussion on matters of urgent public importance for short duration.**

(1) Any member desirous of raising discussion on a matter of urgent public importance may give notice in writing 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 discussion on the matter in question : Provided further that the notice shall be supported by the signatures of at least two other members. (2) Speaker to decide admissibility - 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 and fix the date and time on which such matter may be taken up for discussion, not exceeding one hour as he may consider appropriate in the circumstances : Provided that if any early opportunity is otherwise available for the discussion of the matter, the Speaker may refuse to admit the notice. (3) No formal motion - There shall be no formal motion before the House nor voting. The member who has given notice may make a short statement and the Minister shall reply briefly. Any other member may take part in the discussion.

### **116C. [ Raising a matter which is not a point of order. [Substituted vide O.L A. Notification No. 18164-1.A. dated 18.9.1986 O.G.E. No. 1279 dated 18.9.1986.]**

- A member who wishes to bring to the notice of the Assembly any matter which is not a point of order shall give notice to the Secretary in the writing stating briefly the point which he wishes to raise in the Assembly together with reasons for wishing to raise it, and he shall be permitted to raise it only after the Speaker has given his consent and at such time and date as the Speaker may fix. (2) Unless the speaker otherwise directs, not more than five matters shall be raised in one sitting by five different members. (3) The Speaker shall have power not to allow any matter to be raised on any particular day. (4) If a member is absent when called by the Speaker to raise the matter given notice of by him, the notice shall lapse. (5) Relevant extracts from the manuscript proceedings or a gist thereof, whichever is convenient containing the statement made by a Member, shall be sent to the Department concerned for reply within five days and the reply so received shall be communicated to the member concerned. (6) The following conditions shall govern the admissibility of a matter sought to be raised under this rule, namely : (i) Only matters of urgent public importance; (ii) A matter which can appropriately be raised through any other Parliamentary method or an opportunity is shortly available to raise the matter or which can be raised by way of personal explanation, cannot be raised under this rule; (iii) A matter sought to be raised shall be one which falls within the jurisdiction of the Assembly; or (iv) It is not permissible for a member to deviate from or add to what he has stated in his written notice. (7) This item of business shall not be included in the List of Business for the day and be taken up normally after question and before the List of Business is entered upon or at such other time as the Speaker thinks fit.]] 116D Special mention. [Inserted vide O.G.E. No. 573 dated

6.4.2005.](1)A member who wishes to bring to the notice of the House a matter which is not a point of order, shall give notice in writing to the Secretary specifying clearly & 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, preferably immediately after the question hour.(2)The concerned Department shall report to the House action taken on the matter raised, within forty eight hours unless the Speaker otherwise directs.]Chapter-XIIIMotion of no-confidence in the Council of Ministers and statement by a Minister who has resigned

### **117. Motion of no-confidence of Ministers.**

(1)A motion expressing want of confidence in the Council of Ministers may be made subject to following restrictions, namely :(a)leave to make the motion must be asked for after questions and before the list of business for the day is entered upon;(b)the member asking for leave must, before the commencement of the sitting of the day, leave with the Secretary a written notice of the motion which he proposes to move.(2)If the Speaker is of opinion that the motion is in order, he shall read the motion to the Assembly and shall request those members who are in favour of leave being granted to rise in their places, and if not less than fourteen members rise accordingly, the Speaker shall intimate that leave is granted and that the motion will be taken on such day, not being more than ten days from the date on which the leave is asked, as he may appoint. If less than fourteen members rise the Speaker shall inform the member that he has not the leave of the Assembly.(3)The Speaker may if he thinks fit, prescribe a time-limit for speeches when the no-confidence motion is discussed.

### **118. Statement by a 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.(2)A copy of the statement shall be forwarded to the Speaker and the Leader of the House one day in advance of the day on which it is made:Provided that in the absence of a written statement, the points or the gist of such statement shall be conveyed to the Speaker and the Leader of the House one day in advance of the day on which it is made.(3)Such statement shall be made after questions and before the list of business for the day is entered upon.(4)There shall be no debate on such statement but after it has been made, a Minister may make a statement pertinent thereto.Chapter-XIVResolution for removal of Speaker or Deputy Speaker from office

### **119. Resolution for removal of Speaker or Deputy Speaker.**

(1)Any resolution to remove the Speaker or Deputy Speaker from office of which the notice, as required under Article 179 of the Constitution has been given, shall be read to the Assembly by the person presiding over the Assembly who shall then request the members who are in favour of the leave being granted to move the resolution to rise in their places and if not less than 28 members rise accordingly, the person presiding over the Assembly shall allow the resolution to be moved. If less than 28 members rise, the person presiding over the Assembly shall inform the member who may have given the notice that he has not the leave of the Assembly to move it.(2)The person

presiding may, if he thinks fit, prescribe a time limit for speeches when the resolution is discussed. Chapter-XV A-Procedure in financial matter

## **120. Presentation of Budget.**

(1) The annual financial statement or the statement of the estimated receipts and expenditure of the State in respect of every financial year (hereinafter referred to as 'the Budget') shall be presented to the Assembly, on such day in the preceding financial year as the Governor may appoint. (2) [Copies of the Budget shall be issued to the members soon after the same as presented.] [Substituted vide O.L.A. Notification No. 18164-L.A. dated 18.9.1986 O.G.E. No. 1279 dated 18.9.1986.] (3) There shall be no discussion of the Budget on the day it is presented to the Assembly.

## **121. Form of Budget.**

(1) 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 in his discretion, include in one demand grants proposed for two or more departments, according to rationalisation system or make a demand in respect of expenditure such as Famine Relief and Insurance which cannot readily be classified under particular department. (2) Each demand shall contain, first a statement of total grant proposed and then a statement of the detailed estimate under each such grant divided into items. (3) Subject to these rules, the budget shall be presented in such form as the Finance Minister may consider best fitted for its consideration by the Assembly.

## **122. Stages of Budget debate.**

- The Budget shall be dealt with by the Assembly in two stages-(i) a general discussion ; and (ii) the voting of demands for grants. (2) [There shall be an interval of minimum two days between the presentation of the Budget and general discussion.] [Inserted vide O.L.A. Notification No. 18164-L.A. dated 18.9.1986 O.G.E. No. 1279 dated 18.9.1986.]

## **123. General discussion.**

(1) On a day or days to be appointed by the Speaker subsequent to the day on which the Budget is presented and for such time as the Speaker may allot for this purpose the Assembly 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 for the Assembly. (2) The Finance Minister shall have a general right of reply at the end of the discussion. (3) The Speaker may, if he thinks fit, prescribe time-limit for speeches.

## **124. Voting of demand for grants.**

- [(1) The voting of demand shall be taken up in such order and on such dates as the Speaker may direct.] [Substituted vide O.L.A. Notification No. 24675-L.A. dated 12.10.1988.] (2) [It shall take

place on such days not less than fourteen days as the Speaker may allot for the purpose.] [Substituted vide Orissa Gazette Notification No.5635-L.A./30.4.1965.](3)No motion for appropriation can be made except on the recommendation of the Governor communicated to the Assembly.(4)Motion may be moved at this stage to reduce the amount specified in a demand for a grant, but not increase or alter the destination of such grant.(5)A member who desires to bring forward a motion for the reduction of the amount specified in any demand for grant shall give notice thereof in writing to Secretary not later than on the fifth day [before the day fixed for the voting of such demand] [Substituted vide Orissa Gazette Notification No.5635-L.A./30.4.1965.] for grants and shall submit a copy of the motion with the notice :Provided that the Speaker may, with the consent of the Minister-in-charge of the Department concerned, allow a motion to be moved of which shorter notice has been given.(6)Of the days allotted under Sub-rule (2) not more than two days shall be taken up by the Assembly for the discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the Speaker shall forthwith put every question necessary to dispose of the demand under discussion.(7)[ On the last day of the days so allotted, at 17.00 hours or at such other hour as the Speaker may fix the Speaker shall forthwith put every question necessary to dispose of all outstanding matters in connection with the demands for grants and the consideration thereof shall not be interrupted in any manner whatsoever nor shall dilatory motion be moved in regard thereto.] [Substituted vide O.L.A. Notification No. 18164-L.A. dated 18.9.1986 O.G.E. No. 1279 dated 18.9.1986.]

## **125. Appropriation Bill.**

(1)As soon as may be after the grants have been made by the Assembly under Rule 124 there shall be introduced an Appropriation Bill as required under Article 204 of the Constitution.(2)Subject to the provision of Article 204 (2) of the Constitution, the procedure with regard to Appropriation Bill shall be governed by rules relating to Bill in General with such modification as the Speaker may consider necessary.(3)The Speaker may, if he thinks fit, prescribe a time-limit for speeches at all of any of the stages involved in the passage of the Bill.(4)The debate on an Appropriation Bill shall be restricted to matter 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.(5)The Speaker shall have powers to suspend the operation of any rule or rules for the purpose of timely completion of the financial business.

## **126. Presentation of supplementary or additional statement of expenditure.**

- At any time during a financial year an estimate may be presented to the Assembly or a supplementary or additional grants when-(a)the amount authorised by the Appropriation Act in respect of a particular service of any financial year is found to be insufficient for the purpose of that year ; or(b)need arises during the current financial year for expenditure upon some new services not contemplated in the Budget of the year.



### **127. Discussion of supplementary or additional grants.**

- Supplementary or additional grant shall be regulated by the same procedure as is applicable in the case of demands for grants subject to such adoptions, whether by way of modification, addition or omission, as the Speaker may deem it necessary or expedient.

### **128. Scope of discussion in 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.

### **129. 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 Assembly and if the Assembly assents to the demand, funds may be so made available.

### **130. Excess grant.**

- If in respect of any financial year money has been spent on any service, for which the vote of the Assembly is necessary, in excess of the amount granted for that service and for that year a demand for the excess shall be presented to the Assembly and shall be dealt with in the same way by the Assembly as if it were a demand for a supplementary grant.

### **131. Votes of credit and exceptional grants.**

(1)At any time during the financial year a motion may be made for vote on credit or exceptional grants as contemplated under Article 206 of the Constitution.(2)Votes on credit and, exceptional grants 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 modification, additions or omissions as the Speaker may deem to be necessary or expedient.

### **132. Vote on account.**

- A motion for vote on account shall state the total sum required and the various amounts needed for each Department or items 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 the reductions or omission of the items whereof the grant is composed.(3)Discussion of general character shall 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 with in the same way as if it were a demand for grant and the provisions of Rules 123, 124 and 125 shall mutatis mutandis apply.

### **133. Business that can be taken up on a day allotted for any kind of financial business.**

- Notwithstanding that a day has been allotted for any business under Rules 123, 124, 125 or 127 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 before the Assembly enters on the business for which the day has been allotted. B-Committee on Public Accounts

### **134. Control of Committee on Public Accounts.**

(1) There shall be a Committee on Public Accounts for the examination of accounts showing the appropriation of sums granted by the Assembly for the expenditure of the Government of Orissa, the annual finance accounts of the State Government and such other accounts laid before the Assembly as the Committee may think fit. (2) In scrutinising the Appropriation Accounts of the Government of Orissa and the report of the Comptroller and Auditor-General thereon it shall be the duty of the Committee on Public Accounts to satisfy itself—(a) that the money shown in the accounts 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 provisions made in this behalf under rules framed by competent authority. (3) It shall be also the duty of the Public Accounts Committee—(a) to examine the statement of accounts showing the income and expenditure of State Corporations, Trading and Manufacturing Schemes 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 financing of a particular corporation, trading concern or project and the report of the Comptroller and Auditor-General thereon; (b) to consider the report of the Comptroller and Auditor-General in cases where the Governor may have required him to conduct an audit of any receipts or to examine the account of stores and stock. (4) If any money has been spent on any service during a financial year in excess of the amount granted by the Assembly 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 recommendation as it may deem fit: [Provided that the Committee shall not exercise its functions in relation to such public undertaking as are allotted to the Committee on public undertakings by these rules or by the Speaker.] [Substituted vide O.L.A. Notification No. 18164-L.A. dated 18.9.1986 O.G.E. No. 1279 dated 18.9.1986.]

### **135. Committee on Public Accounts.**

(1) The Committee on Public Accounts shall consist of [twelve] [Inserted vide Orissa Gazette Extraordinary/3.4.1972-Notification No. 6012-L.A./3.4.1972.] members who shall be elected by the Assembly every year from amongst its members according to the principle of proportional representation by means of the single transferable vote: Provided that a Minister shall not be elected a member of the Committee or if member, after election to the Committee, is appointed a Minister, he shall cease to be a member of the Committee from the date of such appointment. (2) The term of

office of members of the Committee shall be one year.(3)[ In order to constitute a meeting of the Committee the quorum shall be four.] [Substituted vide O.L.A. Notification No. 6012-L.A. dated 3.4.1972, O.G.E. dated 3.4.1972](4)The Committee shall have power to pass resolutions on matter of procedure for the consideration of the Speaker who may make such variations in procedure as he may consider necessary.

### **136. Provisions as applicable in other respects.**

- In other respects the rules applicable to Committees in general provided in Chapter XXV of these rules shall mutatis mutandis apply.C-Committee on Estimates

### **137. Committee on Estimates.**

(1)There shall be a Committee on Estimates for the examination of such of the estimates as may deem fit to the Committee or are specifically referred to it by the Assembly. The functions of the Committee shall be-(a)to report what economic 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 Assembly :[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.] [Inserted vide Orissa Gazette Extraordinary/3.4.1972-Notification No. 6012-I..A./3.4.1972.](2)The Committee shall consist of twelve members who shall be elected by the Assembly every year from amongst its members according to the principle of proportional representation by means of the single transferable vote :Provided that a Minister shall not be elected a member of the Committee, or if a member, after election to the committee, is appointed a Minister he shall cease to be a member of the Committee from the date of such appointment.(3)The term of office of the members of the Committee shall be one year.(4)[ In order to constitute a meeting of the Committee the quorum shall be four] [Substituted vide O.L.A. Notification No. 18165-L.A. dated 18.9.1986 O.G.E. No. 1279 dated 18.9.1986.](5)The Committee may continue its examination of the estimates from time to time throughout the financial year and report to the Assembly 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.(6)The Committee shall have power to pass resolution on matters of procedure for the consideration of the Speaker who may make such variations in procedure as he may consider necessary.

### **138. Provisions applicable in other respects.**

- In other respects the rules applicable to Committee in general provided in Chapter XXV of these rules shall mutatis mutandis apply.D-Committee on Public Undertakings

### **138A. Function of Committee on Public Undertakings.**

(1) There shall be Committee on Public Undertakings for the examination of the workings for the Public Undertakings specified in Schedule IV. The function of the Committee shall be—(a) to examine the report and accounts of the Public Undertakings specified in Schedule IV; (b) to examine the reports if any, of the Comptroller and Auditor-General on the 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 and the Committee on Estimates in relation to the Public Undertakings specified in Schedule IV 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 particular public undertaking is established. (2) The Committee shall consist of twelve members who shall be elected by the Assembly every year from amongst its members according to the principle of proportional representation by means of single transferable vote : Provided that a Minister shall not be elected a member of the Committee, and that if a member after his election to the Committee, is appointed a Minister he shall cease to be a member of the Committee from the date of such appointment. (3) The term of office of members of the Committee shall be one year. (4) [ In order to constitute a meeting of the Committee the quorum shall be four.] [Substituted vide O.L.A. Notification No. 18164-L.A. dated 18.9.1986 O.G.E. No. 1279 dated 18.9.1986.]

### **138B. [ Provisions applicable in other respects. [Inserted vide Orissa Gazette Extraordinary/3.4.1972-Notification No. 6012. L.A./3.4.1972.]**

- In other respects, the rules applicable to the Committee in general provided in Chapter-XXV of these rules shall mutatis mutandis apply.] E-Committee on Welfare of Scheduled Castes and Scheduled Tribes

### **138C. Constitution.**

(1) There shall be a Committee on the Welfare of Scheduled Castes and Scheduled Tribes consisting of twelve members to be elected by the Assembly every year from amongst its members according to the principle of proportional representation by means of single transferable vote : Provided that a Minister shall not be eligible for election as a member of the Committee and that if a member after his election to the Committee is appointed a Minister, he shall cease to be a member thereof from the date of such appointment. (2) The term of office of members shall be one year : [\* \* \*] [Deleted vide Orissa Gazette Extraordinary No. 278/13.3.1991-Notification No. 7123-L.A./13.4.1991.] (3) [ In order to constitute a meeting of the Committee the quorum shall be four.] [Inserted vide O.L.A. Notification No. 18164-L.A. dated 18.9.1986 O.G.E. No. 1279 dated 18.9.1986.]

### **138D. Functions.**

- The functions of the Committee shall be-(1)To consider and examine the recommendations contained in the report of the Commissioner for Scheduled Castes and Scheduled Tribes, Government of India in so far as the Orissa State is concerned and which fall within the purview of the State Government and to report to the Assembly as to the measures that should be taken by the State Government.(2)To report to the Assembly on the action taken by the Government on the measures proposed by the Committee.(3)To report to the Assembly on the working of the welfare programme for the Scheduled Castes and Scheduled Tribes ; and(4)To examine such other matters as are specifically referred to it by the Assembly or the Speaker.

### **138E. Provisions applicable in other respects.**

- In other respects, the rules applicable to the Committee in general provided in Chapter XXV of these rules shall mutatis mutandis apply.Chapter-XVIA-Question of privilege and Committee of Privileges

### **139. Question of privilege.**

- Subject to the provisions of these rules, a member may, with the consent of the Speaker, raise a question involving a breach of privilege either of a member, or of the Assembly or of a Committee thereof.

### **140. Notice of question of privilege.**

- A member wishing to raise a question of privilege shall give notice in writing to the Secretary one day before the commencement of the sitting of the day on which the question is proposed to be raised. If the question raised is based on a document the notice shall be accompanied by the document ;Provided that the Speaker may allow a question of privilege to be raised with shorter notice or with no notice.

### **141. Conditions of admissibility of question of privilege.**

- The right to raise a question of privilege shall be governed by the following conditions:(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;(iii)[ the matter requires the intervention of the House ] [Added vide O.L.A. Notification No. 7123-L. A./13.3.1991]

### **142. Mode of raising a question of privilege.**

(1)The Speaker, if he gives consent and holds that the matter proposed to be discussed is in order, shall after the questions and before the list of business is entered upon call the member concerned who shall rise in his place and, while asking for leave to raise the question of privilege make a short

statement relevant thereto ;Provided that where the Speaker has refused his consent 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 question of privilege and state that he refuses consent or holds that the notice of question of privilege is not in order:Provided further that Speaker may, if he is satisfied about the urgency of the matter, allow a question of privilege to be raised at any time during the course of a sitting after the disposal of questions.(2)When a statement under Sub-rule (1) is made the Speaker shall request those members who are in favour of leave being granted to rise in their places and if not less than the members rise accordingly, the Speaker shall intimate that leave is granted. If less than ten members rise, the Speaker shall inform the member that he has not the leave of the Assembly.

### **143. Consideration of question of privilege to which leave is granted.**

- It leave under Rule 142 is granted the Assembly may consider the question and come to a decision or refer it to a Committee of privileges [on a motion made either by the member, who had raised the question of privilege or by any other member] [Substituted vide Orissa Gazette Extraordinary/3-4-1972-Notification No. 6012-L.A./3.4.1972.],

### **144. Constitution of Committee of privileges.**

(1)At the commencement of the Assembly or from time to time, as the case may be the Speaker shall nominate a Committee of privileges consisting of [Seven] [Substituted seven for five, by motion adopted in the House on 8.4.1988.] members.(2)The Committee nominated under Sub-rule (1) shall hold office until a new Committee is nominated.

### **145. Quorum of Committee.**

- The quorum of the Committee shall be three.

### **146. Examination of the question by Committee.**

(1)The Committee shall examine every question referred to it and determine, with reference to the fact 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)Subject to the provisions of Sub-rule (1) of the rule, the report may also state the procedure to be followed by the Assembly in giving effect to the recommendations made by the Committee.

### **147. Sitting of Committee of privileges.**

- As soon as may be after a question of privilege has been referred to the Committee of Privileges the Committee shall meet from time to time and shall make a report.

## **148. Oath.**

(1)All evidence shall be taken on oath.(2)The form of the oath shall be as follows ;"I swear in the name of God (or solemnly affirm) that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part my evidence shall be false".

## **149. Provisions applicable in other respects.**

- In other respects, the rules applicable to Committees in general provided in Chapter XXV of these rules shall mutatis mutandis apply.

## **150. Consideration of report.**

(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, whereupon the Speaker may put the question to the Assembly.(2)Before putting the question to the Assembly 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 the report further than is necessary to make out a case for the consideration of the report by the Assembly.(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 Assembly agrees or disagrees or agrees with amendments with the recommendations contained in the report.

## **151. Priority for consideration of report of the Committee.**

- A motion that the report of the Committee of Privileges be taken into consideration shall be accorded the priority assigned to a matter of privilege under Sub-rule (1) of Rule 142.

## **152. Regulation of procedure.**

- The Speaker may issue such directions as he may consider 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 Assembly.

## **153. Power of Speaker to refer questions of privilege to Committee.**

- Notwithstanding anything contained in these rules, the Speaker may refer any question of privileges to the Committee of Privileges for examination, investigation and report.B -Intimation to Speaker of arrest, detention etc. and release of a member

## **154. Intimation to Speaker by Magistrate 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 fact 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 appropriate form set out in the Schedule I.

### **155. 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 concerned authority in appropriate form set out in the Schedule I.

### **156. Treatment of communication received from Magistrate.**

- The Speaker shall, after he has received a communication referred to in Rule 154 of Rule 155, read it out in the Assembly if in session or if the Assembly is not in session direct that intimation of the same may be sent to all members: Provided that if the intimation of the release of a member either on bail or by discharge on appeal is received before the Assembly has been informed of the original arrest, the fact of his arrest or his subsequent release or discharge may not be intimated to the Assembly by the Speaker. Chapter-XVII Subordinate Legislation and Committee on Subordinate Legislation

### **157. Committee on Subordinate Legislation and its function.**

- Subject to the provisions of these rules, a Committee on Subordinate Legislation may be constituted to scrutinise and report to the Assembly whether the powers delegated by Assembly have been properly exercised within the frame-work of the statute delegating such powers.

### **158. Constitution of the Committee on subordinate Legislation.**

(1) The Committee shall consist of not more than seven members who shall be nominated by the Speaker. [Provided that a Minister shall not be nominated as a member of the Committee and that if a member after his nomination to the Committee is appointed a Minister, he shall cease to be a member of the Committee from the date of such appointment.] [Inserted vide O.L.A. Notification No. 18164-L.A. dated 18.9.1986 O.G.E. No. 1279 dated 18.9.1986] (2) The term of office of the members of the Committee shall be one year.

### **159. Quorum.**

- In order to constitute a meeting of the Committee the quorum shall be three.



## **160. Numbering and publication of regulation, rule, sub-rule, etc.**

- Each regulation, rule, sub-rule, bye-law, etc. framed in pursuance of the legislative, functions delegated by the Assembly to a subordinate authority and which is required to be laid before the Assembly, hereinafter referred to as "order", shall subject to such rules as the Speaker may in consultation with Leader of the House prescribe, be numbered and published in the Gazette immediately after they are promulgated.

## **160A. Amendment to rules, regulation, etc. laid before the Assembly.**

(1)After each order referred to in Rule 160 is laid before the Assembly, a member may give notice of an amendment to such order.(2)The Speaker shall fix time as he may think fit for consideration and passing of an amendment given notice of under Sub-rule (1).(3)[ If an order referred to in Rule 160 is modified in accordance with the amendments passed by the Assembly, the amended order shall be laid on the table.] [Inserted vide Orissa Gazette Extraordinary/3.4.1972-Notification No. 6012-L.A./3.4.1972.]

## **161. Duties of the Committee.**

- After each such order referred to in Rule 160 is laid before the Assembly, the Committee shall, in particular consider-(i)whether it is in accord with the general objects of 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 with in an Act of the Assembly;(iii)whether it contains imposition of any tax;(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 Act does not expressly give any such power;(vi)whether it involves expenditure from the Consolidated Fund or the public revenues;(vii)whether it appears to make some unusual or unexpected use of the powers conferred by the Act pursuant to which it is made;(viii)whether there appears to have been unjustifiable delay in the publication or laying it before the Assembly;(ix)whether for any reason, its form or purport calls for any elucidation.

## **162. Report of Committee.**

(1)If the Committee is of opinion that any order 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 Assembly within [six months] [Substituted vide Orissa Gazette Extraordinary No. 278/13.3.1991-Notification No. 7123-L.A./ 13.3.1991.] of the commencement of a session of the Assembly after the promulgation of such order or within such earlier or latter period which a statute of the Assembly may have fixed for any specified case.(2)If the Committee is of opinion that any other matter relating to any order should be brought to the notice of the Assembly it may report that opinion and matter to the Assembly.

### **163. Provisions applicable in other respects.**

- In other respects the rules applicable to Committees in general as provided in Chapter XXV of these rules shall mutatis mutandis apply. Chapter-XVIII Committee on Government Assurance

### **164. Function of the Committee.**

- There shall be a Committee on Government Assurance to scrutinise the assurances, promises and undertakings etc., given by Ministers, from time to time, on the floor of the Assembly and report on-(a) the extent to which such assurances have been implemented; and (b) where implemented whether such implementation has taken place within the minimum time necessary for the purpose :

### **165. Constitution of the Committee.**

(1) The Committee shall consist of seven members who shall be nominated by the Speaker : [Provided that a Minister shall not be nominated as a Member of the Committee and that if a Member, after his nomination to the Committee is appointed a Minister, he shall cease to be a Member of the Committee from the date of such appointment.] [Inserted vide O.L.A. Notification No. 18164-L.A. dated 18.9.1986 O.G.E. No. 1279 dated 18.9.1986.] (2) The term of office of the members of the Committee shall be one year.

### **166. [ Quorum. [Substituted vide O.L.A. Notification No. 18164-L.A. dated 18.9.1986 O.G.E. No. 1279 dated 18.9.1986.]**

- In order to constitute a meeting of the Committee the quorum shall be three.]

### **167. Provisions applicable in other respects.**

- In other respects, the rules applicable to Committees in general provided in Chapter XXV of these rules shall mutatis mutandis apply. Chapter-XIX Resignation and vacation of seats in the Assembly and leave of absence from meetings thereof

### **168. Resignation of seats in the Assembly.**

(1) A member who desires to resign his seat in the Assembly shall intimate, in writing under his hand addressed to the Speaker, his intention to resign his seat in the following form and shall not give any reason for his resignation. Place.....Date.....To The Speaker of the Legislative Assembly Orissa, New Capital, Bhubaneswar. Sir, I hereby tender my resignation of my seat in the Assembly. Yours faithfully Member of the Legislative Assembly Provided that where any member gives any reason or introduces any extraneous matter the Speaker may, in his discretion, omit such words, phrases or matters and the same shall not be read out in the Assembly. (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 some one else, the Speaker may make such inquiry as he thinks fit to satisfy himself that the resignation is voluntary and genuine. If the Speaker after making a summary enquiry either himself or through the agency of the Assembly Secretariat or through such other agency, as he may deem fit, is satisfied that the resignation is not voluntary or genuine, he shall not accept the resignation.(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 Assembly and he has accepted the resignation.Explanation. - When the House is not in session, the Speaker shall inform the House immediately after the House re-assembles.(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 the Gazette and forward a copy of the notification to the Governor and the Election Commission :Provided that where a resignation is to take effect from a future date, the information shall be published in the Gazette not earlier than the date from which it is to take effects.]  
[Substituted vide Orissa Gazette Extraordinary No. 278/13.3.1991-Notification No. 7123-L.A./13.3.1991.]

## **169. Permission to remain absent from meetings of the Assembly.**

(1)A member wishing to obtain permission of the Assembly for remaining absent from meetings thereof under Clause (4) of Article 190 of the Constitution shall make an application in writing to the Speaker, stating the period for which he may be permitted to be absent from the meetings of the Assembly.(2)After the receipt of an application under Sub-rule (1) of this rule the Speaker shall, as soon as may be read out the application to the Assembly and ask "is it the pleasure of the Assembly that permission be granted to such and such a member for remaining absent from all meetings of the Assembly for such and such a period ?". If no one dissents, the Speaker shall say : "Permission to remain absent is granted." But if any dissentient voice is heard, the Speaker shall put the question thereupon and declare the decision of the Assembly.(3)No discussion shall take place on the matter under this rule.(4)The Secretary shall, as soon as may be, after a decision has been signified by the Assembly, communicate it to the member.(5)If a member, who has been granted leave of absence under Sub-rule (2) attends the session of the Assembly during the period of his leave, the unexpired period of the leave from the date of his resumed attendance, shall lapse.

## **170. Vacation of seats in the Assembly.**

(1)The seat of a member shall be declared vacant under Clause (4) of Article 190 of the Constitution on a motion by the Leader of the House or by such other member to whom he may delegate his functions in this behalf.(2)If the motion referred to in Sub-rule (1) of this rule is carried, the Secretary shall cause the information to be published in the Gazette and forward a copy of the notification to the Governor and the Election Commission.Chapter-XX Petitions and Committee on petitions

### **171. [ Scope of petitions. [Substituted vide O.L.A. Notification No. 11673-L.A./25.9.1962.]**

- Petitions may be presented or submitted to the Assembly with the consent of the Speaker on-(i)a Bill which has been published under Rule 65 or which has been introduced in the Assembly;(ii)any matter connected with the business pending before the Assembly; and(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 Court of enquiry or a statutory Tribunal or authority or a quasi-judicial body or a Commission;(b)which relates to a matter which is not within the cognizance of the State Government;(c)which can be raised on a substantive motion or resolution; or(d)for which remedy is available under the law, including rules, regulations, by law made by the Central or State Government or an authority to whom power to make such rules, regulations, etc., is delegated.]

### **172. General forms of petition.**

(1)The general form of petition set out in the Schedule II, with such variation as the circumstances of each case required, may be used and, if used, shall be sufficient.(2)A petition to the Assembly shall-(a)be couched in respectful, decorous and temperate language;(b)be addressed to the Orissa Legislative Assembly and shall conclude with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates; and(c)bear the full name and address of every signatory and be authenticated by his signature and, if illiterate, by his thumb impression.(3)Letters, affidavits or other documents shall not be attached to any petition.(4)A member intending to present a petition shall countersign the same.(5)A member shall present a petition from himself.

### **173. Notice of presentation and presentation of petition.**

(1)A member shall give advance intimation to the Secretary of his intention to present a petition.(2)It may be presented by a member or be forwarded to the Secretary, who shall report it to the Assembly. The report shall be made in the form set out in the Schedule III. No debate shall be permitted on the presentation or the making of such report.(3)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.

### **174. [ Reference to the Committee on petitions. [Substituted vide Orissa Gazette Notification No. 11673-L.A./25.9.1962.]**

- Every Petition shall, after presentation by a member or report by the Secretary, as the case may be, stand referred to the Committee on petitions.]

**174A. [ Constitutions Committee on petitions. [Substituted vide Orissa Gazette Notification No. 11673-L.A./25.9.1962.]**

(1)At the commencement of the Assembly or from time to time, as the case may be, the Speaker shall nominate a Committee on petitions consisting of seven members :Provided that a Minister shall not be nominated a member of the Committee and that if a member after his nomination to the Committee, is appointed a Minister he shall cease to be a member of the Committee from the date of such appointment.](2)[ In order to constitute a meeting of the Committee the quorum shall be three] [Inserted vide O.L.A.Notification No. 18164-L.A. dated 18.9.1986 O.G.E. No. 1279 dated 18.9.1986.],

**174B. [ Functions of Committee. [Substituted vide Orissa Gazette Notification No. 11673-L.A./25.9.1962.]**

(1)The Committee shall examine every petition referred 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.(2)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.(3)It shall also be the duty of the Committee to report to the House on specific complaints made in the petition referred to it after taking such evidence as it deems fit and to suggest remedial measures either in a concrete form applicable to the case under review or to prevent such cases in future.]

**174C. Provision applicable in other respects.**

- In other respects, the rules applicable to Committees in general provided in Chapter XXV of these rules shall mutandis mutandis apply.Chapter-XXI [Committee on papers laid on the Table] [Inserted vide Orissa Gazette Extraordinary No. 278/13.3.1991-Notification No. 7123-L.A./13.3.1991.]

**174D. Constitution.**

(1)There shall be a Committee on papers laid on the Table consisting of not more than seven members.(2)The Committee shall be nominated by the Speaker and shall hold office not exceeding one year :[Provided that a Minister shall be nominated as a member of the Committee and that if a member after his nomination to the Committee, is appointed a Minister, he shall cease to be a member of the Committee from the date of such appointment.] [Added vide Orissa Gazette Extraordinary No. 44B/28.3.1992-Notification No. 8545-L.A./28.3.1992.]

**174E. [ Functions of the Committee. [Inserted vide Orissa Gazette Extraordinary No. 44B/28.3.1992-Notification No. 8545-L.A./28.3.1992.]**

(1)The functions of the Committee shall be to examine all papers laid on the Table of the House by Ministers and to report to the House on-(a)Whether there has been compliance of the provisions of the Constitution, Act, Rules or Regulation under which the paper has been laid;(b)Whether there has been any unreasonable delay in laying the paper;(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 these reasons are satisfactory.(2)The Committee shall perform such other functions in respect of the papers laid on the Table, as may be assigned to it by the Speaker from time to time.

#### **174F. Resolution on raising matters in House about papers laid.**

- A member wishing to raise any of the matters referred to in Sub-rule (1) of Rule 174-E shall refer it to the Committee and not raise in the House.

#### **174G. Provisions applicable in other respects.**

- In other respects the rules applicable to Committee in general provided in Chapter XXV of these rules, shall mutatis mutandis apply.]Chapter-XXII [Departmentally related Standing Committees] [Substituted vide O.G.E. No. 573 dated 6.4.2005.]

#### **174H. Departmentally related Standing Committees.**

(1)There shall be Departmentally related Standing Committees of the House (to be called the Standing Committees).(2)The Departments covered under the jurisdiction of each of the Standing Committee shall be as specified in the Schedule-V;Provided that the Speaker may in consultation with the Leader of the House and the Leader of the Opposition, if any, modify or vary the allocation of the subjects to the standing committees from time to time.

#### **174I. Constitution.**

(1)Each of the Standing Committee shall consist of not more than 12 Members who shall be elected by the House every year from amongst its Members according to the principle of proportional representation by means of single transferable votes :Provided that a Minister shall not be elected as a Member of the Committee and that if a Member after election to the Committee is appointed as Minister, he shall cease to be a Member of the Committee from the date of such appointment :Provided further that the Chairman of the Committee shall be nominated by the Speaker.(2)The term of the office of the Members of the Committee shall not exceed one year.

#### **174J. Functions of the Committees.**

- Functions of each of the Standing Committees shall be:-(i)to scrutinise the demands for grants relating to the concerned Department/Departments and to advice the Government in the matter of formulating policies under lying the Budget Estimates;(ii)to suggest any change in the allotments of the Sub-Heads/Minor Heads keeping the total allotments under the Demands unchanged;(iii)to

present a report to the House on the results of such scrutiny within a specified period from the date of conclusion of general discussion on the Budget in the House as may be directed by the Speaker;(iv)to examine the working of the Department in its entirety;(v)to review the implementation of the plans and programmes (both Central and State) relating to the concerned Department/Departments.(vi)to examine the progress of work of the concerned Department/Departments and to suggest measures for improvement in administration and different programmes for maintenance and extension of facilities in the State;(vii)to Study and report on a specified area of Governmental activities in the wider public interest or on a project/scheme/undertaking intended for general welfare;(viii)to consider the Action Taken Notes/Replies of the Departments and make report thereon;(ix)to examine such matter or matters as may be referred to it by the House or by the Speaker; and(x)to examine such bills pertaining to the concerned Departments as are referred to the Committee by the Speaker and make report thereon :Provided however that the standing Committees shall not examine or investigate matters of day to day administration.

### **174K. Procedure relating to Demands for Grants.**

- The following procedure shall be followed by each of the Standing Committees in their considerations 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 Department during the aforesaid period;(c)the Committees shall make their report within the 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(e)there shall be a separate report on the Demands for Grants of each Department.

### **174L. Procedure relating to Bills.**

- The standing Committee shall consider the general principles and clauses of the Bills referred to them and make report thereon in the given time.

### **174M. Reports of the Committee.**

(1)The Reports of the Committees shall be based on broad consensus.(2)A Member of a Standing Committee may give note of dissent on the report of the Committee.(3)The note of dissent shall be presented to the House alongwith the report.

### **174N. Venue of Sitzings.**

- The Standing Committees shall not work in any other place except the precincts of the Assembly, unless otherwise specifically permitted by the Speaker.

### **174O. Power to have expert.**

- The Committee may avail of the expert opinion or the public opinion to make the report.

### **174P. Matters not to be considered.**

- The Standing Committees shall not generally considers the matters which are considered by the other Assembly Committees.

### **174Q. Report to have recommending value.**

- The report of the Standing Committees shall have recommending value and shall be treated as considered advice given by the Committees.

### **174R. Provision applicable on other respect.**

- In other respect the Rules applicable to the Committees in general provided in Chapter-XXV of these Rules shall mutatis mutandis apply. Chapter-XXIII Rules Committee

### **175. Functions of Rules Committee.**

- [There shall be a Committee on rules to consider matters of procedure and conduct of business in the House and to recommend any amendments or additions to these rules that may be deemed necessary.] [Substituted vide Orissa Gazette Notification No. 11673-L.A./25.9.1962.]

### **176. Constitution of Committee.**

- (1) The Committee on rules shall be nominated by the Speaker and shall consist of seven members including the Chairman of the Committee. The Speaker shall be the ex-officio Chairman of the Committee. (2) The Committee nominated under Sub-rule (1) shall hold office for one year or until a new Committee is nominated.

### **177. Laying of report on the Table.**

- [(1) The recommendations of the Committee shall be laid on the Table 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 to such recommendations. (2) Any notice given by a member of any amendment to the recommendations of the Committee shall stand referred to the Committee who shall consider it and make such changes in their recommendations as the Committee may consider fit. The final report of the Committee after taking into consideration the amendment suggested by the members shall be laid on the Table. Thereafter, on the House agreeing to the report on a motion made by a member of the Committee, the amendments to the rules as approved by the House, shall be promulgated by the Speaker. (3) If notice of such amendment has not been given within seven days, the recommendation



of the Committee shall be deemed to have been approved by the House and on the expiry of the said period the Speaker shall promulgate the amendments to the rules as recommended by the Committee.(4)The amendments to the rules, shall come into force on their publication unless otherwise specified.] [Substituted vide Orissa Gazette Notification No. 11673-L.A./25.9.1962.]

### **178. [ Provisions applicable in other respects. [Substituted vide Orissa Gazette Notification No. 11673-L.A./25.9.1962]**

- In other respects, the rules applicable to Committees in general provided in Chapter XXV of these rules shall mutatis mutandis apply.]Chapter-XXIV Communications between the Governor and the Assembly

### **179. Communications from the Governor to the Assembly.**

- Communications from the Governor to the Assembly may be made by written message through the Speaker.

### **180. Communications from the Assembly to the Governor.**

- Communications from the Assembly to the Governor shall be made-(1)by formal address, after motion made and carried in the Assembly; and(2)through the Speaker.Chapter-XXVGeneral rules of procedureA-Notices

### **181. Notice by members.**

(1)Every notice required by these rules shall be given in writing address to the Secretary at the Assembly Secretariat which shall be open for this purpose between the hours 11. a.m. and 3 p.m. on all days, except Sundays and public holidays.(2)Notices arriving when the Assembly Secretariat is not open for this purpose shall be treated as given on the next opening day.

### **182. Circulation of notices and papers to members.**

(1)The Secretary shall make every effort to send to each member a copy of every notice of other paper which is by these rules required to be made available for the use of members.(2)A notice or other paper shall be deemed to have been made available for the use of every member if a copy thereof is deposited in such manner and in such place as the Speaker may, from time to time direct.

### **183. Speaker to amend notices of questions and motions, etc.**

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

#### **184. Termination of session.**

- On the termination of a session by prorogation-(1)All pending notices shall lapse and fresh notices must be given for the next session;(2)[ Bill which has been introduced and a motion, a resolution, or an amendment moved, and is pending in the House, shall not lapse by reason only of prorogation of the House and shall be carried over to the next session from the stage reached by it in the expiring session: [Substituted vide Orissa Gazette Notification No. 5635-L. A./30.4.1965.]Provided that the member-in-charge gives notice of his intention to proceed further with such business.]B-Rules to be observed by members

#### **185. Rules to be observed by members while present in the Assembly.**

- While the Assembly is sitting a member-(i)shall not read any book, newspaper or letter except in connection with the business of the Assembly;(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 Assembly and also when taking or leaving his seat;(iv)shall not pass between the Chair and any member who is speaking;(v)shall not leave the Assembly when the Speaker is addressing;(vi)shall always address the Chair;(vii)shall keep to his usual seat while speaking;(viii)shall maintain silence when not speaking in the Assembly;(ix)shall not obstruct proceedings, his or interrupt and shall avoid making running commentaries when speeches are being made in the Assembly.

#### **186. [ Language of the Assembly. [Substituted vide O.L.A.Notification No 11258-L.A. dated 9.4.1997.]**

- The business of the Assembly shall be transacted in Oriya, English provided that any member may address the Assembly in Oriya, English or Hindi and further that the Speaker may permit any member who cannot adequately express himself in any of the aforesaid languages to address the Assembly in his mother-tongue.]

#### **187. Members to speak when called by Speaker.**

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

#### **188. Mode of addressing the Assembly.**

- A member desiring to make any observations on any matter before the Assembly shall speak from his place, shall rise when he speaks and shall address the Speaker :Provided that a member disabled by sickness or infirmity may be permitted to speak sitting.

## **189. Rules to be observed while speaking.**

- A member while speaking shall not -(i)refer to any matter of fact on which a judicial decision is pending;(ii)make a personal charge against a member;(iii)use offensive expression about the conduct or proceedings of Parliament or any State Legislature;(iv)reflect upon the conduct of the President or any Governor [\* \* \*] [Deleted vide Orissa Gazette Extraordinary No. 278/13.3.1991-Notification No. 7123-L.A./13.3.1991.] or any Court of Law in the exercise of its judicial function;(v)use the President's name or the name of Governor for the purpose of influencing the debate;(vi)utter reasonable, seditious or defamatory words;(vii)use his right of speech for the purpose of obstructing the business of the Assembly.(viii)[ make allegations of a defamatory or incriminatory nature against any person, unless the member has given adequate advance notice to the Speaker and also the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply : [Added vide Orissa Gazette Extraordinary No. 278/13.3.1991-Notification No. 7123-L.A./13.3.1991.]Provided that the Speaker may at any time prohibit any member from peaking 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;(ix)reflect on any determination of the House except on a motion for rescinding it;(x)refer to Government official by name;(xi)make any reference to strangers in any of the galleries; and(xii)read a written speech except with the previous permission of the Chair.][C-Papers quoted to be laid

### **189A. [ Paper quoted to be laid and treatment of such papers. [Inserted vide Orissa Gazette Extraordinary/3.4.1972-Notification No. 6012-L.A./3.4.1972.]**

(1)If a Minister quotes in the House a despatch or other State paper which has not been presented to the House, he shall lay the relevant paper on the table :Provided that this rule shall not apply to any documents which are stated by the Minister to be of such nature that their production would be inconsistent with public interest :Provided further that where a Minister gives in his own words a summary or gist of such despatch or State paper it shall not be necessary to lay the relevant papers on the table.(2)A paper or document to be laid on the table shall be duly authenticated by the member presenting it.(3)All papers and documents laid on the table shall be considered public.

### **189B. Laying of papers by private members and procedure thereof.**

(1)A private member may lay a paper on the table when he is authorised to do so by the Speaker.(2)If a private member desires to lay a paper or document on the table of the House, he shall supply a copy thereof to the Speaker in advance so as to enable him to decide whether permission should be given to lay the paper or document on the table. If the Speaker permits the member to lay the paper or document on the table, the member may, at the appropriate time lay it on the table.(3)(i)If in the course of his speech a member wishes to lay a paper or document on the table without previously supplying a copy thereof to the Speaker, he may hand it over at the table but it will not be deemed to have been laid on the table unless the Speaker after examination, accords the necessary permission.(ii)If the Speaker does not accord the necessary permission the

paper or document shall be returned to the member and the fact indicated in the printed debates.D-Order of Speeches and right of reply

### **189C. 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 the order in which the Speaker may call upon them ;Provided that if the matter before the Assembly is an amendment of a Bill the member-in-charge of the Bill shall be entitled to speak next after the mover of the amendment.If any member who is called upon does not speak, he shall not be entitled except with the permission of the Speaker, to speak to the motion at any latter stage of the debate.(2)Except in the exercise of right of reply or as otherwise provided, no member shall speak more than once to any motion, except with the permission of the Speaker, for the purpose of making a personal explanation, but in that case no debatable matter may be brought forward.(3)A member who has moved a motion may speak against by way of reply and if the motion is moved by a private member, the Minister to whose department the matter relates 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 :[Provided further that the mover or the seconder of a motion of thanks in Rule 20 shall not have any right of reply after the Chief Minister or any other Minister has explained the position of Government at the end of the discussion.] [Added vide Orissa Gazette Extraordinary. No. 278/13.3.1991-Notification No.7123-L.A./13.3.1991.](4)Subject to the provisions of Sub-rule (3) the reply of the mover on the original motion shall in all cases conclude the debate.(5)A member who has spoken upon a motion may speak again upon any amendment thereof afterwards moved :Provided that before a member who has made a motion speaks by way of reply, any member who has moved an amendment to such motion may if permitted by the Speaker under Sub-rule (3) speak by way of reply.]E-Personal Explanation

**189CC. [ Personal explanation. - A member may, with the permission of the Speaker, make a personal explanation although there is no question before the House, but in this case no debatable matter may be brought forward and no debate shall arise.] [Added vide Orissa Gazette Extraordinary No. 278/13.3.1991-Notification No.7123-L.A./13.3.1991.]**

F-Rules as to amendment

### **189D. Rules as to amendment.**

(1)An amendment must be relevant to and within the scope of the question to which it is proposed.(2)An amendment may not be moved which has merely the effect of a negative vote.(3)After a decision has been given on amendment to any part of a question an earlier part shall not be amended unless it is ancillary to or consequential on the decision.(4)No amendment may be proposed which is consistent with a previous decision on the same subject-matter given at the same

stage of any Bill or motion.(5)[ The Speaker may refuse to put an amendment which is in his opinion, frivolous.] [Inserted vide Orissa Gazette Extraordinary/3.4.1972-Notification No. 6012-L.A./3.4.1972.]G Question to be asked through Speaker

### **190. Questions to be asked through the Speaker.**

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

### **191. Irrelevance or repetition.**

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

### **192. Procedure when Speaker rises.**

- Whenever the Speaker rises he shall be heard in silence and any member who is then speaking or offering to speak shall immediately sit down.H-Closure

### **193. Closure.**

- When any motion is under discussion any member may move "that the question be now put" and unless it appears to the Speaker that the request is an abuse of the rule of the Assembly or an infringement of the right or reasonable debate, the question "that the question be now put" shall be put forthwith. There shall be no debate on such motion. If such motion be carried by the votes of at least three-fifths of the members present and voting the question, shall be put accordingly :Provided that the Speaker may allow any member any right of reply which he may have under these rules.I-Question for decision

### **194. Procedure for obtaining decision of the Assembly.**

(1)A matter requiring the decision of the Assembly shall be decided by means of a question put by the Speaker on a motion made by a member.(2)When a motion has been made, the Speaker shall propose the question for the consideration and put it for the decision of the Assembly. If a motion embodies two or more separate propositions, those propositions may be proposed by the Speaker as separate questions.

### **195. No speech after voices collected.**

- A member shall not speak on a question after the Speaker has corrected the voices both of the 'Ayes' and of the 'Noes' on that question.J-Procedure in Committees in General

## **196. Appointment of Committees.**

(1)The members of Committees shall be elected by the Assembly on a motion made or nominated by the Speaker, as the case may be.(2)No member shall be appointed to any Committee if he is not willing to serve on the Committee. The mover shall ascertain whether such member proposed to be named by him is willing to serve on the Committee.(3)Casual vacancies in the Committee shall be filled by election or nomination, as the case may be, and any member elected or nominated to fill such vacancy shall hold office for the period for which the member in whose place he is elected or nominated would have normally held office.

## **197. Chairman of the Committee.**

(1)The Chairman of the Committee shall be appointed by the Speaker from amongst the members of the Committee:Provided that if the Deputy Speaker is a member of the Committee, he shall be appointed Chairman of the Committee.(2)If the Chairman is for any reason unable to act, the Speaker may similarly appoint another Chairman in his place.(3)If the Chairman is absent from any meeting, the Committee shall choose another member to act, as Chairman for that meeting.

## **198. Quorum.**

(1)The quorum to constitute a meeting of the Committee shall, unless otherwise specified in the rules, be as near as may be one-third of the total number of members.(2)If at any time fixed for any meeting of the Committee, or if at any time during any such meeting there is no quorum the Chairman of the Committee shall either suspend the meeting until there is a quorum or adjourn the meeting to some future day.(3)When the Committee has been adjourned in pursuance of Sub-rule (2) on two successive dates fixed for meeting of the Committee, the Chairman shall report the fact to the Assembly :Provided that where a Committee has been appointed by the Speaker, the Chairman shall report the fact of such adjournment to the Speaker.

## **199. Discharge of members absent from meetings of the Committee.**

- If a member is absent from two or more consecutive meetings of the Committee without the permission of the Chairman, a motion may be moved in the Assembly for the discharge of such member from the Committee :Provided that where the members of the Committee are nominated by the Speaker a member may be discharged by the Speaker.

## **200. Voting of Committee.**

- All questions at any sitting of the Committee shall be determined by majority of votes of the members present and voting.

## **201. Casting vote of Chairman.**

- In the case of an equality of votes on any matter the Chairman shall have a second or casting vote.

## **202. Power to appoint Sub-Committees.**

(1)The Committee 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 Committee, if they are approved at meeting 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.

## **203. Sitting of Committee.**

- The sittings of the Committee shall be held on such day and at such hour as the Chairman of the Committee may fix.

## **204. Sittings of Committee in private.**

- The sittings of the Committee shall be hold in private.

## **205. Power to take evidence for call or papers, records or documents.**

(1)A witness may be summoned by an order signed by the [Secretary] [Substituted vide O.L.A.Notification No. 12248-L.A.dated 8.4.1987.] 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 tendered 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.

## **206. Power of Committees to send for person, papers and record.**

- The Committee shall have power to send for person, papers and records:Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Speaker whose decision shall be final:Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

## **207. Evidence report, proceedings treated as confidential.**

(1)The Committee may direct that the whole or a part of the evidence or a summary thereof may be laid on the table of the Assembly.(2)No part of the evidence, oral or written, report or proceedings of the Committee which has not been laid on the table of the Assembly shall be open to inspection by

any one except under the authority of the Speaker.(3)[ The evidence given before the Assembly committees shall not be published by any member of the committee or by any other person unless directed by the Chairman of the concerned Committee.] [Substituted vide O.G.E. No. 573 dated 6.4.2005.][\* \* \*] [Proviso deleted vide O.G.E. No. 573 dated 6.4.2005.].

## **208. Procedure for examining witness.**

- The examination of witnesses before the Committee shall be conducted as follows : (1)The Chairman of the Committee may first put to the witness such question or question as he may consider necessary with reference to the subject-matter under consideration or any connected subject thereto.(2)The Chairman may call other members of the Committee to put any other questions.(3)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.(4)A verbatim record of proceedings of the Committee, when a witness is summoned to give evidence, shall be kept.(5)The evidence tendered before the Committee may be made available to all members of the Committee.

## **209. Report of the Committee.**

(1)The Assembly may at any time, on a motion being made direct that the time for the presentation of the report by the Committee be extended to a date specified in the motion.(2)Reports may be either preliminary or final.(3)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.

## **210. Availability of report before presentation to Government.**

- The Committee may, if it thinks fit, make available to Government any completed part of its report before presentation to the Assembly. Such reports shall be treated as confidential until presented to the Assembly.

## **211. Presentation of report.**

(1)The report of the Committee shall be presented to the Assembly 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 fact, but there shall be no debate on that statement.

## **212. Power of Speaker to give direction on a point of procedure or otherwise.**

(1)The Speaker may from time to time issue such direction to the Chairman of the 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.

### **213. Unfinished work of Committee.**

- At the termination of a Committee all unfinished work such as preliminary report, memorandum or note that the Committee may have prepared or and evidence that the Committee may have taken, shall be made available to the new Committee that succeeds it.

### **213A. [ Business before Committee not to lapse on prorogation of the House. [Inserted vide Orissa Gazette Notification No. 5635- L.A./3-4-1965.]**

- Any business pending before a Committee shall not lapse by reason only of the prorogation of the House and the Committee shall continue to function notwithstanding such prorogation.

### **213B. Action taken-Statement on recommendation of Committee.**

(1)The Departments shall be required to furnish within [Four months] [Substituted vide O.G.E. No. 573 dated 6.4.2005.] to the Assembly Secretariat statements of action taken or proposed to be taken by them on the recommendation made by the Committee in its report and on the assurances given by the Departments in the course of their correspondence with the Committee. The information so received shall be placed before the Committee in the form of a memorandum with the approval of the Chairman.(2)In case where any Department is not in a position to implement, or feel any difficulty in giving effect to a recommendation made by the Committee, the Department shall place its views within [Four months] [Substituted vide O.G.E. No. 573 dated 6.4.2005.] before the Committee, which may, if it thinks fit, present a further report to the Assembly after considering the views of the matter.](3)[ In case sub-rules (1) or (2) is not complied with, the concerned Minister shall make a statement in the House explaining the circumstances under which it was not complied.] [Inserted vide O.G.E. No. 573 dated 6.4.2005.]

### **213C. [ Power to make detailed rules. [Inserted vide Orissa Gazette Extraordinary No. 278/13.3.1991-Notification No. 7123-L.A./13.3.1991.]**

- A Committee may with the approval of the Speaker make detailed rules of procedure to supplement the provisions contained in the rules.]K-Statement made by a Minister

### **214. Statement made by a 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.L-Division

## 215. 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 the Noes (as the case may be) have it". If the opinion of the Speaker as to the decision of a question is not challenged, he shall say twice : "The Ayes" or the Noes, as the case may be) have it" and the question before the Assembly 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 account being taken he may declare the decision of the Assembly. In such a case the names of the voters shall not be recorded. (4) (a) If the opinion of the Speaker as to the decision of a question is challenged and he does not adopt the course provided for in Sub-rule (3), he shall order a "Division" to be held. (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 the "Ayes" to go into the Right Lobby and the "Noes" into the Left Lobby. In the "Ayes" or "Noes" Lobby, as the case may be, each member shall call out 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. (d) After voting in the Lobbies is completed the Division Clerks shall hand over the Division List to the Secretary, who shall count the votes and present the totals of "Ayes" and "Noes" to the Speaker. (e) The result of a Division shall be announced by the Speaker and shall not be challenged. (f) 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. (g) 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 the Division is announced. (h) When the Division Clerks have brought the Division Lists to the Secretary's 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. M-Withdrawal and suspension of members

## 216. Withdrawal of member.

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

## 217. Suspension of a 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 Assembly by persistently and wilfully obstructing the business thereof. (2) [ If a member is so named by the Speaker, 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 seven meeting days] [Substituted vide O.L.A. Notification No. 18164-L.A. dated 18.9.1986 O.G.E. No. 1279 dated 18.9.1986.]: Provided that the Assembly may, at anytime, on a motion being made resolve that such suspension be terminated. (3) A member suspended under this rule shall forthwith quit the precincts of the House. N-Suspension of sitting

## **218. Powers of Speaker to adjourn Assembly or suspend sitting.**

- In the case of grave disorder arising in the Assembly the Speaker may, if he thinks it necessary to do so, adjourn the Assembly or suspend any sitting for a time to be named by him. O-Point of order

## **219. Point of order and decisions thereon.**

(1) A point of order shall relate to the interpretation or enforcement of these rules or such article 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. (3) Subject to the conditions referred to in Sub-rules (1) and (2), a member may formulate a point of order and the Speaker shall decide whether the point raised is a point of order and if so, give his decision thereon, which shall be final. (4) No debates 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 factual 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. Any member may at any time submit a point of order for the decision of the Speaker, but in doing so, shall confine himself to stating the point. (2) The Speaker shall decide all points of order which may arise and his decision shall be final. P-Maintenance of order

## **220. Speaker to preserve order and enforce decisions.**

- The Speaker shall preserve order and shall have all powers necessary for the purpose of enforcing his decision. Q-Report of proceedings

## **221. Report of proceedings.**

(1) The Secretary shall cause to be prepared full report of the proceedings of the Assembly at each of its meetings and publish it as soon as practicable. (2) One impression of this printed report shall be submitted to the Speaker for his confirmation and signature and when signed shall constitute the authentic record of the proceedings of the Assembly. (3) The Secretary shall send a copy of such report to each member of the Assembly, the Governor's Secretary, the Secretaries in the Department of the Government concerned, the Secretary to the Government of India in the Legislative Department.

## **222. Expunging of words from debate.**

- If the Speaker is of opinion that a word or words has or have been used in debate which is or are defamatory or indecent or unparliamentary or undignified, he may after bringing it to the notice of the Assembly order that such word or words be expunged from the proceedings of the Assembly.

## **223. Indication in printed debates of expunged proceeding.**

- The portion of the proceedings of the Assembly so expunged shall be marked by asterisks and an explanatory foot-note shall be inserted in the proceeding as follows "Expunged as ordered by the Chair"

## **224. Printing and publication of other documents, etc.**

(1) The Speaker may authorise printing, publication, distribution or sale of any paper, document or report in connection with business of the Assembly or any paper, document or report laid on the table of the Assembly or presented to the Assembly 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 Assembly within the meaning of Clause (2) of Article 194 of the Constitution. R-Chamber of Assembly

## **225. Use of the Chamber of the Assembly restricted to the sittings of the Assembly.**

- The Chamber of the Assembly shall not be used for any purpose other than the sittings of the Assembly [except in the case of Presiding Officers' conference.] [Inserted vide O.L.A. Notification No. 6012-L.A. dated 3.4.1992 O.G.E. dated 3.4.1992.]

## **226. Admission of strangers.**

- The admission of stranger during the sitting of the Assembly to those portions of the Assembly which are not reserved for the exclusive use of members shall be regulated in accordance with orders made by the Speaker.

## **227. Withdrawal of strangers.**

- The Speaker, whenever he thinks fit may order the withdrawal of strangers from any part of the Assembly. S-General power of the Speaker

## **228. Power of interpretation of rules.**

- All questions relating to the interpretation of these rules shall be determined by the Speaker whose decision shall be final.

## **229. Power of Speaker to regulate the conduct of business not provided in the Constitution or in these rules.**

- (1) The Speaker shall have the power, subject to the provisions of the Constitution to regulate the

conduct of the business in the Assembly in all matters not provided for in the Constitution or in these rules.(2)The Speaker may by order provide for matters for which the provision is made and may give such directions as may be necessary for giving effect to these rules and such orders.T-Suspension of rules

### 230. Suspension of rules.

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

I

[See Rules 154 and 155]Form of communication regarding arrest, detention, conviction or release, as the case may be, of memberPlace.....Date.....ToThe Speaker,Orissa Legislative Assembly,Bhubaneswar.Dear Mr. Speaker,"A"I have the honour to inform you that i have found it my duty, in the exercise of my powers under Section.....of..... (Act), to direct that Shri.....M.L.A., be arrested for.....detained (reason for arrest or detention, as the case may be). Shri.....M. L. A. was accordingly arrested at time on..... taken into custody (date) and as at present lodged in the.....jail (place)."B"I have the honour to inform you that Shri.....M.L.A., was tried at the .....Court before me on a charge (or charges) of.....(reasons for the conviction).On.....(date) after a trial lasting for.....days, I found him guilty of.....and sentenced him to imprisonment for.....(period).(His application for leave to appeal\* .....is pending consideration)."C"I have the honour to inform you that Shri..... M.L.A., who was convicted on.....(date) and imprisoned for..... (period) for..... (reasons of conviction) was released on bail pending appeal for, as the case may be, released on the sentence being set aside on appeal on the .....(date).Yours faithfully(Judge, Magistrate or Executive Authority)

II

Form of petition[See Rule 172]ToThe Orissa Legislative AssemblyThe Humble Petition Of[Here insert name and designation or description of petitioner(s) concise form, e.g. "A, B and others" or "the inhabitants of or....."to municipality of etc.] [Name of the Court.].....sheweth,(Here insert concise statement of case) and accordingly your petitioner(s) pray that-(Here insert "that the Bill be or be not proceeded with" or "that special provision be made in the Bill to meet the case of your petitioner(s) or any other appropriate prayer regarding the Bill or matter before the House or a matter of general public interest) and your petitioner(s) as in duty bound will ever pray.

Name of petitioner Address Signature or thumb impression

[Counter-signature of member presenting][Schedule III] [Inserted vide Orissa Gazette Notification No. 11673-1. A./25 9.1962.][See Rule 173]Form of report on petition by the SecretarySir, under rule ..... of the Rules of Procedure and Conduct of Business in the Orissa Legislative Assembly, I have to report that..... petitions as per statement laid on the Table have been received relating to in case of Bills) the Bill to provide for which was introduced in the House on the.....20.....by Shri.....StatementPetitions relating to .....in case of Bills) the Bill to provide for which was introduced in the House on the.....20.....

Number of signatories District or town State

[Schedule IV] [Inserted vide Orissa Gazette Notification No. 6012-L. A./3.4.1972.][See Rule 138-A]List of Public UndertakingsPart-I (Public Undertakings established by Central Acts)

## 1. Orissa State Financial Corporation

## 2. Orissa State Warehousing Corporation

## 3. Orissa State Electricity Board

Part-IIPublic Undertakings which are Government Companies formed under the Companies Act.Every Government Company whose annual report is placed before the House under Sub-section (3) of Section 679-A of the Companies Act, 1956.[Schedule V] [Inserted vide Orissa Gazette Notification No. 11673-1. A./25 9.1962.](See Rule 174-II)Departments under Jurisdiction of the Standing Committees

Sl. No.	Departments
1	2
Committee-I	Home, General Administration, Law and Public Grievances & Pension Administration.
Committee-II	Water Resources, Agriculture and Fisheries & AnimalResources Development.
Committee-III	Works, Tourism & Culture, Housing & Urban Developmentand Information & Public Relation.
Committee-IV	School & Mass Education, Higher Education, Sports andYouth Services, Science & Technology and Information &Technology
Committee-V	Health & Family Welfare and Women & Child Development.
Committee-VI	Co-operation, Textile & Handlooms and Food Supplies &Consumer Welfare.
Committee-VII	Industries, Steel & Mines, Commerce, Transport, Forest &Environment and Planning & Co-ordination
Committee-VIII	Scheduled Tribes & Scheduled Castes Development,Minorities & Other Backward Classes Development, Labour &Employment and Public Enterprises.
Committee-IX	Panchayati Raj and Rural Development.

Committee-X    Energy, Revenue and Excise.