

The Code of Conduct for Members of the Orissa Legislative Assembly

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THE-CODE-OF-CONDUCT-FOR-MEMBERS-OF-THE-ORISSA-LEGISLATIVE ASSEMBLY of 2005

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The Code of Conduct for Members of the Orissa Legislative Assembly Published vide Notification No. 14560-L.A., 21st October 2005, Orissa Gazette Extraordinary No. 1802 dated 25.10.2005 Secretariat of the Orissa Legislative Assembly No. 14560-L.A., 21st October 2005. - The following Code of Conduct which has been adopted by the Orissa Legislative Assembly on the 6th April 2005 is herewith published under Chapter-1, Rule-1 (2) of the said Code of Conduct for general information ;:-Chapter-I

1. Short title and Commencement.

(1) This code may be called "the Code of Conduct for Members of the Orissa Legislative Assembly". (2) The code shall come into force with effect from the date of publication in the Gazette duly approved by the Orissa Legislative Assembly.

2. Definitions.

(1) In this Code, unless the context otherwise requires- "Assembly" means the Orissa Legislative Assembly; "Committee" means the Ethics Committee appointed by the Assembly or by the Speaker for any specific or general purpose; and includes a Sub-Committee; "Constitution" means the Constitution of India; "Gazette" means the Orissa Extraordinary Gazette; "Member" means a Member of the Orissa Legislative Assembly; "Minister" means a Member of the Council of Ministers; "Motion" means the statement of a matter brought forward for the consideration of the Assembly and includes a resolution and an amendment of a Motion; "Secretary" means the Secretary

to the Assembly and includes any person for the time being performing the duties of the Secretary; "Session" means the period commencing with first meeting of the Assembly summoned by Governor and ending with its prorogation; (2) Words and expressions used in the Constitution as well as in this Code shall, unless the context otherwise requires, have the meanings assigned to them in the Constitution. Chapter-II

3. Code of Conduct to be observed by the members.

- All members of the Orissa Legislative Assembly shall observe the following Code of Conduct I. While the House is sitting a member-(i) shall not read any book, newspaper, letter except in connection with the Business of the House; (ii) shall not interrupt any Member while speaking by disorderly expression or noises in any other disorderly manner; (iii) shall bow to the Chair while entering or leaving the House and also when taking or leaving his seat; (iv) shall not pass between the Chair and Member who is speaking; (v) shall not leave the House when the Speaker is addressing the House; (vi) shall always address the Chair; (vii) shall keep to his usual seat while addressing the House; (viii) shall not obstruct proceedings, his or interrupt and shall avoid making running commentaries when speeches are being made in the House; (ix) shall not applaud when a stranger enters any of the galleries; (x) shall not shout slogans in the House; (xi) shall not sit or stand with his back towards the Chair; (xii) shall not approach the Chair in person in the House. He may send chits to the Officers at the table, if necessary; (xiii) shall not bring or display arms in the House; (xiv) shall not wear or display badges of any kind in the House; (xv) shall not display flags, emblems or any exhibits in the House without the permission of the Speaker; (xvi) shall not normally leave the House immediately after delivering his speech; (xvii) (a) shall not hold Press Conference within the precincts of the House nor any pamphlets or literatures shall be distributed within the precincts of the House by him, (b) may hold Press conference along with a Non-Member only in their legislature party office; (c) shall not distribute within the precincts of the Assembly any literature, leaflets or questionnaire without the permission of the Speaker; (xviii) shall not carry walking stick into the House unless permitted by the Speaker on health grounds; (xix) shall not tear off documents in the House in protest; (xx) shall not bring cellular phones, paper or play cassette or tape recorder either in the house or in the Galleries. If they are brought they will be seized; (xxi) shall not sit on Satyagraha or Dharana inside the House; (xxii) shall not while speaking make any reference to the strangers in any of the galleries; (xxiii) may, if necessary, go out by a back-door close to his seat without causing any disturbance to the House; (xxiv) should not talk to other members but, if indispensably necessary, he may do so only in very low voice, so as not to disturb the proceedings; (xxv) should resume his seat as soon as the Speaker rises to speak, or calls out "Point of Order" and also when any other Member is in possession of the Floor (i.e. Speaking with the permission of the Chair) or has interposed in the course of the debate to raise a point of order, or to offer a personal explanation; (xxvi) when in the Lobby, should avoid talking or laughing loud enough to be heard in the Chamber; (xxvii) wishing to address the House or ask a question should raise their hands until they succeed in catching the eye of the Speaker. No member should speak unless he or she has caught the eye of the Speaker and has been called upon by him by name or by a sign to address the Chair or to put the questions; (xxviii) shall not bring allegations against any individual or public body, unless there is prima facie, as Members enjoy freedom from prosecution for statements made by them in the House; (xxix) should carefully avoid words containing insinuations, and offensive and

unparliamentary expressions when addressing the Chair;(xxx)shall not question or comment on the ruling of the Speaker except on a substantive motion;(xxxi)when the Speaker holds that a particular work or expression is unparliamentary, it should be immediately withdrawn by the Member who has used it, without trying to raise any debate over it;(xxxii)is not to argue with another Member or oppose him directly when the latter is speaking. He may, however put through the Chair questions with a view to obtain information from the Member who is speaking. But a Member who is addressing the House with the permission of the Chair should not, as a general rule, be interrupted by another Member. It is open to the former not to give way by resuming his seat, but to go on with his speech if the interruption is not due to the raising of a point of order;(xxxiii)shall not refer to a document cited by a Member in the course of his speech, which is not available to other Members, and should place on the Table of the House when directed;(xxxiv)shall accept a statement made by a Minister from the records in his possession as correct, unless a point is deliberately raised to challenge it;(xxxv)if any statement is imputed to another Member and the latter says that he did not make the statement, the contradiction should be accepted without demur, and;(xxxvi)when, offers a criticism of the speech of another Member, the latter is entitled to expect that the critic should be present in the house to hear the reply of the member criticised. To be absent when the latter is replying is a breach of Parliamentary etiquette;(xxxvii)is to act in a manner so that dignity, solemnity of Governor's Address is maintained;(xxxviii)shall not act discourteously or disrespect to Governor as well as House, such actions shall be viewed as contempt of the House and may be dealt subsequently on a motion moved by a Member;(xxxix)if commits any grave offence on the floor of the House, shall amount to initiation of proper action in consultation with the House;(xl)if deliberately cause damage to the property of the House the value thereof as determined by Hon'ble Speaker or an officer authorised by him shall be recovered from the Member.

II. During Study Tour - During Study Tours of the Legislature Committees Members may observe the following code of conduct :-(a)Intermediate journeys should be avoided during the tours;(b)when transport is provided by Government/Undertakings during the tours of the Committee,such transport should be used for Committee work and not by individual Members for distant private visits;(c)during tours, Members should take particular care to maintain proper dignity, decorum so that no criticism is made of the Committee in any manner;(d)no Member should give press statements regarding Committee's proceedings. Whenever any briefing of the Press is required to be done, the same should be done by the Chairman of the Committee in consonant with the law of the Legislature;(e)the Members should not accept any gifts during the tour. Inexpensive mementos connected with the organisation visited could however be accepted;(f)the Committee or sub-committee or study group, while on tour, should not accept any invitation for lunch or dinner or other hospitality that might be extended by any private party connected with subject of study tour;(g)no member should take any other person during the official tours. An attendant or Member's spouse may accompany a Member on medical grounds with the prior permission of the Speaker. In such cases, the Member may bear all expenses including hotel charges in respect of his/her spouse or attendant. In case a member is found having any accompanying person without prior permission, he/she would not only bear all expenses of such a person but would also stand automatically debarred from undertaking any Committee tour thereafter;(h)the spouse or attendant of a Member should in no case, accompany the Committee Members during official study visit to any institution, undertaking office or establishment and during informal discussions with officials of the concerned establishment, undertaking etc.(i)members of a delegation during their official

tour/visits should not to give any press interview or issue statement. Only the Leaders of the delegations are authorised to make press statements or give interviews. III. General Rules of Etiquette - The Members should maintain high standards of public life and thereby to follow the following rules of etiquette

- 1. Every Member should declare his/her assets and liabilities to the Speaker within 30 days from taking of oath and continue to do so, on or before the 15th of January every year while in office and such declaration shall be treated as public document.**
- 2. Every Member while taking the oath as a Member of the house should also take a separate oath as prescribed by the House to follow and abide by the Rules of the House and Code of Ethics as formulated by the House from time to time.**
- 3. Where a Member of a Committee has personal pecuniary or direct interest in a matter which is to be considered by the committee he/she shall state his/her interest therein to the Speaker through the Chairman of the Committee by means of an affidavit.**
- 4. The proceedings of a Committee shall be treated as confidential and it shall not be permissible for either the Chairman or any Member of the Committee or any one who has access to its proceedings to communicate directly or indirectly to the Press or anybody else including its Report or any conclusions arrived at, finally or tentatively, before the Report has been presented to the House.**
- 5. Information given to Members in confidence or by virtue of their being Members of Committees of Legislature should not be divulged to anyone nor should be used by them directly or indirectly in the profession in which they are engaged, such as in their capacity as Editors or Correspondents of Newspapers or Proprietors of Business firms and so on.**
- 6. A Member should not try to secure business from Government for a firm, company or organisation with which he is directly or indirectly connected.**

- 7. A Member should not give any certificate which is not based on facts.**
- 8. A Member should not make profit out of a Government residence allotted to him by subletting the premises.**
- 9. A Member should not usually influence the Government Officials or the Ministers in a case in which he is interested financially either directly or indirectly. ,**
- 10. A Member should not receive hospitality of any kind for any work that he desires or proposes to do from a person or organisation on whose behalf or for whose benefit any work is to be done by him.**
- 11. A Member should not in his capacity as a Lawyer or a Legal Advisor or a counsel or a Solicitor appear before a Minister or an Officer exercising quasi judicial powers.**
- 12. A Member should not endorse incorrect certificates on bills claiming amounts due to him.**
- 13. A Member should not write recommendatory letters or speak to Government Officials for employment or business contacts for any of has relations or other persons in whom he is directly or indirectly interested.**
- 14. A Member of the House is entitled to approach an Officer at his Office to obtain information and make representation on Public matters and the Officer shall strive to furnish the required information as expeditiously as possible.**