

CHAPTER X - LEGISLATION

(A) INTRODUCTION AND PUBLICATION OF BILLS

Publication before introduction.

59. The Speaker on a request being made to him may order the publication of any Bill together with the Statement of Objects and Reasons, the memorandum regarding delegation of legislative power and the financial memorandum accompanying it in the Gazette, although no motion has been made for leave to introduce the Bill. In that case, it shall not be necessary to move for leave to introduce the Bill.

Notice of motion for leave to introduce Bill.

60. (1) Any member, other than 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 an explanatory Statement of Objects and Reasons which shall not contain argument :

Provided that the Speaker may, if he thinks fit, revise the Statement of Objects and Reasons.

(2) If the Bill is a Bill which under the Constitution can not be introduced without the previous sanction or recommendation necessary under the Constitution, the member shall annex to the notice a copy of such sanction or recommendation and the notice shall not be valid until this requirement is complied with.

(3) The period of notice of a motion for leave to introduce a Bill under this rule shall be thirty days before the first day, allotted for the private members' Bills unless the Speaker allows the motion to be made at shorter notice.

(4) The Speaker may disallow a notice of a bill in case the Bills does not comply with the requirement of sub-rule (2) of this Rule or Rule 61 or 62.

Introduction of Bill dependent on Another Bill pending before the Assembly.

60-A. A Bill, which is dependent wholly or partly upon another Bill pending before the Assembly, may be introduced in the Assembly in anticipation of the passing of the Bill on which it is dependent :

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

Notice of identical Bill.

60-B. When a Bill is pending before the Assembly the notice of an identical Bill, whether received before or after the introduction of the pending Bill, shall be removed from, or not entered in, the list of pending notices, as the case may be, unless the Speaker otherwise directs.

Communication of sanction of President or recommendation by Governor.

60-C. The order of the President/Governor granting or withholding the sanction or recommendations to the introduction or consideration of the Bill shall be communicated to the Secretary in writing.

Financial memorandum to Bill and money clauses in Bill.

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

(2) Clauses or provisions in a Bill involving expenditure from public funds shall be printed in thick type or in italics :

Provided that where a clause in a Bill involving expenditure is not printed in thick type or in italics, the Speaker may permit the member-in-charge of the Bill to bring to the notice of the House such clauses.

Explanatory memorandum to Bill delegating legislative powers.

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

Motion for leave to introduce bill.

63. 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 moves the motion and from the member who opposes the motion, may without further debate, put the question :

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

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

Publication of bill after introduction.

64. 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.

(B) MOTIONS AFTER INTRODUCTION OF BILLS

Motions after introduction of Bills.

65. When a Bill is introduced or on some subsequent occasion the member-in-charge may make one of the following motions in regard to the Bill, namely :-

- (a) that it be taken into consideration, or
- (b) that it be referred to a Select Committee, or
- (c) that it be circulated for the purpose of eliciting opinion thereon :

Provided that no such motion shall be made until copies of the Bill have been made available for the use of members, and if copies of the Bill have been so made available -

(i) for two days before the day on which the motion is made, or

(ii) in the case of a motion made on the first day of the session after an intervening recess of not more than seven days on the last day immediately before such recess; and such objections shall prevail, unless the Speaker, in the exercise of his power to suspend this rule, allows the motion to be made.

Member by whom motions in respect of Bill may be made.

66. No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member-in-charge.

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

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

Discussion on principle of Bills

67. (1) On the day on which any motion referred to in rule 65 is made, or on any subsequent day to which the discussion thereof is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill shall not be discussed further than is necessary to explain its principles.

(2) At this stage, no amendments to the Bill may be moved, and no amendment other than an amendment permitted under clause (a) or (b) shall be moved to the motion made under rule 65 namely :-

- (a) if the member-in-charge moves that his Bill be taken into consideration any member may move as an amendment that the Bill be referred to a Select Committee, or be circulated by a date to be specified in the motion for the purpose of eliciting opinion thereon, or
- (b) If the member-in-charge moves that his Bill be referred to a Select Committee, any member may move as an amendment that the Bill be circulated by a date to be specified in the motion for the purpose of eliciting opinion thereon.

(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 his 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.

(C) SELECT COMMITTEE ON BILLS

Composition of Select Committee.

68. (1) No Select Committee on a Bill shall consist of less than eight or more than fifteen members.

(2) The member-in-charge of the Bill and the Minister of Law shall be members of every Select Committee, and it shall not be necessary to include their names in any motion for appointment of such a Committee.

(3) The other members of the Committee shall be appointed by the House when a motion that the Bill be referred to a Select Committee is made, or a motion is made by way of amendment under clause (a) of sub-rule (2) of rule 67.

Quorum of Select Committee.

69. (1) In order to constitute a meeting of the Committee, the quorum shall be four members or one third of the total number of members of the Committee, whichever is greater.

(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) Where 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 House.

Members other than members of Select Committee may be present at meeting.

70. Members who are not members of a Select Committee may be present during the deliberations of the Committee but shall not address the Committee nor sit in the body of the Committee :

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

Notice of amendment and procedure generally.

70-A.(1) If notice of proposed amendments has not been given before the day on which the Bill is taken up by the Select Committee, any member may object to the moving of the amendment and such objection shall prevail unless the Speaker allows the amendment to be moved.

(2) In other respects, the procedure in a Select Committee shall, as far as practicable, be the same as is followed in the House during the consideration stage of the Bill, with such adaptations, whether by way of modification, addition or omission, as the Speaker may consider necessary or convenient.

Notice of amendment by members other than members of the committee.

70-B. When any Bill has been referred to the Select Committee, the notice of amendment in any part of the Bill given by any member, shall stand referred to the Committee; provided that when the notice of amendment has been received from any such member, who is not a member of the select Committee such amendments shall not be taken up by the Committee unless they have been submitted by one of the members of the Committee.

Power to take expert evidence.

71. A Select Committee may take expert evidence and hear representatives of special interests affected by the measure before them.

Records of decisions of Select Committee and its proceedings to be confidential.

72. (1) All proceedings of a Select Committee shall be treated as confidential and its recommendations shall not be disclosed until the report has been made available for the use of members or has been published in the Gazette.

(2) A record of the decisions of a Select Committee shall be maintained and circulated to members of the Committee under the direction of the Chairman.

Report by Select Committee.

73. (1) As soon as may be after a Bill has been referred to a Select Committee, the Select Committee shall meet from time to time to consider the Bill, and shall make a report, thereon within the time, if any, fixed by the House :

Provided that where the House has not fixed any time for the presentation of the report the report shall be presented at the session next after the session in which the House adopted the motion for the reference of the Bill to the Select Committee :

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

(2) Reports may be either preliminary or final.

(3) The Select Committee shall in their report state whether the publication of the Bill directed by these rules has taken place.

(4) Where a Bill has been altered the Select Committee may, if they think fit, include in their report a recommendation to the member-in-charge of the Bill that his next motion should be a motion for circulation, or where the Bill has already been circulated, for recirculation.

(5) The report of the Select Committee shall, after the draft has been placed at a meeting, be signed by the Chairman on behalf of the Committee :

Provided that in case the Chairman is not available for signing the report in time for its presentation to the House, the member presiding at the meeting of the Committee at which the draft was accepted, shall sign the report on behalf of the Committee.

(6) Any member of a Select Committee may record a minute of dissent on any matter or matters connected with the Bill or dealt with in the report provided that such matter has been raised and the member has expressed his disagreement thereon at the meeting of the Committee in which the matter was considered.

(7) A minute of dissent shall be confined to a discussion of matter relevant to the Bill, shall be couched in temperate language, shall not refer to any discussion in the Select Committee, shall not cast aspersion on the Committee, and shall be free from personal remarks.

(8) The Speaker may direct that any part of the minute of dissent or minority report which contravenes sub-rule (7) may be omitted, and his decision shall be final.

Printing and publication of report.

74. 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 House. The report, with the amended Bill, shall be published in the Gazette after it has been presented to the House.

Provisions applicable in other respects.

75. In other respects, the rules applicable to a Legislature Committee provided for in Chapter XXII of these rules shall apply.

(D) PROCEDURE AFTER PRESENTATION OF REPORT OF SELECT COMMITTEE

Procedure after presentation of report.

76. (1) After the presentation of the final report of Select Committee on a Bill the member-in-charge may move :-

(i) that the Bill, as reported by the Select Committee, be taken into consideration:

Provided that any member of the Vidhan Sabha may object to its being so taken into consideration if copies of the report have not been made available for the use of members before two days, and such objection shall prevail, unless the Speaker in the exercise of his power to suspend this rule, allows the report to be taken into consideration; or

(ii) that Bill, as reported by the Select Committee, be recommitted either :-

(a) without limitation, or

(b) with respect to particular clauses or amendments only, or

(c) with instructions to the Select Committee to make some particular or additional provision in the Bill, or

(iii) that the Bill as reported by the Select Committee be circulated for the purpose of obtaining opinion thereon or re-circulated for the purpose of obtaining 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 re-committed or circulated for the purpose of obtaining opinion thereon or re-circulated for the purpose of obtaining further opinion thereon.

Scope of debates on report of Select Committee.

77. 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

Notice of amendments.

78. (1) A member who wishes to move an amendment to a Bill shall give notice of his intention one day before that day on which the Bill is to be considered and shall together with the notice, submit a copy of the amendment which he wishes to move :

Provided that the Speaker may allow an amendment to be entered in the list of amendments with shorter notice than one day.

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

Conditions of admissibility of amendment.

79. 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 taken by the House during the progress of the Bill.
- (iii) An amendment shall not be such as to make the clause which it proposes to amend unintelligible or ungrammatical.
- (iv) If an amendment refers to, or is not intelligible without a subsequent amendment or schedule, notice of the subsequent amendment or schedule shall be given before the first amendment is moved, so as to make the series of amendments intelligible as a whole.
- (v) The Speaker shall determine the place in which an amendment shall be moved.
- (vi) The Speaker may refuse to propose an amendment which is, in his opinion frivolous or meaningless.
- (vii) An amendment may be proposed to an amendment which has already been proposed by the Speaker.

Sanction or recommendation necessary under constitution to be annexed to notice of amendment.

80. If any member desires to move an amendment which can not be moved without the previous sanction or recommendation necessary under the Constitution, he shall annex to the notice required by these rules a copy of such sanction or recommendation, and the notice shall not be valid until this requirement is complied with :

Provided that no previous sanction or recommendation shall be required, if an amendment seeks to -

- (a) abolish or reduce the limits of the tax proposed in the Bill or amendment; or
- (b) increase such tax up to the limits of an existing tax.

Arrangement of amendments. 80-A. Amendments of which notice has been given shall, as far as practicable be arranged in the list of amendments, issued from time to time, in the order, in which they may be called. In arranging amendments raising the same question on the same point of a clause, precedence may be given to an amendment moved by the Member-in-charge of the Bill. Subject as aforesaid amendments may be arranged in the order in which notices thereof are received.

Order of amendments. 81. (1) Clauses and amendments to clauses to which they respectively relate, as the cast may be, shall ordinarily be considered in the order of the clauses of the Bill, and in respect of any such clause when taken for consideration, a motion shall be deemed to have been made : “That this clause stand part of the Bill”.

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

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

Mode of moving amendments. 81-A. When a motion that a Bill be taken into consideration has been carried, any member may when called upon by the Speaker, move an amendment to the Bill of which he has previously given notice :

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

Withdrawal of amendments. 82. An amendment moved may, by leave of the House, but not otherwise, be withdrawn on the request of the member moving it. If an amendment, has been proposed to an amendment, the original amendment shall not be withdrawn until the amendment proposed to it has been disposed of.

Submission of Bill clause by clause. 83. Notwithstanding anything contained in the rules, it shall be in the discretion of the Speaker, when a motion that a Bill taken into consideration has been carried, to submit the Bill, or any part of the Bill, to the Vidhan Sabha clause by clause. When this procedure is adopted the Speaker shall call each clause separately and when the amendments relating to it have been dealt with, shall put the question “That this clause (or, that this clause as amended, as the case may be) stand part of the Bill.”

Postponement of consideration of clause. 84. The Speaker, if he thinks fit, may postpone the consideration of a clause.

Consideration of Schedules. 85. 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 amend in the same manner as clauses, and the consideration of new Schedules shall follow the consideration of the original Schedules. The question shall then be put. “That this Schedule (or that this Schedule, as amended. as the case may be) stand part of the Bill”:

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

Voting of clauses and Schedules.

86. The Speaker may, if he thinks fit, put as one question clauses and/or Schedule, or Schedules clauses and/or as amended as the case may be, together to the vote of the House :

Provided that if a member requests that any clause or Schedule, or as amended any clause or Schedule as the case may be, put separately, the Speaker shall put that clause or Schedule, or clause or Schedule as amended, as the case may be, separately.

Clause one, enacting formula, preamble and title of Bill.

87. Clause one, the enacting formula, the preamble, if any, and the title of Bill all stand postponed until the other clause and Schedule (including new clauses and new Schedules) have been disposed of and the Speaker shall then put the question, "That clause one or the enacting formula, or the preamble or title (or, that clause one, enacting formula, preamble or title as amended as the case may be) do stand part of Bill."

(F) PASSING AND AUTHENTICATION OF BILLS

Motion for Passing of Bill.

88. (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 further day.

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

Scope of debate.

89. 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, in making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of the arguments which shall be of a general character and shall not extend to any matters not contained in the Bill.

Authentication of Bill.

90. (1) When a Bill is passed by the Vidhan Sabha, the Secretary shall, if necessary renumber the clauses, revise and complete the marginal notes thereof and make such purely formal or consequential amendments therein as may be required, and three copies of the Bill to be reserved for the consideration of the President and two copies of the Bill to be sent for the assent of the Governor, shall be submitted to the Speaker and shall be signed by him;

Provided that in the case of the absence of Speaker from Raipur the Secretary may, in case of urgency, authenticate the bill on behalf of the Speaker.

(2) A copy of the Bill assented to by the Governor or/President shall be kept in safe custody for verification and (record and, shall not be removed from the custody of the Assembly without the permission of the Speaker.

(G) RECONSIDERATION OF BILLS RETURNED BY THE GOVERNOR

Message of Governor.

91. (1) When a Bill passed by the House is returned to the House by the Governor with a message requesting that the House should reconsider the Bill or any specified provisions thereof or any such amendments as are recommended in his message, the Speaker shall read the message of the Governor in the House if in session or if the House is not in session direct that it may be published in the Patrak for the information of the Members.

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

Notice of Motion for Consideration of amendment.

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

Motion for Consideration.

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

Scope of debate

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

Consideration of amendments.

95. If the motion that the amendments recommended by the Governor be taken into consideration is carried, the Speaker shall put the amendments to the House in such manner as he thinks most convenient for their consideration.

Procedure on consideration of amendments.

96. An amendment relevant to the subject matter of an amendment recommended by the Governor may be moved but no further amendment shall be moved to the Bill unless it is consequential upon, incidental or alternative to an amendment recommended by the Governor.

Passing again of Bill.

97. When all the amendments have been disposed of, the member giving notice of the motion under rule 92 may move that the Bill as originally passed by the House be passed again, or passed again as amended, as the case may be.

Disagreement of House with Message.

98. If the motion that the amendments recommended by the Governor be taken into consideration is not carried, the member giving notice of the motion under rule 92 may at once move that the Bill as originally passed by the House be passed again without amendment.

(H) AUTHENTICATION OF BILLS PASSED AGAIN BY THE HOUSE

Authentication of Bill passed again by House.

99. When a Bill is passed again by the House, and is in possession of the House, the Bill shall be signed by the Speaker and presented to the Governor in the following form :-

“The above Bill has been passed again by the House in pursuance of the proviso to Article 200 of the Constitution.

Speaker.”

Provided that in the case of the absence of Speaker from Raipur the Secretary may, in case of urgency, authenticate the bill on behalf of the Speaker.

Discussion of Governor's Ordinances.

100. As soon as possible after Governor has promulgated an Ordinance under clause (1) of Article 213 of the Constitution, printed copies of such Ordinance shall be made available to the members of the Vidhan Sabha. Within six weeks from the re-assembly of the Vidhan Sabha, any member may, after giving three clear days notice to the Secretary, move a resolution disapproving the Ordinance.

Statement connection with Ordinance.

101. (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 at the commencement of the session following the promulgation of the Ordinance.

(I) ADJOURNMENT OF DEBATE ON BILLS THEIR WITHDRAWAL AND REMOVAL

Adjournment of debate on Bill.

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

Withdrawal of Bill.

103. The Member in-charge of a Bill may at any stage of a Bill move for leave to withdraw the Bill on the ground that -

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

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

Explanatory statement by members who moves and opposes withdrawal motion.

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

Removal of a Bill from Register of Bills.

104. Where any of the following substantive motion under these rules in regard to a Bill is rejected by the Vidhan Sabha no further motion shall be made with reference to the Bill, and such Bill shall be removed from the Register of Bills pending in Vidhan Sabha :-

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

Special provision for removal of private members Bill from Register of Bills.

104-A. A private member's Bill pending before the House shall also be removed from the Register of Bills pending in the House in case -

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

(J) PROCEDURE FOR RATIFICATION OF AMENDMENT TO THE CONSTITUTION

Ratification of amendment to the Constitution

105. (1) On receipt of a communication or message for ratification of the amendment to the Constitution, the same along with a copy of the Bill and the debates thereof shall be laid on the Table of the House.

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

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

(4) A Copy of the resolution passed by the Vidhan Sabha shall be sent by the Secretary to the Government and to Parliament in case the resolution is not passed, an intimation to that effect shall be sent.