

**DIRECTIONS**

**BY**

**THE SPEAKER**

MIZORAM LEGISLATIVE ASSEMBLY

(Modified up to July 2004)

Third Edition, 2004

**DIRECTIONS BY THE SPEAKER  
UNDER THE  
RULES OF PRECEDURE  
AND CONDUCT OF BUSINESS IN  
MIZORAM LEGISLATIVE ASSEMBLY**

Third Edition, 2004

## P R E F A C E

In pursuance of rule 347 of the Rules of Procedure and Conduct of Business in Mizoram Legislative Assembly and under his inherent power, the Speaker of Mizoram Legislative assembly has been issuing directions from time to time for regulating, subject to the provisions of the rules, certain matters not specifically provided for in the Rules of Procedure and also certain matters relating to the detailed working of the rules.

In this Second Editions of the Directions, all such directions issued by the Speaker during the period following the publication of the First Edition till July 2004, have been incorporated in this Edition and some existing directions have also been amended to make them consonant with the amendments of the Rules of Procedure and Conduct of Business in Mizoram Legislative Assembly.

In these Directions, the word 'rule' or 'rules' means the Rules of Procedure and conduct of Business in Mizoram Legislative Assembly. Words and expressions used in these Directions shall, unless the context otherwise requires, have the meaning assigned to them in the Rules of Procedure and Conduct of Business in Mizoram Legislative Assembly.

Aizawl,  
July 10, 2004

T. Saikunga,  
Secretary.  
Mizoram Legislative Assembly

## **GENERAL DIRECTIONS**

### **Chamber of the House**

1. The Chamber of the House shall not be used for any purpose other than the sitting of the House and Conference of Presiding Officers.

### **Attendance of Members.**

2. To facilitate maintenance of an accurate record of attendance of Members, all Members, excepting the Speaker, Ministers, Ministers of State and Deputy Speaker, whenever they attend the sittings of the House or Meetings of the Assembly Committees, may sign the Attendance Register which will be maintained by the Assembly Secretariat. For the convenience of Members, the Attendance Register shall be kept in the Lobby of the Assembly Hall during the sittings of the Houser, and in the Committee Rooms during the meetings of the Assembly Committees. A member, who has not signed the Attendance Register within the first half of the working hours of the day, shall be treated as absent. This attendance Register shall also be taken as a basis for allowing daily allowance to Members.

3. A Member of the Committee, who has not attended the meeting of the Committee more than half of the working hours of the day shall be treated as absent.

4. A Member should seek prior permission of the Speaker for his absence during the sitting of the Assembly irrespective of the number of days of absence.

### **Correspondence with Members of the Assembly.**

5. When a letter of a Member of the Legislative Assembly addressed to the Speaker comes in the possession of the Government, the Government should at once forward it to the Speaker, for delay in transmission of the same may constitute a breach of privilege of the House. If the Government has to take any action on the letter, they can do it by keeping a copy thereof but the original letter should be sent immediately to the Speaker.

### **\*Arrangement of drinking water in the Assembly House.**

6. No Member shall either drink water or be served drinking water inside the Assembly Hall while the House is in session.

### **\*\* Submission of files inside the House.**

7. No files should be submitted to the Ministers or any one inside the House while the House is in session unless it requires immediate personal attention or intervention of the person concerned.

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\* Added vide Bulletin Pt. II No. 195 of 23.3.2003

\*\* Added vide Bulletin Pt. II No. 172 of 5.6.2002

### **Allotment of accommodation in the Legislators' Home.**

(Ref. The First Report of House Committee presented to the House on 17<sup>th</sup> October, 2001)

8. As the Legislators' Home at Tuikhuahtlang is now ready for occupation, any Member willing to occupy / avail accommodation in the Legislators' Home, may submit to the Secretary, an application in the prescribed form which is available in the Assembly Secretariat.
9. The MLA Hostel at Khatla shall no longer be available for permanent occupation with effect from 1<sup>st</sup> April 2002. No reservation of accommodation can be made by a guest while he is out of station and the Hostel staff shall not be responsible for the custody of his belongings, if any, left in the Hostel while he is out of station. On the other hand, a Member, if he is required to perform official duties out of station in connection with the business of the Assembly committee or any other Assembly matters while he is staying in the MLA Hostel, may reserve his rooms during such an absence and leave his personal belongings in the custody of the Hostel staff.
10. As per rule 13 of the 'Mizoram Legislative Assembly Hostel Rules', all the charges for trunk calls made from the Mizoram Legislative Assembly Hostel's telephone shall be paid by the caller.
11. The rent for occupation of the Legislators' Home shall be paid by the occupant calculated from the actual months of occupation.

### **Suspension of a Member.**

12. A Member suspended from the service of the House, shall not be entitled to enter the precincts of the House except for the purpose of attending a meeting of the Committee of which he may have been named a Member before suspension.
13. While computing the period of suspension, the day on which the Member is suspended from the service of the House shall be taken into account, but it shall not include any such period during which the House remains adjourned for more than three days.

### **Parties of the House.**

- 14(i). Only those parties and groups which have common principles and programmes and which have contested the election on the basis of the declaration of such principles and programmes, shall be recognized.
- (ii) They should have their programmes both within and outside the House. They should work according to their principles both within and outside the House.
- (iii) It shall be necessary for the recognition of parties and groups that their strength should at least be one-fourth of the total number of members of the House and two (2) members respectively.

### **Proceedings of the House**

15. A copy or copies of the portion of the proceedings of the Assembly shall not be supplied to any Member before it is printed, until the corrected speeches of the Members concerned have been

received back. A Member can however, see the proceedings and take notes therefrom if it is needed for a particular purpose, which should be mentioned by him.

#### **Tour of the Assembly Committees.**

16. The approval of the Speaker should be obtained before a tour is undertaken by a Committee of the Assembly.

#### **Arrangement of transport for Members of the Assembly Committees.**

17. The Administrative Departments, as well as the officers or institution subordinate to them or concerned with them, shall arrange to provide necessary transport for Members of the visiting Committee, sub-Committee or Study Group of any Committee of the Assembly to and from the Assembly premises, institutions, projects etc. at the respective places either by utilizing the staff car or transport at their disposal or by hiring such transport if necessary.

#### **Procedure of accepting membership of a Government Committee by the Chairman and Members of Assembly Committees.**

18(1). Whenever the Chairman or any Member of an Assembly Committee is invited to accept membership of any Committee constituted by the Government, the matter shall be placed before the Speaker for approval before the appointment is accepted.

(2). When the speaker considers it inappropriate that the Chairman or Member of an Assembly Committee should serve in the Committee constituted by the Government so long as he remains a Member of the Assembly Committee, the latter shall not accept the appointment of membership of the Committee constituted by the Government.

#### **Questions.**

19. When an answer to a question is given that the information is being collected, it would be taken as if the Government has asked for postponement of the question under rule 49 of the Rules of Procedure and Conduct of Business in Mizoram Legislative Assembly. If postponement of a question is necessary for the second time, the Minister concerned may submit an explanatory note showing causes along with the letter for postponement. The postponement of a question for a second time will be granted only in exceptional cases.

20. Whenever the Government is not in a position to answer short notice questions, it should send in writing, the reasons thereof so that the Speaker may be able to consider the matter properly and this would avoid unnecessary delay in taking further action on the question concerned.

21. The Minister should come fully prepared to answer supplementary questions, which are directly based on the main question.

22. When a Minister replies that the papers relating to a certain question may be seen in his office, he should make them available in his office on the day the question is answered in the House, and should himself come to his office that day half an hour earlier. In case the papers cannot be made available on that day, he should get the question relating to him postponed to some other day.

23. If a Member deems it necessary to ask questions which have lapsed due to prorogation of the Assembly, he may give fresh notice for them enclosing full text of the questions again to the Legislative Assembly Secretariat. No action will be taken if a Member merely writes that his lapsed questions may be revived.

24. If a question is answered in the House, all other questions which are substantially identical and fixed for subsequent dates become inadmissible and the Members should co-operate with the Legislative Assembly Secretariat by informing it about their substantially identical questions fixed for any subsequent dates. Similarly, if the Government Department receive notice of a question substantially identical for a second time for answer, instead of answering the question, they should invite the attention of the Legislative Assembly Secretariat that such and such question has already been asked in the House or has been fixed for answer on such and such date, and in such a case, the question shall be removed from the list of questions.

25. Question relating to each Minister should be given on separate sheets of paper. If the notices of questions are not received in this manner, it will not be possible for the Legislative Assembly Secretariat to take action on those questions and they will be returned in original without any question.

26. Statement to be made by Ministers in the House to amend answers to supplementary questions must be accompanied by original questions and answers.

27. Supplementary questions cannot be asked on a statement made by a Minister to amend the answer given to a supplementary question.

28. If answers to original questions are to be amended, the question, whose answer is to be given in an amended form, together with the original answer will be printed in the agenda before the starred questions. The new amended answer by the Government should also be printed there under heading '*amended answer*' which should be read with a short explanatory note. The questioner will be given an opportunity to put supplementary questions. But when answer to such an original question whose questioner has ceased to be a Member of the House at the time of correction, is sought to be corrected. The Minister concerned may correct such an answer by making a correction statement in the house and the correction statement shall be printed in the List of Business in a separate annexure after another question.

29. Under rules 36(5) of the Rules of Procedure and conduct of Business in Mizoram Legislative Assembly, the quota of five (5) starred questions fixed for each Member includes short notice questions also but does not include postponed questions.

30. Question should not be answered by simply referring to the portions of questions that the answer to the first portion is this and that to the second portion this, but the answers should be self-contained so that they may be clearly intelligible.

31. Questions which give advantage to the enemy or to a foreign power shall not ordinarily be admitted. But if there are some such questions which relate to matters concerning the border of the country, about which it is not clear that they help subversive elements and they are forwarded to the Government after being admitted, the Minister concerned may draw the attention of the Speaker as to the advantage that can result by answering such questions. After the Speaker is satisfied that it is not in public interest to answer such questions, such questions shall be disallowed.

**\*\*\* Admissibility of questions.**

32. Besides the conditions of admissibility of questions mentioned in rule 43, a question shall be inadmissible on any of the following grounds:-

- (i) It seeks information on matters which tend to encourage fissiparous and divisive tendencies and weaken the unity and integrity of the country;
- (ii) It relates to a matter of day-to-day administration or tends to further interests of an individual or a few individuals;
- (iii) It relates to a matter falling primarily within the jurisdiction of the Chief Election Commissioner, C&AG, courts and other such functionaries.
- (iv) If it relates to petitions and memoranda received by a Minister which are not of public importance;
- (v) It relates to a matter under negotiation with a government of other country and the disclosure may affect the course of negotiations to the detriment of the national interests; and
- (vi) it relates to a matter within the jurisdiction of the Speaker.

33. Notwithstanding anything contained in rule 43 and the practice being followed heretofore, a question pertaining to matters for the last five (5) years may be admitted.

**Ballot of Private Members' Bills and Resolution.**

34. A Private Member, who wishes to introduce a Bill or to move a Resolution, shall give notice in writing addressed to the Secretary, of his intention and shall together with the notice, submit a copy of the Bill or Resolution.

35. No Member shall give notice of more than one Bill and three Resolutions.

36. All such notices received by the Secretary shall be entered in the concerned Registers called 'Notice Register for Bills / Resolutions' maintained by the Assembly Secretariat and shall be entered in a serial order for each ballot according to the dates of receipt.

37. When notices are received under Direction, the Secretary shall submit a copy of the Resolutions and Bills to the Speaker after they have gained priority at the ballot.

38. The ballot for Private Members' business shall be generally held on Friday in respect of resolutions, and on Wednesday in respect of Bills falling 7 and 10 days before the non-official day respectively and notices of Resolutions and Bills included in the ballot held in accordance with Direction No. 34.

**Provided that any notice received after 3:00 P.M. maybe included in next ballot.**

*Note : if the date to be fixed for the ballot under these directions is a holiday, the ballot will be held on the last working day before that day and notices received before 3:30 P.M. of that day shall be included in the ballot.*

39(i) The ballot shall be held at 4:00 P.M. at a place to be notified by the Secretary to Members.

(ii) Any Member who wishes to attend the ballot may do so.

(iii) Numbered metal or disc bearing as many numbers as there are notices, shall be thoroughly mixed up and placed in a cloth bag.

(iv) The Secretary or some persons directed by him shall take out one disc at a time and the first number taken out shall entitle the Member whose name appears against that number in the Notice Register, to the first priority to move the Bill or the Resolution, to the first priority to move the Bill or the Resolution, the second numbers have been drawn.

(v) The priority obtained in the ballot will determine the order in which items are to be taken up in the Assembly on the first available Friday after the date of the ballot for non-official business. All notices not finding a place in the ballot shall lapse.

40. A New practice called Zero Hour has recently cropped up and utilized in Mizoram Legislative Assembly. In order to maintain discipline and utilize the Zero Hour fruitfully and effectively, the Speaker desires that not more than two subjects be raised in a day. Any member desiring to utilize zero hour should inform the Speaker in writing, half an hour before the commencement of a sitting on the day on which a member wants to raise any subject during zero hour, clearly indicating the subject matter. However, it shall be the discretion of the Speaker to allow such subject to be raised / mentioned during Zero Hour. In any case the duration of the Zero Hour shall not exceed half an hour.