



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

REGN. NO. NE—

VOL. XXXII Aizawl, Monday,

NOTIFICATION

- No. LA/RC/32/96/198-231, the 14th August, 2003. The following amendments to the existing rules and addition of new Schedule to the Rules of Procedure and Conduct of Business in Mizoram Legislative Assembly as recommended by the Rules Committee which was laid on the Table of the House on 24th July, 2003 are published as required by Sub-Rule (4) of rule 273 of the said Rules for general information.

AMENDMENTS TO THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE MIZORAM LEGISLATIVE ASSEMBLY.

1. Amendment to Rule 301 The provisions of rule 301 of the Rules of Procedures and Conduct of Business in Mizoram Legislative Assembly shall be substituted with the following provisions-

301. There shall be a Code of Conduct for Members of Mizoram Legislative Assembly as enumerated in the Sixth Schedule to these Rules.
2. Amendment to Rule 284 (F) Sub-Rule (b) After the word 'Members' in Sub-Rule (b) of Rule 284(F) the following words shall be added -
'with reference to the Code of Conduct for Members of Mizoram Legislative Assembly enumerated at Sixth Schedule to these Rules'.

Rule 284 (F) Sub-Rule (c) The whole provision of Sub-Rule (C) of Rule 284(F) shall be deleted.

NEW SCHEDULE TO THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE MIZORAM LEGISLATIVE ASSEMBLY

1. New Schedule (Sixth Schedule) A new Schedule (Sixth Schedule), summing up the clauses of the Code of Conduct for Members of Mizoram Legislative Assembly, shall be inserted after Fifth Schedule in the Rules of Procedure and Conduct of Business in the Mizoram Legislative Assembly as under :-

SIXTH SCHEDULE
(See Rule 301)

CHAPTER - I

PRELIMINARY

1. This Code may be called the Code of Conduct for Members of the Mizoram Legislative Assembly.
2. Words and expressions used in this Code shall, unless the context otherwise requires, have the meaning assigned to them in the Constitution of India and the Rules of Procedure and Conduct of Business in Mizoram Legislative Assembly.

CHAPTER - II

CODE OF CONDUCT FOR MEMBERS INSIDE THE HOUSE

General rules—

1. A member, whilst the House is Sitting, shall -
 - (i) bow to the Chair while entering or leaving the House and also when taking or leaving his/her seat;
 - (ii) always address the Chair ;
 - (iii) keep to his/her usual seat ;
 - (iv) maintain silence when not speaking in the House ;
 - (v) avoid talking or laughing in Lobby loud enough to be heard in the House ;
 - (vi) maintain inviolability of the Question Hour;
 - (vii) refrain from transgressing into the well of the House;
 - (viii) resume his/her seat as soon as the speaker rises to speak.
2. A member, whilst the House is sitting, shall not -
 - (i) read any book, newspaper or letter except in connection with the business of the House ;
 - (ii) interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner ;

- (iii) pass between the Chair and any member who is speaking ;
- (iv) leave the House when the Speaker/Chair is addressing the House ;
- (v) obstruct proceedings, hiss or interrupt and shall avoid making running commentaries when member is speaking ;
- (vi) applaud when a stranger enters any of the Galleries, or the Special Box ;
- (vii) shout slogans in the House ;
- (viii) sit or stand with the back towards the Chair ;
- (ix) approach the Chair personally in the House. He may send chits to the officers at the Table, if necessary.
- (x) wear or display badges of any kind in the House;
- (xi) bring or display arms in the House;
- (xii) display flags, emblems or any exhibits in the House;
- (xiii) leave the House immediately after delivering his/her speech;
- (xiv) distribute within the precincts of the House any literature, Questionnaire, pamphlets, press notes, leaflets, etc. not connected with the business of the House;
- (xv) place his/her cap/hat on the desk in the House, bring boards in the Chamber for keeping files or for writing purposes, smoke or enter the House with his/her coat hanging on the arms;
- (xvi) carry walking stick into the House unless permitted by the Speaker on health grounds;
- (xvii) tear off documents in protest;
- (xviii) bring or play cassette or tape recorder in the House;
- (xix) sit on Satyagraha or Dharna inside the House or anywhere within the precincts of the House;
- (xx) bring cellular phones or pagers in the House;

3. (1) If a private member desires to lay a paper or a 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.

(2) If a private member, in the course of his/her speech wishes to quote from a secret Government document, paper or report, he may supply a copy thereof in advance to the Speaker and also indicate the portions thereof which he wishes to quote in order to enable the Speaker to decide whether permission should be given. If the Speaker permits the member to quote from the document, the member may do so at the appropriate time. If the Speaker does not accord the necessary permission, the member shall not quote from the document nor refer to its contents.

4. (1) A member wishing to point out any mistake or inaccuracy in a statement made by a Minister or any other member shall, before referring to the matter in the House, write to the Speaker pointing out the particulars of the mistake or inaccuracy and seek his permission to raise the matter in the House.

5. No allegation of defamatory nature shall be made by a member against any person unless the member has given adequate advance notice to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of reply.

Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation.

6. Members shall not give any advance publicity to various notices given to them.

7. A member, having a personal, pecuniary or direct interest in a matter before the House, while taking part in the proceedings on that matter, shall declare the nature of that interest. It is expected of the member, as a matter of propriety, to decide for himself whether by casting his vote in a division in the House on the matter, his judgment is likely to be deflected from the straight line of public policy by that interest.

Rules to be observed while speaking -

8. A member, while speaking shall not -

(i) refer to any matter of fact on which a judicial decision is pending ;

(iii) make personal reference by way of making an allegation imputing a motive to or questioning the bona fides of any other member of the House unless it be imperatively necessary for the purpose of the debate being itself a matter in issue or relevant thereto ;

(i) use offensive expressions about the conduct or proceedings of the Assembly;

(ii) reflect on any determination of the House except on a motion rescinding it ;

- (iii) use the Governor's name for the purpose of influencing the debate ;
- (iv) utter treasonable, seditious or defamatory words ;
- (v) use his/her right of speech for the purpose of obstructing the business of the House;
- (vi) make any reference to the strangers in any of the galleries ;
- (vii) refer to Government officials by name;
- (viii) read a written speech except with the previous permission of the Chair;
- (ix) question or comment on the ruling of the Speaker;
- (x) use insinuation or offensive and unparliamentary expressions while addressing the Chair;
- (xi) speak unless called by the Speaker;
- (xii) speak unparliamentary words;

CHAPTER - III

CODE OF CONDUCT FOR MEMBERS DURING GOVERNOR'S ADDRESS

9. It is imperative for each and every member or any other persons present on the occasion of the Governor's address to observe solemnity, dignity and decorum;
10. If any member or other person interrupts or obstructs the Governor's Address to the Assembly, either before or during or after the Address, while the Governor is in the Hall, with any speech or point of order or walk-out or in any other manner, such interruption, obstruction or show of disrespect shall be tantamount to an act of disorder and disrespect to the Governor and may be considered as a grossly disorderly conduct on the part of the concerned member or other person and a contempt of the House which may be dealt with by the House subsequently on a motion moved by a member.
11. If any member or other person interrupts or obstructs the Governor's Address
Governor, who is in charge of the proceedings and fully competent to preserve order on the occasion may give such directions as he may consider necessary to preserve order, solemnity and dignity of the occasion.

CHAPTER-IV

CODE OF CONDUCT FOR MEMBERS IN
COMMITTEES OF LEGISLATURECode of Conduct for members in
Legislature Committees

12. Where a member of a Committee has a personal, pecuniary or direct interest in any matter which is to be considered by the Committee, he shall state his interest therein to the Speaker through the Chairman of the Committee.

13. Since the proceedings of a Committee are treated as confidential, it is not permissible for a member of the Committee or any one who has access to its proceedings to communicate directly or indirectly to the press any information regarding its proceedings including its report or any conclusions arrived at, finally or tentatively, before the report has been presented to the House.

14. Whenever a paper or document, marked 'secret' or 'confidential' is circulated to the members of the Committee, the contents of such paper or document shall not be divulged by any member either in the minute of dissent or on the floor of the House, or otherwise, without the permission of the Speaker and where

Speaker in regard to the manner in which, or the extent to which the information contained in the document may be divulged, shall be strictly observed.

15. The evidence given before a Committee shall not be published by any member of the Committee or by any other person until it has been laid on the Table.

Guidelines for Legislature Committees and Code of Conduct for members during study tours of Legislature Committees.

16. Committees should not normally undertake tours unless it is absolutely necessary to undertake an on the spot study tour for proper examination of the subject before the Committee.

17. Where a Committee proposes to undertake a tour, prior permission of the Speaker should be taken in all cases.

18. Tours should not be undertaken merely because something has to be seen or discussions have to be held with local authorities. Discussions can always usefully be held in the Assembly and the Officers concerned with the subject matter can be specifically called before the Committee.

19. The whole Committee or a sub-Committee or Study Group consisting of any number of members as considered appropriate by the Committee, may undertake a tour. A sub-Committee or Study Group may report back to the whole Committee after its study tour.

20. During the tours, Committees should avoid visits to places not included in the official tour programme, except local sight seeing.
21. It is necessary that the expenditure on tours and the strain on the local administration and transport authorities should be kept to the minimum.
22. Terms of reference of the Study Groups or sub-Committees who are sent on study tours should be precise and laid down in writing.
23. A study tour should be undertaken before the official evidence on the subject is taken by the Committee and not after the evidence.
24. A study tour should be undertaken for the absolutely minimum necessary period, not exceeding a week at a time.
25. Sufficient notice of the tour programme should be given to the State Governments/other Departments or Undertakings concerned.
26. There should be no last minute changes in the tour programme by Study Groups as these result in considerable difficulties to the Railways, Airlines, concerned Government Departments and officers.
27. Members shall avoid intermediate journeys during the tours. 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.
28. Members during tours, shall take particular care to maintain proper dignity and decorum so that no criticism is made of the Committee in any manner.
29. During the tour, if a member falls ill and the doctor advises him not to undertake further tour, he shall follow the doctor's advice.
30. No member shall give press statements regarding Committee proceedings to press. Whenever any briefing of the press is required to be done, the same should be done by the Chairman of the Committee.
31. Members shall not accept any costly gifts during the tour. Members can, however, accept inexpensive mementos connected with the organisation visited.
32. The Committee or Sub-Committee or Study Group, while on tour, shall not accept any invitation for lunch or dinner or other hospitality that might be extended by any private party. At the official lunches or dinners, if any, that might be accepted by the Committee or Sub-Committee or Study Group, no liquor should be allowed to be served.
33. No member shall 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 Chairman of the Committee. In such cases, the member shall 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 the expenses of such a person but would also stand automatically debarred from undertaking any Committee tour thereafter.

34. The spouse or attendant of a member in no case, shall accompany Committee members during official visit to any installation, undertaking, office or establishment and during informal discussions with officers of the concerned establishment, undertaking etc.

CHAPTER-V

CODE OF CONDUCT DURING DELEGATIONS TO FOREIGN COUNTRIES

35. (i) Members should adhere to protocol norms during the visits to foreign countries.

(ii) While participating in the international Conferences, members should follow rules, guidelines, conditions etc. as may be provided for in the Statutes/Rules and/or as may be fixed by the organisers.

(iii) During visit of Parliamentary delegations to other countries, no member shall give press statements regarding visit.

Whenever any briefing of the press is required to be done, the same shall be done by the leader of the delegation.

CHAPTER-VI

CODE OF CONDUCT FOR MEMBERS OUTSIDE THE HOUSE AND GENERAL ETHICAL PRINCIPLES

Code of Conduct for members outside the House.

36. Information given to members in confidence or by virtue of their being members of Committees of the Legislature shall not be divulged to anyone nor 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.

37. A member shall not try to secure business from Government for a firm, company or organisation with which he is directly or indirectly concerned.

38. A

39. A member shall not make profit out of Government residence allotted to him by sub-letting the premises.

40. A member shall not unduly influence the Government officials or the Ministers in a case in which he is interested financially either directly or indirectly.
41. A member shall not receive hospitality of any kind for any work that he desires or proposes to do from a person or organisation on whose behalf the work is to be done by him/her.
42. A member shall not in his capacity as a lawyer or a legal adviser or a counsel or a solicitor appear before a Minister or an executive officer exercising quasi-judicial powers.
43. A member shall not proceed to take action on behalf of his constituents on some insufficient or baseless facts.
44. A member shall not permit himself to be used as a ready supporter of anybody's grievances or complaints without verifying facts.
45. A member shall not endorse incorrect certificates on bills claiming amounts due to him.
46. A member shall not elicit information from Government in an unauthorised manner by inducing a subordinate official to give information which in the course of his normal functions he should not do. Nor shall he encourage any such person to speak to him against senior officials on matters of public importance and policy.
47. A member shall not write recommendatory letter or speak to Government officials for employment or business contacts for any of his relations or other persons in whom he is directly or indirectly interested.

General ethical principles with which members should abide

48. Members must utilise their position to advance general well being of the people.
49. In case of conflict between the personal interest of members and public interest, they must resolve the conflict so that personal interests are subordinated to the duty of their public office.
50. Members shall resolve conflict between private financial interests/family interest and public interest in a manner that the public interest is not jeopardised.
51. Members holding public offices shall use public resources in such a manner as may lead to public good.
52. Members shall keep uppermost in their mind the fundamental duties listed in Part - IV A of the Constitution.
53. Members shall maintain high standards of morality, dignity, decency and values in public life.

CHAPTER—VII

PROCEDURE FOR DEALING WITH COMPLAINTS REGARDING BREACH
OF CODE OF CONDUCT

54. The Speaker or the House, as the case may be, may suo motu take up for consideration cases of breach of the Code that have taken place in the House.

55. In other cases the Speaker may refer complaints regarding violation of Code of Conduct to the Committee on Ethics for examination and report.

CHAPTER—VIII

PUNISHMENT FOR BREACH OF CODE OF CONDUCT

56. In case of violation of the Code of Conduct the Speaker or the House, as the case may be, can impose any of the following punishments/penalties :—

- (a) Admonition;
- (b) Reprimand;
- (c) Censure;
- (d) Withdrawal from the House;
- (e) Suspension from the service of the House for a specific period; and
- (f) Any other penal action considered appropriate by the House.

T. Saikunga,
Secretary,
Mizoram Legislative Assembly.