

POINTS OF ORDER

What is a Point of Order?

A point of order is an extraordinary process which, when raised, has the effect of suspending the proceedings before the House and the member who is on her/his legs gives way. This is meant to assist the Speaker in enforcing the Rules, Directions and provisions of the Constitution for regulating the business of the House. It should essentially refer to procedure and relate to the business before the House at the moment. Also, it should relate to arrangement of items already included in the List of Business for the day.

2. The test whether a point raised is a point of order or not is based on the fact whether it involves an interpretation of the Rules, Directions and various provisions of the Constitution which regulate the business of the House and whether it raises a point which the Chair can decide.

When can it be raised?

3. There can be no point of order in vacuum. It must relate to the business before the House at the moment. The Speaker may, however, permit a member to raise a point of order during the interval between the termination

of one item of business and the commencement of another if it relates to the maintenance of order in, or arrangement of business before the House.

4. A point of order cannot be raised—

- (a) when a question on any motion is being put to the House; and
- (b) during Question Hour.

Matters on which a Point of Order cannot be raised

5. The Chair does not give any ruling on a point of order which raises the question whether a Bill is constitutionally within the legislative competence of the House or about the constitutionality of any Declaration/Agreement/Treaty, under discussion on a Motion/Resolution. It is for the House to deal with such matters.

6. A point of order cannot be raised by a member—

- (a) on rulings given by the Speaker; or
- (b) regarding proceedings of an earlier sitting; or
- (c) to ask for information; or
- (d) to explain one's own position; or
- (e) in academic or hypothetical matter; or
- (f) to point out that Division Bells did not ring or were not heard; or

- (g) on a matter on which the Speaker cannot give any relief; or
- (h) for inserting new or additional item in the List of Business; or
- (i) when a question on any motion is being put to the House.

7. A point of order is not a point of privilege. Further, a member should not seek to have a clarification from a Minister in the garb of a point of order.

How to raise a Point of Order?

8. A member who has a point of order should stand up and say 'Point of Order'. She/he should not proceed to formulate it or speak on her/his point of order until the member is identified by the Chair.

While formulating her/his point of order, the member should quote the specific rule or the provision of the Constitution relating to the procedure of the House which may have been ignored or neglected or violated.

9. No member should rise or speak, either standing or sitting, when the Speaker is on her/his legs. The Speaker should be heard in silence and any member wanting to speak should rise only after the Speaker has sat down and she/he has called the member to speak.

10. While raising a point of order, a member should not make a speech but come directly to the point of order.

11. A point of order relating to the same matter may not be raised by a member more than once. Further, only one point of order may be raised at a time. There may not be a point of order on a point of order.

12. The decision of the Speaker as to whether a point raised is a point of order or not is final.

13. No debate is allowed on a point of order, but the Speaker may, if she/he thinks fit, hear the members before giving her/his decision.

[Procedure regarding Point of Order is governed by Rule 376 of the Rules of Procedure and Conduct of Business in Lok Sabha]

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PREFACE

This Abstract is part of the Parliamentary Procedure Abstracts Series and describes the procedure regarding Points of Order. It is based on the Rules of Procedure and Conduct of Business in Lok Sabha, the Directions issued by the Speaker under the Rules of Procedure and the decisions/rulings given by the Chair from time to time. It is intended to serve as a handy guide for ready reference.

The information contained in this Abstract is, however, not exhaustive. It will, therefore, be prudent to refer to and rely on the original sources for full information.

NEW DELHI

Secretary General