



ACT XX OF 1113.

*Passed by His Highness the Maharaja of Cochin  
on the 3rd day of Mithunam 1113, corresponding  
to the 17th day of June 1938.*

THE GOVERNMENT OF COCHIN ACT. 1113 M. E.

Whereas it is expedient to consolidate and amend Preamble.  
the laws relating to the Government of Cochin, it is  
hereby enacted as follows:—

PART I.

INTRODUCTORY.

1. This Act may be cited as "The Government Short title.  
of Cochin Act, 1113."

2. This Act shall extend to the whole of the Extent and  
Cochin State and shall come into force at once. commence-

3. The territories for the time being vested in Government  
of Cochin by  
His Highness  
the Maharaja.  
His Highness the Maharaja of Cochin are governed by  
and in the name of His Highness, and all rights,  
authority and jurisdiction which appertain or are

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Part I  
—cont.

incidental to the government of such territories are exercisable by His Highness, except in so far as may be otherwise provided by or under this Act, or as may be otherwise directed by His Highness.

## PART II.

### THE EXECUTIVE.

Executive  
authority of  
the Cochin  
State.

4. Subject to the provisions of this Act, the executive authority of the Cochin State is exercised by His Highness through the Diwan in relation to reserved subjects, and through the Minister appointed under this Act in relation to transferred subjects; but nothing in this section shall prevent the Cochin Legislature from conferring functions on subordinate authorities, or be deemed to transfer to the Diwan or the Minister any functions conferred by any law of the Cochin State on any court, judge or officer, or on any local or other authority:

Provided that the Diwan or the Minister may exercise his functions either directly, or through officers subordinate to him.

*Explanation.*—In this Act the expression “transferred subjects” shall mean those subjects which under subsection (1) of section 8 of this Act, have been transferred for being administered through the Minister appointed under this Act, and the expression “reserved subjects” shall mean all other subjects not so transferred.

Appoint-  
ment of the  
Diwan.

5.—(1) The Diwan of Cochin is appointed by His Highness and holds office for such period and subject to such terms and conditions, as His Highness may prescribe.

(2) (a) The Diwan shall be under the general control of and comply with such particular directions

[1113: Act XX.] *Government of Cochin Act, 1113.* [Part II.]

as may be given to him by, His Highness, in the exercise of his powers and discharge of his duties which are conferred or imposed upon him, by or under this Act, or by His Highness.

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Part II  
—cont.

(b) The validity of anything done by the Diwan shall not be called in question on the ground that it was done otherwise than in accordance with His Highness' directions.

6.—(1) The Minister is appointed by His Highness and holds office during His Highness' pleasure.

Appoint-  
ment of the  
Minister.

(2) The Minister who, for any period of six consecutive months, is not an elected member of the Legislative Council, shall, at the expiration of that period, cease to be Minister.

(3) There shall be paid to the Minister such salary and allowances as may be provided for by Act of the Legislature, and, until such provision is made, His Highness may prescribe his salary and allowances.

(4) In the administration of transferred subjects, His Highness is guided by the advice of the Minister, unless, after such consultation with the Diwan, as His Highness may think fit, His Highness sees cause to dissent from the Minister's opinion, in which case, His Highness may require action to be taken otherwise than in accordance with such advice.

(5) Subject to the provisions of this Act, all references to the Diwan in the laws of the Cochin State shall, in so far as they relate to transferred subjects, be construed as references to the Minister.

7. His Highness may entrust to the Diwan the administration of transferred subjects when there is a vacancy in the office of the Minister.

Temporary  
administra-  
tion of trans-  
ferred sub-  
jects.

[Part II.] *Government of Cochin Act, 1113.* [1113: Act XX.]

1113 M. E.  
Part II.  
—cont.

8. His Highness, after such consultation with the Diwan as His Highness may think fit, may, by rules under this Act, provide—

Classifi-  
cation of  
transferred  
subjects.

(1) for the transfer from time to time of one or more subjects for being administered through the Minister appointed under this Act,

(2) for the allocation of revenues or moneys for the purpose of such administration, and

(3) for the settlement of doubts arising as to whether any matter does or does not relate to a transferred subject, and for the treatment of matters which affect both a transferred subject and a reserved subject.

Conduct of  
business  
of the exe-  
cutive autho-  
rity of the  
Cochin State.

9. His Highness may make rules and orders for the more convenient transaction of the business of the executive authority of the Cochin State, and in particular—

(a) to require the Diwan and the Minister to transmit to His Highness all such information with respect to the government of the Cochin State as may be specified or as His Highness may otherwise require to be so transmitted,

(b) to require the Minister to transmit to the Diwan all such information with respect to the administration of transferred subjects as may be specified by the Diwan,

(c) to require the Minister to consult the Diwan upon any of his proposals which affect the finances of the Cochin State,

(d) to require that no re-appropriation from one major head to another within a grant shall be made by any department, otherwise than after consultation with the Diwan,

[1113 Act XX.] *Government of Cochin Act, 1113.* [Part II.]

(e) to regulate the relations between the Diwan and the Minister for the purpose of the transaction of the business of the Government, and

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Part II  
—cont.

(f) to regulate, notwithstanding anything contained in this Act, the conditions under which and the manner in which, appointments to public offices in the State, not otherwise expressly provided for in this Act, should be made.

*Explanation.*—In this Act, the expression “the Government” shall mean His Highness exercising the executive authority of the Cochin State, in accordance with the provisions of this Act.

10.—(1) All orders and other instruments of the executive authority of the Cochin State shall be expressed to be made by the Government of Cochin and shall be authenticated as His Highness may by rule direct, and provision may be made by rule for distinguishing orders and other instruments relating to transferred subjects from other orders and instruments.

Authentica-  
tion of  
orders and  
other instru-  
ments.

(2) The validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the executive authority of the Cochin State.

11.—(1) His Highness may appoint a person, being a person qualified to be appointed a judge of the High Court, to be Advocate-General of Cochin.

Advocate-  
General.

(2) It shall be the duty of the Advocate-General to give advice to the Government upon such legal matters, and to perform such other duties of a legal character, as may be referred or assigned to him by His Highness, and in the performance of his duties, he shall have right of audience in all courts in the Cochin State.

[Part II.] *Government of Cochin Act, 1113.* [1113: Act XX.]

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Part II  
—cont.

(3) The Advocate-General shall hold office during His Highness' pleasure, and shall receive such remuneration as His Highness may determine.

### PART III.

#### THE LEGISLATURE.

Cochin  
Legislature.

12. There shall be a Legislature for the Cochin State which shall consist of His Highness, and a Chamber to be known as the Cochin Legislative Council.

Constitution  
and duration  
of the Cochin  
Legislative  
Council.

13.—(1) The Legislative Council shall consist of the Diwan and fifty-eight members, of whom thirty-eight members shall be representatives elected, and the rest nominated by His Highness, in accordance with the rules made in that behalf:

Provided that His Highness may, for the purpose of any Bill introduced or proposed to be introduced in the Council, nominate not more than two members having special knowledge or experience of the subject matter of the Bill, and these persons shall, in relation to the Bill, have, for the period for which they are nominated, all the rights of members of the Council, and shall be in addition to the members referred to:

Provided further that the Minister and the Advocate-General shall have the right to speak in, and otherwise take part in the proceedings of, the Council and any Committee of the Council of which they may be named members, but shall not, by virtue of this provision only, be entitled to vote.

(2) Every Council shall continue for three years from the date of its first sitting:

Provided that—

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(a) the said period may be extended from time to time by His Highness, if in special circumstances His Highness so thinks fit;

Part III  
—cont.

(b) the Council may at any time be dissolved by His Highness.

14. Subject to the provisions of this Act, provisions may be made by rules under this Act, with respect to the matters hereinafter mentioned or any of them, that is to say—

Rules.

(a) the delimitation of territorial constituencies for the purpose of elections under this Act;

(b) the qualifications entitling persons to vote in territorial or other constituencies at such elections, and the preparation of electoral rolls ;

(c) the qualifications for being elected at such elections as a member of the Legislative Council ;

(d) the conduct of elections under this Act and the methods of voting thereat ;

(e) the expenses of candidates at such elections ;

(f) corrupt practices and other offences at or in connection with such elections;

(g) the decision of doubts and disputes arising out of or in connection with such elections;

(h) the term of office of nominated members of the Council;

(i) the conditions under which and the manner in which persons may be nominated as members of the Council;

(j) the filling in of casual vacancies in the Council; and

[Part III.] *Government of Cochin Act, 1113.* [1113: Act XX.]

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Part III  
—cont.

Vacation  
of seats.

(k) matters ancillary to any such matter as aforesaid.

15.—(1) If a member of the Legislative Council—

(a) becomes subject to any of the disqualifications mentioned in subsection (1) of the next succeeding section; or

(b) by writing under his hand addressed to the Diwan resigns his seat,  
his seat shall thereupon become vacant.

(2) If, for a period of four consecutive months, a member of the Council is unable to attend to the duties of his membership, the Government may, by notification in the Gazette, declare his seat vacant.

Disqualifica-  
tions for  
membership.

16.—(1) A person shall be disqualified for being chosen as, and for being a member of, the Legislative Council—

(a) if he holds any office of profit under His Highness or under any Municipal or Local Authority:

Provided that this shall not apply to a nominated member ;

*Explanation.*—(1) The Minister appointed under this Act, or the Chairman or Vice-Chairman of a Municipal or Local Authority, or the holder of any office in the Civil or Military Service under the Government, if the office is one which does not involve either of the following incidents, namely, that the incumbent—

(i) is a whole time servant of the Government, or

(ii) holds a pensionable office or is in pensionable service, within the meaning of the Cochin Service Regulations,

shall not be treated as a person holding



an office of profit under His Highness under this section.

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Part III

—cont.

*Explanation.*—(2) If any question arises whether any person holds an office of profit under this section, the decision of the Diwan shall be final.

(b) if he is under 25 years of age ;

(c) if he is not a subject of His Highness or of British India ;

(d) if he is of unsound mind and stands so declared by a competent court ;

(e) if he is an undischarged insolvent ;

(f) if he has been convicted, or has, in proceedings for questioning the validity or regularity of an election, been found to have been guilty, of any offence or corrupt or illegal practice relating to elections which has been declared by the laws of Cochin or of British India to be an offence or practice entailing disqualification for membership of the Council, unless such period has elapsed as may be specified in that behalf by the provisions of such laws ;

(g) if he has been convicted of any other offence by a court in the Cochin State or British India and sentenced to imprisonment for not less than two years, unless a period of five years or such less period as His Highness may allow in any particular case, has elapsed since his release ;

(h) if, having been nominated as a candidate for the Council or having acted as an election agent of any person so nominated, he has failed to lodge a return of election expenses within the time and in the manner required by any rules made under this Act, unless five years have elapsed from the date by which it ought to have been lodged, or His Highness has removed the disqualification:

[Part III.] *Government of Cochin Act, 1113.* [1113:Act XX.]

1113 M. F.  
Part III  
—cont.

Provided that the disqualification under paragraph (h) of this subsection shall not take effect until the expiration of one month from the date by which the return ought to have been lodged or of such longer period as His Highness may in any particular case allow.

(2) A person shall not be capable of being chosen a member of the Council while he is serving a sentence of imprisonment for a criminal offence.

(3) Where a person who, by virtue of a conviction or a conviction and a sentence, becomes disqualified by virtue of paragraph (f) or paragraph (g) of subsection (1) of this section, is at the date of the disqualification a member of the Council, his seat shall, notwithstanding anything in this or the last preceding section, not become vacant by reason of the disqualification until three months have elapsed from the date thereof, or, if within those three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that petition or appeal is disposed of, but during any period during which his membership is preserved by this subsection, he shall not sit or vote.

Meeting of  
Council.

**17.—(1)** The Legislative Council is summoned by His Highness to meet once at least every year, and twelve months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(2) Subject to the provisions of this section His Highness may—

(a) summon the Council to meet at such times and places as His Highness thinks fit;

(b) prorogue the Council.

Qualifn of  
members.

**18.** Every member of the Legislative Council shall, before taking his seat, make and subscribe before

[1113:Act XX.] *Government of Cochin Act, 1113.* [Part III.]

the President or some person appointed by him, an oath or affirmation according to the form set out in the schedule to this Act.

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Part III  
—cont.

19.—(1) The Diwan shall be *ex-officio* President of the Legislative Council.

Officers of  
the Council.

(2) The Council shall, as soon as may be, choose one of its members to be Deputy President thereof and so often as the office of the Deputy President becomes vacant, the Council shall choose any other member to be Deputy President.

(3) A member holding the office of Deputy President shall vacate his office if he ceases to be a member of the Council, may, at any time, resign his office by writing under his hand addressed to the Diwan, and may be removed from his office by a resolution of the Council passed by a majority of the members then on the roll of the Council; but no resolution for the purpose of this subsection shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution.

(4) During the absence of the President from any sitting of the Council, the Deputy President or, if he is also absent, such person as may be determined by the rules of procedure, or if no such person is present, such other person as may be determined by the Council, shall act as President.

(5) There shall be paid to the Deputy President, such salary as may be fixed by Act of the Legislature, and until provision in that behalf is so made, such salary as His Highness may determine.

20.—(1) Save as provided in the last preceding section, all questions at any sitting of the Legislative Council shall be determined by a majority of votes of the members present and voting, other than the President or person acting as such.

Voting in  
the Council,  
power of the  
Council to  
act notwith-  
standing  
vacancies  
and quorum.

[Part III.] *Government of Cokkin Act, 1113.* [1113: Act XX.]

1113 M. E.

Part III  
—cont.

The President or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(2) The Council shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Council shall be valid, notwithstanding that it is discovered subsequently that some one who was not entitled so to do, sat and voted or otherwise took part in the proceedings.

(3) If, at any time during a meeting of the Council, less than fifteen members of the Council are present, it shall be the duty of the President or person acting as such either to adjourn the Council till the next day on which the Council would ordinarily sit, or to suspend the meeting until at least fifteen of the members are present.

Penalty for sitting and voting when not qualified or disqualified.

21. If a person sits or votes as a member of the Legislative Council when he is not qualified, or is disqualified for membership thereof, or when he is prohibited from so doing by the provisions of subsection (3) of section 16 of this Act, he shall be liable to a penalty of Rs. 100 to be recovered as a debt due to the Government.

Privileges of members.

22.—(1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislative Council, there shall be freedom of speech in the Council, and no member or other person entitled to take part in the proceedings of the Council shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Council or any committee thereof, and no person shall be liable in respect of the publication, by or under the authority of the Council, of any report, paper, votes or proceedings.

(2) In other respects, the privileges of members and other persons entitled to take part in the proceedings of the Council shall be such, as may from time to time, be defined by Act of the Legislature.

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Part III  
—cont.

(3) Nothing in this Act shall be construed as conferring or empowering the Council to confer on itself or on any of its committees or officers, the status of a court or any punitive or disciplinary powers, other than a power to remove or exclude persons infringing the rules or standing orders or otherwise behaving in a disorderly manner.

23. Members of the Legislative Council shall be entitled to receive such allowances as may from time to time be determined by Act of the Legislature, and until provision in that respect is so made, as may be determined by rules under this Act.

Allowances  
of members

24.—(1) Subject to the provisions of this Act, the Cochin Legislature may make laws for the whole of the Cochin State or any part thereof, and for the subjects of His Highness wherever they may be.

Powers of  
the Legisla-  
ture.

(2) There shall not be introduced into or moved in the Legislative Council, any Bill or Amendment or Motion or Resolution or Interpellation or other proceedings relating to or affecting the following matters:—

(a) the Ruling Family of Cochin ; or

(b) the relations of His Highness with the Crown or with Foreign Princes or States ; or

(c) matters governed by treaties, conventions or agreements now in force, or hereafter to be made by His Highness with the Crown ; or

(d) extradition of criminals ; or

(e) European vagrants ; or

[Part III.] *Government of Cochin Act, 1113.* [1113: Act XX.]

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Part III  
--cont.

- (f) European British subjects; or
- (g) the Military forces including the Nayar Brigade, and His Highness' Body Guard; or
- (h) the conduct of any judge of the High Court in the discharge of his duties; or
- (i) coinage or legal tender; or
- (j) State charities; or
- (k) Devaswams belonging to or under the control of His Highness' Government; or
- (l) the Cranganur Chief or his family; or
- (m) the provisions of this Act.

Measures  
requiring  
previous  
sanction.

25. There shall not be introduced into or moved in the Legislative Council without the previous sanction of His Highness any Bill or Amendment—

- (a) affecting the public revenues of the State or by which any charge would be imposed on such revenues; or
- (b) affecting the religion or religious rights and usages of any class of His Highness' subjects; or
- (c) affecting any Act, Proclamation or Order made or passed by His Highness in the exercise of His Highness' prerogative; or
- (d) affecting the privileges of members of the Legislative Council.

Power of  
the Diwan  
in certain  
cases.

26. If the Diwan certifies that the discussion of a Bill introduced or proposed to be introduced in the Legislative Council or any specified clause of a Bill or of any Amendment moved or proposed to be moved to a Bill, would affect the safety or tranquility of the Cochin State or any part thereof, he may direct that

[1113:Act XX.] *Government of Cochin Act, 1113.* [Part III.]

no proceedings or no further proceedings shall be taken in relation to the Bill, Clause or Amendment, and effect shall be given to the direction.

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Part III  
—cont.

27.—(1) Where a Bill has been passed by the Legislative Council, the Diwan may, instead of presenting it for the assent of His Highness, return it to the Council for re-consideration in whole or in part, together with any amendments which he may recommend.

Return of  
Bills and  
Assent.

(2) Where a Bill has been passed by the Council and has not been returned to the Council by the Diwan for re-consideration, it shall be submitted for the assent of His Highness, who may declare either that he assents thereto or withholds his assent therefrom, by notification in the Cochin Government Gazette.

(3) A Bill which is assented to under the last preceding subsection shall become an Act.

28.—(1) The estimated annual expenditure and revenues of the State shall be laid in the form of a statement, in this Act referred to as "the Annual Financial Statement", before the Legislative Council in each year, and the proposals of the Government for the appropriation of the revenues and other moneys in any year shall be submitted to the vote of the Council in the form of demands for grants. The Council may assent or refuse its assent, to a demand or may reduce the amount therein referred to, either by a reduction of the whole grant, or by the omission or reduction of any of the items of expenditure of which the grant is composed:

Annual  
Financial  
Statement.

Provided that—

(a) the estimates of expenditure embodied in the Annual Financial Statement which relate to Cranganur shall be shown separately ;

[Part III.] *Government of Cochin Act, 1113.* [1113: Act XX.]

1113 M. E.  
Part III  
—cont.

(b) the Government shall have power in relation to any such demand to act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount therein referred to, if the demand relates to a reserved subject and if the Diwan certifies that the expenditure provided for by the demand is essential with respect to the proper administration of that subject ;

(c) His Highness may in cases of emergency authorise such expenditure as may be in His Highness' opinion necessary for the safety or tranquillity of the State or for the carrying on of any department ;

(d) no proposal for imposing or increasing any tax or for regulating the borrowing of money or for amending the law with respect to any financial obligations of the State shall be made, except on the recommendation of the Government, communicated to the Council ;

(e) no proposal for the appropriation of any such revenues or other moneys for any purpose shall be made, except on the recommendation of the Government, communicated to the Council.

*Explanation.*—A proposal shall not be deemed to make provision for any of the purposes aforesaid by reason only that it provides for fines or other pecuniary penalties, or for the payment of fees for licenses or fees for services rendered.

(2) Nothing in this Act shall require proposals to be submitted to the Council relating to the following heads of expenditure which shall be expenditure charged on the revenues of the State:—

(a) Expenditure relating to any matter removed from the cognisance of the Council by subsection 2 of section 24 of this Act ;



[1113: Act XX.] *Government of Cochin Act, 1113.* [Part III.]

(b) Expenditure authorised under clause (c) of the preceding subsection ;

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Part III  
-cont.

(c) Expenditure which is obligatory under any law ;

(d) Pensions and gratuities granted by His Highness or with His Highness' sanction, or under the rules of the Government ;

(e) Salaries and allowances of such officers as may from time to time be specified by His Highness ;

(f) Interest on loans and sinking fund charges ;

(g) Contributions (charitable or otherwise) made by or with the sanction of His Highness ;

(h) Expenditure classified by the Diwan as political expenditure.

If any question arises whether any proposed appropriation of revenues or moneys does or does not relate to the above heads of expenditure, the decision of the Diwan shall be final.

29.—(1) The Diwan shall authenticate by his signature a schedule specifying—

Authentica-  
tion of  
schedule of  
authorised  
expenditure.

(a) the grants made by the Legislative Council under subsection (1) of the last preceding section ;

(b) the several sums required to meet the expenditure certified under proviso (b) of subsection (1) or relating to the heads of expenditure mentioned in subsection (2) of the last preceding section.

(2) Subject to the provisions of the next succeeding section, no expenditure from the revenues

[Part III.] *Government of Cochin Act, 1113.* [1113: Act XX.]

1113. M. F. of the State shall be deemed to be duly authorised  
Part III unless it is specified in the schedule so authenticated.  
—cont.

Supplement-  
ary state-  
ment of  
expenditure

30. If in respect of any financial year further expenditure from the revenues of the State becomes necessary over and above the expenditure theretofore authorised for that year, the Government shall lay before the Legislative Council a supplementary statement showing the estimated amount of that expenditure, and the provisions of this Act relating to the Annual Financial Statement, shall apply to such supplementary statement:

Provided that where His Highness authorises any expenditure under proviso (c) of subsection (1) or relating to the heads of expenditure mentioned in subsection (2) of section 28 of this Act over and above the expenditure theretofore authorised for that year, the Diwan shall authenticate by his signature a schedule specifying the several sums so authorised, and the expenditure of such sums from the revenues of the State shall thereupon be deemed to be duly authorised.

Power to  
make rules  
and stand-  
ing orders.

31.—(1) The Diwan may make rules from time to time for the purpose of carrying into effect the provisions of this Part, and more particularly for regulating the course of business in the Legislative Council, and as to the person or persons presiding over the meetings thereof in the absence of the President and the Deputy President, and the preservation of order at meetings, and the rules may provide for the prohibiting or regulating the asking of questions on and the discussion of any subject specified under the rules.

(2) The Council may from time to time make Standing Orders for the conduct of business and the procedure to be followed in the Council, in so far as these matters are not provided for by rules under this section. The first Standing Orders shall be made by

[1113: Act XX.] *Government of Cochin Act, 1113.* [Part III.]

the Diwan, but may, subject to the assent of the Diwan, be altered by the Council.

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Part III  
—cont.

(3) Any Standing Order made as aforesaid which is repugnant to the provisions of any rules made under this section shall, to the extent of that repugnancy, but not otherwise, be void.

## PART IV.

### THE JUDICATURE.

32.—(1) The Chief Court of Cochin shall henceforth be designated the High Court of Judicature, Cochin, and shall, unless His Highness otherwise directs, consist of three judges one of whom shall be the Chief Justice.

The High  
Court.

(2) Notwithstanding the repeal of the Cochin Chief Court Act by this Act—

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(a) The Chief Judge and judges of the Chief Court shall continue to be the Chief Justice and judges of the High Court subject to the provisions of this Act ;

(b) All proceedings commenced in the Chief Court prior to the date of the coming into force of this Act shall be continued and depend in the High Court as if they had commenced in the High Court after such date, and all rules and orders in force in the Chief Court immediately before such date shall, continue in force, except so far as the same are altered by or under this Act.

33. Every judge of the High Court shall be appointed by His Highness and shall hold office until he attains the age of fifty-five years, unless His Highness otherwise directs:

Appointment  
and tenure  
of judges.

[Part IV.] *Government of Cochin Act, 1113.* [1113: Act XX.]

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Provided that—

Part IV.  
—cont.

(a) a judge may by resignation under his hand addressed to the Diwan resign his office;

(b) a judge may be removed from his office by order of His Highness on the ground of misbehaviour, or of infirmity of mind or body.

Qualification  
of judges.

34. A person shall not be qualified for appointment as a judge of the High Court unless he—

(a) has, for at least three years held a judicial office in the Cochin State, not inferior to that of a District Judge; or,

(b) has, at least for ten years been a pleader of the Chief Court or the High Court of Cochin or both; or,

(c) has, for at least five years held a judicial office in British India, not inferior to that of a subordinate judge, or judge of a Small Causes Court; or,

(d) has, for at least ten years been a pleader of any High Court in British India, or of two or more such courts in succession; or,

(e) is, a barrister of England or Northern Ireland of at least ten years' standing, or a member of the Faculty of Advocates in Scotland of at least ten years' standing:

Provided that one of the judges shall be a Christian.

In computing for the purposes of this section, the period during which a person has been a pleader, or the standing of a barrister, or a member of the Faculty of Advocates, any period during which the person has

[1113. Act XX.] *Government of Cochin Act, 1113.* [Part IV.]

held judicial office after he became a pleader, barrister <sup>1113. M. E.</sup> or a member of the Faculty of Advocates, as the case <sup>Part IV.</sup> may be, shall be included. <sup>-cont.</sup>

*Explanation.*—In this section, the expression “pleader” shall include vakil, advocate, or any other person entitled to practise as a pleader.

35. Every person appointed to be a judge of the <sup>Oath.</sup> High Court shall, before he enters upon his office, make and subscribe before His Highness, or some person appointed by His Highness, an oath according to the form set out in that behalf in the Schedule to this Act.

36. The judges of the High Court shall be <sup>Salaries, etc., of judges.</sup> entitled to such salaries and allowances, and to such rights in respect of leave and pensions, as may, from time to time, be fixed by His Highness:

Provided that neither the salary of a judge, nor his rights in respect of leave of absence or pension, shall be varied to his disadvantage after his appointment:

Provided further that the salary and allowances fixed under this section shall, be the whole profit or advantage which a judge shall enjoy from his office during his continuance therein.

37.—(1) The Chief Justice shall have rank and <sup>Precedence of judges.</sup> precedence before the other judges of the High Court.

(2) All the other judges of the High Court shall have rank and precedence according to the seniority of their appointments, unless His Highness otherwise directs.

38.—(1) If the office of Chief Justice of the High <sup>Temporary and Additional judges.</sup> Court becomes vacant, or if the Chief Justice is by reason of absence or for any other reason, unable

[Part IV.] *Government of Cochin Act, 1113.* [1113: Act XX.]

1113. M.E. to perform the duties of his office, those duties shall,  
Part IV until some person appointed by His Highness to the  
-cont. vacant office has entered on the duties thereof, or  
until the Chief Justice has resumed his duties, as the  
case may be, be performed by such one of the other  
judges of the court, as His Highness may think fit to  
appoint for the purpose, and until such appointment is  
made, by the senior judge of the court present.

(2) If the office of any other judge of the High Court becomes vacant, or if any such judge is appointed to act temporarily as Chief Justice, or is by reason of absence or for any other reason, unable to perform the duties of his office, His Highness may appoint a person duly qualified for appointment as a judge to act as a judge of the High Court, and the person so appointed shall, unless His Highness thinks fit to revoke his appointment, be deemed to be a judge of that court until some person appointed by His Highness to the vacant office has entered on the duties thereof, or until the permanent judge has resumed his duties.

(3) If by reason of any temporary increase in the business of the High Court, or by reason of arrears of work in such court, or for any other reason, it appears to His Highness that the number of the judges of the court should be for the time being increased, His Highness may appoint persons duly qualified for appointment as judges to be additional judges of the court, for such period as His Highness may specify.

Seat of High Court,

39. The High Court shall be a court of record and shall sit in Ernakulam unless His Highness otherwise directs.

Seal of the High Court

40. The Court shall have and use, as occasion may require, a seal bearing a device and impression of His Highness' Coat of Arms with a label surrounding it

[1113: Act XX.] *Government of Cochin Act, 1113.* [Part IV.]

with this inscription in Malayalam “കൊച്ചി ഹൈക്കോർട്ട് 49”, and a second label surrounding the above with this inscription in English, “The Seal of the High Court of Cochin”. The seal shall be in the custody of the Chief Justice, or in his absence, of the judge performing the duties of the Chief Justice.

1113. M. E  
Part IV.

41.—(1) Subject to the provisions of this Act, the High Court shall have and exercise, all the jurisdiction and powers vested in it by this Act and any other law which is in force, or may hereafter come into force and all the jurisdiction and powers vested in the Chief Court including—

Jurisdiction of the High Court.

(a) the power to hear and determine appeals from the Civil Courts of the Cochin State and from all other courts subject to its superintendence and to exercise appellate jurisdiction, in such cases as are subject to appeal to the Chief Court, by virtue of any law now in force ;

(b) the power to hear and determine appeals from the criminal courts of the Cochin State and from all other courts subject to its superintendence, and to exercise appellate jurisdiction, in such cases as are subject to appeal to the Chief Court, by virtue of any law now in force ;

(c) the power to withdraw and to try and determine, as a court of original jurisdiction, any civil suit pending in any court subordinate to it, either on the application of both the parties to the suit or for any good and sufficient cause, after recording the reasons for such a transfer. Any suit so withdrawn shall be tried by a single judge of the High Court, and the decree therein passed shall be executed by the court from which the suit was withdrawn, as if it had been passed by itself, and any order passed by the latter in executing such decree, shall be subject

1113. M. E. to the same rules in respect of appeal, as if the decree  
Part IV. had been passed by such court;

—cont.

(d) the power to withdraw and try any criminal case pending in any criminal court subordinate to it for any good and sufficient cause, after recording the reasons for such withdrawal. Any case so withdrawn shall be tried by a single judge of the High Court.

(2) It is hereby declared that neither the High Court nor any court subordinate thereto, has or shall claim, any jurisdiction or powers over the person or property of His Highness, but His Highness may, make rules providing for the determination by the courts, of claims by or against, His Highness.

(3) (a) His Highness may refer to the High Court any question of law for its opinion and the High Court shall, after such hearing as it may think fit, submit a report thereon to His Highness.

(b) No report shall be made under this subsection save in accordance with an opinion delivered by a bench consisting of not less than three judges in open court, with the concurrence of a majority of the judges present at the hearing of the case, but nothing in this subsection shall be deemed to prevent a judge, who does not concur from delivering a dissenting opinion.

(c) The opinion contained in the report submitted to His Highness under this subsection shall have the same effect as any other judgment of the High Court.

Power to  
make rules.

42. Subject to the provisions of this Act and of any other Act which is in force or may hereafter come into force, the High Court may, with the sanction of His Highness, make rules to regulate its own practice and procedure, and provide for the exercise by one or



[1113. Act XX.] *Government of Cochin Act, 1113.* [Part IV.]

more judges of the High Court, of the appellate and revisional jurisdiction and the power of superintendence over subordinate courts vested in the High Court, and of the original jurisdiction conferred on it by this Act or any other Act now in force or which may hereafter come into force, in such manner as may appear to such court, to be convenient for the due administration of justice.

1113 M. E.  
Part IV  
—cont.

43. The Chief Justice shall, from time to time, determine what judge in each case shall sit alone, and what judges of the court whether with or without the Chief Justice, shall constitute the several division courts.

Constitution  
of benches.

44. The administrative control of the High Court shall vest in the Chief Justice who may exercise it in such manner and after such consultation with the other judges as he may think fit.

Administrative  
control.

45. The High Court shall have superintendence over all courts subordinate to it and shall have power—

Superintendence  
over  
subordinate  
courts.

(a) to call for returns;

(b) to make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts; and

(c) to prescribe forms in which books, entries and accounts shall be kept by the officers of such courts:

Provided that such rules and forms shall not be inconsistent with the provisions of any law for the time being in force, and shall require the previous sanction of His Highness.

46. All writs, summons, precepts, rules and orders and other mandatory process to be used, issued

Writs, etc.  
to issue in  
the name

[Part IV.] *Government of Cochin Act, 1113.* [1113: Act XX.]

1113 M. E. or awarded by the High Court, shall run and be in the  
Part IV name and style of His Highness the Maharaja of  
-cont. Cochin, and shall be sealed with the seal of the High  
of His Court.  
Highness.

Appeal  
against deci-  
sions of a  
single judge.

47. An appeal shall lie from the decree, sentence, or order of the High Court to two judges of such court in any civil suit tried under clause (c) of subsection (1) of section 41 or in any criminal case tried under clause (d) of subsection (1) of section 41 of this Act.

Procedure  
where bench  
of three  
judges can-  
not be  
formed, or  
in case of  
difference  
of opinion  
between two  
judges.

48.—(1) Where, for reasons adequate in the opinion of the Chief Justice, a judge is unable to be a member of the bench, and for that reason a bench of three judges cannot be formed, a division court of two judges may dispose of the case.

(2) Where two judges of a division court differ in opinion, the case shall be referred to a third judge unless such judge is, for reasons adequate in the opinion of the Chief Justice, unable to hear the same. If the case is referred to the third judge, it shall be decided according to the decision of the majority, if there is a majority, of all the judges who have heard the appeal, including those who first heard it. If the case is not referred to the third judge, or if there is no such majority, the decree, sentence or order appealed against shall be affirmed.

Procedure  
in case of  
difference  
of opinion  
in matters  
heard by  
three judges.

49. When a case is heard by a division court of three or more judges and there is a difference of opinion among the judges, it shall be decided according to the opinion of the majority of the judges. If there be no majority, the decree, order, or sentence appealed against shall be confirmed.

Requisitions  
by His  
Highness  
for records,  
etc.

50. The High Court shall comply with such requisitions as may be made by His Highness for records, returns and statements, in such form and manner as His Highness may deem proper.

PART V.

1113 M. E.

Part V.

MISCELLANEOUS.

51. The revenues of the Cochin State shall be received for and in the name of His Highness.

Revenues of  
the Cochin  
State.

*Explanation.*—The expression 'revenues of the Cochin State' means all revenues and public moneys raised or received by the State and includes—

(a) all fines and penalties incurred by the sentences or order of any court of justice in the Cochin State, and all forfeitures for crimes of any movable or immovable property in the State; and

(b) all movable and immovable property in the State escheating or lapsing for want of an heir or successor, and all property in the State devolving as *bona vacantia*, for want of a rightful owner.

52. Rules may be made by the Government for the purpose of securing that all moneys received on account of the revenues of the State shall, with such exceptions, if any, as may be specified in the rules, be paid into the public account of the State and the rules so made may prescribe the procedure to be followed in respect of the payment of moneys into the State account, the withdrawal of moneys therefrom, the custody of moneys therein and any other matters connected with or ancillary to the matters aforesaid:

Provision as  
to custody of  
public  
moneys.

Provided that the rules relating to such moneys in force immediately before the commencement of this Act, shall continue in force, except in so far as the same are altered by or under this Act.

53.—(1) The executive authority of the Cochin State shall extend, subject to the provisions of this Act and any law which is in force or may hereafter come into force, to the grant, sale, disposition or mortgage of

Power to  
acquire  
property,  
borrow  
moneys,  
make  
contracts, etc

[Part V.] *Government of Cochin Act, 1113.* [1113: Act XX.]

1113 M. E. any public property, to the purchase or acquisition of  
Part V property, to the making of contracts, and to borrowing  
-cont. upon the security of the revenues of the State for pur-  
poses of the Government of Cochin.

(2) All such contracts and all assurances of property made by the Government shall be executed by such persons and in such manner as the Government may direct or authorise.

(3) Any person making any such contract or assurance on behalf of the Government shall not be personally liable in respect thereof.

Continuation  
of existing  
laws.

54. Notwithstanding the repeal of the Cochin Legislative Council Act by this Act, but subject to the provisions of this Act, all the law in force in the Cochin State immediately before the commencement of this Act, shall continue to be in force in the Cochin State, except in so far as the same are altered by competent authority.

VIII of 19

Continuation  
of certain  
electoral  
arrange-  
ments.

55. Notwithstanding the repeal of the Cochin Legislative Council Act by this Act, but subject to the provisions of this Act, the rolls of electors for constituencies returning members to the Legislative Council in force immediately before coming into force of this Act, shall continue to be in force, except in so far as the same are altered by competent authority, and the members duly returned to the Council at the election held immediately before the coming into force of this Act, shall be deemed to be the first members elected under the provisions of this Act.

VIII of 19

Saving of  
prerogative  
of His  
Highness

56. Notwithstanding anything contained in this or any other Act, the prerogative of His Highness to make and pass Acts, Proclamations and Orders in His Highness' discretion without reference to the Legislative Council or any other authority, is hereby declared

[1113: Act XX.] *Government of Cochin Act, 1113.* [Part V.]

to be and to have always been possessed and retained by His Highness.

1113 M. E  
Part V.  
—cont.

57. The Cochin Legislative Council Act, the Cochin Chief Court Act and the Panel of Chairmen Proclamation are hereby repealed.

Repeals.

## SCHEDULE.

### FORMS OF OATHS OR AFFIRMATIONS.

Sections  
18 and 35.

#### I.

#### FORM OF OATH OR AFFIRMATION TO BE TAKEN OR MADE BY A MEMBER OF THE COCHIN LEGISLATIVE COUNCIL.

I, A. B., having been elected (*or* nominated) a member of this Council, do solemnly swear (*or* affirm that I will be faithful and loyal to His Highness the Maharaja of Cochin and to His Majesty the King Emperor of India, and to their heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

#### 2.

#### FORM OF OATH OR AFFIRMATION TO BE TAKEN OR MADE BY THE JUDGES OF THE HIGH COURT.

I, A. B., having been appointed Chief Justice (*or* a judge) of the High Court of Judicature, Cochin, do solemnly swear (*or* affirm) that I will be faithful and loyal to His Highness the Maharaja of Cochin, and to His Majesty the King Emperor of India and to their heirs and successors and that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgment.

## SIGN MANUAL.

1113 M. E. MINISTER'S SALARY AND ALLOWANCES RULES.

Section 6(3). Under subsection (3) of section 6 of the Government of Cochin Act, 1113, His Highness the Maharaja <sup>XX of 1113</sup> is pleased to make the following rules in respect of the salary and allowances of the Minister appointed under the Act:—

1. There shall be paid to the Minister appointed under the Government of Cochin Act, a salary <sup>XX of 1113</sup> of Rs. 850 per month.

2. The Minister shall be entitled to draw such travelling and other allowances as may be prescribed from time to time for first class officers of Government in the Cochin Service Regulations.

3. The Head Quarters of the Minister shall be in Ernakulam.

4. These rules shall be in force until an Act of the Cochin Legislature is passed determining the salary and allowances of the Minister.

17th June 1938.  
3rd Mithunam 1113.

SHANMUKHAM CHETTY,  
Diwan of Cochin.

[1113: Act XX.] *Rules under section 8 of the Act.* [Rules.]

RULES UNDER SECTION 8 OF THE GOVERNMENT 1113 M. E.  
OF COCHIN ACT.

Under section 8 of the Government of Cochin Section 8.  
Act, 1113, His Highness the Maharaja is pleased to  
make the following rules:—

1. The subjects specified in the Schedule to these  
rules shall be transferred subjects.

2. If any doubt arises as to whether any matter  
relates to a reserved or to a transferred subject, the  
matter shall be referred to His Highness whose deci-  
sion is final.

3. Expenditure for the purpose of administration  
of both reserved and transferred subjects shall be a  
charge on the general revenues and balances of the  
State.

4. The Diwan shall frame proposals for the ap-  
portionment of funds between the reserved and trans-  
ferred departments respectively whether at the time of  
the preparation of the Budget or otherwise.

5. In framing such proposals the Diwan shall  
duly consider any suggestion which the Minister may  
make with respect to the Budget of the transferred de-  
partment and may consult the Minister upon such  
matters, at such times and in such manner, as he thinks  
fit.

6. When a matter appears to affect substantially  
the administration both of a reserved and of a trans-  
ferred subject, and there is disagreement between the  
Diwan and the Minister as to the action to be taken,  
such matter shall be submitted to His Highness for  
final decision.

[Rules.] *Rules under section 8 of the Act.* [1113: Act XX.]

SCHEDULE.

(Rule 1.)

1113 M. E.

Section 8.  
—cont.

LIST OF SUBJECTS FOR TRANSFER

1. Agriculture.
2. Ayurveda.
3. Co-operation.
4. Development of Cottage Industries.
5. Panchayats.
6. Public Health.
7. Uplift of the Depressed Classes.

17th June 1938.  
3rd Mithunam 1113.

SHANMUKHAM CHETTY,  
Diwan of Cochin.



RULES UNDER SECTION 10 (1) OF THE GOVERNMENT 1113 M. E.  
OF COCHIN ACT. Rules.  
 Section 10.

FORM OF AUTHENTICATION.

Under subsection (1) of section 10 of the Government of Cochin Act, 1113, His Highness the Maharaja is pleased to make the following rules for the authentication of Orders and Instruments of the Government of Cochin:—

1. All Orders and Instruments made by His Highness under any provision of the Act or in exercise of prerogative powers, shall be authenticated by the Diwan by his signature.

2. All Orders and Instruments required to be made by the Diwan under any provision of the Act shall be authenticated in the same manner as Orders and Instruments of the Government.

3. All Orders and Instruments of the Government shall be signed by the Secretary to the Government of Cochin by his signature.

4. Orders and Instruments relating to transferred subjects shall be distinguished from other Orders and Instruments as follows:—

(a) When the Order or Instrument is made by His Highness in the transferred departments, the form of authentication will be 'By order of the Government of Cochin, Ministry of Rural Development  
Signed A. B., Secretary to the Government of Cochin.'

(b) When the Order or Instrument is made by His Highness in the reserved departments, the form of authentication will be 'By order of the Government of Cochin  
Signed C. D., Secretary to the Government of Cochin.'

5. For the purposes of these rules, the 'Secretary' shall be deemed to include the Joint Secretary and the Deputy Secretary.

17th June 1938.  
37d Mithanum 1113.

SHANMUKHAM CHETTY,  
Diwan of Cochin.

[ Rules. ] *Rules re: the Advocate-General* [1113: Act XX.]

RULES REGARDING THE DUTIES AND REMUNERATION OF THE ADVOCATE-GENERAL.

Section 11. Under subsections (2) and (3) of section 11 of the Government of Cochin Act, 1113, His Highness the Maharaja is pleased to make the following rules prescribing the duties of the Advocate-General and determining the remuneration he is entitled to receive:—

I. DUTIES OF THE ADVOCATE-GENERAL.

Duties of the Advocate-General. I. The duties of the Advocate-General shall be—

(i) to advise the Government on legislative measures and rules and by-laws pending before them;

(ii) to advise the Government and Heads of Departments whenever required;

NOTE.—The Heads of Departments are entitled to seek the advice of the Advocate-General, but Heads of Departments who desire to obtain the opinion of the Advocate-General should address the Government in the administrative department concerned and not seek his advice directly.

(iii) in the High Court—

(a) to prefer appeals or revisions against the decisions of subordinate courts under orders of the Government; and

(b) to conduct and defend all proceedings on behalf of or under instructions from the Government;

(iv) in the subordinate courts to conduct and defend suits and proceedings in which the Government, on a report from the Head of the Department or the Sirkar Vakil that the Advocate-General's appearance is deemed necessary, order him to appear;

[1113: Act XX.] *Rules re: the Advocate-General* [Rules.]

NOTE.—The Advocate-General will not ordinarily be allowed the assistance of a junior counsel; in special cases when this may be necessary, the previous sanction of the Government must be obtained. Section 11.  
—cont.

(v) when ordered by the Commissioners inquiring into an election petition under Part VII of the Cochin Legislative Council Electoral Rules to attend and take such part in such inquiry as the Commissioners may direct;

(vi) in every proceeding conducted by him to which the Government are a party and in which the decision is adverse to the Government, to apply to the Court on the very date of delivery of judgment for copies of the judgment and decree and to forward such copies to the Government without delay;

(vii) when forwarding such copies to the Government to inform them of the date before which further action, if any, should be taken;

(viii) to report to the Government as soon as possible as to the advisability of taking further action against the decision;

(ix) to apply for copies of decrees in all proceedings conducted by him to which the Government are a party and in which the decision is favourable to the Government and amounts have to be realised by way of cost or otherwise and to transmit the same to the Government;

(x) to intimate to the Government the filing of all proceedings in the High Court to which the Government are a party and in which the Advocate-General is concerned and to report promptly to the Government

[Rules.] *Rules re: the Advocate-General* [1113: Act XX.]

Section 11.  
—cont.

the decisions, proceedings or orders of the courts in all such proceedings with suggestions as to the further action to be taken on behalf of the Government;

(xi) to give advice to the Sirkar Vakils in all difficult cases which fall within the purview of their duties as such on which they may consult him and conversely to call upon them when necessary to assist him in cases appertaining to their duties;

(xii) to transact Government business of all kinds and in all departments;

(xiii) to assist the High Court, when required by the Hon'ble Chief Justice, in cases of special importance or difficulty, on occasions of inquiries made by the Court into the conduct of legal practitioners;

(xiv) to attend and address the legislature when called for by the Government;

(xv) to perform such other duties of a legal character, as may be referred or assigned to him by the Government from time to time.

Exhibiting  
Informations.

2. The Advocate-General is also invested with the power of exhibiting informations to the High Court against persons subject to its jurisdiction.

Advocate-  
General  
debarred  
from  
advising or  
holding  
briefs  
against  
Government,  
etc.

3. The Advocate-General is debarred—

(a) from advising or holding briefs against the Government without their special permission;

(b) from defending accused persons in criminal prosecutions; and

(c) from giving advice to private parties in cases in which he is likely to be called on to advise the Government.

[1113: Act XX.] *Rules re: the Advocate-General* [Rules.]

Note.—He himself will be the judge as to whether he can or cannot under this sub-rule advise on a question of law any private party who applies to him. Section 11.  
— cont.

II. SALARIES AND REMUNERATION.

1. The salary of the Advocate-General is Rs. 250—30—400. Salary.

2.—(i) The Advocate-General is not entitled to any fee for conducting Government cases in the High Court. Other remuneration.

(ii) In Income-tax references the Advocate-General will be paid 50 per cent of the forfeited amounts and the recovered costs in each case subject to a maximum of Rs. 50 for each case.

(iii) In cases other than Government cases referred to in sub-rule (i) above he will be entitled to claim fees. In civil suits, either the regulation fee or a day fee calculated in accordance with rules *infra*, whichever is greater, may be claimed.

(iv) In civil suits where the regulation fee in a particular case exceeds Rs. 100 the Advocate-General will be paid the regulation fee; but where it falls short of Rs. 100, a day fee of Rs. 25 subject to a maximum of Rs. 100 will be paid.

(v) In all criminal cases where the Advocate-General is entitled to claim fees he will be paid a day fee of Rs. 25.

(vi) The full day fee shall be claimable only if some work is done, and if no work is done, the rates shall be reduced as the Government may think fit.

Note.—Attending court to obtain adjournment of a case on personal grounds does not mean work as contemplated by this rule.

[Rules.] *Rules re: the Advocate-General* [1113: Act XX.]

Section 11.  
—cont.

(vii) When more cases than one are tried together, fees shall be calculated on one suit alone and the maximum regulation fee for any one of the cases or the day fee as the case may be, shall be paid, unless the Government is satisfied that for special reasons this fee should be augmented by the regulation fee in any or all of the other suits jointly tried.

Fees for con-  
sultation.

3. The Advocate-General being the legal advisor to the Government, all matters which involve any legal difficulty will be referred to him for his opinion. In non-Government cases alone he shall be paid consultation fees and that in accordance with the following rules:—

(i) The consultation fee for a particular case shall be Rs. 15.

(ii) In suits already conducted or to be conducted by the Advocate-General he shall not be paid any consultation fee for expressing opinion.

(iii) No additional fee shall be paid for any subsequent reference if the point on which opinion is subsequently taken is the same. If otherwise and if the subject-matter be the same, a fee of Rs. 10 only shall be paid for the subsequent reference.

Conveyanc-  
ing fees.

4.—(1) The Advocate-General shall be entitled to receive a fee in accordance with the following scale for examining title deeds and drafting documents in connection with loans advanced by the Government from Devaswam funds:—

- i. When the amount of the loan does not exceed Rs. 1,000 Rs. 25 0 0
- ii. when the amount exceeds Rs. 1,000 but does not exceed Rs. 10,000, for the first

[1113: Act XX.] *Rules re: the Advocate-General* [Rules.]

thousand as above and for the remainder for every thousand or fraction thereof Rs.	10 0 0	Section 11. — cont.
iii. When the amount exceeds Rs. 10,000 but does not exceed Rs. 25,000, for the first ten thousand as above and for the remainder for every thousand or fraction thereof Rs.	5 0 0	
iv. When the amount exceeds Rs. 25,000 but does not exceed Rs. 50,000, for the first 25,000 as above and for the remainder for every thousand or fraction thereof Rs.	2 3 0	
v. When the amount exceeds Rs. 50,000 but does not exceed Rs. 1,00,000, for the first 50,000 as above and for the remainder for every thousand or fraction thereof Rs.	1 4 0	

In no case however shall the total fee exceed Rs. 300.

(2) The Advocate-General shall ordinarily be entitled to claim fees on the above scale in cases where the loan is from the State Revenues as well:

Provided that he is not entitled to any fee for examining documents, preparing mortgage deeds, etc., in connection with transactions between the Government and the Members of the Ruling Family:

Provided further that in special cases, the Government may for special reasons, reduce or refuse to sanction the fee.

5. The Advocate-General is entitled to travelling allowance at the rates laid down for first class officers of the Government in the Cochin Service Regulation for journeys performed under the orders of the Government, but no daily allowance will be given. Travelling allowance.

6. The Advocate-General is not entitled to any fee for addressing and attending the legislature when called for by the Government. Attending the Legislature.

17th June 1938.  
3rd Mithunam 1113.

SHANMUKHAM CHETTY,  
Diwan of Cochin.

[1113: Act XX.] *Deputy President's Salary Rules.* [Rules.]

1113 M. E.

DEPUTY PRESIDENT'S SALARY RULES.

Rules  
Section 19.  
XX of 1113.

Under subsection (5) of section 19 of the Government of Cochin Act, 1113, His Highness the Maharaja is pleased to make the following rules in respect of the salary of the Deputy President elected under the Act:—

1. There shall be paid to the Deputy President elected under the Government of Cochin Act, 1113, a salary of Rs. 2,000 per annum, which he shall receive in addition to his allowances as a member of the Legislative Council.

2. These rules shall be in force until an Act of the Cochin Legislature is passed determining the salary and allowances of the Deputy President.

17th June 1938.  
3rd Mithunam 1113.

SHANMUKHAM CHETTY,  
*Diwan of Cochin,*



LEGISLATIVE COUNCIL MEMBERS' ALLOWANCES  
RULES.

RULES UNDER SECTIONS 23 AND 31 (1) OF THE  
GOVERNMENT OF COCHIN ACT, 1113.

In exercise of his powers under section 23 and subsection (1) of section 31 of the Government of X of 1113, Cochin Act, 1113, the Diwan is pleased to make the following rules for providing for the payment of allowances to Members of the Cochin Legislative Council:—

1. Travelling allowance may be drawn by non-official members of the Cochin Legislative Council who leave their usual places of residence to attend meetings of the Council or transact business connected with their duties as members of the Council. But in the case of a member whose constituency is co-extensive with the State and who resides outside it, he may be allowed travelling allowance from the State limits nearest to his residence by ordinary route.

*Note*:—Attendance at the balloting of Resolutions or Bills is no transaction of any business within the meaning of this rule.

2. They will, subject to the provisions of the Cochin Service Regulations, be eligible for  $1\frac{1}{2}$  first class railway fare, mileage at the rate of 6 as. per mile and a daily allowance of Rs. 4—8—0. The resident non-official members will be eligible for a daily allowance of Rs. 4—8—0.

3. Daily allowance is admissible to members only for the day or days on which the Council actually sits or the business connected with their duties as such members is actually transacted. This allowance is inadmissible for any day on which a member as such had not to transact any work; but in the case of short adjournments, it may be drawn, provided the amounts of daily allowance claimed will be less than the cost of a fresh journey to the place of duty. It is also not admissible for halts, whether compulsory or voluntary,

Sections 23  
and 31 (1)  
—cont.

at any place other than that where the Council is to meet or the business in connection with the duties of members as such, is transacted.

4.—(1) Travelling allowance bills should be drawn up in prescribed form, stamped and signed by the member concerned and forwarded in duplicate to the Secretary to the Legislative Council.

(2) Bills of the members attending meetings of Select Committees appointed by the Council must be sent through the Chairman of such Committees, who will forward the same to the Council Secretary with their signature, in token of the fact and of the necessity of the journeys and halts, exhibited in the bills.

5. The entries in the bill should be complete; the dates and hours of journeys should be specified; and the total claim should be entered in figures as well as in words. Erasures and over-writings in bills are forbidden; and if any correction be necessary, the incorrect entry should be cancelled in red ink and the correct entry interlined and duly initialled.

6. In the case of journeys by route other than the shortest, the entries in the bill should be in respect of the route actually taken, but the amount of allowance claimed should be reduced to that claimable for a journey by the shortest route, the fact being noted in the remarks column.

7. No claim for travelling allowance not preferred within six months of its becoming due can be paid without the sanction of the Diwan, and a claim allowed to remain in abeyance for a period exceeding one year, becomes barred.

8. When members claim travelling allowance from the Government for journeys made for any business unconnected with the Legislative Council, the claim should be preferred in a separate bill to the Secretary to Government.

[1113: Act XX.] *Members' Allowances Rules* [Rules.]

9.—(1) When the whole journey or any portion thereof is not made by a member for the purposes specified in rule 1, no travelling allowance for such journey or portion should be claimed.

(2) When the member is unable from any causes beyond his control to complete a journey to the place specified in rule 1, he may draw travelling allowance from his Head-quarters to the place at which his journey was interrupted and back, but he will not be entitled to any daily allowance.

FORM  
COCHIN LEGISLATIVE COUNCIL.

Travelling and daily allowance bill for (name).....

Date and hours of journey.	From	To	By rail, road, car or launch. If road, number of miles.	Fare			Remarks.
				Rs.	As.	Ps.	

Total Rs.....

Dates of working.	Nature of work done.	Daily allowance. Rs. As. Ps.	Remarks.

Grand total Rs.....

In words.....

Date.....

Member for.....

Signature of Member.....

Cochin one  
anna receipt  
stamp.

Passed for payment of Rupees.....

Secretary to the Council

(By order of the Government of Cochin)

K. P. KANNAN NAVAR,

Secretary to the Government of Cochin.

17th June 1938.

3rd Mithunam 1113.

[Notifin.] *Notification Under Section 28 [1113, Act XX.]*

NOTIFICATION.

SPECIFYING OFFICERS WHOSE SALARIES ARE NOT TO  
BE SUBMITTED TO THE COUNCIL UNDER  
SECTION 28 (2) (e).

Section  
28 (2) (e).

Under clause (e) of subsection 2 of section 28 of the Government of Cochin Act, 1113, His Highness<sup>XX of 1</sup> the Maharaja is pleased to direct that no proposals relating to the salaries and allowances of the under-mentioned officers of the Government shall be submitted to the Legislative Council.

- |                              |  |
|------------------------------|--|
| General Admini-<br>stration. | 1. Diwan.  |
|                              | 2. Secretary to the Government.  |
|                              | 3. Joint Secretary.  |
|                              | 4. Deputy Secretaries.   |
|                              | 5. Sarvadhikariakar and His Highness' Personal Staff.  |
|                              | 6. Special Palace Officer.   |
|                              | 7. Warden of the Residential Palace.   |
|                              | 8. Superintendent of Stamps.   |
| Accounts and<br>Finance.     | 9. Comptroller of Finance and Accounts.  |
|                              | 10. Assistant do do  |
| Income-tax<br>Department.    | 11. Commissioner of Income-tax.  |
| Industries and<br>Commerce.  | 12. Director of Industries and Commerce and Ex-officio Superintendent, Government Trades School. |
|                              | 13. Pottery expert.  |
| Public Works<br>Department.  | 14. Chief Engineer.  |
|                              | 15. Assistant Engineers.   |
|                              | 16. Mechanical Assistant Engineer.   |

[1113: Act XX.] *Notification under section 28* [Notifn.]

Land Revenue	17.	Diwan Peishkar.
Department.	18.	Tahsildars.
	19.	Deputy Tahsildars.
	20.	Land Records Superintendent.
Registration and Anchal.	21.	Superintendent of Registration and Anchal.
Forest Department.	22.	Conservator of Forests.
	23.	Assistant Conservator of Forests.
	24.	Tramway Engineer.
Law and Justice.	25.	High Court Judges.
	26.	District and Sessions Judges.
	27.	Additional District Judge.
	28.	District Munsiffs.
	29.	Additional District Munsiff.
	30.	Registrar of the High Court.
	31.	Advocate-General.
	32.	Sirkar Vakils.
	33.	District Magistrate.
Police Department.	34.	Commissioner of Police and Commandant, Nayar Brigade.
	35.	Deputy Commissioner of Police.
Education Department.	36.	Director of Public Instruction.
	37.	Principal, Maharaja's College.
	38.	Inspectors of Schools.
	39.	Inspectress of Schools.
	40.	Professor, First Grade.
	41.	Professors, Second Grade.
	42.	Principal, Training Institution.
	43.	Principal Sanskrit College, Trippunithura.

Section 28  
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—cont.

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- Uplift of the Depressed Classes. 45. Protector of the Depressed Classes.
- Agricultural Department. 46. Director of Agriculture.
- Co-operative Department. 47. Registrar of Co-operative Societies.
- Public Health and Panchayats. 48. Director of Public Health and Panchayats.
49. Assistant Engineer.
- Medical Department. 50. Chief Medical Officer.
51. Civil Surgeons.
- Excise Department. 52. Commissioner of Excise.

*17th June 1938.*  
*3rd Mithunam 1113.*

SHANMUKHAM CHETTY,  
Diwan of Cochin,

THE  
COCHIN LEGISLATIVE COUNCIL RULES.

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6. Delegation of powers of President.
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THE COCHIN LEGISLATIVE COUNCIL RULES.

In exercise of the powers conferred by subsection Section 31 (1).  
1113. (1) of section 31 of the Government of Cochin Act, 1113, the Diwan is pleased to make the following rules for carrying into effect the provisions of Part III of the said Act:—

1.—(1) These rules may be called the Cochin Short title and commencement.  
Legislative Council Rules.

(2) They shall come into force on a date to be appointed by the Government.

2. In these rules— Definitions.

(1) The 'Act' means the Government of 1113. Cochin Act, 1113.

(2) 'Bill' means a proposed enactment in any stage before it has received the assent of His Highness the Maharaja.

(3) 'Council' means the Cochin Legislative Council.

(4) 'Finance member' means the member of the Council appointed by the Government to perform the functions of the Finance member under these rules.

(5) 'Gazette' means the Cochin Government Gazette.

(6) 'Meeting' means a meeting of the Council, and may consist of one or more sittings.

(7) 'Member' means a member of the Council.

(8) 'Non-official member', means an elected member or a nominated member not holding an office of profit under subsection (1) of section 16 of the Act.

[Rules.] *Legislative Council Rules* [1113: Act XX.]

Section 31.  
(1)—cont.

(9) 'Secretary' means the Secretary to the Cochin Legislative Council and includes every person for the time being exercising the functions of the Secretary.

(10) 'Standing order' means a standing order of the Council.

(11) 'Resolution' means a motion for the purpose of discussing matters of general public interest.

(12) In the computation of 'clear days' Sundays and holidays are not excluded, but the day of the meeting and the day of receipt of notice by the Secretary are excluded.

ELECTION OF DEPUTY PRESIDENT AND CONSTITUTION OF PANEL OF CHAIRMEN.

Election of the Deputy President by the Council.

3.—(i) When owing to the expiration of the term of office of the Deputy President of the Council or the existence of any vacancy in the office of an elected Deputy President thereof, the election of a Deputy President is necessary, the Diwan shall fix a date for the holding of the election and the Legislative Council Secretary shall send to every member notice of the date so fixed.

(ii) At any time before 12 noon on the day preceding the date so fixed any member may nominate another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder and stating—

(a) the name of the member nominated, and

(b) that the proposer has ascertained that such member is willing to serve as Deputy President, if elected.

(iii) On the date fixed for election, the President shall read out to the Council the names of members who have been duly nominated together with those of their proposers and seconders and, if only one member has been so nominated, shall declare that member to be elected. If more than one member

[1113: Act XX.] *Legislative Council Rules* [Rules.]

has been so nominated the Council shall proceed to elect a Deputy President by ballot. Section 31  
(1) —cont.

(iv) For the purposes of sub-rule (iii) a member shall not be deemed to have been duly nominated or be entitled to vote if he and his proposer and seconder have not, before the reading out of the names by the person presiding, made the oath or affirmation as members of the Council.

(v) Where more than two candidates have been nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be.

(vi) Where at any ballot any of three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under sub-rule (v), the determination as between the candidates whose votes are equal, of the candidate who is to be excluded, shall be by drawing of lots.

4. At the commencement of every session the President shall nominate from amongst the members of the Council a panel of not more than two Chairmen, any one of whom may preside over the Council in the absence of the President and the Deputy President when requested to do so by the President or in his absence by the Deputy President. If no such person is present, the Council may, if there is a quorum, by motion elect one of its members present to preside and act as Chairman. President to constitute Panel of Chairmen and the Council to elect member to preside in their absence.

[Rules.] *Legislative Council Rules* [1113: Act XX.]

Section 31  
(1)—cont.

Powers of  
the Deputy  
President  
and member  
presiding.

5. The Deputy President and any member of the Council shall, when presiding over the Council, have the same powers as the President when so presiding and all references to the President in the rules and standing orders shall in these circumstances, be deemed to be references to any such person so presiding.

Delegation  
of powers of  
President.

6. The President may, by order in writing, delegate to the Deputy President all or any of his powers.

Appointment  
of the  
Secretary.

7. The Secretary shall be appointed by order in writing by the Government and shall hold office during their pleasure.

QUESTIONS.

Questions.

8. Subject to the conditions and restrictions in the following rules any member may ask any question on matters of public concern.

Questions  
addressed to  
non-official  
members.

9. A question addressed to a non-official member must relate to some Bill, Resolution or other matter connected with the business of the Council for which that member is responsible.

Subject-  
matter of  
questions.

10.—(1) No question shall be asked on any of the following subjects:—

(a) any matter removed from the cognizance of the Council under subsection 2 of section 24 of the Act;

(b) any matter under adjudication by a court of law having jurisdiction in Cochin.

(2) If any doubt arises whether any question is or is not within the restrictions imposed by sub-rule (1) the President shall decide the point and his decision shall be final.

Form and  
contents of  
questions.

11. No question shall be asked unless it complies with the following conditions, namely:—

(a) it shall relate to a single matter ;

(b) it shall be so framed as to be merely a request for information; Section 31(1)  
—cont.

(c) it shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity;

(d) it shall not ask for an expression of an opinion or the solution of a hypothetical proposition or the solution of an abstract legal question;

(e) if a question contains a statement, the member asking it must make himself responsible for the accuracy of the statement;

(f) it shall not bring in any name or statement not strictly necessary to make the question intelligible; and

(g) a question once fully answered may not be asked again.

**12.** A member who wishes to ask a question shall give notice in writing to the Secretary at least twelve clear days before the commencement of the meeting at which he desires to put the question and shall together with the notice submit a copy of the question which he wishes to ask; Notice of  
questions.

Provided that the President may allow a question to be put with shorter notice than twelve days and may in any case require longer notice or may extend the time for answering a question.

**13.—(1)** The Secretary shall submit every question of which notice has been given to him in accordance with rule 12 to the President who may either allow it, or when any question is not framed in accordance with rule 11 may either himself amend it in such a way as to render it admissible or may cause it Power to  
allow, amend  
or return  
questions.

[Rules.] *Legislative Council Rules* [1113: Act XX.]

Section 31  
(1)—cont.

to be returned to the member concerned, for the purpose of amendment.

(2) If the member does not, within such time as the President may fix in this behalf, resubmit the question duly amended or intimate his acceptance of the President's amendment, the question shall be deemed to have been withdrawn.

Power to disallow questions.

14. —(1) The President may disallow any question when—

(a) it is in contravention of these rules or the standing orders; or

(b) in his opinion it amounts to an abuse of the right of questioning; or

(c) it cannot be answered consistently with public interests.

(2) If a question is disallowed it shall not be entered in the proceedings of the Council.

Prohibition of discussion in respect of order of President.

15. No discussion in the Council shall be permitted in respect of any order of the President under rule 10, 13 or 14.

Answer to question on the ground of public interests.

16. The President may rule that an answer to a question in the statement of business for the day shall be given on the ground of public interests even though the question is not put or the member in whose name it stands is absent.

Supplementary questions.

17. Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given.

Member may decline to answer supplementary questions without notice.

18. The member to whom a supplementary question is addressed may decline to answer it without notice, in which case the supplementary question can be put only in the form of a fresh question at a subsequent meeting.

Section 31(1)  
—cont.

19. Rules 9 to 15 except 12 and 13 shall apply to supplementary questions also

Rules 9 to 15 except 12 and 13 to apply to supplementary questions also.

20. No discussion shall be permitted in respect of any question or of any answer given to any question.

Prohibition of discussion.

MOTION FOR ADJOURNMENT FOR PURPOSES  
OF DEBATE.

21. A motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President.

Motion for adjournment of business.

22. The right to move the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, nameiy:

Restrictions on right to move for adjournment.

(1) not more than one such motion shall be made at the same sitting;

(2) not more than one matter can be discussed on the same motion and the motion must be restricted to a specific matter of recent occurrence;

(3) the motion must not revive discussion on a matter which has been discussed in the same session;

(4) the motion must not anticipate a matter which has been previously appointed for consideration or with reference to which a notice of motion has been previously given; and

(5) the motion must not deal with a matter on which a resolution could not be moved.

23.—(1) The member asking leave to make the motion must hand over to the President a written statement of the matter proposed to be discussed.

Method of asking leave]

Section 31(1)  
—cont.

Procedure  
to be follow-  
ed.

(2) If the President is of opinion that the matter proposed to be discussed is in order, he shall read the statement to the Council and ask whether the member has the leave of the Council. If no objection is taken, the President shall intimate the hour at which the motion will be taken. If objection is taken, the President shall request those members who support the motion to rise in their places and, if not less than twenty members rise accordingly, he shall similarly intimate the hour. If less than twenty members rise the President shall inform the member that he has not the leave of the Council.

Procedure  
on a motion  
to adjourn.

24.—(1) On a motion to adjourn for the purpose of discussing a matter of urgent public importance, the only question that may be put shall be 'that the Council do now adjourn': provided that, if the debate is not concluded earlier, it shall automatically terminate at the end of two hours, and thereafter no question shall be put.

Limitation  
of time of  
discussion.

(2) No speech during the debate shall exceed fifteen minutes in duration.

Power of  
Diwan to  
disallow  
motion for  
adjournment.

25. Notwithstanding anything contained in rules 21 to 24 the Diwan may disallow any motion for adjournment on the ground that it cannot be moved without detriment to public interests and on his doing so, no further discussion of the motion shall take place.

RESOLUTION FOR REMOVAL OF DEPUTY PRESIDENT.

Procedure  
for  
removal of  
Deputy  
President.

26. Notice of any resolution for the removal of the Deputy President of the Council shall be left with the Secretary who shall cause it to be circulated to all the members of the Council together with the day appointed by the President for its discussion. On the day so appointed, the resolution shall be read to the Council by the President who shall then request the members who are in favour of leave being granted to move the resolution to rise in their places, and if not less than 20 members rise accordingly, the President



shall allow the resolution to be moved. If less than 20 members rise, the President shall inform the member who may have given the notice that he has not the leave of the Council to move it.

Section 31  
(1)—cont.

MOTION EXPRESSING WANT OF CONFIDENCE IN MINISTER.

27.—(1) A motion expressing want of confidence in the Minister or disapproving his policy generally or in a particular respect may, be made with the consent of the President and subject to the following restrictions, namely:—

Procedure on motion expressing want of confidence in Minister, etc.

(a) Leave to make the motion must be asked for after questions and before the list of business for the day is entered upon;

(b) the member asking for leave must, before commencement of the sitting of the day, leave with the Secretary a written notice of the motion which he proposes to make.

(2) If the President is of opinion that the motion is in order, he shall read the motion to the House, and shall request those members who are in favour of leave being granted to rise in their places, and if not less than 20 members rise accordingly, the President shall intimate that leave is granted and that the motion will be taken on such day, not being more than 10 days from the day on which leave is asked for, as he may appoint. If less than 20 members rise, the President shall inform the member that he has not the leave of the House.

28. A member who has resigned the office of Minister may, with the consent of the President, make a personal statement in explanation of his resignation.

Right of Minister who has resigned to make a statement and procedure thereon.

(i) Such statement shall be made after questions and before the list of business for the day is entered upon.

Section 31  
(1)—cont.

(ii) On such statement no debate shall be allowed;

Provided that the Diwan or the Secretary to Government, if he is a member, and the Minister shall be entitled, after the member has made his statement, to make a statement pertaining thereto.

GENERAL RULES OF PROCEDURE.

Quorum.

29. The presence of at least fifteen members inclusive of the President or the person presiding is necessary to constitute a sitting of the Council for the exercise of its powers.

Language of the Council

30. The business of the Council will be transacted in English, but any member who is unable to talk in English may address the Council in Malayalam or Tamil.

Form, contents and subject-matter of speech.

31.—(1) The matter of every speech must be strictly relevant to the matter before the Council.

(2) A member while speaking must not—

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

(ii) make a personal charge against a member;

(iii) reflect upon the conduct of His Highness the Maharaja, of His Majesty the King Emperor, of the Ruler of any Foreign State, of the Governor-General of India, of the Governor of any Province in British India, or of any Court of Justice having jurisdiction in Cochin State;

(iv) utter treasonable, seditious or defamatory words; or

(v) use his right of speech for the purpose of obstructing the business of the Council.

PROVISIONS AS TO MAINTENANCE OF ORDER.

32.—(1) The President shall decide all points of order and his decision shall be final.

Section 31  
(1)—cont.  
Decision on  
points of  
order.

(2) Any member may at any time submit a point of order for the decision of the President but in doing so shall confine himself to stating the point.

33. The President, after having called the attention of the Council to the conduct of a member who persists in irrelevance or in tedious repetition, either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

Irrelevance  
or repeti-  
tion.

34.—(1) The President shall preserve order and have all powers necessary for the purpose of enforcing his decisions on all points of order.

Power to  
order with  
drawal of  
members.

(2) He may direct any member, whose conduct is in his opinion grossly disorderly, to withdraw immediately from the Council, and any member so ordered to withdraw, shall do so forthwith and shall absent himself during the remainder of the day's sitting. If any member is ordered to withdraw a second time in the same meeting, the President may direct the member to absent himself from the sittings, for any period not longer than the remainder of the meeting, and the member so directed shall absent himself accordingly.

(3) The President may, in the case of grave disorder arising in the Council, suspend any sitting for a time to be named by him.

LEGISLATION.

35. The Diwan may order the publication of any Bill (together with the Statement of Objects and

Publication  
of Bills.

Section 31  
(1)—cont

Reasons 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 and, if the Bill is afterwards introduced, it shall not be necessary to publish it again.

Notice of motion for leave to introduce Bills.

36.—(1) Any member, other than a member acting on behalf of the Government, 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 a full Statement of Objects and Reasons.

(2) If the Bill is a Bill which under section 25 of the Act requires sanction, the member shall annex to the notice, a copy of such sanction, and the notice shall not be valid until this requirement is complied with.

(3) If any question arises whether a Bill is or is not a Bill which requires sanction under section 25 of the Act, the question shall be referred to the Diwan, and his decision on the question shall be final.

(4) The period of notice of a motion for leave to introduce a Bill under this rule shall be one month, or if the President so directs, a further period not exceeding in all two months.

Publication.

37. 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.

Reconsideration by the Council of Bills passed by the Council.

38. When a Bill is returned by the Diwan for reconsideration by the Council, the point or points referred for consideration shall be put before the Council by the President, and shall be discussed and voted upon in the same manner as amendment to a Bill, or in such other way as the President may

consider most convenient for their consideration by the Council. Section 31 (1)—cont.

RESOLUTIONS.

39. Any matter of general public concern may be discussed in the Council subject to the following conditions and restrictions. Discussion on matters of general public concern.

40.—(1) No such discussion shall be permitted in regard to any of the following subjects:— Restriction on subjects for discussion.

(a) any matter removed from the cognizance of the Council under subsection 2 of section 24 of the Act;

(b) any matter under adjudication by a court of law having jurisdiction in Cochin State.

(2) If any doubt arises whether any resolution is or is not within the restriction imposed by sub-rule (1), the President shall decide the point and his decision shall be final.

41. Subject to the restrictions contained in rule 40, any member may move a resolution relating to a matter of general public concern : Form and contents of resolutions.

Provided that no resolution shall be admissible which does not comply with the following conditions, namely :

(a) it shall be in the form of a specific recommendation addressed to the Government ;

(b) it shall be clearly and definitely expressed and shall raise a definite issue ;

(c) it shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity ;

(d) it shall not raise a question substantially identical with one on which the Council has given a decision within the space of one year previous.

[Rules.] *Legislative Council Rules* [1113: Act XX.]

Section 31  
(1)—cont.

Notice of  
resolutions.

42. A member who wishes to move a resolution shall give notice in writing to the Secretary at least fifteen clear days before the commencement of the meeting of the Council at which he desires to move the same and shall together with the notice submit a copy of the resolution which he wishes to move:

Provided that the President may allow any resolution to be moved with shorter notice than fifteen days and may, in any case, require longer notice.

Power to  
admit or  
return for  
amendment.

43.—(1) The Secretary shall submit every resolution of which notice has been given to him in accordance with rule 42 to the President who may either admit, or, when any resolution is not framed in accordance with rule 42, cause it to be returned to the member concerned for the purpose of amendment.

(2) If the member does not, within such time as the President may fix in this behalf, re-submit the resolution duly amended, the resolution shall be deemed to have been withdrawn.

Power to  
disallow  
resolution.

44. The President may disallow any resolution or part of a resolution if it contravenes any of the rules or the standing orders or, if in his opinion, it cannot be moved consistently with public interests.

Prohibition  
of discussion  
in respect of  
President's  
order.

45.—(1) No discussion in the Council shall be permitted in respect of any order of the President under rule 40 or 44.

(2) A resolution that has been disallowed shall not be entered in the Proceedings of the Council.

Motion of  
withdrawal  
of resolu-  
tions.

46.—(1) A member in whose name a resolution appears on the list of business shall, when called on, either—

(a) withdraw the resolution, in which case he shall confine himself to a mere statement to that effect; or

(b) move the resolution.

Section 11  
(1)—cont.

(2) If the member when called on is absent, any other member authorised by him in writing in this behalf may, with the permission of the President, move the resolution standing in his name. But if no member has been so authorised or such permission is not granted, the resolution shall be deemed to have been withdrawn.

47. The discussion of a resolution shall be limited to the subject of the resolution and shall not extend to any matter as to which a resolution may not be moved.

Limits of  
discussion.

48. When a resolution is under discussion any member may, subject to all restrictions and conditions relating to the principal resolution, except as to length of notice under rule 42, move an amendment to such resolution.

Amend-  
ments.

49. Except with the permission of the President, no speech shall exceed ten minutes in duration:

Duration of  
speeches.

Provided that the mover of a resolution when moving the same and the official member in charge of the subject may speak for twenty minutes.

50. A copy of every resolution which has been passed by the Council shall be forwarded to the Government, but any such resolution will have effect only as a recommendation.

Copy of  
resolutions  
passed to be  
forwarded to  
Government.

#### DISCUSSION OF THE ANNUAL BUDGET.

51. The Annual Financial Statement under section 28 of the Act (hereinafter called "the Budget") shall be presented to the Council before the beginning of the year for which it is framed and on such day as the Diwan may appoint.

Presenta-  
tion of the  
Budget.

52.—(1) A separate demand shall ordinarily be made in respect of the grant proposed for each department of the Government, including Cranganur:

Demands  
for grants.

Section 31  
(1)—cont.

Provided that the Finance Member may, in his discretion, include in one demand grants proposed for two or more departments or make a demand in respect of expenditure which cannot readily be classified under particular departments. Demands affecting reserved and transferred subjects shall, as far as may be possible, be kept distinct.

(2) Each demand shall contain first a statement of the total grant proposed and then a statement of the detailed estimate under each grant divided into items.

(3) Subject to these rules the Budget may be presented in such form as the Finance Member may consider best fitted for its consideration by the Council.

Stages of the  
Budget  
debate.

**53.—(1)** The Budget shall be dealt with by the Council in two stages, namely—

(i) a general discussion; and

(ii) the voting of demands for grants.

(2) On the day on which the Budget is presented, the Finance Member shall explain the Budget in the Council, and the President may, if he thinks fit, make any statement thereon.

General  
discussion.

**54.—(1)** On a day to be appointed by the Diwan subsequent to the day on which the Budget is presented and for such time as the Diwan may allot for the purpose, the Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved at this stage nor shall any member be entitled to divide the Council in respect of any such discussion of the Budget.

(2) The Finance Member shall have a general right of reply at the end of the discussion and



the President may, if he thinks fit, make any remarks, Section 31  
(1)—cont.

(3) No member other than the Finance Member shall speak for more than twenty minutes.

**55.—(1)** Not more than seven days shall be allotted by the Diwan for the discussion of the demands of the Government for grants. Voting of grants.

(2) Of the days so allotted not more than one day shall be allotted by the Diwan to the discussion of any one demand. As soon as the maximum limit of time for discussion is reached the President shall forthwith put every question necessary to dispose of the demand under discussion.

(3) No member other than the Finance Member shall speak for more than twenty minutes.

**56.—(1)** Motions may be moved at this stage to omit or reduce any grant or any item in a grant but not to increase or alter the destination of a grant: Motions at this stage.

(a) no motion shall relate to more than one subject matter;

(b) when notice of a motion to omit or reduce any grant is given, the object of the motion also shall be mentioned therein;

(c) the subject matter of a motion shall relate only to the particulars contained in the estimates on which the grant is sought and the purpose for which it is sought and shall not touch on the policy or expenditure sanctioned on other heads, except so far as such policy or expenditure is brought before the House by the items contained in the grant;

(d) a motion shall be clearly and definitely expressed and shall raise a definite issue.

Section 31  
(1)—cont.

(2) When several motions relating to the same demand are offered, they shall be discussed in the order in which the heads to which they relate appear in the Budget.

(3) No motion shall be made for the reduction of a grant as a whole, until all the motions for the omission or reduction of definite items within the grant have been discussed.

(4) The President may disallow any motion if, in his opinion, it cannot be moved consistently with public interests.

(5) Notice in writing of a motion for the omission or the reduction of any grant or for the omission or reduction of any item in a grant shall reach the Secretary at least five clear days before the commencement of a meeting of the Council:

Provided that the President may allow any motion to be moved with shorter notice.

Restoration  
of grants.

57. If the Diwan declares that he is satisfied that any demand which has been refused or reduced by the Council is essential for the discharge of the responsibilities of the Government and if the Government act as if such demand has been assented to, the Finance Member shall, as soon as may be thereafter, lay on the table of the Council a statement showing the action so taken by the Government; but no motion shall be made in regard to that action nor shall that statement be discussed.

Procedure in  
cases of ex-  
penditure in-  
curred under  
proviso (c)  
of subsec-  
tion (1) of  
section 28 of  
the Act.

58. When any expenditure is authorised by His Highness under proviso (c) of subsection (1) of section 28 of the Act, the Finance Member shall as soon as may be thereafter, lay on the table of the Council a statement explaining the necessity for the expenditure; but no motion shall be made in regard to that action nor shall that statement be discussed.

CONSTITUTION AND WORKING OF STANDING  
FINANCE COMMITTEE.

Section 3f  
(1)—cont.

59.—(1) Before the Budget Session of each Malayalam year a Standing Finance Committee of the Legislative Council shall be constituted.

Constitution  
of Standing  
Finance  
Committee.

(2) The committee shall consist of seven members and shall be composed as follows:—

(a) The President of the Council who will be the President of the committee also :

Provided that in the absence of the President any member nominated by him in writing may be the Chairman of the meeting.

(b) three non-official members elected by the non-official members of the Council; and

(c) three official members nominated by the Government.

(3) The taking of the prescribed oath shall not be a condition precedent to the members serving in the committee.

60. Four members of whom at least two shall be non-official shall form the quorum of the committee.

Quorum.

61. The committee shall be a purely advisory body and its functions shall be—

Functions of  
the com-  
mittee.

(i) to examine the draft Annual Budget so far as the same is within the cognizance of the Council;

(ii) to examine all applications for supplementary grants under votable items of expenditure; and

(iii) to examine such matters as may be referred to it by the Government.

Section 31  
(1)—cont.

Meeting of  
the com-  
mittee.

62.—(1) The committee shall meet as often as is necessary:

Provided that a meeting of the committee shall be held once at least every year in Mithunam or Karkadagam to consider the appropriation of the State Revenues for the coming year.

(2) The dates of the committee shall be intimated to the members ordinarily seven days in advance:

Provided that in emergent cases the Government may reduce the period of such notice.

Supply of  
papers to the  
committee.

63. Copies of papers relevant to the discussion at the meetings shall be furnished to each member at least three days before the date of the meeting:

Provided that in the case of the meeting to consider the appropriation of the State Revenues for the coming year the following records shall be supplied to each member of the committee at least seven days before such meeting:—

(a) Preliminary edition of the Budget Estimate;

(b) A schedule of new items of expenditure proposed to be included in the Budget;

(c) A schedule of demands showing the preliminary proposals of the Government for the appropriation of the Revenues;

(d) A memorandum of the Finance Member explaining the Estimates.

(By order of the Government of Cochin)

17th June 1938.  
3rd Mithunam 1113.

K. P. KANNAN NAYAR,  
*Secretary to the Government of Cochin.*

THE  
COCHIN LEGISLATIVE COUNCIL STANDING ORDERS.

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THE COCHIN LEGISLATIVE COUNCIL STANDING  
ORDERS.

Section 31  
(1).

In exercise of the powers conferred upon him by subsection (1) of section 31 of the Government of Cochin Act, the Diwan is pleased to make the following Standing Orders<sup>XX of 1113</sup> for the conduct of business and the procedure to be followed in the Cochin Legislative Council:—

PRELIMINARY.

Short title  
and com-  
mencement.

1.—(1) These standing orders may be called "The Cochin Legislative Council Standing Orders."

(2) They shall come into force on a day to be appointed by the Government.

Definitions.

2. In these standing orders —

(1) The 'Act' means the Government of Cochin<sup>XX of 1113</sup> Act, 1113.

(2) 'Bill' means a proposed enactment in any stage before it has received the assent of His Highness the Maharaja.

(3) 'Council' means the Cochin Legislative Council.

(4) 'Finance Member' means the member of the Council appointed by the Government to perform the functions of the Finance Member under these standing orders.

(5) 'Gazette' means the Cochin Government Gazette.

(6) 'Meeting' means a meeting of the Council, and may consist of one or more sittings.

(7) 'Member' means a member of the Council.

(8) 'Motion' means a proposal made by a member for the consideration of the Council relating to



[1113: Act XX.] *Legislative Council Standing Orders* [S. O.]

any matter which may be discussed by the Council, and includes an amendment. Section 3:  
(1)—cont.

(9) 'Non-official Member' means an elected member or a nominated member of the Council not holding an office of profit under subsection (1) of section 16 of the Act.

(10) 'Resolution' means a motion for the purpose of discussing matters of general public interest.

(11) 'Rules' means the Cochin Legislative Council Rules.

(12) 'Secretary' means the Secretary to the Cochin Legislative Council and includes every person for the time being exercising the functions of the Secretary.

(13) 'Session' means the whole period from the time when the Council is assembled to the time when it is prorogued, and may consist of one or more meetings.

(14) In the computation of 'clear days' Sundays and holidays are not excluded, but the day of the meeting and the day of receipt of notice by the Secretary are excluded.

MEETINGS OF THE COUNCIL.

3.—(1) The time and place of every meeting is fixed by His Highness and the Secretary shall notify the same in the Gazette and shall intimate to each member the time and place so fixed. Such intimation shall be issued at least three weeks before the commencement of the meeting. When such notification has been published and intimations issued, His Highness may, either before the meeting commences or during the course of the meeting extend the time of the meeting by issuing a notification to that effect in Summoning  
of Council.

[s. o.] *Legislative Council Standing Orders* [1113: Act XX.]

Section 1  
(1) - cont.

the Gazette and in such a case no intimations need be issued to the members of the Council.

(2) The Secretary shall, at least fourteen clear days before the commencement of each meeting, send to every member a provisional list of business to be transacted at that meeting. After sending such provisional list, the Secretary shall send to every member a statement of the business to be transacted at such meeting so as to reach his permanent address at least three clear days before the commencement of that meeting.

Prorogation  
of Council.

4.-(1) A session of the Council is terminated by prorogation by His Highness by notification or otherwise.

(2) On the termination of a session all pending notices shall lapse, but Bills which have been introduced or in respect of which leave to introduce has been granted shall be carried over to the next session:

Provided that, if a member in charge of a Bill makes no motion in regard to the same during two complete sessions, the Bill shall lapse, unless the Council on a motion by that member makes a special order for the continuance of the Bill.

(3) On the dissolution of a Council all Government Bills which have been introduced shall be carried over to the next Council. But all private Bills shall lapse unless the member in charge of the Bill is returned to the new Council or the Council on a motion of any other member desiring to take charge of the same makes a special order for the continuance of the Bill.

SITTINGS OF THE COUNCIL AND ARRANGEMENT  
OF BUSINESS,

5.-(1) While in session a meeting of the Council shall ordinarily commence at 11 a. m. and conclude at 5 p. m.

[1113: Act XX.] *Legislative Council Standing Orders* [S. O.]

(2) After the questions have been answered the Secretary shall report to the Council, the Acts which have received His Highness the Maharaja's assent under section 27 of the Act and Bills which have been disallowed.

Section 31  
(1) — cont.  
Ordinary  
sitting.

6.—(1) The Diwan after considering the state of business of the Council shall, at the commencement of each meeting, allot as many days as are in his opinion compatible with public interests for the business of the non-official members in the Council and may allot different days for the disposal of different classes of such business and may, from time to time during the meeting, alter such allotment and on these days such business shall have precedence. At all other times Government business shall have precedence. At times when Government business has precedence the Secretary may arrange the business of the Council in such manner as the Diwan may direct.

Arrangement  
of business.

(2) The relative precedence of notices of Bills and Resolutions given by non-official members for each meeting shall be determined by ballot as prescribed in the Schedule.

(3) Bills other than Government Bills shall be arranged in such order as to give priority to the Bills most advanced, that is to say, in the following order:—

(i) Bills which have reached a stage at which the next motion is a motion that the Bill be passed;

(ii) Bills for which the next stage is a motion that the Bill be taken into consideration;

(iii) Bills for which the next stage is the presentation of the report of the Select Committee.

(4) The relative precedence of other non-Government Bills which have been introduced but

[S. O.] *Legislative Council Standing Orders* [1113: Act XX.]

Section 31  
(1)—cont.

which have not been proceeded with as far as the stages set out above shall be determined by ballot:

Provided that any Bills remaining over from the last meeting shall have priority in the order of the date of their introduction.

List of  
business.

7.—(1) A list of business for the day shall be prepared by the Secretary and circulated to all the members.

(2) Save as otherwise provided in the rules or these standing orders, no business not included in the list of business for the day shall be transacted at any sitting without the leave of the President.

(3) No business requiring notice shall be set down for a day earlier than the period of the necessary notice.

Business  
outstanding  
at the end of  
the day.

8. All business appointed for any day and not disposed of on that day shall stand over until the next day of the meeting available for business of the class to which it belongs, or until such other day in the meeting so available, as the member in charge may desire.

Time for  
questions.

9. The first hour of every sitting shall be available for the asking and answering of questions and the President may, if required, extend the time for the asking and answering of questions.

Giving  
notice.

10.—(1) Every notice required by the rules and standing orders shall be given in writing addressed to the Secretary and signed by the member giving notice and shall be left at the Council Office, which shall be open for this purpose, between the hours of 11 a. m. and 3 p. m. on every day except Sunday or a public holiday.

(2) Notices left when the office is closed shall be treated as given on the next open day.

QUESTIONS.

11. Questions which have not been disallowed shall be entered in the list of questions for the day and shall be called, if the time made available for questions permits, in the order in which they stand in the list before any other business is entered upon at the sitting.

Section 31  
(1)—cont.

List of  
questions.

12. Questions shall be put and answers given in such manner as the President may, in his discretion, determine.

Questions  
how put.

MOTION FOR ADJOURNMENT FOR PURPOSES OF DEBATE.

13.—(1) Leave to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance may be asked for, after questions and before the list of business for the day is entered upon.

Time of asking  
leave.

(2) But the member asking for the leave must, before the commencement of the sitting at which he intends to move it, leave with the President a written statement of the matter proposed to be discussed.

14.—(1) The debate on a motion to discuss a matter of urgent public importance shall be taken up at 3-30 p. m. and, if not earlier concluded, shall automatically terminate at 5-30 p. m. and thereafter no questions can be put.

Limitation  
of time of  
discussion.

(2) It shall be within the discretion of the President to allow the mover and the official member answering him, to speak for more than fifteen minutes.

GENERAL RULES OF PROCEDURE.

15. If, within half an hour from the time appointed for the commencement of a sitting the quorum specified in rule 29 is not present or if the President on account at any time during a sitting

Adjournment  
for failure of  
quorum.

[S. O.] *Legislative Council Standing Orders* [1113: Act XX.]

Section 31  
(1)—cont.

ascertains that fifteen members are not present he shall adjourn the Council till the next day on which the Council ordinarily sits or to a later hour on the same day to be named by him.

Seating of  
members.

16. The members shall sit in such order as the President may appoint.

Members  
to rise when  
speaking.

17. A member desiring to make any observation on any matter before the Council shall speak from his place, shall rise when he speaks, and shall address the President. If, while a member is speaking a member desires to make an explanation or to ask an explanation from the member speaking, he shall rise in his place, and, if called upon by the President, shall make or ask the explanation; if not called upon he shall resume his seat. At any time if the President rises, or if a member rises to a point of order, any member speaking shall resume his seat.

Explanations.

18. When, for the purposes of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question of another member on any matter then under the consideration of the Council, he shall ask the question through the President.

Motions.

19.—(1) A matter requiring the decision of the Council shall be brought forward by means of question put by the President on a motion proposed by a member.

(2) Save as otherwise provided for in the rules or standing orders, a member who wishes to move a motion shall give notice of his intention to the Secretary six clear days before the commencement of the meeting at which he intends to move the motion:

Provided that the President may, in his discretion, admit at any time any motion at shorter notice than

[1113: Act XX.] *Legislative Council Standing Orders* [S. O.]

that prescribed by any order or may admit a motion without notice. Section 31  
(1)—cont.

(3) Votes may be taken by show of hands, voices or division, and shall be taken by division if any member so desires. The President shall determine the method of taking votes by division.

(4) The result of a division shall be announced by the President and shall not be challenged.

20.—(1) Except as otherwise provided for in the rules, the President shall decide on the admissibility of a motion. Admissibility  
of motions.

(2) The President may disallow at any time or stage, any motion when, in his opinion, it does not comply with the rules or standing orders.

21. Where substantially identical motions stand in the names of two or more members the President shall decide whose motion shall be moved, and when it is moved the other motions shall be deemed to be withdrawn. Identical  
motions.

22. A motion must not raise a question substantially identical with one on which the Council has given a decision in the same session. Repetition of  
motions.

23.—(1) After the member who moves has spoken other members may speak to the motion in the order in which they are called by the President. If any member who is so called upon does not speak, he shall not be entitled, except by the permission of the President, to speak to the motion at any later stage of the debate. Order of  
speeches  
and right of  
reply.

(2) Except in the exercise of a right of reply or as otherwise provided by the rules or standing orders, no member shall speak more than once to any motion, unless it be with the permission of the President, for the purpose of making a personal explanation,

[s. o.] *Legislative Council Standing Orders* [1113: Act XX.]

Section 31  
(1)—cont.

but, in that case, no debatable matter may be brought forward.

(3) A member who has moved a motion may speak again by way of reply and if the motion is moved by a non-official member, the official member in charge of the Department to which the matter relates, shall, after the mover has replied, have the right of speaking whether he has previously spoken in the debate or not:

Provided that nothing in this sub-order shall be deemed to give any right of reply to the mover of an amendment to a Bill or to a Resolution save with the permission of the President.

(4) The President may in all cases address the Council before putting a question to the vote.

Rules as to  
amendments.

**24.—(1)** An amendment must be relevant to, and within the scope of, the subject matter of the clause or motion to which it relates.

(2) An amendment may not be moved which has merely the effect of a negative vote.

(3) Every amendment which has been moved shall be seconded; otherwise it shall not be discussed nor shall any question be put on it.

(4) After decision has been given on an amendment to any part of a clause or motion, no amendment which arises at any earlier point of the clause or motion shall be moved.

(5) An amendment on a question must not be inconsistent with any previous decision on the same question given at the same stage of any Bill or motion.

(6) The President may refuse to put an amendment which in his opinion is frivolous.



[1113: Act. XX.] *Legislative Council Standing Orders* [s. o.]

(7) In respect of any motion or any Bill under consideration the President shall have power to select the new clauses or amendments to be proposed and may, if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgment on it.

Section  
(1) — cont.

25.—(1) At any time after a motion has been made a member may move “that the question be now put,” and unless it shall appear to the President that such motion is an abuse of the rules of the Council or an infringement of the rights of reasonable debate, the question “that the question be now put” shall be put forthwith and decided without amendment or debate.

Closure.

(2) When the motion “that the question be now put” has been carried, the question on the original motion, the debate on which has thus been terminated, shall be put and decided without amendment or further debate:

Provided that the President may allow any member any right of reply which he may have under the standing orders.

26.—(1) A motion that any sitting or business be adjourned or postponed or that the Council pass to the business next in order in the statement of business, may be moved at any time and without previous notice as a distinct question, but not so as to interrupt a speech. If the motion is carried, the sitting or business shall be adjourned or postponed accordingly or if the motion carried be that the Council pass to the business next in order in the statement of business, the business then under discussion shall be considered to be disposed of.

Adjourn-  
ment.

(2) The President may adjourn any sitting or business to any future day and hour or to any part of the same day without discussion or vote.

[S. O.] *Legislative Council Standing Orders* [1113: Act XX.]

Section 31  
(1)—cont.

Strangers.

27. The admission to the Council Chamber of visitors, representatives of the Press, and officials during the sittings of the Council shall be regulated in accordance with orders made by the President.

Power to order with drawal of strangers.

28. The President, whenever he thinks fit, may order the Visitors' or the Press gallery to be cleared.

LEGISLATION.

Copies of Bills to be sent to members.

29. When a Bill has been published under rule 35 a copy of the Bill and of the Statement of Objects and Reasons shall be sent to every member.

Motion for leave to introduce.

30. If a motion for leave to introduce a Bill is opposed the President after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion may, without further debate, put the question thereon.

Introduction and First Reading.

31.—(1) At any time after a Bill has been published in the Gazette, or after leave to introduce has been given the member in charge of the Bill may introduce it. But any member may object to its introduction, if, in the case of a Bill that has been published in the Gazette, a period of one week has not elapsed between such publication and the date of introduction and, in the case of Bills for introducing which leave has been granted by the Council, if a copy of the Bill has not been available for the use of the members for seven days and such objection shall prevail unless the President in the exercise of his power to suspend the standing order allows its introduction.

(2) When introducing a Bill the member in charge of it shall move that the Bill be read in the Council.

(3) If the motion be seconded, the principle of the Bill and its general provisions may then be

[1113: Act XX.] *Legislative Council Standing Orders* [s. o.]

discussed, and if the motion be carried, the Secretary shall read the title of the Bill. Section 31  
(1) — cont.

(4) (a) The member in charge or any other member may then immediately move—

(i) that the Bill be referred to a Select Committee composed of such members as he may specify in his motion; or

(ii) that it be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

(b) If any member moves that the Bill be referred to a Select Committee, any other member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

(5) If the Council agrees to the motion for referring the Bill to a Select Committee, it shall appoint the Committee and may direct that its report shall be submitted within a specified period. The Committee shall not, as a rule, exceed seven in number.

(6) 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, must move that the Bill be referred to a Select Committee, unless the President, in the exercise of his power to suspend this standing order, allows a motion to be made that the Bill be taken into consideration.

32. If no motion for referring the Bill to a Select Committee or for circulating it for the purpose of eliciting opinion thereon is made under clause (4) of the preceding standing order, or if such a motion is made and negatived, the member in charge shall not move Taking into  
consideration.

[s. 0.] *Legislative Council Standing Orders* [1113: Act XX.]

Section 31  
(1) -cont.

that the Bill be taken into consideration until the expiration of fifteen clear days from the date on which the Bill was read under clause (3) of the preceding standing order:

Provided that the President may, in his discretion, suspend the standing order and allow the motion to be made at once or before the expiration of fifteen clear days.

Composition  
of Select  
Committee  
and its pro-  
cedure.

33.—(1) The official member in charge of the department to which the Bill relates and the member who introduced the Bill shall be members of every Select Committee and it shall not be necessary to include their names in any motion for the appointment of a Committee.

(2) The other members of the Committee shall be named by the Council when the motion that the Bill be referred is made or at any subsequent sitting.

(3) The President shall nominate one of the members of the Committee to be its Chairman. In the absence of the Chairman from any meeting the members of the Committee present shall elect one of them as Chairman for that meeting. In the case of an equality of votes in the Committee the Chairman shall have a second or casting vote.

(4) A Select Committee may hear expert evidence and the representatives of any special interests affected by the measures before them.

Reports by  
Select Com-  
mittee.

34.—(1) After the publication of a Bill in the Gazette, the Select Committee to which the Bill has been referred shall make a report thereon.

(2) Reports may be either preliminary or final.

(3) If the Council has fixed a period within which the Select Committee shall submit its report

[1113: Act XX.] *Legislative Council Standing Orders* [S. O.]

upon a Bill, and the Committee is unable for any reason to submit its report within that period, the Diwan may, from time to time, extend the period on the application of the member in charge of the Bill.

Section 31  
(1)—cont.

(4) No business shall be transacted at any sitting of the Select Committee unless a majority of the members of the Committee including the member in charge of the Bill be present.

(5) The Chairman of the Committee shall have power to report to the Diwan the name of any member of the Select Committee who neglects or is unable to attend the sittings or by death, resignation or otherwise ceases to be a member of the Committee, and the Diwan may thereupon appoint, out of the members of the Council, an additional member to the Select Committee.

(6) A Select Committee may, for the purpose of obtaining information, invite any person to be present at its sittings.

(7) While a Select Committee is sitting to consider a Bill, all communications relating to the Bill which are received by the Secretary shall be referred to it.

(8) The Select Committee shall, in their report, state whether or not, in their judgment the Bill has been so altered as to require re-publication, whether the publication directed by the rules or by the Council has taken place, and the date on which the publication has taken place, or if publication in more than one language has been ordered, the date on which the publication in each such language has taken place.

(9) If any member of a Select Committee desires to record a minute of dissent on any point he must sign the majority report stating that he does so

[1113: Act XX.] *Legislative Council Standing Orders* [S. O.]

Section 31  
(1)—cont.

subject to his dissent, and must at the same time hand in his minute,

(10) The Chairman of the Committee shall authenticate by his signature the Report of the Committee,

Printing and  
publication  
of reports.

35. The report of the Select Committee, any minutes that may have been recorded by individual members of the Committee and, if the Bill has been amended, the Bill as amended by the Committee, shall be printed and copies furnished to each member of the Council. The report and minutes, if any, and, if the Bill has been amended, the Bill as amended, or such portion thereof as may have been amended, shall also, unless otherwise directed by the Select Committee, be published in the Gazette in the languages in which the original Bill was published and such publication shall be made in the Gazette at least 12 days prior to the commencement of the meeting at which the Bill is to be considered by the Council.

Presentation  
of report.

36. The report of the Select Committee on a Bill shall be presented to the Council by the member in charge of the Bill, who shall, if he makes any remarks, confine himself to a brief statement of facts.

Procedure  
of report  
after pre-  
sentation.

37.—(1) After the presentation of the final report of the 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; but any member may object to its being so taken into consideration if a copy of the report has not been available for the use of the members for twelve days, or if three months have not elapsed from the date of the first publication of the Bill, and such objection shall prevail unless the President in the exercise of his power to

[1113: Act XX.] *Legislative Council Standing Orders* [S. O.]

suspend this order allows the report to be taken into consideration; or Section 31  
(1)—cont.

(ii) that the Bill be re-committed, 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.

(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.

38. When a motion has been agreed to by the Council that a Bill be taken into consideration, any member may propose an amendment of such Bill. Proposal of  
amendments.

39.—(1) If notice of a proposed amendment has not been sent to the Secretary six clear days before the commencement of the meeting of the Council at which the Bill is to be considered, any member may object to the moving of the amendment and such objection shall prevail, unless the President, in the exercise of his power to suspend this order, allows the amendment to be moved. Notice of  
amendment.

(2) The Secretary shall cause every notice of a proposed amendment to be printed and a copy shall be made available for the use of each member.

(3) If any member is unacquainted with English, the Secretary shall also, if the President so directs, cause every such notice to be translated into Malayalam or Tamil as the case may be for his use.

40. Amendments shall ordinarily be considered in the order of the clauses to which they respectively relate. Order of  
amendment

[S. O.] *Legislative Council Standing Orders* [1113: Act XX.]

Section 31  
(1)—*cont.*  
Second  
Reading.

41. Notwithstanding anything in the foregoing orders, it shall be in the discretion of the President when a motion that a Bill be taken into consideration has been carried, to submit the Bill or any part of the Bill, to the Council clause by clause. When this procedure is adopted, the President shall call each clause separately, and, when the amendments relating to it have been dealt with, shall put the question; "That this clause (*or, as the case may be, that this clause as amended*) stand part of the Bill."

Third Reading and passing.

42.—(1) If no amendment be made when a motion that a Bill be taken into consideration has been agreed to by the Council, or if the amendments proposed have been considered by the Council, the member in charge of the Bill or in his absence any member may move that the Bill or the Bill as amended, as the case may be, be taken up and passed at a subsequent sitting.

(2) At such sitting the Council shall consider the amendments, if any, moved on behalf of the Government and pass the Bill. No amendments other than those connected with the amendments moved on behalf of the Government shall, without the special permission of the Diwan, be brought up for consideration at this stage.

(3) When any one of the three motions of introduction, taking into consideration or passing of a Bill is not carried, the Bill shall be deemed to have been rejected and it shall not be re-introduced within a period of one year from the date of such rejection.

Authentication of Bills.

43. When a Bill is passed by the Council, a copy thereof shall be signed by the President.

Withdrawal of Bills.

44. The member, who introduced a Bill, may, at any stage of the Bill, move that the Bill be withdrawn.



[1113: Act XX.] *Legislative Council Standing Orders* [S. O.]

45. When a Bill has been passed by the Council, the Secretary shall revise and complete the marginal abstracts and the numbering of the clauses thereof, and shall forward it to the Diwan for submission to His Highness.

Section 31  
(1)—*cont.*  
Secretary to  
revise and  
complete  
marginal  
abstracts,  
e.c.

46. The Diwan shall communicate to the Council which passed the Bill or any succeeding Council, His Highness' assent or dissent by certificate in writing at the foot of the Bill, and the Bill with such certificate shall be lodged in the records of the Council.

Diwan to  
communicate  
to Council  
His  
Highness'  
assent or  
dissent.

47. No member shall make any motion upon, or otherwise bring under the consideration of, the Council, the exercise by His Highness the Maharaja, of the prerogative of withholding assent to a Bill.

No motion  
to be made  
upon the  
exercise  
of His  
Highness'  
prerogative.

48. When a Bill has received the assent of His Highness the Maharaja under section 27 of the Act, it shall be published in the Gazette in English and in Malayalam.

Publication  
of His  
Highness'  
assent.

RESOLUTIONS.

49.—(1) If a copy of an amendment has not been sent to the Secretary three clear days before the day fixed for the discussion of the resolution any member may object to the moving of the amendment, and such objection shall prevail, unless the President in the exercise of his power to suspend this order, allows the amendment to be moved.

Notice of  
amendment.

(2) The Secretary shall, if time permits, cause every amendment to be printed and send a copy for the information of each member.

50.—(1) A member who has moved a resolution or an amendment to a resolution shall not withdraw the same except by leave of the Council.

Withdrawal  
of resolu-  
tions.

[S. O.] *Legislative Council Standing Orders* [1113: Act XX.]

Section 31  
(1)—*cont.*

(2) No discussion shall be permitted on a motion for leave to withdraw except with the permission of the President.

Order of  
amendment.

51.—(1) When an amendment to any resolution is moved or when two or more such amendments are moved, the President shall, before taking the sense of the Council thereon, state or read to the Council the terms of the original motion and of the amendment or amendments proposed.

(2) It shall be in the discretion of the President to put first to the vote either the original motion or any of the amendments which may have been brought forward.

Division of  
resolutions.

52. When any resolution involving several points has been discussed it shall be in the discretion of the President to divide the resolution, and put each or any point separately to the vote as he may think fit.

Resolutions  
not discus-  
sed.

53. A resolution of which notice has been given by a non-official member and which has been admitted, if it is not moved during the session, shall be deemed to have been withdrawn.

Effect of  
disallow-  
ance.

54. When a resolution has been disallowed under the rules or the standing orders or has been withdrawn with the leave of the Council, no resolution or amendment raising substantially the same question shall be moved during the same session.

FINANCIAL BUSINESS.

Discussion  
of Budget.

55. No discussion of the Budget shall take place on the day on which it is presented.

Notice of  
motions.

56. If notice of a motion to omit or reduce any grant has not been given five clear days before the day on which the demand is to be considered, any member

[1113: Act XX.] *Legislative Council Standing Orders* [S. O.]

may object to the moving of the motion and such objection shall prevail, unless the President in the exercise of his power to suspend the standing order, allows the motion to be made. Section 31  
(1)—cont.

57. If the Government or His Highness exercise the power conferred by provisos (b) and (c) of subsection (1) of section 28 of the Act in regard to demands refused or reduced by the Council, the Financial Member shall, as soon as may be thereafter, lay on the table of the Council a statement showing the action taken by the Government together, in the case of action under proviso (b) aforesaid, with a copy of the declaration made by the Diwan, but no motion may be made in regard to that action. Restoration  
of grants by  
Government.

COMMUNICATIONS BETWEEN THE GOVERNMENT  
AND THE COUNCIL.

58. Communications from the Government to the Council are made:— Communi-  
cations from  
Government  
to the  
Council.

- (1) by a speech; and
- (2) by a written message.

59. Communications from the Council to the Government shall be made— Communi-  
cations from  
the Council  
to Govern-  
ment.

- (1) by formal address, after motion made and carried in the Council, and
- (2) through the President.

PETITIONS TO THE COUNCIL.

60.—(1) Petitions to the Council must—

(a) relate to some matter actually under the consideration of the Council; Form and  
contents of  
petitions.

(b) be addressed to the members of the Cochin Legislative Council;

[S. O.] *Legislative Council Standing Orders* [1113: Act XX.]

Section 31  
(1)—*cont.*

(c) be dated and signed by the petitioner or petitioners;

(d) be in respectful and temperate language.

(2) The Council shall not receive petitions proposing the expenditure of public moneys or the imposition of any charge on public revenues.

Presentation  
of petitions.

61. No petition addressed to the Council shall be presented except by a member of the Council.

Duties of  
member of  
Council  
offering to  
present a  
petition.

62. Every member offering to present a petition to the Council shall confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it and of the material allegations contained in it and to the reading of the prayer of the petition.

Procedure.

63. If the petition is in conformity with standing order 60, the Secretary shall, if so required by the President, read it to the Council or shall make an abstract of it and read the abstract to the Council. The President shall not allow any debate or any member to speak upon or in relation to such petitions.

AMENDMENT TO STANDING ORDERS.

Notice of  
proposal to  
amend the  
standing  
orders.

64.—(1) Unless the President otherwise directs, not less than fifteen days' notice of a motion for leave to amend the standing orders shall be given and the notice shall be accompanied by a draft of the proposed amendments.

(2) The motion shall be set down for such day as the President may direct.

Procedure of  
motion being  
reached.

65. When the motion is reached, and the amendment having been explained by the member introducing it, the President shall read the draft amendment, and ask whether the member has the leave of the Council. If objection is taken, the President shall request

[1113: Act XX.] *Legislative Council Standing Orders* [s. o.]

those members who support the motion to rise in their places, and if not less than 15 members rise accordingly, the President shall intimate that the member has the leave of the Council.

Section 31  
(1) - cont.

66. When a member has the leave of the Council to proceed, the procedure in regard to Bills introduced shall, as far as may be, be followed with such necessary alterations as to the form of the motions that may be made as the President may direct:

Reference to  
Select Com-  
mittee and  
subsequent  
procedure.

Provided that, in the event of a reference to a Select Committee, the Deputy President shall be the Chairman and the Advocate-General and the Secretary to the Council (when they are members of the Council) and the member who introduced the amendment shall be members thereof, and the remaining members, who shall be three in number, shall be elected by the Council.

DUTIES OF THE SECRETARY.

67. The Secretary shall be bound to perform the following duties in addition to those specified in the preceding orders.—

Duties of  
Secretary.

(1) to take charge of the records of the Council;

(2) to keep the prescribed books;

(3) to attend all meetings and to take minutes of all proceedings;

(4) to superintend the printing of all papers ordered to be printed;

(5) to note in Bills the amendments ordered by the Council and to scrutinise all Bills and Acts, in view to preventing typographical errors;

(6) to prepare and revise the marginal abstracts of Bills and Acts and the heading and

[S. O.] *Legislative Council Standing Orders* [1113:Act XX.]

Section 31  
(1)—*cont.*

arrangement of Chapters and the numbering of the clauses thereof;

- (7) to carry on correspondence under the orders of the Council;
- (8) to help, when required to do so, in the framing of Bills, and
- (9) to generally assist the Council.

BOOKS AND RECORDS.

Reports of  
Proceedings  
of Council.

68. The Secretary shall cause to be prepared a full report of the proceedings of the Council at each of its meetings and shall, as soon as practicable, publish it in such form and manner as the Government may, from time to time, direct.

Register  
and Index  
of letters  
and  
petitions.

69. A register and index of all letters and petitions addressed to or despatched under orders of the Council, shall be maintained.

MISCELLANEOUS.

Regulation  
of the  
conduct of  
business.

70. The President shall have power to regulate the conduct of business in the Council in all matters not provided for in the Act, the Rules or the Standing Orders.

Application  
to Secretary  
for informa-  
tion.

71. Any member may apply to the Secretary for any papers, returns or information connected with the business before the Council and the Diwan shall determine whether such papers, returns or information can be furnished.

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SCHEDULE

BALLOT RULES.

1. A member giving notice of more than one resolution shall number his resolutions in the order in

[1113: Act XX.] *Legislative Council Standing Orders* [S. O.]

which he desires to move them, provided that he may alter such order by intimation given to the Secretary not less than three clear days previous to the date of ballot. Section 31  
(1)—cont.

2. The Secretary will keep a numbered list and will enter the name of each member who has given notice of a resolution upon that list.

3. Not less than ten days previous to the commencement of the session, a ballot will be held in the Legislative Council Office before the Secretary, at which any member who wishes to attend may do so.

4. Papers with numbers corresponding to those against which entries have been made on the numbered list will be placed in a box.

5. A clerk will take out at hazard from the box one of the papers and the Secretary will call out from the list the corresponding name, which will then be entered on a priority list. This procedure will be carried out till all the numbers have been drawn.

6. Priority on the list will entitle the member to priority in moving that resolution to which he himself has given priority under rule 1 above:

Provided that, if a resolution to which priority is given under rule 1 is disallowed, the next resolution standing in the member's name may be moved in its place.

7. Priority on the list shall also entitle a member to priority in respect of his subsequent resolutions:

Provided that, after a member has moved a resolution, he shall not move another resolution until every other member has had an opportunity of moving a resolution standing in his name in the list of business.

(By order of the Government of Cochin)

K. P. KANNAN NAYAR,

Secretary to the Government of Cochin.

*17th June 1933.*  
*3rd Mithunam 1113.*

RULES UNDER STANDING ORDERS.(12, 27, 28 AND 71.)

RULES MADE BY THE PRESIDENT REGARDING THE MANNER  
OF PUTTING QUESTIONS, ADMISSION TO THE COUNCIL  
CHAMBER, THE USE OF THE LIBRARY AND  
CERTAIN OTHER MATTERS.

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COCHIN LEGISLATIVE COUNCIL LIBRARY, ETC., RULES.

In exercise of his powers under Standing Orders S. O. 12, 27, 23 and 71, the President is pleased to make the following rules in respect of the manner of putting questions in the Cochin Legislative Council, admission into the Council Chamber, use of the Council Library and certain other matters.—

1. In these Rules—

Definitions.

(a) "Member" means a member (for the time being) of the Cochin Legislative Council,

(b) "Secretary" means the Secretary to the Cochin Legislative Council,

(c) "Book of reference" means any book or collection of books which in the opinion of the Secretary, ought not be removed from the Library.

2. Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table one hour before the President takes his seat.

Placing of questions and answers on the table.

3. The questions shall be put and answered in the following manner:—

Manner of putting and answering questions.

The President shall call the name of each interpellator in serial order. The member will get up and read out the number of the question and the member of Government concerned will get up and read out the answer and then supplementary questions can be put. Supplementary questions must be put immediately after the principal questions to which they relate.

4. Members who deliver written speeches in the Council may pass the manuscripts thereof to the Secretary before the close of the day's proceedings.

Manuscripts of written speeches to be handed over to Secretary

[Rules.] *Rules under Standing Orders* [1113: Act XX.]

S. O. 12,  
etc.—cont.

Copies of  
quotations  
or figures to  
be handed  
over to Sec-  
retary.

5. When a speech includes quotations from speeches, newspapers, books, reports, etc., or a series of figures or other matter which has to appear in the Official Report of the debates with accuracy, the member who delivered it may hand over to the Secretary of the Council, before the close of the day's proceedings, a copy of such quotations or figures.

Correction  
of transcripts  
of speeches.

6. Members shall return within 24 hours or sooner, if practicable, the transcripts of speeches sent to them for correction. If they fail to do so, the Secretary may presume that the member does not wish to make any correction. The Secretary shall in any case ensure that typographical and other obvious errors in the reporting are corrected before the speech is printed in the Official Report.

Publication  
of informa-  
tion received  
from Govern-  
ment.

7. Whenever a member of the Legislative Council desires to be furnished with information, he will address the Secretary to the Legislative Council who may forward the application to the Secretary to the Government for disposal; when in pursuance thereof information is furnished to a member of the Legislative Council by the department concerned, he is at liberty to use that information, unless he is expressly requested not to do so; but he should not publish any written communication from the Government without obtaining their express permission. This rule does not apply to papers "laid on the Council Table".

Visitors'  
Gallery.

8.—(i) The Balcony and the Galleries at the northern end of the Chamber will be called the Visitors' Gallery;

(ii) any person seeking admission to the Visitors' Gallery during the meeting of the Council shall apply to a member of the Council who will obtain the necessary ticket from the Secretary to the Council;

(iii) a ticket will be valid only for the date specified on it;

[1113: Act XX.] *Rules under Standing Orders* [Rules.]

(iv) members are requested not to apply for more than one ticket each for a day; S. O. 12,  
etc.—cont.

(v) responsibility with respect to any visitor will rest solely on the member introducing him;

(vi) the name of the visitor and the member introducing him will be noted on the ticket;

(vii) admission tickets which will be numbered, are not transferable and should be produced or surrendered whenever demanded;

(viii) tickets will be issued only so long as space permits.

9.—(i) The dais at the southern end is reserved for ladies and distinguished visitors; President's  
Gallery.

(ii) the provisions in rule 8 shall apply *mutatis mutandis* to the ladies' block;

(iii) every application for a ticket of admission to the President's Gallery should contain full information to enable the President to judge whether the applicant is fit to be admitted to the President's Gallery and must be made before 2-30 p. m. on the day prior to that on which the ticket is to be used.

10.—(i) Special seats are reserved to the left of the President for Press Representatives. Press Gal-  
lery.

(ii) Application by a Press Representative should be always be to the Secretary. It should be authenticated by the Manager or the Editor of the paper he represents.

11.—(i) The Library will be open for use of members between 11 a. m. and 4 p. m. on every day, except on Sundays and gazetted and other holidays. Hours of  
Library.

(ii) On days on which the Council is sitting, the Library will be kept open till the Council is adjourned.

[Rules.] *Rules under Standing Orders* [1113: Act XX.]

S. O. 12,  
etc.—*cont.*

Library  
room and  
Librarian.

12.—(i) On every day on which the Library is open as provided in Rule 11 the Librarian shall attend at the Library during the prescribed hours, and shall, so far as may be, assist members in securing any information available therein that they may require.

(ii) Strict silence shall be maintained in the Library Room, which members can use only as such, so that they may read there without disturbance.

Borrowing  
books from  
Library.

13. A member may borrow from the Library any book other than a book of reference, for any period not exceeding fifteen days, from the date of issue:

Provided that—

(a) no member shall at any time have more than one Library book in his possession;

(b) the Secretary may require that any book which is in demand shall be returned within seven days of the date of issue;

(c) the Secretary shall, for any special reason, recall any book at any time at twenty-four hours' notice; and

(d) all books shall be returned before the date of the first sitting of the last meeting of any Council.

Reference  
books.

14. No member shall remove any book of reference from the Library.

Issue  
Register.

15.—(i) An "Issue Register" shall be kept by the Librarian, and the name of every book shall be entered by the member and signed by him or by his agent who produces the application in the prescribed form.

(ii) Books should be applied for in the prescribed form and a separate form should be used for each book. Each form will be retained as a voucher until the book mentioned in it is returned in the condition in which it is issued, when that form will be handed back to the member or his agent who produces

[1113: Act XX.] *Rules under Standing Orders* [Rules]

the book and signs the entry of the particulars as to its return in the Issue Register. S. O. 12, etc. — cont.

(iii) No book shall be sent to any member by post or anchal.

16. No member shall lend any Library book to any other member or to any stranger. Books borrowed not to be lent.

17. The Secretary may call upon a member to refund the price of any book borrowed by him, which is not returned to the Library within a reasonable time of the issue, by registered post of a notice to such member calling upon him to return the book, or which is returned in a damaged condition either before or after notice. Price of books when to be refunded.

18. No stranger shall have access to the Library. No access to strangers.

19. A suggestion book shall be kept on the Library table, and the Librarian shall, from time to time, draw the attention of the Secretary to any suggestions made by members therein. Suggestion book.

*17th June 1938.*  
*5rd Mathunam 1113.*

SHANMUKHAM CHETTY,  
*President, Cochin Legislative Council.*

PROCEEDINGS OF THE GOVERNMENT OF COCHIN

RIGHT OF NON-OFFICIAL MEMBERS TO FRANK COVERS  
AND TO THE SUPPLY OF OFFICIAL PAPERS.

1. The Non-official members of the Cochin Legislative Council are permitted to frank communications (letters, cards and packets) connected with the Cochin Legislative Council and addressed to the Legislative Council Secretary. The articles containing the communications should bear on the address-side a declaration, viz., 'Cochin Legislative Council Communication'. This facility is restricted to the State Anchal service only.

2. Non-official members of the Legislative Council will be supplied by the Superintendent, Government Press, free of cost and without application being made, with copies of the following publications:—

(a) Copies of the proceedings of the Cochin Legislative Council in book form.

(b) All published reports of the various branches of the administration of the State, and of the Annual Administration Report.

(c) Copies of the Cochin Government Gazette.

(d) Copies of the Cochin Civil List.

(By order of the Government of Cochin)

K. P. KANNAN NAYAR,

*Secretary to the Government of Cochin.*

17th June 1938.  
3rd Mithanam 1113.

THE COCHIN LEGISLATIVE COUNCIL ELECTORAL  
RULES.

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19. Effect of subsequent disabilities.
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20. Re-constitution of Council.
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PART VIII.

THE FINAL DECISION OF DOUBTS AND DISPUTES AS TO  
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22. Definitions.
  23. Election petition.
  24. Presentation of the petition.
  25. Contents of the petition.
  26. Against whom it may be presented.
  27. Deposit of security.
  28. Dismissal for default.
- Appointment of Commissioners.
29. Inquiry by Commissioners.
  30. Place of inquiry.
  31. Withdrawal of petition.
  32. Abatement or substitution on death of petitioner.
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SCHEDULE I.

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1. Definitions.
2. Revenue accounts, etc., to be conclusive evidence.



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*General Constituencies.*

3. Residence qualification for an elector.
4. Qualification for general constituencies.
5. Joint holders.
6. Only one capacity recognized.
7. Fiduciary capacity not recognised.

*Special Constituencies.*

1 Landholders' Constituency.

8. Landholders' constituency.
9. Electoral roll,
  2. Planters' Constituency.
10. Planters' constituency,
  3. Ezhuvass' and Latin Christians' constituencies.
11. Ezhuvass' and Latin Christians' constituencies,
  4. Commerce and Industry Constituency.
12. Commerce and Industry constituency.

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SCHEDULE III.

RULES FOR THE CONDUCT OF ELECTIONS.

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SCHEDULE IV.

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SCHEDULE V.

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1. Bribery.
  2. Undue influence.
  3. Personation.
  4. Publication of false statements.
  5. Authorisation of expenditure.
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PART II.

1. Acts under Part I.
2. Personation.
3. Bribery.
4. Payment for conveyance.
5. Hiring and use of public conveyances.
6. Incurring expenses without authority.
7. Hiring of liquor shops.
8. Issue of circulars, etc., without printer's and publisher's name printed thereon.

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FORMS.

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[Rules.] *Legislative Council Electoral Rules* [1113: Act XX.]

Sections 13  
(1), 14 and  
31 (1).

THE COCHIN LEGISLATIVE COUNCIL ELECTORAL  
RULES.

XX of 1113. In exercise of the powers conferred by sections 13 (1), 14 and 31 (1) of the Government of Cochin Act, 1113, the Diwan is pleased to make the following rules for the election and nomination of members to the Cochin Legislative Council.

Short title  
and  
commence-  
ment.

1.—(a) These rules may be called the Cochin Legislative Council Electoral Rules.

(b) They shall come into force at once.

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context—

(a) 'The Act' means the Government of Cochin Act;

(b) 'Commissioners' means Commissioners appointed for the purpose of holding an election inquiry under these rules;

(c) 'Corrupt practice' means any act deemed to be a corrupt practice under the provisions of Schedule V;

(d) 'Election agent' means the person appointed under these rules by a candidate as his agent for an election;

(e) 'Gazette' means the Cochin Government Gazette; and

(f) 'Schedule' means a Schedule to these rules.

PART I.

COMPOSITION OF COUNCIL AND CONSTITUENCIES.

Constitu-  
encies

3.—(1) The elected members shall be elected by the constituencies specified in Schedule I and the

[1113: Act XX.] *Legislative Council Electoral Rules* [Rules.]

number of members to be elected by each constituency shall be as stated therein against that constituency.

Sections (1), 14 and 31 (1).  
—cont.

(2) The election of the members for the constituencies mentioned in Schedule I shall be effected by the electorates and in accordance with the procedure respectively prescribed in Schedule III:

Provided that constituencies Nos. 4 (Ernakulam women) and 18 (Trichur women) shall return only women candidates and provided further that of the two candidates each to be returned by constituencies Nos. 5 (Mattancheri) and 7 (Cranganur) one of the candidates to be returned in each case shall be a Muslim.

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## PART II.

### SPECIAL QUALIFICATIONS FOR ELECTION IN CASE OF CERTAIN CONSTITUENCIES

4.—(1) (a) No person shall be eligible for election as a member of the Council to represent a general constituency unless his name is registered on the electoral roll of that constituency or of any other general constituency in Cochin State.

Special qualifications for election

(b) No person shall be eligible for election as a member of the Council to represent a special constituency unless his name is registered on the electoral roll of that constituency.

(2) For the purpose of these rules—

(a) 'Special constituency' means Landholders', Planters', 'Commerce and Industry', Ezhuvass, or Latin Christians constituency.

(b) 'General constituency' means any constituency other than a special constituency.

PART III.

THE ELECTORAL ROLL.

Sections 13  
(r), 14 and  
31 (r).  
—cont.

General  
conditions  
of registra-  
tion and  
disqualifica-  
tion.

5.—(1) Every person shall be entitled to have his name registered on the electoral roll of a constituency, who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the following disqualifications, namely:—

(a) has been adjudged by a competent Court to be of unsound mind, or

(b) is under twenty-one years of age, or

(c) is for the time being undergoing a sentence of imprisonment:

Provided that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency.

(2) If any person is convicted of an offence under Chapter VIII A of the Cochin Penal Code, or Chapter IXA of the Indian Penal Code punishable with imprisonment or is after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to the Legislative Council constituted under the Act, reported guilty of a corrupt practice as specified in Part I or in paragraph 1, 2 or 3 of Part II of Schedule V, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon, for a period of five years from the date of the conviction or the report, as the case may be, or, if not on the electoral roll shall not be so registered for a like period; and if any person is reported by any such Commissioners as guilty of any other corrupt practice, his name, if on the electoral roll, shall be removed therefrom, and shall not be registered thereon for a period of three years from the date of the report, or, if not on the electoral roll, shall not be so registered for a like period:

[1113: Act XX.] *Legislative Council Electoral Rules* [Rules.]

Provided that the Government may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll.

Sections 13  
(1), 14 and  
31 (1).  
—cont.

6. The qualifications of an elector for a general or special constituency shall be those specified in Schedule II in the case of that constituency.

Qualification  
of electors.

7.—(1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons *prima facie* entitled to be registered as electors for that constituency. It shall be published in the Gazette together with a notice specifying the mode in which and the time within which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the Revising Authority.

Electoral  
roll.

(2) The orders made by the Revising Authority shall be final and the electoral roll shall be amended in accordance therewith, and shall, as so amended, be re-published in such manner as the Government may prescribe.

(3) The electoral roll shall come into force from the date of such re-publication and shall continue in force for a period of three years or for such less period as the Government may prescribe and after the expiration of such period a fresh roll shall be prepared in accordance with these rules.

(4) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall, for the purposes of that election, continue to operate as the electoral roll for the constituency.

Sections 13  
(1), 14 and  
31(1)—*cont.*  
Right to  
vote.

8. Every person registered on the electoral roll for the time being in force for any constituency shall while so registered be entitled to vote at an election of a member for that constituency provided that no person shall vote in more than one general constituency.

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## PART IV.

### ELECTIONS.

Nomination  
of candi-  
dates.

9.—(1) Any person may be nominated as a candidate for election in any constituency for which he is eligible for election under these rules.

(2) On or before the date on which a candidate is nominated, the candidate shall make in writing and sign a declaration appointing either himself or some other person, who is not disqualified under these rules for the appointment, to be his election agent, and no candidate shall be deemed to be duly nominated unless such declaration has been made.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.

Deposit ca  
nomination.

10.—(i) On or before the date appointed for the nomination of candidates, each candidate shall deposit or cause to be deposited with the Returning Officer the sum of two hundred and fifty rupees in cash, and no candidate shall be deemed to be duly nominated unless such deposit has been made.

(ii) If a candidate, by whom or on whose behalf the deposit referred to in sub-rule (i) has been made, withdraws his candidature in the manner and within the time specified in sub-rule (i) of Rule 26 of Schedule III or if the nomination of any such candidate is refused, the deposit shall be returned to the

[1113: Act XX.] *Legislative Council Electoral Rules* [Rules.]

person by whom it was made; and if any candidate dies before the commencement of the poll, any such deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the persons by whom it was made.

Sections 13  
(1), 14 and  
31 (1)  
—con.

(iii) If a candidate, by whom or on whose behalf the deposit referred to in sub-rule (i) has been made is not elected, and the number of votes polled by him does not exceed one-eighth of the total number of votes polled, the deposit shall be forfeited to the Government:

Provided that in the case of constituencies Nos. 5 (Mattancheri) and 7 (Cranganur) mentioned in Schedule I, the deposit shall be forfeited to the Government only in case the number of votes polled by a candidate does not exceed one-sixteenth of the total number of votes polled.

(iv) For the purpose of sub-rule (iii), the number of votes polled shall be deemed to be the number of ballot papers, other than spoilt ballot papers counted.

(v) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (i) has been made is elected and thereafter his seat is declared vacant under these rules owing to his failure to make the prescribed oath or affirmation the deposit shall be forfeited to the Government.

(vi) The deposit made in respect of a candidate who is not elected shall, if it is not forfeited under sub-rule (iii), be returned to the candidate or to the person who has made the deposit on his behalf, as the case may be, as soon as may be after the publication of the result of the election in the Gazette; and the deposit made in respect of a candidate who is elected shall, if it is not forfeited under sub-rule (v) be so returned, as soon as may be, after the candidate has made the prescribed oath or affirmation:

[Rules.] *Legislative Council Electoral Rules* [1113: Act XX.]

Sections 13  
(1), 14 and  
21 (7)  
—ont.

Provided that, if a candidate is duly nominated at a general election in more than one constituency, not more than one of the deposits made by him or on his behalf shall be returned, and the remainder shall be forfeited to the Government.

Procedure  
at election.

11.—(1) (a) If in the case of constituencies Nos. 5 (Mattancheri) and 7 (Cranganur) mentioned in Schedule I, there is only one duly nominated candidate the Returning Officer shall forthwith declare such candidate to be elected. If the number of candidates who are duly nominated and who have not withdrawn their candidature before such time as the Government may fix in this behalf exceeds one, a poll shall be taken. If after withdrawal there is only one candidate, the Returning Officer shall forthwith declare such candidate to be elected.

(b) In the case of constituencies Nos. 5 (Mattancheri) and 7 (Cranganur) if there are only two duly nominated candidates, at least one of them being a Muslim, the Returning Officer shall forthwith declare both the candidates to be elected. If in the case of the same constituencies there are more than two duly nominated candidates, one alone of them being a Muslim, the Returning Officer shall forthwith declare the Muslim candidate to be elected and a poll shall be taken only with regard to the remaining candidates. If the number of such remaining candidates who have not withdrawn their candidature before such time as the Government may fix in this behalf exceeds one, a poll shall be taken and if it does not exceed one after such withdrawal the Returning Officer shall forthwith declare such remaining candidate to be elected. If again in the case of the same constituency there are more than two duly nominated candidates including two or more Muslim candidates a poll shall be taken subject to the procedure mentioned above, *mutatis mutandis*, relating to withdrawal of candidature.



[1113: Act XX.] *Legislative Council Electoral Rules* [Rules.]

(2) Votes shall be given by ballot and in person. No votes shall be received by proxy.

Sections  
13 (1), 14  
and 31 (1)  
—cont.

(3) Votes shall be counted by, or under the supervision of the Returning Officer, and any candidate, or in the absence of the candidate a representative duly authorised by him in writing shall have a right to be present at the time of counting.

(4) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected :

Provided that in the case of constituencies Nos. 5 (Mattancheri) and 7 (Cranganur) wherein a seat each is reserved for the Muslims, the Returning Officer shall first declare to be elected the reserved community candidate to whom the largest number of votes has been given.

(5) When an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(6) The Returning Officer shall without delay report the result of the election to the Secretary to the Council, and the name of the candidate elected shall be published in the Gazette.

**12.—(1)** If any person is elected by more than one constituency, he shall, by notice in writing signed by him and delivered to the Secretary to the Council within seven days from the date of the publication of the result of such election in the Gazette, choose which of those constituencies he shall serve, and the choice shall be conclusive.

Election by  
more than  
one consti-  
tuency.

Sections  
11 (1), 14  
and 31 (1)  
—cont.

(2) When any such choice has been made, the Government shall call upon the constituency or constituencies which such person has not chosen to serve to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-rule (1) of this rule, the election of such person shall be void, and the Government shall call upon the constituencies concerned to elect other persons.

*Election Agents and Return of Expenses.*

Disqualifica-  
tion for  
being elec-  
tion agent.

13. No person shall be appointed an election agent who is himself ineligible for election as being subject to any disqualification mentioned in clauses (f) and (h) of subsection (2) of section 16 of the Act.

Revocation  
of appoint-  
ment of elec-  
tion agent.

14.—(1) The appointment of an election agent, whether the election agent appointed be the candidate himself or not, may only be revoked in writing signed by the candidate and lodged with the officer receiving nominations and shall operate from the date on which it is so lodged.

(2) In the event of such a revocation or of the death of any election agent, whether such event occurs before, during or after the election, the candidate shall appoint forthwith another election agent and declare his name in writing to the said officer.

Return of  
election  
expenses.

15.—(1) Within one month or such longer period as the Government may allow after the date of the declaration of the election, every candidate, either personally or through his election agent, shall cause to be lodged with the Returning Officer a return of his election expenses containing the particulars specified in Schedule IV.

(2) Every such return shall contain a statement of all payments made by the candidate or by his

[1113: Act XX.] *Legislative Council Electoral Rules* [Rules.]

election agent or by any persons on behalf of the candidate or in his interest for expenses incurred on account of, or in respect of, the conduct and management of the election and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

Sections  
13 (1),  
and 31 (1)  
—cont.

(3) The return shall be accompanied by declarations by the candidate and his election agent, which shall be in the form contained in Schedule IV and shall be made on oath or affirmation before a Magistrate.

(4) The Government shall cause to be prepared in such manner, and maintained for such time, as they may direct, a record showing the names of all candidates at every election under these rules and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

16.—(1) Government may, by notification in the Gazette—

Fixation of  
maximum  
election  
expenses,

(a) fix maximum scales of election expenses,  
and

(b) prescribe the numbers and descriptions of persons who may be employed for payment in connection with any election held under these rules.

(2) Any notification issued under this rule may make different provisions for different constituencies

17. Every election agent shall keep regular books of account in which the particulars of all expenditure of the nature referred to in rule 15 shall be entered, whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

Accounts of  
agent.

PART V.

NOMINATED MEMBERS.

Duration  
of member-  
ship.

18.—(1) A nominated non-official member shall hold office for the duration of the Council to which he is nominated.

(2) Official members shall hold office for the duration of the Council to which they are nominated or for such shorter period as His Highness may determine

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PART VI.

GENERAL PROVISIONS.

*Vacation of Seat.*

Effect of  
subsequent  
disabilities.

19.—(1) Where the seat of a member becomes vacant under section 15 of the Act the Government shall by notification in the Gazette call upon the constituency concerned to elect any other person within such time as may be prescribed by the notification.

(2) If a vacancy occurs in the case of a nominated member His Highness may nominate a member to the vacancy.

*General Elections.*

Re-constitu-  
tion of  
Council.

20.—(1) On the expiration of the duration of the Council or its dissolution, a general election shall be held in order that a new Council may be constituted.

(2) On such expiration or dissolution, the Government shall, by notification in the Gazette, call upon the constituencies referred to in rule 3 to elect members in accordance with these rules within such time after the date of expiration or dissolution as may be prescribed by such notification:

[1113: Act XX.] *Legislative Council Electoral Rules* [Rules.]

Provided that, if the Government think fit, such notification may be issued at any time not being more than three months prior to the date on which the duration of the Council would expire in the ordinary course of events.

Sections 13  
(1), 14 and  
31 (1)  
—cont.

21. As soon as may be after the expiration of the time fixed for the election of members at any general election, the names of the members elected for the various constituencies at such election shall be notified in the Gazette.

Publication  
of result of  
general elec-  
tion.

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## PART VII.

### THE FINAL DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION.

22. In this Part and in Schedule V unless there is anything repugnant in the subject or context,—

Definitions.

- (a) "agent" includes an election agent and any person who is held by Commissioners to have acted as an agent in connection with any election with the knowledge or consent of the candidate;
- (b) "candidate" means a person who has been nominated as a candidate at any election or who claims that he has been so nominated or that his nomination has been improperly refused, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate at such election, provided that he is subsequently nominated as a candidate at such election; and
- (c) "returned candidate" means a candidate whose name has been published under these rules as duly elected.

[Rules.] *Legislative Council Electoral Rules* [1113: Act XX.]

Sections 13  
(1), 14 and  
31 (1)

—Cont.  
The Election  
petition.  
Presentation  
of the peti-  
tion.

23. No election shall be called in question except by an election petition presented in accordance with the provisions of this part.

24. An election petition may be presented to the Secretary to Government by any candidate or elector against any returned candidate within fourteen days from the date on which the result of the election has been published in accordance with sub-rule (6) of rule 11.

Contents of  
the petition.

25. The petition shall contain a statement in concise form of the material facts on which the petitioner relies and the particulars of any corrupt practice which he alleges and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure for the time being in force.

Against  
whom it may  
be presented.

26. The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected, in which case he shall join as respondents to his petition all other candidates who were nominated at the election.

Deposit of  
security.

27. At the time of the presentation of the petition, the petitioner shall deposit with it the sum of five hundred rupees in cash or in Promissory Notes of the Government of India, of equal value at the market rate of the day, as security for the costs of the same.

Dismissal  
for default.

28. —(1) If the provisions of rule 27 are not complied with, the Government shall dismiss the petition.

Appointment  
of Commis-  
sioners.

(2) Upon compliance with the provisions of rule 27—

(a) The Government shall appoint as Commissioners for the trial of the petition three persons who

[1113: Act XX.] *Legislative Council Electoral Rules* [Rules.]

shall be either practitioners of not less than ten years standing of any District Court, the Chief Court or the High Court of Cochin, or of any other High Court or District Court in India or have held Judicial Office not inferior in rank to a District Judge and shall appoint one of them to be the President, and thereafter all applications and proceedings in connection therewith shall be dealt with and held by such Commissioners;

Sections 13  
(1), 14 and 3  
(1)  
—cont.

(b) the President of the Commission so constituted shall, as soon as may be, cause a copy of the petition to be served on each respondent and to be published in the Gazette, and may call on the petitioner to execute a bond in such amount and with such securities as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on giving security in a like amount and procuring the execution of a like bond.

(3) When in respect of an election in a constituency more petitions than one are presented, Government shall refer all such petitions to the same Commissioners who may at their discretion inquire into the petitions either in one or in more proceedings as they shall think fit.

29. Every election petition shall be inquired into by the Commissioners, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure for the time being in force to the trial of suits: provided that it shall only be necessary for the Commissioners to take a memorandum of the substance of the evidence of any witness examined by them.

Inquiry by  
Commissioners.

XXIX of  
111.

30. The inquiry shall be held at such place as the Government may appoint: provided that the Commissioners may in their discretion sit for any part of the

Place of  
inquiry.

[Rules ] *Legislative Council Electoral Rules* [1113: A.t XX.]

Sections

13 (1),

14 and 31 (1)

—cont.

inquiry at any other place in Cochin State in which the constituency in question is situated and may depute any one of their number to take evidence at any place in Cochin State.

Withdrawal  
of petition.

31.—(1) No election petition shall be withdrawn without the leave of the Commissioners.

(2) If there are more petitioners than one no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Gazette.

(4) No application for withdrawal shall be granted if the Commissioners are of opinion that such application has been induced by any bargain or consideration which the Commissioners consider ought not to be allowed.

(5) If the application is granted—

(a) the petitioner shall be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the Commissioners may think fit;

(b) such withdrawal shall be reported to the Government and notice thereof shall be published in the Gazette by the Secretary to Government; and

(c) any person who might himself have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner in place of the party withdrawing and, upon compliance with the conditions of rule 27 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.



[1113: Act XX.] *Legislative Council Electoral Rules* [Rules]

32.—(1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

Sections 13  
(1) 14 and  
31 (1)  
—cont.

(2) Such abatement shall be reported to the Government and notice thereof shall be published in the Gazette by the Secretary to Government.

Abatement  
or substitution  
on  
death of  
petitioner.

(3) Any person who might himself have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner, and, upon compliance with the conditions of rule 27 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

33. If before the conclusion of the trial of an election petition the respondent dies or gives notice that he does not intend to oppose the petition, the Commissioners shall cause notice of such event to be published in the Gazette and thereupon any person who might have been a petitioner may, within seven days of such publication, apply to be substituted for such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement  
or substitution  
on  
death of  
respondent.

34. Where at an inquiry into an election petition any candidate, other than the returned candidate, claims the seat for himself the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election.

Recrimina-  
tion when  
seat claimed.

35. When at an inquiry into an election petition the Commissioners so order, the Advocate-General, or some person acting under his instructions, shall attend and take such part therein as they may direct.

Attendance  
of Law  
Officer.

36.—(1) Save as hereinafter provided in this rule, if in the opinion of the Commissioners—

Grounds for  
declaring  
election  
void.

[1113: Act XX.] *Legislative Council Electoral Rules* [Rules.]

Sections 13  
(1), 14 and  
31 (1)  
—cont.

(a) the election of a returned candidate has been procured or induced, or the result of the election has been materially affected, by a corrupt practice, or

(b) any corrupt practice specified in Part I of Schedule V has been committed, or

(c) the result of the election has been materially affected by any irregularity in respect of a nomination paper, or by the improper reception or refusal of a vote, or by any non-compliance with the provisions of the Act or the rules made thereunder, or by any mistake in the use of any form annexed thereto,

the election of the returned candidate shall be void.

(2) If the Commissioners report that a returned candidate has been guilty by an agent (other than his election agent) of any corrupt practice specified in part I of Schedule V which does not amount to any form of bribery other than treating as hereinafter explained or to the procuring or abetment of personation, and if the Commissioners further report that the candidate has satisfied them that—

(a) no corrupt practice was committed at such election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent, and

(b) such candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at such election, and

(c) the corrupt practices mentioned in the said report were of a trivial, unimportant and limited character, and

(d) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents,

[1113: Act XX.] *Legislative Council Electoral Rules* [Rules.]

then the commissioners may find that the election of such candidate is not void.

Sections 13  
(1), 14 and  
31 (1)  
—cont.

*Explanation.*—For the purpose of this rule “treating” means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object, directly or indirectly, of inducing him or any other person to vote or refrain from voting, or as a reward for having voted or refrained from voting.

37. —(1) At the conclusion of the inquiry, the Commissioners shall report whether the returned candidate, or any other party to the petition who has under the provisions of these rules claimed the seat, has been duly elected, and in so reporting, shall have regard to the provisions of rule 36.

Report of  
the Com-  
missioners  
and the  
procedure  
thereon.

(2) The report shall be in writing and shall be signed by all the Commissioners. The Commissioners shall forthwith forward their report to the Government who, on receipt thereof, shall issue orders in accordance with the report and publish the report in the Gazette, and the orders of the Government shall be final.

38. If either in the report or upon any other matter there is difference of opinion among the Commissioners, the opinion of the majority shall prevail, and their report shall be expressed in terms of the views of the majority.

Form of  
report.

39. Where any charge is made in an election petition of any corrupt practice, the Commissioners shall record in the report—

Finding as  
to corrupt  
practices  
and persons  
guilty  
thereof.

(a) a finding whether a corrupt practice has or has not been proved to have been committed by the candidate or his agent, or with the connivance of any candidate or his agent, and the nature of such corrupt practice, and

Sections 13  
(1), 14 and  
31 (1)

—cont.

(b) the names of all persons (if any) who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of such corrupt practice with any such recommendations as they may desire to make for the exemption of any such persons from any disqualifications they may have incurred in this connection under these rules.

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## PART VIII.

### SPECIAL PROVISIONS.

Interpreta  
tion in case  
of doubt.

40. If any question arises as to the interpretation of these rules otherwise than in connection with the election inquiry held thereunder, the question shall be referred for the decision of the Government, and their decision shall be final.

**SCHEDULE I.**

**LIST OF CONSTITUENCIES.**

Serial No.	Name of constituency.	Class of constituency.	Extent of constituency.	No. of members.	Rule 3 (1) —cont.
1	Kanayannur.	General.	The revenue villages of Thekkumbhagam, Thiruvankulam, Kureekad, Kanayannur, Mulanthuruthi, Edakattuvayal, Amballur, Keecheri, Kaipattur, Kullayettikara and Vadavukode of the Cochin-Kanayannur Taluk.	1	
2	Trippunithura.	do	The revenue villages of Ernakulam and Elankulam (excluding areas within the limits of the Ernakulam Municipal Town) and the villages of Maradu, Punithura, Kumbalam, Nadamel and Elankunnappuzha of the Cochin-Kanayannur Taluk.	1	
3	Ernakulam.	do	The area covered by the Ernakulam Municipality and the revenue villages of Mulavukad and Cheranellur (excluding areas within the limits of the Ernakulam Municipal Town).	1	
4	Ernakulam Women.	do	The area covered by the Ernakulam Municipality and the revenue villages of Mulavukad and Cheranellur (excluding areas within the limits of the Ernakulam Municipal Town).	1	
5	Mattancheri	do	The area covered by the Mattancheri Municipality and the revenue villages of Mattancheri and Rameswaram (excluding areas within the limits of the Mattancheri Municipal Town) and the villages of Palluruthy, Kumbalanghy and Chellanam of the Cochin-Kanayannur Taluk.	2	

*List of Constituencies—cont.*

3 (1) int.	Serial No.	Name of constituency.	Class of constituency.	Extent of constituency.	No. of members.
	6	Narakkal.	General	The revenue villages of Narakkal, Nayarambalam, Malayattur, Chowwara, Thekkumbhagam, Vadakkumbhagam, Kizhakkumbhagam and Kadamakkudi of the Cochin-Kanayannur Taluk.	1
	7	Cranganur.	do	The revenue villages of Pullut, Lokamaleswaram, Methala, Eriyad and Azhikode of the Cranganur Taluk, Edayanakkad, Kuzhippilli, Pallipuram and Chennamangalam of the Cochin-Kanayannur Taluk and Edavilangu of the Mukundapuram Taluk.	2
	8	Kattur.	do	The revenue villages of Karlam, Kattur, Porathisseri, Edathirinji, Padiyur, Madayikonam and Vallivattam of the Mukundapuram Taluk.	1
	9	Adur.	do	The revenue villages of Poyya, Pallippuram, Madathumpadi, Vadama, Vadakkumbhagam, Kallur-Thekkummuri, Kalur-Vadakkummuri, Muringur-Thekkummuri, Kakkulisseri, Kuruvillasseri, Thirumukkulam, Alathur, Kizhakkummuri, Melur and Muringur-Vadakkummuri of the Mukundapuram Taluk.	1
	10	Chalakkudi	do	The revenue villages of Kizhakk Chalakkudi, Padijare Chalakkudi, Annallur, Potta, Perampra, Kallettumkara, Pariyaram, Elinjipra, Kodasseri, Mattathur and Kodakara of the Mukundapuram Taluk.	
	11	Irinjalakkuda.	do	The revenue villages of Thekkumkara, Karumathara, Kottanellur, Kaduppasseri, Velukara, Pullur, Poomangalam, Vadakkumkara, Irinjalakkuda, Manavalasseri, Alur and Thazakkad of the Mukunda-	

*List of Constituencies—cont.*

Serial No.	Name of constituency.	Class of constituency.	Extent of constituency.	No. of members.	Rule 3 (1) —cont.
12	Nellayi.	General.	The revenue villages of Varandarappilli, Uppaliyam, Nellayi, Nandipulam, Chengalur, Amballur, Anandapuram, Muriyad, Kallur, Trikkur, Thorava, Thottippal, Nemmanikkara and Parappukkara of the Mukundapuram Taluk.	1	
13	Anthikkad.	do	The revenue villages of Manalur, Karamukku, Padiyam, Anthikkad, Chazhur, Alapad, Kizhakkummuri, Vadakkumufi, Thaniyam, Kizhupillikkara, Veluthur, Parakkad, Erava, Manakkodi, Pullu, Aranattukara, Koorkancheri and Chiyyaram (not included within the limits of the Trichur Municipal Town), Ollur, Nadathara, Kurumpilavu and Ollukkara (not included within the limits of the Trichur Municipal Town) of the Trichur Taluk.	1	
14	Oorakam.	do	The revenue villages of Kanimangalam, Venginisseri, Kodannur, Pallippuram, Parlam, Cherpu, Oorakam, Arattupuzha, Chever, Vallachira, Edakkuni, Avinisseri, Pallisseri, Marathakkara, Puthur, Kainur, Kozhukkulli, Mulayam, Mannamangalam, Inchamudi, Panancheri, Vellanikkara, Nettisseri and Madakkathara of the Trichur Taluk.	1	
15	Mulakunnathukavu.	do	The revenue villages of Chalakkal, Tholur, Edakolathur, Kaiparamba, Anjur, Avanur, Thangalur, Velappaya, Choolisseri, Peramangalam, Chittilappilli, Adat, Puranattukara, Pullazhi, Ayyanthole (not included within the limits of the Trichur Municipal Town), Puzhakkal, Poonkunnu, Kuttur, Pottore, Kolazhi, Killanur, Kuruchikkara, Viyyur, Vilvattam and Peringavu of the Trichur Taluk.	1	

*List of Constituencies—cont.*

Rule 3 (1)  
—cont.

Serial No.	Name of constituency.	Class of constituency.	Extent of constituency	No. of members.
16	Trichur Town (North).	General.	That portion of the Trichur Municipal area covering part of A ward north of Mukkattukara road, part of G ward north of Mukkattukara and Vaniampara roads, F ward, part of E ward west of railway line and north of Padinjare Nadakkavu road, part of D ward north of Chettiangadi road and between railway line and Manikandan (Karupadanna) road and part of C ward between Post Office road and Manikandan (Karupadanna) road north of Chettiangadi road.	1
17	Trichur Town (South).	do	That portion of the Trichur Municipal area not included in the Trichur Town (North) constituency No. 16.	1
18	Trichur-- Women.	do	The entire Municipal area of Trichur Town.	1
19	Vadakkancheri.	do	The revenue villages of Velur, Puthuruthi, Mundathikode, Kilalur, Peringandur, Mnalur, Parlikad, Vadakkancheri, Eyyal, Eranellur, Chiranellur, Vellattanjur, Kumaranellur, Enkakkad, Thekkunkara, Manalithara, Virupakka, Karumathara, Kanjirakode, Akathiyur, Chiramanangad and Vellarakad of the Talappalli Taluk.	1
20	Cheruthuruthi.	do	The revenue villages of Nelluvaya, Thichur, Arangottukara, Talasseri, Varavur, Puiakkad, Kottapuram, Chittanda, Attur, Mullurkara, Thayyur, Kariyannur, Nedumpura, Desamangalam, Pallur, Cheruthuruthy, Pynkulam, Panjal, Kadangode, and Perumpilavu of the Talappalli Taluk.	1



*List of Constituencies—cont.*

Serial No.	Name of constituency.	Class of constituency.	Extent of constituency.	No. of members.
21	Pazhayannur.	General.	The revenue villages of Chelakkara, Kurumala, Pangarappilly, Pula-kode, Venganellur, Elanad, Vennur, Pazhayannur, Vadakkethara, Chelakode, Kondazhi, Mayannur, Kaniarkode, Pampadi, Thiruvilluamala, Killimangalam and Thonurkara of the Talappalli Taluk.	1
22	Kunnamkulam.	do	The revenue villages of Kunnamkulam, Anjur, Arthat, Chowwannur, Kanippayyur, Chemmanthatta, Alur, Kandanasseri, Choondal, Mangad, Pazhanji, Kattakampal, Kadavallur, Kareekad and Por-kulam of the Talappalli Taluk.	1
23	Nemmara.	do	The revenue villages of Vallanghi, Nemmara, Potiundi, Kairadi, Ayalur, and Thiruvazhiyad of the Chittur Taluk.	1
24	Chittur-Tattamangalam.	do	The area covered by the Chittur Tattamangalam Municipality and the portion of the Tattamangalam village outside the Municipal limits.	1
25	Chittur (Rural).	do	The revenue villages of Chittur (excluding areas within the Chittur-Tattamangalam Municipality), Nalleppally, Thekkedesam, Kuttippalliam, Eravattaparapadi, Thenempadi, Ozhalapadi, Attampaci, Kozhipadi, Kunnamkattupadi, Vadakarapadi, Kozhinjampara, Manjikunnampadi, Eruthempadi, Valiavallampadi, Perumatti, Mulathara and Pattancheri of the Chittur Taluk.	1
26	Land-holders.	Special.	Whole State.	1
27	Planters	do	do	1
28	Commerce and Industry.	do	do	1

Rule 3 (1)  
—cont.

*List of Constituencies—cont.*

Rule 3 (1)  
—cont.

Serial No.	Name of constituency.	Class of constituency.	Extent of constituency.	No. of members.
29	Latin Christians (Ernakulam).	Special	The area covered by the Ernakulam Municipality and the revenue village of Mulavukad, Cheranellur, Ernakulam and Elamkulam (excluding areas within the limits of the Ernakulam Municipal Town) Maradu, Poonittura, Kumbalam, Nadamel, Thekkumbhagam, Thiruvankulam, Kureekad, Kanayannur, Vulamthuruthi, Edassattuvayal, Amballur, Keecheri, Kaipattur, Kulayettikara and Vadavukode, of the Cochin-Kanayannur Taluk.	1
30	Latin Christians (Mattancheri).	do	The area covered by the Mattancheri Municipality, the revenue villages of Mattancheri and Nameswaram (excluding areas within the limits of the Mattancheri Municipal Town) and the villages of Palluruthi, Kumbalanghi and Chellanam of Cochin-Kanayannur Taluk	1
31	Latin Christians (Cranganur).	do	The remaining revenue villages of the Cochin-Kanayannur Taluk not included in the Latin Christian constituencies Nos. 29 and 30 and the Taluks of Cranganur, Mukundapuram, Trichur, Talappalli and Chittur.	1
N. B.—Tamil Latin Christians following Hindu Law will not be classed as Latin Christians for electoral purposes:				
32	Ezhuvas (Cochin-Kanayannur).	Special	The Taluks of Cochin-Kanayannur and Cranganur.	1
33	Ezhuvas (Mukundapuram).	do	Mukundapuram Taluk.	1
34	Ezhuvas (Trichur).	do	Trichur Taluk	1
35	Ezhuvas (Talappalli).	do	Talappalli Taluk.	1
36	Ezhuvas (Chittur).	do	Chittur Taluk.	1

SCHEDULE II.

Rule 6.

QUALIFICATION OF ELECTORS.

1. For the purposes of this Schedule.—

Definitions.

(a) 'previous year' means the Malayalam year preceding that in which the electoral roll for the time being under preparation is first published under these rules;

(b) 'elector' means a person whose name has been entered in the electoral roll;

(c) 'land revenue assessment' means the normal full pandaravaka verumpattam assessment.

2. For the purpose of determining any claim to any qualification under this Schedule the entries in the land revenue accounts and the accounts maintained by Devaswams belonging to or under the control of the State, regarding the amounts of assessment and rent payable and the entries in the Municipal records regarding the amount of taxes assessed or paid and the values of houses shall be conclusive evidence of the facts stated therein.

Revenue accounts, etc., to be conclusive evidence.

GENERAL CONSTITUENCIES.

3. Except in the case of constituencies Nos. 4 (Ernakulam Women) and 18 (Trichur Women) every person who is not an Ezhuva or a Latin Christian and who has resided in the constituency for not less than 120 days in the previous year and who has the further qualifications hereinafter prescribed for an elector shall be qualified to be an elector for a general constituency, and in the case of constituencies Nos. 4 (Ernakulam Women) and 18 (Trichur Women) every person including Ezhavas and Latin Christians who has the qualifications enumerated above shall be qualified to be an elector.

Residence qualification of electors.

[Sch. II.] *Legislative Council Electoral Rules* [1113: Act XX.]

Rule 6  
—cont.

Qualifica-  
tion for  
general con-  
stituencies.

4. A person shall be qualified as an elector for a general constituency who—

(a) is a pattadar of the State whose land is charged to any land revenue assessment; or

(b) is a State Devaswam tenant holding land charged to any land revenue assessment; or

(c) is a tenant of a landholder or landholders holding land in the State on kanom, adima, anubhogam, inam and other cognate tenures charged to any land revenue assessment; or

(d) pays any Municipal tax to a Municipal Council in the State; or

(e) is a tenant of premises assessed by a Municipal Council in the State on an annual rental value of Rs. 30 or more; or

(f) is a registered owner of fishing stakes in the State paying any annual revenue assessment; or

(g) is one who has passed—

(1) the School Final Examination (declared eligible for Public Service or College admission or both) or its equivalents, such as the Cambridge Senior or the Matriculation; or

(2) Oriental Titles Examination; or

(3) Sanskrit Pandits' Examination; or

(4) Bhushana Examination; or

(5) Malayalam Pandits' Examination; or

(6) Arabic Moulvis' Examination; or

(7) such other tests as may, from time to time, be prescribed by the Government in this behalf; or

(h) is a Barrister-at-Law or legal practitioner recognised by the High Court of Cochin, or the High Courts of Mysore, Travancore or British India; or

(i) (1) is a qualified Medical Practitioner not below the grade of (i) an L. M. P.; (ii) an L. I. M.; or

(2) is the holder of a Veterinary Diploma; or

1113: Act XX.] *Legislative Council Electoral Rules* [Sch. II.]

(3) is an Ayurvedic Medical Practitioner <sup>Rule 6</sup> recognised by the Government in this behalf; or <sub>—cont.</sub>

(4) has passed such other tests as may, from time to time, be prescribed by the Government in this behalf; or

(j) is in receipt of a pension of not less than Rs. 10 per month for service under any Government or local or special body constituted by law; or

(k) pays anything by way of income-tax.

Note.—(1) The term 'cognate tenures' in clause (c) above includes panayams or usufructuary mortgages subject under the terms of the document to renewal at fixed periods on payment of renewal fees.

(2) 'Municipal tax' in clause (d) above does not include tax on animals, vehicles and companies.

(3) Any person of either sex who is duly qualified for the franchise under clause (g) above and who wishes to go into the rolls should apply to the Registration Officer for the inclusion of his or her name in the Electoral Rolls.

5. If property is held or payments are made jointly by the members of a joint family or by joint pattadars, the family or joint holding shall be adopted as the unit for deciding whether under this schedule the requisite qualification exists; and, if it does exist, the person qualified shall be the member authorised in writing by a majority of the joint holders, or in the case of a joint family either a member so authorised, or in the absence of such authorisation, the manager thereof. <sup>Joint holders</sup>

6. A person may be qualified either in his personal capacity or in the capacity of a representative of a joint family or of joint pattadars, but not in both capacities. <sup>Only one capacity recognised.</sup>

7. Save as hereinbefore provided, no person shall be qualified as an elector for a general constituency <sup>Fiduciary capacity not recognised.</sup>

[Sch. II.] *Legislative Council Electoral Rules* [1113: Act XX.]

Rule 6  
—cont.

in respect of any property unless he possesses the prescribed property qualification in his own personal right and not in a fiduciary capacity.

SPECIAL CONSTITUENCIES.

1. *Landholders' Constituency.*

Land-  
holders' con-  
stituency.

8. A person shall be qualified as an elector for the Landholders' constituency if he has resided in the Cochin State for not less than 120 days in the previous year and if he is a pattadar of the State owning lands charged to a land revenue assessment of rupees two hundred and fifty or more.

Electoral  
roll.

9.—(a) Where lands are registered in the name of a single holder the name of that holder alone shall be entered in the electoral roll.

(b) Where lands are held by several persons as members of a joint family or as trustees of a Devaswam, the person qualified shall be the member or trustee nominated in writing by a majority of the adult members of such family or of such trustees as the case may be; provided however that in the absence of such authorisation in the said manner in regard to a joint family, the manager thereof shall be the person qualified.

2. *Planters' Constituency.*

Planters'  
constituency.

10. A person shall be qualified as an elector for the Planters' constituency if he has resided in the Cochin State for not less than 120 days in the previous year and if he holds or is the recognised manager or a nominee in this behalf in writing of a company or association holding not less than 75 acres of land in the Cochin State, for the purpose of cultivating coffee, tea, rubber, or the like or a combination of one or more of such plants.

3. *Ezhuvas' and Latin Christians'  
Constituency.*

Ezhuvas' and  
Latin

11. A person shall be qualified as an elector for an Ezhuvas' or Latin Christians' constituency, if he is

an Ezhuva or Latin Christian respectively, and has the qualifications prescribed for a voter of a general constituency.

Rule 6  
—cont.  
Christians  
constituency.

4. *Commerce and Industry Constituency.*

12. A person shall be qualified as an elector for the Commerce and Industry constituency, who has resided in the Cochin State for not less than 120 days in the previous year and who—

Commerce  
and Industry  
constituency

(a) is the owner of a factory which falls within the definition of a factory as defined in the Cochin Factories Act, 1113, which is situated in Cochin State and in which work has been carried on during the previous year;

II of 1113.

(b) is a partner in a firm owning such a factory or is the representative of such a firm and has been nominated in writing by the firm for the purpose of voting in its behalf; or

(c) is a director or representative of a company as defined in the Indian Companies Act, as made applicable to Cochin State, having a place of business in the Cochin State and a paid-up capital of not less than rupees five thousand, and who has been nominated in writing for the purpose of voting in its behalf by a majority of the directors; or

(d) is a person whose annual income from commerce and industry or both together is assessed at Rs. 2,000 or more for the purpose of income-tax; or

(e) is a partner or representative of a firm having a place of business in the Cochin State and is assessed at Rs. 2,000 or more for the purpose of income-tax and has been nominated in writing by the firm for the purpose of voting in its behalf; or

(f) is a representative of a Chamber of Commerce, Registered Merchants' Association or such other Associations recognised by the Government for this purpose.

## SCHEDULE III.

### RULES FOR THE CONDUCT OF ELECTION.

#### PRELIMINARY.

Rule 3 (2). 1.—(a) 'Returning Officer' means such officer as the Government may, by notification in the Gazette, appoint to perform all or any of the duties of the Returning Officer under this Schedule, and includes any officer deputed for the time being by the Returning Officer by an order in writing to perform his duties.

(b) 'Elector' means a person whose name has been entered in the electoral roll.

#### THE ELECTORAL ROLL.

2. The electoral roll for each constituency shall contain the following particulars, viz., the elector's name, father's or karanavan's name, address and qualification. It shall be maintained in Form I and shall be divided into sections for each polling area. Each polling area shall be separately numbered and the electors in each polling area shall be numbered in one series.

3. The roll shall be kept in Malayalam, provided that the Diwan may direct that any particular roll or part of a roll may be kept in any other language.

4.—(a) The areas comprising general constituencies Nos. 3 (Ernakulam) and 4 (Ernakulam Women), 5 (Mattancheri), 11 (Irinjalakkuda), 16 (Trichur Town-North), 17 (Trichur Town-South) and 18 (Trichur Women), and 24 (Chittur-Tattamangalam) shall be separate registration areas and each Taluk excluding those registration areas in such Taluk shall be a separate registration area.

(b) The Chairman of the Ernakulam Municipal Council for Constituencies Nos. 3 (Ernakulam) and 4 (Ernakulam Women), the Chairman of the



[1113: Act. XX.] *Legislative Council Electoral Rules* [Sch. III.]

Mattancheri Municipal Council for Constituency No. 5 (Mattancheri), the Chairman of the Irinjalakkuda Municipal Council for Constituency No. 11 (Irinjalakkuda), the Chairman of the Trichur Municipal Council for Constituencies Nos. 16 (Trichur Town-North), 17 (Trichur Town-South) and 18 (Trichur Women) and the Chairman of the Chittur-Tattamangalam Municipal Council for Constituency No. 24 (Chittur-Tattamangalam) shall be the registration officers respectively for the areas covered by those constituencies and the Tahsildar for each Taluk shall be the registration officer for such Taluk excluding the areas covered by those constituencies.

(c) With regard to the special constituencies Nos. 26 (Landholders) to 36 (Ezhuvas-Chittur), both inclusive, each Municipality and each Taluk excluding the Municipal areas in such Taluk shall be a separate registration area, and the Chairman of the Municipal Council for each Municipality and the Tahsildar for each Taluk shall be the registration officers :

Provided that any of the powers and duties of the Registration Officer may be performed and exercised by any deputy for the time being approved by the Government and the provisions of this Schedule shall, in respect of the powers and duties to be exercised and performed by him, apply to such deputy so far as they apply to the Registration Officer.

5. Each registration area shall be divided into separate polling areas. The polling areas shall be—

(a) in Municipalities, the wards or such other areas as the Municipal Chairman may determine with the approval of the Municipal Council ; and

(b) in non-municipal areas, such areas as the Registration Officer may determine:

Provided that the polling areas shall be so arranged as to give all electors such reasonable facilities for voting as are practicable in the circumstances.

Rule 3 (2)  
—cont.

6.—(a) It shall be the duty of the Registration Officer to cause inquiry to be made and to prepare, or cause to be prepared, lists of all persons within his registration area appearing to be entitled to be registered as electors in the roll for each constituency. The lists shall be prepared in the form prescribed for the roll and shall also contain particulars of the amount of tax paid or the annual value of land held in the case of property qualifications.

(b) The preliminary rolls shall be prepared from these lists and printed. They shall be published by posting them in the Office of the Registration Officer not later than the date fixed by the Diwan in this behalf. Copies of the rolls with the notices referred to in clause (c) of this paragraph shall also be issued as a supplement to the Gazette.

(c) With the preliminary roll the Registration Officer shall publish notices in Form II specifying the mode in which and the time within which, claims and objections are to be preferred and the date on, and the place at which the Revising Authority will begin to sit for their disposal. The date fixed for the sitting of the Revising Authority shall be the date fixed by the Diwan in this behalf.

7. Copies of the rolls relating to each registration area shall be made available for inspection and sale with regard to the General Constituencies Nos. 3 (Ernakulam), 4 (Ernakulam Women), 5 (Mattancheri), 11 (Irinjalakkuda), 16 (Trichur Town-North), 17 (Trichur Town-South), 18 (Trichur Women) and 24 (Chittur-Tattamangaiam) in the offices of the respective registration officers and in the case of other areas in the offices of the Tahsildars and the Village Officers concerned and with regard to special constituencies, in the case of Municipal areas in the Municipal office, and in the case of other areas in the Offices of the Tahsildars and the Village Officers concerned.

8.—(a) Any person who claims to be entitled to be registered as an elector and who is not entered, or

is entered in an incorrect place or manner, or with <sup>Rule 3 (2)</sup> incorrect particulars on the preliminary roll, and any <sup>—cont.</sup> person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person whose name is on the roll, may prefer a claim or an objection to the Revising Authority. Such claim or objection shall be sent in Form III or IV to the Registration Officer so as to reach him on or before the date fixed by the Diwan in this behalf.

(b) Claims and objections may be preferred in person or sent by anchal or post.

(c) Claims and objections received after the prescribed date shall be rejected.

9. The Registration Officer may, of his own motion, remove from the rolls the names of persons whom he has reason to believe to be dead and may make such other corrections as may be necessary.

10. The Registration Officer shall, not later than the date fixed by the Diwan in this behalf,—

(a) post in his own office lists of all claims and objections received in time and of corrections made by him of his own motion in Form V, and

(b) send a copy of every notice of objection to the person to whose registration objection has been taken and give intimation to the person concerned of the correction made by him of his own motion.

In the lists referred to in clause (a) and in the copy and intimation sent under clause (b), the Registration Officer shall give notice that the claims, objections and corrections will be taken into consideration by the Revising Authority at a place and on the date fixed which shall be specified therein.

11. For each registration area there shall be constituted a Revising Authority consisting of the Registration Officer as Chairman and two non-official gentlemen to be nominated by the Diwan Peishkar.

Rule 3 (2)  
—cont.

12. The Revising Authority shall sit in open office on the day fixed and from day to day until all claims and objections are disposed of. Orders shall be passed in writing on each claim or objection, with reasons if a claim is rejected or an objection contested. The Revising Authority shall also pass final orders on the lists of corrections made by the Registration Officers of their own motion.

FINAL PUBLICATION OF ROLL

13. The Registration Officer shall correct the rolls in accordance with the orders of the Revising Authority and the final rolls shall be printed and published by posting them in the office of the Registration Officer not later than the date fixed by the Diwan in this behalf. If it is more convenient, the preliminary rolls together with lists of additions and corrections may be published as the final rolls. The lists of additions and corrections or, if it is more convenient the entire roll as revised shall also be issued as a supplement to the Gazette. Copies of the lists or of the rolls relating to each registration area shall also be made available for inspection and posted in Village offices in the manner prescribed in paragraph 7.

14. A copy of the roll or part of the roll relating to his registration area shall be signed by each Registration Officer and kept in his office and he shall forward under his signature extracts therefrom relating to each constituency to the Returning Officer of that constituency.

15. The Returning Officer shall combine the separate parts of each roll and form a complete roll for each constituency.

16. The Returning Officers and the Registration Officers shall keep copies of the rolls or parts of rolls and the lists of additions and corrections for inspection and sale in their offices and for supply to the presiding officers at the polls.

[1113 Act XX] *Legislative Council Electoral Rules* [Sch. III.]

17. The Registration Officer shall supply forms of claims and of notices of objection free on the application of any person. Rule 3 (2)  
—cont.

18. Any notice which is required to be sent by the Registration Officer under this Schedule to any person may be sent by anchal or post to the address of that person as given by him for the purpose, or as appearing on the roll or, if there is no such address, to his last known place of abode.

19. On the consideration of any claim or objection or other matter by the Revising Authority any person appearing to be interested therein may appear and be heard either in person or by duly authorised agent.

20.—(1) Not less than 30 days before the date fixed by the Diwan for the holding of an election the Returning Officer shall prepare and publish a notice stating—

- (a) the number of persons to be elected;
- (b) the constituencies for which they are to be elected;
- (c) the date on which and the hours between which nominations should be presented to the Returning Officer;
- (d) the date on which the nomination papers will be taken up for scrutiny, not being less than fifteen days before the date of the election;
- (e) the day on which, and the place or places where, the votes of the electors will be taken should there be a poll and the hours during which the poll will be open, not being less than ten hours between 7 a. m. and 6 p. m.; and
- (f) the day on which and the place and hour at which, the Returning Officer will commence the counting of the votes.

Rule 3 (2)  
—cont.

(2) The notice shall be published in the Gazette. The Returning Officer shall forthwith send copies of the notice to be posted within each constituency in the Municipal offices, offices of the Tahsildars and Magistrates concerned and in the Anchal and Village offices, and in the office of the Diwan Peishkar.

NOMINATION OF CANDIDATES.

21.—(1) The nomination of every candidate shall be made by means of a nomination paper in Form VI which shall on application be supplied by the Registration or Returning Officer to any elector whose name is on the electoral roll for the constituency.

(2) Every nomination paper shall be subscribed by two such electors as proposer and seconder and the candidate shall subscribe a declaration on it expressing his willingness to stand for election and naming his election agent.

(3) The proposer, the seconder and the candidate shall affix their signatures before a Registration Officer, and thereupon the Registration Officer shall sign the same.

(4) Every nomination paper shall be sent to the Returning Officer by anchal or post registered, before the time appointed for the receipt of nomination papers.

22. Nomination papers which are not received by the Returning Officer before such time shall be rejected.

23. On the day appointed for the receipt of nomination papers, and immediately after the hour for their receipt is past, the Returning Officer shall make up a list in Form VII of the nominations which appear to him *prima facie* to be valid and publish it on the

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notice board of his office with a notice that the nomination papers will be taken up by him for scrutiny on the date fixed in paragraph 20 (1) (d) at a place and hour to be specified by him. Rule 3 (2)  
—cont.

SCRUTINY OF NOMINATION PAPERS.

24.—(1) On the date and at the time appointed for the scrutiny of nomination papers every candidate and his proposer and seconder and election agent may attend at the place appointed, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been received by him as aforesaid.

(2) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under paragraph 21 of this Schedule or on the ground that the person nominated is ineligible for election under rule 9 of the Cochin Legislative Council Electoral Rules and may, either on such objection or on his own motion, after such summary enquiry, if any, as he thinks necessary, reject any nomination paper on such ground or grounds; the decision of the Returning Officer shall in every case, be endorsed by him on the nomination paper in respect of which such decision is given.

(3) For the purposes of this paragraph—

(a) the production of any Cochin Government Gazette copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 9 of the Cochin Legislative Council Electoral Rules or, as the case may be, that the proposer or seconder is a person whose name is not registered on the electoral roll of the constituency or is subject to any disability stated in rule 5 of the Cochin Legislative Council Electoral Rules, and

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Rule 3 (2)  
—cont.

(b) where a person has subscribed whether as proposer or seconder more than one nomination paper than one of such nomination papers which has been received first by the Returning Officer shall be deemed to be valid.

(4) Nothing contained in paragraph 2 shall be deemed to authorise the refusal of the nomination of any person on the ground of any irregularity in respect of a nomination paper, if the person has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

25.—(a) After the scrutiny and the acceptance or rejection of nomination papers in the manner described in paragraph 24 of this Schedule are completed, the Returning Officer shall make up a final list of valid nominations in Form VIII and publish it on the notice-board of his office not less than ten days before the date fixed for the election.

(b) The final list shall also be published in the Gazette. Copies of the list shall forthwith be sent to be posted within each constituency in the Municipal offices and the offices of Tahsildars and Magistrates concerned, in the Anchal and Village offices, and in the office of the Diwan Peishkar.

(c) The final list shall describe the candidates as in their nomination papers and exhibit their names in alphabetical order.

26.—(1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than ten clear days before the date fixed for the recording of votes.

(2) The Returning Officer shall forthwith notify any such withdrawal and shall remove from the ballot paper if already printed the name of the candidate who has withdrawn his candidature.



27.—(a) If, owing to there being more than one <sup>Rule 3 (2)</sup> candidate, a poll has to be taken, the Diwan Peishkar <sup>—cont.</sup> shall appoint forthwith one or more Presiding Officers for each polling station. The Peishkar may also, if necessary, appoint one or more officers to assist the Presiding Officer in identifying the voters.

(b) No elector shall be admitted to vote at any polling station other than the one under which his name appears in the electoral roll.

VOTING.

28. The Presiding Officer shall keep order at the station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time and shall exclude all other persons except his clerks, the candidates or any agent whom any candidate may have appointed in writing to appear in his stead at the polling station, the police on duty, and such persons as may be admitted for the purpose of identifying the electors.

29. The ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked. Just before the commencement of the poll the Presiding Officer shall show the ballot box empty to such persons as may be present at the polling station and shall then lock it up and place a seal upon it in such manner as to prevent its being opened without breaking such seal and place it in his view for the receipt of ballot papers and shall keep it so locked and sealed. The key of the ballot box shall also be placed under seal.

30. The Diwan Peishkar shall provide for each Presiding Officer such number of clerks as he may consider desirable and shall supply to him copies of the electoral roll for his polling area, ballot papers and boxes, a list of the nominations and such other papers, stationery and forms as may be necessary.

Rule 3 (2)  
—cont.

31. Every ballot paper shall be in Form IX and shall have the full names of the candidates printed in alphabetical order. If there are two candidates whose full names are the same, they shall be distinguished by the addition of their occupation or in some other way.

32.—(1) When a person presents himself to vote, but not afterwards, the Presiding Officer or any clerk appointed to check the voters by reference to the electoral roll, may of his own accord and shall, if so required by a candidate or his agent, put to the person either or both of the following questions:—

(a) Are you the person enrolled as follows (reading the whole entry from the roll)?

(b) Have you already voted at the present election for this constituency or any other general constituency?

(2) The vote of the person required to answer either of these qualifications shall not be allowed until he answers question (a) in the affirmative and question (b) in the negative:

Provided that voters in constituency No. 4 (Ernakulam Women) may be allowed to vote in that constituency even if they answer that they have already voted in constituency No. 3 (Ernakulam) and *vice versa* and that voters in constituency No. 18 (Trichur Women) may be allowed to vote in that constituency even if they answer that they have already voted in constituencies Nos. 16 (Trichur Town—North) or 17 (Trichur Town—South) and *vice versa*.

(3) The name of every person presenting himself to vote and his number on the electoral roll shall be entered on a signature slip in Form X and the voter shall sign his name in the column provided for that purpose and if he is unable to sign his name he shall fix his thumb impression thereto. Where owing to any physical cause the thumb impression cannot be taken, the Presiding Officer shall make a note on the slip to that effect.

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(4) The voter shall present his slip to the Presiding Officer who, after satisfying himself that it has been duly signed by the voter or impressed with his thumb mark, shall file it: Rule 3 (2)  
-cont-

Provided that the Presiding Officer may, if any doubt should arise as to the identity of the voter, require that the slip be attested by any person present, who can identify the voter. If there is no such person present the Presiding Officer shall note on the slip the fact that the voter's identity has been questioned.

33. Immediately before a ballot paper—that is the outer-foil of Form IX—is handed over to the voter the Presiding Officer shall—

- (i) initial it on the back;
- (ii) enter the voter's number in the electoral roll upon the corresponding counterfoil of Form IX; and
- (iii) affix his initials against the voter's name in the electoral roll.

The Presiding Officer shall then give him a ballot paper.

34. The voter on receiving the ballot paper shall forthwith proceed to the place set apart for the purpose and there mark a cross against the name of the candidate or candidates for whom he intends to vote. He shall then fold up the ballot paper so as to conceal his vote and put his ballot paper so folded into the ballot box. Where at any polling station there is more than one constituency in which the number of voters registered to poll at that station is less than 25, separate ballot boxes shall not be provided for each such constituency but a single box common to all such constituencies shall be used. The voter shall, after folding the ballot paper, place it in an envelope which will be given to him by the Presiding Officer, close the envelope and hand it to the Presiding Officer who shall

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Rule 1 (2)  
cont

at once seal it and give it back to the voter to place in the common ballot box. At the close of the poll, the box shall be opened and the envelopes sorted and sent in sealed packets to the respective Returning Officers in the manner prescribed in paragraphs 41 and 42.

35.—(1) If the voter is unable to read the ballot paper or to make a cross thereon, and applies for assistance in doing so, the Presiding Officer shall read it for him, and if so required shall, in the presence of the candidates or their agents, mark the ballot paper according to the directions of the voter and give it to him to be put in the ballot box

(2) In the case of every voter whose ballot paper is marked in this manner by the Presiding Officer, a note shall be made on the corresponding counterfoil of Form IX by the Presiding Officer, of the reason why it was so marked.

(3) If any elector, in the course of a hearing of an election petition under the rules for the time being in force, is proved to have falsely stated to the Presiding Officer that he is unable to read or mark the ballot paper and thereupon to have recorded his vote, his vote shall be void.

36.—(1) Any ballot paper which is not duly marked or on which votes are given to more than one candidate, except in the case of constituencies Nos. 5 (Mattancheri) and 7 (Cranganur) where votes may be given to two candidates, or on which any mark is made by which the voters may afterwards be identified, shall be invalid.

(2) If more than one cross is placed against any candidate's name they shall count only as one vote in his favour, provided that the voter has not placed crosses against more candidates than one.

(3) If the cross or any one of the crosses is so placed as to render it doubtful for which candidate

such mark is intended to apply, the vote shall be in- Rule 3 (a)  
valid. —cont.

37. If a person representing himself to be a particular elector named on the electoral roll applies for ballot paper, after another person has voted as such elector, the applicant shall, after duly answering such questions as the Presiding Officer may ask, be entitled to mark the ballot paper, in the same manner as any other voter. The ballot paper (called in this schedule a tendered ballot paper) shall be of a colour different from the other ballot papers and instead of being put into the ballot box shall be given to the Presiding Officer and endorsed by him with the name of the voter and his number on the electoral roll and set aside in a separate packet. The signature or thumb impression of the voter concerned shall be taken on signature slips in Form X as under paragraph 32, but the slip in this case shall not be placed in the file of signature slips but shall be attached to its connected tendered ballot paper and these slips with their connected tendered ballot papers shall be separately filed.

38. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering it to the Presiding Officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt paper, the latter together with its counterfoil being marked as cancelled.

39. A Presiding Officer, his clerk or election agent or any public servant who being entitled to vote in a constituency is duly appointed or authorised for duty at a polling station at which he is not ordinarily entitled to record his vote may apply to the Returning Officer concerned for a certificate entitling him to vote at the polling station where he is employed. The said certificate shall be in Form XI.

If, however, he is on duty at a polling station which is not in the constituency in which he is entitled

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Rule 3 (2)  
—cont. to vote, the Returning Officer shall in addition to the certificate mentioned above, furnish the Presiding Officer concerned with particulars regarding the number of votes which the voter is entitled to give and the names of and serial numbers assigned to the candidates standing for election in that constituency.

40. A person in possession of a certificate in the form prescribed in paragraph 39 shall deliver the certificate to the Presiding Officer who shall thereupon issue to the person ballot papers in the same manner as to any other voter. Such ballot papers shall be dealt with in the following manner :—

(1) If the polling station at which the person is on duty be in the same constituency as the one in which he is entitled to vote, then the provisions contained in paragraph 34 shall apply. The Presiding Officer shall, at the end of the poll, send the certificate to the Returning Officer along with the statement mentioned in paragraph 42.

(2) If the polling station at which the person is on duty be not in the constituency in which he is entitled to vote the Presiding Officer shall issue the ballot paper or papers. The person shall proceed into the polling compartment and place the ballot paper duly marked in an envelope and after sticking it up enclose it in a cover and hand over the cover to the Presiding Officer. Where a voter is given more than one ballot paper, he shall adopt a similar procedure in respect of each paper.

The Presiding Officer shall make up into separate packets for each constituency, the covers in which votes have been so recorded, the connected certificates being fastened to the covers, seal up each such packet in the manner specified in paragraph 41 and forward the same to the Returning Officer of the constituency concerned".

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41. The Presiding Officer of each polling station <sup>Rule 3 (2)</sup> as soon as practicable after the close of the poll shall <sup>—cont.</sup> in the presence of the candidates or their agents make up into separate packets and seal with his own seal and the seal of such agents of the candidates as may desire to affix their seal—

- (1) each ballot box in use at his station unopened other than the box in which the sealed envelopes are placed ;
- (2) the keys of such boxes ;
- (3) the envelopes containing the ballot papers ;
- (4) the unused and spoilt ballot papers both ordinary and tendered with their counterfoils and the unused and spoilt envelopes ;
- (5) the tendered ballot papers, with the signature slips attached to them ;
- (6) the marked copies of the electoral roll, and the counterfoils of ballot papers ;
- (7) the file of signature slips ; and
- (8) the covers under paragraph 40 (2).

42. The packets shall be forwarded by the Presiding Officer to the Returning Officer accompanied by a statement in Form XII so as to reach him not later than the day and hour fixed for the counting of votes. Each packet shall be numbered and shall bear a note as to its contents.

43. Every Presiding Officer, clerk, and agent in attendance at a polling station shall maintain, and aid in maintaining, the secrecy of the voting in such station and shall not communicate, except for some purpose authorised by law, to any person any information as to the name or number on the electoral roll o

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Rule 3 (2)  
—cont.

any elector who has or has not applied for a ballot paper or voted at that station or as to how a particular elector has voted; and no such officer, clerk or agent and no person whatsoever shall interfere with or attempt to interfere with a voter when marking his vote. No person shall directly or indirectly induce any elector to display his ballot paper after he shall have marked the name so as to make known to any person the name of the candidate for whom he has so marked his vote.

44. On the day and at the hour appointed for the counting of votes the Returning Officer shall proceed as follows:—

(a) The ballot box or boxes and envelopes relating to each polling station and covers, if any, received under paragraph 40 shall be opened one after another, and the Returning Officer shall take out the papers therefrom, count them or cause them to be counted, and record the number thereof in a statement in Form XIII.

(b) The Returning Officer shall then mix together the whole of the ballot papers of all the ballot boxes and envelopes and hand them out in convenient bundles to the persons employed as counters.

(c) The examination and counting of the votes will then commence. The Returning Officer shall on every ballot paper which is wholly or partially rejected endorse the word 'rejected'. If any candidate or agent present questions the correctness of his rejection order, he shall also record on the ballot paper the grounds of rejection briefly.

(d) The Returning Officer shall as far as practicable proceed continuously with the counting of the votes, and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to



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the election under his own seal and the seals of such candidates or their agents as may desire to affix them; and adequate precautions shall be taken for their custody.

Rule 3 (2)  
—cont.

45. After the Returning Officer has completed the scrutiny and counting he shall prepare a return of the results of the polling in Form XIV and after verifying the total of votes with the figures in Forms XII and XIII, he shall declare the election of the successful candidate or candidates as provided in rule 11 (4) and (5) of the election rules.

46. Any candidate or his agent shall, on application, be permitted to take a copy or an extract from the return in Form XIV.

47. The Returning Officer shall not open the sealed packets containing the tendered ballot papers and their connected signature slips or the marked copies of the electoral roll.

48. Upon the completion of the counting and declaration of the results the Returning Officer shall seal up in separate packets (1) the ballot papers, all or some of the votes on which have been counted, and (2) the ballot papers, all the votes on which have been rejected and shall mark on each packet the number of papers it contains. A note shall be made giving a description of the contents of each packet and the election to which it relates.

DISPOSAL OF BALLOT PAPER.

49. The Returning Officer shall, after declaring the result, forward a copy of the return in Form XIV to the Secretary to the Council.

50. The Returning Officer shall retain in his custody the packets of ballot papers whether counted, rejected or tendered and of the counterfoils thereof. These packets shall not be opened and their contents

Rule 3 (2)  
—cont. shall not be inspected or produced except under the orders of a competent court or of Election Commissioners.

51. The Returning Officer shall retain the packets for a year and shall then unless otherwise directed by the orders of an election court, cause them to be destroyed.

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## SCHEDULE IV.

### RETURN OF ELECTION EXPENSES.

Rule 15.

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure there shall be shown—

(a) The personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature ;

(b) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger ;

(c) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers ;

(d) the travelling expenses of persons, whether in receipt of salary or not, incurred in connection with

the candidature, and whether paid or incurred by the candidate, his election agent or the person so travelling; Rule 15  
—cont.

- (e) the cost, whether paid or incurred of—
- (i) printing;
  - (ii) advertising;
  - (iii) stationery;
  - (iv) postage;
  - (v) telegrams; and
  - (vi) rooms hired either for public meetings or as committee rooms;
- (f) any other miscellaneous expenses whether paid or incurred.

Note.—(1) All expenses incurred in connection with the candidature whether paid by the candidate, his election agent, or any other person, or remaining unpaid on the date of the return are to be set out.

(2) For all items of Rs. 5 and over, unless from the nature of the case (e. g. travel by rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

3. The form of affidavit referred to in rule 15 shall be as follows:—

AFFIDAVIT

I, \_\_\_\_\_ being the appointed agent for  
a candidate for election in the  
constituency (or I, \_\_\_\_\_, being a candidate

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Rule 15  
—cont.

for election in the \_\_\_\_\_ constituency), do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge and belief been incurred in, and for the purposes of, \_\_\_\_\_  
's candidature.  
my candidature.

(Sd.)

Election agent or candidate.

Solemnly affirmed before me.

(Magistrate.)

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SCHEDULE V.

Rules 5, 25,  
36 and 39.

The following shall be deemed to be corrupt practices for the purposes of these rules.

PART I.

Bribery.

1. A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratifications to any person whomsoever, with the object, directly or indirectly, of inducing—

(i) a person to stand or not to stand as, or to withdraw from being, a candidate; or

(ii) an elector to vote or refrain from voting at an election, or as a reward to—

(a) a person for having so stood or not stood or for having withdrawn his candidature; or

(b) an elector for having voted or refrained from voting. Rules 5, 25,  
16 and 39  
—cont.

*Explanation.*—For the purpose of this clause the term “gratification” is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any expenses *bona fide* incurred at or for the purposes of any election and duly entered in the return of the election expenses prescribed by the rules.

2.—(1) Any direct or indirect interference or attempt to interfere on the part of a candidate or his agent or of any other person with the connivance of the candidate or his agent, by any of the means hereafter specified, with the right of any person to stand or not to stand or to withdraw from standing as a candidate, or with the free exercise of the franchise of an elector. Undue  
influence.

(2) The means above alluded to are —

(a) any violence, injury, restraint, or fraud and any threat thereof;

(b) any threat to a person or inducement to a person to believe that he or any person in whom he is interested will become or be rendered an object of divine displeasure or spiritual censure;

but do not include any declaration of public policy or promise of publication.

3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead or in a fictitious name, or by a person who has voted once at an election for a voting paper in his own name at the same election. Personation.

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Rules 5, 25,  
36 and 39  
—cont.  
Publication  
of false  
statements

4. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, which statement is reasonably calculated to prejudice such candidate's election.

Authorisa-  
tion of  
expenditure.

5. The incurring or authorising by a candidate or his agent of expenditure or the employment of any person by a candidate or his agent in contravention of the provisions of any notification of the Government issued under rule 16 of the rules.

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PART II.

Acts under  
Part I.

1. Any act specified in Part I, when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.

Personation.

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name or for a voting paper in his own name after he has already voted at such election.

Bribery.

3. The receipt of, or agreement to receive, any gratification whether as a motive or a reward,—

(a) by a person to stand or not to stand as, or to withdraw from being a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting or any candidate to withdraw his candidature.

Payment for  
conveyance.

4. Any payment or promise of payment to any person whomsoever on account of the conveyance of

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*Rules*

any elector to or from any place for the purpose of recording his vote.

5. The hiring, employment, borrowing or using, for the purposes of the election, of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire: Hiring and use of public conveyances

Provided that any elector may hire any boat, vehicle or animal or use any boat, vehicle or animal which is his own property, to convey himself to or from the place where the vote is recorded.

6. The incurring or authorisation of expenses by any person other than a candidate or his election agent on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate unless he is authorised in writing so to do by the candidate Incurring expenses without authority.

7. The hiring, using or letting, as a committee-room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public. Hiring of liquor shops.

8. The issuing of any circular, placard, or poster having reference to the election which does not bear on its face the name and address of the printer and publisher thereof. Issue of circulars, etc., without printer's and publisher's name printed thereon.

FORMS.

FORM I.

ELECTORAL ROLL FOR CONSTITUENCY.

Registration area

Section Polling area No.

Serial Number.	Name.	Father's or Karanavan's name.	Address (village or street and door number.)	Polling station Head of qualification.
(1)	(2)	(3)	(4)	(5)

FORM II.

The preliminary electoral roll of voters for the registration area is herewith published for general information.

Any person who claims to be entered in this roll and who is not entered in it or is entered in an incorrect place or manner or with incorrect particulars may put in a claim to the Revising Authority to have his name entered or the Registry corrected.

Any person whose name is on this roll, and who objects to the correctness of the entry or to the inclusion of his own name or of the name of any other person whose name is on the roll may prefer an objection to the Revising Authority.

Claims shall be preferred in Form III and objections in Form IV appended to this notice. Copies of the forms will be supplied free by the Registration Officer on application.

Claims and objections may be presented to the Registration Officer at any time during office hours or sent by achnal or post, but must reach him on or before . . . . . Claims and objections which are not preferred in proper form or are not received by the date prescribed will be rejected.

All claims and objections received in time and in proper form will be heard by the Revising Authority at . . . . . on

Registration Officer,



FORM III.

Correction of Registry.

Notice of claim for \_\_\_\_\_  
Registration.

To

The Revising Authority of \_\_\_\_\_ registration area.

Sir,

I hereby give you notice that I claim to have \_\_\_\_\_ the registry of my name corrected  
my name entered  
in the roll of electors for the constituency of \_\_\_\_\_ as follows:—

Name in full of claimant and father's or karanavan's name.	Address (village or street and door number.	Head of qualification.	Amount of rental value or tax paid.
(1)	(2)	(3)	(4)

I declare that I attained the age of 21 years on

Date

Signature of claimant.

FORM IV.

Notice of Objection to Registration.

To

The Revising Authority of \_\_\_\_\_ registration area.

Sir

I hereby give you notice that I object to the name of the person mentioned and described below being retained in the electors' roll for the polling area of \_\_\_\_\_ in the registration area of \_\_\_\_\_ for the constituency of \_\_\_\_\_

Name of person objected to. (1)	Number in preliminary roll. (2)	Nature of objection. (3)

Date

Signature of objector,

Address.

Polling area and number in preliminary roll.

FORM V.

List of claims and objections.

(a) The following persons have put in claims to be registered as electors (or to have the registry of their names corrected) on the roll for the constituency of

Polling area. (1)	Name of claimant. (2)	Address. (3)	Head of qualification. (4)

(b) The following objections have been received regarding entries in the roll for the constituency of

Polling area. (1)	Name of objector and number on roll. (2)	Name of person objected to and number on roll. (3)

(c) The following corrections have been made by the Registration Officer of his own motion in the roll for the constituency of

Polling area, (1)	Number on roll, (2)	Nature of corrections, (3)

The above claims and objections will be heard and corrections finally considered by the Revising Authority on \_\_\_\_\_ at \_\_\_\_\_

Registration Officer.

FORM VI

Nomination Paper.

1. Name of candidate.
2. Father's or karanavan's name.
3. Age.
4. Address.
5. Signature of proposer
6. Signature of seconder.

CANDIDATE'S DECLARATION.

I declare that I am willing to stand for election and that I have appointed \_\_\_\_\_ as my election agent,

Signature of candidate.

Signature of Registration Officer.

INSTRUCTION.

Nomination papers which are not received by the Returning Officer before the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ shall be invalid.

FORM VII.

Preliminary List of Nominations.

1. Serial number.
2. Name of candidate.
3. Father's or karavan's name.
4. Occupation and address.
5. Name of proposer.
6. Name of seconder.

NOTE.

The nomination papers will be taken for scrutiny at \_\_\_\_\_ on the day of  
A. M.  
P. M.  
at (place).

Returning Officer.

FORM VIII.

Final List of Valid Nominations.

1. Serial number.
2. Name of candidate.
3. Address.

NOTE.

The poll will be taken between \_\_\_\_\_ and \_\_\_\_\_ at the polling  
station already notified.

Returning Officer.

FORM IX.

Form of Front of Ballot Paper

Counterfoil.

Outerfoil.

Serial No.

Trippunitura (General) Constituency

	Serial No.	Name and description of candidate.
	(1)	(2)
Constituency of Trippunitura (General)	1	
Date of election	2	
	3	
Number of elector	4	
	5	
	6	

FORM OF BACK OF BALLOT PAPER.

Serial No.

\_\_\_\_\_

FORM X.

Signature sheet No.

Number on electoral roll.	Name.	Signature of voter or thumb impression if unable to sign or note by the Presiding Officer if the voter can neither sign nor affix his thumb impression.

FORM XI.

Form of authorisation to vote outside Polling area.

Certified that.....entitled to.....  
 .....vote at.....for.....constituency  
 has been employed in connection with the election for.....  
 constituency and is prevented from voting at the said station and that I have  
 therefore authorized him to vote at.....

Station..... }  
 Date..... }

Signature of Returning Officer.

FORM XII.

Statement sent by Presiding Officer at.....after the  
 Polling on.....19 , for the.....constituency.

Description.	Number received.	Number used.	Number spoilt.	Balance.	Remarks.
1	2	3	4	5	6
I. Ballot papers					
(a) Ordinary					
(b) Tendered					
II. Envelopes					
III. Signature slips					
IV. Number of ballot papers (paragraph 42 (2))					

Particulars of packets sent to the Returning Officer.

Signature of Presiding Officer.

FORM XIII.

Name of polling station.	Number of ballot box or packet.	Number of ballot papers in box or packet.	Number of ballot papers received under paragraph 40 (2).
(1)	(2)	(3)	(4)
Total			

Returning Officer.

FORM XIV.

Return showing Results of the Election for seats for Constituency.

Name of candidate.	Number of valid votes.
(1)	(2)
A	
B	
C	
D	
E	
F	
Total number of valid votes.	
Total number of invalid votes.	

I do hereby declare that the following candidates

A  
B  
C

have been duly elected

Returning Officer.

(By order of the Government of Cochin)

K. P. KANNAN NAYAR,

Secretary to the Government of Cochin.

17th June 1958.  
3rd Muthanam 1113.

[Rules.] *Rules under section 41 of the Act [1113: Act XX.]*

NOTIFICATION BRINGING INTO FORCE  
THE LEGISLATIVE COUNCIL RULES.

NOTIFICATION.

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Rule 1 (2)  
of Legisla-  
tive Council  
Rules.

Under sub-rule (2) of rule 1 of the Cochin Legislative Council Rules, the Government are pleased to direct that the said rules shall come into force on the 30th day of Mithunam 1113, corresponding to the 14th day of July 1938.

NOTIFICATION BRINGING INTO FORCE  
THE LEGISLATIVE COUNCIL STANDING ORDERS.

NOTIFICATION.

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Standing  
Order 1 (2).

Under sub-order (2) of Standing Order 1 of the Cochin Legislative Council Standing Orders, the Government are pleased to direct that the said Orders shall come into force on the 30th day of Mithunam 1113, corresponding to the 14th day of July 1938.

(By order of the Government of Cochin)

17th June 1938.  
3rd Mithunam 1113.

K. P. KANNAN NAYAR,  
*Secretary to the Government of Cochin.*

RULES WITH REFERENCE TO SECTION 41 (2) OF  
THE ACT.

Section 41  
(2).

In exercise of His Highness' prerogative powers and with reference to subsection (2) of section 41 of the Government of Cochin Act, 1113, His Highness the Maharaja is pleased to make the following rules:— XX of 1113

Claims by  
His  
Highness.

1. Every claim against any person made by or on behalf of His Highness, shall be instituted by the Sarvadhikariakar, in the same manner as a suit, in the court which would have jurisdiction to hear and



[1113: Act XX.] *Rules under section 41 of the Act* [Rules.]

determine the same, if it had been a suit to which the Government is a party. Thereupon it shall follow the same procedure and be subject to the same law in all other respects as any similar suit instituted against the Government in such court, but subject to the provisions of these rules.

Section 41  
(2)  
—cont.

2. Subject to the provisions of these rules, every claim made by any person against His Highness, shall be made against the Sarvadhikariakar, described as agent of His Highness, in the form of a plaint as prescribed by the Cochin Code of Civil Procedure, 1111, and duly stamped according to the provisions of the Cochin Court Fees Act, 1080, and shall be presented either by the party or by his pleader, to the Secretary to the Government of Cochin:

Claims  
against His  
Highness.

Provided that no claim shall be made under this section until the expiration of two months next after notice in writing has been delivered to or left at the office of the Secretary to the Government of Cochin stating the cause of action, the name, description and place of residence of the claimant and the relief claimed and the plaint shall contain a statement that such notice has been so delivered or left.

3. (a) The Secretary to the Government of Cochin shall forward the notice of claim and the plaint mentioned in the last preceding rule to the Sarvadhikariakar without delay.

Procedure  
on receipt  
of notice or  
plaint.

(b) The Sarvadhikariakar shall intimate to the Secretary to the Government of Cochin, whether the claim has been satisfied or whether it should be contested within one month from the date of receipt of the plaint by him.

(c) If the claim is to be contested, the plaint shall be forwarded to the court which would have jurisdiction to deal with the same, if the claim had been

[Rules.] Rules under section 41 of the Act [1113: Act XX.]

Section 41  
(2).  
—cont.

made against the Government and it shall be numbered and registered as a suit and shall thereupon follow the same procedure and be subject to the same law in all other respects as any similar suit instituted against the Government in such court, but subject to the provisions of these rules.

Government pleaders to conduct the suit.

4. The Government pleaders of the respective courts shall appear and conduct all such claims by or against His Highness and shall not be required to present any document empowering them to act on behalf of His Highness.

*Explanation:—*‘Government pleader’ means the Advocate-General or Sirkar Wakil and includes also any officer appointed by the Government to perform all or any of the functions expressly imposed by the Cochin Code of Civil Procedure, 1111, on the Government pleader and also any pleader acting under the directions of the Government pleader or such officer. XXI 1111

Courts not to issue writs or process against His Highness.

5. No court shall issue any writ or process of any kind against the person or property of His Highness in any proceeding before it.

Procedure after judgment.

6. A duly certified copy of the judgment and decree of the court shall be sent to the Secretary to the Government of Cochin, who shall forward the same to the Sarvadhikariakar. If the judgment and decree has become final and if it awards a claim in favour of the plaintiff, the Sarvadhikariakar shall take steps to satisfy the same without delay. If the decree be not satisfied within three months after the date of its communication to the Sarvadhikariakar, the plaintiff may submit a petition to the Diwan requesting him to direct that steps be taken immediately to satisfy the decree.

17th June 1938.  
3rd Muthunam 1113.

SHANMUKHAM CHETTY,  
Diwan of Cochin.