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THE TAMIL NADU LEGISLATIVE COUNCIL

REPORT OF THE
SELECT COMMITTEE ON THE
RULES OF PROCEDURE
APPOINTED
IN THE YEAR 1971

FEBRUARY 1972

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*Legislative Council Department,
Fort St. George, Madras-9*

CONTENTS.

1. Composition of the Select Committee on Rules of Procedure of the Council	2
2. Report of the Committee	4-11
3. Amendments considered by the Committee ...	12-47
4. Rules as in force and the rules as amended by the Committee	48-189
5. Proceedings of the Committee	188-273

SELECT COMMITTEE ON THE RULES OF PROCEDURE
OF THE LEGISLATIVE COUNCIL.

Chairman.

The Hon. Thiru C. P. CHITRARASU.

Members.

1. The Hon. Dr. M. KARUNANIDHI, *Chief Minister.*
2. The Hon. Thiru V. R. NEDUNCHEZHIAN, *Minister for Education and Local Administration.*
3. Thiru G. KRISHNAMOORTHY (*ex-officio Member*)—*Deputy Chairman.*
4. Thiru S. T. ADITYAN.
5. Thiru A. R. DAMODARAN.
6. Thiru R. KRISHNASWAMY NAIDU.
7. Thirumathi S. MANJUBHASHINI.
8. Thiru G. PARANGUSAM.
9. Thiru G. SWAMINATHAN.
10. Thiru M. RAJAH IYEB.
11. Thiru K. RAJARAM.
12. Thiru V. THANGAPANDIAN.

Secretariat.

Thiru G. M. ALAGARSWAMY—*Secretary.*

THE TAMIL NADU LEGISLATIVE COUNCIL.

REPORT OF THE SELECT COMMITTEE ON THE RULES OF PROCEDURE OF THE MADRAS LEGISLATIVE COUNCIL APPOINTED IN THE YEAR 1971.

TO

The Honourable The LEGISLATIVE COUNCIL,
MADRAS-9.

The Committee which was constituted by a motion on 28th July 1971 for the amendment of the Madras Legislative Council Rules has the honour to make this report.

2. A preliminary meeting of the Select Committee was held on the 30th August 1971 in the Council Members' Lounge room, Fort St. George, Madras-9. The Committee again met at Ootacamund from the 27th to the 30th September 1971. Thereafter the Committee met at Madras from the 15th to the 17th November 1971 and on the 10th and the 11th January 1972.

3. The draft report was considered and approved by the Committee at its meeting held on 11th January 1972.

4. The Committee examined in detail all the rules in the Madras Legislative Council Rules on the basis of the suggestions made by the Hon. Chairman and the Members which were printed and circulated. The amendments considered by the Committee ^{are} printed as Annexure I. The existing Rules and the Rules, as amended, are printed as Annexure II. to this report.

5. The important changes made by the Committee are as follows :—

GENERAL.

(1) The name of the rules has been changed as the " Tamil Nadu Legislative Council Rules ", consequent on the renaming of the State as Tamil Nadu under the Madras State (Alteration of Name) Act, 1968. The Committee also decided that wherever the word " Madras " occurred in reference to the State, the word " Tamil Nadu " be substituted.

(2) New definitions of the terms " private member " and " private member's business " have been added in lieu of the terms " non-official member " and " non-official business " which occur in various existing rules. The object is to exclude from the category of private member's business certain kinds of business for which notices are given by private members such as motions in pursuance of statutory provisions and notification laid on the table of the House under any law, and motion of thanks for the Governor's Address.

(3) At present, there is no provision in the rules outlining the procedure to be followed in regard to ratification of the Constitution (Amendment) Bills. The new rules make provision for this, embodying the procedure at present being followed. (New rules 140-A to 140-C.)

(4) From the year 1970, Policy Notes of the Government in respect of some departments are discussed in the Legislative Council as a matter of convention. New Rule 153-A has now been incorporated so as to make specific provision for discussing such Policy Notes.

RULE 2.

Committee.—In the existing rules, only the term 'Select Committee' and not 'Committee' has been defined. But under the rules a number of other Committees are constituted. Hence, the Committee decided to define the term 'Committee' so as to include a 'Select Committee' and a 'Joint Select Committee' and omit the existing definition of 'Select Committee'. [New rule 2 (1) (c).]

Information.—The 'Information' is now being issued which contains a brief record of the proceedings of the Council at each of its sittings. Further, any information that has to be conveyed to the members both during meeting and non-meeting days, such as the swearing-in, the arrest or the release of members is being conveyed to them through the 'Information'. To give an express sanction, the Committee decided to define the word 'Information'. [New rule 2 (1) (h).]

Precincts of the House.—At present the term 'Precincts of the House' has not been defined in the rules although a definition of the term was adopted by the House on the 8th September 1960 on the recommendation of the Committee of Privileges. The Committee decided to incorporate a definition of this term in the Rules. [New rule 2 (1) (p).]

NEW RULES 3-AA and 3-AAA.

The existing rules do not provide for maintenance of roll of members and for making and subscribing an oath or affirmation, as required under Article 188 of the Constitution of India, though in the title of Chapter III, the term "Roll of Members" finds a place. The Committee decided to make provision in this regard.

NEW RULE 9-A.

The existing rules do not expressly provide for transaction of any formal or urgent business on days allotted for discussion of the Governor's Address. To meet such unforeseen contingencies, the Committee decided to incorporate an enabling provision in this regard.

NEW RULE 13 (b) [EXISTING RULE 9 (b).]

Under the existing rule, all pending questions lapse on the prorogation of a session of the Council. The Committee felt that the lapsing of questions and consequent renewal of notice by Members resulted in more work and inconvenience to the Members and that, therefore, the pending questions should remain alive notwithstanding the prorogation of a session. Accordingly, the Committee decided to recast the rule providing that the questions and statutory motions, among others, pending on the prorogation of a session of the Council, would not lapse.

RULE 26.

New sub-rule (5) provides that a notice should not be given publicity until it is admitted by the Chairman and that the contents of a question should not be given publicity till it is answered in the House since such publicity would be a breach of parliamentary convention.

RULE 32.

This rule relates to the conditions of admissibility of a question. The scope of the rule has been widened.

RULE 35.

The existing rules provide for a question being entered in the list of questions on a day not earlier than seven clear days from the date on which notice thereof was received by the Secretary. The Departments of the Secretariat are expected to send the answers to the Council Department within 14 days from the date of receipt in the departments. The Committee felt that this time-limit was not adhered to and that a definite time-limit should be fixed for the answering of questions on the floor of the House. Accordingly, the Committee decided to revise the existing rule so as to provide that the admitted questions be entered in the list of questions on the 42nd day at the latest after the day on which the question was admitted by the Chairman. The revised rule also provides for extension of time being granted by the Hon. Chairman by two weeks only and for the questions to be admitted and communicated to the departments concerned within 15 days from the date of receipt of notice.

NEW RULE 40-A.

The present rule with regard to admission of short notice questions is not specific about the period of notice required. Therefore, the rule has been modified and incorporated as a self-contained rule providing that a week's notice would be sufficient for answering questions at short notice. The new rule also

provides that no notice of such a question shall be entertained ten days prior to the date of meeting of the Council. The new rule also provides that a Member can give notice of only one short notice question for a day and that he must assign reasons for asking the question as a Short Notice Question.

NEW RULE 41-A.

Existing rule 41 provides that a half an hour debate may be allowed by the Chairman on any matter of urgent importance which has been the subject-matter of a question on a particular day. This has been amplified in the new rules so as to provide that half an hour may be allowed for discussion of a matter which has been the subject of a question (oral or written) answered within five days prior to the date of notice. The new rule also provides for allotment of half an hour at three sittings in a week and for two days' notice to be given for raising such a discussion.

RULE 42.

The existing rules provide for a member calling the attention of a Minister on any matter of urgent public importance and the concerned Minister making a statement thereon, but only one such matter can be raised at any single sitting of the House and no questions by way of elucidation can be put on the statement made by the Minister. The revised rule provides for two such matters being raised at any sitting and for any other Member calling the attention of the Minister on behalf of the Member who gave notice in his unavoidable absence. It is also provided that such notice should be taken up within seven days from the date of admission thereof and that the Chairman may permit not more than two questions by the Member who has called the attention of the Minister by way of elucidation or clarification.

RULE 60-A.

The Committee decided to incorporate a new Chapter on 'No-Day-Yet-Named Motions'. Accordingly, this Chapter provides for discussion on a matter of general public interest on a motion made with the consent of the Chairman. Such a motion should raise substantially one definite issue and should be restricted to a matter of recent occurrence and the Chairman may, in consultation with the Leader of the House, allot a day or days or part of a day for the discussion of any such motion.

Discussion on such a motion is different from a discussion under rule 57 in that the latter will take place without any motion before the House and without any voting thereon.

Rule 61.

The existing rule provides for the transaction of the business of the Council only in English. The Committee decided to amend it so as to provide that the business might be transacted either in Tamil or in English or in both.

New rule 99-A.

The new rule prescribes the quorum for a meeting of the Select Committee, thereby making good the omission in the existing rules.

Rule 103.

The existing rule does not enable any member who is not a member of a Select Committee to be present at a meeting thereof. The Committee felt that Members of the House who were not members of a Select Committee should be permitted to be present at meetings of the Select Committee, if they so desired and watch its proceedings. Accordingly, the revised rule provides that Members who are not members of a Select Committee may be present during the deliberations of the Committee, without any right to participate in its discussion.

Rule 107.

New sub-rule (3) provides for minutes of dissent given by Members being appended to the Report of a Select Committee.

New rule 116-A.

The existing rules do not specifically lay down the scope of discussion at the third reading stage of a Bill. New rule 116-A defines the scope of such discussion.

New rule 116-B.

This new rule provides that the Chairman shall have power to correct patent errors and make such other changes in the Bill, as passed by the Council, as are consequential upon the amendments accepted by the House. It also provides that the corrections so made shall be intimated to the Members through 'Information'.

Rules 134 to 137.

Article 197 of the Constitution lays down the procedure to be followed by the Legislature of a State in the case of disagreement between the two Houses on a non-Money Bill. The existing Council Rules do not provide for the complete procedure to be adopted in accordance with the Constitution. Revised Rules 134 to 137 provide for two journeys to the Council from the Assembly in the case of a non-Money Bill.

Rules 137-A to 137-H.

The existing rules were framed in the year 1966 according to which only one reading has been provided for in respect of a Money Bill. The Committee felt that an opportunity should be available to the Members to discuss the Bill before it was returned. Therefore, it decided to amend rule 137-H so as to provide for moving a motion " That the Bill be returned " after the consideration of all the clauses and the recommendations, if any.

Rule 157.

The existing rule provides that the consent of the Chairman should be obtained to ask the leave of the House to make a motion raising a matter of privilege. In practice this consent is required to be taken for raising the matter in the House. The rule has been amended omitting the words " to ask the leave of the House to make the motion " so as to bring it in line with the subsequent rules.

New rule 162-A.

This rule provides that a member of the Committee of Privileges who has a personal or direct interest so as to prejudicially affect the consideration of the matter of privilege to be considered by the Committee shall not sit on the Committee, when the matter is considered by it.

Rule 164.

The existing rule provides that the House may consider the report of the Privileges Committee on a motion made in the House but does not lay down the detailed procedure to be followed in this regard. The rule has been revised providing for a detailed procedure to be followed for consideration of the report of the Committee of Privileges.

Rules 191 to 195-A.

Under the existing rules, there is no Standing Committee on rules of the House. Only an *Ad hoc* Committee is constituted when it is desired to make any amendments to the rules. The revised rules provide for a Standing Committee on rules to which amendments suggested by the Members from time to time will be referred for consideration and report. The new rules also provide that amendments may be suggested by Members to the recommendations of the Committee in the first instance in which case the Committee will consider those amendments and then make a final report to the House.

Rule 197.

The existing rule provides for the expunction of words used in debate which are defamatory or indecent, or unparliamentary or undignified only. The revised rule provides for the expunction also of words or portions in debate which are grossly irregular and also of such words in the minutes of dissent appended to the Report of a Select Committee on a reference to the Chairman by the Chairman of the Select Committee.

Fort St. George,
Madras-9, 11th January 1972.

C. P. CHITRARASU,
Chairman.

ANNEXURE I.

AMENDMENTS CONSIDERED BY THE COMMITTEE.

Long Title.

For the word " Madras", substitute the words "Tamil Nadu".

Rule 1.

In rule 1, for the word " Madras", substitute the words " Tamil Nadu".

Rule 2.

Renumber sub-rules (a) to (m) of existing rule 2 as items (a) to (m) of sub-rule (1) thereof—

For the word " Madras", substitute the words " Tamil Nadu".

For the word " Madras ", substitute the words " Tamil Nadu".

After existing item (b), add the following item :—

(bb) "Committee " means a Committee appointed or elected by the Council or nominated by the Chairman and includes a Joint Committee appointed under the provisions of these Rules and any other Joint Committee nominated jointly by the Chairman of the Council and by the Speaker of the Assembly and includes a Select Committee or a Joint Select Committee.

For the word " Madras ", substitute the words " Tamil Nadu ".

For existing sub-rule (e), substitute the following item :—

(e) " Finance Minister " includes any Minister.

For existing item (f), substitute the following item :—

(f) " Gazette " means the Tamil Nadu Government Gazette.

After existing item (f), add the following items :—

(ff) " Information " means the " Information " of the Council containing (a) a brief record of the proceedings of the Council at each of its sittings, (b) information on any matter relating to, or connected with, the business of the Council or its Committees, (c) or any other matter which, in the opinion of the Chairman, may be included therein.

(fff) " Government " means the Government of Tamil Nadu.

(ffff) " Governor " means the Governor of Tamil Nadu.

(fffff) " House " means the Council ; and " Houses " means the Council and the Assembly.

For the existing item (h), substitute the following item :—

(h) ' Member ' means a member of the Council :

Provided that a Minister who is not a member and the Advocate-General shall be deemed to be members for the purpose of speaking in, moving motions and/or otherwise taking part in the proceedings of, the Council, and for the purpose of speaking in, and/or otherwise taking part in the proceedings of, any of its Committees of which he may be named a member, but shall not, by virtue of this rule, be entitled to vote on any question, or be deemed to be a member for the purpose of forming a quorum :

Provided further that in this context ' Minister ' shall not include a Parliamentary Secretary .

For existing item (i), substitute the following item :—

" Member-in-charge of a Bill " means—

(i) in the case of a Government Bill, any Minister ;

(ii) in any other case, the member who has introduced the Bill in the Council ; or

(iii) where the Bill is one which was introduced in the Assembly and received in the Council, the member who has given notice of his intention to move the Bill in the Council.

For existing item (j), substitute the following item :—

" Minister " means a member of the Council of Ministers and includes a Deputy Minister or a Parliamentary Secretary who is a member of the Legislative Council.

After existing item (j), add the following as new item (jj) :—

(jj) " Precincts of the House " means —

(i) in the case of Members of the Legislative Council, the entire Secretariat Buildings in the Fort St. George, Madras, including the Council Chamber, its lobbies, and the rooms in which the associated offices are situated, the Ministers' rooms, the Library, the Canteen and the Lounge rooms, the Committee Room in the Old Legislators' Hostel and the Library in the Government Estate, Mount Road, Madras, and such other places or buildings as might be named by the Chairman from time to time together with the verandas and steps to these buildings and the pathways leading from the Council Chamber to the aforesaid buildings and shall be applicable only while the Council or any of its Committees or Sub-Committees sits and one hour before and after such a sitting ;

(ii) in the case of strangers, the Council Chamber with the galleries, its verandas and steps and shall be applicable only to those to whom tickets have been validly issued by the Council office for admission to the galleries ; and

(iii) in the case of persons summoned by a Committee of the House for any purpose whatsoever, they shall be deemed to be within the "Precincts of the House" so long as they are within the Committee Room, its verandas and its steps.

After new item (jj), add the following items :—

(jjj) "Private Member" means a member other than a Minister.

(jjjj) "Private Member's business" means business of which notice is given by Private Members but does not include statutory motions made in pursuance of any statute or enactment or motions for the discussion of reports required to be laid on the table of the House under any law or the Motion of Thanks for the Governor's Address or motions for the amendment of the rules.

For the word "Madras", substitute the words "Tamil Nadu".

Omit item (m).

Add the following as items (m), (mm) and (mmm) :—

(m) "Session" means the period of time between the first meeting of the Council upon the summons of the Governor under clause (1) of Article 174 of the Constitution and its prorogation under clause (2) thereof.

(mm) "Sitting" means a meeting of the members of the House for transaction of business on any day from its commencement till the House rises for the day.

(mmm) "Statutory Motion" means a motion made in pursuance of any statute or enactment for the time being in force.

Re-number all the items in this sub-rule after re-arranging them in the alphabetical order.

Re-number sub-rule (n) as sub-rule (2) of rule 2.

Rule 3.

For the existing heading, substitute the following heading:—

Summoning of the Council, Roll of Members, Oath or Affirmation and Seating of Members.

After rule 3, add the following as new rules 3 A, 3 AA and 3 AAA:

"3-A : There shall be a Roll of Members of the House which shall be signed in the presence of the Secretary by every member, after making an oath or affirmation and before taking his seat.

3-AA : A member who has not already made and subscribed an oath or affirmation in pursuance of Article 188 of the Constitution may do so at the commencement of a sitting or at any other time or place as the Chairman may direct on any day after previous notice to the Secretary.

3-AAA : The members shall sit in such order as the Chairman may determine."

CHAPTER II

Renumber existing Chapter II as "Chapter IV".

For the existing heading, substitute the heading "Governors' Address"

Rule 4

Renumber Rule 4 as Rule 8.

Rule 5

Renumber Rule 5 (1) as rule 9 (1).

Renumber Rule 5 (2) as rule 9 (2).

In sub-rule (3), *for* the word "allowed" *substitute* the words "considered. appropriate".

New rule 9 A.

After the proposed rule 9, *add* the following new rule :

9.-A (1) Notwithstanding that a day has been allotted for discussion on the Governor's Address—

(a) a motion or motions for leave to introduce a Bill or Bills may be made and a Bill or Bills may be introduced on such a day, and

(b) other business of a formal character may be transacted on such a day before the House commences or continues the discussion on the Address.

(2) The discussion on the Address may be postponed in favour of a Government Bill or other Government Business, on a motion being made in that behalf. The Chairman shall forthwith put the question, no amendment or debate being allowed.

(3) The discussion on the Address may be interrupted in the course of a sitting by an adjournment motion under rule 43.

Rule 6.

Renumber Rule 6 as rule 10.

Rule 7.

Renumber Rule 7 as rule 11.

Rule 8.

Renumber Rule 8 as rule 12.

Rule 9.

Renumber rule 9 as rule 13.

Insert the following heading :

“ Prorogation of the Council.”

For existing sub-rule (b), *substitute* the following sub-rule t—

“(b) On the prorogation of a session, all pending notices and business shall lapse except statutory motions, Bills which have been introduced and Resolutions which have been moved and are pending in the House. Such business shall be carried over to the next session from the stage reached by it in the expiring session, provided that fresh notice shall be given for motions regarding the same.”

CHAPTER III.

Renumber Chapter III as Chapter IV.

Rule 10.

Renumber rule 10 as rule 14.

In the Chapter heading, *for* the words “ Roll of Members ” *substitute* the words “ Attendance List”.

Rule 11.

Renumber rule 11 as rule 15.

For the marginal heading, “Leave of absence” *substitute* the heading “Leave of absence and vacation of seats”.

CHAPTER IV.

Rules 12 to 15.

Renumber existing Chapter IV as “Chapter III” and rules 12 to 15 as rules 4 to 7:—

For the existing heading, *substitute* the following heading:—

“ Election of Chairman and Deputy Chairman and nomination of Panel of Vice-Chairmen”.

In existing rule 12 (1) *Omit* the words “as early” and “ as possible ” occurring in line 3

Add new proviso to sub-rule (2) as follows :—

“ Provided that a member shall not nominate more than one member or second more than one nominee ”.

Sub-rules (3) to (8)—*No change.*

For existing sub-rule (1) of rule 13, substitute the following sub-rule :

5.(1) When owing to the existence of any vacancy in the office of Deputy Chairman, the election of a Deputy Chairman is necessary, the Chairman or if the office of Chairman is vacant, the Governor shall fix a date for the holding of the election and the Secretary shall send to every member notice of the date so fixed.

In rule (2) *add* the following new proviso :

“Provided that a Member shall not nominate more than one Member or second more than one nominee.”

Rule 14.

In rule (14) (1), *for* the word “ four ”, *substitute* the word “ six ”.

CHAPTER V.

Renumber existing Chapter V as Chapter VI.

Rule 16.

Insert the word “ the ” *after* the word “or” in the first line of Rule 16.

Rule 17.

For existing rule 17, *substitute* the following rule :

“ 17. When the Council has been adjourned to a particular date or to a particular hour on a particular date, the Chairman may summon the Council for an earlier or later date *or* or for an earlier or later hour on such date”.

Rule 18.

In rule 18, *insert* the word “ the ” between the words “ or ” and “ person ”.

Rule 19.

In rule 19, *for* the word “ date ” in the last line, *substitute* the word “ day ”.

Rule 21.

In rule 21, *add* the following as proviso to sub-rule (5) :—

“ Provided that the annual reports of Companies required to be laid on the table of the Council shall be deemed to have been so laid if six copies thereof are sent to the Legislative Council and if out of them three copies are placed in the Legislature Library and an entry to that effect is made in the list of business for the day.”

Rule 22.

In rule 22, *Add* the following at the end : —

“ The Chairman may, however, in his discretion extend the time for questions.”

Rule 23.

(1) In the marginal heading, *for* the word “ non-official ” *substitute* the word “ private members ”.

(2) In sub-rule (1), wherever the word “ non-official ” occurs *substitute* the word “ private ”.

(3) In sub-rule (1), in item (i), *delete* the word ‘ and ’ occurring at the end, and *add* the word ‘ and ’ at the end of item (ii) and *after* existing item (ii), *add* the following as item (iii) :—

“ (iii) Saturdays allotted for the discussion of any motion raising a discussion on the policy of any Department of the Government, after the general discussion on the Budget is over and before the Appropriation Bill is considered.”

Rule 25.

(1) In the marginal heading *for* the words “ non-official business ”, *substitute* the words “ private member’s business ”.

(2) In sub-rule (1), *for* the words “ The arrangement of the business of non-official members shall be in the following order, namely ”, *substitute* the following :—

“ The arrangement of the business of private members shall be in the following order :—

(a) Bills in the order of the stage which they have reached, namely:—”

In existing item (iv), *after* the word ‘ which ’, *add* the article ‘ a ’.

Add the word “ and ” at the end of item 25 (1) (vii).

Delete the word ‘ and ’ occurring at the end of Rule 25 (1) (viii).

Renumber item (ix), as clause (b) of sub-rule (1) of Rule 25.

For existing sub-rules (3) to (5), *substitute* the following as sub-rule (3) and *renumber* the existing sub-rules (6) to (10) as sub-rules (4) to (8):—

“ The relative precedence of Bills to be introduced and resolutions shall be determined by separate ballots.”

In existing sub-rule (9), *for* the word “ non-official ”, *substitute* the words “ private member’s ”.

In the proviso, *for* the word “ motion ”, *substitute* the word “ private member’s business ”.

For the word “ non-official ”, *substitute* the word “ private member’s ”

Rule 26.

In sub-rule (1) of rule 26, for the word " other " substitute the word 'a' and

for the word " holidays ", substitute the word "holiday".

After existing sub-rule (4), add the following as new sub-rule (5) :—

" (5) A notice shall not be given publicity by any member or any other person until it has been admitted by the Chairman and circulated to members ;

Provided that a notice of a question shall not be given any publicity until the day on which the question is answered in the House."

CHAPTER VI.

Renumber Chapter VI as Chapter VII.

Rule 29.

For existing rule 29, substitute the following rule:—

" 29. (i) A member who desires an oral answer to his question shall distinguish it by an asterisk and such a question will be called a starred question.

(ii) All other questions, if admitted, will be called unstarred questions and printed in the list of questions for written answer."

Rule 30.

For existing rule 30, substitute the following rule:—

" 30. If, in the opinion of the Chairman, any question given notice of as a starred question or any question put down for oral answer is of such a nature that a written answer would be more appropriate, the Chairman may direct that such question be treated as an unstarred question and placed on the list of questions for written answer. The decision of the Chairman in this regard shall be final."

Rule 31.

Add the following words at the end of the existing rule 31:—

" or in respect of which he has information."

Rule 32.

For existing item (11), substitute the following item :—

" (11) It shall not repeat in substance a question already answered or to which an answer has been refused in the Council."

In rule 32 (15), *add* the words "vague or meaningless" *after* the word "trivial".

Delete the word "and" occurring at the end of rule 32 (16).

After existing item (17) of rule 32, *add* the following items :—

"(18) It shall not ordinarily require information about matter^s pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into, or investigate, any matter but may refer to matters concerned with procedure or subject or stage of enquiry if it is not likely to prejudice the consideration of the matter by the tribunal or commission or court of enquiry ;

(19) it must not be repeated with slight variation on the same point ;

(20) it shall not raise matters under the control of bodies or persons not primarily responsible to the Government ;

(21) it shall not ordinarily ask for information on matters which are under the consideration of a Legislature Committee or a Government Committee until a report of the committee is published; and

(22) it shall not seek information about matters which are in their nature confidential or secret or relate to inter-State negotiations which it may not be desirable to make public."

Rule 34.

In sub-rule [1], *after* the words "shall disallow any question", *insert* the words "or part thereof".

Rule 36.

After existing sub-rule [4] of rule 36, *add* the following as sub-rules (5) and (6):—

"(5) The Chairman may, at the request of the concerned Minister, postpone one or more questions entered in the list of questions for a day to a subsequent date."

"(6) If, on a question being called, it is not put or the member in whose name it stands is absent, the Chairman, at the request of any other member, may direct that the answer to it be given".

Rule 37.

In rule 37 *for* the words "The Chairman may"; *substitute* the words "The Chairman may at any stage".

Rule 39.

In rule 39, sub-rule (2), *for* the words "has already been", *substitute* the words "have already been".

New rule 40-A.

After existing rule 40, add the following as rule 40-A:—

"40-A (1) A question relating to a matter of public importance may be asked with notice shorter than 14 clear days (subject to the decision that may be arrived at about rule 35) and if the Chairman is of the opinion that the question is of an urgent character, he may direct that an enquiry may be made from the Minister concerned if he is in a position to reply and, if so, on what date.

(2) If the Minister concerned is in a position to reply, such question shall be answered on a day to be indicated by him and shall be called immediately after the questions which have appeared on the list of questions for oral answers have been disposed of.

(3) If the Minister is not in a position to answer the question at short notice and the Chairman is of the opinion that the question is of sufficient public importance to be orally answered in the House, he may direct that the question be placed as the first question on the list of questions for the day on which it would be due for answer under rule 35 :

Provided that not more than one such question shall be accorded first priority on the list of questions for any one day :

Provided further that no notice of a short notice question shall be entertained unless the time for meeting of the Council has been fixed and not more than one notice shall be entertained from each member for a day.

(4) Where two or more members give short notice questions on the same subject and one of the questions is accepted for answer at short notice, names of not more than four members other than the one whose notice has been admitted shall, in accordance with the time of receipt of their questions, be shown against the admitted questions.

(5) Where a member desires an oral answer to a question at a shorter notice, he shall briefly state the reasons for asking the question with short notice. Where no reasons have been assigned in the notice of the question, the notice of question shall be disallowed *in limine*.

(6) In other respects, the procedure for short notice questions shall be the same as for ordinary questions for oral answer, with such modifications as the Chairman may consider necessary or convenient.

Rule 41.

In the proviso to rule 41, *after* the words " Provided that on ", *insert* the word " a " .

For the words " as may be fixed by the Chairman ", *substitute* the words " as may be fixed by him " .

CHAPTER VII.

Renumber existing Chapter VII as Chapter VIII.

Rule 42.

At the end of existing sub-rule (2), *add* the following :—

“But the Chairman may in his discretion permit not more than two questions by the same member by way of elucidation or clarification.”

In sub-rule (3), *for* the words ‘one matter’, *substitute* the words “two matters”.

CHAPTER VIII.

Renumber existing Chapter VIII as Chapter IX.

Rule 44.

For existing sub-rule (2), *substitute* the following sub-rule :—

“(2) If the Chairman does not give consent, it shall be intimated to the member, and the member shall not raise the matter in the House in any form.”

Rule 45.

(i) *For* the words “list of business”, *substitute* the words “further business set down in the list of business”;

(ii) *after* the words “call upon the member”, *add* the words “and/or the Leader of the Opposition”.

(iii) *after* the words “Leader of the House”, *add* the words “or, in his absence, any other Minister”.

Rule 46.

Delete existing rule 46.

Rule 47.

For existing rule 47, *substitute* the following rule :—

“If the Chairman holds that the matter proposed to be discussed is in order, then the member shall ask the leave of the House to make the motion ‘That the House do now adjourn’.”

Rule 49.

In existing rule 49, *for* the words “for the conclusion of the business of the day or at the conclusion of the business of the day, if earlier”, *substitute* the words, “for the conclusion of the business of that day or at the conclusion of the business of that day, as may be determined by him”.

Rule 51.

In item (ii) : *for* the word “can”, *substitute* the word “shall”.

In item (iv) : *after* the word “adjournment”, *add* the word “motion”.

In rule 51, *after* existing item (x), *add* the following as item (xi) :—

“(xi) The motion shall not deal with any matter which is under adjudication by a Court of Law.”

New rule 51-A.

After existing rule 51, *add* the following as new rule 51-A :—

“ 51-A : No motion which seeks to raise a discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into, or investigate, any matter shall ordinarily be permitted to be moved :

Provided that the Chairman may in his discretion allow such matter to be raised in the House if it is concerned with the procedure or subject or stage of enquiry before the tribunal or commission or court of enquiry and if the Chairman is satisfied that it is not likely to prejudice the consideration of such matter by such tribunal, statutory authority, commission or court of enquiry.”

CHAPTER IX.

Renumber existing Chapter IX as Chapter X.

Rule 53.

For the existing proviso to rule 53, *substitute* the following proviso :—

“ Provided that such a resolution can be moved only if at least fourteen days’ notice in writing has been given to the Secretary.”

CHAPTER X.

Renumber existing Chapter X as Chapter XI.

Rule 56.

In rule 56, *after* existing sub-rule (1), *insert* the following as sub-rule (2), and *renumber* the existing sub-rules (2) and (3) as sub-rules (3) and (4) respectively :—

“ A copy of the statement shall be forwarded to the Chairman and the Leader of the House one day in advance of the day on which it is to be made :

Provided that in the absence of a written statement, the points or the gist of such statement shall be conveyed to the Chairman and the Leader of the House one day in advance of the day on which it is to be made.”

(ii) In existing sub-rule (3) ‘renumbered as sub-rule (4)’ *for* the words “after it has been made”, *substitute* the words “after it is made”.

CHAPTER XI.

Renumber existing Chapter XI as Chapter XII.

Rule 59.

After existing item (vi), *add* the following as item (vii) :—

(vii) it shall not relate to any matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into or investigate any matter.”

CHAPTER XII.

Renumber existing Chapter XII as Chapter XIII.

Rule 61.

For the existing rule, *substitute* the following :—

“ 61. The business of the Council shall be transacted in Tamil or English provided that any member may address the Council in any recognized language of the State or in Hindi, and provided further that the Chairman may permit any member who cannot adequately express himself in any of the aforesaid languages to address the Council in his mother-tongue.

Explanation.—For purposes of this rule, “ recognized language ” shall mean any one of the following languages, namely, Telugu, Malayalam or Kannada.”

Rule 62.

Omit Rule 62.

Rule 63.

In existing item (v), *omit* the word “ and ” occurring at the end.

In existing item (vi), *after* the word “ shall ”, *add* the words “ stand or ”.

After existing item (vi), *add* the following as items (vii) and (viii) :—

“ (vii) shall keep to his usual seat, and

(viii) shall not obstruct the proceedings or interrupt and shall avoid making running commentaries when speeches are being made in the House.”

Rule 64.

To existing rule 64, *add* the following proviso :

“ Provided that a member disabled by sickness or infirmity may be permitted to speak sitting.”

Rule 65.

For existing rule 65, *substitute* the following rule :—

“ 65. When, for the purpose 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 House, he shall ask the question through the Chairman ”.

Rule 67.

In existing item (iii), *omit* the word “ the ” occurring after the words “ proceedings of ” and the word “ of ” occurring *after* the words “ Legislature or ”.

After existing item (iii), add the following as item (iv) :—

“ (iv) reflect on any determination of the House except on a motion for rescinding it ”.

Renumber the existing items (iv) to (vi) as (v) to (vii).

Rule 71.

71. (1) For the words “ On the conclusion of the debate on the motion, the Chairman shall put the question to the vote of the House and shall decide it by voices ”, *substitute* the following words: “ Unless otherwise provided in the Constitution or Acts or these rules, on the conclusion of the debate on a motion, the Chairman shall put the question to the vote of the House and shall decide it by voices.”

Rule 72.

For item (ii) under explanation (2), *substitute* the following :

“ (ii) that the Bill be referred to a Select Committee of the Council or a Joint Select Committee of the Houses ; ”

For item (v) under Explanation (2), *substitute* the following :

“ (v) that the Bill (or, as the case may be, that the Bill, as amended), be passed. ”

Rule 73.

For sub-rule (2), *substitute* the following :—

“(2) If, at the time of putting the question on a motion or an amendment to a motion to the vote of the House, the mover of the motion or the amendment to the motion is absent, it shall be considered to have been withdrawn by him, unless any member of the House asks that the question on the motion or the amendment to the motion be put.”

Rule 75.

75 (1)—For the expression 'non-official member' substitute the expression 'private member'.

For item (ii) under the Explanation, substitute the following :—

"(ii) an amendment to a Motion of Thanks on the Governor's address."

Rule 78.

For the word 'When' in sub-rule (2), substitute the word 'Where'.

Rule 79.

For the word "question", substitute the word "matter".

Rule 81.

For the word "arise" at the end of the rule, substitute the words "be allowed on such explanation".

Rule 83.

After existing sub-rule (2), add the following as new sub-rule (2-A)

"(2-A) A point of order shall relate to the interpretation or enforcement of these rules or such Articles of the Constitution as regulate the business of the House, or relate to the maintenance of order in, or to the business before, the House and shall raise a question which is within the cognizance of the Chairman."

In sub-rule (3), for the word 'admissible' substitute the word 'allowed'.

After existing sub-rule (3), add the following as new sub-rule (4) :

"(4) A member shall not raise a point of order—

(a) to ask for information ; or

(b) to explain his position ; or

(c) when a question on any motion is being put to the House; or

(d) which may be hypothetical ; or

(e) that the division bells did not ring or were not heard".

Rule 84.

For existing rule 84, substitute the following :—

"84. The Chairman shall have all powers necessary for the purpose of preserving order, enforcing the rules and his decisions."

Rule 86.

In rule 86, after the words "removal by force", add the words "by the Sergeant of the Council."

CHAPTER XIII.

Renumber Chapter XIII as Chapter XIV.

Rule 93.

In rule 93, for the words "leave to introduce a Bill has been granted", *substitute* the word "introduction".

Rule 95.

(1) In rule 95, for the words "six days' notice" in sub-rule (1), *substitute* the words "five days' notice";

(2) For the words "his Bill" in sub-rule (1), *substitute* the words "the Bill".

(3) In clause (b) of sub-rule (1), after the word "House", *add* the words "or a Joint Select Committee of the Houses";

(4) For the words "On such motion" in sub-rule (2), *substitute* the words "On such a motion".

Rule 96.

(1) For the words "his Bill", *substitute* the words "the Bill";

(2) *delete* the words "in the exercise of his power to suspend this rule".

{Rule 98.

In rule 98, sub-rule (1), *delete* the words "endeavour to".

Rule 100.

For existing rule 100, *substitute* the following :—

"100. The sittings of the Committee shall be held within the precincts of the Legislative Council and if it becomes necessary to change the place of sitting outside the precincts of the Legislative Council, the matter shall be referred to the Chairman whose decision shall be final."

Rule 102.

Renumber existing rule 102 as sub-rule (1) of rule 102. *Add* the following as new sub-rules (2) and (3) thereof :—

"(2) It may for this purpose require any person residing within the limits of the State to attend before it as witness or to produce before it such records and documents as it may think necessary and thereupon a requisition in writing shall be sent to the person concerned over the signature of the Secretary.

(3) The Committee may administer oath or affirmation to a witness examined before it."

Rule 105.

For existing rule 105, substitute the following rule :

“105. Every Select Committee on a Bill has power to make such amendments therein as it may think fit, provided that such amendments are relevant to the subject-matter of the Bill, but that if any such amendments shall not be within the title of the Bill, they may amend the title accordingly and report the same specially to the House.”

Rule 107.

After existing sub-rule (2), add the following as sub-rule (3) :—

“(3) The minutes of dissent, if any, as are received within the time fixed by the Select Committee in that behalf, shall be printed separately after the report of the Committee.”

Rule 108.

(1) *After the words “The report” occurring in two places, add the words “together with the minute or minutes of dissent, if any”*

(2) *Delete the words “Fort St. George”.*

Rule 110.

At the end of the proviso under clause (ii) to sub-rule (1), add the word ‘or’.

Rule 112.

In rule 112, sub-rule (2), for the words “every notice of amendment”, substitute the words “notice of every amendment”.

Rule 115.

(1) *In item (iv), after the words “the Preamble”, add the words “if any, and the Enacting Formula”.*

(2) *After item (iv), add the following as item (v) :—*

“(v) the Long Title”.

New Rule 116-A.

After existing Rule 116, add the following as rule 116-A :—

“The discussion on a motion that the Bill be passed or that the Bill, as amended, be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character.”

New Rule 116-B.

After the proposed New Rule 116-A, add the following as Rule 116-B:—

“116-B. Where a Bill is passed by the Council, the Chairman shall have power to correct patent errors and make such other changes in the Bill as are consequential upon the amendments accepted by the Council.”

Rule 120.

For the word “Chamber” in the marginal note of rule 120, substitute the word “House”.

Rule 129.

In rule 129 for the words “date or” substitute the words “day or on”.

Rule 130.

In rule 130, delete the words “to a Select Committee of the Assembly or” and the words “so far as may be”.

Rule 131.

In rule 131, in the last line delete the word “the” preceding the word “Bills”.

Rule 133.

For existing rule 133, substitute the following rule:—

“133. If the Bill is passed with amendments, the Bill shall be returned with a message asking for the concurrence of the Assembly in the amendments.”

Rule 134.

For existing rule 134, substitute the following rule:—

“134. If the Assembly disagrees with the amendments made by the Council or any of them or agrees to any of the amendments made by the Council with further amendments or proposes further amendments in place of amendments made by the House, the Bill as further passed under Article 197 (1) of the Constitution shall, on receipt by the House, be laid on the table.”

Rule 135.

For existing rule 135, substitute the following rule:—

“135. After the amended Bill has been laid on the table, any Minister, in the case of a Government Bill, or in any other case, any member, after giving two days' notice may move that the Bill as passed by the Assembly for the second time be taken into consideration.”

Rule 136.

For existing rule 136, substitute the following rule :—

"136. (1) If the motion that the Bill as passed by the Assembly for the second time be taken into consideration is lost, a message shall be sent to the Assembly indicating that the Bill as passed by the Assembly for the second time has been rejected by the Council.

(2) If the motion that the Bill as passed by the Assembly for the second time be taken into consideration is carried, any member may propose amendments to the Bill. The Chairman shall put the amendments to the House in such manner as he thinks most convenient for their consideration."

Rule 137.

For existing rule 137, substitute the following rule :—

"137. If the Bill is passed without amendments, a message shall be sent to the Assembly intimating that the Council has agreed to the Bill, as passed by the Assembly for the second time, without any amendments. If the Bill is passed with amendments, the Bill shall be returned to the Assembly with a message asking for the concurrence of the Assembly in the amendments made by the Council."

Rule 139.

(1) In sub-rule (2) of rule 139, *for the words "such motion", substitute the words "such a motion,"* ;

(2) *for the words "concurrence to the ", substitute the words "concurrence in the "*.

CHAPTER XIV.

Renumber Chapter XIV as Chapter XV.

Rule 141.

For existing rule 141, substitute the following rule :—

"141. (1) As soon as possible after an Ordinance is promulgated by the Governor under clause (1) of Article 213 of the Constitution, it shall be laid before the Council.

(2) On receipt of a message from the Assembly under rule 142 of the Assembly Rules, any member of the Council may, within six weeks of the re-assembly of the Council, and after giving one day's clear notice to the Secretary to the Council, move 'That the Council do concur in the resolution of the Assembly' and if the resolution is agreed to, it shall thereupon be forwarded to the Governor".

CHAPTER XV.

Renumber Chapter XV as Chapter XVI.

Rule 146.

Add the following as new sub-rule (3) and *re-number* existing sub-rule (3) as sub-rule (4)—

“(3) If a member when called on is absent, any other member authorised by him in writing may, with the permission of the Chairn an, move the resolution standing in his name, on his behalf.”

CHAPTER XVI.

Renumber Chapter XVI as Chapter XVII.

New Rule 153-A.

After rule 153, *add* the following as rule 153-A:—

153-A. (1) The Chairman, in addition to the time allotted under rule 152 and in consultation with the Leader of the House and the Business Advisory Committee, shall allot a day or days for discussion on each of the Policy Notes of the departments of the Government that may be decided upon by the Business Advisory Committee.

(2) The Minister concerned shall have a general right of reply at the end of the discussion.

(3) The motion moved by the Minister “ That the Policy Note be taken into consideration ” shall not be subject to any amendment or voting.

(4) The Chairman may, if he thinks fit, prescribe a time limit for speeches during the discussion on each of the Policy Notes.

Rule 155.

For existing sub-rule (2) of rule 155, *substitute* the following as sub-rules (2) and (3) :—

“(2) There shall be no discussion of the statement of supplementary or additional or excess expenditure on the day on which it is presented to the House.

(3) The Chairman shall allot one or more days in consultation with the Business Advisory Committee for the discussion of supplementary or additional or excess expenditure.”

Renumber existing sub-rule (3) as sub-rule (4).

CHAPTER XVII.

Renumber Chapter XVII as Chapter XVIII.

Rule 156.

For existing sub-rule (1) of rule 156, *substitute* the following :—

“(1) A Committee of Privileges shall be constituted which will consist of the Leader of the House, the Deputy Chairman, the Leader of the Opposition and nine other members to be elected by the Council on a date to be fixed by the Chairman according to the principle of proportional representation by means of the single transferable vote and in accordance with the regulations framed in this behalf by the Chairman.”

For existing sub-rule (2), *substitute* the following as sub-rules (2) and (2-A) :—

“(2) The members of the Committee elected under sub-rule (1) shall hold office for the financial year :

Provided that they shall, notwithstanding the expiration of the financial year, continue to hold office until a new Committee is constituted.

(2-A) There shall be a fresh election before the end of the financial year for constituting the Committee for the ensuing financial year.”

At the end of sub-rule (5), *add* the words—

“including the Chairman of the Committee or the member presiding”.

Rule 157.

Add the following proviso to existing rule 157 :—

“Provided that in respect of a matter of privilege arising during the sitting of the House, the Chairman may waive such notice and deal with the matter as he deems fit.”

Rule 159.

Add the following proviso to existing rule 159 :—

“Provided that a matter of privilege arising during the sitting of the House shall be entitled to immediate precedence over all other business.”

New Rule 162-A.

After existing rule 162, *add* the following as new rule 162-A :—

“162-A. (1) A member of the Committee who has a personal or direct interest of such a character that it may prejudicially affect the consideration of the matter of privilege to be considered by the Committee shall not sit on the Committee when the matter is under consideration.

(2) Whether a member of the Committee has a personal or direct interest as stated in sub-rule (1) shall be decided by the Chairman of the Committee ; if it involves the Chairman of the Committee himself, the matter shall be referred to the Chairman of the House and his decision shall be final.”

Rule 164.

For existing rule 164, substitute the following as rules 164 and 164-A :—

" 164. (1) The report of the Committee of Privileges shall be presented to the Council by the Chairman of the Committee, and in his absence, by any member of the Committee so authorised.

(2) As soon as may be, after the report has been presented, a motion "That the Report be taken into consideration" may be made either by the Leader of the House or the Chairman of the Committee or any member of the Committee.

(3) Any member may give notice of amendment to the motion for consideration of the report referred to above in such form as may be considered appropriate by the Chairman :

Provided that an amendment may be moved that the question be recommitted to the Committee either without limitation or with reference to any particular matter.

(4) After the motion for consideration of the report has been carried, the Chairman or any member of the Committee or any other member, as the case may be, may move that the Council agrees, or disagrees, or agrees with amendments, with the recommendations contained in the report."

New Rule 164-A.

After existing rule 164, add the following as new rule 164-A :—

" 164-A. The House may, by itself, where no reference has been made to the Committee of Privileges, on a motion made in the House, deal with the case in such manner as it may deem fit."

Rule 173.

Add the following as *Proviso* to sub-rule (2) of rule 173 :—

" Provided that the members of the Committee shall, notwithstanding the expiration of the financial year, continue to hold office until a new Committee is constituted."

Rule 175.

At the end of sub-rule (2) of Rule 175, add the words " or until a new Committee is constituted ".

Rule 177.

At the end of rule 177, add the words—

" including the Chairman of the Committee or the member resigning."

Rule 178.

For the word "Chairman" in rule 178, substitute the words "Chairman of the Committee."

Rule 180.

For the word "Chairman" in rule 180, substitute the words "Chairman of the Committee".

Rule 182.

For existing rule 182, substitute the following :—

"182. (1) The Council may appoint, on a motion moved in that behalf, for every financial year five or such number of members of the Council as may be provided for in the Assembly Rules to serve on the Committee on Public Accounts of the Assembly.

(2) Casual vacancies shall be filled as soon as possible after they occur by the Chairman and the person so appointed shall hold office for so long only as the person in whose place he is appointed would have held office."

Rule 183.

For existing rule 183, substitute the following :—

"183. (1) The Council may appoint, on a motion moved in that behalf, for every financial year, five or such number of members of the Council as may be provided for in the Assembly Rules to serve on the Committee on Estimates of the Assembly.

(2) Casual vacancies shall be filled as soon as possible after they occur by the Chairman and the person so appointed shall hold office for so long only as the person in whose place he is appointed would have held office."

Rule 184.

For existing rule 184, substitute the following :—

"184. (1) The Council may appoint on a motion moved in that behalf, for every financial year, five or such number of members of the Council as may be provided for in the Assembly Rules to serve on the Committee on Subordinate Legislation of the Assembly.

(2) Casual vacancies shall be filled as soon as possible after they occur by the Chairman and the person so appointed shall hold office for so long only as the person in whose place he is appointed would have held office."

CHAPTER XVIII.

Renumber CHAPTER XVIII as CHAPTER XIX.

CHAPTER XIX.

Renumber CHAPTER XIX as CHAPTER XX.

CHAPTER XX.

Renumber CHAPTER XX as CHAPTER XXI.

For the existing heading, *substitute* the heading “ Rules Committee ”.

Rules 191 to 195-A.

For existing rules 191 to 195, *substitute* the following as rules 191 to 195-A :—

Rules Committee.

“ 191. There shall be a Committee on Rules to, consider matters of procedure and conduct of business in the House and to recommend any amendments or additions to these rules that may be deemed necessary.

192. (1) The Committee on Rules shall be nominated by the Chairman and shall consist of 14 members including the Chairman of the Committee. The Chairman shall be the ex-officio Chairman of the Committee. The Leader of the House (Council), if he is not a Member, shall be ex-officio member of the Committee.

(2) The Committee nominated under sub-rule (1) shall hold office for one year or until a new Committee is nominated.

(3) If the Chairman, for any reason, is unable to preside over any meeting of the Committee, he shall nominate a Chairman for that meeting.

(4) Casual vacancies in the Committee shall be filled by the Chairman and any person nominated to fill such vacancy shall hold office for the period for which the person in whose place he is nominated would under the provisions of sub-rule (2) have held office.

193. In order to constitute a meeting of the Committee the quorum shall be five including the Chairman or the member presiding.

194. (1) Any member desirous of moving any amendment to the rules shall give notice of his intention to the Secretary, accompanied by a draft of the proposed amendments.

(2) The Secretary shall place the amendments before the Committee for its consideration and recommendation.

195 (1) The recommendations of the Committee shall be laid on the table and within a period of seven days beginning with the date on which they are so laid, any member may give notice of any amendment to such recommendations.

(2) Any notice given by a member of any amendment to the recommendations of the Committee shall stand referred to the Committee who shall consider it and make such changes in their recommendations as the Committee may consider fit. The final report of the Committee after taking into consideration the amendments, suggested by the members, shall be laid on the table. Thereafter, on the House agreeing to the report, on a motion made by a member of the Committee, the amendments to the rules as approved by the House shall be notified by the Chairman in the Gazette or the "Information".

(3) If notice of such amendment has not been given within seven days, the recommendations of the Committee shall be deemed to have been approved by the House and on the expiry of the said period the Chairman shall notify in the Gazette or the "Information" the amendments to the rules recommended by the Committee.

(4) Any amendments given notice of to the final report of the Committee shall not be referred again to the Committee unless otherwise decided by the House but shall be disposed of by the House while considering the final report of the Committee.

(5) The amendment to the rules shall come into force on their publication in the Gazette/ "Information" unless otherwise specified.

195-A. Except as aforesaid, the rules applicable to a Select Committee of the Council shall apply."

CHAPTER XXI.

Renumber Chapter XXI as Chapter XXII.

Rule 197.

For existing rule 197, substitute the following rule :—

" 197 (1) If the Chairman is of opinion that words have been used in debate which are defamatory or indecent, or unparliamentary or undignified, or grossly irregular, he may, in his discretion, order that such words be expunged from the official report of the proceedings of the House and all consequential alterations made in such report.

(2) If the Chairman is of opinion that words have been used in a minute of dissent to a report of the Select Committee which are defamatory or indecent, or unparliamentary or undignified, or grossly irregular he may, on a reference being made by the Chairman of that Committee, order that such words or portions be expunged from such minute of dissent and order consequential alterations, if any, to be made. "

Rule 198.

For existing rule 198, *substitute* the following rule :—

“198. The portion of the proceedings of the House or of the minute of dissent to a report of the Select Committee, so expunged, shall be marked by asterisks and an explanatory foot-note shall be inserted in the proceedings as follows :—

“ Expunged as ordered by the Chair (or the Chairman, as the case may be). ”

Rule 199.

After sub-rule (2) of rule 199, *add* the following as new sub-rule (3) :—

“ (3) If a question arises whether a paper, document or report is in connection with the business of the House or not, the question shall be referred to the Chairman whose decision shall be final.”

New Rule 201-A.

After existing rule 201, *add* the following as new rule 201-A :—

“ 201-A. The Chamber of the House shall not be used for any purpose other than the sittings of the House. ”

CHAPTER XXII.

Renumber CHAPTER XXII as CHAPTER XXIII.

Rule 207.

For existing rule 207, *substitute* the following rule :—

“ 207. When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a Court anywhere in India or is detained under an executive order of any State or Central Government, the committing Judge, Magistrate or executive authority, as the case may be, shall immediately intimate such fact to the Chairman indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form prescribed by the Chairman—*Vide* Appendices A and B. ”

Rule 209.

In rule 209 for the “ words information sheet ” *substitute* the word “ Information. ”

Rule 211.

In rule 211 after the word ‘ Criminal ’ *add* the words “ or notice ”.

Rules 212 to 214.

Number the Chapter as Chapter XXIV and items Nos. 1 to 3 as rules 212 to 214.

For existing Appendix C, substitute the following :—

APPENDIX C.

Form of communication in regard to release of a member.

Place :

Date :

To

THE HON. CHAIRMAN,
Tamil Nadu Legislative Council,
Fort St. George, Madras-9.

Dear Mr. Chairman,

I have the honour to inform you that Thiru Member of the Tamil Nadu Legislative Council, who was convicted on (date) and imprisoned for (period) for (reason for conviction) was released on bail pending*/prosecution/trial/appeal (or released on the sentence being set aside on appeal, as the case may be) on the (date).

Yours faithfully,

(Judge, Magistrate or Executive Authority.)

* Strike out whichever is not applicable.

Revised drafts of Rules.

RULE 3.

For existing rule, substitute the following :—

3. *Summoning of Council.*—(a) Whenever the Governor summons the Council, a notification shall be published in the Gazette appointing a day, the hour and place for the meeting of the Council.

(b) The Secretary shall intimate to ^{each} ~~every~~ member the date and place appointed for the meeting of the Council.

3-A. *Oath or affirmation.*—(1) Every member of the Legislative Council shall, before taking his seat, make and subscribe an oath or affirmation as provided for in Article 188 of the Constitution.

(2) If the member has not already made and subscribed an oath or affirmation as aforesaid in sub-rule (1), he may do so either at the commencement of a sitting or at any other time or place as the Chairman may direct on any day after previous notice to the Secretary.

3-AA. *Roll of Members.*—There shall be a Roll of Members of the House which shall be signed in the presence of the Secretary by every member, after making an oath or affirmation and before taking his seat.

3-AAA. *Seating of Members.*—The members shall sit in such order as the Chairman may determine.

Rule 4 (1).

For the proposed sub-rule (1) of Rule 4, substitute the following :—

4. *Election of Chairman.*—(1) When, owing to the existence of any vacancy in the office of Chairman, the election of a Chairman is necessary, the Governor shall fix a date before the prorogation of the next session following the session in which the vacancy arises for the holding of the election and the Secretary shall send to every member notice of the date so fixed.

Rule 5 (1).

For the proposed sub-rule (1), substitute the following :—

5. *Election of Deputy Chairman.*—(1) When, owing to the existence of any vacancy in the office of Deputy Chairman, the election of a Deputy Chairman is necessary, the Chairman or before the prorogation of the next session following the session in which the vacancy arises for the holding of the election and ~~the in which the vacancy arises for the holding of the election~~ and the Secretary shall send to every member notice of the date so fixed.

Rule 6.

For the proposed Rule 6, substitute the following:—

6. Panel of Vice-Chairmen.—(1) At the commencement of every session or from time to time, as the case may be, the Chairman may nominate from amongst the members of the Council a panel of not more than four Vice-Chairmen, any one of whom may preside over the Council in the absence of the Chairman and the Deputy Chairman when so requested by the Chairman, or in his absence by the Deputy Chairman, or in his absence also, by the Vice-Chairman presiding. In the event of the absence of all the other members of the panel of Vice-Chairmen, the person presiding may request any member of the House to preside over the Council.

(2) At the commencement of a sitting, if the Chairman and the Deputy Chairman are absent, one of the panel of Vice-Chairmen present in the House in the order of the announcement regarding their nomination by the Chairman will take the Chair.

(3) The Vice-Chairman nominated under sub-rule (1) shall hold office until a new panel of Vice-Chairmen is nominated.

Rule 32.

For existing item (8), substitute the following:—

“(8) It must not relate to a purely private or personal grievance;”

For existing item (16) substitute the following:—

“(15) it shall not ask for information on trivial or vague matters;”

For existing item (16), substitute the following:—

“(16) it shall not ordinarily seek information on matters of past history for the purpose of argument;”

Rule 35.

For existing Rule 35, substitute the following:—

35. List of questions.—Admitted questions shall be entered in the list of questions on the 42nd day at the latest after the day on which the question has been admitted by the Chairman.

Provided that in case the answer to a question cannot be sent to the Secretary within forty-two days from the date of admission, the Chairman may, if sufficient cause is shown, extend the time therefor not exceeding two weeks and after the expiry of such extended time, the question shall be included in the list of questions.

Rule 36.

For sub-rule (2), substitute the following:—

“(2) If, on a question being called, it is not put or the member in whose name it stands is absent, the Chairman may, at the request of any other member, direct that the answer to it be given.”

Delete the suggested sub-rule (6).

Rule 40.

For existing rule 40, substitute the following:—

“40. *Minister may decline to answer question or supplementary question without notice.*—A Minister to whom a question or supplementary question is put may decline to answer it on the ground that to answer it would be against public interest and a Minister to whom a supplementary question is put may decline to answer on the ground that he wants notice.”

Page 14.

New Rule 40-A.

For the suggested new rule 40-A, substitute the following:—

“40-A. *Short notice questions.*—(1) A question relating to a matter of public importance may be asked, with shorter notice than seven clear days and with the consent of the Minister concerned.

(2) Such questions shall be answered on a day to be indicated by the Minister concerned within the said seven days and shall be called immediately after the questions which have appeared on the list of questions for oral answers have been disposed of.

(3) No notice of a short notice question shall be entertained without a date for a meeting of the Council having been fixed and not earlier than ten days of the day so fixed; and not more than one notice shall be entertained from each member for a day.

(4) Where two or more members give short notice questions on the same subject and one of the questions is accepted for answering at short notice, the names of not more than four members, other than the one whose notice has been admitted, in accordance with the time of the receipt of their notices, shall be shown against the admitted question.

(5) If the Minister is unable to answer the question at short notice and the Chairman is of opinion that the question is of sufficient public importance to be orally answered in the House, he may direct that the question be included in the list of questions for the day on which it would be due for answer under rule 35.

(6) A member who gives notice of a short notice question shall briefly state the reasons for asking the question with shorter notice. If no reasons have been assigned in the notice of the question, the question shall be returned to the member."

New Rule 41-A.

After rule 41, add the following new rule 41-A :—

41-A. *Half-hour discussion.*—(1) The Chairman may allot half an hour on three sittings in a week for raising a discussion on a matter of sufficient public importance which has been the subject-matter of a question, oral or written, the answer to which was given within five days prior to the date of notice and which needs elucidation on a matter of fact.

(2) A member wishing to raise a matter shall give notice in writing to the Secretary three days in advance of the day on which the matter is desired to be raised, and shall briefly specify the point or points that he wishes to raise, together with the reasons for raising the discussion on the matter in question :

Provided that if a notice is signed by more than one member, it shall be deemed to have been given by the first signatory only :

Provided further that the Chairman may, with the consent of the Minister concerned, waive the requirement concerning the period of notice.

(3) The Chairman shall decide whether the matter is of sufficient public importance to warrant the discussion and his decision shall be final.

(4) If more than one notice has been received and admitted by the Chairman, the Secretary shall hold a ballot with a view to drawing one notice and the notice so drawn shall be put down for discussion on that day.

(5) There shall be no formal motion before the House nor voting and the discussion shall terminate at the end of half an hour.

Rule 42.

For existing rule 42, substitute the following :—

“ 42. *Calling attention to matters of urgent public importance—*

(1) A member may, by giving a notice in writing, call the attention of a Minister to any matter of urgent public importance.

(2) Such notice shall be taken up within seven days from the date of admission of such notice.

(3) Such notice shall be taken up after the questions and the Minister may make a brief statement on the matter.

(4) There shall be no debate on such statement at the time it is made; but, the Chairman, in his discretion, may permit not more than two questions by the same member by way of elucidation or clarification.

(5) Not more than two matters shall be raised under this rule for the same day; and the second matter shall not be raised by the same member who has raised the first matter.

(6) No notice shall be entertained on a day earlier than seven days prior to the date of sitting on which it is proposed to be raised.

(7) The proposed matters shall be raised only after questions and before the list of business is entered upon and at no other time during the sitting of the House.

(8) In the event of more than two matters being presented for the same day, priority shall be given to the two matters which, in the opinion of the Chairman, are more urgent and important. The other notices may either be taken up on any subsequent day to be fixed by the Chairman or if such notices could not be taken up within the duration of the sittings, the statements in respect of the notices not taken up may be circulated to the members.

(9) If notices admitted under this rule were pending on the last day of the sittings, the Chairman may, in his discretion, permit more than two matters being raised under this rule.

(10) All other notices that may be pending on the last day of the sittings shall lapse.”

Rule 44.

For rule 44, substitute the following :—

“ 44. *Chairman's consent to asking for leave.*—(1) Notice of an adjournment motion together with a brief statement of the matter to be discussed shall be given at least one hour before

the commencement of the sitting, on the day on which the motion is proposed to be made to (i) the Chairman, (ii) the Leader of the House and (iii) the Secretary and the consent of the Chairman shall be obtained to ask the leave of the House to make the motion.

(2) The Chairman may withhold consent to the matter being raised before the House and in that case it shall be communicated to the member together with the reasons therefor, and the member shall not raise matter in the House in any form."

Rule 45.

For existing rule 45, substitute the following:—

" 45. *Chairman to decide admissibility of the motion.*—If the Chairman gives his consent under rule 44, he shall, after questions and before the list of business is entered upon, read the statement referred to in rule 44 to the House and decide whether the matter proposed to be discussed is or is not in order. Before he so decides, he may, if he thinks necessary, call upon the member to explain how the matter is in order and he may also ask the Leader of the House to state the Government's point of view."

Rule 59.

For item (v), substitute the following:—

" (v) it shall not anticipate discussion of a matter which has been previously appointed for consideration in the same session;"

Rule 67.

For proposed item (v), substitute the following:—

" (v) reflect upon the conduct of the President or any Governor or any Court of Justice or irregularly use the Governor's or President's name for the purpose of influencing a debate;"

Rule 146.

For existing rule 146, substitute the following:—

146. (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.

(2) If the member when called on is absent, the resolution standing in his name shall be considered to have been withdrawn :

Provided that if a member when called on is absent, any other member authorised by him in writing may, with the permission of the Chairman, move the resolution standing in his name.

(3) It shall be opened to the Council to allow a resolution withdrawn under clause (a) of sub-rule (1) or deemed to have been withdrawn under sub-rule (2) of this rule, to be moved by any other member.

OMIT THE EXISTING RULE 60 AND INSERT THE FOLLOWING AS
CHAPTER XII-A.

No-Day-Yet-Named Motions.

60. *Discussion on a matter of public interest.*—Save in so far as is otherwise provided in the Constitution or in these rules, no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Chairman.

60-A. *Notice of motion.*—Notice of a motion shall be given in writing addressed to the Secretary.

60-B. *Conditions of admissibility of motion.*—In order that a motion may be admissible it shall satisfy the following conditions, namely :—

- (i) it shall raise substantially one definite issue;
- (ii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;
- (iii) it shall not refer to the conduct or character of persons except in their public capacity;
- (iv) it shall be restricted to a matter of recent occurrence;
- (v) it shall not raise a question of privilege;
- (vi) it shall not revive discussion of a matter which has been discussed in the same session;
- (vii) it shall not anticipate discussion of a matter which is likely to be discussed in the same session; and
- (viii) it shall not relate to any matter which is under adjudication by a Court of law having jurisdiction in any part of India.

60-C. *Chairman to decide admissibility of motion.*—The Chairman shall decide whether a motion or a part thereof is or is not admissible under these rules and may disallow any motion or a part thereof when in his opinion it is an abuse of the right of moving a motion or is calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of these rules.

60-D. *Motion for raising discussion on matters before tribunals, Commissions, etc.*—No motion which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into, or investigate, any matter shall ordinarily be permitted to be moved :

Provided that the Chairman may, in his discretion, allow such matter being raised in the House as is concerned with the procedure or subject or stage of enquiry if the Chairman is satisfied that it is not likely to prejudice the consideration of such matter by the statutory tribunal, statutory authority, commission or court of enquiry.

60-E. *Circulation of No-Day-Yet Named Motions.*—If the Chairman admits notice of a motion and no date is fixed for the discussion of such motion, it shall be immediately notified in the Information with the heading 'No-Day-Yet-Named Motions'.

60-F. *Allotment of time and discussion of motions.*—The Chairman may, after considering the state of business in the House and in consultation with the Leader of the House, allot a day or days or part of a day for the discussion of any such motion.

60-G. *Chairman to put question at the appointed time.*—The Chairman shall, at the appointed hour on the allotted day or the last of the allotted days, as the case may be, forthwith put every question necessary to determine the decision of the House on the original question.

For the existing rule 182, substitute the following :—

“ 182. *Appointment of Members to serve on the public Accounts Committee of the Assembly.*—(1) The Council may appoint, on a motion moved in that behalf for every financial year five or such number of members of the Council as may be provided for in the Assembly Rules to serve on the Committee on Public Accounts of the Assembly.

(2) Casual vacancies shall be filled as soon as possible after they occur in the manner prescribed in sub-rule (1) and the person so appointed shall hold office for so long only as the person in whose place he is appointed would have held office.”

For existing rule 183, substitute the following :—

“ 183. *Appointment of members to serve on the Committee on Estimates of the Assembly.*—(1) The Council may appoint, on a motion moved in that behalf, for every financial year, five or such number of members of the Council as may be provided for in the Assembly Rules to serve on the Committee on Estimates of the Assembly.

(2) Casual vacancies shall be filled as soon as possible after they occur in the manner prescribed in sub-rule (1) and the person so appointed shall hold office for so long only as the person in whose place he is appointed would have held office.

For existing rule 184, substitute the following :—

“184. Appointment of Members to serve on the Committee on Subordinate Legislation of the Assembly.—(1) The Council may appoint, on a motion moved in that behalf, for every financial year, five or such number of members of the Council as may be provided for in the Assembly Rules to serve on the Committee on Subordinate Legislation of the Assembly.

(2) Casual vacancies shall be filled as soon as possible after they occur in the manner prescribed in sub-rule (1) and the person so appointed shall hold office for so long only as the person in whose place he is appointed would have held office.”

ANNEXURE II.

Existing Rules.

THE MADRAS LEGISLATIVE COUNCIL RULES.

[Under clause (1) of Article 208 of the Constitution of India.]

CHAPTER I.

SHORT TITLE AND DEFINITIONS.

Short Title. 1. These rules may be called the Madras Legislative Council Rules.

Definitions. 2. In these rules—

(a) 'Assembly' means the Madras Legislative Assembly.

(b) 'Chairman' means Chairman of the Madras Legislative Council.

(c) 'Constitution' means the Constitution of India.

(d) 'Council' means the Madras Legislative Council.

(e) 'Finance Minister' means the Minister in charge of Finance or any other Minister to whom his functions are delegated for the purpose of these rules.

(f) 'Gazette' means the *Fort St. George Gazette*.

*Rules as Amended.***THE TAMIL NADU LEGISLATIVE COUNCIL RULES.**

[Under clause (1) of Article 208 of the Constitution of India.]

CHAPTER I.

SHORT TITLE AND DEFINITIONS.

1. These rules may be called the Tamil Nadu Legislative Council Rules.

2. (1) In these rules—

(a) 'Assembly' means the Tamil Nadu Legislative Assembly.

(b) 'Chairman' means Chairman of the Tamil Nadu Legislative Council.

(c) "Committee" means a Committee appointed or elected by the Council or nominated by the Chairman and includes a Joint Committee appointed under the provisions of these rules and any other Joint Committee nominated jointly by the Chairman of the Council and by the Speaker of the Assembly and includes a Select Committee or a Joint Select Committee.

(d) 'Constitution' means the Constitution of India.

(e) 'Council' means the Tamil Nadu Legislative Council.

(f) 'Finance Minister' means the Minister in charge of Finance or any other Minister to whom his functions are delegated for the purpose of these rules.

(g) 'Gazette' means the Tamil Nadu Government Gazette.

(h) 'Government' means the Government of Tamil Nadu.

(i) 'Governor' means the Governor of Tamil Nadu.

(j) 'House' means the Council ; and 'Houses' means the Council and the Assembly.

Existing Rules.

(g) 'Leader of the House' means the Minister appointed by the Government as the Leader of the Council.

(h) 'Member' means member of the Council.

(i) 'Member-in-charge of the Bill' means —

(i) in the case of a Government Bill any Minister and, in any other case, the member who has introduced the Bill ; or

(ii) in the case of the Bill introduced in the Assembly and received in the Council, the Member who has given notice of his intention to move the Bill in the Council.

(j) 'Minister' includes any Deputy Minister or Parliamentary Secretary to whom a Minister may delegate his functions.

Rules as Amended.

(k) 'Information' means the 'Information' of the Council containing (a) a brief record of the proceedings of the Council at each of its sittings (b) information on any matter relating to or connected with the business of the Council or its Committees (c) or any other matter which, in the opinion of the Chairman, may be included therein.

(l) 'Leader of the House' means the Minister appointed by the Government as the leader of the Council.

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

Provided that a Minister who is not a member and the Advocate-General shall be deemed to be members for the purpose of speaking in moving motions and or otherwise taking part in the proceedings of the Council, and for the purpose of speaking in, and or otherwise taking part in the proceedings of, any of its Committees of which he may be named a member, but shall not, by virtue of this rule, be entitled to vote on any question, or be deemed to be a member for the purpose of forming a quorum.

(n) "Member-in-charge of a Bill" means—

(i) in the case of a Government Bill, any Minister ;

(ii) in any other case, the member who has introduced the Bill in the Council ; or

(iii) where the Bill is one which was introduced in the Assembly and received in the Council, the member who has given notice of his intention to move the Bill to the Council.

(o) 'Minister' means a member of the Council of Ministers and includes a Deputy Minister or a Parliamentary Secretary who is member of the Legislative Council.

(p) "Precincts of the House" means—

(i) in the case of Members of the Legislative Council, the entire Secretariat Buildings in the Fort St. George, Madras, including the Council Chamber, its lobbies, and the rooms in which the associated offices are situated, the place where the members of the Council are required to assemble either under Article 175 or under Article 176 of the Constitution, the Ministers' rooms, the rooms of the Leader of the Opposition and the whips', the Library, the Canteen and the Lounge rooms, the Committee Room in the Legislators' Hostel and the Library in the Government Estate, Mount Road, Madras, and such other places or buildings as might be named by the Chairman from time to time together with the verandas and steps to these buildings and the pathways leading from the Council Chamber to the aforesaid buildings and shall be applicable only while the Council or any of its Committees or Sub-Committees sits and one hour before and after such a sitting ;

Existing Rules.

(k) ' Rules ' means the Madras Legislative Council Rules.

(l) ' Secretary ' means Secretary to the Council and includes any Gazetted Officer of the Council authorized by him with the consent of the Chairman to perform the duties of the Secretary.

(m) " Select Committee " shall, unless otherwise defined in these rules or unless repugnant to the context, include a Joint Select Committee of both the Council and the Assembly.

(n) Words and expressions used in the Constitution and not defined in these rules shall have the meaning assigned to them in the Constitution.

Rules as Amended.

(ii) in the case of strangers, the Council Chamber with the galleries, its verandas and steps and shall be applicable only to those to whom tickets have been validly issued by the Council Office for admission to the galleries ; and

(iii) in the case of persons summoned by a Committee of the House for any purpose whatsoever, they shall be deemed to be within the 'Precincts of the House' so long as they are within the Committee Rooms, its verandas and its steps.

(q) " Private Member " means a member other than a Minister.

(r) " Private Member's business " means business of which notice is given by Private Members but does not include statutory motions made in pursuance of any statute or enactment or motions for the discussion of reports required to be laid on the table of the House under any law or the Motion of Thanks for the Governor's Address or motions for the amendment of the rules.

(s) " Rules " means the Tamil Nadu Legislative Council Rules.

(t) ' Secretary ' means Secretary to the Council and includes any Gazetted Officer of the Council authorized by him with the consent of the Chairman to perform the duties of the Secretary.

(u) " Session " means the period of time between the first meeting of the Council upon the summons of the Governor under clause (1) of Article 174 of the Constitution and its prorogation under clause (2) thereof.

(v) " Sitting " means a meeting of the members of the House for transaction of business on any day from its commencement till the House rises for the day.

(w) " Statutory Motion " means a motion [made in pursuance of any statute or enactment for the time being in force.

(m) Omitted.

(2) Words and expressions used in the Constitution and not defined in these rules shall have the meaning assigned to them in the Constitution.

Existing rule.

CHAPTER II.

SUMMONS TO MEMBERS, GOVERNOR'S ADDRESS AND PROROGATION OF
THE COUNCIL.

Summoning
of Council. 3. The Secretary shall intimate to each member the date and place
appointed for a meeting of the Council.

Rules as Amended.

CHAPTER II.

SUMMONING OF THE COUNCIL, ROLL OF MEMBERS, OATH OR AFFIRMATION AND SEATING OF MEMBERS.

3. (a) Whenever the Governor summons the Council, a notification shall be published in the *Gazette* appointing a day, the hour and place for the meeting of the Council.

Summoning
of
Council.

(b) The Secretary shall intimate to each member the date, hour and place appointed for the meeting of the Council.

3-A. (1) Every member of the Legislative Council shall, before taking his seat, make and subscribe an oath or affirmation as provided for in Article 188 of the Constitution.

Oath or
Affirmation.

(2) If the member has not already made and subscribed an oath or affirmation as aforesaid in sub-rule (1), he may do so either at the commencement of a sitting or at any other time or place as the Chairman may direct on any day after previous notice to the Secretary.

3-AA. There shall be a Roll of Members of the House which shall be signed in the presence of the Secretary by every member, after making an oath or affirmation and before taking his seat.

Roll of
Members.

3-AAA. The members shall sit in such order as the Chairman may determine.

Seating of
Members.

Existing rule.

- Governor's address.** 4. At the first sitting of the Council, after the Governor has addressed both the Houses of the Legislature under Article 176 or under Article 175 of the Constitution or the Council under Article 175 of the Constitution, a copy of the Governor's Address shall be placed on the table of the House.
- Discussion on the address.** 5. (1) The Chairman shall, in consultation with the Leader of the House and the Business Advisory Committee, allot the time necessary for the discussion of the matters referred to in the Governor's Address.
- (2) Such discussion may take place on a Motion of Thanks moved by a member and seconded by another member.
- (3) Amendments may be moved to such motion in such form as may be allowed by the Chairman.
- Governor's reply.** 6. The Chairman shall report to the Council the Governor's reply, if any, to the Motion of Thanks.
- Rules of debate on Governor's Address.** 7. The rules of debate relating to Government motions shall apply *mutatis mutandis* to the debate on the Governor's Address.
- Observance of order during Governor's Address.** 8. When the Houses of the Legislature are assembled together under Article 175 or 176 or when the members of the Council alone have assembled, under Article 175 of the Constitution, no member shall obstruct or interrupt the Address either before or after the Address or during its duration, with any speech or point of order or in any other manner; and such obstruction or interruption shall be regarded as gross breach of order of the House and shall be dealt with by the Chairman as such at the next sitting of the Council.

Rules as Amended.

CHAPTER IV.

GOVERNOR'S ADDRESS

8. At the first sitting of the Council, after the Governor has addressed both the Houses of the Legislature under Article 176 or under Article 175 of the Constitution or the Council under Article 175 of the Constitution, a copy of the Governor's Address shall be placed on the table of the House.

Governor's
address.

9. (1) The Chairman shall, in consultation with the Leader of the House and the Business Advisory Committee, allot the time necessary for the discussion of the matters referred to in the Governor's Address.

Discussion
on the
address.

(2) Such discussion may take place on a Motion of Thanks moved by a member and seconded by another member.

(3) Amendments may be moved to such motion in such form as may be considered appropriate by the Chairman.

9-A(1) Notwithstanding that a day has been allotted for discussion on the Governor's Address—

(a) a motion or motions for leave to introduce a Bill or Bills may be made and a Bill or Bills may be introduced on such a day, and

(b) other business of a formal character may be transacted on such a day before the House commences or continues the discussion on the Address.

Other busi-
ness that
may be
taken up.

(2) The discussion on the Address may be postponed in favour of a Government Bill or other Government Business, on a motion being made in that behalf. The Chairman shall forthwith put the question, no amendment or debate being allowed.

(3) The discussion on the Address may be interrupted in the course of a sitting by an adjournment motion under rule 43.

10. The Chairman shall report to the Council the Governor's reply, if any, to the Motion of Thanks.

Governor's
reply.

11. The rules of debate relating to Government motions shall apply *mutatis mutandis* to the debate on the Governor's Address.

Rules of
debate on
Governor's
Address.

12. When the Houses of the Legislature are assembled together under Article 175 or 176 or when the members of the Council alone have assembled, under Article 175 of the Constitution, no member shall obstruct or interrupt the Address either before or after the Address or during its duration, with any speech or point of order or in any other manner ; and such obstruction or interruption shall be regarded as a gross breach of order of the House and shall be dealt with by the Chairman as such at the next sitting of the Council.

Observance
of order
during
Governor's
Address.

Existing rules.

Prorogation
of the
Council.

9. (a) A session of the Council is terminated by prorogation.

(b) On the prorogation of a session, all pending notices and business shall lapse except Bills which have been introduced and Resolutions which have been moved and are pending in the House. Such Bills and such Resolutions shall be carried over to the next session from the stage reached by them in the expiring session, provided that fresh notice shall be given for motions regarding the same.

(c) Prorogation shall not affect the work of any Committee or Select Committee under these rules.

Rules as Amended.

PROROGATION OF THE COUNCIL.

13. (a) A session of the Council is terminated by proration.

Proration
of the
Council.

(b) On the proration of a session, all pending notices and business shall lapse except questions, statutory motions, Bills which have been introduced and resolutions which have been moved in the House. Such business shall be carried over to the next session from the stage reached by it in the expiring session, provided that except in the case of questions fresh notice shall be given for motions regarding the same.

(c) Proration shall not affect the work of any Committee or Select Committee under these rules.

Existing rules.

CHAPTER III.

ROLL OF MEMBERS, LEAVE OF ABSENCE AND VACATION OF SEATS.

Attendance
list-

10. The Secretary shall keep a list showing the attendance of each member and such list shall be made available to members for inspection.

Leave
absence.

11. (1) Leave of absence from the sittings of the House may be granted by the House to a member on a motion made by him or any other member in his behalf, stating the period of absence, and such motion shall be voted upon without amendment or debate.

(2) If, without such leave, a member is absent from all meetings of the Council for sixty days computed in accordance with clause (4) of Article 190 of the Constitution, any member of the House may move that his seat be declared vacant, and such motion shall be voted upon without amendment or debate.

Rules as Amended.

CHAPTER V.

ATTENDANCE LIST, LEAVE OF ABSENCE AND VACATION OF SEATS.

14. The Secretary shall keep a list showing the attendance of each member and such list shall be made available to members for inspection. Attendance list.

15. (1) Leave of absence from the sittings of the House may be granted by the House to a member on a motion made by him or any other member in his behalf, stating the period of absence, and such motion shall be voted upon without amendment or debate. Leave of absence and vacation of seats.

(2) If, without such leave, a member is absent from all meetings of the Council for sixty days computed in accordance with clause (4) of Article 190 of the Constitution, the Leader of the House, or any member of the House may move that his seat be declared vacant, and such motion shall be voted upon without amendment or debate.

Existing Rules.

CHAPTER IV.

ELECTION OF CHAIRMAN AND DEPUTY CHAIRMAN.

Election of
Chairman.

12. (1) When, owing to the existence of any vacancy in the office of Chairman, the election of a Chairman is necessary, the Governor shall fix as early a date as possible for the holding of the election and the Secretary shall send to every member notice of the date so fixed.

(2) At any time before noon on the day preceding the date so fixed any member may nominate another member for election. The nomination paper shall contain the name of the member nominated, shall be signed by the proposer and seconder, and also contain a declaration by the nominee that he is willing to serve as Chairman, if elected. It shall be delivered to the Secretary *in person* either by the proposer or the seconder, or the candidate nominated.

(3) The election shall take place at a meeting of the Council.

(4) On the date fixed for election, the person presiding at the meeting 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 has been so nominated, the Council shall proceed to elect a Chairman by ballot.

(5) For the purpose of sub-rule (4), a member shall not be deemed to have been duly nominated or be entitled to vote if he or his proposer or seconder has not, before the reading out of the names by the person presiding, made the oath or affirmation as a member of the Council.

(6) 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.

(7) Where at any ballot any of the three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under sub-rule (6), the determination, as between the candidates whose votes are equal, of the candidate who is to be excluded shall be by the drawing of lots.

(8) When there are only two candidates duly nominated, an election by ballot shall be held and the candidate obtaining the larger number of votes shall be declared elected. In the case of an equality of votes, the determination of the successful candidate shall be by the drawing of lots.

Rules as Amended.

CHAPTER III

ELECTION OF CHAIRMAN AND DEPUTY CHAIRMAN AND NOMINATION OF
PANEL OF VICE-CHAIRMEN.

4. Election of Chairman (1) When, owing to the existence of any vacancy in the office of Chairman, the election of a Chairman is necessary, the Governor shall fix as early a date as possible for the holding of the election and the Secretary shall send to every member notice of the date so fixed.

(2) At any time before noon on the day preceding the date so fixed any member may nominate another member for election. The nomination paper shall contain the name of the member nominated, shall be signed by the proposer and seconder, and also contain a declaration by the nominee that he is willing to serve as Chairman, if elected. It shall be delivered to the Secretary *in person* either by the proposer or the seconder, or the candidate nominated:

Provided that a member shall not nominate more than one member or second more than one nominee.

(3) The election shall take place at a meeting of the Council.

(4) On the date fixed for election, the person presiding at the meeting 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 has been so nominated, the Council shall proceed to elect a Chairman by ballot.

(5) For the purpose of sub-rule (4), a member shall not be deemed to have been duly nominated or be entitled to vote if he or his proposer or seconder has not, before the reading out of the names by the person presiding, made the oath or affirmation as a member of the Council.

(6) 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.

(7) Where at any ballot any of the three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under sub-rule (6), the determination, as between the candidates whose votes are equal, of the candidate who is to be excluded shall be by the drawing of lots.

(8) When there are only two candidates duly nominated, an election by the ballot shall be held and the candidate obtaining the larger number of votes shall be declared elected. In the case of an equality of votes, the determination of the successful candidate shall be by the drawing of lots.

Existing Rules.

Election of Deputy Chairman. 13. (1) When, owing to the existence of any vacancy in the office of the Deputy Chairman, the election of a Deputy Chairman is necessary, the Governor, when there is no Chairman, or the Chairman when there is Chairman, shall fix as early a date as possible for the holding of the election and the Secretary shall send to every member notice of the date so fixed.

(2) At any time before noon on the day preceding the date so fixed any member may nominate another member for election. The nomination paper shall contain the name of the member nominated, shall be signed by the proposer and seconder, and also contain a declaration by the nominee that he is willing to serve as Deputy Chairman, if elected. It shall be delivered to the Secretary *in person* either by the proposer or the seconder or the candidate nominated.

(3) The election shall take place at a meeting of the Council.

(4) On the date fixed for election the person presiding shall read out to the Council the names of the persons who have been duly proposed together with the names of their proposers and seconders, and if only one member has been so proposed for election, shall declare that person duly elected. If more than one person has been so proposed, the Council shall proceed to elect a Deputy Chairman by ballot.

(5) For the purpose of sub-rule (4), a member shall not be deemed to have been duly proposed or be entitled to vote if he or his proposer or seconder has not, before the reading out of the names by the person presiding, made the oath or affirmation, as a member of the Council.

(6) Where more than two candidates have been proposed 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.

(7) 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 (6), the determination, as between the candidates whose votes are equal, of the candidate who has to be excluded shall be by the drawing of lots.

(8) Where there are only two candidates duly nominated, an election by ballot shall be held and the candidate obtaining the larger number of votes shall be declared elected. In the case of an equality of votes, the determination of the successful candidate shall be by the drawing of lots.

Rules as Amended.

(5) (1) When owing to the existence of any vacancy in the office of Deputy Chairman, the election of a Deputy Chairman is necessary, the Governer, when there is no Chairman, or the Chairman when there is Chairman, shall fix as early a date as possible for the holding of the election and the Secretary shall send to every member notice of the date so fixed.

Election of
Deputy
Chairman.

(2) At any time before noon on the day preceding the date so fixed any member may nominate another member for election. The nomination paper shall contain the name of the member nominated, shall be signed by the proposer and seconder, and also contain a declaration by the nominee that he is willing to serve as Deputy Chairman, if elected. It shall be delivered to the Secretary *in person* either by the proposer or the seconder or the candidate nominated;

Provided that a Member shall not nominate more than one Member or second more than one nominee.

(3) The election shall take place at a meeting of the Council.

(4) On the date fixed for election the person presiding shall read out to the Council the names of the persons who have been duly proposed together with the names of their proposers and seconds, and if only one member has been so proposed for election, shall declare that person duly elected. If more than one person has been so proposed, the Council shall proceed to elect a Deputy Chairman by ballot.

(5) For the purpose of sub-rule (4) a member shall not be deemed to have been duly proposed or be entitled to vote if he or his proposer or seconder has not, before the reading out of the names by the person presiding, made the oath or affirmation, as a member of the Council.

(6) Where more than two candidates have been proposed 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 candidate, as the case may be.

(7) 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 (6), the determination, as between the candidates whose votes are equal, of the candidate who has to be excluded shall be by the drawing of lots.

(8) Where there are only two candidates duly nominated, an election by ballot shall be held and the candidate obtaining the larger number of votes shall be declared elected. In the case of an equality of votes, the determination of the successful candidate shall be by the drawing of lots.

Existing Rules.

Panel of
Vice-
Chairmen.

14. (1) At the commencement of every session or from time to time, as the case may be, the Chairman may nominate from amongst the members of the Council a panel of not more than four Vice-Chairmen, any one of whom may preside over the Council in the absence of the Chairman and Deputy Chairman when so requested by the Chairman or in his absence by the Deputy Chairman, or in his absence also, by the Vice-Chairman presiding. If the Chairman and Deputy Chairman are absent, one of the panel of Vice-Chairmen present in the House in the order of the announcement regarding their nomination by the Chairman will take the Chair.

(2) The Vice-Chairmen nominated under sub-rule (1) shall hold office until a new panel of Vice-Chairmen is nominated.

Powers of
person
presiding.

15. The Deputy Chairman or Vice-Chairman, when presiding over the Council, shall have the same powers as the Chairman when so presiding and all references to the Chairman in the rules shall, in the circumstances, be deemed to be references to the person presiding.

Rules as Amended.

6.(1) At the commencement of every session or from time to time as the case may be, the Chairman may nominate from amongst the members of the Council a panel of not more than four Vice-Chairmen, any one of whom may preside over the Council in the absence of the Chairman and the Deputy Chairman when so requested by the Chairman, or in his absence by the Deputy Chairman, or in his absence also, by the Vice-Chairman presiding. In the event of the absence of all the other members of the panel of Vice-Chairmen, the person presiding may request any member of the House to preside over the Council. If at the commencement of a sitting the Chairman, the Deputy Chairman, and all the members of the panel of Vice-Chairmen are absent, such member of the House as may be determined by the Council shall preside over the Council. Panel of
Vice
Chairmen.

(2) The Vice-Chairmen nominated under sub-rule (1) shall hold office until a new panel of Vice-Chairmen is nominated.

7. The Deputy Chairman or Vice-Chairman, when presiding over the Council, shall have the same powers as the Chairman when presiding and all references to the Chairman in the rules shall, in the circumstances, be deemed to be references to the person presiding. Powers of
person
presiding.

Existing rules.

CHAPTER V.

SITTINGS OF THE COUNCIL AND ARRANGEMENT OF BUSINESS.

- Adjournment of meetings.** 16. The Chairman or person presiding shall have power to adjourn the Council from time to time within a session.
- Change in the date of meetings.** 17. When the Council has been adjourned to a particular date, the Chairman may summon the Council for an earlier or later date.
- Quorum.** 18. The presence of at least ten members inclusive of the Chairman or person presiding shall be necessary to constitute a meeting of the Council for the exercise of its powers.
- Adjournment for want of quorum.** 19. If at any time it is brought to the notice of the Chair that a quorum is not present, the division bells shall be rung and if, after an interval of not less than fifteen minutes, a quorum is still not present, the person presiding shall adjourn the House to the next day on which the Council ordinarily sits or to a later hour on the same date to be named by him.
- Sittings of the Council.** 20. Sittings of the Council shall commence and conclude at such time as may be directed by the Chairman.
- List of business.** 21. (1) A list of business for each day shall be prepared by the Secretary and circulated to all members.
- (2) Except as provided in these rules, no business not included in the list of business for the day shall be transacted at any sitting except business of a formal or ceremonial nature.
- (3) The order of business as arranged in the list shall not be revised except on a motion accepted by the House.
- (4) Except as provided in these rules, no business requiring notice shall be set down in the list of business for a day earlier than the period of the necessary notice.
- (5) A paper shall be deemed to have been placed on the table of the Council or laid before the Council on the date on which a note to that effect is entered in the list of business for the day or is found in the proceedings of the Council. Copies of all such papers shall be made available to members

Rules as amended.

CHAPTER VI.

SITTINGS OF THE COUNCIL AND ARRANGEMENT OF BUSINESS.

16. The Chairman or the person presiding shall have power to adjourn the Council from time to time within a session. <sup>Adjourn-
ment of
meetings.</sup>

17. When the Council has been adjourned to a particular date or to a particular hour on a particular date, the Chairman may summon the Council for an earlier or later date or for an earlier or later hour on such date. <sup>Change in
the date of
meetings.</sup>

18. The presence of at least ten members inclusive of the Chairman or the person presiding shall be necessary to constitute a meeting of the Council for the exercise of its powers. ^{Quorum.}

19. If at any time it is brought to the notice of the Chair that a quorum is not present, the division bells shall be rung and if, after an interval of not less than fifteen minutes, a quorum is still not present, the person presiding shall adjourn the House to the next day on which the Council ordinarily sits or to a later hour on the same day to be named by him. <sup>Adjourn-
ment for
want of
quorum.</sup>

20. *No change.*

21. *No change.*

Existing rules.

Time for questions. 22. The first hour of every sitting shall, unless the House unanimously resolves otherwise, be available for the asking and answering of questions.

Allotment of time for non-official business and precedence of business. 23. (1) On all Saturdays, on which the Council is sitting, except—

(i) Saturdays allotted for the discussion of financial matters under Articles 202 to 206 of the Constitution ; and

(ii) Saturdays allotted for the discussion of any motion on the Governor's address
the business of non-official members shall have precedence :

Provided that, on a motion made by a Minister for the suspension of this rule, the Council may resolve to give precedence to Government business even on those Saturdays on which the business of non-official members has precedence under this rule :

Provided further that where a Saturday has been taken over for the transaction of Government business under the above-mentioned proviso, the Chairman may allot in lieu thereof any other day in the same or next week for the business of non-official members.

(2) On other days, no business other than Government business shall be transacted, except with the consent of the Leader of the House,

Rules as amended.

22. The first hour of every sitting shall, unless the House unanimously resolves otherwise, be available for the asking and answering of questions. Time for questions.
The Chairman may, however, in his discretion extend the time for questions.

23. (1) On all Saturdays on which the Council is sitting, except—

Allotment of time for private members business and precedence of business.

(i) Saturdays allotted for the discussion of financial matters under Articles 202 to 206 of the Constitution ; and

(ii) Saturdays allotted for the discussion of any motion on the Governor's Address
 the business of private members shall have precedence :

Provided that, on a motion made by a Minister for the suspension of this rule, the Council may resolve to give precedence to Government business even on those Saturdays on which the business of private members has precedence under this rule :

Provided further that where a Saturday has been taken over for the transaction of Government business under the above-mentioned proviso, the Chairman may allot in lieu thereof any other day in the same or next week for the business of private members:

Provided further that if there is no sitting of the House on a Saturday, the Chairman may direct that another day in the week may be allotted for the business of private members.

(2) On other days, no business other than Government business shall be transacted, except with the consent of the Leader of the House.

Existing rules.

Arrangement of Government business. 24 The arrangement of Government business shall be in the order determined by the Leader of the House.

Arrangement of non-official business. 25. (1) The arrangement of the business of non-official members shall be in the following order, namely :—

(i) Bills returned by the Governor with a message under Article 200 of the Constitution ;

(ii) Bills which have been passed by the Council and returned by the Assembly with amendments ;

(iii) Bills which have been passed by the Assembly and transmitted to the Council ;

(iv) Bills in respect of which motion has been carried that the Bill be taken into consideration ;

(v) Bills in respect of which the Report of a Joint Select Committee or a Select Committee has been presented ;

(vi) Bills which have been circulated for the purpose of eliciting opinion ;

(vii) Bills introduced and in respect of which no further motion has been made or carried ;

(viii) Bills in respect of which the motion is that leave be granted to introduce the Bill ; and

(ix) Resolutions.

(2) As among Bills falling under the same class, precedence shall be determined according to the priority of their introduction in the Council.

(3) The relative precedence of Bills to be introduced shall be determined by ballot.

(4) The relative precedence of Resolutions shall likewise be determined by ballot.

(5) A separate ballot shall be held—

(a) for motions for leave to introduce Bills ; and

(b) for Resolutions.

Rules as Amended.

24: No change.

25. The arrangement of the business of private members shall be in the following order :—

Arrangement
of private
member's
business.

(a) Bills in the order of the stage which they have reached, namely :—

(i) Bills returned by the Governor with a message under Article 200 of the Constitution ;

(ii) Bills which have been passed by the Council and returned by the Assembly with amendments ;

(iii) Bills which have been passed by the Assembly and transmitted to the Council ;

(iv) Bills in respect of which a motion has been carried that the Bill be taken into consideration ;

(v) Bills in respect of which the Report of a Joint Select Committee or a Select Committee has been presented ;

(vi) Bills which have been circulated for the purpose of eliciting opinion ;

(vii) Bills introduced and in respect of which no further motion has been made or carried ; and

(viii) Bills in respect of which the motion is that leave be granted to introduce the Bill.

(b) Resolutions.

(2) As among Bills falling under the same class, precedence shall be determined according to the priority of their introduction in the Council.

(3) The relative precedence of Bills to be introduced and resolution shall be determined by separate ballots.

Existing Rules.

(6) The ballot shall be for the names of the members who have given notice of motions for leave to introduce Bills or of resolutions which are eligible for discussion at the meeting in respect of which the ballot is held.

(7) No member can ballot for more than one Bill and one resolution. The Bill or the resolution to be entered against the name of a member shall be in accordance with the preference indicated by him, and in the absence of such indication, in accordance with the order of priority of the receipt of notice.

(8) The ballot shall be held at such time and as often as may be determined by the Chairman.

(9) All non-official business appointed for any day and not disposed of on that day shall stand over until the next day of a continuous meeting available for business of the class to which it belongs, and shall be included in any ballot held for any other day of a subsequent meeting and, if selected, set down in the list of business for such other day according to the priority gained at the ballot held with reference to that day :

Provided that any motion which is under the actual consideration of the Council at the time of an adjournment shall be placed in the list of business for the next day available for non-official business of the same class and shall be placed as the first item in that class of business according to the precedence given to that class by this rule.

(10) Whenever any difficulty arises in applying this rule, it shall be referred to the Chairman for decision.

Notice to
Council.

26. (1) Except as otherwise provided, every notice required by these rules shall be given in writing addressed to the Secretary and shall be left at the office of the Council which shall be open for this purpose between the hours of 11 a.m. and 3 p.m. on every day except Sunday or other public holidays.

(2) Such notice may be left at the office even when the Council is not in session or by a member even before he is sworn in.

(3) A notice left on a holiday or after 3 p.m. on a working day shall be treated as notice given on the next working day.

(4) Every notice of communication by a member to the Secretary shall be written legibly on good paper and signed by him and shall contain the name of the member. Otherwise, it shall be liable to be rejected.

Rules as Amended.

(4) The ballot shall be for the names of the members who have given notice of motions for leave to introduce Bills or of resolutions which are eligible for discussion at the meeting in respect of which the ballot is held.

(5) No member can ballot for more than one Bill and one resolution. The Bill or the resolution to be entered against the name of a member shall be in accordance with the preference indicated by him, and in the absence of such indication, in accordance with the order of priority of the receipt of notice.

(6) The ballot shall be held at such time and as often as may be determined by the Chairman.

(7) All private member's business appointed for any day and not disposed of on that day shall stand over until the next day of a continuous meeting available for business of the class to which it belongs, and shall be included in any ballot held for any other day of a subsequent meeting and, if selected, set down in the list of business for such other day according to the priority gained at the ballot held with (ref) to that day: *reference.*

Provided that any private member's business which is under the actual consideration of the Council at the time of an adjournment shall be placed in the list of business for the next day available for private member's business of the same class and shall be placed as the first item in that class of business according to the precedence given to that class by this rule.

(8) Whenever any difficulty arises in applying this rule, it shall be referred to the Chairman for decision.

26. (1) Except as otherwise provided, every notice required by these rules shall be given in writing addressed to the Secretary and shall be left at the office of the Council 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.

Notices to
Council.

(2) Such notice may be left at the office even when the Council is not in session or by a member even before he is sworn in.

(3) A notice left on a holiday or after 3 p.m. on a working day shall be treated as notice given on the next working day.

(4) Every notice of communication by a member to the Secretary shall be written legibly on good paper and signed by him and shall contain the name of the member. Otherwise, it shall be liable to be rejected.

Existing Rules.

Notices and
communi-
cations to
members.

27. Unless otherwise requested by a member in writing, every notice or other communication issued to him by the Council office shall—

(a) on meeting days, and on two days before the commencement of a meeting, be sent to his address at the place of meeting of the Council ; and

(b) on other days be sent to his permanent address as registered in the Council Office :

Provided that on meeting days, such notice or other communication may be placed on the seats allotted to the Members in the Council Chamber or distributed to them in the House.

Rules as Amended.

(5) A notice shall not be given publicity by any member or any other person until it has been admitted by the Chairman :

Provided that the contents of a question shall not be given publicity until the day on which the question is answered in the House.

27: No change

Existing Rules.

CHAPTER VI.

QUESTIONS.

Subject matter of questions. 28. Any member may ask a question to elicit information on a matter of public importance within the official cognizance of the Minister to whom it is addressed.

Starred and unstarred questions. 29. A member who desires an oral answer to his question shall distinguish it by an asterisk and if he does not distinguish it by an asterisk, the question shall, if admitted, be printed in the list of questions for written answer.

Chairman to decide whether question is to be starred or unstarred. 30. If, in the opinion of the Chairman, any question put down for oral answer is of such a nature that a written reply would be more appropriate, the Chairman may direct that such question be placed on the list of questions for written answer :

Provided that the Chairman may, before the question is so unstarred, give the member an opportunity to state briefly the reason why he desires an oral answer.

Matters to which question must relate. 31. A question must relate to public affairs with which the Minister to whom it is addressed is officially connected or to a matter of administration for which he is officially responsible.

Form and contents of questions. 32. In order that a question may be admissible, it must satisfy the following conditions, namely :—

- (1) it must be permissible under the Constitution and the rules ;
- (2) it must not publish any name or statement not strictly necessary to make the question intelligible;
- (3) if a question contains a statement, the member asking it must make himself responsible for the accuracy of the statement ;
- (4) it must not contain extracts from newspapers ;

Rules as Amended.

CHAPTER VII.

QUESTIONS.

28—No change.

29. (i) A member who desires an oral answer to his question shall distinguish it by an asterisk and such a question will be called a starred question.

Starred and
unstarred
questions.

(ii) All other questions, if admitted, will be called unstarred questions and printed in the list of questions for written answer.

30. If, in the opinion of the Chairman, any question given notice of as a starred question or any question put down for oral answer is of such a nature that a written answer would be more appropriate, the Chairman may direct that such question be treated as an unstarred question and placed on the list of questions for written answer. The decision of the Chairman in this regard shall be final:

Chairman to
decide
whether
question is
to be
starred or
unstarred

Provided that the Chairman may, if he thinks fit, call upon the member who has given notice of a question for oral answer to state in brief the reasons for desiring an oral answer, and after considering the same, may direct that the question be included in the list of questions for written answer.

31. A question must relate to public affairs with which the Minister to whom it is addressed is officially connected or to a matter of administration for which he is officially responsible or in respect of which he has information.

Matters to
which
question
must relate.

32. In order that a question may be admissible, it must satisfy the following conditions, namely :—

Form and
contents of
questions.

(1) it must be permissible under the Constitution and the rules ;

(2) it must not publish any name or statement not strictly necessary to make the question intelligible ;

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

(4) it must not contain extracts from newspapers ;

Existing Rules.

(5) it must not contain arguments, inferences, ironical expressions or defamatory statements ;

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

(7) it must not refer to the character or conduct of any person except in his official or public capacity ;

(8) it must not relate to a private or purely parochial grievance ;

(9) it must not relate to any matter which is under adjudication by any Court of law or to the conduct of a Judge of the Supreme Court or of a High Court in his judicial capacity ;

(10) it must not be of excessive length ;

(11) a question once fully answered in the Council must not be asked again ;

(12) it must not anticipate a question of which notice has already been given ;

(13) it shall not raise a question of policy too large to be dealt with within the limits of an answer to a question ;

(14) it shall not seek information about matters relating to the proceedings of the Council of Ministers ;

(15) it shall not ask for information on trivial matters ;

(16) it shall not ordinarily seek information on matters of past history ; and

(17) it shall not require information set forth in accessible documents or in ordinary works of reference.

Rules as amended.

(5) it must not contain arguments, inferences, ironical expressions or defamatory statements ;

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

(7) it must not refer to the character or conduct of any person except in his official or public capacity ;

(8) it must not relate to a purely private or personal grievance ;

(9) it must not relate to any matter which is under adjudication by any Court of law or to the conduct of a Judge of the Supreme Court or of a High Court in his judicial capacity ;

(10) it must not be of excessive length ;

(11) it shall not repeat in substance a question already answered or to which an answer has been refused in the Council ;

(12) it must not anticipate a question of which notice has already been given ;

(13) it shall not raise a question of policy too large to be dealt with within the limits of an answer to a question ;

(14) it shall not seek information about matters relating to the proceedings of the Council of Ministers ;

(15) it shall not ask for information on trivial or vague matters ;

(16) it shall not ordinarily seek information on matters of past history for the purpose of argument ;

(17) it shall not require information set forth in accessible documents or in ordinary works of reference ;

(18) it shall not ordinarily require information about matters pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into, or investigate, any matter but may refer to matters concerned with procedure or subject or stage of enquiry if it is not likely to prejudice the consideration of the matter by the tribunal or commission or court of enquiry ; ”

Existing Rule.

Questions on same subject. 33. When a question has been admitted and if other members give notice of questions on the same subject, the names of the other members shall be bracketed with the name of the member whose question has been admitted.

Chairman to decide admissibility of questions. 34. (1) The Chairman shall decide on the admissibility of a question and shall disallow any question when, in his opinion, it is an abuse of the right of questioning or is in contravention of the rules.

(2) Where the form or the subject-matter of a question is, in the opinion of the Chairman, in contravention of the rules, he may amend the question to secure its compliance with the rules and inform the member concerned accordingly.

List of questions. 35. Questions which have not been disallowed shall be entered in the list of questions for a day not earlier than seven clear days from the date on which notice thereof was received by the Secretary :

Provided that the Chairman may, with the consent of the Minister concerned, order a question to be entered in the list of questions with shorter notice than seven days ; and

Provided also that in case the answer to a question cannot be sent to the Secretary within fourteen days from the date of receipt by the Department, the Chairman may, if so requested, extend the time therefor.

Calling of starred questions. 36. (1) Starred questions entered in the list of questions for a day shall be called, if the time made available for questions permits, in the order in which they stand in the list.

(2) If, on a question being called, a member in whose name it stands is absent, the Chairman, at the request of any member, may direct that the answer to it be given.

(3) When all the questions for which an oral answer is desired have been called, the Chairman may, if time permits, call again any question which has not been asked by reason of the absence of the member in whose name it stands and may permit the member, if present, to ask the question.

(4) All starred questions which are not called and all unstarred questions with their answers shall be included in the printed proceedings of the Council.

Rules as Amended.

(19) it must not be repeated with slight variation on the same point ;

(20) it shall not ordinarily, ask for information on matters which are under the consideration of a Legislature Committee or a Government Committee until a report of the Committee is published ; and

(21) it shall not seek information about matters which are in their nature confidential or secret which it may not be desirable to make public.

33; No Change.

34. (1) The Chairman shall decide on the admissibility of a question and shall disallow any question or part thereof when, in his opinion, it is an abuse of the right of questioning or is in contravention of the rules.

(2) Where the form or the subject-matter of a question is, in the opinion of the Chairman, in contravention of the rules, he may amend the question to secure its compliance with the rules and inform the member concerned accordingly.

35. Questions shall ordinarily be admitted and forwarded to the Departments within 15 days from the date of receipt of notice thereof by the Secretary. Admitted questions shall be entered in the list of questions on the 42nd day at the latest after the day on which the question has been admitted by the Chairman:

Provided that in case the answer to a question cannot be sent to the Secretary within forty-two days from the date of admission, the Chairman may, if sufficient cause is shown, extend the time there for not exceeding two weeks and after the expiry of such extended time, the question shall be included in the list of questions.

36. (1) Starred questions entered in the list of questions for a day shall be called, if the time made available for questions permits, in the order in which they stand in the list.

(2) If, on a question being called, it is not put or the member in whose name it stands is absent, the Chairman may, at the request of any other member, direct that the answer to it be given.

(3) When all the questions for which an oral answer is desired have been called, the Chairman may, if time permits, call again any question which has not been asked by reason of the absence of the member in whose name it stands, and may permit the member, if present, to ask the question.

(4) All starred questions which are not called and all unstarred questions with their answers shall be included in the printed proceedings of the Council.

Questions
on same
subject.

Chairman
to decide
admissi-
bility of
questions.

List of
questions.

Calling of
starred
questions.

Existing Rules.

- Questions requiring long statements or statistics. 37. The Chairman may direct that lengthy answers or statistics given in answer to a starred question shall be laid on the table and printed in the official report of the proceedings of the Council instead of being given orally.
- Questions how put. 38. Subject to the rules, questions shall be put and answers given in such manner as the Chairman may, in his discretion, determine.
- Supplementary questions and their admission. 39. (1) Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given to a starred question.
(2) The Chairman may disallow any supplementary question if, in his opinion, it infringes the rules regarding questions or if a sufficient or reasonable number of supplementary questions has already been put in respect of the same question.
- Minister may decline to answer question or supplementary question without notice. 40. A Minister to whom a question or supplementary question is put may decline to answer it on the ground that to answer it would be against public interest and a Minister to whom a supplementary question is put may decline to answer it without notice.
- Short notice questions. ~~40-A. New rule~~

Rule as Amended.

(5) The Chairman may, at the request of the concerned Minister postpone one or more questions entered in the list of questions for a day to a subsequent date.

37. The Chairman may at any stage direct that lengthy answers or statistics given in answer to a starred question shall be laid on the table and printed in the official report of the proceedings of the Council instead of being given orally.

Questions requiring long statements or statistics.

38. No change

Questions how put.

39. (1) Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given to a starred question.

Supplementary questions and their admission.

(2) The Chairman may disallow any supplementary question if, in his opinion, it infringes the rules regarding questions or if a sufficient or reasonable number of supplementary questions have already been put in respect of the same question.

40. A Minister to whom a question or supplementary question is put may decline to answer it on the ground that to answer it would be against public interest and a Minister to whom a supplementary question is put may decline to answer it on the ground that he wants notice.

Minister may decline to answer question or supplementary question without notice.

40-A. (1) A question relating to a matter of public importance may be asked, with shorter notice than 7 clear days and with the consent of the Minister concerned.

Short notice questions.

(2) Such questions shall be answered on a day to be indicated by the Minister concerned within the said 7 days and shall be called immediately after the questions which have appeared on the list of questions for oral answers have been disposed of.

(3) No notice of a short notice question shall be entertained without a date for a meeting of the Council having been fixed, and not earlier than 10 days of the day so fixed, and not more than one notice shall be entertained from each member for a day.

(4) Where two or more members give short notice questions on the same subject and one of the questions is accepted for answering at short notice, the names of not more than four members, other than the one whose notice has been admitted, in accordance with the time of the receipt of their notices, shall be shown against the admitted question.

Existing Rules.

**Restriction
on
discussion.**

41. No discussion shall be permitted at question-time in respect of a question or of any answer given to a question :

Provided that on request made to the Chairman at question-time, the Chairman may, in his discretion, allow half an hour after the conclusion of the business of the day or any other day as may be fixed by the Chairman, to enable a member to raise a debate on any matter of urgent importance which has been the subject of a question on that day. No vote shall be taken on such debate and such time shall not be available for the transaction of any other business.

Rules as Amended

(5) If the Minister is unable to answer the question at short notice and the Chairman is of opinion that the question is of sufficient public importance to be orally answered in the House, he may direct that the question be included in the list of questions for the day on which it would be due for answer under rule 35.

(6) A member who gives notice of a short notice question shall briefly state the reasons for asking the question with shorter notice. If no reasons have been assigned in the notice of the question, the question shall be returned to the member.

41. No discussion shall be permitted at question-time in respect of a question or of any answer given to a question : Restriction
on
discussion.

Provided that on a request made to the Chairman at question-time, the Chairman may, in his discretion, allow half an hour after the conclusion of the business of the day or any other day as may be fixed by him, to enable a member to raise a debate on any matter of urgent importance which has been the subject of a question on that day. No vote shall be taken on such debate and such time shall not be available for the transaction of any other business.

41-A. (1) The Chairman may allot half an hour on three sittings in a week for raising a discussion on a matter of sufficient public importance which has been the subject-matter of a question, oral or written, the answer to which was given within five days prior to the date of notice and which needs elucidation on a matter of fact. Half-hour
discussion

(2) A member wishing to raise a matter shall give notice in writing to the Secretary two days in advance of the day on which the matter is desired to be raised, and shall briefly specify the point or points that he wishes to raise, together with the reasons for raising the discussion on the matter in question :

Provided that if a notice is signed by more than one member, it shall be deemed to have been given by the first signatory only :

Provided further that the Chairman may, with the consent of the Minister concerned, waive the requirement concerning the period of notice.

(3) The Chairman shall decide whether the matter is of sufficient public importance to warrant the discussion and his decision shall be final.

(4) If more than one notice has been received and admitted by the Chairman, the Secretary shall hold a ballot with a view to drawing one notice and the notice so drawn shall be put down for discussion on that day.

(5) There shall be no formal motion before the House nor voting and the discussion shall terminate at the end of half an hour.

Existing Rules.

CHAPTER VII.

CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE.

Calling attention to matters of urgent public importance. 42. (1) A member may, after questions and with the previous permission of the Chairman, call the attention of a Minister to any matter of urgent public importance and the Minister may then make a brief statement on the matter or ask for time to make a statement later.

(2) There shall be no debate on such statement at the time it is made

(3) Not more than one matter shall be raised under this rule for the same day.

(4) In the event of more than one matter being presented for the same day, priority shall be given to the matter which, in the opinion of the Chairman, is more urgent and important.

(5) The proposed matter shall be raised only after questions and before the list of business is entered upon and at no other time during the sitting of the House.

Rules as Amended.

CHAPTER VIII

CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE.

42. (1) A member may, by giving notice in writing, call the attention of a Minister to any matter of urgent public importance:

Calling
attention
to matters
of urgent
public im-
portance.

Provided that if the member who has given notice is unavoidably absent, any other member, with the permission of the Chairman, may call the attention of the Minister on his behalf.

(2) Such notice shall be taken up within seven days from the date of admission of such notice.

(3) Such notice shall be taken up after the questions and before the list of business is entered upon and the Minister may make a brief statement on the matter.

(4) There shall be no debate on such statement at the time it is made, but the Chairman may, in his discretion, permit not more than two questions by the member who has called the attention of the Minister, by way of elucidation or clarification.

(5) Not more than two matters shall be raised under this rule for the same day, and the second matter shall not be raised by the same member who has raised the first matter.

(6) No notice shall be entertained on a day earlier than seven days prior to the date of sitting on which it is proposed to be raised.

(7) In the event of more than two matters being presented for the same day, priority shall be given to the two matters which, in the opinion of the Chairman, are more urgent and important. The other notices may either be taken up on any subsequent day to be fixed by the Chairman or if such notices could not be taken up within the duration of the sittings, the statements in respect of the notices not taken up may be circulated to the members.

(8) If notices admitted under this rule were pending on the last day of the sitting, the Chairman may, in his discretion, permit more than two matters to be raised under this rule.

(9) All other notices that may be pending on the last day of the sittings shall lapse :

Provided that the statements of Ministers which have been received already shall be circulated to the members.

Existing Rules.

CHAPTER VIII.

MOTION FOR ADJOURNMENT ON A MATTER OF PUBLIC IMPORTANCE.

Motion for adjournment. 43. A motion for an adjournment of the business of the Council to discuss a definite matter of urgent public importance may be made in accordance with the rules in this Chapter.

Chairman's consent to asking for leave. 44. (1) Notice of an adjournment motion together with a brief statement of the matter to be discussed shall be given at least one hour before the commencement of the sitting on the day on which the motion is proposed to be made to (i) the Chairman, (ii) the Leader of the House and (iii) the Secretary and the consent of the Chairman shall be obtained to ask the leave of the House to make the motion.

(2) If the Chairman does not give consent, it shall be communicated to the member together with the reasons therefor and the member shall not raise the matter in the House in any form.

Chairman to decide admissibility of the motion. 45. If the Chairman gives his consent under rule 44, he shall, after questions and before the list of business is entered upon, read the statement referred to in rule 43 to the House and decide whether the matter proposed to be discussed is or is not in order. Before he so decides, he may, if he thinks necessary, call upon the member to explain how the matter is in order and he may also ask the Leader of the House to state the Government's point of view.

Chairman's discretion to state reasons for ruling out motions. 46. If the Chairman holds that the motion is not in order, he may state the reasons for his opinion.

Leave of the House. 47. If the Chairman holds that the matter proposed to be discussed is in order, then the member shall ask the leave of the House to make the motion for the adjournment of the House.

Mode of asking for leave of the House. 48. When the member has asked the leave of the House, the Chairman shall ask whether the member has the leave of the House. If objection is taken by any member, the Chairman shall request those members who support the motion to rise in their places. If ten or more members rise accordingly, the Chairman shall intimate that the member has the leave of the House. If less than ten members rise, the Chairman shall inform the member that he has not the leave of the House.

Rules as Amended.

CHAPTER IX.

MOTION FOR ADJOURNMENT ON A MATTER OF PUBLIC IMPORTANCE.

43. No change.

44. (1) Notice of an adjournment motion together with a brief statement of the matter to be discussed shall be given at least one hour before the commencement of the sitting on the day on which the motion is proposed to be made to (i) the Chairman, (ii) the Leader of the House and (iii) the Secretary, and the consent of the Chairman shall be obtained to ask the leave of the House to make the motion.

Chairman's
consent to
asking for
leave.

(2) The Chairman may withhold consent to the matter being raised before the House and in that case, it shall be communicated to the member together with the reasons therefor and the member shall not raise the matter in the House in any form.

45. If the Chairman gives his consent under rule 44, he shall, after questions and before the list of business is entered upon, read the statement referred to in rule 44 to the House and decide whether the matter proposed to be discussed is or is not in order. Before he so decides, he may, if he thinks necessary, call upon the member to explain how the matter is in order and he may also ask the Leader of the House to state the Government's point of view.

Chairman
to decide
admissibility
of the
motion.

46. No change.

47. If the Chairman holds that the matter proposed to be discussed is in order, then the member shall ask the leave of the House to make the motion "That the House do now adjourn."

Leave of the
House.

48. No change.

Existing Rules.

Time for
taking
up the
motion.

49. If the leave of the House has been given, the Chairman shall intimate to the House that the motion will be taken up at such hour on the same day or, at the request of the Leader of the House on the next day, one hour before the appointed time for the conclusion of the business of the day or at the conclusion of the business of the day, if earlier.

Repetition of
motions.

50. A motion which fails to obtain the requisite support shall not, during the same session, be brought up again under rule 43.

Restrictions
on right
to make
motions.

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

(i) Not more than one such motion shall be discussed on the same day.

(ii) Not more than one matter can be discussed on the same motion.

(iii) The motion must be restricted to a specific matter of recent occurrence.

(iv) The motion must not revive discussion on a matter which has been discussed on an adjournment or otherwise in the same session.

(v) 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, regard being had to the probability of the matter anticipated being brought before the House within a reasonable time.

(vi) The motion shall not raise a question of privilege.

(vii) The motion shall not raise any question which, under the Constitution or the rules, can be raised only on a distinct motion after giving notice.

(viii) The matter to be discussed must involve more than the ordinary administration of the law.

(ix) The motion must not refer to grievances which can be remedied only by legislation.

(x) The motion must refer to a matter in which the responsibility of the Government is clearly involved,

Rules as Amended.

49. If the leave of the House has been given, the Chairman shall intimate to the House that the motion will be taken up, at such hour on the same day or on the next day, one hour before the appointed time for the conclusion of the business of that day or at the conclusion of the business of that day, as may be determined by him.

Time for taking up the motion.

50. No change.

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

Restrictions on right to make motions.

(i) Not more than one such motion shall be discussed on the same day.

(ii) Not more than one matter shall be discussed on the same motion.

(iii) The motion must be restricted to a specific matter of recent occurrence.

(iv) The motion must not revive discussion on a matter which has been discussed on an adjournment motion or otherwise in the same session.

(v) 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, regard being had to the probability of the matter anticipated being brought before the House within a reasonable time.

(vi) The motion shall not raise a question of privilege.

(vii) The motion shall not raise any question which, under the Constitution or the rules, can be raised only on a distinct motion after giving notice.

(viii) The matter to be discussed must involve more than the ordinary administration of the law.

(ix) The motion must not refer to grievances which can be remedied only by legislation.

(x) The motion must refer to a matter in which the responsibility of the Government is clearly involved.

(xi) The motion shall not deal with any matter which is under adjudication by a Court of Law.

Existing Rules.

Limitation
of time of
discussion. 52. The debate on a motion to discuss a definite matter of
urgent public importance, if not earlier concluded, shall automatically
terminate at the end of two hours after the commencement of the debate
and thereafter no question can be put.

Rules as Amended.

51-A. No motion which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into, or investigate, any matter shall ordinarily be permitted to be moved :

Motion for
discussion
on matters
before
Tribunals
Commissions,
etc.

Provided that the Chairman may in his discretion allow such matter to be raised in the House if it is concerned with the procedure or subject or stage of enquiry before the tribunal or commission or court of enquiry and if the Chairman is satisfied that it is not likely to prejudice the consideration of such matter by such tribunal, statutory authority, commission or court of enquiry.

52. No change.

Existing Rules.

CHAPTER IX.

RESOLUTION FOR THE REMOVAL OF THE CHAIRMAN OR
THE DEPUTY CHAIRMAN.

Resolution for removal of Chairman or Deputy Chairman. 53. A resolution for the removal of the Chairman or the Deputy Chairman of the Council from his office may be moved with the leave of the House :

Provided that no resolution for the purpose shall be moved unless at least fourteen days' notice has been given to the Secretary of the intention to move the resolution.

Time for discussion. 54. On receipt of notice of such a resolution the Chairman shall, in consultation with the Leader of the House, appoint a date for its discussion. The Secretary shall cause the resolution to be circulated to all the members of the Council, together with an intimation about the date appointed for its discussion.

Leave of the House. 55. On the date appointed under rule 54, the person presiding over the Council shall read the resolution to the Council and request the members who are in favour of leave being granted to move the resolution to rise in their places. If not less than ten members rise, the person presiding over the Council shall allow the resolution to be moved. If less than ten members rise, he shall inform the member giving notice of the resolution that he has not the leave of the Council to move it.

Rules as Amended.

CHAPTER X.

RESOLUTION FOR THE REMOVAL OF THE CHAIRMAN OR
THE DEPUTY CHAIRMAN.

53. A resolution for the removal of the Chairman or the Deputy Resolution
Chairman of the Council from his office may be moved with the leave of for remo-
the House : val of
Chairman
or Deputy
Chairman.

Provided that such a resolution can be moved only if at least
fourteen days' notice in writing has been given to the Secretary.

54. No change.

Time for
discussion.

55. No change.

Leave of the
House.

Existing Rules.

CHAPTER X.

EXPLANATION BY A MINISTER WHO HAS RESIGNED.

- Explanation by a member who has resigned the office of Minister.
56. (1) A member who has resigned the office of Minister may, with the consent of the Chairman, make a personal statement in the explanation of his resignation.
- (2) Such statement shall be made after questions and before the further business set down in the list of business for the day is entered upon.
- (3) There shall be no debate on such statement, but after it has been made, a Minister may make a statement pertinent thereto.

*Rules as Amended.***CHAPTER XI.****EXPLANATION BY A MINISTER WHO HAS RESIGNED.**

56. (1) A member who has resigned the office of Minister may, with the consent of the Chairman, make a personal statement in the explanation of his resignation.

Explanation
by a mem-
ber who
has resig-
ned the
office of
Minister.

(2) A copy of the statement shall be forwarded to the Chairman and the Leader of the House one day in advance of the day on which it is to be made :

Provided that in the absence of a written statement, the points or the gist of such statement shall be conveyed to the Chairman and the Leader of the House one day in advance of the day on which it is to be made.

(3) Such statement shall be made after questions and before the further business set down in the list of business for the day is entered upon.

(4) There shall be no debate on such statement, but after it is made, a Minister may make a statement pertinent thereto.

Existing Rules.

CHAPTER XI.

DISCUSSION FOR SHORT DURATION ON URGENT MATTERS OF
ADMINISTRATION.

Notice for raising discussion. 57. (1) Any member desirous of raising a discussion on an urgent matter of administration may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised.

(2) The notice shall be accompanied by an explanatory note stating reasons for raising a discussion on the matter in question.

Chairman to decide admissibility. 58. If the Chairman is satisfied that the matter is urgent and is of sufficient importance to be raised in the House at an early date, he may admit the notice and, in consultation with the Leader of the House, fix the date on which such matter may be taken up for discussion and allow such time for discussion not exceeding one hour.

Conditions of admissibility. 59. In order that a matter may be admissible under this chapter for discussion, it shall satisfy the following conditions, namely, that—

- (i) it shall raise substantially one definite issue ;
- (ii) it shall be restricted to a matter of recent occurrence ;
- (iii) it shall not raise a question of privilege ;
- (iv) it shall not revive discussion of a matter which has been discussed in the same session ;
- (v) it shall not anticipate discussion of a matter which is likely to be discussed in the same session; and
- (vi) it shall not relate to any matter which is under adjudication by a Court of Law having jurisdiction in any part of India.

*Rules as Amended.***CHAPTER XII.****DISCUSSION FOR SHORT DURATION ON URGENT
MATTERS OF ADMINISTRATION OR PUBLIC
IMPORTANCE.**

57. (1) Any member desirous of raising a discussion on an urgent matter of administration or public importance may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised. Notice for raising discussion.

(2) The notice shall be accompanied by an explanatory note stating reasons for raising a discussion on the matter in question.

58 : No change.

59. In order that a matter may be admissible under this chapter for discussion, it shall satisfy the following conditions, namely, that— Conditions of admissibility.

(i) it shall raise substantially one definite issue ;

(ii) it shall be restricted to a matter of recent occurrence ;

(iii) it shall not raise a question of privilege ;

(iv) it shall not revive discussion of a matter which has been discussed in the same session ;

(v) it shall not anticipate discussion of a matter which has been previously decided for consideration in the same session ;

(vi) it shall not relate to any matter which is under adjudication by a Court of Law having jurisdiction in any part of India ; and

(vii) it shall not relate to any matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into or investigate any matter.

Existing Rules.

Time-limit 60. The Chairman may, if he thinks fit, prescribe a time-limit for
for speech. the speeches.
or.

*Rules as Amended.***CHAPTER XII-A.****NO-DAY-YET-NAMED MOTIONS.**

60. Save in so far as is otherwise provided in the Constitution or in these rules no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Chairman.

Discussion on a matter of public interest.

60-A. Notice of a motion shall be given in writing addressed to the Secretary.

Notice of motion.

60-B. In order that a motion may be admissible it shall satisfy the following conditions, namely :—

Conditions of admissibility of motion.

(i) it shall raise substantially one definite issue;

(ii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements ;

(iii) it shall not refer to the conduct or character of persons except, in their public capacity ;

(iv) it shall be restricted to a matter of recent occurrence ;

(v) it shall not raise a question of privilege ;

(vi) it shall not revive discussion of a matter which has been discussed in the same session ;

(vii) it shall not anticipate discussion of a matter which is likely to be discussed in the same session ; and

(viii) it shall not relate to any matter which is under adjudication by a Court of law having jurisdiction in any part of India.

60-C. The Chairman shall decide whether a motion or a part thereof is or is not admissible under these rules and may disallow any motion or a part thereof when in his opinion it is an abuse of the right of moving a motion or is calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of these rules.

Chairman to decide admissibility of motion.

60-D. No motion which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into, or investigate, any matter shall ordinarily be permitted to be moved:

Motion for raising discussion on matters before Tribunals, Commissions, etc.,

Provided that the Chairman may, in his discretion, allow such matter being raised in the House as is concerned with the procedure or subject or stage of enquiry if the Chairman is satisfied that it is not likely to prejudice the consideration of such matter by the statutory tribunal, statutory authority, commission or court of enquiry.

104

Existing Rules:

Rules as Amended.

60-E. If the Chairman admits notice of a motion and no date is fixed for the discussion of such motion, it shall be immediately notified in the Information with the heading 'No-Day-Yet-Named Motions'.

Circulation
of No-
Day-Yet-
Named
Motions.

60-F. The Chairman may, after considering the state of business in the House and in consultation with the Leader of the House, allot a day or days or part of a day for the discussion of any such motion.

Allotment
of time
and dis-
cussion of
motions.

60-G. The Chairman shall, at the appointed hour on the allotted day or the last of the allotted days, as the case may be, forthwith put every question necessary to determine the decision of the House on the original question.

Chairman to
put ques-
tions at
the
appointed
time.

Existing Rules.

CHAPTER XII.

GENERAL RULES OF PROCEDURE.

Language of the Council. 61. The business of the Council shall be transacted in English provided that any member may address the Council in any recognized language of the State or in Hindi, and provided further that the Chairman may permit any member who cannot adequately express himself in any of the aforesaid languages to address the Council in his mother-tongue.

Explanation.—For purposes of this rule, “recognized language” shall mean any one of the following languages, namely, Tamil, Telugu, Malayalam, Kannada or Hindustani.

Members' places. 62. The members shall sit in such order as the Chairman may fix.

Rules to be observed by members while present in the House. 63. A member present at a sitting of the House and not speaking—

- (i) shall not read any newspaper except in connection with the business of the House ;
- (ii) shall maintain silence ;
- (iii) shall not interrupt a member, while speaking, by disorderly expressions or in any other disorderly manner ;
- (iv) shall bow to the Chair when taking or leaving his seat;
- (v) shall not pass between the Chair and any member who is speaking, and
- (vi) shall not leave the House when the Chairman is addressing the House.

Members to rise when speaking. 64. Any member who desires to speak on any matter before the House shall rise in his seat and, on being called by the Chairman, address his remarks to him from his place. Whenever the Chairman rises, he shall be heard in silence and no member shall speak or continue his speech but shall immediately resume his seat.

Explanations. 65. Whenever any member has occasion to ask a question of another member for the elucidation of a point in the course of the discussion by such a member, he may ask the question with the permission of the Chairman.

Rules as Amended.

CHAPTER XIII.

GENERAL RULES OF PROCEDURE.

61. The business of the Council shall be transacted in Tamil or English or in both provided that any member may address the Council (In any recognized language ; or in Hindi, and provided further that the Chairman may permit any member who cannot adequately express himself in any of the aforesaid languages to address the Council in his mother-tongue.

Language
of the
Council:

Explanation.—For purposes of this rule, “recognized language” shall mean any one of the following languages, namely, Telugu, Malayalam or Kannada.

62. Omitted.

63. A member present at a sitting of the House and not speaking—

(i) shall not read any newspaper except in connection with the business of the House ;

(ii) shall maintain silence ;

(iii) shall not interrupt a member, while speaking, by disorderly expressions or in any other disorderly manner ;

(iv) shall bow to the Chair when taking or leaving his seat ;

(v) shall not pass between the Chair and any member who is speaking;

(vi) shall not stand or leave the House when the Chairman is addressing the House;

(vii) shall keep to his usual seat ; and

(viii) shall not obstruct the proceedings or interrupt and shall avoid making running commentaries when speeches are being made in the House.

64. Any member who desires to speak on any matter before the House shall rise in his seat and, on being called by the Chairman, address his remarks to him from his place. Whenever the Chairman rises, he shall be heard in silence and no member shall speak or continue his speech but shall immediately resume his seat :

Members to
rise when
speaking.

Provided that a member disabled by sickness or infirmity may be permitted to speak sitting.

65. When, for the purpose 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 House, he shall ask the question through the Chairman .

Explanations.

Existing Rules.

Limitations on debate. 66. Every speech must be strictly relevant to the matter before the Council.

Rules to be observed by members while speaking. 67. A member while speaking must not—

- (i) give his opinion about or refer to any matter on which a judicial decision is pending ;
- (ii) make a personal charge against a member ;
- (iii) use offensive expressions about the conduct or proceedings of the Parliament or any State Legislature or of the other House ;
- (iv) reflect upon the conduct of the President or any Governor or any Court of Justice or use the Governor's or President's name for the purpose of influencing a debate ;
- (v) utter treasonable, seditious, defamatory or unparliamentary words ; or
- (vi) use his right of speech for the purpose of obstructing the business of the Council.

Motion. 68. A matter requiring the decision of the Council is brought forward by means of a motion proposed by a member and a question stated or read out by the Chairman thereon.

Seconding of motions. 69. Every motion must be proposed by one member and seconded by another though the seconder of a substantive motion may reserve his speech till a later stage of the debate. A motion not seconded is forthwith dropped:

Provided that a motion need not be seconded if the motion is one which is moved by a Minister.

Order of speeches. 70. After the Chairman has stated or read out the motion, members may speak on it in the order in which they are called by the Chairman.

Method of taking votes. 71. (1) On the conclusion of the debate on the motion, the Chairman shall put the question to the vote of the House and shall decide it by voices. If the opinion of the Chairman as to the decision of the House is challenged, he shall take the votes of the House by division.

(2) The Chairman shall determine the method of taking votes by division.

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

Rules as Amended.

66. *No change.*

67. A member while speaking must not—

(i) give his opinion about or refer to any matter on which a judicial decision is pending ;

(ii) make a personal charge against a member ;

(iii) use offensive expressions about the conduct or proceedings of Parliament or any State Legislature or the other House ;

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

(v) reflect upon the conduct of the President or any Governor or any Court of Justice or irregularly use the Governor's or President's name for the purpose of influencing a debate ;

(vi) utter treasonable, seditious, defamatory or unparliamentary words ; or

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

Rules to be
observed
by
members
while
speaking

68. *No change.*

69. *No change.*

70. *No change.*

71. (1) Unless otherwise provided in the Constitution or Acts or these rules, on the conclusion of the debate on a motion, the Chairman shall put the question to the vote of the House and shall decide it by voices. If the opinion of the Chairman as to the decision of the House is challenged, he shall take the votes of the House by division.

Method of
taking
votes.

(2) The Chairman shall determine the method of taking votes by division.

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

Existing Rules.

(4) Before the Chairman has announced the result of a division, he may, if satisfied that any mistake has been committed in the recording of the votes, allow the same to be corrected.

(5) If, in the opinion of the Chairman, the division is unnecessarily claimed, he may ask the members who are for 'Aye' and those for 'No' respectively to rise in their places and, on a count being taken, he may declare the determination of the House. In such a case, the names of the voters shall not be recorded.

(6) If the vote of a member in a division in the House is challenged on the ground of personal, pecuniary or direct interest in the matter to be decided, the Chairman may, if he considers necessary, call upon the member who makes the challenge to state precisely the grounds of his objection and the members whose vote has been challenged to state his case and shall decide whether the vote of the member should be disallowed or not and his decision shall be final:

Provided that the vote of a member or members is challenged immediately after the division is over and before the result is announced by the Chairman.

Explanation.—For the purposes of this rule, the interest of the member should be direct, personal or pecuniary and separately belong to the person whose vote is questioned and not in common with the public in general or with any class or section thereof or on a matter of State policy.

Restriction on motions. 72. A motion must not raise a question substantially identical with one on which the Council has given a decision in the same session.

Explanation (1).—Subject to the provisions of Articles 197 and 198 of the Constitution, the Council shall not be deemed to have given a decision in respect of a Bill unless it has either passed the Bill or has rejected the Bill.

Explanation (2).—A Bill shall be deemed to have been rejected for the purpose of this rule if any of the following motions under these rules has been rejected by the House :—

- (i) that leave be granted to introduce the Bill ;
- (ii) that the Bill be referred to a Select Committee where such motion has not been made as an amendment to a motion made by a member-in-charge that the Bill be taken into consideration;
- (iii) that the Bill be taken into consideration ;
- (iv) that the Bill, as reported by the Select Committee, be taken into consideration ; or
- (v) that the Bill be passed.

Rules as Amended.

(4) Before the Chairman has announced the result of a division, he may, if satisfied that any mistake has been committed in the recording of the votes, allow the same to be corrected.

(5) If, in the opinion of the Chairman, the division is unnecessarily claimed, he may ask the members who are for 'Aye' and those for 'No' respectively to rise in their places and, on a count being taken, he may declare the determination of the House. In such a case, the names of the voters shall not be recorded.

(6) If the vote of a member in a division in the House is challenged on the ground of personal, pecuniary or direct interest in the matter to be decided, the Chairman may, if he considers necessary, call upon the member who makes the challenge to state precisely the grounds of his objection and the members whose vote has been challenged to state his case and shall decide whether the vote of the member should be disallowed or not and his decision shall be final :

Provided that the vote of a member or members is challenged, immediately after the division is over and before the result is announced by the Chairman.

Explanation.—For the purposes of this rule, the interest of the member should be direct, personal or pecuniary and separately belong to the person whose vote is questioned and not in common with the public in general or with any class or section thereof or on a matter of State policy.

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

Restriction
on motions

Explanation (1).—Subject to the provisions of Articles 197 and 198 of the Constitution, the Council shall not be deemed to have given a decision in respect of a Bill unless it has either passed the Bill or has rejected the Bill.

Explanation (2).—A Bill shall be deemed to have been rejected for the purpose of this rule if any of the following motions under these rules has been rejected by the House :—

(i) that leave be granted to introduce the Bill;

(ii) that the Bill be referred to a Select Committee of the Council or a Joint Select Committee of the Houses where such motion has not been made as an amendment to a motion made by a member-in-charge that the Bill be taken into consideration ;

(iii) that the Bill be taken into consideration ;

(iv) that the Bill, as reported by the Select Committee, be taken into consideration ; or

(v) that the Bill (or, as the case may be, that the Bill, as amended) be passed ;

Existing Rules.

Withdrawal of motions 73. (1) A member who has moved a motion or an amendment to a motion may withdraw the same with the leave of the Council expressed without a dissentient voice :

Provided that if an amendment has been proposed to a motion, the original motion shall not be withdrawn until the amendment has been disposed of.

(2) If, at the time of putting the question on a motion to the vote of the House, the mover of the motion is absent, it shall be considered to have been withdrawn by him, unless any member of the House asks that the question on the motion be put.

Second speech and right of reply. 74. Except in the exercise of a right of reply or as otherwise provided, no member shall speak more than once on any motion provided that any member to whom a reference has been made or against whom a reflection has been cast in the debate may, with the permission of the Chairman, make a personal explanation ; but such explanation must be strictly relevant to the reference or reflection sought to be explained and should not introduce new or debatable matter.

Mover's right of reply. 75. (1) A member who has moved a substantive motion, may speak again by way of reply, and the mover of an adjournment motion under rule 43 shall have a right of reply ; if the motion is moved by a non-official member, the Minister to whose department the matter relates shall, after the mover has replied, have the right of speaking whether he has previously spoken in the debate or not.

Explanation.—A substantive motion shall not include—

- (i) an amendment to a resolution, or
- (ii) an amendment to a motion on the Governor's Address.

(2) A member may speak on an amendment though he may have spoken on the original motion or on another amendment.

(3) A member when replying shall confine himself to matters raised during the debate and shall not introduce new debatable matter.

Rules as to amendments. 76. (1) An amendment must be relevant to, and within the scope of, the subject-matter of the Bill or motion to which it relates.

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

(3) After a decision has been given on an amendment to any part of a Bill, clause or motion, no amendment which arises at an earlier part of the Bill, clause or motion shall, except with the leave of the House, be moved.

Rules as Amended.

73. (1) A member who has moved a motion or an amendment to a motion may withdraw the same with the leave of the House expressed without a dissentient voice : Withdrawal
of motions.

Provided that if an amendment has been proposed to a motion, the original motion shall not be withdrawn until the amendment has been disposed of.

(2) If, at the time of putting the question on a motion or an amendment to a motion to the vote of the House, the mover of the motion or the amendment to the motion is absent, it shall be considered to have been withdrawn by him, unless any member of the House asks that the question on the motion or the amendment to the motion be put.

74. *No change.*

75. (1) A member who has moved a substantive motion, may speak again by way of reply, and the mover of an adjournment motion under rule 43 shall have a right of reply ; if the motion is moved by a private member, the Minister to whose department the matter relates shall, after the mover has replied, have the right of speaking whether he has previously spoken in the debate or not. Mover's
right of
reply.

Explanation.—A substantive motion shall not include—

(i) an amendment to a resolution, or

(ii) an amendment to a Motion of Thanks on the Governor's

Address.

(2) A member may speak on an amendment though he may have spoken on the original motion or on another amendment.

(3) A member when replying shall confine himself to matters raised during the debate and shall not introduce new debatable matter.

76. *No change.*

Existing Rules.

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

(5) The Chairman may refuse to put an amendment which is, in his opinion, frivolous.

Selection of amendments for discussion. 77. In respect of any motion or any Bill under consideration,—

(1) the Chairman may select one of several identical or substantially identical amendments to be proposed, or

(2) he 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.

Closure.

78. (1) At any time after a motion has been made, any member may move 'that the question be now put' and unless it appears to the Chairman that the motion is an abuse of these rules or an infringement of the right of reasonable debate, the Chairman shall then put the motion 'that the question be now put'.

(2) When the motion 'that the question be now put' has been carried, the question or questions consequent thereon shall be put forthwith without further debate :

Provided that the Chairman may allow a member a right of reply which he may have under these rules.

Adjournment.

79. A motion that any meeting or business be adjourned or postponed or that the House pass on to the business next in order in the list 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 meeting or business shall, subject to the provisions of sub-rule (3) of rule 21, be adjourned or postponed accordingly, or if the motion carried be that the House pass on to the business next in order in the list of business, the business then under discussion shall be considered to be disposed of :

Provided that nothing in this rule shall enable a member to move that any meeting or business fixed by a special order of the Chairman or the Governor for a purpose for which they have power to appoint a day under the Constitution or rules, shall be adjourned or postponed:

Provided further that if the Chairman is of opinion that a motion under this rule is an abuse of the rules of the House, the Chairman may decline to propose the question thereon to the House or he may put the question thereon from the Chair to the House :

Provided further that a motion under this rule cannot be made more than once during the debate on any question.

Rules as Amended.

77. *No change.*

78. (1) At any time after a motion has been made, any member may move 'That the question be now put' and unless it appears to the Chairman that the motion is an abuse of these rules or an infringement of the right of reasonable debate, the Chairman shall then put the motion 'That the question be now put'. Closure.

(2) Where the motion 'That the question be now put' has been carried, the question or questions consequent thereon shall be put forthwith without further debate :

Provided that the Chairman may allow a member a right of reply which he may have under these rules.

79. A motion that any meeting or business be adjourned or postponed or that the House pass on to the business next in order in the list 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 meeting or business shall, subject to the provisions of sub-rule (3) of rule 21, be adjourned or postponed accordingly, or if the motion carried be that the House pass on to the business next in order in the list of business, the business then under discussion shall be considered to be disposed of : Adjournment.

Provided that nothing in this rule shall enable a member to move that any meeting or business fixed by a special order of the Chairman or the Governor for a purpose for which they have power to appoint a day under the Constitution or rules, shall be adjourned or postponed.

Provided further that if the Chairman is of opinion that the motion is an abuse of the rules of the House, he may either forthwith put the question thereon from the Chair or decline to propose the question.

Provided further that a motion under this rule cannot be made more than once during the debate on any matter.

Existing Rules.

- Duration of speeches.** 80. The Chairman may prescribe a time-limit for speeches on Bills or Resolutions or amendments to Bills or Resolutions, or on adjournment motions under rule 43 or on any other matter under discussion in the House.
- Personal explanation.** 81. A member may, with the permission of the Chairman make a personal explanation although there is no question before the House, but in this case no debatable matter may be brought forward, and no debate shall arise.
- Statement by a Minister.** 82. A statement may be made by a Minister on a matter of public importance with the consent of the Chairman but no question shall be asked at the time the statement is made.
- Decision on points of order.** 83. (1) The Chairman shall decide all points of order which may arise, and his decision shall be final.
- (2) Any member may at any time submit a point of order for the decision of the Chairman, but in doing so shall confine himself to stating the point.
- (3) No debate shall be admissible on a point of order but the Chairman may, if he thinks fit, hear members before giving his decision,
- Preservation of order.** 84. The Chairman shall have all powers necessary for the purpose of enforcing the rules and preventing disorder.
- Irrelevance or repetition.** 85. The Chairman, after having called the attention of the House to the conduct of a member who persists in irrelevance or intedious repetition either of his own arguments or of the arguments used by other members in debate or is speaking for the purpose of obstructing business, may direct him to discontinue his speech.

Rules as Amended.

80. The Chairman may, if he thinks fit, prescribe a time-limit for speeches on any matter under discussion in the House. Duration or speeches.

81. A member may, with the permission of the Chairman, make a personal explanation although there is no question before the House, but in this case no debatable matter may be brought forward, and no debate shall be allowed on such explanation. Personal explanation.

82. *No change.*

83. (1) The Chairman shall decide all points of order which may arise, and his decision shall be final. Decision on points of order.

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

(2-A) A point of order shall relate to the interpretation or enforcement of these rules or such Articles of the Constitution as regulate the business of the House, or relate to the maintenance of order in, or to the business before, the House.

(3) No debate shall be allowed on a point of order but the Chairman may, if he thinks fit, hear members before giving his decision.

(4) A member shall not raise a point of order—

- (a) to ask for information ; or
- (b) to explain his position ; or
- (c) when a question on any motion is being put to the House; or
- (d) which may be hypothetical ; or
- (e) that the division bells did not ring or were not heard.

84. The Chairman shall have all powers necessary for the purpose of preserving order, and enforcing the rules and his decisions. Preservation of order.

85. *No change.*

Existing Rules.

Power to
order
withdrawal of mem-
ber.

86. The Chairman may direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the House and any member so ordered to withdraw shall do so forthwith and absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same session, the Chairman may direct the member to absent himself from the meetings of the Council for any period not longer than the remainder of the session, and the member so directed shall absent himself accordingly. If such member refuses to withdraw, the Chairman may order his removal by force. The member so directed to be absent shall not be deemed to be absent for the purposes of clause (4) of Article 190 of the Constitution.

Power to
suspend
sitting.

87. The Chairman may, in case of grave disorder arising in the House, adjourn the House or suspend a sitting until a specific hour.

Rules as Amended.

86. *No change.*

87. *No change.*

Existing Rules.

CHAPTER XIII.

LEGISLATION.

Section 1.—Bills originating in the Council.

Notice of motion for introduction. 88. Any member desiring to move for leave to introduce a Bill shall give five days' notice of his intention and shall, together with the notice, submit to the Secretary a copy of the Bill and a full Statement of Objects and Reasons.

Financial memorandum to Bills and money clauses in Bills. 89. A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law.

Explanatory memorandum to Bills delegating legislative powers. 90. A Bill involving proposals for the delegation of legislative power shall further be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character.

Recommendation or previous sanction for Bills. 91. (1) If notice is given of any motion in respect of a Bill or an amendment which, in the opinion of the Chairman, cannot be made except on the recommendation of the Governor or with the previous sanction of the President, the Chairman shall, as soon as may be after the receipt of the notice, refer the Bill or the amendment to the authority who would have the power to grant the recommendation or sanction, and the motion shall not be placed on the list of business unless the recommendation or previous sanction required has been granted.

(2) If any doubt arises whether any motion in respect of a Bill or amendment is or is not a motion which cannot be made except on the recommendation of the Governor or with the previous sanction of the President, the question shall be referred by the Chairman to the authority who would have the power to grant the recommendation or the previous sanction if it were necessary, and the decision of that authority on the question shall be final.

Motion for leave to introduce a Bill. 92. (1) If a motion for leave to introduce a Bill is opposed, the Chairman, after permitting, if he thinks fit, a brief statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question thereon.

(2) If such a motion is agreed to, the Bill may be introduced.

Rules as Amended.

CHAPTER XIV.

LEGISLATION.

Section 1—Bills originating in the Council.

88 *No change*

89 *No change.*

90 *No change.*

91 *No change.*

.

92 *No change.*

Existing Rules.

Publication. 93. As soon as may be after leave to introduce a Bill has been granted, the Bill with the Statement of Objects and Reasons shall be published in the Gazette:

Provided that the Chairman may order the publication of any Bill with the Statement of Objects and Reasons in the Gazette although no motion has been made for leave to introduce the Bill and in such a 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.

Persons by whom motions in respect of Bills may be made. 94. No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill and no motion that a Bill be referred to a Select Committee or be circulated or recirculated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge :

Provided that, where a member in charge of the Bill is unable to be present in the House, any other member may, if authorized in writing by such member, be permitted by the House to carry the Bill through its further stages.

Introduction and motion there-after. 95. (1) At any time after the publication of a Bill in the Gazette, the member in charge of the Bill may, after giving six days' notice, make one of the following motions in regard to his Bill, namely :—

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

Provided that any member may object to any such motion being made unless copies of the Bill have been made available to the members for at least two days before the day on which the motion is made, and such objection shall prevail unless the Chairman allows the motion to be made.

(2) On such motion, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.

Rules as Amended.

93. As soon as may be after introduction, the Bill with the Statement ~~Publication~~ of Objects and Reasons shall be published in the Gazette:

Provided that the Chairman may order the publication of any Bill with the Statement of Objects and Reasons in the Gazette although no motion has been made for leave to introduce the Bill and, in such a 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.

94. *No change.*

95. (1) At any time after the publication of a Bill in the Gazette, the member in charge of the Bill may, after giving five days' notice, make one of the following motions in regard to the Bill, namely:—

Introduction
and me-
tion there-
after.

(a) That it be taken into consideration ; or

(b) That it be referred to a Select Committee of the House or a Joint Select Committee of the Houses ; or

(c) That it be circulated for the purpose of eliciting opinion thereon:

Provided that any member may object to any such motion being made unless copies of the Bill have been made available to the members for at least two days before the day on which the motion is made, and such objections shall prevail unless the Chairman allows the motion to be made.

(2) On such a motion, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.

Existing Rules.

- Motions after eliciting opinion.** 96. 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 Chairman, in the exercise of his power to suspend this rule, allows a motion to be made that the Bill be taken into consideration.
- Constitution of Select Committee.** 97. (1) The Minister-in-charge of the department to which the Bill relates and the member who introduced the Bill shall be members of the Select Committee.
 (2) No Select Committee on a Bill shall, without the leave of the House, consist of more than 15 members and no Select Committee shall in any case consist of more than 25 members. Such leave shall be asked for by motion made in the House and shall specify the number of members (not exceeding 25) which the Select Committee shall contain. In calculating the number of members of a Select Committee any person appointed to it under Article 177 of the Constitution shall be excluded.
- Prior consent of nominees for Select Committee.** 98. (1) Every member intending to move for the appointment of a Select Committee shall endeavour to ascertain previously whether each member proposed to be named by him on such Committee will give his attendance thereupon.
 (2) No member shall be appointed to a Select Committee if he is not willing to serve on it.
- Chairman of Select Committee.** 99. (1) The Chairman shall nominate one of the members of the Committee to be its Chairman. The person so nominated shall preside at the meetings of the Committee and in his absence one of the members of the Committee elected by the Committee shall preside.
 (2) A Select Committee may proceed with its work, notwithstanding the absence of any of its members, and notwithstanding any vacancy which may have occurred in it after its constitution.
- Place of sitting of Select Committee.** 100. A Select Committee may sit even during prorogation. It shall sit at the place fixed by the Chairman.
- Sub-committee.** 101. A Select Committee may appoint a sub-committee to examine any special point or points connected with the Bill. The order of reference to such sub-committee shall clearly state the point or points for investigation. The report of the sub-committee shall be considered by the whole Committee.

Rules as Amended.

96. 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 the Bill thereafter, must move that the Bill be referred to a Select Committee, unless the Chairman..... allows a motion to be made that the Bill be taken into consideration.

Motions
after elici-
ting opi-
nion.

97. *No change.*

98. (1) The members of the Select Committee on a Bill shall be appointed by the Council when a motion "That the Bill be referred to a Select Committee" is made.

Composition
of select
Committee

(2) No member shall be appointed to a Select Committee if he is not willing to serve on the Committee. The mover shall ascertain whether a member proposed to be named by him is willing to serve on the Committee.

(3) Casual vacancies in a Select Committee shall be filled by appointment on a motion made in the Council.

99. *No change.*

99-A. In order to constitute a meeting of the Select Committee, the quorum shall be one-third of the total number of members of the Committee.

Quorum of
Select
Committee

100. The sittings of the Committee shall be held within the precincts of the Legislative Council and if it becomes necessary to change the place of sitting outside the precincts of the Legislative Council, the matter shall be referred to the Chairman whose decision shall be final.

Place of
sitting of
Select
Committee.

101. *No change*

Existing Rules.

Powers of Select Committee to hear evidence. 102. A Select Committee may hear expert evidence and the representatives of any special interest likely to be affected by the measure before it.

Presence of strangers at meetings of Select Committee. 103. Strangers shall not be permitted to be present at a meeting of a Select Committee except when it is engaged in examining witnesses when the Select Committee may by majority decide to allow strangers to be present :

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

Procedure of Select Committee. 104. The rules of procedure in the Council shall apply to procedure in a Select Committee except—

(i) that previous notice of an amendment is not necessary ;

(ii) that a motion or amendment need not be seconded; and

(iii) that a member may, with the consent of the Chairman of the Committee, speak more than once on the same question.

Powers of Select Committee to make amendments. 105. It shall be an instruction to every Select Committee on a Bill that it has power to make such amendments therein as it may think fit , provided that such amendments are relevant to the subject-matter of the Bill, but that, if any such amendments shall not be within the title of the Bill, they do amend the title accordingly and do report the same specially to the House.

Discharge of Select Committee. 106. At any time after a Bill has been referred to a Select Committee constituted by a motion made and carried in this behalf but before the Select Committee makes its report thereon, a motion that the said order of the appointment of the Select Committee be read and discharged and that a different order of reference to a different Select Committee or Joint Select Committee be made, may be moved.

Report by Select Committee. 107. (1) The Select Committee to which a Bill has been referred shall make a report thereon :

Provided that if, in the opinion of the Select Committee, it is not expedient to proceed with the Bill further or that the Bill may be com-

Rules as Amended.

102. (1) A Select Committee may hear expert evidence and the representatives of any special interest likely to be affected by the measure before it.

Powers of
Select
Committee
to hear
evidence.

(2) It may for this purpose require any person residing within the limits of the State to attend before it as witness or to produce before it such records and documents as it may think necessary and thereupon a requisition in writing shall be sent to the person concerned over the signature of the Secretary.

(3) The Committee may administer oath or affirmation to a witness examined before it.

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

Presence of
strangers at
meetings of
Select
Committee.

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

Nonmembers
of
the Committee
and

(2) Strangers shall not be permitted to be present at a meeting of a Select Committee except when it is engaged in examining witnesses when the Select Committee may by majority decide to allow strangers to be present.

104. *No change.*

105. Every Select Committee on a Bill has power to make such amendments therein as it may think fit, provided that such amendments are relevant to the subject-matter of the Bill, but that if any such amendments shall not be within the title of the Bill, they may amend the title accordingly and report the same specially to the House.

Powers of
Select
Committee
to make
amendments

106. *No change.*

107. (1) The Select Committee to which a Bill has been referred shall make a report thereon :

Report by
Select Com-
mittee.

Provided that if, in the opinion of the Select Committee, it is not expedient to proceed with the Bill further or that the Bill may be com-

Existing Rules.

mitted to a different Committee or a Joint Select Committee, as the case may be, it may make a special report to that effect.

(2) Reports may be either preliminary or final and shall be authenticated by the signature of the person presiding.

Printing and publication of reports. 108. The report, the minutes of the proceedings of the Committee as approved by the person presiding 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 if the Bill has been amended, the Bill as amended shall also, unless otherwise directed by the Select Committee, be published in the *Fort St. George Gazette* in the languages in which the original Bill was published.

Circulation of report when the House is not in session. 109. The Chairman may, on a request being made to him and when the House is not in session, order the printing, publication or circulation of a Report of a Committee although it has not been presented to the House. In that case, the report shall be presented to the House during its next session at the first convenient opportunity.

Procedure on report after presentation. 110. (1) After the Select Committee has made its report, the member-in-charge may move—

(i) in case the Select Committee has made any changes in the Bill as referred to it, that the Bill as amended by the Select Committee, and

(ii) in case where it has not made any changes in the Bill that the Bill as introduced,

be taken into consideration :

Provided that any member of the House may object to its being so taken into consideration if a copy of the report of the Select Committee and of the Bill, in case where it has been amended, has not been made available to the members for five days ; and such objection shall prevail unless the Chairman allows the Bill to be taken into consideration,

(iii) that the Bill as reported by the Select Committee be recommended either—

(a) as a whole , or

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

Rules as Amended.

mitted to a different Committee or a Joint Select Committee, as the case may be, it may make a special report to that effect.

(2) Reports may be either preliminary or final and shall be authenticated by the signature of the person presiding.

(3) The minutes of dissent, if any, as are received within the time fixed by the Select Committee in that behalf, shall be printed separately after the report of the Committee.

108. The report, together with the minute or minutes of dissent, if any, the minutes of the proceedings of the Committee as approved by the person presiding 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, together with the minute or minutes of dissent, if any, and if the Bill has been amended, the Bill as 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.

Printing and
publication
of reports.

109, *No change.*

110. (1) After the Select Committee has made its report, the member-in-charge may move—

(i) in case the Select Committee has made any changes in the Bill as referred to it, that the Bill as amended by the Select Committee, and,

(ii) in case where it has not made any changes in the Bill, that the Bill as introduced,

be taken into consideration :

Provided that any member of the House may object to its being so taken into consideration if a copy of the report of the Select Committee and of the Bill, in case where it has been amended, has not been made available to the members for five days ; and such objection shall prevail unless the Chairman allows the Bill to be taken into consideration, or

(iii) that the Bill as reported by the Select Committee be recommended either—

(a) as a whole, or

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

Procedure
on report
after presentation.

Existing Rules.

(c) with instructions to the Select Committee to make provision in regard to any specified particular.

(2) If the member-in-charge moves that the Bill as reported by the Select Committee be taken into consideration, any member may move as an amendment that the Bill be recommitted.

Proposal of amendments.

111. 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.

Notice of amendments.

112. (1) Notice of a proposed amendment shall be sent to the Secretary at least three clear days before the sitting of the Council at which the Bill is to be considered.

(2) The Secretary shall, if time permits, cause to be made available for the use of members every notice of amendment received in respect of a Bill.

Order of consideration of amendments.

113. Amendments shall, unless the Chairman otherwise directs, be considered in the order of the clauses to which they respectively relate.

Submission of Bills, clause by clause.

114. It shall be in the discretion of the Chairman, 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 Chairman shall call each clause separately and, when the amendments relating to it have been dealt with, shall put the question that such clause or, as the case may be, such clause as amended, stand part of the Bill.

Order of consideration of clauses.

115. The order in which the clauses of the Bill should be taken up for consideration shall be as follows :—

(i) the clauses in order, except the clause relating to the short title of the Bill,

(ii) the schedules in their order,

(iii) the clause relating to the short title,

(iv) the Preamble :

Provided that the Chairman may, if he thinks fit, postpone the consideration of any clause until some or all of the subsequent clauses have been considered.

Passing of Bills.

116. (1) If, during the consideration of a Bill in the Council, no amendment is made, the member-in-charge of it may, at the conclusion of such consideration, move that the Bill be passed.

Rules as Amended.

(c) with instructions to the Select Committee to make provision in regard to any specified particular.

(2) If the member-in-charge moves that the Bill as reported by the Select Committee be taken into consideration, any member may move as an amendment that the Bill be recommitted.

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

112. (1) Notice of a proposed amendment shall ordinarily be sent to the Secretary at least three clear days before the sitting of the Council at which the Bill is to be considered. Notice of amendments.

(2) The Secretary shall, if time permits, cause to be made available for the use of members notice of every amendment received in respect of a Bill.

113. No change.

114. It shall be in the discretion of the Chairman, 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 Chairman shall call each clause separately and, when the amendments relating to it have been dealt with, shall put the question that such clause or, such clause as amended, as the case may be, stand part of the Bill. Submission of Bills, clause by clause.

115. The order in which the clauses of the Bill should be taken up for consideration shall be as follows:— Order of consideration of clauses.

(i) the clauses in order, except the clause relating to the short title of the Bill,

(ii) the schedules in their order,

(iii) the clause relating to the short title,

(iv) the Preamble, if any, and the Enacting Formula,

(v) the Long Title :

Provided that the Chairman may, if he thinks fit, postpone the consideration of any clause until some or all of the subsequent clauses have been considered.

116. No change.

Existing rules.

(2) If, during the consideration of a Bill in the Council, any amendment is made, any member may, at the conclusion of the consideration of the Bill, object to a motion being made at the same sitting for its being passed. Thereupon, the Chairman shall, unless he considers that the request is frivolous or unreasonable, not allow a motion that the Bill be passed to be moved at the same sitting, but the Bill shall be brought up for further consideration at a subsequent sitting.

(3) When the Bill is so brought up for further consideration at a subsequent sitting, no amendments not being of a verbal or consequential nature shall be made by the Council.

(4) At any time after the conclusion of such further consideration, if any, the member-in-charge of the Bill may move that the Bill be passed.

**Authentica-
tion of Bills.** 117. When a Bill is passed by the Council, a copy thereof shall be signed by the Chairman and transmitted to the Assembly for its concurrence.

**Submission
of Bills for
assent.** 118. When a Bill which has been introduced in the Council has been passed by both Houses of the Legislature, it shall be signed by the Chairman and the Speaker and shall be submitted to the Governor for his assent.

**Reconsidera-
tion of Bills
returned by
Governor.** 119. When a Bill which has been passed by both the Houses of the Legislature of the State is returned by the Governor to the Council for reconsideration, the point or points referred for reconsideration of the amendments recommended by the Governor shall be put before the Council by the Chairman and shall be discussed and voted upon in the same manner as amendments to a Bill or in such other manner as the Chairman may consider most convenient for their consideration by the Council.

Rules as Amended.

116-A. The discussion on a motion that the Bill be passed or that the Bill, as amended, be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character.

Scope of
debate.

116-B. Where a Bill is passed by the Council, the Chairman shall have power to correct patent errors and make such other changes in the Bill as are consequential upon the amendments accepted by the Council. The corrections so made shall be intimated to the members through 'Information'.

Correction
of patent
errors.

117. No Change.

118. No change.

119. No change.

*Existing Rules.**Section 2.—Bills originating in the Council and not agreed to by the Assembly.*

Return of amended Bill to Originating Chamber. 120. If a Bill which has once been passed by the Council is received back from the Assembly with amendments made in that House, copies of the Bill with such amendments shall be laid on the table at a meeting of the Council.

Appointment of time for consideration of amendments. 121. After a Bill, with such amendments, has been laid on the table, any Minister in the case of Government Bill or, in any other case, any member, after giving three days' notice, may move that the amendments be taken into consideration.

Procedure on consideration of amendments. 122. If a motion that the amendments be taken into consideration is carried, the Chairman shall put the amendment to the Council in such manner as he thinks most convenient for their consideration.

Further amendments. 123. Further amendments, relevant to the subject-matter of the amendments made by the Assembly, may be moved, but no further amendment shall be moved to the Bill, unless it is consequential upon, or an alternative to, an amendment made by the Assembly, or is made necessary by the delay in the passage of the Bill.

Procedure consequent on consideration of amendments. 124. (1) If the Council agrees to the amendments made by the Assembly, a message to that effect shall be sent to that House.

(2) If the Council disagrees to the amendments made by the Assembly or any of them, the Bill with a message to that effect shall be sent to that House.

(3) If the Council agrees to the amendments or any of them with further amendments or proposes further amendments in place of amendments made by the Assembly, the Bill, as further amended with a message to that effect, shall be sent to that House.

(4) If the Bill is again returned with a message intimating that the Assembly insists on its amendments, the Council may either—

- (i) agree to the Bill as passed by the Assembly, or
- (ii) allow the Bill to lapse.

Withdrawal of a Bill. 125. The member-in-charge of a Bill may, at any stage of the Bill, move for leave to withdraw the Bill, and if such leave is granted, no further motion shall be made with reference to the Bill.

Section 3.—Bills other than Money Bills originating in and passed by the Assembly and received therefrom in the Council.

Bills which have been passed by Originating House. 126. As soon as possible, after a Bill which has been passed by the Assembly is received in the Council, copies of the Bill shall be laid on the table at a meeting of the Council.

*Rules as Amended.**Section 2.—Bills originating in the Council and not agreed to by the Assembly.*

120. If a Bill which has once been passed by the Council is received back from the Assembly with amendments made in that House, copies of the Bill with such amendments shall be laid on the table at a meeting of the Council.

Return of amended Bill to Originating House.

121. *No change.*

122. *Do.*

123. *Do.*

124. (1) If the Council agrees to the amendments made by the Assembly, a message to that effect shall be sent to that House.

Procedure consequent on consideration of amendments.

(2) If the Council disagrees with the amendments made by the Assembly or any of them, the Bill with a message to that effect shall be sent to that House.

(3) If the Council agrees to the amendments or any of them with further amendments or proposes further amendments in place of amendments made by the Assembly, the Bill, as further amended, with a message to that effect, shall be sent to that House.

(4) If the Bill is again returned with a message intimating that the Assembly insists on its amendments, the Council may either—

- (i) agree to the Bill as passed by the Assembly, or
- (ii) allow the Bill to lapse.

125. *No change.*

Heading No change.

126. *Do. No change.*

Existing Rules.

- Notice.** 127. At any time after copies have been laid on the table, in the case of a Government Bill any Minister and, in any other case, any member may give notice of his intention to move that the Bill be taken into consideration.
- Motion for consideration** 128. Unless the Chairman otherwise directs, no such motion shall be set down in the list of business for any day which is less than three days from the date of receipt of the notice.
- Discussion.** 129. On the day for which such motion is set down in the list of business, the member-in-charge of the Bill may move that the Bill be taken into consideration. On that date or any subsequent day to which the discussion of the motion is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.
- Reference to Select Committee.** 130. Any member may (if the Bill has not already been referred to a Select Committee of the Assembly or to a Joint Committee of both Houses but not otherwise) move as an amendment that the Bill be referred to a Select Committee, and if such motion is carried, the Bill shall be referred to a Select Committee and the rules regarding Select Committees on Bills originating in the Council shall, so far as may be, apply.
- Consideration and passing.** 131. If the motion, that the Bill be taken into consideration, is carried, the Bill shall be taken into consideration, and the provisions of the rules of the Council regarding consideration of clauses of Bills and the amendments to such clauses and the subsequent procedure in regard to the passing of the Bills shall apply.
- Bill passed without amendment.** 132. If the Bill is passed without amendment, a copy of the Bill with a message to the effect that the Council has agreed to the Bill without any amendment shall be transmitted to the Assembly.
- Bill passed with amendments.** 133. If the Bill is passed with amendments, the Bill shall be returned with a message asking for the concurrence of the Assembly to the amendments.
- Procedure consequent on consideration of amendments.** 134. If the Assembly disagrees with the amendments made by the Council or any of them or agrees to any of the amendments made by the Council with further amendments or proposes further amendments in place of amendments made by the House, the Bill, as further amended shall, on receipt by the House, be laid on the table.

Rules as Amended.

127. *No change.*

128. *Do.*

129. On the day for which such motion is set down in the list of business, the member-in-charge of the Bill may move that the Bill be taken into consideration. On that day or on any subsequent day to which the discussion of the motion is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.

DISCUSSION.

130. Any member may (if the Bill has not already been referred . . . to a Joint Committee of both Houses but not otherwise) move as an amendment that the Bill be referred to a Select Committee, and if such motion is carried, the Bill shall be referred to a Select Committee and the rules regarding Select Committees on Bills originating in the Council . . . shall apply.

Reference to Select Committee.

131. If the motion that the Bill be taken into consideration is carried, the Bill shall be taken into consideration, and the provisions of the rules of the Council regarding consideration of clauses of Bills and the amendments to such clauses and the subsequent procedure in regard to the passing of . . . Bills shall apply.

Consideration and passing.

132. *No change.*

133. If the Bill is passed with amendments, the Bill shall be returned with a message asking for the concurrence of the Assembly in the amendments.

Bill passed with amendments.

134. If the Assembly disagrees with the amendments made by the Council or any of them or agrees to any amendments made by the Council and passes the Bill without the amendments or with any such amendments as have been made by the Council the Bill as passed by the Assembly for the second time under Article 197 (1) of the Constitution shall on receipt by the House be laid on the table.

Procedure consequent on consideration of amendments.

Existing Rules.

Appointment of time for consideration of amendments. 135. After the amended Bill has been laid on the table, any Minister in the case of a Government Bill, or in any other case, any member, after giving two days' notice, may move that the amendments be taken into consideration.

Procedure on consideration of amendments. 136. (1) If a motion that the amendments be taken into consideration is carried, the Chairman shall put the amendments to the House in such manner as he thinks most convenient for their consideration.

(2) Further amendments relevant to the subject-matter of the amendments made by the Assembly may be moved, but no further amendments shall be moved to the Bill, unless it is consequential upon, or an alternative to, an amendment made by the Assembly.

Disposal of Bill for a second time. 137. The House may either agree to the Bill as originally passed in the Assembly or as further amended by the Assembly as the case may be, or may return the Bill with a message that it insists on an amendment or amendments to which the Assembly has disagreed.

Section 3-A—Money Bills passed by the Legislative Assembly and received therefrom in the Council.

Laying of Money Bills passed by the Legislative Assembly on the table. 137-A. After a Money Bill which has been passed by the Assembly is received in the Council, copies of the Bill shall be laid on the table at a meeting of the Council.

Notice. 137-B. As soon as may be, after the copies have been laid on the table, in the case of a Government Money Bill, any Minister, and in any other case, any member may give notice of his intention to move that the Bill be taken into consideration for making recommendations.

Motion for consideration. 137-C. Unless the Chairman otherwise directs, no such motion shall be set down in the list of business for any day which is less than three days from the date of receipt of the notice.

Discussion. 137-D. On the day for which such motion is set down in the list of business, the member-in-charge of the Money Bill may move that the Bill be taken into consideration for making recommendations. On that day or any subsequent day to which the discussion of the motion is postponed, the principle of the Bill and its general provisions may be discussed but the details must not be discussed further than is necessary to explain its principle.

Rules as Amended.

135. After such Bill has been laid on the table, any Minister, in the case of Government Bill, or in any other case, any member, after giving two days' notice, may move that the Bill, as passed by the Assembly for the second time, be taken into consideration,

Appointment of time for consideration of Bill.

136. (1) If the motion 'that the Bill as passed by the Assembly for the second time be taken into consideration' is lost, a message shall be sent to the Assembly intimating that the Bill as passed by the Assembly for the second time has been rejected by the Council.

Procedure on consideration of Bill for a second time.

(2) If the motion 'that the Bill as passed by the Assembly for the second time be taken into consideration' is carried, any member may propose amendments to the Bill. The Chairman shall put the amendments to the House in such manner as he thinks most convenient for their consideration.

137. If the Bill is passed without amendments, a message shall be sent to the Assembly intimating that the Council has agreed to the Bill, as passed by the Assembly for the second time, without any amendments. If the Bill is passed with amendments, the Bill shall be returned to the Assembly with a message asking for the concurrence of the Assembly in the amendments made by the Council.

Disposal of a Bill for a second time

Section 3-A—No change.

137—A No change.

137—B Do.

137—C Do.

137—D Do.

Existing Rules.

Consideration of recommendations to clauses.

137-E. (1) If the motion that the Money Bill be taken into consideration for making recommendations is carried, the Bill shall be taken up for clause-by-clause discussion on the same day or on any other day as may be decided by the Chairman and each of the clauses may be discussed. At this stage amendments to be recommended to the Legislative Assembly may be moved to the clauses of the Bill and they shall be considered in the order of the clauses to which they relate :

Provided that the Chairman may take up the recommendations in any other order.

(2) After the motion that the Money Bill be taken into consideration for making recommendations is carried, any member may move for the adjournment of the discussion on the clauses of the Bill to a date not later than two days.

(3) If any recommendations are adopted by the House, then such amendments recommended shall be transmitted to the Legislative Assembly with a message.

(4) If no recommendations are carried, the Bill shall be returned to the Assembly with a message to that effect.

(5) The clauses of the Bill shall not be submitted to the vote of the House.

Procedure regarding recommendations.

137-F. All the rules of procedure applicable to motions and amendments shall apply to recommendations in respect of Money Bills with such modifications as may be necessary :

Provided that a member may move a recommendation to the effect that a clause or any portion thereof be deleted.

Procedure if motion for consideration is lost.

137-G. If the motion for taking the Money Bill into consideration for making recommendations is lost, the Money Bill will not be proceeded with further and the Bill shall be returned to the Legislative Assembly with a message that the Council has declined to take the Bill into consideration for making recommendations.

Return of the Bill.

137-H. After all the recommendations are disposed of and after consideration of all the clauses and schedule, the Chairman shall make an announcement to the effect that the Bill will be returned to the Legislative Assembly with or without recommendations, as the case may be,

Chairman's powers to dispense with notice.

138. The Chairman may in his discretion, dispense with the provisions of this Chapter regarding notice, periods of notice, or interval between any two stages of legislation and may, in his discretion, allow any motion regarding a Bill or any amendment to be moved without notice or after such shorter interval as he may think fit.

Rules as Amended.

137-E. (1) If the motion that the money Bill be taken into consideration for making recommendations is carried, the Bill shall be taken up for clause-by-clause discussion on the same day or on any other day as may be decided by the Chairman and each of the clauses may be discussed. At this stage, amendments to be recommended to the Legislative Assembly may be moved to the clauses of the Bill and they shall be considered in the order of the clauses to which they relate:

(consideration of recommendations to clauses.

Provided that the Chairman may take up the recommendations in any other order.

(2) After the motion that the Money Bill be taken into consideration for making recommendations is carried, any member may move for the adjournment of the discussion on the clauses of the Bill to a date not later than two days.

(3) The clauses of the Bill shall not be submitted to the vote of the House.

137.—F. *No change.*

137.—G. *No change.*

137-H. (1) After the Bill has been considered clause-by-clause and the recommendations, if any, have been disposed of, the member in charge of the Bill may move "That the Bill be returned."

Return of the Bill.

(2) When the motion "That the Bill be returned" has been carried, the Bill shall be returned to the Assembly in the case where the Council does not make any recommendations, with a message that the Council has no recommendations to make to the Assembly in regard to the Bill, and in the case where any amendments have been recommended by the Council, with a message intimating to the Assembly the amendments so recommended.

Rule 138: *No change.*

*Existing Rules.**Section 4—Joint Select Committees.*

**Constitution
of Joint
Select
Commit-
tee.**

139. (1) The Council may by motion desire to obtain the concurrence of the Assembly in setting up a Joint Select Committee of the two Houses to consider a Bill, and such a motion shall state the total number of members of both the Houses to be appointed to the Committee and the names of members of the Council who in accordance with the proportion mentioned in sub-rule (3), are to serve thereon. The member-in-charge of the Bill, and the Minister-in-charge of the department to which the Bill relates, shall be nominated as members of the Joint Select Committee.

(2) On the adoption of such motion, a message shall be sent to the Assembly informing it accordingly and desiring its concurrence to the appointment of a Joint Select Committee and its proposed total strength and requesting it to nominate the members required under sub-rule (3).

(3) The total number of members of a Joint Committee shall not exceed forty-five and on every Joint Committee the number of members to be nominated by the Assembly and the Council shall be in the proportion of 2 : 1.

(4) The time and place of the first meeting of the Committee shall be fixed by the Chairman.

(5) The Joint Select Committee shall elect its own Chairman. The Chairman shall have no casting vote. If the votes on a question before a Joint Select Committee be equal, the question shall be deemed to have been decided in the negative.

(6) Except as aforesaid, a Joint Select Committee shall follow the same procedure as a Select Committee of the Council.

(7) The Secretary of the Council shall be the ex-officio Secretary of the Joint Select Committee.

**Joint Select
Committee
for Bills
originating
in the
Assembly.**

140. In the case of a Bill originating in the Assembly, in the case of a Government Bill, any Minister and in any other case, any member may, after receipt of a message from the Assembly asking for the concurrence of the Council to set up a Joint Select Committee to consider the Bill, move that the House concurs with the Assembly in setting up a Joint Select Committee and name the members of the Council to serve on such Committee.

*Rules as Amended.**Section 4.—Joint Select Committees.*

139. (1) The Council may by motion desire to obtain the concurrence of the Assembly in setting up a Joint Select Committee of the two Houses to consider a Bill, and such a motion shall state the total number of members of both the Houses to be appointed to the Committee and the names of members of the Council who in accordance with the proportion mentioned in sub-rule (3), are to serve thereon. The member-in-charge of the Bill, and the Minister-in-charge of the department to which the Bill relates shall be nominated as members of the Joint Select Committee.

Constitution
of Joint
Select
Committee.

(2) On the adoption of such a motion, a message shall be sent to the Assembly informing it accordingly and desiring its concurrence in the appointment of a Joint Select Committee and its proposed total strength and requesting it to nominate the members required under sub-rule (3).

(3) The total number of members of a Joint Select Committee shall not exceed forty-five and on every Joint Select Committee the number of members to be nominated by the Assembly and the Council shall be in the proportion of 2 : 1.

(4) The time and place of the first meeting of the Committee shall be fixed by the Chairman.

(5) The Joint Select Committee shall elect its own Chairman. The Chairman shall have no casting vote. If the votes on a question before a Joint Select Committee be equal, the question shall be deemed to have been decided in the negative.

(6) Except as aforesaid, a Joint Select Committee shall follow the same procedure as a Select Committee of the Council.

(7) The Secretary of the Council shall be the ex-officio Secretary of the Joint Select Committee.

140. *No Change.*

144

Existing Rule.

*Rule as Amended.*SECTION 5.*Ratification of amendment to the Constitution.*

140-A. (1) As soon as a message for ratification of the amendment to the Constitution is received from a House of Parliament, a copy of the message, together with the Bill, shall be laid on the table of the House.

Ratification
of amend-
ment to
the Consti-
tution.

(2) The Secretary shall forward a copy of the message together with the Bill to the State Government at the first convenient opportunity.

140-B. (1) After the message has been laid on the table under rule 140-A, any member may, after giving three days' notice move a resolution that the amendment to the Constitution proposed by the Bill be ratified.

Discussion
on the
amendment
to the Consti-
tution.

(2) The Chairman shall, in consultation with the Leader of the House, fix a date for discussion on the resolution.

(3) No amendment shall be proposed to such a resolution.

140-C. (1) If the resolution is passed by the House, a message shall be sent to the House of Parliament from which the message referred to in rule 140-A, was received, that the Council ratifies the amendment.

Message to
Parliament.

(2) If the resolution is rejected by the House, a message shall be sent as aforesaid that the Council does not ratify the amendment.

(3) If no resolution is moved during the Session in which the message of the House of Parliament is laid on the table, the Secretary shall send information to the effect to the House of Parliament from which the message was received.

Existing Rules.

CHAPTER XIV.

GOVERNOR'S ORDINANCES.

Discussion of
Governor's
Ordin-
ances.

141. On the receipt by the Council of a message from the Assembly forwarding a copy of a resolution disapproving the Ordinance, any member of the Council may, after giving one day's notice to the Secretary, move that the Council do concur in the resolution of the Assembly and if the resolution is agreed to, it shall thereupon be forwarded to the Governor.

Rules as Amended.

CHAPTER XV.

Governor's Ordinances.

141. (1) As soon as possible after an Ordinance is promulgated by the Governor under clause (1) of Article 213 of the Constitution, it shall be laid before the Council.

Discussion of
Governor's
Ordin-
ances.

(2) On receipt of a message from the Assembly, any member of the Council may, within six weeks of the re-assembly of the Council, and after giving one day's clear notice to the Secretary to the Council, move "That the Council do concur in the resolution of the Assembly" and if the resolution is agreed to, it shall thereupon be forwarded to the Governor.

Existing Rules.

CHAPTER XV.

RESOLUTIONS.

Conditions for admissibility of resolutions. 142. Subject to the restrictions contained in the Constitution and the rules, any member may move a resolution relating to a matter of general public interest within the cognizance of the State Government:

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

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

(b) 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 ;

(c) it shall not relate to any matter which is under adjudication by a Court of Law ; and

(d) it shall not raise a question of privilege.

Form of resolutions. 143. A resolution may be in the form of a recommendation addressed to Government or of a declaration of opinion by the House or in the form of a motion for the appointment of a Committee of the House for any purpose or in any other form suitable to the subject-matter of the resolution.

Notice of resolution. 144. A member who wishes to move a resolution shall give fifteen clear days' notice of his intention to move the resolution and, shall, together with the notice, submit the text of the resolution which he wishes to move :

Provided that the Chairman, with the consent of the Minister in charge of the department concerned, may allow a resolution to be entered on the list of business with shorter notice than fifteen days and without the procedure of a ballot under rule 25 and also fix its order of precedence in such list.

Chairman to decide admissibility of resolutions. 145. The Chairman shall decide on the admissibility of a resolution. Where the resolution or a part thereof is, in the opinion of the Chairman, in contravention of the rules, he may, in his discretion, give the member concerned an opportunity of amending it or disallow the same.

Rules as Amended.

CHAPTER XVI.

RESOLUTIONS.

142. *No change.*

143. *No change.*

144. *No change.*

145. *No change.*

Existing Rule.

Moving and withdrawal of resolution. 146. (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.

(2) If the member when called on is absent, the resolution standing in his name shall be considered to have been withdrawn.

(3) It shall be open to the Council to allow a resolution withdrawn under clause (a) of sub-rule (1), or deemed to have been withdrawn under sub-rule (2) of this rule, to be moved by any other member.

Amendments 147. After a resolution has been moved, any member may, subject to all the restrictions regarding the admissibility of resolutions, move an amendment to such resolution.

Notice of amendments. 148. (1) If a copy of such amendment has not been sent to the Secretary two 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 Chairman, in the exercise of his power to suspend the operation of this sub-rule, allows the amendment to be moved.

(2) The Secretary shall, if time permits, cause every amendment to be printed and copies thereof made available to the members.

Splitting of resolution. 149. When any resolution involving several points has been discussed, the Chairman may divide the resolution, and put each or any point separately to vote, as he may think fit.

Copy to Government. 150. A copy of every resolution which has been passed by the Council shall be forwarded to the Government by the Secretary.

Rules as Amended.

146 (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.

(2) If the member when called on is absent, the resolution standing in his name shall be considered to have been withdrawn:

Provided that if a member when called on is absent, any other member authorised by him in writing may, with the permission of the Chairman, move the resolution standing in his name.

(3) It shall be open to the Council to allow a resolution withdrawn under clause (a) of sub-rule (1), or deemed to have been withdrawn under sub-rule (2) of this rule, to be moved by any other member.

147. No change.

148. No change.

149. No change.

150. No change.

Existing Rules.

CHAPTER XVI.

FINANCIAL BUSINESS.

Presentation of Budget. 151. (1) The annual financial statement or the statement of the estimated receipts and expenditure of the State in respect of every financial year (hereinafter referred to as "the Budget") shall be presented to the Council on such day as the Governor may appoint.

(2) There shall be no discussion of the Budget in the Council on the day on which it is presented to it.

General discussion of the Budget. 152. The Chairman, in consultation with the Leader of the House and the Business Advisory Committee, shall fix and appoint sufficient number of days for the general discussion of the Budget.

Allotment of time for discussion. 153. (1) During the days appointed under rule 152 for the general discussion of the Budget, 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 the Budget be submitted to the vote of the Council.

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

(3) The Chairman may, if he thinks fit, prescribe a time-limit for speeches during the discussion.

*Rules as Amended.*CHAPTER XVII.

FINANCIAL BUSINESS.

151. No change.

152. No change.

153. (1) During the days appointed under rule 152 for the general discussion of the Budget, 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 the Budget be submitted to the vote of the Council.

Allotment
of time
for dis-
cussion.

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

3) Omitted.

153-A. (1) The Chairman, in addition to the time allotted under rule 152 and in consultation with the Leader of the House and the Business Advisory Committee, shall allot a day or days for discussion on each of the Policy Notes of the departments of the Government that may be decided upon by the Business Advisory Committee.

Allotment
of time
for dis-
cussion
on Policy
Notes.

(2) The Minister concerned shall have a right of reply at the end of the discussion.

(3) The motion moved by the Minister "That the Policy Note be taken into consideration" shall not be subject to any amendment or vote.

Existing Rules.

Appropriation Bills. 154. (1) Subject to the provisions of the Constitution, the procedure in regard to an Appropriation Bill shall be the same as for Bills generally, with such modifications as the Chairman may consider necessary.

(2) No recommendation shall be proposed to any of the clauses of such a Bill which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of the State.

Supplementary or additional or excess demands. 155. (1) The Governor may, at any time during a financial year, appoint a day for the presentation of a statement of supplementary or additional or excess expenditure under Article 205.

(2) The Chairman shall allot one or more days not earlier than three days after the day allotted for such presentation for the discussion of supplementary or additional or excess expenditure.

(3) No motion shall be moved on the supplementary or additional or excess statement of expenditure nor shall it be submitted to the vote of the Council.

Rules as Amended.

154. No change.

155. (1) The Governor may, at any time during a financial year, appoint a day for the presentation of a statement of supplementary or additional or excess expenditure under Article 205.

Supplemen-
tary or
additional
or Excess
demands.

(2) There shall be no discussion of the statement of supplementary or additional or excess expenditure on the day on which it is presented to the House.

(3) The Chairman shall allot one or more days in consultation with the Business Advisory Committee for the discussion of supplementary or additional or excess expenditure.

(4) No motion shall be moved on the supplementary or additional or excess statement of expenditure nor shall it be submitted to the vote of the Council.

Existing Rules.

CHAPTER XVII.

COMMITTEES OF THE HOUSE.

(1) *Committee of Privileges.*

Constitution of the Committee. 156. (1) A Committee of Privileges shall be constituted which will consist of the Deputy Chairman and nine other members to be elected by the Council on a date to be fixed by the Chairman according to the principle of proportional representation by means of the single transferable vote and in accordance with the regulations framed in this behalf by the Chairman.

(2) The members of the Committee so elected will cease to hold office at the end of each financial year but any member shall be eligible for re-election. There shall be a fresh election before the end of the financial year for constituting the Committee for the ensuing financial year.

(3) Casual vacancies shall be filled as soon as possible after they occur in the manner prescribed in sub-rule (1) and any person elected to fill such a vacancy shall hold office for so long only as the person in whose place he is elected would have held office.

(4) The Chairman of the Committee shall be nominated by the Chairman from amongst members of the Committee. The person so nominated shall preside at the meetings of the Committee and in his absence one of the members of the Committee elected by the Committee shall preside.

(5) In order to constitute a meeting of the Committee, the quorum shall be five.

Notice of the matter proposed to be raised. 157. Notice of a motion to raise a matter of privilege together with a brief statement shall be given at least one hour before the commencement of the sitting on the day on which the motion is proposed to be made to (i) the Chairman, (ii) the Leader of the House and (iii) the Secretary and the consent of the Chairman shall be obtained to ask the leave of the House to make the motion.

*Rules as Amended.*CHAPTER XVIII.

COMMITTEES OF THE HOUSE

(1) *Committee of Privileges.*

156. (1) A Committee of Privileges shall be constituted which will consist of the Leader of the House, the Deputy Chairman, the Leader of the Opposition and nine other members to be elected by the Council on a date to be fixed by the Chairman according to the principle of proportional representation by means of the single transferable vote and in accordance with the regulations framed in this behalf by the Chairman.

Constitution
of the
Committee.

(2) The members of the Committee elected under sub-rule (1) shall hold office for the financial year :

Provided that they shall, notwithstanding the expiration of the financial year, continue to hold office until a new Committee is constituted.

(2-A) There shall be a fresh election before the end of the financial year for constituting the Committee for the ensuing financial year.

(3) Casual vacancies shall be filled as soon as possible after they occur in the manner prescribed in sub-rule (1) and any person elected to fill such a vacancy shall hold office for so long only as the person in whose place he is elected would have held office.

(4) The Chairman of the Committee shall be nominated by the Chairman from amongst members of the Committee. The person so nominated shall preside at the meetings of the Committee and in his absence one of the members of the Committee elected by the Committee shall preside.

(5) In order to constitute a meeting of the Committee, the quorum shall be five, including the Chairman of the Committee or the member presiding.

157. Notice of a motion to raise a matter of privilege together with a brief statement shall be given at least one hour before the commencement of the sitting on the day on which the motion is proposed to be made to (i) the Chairman, (ii) the Leader of the House and (iii) the Secretary and the consent of the Chairman shall be obtained:

Notice of the
matter pro-
posed to
be raised.

Provided that in respect of a matter of privilege arising during the sitting of the House, the Chairman may waive such notice and deal with the matter as he deems fit.

Existing Rules.

- Consent of the Chairman for raising the matter.** 158. If the Chairman is of opinion that the [matter which the member proposes to raise does involve a question of privilege of the House, he may consent to the matter being raised.
- Time for raising the matter.** 159. A matter of privilege must be raised after questions and before the list of business for the day is entered upon.
- Restrictions on questions of privilege.** 160. The right to raise a question of privilege shall be subject to the following restrictions, viz. :—
- (i) The alleged breach of privilege must refer to a matter of recent occurrence ;
 - (ii) A *prima facie* case of a breach of privilege must be made out.
- Chairman to decide *prima facie* case.** 161. When a member has with the consent of the Chairman raised a matter of privilege, the Chairman shall read the matter to the House and decide whether a *prima facie* case of breach of privilege has been made out or not therein.
- Motion.** 162. If the Chairman holds that a *prima facie* case exists, he may allow a motion to be made by any member that the alleged breach of privilege be referred to the Committee of Privileges or, in the alternative, that it be dealt with by the House itself.
- Report of the Committee.** 163. If the matter is referred to the Committee of Privileges the Committee shall follow, as far as possible, the same procedure as a Select Committee of the Council and make a report to the House.

Rules as Amended.

158. No change.

159. A matter of privilege must be raised after questions and before the list of business for the day is entered upon :

Time for
raising
the matter.

Provided that a matter of privilege arising during the sitting of the House shall be entitled to immediate precedence over all other business.

160. No change.

161. No change.

162. No change.

162-A. (1) A member of the Committee who has a personal or direct interest of such a character that it may prejudicially affect the consideration of the matter of privilege to be considered by the Committee shall not sit on the Committee when the matter is under consideration.

Disabilities
of members
of the com-
mittee.

(2) Whether a member of the Committee has a personal or direct interest as stated in sub-rule (1) shall be decided by the Chairman of the Committee ; if it involves the Chairman of the Committee himself, the matter shall be referred to the Chairman of the House and his decision shall be final.

163. No change.

Existing Rules.

Procedure
after pre-
sentation
of the
report.

164. The House may, on such report,

or where no reference has been made to the Committee of Privileges by itself,

on a motion made in the House, deal with the case in such manner as it may think fit.

Power of
Chairman
to refer
questions of
Privilege to
Committee.

165. Notwithstanding anything contained in these rules, the Chairman may *suo motu* refer any question of privilege to the Committee of Privileges for examination, investigation or report.

(2) *Business Advisory Committee.*

Constitution
of the
Committee.

166. (1) The Chairman may from time to time nominate a Committee called the Business Advisory Committee consisting of not more than nine members including the Chairman who shall be the Chairman of the Committee.

(2) The Committee nominated under sub-rule (1) shall hold office for one year or until a new Committee is nominated.

(3) If the Chairman, for any reason, is unable to preside over any meeting of the Committee, he shall nominate a Chairman for that meeting and in the absence of such a person, a person elected by the Committee may preside over the meeting.

(4) Casual vacancies in the Committee shall be filled by the Chairman and any person nominated to fill such a vacancy shall hold office for the period for which the person in whose place he is nominated would under the provisions of sub-rule (2) have held office.

Rules as Amended.

164. (1) The report of the Committee of Privileges shall be presented to the Council by the Chairman of the Committee, and in his absence, by any member of the Committee so authorised.

Procedure
after pro-
sentation
of the
report.

(2) As soon as may be, after the report has been presented, a motion "That the Report be taken into consideration" may be made either by the Leader of the House or the Chairman of the Committee or any member of the Committee.

(3) Any member may give notice of amendment to the motion for consideration of the report referred to above in such form as may be considered appropriate by the Chairman :

Provided that an amendment may be moved that the question be recommitted to the Committee either without limitation or with reference to any particular matter.

(4) After the motion for consideration of the report has been carried, the Chairman or any member of the Committee or any other member, as the case may be, may move that the Council agrees, or disagrees, or agrees with amendments, with the recommendations contained in the report.

164-A. The House may, by itself, where no reference has been made to the Committee of Privileges, on a motion made in the House, deal with the case in such manner as it may deem fit.

Examination
of Privilege
issue by
the House.

165 No change.

166 No change.

Existing Rules.

Quorum. 167. In order to constitute a meeting of the Committee, the quorum shall be three.

Functions of the Committee. 168. (1) It shall be the function of the Committee to recommend the time that should be allotted for the discussion of the stage or stages of such Government Bills as the Chairman, in consultation with the Leader of the House, may refer to the Committee.

(2) The Committee shall have the power to indicate in the proposed time-table the different hours at which the various stages of the Bill shall be completed.

(3) The Committee shall have such other functions as may be assigned to it by the Chairman from time to time.

Report to the House. 169. The time-table in regard to the Bill or group of Bills as settled by the Committee shall be reported by the Chairman to the House.

Procedure to be followed. 170. As soon as may be after the report has been made to the House, a motion may be moved by a member of the Committee designated by the Chairman "That this House agrees with the allocation of time proposed by the Business Advisory Committee in regard to such and such Bills", and if such a motion is accepted by the House, it shall take effect as if it were an Order of the House.

Disposal of outstanding matters at the appointed hour. 171. At the appointed hour in accordance with the Order of the House referred to in rule 170 for the completion of a particular stage of a Bill, the Chairman shall forthwith put every question necessary to dispose of all the outstanding matters in connection with that stage of the Bill.

Variation in the allocation of time order. 172. No variation in the Order shall be made except on the request of the Leader of the House with the permission of the House.

(3) House Committee.

Constitution and functions of the Committee. 173.(1) There shall be appointed a House Committee to consider and advise upon all matters connected with the comfort and convenience of members of the Council, which shall consist of the Deputy Chairman as ex-officio Chairman and six members to be elected by the Council on a date to be fixed by Chairman, according to the principle of proportional representation by means of the single transferable vote and in accordance with the regulations framed in this behalf by the Chairman. In addition to the above, two members may be nominated to the Committee by the Chairman at his discretion.

Rules as Amended.

167 No change.

168 No change.

169 No change.

170 No change.

171 No change.

172 No change.

(3) *House Committee.*

173. (1) There shall be appointed a House Committee to consider and advise upon all matters connected with the comfort and convenience of members of the Council, which shall consist of the Deputy Chairman as ex-officio Chairman and six members to be elected by the Council on a date to be fixed by the Chairman, according to the principle of proportional representation by means of the single transferable vote and in accordance with the regulations framed in this behalf by the Chairman. In addition to the above, two members may be nominated to the Committee by the Chairman at his discretion.

*Constitution
and functions
of the
Committee.*

Existing Rules.

(2) The members of the Committee so elected, or as the case may be, so nominated, will cease to hold office at the end of each financial year, but any member shall be eligible for re-election or re-nomination. There shall be fresh elections and nominations before the end of the financial year for constituting the Committee for the ensuing financial year.

(4) Committee on Government Assurances.

Functions of the Committee, 174. Subject to the provisions of these rules, a Committee on Government Assurances may be constituted to scrutinise the assurances, promises and undertakings given by Ministers from time to time, on the floor of the House and to report on—

(a) the extent to which such assurances have been implemented ;
and

(b) where implemented, whether such implementation has taken place within the minimum time necessary for the purpose.

Constitution of the Committee 175. (1) The Committee shall consist of not more than seven members who shall be nominated by the Chairman.

(2) The term of office of the members of the Committee shall be one year.

Chairman of the Committee. 176. (1) The Chairman of the Committee, shall be nominated by the Chairman of the Council.

(2) If the Chairman of the Committee is absent from any meeting, the Committee shall choose another member to act as Chairman of the Committee for that meeting.

Quorum. 177. In order to constitute a meeting of the Committee, the quorum shall be three.

Chairman's casting vote. 178. In the case of an equality of votes on any matter, the Chairman shall have a second or casting vote.

Report by the Committee. 179. The Committee shall make a report to the House at least once in six months.

Rules as Amended.

(2) The members of the Committee, so elected, or as the case may be, so nominated, will cease to hold office at the end of each financial year, but any member shall be eligible for re-election or re-nomination. There shall be fresh elections and nominations before the end of the financial year for constituting the Committee for the ensuing financial year :

Provided that the members of the Committee shall, notwithstanding the expiration of the financial year, continue to hold office until a new Committee is constituted.

(4) Committee on Government Assurances.

174 No change.

175. (1) The Committee shall consist of not more than ⁿ seven mem-ⁿ Constitution of the Committee
bers who shall be nominated by the Chairman.

(2) The term of office of the members of the Committee shall be one year or until a new Committee is constituted.

176 No change.

177. In order to constitute a meeting of the Committee, the ^{Quorum.}
quorum shall be three, including the Chairman of the Committee or the member presiding.

178. In the case of an equality of votes on any matter, the Chairman Chairman's casting vote.
of the Committee shall have a second or casting vote.

179. The Committee shall make a report to the House from time ^{Report by the Committee.}
to time.

Existing Rules.

Presentation of the report. 180. The Report of the Committee shall be presented to the House either by the Chairman or on his behalf by any other member of the Committee.

Procedure to be followed. 181. Except as aforesaid, the rules applicable to a Select Committee of the Council shall apply.

(5) Committee on Public Accounts.

Association of members with the Public Accounts Committee of the Assembly. 182. The Council may elect for every financial year such number of members of the Council as may be fixed by the Chairman to associate with the Committee on Public Accounts of the Assembly. The election of members will be held in such manner as the Chairman may direct.

(6) Committee on Estimates.

Association of Members with the Committee on Estimates of the Assembly. 183. On receipt of a message from the Legislative Assembly, the Council may nominate on a motion made in that behalf, such number of members as may be fixed in the Resolution passed by the Assembly and transmitted with the message, to associate with the Committee on Estimates of the Legislative Assembly.

(7) Committee on Subordinate Legislation.

Association of Members with the Committee on Subordinate Legislation of the Assembly. 184. The Council may elect for every financial year such number of members of the Council as may be fixed by the Chairman to associate with the Committee on Subordinate Legislation of the Assembly. The election of members will be held in such manner as the Chairman may direct.

Rules as Amended.

180. The Report of the Committee shall be presented to the House either by the Chairman of the Committee or on his behalf by any other member of the Committee. Presentation of the report.

181 No change.

(5) Committee on Public Accounts.

182. (1) The Council may appoint, on a motion moved in that behalf, for every financial year, five or such number of members of the Council as may be provided for in the Assembly Rules to serve on the Committee on Public Accounts of the Assembly. Appointment of members to serve on the Public Accounts Committee of the Assembly.

(2) Casual vacancies shall be filled as soon as possible after they occur in the manner prescribed in sub-rule (1) and the person so appointed shall hold office for so long only as the person in whose place he is appointed would have held office.

(6) Committee on Estimates.

183. (1) The Council may appoint, on a motion moved in that behalf, for every financial year, five or such number of members of the Council as may be provided for in the Assembly Rules to serve on the Committee on Estimates of the Assembly. Appointment of members to serve on the Committee on Estimates of the Assembly.

(2) Casual vacancies shall be filled as soon as possible after they occur in the manner prescribed in sub-rule (1) and the person so appointed shall hold office for so long only as the person in whose place he is appointed would have held office.

(7) Committee on Subordinate Legislation.

184. (1) The Council may appoint, on a motion moved in that behalf, for every financial year, five or such number of members of the Council as may be provided for in the Assembly Rules to serve on the Committee on Subordinate Legislation of the Assembly. Appointment of members to serve on the Committee on Subordinate Legislation of the Assembly.

(2) Casual vacancies shall be filled as soon as possible after they occur in the manner prescribed in sub-rule (1) and the person so appointed shall hold office for so long only as the person whose place he is appointed would have held office.

Existing Rules.
CHAPTER XVIII.

COMMUNICATIONS BETWEEN THE GOVERNOR AND THE COUNCIL.

185. Communications from the Governor to the Council are made—
Communications from the Governor to the Council.

(1) by a speech, or

(2) by a written message addressed to the Chairman.

186. Communications from the Council to the Governor shall be made by formal address, after motion made and carried in the Council and forwarded to the Governor by the Chairman.
Communications from the Council to the Governor.

Existing Rules.

CHAPTER XIX.

PETITIONS TO THE COUNCIL.

Form and
contents
of peti-
tions.

187. Petitions to the Council must—

- (a) relate to some matter actually under the consideration of the Council ;
- (b) be addressed to the members of the Council ;
- (c) be dated and signed by the petitioner or petitioners ;
- (d) be in respectful and temperate language ; and
- (e) must not propose expenditure of public moneys or the imposition of any charge on public revenues.

Presentation
of peti-
tions.

188. (1) No petition addressed to the Council shall be presented except by a member of the Council.

(2) A member desiring to present a petition shall show it to the Chairman and obtain his consent to its presentation. After he has obtained the consent of the Chairman, he may present it on a date to be fixed by the Chairman, after questions and before the other business for the day is entered upon.

Duties of
members
offering to
present a
petition.

189. 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 to
be follo-
wed.

190. If a petition is in conformity with rule 187, the Secretary shall, if so required by the Chairman, read it to the Council or make an abstract of it and read or circulate the abstract to the Council. There shall be no debate or speech in the Council on any such petition.

Rules as amended.

CHAPTER XX.

PETITIONS TO THE COUNCIL.

187

No change.

188

No change.

189

No change.

190

No change.

Existing Rules.

CHAPTER XX.

AMENDMENT OF RULES.

Notice of
amend-
ment to
the rules.

191. (1) Unless the Chairman otherwise directs, not less than ten days' notice of a motion for leave to amend the rules 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 Chairman may direct.

Procedure to
be follow-
ed.

192. When the motion has been made, the Chairman shall read the draft amendments and ask whether the member has the leave of the Council. If objection is taken, the Chairman shall request those members who support the motion to rise in their places; and if more than ten members rise accordingly, the Chairman shall intimate that the member has the leave of the Council.

Reference to
Select
Committee.

193. Where the member has the leave of the Council to proceed, the draft amendments shall be referred to a Select Committee of which the Chairman shall be Chairman, and of which the Deputy Chairman, the member giving notice of the amendment and, in case he is a non-official member, the Minister concerned also and a member to be nominated by the Chairman from the current panel of Vice-Chairmen of the Council shall be members. The remaining members who shall be six in number shall be elected by the Council by means of the single transferable vote and in accordance with the regulations framed in this behalf by the Chairman :

Provided that in case of minor amendments, the House may take these amendments into consideration without reference to a Select Committee.

Subsequent
procedure.

194. After a draft has been referred to a Select Committee, the procedure in regard to Bills similarly referred shall, as far as may be, be followed with such necessary alterations that may be made as the Chairman may direct.

Rules as Amended.

CHAPTER XXI.

Rules Committee.

191. There shall be a Committee on Rules to consider matters of procedure and conduct of business in the House and to recommend any amendments or additions to these rules that may be deemed necessary.

Functions of
Rules
Committee.

192. (1) The Committee on Rules shall be nominated by the Chairman and shall consist of 14 members including the Chairman of the Committee. The Chairman shall be the ex-officio Chairman of the Committee. The Leader of the House (Council) shall be ex-officio member of the Committee.

Constitution
of the Com-
mittee.

(2) The Committee nominated under sub-rule (1) shall hold office for one year or until a new committee is nominated.

(3) If the Chairman, for any reason, is unable to preside over any meeting of the Committee, he shall nominate a Chairman for that meeting.

(4) Casual vacancies in the Committee shall be filled by the Chairman and any person nominated to fill such vacancy shall hold office for the period for which the person in whose place he is nominated would under the provisions of sub-rule (2) have held office.

193. In order to constitute a meeting of the Committee the quorum shall be five including the Chairman or the member presiding.

Quorum.

194. (1) Any member desirous of moving any amendment to the rules shall give notice of his intention to the Secretary, accompanied by a draft of the proposed amendments.

Notice of
amend-
ments to
rules.

(2) The Secretary shall place the amendments before the Committee for its consideration and recommendation.

Existing Rules.

CHAPTER XX—cont:

Rule or amendment not valid until signed by Chairman 195. When a rule or amendment of a rule is passed by the Council, a copy thereof shall be signed by the Chairman and until the Chairman has signed such copy and the fact has been announced by him to the Council, the rule or amendment shall not be deemed to have come into force.

Rules as Amended.

CHAPTER XXI—cont.

Rules Committee.

195 (1) The recommendations of the Committee shall be laid on the table and within a period of seven days beginning with the date on which they are so laid, any member may give notice of any amendment to such recommendations. Laying of report on the table.

(2) Any notice given by a member of any amendment to the recommendations of the Committee shall stand referred to the Committee who shall consider it and make such changes in their recommendations as the Committee may consider fit. The final report of the Committee, after taking into consideration the amendments, suggested by the members, shall be laid on the table. Thereafter, on the House agreeing to the report on a motion made by a member of the Committee, the amendments to the rules as approved by the House shall be notified by the Chairman in the Gazette or the "Information".

(3) If notice of such amendment has not been given within seven days, the recommendations of the Committee shall be deemed to have been approved by the House and on the expiry of the said period the Chairman shall notify in the Gazette or the "Information" the amendments to the rules recommended by the Committee.

(4) Any amendments given notice of to the final report of the Committee shall not be referred again to the Committee unless otherwise decided by the House but shall be disposed of by the House while considering the final report of the Committee.

(5) The amendment to the rules shall come into force on their publication in the Gazette/ "Information" unless otherwise specified. Procedure to be followed.

195-A. Except as aforesaid, the rules applicable to a Select Committee of the Council shall apply.

Existing Rules.

CHAPTER XXI.

MISCELLANEOUS.

- Official report.** 196. An official report of the proceedings of the Council shall be published under the supervision of the Secretary and shall be made available to every member.
- Expunging of words from debates.** 197. If the Chairman is of opinion that words have been used in debate which are defamatory or indecent, or unparliamentary or undignified, he may, in his discretion, order that such words be expunged from the proceedings of the House.
- Indication in printed debates of expunged proceedings.** 198. The portion of the proceedings of the House so expunged shall be marked by asterisks and an explanatory foot-note shall be inserted in the proceedings as follows :—
 “Expunged as ordered by the Chair”.
- Printing and publication of other documents, etc.** 199. (1) The Chairman may authorise the printing, publication, distribution or sale of any paper, document or report in connection with the business of the House or any paper, document or report laid on the table of the House or presented to the House or a Committee thereof.
- (2) A paper, document or report printed, published, distributed or sold, in pursuance of sub-rule (1) shall be deemed to have been printed, published, distributed or sold under the authority of the House within the meaning of clause (2) of Article 194 of the Constitution.
- Strangers.** 200. The admission to the Council Chamber of strangers and officials during the sittings of the Council shall be regulated in accordance with regulations made by the Chairman.

Rules as Amended.

CHAPTER XXII.

MISCELLANEOUS.

196—No change.

197 (1) If the Chairman is of opinion that words have been used in debate which are defamatory or indecent, or unparliamentary or undignified, or grossly irregular, he may in his discretion, order that such words or portion of the speech containing such words be expunged from the official report of the proceedings of the House and all consequential alterations made in such report.

Expunging
of words
from
debates.

(2) If the Chairman is of opinion that words have been used in a minute of dissent to a report of the Select Committee which are defamatory or indecent, or unparliamentary or undignified, or grossly irregular, he may, on a reference being made by the Chairman of that Committee, order that such words or portions containing such words be expunged from such minute of dissent and order consequential alterations, if any, to be made.

198. The portion of the proceedings of the House or of the minute of dissent to a report of the Select Committee, so expunged, shall be marked by asterisks and an explanatory foot-note shall be inserted in the proceedings as follows :—

Indication in
printed
debates,
etc., of
expunged
proceedings.

“Expunged as ordered by the Chair (or the Chairman, as the case may be).”

199. (1) The Chairman may authorise the printing, publication, distribution or sale of any paper, document or report in connection with the business of the House or any paper, document or report laid on the table of the House or presented to the House or a Committee thereof.

Printing and
publication
of other
documents,
etc.

(2) A paper, document or report printed, published, distributed or sold in pursuance of sub-rule (1) shall be deemed to have been printed, published, distributed or sold under the authority of the House within the meaning of clause (2) of Article 194 of the Constitution.

(3) If a question arises whether a paper, document or report is in connection with the business of the House or not, the question shall be referred to the Chairman whose decision shall be final.

200—No change.

Existing Rules.

Power to order withdrawal of strangers. 201. The Chairman, whenever he thinks fit, may order strangers to withdraw or the press gallery to be cleared.

Secretary to be ex-officio Secretary to all committees. 202. The Secretary shall act as Secretary to every Committee or Select Committee under these rules and shall arrange for the conduct of all correspondence connected with its business.

Chairman to regulate conduct of business not otherwise provided. 203. The Chairman shall have power to regulate the conduct of business in the Council in all matters not provided for in the Constitution or the rules.

Delegation of powers of Chairman. 204. The Chairman may, by order in writing, delegate to the Deputy Chairman all or any of his powers under the rules.

Motion for suspension of rule. 205. Any member may, with the consent of the Chairman, move that any rule may be suspended in its application to a particular motion before the House and if the motion is carried by three-fourths of the total number of members present and voting at the meeting, the rule in question shall be suspended for the time being.

Absence of members. 206. If without the permission of the Chairman of a Committee, a member is absent from three consecutive meetings of any Committee, the Chairman may bring it to the notice of the Chairman of the Council, who may, if he thinks fit, discharge such member from such Committee.

Explanation.—For the purpose of this rule, the meeting of the Committee held on consecutive days shall be reckoned as one meeting.

Rules as Amended.

201. No change.

202. No change.

203. The Chairman shall have power to regulate the conduct of Residuary business in the Council in all matters not provided for in the Constitu- powers. tion or the rules.

204. No change.

205. No change

206. No change.

Existing Rules.

CHAPTER XXII.

(1) INTIMATION TO CHAIRMAN OF ARREST, DETENTION AND
RELEASE OF A MEMBER.

207. When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive order, the committing judge, magistrate or executive authority, as the case may be, shall immediately intimate such fact to the Chairman indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form prescribed by the Chairman—*Vide* Appendices A and B.

208. When a member is arrested and, after conviction, released on bail pending an appeal or otherwise released, such fact shall also be intimated to the Chairman by the authority concerned in the appropriate form prescribed by the Chairman—*Vide* Appendix C.

209. As soon as may be, the Chairman shall after he has received a communication referred to in rule 207 or rule 208 read it out in the House if in session, or if the House is not in session, direct that it may be published in the information sheet for the information of the members :

Provided that if the intimation of the release of a member either on bail or by discharge on appeal is received before the House has been informed of the original arrest, the fact of his arrest, or his subsequent release or discharge may not be intimated to the House by the Chairman.

(2) PROCEDURE IN REGARD TO SERVICE OF LEGAL PROCESS AND
ARREST WITHIN THE PRECINCTS OF THE HOUSE.

210. No arrest shall be made within the precincts of the House without the previous permission of the Chairman.

211. A legal process, civil or criminal, shall not be served within the precincts of the House without the previous permission of the Chairman.

Rules as Amended.

CHAPTER XXIII.

(1) INTIMATION TO CHAIRMAN OF ARREST, DETENTION AND RELEASE
OF A MEMBER.

207. When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a Court anywhere in India or is detained under an executive order of any State or Central Government, the committing Judge, Magistrate or Executive Authority, as the case may be, shall immediately intimate such fact to the Chairman indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form prescribed by the Chairman—*Vide* Appendices A and B.

208. No change.

209. As soon as may be, the Chairman shall after he has received a communication referred to in rule 207 or rule 208 read it out in the House if in session, or if the House is not in session, direct that it may be published in the "Information" for the information of the members :

Provided that if the intimation of the release of a member either on bail or by discharge on appeal is received before the House has been informed of the original arrest, the fact of his arrest, or his subsequent release or discharge may not be intimated to the House by the Chairman.

(2) PROCEDURE IN REGARD TO SERVICE OF LEGAL PROCESS AND
ARREST WITHIN THE PRECINCTS OF THE HOUSE

210. No change.

211. A legal process, civil or criminal, or notice shall not be served within the precincts of the House without the previous permission of the Chairman.

Existing Rules.

**RULES OF PROCEDURE REGARDING COMMUNICATIONS
BETWEEN THE TWO HOUSES.**

[Under clause (3) of article 208 of the Constitution.]

Form of communication. 1. Communications from one House to the other shall be by a written message signed by the presiding officer of the former and addressed to the presiding officer of the latter.

House while in session. 2. If any such message is received by the presiding officer of either House when it is in session, he shall, at the first convenient opportunity after its receipt, communicate it to the House.

Communication to the members while the House is not in session. 3. When the House to which a message is addressed is not in session, the message shall be received by the Secretary of the House who shall, with the concurrence of its presiding officer, communicate the message, to the members of the House.

*Rules as Amended.*CHAPTER XXIV.RULES OF PROCEDURE REGARDING COMMUNICATIONS
BETWEEN THE TWO HOUSES.

[Under clause (3) of article 208 of the Constitution.]

212. Communications from one House to the other shall be by a written message signed by the presiding officer of the former and addressed to the presiding officer of the latter. Form of communication.

213. If any such message is received by the presiding officer of either House when it is in session, he shall, at the first convenient opportunity after its receipt, communicate it to the House. Communication to the House while in session.

214. When the House to which a message is addressed is not in session, the message shall be received by the Secretary of the House who shall, with the concurrence of its presiding officer, communicate the message, to the members of the House. Communication to the members while the House is not in session.

G. M. ALAGARSWAMY,
Secretary.

Rules as Amended.

APPENDIX A—No change.

Existing Rules.

APPENDIX B.

(*Vide rule 207.*)

Form of communication in regard to conviction of a member.

Place :

Date :

To

THE HON. CHAIRMAN,
Tamil Nadu Legislative Council,
Fort St. George, Madras-9.

Dear Mr. Chairman,

I have the honour to inform you that Thiru
Member of the Tamil Nadu Legislative Council, was tried at the
Court before me on a charge
(or charges) of (reasons for the conviction).

On (date), after a trial lasting for
I found him guilty of and sentenced him to
imprisonment for (period).

(His application for leave to appeal to* is pending
consideration.)

Yours faithfully,

(*Judge or Magistrate.*)

* Name of the Court.

187

Rules as Amended.

APPENDIX B—No change.

Existing Rules.

APPENDIX C.

(*Vide* rule 208.)

Form of communication in regard to release of a member.

Place ;

Date :

To

THE HON. CHAIRMAN,
Tamil Nadu Legislative Council,
Fort St. George, Madras-9.

Dear Mr. Chairman,

I have the honour to inform you that Thiru
Member of the Tamil Nadu Legislative Council, who was convicted on
(date) and imprisoned for (period)
for (reasons for conviction) was released on bail
pending appeal (or released on the sentence being set aside on appeal
as the case may be) on the (date).

Yours faithfully,

(*Executive Authority.*)

Rules as Amended.

APPENDIX C.

(Vide rule 208.)

Form of communication in regard to release of a member

Place :

Date :

To

THE HON. CHAIRMAN,
Tamil Nadu Legislative Council,
Fort St. George, Madras-9.

Dear Mr. Chairman,

I have the honour to inform you that Thiru
Member of the Tamil Nadu Legislative Council, who was convicted
on (date) and imprisoned for (period)
for (reasons for conviction) was released on bail
pending*/prosecution/trial/appeal (or released on the sentence being set
aside on appeal as the case may be) on the (date).

Yours faithfully,

(Judge, Magistrate or Executive Authority)

APPENDIX.

PROCEEDINGS OF THE MEETINGS OF THE SELECT COMMITTEE ON
RULES OF PROCEDURE OF THE TAMIL NADU LEGISLATIVE COUNCIL.

Monday, the 30th August 1971

The Preliminary Meeting of the Select Committee on the Rules of Procedure of the Council was held in the Members' Lounge, Fort St. George, Madras-9, at about 10.30 a.m. on 30th August 1971.

Present.

1. Hon. CHAIRMAN : *Chairman.*
2. Hon. Thiru V. R. NEDUNCHEZHIAN, Minister for Education and Local Administration.
3. Thiru K. RAJARAM.
4. Thiru R. KRISHNASWAMY NAIDU.
5. Thiru G. PARANGUSAM.
6. Thiru V. THANGAPANDIAN.
7. Thiru M. RAJAH IYER.
8. Thirumathi S. MANJUBHASHINI.

Secretariat.

Thiru G. M. ALAGARSWAMY—*Secretary.*

The Chairman requested the members to give their suggestions for amendment of the Rules.

Thiru K. Rajaram said that under the existing rules, the Members had to give notice of an adjournment motion even if they wanted to ventilate their grievances on some important matters, though not very serious as to warrant adjournment of the House. He suggested a change in the rules enabling the Members to get an opportunity to voice forth their grievances, even without an adjournment motion.

He also suggested that necessary amendments should be made for providing scope for clause-by-clause consideration even in respect of money Bills so as to give more scope to the Members for discussion.

Thirumathi S. Manjubhashini pointed out that such a procedure was being followed till about 1966.

Thiru M. Rajah Iyer said that the *status-quo ante* might be restored in regard to discussion of Money Bills in the Council.

He also stated that Members should be allowed to put one or two supplementary questions on the Statement of the Ministers on call-attention motion, since they must have opportunities to elicit information from the Minister and since they might, at times, be able to throw fresh light on the matter.

Thiru V. Thangapandian suggested that a time-limit should be fixed so that the call-attention notices might be taken up within that time limit.

Thiru K. Rajaram also suggested that the rules should be taken up one by one and amendments should be considered carefully.

It was decided that the next meeting of the Committee might be held in Ooty from 27th to 30th September 1971. The Committee might meet at 4 p.m. on 27th and at 9 a.m. on the subsequent days, and if necessary, in the afternoons also.

Monday, the 27th September 1971

The Select Committee on Rules of Procedure of the Tamil Nadu Legislative Council met in the Conference Hall of the Tamil Nadu State Co-operators' Guest House at Ootacamund on 27th September 1971 at 4 p.m. The following members of the Committee were present:—

Chairman.

1. The Hon. Thiru C. P. CHITRARASU.

Members.

2. The Hon. Thiru V. R. NEDUNCHEZHIAN, Minister for Education and Local Administration.
3. Thiru K. RAJARAM.
4. Thiru R. KRISHNASWAMY NAIDU.
5. Thiru A. R. DAMODARAN.
6. Thiru G. SWAMINATHAN.
7. Thirumathi S. MANJUBHASHINI.

Secretariat.

Thiru G. M. ALAGARSWAMY—Secretary.

The Committee took up for consideration the suggested amendments to the Madras Legislative Council Rules.

The Committee agreed to the following amendments:.

In the heading to the Rules for the word " Madras ", substitute the words, " Tamil Nadu ".

CHAPTER I.

Rule 1.

In rule 1, for the word "Madras", substitute the words "Tamil Nadu".

Rule 2.

Renumber sub-rules (a) to (m) of existing rule 2 as items (a) to (m) of sub-rule (1) thereof.

In rules 2 (1) (a) and (b) as renumbered for the words "Madras", substitute the words "Tamil Nadu".

New item (bb) after item (b).

The Hon. Thiru V. R. Nedunchezhiyan, inquired whether there was no definition of the word "Committee" in the existing rules.

The Secretary explained that in the existing rules, the term "Select Committee" alone had been defined, that since there were Joint Committees and other Committees also, the definition of the word "Committee" had been added and that the definition in the Assembly Rules had been followed for the purpose.

The Committee then agreed to the following amendment:—

"After existing item (b), add the following item:—

'(bb) "Committee" means a Committee appointed or elected by the Council or nominated by the Chairman and includes a Joint Committee appointed under the provisions of these Rules and any other Joint Committee nominated jointly by the Chairman of the Council and by the Speaker of the Assembly and includes a Select Committee or a Joint Select Committee.'"

The Committee also agreed to the following amendment:—

In renumbered item 2 (1) (d) for the word "Madras", substitute the words "Tamil Nadu".

Rule 2 (1) (e).

The Secretary explained the reason for the amendment suggested and said that under the existing rules, if any Minister other than the Finance Minister had to present the Budget or the Appropriation Bill, the Finance Minister would have to delegate his powers to the other Minister. The Lok Sabha and Rajya Sabha Rules had such a definition as to include any Minister.

Thiru G. Swaminathan said that usually the Finance Minister would present the Budget and under the existing rules, he could also delegate his powers to any other Minister. Under such circumstances there was no need to change the existing definition.

The Secretary pointed out that the Budget was being presented in the Assembly by the Finance Minister and in the Council by the Leader of the House, when Thiru R. Venkataraman was the Leader of the House in the Council. At present, the Budget was presented by the Finance Minister in both the Houses.

Thiru K. Rajaram suggested that instead of amending the definition, it could be specifically provided in the rules that any Minister, on behalf of the Finance Minister, could present the Budget.

Hon. Chairman said that the amendment would avert the raising of a point of order by a Member on the question of delegation of powers.

Thiru G. Swamisathan said that when the Member would like to have the reply from the Finance Minister, any other Minister could reply on his behalf.

The Hon. Thiru V. R. Nedunchezhiyan pointed out that the Ministers had collective responsibility and one Minister can act for another.

Thiru A. R. Damodaran said that the delegation of powers could be made either orally or in writing. This amendment would seem to avert the necessity for the Finance Minister to delegate his powers in writing.

Thirumathi S. Manjubhashini said that there was no need for such delegation of powers and that the old definition could remain.

Hon. Chairman said that the Members might raise a point of order on the question of powers delegated by the Finance Minister.

Thiru G. Swaminathan said that the Members should have a right to raise such a question.

Thirumathi S. Manjubhashini again pointed out that there was no harm in retaining the old definition.

Thiru K. Rajaram said that if the amendment was felt necessary by the Hon. Minister, it could be agreed to.

The Committee decided to retain the existing definition.

Item (f).

The Committee also agreed to the following amendments :—

1. For existing item (f) substitute the following item :—
“ Gazette ” means the Tamil Nadu Government Gazette.

2. After existing item (f), add the following items:—

(ff) "Information" means the "Information" of the Council containing (a) a brief record of the proceedings of the Council at each of its sittings, (b) information on any matter relating to, or connected with the business of the Council or its Committees, or (c) any other matter which, in the opinion of the Chairman, may be included therein.

(fff) "Government" means the Government of Tamil Nadu.

(ffff) "Governor" means the Governor of Tamil Nadu.

(fffff) "House" means the Council, and "Houses" means the Council and the Assembly.

Rule 2 (1) (m)—Existing rule 2 (k) :

Thiru G. Swaminathan inquired whether the second proviso would not be contradictory to the definition of the term 'Minister' in the new Rule 2 (1) (o).

The Secretary pointed out that the definitions would not be contradictory to each other, and that the provision in the Constitution of India was re-stated in the definition.

Thiru A. R. Damodaran said that if a Member of the Assembly was a Parliamentary Secretary, he would not be entitled to participate in the discussion in the Council but only a Minister could participate.

Thiru G. Swaminathan pointed out that if the Parliamentary Secretary was included in the definition of 'Minister', he would also become a 'Member'.

Thiru A. R. Damodaran said that the "Parliamentary Secretary, who is a member of the Legislative Council" could alone participate.

Thiru G. Swaminathan expressed the opinion that the word 'who' might qualify both the terms "Deputy Minister" and 'Parliamentary Secretary'. A Minister who was not a Member of the Council could sit in the Council and take part in the proceedings but could not vote or be counted as a member for the purpose of forming a quorum. If the term 'Minister' included a 'Parliamentary Secretary', the Parliamentary Secretary would also be entitled to sit and do the things as a Minister. He wanted only an elucidation of the matter.

Thiru K. Rajaram said that if the Parliamentary Secretary was a member of the Council, he would be entitled to act as a Minister.

Thiru A. R. Damodaran said that the Deputy Minister and the Parliamentary Secretary could be separately defined.

The Secretary suggested the postponement of the consideration of the new items (m) and (o), viz., definitions of 'Member' and 'Minister' so that on examination if any discrepancy was found, the definitions could be recast.

The Committee decided accordingly and postponed the consideration of items (m) and (o).

The Committee decided to meet at 9-30 a.m. on 28th September 1971. The Committee then adjourned.

Tuesday, the 28th September 1971.

The Select Committee on Rules of Procedure of the Tamil Nadu Legislative Council met in the Conference Hall of the Tamil Nadu State Co-operators' Guest House at Ootacamund on 28th September 1971 at 9.30 a.m.

The following were present:—

Chairman.

1. The Hon. Thiru C. P. CHITRARASU.

Members.

2. The Hon. Thiru V. R. NEDUNCHEZHIAN, Minister for Education and Local Administration.
3. Thiru K. RAJARAM.
4. Thiru R. KRISHNASWAMY NAIDU.
5. Thiru A. R. DAMODARAN.
6. Thiru G. SWAMINATHAN.
7. Thirumathi S. MANJUBHASAINI.

Secretariat.

Thiru G. M. ALAGARSWAMY

Secretary.

The Committee resumed the consideration of the amendments suggested to the Madras Legislative Council Rules :

Rule 2 (1) (i).

The Committee agreed to the following amendment :

“ For existing item (i), substitute the following item :
‘ Member-in-charge of a Bill ’ means—

- (i) in the case of a Government Bill, any Minister;
- (ii) in any other case, the member who has introduced the Bill in the Council ; or
- (iii) where the Bill is one which was introduced in the Assembly and received in the Council the Member who has given notice of his intention to move the Bill in the Council ,”

Rule 2 (j).

The Secretary explained that the term 'Precincts of the House' had been defined by the Privileges Committee and that the same definition had been adopted.

Thiru K. Rajaram suggested that the Hostels in which the members stayed might be included in the definition, so as to afford protection to the members.

The Secretary said that the hostels had been omitted, since persons other than members might reside there and the provision would become liable to be misused. That would also lead to practical difficulties. So far as protection for members was concerned, they could not be arrested in any civil proceedings during the session, and 40 days before or after the session, whether they name any place as 'Precincts of the House' ~~were in the hostel or in their residence.~~

The Hon. Thiru V. R. Nedunchezhiyan pointed out that even according to the present definition, the Chairman had power to name any place as 'Precincts of the House'.

The Committee then agreed to the following amendment:

"After existing item (j), add the following as new item (j):

'(j) Precincts of the House' means—

(i) in the case of Members of the Legislative Council, the entire Secretariat Buildings in the Fort St. George, Madras, including the Council Chamber, its lobbies and the rooms in which the associated offices are situated, the Ministers' rooms, the Library, the Canteen and the Lounge rooms, the Committee Room in the Old Legislators' Hostel and the Library in the Government Estate, Mount Road, Madras and such other places or buildings as might be named by the Chairman from time to time together with the verandas and steps to those buildings and the pathways leading from the Council Chamber to the aforesaid buildings and shall be applicable only while the Council or any of its Committees or Sub-Committees sits and one hour before and after such a sitting;

(ii) in the case of strangers, the Council Chamber with the galleries, its verandas and steps and shall be applicable only to those to whom tickets have been validly issued by the Council office for admission to the galleries; and

(iii) in the case of persons summoned by a Committee of the House for any purpose whatsoever, they shall be deemed to be within the 'Precincts of the House' so long as they are within the Committee Room, its verandas and its steps."

Rule 2 (h) and (j).

The Committee took up for consideration items (h) and (j) of rule 2, the consideration of which was postponed on 27th.

The Secretary suggested that second proviso under item (h), namely, " Provided further that in this context Minister shall not include a Parliamentary Secretary " might be omitted. This idea was to include the Deputy Minister but not the Parliamentary Secretary who was not a member of the Council.

Thiru K. Rajaram said that the Parliamentary Secretary could also move motions or make replies on behalf of the Minister, even though he was not a member of the Council.

The Secretary pointed out that it was not the practice anywhere and that only if he was a member of the House, the Parliamentary Secretary could be allowed to act on behalf of the Minister.

Thiru A. R. Damodaran opined that it would not be a desirable practice to allow Parliamentary Secretaries to deputise the Ministers, since the members would like to get the answers from the Ministers themselves.

The Committee agreed to the following amendments :—

(i) " For the existing item (h), substitute the following item :

' (h) ' Member ' means a member of the Council :

Provided that a Minister who is not a member and the Advocate-General shall be deemed to be members for the purpose of speaking in, moving motions and/or otherwise taking part in the proceedings of, the Council, and for the purpose of speaking in, and/or otherwise taking part in the proceedings of, any of its Committees of which he may be named a member, but shall not, by virtue of this rule, be entitled to vote on any question, or be deemed to be a member for the purpose of forming a quorum. '

(ii) For the existing item (j), substitute the following :—

" Minister means a member of the Council of Ministers and includes a Deputy Minister or a Parliamentary Secretary who is a member of the Legislative Council ".

New items (jjj) and (jjjj) to rule 2 (1).

The Committee also agreed to the following amendments :

" After new item (jj), add the following items :—

' (jjj) " Private Member " means a member other than a Minister.

(jjjj) " Private Member's business " means business of which notice is given by Private Members but does not include statutory motions made in pursuance of any statute or enactment

or motions for the discussion of reports required to be laid on the table of the House under any law or the Motion of Thanks for the Governor's Address or motions for the amendment of the rules ”.

The Committee also agreed to the following amendments :

(1) “ In existing item (k), for the word “ Madras ”, substitute the words “ Tamil Nadu ”.

(2) Omit the existing item (m), and

(3) Add the following as items (n), (mm) and (mmm) :—

(n) “ Session ” means the period of time between the first meeting of the Council upon the summons of the Governor under clause (1) of Article 174 of the Constitution and its prorogation under clause (2) thereof.

(mm) “ Sitting ” means a meeting of the members of the House for transaction of business on any day from its commencement till the House rises for the day.

(mmm) “ Statutory Motion ” means a motion made in pursuance of any statute or enactment for the time being in force.

(4) The Committee suggested that all the items in this sub-rule after re-arranging them in the alphabetical order might be renumbered.

The Committee renumbered sub-rule (n) as sub-rule (2) of rule 2 ”.

Rule 3—Rule 3-AAA.

Thiru G. Swaminathan inquired whether it was not desirable to have a time-limit fixed for the intimation to members about the summoning of the Council.

The Secretary read out the provision in the Lok Sabha Rules (Rule 3) and explained that no time-limit had been fixed. Article 174 of the Constitution also provided that “ the Governor shall from time to time summon the House..... ” and that no time-limit was fixed therein.

Thiru K. Rajaram said that usually sufficient notice was given to the members about the summoning of the Council.

Thiru G. Swaminathan suggested that if there was sufficient time intervening between the announcement by the Governor and the date of sitting, at least 10 days notice should be given to the members.

The Secretary pointed out that the intimation was sent to members on the very same day on which the notification was published in the Gazette.

Hon. Chairman also said that there was no necessity to delay the sending of the intimation about the summoning of the Council.

The Hon. Thiru V. R. Nedunchezhiyan suggested that the constitutional provision might be incorporated in the rule.

Thiru A. R. Damodaran suggested the re-numbering of new Rule 3-AA as Rule 3-A and new Rule 3-A as Rule 3-AA for the purpose of order of sequence. He also pointed out that Rule 3-AA is only in the negative aspect, while the positive aspect of the matter did not find a place in the rules.

The Secretary pointed out that the Constitution had provided (Article 188) for the taking of oath or affirmation by a member.

Thiru A. R. Damodaran said that the Rules were framed for the information of the members and should, therefore, be self-contained.

The Secretary said that a revised draft of the rules (3 and 3-A) would be placed later for the approval of the Committee.

The Committee agreed to the following amendments :

After rule 3-A, add the following as rules 3-AA and 3-AAA :

“ 3-AA. *Roll of Members.*—There shall be a Roll of Members of the House which shall be signed in the presence of the Secretary by every member, after making an oath or affirmation and before taking his seat ”.

3-AAA. *Seating of Members.*—The members shall sit in such order as the Chairman may determine.

CHAPTER III.

Existing rule 12 (Renumbered rule 4).

Thiru A. R. Damodaran wanted to know whether there was any constitutional bar to fix a time-limit within which the date for election should be fixed by the Governor, since there could be a deliberate postponement of the holding of the election, till the next biennial elections.

The Secretary read out the Constitutional provisions in Articles 182 and 184.

Thiru A. R. Damodaran opined that a time-limit could be fixed.

The Hon. Chairman suggested that it could be ‘ before the next session or within a period of 90 days whichever is earlier ’.

Thiru G. Swaminathan expressed the doubt whether they would be competent to fix a time-limit for the Governor to act.

Thiru A. R. Damodaran said that they were competent to do so, if there was no constitutional bar.

Thiru K. Rajaram said that there was no necessity to postpone the election, since only a member of the ruling party would be elected Chairman.

Thiru A. R. Damodaran said that when the parties were evenly balanced in the Council, the coming biennial elections would make a change in the strength and therefore the election could be postponed till that time.

The Committee then agreed to add the words "not later than a date in the next session" after the words "shall fix a date" in rule 4 (1).

The Secretary said that he would present a draft for the consideration of the Committee later.

The Committee also agreed to the following amendment:

'Add new proviso to sub-rule (2) as follows:—

"Provided that a member shall not nominate more than one member or second more than one nominee."

Thiru A. R. Damodaran, with reference to sub-rule (7) pointed out that when there was equality of votes, a second ballot could be taken and even after that, if there was equality of votes, then the drawing of lots for exclusion could be resorted to.

Thiru K. Rajaram also supported the suggestion of Thiru A. R. Damodaran.

Thiru G. Swaminathan pleaded for the extension of the same principle in the case of two candidates securing equal number of votes also.

Thirumathi S. Manjubhas^hini suggested the adoption of the system of proportional representation for the election.

The Secretary pointed out that in the Lok Sabha and the Rajya Sabha, the election was done only by means of a motion.

Thiru G. Swaminathan felt that under the system of proportional representation, even a member belonging to the minority party could get elected as Chairman. Finally he opined that election of Chairman by majority votes would alone be conducive for proper functioning of the Council.

The Committee decided that no change was necessary in the existing rules.

Existing rule 13 (Renumbered rule 5).

The Committee agreed to add the words "not later than a date in the next session" after the words "shall fix a date" in sub-rule (1).

The Committee also agreed to the following amendment :

' In sub-rule (2) add the following new proviso :

" Provided that a Member shall not nominate more than one Member or second more than one nominee. " "

Existing rule 14 (Renumbered rule 6).

The Secretary explained the necessity for amendment in sub-rule (1) raising the number of Vice-Chairmen in the panel from four to six and said that sometimes it happened that none of the four Vice-Chairmen was present.

Thiru A. R. Damodaran said that since the present Deputy Chairman was regularly attending the meetings, the Vice-Chairman in the panel could not get any chance to act.

Thiru G. Swaminathan supported the amendment given by Thiru M. Rajah Iyer to the effect that the words " or any other member in the event of the absence of any one of the panel of Vice-Chairmen " might be added before the words " will take the Chair ".

Thiru A. R. Damodaran said that when the Chairman, the Deputy Chairman as also the other members in the panel of Vice-Chairmen were absent, the House could determine a member to succeed the person presiding.

The Secretary pointed out that the person presiding could nominate any member present in the House and said that he would suggest a revised draft later for the consideration of the Committee.

The Committee agreed to the following amendments :

- (1) Renumber existing Chapter II as " Chapter IV ".
- (2) For the existing heading, substitute the heading ' Governor's Address '.
- (3) Renumber rule 4 as rule 8
- (4) Renumber rule 5 as rule 9.
- (5) In sub-rule (3) of existing rule 5 (renumbered rule 9), for the word " allowed ", substitute the words " considered appropriate ".

With regard to new rule 9 (2), Thiru G. Swaminathan asked whether it would not be more appropriate to discuss the Governor's Address on a ' motion for consideration ' without a formal ' motion of thanks '.

Thirumathi S. Manjubhashini said that it was an act of courtesy to extend thanks for his address.

The Secretary explained that the practice obtaining in the House of Commons was followed and that the Governor as the

Head of the State was thanked for his having delivered the address and the Government were criticised for having omitted to mention anything in the same.

New Rule 9-A, renumbered rules 10 and 11.

(Existing rules 6 and 7)

The Secretary said that the new rule was added to bring the rules in conformity with the Assembly Rules.

The Committee agreed to the following amendments :

(i) After the proposed rule 9, add the following new rule—

“ 9-A. (1) Notwithstanding that a day has been allotted for discussion on the Governor's Address—

(a) a motion or motions for leave to introduce a Bill or Bills may be made and a Bill or Bills may be introduced on such a day, and

(b) other business of a formal character may be transacted on such a day before the House commences or continues the discussion on the Address.

(2) The discussion on the Address may be postponed in favour of a Government Bill or other Government Business, on a motion being made in that behalf. The Chairman shall forthwith put the question, no amendment or debate being allowed.

(3) The discussion on the Address may be interrupted in the course of a sitting by an adjournment motion under rule 43.”

(ii) Renumber rule 6 as rule 10.

(iii) Renumber rule 7 as rule 11.

Existing rule 8 (Renumbered rule 12.)

The Hon. Thiru V. R. Nedunchezhiyan felt that the Budget could be presented to both the Houses simultaneously.

The Secretary said that it did not require any amendment of the rules and it could be accepted as a practice by both Houses meeting simultaneously on that day and the budget presented to both Houses simultaneously.

Thiru K. Rajaram suggested that the Chief Minister could be consulted in that regard and if he agreed, the Budget could be presented to both Houses at the same time.

He also pointed out the origin of the provisions in Rule 12 and said that in 1952 when Thiru Shri Prakasa, as Governor, was reading the Address, Thiru T. Prakasam interrupted and consequently the provisions in rule 12 had been made.

The Committee agreed to the following amendment :

“ Re-number rule 8 as rule 12 ”.

Existing rule 9 (Renumbered rules 13.)

The Committee agreed to the following amendment :

“ Renumber rule 9 as rule 13 ”.

Existing rule 9 (b) (Renumbered rule 13 (b.))

Thiru G. Swaminathan suggested that the questions given notice of by members should not be allowed to lapse on the prorogation of a session and said that the lapsing of the questions and the renewal of the same by the members involved more work for the department as well as much difficulty to the members in finding out their questions because of the re-numbering of the same.

The Secretary pointed out that in England after prorogation all business would lapse and fresh notices had to be given and that the procedure adopted in the House of Commons was followed in this country also. If the questions were all kept pending, they would become out-of-date. The Hon. Thiru V. R. Nedunchezhiyan inquired whether the Members were being informed about the lapsing of their questions.

The Secretary said that copies of notices of questions, as admitted by the Chairman, were communicated to the Members. On prorogation of the Council, the Members were entitled to renew the unanswered questions.

Thirumathi S. Manjubhashini suggested that they might revert to the old procedure under which questions did not lapse on prorogation of the Council.

Hon. Chairman suggested that the Members should have a complete record of questions so that the renumbering of the questions would not cause them any difficulty.

The Secretary pointed out the difficulty in having continuous numbering of questions since the Council was not subject to dissolution.

Thiru A. R. Damodaran said that it would be all right if the questions were there and answers were given and that they would not bother about the numbers of the questions.

The Committee finally agreed to the following amendment :

‘ For existing sub-rule (b), substitute the following sub-rule :—

‘ (b) On the prorogation of a session, all pending notices and business shall lapse except questions, statutory motions, Bills which have been introduced and resolutions which have been moved in the House. Such business shall be carried over to the next session from the stage reached by it in the expiring session, provided that except in the case of questions fresh notice shall be given for motions regarding the same.

Rule 14.

Thiru G. Swaminathan inquired as to how the dispute about the attendance of a member could be settled.

Thiru K. Rajaram said that the members should place faith in the Attendance list prepared or they would have to be required to sign the list. The Hon. Thiru V. R. Nedunchezhiyan pointed out that as in the Assembly, the signing of the attendance by members would be advisable.

Thiru A. R. Damodaran said that it had been the practice in the Council that the list was maintained by the Secretary, since it was not considered proper to require people like Dr. A. L. Mudaliar and Thiru K. Balasubramania Iyer to sign the attendance.

The Secretary said that only the names of Members who sat at least for a minute inside the Chamber were noted down by him as well as one of the staff members of the Department and later verified with each other for the purpose of accuracy. If, in spite of this, a member complained that his name had been omitted to be noted, a written requisition was obtained from him and he was allowed to draw T.A., but the attendance list was not altered.

The Committee also agreed to the following amendment:

1. "Renumber Chapter III as Chapter V".
2. "Renumber rule 10 as rule 14".
3. "In the Chapter heading, for the words "Roll of Members" substitute the words "Attendance List".

Existing rule 11 (Renumbered rule 15.)

Thiru G. Swaminathan inquired whether the seat of an absent member would automatically become vacant according to the provisions of the Constitution.

The Secretary explained the Constitutional provision and said that only on a motion by any member of the House, the seat could be declared vacant by the House. When no such motion was made, the member was considered to continue his membership.

Thiru G. Swaminathan suggested the constitution of a "Committee for absentee members" as was done in the Parliament.

The Hon. Thiru V. R. Nedunchezhiyan said that sixty days would be too long a period and that if a member did not attend for such a long time and did not also apply for leave of absence, then his seat should be declared vacant.

Thiru K. Rajaram, suggested that the words "the Leader of the House, or" before the words "any member of the House" in rule 15 (2) might be added, since in that case, the department would take action to send up the file in due course.

The Committee then agreed to the following amendments :

1. Renumber rule 11 as rule 15.
2. For the marginal heading, "Leave of absence" substitute the heading "Leave of absence and vacation of seats".
3. In sub-rule (2), before the words 'any member of the House', add the words 'the Leader of the House, or'

Rules 16 to 19.

The Committee agreed to the following amendments :

1. Renumber existing Chapter V as Chapter VI.
2. Insert the word 'the' after the word 'or' in the first line of rule 16.
3. For existing rule 17, substitute the following rule :
'17. When the Council has been adjourned to a particular date or to a particular hour on a particular date, the Chairman may summon the Council for an earlier or later date or for an earlier or later hour on such date.'
4. In rule 18, insert the word 'the' between the words 'or' and 'person'.
5. In rule 19, for the word 'date' in the last line, substitute the word 'day'.

Rule 21.

The Secretary explained the necessity for the proviso suggested under sub-rule (5) and said that the Departments had expressed that they had to incur an additional cost for the printing of several copies of the annual reports of companies for being placed on the table of the House and instead they would make available six copies, three of which would be placed in the Library for the reference of the Members. The Assembly Rules had been modified suitably.

Thiru G. Swaminathan said that it would not be possible for the Members to get the copies and that the cost of printing copies would not be so prohibitive, as was suggested to be made out.

Thiru A. R. Damodaran said that such Companies would be only small in number and that the reports could be made available to all members. He also pointed out that a copy was given by the Company even to a share-holder holding shares worth Rs. 100.

Thiru K. Rajaram also supported the suggestion that the reports should be made available to all members.

The Committee decided to drop the new 'Proviso' suggested and to continue the existing rule as it was.

Rule 22.

The Committee agreed to the following amendment :

In rule 22, add the following at the end :

' The Chairman may, however, in his discretion extend the time for questions. '

Rule 23.

Thiru G. Swaminathan wanted a day to be allotted for private members' business in lieu of any Saturday utilised for Government business.

The Secretary said that Business Advisory Committee could do so.

Thiru A. R. Damodaran suggested to have one day allotted for private members' business for every six days of sitting of the Council.

The Committee did not agree to the suggestion to add a new item (iii) to sub-rule 1.

The Committee suggested the addition of a new proviso as third proviso to sub-rule (1).

The Committee agreed to the following amendments :

(1) In the marginal heading, for the word " non-official " substitute the words " private member's ".

(2) In sub-rule (1), wherever the word " non-official " occurs, substitute the word " private ".

(3) Add the following as third proviso under sub-rule (1)

' Provided further that if there is no sitting of the House on a Saturday, the Chairman may direct that another day in the week may be allotted for the business of private members. '

The Committee decided to meet at 9.30 a.m. on 29th September, 1971. The Committee then adjourned.

Wednesday, the 29th day of September 1971.

The Select Committee on Rules of Procedure of the Tamil Nadu Legislative Council met in the Conference Hall of the Tamil Nadu State Co-operators' Guest House at Ootacamund on 29th September 1971 at 9.30 a.m.

The following were present :

Chairman

1. The Hon. Thiru C. P. CHITRARASU

Members

2. The Hon. Thiru V. R. NEDUNCHEZHIAN
(Minister for Education and Local Administration)
3. Thiru K. RAJARAM
4. Thiru R. KRISHNASWAMY NAIDU
5. Thiru A. R. DAMODARAN
6. Thiru G. SWAMINATHAN
7. Thiru S. T. ADITYAN
8. Thirumathi S. MANJUBHASHINI

Secretariat

Thiru G. M. ALAGARSWAMY—*Secretary.*

The Committee resumed the consideration of amendments suggested to the Madras Legislative Council Rules.

Rule 25.

The Committee agreed to the following amendments :—

(1) In the marginal heading for the words "non-official business", substitute the words "private members' business".

(2) In sub-rule (1)—

(i) for the words "The arrangement of the business of non-official members shall be in the following order, namely", substitute the following :—

"The arrangement of the business of private members shall be in the following order :—

(a) Bills in the order of the stage which they have reached, namely :—";

(ii) in clause (a), in existing item (iv), after the words 'which', add the article 'a' ;

(iii) in clause (a), in existing item (vii) add the word "and" at the end ;

(iv) in clause (a), in existing item (viii), delete the word 'and' occurring at the end.

(3) Renumber item (ix) of clause (a) as clause (b) of sub-rule (1) of Rule 25.

(4) For existing sub-rules (3) to (5), substitute the following as sub-rule (3) and renumber existing sub-rules (6) to (10) as sub-rules (4) to (8) :—

“(3) The relative precedence of Bills to be introduced and resolutions shall be determined by separate ballots”.

Regarding the amendment suggested to sub-rule (3), the Secretary pointed out that the both the Bills and Resolutions were being clubbed together and that provision had been made for drawing separate ballots for them.

The Committee also agreed to the following amendments :—

(1) In existing sub-rule (9), for the word 'non-official', substitute the words 'private members'.

(2) In the proviso, for the word "motion", substitute the words "private members' business", and for the word "non-official", substitute the words "private members".

Rule 26.

The Committee agreed to the following amendments :—

“1. In sub-rule (1) of rule 26 for the word 'other' substitute the word 'a' and for the word 'holidays' substitute the word 'holiday'”.

Sub-rule (5)

The Secretary pointed out that it would be a breach of Parliamentary convention to give publicity to a notice until it was admitted by the Chairman and that the relevant rule of the Lok Sabha Rules had been followed.

Thiru A. R. Damodaran said that it would not be possible for them to refrain from referring to the notice given by them in their speeches outside the House.

The Secretary explained that the Members could mention the fact of giving notice of a resolution but that they should not disclose the exact terms thereof. The Secretary also read out Rule 334 of the Lok Sabha Rules and reiterated that the same provision had been adopted.

Thiru A. R. Damodaran said that it would amount to a reflection on the Chairman, if the non-admission of a notice of a resolution was mentioned. They had given notice of a resolution regarding the medium of instruction and the resolution was taken up only in the next Council session. In the meantime, a number of meetings were held and they had to explain the resolution given notice of by them. Under the proposed rule, he felt that such publicity of a notice would amount to breach of privilege of the House.

The Secretary explained that until the resolution was discussed in the House, it should not be discussed outside.

The Hon. Thiru V. R. Nedunchezhiyan pointed out that the subject, viz., language policy could be discussed but not the specific resolution given notice of.

Thiru S. T. Adityan said that there was nothing wrong in discussing the subject on which he had given notice of a resolution.

The Hon. Thiru V. R. Nedunchezhiyan said that the Ministers would be asked to answer the questions raised outside the House. The intention of the rule was to maintain the sanctity of the Legislature.

Thiru G. Swaminathan said that it would be a hardship if he should not write to his constituents about the question he had given notice of.

The Secretary pointed out that private correspondence was a privileged one and that such things could be written but should not be published outside.

Thiru K. Rajaram pointed out that it would be very difficult if they were not allowed to mention in public the fact of giving notice of questions. The rule should be so worded as to afford an opportunity for mentioning the fact.

The Hon. Thiru V. R. Nedunchezhiyan suggested that in the proviso, for the words "a notice of", the words "the contents of" could be substituted.

The Committee agreed to the following amendment:—

"After existing sub-rule (4), add the following as new sub-rule (5):

(5) A notice shall not be given publicity by any member or any other person until it has been admitted by the Chairman:

Provided that the contents of a question shall not be given publicity until the day on which the question is answered in the House."

Rule 27.

Thiru A. R. Damodaran suggested that three days' notice should be given so that the Members might be able to go through the provisions of the Bill before the same was taken up in the House.

The Secretary pointed out that such notice for 3 days had been provided for in rule 128 of the Council Rules.

The Hon. Thiru V. R. Nedunchezhiyan said that in certain cases, notice of three days could not be given.

Thiru K. Rajaram said that if there was urgency for the passing of a Bill and the Council was sitting for the last day, the notice of three days would not be insisted on. He suggested that at least some non-Money Bills could be introduced and discussed first in the Council.

Thirumathi S. Manjubhashini also pointed out that it was being so done previously.

Renumbered Chapter VII

The Committee agreed to the following amendments:

" 1. Re-number existing Chapter VI as Chapter VII.

2. For existing rule 29, substitute the following rule:—

' 29. (i) A member who desires an oral answer to his question shall distinguish it by an asterisk and such a question will be called a starred question.

(ii) All other questions, if admitted, will be called unstarred questions and printed in the list of questions for written answer "

Rule 30.

Thiru G. Swaminathan wanted an opportunity to be given to the member concerned, before his starred question was treated as unstarred, and said that a unilateral decision should not be taken

The Secretary pointed out that sometimes hundreds of questions were given notice of by one Member all of them marked as starred and that if the Members were to be asked for the reasons, it would lead to a prolonged correspondence between the Members and the Chairman.

The Hon. Thiru V. R. Nedunchezhiyan also felt that the Members could be given an opportunity to state the reasons for considering a question as 'starred'.

The Secretary read out rule 44 of the Lok Sabha Rules and said that they could adopt that rule.

Thiru G. Swaminathan wanted to know the provision under which the question once admitted as starred were later on made 'unstarred'.

The Secretary pointed out that it was done from the nature of the answers received from the Department. When they had received answers for a number of questions which could not be taken up in the House, they had only two options, either to treat the questions as unstarred and print the answers in the proceedings, or to allow the questions to lapse.

The Chairman said that on such occasions the fact was announced in the House by him.

After discussion, the Committee agreed to substitute the following for the existing proviso to rule 30 :

“ Provided that the Chairman may, if he thinks fit, call upon the member who has given notice of a question for oral answer to state in brief the reasons for desiring an oral answer, and after considering the same, may direct that the question be included in the list of questions for written answers. ”

Thiru A. R. Damodaran wanted to know if there was any limit to the number of questions for a member.

The Secretary said that such a limit would have to be fixed if a time-limit was fixed for answering the questions.

Thiru A. R. Damodaran said that in the Lok Sabha questions were answered on the day indicated by the member within 15 days of the giving of the notice thereof.

Thiru G. Swaminathan also suggested that such a time-limit should be fixed for answering the questions.

The Secretary explained the procedure that was obtaining in the Lok Sabha and said that only three questions were answered orally and the other questions were only printed in the proceedings.

Thiru R. Krishnaswamy Naidu suggested that the list of questions, both starred and unstarred, should be made available to the members even on the previous night.

Thiru G. Swaminathan said that it would help them to put supplementaries on questions.

The Secretary explained the procedure adopted in placing the papers on the table of the House and said that written answers and papers placed on the table were placed one hour before the commencement of the sitting and that the Members if they so chose, could go through them just half an hour before the sitting after the papers were placed on the Table.

Rule 31.

Thiru A. R. Damodaran pointed out that the proposed amendment would only widen the opportunities for the members and not restrict them.

The Secretary explained the amendment and said that even though a subject might come within the direct responsibility of the Centre, the Minister concerned might have information and might be willing to answer.

The Committee agreed to the following amendment:—

“ Add the following words at the end of existing rule 31 :—
' or in respect of which he has information '

Questions to private members.

Thiru G. Swaminathan wanted provision, similar to the Lok Sabha Rules, to be made for questions to be addressed to private members.

Thiru A. R. Damodaran said that such members, as Chairmen of the respective Boards, might be dealing with the subject-matter.

The Secretary pointed out that they were Chairmen of the Boards not by virtue of their membership of the House. Unless it pertained to a matter relating to the House or a Committee of the House, such questions could not be addressed. Only the Minister in-charge of the Board could answer.

Thiru G. Swaminathan said that if a Member could not be present on a day on which his question was posted for answer, he could be allowed to ask for the postponement of the question to a subsequent day.

The Secretary said that if the questions had come up in the list, the answers would be printed in the proceedings or they could be put by any other member.

Thiru A. R. Damodaran said that it was difficult to add the questions in the agenda and, therefore, there was no necessity to postpone them.

Rule 32.

Item (8).

Thiru A.R. Damodaran said that the provision was of an omnibus nature and that the wording should be suitably modified.

Thiru G. Swaminathan said that if he wanted to voice the grievance of an individual through a question, it would be disallowed under item (8).

The Secretary pointed out that questions were to be asked only for the purpose of eliciting information. If there was genuine grievance which could not be redressed by any other mode, the questions were usually allowed.

Thiru S. T. Adityan suggested the transposition of the word purely' between the words 'a' and 'private'.

Thiru A. R. Damodaran suggested the deletion of the word parochial', since it meant 'pertaining to one's own area'.

The Secretary promised to place a revised draft for item (8).

Item (11).

The Committee agreed to the following amendment:—

“ For existing item (11), substitute the following item :

'(11) it shall not repeat in substance a question already answered or to which an answer has been refused in the Council. ”.

Item (15).

Thiru A.R. Damodaran suggested the deletion of the word 'meaningless', since it was a rude expression.

The Secretary said that though the same expression was found in Mary's Parliamentary Practice and Procedure relating to the House of Commons, he would suggest a revised draft in relation to this item.

Item (16).

Thiru K. Rajaram suggested the addition of the words “ for the purpose of argument ” at the end of the item.

The Secretary pointed out that the item would exclude only questions of an academic nature, and agreed to place a revised draft.

Item (18).

The Secretary explained that only the Lok Sabha Rules had been adapted for the purpose of the new item suggested.

The Committee agreed to the following amendment:—

“ After existing item (17), add the following item :

'(18) it shall not ordinarily require information about matters pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into, or investigate, any matter but may refer to matters concerned with procedure or subject or stage of enquiry if it is not likely to prejudice the consideration of the matter by the tribunal or commission or court of enquiry ’; ”

Item (19).

The Committee agreed to the following amendment:—

“ After new item (18) add the following as item (19):—

‘ (19) it must not be repeated with slight variation on the same point ; ’ ”

New Item (20).

Thiru G. Swaminathan pointed out that the language used was not clear and that the Members would not be permitted to ask any questions about the Electricity Board, etc.

The Secretary explained that questions could be asked about policies or matters on which Government could issue directions but not about day-to-day administration of such Boards.

The Committee decided that the proposed new item (20) might be deleted.

Proposed Item (21).

The Committee agreed to the following amendment:—

“ After new item 19, add the following as item 20:—

‘ (20) it shall not ordinarily ask for information on matters which are under the consideration of a Legislature Committee or a Government Committee until a report of the Committee is published; and ’ ”

Proposed Item (22).

Thiru A.R. Damodaran said that the questions might be admitted and the Minister might plead his inability to answer on any ground he might choose.

Thiru S. T. Adityan said that the item might stand as it was, since its intention was to prohibit the newspapers from giving undue publicity to any ticklish matter.

The Committee decided to delete the words “ or relate to inter-State negotiations ” in the proposed item and approved the item as amended.

Existing Rule 34.

The Committee agreed to the following amendment:—

In sub-rule (1), after the words “ shall disallow any question ” insert the words “ or part thereof ”.

Existing Rule 35.

Thiru G. Swaminathan wanted a time to be stipulated within which admitted questions should be answered.

Thiru A. R. Damodaran said that the questions were purposely kept pending by some departments and that there should be a time-limit. He suggested that sixty-days' time might be given.

The Chairman said that two months at the inception and another 15 days, if necessary, could be given for furnishing answers to questions. When they applied for extension of time, the Chairman would be in a position to pull them up.

The Hon. Thiru V. R. Nedunchezhiyan suggested that 8 weeks' time and extension of two weeks for answering questions would be better and this was agreed to.

The Secretary promised to submit a revised draft for the rule and said that if there was no further discretion vested in the Chairman in the Rules, then all the questions would have to be entered in the list of questions on the expiry of the period stipulated in the Rules.

Thiru G. Swaminathan suggested that the wording of the rule could be changed so that it could be in the affirmative form.

Rule 36.

Sub-rule (4).

Thiru G. Swaminathan said that the questions left-over could be taken up the next day, instead of printing the answers in the proceedings.

The Secretary pointed out that in that case, the number of questions for the next day would become very large, and that there was also a provision for the extension of the question hour beyond one hour.

The Committee agreed to retain the sub-rule as it was.

Sub-rule (5).

The Committee agreed to the following amendment:—

“After existing sub-rule (4), add the following as sub-rule (5):—

‘(5) The Chairman may, at the request of the concerned Minister, postpone one or more questions entered in the list of questions for a day to a subsequent date.’

Sub-rule (6).

Thiru A. R. Damodaran said that sub-rules (2) and (6) could be clubbed together.

The Secretary said that a revised draft would be placed before the Committee.

Rule 37.

The Committee agreed to the following amendment:—

“ In rule, 37, for the words “ The Chairman may”, substitute the words “ The Chairman may at any stage ”

Rule 39.

Thiru G. Swaminathan suggested that there should be a provision giving precedence to the Member who had tabled the question to put supplementaries.

Thiru S. T. Adityan and Thirumathi S. Manjubhashini said that it was observed as a convention and that there was no necessity to provide for the same in the rules.

Rule 40.

Thiru A. R. Damodaran suggested a change in the wording of the rule to make it elegant.

The Secretary promised to suggest a revised draft for the rule.

*New Rule 40-A.**Sub-rule (1).*

Thiru G. Swaminathan said that the notice necessary for a short-notice question should be less than 14 days, since it was going to be taken up only with the consent of the Minister concerned.

It was suggested that ‘ 7 clear days ’ notice’ would be sufficient. This was agreed to.

Sub-rule (3).

Thiru G. Swaminathan suggested that if the notice was not waived and if the answer was not given, the question should automatically be considered as a ‘starred question’.

The Hon. Thiru V. R. Nedunchezhiyan suggested that the second proviso could be made an independent sub-rule. This was agreed to.

Sub-rule (4).

The Secretary explained the purpose of the rule and said that it was for the purpose of indicating to the Hon. Chairman the names of persons who should be called upon for putting supplementaries.

Sub-rule (5).

Thiru A. R. Damodaran suggested the deletion of the sub-rule. The Committee decided that the rule might be recast and submitted for its consideration.

Rule 41.

The Secretary explained the provision in the Lok Sabha Rules and said that the half-hour debate could be had on three sittings in a week according to those Rules.

Thiru K. Rajaram suggested that the term 'recent' should be construed to mean " within three days from the date on which the question was answered ".

The Hon. Thiru V. R. Nedunchezhiyan said that a new Rule 41-A could be added as an adaptation of the Lok Sabha Rules and the proviso to Rule 41 could be deleted.

The Secretary said a revised draft would be placed for the consideration of the Committee.

Rule 42.

Thiru G. Swaminathan suggested that there should be a time-limit fixed for the Ministers to make a statement on the call-attention notice. He pointed out that his call-attention notice was not taken up for even three continuous sessions. The time-limit should be one week.

Thiru A. R. Damodaran agreed with the suggestion of Thiru G. Swaminathan.

Thiru S. T. Adityan said that it should also be found out whether the statement could be made after collecting the necessary particulars. It should not become administratively difficult.

Thiru G. Swaminathan suggested that if there were a larger number of notices than could be taken up within the duration of a session, the statements in respect of the notices not taken up could be printed or cyclostyled and circulated to the members.

The Secretary promised to submit a revised draft for the consideration of the Committee.

The Committee then adjourned to meet again at 9 a.m. on 30th September 1971.

Thursday, the 30th day of September 1971.

The Select Committee on Rules of Procedure of the Tamil Nadu Legislative Council met in the Conference Hall of the Tamil Nadu State Co-operators' Guest House at Ootacamund on 30th September 1971 at 9.00 a.m.

The following were present :—

Chairman

1. The Hon. Thiru C. P. CHITRARASU.

Members

2. The Hon. Thiru V. R. NEDUNCHEZHIAN, *Minister for Education and Local Administration.*
3. Thiru K. RAJARAM.
4. Thiru R. KRISHNASWAMY NAIDU.
5. Thiru A. R. DAMODARAN.
6. Thiru G. SWAMINATHAN.
7. Thiru S. T. ADITYAN.
8. Thirumathi S. MANJUBHASHINI.

Secretariat

Thiru G. M. ALAGARSWAMY—*Secretary.*

Rule 14.

Thiru A. R. Damodaran pointed out that in the existing sub-rule (2), there was provision necessitating the Chairman to give reasons for not giving consent to the Member to ask the leave of the House to make the adjournment motion, and said that there was no necessity to delete that provision.

The Secretary explained the necessity for the amendment and said that the word 'communicated' had been substituted by the word 'intimated', so that it could be done orally also, and that if reasons were given, it may lead to a dispute as between the Chairman and the Member concerned. It was also pointed out that the Rules of Procedure of no other House provided for the giving of reasons by the Presiding Officer, for withholding consent.

Thiru K. Rajaram said that the concerned Member should have an opportunity to explain the importance of the subject to the Chairman.

The Secretary said that the existing rights of the Members were not at all curtailed.

Thiru A. R. Damodaran said that in view of the full development of democracy, the Chairman also should be made subject to certain conventions to keep in tune with the changing times.

Thiru K. Rajaram suggested that the Chairman should give the reasons for not giving consent to raise a motion.

Thiru G. Swaminathan said that when the Chairman had given consent under rule 44, there was no further necessity to decide whether the matter proposed to be discussed was in order and the Member could straightway raise the matter in the House.

The Secretary explained that the consent given under rule 44 was only for asking the leave of the House to make the motion and for nothing else.

Thiru G. Swaminathan said that the Member should be required to get the consent of the Chairman only once and if that was given, he should be allowed to raise the motion in the House.

Thiru A. R. Damodaran suggested the deletion of the words "If the Chairman gives his consent under rule 44" in rule 45, to make things more clear. The Chairman would have two options. If he refused consent, the matter ended there and the Member could not raise it in the House. The other option for the Chairman was that he might after hearing the Member and the Leader of the House give or refuse consent.

The Secretary said that there were three stages in an adjournment motion. 1. The Chairman might not give consent and in that event the matter would end there. 2. The Chairman might read the statement of the matter in the House and withhold his consent without hearing the views of either the Member or the Minister. 3. The Chairman might, before giving his decision whether to give consent or not, ask the Member and also the Minister concerned to explain how the matter was in order.

Thiru S. T. Adityan suggested that the word 'permission' could be used in the first stage and the word 'consent' for subsequent stages.

The Hon. Thiru V. R. Nedunchezhiyan suggested that rules 44 and 45 might be re-cast providing for the different stages of the disposal of the adjournment motion. He also suggested that existing rule 46 should not be deleted.

The Secretary said that a revised draft would be placed for the consideration of the Committee.

Rule 47.

The Committee agreed to the following amendment:—

“ For existing rule 47, substitute the following rule :

‘ If the Chairman holds that the matter proposed to be discussed is in order, then the member shall ask the leave of the House to make the motion “ That the House do now adjourn ” . ’

Rule 49.

Thiru G. Swaminathan said that the Chairman should himself decide the time for taking up the motion and there was no necessity to consult the Leader of the House.

The Secretary explained that the entire time of the House except non-official days must be available for the Government business and if the Leader of the House made a request in that behalf, the motion could be taken up on the next day.

The Chairman suggested that the words ‘ at the request of the Leader of the House ’ might be deleted.

The Committee agreed to the following amendment:—

“ For existing rule 49 substitute the following:—

‘ 49. If the leave of the House has been given, the Chairman shall intimate to the House that the motion will be taken up, at such hour on the same day or on the next day, one hour before the appointed time for the conclusion of the business of that day or at the conclusion of the business of that day, as may be determined by him ’ . ”

Rule 51.

The Committee agreed to the following amendments:—

1. “ In item (ii), for the word ‘ can ’, substitute the word ‘ shall ’ . ”

2. “ In item (iv), after the word ‘ adjournment ’, add the word ‘ motion ’ . ”

3. “ After existing item (x), add the following as item (xi):—
‘ (xi) The motion shall not deal with any matter which is under adjudication by a Court of Law. ’ ”

Thiru S. T. Adityan wanted to know the exact meaning of the expression ‘ recent occurrence ’ in item (iii).

The Secretary explained that it meant ‘ within 24 hours ’ and that the matter should have been raised in the House at the first available opportunity.

Thiru A. R. Damodaran wanted to know the instances which would be covered by the term “ more than the ordinary administration of law ” .

Thiru S. T. Adityan said that the term could not be easily defined and that they should only follow the precedents.

The Secretary said that it would not be possible to enumerate all items which would come within the purview of "ordinary administration of law".

Rule 51-A.

The Secretary said that the new rule was only an adaptation of Lok Sabha Rule 59.

The Committee agreed to the following amendment:—"After existing rule 51, add the following as new rule 51-A:—

" 51-A. No motion which seeks to raise a discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into, or investigate, any matter shall ordinarily be permitted to be moved.

Provided that the Chairman may in his discretion allow such matter to be raised in the House if it is concerned with the procedure or subject or stage of enquiry before the tribunal or commission or court of enquiry and if the Chairman is satisfied that it is not likely to prejudice the consideration of such matter by such tribunal, statutory authority, commission or court of enquiry.' "

Rule 53.

The Committee agreed to the following amendment:—

For the existing proviso, substitute the following proviso:—

' Provided that such a resolution can be moved only if at least fourteen days' notice in writing has been given to the Secretary'. "

Rule 54.

Thiru G. Swaminathan wanted a time-limit to be fixed within which a day should be appointed for the discussion of the motion.

The Secretary pointed out that there could be frivolous motions given notice of and they would have to be taken up if a time-limit was fixed.

Thiru A. R. Damodaran said that even in such cases, it would be better for the presiding officer to have the motion discussed at an early date.

The Committee then decided that there was no need to change the existing provisions in rules 54 and 55.

Rule 56.

Thiru K. Rajaram felt that the requirement to give an advance copy or gist of the statement to the Chairman and the Leader of the House was not necessary.

The Secretary explained that the provisions in the Lok Sabha Rules had only been adopted.

The Hon. Thiru V. R. Nedunchezhiyan said that such an advance copy would be necessary to enable the Leader of the House to reply to any allegations made in the Statement.

The Committee agreed to the following amendments:—

(1) " After existing sub-rule (1), insert the following as sub-rule (2):—

' (2) A copy of the statement shall be forwarded to the Chairman and the Leader of the House one day in advance of the day on which it is to be made :

Provided that in the absence of a written statement, the points or the gist of such statement shall be conveyed to the Chairman and the Leader of the House one day in advance of the day on which it is to be made. '

(2) Re-number the existing sub-rules (2) and (3) as sub-rules (3) and (4) respectively.

(3) In the re-numbered sub-rule (4), for the words ' after it has been made ', substitute the words ' after it is made '."

Rule 57.

Thiru G. Swaminathan suggested the substitution of the word ' Administration ' by the words ' Public Importance '.

The Hon. Thiru V. R. Nedunchezhiyan said that it could include both ' Administration ' and ' Public Importance '.

The Committee agreed to the following amendments:—

" 1. Re-number existing Chapter XI as Chapter XII.

2. In the heading, for the words ' Administration ', substitute the words ' Administration or Public Importance '.

3. In sub-rule (1), after the word ' administration ', add the words ' or public importance '."

Rule 59.

Thiru A. R. Damodaran said that item (v) would seem to be an omnibus provision, that a 'session' would be too long a period and that the word 'likely' might be deleted. The intention should

be that the term " in the same session " would mean " before the last day of the current sittings ".

The Secretary said that he would examine the matter and revise the item.

The Committee agreed to the following amendment:—

" After existing item (vi), add the following as item (vii) :—

'(vii) it shall not relate to any matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into or investigate any matter '."

Rule 61.

Thiru G. Swaminathan said that the recognised languages of the State could not be Telugu, Malayalam or Kannada, after the formation of linguistic States.

The Hon. Thiru V. R. Nedunchezhiyan suggested that the words " of the State " could be deleted.

The Chairman said that if the Member could not speak either in Tamil or in English, he could be allowed to speak in his mother-tongue or any other language. In such a case, the Member would have to give his speech in writing in advance, since it would not be possible to have his speech recorded.

Thiru S. T. Adityan suggested the transaction of the business of the Council only in Tamil.

The Committee then agreed to the following amendments:—

" 1. For the existing rule, substitute the following :—

' 61. The business of the Council shall be transacted in Tamil or English provided that any member may address the Council in any recognised language or in Hindi, and provided further that the Chairman may permit any member who cannot adequately express himself in any of the aforesaid languages to address the Council in his mother-tongue.

Explanation.—For purposes of this rule, "recognised language" shall mean any one of the following languages, namely, Telugu, Malayalam or Kannada. '

2. Omit Rule 62."

Rule 63.

Thiru A. R. Damodaran suggested that the word 'how' in item (iv) could be suitably modified in accordance with the Indian tradition.

Thiru R. Krishnaswamy Naidu suggested the inclusion of some provisions regarding the dress of the Members.

The Committee decided to leave them to the good sense of the Members and agreed to the following amendments:—

“ 1. In existing item (v), omit the word ‘and’ occurring at the end.

2. In existing item (vi), after the word ‘shall’, add the words ‘stand or’

3. After existing item (vi), add the following as items (vii) and (viii):—

‘(vii) shall keep to his usual seat, and

(viii) shall not obstruct the proceedings or interrupt and shall avoid making running commentaries when speeches are being made in the House.’

The Committee did not agree to the amendment suggested by Thiru M. Rajah Iyer in his letter that ‘item (v) may be deleted’.

Rule 64.

The Committee did not agree to the amendment suggested by Thiru M. Rajah Iyer but agreed to the following amendment:—

“ To existing rule 64, add the following proviso:—

‘ Provided that a member disabled by sickness or infirmity may be permitted to speak sitting ’.”

Rule 65.

The Committee agreed to the following amendment:—

“ For existing rule 65, substitute the following rule:—

‘65. When, for the purpose 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 House, he shall ask the question through the Chairman’.”

Rule 67.

Regarding proposed item (v), Thiru G. Swaminathan pointed out that the Members should be at liberty to refer to the statements made by the President or the Governor but that they should not cast any aspersions.

Thiru A. R. Damodaran said that the Members should not use the names of the Governor, etc., because as Head of State, the Governor could have no views except those of the Government.

The Secretary pointed out that in the House of Commons the use of the name of the Queen to influence the decision of the House was not allowed.

It was suggested that the word 'irregularly' might be inserted between the words 'or' and 'use'.

The Secretary promised to examine the whole thing and submit a revised draft for item (v).

The Committee agreed to the following amendments:—

"1. In existing item (iii), *omit* the words 'the' occurring after the words 'proceedhgs of' and the word 'of' occurring after the words "Legislature or".

2. After existing item (ii), *add* the following as item (iv):—
'(iv) reflect on any determination of the House except on a motion for rescinding it'.

3. Re-number the existing items (iv) to (vi) as items (v) to (vii)."

Rule 71.

Thiru G. Swaminathan took objection to the wording in the explanation and said that it would preclude the members having any personal interest in a subject-matter from taking part in the voting.

The Secretary explained the procedure followed as provided for in sub-rule (6) and said that it would not preclude a member from taking part in a discussion.

The Committee agreed to the following amendment:—

"In sub-rule (1), for the words 'On the conclusion of the debate on the motion, the Chairman shall put the question to the vote of the House and shall decide it by voices', *substitute* the following words:—

'Unless otherwise provided in the Constitution or Acts or these rules, on the conclusion of the debate on a motion, the Chairman shall put the question to the vote of the House and shall decide it by voices'."

The Committee then tentatively decided to meet in the Members' Lounge, Legislative Council at Madras on 20th October 1971 at 10.30 a.m. and to continue the discussion on 21st, 22nd and if necessary on the 23rd also and the Chairman might fix the date.

The Committee then adjourned.

Monday, the 15th November 1971.

The Select Committee on Rules of Procedure of the Tamil Nadu Legislative Council met in the Members' Lounge of the Legislative Council, Fort St. George, Madras-9 on 15th November 1971 at 10 a.m. The following members of the Committee were present :

Chairman.

The Hon. Thiru C. P. CHITRARASU.

Members.

1. The Hon. Thiru V. R. NEDUNCHEZHIAN
(Minister for Education and Local Administration).
2. Thiru K. RAJARAM.
3. Thiru R. KRISHNASWAMY NAIDU.
4. Thiru G. PARANGUSAM.
5. Thiru M. RAJAH IYER.
6. Thiru G. SWAMINATHAN.
7. Thirumathi S. MANJUBHASHINI.

Secretariat.

Thiru G. M. ALAGARSWAMY—*Secretary.*

At the outset, the Committee took up for consideration the revised draft of rules in accordance with the proceedings of the Meetings of the Committee held at Ootacamund from 27th to 30th September 1971.

Rule 3.

Thiru K. Rajaram suggested the deletion of the redundant words in sub-rule (b).

Thirumathi S. Manjubhashini said that the draft rule suggested might be desirable.

The Committee finally agreed to the following amendments :—

For existing rule 3, substitute the following :—

3. (a) Whenever the Governor summons the Council, a notification shall be published in the Gazette of Council. appointing a day, the hour and place for the meeting of the Council.

(b) The Secretary shall intimate to each member the date, hour and place appointed for the meeting of the Council.'

After rule 3, add the following as rules 3-A, 3-AA and 3-AAA :—

3-A. (1) Every member of the Legislative Council shall, before taking his seat, make and subscribe an oath or affirmation as provided for in Article 188 of the Constitution.

(2) If the member has not already made and subscribed an oath of affirmation as aforesaid in sub-rule (1), he may do so either at the commencement of a sitting or at any other time or place as the Chairman may direct on any day after previous notice to the Secretary.

3-AA. There shall be a Roll of Members of the House which shall be signed in the presence of the Secretary by every member, after making an oath or affirmation and before taking his seat.

3-AAA. The members shall sit in such order as the Chairman may determined'. ”

Rule 4 (Existing Rule 12).

The Secretary read out the existing rule 12 and the revised draft of rule 4 (1).

Thiru G. Swaminathan said that the existing provision in the rule might continue, and that if they had power to impose any time-limit, then a time-limit might be imposed.

Thiru K. Rajaram said that there was no necessity to amend the existing provisions and that the holding of the election could be better left to the discretion of the Government.

The Committee finally decided that there was no necessity to amend the existing provisions and accepted the following amendments :—

“ (1) *Re-number* existing ‘ Chapter IV ’ as ‘ Chapter III ’ and rules ‘ 12 to 15 ’ as rules ‘ 4 to 7 ’.

(2) *For* the existing heading, *substitute* the following heading :—

‘ Election of Chairman and Deputy Chairman and nomination of Panel of Vice-Chairmen.’

(3) *Add* the following as new proviso to sub-rule (2) :—

‘ Provided that a Member shall not nominate more than one member or second more than one nominee ’.”

Rule 5 (Existing Rule 13).

The Committee finally decided that there was no necessity to amend the existing provisions and accepted the following amendment :—

“ *Add* the following as new proviso to sub-rule (2) :—

‘ Provided that a Member shall not nominate more than one Member or second more than one nominee.’

Rule 6 (Existing Rule 14).

The Secretary read out the existing rule 14 and the revised draft of rule 6.

Thiru M. Rajah Iyer suggested provision to be made for choosing a presiding officer in the absence of the Chairman, the Deputy Chairman as also all the members of the panel of Vice-Chairmen.

The Secretary pointed out that Article 184 of the Constitution of India provided for such a contingency.

The Hon. Thiru V. R. Nedunchezhiyan suggested that the Constitutional provision might be incorporated in the Rules. This was agreed to.

Rule 32.

The Committee agreed to the following amendment:—

“ For existing item (8), substitute the following:—

‘ (8) it must not relate to a purely private or personal grievance; ’ ”

The Committee also agreed to the following amendments:—

“ For existing item (15), substitute the following:—

‘ (15) it shall not ask for information on trivial or vague matters; ’ ”

“ For existing item (16), substitute the following:—

‘ (16) it shall not ordinarily seek information on matters of past history for the purpose of argument; ’ ”

Rule 35.

Thiru K. Rajaram said that the time given to the departments for furnishing answers to questions was too long and might be reduced.

The Hon. Thiru V. R. Nedunchezhiyan said that the time provided for in the suggested rule was necessary and should not be reduced still further.

The Secretary pointed out the difficulty in entering a large number of questions in the list after the expiry of the time-limit.

Thiru G. Swaminathan and Thirumathi S. Manjubhashini suggested that on the last day of the sittings, the question-hour could be extended or that the answers could be printed and placed on the table of the House. Further, it was not necessary that every question should be entered in the list on the forty-second day and the Hon. Chairman in his discretion might phase out the questions and include them in the list.

The Chairman pointed out that the getting of the answers from the departments could be speeded up further, by taking up the matter with the Chief Secretary.

Thiru G. Swaminathan suggested the fixation of a time-limit for admission of questions also, since there was likely to be delay at the admission stage also.

The Secretary explained that ordinarily there was no delay at the admission stage except during meeting days and there was delay only in cases where particulars had to be obtained from the concerned departments even before the admission of a question.

Thiru G. Swaminathan said that there was no purpose in fixing a time-limit for furnishing of answers to questions by the departments, unless there was a time-limit fixed for the admission of questions.

The Hon. Thiru V. R. Nedunchezhiyan suggested that a time-limit of 15 days might be fixed for admission of questions.

The Committee agreed to the suggestion of the Secretary to add the following sentence in the rule :—

“ Questions shall ordinarily be admitted and forwarded to the Departments within 15 days from the date of receipt of notice thereof by the Secretary. ”

The Committee agreed to the following amendment :—

“ For existing rule 35, substitute the following :—

‘ List of Questions.—35. Questions shall ordinarily be admitted and forwarded to the Departments within 15 days from the date of receipt of notice thereof by the Secretary. Admitted questions shall be entered in the list of questions on the forty-second day at the (at least after he) day on which the question has ^{(latest after} been admitted by the Chairman : _{the)}

Provided that in case the answer to a question cannot be sent to the Secretary within forty-two days from the date of admission, the Chairman may, if sufficient cause is shown, extend the time therefor not exceeding two weeks and after the expiry of such extended time, the question shall be included in the list of questions. ’ ”

Rule 36.

The Committee agreed to the following amendments :—

“ For existing sub-rule (2), substitute the following :—

‘ (2) If, on a question being called, it is not put or the member in whose name it stands is absent, the Chairman may, at the request of any other member, direct that the answer to it be given. ’ ”

The Committee agreed to delete the proposed sub-rule (6) to this rule.

Rule 40.

The Committee agreed to the following amendment:—

“ For existing rule 40, substitute the following:—

‘ Minister may decline to answer question or supplementary question without notice.—40. A Minister to whom a question or supplementary question is put may decline to answer it on the ground that to answer it would be against public interest and a Minister to whom a supplementary question is put may decline to answer it on the ground that he wants notice.’ ”

New Rule 40-A.

The Secretary read out the new rule and explained that if the Minister agreed, the questions could be taken up even earlier than seven days. If the question could not be answered at short notice, then it would be treated as an ordinary starred question.

Thiru G. Swaminathan wanted an opportunity to be given to the member before such transformation of a short notice question into a starred question.

The Secretary explained that if the member did not assign reasons for asking the question at short notice, the question would be returned to him and that the provisions in the Lok Sabha Rules were followed in the proposed new rule.

The Committee agreed to the following amendment:

“ After existing rule 40, add the following as rule 40-A:—

‘ Short notice questions.—40-A. (1) A question relating to a matter of public importance may be asked, with shorter notice than 7 clear days and with the consent of the Minister concerned.

(2) Such questions shall be answered on a day to be indicated by the Minister concerned within the said 7 days and shall be called immediately after the questions which have appeared on the list of questions for oral answers have been disposed of.

(3) No notice of a short notice question shall be entertained without a date for a meeting of the Council having been fixed and not earlier than 10 days of the day so fixed, and not more than one notice shall be entertained from each member for a day.

(4) Where two or more members give short notice questions on the same subject and one of the questions is accepted for answering as short notice, the names of not more than four members, other than the one whose notice has been admitted, in accordance with the time of the receipt of their notices, shall be shown against the admitted question.

(5) If the Minister is unable to answer the question at short notice and the Chairman is of opinion that the question is of sufficient public importance to be orally answered in the

House, he may direct that the question be included in the list of questions for the day on which it would be due for answer under rule 35.

(6) A member who gives notice of a short notice question shall briefly state the reasons for asking the question with shorter notice. If no reasons have been assigned in the notice of the question, the question shall be returned to the member. ”

New Rule 41-A.

The Secretary read out the revised draft of new rule 41-A.

Thiru G. Swaminathan suggested that the notice of ‘ three days ’ could be reduced to the minimum, since the Lok Sabha Rules could not be adopted *in toto*.

Thiru K. Rajaram said that since the Minister would have got all the material with him even while answering the question, a long notice was not necessary.

It was explained that as the existing proviso to Rule 41 was not deleted, the discussion could be sought on the same day on which the question was answered and time for discussion fixed. The proposed Rule 41-A was only an additional opportunity to raise a discussion on any answer given five days before.

Thiru M. Rajah Iyer said that the date was fixed to suit the convenience of the Minister and that when he wanted a half-hour discussion on ‘ Nationalised text-books ’, the Minister consented to have it even the very next day.

The Hon. Thiru V. R. Nedunchezhiyan suggested the reduction of the period of notice to ‘ two days ’.

The Committee accordingly agreed to the following amendments :—

“ After rule 41, add the following as new rule 41-A :—

‘ 41-A. *Half-hour discussion.*—(1) The Chairman may allot half-hour on three sittings in a week for raising a discussion on a matter of sufficient public importance which has been the subject-matter of a question, oral or written, the answer to which was given within five days prior to the date of notice and which needs elucidation on a matter of fact.

(2) A member wishing to raise a matter shall give notice in writing to the Secretary two days in advance of the day on which the matter is desired to be raised, and shall briefly specify the point or points that he wishes to raise, together with the reasons for raising the discussion on the matter in question :

Provided that if a notice is signed by more than one member, it shall be deemed to have been given by the first signatory only :

Provided further that the Chairman may, with the consent of the Minister concerned, waive the requirement concerning the period of notice.

(3) The Chairman shall decide whether the matter is of sufficient public importance to warrant the discussion and his decision shall be final.

(4) If more than one notice has been received and admitted by the Chairman, the Secretary shall hold a ballot with a view to drawing one notice and the notice so drawn shall be put down for discussion on that day.

(5) There shall be no formal motion before the House nor voting and the discussion shall terminate at the end of half-an-hour'."

Rule 42.

The Secretary read out the revised draft of the rule.

Thiru G. Swaminathan suggested provision to be made for a member who had given notice to delegate his power to another member if he had to be unavoidably absent.

Thiru M. Rajah Iyer pointed out that the amendment suggested by him was to the same effect.

Thiru K. Rajaram said that since the Minister had come prepared to make a statement on the call-attention notice, it could be allowed to be raised by any other member who had been authorised in writing by the member who had given notice.

Thiru G. Swaminathan also suggested that such a member could also be allowed to put two questions by way of elucidation or clarification.

The Committee agreed to revise the rule so as to make provision for the suggestions made.

Thiru G. Swaminathan wanted clarification on sub-rule (10) and enquired ^{of} whether fresh notices would have to be given for such lapsed notices.

The Secretary explained that if the notices were allowed to continue without lapsing, then they would become out of date and stale and would block fresh notices of importance. The statements which had been received on call-attention notices would be circulated to the members.

Rule 44.

The Committee agreed to the following amendment :

" For existing rule 44, substitute the following :—

' 44. Chairman's consent to asking for leave.—(1) Notice of an adjournment motion together with a brief statement of the matter to be discussed shall be given at least one hour before

the commencement of the sitting on the day on which the motion is proposed to be made to (i) the Chairman, (ii) the Leader of the House and (iii) the Secretary, and the consent of the Chairman shall be obtained to ask the leave of the House to make the motion. form ' ' .

(2) The Chairman may withhold consent to the matter being raised before the House and in that case, it shall be communicated to the member together with the reasons therefor and the member shall not raise the matter in the House in any form ' ' .

Rule 45.

The Committee agreed to the following amendment:—

“ For existing rule 45, substitute the following:—

45. ‘ Chairman to decide admissibility of the motion.—If the Chairman gives his consent under rule 44, he shall, after questions and before the list of business is entered upon, read the statement referred to in rule 44 to the House and decide whether the matter proposed to be discussed is or is not in order. Before he so decides, he may, if he thinks necessary, call upon the member to explain how the matter is in order and he may also ask the Leader of the House to state the Government’s point of view. ’ ” .

Rule 46.

The Committee decided not to delete existing rule 46.

Rule 59.

The Secretary read out the proposed item (v). x

Thiru G. Swaminathan suggested the substitution of the word ‘ appointed ’ by the word ‘ decided ’ .

Thiru M. Rajah Iyer suggested the word ‘ fixed ’ to be substituted for the word ‘ appointed ’ .

After discussion the Committee agreed to the following amendment:—

“ For item (v), substitute the following :

‘ (v) it shall not anticipate discussion of a matter which has been previously decided for consideration in the same session; ’ . ”

Rule 67.

The Secretary read out the proposed item (v) which was as follows:—

“(v) reflect upon the conduct of the President or any Governor or any Court of Justice or irregularly use the Governor’s or President’s name for the purpose of influencing a debate;”

Thiru M. Rajah Iyer said that the latter part of the item was not necessary at all. The irregular use would amount to casting reflection and that had been clearly prohibited by the former part of the item.

The Secretary pointed out that in the House of Commons the use of the name of the Queen to influence the debate was not allowed.

The Hon. Thiru V. R. Nedunchezhiyan suggested that the revised draft for item (v) might be accepted.

The Committee accordingly agreed to the following amendment:—

“ For existing item (iv) [proposed item (v)], *substitute* the following:—

‘ (v) reflect upon the conduct of the President or any Governor or any Court of Justice or irregularly use the Governor’s or President’s name for the purpose of influencing a debate; ’ ”

The Committee then resumed consideration of the Amendments suggested to the rules, after Rule 71.

Rule 72.

The Committee agreed to the following amendments:—

“ 1. For item (ii) under explanation (2), *substitute* the following:—

‘ (ii) that the Bill be referred to a Select Committee of the Council or a Joint Select Committee of the Houses where such motion has not been made as an amendment to a motion made by a member-in-charge that the Bill be taken into consideration; ’ ”

2. For item (v) under Explanation (2), *substitute* the following:

‘ (v) that the Bill (or, as the case may be, that the Bill, as amended), be passed; ’ ”

Rule 73.

Thiru M. Rajah Iyer suggested the substitution of the word ‘Council’ by the word ‘House’ in sub-rule (1).

The Committee agreed to the following amendments:—

“ 1. For the word ‘Council’ occurring in sub-rule (1), *substitute* the word ‘House’.

2. For sub-rule (2), *substitute* the following:—

‘ (2) If, at the time of putting the question on a motion or an amendment to a motion to the vote of the House, the mover of the motion or the amendment to the motion is absent, it shall be considered to have been withdrawn by him, unless any member of the House asks that the question on the motion or the amendment to the motion be put ’ ”

Rule 75.

The Committee agreed to the following amendments:—

“(1) *For* the expression ‘non-official member’ in sub-rule (1), *substitute* the expression ‘private member’.

(2) ‘*For* item (ii) under the Explanation to sub-rule (1), *substitute* the following:—

“(ii) an amendment to a Motion of Thanks on the Governor’s address.’”

Rule 78.

The Committee agreed to the following amendment:

“*For* the word ‘When’ in sub-rule (2), *substitute* the word ‘Where’.”

Rule 79.

The Secretary read out the rule.

Thiru M. Rajah Iyer suggested the deletion of the words ‘or he may put the question thereon from the Chair to the House:’ occurring at the end of the second proviso to rule 79.

The Secretary read out the relevant rule of the Rajya Sabha Rules of Procedure.

Thiru M. Rajah Iyer suggested the re-drafting of the proviso in accordance with the phraseology used in the Rajya Sabha Rules. This was agreed to.

The Committee agreed to the following amendment:

“*For* the word ‘question’ in the last proviso to rule 79, *substitute* the word ‘matter’.”

Rule 80.

Thiru M. Rajah Iyer said that the Chairman had got the right to prescribe a time-limit for speeches on any matter under discussion in the House and suggested that the rule might be suitably modified.

The Committee agreed to the following amendment:

“*For* existing rule 80, *substitute* the following:

‘80. *Duration of speeches.*—The Chairman may, if he thinks fit prescribe a time-limit for speeches on any matter under discussion in the House.’”

Rule 81.

The Committee agreed to the following amendment:

“*For* the word ‘arise’ at the end of rule 81, *substitute* the words ‘be allowed on such explanation.’”

*Rule 83.**New sub-rule (2-A).*

Thiru G. Swaminathan suggested the deletion of the words 'and shall raise a question which is within the cognizance of the Chairman' at the end of suggested sub-rule (2-A), since any matter could be sought to be raised saying that it would be within the cognizance of the Chairman.

The Committee agreed to the following amendment:

"After existing sub-rule (2), add the following as new sub-rule (2-A):—

'(2-A) A point of order shall relate to the interpretation or enforcement of these rules or such Articles of the Constitution as regulate the business of the House, or relate to the maintenance of order in, or to the business before, the House'."

Sub-rule (3).

The Committee agreed to the following amendment:

"In sub-rule (3), for the words 'admissible', substitute the word 'allowed'."

New sub-rule (4).

Thirumathi S. Manjubhashini said that the sub-rule was not necessary, since points of orders could be raised on matters not included in the sub-rule.

Thiru M. Rajah Iyer said that the list could not be made exhaustive.

The Secretary pointed out that they had adopted the provisions from the Lok Sabha Rules.

The Committee agreed to the following amendment:

"After existing sub-rule (3), add the following as new sub-rule (4):

'(4) A member shall not raise a point of order—
 (a) to ask for information; or
 (b) to explain his position; or
 (c) when a question on any motion is being put to the House; or
 (d) which may be hypothetical; or
 (e) that the division bells did not ring or were not heard'."

Rule 84.

The Committee agreed to the following amendment:

"For existing rule 84, substitute the following:
 "84. Preservation of order.—" The Chairman shall have all powers necessary for the purpose of preserving order and enforcing the rules and his decisions."

Rule 86.

The Hon. Thiru V. R. Nedunchezhiyan, Thiru M. Rajah Iyer and Thirumathi S. Manjubhashini suggested that the existing provision might continue and that no amendment by including the words "by the Sergeant of the Council" was necessary.

The Committee decided that the existing rule might remain without any amendment.

The Committee then adjourned to meet again at 10 a.m. on 16th November 1971.

Tuesday, the 16th day of November 1971.

The Select Committee on Rules of Procedure of the Tamil Nadu Legislative Council met in the Members' Lounge of the Legislative Council, Fort St. George, Madras-9 on 16th November 1971 at 10 a.m.

The following were present :

Chairman.

1. The Hon. Thiru C. P. CHITRARASU

Members.

2. The Hon. Thiru V. R. NEDUNCHEZHIAN,
Minister for Education and Local Administration.
3. Thiru K. RAJARAM
4. Thiru R. KRISHNASWAMY NAIDU
5. Thiru G. PARANGUSAM
6. Thiru M. RAJAH IYER
7. Thiru G. SWAMINATHAN
8. Thirumathi S. MANJUBHASHINI
9. Thiru S. T. ADITYAN
10. Thiru A. R. DAMODARAN
11. Thiru V. THANGAPANDIAN.

Secretariat

Thiru G. M. ALAGARSWAMY—*Secretary.*

The Committee resumed consideration of the amendment suggested to the Council Rules.

The Committee agreed to the following amendment :

" Renumber Chapter XIII as Chapter XIV "

Rule 89.

Thiru A. R. Damodaran pointed out that when the Government themselves pleaded inability to give an estimate of expenditure, the members would not be in a position to give a correct estimate of expenditure.

The Secretary explained that the assessment need not be exact but that an estimate of financial expenditure involved in the Bill would have to be given.

Rule 93.

Thiru G. Swaminathan wanted clarification about the purpose of the amendment suggested, viz., substituting the word 'introduction' for the words 'leave to introduce a Bill has been granted'.

The Secretary explained that the Bill was introduced as soon as the leave was granted, and hence the change.

The Committee agreed to the following amendment:

"In rule 93, for the words 'leave to introduce a Bill has been granted', substitute the word 'introduction'."

Rule 94.

Thiru M. Rajah Iyer suggested deletion of the words "made by the member in charge" occurring at the end of the rule, as those words seemed to be redundant making the language dubious.

The Secretary explained the need for the provision and pointed out that rule 71 of the Rajya Sabha Rules was identical.

The Committee decided to allow the existing rule to continue.

Rule 95.

Thiru A. R. Damodaran suggested that rules 94 and 95 might be transposed with each other.

Thiru G. Swaminathan said that rule 94 dealt with the general provision and rule 95 provided for the procedure in a specific way.

The Committee agreed to the following amendments:

1. "In rule 95, sub-rule (1), for the words 'six days' notice, substitute the words 'five days' notice'."
2. "In rule 95, sub-rule (1), for the words 'his Bill', substitute the words 'the Bill'."

3. " In rule 95, sub-rule (1), clause (b), *after* the word ' House ', *add* the words, ' or a Joint Select Committee of the Houses '."

4. " In rule 95, sub-rule (2), *for* the words ' On such motion ', *substitute* the words ' On such a motion '."

Rule 96.

The Committee agreed to the following amendments :—

" In rule 96—

(1) *for* the words ' his Bill ', *substitute* the words ' the Bill ' ;

(2) *delete* the words ' in the exercise of his power to suspend this rule '."

Rule 98.

Thiru G. Swaminathan said that there was no necessity to have two sub-rules and that sub-rule (2) would alone be sufficient.

The Hon. Thiru V. R. Nedunchezhiyan said that practical difficulties might arise if prior consent had to be obtained from the members to be nominated to the Committee.

Thiru G. Swaminathan also suggested that provision might be made for filling up casual vacancies in the Select Committee.

The Secretary read out rule 72 of the Rajya Sabha Rules and the Committee suggested that a suitable draft similar to the provisions of the Rajya Sabha Rules might be placed for the consideration of the Committee.

Rule 99.

Thiru G. Swaminathan suggested that a quorum might be fixed for a meeting of the Select Committee.

The Secretary read out rule 74 (1) of the Rajya Sabha Rules and said that a similar provision might be adopted.

The Committee agreed to the following amendment :—

" *After* rule 99, *add* the following as new rule 99-A :

99-A. *Quorum of Select Committee.* ' In order to constitute a meeting of the Select Committee, the quorum shall be one-third of the total number of members of the Committee '."

Thiru G. Swaminathan suggested necessary provision to be made in regard to the absence of members from the sittings of the Committee.

The Secretary pointed out that rule 206 of the Council Rules provided for such absence of members.

Rule 100.

Thiru K. Rajaram suggested a change in the wording of the rule so that the place of sitting could be changed after obtaining the consent of the Chairman.

The Secretary pointed out that the rule as suggested would meet the need.

The Committee agreed to the following amendment:—

“ For existing rule 100, *substitute* the following :—

100. ‘ *Place of sitting of Select Committee.*—The sittings of the Committee shall be held within the precincts of the Legislative Council and if it becomes necessary to change the place of sitting outside the precincts of the Legislative Council, the matter shall be referred to the Chairman whose decision shall be final.’ ”

Rule 102.

Thiru G. Swaminathan inquired whether any time-limit could be fixed for the submission of the report by the Select Committee.

The Secretary pointed out that such time-limit could be fixed whenever necessary at the time of the appointment of the Committee.

The Committee agreed to the following amendments :—

“ 1. ‘ *Renumber* existing rule 102 as sub-rule (1) of rule 102. ’

2. ‘ *Add* the following as new sub-rules (2) and (3) :—

“ (2) It may for this purpose require any person residing within the limits of the State to attend before it as witness or to produce before it such records and documents as it may think necessary and thereupon a requisition in writing shall be sent to the person concerned over the signature of the Secretary.

(3) The Committee may administer oath or affirmation to a witness examined before it.’ ”

Rule 103.

Thiru G. Swaminathan said that if a member of the Council who was not a member of the Committee chose to attend a sitting of the Committee, he should not be treated as a stranger. He suggested suitable provision to be made to enable the members of the Council to attend such Committees, without participating in the proceedings of the Committees. He drew the attention of the Committee to rule 76 of the Rajya Sabha Rules which made such a provision.

The Secretary pointed out that in practice the Members of the Legislature were not prohibited from attending such Committees but that they did so with the permission of the Chairman of the Committee. So far as the Assembly Committees were concerned, the Council Rules could not be made applicable to them.

Thiru K. Rajaram suggested that suitable provision might be made in the Council Rules and that the same amendments might be suggested to be made in the Assembly Rules also.

The Hon. Thiru V. R. Nedunchezhiyan agreed that the Rules of the Assembly also could be changed in conformity with the Council Rules.

The Committee wanted a draft rule incorporating the suggestions made.

Rule 105.

The Committee agreed to the following amendment :—

“ For existing rule 105, *substitute* the following :—

105. ‘*Powers of Select Committee to make amendments.*— Every Select Committee on a Bill has power to make such amendments therein as it may think fit, provided that such amendments are relevant to the subject-matter of the Bill, but that if any such amendments shall not be within the title of the Bill, they may amend the title accordingly and report the same specially to the House.’ ”

Rule 107.

The Committee agreed to the following amendment :—

“ *After* existing sub-rule (2) of rule 107, *add* the following as sub-rule (3) :—

‘ (3) The minutes of dissent, if any, as are received within the time fixed by the Select Committee in that behalf, shall be printed separately after the report of the Committee.’ ”

Rule 108.

The Committee agreed to the following amendments :—

‘ 1. In rule 108, *after* the words “ The report ” occurring in two places, *add* the words “ together with the minute or minutes of dissent, if any.” ;

2. In rule 108, *delete* the words “ Fort St. George ”.

Rule 109.

Thiru A. R. Damodaran inquired how the report could be published even before the same was presented to the House.

The Secretary explained that just as the Bills were published before introduction, the reports also could be published, when the House was not in session, if the circumstances warranted and if the Chairman so ordered.

Rule 110.

Thiru A. R. Damodaran wanted to know whether the notice of five days provided for in the proviso could still be waived by the Chairman.

Thiru S. T. Adityan said that the notice could be waived by the Chairman.

Thiru A. R. Damodaran wanted at least 72 hours' notice so that the members could have sufficient time to go through the Bill.

The Hon. Thiru V. R. Nedunchezhiyan said that in some rare cases, where there was urgency, the notice would have to be waived, and that the date of taking up the Bill in the House could be decided upon in the Business Advisory Committee, allowing sufficient time to the members for studying the Bill. If the Council began its sittings two or three days after the commencement of the Assembly sittings, there would not be difficulty.

Thiru A. R. Damodaran insisted that a time-limit should be fixed for taking up the Bills in the Council, allowing at least 48 hours' notice to the members.

The Hon. Thiru V. R. Nedunchezhiyan said that the Business Advisory Committee could decide it.

The Committee agreed to the following amendment:—

At the end of the proviso under clause (ii) to sub-rule (1) of rule 110 *add* the word 'or'.

Rule 111.

Thiru M. Rajah Iyer suggested the substitution of the words "of such Bill" by the words "to such Bill".

The Committee agreed to the following amendment:—

"In rule 111, for the words "of such Bill", *substitute* the words "to such Bill".

Rule 112.

Thiru A. R. Damodaran pointed out that when sufficient notice of the Bill was not given to the members, they would not be in a position to give three days' notice of amendments.

The Secretary pointed out that in such cases, the prescribed notice was not ordinarily insisted upon.

Thiru M. Rajah Iyer suggested the insertion of the word 'ordinarily' between the words 'shall' and 'be' to obviate any hardship.

The Committee agreed to the following amendments:—

"1. *For*, sub-rule (1) of rule 112, substitute the following:—

'(1) Notice of a proposed amendment shall ordinarily be sent to the Secretary at least three clear days before the sitting of the Council at which the Bill is to be considered.'

2. In rule 112, sub-rule (2), *for* the words 'every notice of amendment', *substitute* the words 'notice of every amendment'."

Rule 114.

Thiru M. Rajah Iyer suggested the transposition of the words 'as the case may be' after the words 'such clause as amended' occurring at the end of the rule.

The Committee agreed to the following amendment:—

"In rule 114, for the words 'or, as the case may be, such clause as amended, stand part of the Bill' substitute the words 'or, such clause as amended, as the case may be, stand part of the Bill'."

Rule 115.

The Committee agreed to the following amendments:—

"1. In rule 115, in item (iv), after the words 'the Preamble', add the words 'if any, and the Enacting Formula'.

2. In rule 115, after item (iv), add the following as new item (v):—

'(v) the Long Title'."

Rule 116.

Thiru A. R. Damodaran wanted to know the various stages in the passage of a Bill.

The Secretary explained the various stages from introduction to the ultimate passing of a Bill.

New Rule 116-A.

Thiru A. R. Damodaran felt that the new provision was not necessary, since the Chairman had full powers and discretion to regulate the debate.

Thiru K. Rajaram pointed out that what was being followed in practice at present had been provided for in the rules and that the Chairman would get assistance from this provision in regulating the debate.

The Secretary said that the provision had been made so that the scope of debate might be made clear and that this will be in conformity with Rule 114-A of the Assembly Rules.

The Committee agreed to the following amendment:—

'After existing rule 116, add the following as rule 116-A:—

116-A. *Scope of debate.*—The discussion on a motion that the Bill be passed or that the Bill, as amended, be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character.'

New Rule 116-B.

Thiru A. R. Damodaran wanted to know the types of mistakes that would be considered as 'patent errors'.

The Secretary explained that verbal mistakes, grammatical mistakes and the like would be considered as 'patent errors'.

Thiru G. Swaminathan said that there was the likelihood of even major corrections being made after the Bill was passed under the guise of 'patent errors', since even the change of a word or the inclusion of a comma would materially alter the effect of the provision.

The Secretary explained that there was similar provision in the Lok Sabha Rules as well as the Assembly Rules.

Thiru G. Swaminathan suggested that a report of such corrections made might be placed on the table of the House.

Thiru S. T. Adityan wanted an announcement to be made in the House by the Chairman about such corrections.

The Secretary suggested that such corrections might be intimated to the members through 'Information'.

The Committee agreed to the following amendment:—

"After new rule 116-A, add the following as new rule 116-B:—

"116-B.—*Correction of patent errors.*—Where a Bill is passed by the Council, the Chairman shall have power to correct patent errors and make such other changes in the Bill as are consequential upon the amendments accepted by the Council. The corrections so made shall be intimated to the members through Information'."

Rule 120.

The Committee agreed to the following amendment:—

"For the word 'Chamber' in the marginal note of rule 120, substitute the word 'House'."

Rule 124.

The Committee agreed to the following amendment:—

"In rule 124, sub-rule (2), for the words 'disagrees to substitute the words 'disagrees with'."

Rule 128.

Thiru A.R. Damodaran and Thiru G. Swaminathan felt that in practice the three days' notice provided for was not being given.

Thiru V. Thangapandian said that if the Council was summoned to meet a few days after the commencement of the Assembly, there would be sufficient time to give notice.

Rule 129.

The Committee agreed to the following amendment:—
 “ In rule 129, for the words ‘ date or ’, substitute the words day or on ’.”

Rule 130.

The Committee agreed to the following amendment:—
 “ In rule 130, delete the words ‘ to a Select Committee of the Assembly or ’ and the words ‘ so far as may be ’.”

Rule 131.

The Committee agreed to the following amendment:—
 “ In rule 131, in the last line, delete the word ‘the’ preceding the word ‘ Bills ’.”

Rule 133.

The Committee agreed to the following amendment:—
 “ For existing rule 133, substitute the following:—
 133. ‘ Bill passed with amendments.—If the Bill is passed with amendments, the Bill shall be returned with a message asking for the concurrence of the Assembly in the amendments’.”

Rule 134.

The Secretary explained the Constitutional provisions (Art. 197 of the Constitution) and said that the existing rules did not provide for the complete procedure that had to be adopted. The present amendment of the rules only provided for the detailed procedure to be followed.

Thiru G. Swaminathan inquired as to the number of journeys such a Bill had to undertake between the two Houses.

The Secretary pointed out that the Constitution of India was silent on that point and that if there was no procedure prescribed in the rules, the Bill would have to travel between the two Houses, until the Assembly finally rejected or agreed to the amendments made by the Council. In the rules, provision was made for two journeys to the Council and three considerations for a Bill in the other House.

The Committee agreed to the following amendment:—

“ For existing rule 134, substitute the following:—

134. ‘ Procedure consequent on consideration of amendments.—If the Assembly disagrees with the amendments made by the Council or any of them or agrees to any amendments made by the Council and passes the Bill without the amendments or with any such amendments as have been made by the Council, the Bill as passed by the Assembly for the second time under Article 197 (1) of the Constitution shall on receipt by the House be laid on the table’.”

Rule 135.

The Committee agreed to the following amendment:—

“ For existing rule 135, substitute the following:—

135. *Appointment of time for consideration of the Bill.*— After such Bill has been laid on the table, any Minister, in the case of a Government Bill, or in any other case, any member, after giving two days' notice, may move that the Bill, as passed by the Assembly for the second time, be taken into consideration'.”

Rule 136.

The Committee agreed to the following amendment:—

“ For existing rule 136, substitute the following:—

136. *Procedure on consideration of Bill for second time.*— (1) If the motion ' that the Bill as passed by the Assembly for the second time be taken into consideration ' is lost, a message shall be sent to the Assembly intimating that the Bill as passed by the Assembly for the second time has been rejected by the Council.

(2) If the motion ' that the Bill as passed by the Assembly for the second time be taken into consideration ' is carried, any member may propose amendments to the Bill. The Chairman shall put the amendments to the House in such manner as he thinks most convenient for their consideration'.”

Rule 137.

The Committee agreed to the following amendment:—

“ For existing rule 137, substitute the following:

137. *Disposal of a Bill for a second time.*—If the Bill is passed without amendments, a message shall be sent to the Assembly intimating that the Council has agreed to the Bill, as passed by the Assembly for the second time, without any amendments. If the Bill is passed with amendments, the Bill shall be returned to the Assembly with a message asking for the concurrence of the Assembly in the amendments made by the Council'.”

Rules 137-A to 137-H.

The Secretary traced the history of the rules and explained that the amendment was made in pursuance of a decision of a Select Committee on Rules.

Thiru G. Swaminathan inquired whether there was any provision which stated that the Money Bill should not be voted down by the Council.

The Secretary read out Article 198 of the Constitution and said that the Council could make only recommendations regarding a Money Bill.

Thiru M. Rajah Iyer suggested that the old procedure could be adopted with the limitation that instead of 'amendments', there could be 'recommendations'.

Thiru G. Swaminathan suggested that the members should have an opportunity to speak at the third reading stage also and that suitable amendment could be made to the rules.

Thiru K. Rajaram also agreed with the suggestion.

The Committee wanted a draft amendment of rules 137-E and 137-H for its consideration.

The Committee then adjourned to meet again at 10 a.m. on the 17th November 1971.

Wednesday, the 17th day of November 1971

The Select Committee on Rules of Procedure of the Tamil Nadu Legislative Council met in the Members' Lounge of the Legislative Council, Fort St. George, Madras-9 on 17th November 1971 at 10 a.m.

The following were present :—

Chairman.

1. The Hon. Thiru C. P. CHITRARASU

Members.

2. The Hon. Thiru V. R. NEDUNCHEZHIAN,
Minister for Education and Local Administration.
3. Thiru K. RAJARAM
4. Thiru R. KRISHNISWAMY NAIDU
5. Thiru G. PARANGUSAM
6. Thiru M. RAJAH IYER
7. Thiru G. SWAMINATHAN
8. Thirumathi S. MANJUBEASHINI
9. Thiru S. T. ADITYAN
10. Thiru A. R. DAMODARAN
11. Thiru V. THANGAPANDIAN.

Secretariat.

Thiru G. M. ALAGARSWAMY—*Secretary.*

At the outset, the Committee took up for consideration the revised draft of rules submitted in accordance with the proceedings of the meetings of the Committee held on 15th and 16th November 1971.

Rule 6.

The Committee agreed to the following amendment:—

“ For existing rule 14, substitute the following as rule 6 :—

6. ‘ *Panel of Vice-Chairmen.*—(1) At the commencement of every session or from time to time, as the case may be, the Chairman may nominate from amongst the members of the Council a panel of not more than four Vice-Chairmen, any one of whom may preside over the Council in the absence of the Chairman and the Deputy Chairman when so requested by the Chairman, or in his absence by the Deputy Chairman, or in his absence also, by the Vice-Chairman presiding. In the event of the absence of all the other members of the panel of Vice-Chairmen, the person presiding may request any member of the House to preside over the Council. If at the commencement of a sitting the Chairman, the Deputy Chairman, and all the members of the panel of Vice-Chairman are absent, such member of the House as may be determined by the Council shall preside over the Council.

(2) The Vice-Chairman nominated under sub-rule (1) shall hold office until a new panel of Vice-Chairman is nominated’.”

Rule 42.

The Secretary read out the revised draft of rule 42.

Thiru K. Rajaram suggested that with the permission of the Chairman, members other than the member who had called the attention of the Ministers, also might be allowed to put questions by way of clarification.

Thiru G. Swaminathan did not agree with that suggestion.

The Secretary also pointed out that one member should not be allowed to take away the opportunity of another member who had called the attention of the Minister by asking questions.

Thiru G. Swaminathan wanted the call attention notices to be taken up within two or three days, since he felt that seven days' time was too much.

The Secretary explained that ‘ seven days ’ was the maximum time-limit and that on a consideration of the business before the House, the Chairman would decide the day on which it should be taken up.

Thiru K. Rajaram suggested the addition of the words ‘ as early as possible ’ in the relevant provision.

The Chairman said that as a convention, they would be taken up as early as possible and that the rule need not be changed.

The Secretary pointed out that even while communicating the notice to the departments, it was being indicated that it would be taken up on such and such a day within seven days. In 90 per cent of the cases, the statement was being received before that date, and only in the rest of the cases, the departments were not able to send the statements.

Thiru G. Swaminathan said that in the case of two call attention notices he had given, the statements not having been received, they were not taken up for two sessions consecutively. He suggested that the call attention notice should be taken up on the seventh day, even if the statement in respect of it was not received from the department.

The Secretary said that the proposed rule provided that the notice should be taken up on the seventh day and the Minister could make the statement with the material available with him, or say that the statement would be laid on the table of the House.

The Hon. Thiru V. R. Nedunchezhiyan pointed out that the Minister might refuse to make a statement on the ground that it would be against public interest to make a statement.

The Committee agreed to the following amendment:—

“ For existing rule 42, substitute the following:—

42. *Calling attention to matters of urgent public importance.*—(1) A member may, by giving notice in writing, call the attention of a Minister to any matter of urgent public importance :

Provided that if the member who has given notice is unavoidably absent, any other member, with the permission of the Chairman, may call the attention of the Minister on his behalf.

(2) Such notice shall be taken up within seven days from the date of admission of such notice.

(3) Such notice shall be taken up after the questions and before the list of business is entered upon and the Minister may make a brief statement on the matter.

(4) There shall be no debate on such statement at the time it is made, but the Chairman may, in his discretion, permit not more than two questions by the member who has called the attention of the Minister, by way of elucidation or clarification.

(5) Not more than two matters shall be raised under this rule for the same day, and the second matter shall not be raised by the same member who has raised the first matter.

(6) No notice shall be entertained on a day earlier than seven days prior to the date of sitting on which it is proposed to be raised.

(7) In the event of more than two matters being presented for the same day, priority shall be given to the two matters which, in the opinion of the Chairman, are more urgent and important. The other notices may either be taken up on any subsequent day to be fixed by the Chairman or if such notices could not be taken up within the duration of the sittings, the statements in respect of the notices not taken up may be circulated to the members.

If notices admitted under this rule were pending on
 (8) ~~All other notices that may be pending on the last day~~ the last day of the sitting, the Chairman may, in his discretion, permit more than two matters to be raised under this rule.

(9) All other notices that may be pending on the last day of the sittings shall lapse :

Provided that the statements of Ministers which have been received already shall be circulated to the members. "

Rule 79.

The Committee agreed to the following amendment :—

" For the second proviso to rule 79, substitute the following :—

Provided further that if the Chairman is of opinion that the motion is an abuse of the rules of the House, he may either forthwith put the question thereon from the Chair or decline to propose the question. "

Rule 98.

The Secretary read out the revised draft of rule 98.

The Committee agreed to the following amendment :—

" For existing rule 98, substitute the following :—

98. *Composition of Select Committee.*—(1) The members of a Select Committee on a Bill shall be appointed by the Council when a motion ' That the Bill referred to a Select Committee ' is made.

(2) No member shall be appointed to a Select Committee if he is not willing to serve on the Committee. The mover shall as certain whether a member proposed to be named by him is willing to serve on the Committee.

(3) Casual vacancies in a Select Committee shall be filled by appointment on a motion made in the Council. "

Rule 103.

The Committee agreed to the following amendment:—

“ For existing rule 103, *substitute* the following rule:—

103. *Presence of non-members of Committee and strangers at meetings of Select Committee.*—(1) Members who are not members of a Select Committee may be present during the deliberations of the Committee but shall not address the Committee nor sit in the body of the Committee :

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

(2) Strangers shall not be permitted to be present at a meeting of a Select Committee except when it is engaged in examining witnesses when the Select Committee may by majority decide to allow strangers to be present. ”

Rule 137-E.

The Committee agreed to the following amendment:—

“ For existing rule 137-E, *substitute* the following rule:—

137-E. *Consideration of recommendations to clauses.*—(1) If the motion that the Money Bill be taken into consideration for making recommendations is carried, the Bill shall be taken up for clause-by-clause discussion on the same day or on any other day as may be decided by the Chairman and each of the clauses may be discussed. At this stage, amendments to be recommended to the Legislative Assembly may be moved to the clauses of the Bill and they shall be considered in the order of the clauses to which they relate :

Provided that the Chairman may take up the recommendations in any other order.

(2) After the motion that the Money Bill be taken into consideration for making recommendations is carried, any member may move for the adjournment of the discussion on the clauses of the Bill to a date not later than two days.

(3) The clauses of the Bill shall not be submitted to the vote of the House. ”

Rule 137-H.

The Committee agreed to the following amendment:—

“ For existing rule 137-H, *substitute* the following:—

137-H. *Return of the Bill.*—(1) After the Bill has been considered clause-by-clause and the recommendations, if any, have been disposed of, the member in charge of the Bill may move ‘ That the Bill be returned ’.

(2) When the motion 'That the Bill be returned' has been carried, the Bill shall be returned to the Assembly in the case where the Council does not make any recommendations, with a message that the Council has no recommendations to make to the Assembly in regard to the Bill, and in the case where any amendments have been recommended by the Council, with a message intimating to the Assembly the amendments so recommended".

The Committee then took up for consideration the subsequent rules, from rule 138.

Rule 138.

Thiru K. Rajaram suggested that before calling upon a member or a Minister to make a motion or any statement, it would be better if the Chairman made an announcement in the House about that.

The Secretary explained that no amendment of the rules was required for the purpose and that rule 138 provided for dispensation of notice in the various stages of Bills only.

The Committee accepted that existing rule 138 might continue without any amendment.

Rule 139.

The Committee agreed to the following amendments:—

" 1. In rule 139, sub-rule (2)—

(i) for the words 'such motion', substitute the words 'such a motion';

(ii) for the words 'concurrence to the', substitute the words 'concurrence in the';

2. In rule 139, sub rule (3), for the words 'Joint Committee', substitute the words 'Joint Select Committee', wherever they occur. "

Rule 140.

Thiru G. Swaminathan inquired whether the Council had power to decline to concur with the Assembly in setting up a Joint Select Committee.

The Secretary explained that the Members had power to vote down such a motion in the House.

New Section 5.

The Secretary said that a separate chapter might be added making provision for "Ratification of Amendment to the Constitution".

Thiru M. Rajah Iyer suggested that it could be added as 'section 5' in the same Chapter.

The Committee decided to introduce a new section after section 4 and that the heading of the new section might be as follows :—

“ Section 5.—Ratification of Amendment to the Constitution. ”

New Rule 140-A.

The Secretary read out the suggested rule 140-A.

Thiru G. Swaminathan wanted to know whether he could move an amendment to the resolution or could make some qualification to be added to the resolution.

The Secretary pointed out that there could be no amendment to the resolution.

The Committee agreed to the following amendment :—

“ Under new section 5, insert the following as new rule 140-A :—

140-A. *Ratification of amendment to the constitution.*—(1) As soon as a message for ratification of the amendment to the Constitution is received from a House of Parliament, a copy of the message, together with the Bill, shall be laid on the table of the House.

(2) The Secretary shall forward a copy of the message together with the Bill to the State Government at the first convenient opportunity. ”

New Rule 140-B.

The Committee agreed to the following amendment :—

“ After new rule 140-A, add the following as new rule 140-B :—

140-B. *Discussion on the Amendment to the Constitution.*—(1) After the message has been laid on the table under rule 140-A, any member may, after giving three days' notice, move a resolution that the amendment to the Constitution proposed by the Bill be ratified.

(2) The Chairman shall, in consultation with the Leader of the House, fix a date for discussion on the resolution.

(3) No amendment shall be proposed to such a resolution. ”

New Rule 140-C.

Thiru G. Swaminathan pointed out that if there could be no resolution passed ratifying the amendment to the Constitution, he would be at liberty to move “ That the resolution ratifying the amendment to the Constitution be not taken up ”.

Thiru A. R. Damodaran said that even such a motion would be before the House for its consideration.

The Secretary explained that when the resolution was taken up, if the members so chose, they could vote it down. Formerly the Union Government used to send a message to the State Government about the Constitutional amendment to be ratified. In the Presiding Officers' Conference, it was decided that the messages should be sent by the Parliament to the State Legislatures. In the case of recent twenty-fourth amendment, the message was received by the Assembly and the Council from the Rajya Sabha and the Legislature sent the same to the Government and circulated copies of the amendment to the members.

Thiru G. Swaminathan said that it would be better to delete sub-rule (3) to avoid complications.

The Secretary pointed out that it would not matter much, even if sub-rule (3) was deleted.

The Hon. Thiru V. R. Nedunchezhiyan said that sub-rule (3) also might remain.

The Committee agreed to the following amendments:—

“ After new rule 140-B, add the following as new rule 140-C:—

140-C. *Message ...to Parliament.*—(1) If the resolution is passed by the House, a message shall be sent to the House of Parliament from which the message referred to in rule 140-A, was received, that the Council ratifies the amendment.

(2) If the resolution is rejected by the House a message shall be sent as aforesaid that the Council does not ratify the amendment.

(3) If no resolution is moved during the Session in which the message of the House of Parliament is laid on the table, the Secretary shall send information to that effect to the House of Parliament from which the message was received. ”

Rule 141.

The Committee agreed to the following amendment:—

“ Re-number Chapter XIV as Chapter XV ”

The Secretary read out the suggested rule 141.

Thiru G. Swaminathan inquired whether the Council was empowered to pass a resolution disapproving the Ordinance, even though such a resolution was not passed in the Assembly, and whether the Council could vote down such a resolution if received from the Assembly.

The Secretary read out the Constitutional provisions and pointed out that only if the Assembly passed such a resolution and forwarded it to the Council, the Council could agree or disagree with that resolution.

Thiru A. R. Damodaran pointed out that if a resolution disapproving the Ordinance was passed in the Assembly, it would amount to an expression of no-confidence in the Ministry. He wanted to know whether the Council had power to disapprove the Ordinance.

The Secretary explained the position and said that *prima facie* the Council had no such power.

The Committee agreed to the following amendment:—

“ For existing rule 141, substitute the following:—

141. *Discussion of Governor's Ordinances.*—(1) As soon as possible after an Ordinance is promulgated by the Governor under clause (1) of Article 213 of the Constitution, it shall be laid before the Council.

(2) On receipt of a message from the Assembly, any member of the Council may, within six weeks of the reassembly of the Council, and after giving one day's clear notice to the Secretary to the Council, move “ That the Council do concur in the resolution of the Assembly ” and if the resolution is agreed to, it shall thereupon be forwarded to the Governor. ”

Chapter XV

The Committee agreed to the following amendment:—

“ Re-number Chapter XV as Chapter XVI ”

Rule 143.

Thiru G. Swaminathan suggested the modification of the rule in accordance with the provisions found in rule 171 of the Lok Sabha Rules.

Thiru A. R. Damodaran pointed out that the words ‘ declaration of opinion ’ would also include ‘ approval and disapproval ’ mentioned in the Lok Sabha Rules. He felt that the Council had no power to express disapproval of any major policy of the Government, since that would amount to expression of no-confidence.

Thiru K. Rajaram said that a resolution disapproving the policy of the Government could be passed in the Council, but that the Government would not take it as a motion of censure or no-confidence.

Thiru G. Swaminathan enquired whether he could move a resolution in the Council disapproving the policy of prohibition of the Government.

The Secretary said it could be done.

The Committee accepted that the existing rule might continue without any amendment.

Rule 144.

Thiru M. Rajah Iyer wanted a reduction of the period of notice prescribed for resolutions and felt that four days' notice would be sufficient.

The Secretary pointed out that in the Rules of Procedure of all States and Parliament, the same 15 days' notice had been provided for and that such a period of notice was necessary for holding the ballot to decide the priority, etc.

Thiru G. Swaminathan wanted the deletion of the words "with the consent of the Minister in charge of the department concerned" in the proviso to the rule, since such a provision did not seem to be there in the Lok Sabha Rules.

The Secretary pointed out that such consent was necessary and that unless the Minister agreed, notice could not be waived in the case of resolutions.

The Committee decided that the existing rule might continue without any amendment.

Rule 146.

Thiru M. Rajah Iyer suggested that the proposed sub-rule (3) might be made a proviso to sub-rule (2) and that the existing sub-rule (3) might continue.

Thiru G. Swaminathan wanted to know the purpose served by the provision in existing sub-rule (3).

The Secretary explained that an identical resolution might be given notice of by more than one member and that the withdrawal of the same by one member should not curtail the right of the other member to move the same resolution.

The Secretary also promised to examine the suggestion and submit a revised draft of the rule, if necessary.

Rule 148.

Thiru G. Swaminathan pointed out that when they came to know of the resolutions only the previous day, amendments could not be given with the prescribed notice of two days.

The Secretary explained that the result of the ballot for priority was communicated 5 days prior to the date on which the resolutions would be taken up.

Rule 150.

Thiru G. Swaminathan wanted to know whether there was any follow-up action provided for after the resolution was passed and forwarded to the Government.

The Hon. Thiru V. R. Nedunchezhiyan said that if there was any assurance made by the Minister concerned, the Assurances Committee followed it up.

The Secretary explained that the resolution was only recommendatory in nature and that if the member so desired, the member could follow it up by tabling a question about the action taken on that resolution.

Chapter XVI.

The Committee agreed to the following amendment:—

“ *Renumber Chapter XVI as Chapter XVII* ”

Thiru G. Swaminathan suggested that as in the Rajya Sabha Rules, provision might be made for ‘ No-Day-Yet-Named Motion ’ and ‘ Motions for Papers ’.

Thiru A. R. Damodaran also felt that such motions might be provided for, since adjournment motions, which were taken to be censure motions, could not be moved by them.

Thiru K. Rajaram said that such a motion would take away the sting of an adjournment motion.

The Secretary pointed out that Chapter XII of the Council Rules provided for a discussion for short duration on urgent matters of administration and public importance. Since there was no provision for adjournment motion in the Rajya Sabha Rules, the motions referred to by the members had been provided for.

The Hon. Thiru V. R. Nedunchezhiyan suggested that if necessary, the rule might be suspended and the duration of the discussion extended beyond one hour.

The Committee wanted to know the practice regarding ‘ No-Day-Yet-Named Motions ’ and ‘ Motions for Papers ’ so that they might consider the desirability of introducing such a practice in our House.

Rule 152.

Thiru G. Swaminathan drew the attention of the Committee to the amendment given notice of by Thiru M. Rajah Iyer.

Thiru M. Rajah Iyer said that the same had been provided for in proposed rule 153-A.

Rule 153.

Thiru M. Rajah Iyer suggested the deletion of sub-rule (3) and also the deletion of similar provisions in other rules, since a general provision had been made.

The Committee agreed to the following amendment:—

“Delete sub-rule (3) of rule 153”.

New Rule 153-A.

The Secretary read out the proposed rule 153-A.

The Committee agreed to the following amendment:—

“After existing rule 153, add the following as new rule 153-A:—

153-A.—*Allotment of time for discussion on Policy Notes.*—

(1) The Chairman, in addition to the time allotted under rule 152 and in consultation with the Leader of the House and the Business Advisory Committee, shall allot a day or days for discussion on each of the Policy Notes of the departments of the Government that may be decided upon by the Business Advisory Committee.

(2) The Minister concerned shall have a right of reply at the end of the discussion.

(3) The motion moved by the Minister ‘That the Policy Note be taken into consideration’ shall not be subject to any amendment or vote.’”

Rule 155.

Thiru A. R. Damodaran suggested that just as the Policy Notes were discussed at the time of the Budget, the Policy Notes of some other departments might be discussed at the time the Supplementary Statement of Expenditure was presented.

The Secretary pointed out that at the time the Supplementary Statement of Expenditure was presented, there was no Policy Note presented to the Assembly and therefore, no discussion on Policy Note could be had at that time in the Council.

The Committee agreed to the following amendments:—

“1. For existing sub-rule (2) of rule 155, substitute the following as sub-rules (2) and (3):—

‘(2) There shall be no discussion of the statement of supplementary or additional or excess expenditure on the day on which it is presented to the House.

(3) The Chairman shall allot one or more days in consultation with the Business Advisory Committee for the discussion of the Statement of supplementary or additional or excess expenditure.’

2. Renumber existing sub-rule (3) as sub-rule (4).”

Rule 156.

Thiru A. R. Damodaran wanted to know whether there was any provision requiring the appointment of the Leader of the Opposition as the Chairman of the Privileges Committee, which was an important Committee.

The Hon. Thiru V. R. Nedunchezhiyan said that in the Assembly, the Deputy Speaker was appointed Chairman of the Privileges Committee and likewise the Deputy Chairman, who would be a non-party man, might be made the Chairman of the Privileges Committee.

The Secretary explained that as per the rules, the Chairman of the Council appointed the Chairman of the Privileges Committee and that even the former Chief Minister was once appointed Chairman of the Privileges Committee.

The Hon. Thiru V. R. Nedunchezhiyan suggested that the rule need not be amended and that as a convention, as far as practicable, the Deputy Chairman might be appointed Chairman of the Privileges Committee.

The Committee agreed to the following amendments:—

“ 1. Renumber Chapter XVII as Chapter XVIII.

2. For existing sub-rule (1) of rule 156, *substitute* the following:—

“(1) A Committee of Privileges shall be constituted which will consist of the Leader of the House, the Deputy Chairman, the Leader of the Opposition and nine other members to be elected by the Council on a date to be fixed by the Chairman according to the principle of proportional representation by means of the single transferable vote and in accordance with the regulations framed in this behalf by the Chairman.”

3. For existing sub-rule (2), *substitute* the following as sub-rules (2) and (2-A):—

“(2) The members of the Committee elected under sub-rule (1) shall hold office for the financial year:

Provided that they shall, notwithstanding the expiration of the financial year, continue to hold office until a new Committee is constituted.

“(2-A) There shall be a fresh election before the end of the financial year constituting the Committee for the ensuing financial year.”

4. At the end of sub-rule (5) of rule 156, *add* the following:—

“including the Chairman of the Committee or the member presiding.”

Rule 157.

The Secretary read out the rule and explained the present procedure followed in regard to Privilege motions. There was a slight inconsistency in the existing rules and that could be rectified by suitably amending rule 157 by deletion of the words 'to ask the leave of the House'.

The Hon. Thiru V. R. Nedunchezhiyan suggested that if the Chairman found a *prima facie* case to exist, he might himself refer it to the Committee of Privileges, instead of allowing a motion to be passed in the House for the purpose.

The Secretary pointed out that it would put the Chairman in an embarrassing position and the House must decide whether the matter should be examined by the Privileges Committee. This would not in any way prevent the Chairman referring a matter *suo motu* to the Committee.

Thiru V. Thangapandian said that if a privilege motion was brought against any newspaper, the Chairman himself referred it to the Committee.

The Secretary again explained the procedure and said that if a member wished to move a privilege motion, he must take the consent of the Chairman. If it was held that there was a *prima facie* case, then the Leader of the House or any other member might move that the matter be referred to the Committee or be dealt with by the House itself. If the matter was referred to the Committee, it examined the whole matter and gave its report. Merely because the Chairman had found that there was a *prima facie* case, it was not obligatory to hold that a breach of privilege had been committed. After the presentation of the report, the House had to consider the report and decide what type of action should be taken in the matter.

Thiru A. R. Damodaran pointed out that according to the Lok Sabha Rules, if the consent of the Speaker was taken to raise the matter, then the House was seized of the whole problem and the House would have to decide whether the matter should be referred to the Committee or not.

The Secretary explained that if the procedure followed in the Lok Sabha was to be followed, the leave of the Council would be given, if ten or more members rose in support of such a motion but that the support of the majority of the House was necessary to pass the motion for referring it to the Committee.

Thiru K. Rajaram pointed out that reference of a matter to the Committee of Privileges depended upon the attitude of the ruling party.

After discussion, the Committee decided to omit the words "to ask the leave of the House to make the motion."

Rule 159.

The Committee agreed to the following amendment:—

"Add the following proviso to existing rule 159:—

'Provided that a matter of privilege arising during the sitting of the House shall be entitled to immediate precedence over all other business.'

New rule 162-A.

The Secretary read out the suggested rule 162-A and explained the necessity for such a provision.

Thiru A. R. Damodaran said that the same principle was followed in all Committees.

The Committee agreed to the following amendment:—

"After existing rule 162, add the following as new rule 162-A:—

162-A. *Disabilities of Members of the Committee.*—(1) A member of the Committee who has a personal or direct interest of such a character that it may prejudicially affect the consideration of the matter of privilege to be considered by the Committee shall not sit on the Committee when the matter is under consideration.

(2) Whether a member of the Committee has a personal or direct interest as stated in sub-rule (1) shall be decided by the Chairman of the Committee; if it involves the Chairman of the Committee himself, the matter shall be referred to the Chairman of the House and his decision shall be final."

Rule 164.

The Committee agreed to the following amendment:—

"For existing rule 164, substitute the following as rules 164 and 164-A:—

164. *Procedure after presentation of the report.*—(1) The report of the Committee of Privileges shall be presented to the Council by the Chairman of the Committee and in his absence, by any member of the Committee so authorised.

(2) As soon as may be, after the report has been presented, a motion "That the Report be taken into consideration" may be made either by the Leader of the House or the Chairman of the Committee or any member of the Committee.

(3) Any member may give notice of amendment to the motion for consideration of the report referred to above in such form as may be considered appropriate by the Chairman:

Provided that an amendment may be moved that the question be re-committed to the Committee either without limitation or with reference to any particular matter.

(4) After the motion for consideration of the report has been carried, the Chairman or any member of the Committee or any other member, as the case may be, may move that the Council agrees, or disagrees, or agrees with amendments, with the recommendations contained in the report.

164-A. *Examination of privileges issue by the House.*—The House may, by itself, where no reference has been made to the Committee of Privileges, on a motion made in the House, deal with the case in such manner as it may deem fit ”.

Rule 166.

Thiru K. Rajaram wanted representation to be given to all political parties in the Business Advisory Committee.

Thiru M. Rajah Iyer suggested that the matter might be left as it was, since the question of strength necessary for recognition as a party in the Council would arise.

Thiru G. Swaminathan suggested that provision should be made for delegation of powers to another member by the member of the Business Advisory Committee in case of his absence.

The Secretary pointed out that no amendment of the rule was necessary, since it could be done as a convention in practice.

Rule 172.

Thiru K. Rajaram suggested the addition of the words “ any other Minister ” after the words “ the Leader of the House ”.

The Secretary pointed out that only when rule 170 was followed in practice, rule 172 would come into play and that no amendment was necessary.

The Committee decided that existing rule 172 might remain without any amendment.

Rule 173.

Some of the members represented about the inconveniences felt by them in the Legislators’ Hostel.

Thiru G. Swaminathan suggested the constitution of a General Purpose Committee to look after the convenience of the members.

The Hon. Thiru V. R. Nedunchezhiyan said that in addition to separate House Committees for both the Houses, they could have a Hostel Committee to which the members of both the Houses could be nominated.

The Secretary pointed out that it was a matter of policy and that such a Committee might be formed but it could not be brought within the purview of the Rules of Procedure.

Thiru A. R. Damodaran said that the lounge could be reserved for members only and there could be separate accommodation provided for visitors.

The Secretary pointed out that already chairs were provided for the visitors in the verandah adjoining the lounge.

The Committee agreed to the following amendment:—

“ Add the following as proviso to sub-rule (2) of rule 173:—

‘ Provided that the members of the Committee shall, notwithstanding the expiration of the financial year, continue to hold office until a new Committee is constituted ’.”

The Committee decided to determine the date of next sitting after the commencement of the ensuing meeting of both the Houses.

The Committee then adjourned.

Monday, the 10th January 1972.

The Select Committee on Rules of Procedure of the Tamil Nadu Legislative Council met in the Council Lounge Room, Fort St. George at 10-30 a.m. on Monday, the 10th January 1972.

The following members of the Committee were present:—

Chairman.

1. The Hon. Thiru C. P. CHITRARASU.

Members.

2. The Hon. Thiru V. R. NEDUNGEZHIAN, *Minister for Education and Local Administration.*
3. Thiru K. RAJARAM.
4. Thiru R. KRISHNASWAMY NAIDU
5. Thiru A. R. DAMODARAN.
6. Thiru V. THANGAPANDIAN.
7. Thiru S. T. ADITYAN.
8. Thiru G. PARANGUSAM.
9. Thirumathi S. MANJUBHASHINI.

Secretariat.

Thiru G. M. ALAGARSWAMY—*Secretary.*

The Committee resumed consideration of the suggested amendments to the Madras Legislative Council Rules.

CHAPTER XVI.

Rule 146.

The Committee took up for consideration the revised draft of rule 146.

Thiru K. Rajaram enquired whether the expression "in writing" occurring in proviso to rule 146 (2) in the amendment suggested was necessary.

The Secretary explained that only in the case of questions, any other member was permitted to put the question on behalf of another member but that in the case of a resolution, the member concerned should authorise another member in writing to move the resolution.

The Committee then agreed to the following amendment:—

"For existing rule 146, substitute the following:—

146. *Moving and withdrawal of resolution.*—(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.

(2) if the member when called on is absent, the resolution standing in his name shall be considered to have been withdrawn:

Provided that if a member when called on is absent, any other member authorised by him in writing may, with the permission of the Chairman, move the resolution standing in his name.

(3) It shall be open to the Council to allow a resolution withdrawn under clause (a) of sub-rule (1) or deemed to have been withdrawn under sub-rule (2) of this rule, to be moved by any other member.

The Committee then took up for consideration the note given by Thiru G. Swaminathan about the need for introducing a new provision for "No-day-yet-named motions".

The Secretary pointed out that the heading of renumbered Chapter XII had already been changed as "DISCUSSION FOR SHORT DURATION ON URGENT MATTERS OF ADMINISTRATION OR PUBLIC IMPORTANCE".

Thiru K. Rajaram wanted to know the difference between "No-day-yet-named motions" and discussion for short duration on urgent matter of administration or public importance.

The Secretary explained that a "No-day-yet-named motion", was subject to voting whereas there could be no voting in the discussion on urgent matters of administration or public importance.

The K. Rajaram suggested that since "Adjournment Motions" were not usually admitted in most cases, a provision for 'No-day-yet-named Motion' similar to that found in the Lok Sabha Rules might be adopted.

The Hon. Chairman and Hon. Thiru V. R. Nedunchezhiyan, Minister for Education and Local Administration agreed to this.

The Committee, after consideration, decided that a new chapter might be added providing for "No-day-yet-named Motion" as in the Lok Sabha Rules.

Rule 174.

The Committee considered the suggestion made by Thiru G. Swaminathan in his note that a time-limit might be fixed for implementation of assurance.

The Hon. Thiru V. R. Nedunchezhiyan said that the Assurances Committee itself could look into the matter and that a time-limit need not be prescribed in the rules.

The Committee decided that existing rule 174 might remain and that no amendment of the rule was necessary.

Rule 175.

The Committee agreed to the following amendment:—

"At the end of sub-rule (2) of rule 175, add the words 'or until a new Committee is constituted'."

Rule 177.

The Committee agreed to the following amendment:—

"At the end of rule 177, add the words 'including the Chairman of the Committee or the member presiding'."

Rule 178.

The Committee agreed to the following amendment:—

"For the word 'Chairman' in rule 178, substitute the words 'Chairman of the Committee'."

Rule 179.

Thiru K. Rajaram suggested that after the words 'at least once in six months' in rule 179, the words 'as far as possible' might be added.

The Hon. Thiru V. R. Nedunchezhiyan suggested that for the words 'at least once in six months', the words 'from time to time' might be substituted, as suggested by the Secretary.

The Committee agreed to the following amendment:—

“ For the words 'at least once in six months', substitute the words 'from time to time'.”

Rule 180.

The Committee agreed to the following amendment:—

“ For the word 'Chairman' in rule 180, substitute the words 'Chairman of the Committee'.”

Rules 182 to 184.

The Hon. Thiru V. R. Nedunchezhiyan wanted to know under what circumstances 'casual vacancies' arose.

The Secretary pointed out that casual vacancies arose in cases of resignation, death, etc.

Thiru A. R. Damodaran pointed out that the rule did not provide for election of the members.

The Hon. Thiru V. R. Nedunchezhiyan felt that the vacancy should not be filled by nomination.

Thiru K. Rajaram said that a casual vacancy should as and when it arose be filled and if it had to be done by election, they would have to wait till the election.

Thiru A. R. Damodaran agreed that it would not be desirable to keep the vacancies unfilled especially in the case of Public Accounts Committee.

On the suggestion of the Hon. Thiru V. R. Nedunchezhiyan, Minister for Education and Local Administration, the Committee decided that sub-rule (2) might be amended on the same lines as in the Assembly Rule.

COMMITTEE ON PUBLIC UNDERTAKINGS.

The Committee then considered the suggestion of Thiru G. Swaminathan about constitution of a Committee on Public Undertakings similar to the one provided for in Lok Sabha Rules.

The Secretary pointed out that if such a Committee was to be constituted, it should be a Committee of both the Houses,

The Committee generally agreed that such a Committee was desirable, but felt that the question might be taken up after the Assembly Rules made provision for such a Committee.

The Committee then agreed to the following amendments :—

“ Renumber Chapter XVIII as Chapter XIX.”

“ Renumber Chapter XIX as Chapter XX.”

“ Renumber Chapter XX as Chapter XXI.”

RENUMBERED CHAPTER XXI.

Rules 191 to 195.

The Secretary explained that at present, an *ad hoc* Select Committee was constituted from time to time to suggest amendments to rules, but that the proposed rules provided for the constitution of a Standing Committee on Rules on the same lines as the provisions in the Assembly Rules.

Thiru K. Rajaram suggested that the Leader of the House might be always an *ex-officio* member and that the words ‘ if he is not a member ’ occurring in the proposed sub-rule (1) of rule 192 might be deleted. He also suggested that suitable provision might be made that if the Chairman could not preside over any meeting of the Committee, the Committee itself might elect a Chairman for that meeting.

The Hon. Thiru V. R. Nedunchezhiyan felt that instead of seven days, three days would be sufficient for a member to give notice of any amendment to the recommendations of the Committee laid on the table.

Thiru A. R. Damodaran suggested that instead of referring any amendment to the Committee again for consideration and report, it could straightway be placed before the House for consideration and disposal.

Thiru K. Rajaram pointed out that this provision provided only for the laying of the recommendations on the table of the House and suggested that if any amendment to any rule was suggested, it could be referred to the Committee for consideration and report.

Since the proposed ‘ Rules Committee ’ was a Standing Committee and not an *ad hoc* Committee, Thiru A. R. Damodaran agreed that it was desirable to refer such amendments to the Committee.

After discussion, the Committee agreed to the following amendments :—

“ (i) For the existing heading, substitute the heading ‘ Rules Committee ’.

(ii) For the existing rules 191 to 195 substitute the following :—

191. *Functions of Rules Committee.*—There shall be a Committee on Rules to consider matters of procedure and conduct of business in the House and to recommend any amendments or additions to these rules that may be deemed necessary.

192. *Constitution of the Committee.*—The Committee on Rules shall be nominated by the Chairman and shall consist of 14 members including the Chairman of the Committee. The Chairman shall be the ex-officio Chairman of the Committee. The Leader of the House (Council) shall be ex-officio member of the Committee.

(2) The Committee nominated under sub-rule (1) shall hold office for one year or until a new Committee is nominated.

(3) If the Chairman, for any reason, is unable to preside over any meeting of the Committee, he shall nominate a Chairman for that meeting.

(4) Casual vacancies in the Committee shall be filled by the Chairman and any person nominated to fill such vacancy shall hold office for the period for which the person in whose place he is nominated would under the provisions of sub-rule (2) have held office.

193. *Quorum.*—In order to constitute a meeting of the Committee, the quorum shall be five including the Chairman or the member presiding.

194. *Notice of amendments to rules.*—(1) Any member desirous of moving any amendment to the rules shall give notice of his intention to the Secretary, accompanied by a draft of the proposed amendments.

(2) The Secretary shall place the amendments before the Committee for its consideration and recommendation.

195. *Laying of report on the table.*—(1) The recommendations of the Committee shall be laid on the table and within a period of seven days beginning with the date on which they are so laid, any member may give notice of any amendment to such recommendations.

(2) Any notice given by a member of any amendment to the recommendations of the Committee shall stand referred to the Committee who shall consider it and make such changes in their recommendations as the Committee may consider fit. The final report of the Committee, after taking into consideration the amendments, suggested by the members, shall be laid on the table. Thereafter on the House agreeing to the report on a motion made by a member of the Committee, the amendments to the rules as approved by the House shall be notified by the Chairman in the Gazette or the Information.

(3) If notice of such amendment has not been given within seven days, the recommendations of the Committee shall be deemed to have been approved by the House and on the expiry of the said period the Chairman shall notify in the Gazette or the "Information" the amendments to the rules recommended by the Committee.

(4) Any amendments given notice of to the final report of the Committee shall not be referred again to the Committee unless otherwise decided by the House but shall be disposed of by the House while considering the final report of the Committee.

(5) The amendment to the rules shall come into force on their publication in the Gazette/"Information" unless otherwise specified.

195-A. *Procedure to be followed.*—Except as aforesaid, the rules applicable to a Select Committee of the Council shall apply."

CHAPTER XXII.

The Committee agreed to the following amendment :—

" Renumber Chapter XXI as CHAPTER XXII."

Rules 197 and 198.

Thiru K. Rajaram suggested that provision might be made for expunging even portions of a speech.

The Committee then agreed to the following amendment :—

" For existing rules 197 and 198, substitute the following :—

197. *Expunging of words from Debates.*—(1) If the Chairman is of opinion that words have been used in debate which are defamatory or indecent, or unparliamentary or undignified, or grossly irregular, he may in his discretion, order that such words or portion of the speech containing such words be expunged from the official report of the proceedings of the House and all consequential alterations made in such report.

(2) If the Chairman is of opinion that words have been used in a minute of dissent to a report of a Select Committee which are defamatory or indecent, or unparliamentary or undignified, or grossly irregular, he may, on a reference being made by the Chairman of that Committee, order that such words or portions containing such words be expunged from such minute of dissent and order consequential alterations, if any, to be made.

198. *Indication in printed debates.*—The portion of the proceedings of the House or of the minute of dissent to a report of the Select Committee, so expunged, shall be marked by asterisks and an explanatory footnote shall be inserted in the proceedings as follows:—

“Expunged as ordered by the Chair or the Chairman as the case may be.”

Rule 199.

The Committee agreed to the following amendment:—

“After *sub-rule* (2) of rule 199, add the following as new *sub-rule* (3):

‘(3) If a question arises whether a paper, document or report is in connection with the business of the House or not, the question shall be referred to the Chairman whose decision shall be final.’”

New rule 201-A.

The Secretary explained that new rule 201-A was proposed in order to maintain the sanctity of the House.

Thiru K. Rajaram said that in the Secretariat there was no other big hall and if any Joint Select Committee meeting consisting of a large number of members were to be held, the Council Chamber might have to be used and if new rule 201-A were agreed to, it would become impossible to use the Chamber for such meetings.

The Committee decided that the proposed rule 201-A was not necessary.

Rule 203.

The Committee agreed to the following amendment to the Marginal Note:—

“For the existing marginal note to rule 203, substitute the following:—

‘Residuary powers’.

Rule 204.

The Committee considered rule 204 and decided that the existing rule might continue.

The Committee then adjourned to meet again at 10-30 a.m. on Tuesday, the 11th January 1972.

Tuesday, the 11th January 1972.

The Select Committee on Rules of Procedure of the Tamil Nadu Legislative Council met in the Council Lounge Room, Fort St. George at 10-30 a.m. on Tuesday, the 11th January 1972. The following members of the Committee were present :—

Chairman.

1. The Hon. Thiru C. P. Chitrarasu.

Members.

2. The Hon. Thiru V. R. Nedunchezhiyan, Minister for Education and Local Administration.
3. Thiru K. Rajaram.
4. Thiru R. KRISHNASWAMY NAIDU.
5. Thiru A. R. Damodaran.
6. Thiru V. Thangapandian.
7. Thiru S. T. Adityan.
8. Thiru G. Parangusam.
9. Thirumathi S. Manjubhashini.

Secretariat.

Thiru G. M. Alagarwamy, *Secretary.*

The Committee resumed consideration of the proposed amendments to the Madras Legislative Council Rules.

The Committee agreed to the following amendment :—

“ *Renumber Chapter XXII as Chapter XXIII.* ”

Rule 207

The Committee agreed to the following amendment :—

“ *For existing rule 207, substitute the following rule :—*

207. When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a Court anywhere in India or is detained under an executive order of any State or Central Government, the committing Judge, Magistrate, or Executive Authority, as the case may be, shall immediately intimate such fact to the Chairman indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form prescribed by the Chairman—*vide* Appendices A and B. ”

Rule 209.

The Secretary pointed out that the term "Information" had been defined in the Rules and that therefore an amendment had been proposed to substitute the word "Information" for the words "Information sheet" occurring in rule 209.

The Committee agreed to the following amendment:—

"In rule 209, for the words 'Information sheet' substitute the word 'Information'."

Rule 211.

The Committee agreed to the following amendment:—

"In rule 211 after the word 'Criminal', add the words 'or notice'."

Appendix C.

The Committee agreed to the following amendment:—

"For existing Appendix C, substitute the following:—

Appendix C.

(Vide rule 208).

Form of communication in regard to release of a member.

Place :

Date :

To

The Hon. Chairman,
Tamil Nadu Legislative Council,
Fort St. George, Madras-9.

Dear Mr. Chairman,

I have the honour to inform you that Thiru
Member of the Tamil Nadu Legislative
Council, who was convicted on (date)
and imprisoned for (period)
for (reasons for conviction)
was released on bail pending*/prosecution/trial/appeal (or released
on the sentence being set aside on appeal, as the case may be) on
the (date).

Yours faithfully,

(Judge, Magistrate or Executive
Authority)

* Strike out whichever is not applicable.

Rule 60.

The Committee agreed to the following amendment :—

“ Omit existing rule 60.”

New Chapter XII-A.

The Committee agreed to the following amendment :—

“ *Insert* the following as Chapter XII-A.

No-Day-Yet-Named Motions.

60. Save in so far as is otherwise provided in the Constitution or in these rules, no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Chairman.

60-A. *Notice of motion.*—Notice of a motion shall be given in writing addressed to the Secretary.

60-B. *Conditions of admissibility of motion.*—On order that a motion may be admissible it shall satisfy the following conditions, namely :—

- (i) it shall raise substantially one definite issue;
- (ii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;
- (iii) it shall not refer to the conduct or character of persons except in their public capacity;
- (iv) it shall be restricted to a matter of recent occurrence;
- (v) it shall not raise a question of privilege;
- (vi) it shall not revive discussion of a matter which has been discussed in the same session;
- (vii) it shall not anticipate discussion of a matter which is likely to be discussed in the same session; and
- (viii) it shall not relate to any matter which is under adjudication by a Court of Law having jurisdiction in any part of India.

60-C. *Chairman to decide admissibility of motion.*—The Chairman shall decide whether a motion or a part thereof is or is not admissible under these rules and may disallow any motion or a part thereof when in his opinion it is an abuse of the right of moving a motion or is calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of these rules.

60-D. *Motion for raising discussion on matter before tribunals, commissions, etc.*—No motion which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into, or investigate, any matter shall ordinarily be permitted to be moved :

Provided that the Chairman may, in his discretion, allow such matter being raised in the House as is concerned with the procedure or subject or stage of enquiry if the Chairman is satisfied that it is not likely to prejudice the consideration of such matter by the statutory tribunal, statutory authority, commission or court of enquiry.

60-E. *Circulation of No-Day Yet-Named Motions.*—If the Chairman admits notice of a motion and no date is fixed for the discussion of such motion, it shall be immediately notified in the Information with the heading, 'No-Day-Yet-Named Motions'.

60-F. *Allotment of time and discussion of motions.*—The Chairman may after considering the state of business in the House and in consultation with the Leader of the House, allot a day or days or part of a day for the discussion of any such motion.

60-G *Chairman to put question at the appointed time.*—The Chairman shall, at the appointed hour on the allotted day or the last of the allotted days, as the case may be, forthwith put every question necessary to determine the decision of the House on the original question.

Rule 2.

The Committee agreed to the following amendment:—

" In the definition of 'Precincts of the House' in the revised rule 2 (1) (jj) decided upon at the meeting of the Committee on 28th September 1971, *add* the following expression, after the expression 'situated' and before the expression 'the Ministers' room':

' the place where the Members of the Council are required to assemble either under Article 175 or under Article 176 of the Constitution'."

The Committee also agreed to *add* the following expression after the expression 'Ministers' rooms' 'rooms of the Leader of the Opposition and the Whips'.

The Committee also agreed to delete the word "Old" in rule 2 (i) (jj).

CHAPTER II.

The Committee agreed to the following amendment:—

" For the existing heading of Chapter II, *substitute* the following:—

' Summoning of the Council, Roll of Members, Oath or Affirmation and Seating of Members'."

Rule 41.

The Committee agreed to the following amendment:—

“ For existing rule 41, substitute the following:—

‘ No discussion shall be permitted at question-time in respect of a question or of any answer given to a question :

Provided that on (a) request made to the Chairman at question-time, the Chairman may, in his discretion, allow half an hour after the conclusion of the business of the day or any other day *as may be fixed by him* to enable a member to raise a debate on any matter of urgent importance which has been the subject of a question on that day. No vote shall be taken on such debate and such time shall not be available for the transaction of any other business ”.

Rule 61.

The Committee agreed to the following amendment:—

“ In the revised rule 61, *after* the words ‘ or English ’, *add* the words ‘ or in both ’. ”

Rule 157.

The Committee agreed to the following amendment:—

“ *Add* the following proviso to revised rule 157:—

‘ Provided that in respect of a matter of privilege arising during the sitting of the House, the Chairman may waive such notice and deal with the matter as he deems fit.’ ”

Rules 182 to 184.

The Committee agreed to the following amendment:—

“ *For* existing rules 182 to 184, *substitute* the following:—

182. *Appointment of Members to serve on the Public Accounts Committee of the Assembly.*—(1) The Council may appoint, on a motion moved in that behalf, for every financial year, five or such number of members of the Council as may be provided for in the Assembly Rules to serve on the Committee on Public Accounts of the Assembly.

(2) Casual vacancies shall be filled as soon as possible after they occur in the manner prescribed in sub-rule (1) and the person so appointed shall hold office for so long only as the person in whose place he is appointed would have held office.

183. *Appointment of Members to serve on the Committee on Estimates of the Assembly.*—(1) The Council may appoint, on a motion moved in that behalf for every financial year, five or such

number of members of the Council as may be provided for in the Assembly Rules to serve on the Committee on Estimates of the Assembly.

(2) Casual vacancies shall be filled as soon as possible after they occur in the manner prescribed in sub-rule (1) and the person so appointed shall hold office for so long only as the person in whose place he is appointed would have held office.

184. *Appointment of Members to serve on the Committee on Subordinate Legislation of the Assembly.*—(1) The Council may appoint, on a motion moved in that behalf, for every financial year, five or such number of members of the Council as may be provided for in the Assembly Rules to serve on the Committee on Subordinate Legislation of the Assembly.

(2) Casual vacancies shall be filled as soon as possible after they occur in the manner prescribed in sub-rule (1) and the person so appointed shall hold office for so long only as the person in whose place he is appointed would have held office."

The Committee then took up for consideration the draft report and approved of it subject to the following amendments:—

(1) In the paragraph relating to rule 61, the words ' or in both ' be added at the end;

(2) In the paragraph relating to rule 60-A, the following words be added at the end:—

' Discussion on such a motion is different from a discussion under rule 57 in that the latter will take place without any motion before the House and without any voting thereon '.

The Committee decided that the report of the Select Committee and the Rules, as amended, need not be published in the *Tamil Nadu Government Gazette*.

The Committee then placed on record its special appreciation of the very valuable assistance rendered by Thiru G. M. Alagar-swamy as Secretary of the Committee and the members of the staff of the Council Department.

The Committee then dispersed.

G. M. ALAGARSWAMY,
Secretary.