

# **CONTENTS**

## **CHAPTER I**

### **Short Title and Definition**

- 1. Short Title**
- 2. Definition**

## **CHAPTER II**

### **Summons to members, Seating, Oath or affirmation and roll of members**

- 3. Summon to Members**
- 4. Seating of Members**
- 5. Oath or Affirmation**
- 6. Roll of Members**

## **CHAPTER III**

### **Election of Chairman, Deputy Chairman, and Panel of Vice-Chairmen**

- 7. Election of Chairman**
- 8. Election of Deputy Chairman**
- 9. Panel of Vice-Chairmen**
- 10. Power of person presiding**
- 11. Delegation of Powers to Deputy Chairman**

## **CHAPTER IV**

### **Sitting of the Council**

- 12. When is sitting of the Council duly constituted**
- 13. Commencement and conclusion of sitting**
- 14. Sitting of the Council**
- 15. Quorum**
- 16. Adjournment of the Council**

## **CHAPTER V**

### **Governor's Address and Message to the Council**

- 17. Allotment of time for discussion of Governor's Address**
- 18. Scope of the discussion**
- 19. Amendments**
- 20. Other business that may be taken up**
- 21. Government's right of reply**
- 22. Time limit for speeches**
- 23. Governor's address under section 54(1) of the Constitution**
- 24. Message by Governor**
- 25. Prorogation of the Council**

## **CHAPTER VI**

### **Arrangements of Business and List of Business**

- 26. Oral answers to questions**
- 27. Arrangements of Government Business**
- 28. Allotment of time for private members business**
- 29. Procedure of Private Members' Bill**
- 30. Precedence of Private Members' Resolution**
- 31. Business outstanding at end of day**
- 31A. List of Business**

## **CHAPTER VII**

### **Questions**

- 32. Time for questions**
- 33. Notice of questions**
- 34. Form of notice of questions**
- 35. Written answers to questions not replied orally**
- 35A. Rational allotment of days for questions**
- 36. Subject matter of questions**
- 37. Admissibility of questions**
- 38. Chairman to decide admissibility**
- 39. Chairman's decision on points of doubts**
- 40. Chairman to decide if a question is to be treated as starred or un-starred**
- 41. List of questions and their order**
- 42. Withdrawal of questions**
- 43. Supply of copies of questions and answers**

- 44. Printed question list to be supplied to members
- 45. Mode of asking questions
- 46. Questions of absent members
- 47. Supplementary questions
- 48. Short notice questions
- 49. Power of Chairman to direct answer being given of a question of public interest
- 50. No publicity of answers to questions in advance

## **CHAPTER VIII**

### **Half an Hour Discussion**

- 51. Discussion on a matter of public importance arising out of answer to Question

## **CHAPTER IX**

### **Motion on Matters of Public interest and “Motion of Papers”**

- 52. Discussion on matter of public interest by motion
- 53. Notice of a motion
- 54. Conditions of admissibility of a motion
- 55. Chairman to decide admissibility of a motion
- 55A. Motion for raising discussion on matters before Tribunals, Commissions etc.
- 56. Circulation of “No-day-yet” named motions
- 57. Allotment of time and discussion of motions
- 58. Chairman to put question at the appointed time
- 59. Time limit for speeches
- 60. Motion for papers
- 60A. Notice of raising discussion
- 60B. Chairman to decide admissibility
- 60C. No formal motion
- 60D. Time limit for speeches

## **CHAPTER X**

### **1. Bills origination in the Council**

#### **(a) Introduction and publication of Bills**

- 61. Publication of Bills before introduction
- 62. Notice of a motion for leave to introduce private Bills
- 63. Introduction of Bill dependent on another Bill pending before the Council

- 64. Communication of sanction or recommendation of Governor in respect of Bills**
- 65. Financial memorandum to Bills and money clauses in Bills**
- 66. Explanatory memorandum to Bills delegating Legislative Powers**
- 67. Statement in connection with Ordinance**
- 68. Procedure when motion for leave to introduce a Bill is opposed**
- 69. Publication of Bills after introduction**

**(b) Motion after Introduction of Bills**

- 70. Motion after introduction of Bills**
- 71. Discussion of Principal of Bill**
- 72. Person by whom motion in respect of Bills may be made**

**(c) Select Committee on Bills**

- 73. Composition of Select committee**
- 74. Chairman of Select Committee**
- 75. Quorum of Select Committee**
- 76. Discharge of members absent from sittings of the Select Committee**
- 77. Members other than members of Committee may be present at a sitting**
- 78. Casting vote of Chairman of Select Committee**
- 79. Power to appoint sub-Committee**
- 80. Sitting of a Select Committee**
- 81. Notice of amendments and procedure generally in Select Committee**
- 82. Notice of amendments by a member other than the member of Select Committee**
- 83. Power to take evidence or call for paper records or documents**
- 84. Procedure for examining witnesses**
- 85. Printing and publication of evidence tendered before the Select Committee**
- 86. Powers of Chairman to give directions on a point of procedure or otherwise**
- 87. Power of Select Committee to make suggestion on procedure**
- 88. Record of the decision of a Select Committee**
- 89. Reports by Select Committee**
- 90. Presentation of report**
- 91. Chairman's power to order reprint**
- 92. Printing and publication of Reports**

**(d) Joint Select Committee**

- 93. Concurrence of the Assembly to the setting up of a Joint Select Committee**
- 94. Message to the Assembly**
- 95. Strength of the Committee**
- 96. Time and place of first sitting**
- 97. Chairman of the Joint Select Committee**
- 98. Rules as to Select Committee to apply a Joint Select Committee**
- 99. Non-concurrence in a motion by the Assembly**
- 100. Joint Select Committee on Bill originating in the Assembly**

**(e) Procedure after presentation of report of a Select Committee or a Joint Select Committee**

- 101. Motions that may be moved after presentation of report of Select/Joint Select Committee**
- 102. Scope of debate on report of Select/Joint Select Committee**

**(f) Amendments to clauses etc. and Consideration of Bills**

- 103. Notice of amendment**
- 104. Conditions of admissibility of amendments**
- 105. Sanction or recommendation of the Governor to be annexed to notice of amendment**
- 106. Communication of the order of Governor**
- 107. Power of Chairman to select new clauses or amendments**
- 108. Arrangement of amendments**
- 109. Order of amendments**
- 110. Mode of moving amendments**
- 111. Withdrawal of amendments**
- 112. Submission of Bill clause by clause**
- 113. Postponement of clause**
- 114. Consideration of schedule**
- 115. Voting on group of clauses and schedules**
- 116. Clause one, Enacting Formula, Preamble and Title of Bill**

**(g) Passing of bills**

- 117. Passing of Bills**
- 118. Scope of Debate**
- 119. Correction of patent errors**
- 120. Transmission to Assembly the Bills passed by Council**

**(h) Bills other than Money Bills returned by Assembly**

- 121. Bills returned with amendments**
- 122. Notice of motion for consideration of amendments**
- 123. Procedure on consideration of amendment**
- 124. Disposal of amendment**
- 125. Disagreement between Houses**

**(I) Adjournment of Debate on and a  
Withdrawal and Removal of Bills**

- 126. Adjournment of the debate on a Bill**
- 127. Withdrawal of a Bill**
- 128. Explanatory statement by member who moves or opposes  
withdraw motion**
- 129. Removal of the Bill from the Register of Bills**
- 130. Special provision for removal of Private Members' Bill from  
the Register of Bills**

**(II) Bills originating in the Assembly and  
transmitted to the Council**

- 131. Bills originating in and passed by the Assembly and  
transmitted to the Council**
- 132. Notice**
- 133. Motion for consideration**
- 134. Discussion**
- 135. Reference to Select Committee**
- 136. Consideration and passing**
- 137. Bill passed without amendment**
- 138. Bill passed with amendment**
- 139. Procedure consequent on consideration of amendment**
- 140. Appointment of time for consideration of amendment**
- 141. Procedure on consideration of amendment**
- 142. Disposal of amendment**
- 143. Disagreement between Houses**
- 144. Rejection of the Bill**

**(III) Authentication and reconsideration of Bills**

- 145. Authentication of Bill**
- 146. Reconsideration by the Council of a Bill passed**

## **CHAPTER XI**

### **Petitions**

- 147. Scope of petition**
- 148. General form of petition**
- 149. Authentication of petition**
- 150. Documents**
- 151. Counter Signature**
- 152. Petition to be addressed to Council**
- 153. Notice of presentation**
- 154. Presentation of petition**
- 155. Form of petition**
- 156. Reference to Committee on petition**

## **CHAPTER XII**

### **Resolutions**

- 157. Notice of Resolution**
- 158. Form of Resolution**
- 159. Subject matter of Resolution**
- 160. Conditions of admissibility of Resolution**
- 161. Chairman to decide admissibility of Resolution**
- 162. Intimation to member**
- 163. Priority of Resolution on the list of business**
- 164. Moving of Resolution**
- 165. Duration for speeches**
- 166. Scope of Discussion**
- 167. Seconding of Resolution**
- 168. Amendments**
- 169. Notice of Amendments**
- 170. Withdrawal of Resolution and amendments**
- 171. Splitting of Resolution**
- 172. Bar to moving similar Resolution**
- 173. Submission of copies of passed Resolution to the Council of Ministers**

## **CHAPTER XIII**

### **Calling attention to matters of urgent public importance**

- 174. Calling attention to matters of urgent public importance**

## **CHAPTER XIV**

### **Statement of Minister**

- 175. Statement by Minister who has resigned**
- 176. Statement made by Minister**

## **CHAPTER XV**

### **Resolution for removal of Chairman or Deputy Chairman**

- 177. Notice of Resolution for removal of Chairman or Deputy Chairman**
- 178. Leave of Council to take up Resolution**
- 179. Inclusion of resolution in the list of Business**
- 180. Time limit for speeches**

## **CHAPTER XVI**

### **Procedure in Financial Matters**

- 181. The Budget**
- 182. General Discussion on the Budget**
- 183. Presentation of Budget in parts**
- 184. Vote on account**
- 185. Supplementary, Additional, Excess and Exceptional grants and votes of credit**
- 186. Scope of discussion on supplementary grant**
- 187. Business that can be taken up on a day allotted for any kind of financial matters**
- 187A Explanation**

## **Financial and Money Bill**

- 188. Provisions as regards financial bills referred to in section 64(1) of the Constitution**
- 189. Money Bills**

## **CHAPTER XVII**

### **Questions involving breach of privilege and contempt**

- 190. Breach of Privilege contempt how brought to the notice of the House**



**(a) Complaint by a Member**

- 191. Notice of a complaint by a Member**
- 192. Conditions of admissibility of a question of privilege**
- 193. Presentation of a complaint**
- 194. Chairman to refer the matter to the Committee on Privileges**
- 195. Motion after presentation of the Report**

**(b) Complaint by the Secretary or Petition**

- 196. Reference of complaint by Secretary or Petition to Privileges Committee**

**(c) Complaint by a Committee**

- 197. Complaint by a Committee**
- 198. Substantive motion**

**(d) Procedure relating to Complaints against member**

- 199. Complaint against a Member**
- 200. Withdrawal of Member concerned**

**(e) General**

- 201. Opportunity to person charges**
- 202. Summoning the party charged**
- 203. Punishment**
- 204. Groundless complaint**
- 205. Execution of the orders of the House**
- 206. Brevity of Debate**
- 207. Regulation of Procedure**
- 208. Application of the rules to contempt**
- 209. Power of Chairman to refer Question of Privilege to Committee**

**(f) Intimation to Chairman of arrest, detention etc. and release of a member**

- 210. Intimation to Chairman by Magistrate of arrest, detention etc. of a Member**
- 211. Intimation to Chairman on release of a member**
- 212. Treatment of communication received from Magistrate**

**(g) Procedure regarding service of a legal process and arrest within the precincts of the Council**

- 213. Arrest within the precincts of Council
- 214. Service of legal process

### **CHAPTER XVIII**

#### **Resignation and vacation of seats in Council and leave of absence from meeting of Council**

- 215. Resignation of seats in Council
- 216. Application for leave of absence
- 217. Vacation of seats in Council

### **CHAPTER XIX**

#### **Committee of the Council**

##### **(General)**

- 218. Committee to include Committee of the Council
- 219. Appointment of Committee
- 220. Term of office of Committee nominated by the Chairman
- 221. Resignation from the Committee
- 222. Chairman of the Committee
- 223. Quorum
- 224. Discharge of members absent from sittings of Committee
- 225. Voting in Committee
- 226. Casting vote of Chairman of Committee
- 227. Power to appoint Sub-Committee
- 228. Sitting of Committee
- 229. Sitting of Committee in Private
- 230. Venue of Sittings
- 231. All strangers to withdraw when Committee deliberates
- 232. Power to make evidence or call for documents
- 233. Power to send for persons, papers and records
- 234. Counsel for a witness
- 235. Evidence on oath
- 236. Procedure for examining witness
- 237. Record of decisions of Committee
- 238. Evidence report and proceedings treated as confidential
- 239. Special reports
- 240. Report of Committee
- 241. Availability of report to Government before presentation
- 242. Presentation of report
- 243. Printing, publication or circulation of report prior to its presentation to Council
- 244. Power to make suggestions on procedure
- 245. Power of Committee
- 246. Power of Chairman
- 247. Business before Committee not to lapse on prorogation of

**Council**

- 248. Unfinished work of Committee**
- 249. Applicability of general rules to Committees**

**(b) Business Advisory Committee**

- 250. Constitution of Business Advisory Committee**
- 251. Quorum**
- 252. Functions of the Committee**
- 253. Report of the Committee**
- 254. Allocation of time order**

**(c) Committee on Petitions**

- 255. Constitution of Committee on Petitions**
- 256. Examination and circulation of Petitions**

**(d) Committee on Privileges**

- 257. Constitution of Committee on Privileges**
- 258. Quorum of Committee**
- 259. Examination of the question by the Committee**
- 260. Consideration of Report**
- 261. Amendments**

**(e) Committee on Government Assurances**

- 262. Functions of Committee**
- 263. Constitution of the Committee**
- 264. Quorum**
- 265. Casting vote of Chairman**

**(f) Rules Committee**

- 266. Functions of Rules Committee**
- 267. Composition of Rules Committee**
- 268. Quorum**
- 269. Laying of report on the Table**

**(g) House Committee**

- 270. Constitution of House Committee**
- 271. Quorum**
- 272. Functions of the Committee**
- 273. Provisions applicable in other respects**

**(h) Library Committee**

- 274. Constitution of Library Committee
- 275. Functions of the Committee
- 276. Provisions applicable in other respects

**(i) General Purpose Committee**

- 277. Constitution of General Purpose Committee
- 278. Functions of the Committee
- 279. Provisions applicable in other respects
- 279A. Public Accounts Committee
- 279A. (1) Estimates Committee
- 279A. (2) Committee on Public Undertakings
- 279B. Committee on Subordinate Legislation
- 279B. (1) Constitution of the Committee
- 279C. Chairman of the Committee
- 279D. Quorum
- 279E. Evidence before the Committee
- 279F. Duties of Committee
- 279G. Report of the Committee
- 279H. Presentation of the Report
- 279I. Power of Chairman to give directions

**CHAPTER XX**

**Communication between the Governor and the Council**

- 280. Communication from the Governor to the Council
- 281. Communication from the Council to the Governor

**CHAPTER XXI**

**General Rules of Procedure**

- 282. Notice by the Member
- 283. Circulation of notices and papers to Members
- 284. Lapse of pending notices on prorogation of the Council
- 285. Motion, Amendment or Resolution moved not to lapse
- 286. Power of Chairman to amend notice

**Motions**

- 287. Repetition of Motions
- 288. Notice of Motions
- 289. Withdrawal of a motion
- 290. Adjournment of debate on motion
- 291. Dilatory motion

- 292. Motion that policy or situation or statement or any other matter be taken in to consideration**

#### **Amendments**

- 293. Scope of Amendments**  
**294. Selection of Amendments**

#### **Rules to be observed**

- 295. Rules to be observed by members while present in the Council**  
**296. Members to speak when called by Chairman**  
**297. Mode of addressing the Council**  
**298. Rules to be observed while speaking**  
**299. Question to be asked through the Chairman**  
**300. Irrelevance of re-petition**  
**301. Personal explanation**

#### **Order of speeches and right of reply**

- 302. Order of Speeches and right of reply**

#### **Address by Chairman**

- 303. Address by Chairman**  
**304. Procedure when Chairman rises**

#### **Closure**

- 305. Closure**  
**306. Limitations of debates**

#### **Question for Division**

- 307. Procedure for obtaining decision of the Council**  
**308. Putting of question**  
**309. No speech after voices collected**

#### **Division**

- 310. Division**

#### **Withdrawal and suspension of Members**

- 311. Withdrawal of a Member**  
**312. Suspension of a Member**

### **Suspension of Sitting**

- 313. Power of Chairman to adjourn Council or suspend sitting**

### **Point of Order**

- 314. Point of Order**

### **Maintenance of Order**

- 315. Chairman to preserve order and enforce decision**

### **Admission of Strangers**

- 316. Admission of Strangers**

- 317. Withdrawal of Strangers**

### **Personal Pecuniary or Direct Interest**

- 318. Objection to membership of committee or vote of a member in a division**

### **Papers quoted to be laid on the Table**

- 319. Papers quoted to be laid on the Table**

- 320. Treatment of the papers laid on the Table**

### **Report of Proceedings**

- 321. Report of Proceedings**

- 322. Expunction of words from debates**

- 323. Indication in printed debates of expunged proceedings**

### **Custody of Papers**

- 323A. Custody of Papers**

### **Admission of Officers of the Assembly**

- 324. Admission of Officers of Assembly to sittings of Council**

### **Residuary Powers**

- 325. Residuary Powers**

### **Suspension of a Rule**

**326. Suspension of a Rule**

**CHAPTER XXII**

**Miscellaneous**

**Ratification of amendment to the Constitution**

**327. Ratification of amendment to the Constitution**

**CHAPTER XXIII**

**327A. Ethics Committee**

**327B. Department related Standing Committees**

**327C. Report/recommendations of the Committee**

**327D. Availability of Report to and Action Taken Report by the Government**

**327E. Applicability of General Rules**

**SCHEDULE**

**First Schedule:- Ballot procedure**

**Second Schedule:- Form of Petition**

**Third Schedule:- Form of Report on Petition by the Secretary**

**Fourth Schedule:- Form of Communication regarding arrest, detention conviction or release , as the case may be, of a Member**

# **RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE JAMMU AND KASHMIR LEGISLATIVE COUNCIL**

## **CHAPTER I**

### **Short title and Definitions**

**1. Short title.**-These rules may be called the “ Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Council”.

**2. Definitions.**- In these rules unless the context otherwise requires:-

- (a) “Assembly” means the Jammu and Kashmir Legislative Assembly;
- (b) ‘Chairman” means the person holding the office of the Chairman under section 61 of the Constitution or any other person elected to such office under the Constitution of these rules;
- (c) “Committee of the Council” means a Committee which is appointed or elected by the Council or nominated by the Chairman and which works under the direction of Chairman and presents its report to the Council or to the Chairman and the Secretariat for which is provided by the Legislative Council Secretariat;
- (d) “Constitution” means the Constitution of Jammu and Kashmir;
- (e) “Council” means Jammu and Kashmir Legislative Council;
- (f) “House” means the Council; Houses means Council and the Assembly;
- (g) “Leader of the Council” means the Chief Minister if he is a member of the Council, or a Minister who is a member of the Council and is nominated by the Chief Minister to function as Leader of the Council;
- (h) “Finance Minister” means the minister performing the functions under these rules assigned to the Finance Minister and includes any other minister duly authorized in that behalf;
- (i) “Gazette” means the Jammu and Kashmir Government Gazette;



- (j) “Member” means a member of the Council; provided that a Minister who is not a member and the Advocate General should be deemed to be members for the purpose of speaking, in moving motion, and otherwise taking part in the proceedings of the Council, and for the purpose of speaking in, or otherwise taking part in the proceeding of any question or be deemed to be a member for the purpose of forming a quorum;
- (k) “Member In-charge of the Bill” means in the case of a Government Bill any Minister and in any other case, the member who has introduced the Bill or a member authorized by such member to act on his behalf or where the Bill has been transmitted from the Assembly, the member or a Minister who has given notice of his intention to move that the Bill be taken in to consideration;
- (l) “Minister” means a member of the Council of Ministers and includes a Minister of State, a Deputy Minister or a Parliamentary Secretary;
- (m) “Motion” means any proposal brought forward for the consideration of the Council and includes a resolution and an amendment;
- (n) “Precincts of the House” means and includes the Chamber, the Lobbies, the Galleries and such other places as the Chairman may, from time to time, specify;
- (o) “Secretary” means the Secretary to the Council and includes any person for the time being performing the duties of the Secretary;
- (p) “Table” means the Table of the Council;
- (q) “Clear days” includes Sundays and Holidays;
- (r) “Statutory Motion” means a motion which is made in pursuance of any statute or enactment for the time being in force;
- (s) “Recognized parties” means parties recognized by the Chairman;
- (t) “Government” means the Government of Jammu and Kashmir;
- (u) “Leader of the Opposition” means the Leader of the largest recognized party in opposition and recognized as such by the Chairman;

- (v) “Secretariat” means and includes the Jammu and Kashmir Legislative Council Secretariat whether headquartered at Jammu or Srinagar;
- (w) “Session” means the period commencing with the time of the first sitting of the Council specified in the order of the Governor under section 53(1) of the Constitution and terminating with the prorogation of the Council in pursuance of the order of the Governor under section 53(2) of the Constitution;
- (x) “Substantive motion” means a self contained proposal submitted for the approval of the Council and drafted in such a way as to be capable of expressing a decision of the Council;
- (y) “State” means the State of Jammu and Kashmir;
- (z) “Financial Year” means a period of 12 months commencing on April 1<sup>st</sup>. to ending 31<sup>st</sup> March next;
- (aa) “Bulletin” means the Bulletin of the House containing
- i. a brief record of proceedings of the House at each of its sittings
  - ii. information on any matter relating to or connected with the Business of the House on other Matters which in the opinion of the Chairman may be included therein.
- (bb) “Private Member” means a member other than Minister;
- (cc) “Governor” means the Governor of Jammu and Kashmir State;
- (dd) “Naming a Member” means drawing the attention of the House by the Chairman to the conduct of member with a view to action being taken against him.

(2) Words and expressions used in the Constitution and also in these rules shall, unless the context otherwise requires, have the meanings assigned to them in the Constitution.

## CHAPTER II

### **Summons to members, Seating, Oath or affirmation and roll of Members**

3. **Summon to Members.**- On the issue by the Governor of an order under section 53(1) of the Constitution appointing time and place of the commencement of the session of the Council, the Secretary shall issue summons to each member specifying the time and place so appointed:

Provided that when a session is called at Short Notice or emergently summons may not be issued to each member separately but announcement of the date, time and place of the session shall be published in the Gazette and made in the Press and on Radio and members may be informed telegraphically.

**3-A.** “Prorogation” means a session of the Council is prorogued the Secretary shall issue a notification in respect thereof in Government Gazette and inform the members.

4. **Seating of Members.**- Member shall sit in such order as the Chairman may determine.

5. **Oath or Affirmation.**- A Member who has not already made and subscribed an oath or affirmation, in pursuance of section 64 of the Constitution, may do so at the commencement of a sitting of the Council or at any other time of the sitting of the Council, as the Chairman may direct, on any day after giving previous notice in writing to the Secretary.

6. **Roll of Members.**- There shall be a Roll of members of the Council which shall be signed by every member, before taking his seat, in presence of the Secretary.

## **CHAPETR III**

### **Election of Chairman, Deputy Chairman, and Panel of Vice-Chairmen**

**7. Election of Chairman.**-(1) The election of Chairman shall be held on such date as the Governor may fix and the Secretary shall send to every member notice of this date.

(2) At any time before noon on the day preceding the date so fixed , any member may give notice in writing addressed to Secretary, of a motion that another member be chosen as the Chairman of the Council and the notice shall be seconded by a third member and shall be accompanied by a statement by the member whose name is proposed in the notice that he is willing to serve as Chairman if elected;

Provided that a member shall not propose or second more than one motion.

(3) A member in whose name a motion stands on the list of business may, when called, move the motion of withdraw the motion, in which case he shall confine himself to a mere statement to that effect.

(4) The motions which have been moved and duly seconded shall be put one by one in the order in which they have been moved and decided if necessary, by division. If any motion is carried, the person presiding shall without putting latter motions, declare that the member proposed in the motion which has been carried, has been chosen as the Chairman of the Council.

**8. Election of Deputy Chairman** .-(1) The election of a Deputy Chairman shall be held on such date as the Chairman may fix and the Secretary shall send to every member notice of this date.

(2) In the case of election of Deputy Chairman sub-rule 2,3 and 4 of Rule 7 shall apply.

**9. Panel of Vice-Chairmen.**-(1) At commencement of the Council or from time to time, as the case may be, the Chairman shall nominate from amongst the members of the Council, a panel of not more than three Vice-Chairmen, any one of whom may preside over the Council in the absence of the Chairman and Deputy Chairman when so desired by the Chairman or by Deputy Chairman or in his absence also by the Vice-Chairman presiding. If no such person is present the Council may if there is quorum by a motion elect one of its members present to preside and act as Vice-Chairman.

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

**10. Power of person presiding.-** The Deputy Chairman or other member competent to preside over a sitting of the Council under the Constitution of these rules shall, when so presiding have the same power as the Chairman when presiding over the Council and all reference to the Chairman in these rules shall in these circumstances be deemed to be references to any such person so presiding.

**11. Delegation of Powers to Deputy Chairman.-** When by reason of illness or absence from the State or for any other sufficient cause the Chairman is unable to exercise any of his powers or discharge any of his functions, he may by order in writing delegate to the Deputy Chairman such of his powers and functions as he may deem fit. He may likewise revoke any such delegations:

Provided that if there is no Deputy Chairman, he may delegate such powers to any of the Vice-Chairman, he may deems fit.

## CHAPTER IV

### Sitting of the Council

**12. When is sitting of the Council duly constituted.**-A sitting of the Council is duly constituted when it is presided over by the Chairman or any other member competent to preside over a sitting of then Council under the Constitution of these rules

**13. Commencement and conclusion of single sitting.**- Sitting of the Council shall commence and conclude at such hours as the Chairman may direct.

**14. Sitting of the Council.**- The Council shall sit on such days, as the Chairman having regard to the State business of the Council may from time to time direct

**15. Quorum.**- The quorum to constitute a sitting of the Council shall be ten.

**16. Adjournment of the Council.**- The Chairman shall determine the time when a sitting of the Council shall be adjourned *sine die* or to a particular day, or to an hour or part of the same day:

Provided that the Chairman may, if he thinks fit, call a sitting of the Council before the date or time to which it has been adjourned or at any time after the Council has been adjourned *sine die*

## CHAPTER V

### Governor's Address and Message to the Council

**17. Allotment of time for discussion of Governor's Address.-** The Chairman, in consultation with the Leader of the Council, shall allot time for the discussion of the matters referred to in the Governor's Address to the Houses under section 55(1) of the Constitution.

**18. Scope of the discussion.-** on such day or days or part of any day, the Council, shall be at liberty to discuss the matters referred to in such address on a motion of thanks moved by a member and seconded by another member.

**19. Amendments.-** Amendments may be moved to such motion of thanks in such form as may be considered appropriate by the Chairman.

**20. Other business that may be taken up.-**(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 day; and
- (b) other business of a formal character may be transacted on such day before the Council 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 that the discussion on the address be adjourned to a subsequent day to be appointed by the Chairman. The Chairman shall forthwith put the question, no amendment or debate being allowed.

**21. Governments right of reply.-** The Chief Minister or any other Minister whether he has previously taken part in the discussion or not shall on behalf of the Government have a general right of explaining the position of the Government at the end of the discussion and the Chairman may enquire how much time will be required for the speech so that he may fix the hour by which the discussion shall conclude.

**22. Time limit for speeches.-** The Chairman may, if he thinks fit, prescribe after taking the sense of the Council a time limit for speeches.

**23. Governor's address under section 54(1) of the Constitution.-** The Chairman may allot time for the discussion of the matters referred to in Governor's Address under section 54(1) of the Constitution.

**24. Message by Governor.-** Where a message from the Governor for the Council under section 54(2) of the Constitution is received by the Chairman, he shall read the message to the Council and give necessary directions in record to the procedure that shall be followed for the consideration

of the matters referred to in the message. The Chairman shall have the power to suspend or vary the rules to such extent as may be necessary.

**25. Prorogation of the Council.**- When the Governor prorogues the Council or Houses, he may address the Council or Houses as the case may be.



## CHAPTER VI

### Arrangements of Business and List of Business

**26. Oral answers to Questions.-** Unless the Chairman otherwise directs the first hour of every sitting, after the swearing in of the Member, if any, shall be available for oral answers to the questions.

**27. Arrangements of Government Business.-** On days allotted for the transaction of Government Business that business shall have precedence and the Secretary shall arrange that business in such order as the Chairman after consultation with the Leader of the Council, may determine.

Provided that such order of business shall not be varied on the day that business is set down for disposal unless the Chairman is satisfied that there is sufficient ground for such variation.

**28. Allotment of time for Private Members' Business.-** The Chairman, after considering the state of business of the Council may allot so many days as may be possible for private members, business, and may allot different days for the disposal of different classes of such business, and on days so allotted for any particular class of business, that class shall have precedence.

**29. Procedure of Private Members' Bill.-**(1) The relative precedence of private members' Bill on a day allotted for the disposal of such Bills shall be in the following order, *viz:-*

- (a) Bills in respect of which the motion is that leave to granted to introduce the Bill;
- (b) Bill returned by the Governor with a message under section 78 of the Constitution;
- (c) Bills which have been passed by the Council and returned by the Assembly with amendments;
- (d) Bills which have been passed by the Assembly and transmitted to the Council;
- (e) Bills in respect of which a motion has been carried that the Bill be taken into consideration;
- (f) Bills in respect of which the Report of a Joint or Select Committee has been presented;
- (g) Bills which have been circulated for the purpose of eliciting opinion;
- (h) Bills introduced and in respect of which no further motion has been made or carried; and
- (i) Other Bills.

(2) The relative precedence of Bills falling under the same clause of sub-rule(1) for the purposes of entry in the list of business for the day

earmarked for such class of business shall be determined by holding draw of lots for that day in accordance with the procedure set out in First Schedule:

Provided that the motion in respect of Bills falling under clause (a) of sub-rule(1) shall be entered in the list of business in the order the notices of such motions have been entered:

Provided further that the Bill falling under clause (h) of sub-rule(1) shall be arranged in groups in order of their date of introduction and relative precedence within each group shall be determined by draw of lots.

**30. Precedence of Private Members' Resolution.**- The relative precedence of resolutions notices of which have been given by private member shall be determined by draw of lots to be held in accordance with the order made by the Chairman set out in the First schedule.

**31. Business outstanding at end of day.**- Any business set out for the day and not disposed of on that day shall stand over until the next day of the session available for business of the class to which it belongs or until such other day in the session so available as the Chairman may appoint and notwithstanding anything contained in these rules any such business which is under discussion at the end of the day, shall have precedence over all other business set down for the other day.

**31(A) List of Business.**-(1) A list of business for the day shall be prepared by the Secretary and a copy thereof shall be made available for the use of every member.

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

(3) Save as otherwise provided in these rules, no business requiring notice shall be set down for a day earlier than the day after that on which the period of the notice necessary for that class of business expires.

*( For rules relating to Business Advisory  
Committee see chapter XIX of these rules)*

## CHAPTER VII

### Questions

**32. Time for questions.**- Unless the Chairman otherwise directs, the first hour of every sitting shall be available for the asking and answering of questions.

**33. Notice of questions.**- Unless the Chairman otherwise directs, a notice not less than thirty clear days of a question shall be given prior to the commencement of the session.

**34. Form of notice of questions.**-(1) Notice of question shall be given in writing to the Secretary and shall specify the official designation of the Minister to whom it is addressed.

(2) Each question shall be written on a separate sheet of paper. A member who desires an oral answer to his question shall distinguish by an asterisk mark on the top. Such questions which shall be called 'Starred' questions. Replies to other questions which shall be called 'un-starred' questions will not be read in the House but the questions shall be printed in the list of questions for written answers.

**35. Written answers to questions not replied orally.**- If any question placed on the list of questions for oral answer on any day is not called for answer within the time available for answering questions on that day, the Minister to whom the question is addressed shall forthwith lay upon the table a written reply to the question, if this has not already been done, and no oral reply shall be required to such question and no supplementary question shall be asked in respect thereof unless the Chairman otherwise directs.

**35-(A) Rational allotment of days for questions.**- The time available for answering questions shall be allotted on different days in rotation for answering of questions relating to such Ministry or Ministries as the Chairman may, from time to time provide, and on each day, unless the Chairman with the consent of Minister concerned otherwise direct, only questions relating to the Ministry or the Ministries for which time has been allotted on that day shall be placed on the list of questions for oral answers.

**36. Subject matter of questions.**- Subject to the provisions of these rules a question may be asked for the purpose of obtaining information on a matter of public concern within the special cognizance of the Minister to whom it is addressed.

**37. Admissibility of questions.**- In order that a question may be admissible, it must satisfy the following conditions, namely:-

- I. It shall not bring in any name or statement not strictly necessary to make the question intelligible;

- II. If it contains a statement, the member shall make himself responsible for the accuracy of the statement;
- III. It shall not contain arguments, inference, ironical expressions, imputations, epithets or defamatory statements;
- IV. It shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition.
- V. It shall amount in substance to a suggestion or request for any particular action but it may ask for a statement of the intentions of Government in respect of a matter on which a question may be asked;
- VI. It shall not ask as to the character or conduct of any person except in his official or public capacity;
- VII. it shall not be of excessive length;
- VIII. It shall not relate to a matter which is not primarily the concern of the Government;
- IX. In matters which are or have been the subject of controversy between the Government of India and the State Government;
- X. It shall not ask about proceedings in a Committee which have not been placed before a Committee of the Council by a report from the Committee;
- XI. It shall not ordinarily ask for information on matters which are under consideration before a Committee of the Council;
- XII. It shall not reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion;
- XIII. It shall not make or imply a charge of personal character;
- XIV. It shall not raise questions of policy too large to be dealt within the limits of an answer to a question;
- XV. It shall not repeat in substance questions already answered or to which an answer has been refused;
- XVI. It shall not ask for information on trivial, vague or meaningless matter;
- XVII. It shall not ordinarily seek information on matters of past history;
- XVIII. It shall not require information set forth in accessible documents or in ordinary works of reference;
- XIX. It shall not raise matters under the control of bodies or person not primarily responsible to the Government;
- XX. It shall not ask for the information on a matter which is under adjudication by a Court of Law having jurisdiction in any part of India;

\XXI. It shall not relate to a matter with which a Minister is not officially connected;

XXII. It shall not seek information about the matters which in their nature are secret such as decisions of proceedings of the Cabinet or advice given to the Governor in relation to any matter in respect of which there is a constitutional, statutory or conventional obligation not to disclose information;

XXIII. It shall not ordinarily ask 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 procedures 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.

**38. Chairman to decide admissibility.**- (1) The Chairman shall decide whether a question or a part thereof is or is not admissible under these rules and may disallow any question or a part thereof when in his opinion it is an abuse of the right of questioning or calculated to obstruct or prejudicially affect the procedure of the Council or is in contravention of these rules.

(2) If a question is disallowed, it shall not be placed on the list of questions nor shall it be entered in the proceedings of the Council.

**39. Chairman's decision on points of doubts.**- If any doubt arises, whether any question is or is not within the scope of these rules, the Chairman shall decide the point and his decision shall be final.

**40. Chairman to decide if a question is to be treated as starred or un-starred.**- If in the opinion of the Chairman any question put down for oral answer is of such 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 Chairman may, if he thinks fit, call upon member who has given notice of the question for oral answer to state in brief his 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.

**40-A.** If in the opinion of the Chairman, any question of which notice has been received from a member needs to be divided into different questions or any two or more questions need to be consolidated into single question, the Chairman may admit the question with necessary improvement or may divide the question or consolidate such questions into one.

The Chairman may for purpose of proper admission of a question require the notice given of the question to furnish such information or clarification as he may consider necessary.

The Chairman may also require Government to supply such information as may be considered necessary by him for deciding the admissibility of questions and such information shall be supplied forthwith.

**41. List of questions and their order.-** (1) Questions which have not been disallowed shall be entered in the list of questions for the day for oral or written answers as the case may be in accordance with the orders of the Chairman.

(2) The question list for each day shall be prepared in two parts- Part I containing Starred and Part II, containing un-starred questions and the Secretary shall not enter more than four starred and four un-starred questions of one member on the same list.

(3) No member shall give notice of more than 20 starred and 15 un-starred questions for budget session and 15 starred and 5 un-starred questions in respect of any other session.

**42. Withdrawal of questions.-** A member may be notice given at any time before the sitting for which his question has been placed in the list, withdraw his question or postpone it to a later day to be specified in the notice and on such later day, the question shall subject to the provisions of the rules, be placed on the list at the end of the questions which have not been postponed:

Provided that the postponed question shall not be placed on the list until two clear days have expired from the day when the notice of the postponement has been received by the Secretary.

**43. Supply of copies of questions and answers.-** The Secretary shall forthwith send to the Secretary to Government in the Department concerned three copies of the questions admitted by the Chairman and the Minister concerned shall cause the reply to the questions be sent to the Secretary who shall make a copy thereof available to the member concerned on the day on which the question is to answered. If the reply is not ready on the day on which the question is called, the Minister concerned or any other Minister on his behalf shall explain the reasons for the delay and the questions shall stand over to a subsequent day to be fixed by the Chairman.

**44. Printed question list to be supplied to members.-** The question list shall be printed separately for each day of the session and copies thereof shall be made available to the member at least one day before the day on which the questions are to be asked.

**45. Mode of asking questions.-**(i) when the time for asking questions arrives: the Chairman shall call successively each member in whose name a question appears on the list of questions.

(ii) the member so called shall rise in his place and unless he states that it is not his intention to ask the question standing in his name, he shall ask the question by reference to its number on the list of questions.

- (iii) if on a question being called it is not asked or the 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.

**46. Questions of absent members.-** When all the questions for which oral answers are 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 also permit a member to ask a question standing in the name of another member, if so authorized by him.

**47. Supplementary questions.-**(I) No discussion shall be permitted during the time for question under rule 32 in respect of any question or of any answer given to a question.

(II) Any member when called by the Chairman may ask a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given.

Provided that the Chairman shall disallow any supplementary question if in his opinion, it infringes the rules regarding questions.

**48. Short notice questions.-** (1) A question relating to a matter of public importance may be asked with shorter notice than thirty clear days and if the Chairman is of opinion that the question is of an urgent character he may direct that an enquiry may be made from the Minister concerned as to the date when he would reply.

(2) The Minister concerned shall answer the question on the day specially by him and such question shall be called immediately after the questions, which have appeared on the list of questions for oral answer, have been disposed of.

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

(4) The member who has given notice of the question shall be in his seat to read the question when called by the Chairman and the Minister concerned shall give a reply immediately.

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

**49. Power of Chairman to direct answer being given of a question of public interest.-** The Chairman at the request of a Minister may direct that an answer of a question which has been called may be given on the ground of the public interest even though the question is not asked or member in whose name it stands is absent.

‘Provided that a question not reached for oral answer may be answered after the end of the Question Hour with the permission of Chairman if the Minister represents to the Chairman that the question is one of special public interest to which he desires to give a reply’.

**50. No publicity of answers to questions in advance.**- Answers to questions which Minister is supposed to give in the House shall not be released for publication until the answers have actually been given on the Floor of the House or laid on the Table.



## **CHAPTER VIII**

### **Half an Hour Discussion**

**51. Discussion on a matter of public importance arising out of answer to Question.-** (1) The Chairman shall allot half an hour on Monday and Thursday after the conclusion of business set down for day for raising discussion on a matter of sufficient public importance which has been the subject of a recent question oral, or written , and the answer to which needs elucidation on a matter of fact:

Provided that where any such days as aforesaid is declared as public holidays or as an off days, the discussion may be held on such other day in that week as may be specified by the Chairman.

(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 shortly specify the point or points that he wishes to raise:

Provided that the notice shall be accompanied by an explanatory note stating reasons for raising discussion on the matter in question:

Provided further that the notice shall be supported by the signature of at least two other members:

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 be put down for discussion and may not admit a notice which may in his opinion seek to revise the policy of Government.

(4) If more than two notices have been received and admitted by the Chairman, the Secretary shall hold a ballot with a view to draw two notices and notices shall be put down in the order in which they were received in point of time.

Provided that if any matter put down for discussion on a particular day is not disposed of on that day it shall not be set down for any other day, unless the member so desires in which case it shall be included in the ballot for the next available day.

(5) There shall be no formal motion before the Council for voting. The member who has given notice may make a short statement and the Minister concerned shall reply shortly. Any member who has previously intimated to the Chairman may be permitted to ask a question for the purpose of further elucidating any matter of fact:

Provided that if the member who has given notice is absent, any member who has supported the notice may, with the permission of the Chairman initiate the discussion.

## CHAPTER IX

### Motion on Matters of Public interest and “Motion of Papers”

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

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

**54. Conditions of admissibility of a motion.-** Notice of the motion may be admissible if 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 person except in their public capacity;
- iv. It shall be restricted to a matter of recent occurrence;
- v. It shall not raise question of privilege;
- vi. It shall not revive discussion of 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.

**55. Chairman to decide admissibility of a motion.-** The Chairman shall decide on the admissibility of a motion and may disallow a motion or a part, thereof when in his opinion, it does not comply with these rules.

**55-A.** 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.

**56. Circulation of “No-day-yet” named motions.-** If Chairman admits notice of such a motion it shall be immediately notified in the Council bulletin with the heading “No-Day-Yet Named Motion”.

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

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

**59. Time limit for speeches.-** The Chairman may, if he thinks fit prescribe a time limit for speeches.

**60. Motion for papers.-** (i) Any member desirous of raising discussion on a matter of urgent public importance may give notice of motion for papers and specify clearly and precisely the matter to be raised.

(ii) If the Chairman is satisfied after calling for such information from the member who has given notice and from the Minister, as he may deem necessary that the matter is urgent and of sufficient importance to be raised in the Council at an early date he may admit the motion and fix the date on which such motion may be taken up and allot such for its discussion not exceeding three hours as he may consider appropriate in the circumstances;

Provided that if an early opportunity is otherwise available for the discussion of the proposed matter the Chairman may refuse to admit the motion.

(iii) If, at the end of such discussion the motion is not by leave of the council withdrawn or the Minister states that there are no papers to be laid on the Table or if the papers are available they can not be laid on the Table on the ground that it will be determined in the public interest to do so it will be open to any member to move an amendment recording the opinion of the Council on the matter in such form as may be considered appropriate by the Chairman.

(iv) An amendment, if moved, will be put to the Council without discussion unless the Chairman in his discretion thinks fit to allot further time for the elucidation of any matter arising out of the amendment.

(v) In other respects rules governing the admission and discussion of a motion “for papers” shall be the same as for motions on matters of public interest with such modifications as the Chairman may consider necessary or convenient.

**60-A Notice of raising discussion.-** Any member desirous of raising discussion on a matter of urgent public importance may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised:

Provided that the notice shall be accompanied by an explanatory note stating reasons for raising discussion on the matter in question:

Provided further that the notice shall be supported by the signatures of at least two other members.

**60-B Chairman to decide admissibility.**- If the Chairman is satisfied, after calling for such information from the members who has given notice and from the Minister as he may consider necessary that the matter is urgent and is of sufficient public importance to be raised in the Council at an early date, he may admit the notice and in consultation with the Leader of the Council fix the date on which such matter be taken up for discussion and allow such time for discussion, not exceeding two and a half hour, as he may consider appropriate in the circumstances.

**60-C No formal motion.**- There shall be no formal motion before the Council for voting. The member who has given notice may make a short statement and the Minister shall reply shortly. Any member who has previously intimated to the Chairman may be permitted to take part in the discussion.

**60-D Time limit for speeches.**- The Chairman may, if he thinks fit, prescribe a time limit for speeches.

# CHAPTER X

## Legislation

### 1. Bills origination in the Council

#### (a) Introduction and publication of Bills

**61. Publication of Bills before introduction.-** The Chairman on a request being made to him, may order the publication of any Bill (together with the Statement of objects and Reasons, the memorandum regarding delegation of legislative power and the Financial Memorandum accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case, it shall not be necessary to move for leave to introduce the Bill and if the Bill is afterwards, introduced, it shall not be necessary to publish it again.

**62. Notice of a motion for leave to introduce private members Bills.-** (1) any member, other than a Minister, desiring to move for leave to introduce a Bill, shall give notice of his intention and shall together with notice, submit a copy of the Bill and explanatory Statement of Objects and Reasons which shall not contain arguments:

Provided that the Chairman may, if he thinks fit, revise the Statement of Objects and Reasons.

(2) If the Bill is a Bill which under the Constitution cannot be introduced without the previous sanction or recommendation of the Governor the member shall annex to the notice such sanction or recommendation and the notice shall not be valid until this requirement is complied with.

(3) The period of notice of a motion for leave to introduce a Bill under this rule shall be thirty clear days prior to the commencement of the session unless the Chairman allows the motion to be made at a shorter notice.

(4) The Chairman may disallow a notice of a Bill in case the Bill does not comply with the requirement of sub-rule (2) of this rule or rule 56 or 66.

**63. Introduction of Bill dependent on another Bill pending before the Council.-** A Bill which is dependent wholly or partly upon another Bill pending before the Council, may be introduced in the Council in anticipation of the passing of the Bill on which it is dependent;

Provided that the second Bill shall be taken up for consideration and passing in the Council only after the first Bill has been passed by the Houses and assented to by the Governor.

**64. Communication of sanction or recommendation of Governor in respect of Bills.-** The order of the Governor granting or withholding the sanction or recommendation to the introduction or consideration of a Bill shall be communicated to the Secretary by the Minister concerned in writing.

**65. Financial memorandum to Bills and money clauses in Bills.-**  
(1) 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.

(2) Clauses or provisions in Bills involving expenditure from public funds shall be printed in thick type or in italics:

Provided that where a clause in a Bill involving expenditure is not printed in thick type or in italic, the Chairman may permit the member in-charge of the Bill to bring such clauses to the notice of the Council.

**66. Explanatory memorandum to Bills delegating Legislative Powers.-** A Bill involving proposals for the delegation of legislative powers 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.

**67. Statement in connection with Ordinance.-** (1) whenever a Bill seeking to replace an Ordinance with or without modification is introduced in the Council there shall be placed before the Council along with the Bill statement explaining the circumstances which necessitated immediate legislation by Ordinance.

(2) whenever an Ordinance which embodies wholly or partly or with modifications the provisions of a Bill pending before the Council is promulgated a statement explaining the circumstances which necessitated immediate legislation by Ordinance shall be laid on the Table at the commencement of the session following the promulgation of the Ordinance.

**68. Procedure when motion for leave to introduce a Bill is opposed.-** If a motion for leave to introduce a Bill is opposed the Chairman after permitting, if he thinks fit, a brief explanatory from the member who moves and from the member who opposes the motion may put the question without further debate.

Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the Council, the Chairman may permit a full discussion thereon.

**69. Publication of Bills after introduction.**- As soon as may be after Bill has been introduced the Bill, unless it has already been published, shall be published in the Gazette.

### **(b) Motion after Introduction of Bills**

**70. Motion after introduction of Bills.**- When a Bill is introduced or on some subsequent occasion, the member in-charge may make one of the following motion in regard of his Bill namely:

- (a) That it be taken into consideration; or
- (b) That it be referred to a Select Committee of the Council; or
- (c) That it be referred to a Joint Committee, of the Houses with the concurrence of Assembly, or
- (d) That it be circulated for the purpose of eliciting opinion thereon:

Provided that no such motion shall be made until after copies of Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so made available for three days before the day on which the motion is made and such objection shall prevail, unless the Chairman allows the motion to be made.

**71. Discussion of Principal of Bill.**- (1) On the day on which any motion referred to in rule 70 is made, or on any subsequent day to which the discussion thereof is postponed, the principle of the Bill and its provisions may be discussed generally but the details of the Bill shall not be discussed further than is necessary to explain its principles.

(2) At this stage no amendments to the Bill may be moved, but :

- (a) If the member in-charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be referred to Select Committee of the Council, or a Joint Select Committee of the Houses with the concurrence of the Assembly, or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion; or
- (b) If the member in-charge moves that the Bill be referred to a Select Committee of the Council, or a Joint Select Committee of the Houses with the concurrence of the Assembly, any member may move as an amendment that the Bill be referred to a Joint Select Committee of the Houses with the concurrence of the Assembly or a Select

Committee of the Council as the case may be, or that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

(3) 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 shall move that the Bill be referred to a Select Committee of the Council or Joint Select Committee of the Houses with the concurrence of the Assembly, unless the Chairman allows a motion to be made that the Bill be taken into consideration.

**72. Person by whom motion in respect of Bills may be made.-** 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 of the Council or a Joint Select Committee of the Houses with the concurrence of the Assembly or be circulated for the purpose of eliciting opinion thereon shall be made by any member other than the member in-charge of the Bills except by way of amendment to a motion made by the member in-charge.

### **(c) Select Committee on Bills**

**73. 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 be 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 ascertain whether a member proposed to be named by him is willing to serve on the Committee.

**74. Chairman of Select Committee.-** (1) The Chairman of the Committee shall be appointed by the Chairman of the Council from amongst the members of the Committee:

Provided that where the Deputy Chairman is a member of the Committee, he shall be appointed Chairman of the Committee.

(2) If the Chairman of the Committee is for any reason unable to act, Chairman of the Council may similarly appoint another Chairman of the Committee in his place.

(3) If the Chairman of the Committee is absent from any sitting, the committee shall choose another member to act as Chairman of the Committee for that sitting.

**75. Quorum of Select Committee.-**(1) The quorum to constitute a sitting of the Committee shall be as near as may be one-third of the total number of members of the Committee.

(2) If at the time fixed for any sitting of the Select Committee, or if at any time during any such sitting, there is no quorum the Chairman of the



Committee shall either suspend the sitting until there is a quorum or adjourn the sitting to some future day.

(3) Where the Select Committee has been adjourned in pursuance of sub-rule(2) on two successive dates fixed for sitting of the Committee the Chairman of the Committee shall report the fact to the Council.

**76. Discharge of members absent from sittings of the Select Committee.-** If a member is absent from two or more consecutive sittings of the Select Committee without the permission of the Chairman of the Committee, a motion may be moved in the Council for the discharge of such member from the Committee.

**77. Members other than members of Committee may be present at a sitting.-** 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.

**78. Casting vote of Chairman of Select Committee.-**(1) All questions at any meeting of a Select Committee shall be determined by a majority of votes of the members present and voting.

(2) In the case of equality of votes on any matter the Chairman of the Committee or other person presiding shall have a second or casting vote.

**79. Power to appoint sub-Committee.-** A Select Committee may appoint a sub-committee to examine any special point 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.

**80. Sitting of a Select Committee.-** The sitting of a Select Committee shall be held on such days and at such hours as the Chairman of the Committee may fix.

Provided that if the Chairman of the Committee is not readily available, the Secretary may, in consultation with the Minister whose Ministry is concerned with the Bill fix the date and time of a sitting.

**81. Notice of amendments and procedure generally in Select Committee.-**(1) If notice of a proposed amendment has not been given before the day on which the Bill is taken up by the Select Committee, any member may object to the moving of the amendment and such objection shall prevail unless the Chairman of the Committee allows the amendment to be moved.

(2) in other respects, the procedure, in a Select Committee shall be as far as practicable, be the same as is followed in the Council during the consideration stage of a Bill, with such adaptations, whether by way of

modification, additions, or omission, as the Chairman may consider necessary or convenient.

**82. Notice of amendments by a member other than the member of Select Committee.**- When a Bill has been referred to a Select Committee, any notice given by a member of any amendment to clause in the Bill shall stand referred to the Committee provided that where notice of amendment is received from a member who is not member of the Select Committee such amendment shall not be taken up by the Committee unless moved by a member of the Committee.

**83. Power to take evidence or call for paper records or documents.**-(1) A Select Committee shall have power to require the attendance of the persons or the production of papers or record, if such a course is considered necessary for the discharge of its duties.

Provided that if a question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Chairman of the Council whose decision shall be final.

Provided further that Government may decline to produce a document on the ground that its disclosure could be prejudicial to the safety or interests of the State.

(2) Subject to the provisions of this rule a witness may be summoned by an order signed by the Secretary and shall, produce such documents as are required for the use of the Committee.

(3) A Select Committee may hear expert evidence and representatives of special interest affected by the measure before them.

(4) No document submitted to the Committee shall be withdrawn or altered without the knowledge and approval of the Committee.

**84. Procedure for examining witnesses.**- The examination of witnesses before a Select Committee shall be conducted as follows:-

(1) The Select Committee shall before a witness is called for examination decide the mode of procedure and the nature of question that may be put to the witness.

(2) The Chairman of the Select Committee may first put to the witness such question as he may consider necessary with reference to the subject matter of the Bill or any connected subject thereto according to the mode of procedure mentioned in sub-rule(1) of this rule.

(3) The Chairman of the Committee may call other members of the Select Committee one by one to put any other question.

(4) A witness may be asked to place before the Committee any other relevant points that have not been covered and which a witness thinks are essential to be placed before the Committee

(5) A verbatim record of proceedings of the Select Committee when a witness is summoned to give evidence shall be kept.

**85. Printing and publication of evidence tendered before the Select Committee.**-(1) The evidence tendered before the Select Committee under rule 83 may be made available at all members of the Select Committee.

(2) The Committee may direct the whole or a part of the evidence or a summary thereof may be laid on the Table.

(3) The evidence given before a Select Committee shall not be published by any member of the Select Committee or by any other person until has been laid on the Table:

Provided that the Chairman of the Council may in his discretion, direct that such evidence be confidentially made available to members before it is formally laid on the Table.

**86. Powers of Chairman to give directions on a point of procedure or otherwise.**-(1) The Chairman of the Council may from time to time issue such directions to the Chairman of the Committee as he may consider necessary for regulating its procedure and the organization of its work.

(2) If any doubt arises on any point of procedure or otherwise the Chairman of the Committee may, if he thinks fit, refer the point to the Chairman of the Council whose decision shall be final.

**87. Power of Select Committee to make suggestion on procedure.**- A Select Committee shall have power to pass resolutions on matters of procedure relating to Select Committee for the consideration of the Chairman of the Council, who may make such variations in procedure as may consider necessary.

**88. Record of the decision of a Select Committee.**- A record of the decisions of a Select Committee shall be maintained and circulated to members of the Committee under the direction of the Chairman of the Committee.

**89. Reports by Select Committee.**-(1) As soon as may be after a Bill has been referred to a Select Committee, the Select Committee shall meet from time to time in accordance with rule 80 to consider the Bill and shall make report thereon within the time fixed by the Council:

Provided that where the Council has not fixed any time for the presentation of the report, the report shall be presented before the expiry of

three months from the date on which the Council adopted the motion for the reference of the Bill to the Select Committee or if a session of the Council is not held within three months, at the next session:

Provided further that the Council may at any time on a motion being made, direct that the time for the presentation of the report by the Select Committee be extended to a date specified in the motion.

(2) Reports may be either preliminary or final.

(3) The report of a Select Committee shall state the date on which the Bill was published in the Gazette and whether in the opinion of the committee the Bill has been so altered as to require publication or not.

(4) Where a Bill has been altered, the Select Committee may, if they think fit, include in their report as recommendation to the member in-charge of the Bill that his next motion should be a motion for circulation or where the Bill has already been circulated for recirculation.

(5) The report of the Select Committee shall be signed by the Chairman of the Committee on behalf of the Committee.

Provided that in case the Chairman of the Committee is absent or is not readily available, the Committee shall choose another member to sign the report on behalf of the Committee.

(6) Any member of the Select Committee may record a minute of dissent on any matter or matters connected with the Bill or dealt within report:

Provided that the member shall hand-over to the Chairman of the Committee, the minute of dissent within three days of the date on which the Committee adopted the report.

(7) A minute of dissent shall be couched in temperate and decorous language and shall not refer to any discussion in the Select Committee nor cast aspersions on the Committee.

(8) If in the opinion of the Chairman a minute of dissent contains words, phrases or expressions which are unparliamentary or otherwise inappropriate, he may order such words, phrases or expressions to be expunged, from the minutes of dissent.

**90. Presentation of report.**-(1) The report of a Select Committee on a Bill together with the minutes of dissent if any shall be presented to the Council by the Chairman of the Committee or in his absence by any other member of the Committee.

(2) In presenting a report the Chairman of the Select Committee or in his absence, any other member of the Committee shall, if he makes any remarks, confine himself to a brief statement of fact, but there shall be no debate at this stage.

**91. Chairman's power to order reprint.**- If a Select Committee has reported that the Bill in their judgment does not require republication the Chairman of the Council if he considers that for the purpose of facilitating the discussion of the Bill in the Council, a reprint of the amended Bill is required, he may direct that the Bill amended by the Select Committee be reprinted and copies of the reprinted Bill be supplied to the members.

92. **Printing and publication of Reports.**- The report of a Select Committee together with the minutes of dissent if any, and the amended Bill where republication of the Bill is considered necessary shall be published in the Gazette by the Secretary and a copy of the report shall be made available for the use of every member.

#### **(d) Joint Select Committee**

**93. Concurrence of the Assembly to the setting up of a Joint Select Committee.**- 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 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 rule 95 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.

**94. Message to the Assembly.**- On the adoption of such a 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 rule 95.

**95. Strength of the Committee.**- The total number of Members of a Joint Select Committee shall not exceed fifteen 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.

**96. Time and place of first sitting.**- The time and first place of sitting of the Committee shall be fixed by the presiding officer of the House in which the Bill originated.

**97. Chairman of the Joint Select Committee.**- The Minister in-charge of the Departments to which the Bill relates shall be the Chairman of

the Joint Select Committee unless he waives his right, in which case the Committee shall elect a Chairman from amongst its members). 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.

**98. Rules as to Select Committee to apply a Joint Select Committee.-** Except as aforesaid, the Rules of Conduct relating to the Select Committee shall apply to the Joint Select Committee on Bills originating in the Council.

**99. Non-concurrence in a motion by the Assembly.-** If a message to the effect that the Assembly does not concur in the motion is received by the Council there shall be no reference of the Bill to the Joint Select Committee:

Provided that on the receipt of a message of non-concurrence from the Assembly, any member may, without notice, move that the Bill be referred to a Select Committee of the Council and the Chairman shall put the question thereon without further debate.

**100. Joint Select Committee on Bill originating in the Assembly.-**  
(1) At any time after the receipt of the message from the Assembly asking for the concurrence of the Council in a motion to refer a Bill originating in the Assembly to a Joint Select Committee of the two Houses, a minister in the case of a Government Bill and any other member in the case of any other Bill, may move that the motion passed by the Assembly be concurred in.

(2) If the Council, concurs in the motion passed by the Assembly, the member making the motion referred to in sub-rule(1) may make a motion nominating the members who are to serve on the Joint Select Committee.

(3) If the motion referred to in sub-rule(2) is carried a message shall be sent to the Assembly intimating the concurrence of the Council in the motion and the names of the members who are to serve on the Joint Select Committee.

(4) If the Council does not concur in the motion a message to that effect shall be sent to the Assembly.

### **(e) Procedure after presentation of report of a Select Committee or a Joint Select Committee**

**101. Motions that may be moved after presentation of report of Select/Joint Select Committee.-**(1) After the presentation of the final report of a Select Committee of the Council or a Joint Committee of the Houses, as the case may on a Bill the member in-charge may move:

- (a) That the Bill as reported by the Select Committee of the Council or the Joint Committee of the Houses, as the case may be, taken into consideration:

Provided that any member may object to the report being so taken into consideration if a copy of the report has not been made available for the use of members for three days before the day on which the motion is made and such objection shall prevail, unless the Chairman allows the report to be taken into consideration; or

- (b) That the Bill as reported by the Select Committee of the Council or the Joint Committee of the Houses, as the case may be, be re-committed to the same Select Committee or to a new Select Committee or to the same Joint Committee or to a new Joint Committee with the concurrence of the Assembly either-

- (j) Without limitations; or
- (ii) with respect to particular clauses or amendment only; or
- (iii) with instructions to the Committee to make some particular or additional provision in the Bill; or
- (iv) that the Bill as reported by the Select Committee of the Council or the Joint Committee of the Houses be circulated or re-circulated, as the case may be, for purpose of eliciting opinion or further opinion thereon.

(2) If the member in-charge moves that Bill as reported by the Select Committee of the Council or the Joint Committee of the Houses, as the case may be, be taken into consideration, any member may move as an amendment that the Bill be recommitted or be circulated or re-circulated for the purpose of eliciting opinion or further opinion thereon.

**102. Scope of debate on report of Select/Joint Select Committee.-**

The debate on a motion that the Bill as reported by the Select Committee of the Council for the Joint Committee of the Houses, as the case may be, be taken into consideration shall be confined to consideration of the report of the Committee and the matters referred to in that report or any alternative suggestions consistent with the principle of the Bill.

- (f) Amendments to clauses etc. and Consideration of Bills

**103. Notice of amendments.-**(1) If a notice of an amendment to a clause or schedule of the Bill has not been given three days before the day on which the Bill is to be considered any member may object to the moving of the

amendment as such objection shall prevail, unless the Chairman allows the amendment to be moved:

Provided that in the case of a Government Bill an amendment, of which notice has been received from the Member in-charge, shall not lapse by reason of the fact, that the Member in-charge has ceased to be Minister or a member and such amendment shall be printed in the name of the new member in-charge of the Bill.

(2) The Secretary shall, if time permits, make available to the members from time to time lists of amendments of which have been received.

**104. Conditions of admissibility of amendments.-** The following conditions shall govern the admissibility of amendments to clauses or schedules of a Bill :-

- (i) an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates.
- (ii) an amendment shall not be inconsistent with any previous decision of the Council on the same question.
- (iii) an amendment shall not be such as to make the clause which it propose to amend unintelligible or ungrammatical.
- (iv) if an amendment refers to, or is not intelligible without a subsequent amendment or schedule notice of the subsequent amendment or schedule shall be given before the first amendment is moved, so as to make the series of amendments intelligible as a whole:

Provided that in order to save time and repetition of arguments, a single discussion may be allowed to cover a series of interdependent amendments.

- (v) the Chairman shall determine the place at which an amendment shall be moved.
- (vi) The Chairman may refuse to propose an amendment, which is in his opinion, frivolous or meaningless.
- (vii) An amendment may be moved to an amendment which has already been proposed by the Chairman.

**105. Sanction or recommendation of the Governor to be annexed to notice of amendment.-** If any member desires to move an amendment



which under the constitution cannot be moved without the previous sanction or recommendation of the Governor, he shall annex to the notice required by these rules such sanction or recommendation conveyed through a Minister and the notice shall not be valid until this requirement is complied with.

**106. Communication of the order of Governor.-** The order of the Governor granting or withholding the sanction or recommendation to the amendment to a Bill shall be communicated to the Secretary by the Minister concerned in writing.

**107. Power of Chairman to select new clauses or amendments.-** The Chairman shall have power to select the new clauses or amendments to be proposed, and may, if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgment upon it.

**108. Arrangement of amendments.-** Amendments of which notice has been given shall, as far as practicable, be arranged in the list of amendments issued from time to time, in the order in which they may be called. In arranging amendments raising the same question at the same point of a clause precedence may be given to an amendment moved by the member in-charge of the Bill, subject as aforesaid, amendments may be arranged in the order in which notice thereof are received.

**109. Order of amendments.-**(1) Amendments shall ordinarily be considered in order of clauses of the Bill to which they respectively relate and in respect of any such clause a motion shall be deemed to have been made. "That this clause stand part of the Bill".

(2) The Chairman may, if he thinks fit, put as one question, similar amendments to a clause:

Provided that if a member requests that any amendment be put separately, the Chairman shall put that amendment separately.

**110. Mode of moving amendments.-** when a motion that a Bill be taken into consideration has been carried, any member may when called upon by the Chairman, move an amendment to the Bill of which he has previously given.

**111. Withdrawal of amendments.-** An amendment moved may, by leave of the Council, but not otherwise, be drawn, on the request of the member moving it. If an amendment has been proposed to an amendment, the original amendment shall not be withdrawn until the amendment proposed to it has been disposed of.

**112. Submission of Bill clause by clause.**- Notwithstanding anything contained in these rules, the Chairman may, when a motion that a Bill be taken into consideration has been carried, submit the Bill or any part of the Bill, to the Council clause by clause. The Chairman may call each clause separately, and when the amendments relating to it have been dealt with, shall put the question that this (for that this clause as amended, as the case may be) stand part of the Bill.

**113. Postponement of clause.**- The Chairman may, if he thinks fit, postpone the consideration of the clause.

**114. Consideration of schedule.**- The consideration of the schedule or schedules, if any, shall follow the consideration of clauses schedules shall be put from the chair and may be amended, in the same manner as clauses and the consideration of new schedules shall follow the consideration of original schedules. The question shall then be put, “that this schedule (or that this schedule as amended, as the case may be) stand part of the Bill”.

Provided that the Chairman may allow the schedule or schedules, if any, being considered before the clause are disposed of or along with a clause or otherwise as he may thinks fit.

**115. Voting on group of clauses and schedules.**- The Chairman may, if he thinks fit, put as one question clauses and/or schedules or clauses and/or schedules as amended, as the case may be together to the vote of the Council;

Provided that if a member requests that any clause or schedule, or any clause or schedule as mended, as the case may be, be put separately, the Chairman shall put that clause or schedule or clause or schedule as amended, as the case may be separately.

**116. Clause one, Enacting Formula, Preamble and Title of Bill.**- Clause one, the Enacting Formula, the preamble, if any, and the title of a Bill shall stand postponed until the other clauses, and schedules (including new clauses and new schedules) have been disposed of and the Chairman shall then put the question; “That clause one, or the enacting formula, or the preamble or the title (or that clause one, enacting formula, preamble or title as amended as the case may be) do stand part of the Bill”.

### **(g) Passing of bills**

**117. Passing of Bills.**-(1) When a motion that a Bill be taken into consideration has been carried and no amendment of the Bill is made, the member in-charge may at once move that the Bill be passed.

(2) If any amendment of the Bill is made any member may object to any motion being made, on the same day that the Bill be passed, and such objection shall prevail unless the Chairman allows the motion to be made.

(3) If the objection is allowed, a motion that the Bill be passed may be brought forward on any future date.

(4) To such a motion no amendment may be moved which is not either formal, verbal or consequential upon an amendment made after the Bill was taken into consideration.

**118. Scope of Debate.-** The discussion on a motion that the Bill or the Bill as amended, as the case may be, 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.

**119. Correction of patent errors.-**(1) Where a Bill is passed by the Council, the Chairman shall have the power to correct patent errors and make such other changes in the Bill as are consequential upon the amendments accepted by the Council.

(2) When a Bill is passed by the Council, the Secretary shall, if necessary, with the previous approval of the Chairman and before the Bill is transmitted to the Legislative Assembly, renumber the clauses, revise and complete the marginal notes thereof, make such purely formal and consequential amendments therein as may be required and correct such errors as may appear to him to be due to inadvertence.

(3) The Secretary shall then submit a copy of the Bill to the Chairman and it shall be signed by him. A copy of such alterations made shall be circulated among members and laid on the Table as soon as possible.

**120. Transmission to Assembly the Bills passed by Council.-** When a Bill is passed by the Council it shall be transmitted to the Assembly for concurrence with a message to that effect.

(h) Bills other than Money Bills returned by Assembly

**121. Bills returned with amendments.-** If a Bill other than a Money Bill passed by the Council and transmitted to the Assembly is returned to the Council with amendments, it shall on receipt be laid on the Table.

**122. Notice of motion for consideration of amendments.-** 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 may, after giving three days

notice, or with the consent of the Chairman without notice move that the amendments be taken into consideration.

**123. Procedure on consideration of amendment.**-(1) If a motion that amendments be taken into consideration is carried, the Chairman shall put the amendments to the Council in such manner as he thinks most convenient for their consideration.

(2) An amendment relevant to the subject matter of an amendment 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.

**124. Disposal of amendment.**- The Council, if it agrees to the amendment made by the Assembly, shall send a message to the Assembly to that effect, but if it disagrees with that amendment or purposes further amendment, or an alternative amendment, the Council shall return the Bill or the Bill as further amended to the Assembly with a message to that effect.

**125. Disagreement between Houses.**- If the Bill is returned to the Council with a message that the Assembly insists on an amendment or amendment to which the Council has disagreed, the House shall be deemed to have finally disagreed as to the amendment or amendments.

## (I) **Adjournment of Debate on and a withdrawal and Removal of Bills**

**126. Adjournment of the debate on a Bill.**- At any stage of a Bill which is under discussion in the Council, a motion that the debate on the Bill be adjourned may be moved with the consent of the Chairman.

**127. Withdrawal of a Bill.**- The member in-charge of the 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;

Provided that where a Bill is under consideration by a Select Committee of the Council or a Joint Committee of the House, as the case may be, notice of any motion for the withdrawal of the Bill shall automatically stand referred to the Committee and after the Committee has expressed its opinion in a report to the Council, the motion shall be set down in the list of business:

Provided further that where a Bill has originated in the Assembly and is pending before the Council, the member in-charge shall move a motion in the Council recommending to the Assembly that the Assembly do agree to leave being granted by the Council to withdraw the Bill and after the motion is

adopted by the Council and concurred in by the Assembly the member in-charge shall move for leave to withdraw the Bill.

**128. Explanatory statement by member who moves or opposes withdraw motion.**- If a motion for leave to withdraw a Bill is opposed, the Chairman may, if he thinks fit, permit the member who moves and the member who opposes the motion to make brief explanatory statements and may thereafter, without further debate, put the question.

**129. Removal of the Bill from the Register of Bills.**-(1) Where any of the following motions made by member in-charge under these rules in regard to a Bill originating in the Council is rejected by the Council, no further motion shall be made with reference to the Bill and such Bill shall be removed from the register of Bills pending in the Council for the session-

- (i) that leave be granted to introduce the Bill;
- (ii) that the Bill be referred to a Select Committee;
- (iii) that the Bill be refer to a Joint Committee of the Houses, with concurrence of the Assembly;
- (iv) that the Bill be taken into consideration;
- (v) that the Bill as reported by the Select Committee of the Council or joint Committee of the Houses, as the case may be, be taken into consideration; and
- (vi) that the Bill ( or as the case may be, that the Bill as amended) be passed.

(2) A Bill pending before the Council shall also be removed from the register of Bill pending in the Council in case a Bill substantially identical is passed by the Council or the Bill is withdrawn under Rule 127.

**130. Special provision for removal of Private Members' Bill from the Register of Bills.**- A private members Bill pending before the Council shall, also be removed from the register of Bills pending in the Council in case-

- (a) The member in-charge ceases to be a member of the Council;
- (b) The member in-charge is appointed as a Minister.

## **(II) Bills originating in the Assembly and transmitted to the Council**

**131. Bills originating in and passed by the Assembly and transmitted to the Council.-** When a Bill originating in the Assembly has been passed by the Assembly and is transmitted to the Council, the Bill shall, as soon as may be, be laid on the Table.

**132. Notice.-** At any time after the Bill has been so laid on the Table, any minister in the case of Government Bill, or in any other case, any member may give notice of his intention to move that the Bill be taken into consideration.

**133. Motion for consideration.-** On the day on which the motion for consideration is set down in the list of business which shall, unless the Chairman otherwise, be not less than the days from the receipt of the notice, the member given notice may move that the Bill be taken into consideration.

**134. Discussion.-** On the day on which such motion is made or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill shall not be discussed further than is necessary to explain its principle.

**135. Reference to Select Committee.-** Any member may, if the Bill has not already been referred to a Joint Committee of the Houses, but not otherwise move as an amendment that the Bill be referred to Select Committee and if, such motion is carried, the Bill shall be referred to a Select Committee on Bills originating in the Council shall then apply.

**136. Consideration and passing.-** If the Motion that the Bill be taken into consideration is carried, the Bill shall be taken into consideration clause and the provisions of the rules of the Council regarding consideration of amendments to Bills and the subsequent procedure in regard to the passing of Bills shall apply.

**137. Bill passed without amendment.-** If the Bill is passed without amendment, a message shall be sent to the Assembly intimating that the Council have agreed to the Bill without any amendment.

**138. Bill passed with amendment.-** If the Bill is passed with amendments the Bill shall be returned with a message asking the concurrence of the Assembly in the amendments.

**139. Procedure consequent on consideration of amendment.-** If the Assembly disagrees with the amendments made by the Council or any of them or agrees to any of the amendment made by the Council with further amendments or proposes further amendments in place of amendments made by the Council, the Bill, as further amended shall, on the receipt by the Council, be laid on the Table.

**140. Appointment of time for consideration of amendment.**- After the amended Bill 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, or with the consent of the Chairman without notice, may move that the amendments be taken into consideration.

**141. Procedure on consideration of amendment.**-(1) If a motion that the amendments be taken into consideration is carried, the Chairman shall put the amendments to the Council in such matters 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 amendment shall be to the Bill, unless it is consequential upon or an alternative to, an amendment made by the Assembly.

**142. Disposal of amendment.**-The council 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.

**143. Disagreement between Houses.**- If a Bill is returned with a message intimating that the Council insists on amendments to which the Assembly is unable to agree the Houses, shall be deemed to have finally disagreed as to the amendments.

**144. Rejection of the Bill.**- When any of the following motions moved in the Council with reference to a Bill originating in the Assembly and transmitted to the council is negative by the Council, the Bill shall be deemed to have been rejected by the Council:-

- (i) That the Bill be referred to a Select Committee:
- (ii) That the Bill be taken into consideration;
- (iii) That the Bill as reported by Select Committee be taken into consideration; and
- (iv) That the Bill (or as the case may be, that the Bill as mended) be passed.

### **(III) Authentication and reconsideration of Bills**

**145. Authentication of Bill.**-(1) When a Bill is passed by the Houses and is in possession of the Council the Bill shall be signed in duplicate by the Chairman, and presented to the Governor.

Provided that in the absence of the Chairman from the Headquarters the Secretary may authenticate the Bill for the Chairman in case of urgency.

(2) One copy of the Bill so assented to by the Governor shall be preserved for verification and record and shall not be allowed to pass out of the custody of the Council without the permission of the Chairman.

**146. Reconsideration by the Council of a Bill passed.**- When a Bill which has been passed by the Houses is returned by the Governor for reconsideration, the point or points referred for reconsideration 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 way as the Chairman may consider most convenient for their consideration by the Council.



## CHAPTER XI

### Petitions

**147. Scope of petition.**- Petition may be presented or submitted to the Council on-

- (i) A Bill which has been published under rule 61 or which has been introduced in the Council or of which notice of a motion has been received under these rules;
- (ii) any matter connected with the business pending before the Council; and
- (iii) any matter of general public interest provided that it is not one;
  - (a) Which falls within the cognizance of a Court of Law or a Court of Enquiry or a Statutory Tribunal or Authority or a Quasi Judicial body or a Commission;
  - (b) Which can be raised on a substantive motion or resolution; or
  - (c) For which remedy is available under the law including rules, regulations, bylaws made by the State Government or an authority to whom power to make such rules, regulations etc. is delegated.

**148. General form of petition.**-(1) The general form of petition set out in the Second Schedule, with such variations as the circumstances of each case require, may be used and shall, be sufficient.

(2) Every petition shall be couched in respectful, decorous and temperate language and shall be legibly written.

(3) Every petition shall be either in Urdu or in English. If any petition in any other language is made it shall be accompanied by a translation either in Urdu or in English, and signed by the petitioner.

(4) Petitions shall not propose the expenditure of public money or the imposition of any charge on the Consolidated Fund of the State.

**149. Authentication of petition.**- The full name and address of every signatory to petition shall be set out therein and shall be authenticated by his signature, and if illiterate, by his thumb impression.

**150. Documents.**- Letters, Affidavits or other documents shall not be attached to any petition.

**151. Counter Signature.**-(1) Every petition shall, if presented by a member, be countersigned by him. If a petition is made in any language other

than Urdu or English its translation in Urdu or English shall also be countersigned by the member presenting it.

(2) A member shall not present a petition from himself.

**152. Petition to be addressed to Council.**- Every petition shall be addressed to Council and shall conclude with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates.

**153. Notice of presentation.**- A member shall give advance intimation to the Secretary of his intention to present a petition.

**154. Presentation of petition.**- A petition may be presented by a member or be forwarded to the Secretary, who shall report it to the Council. The report shall be made in the form set out in the Third Schedule. No debate shall be permitted on the presentation, or the making of such report.

**155. Form of petition.**- A member presenting a petition shall confine himself to a statement in the following form:-

“Sir, I beg to present a petition signed by\_\_\_\_\_

\_\_\_\_\_petitioner(s) regarding\_\_\_\_\_

And no debate shall be permitted on this statement.

**156. Reference to Committee on petition.**- Every petition shall, after presentation by a member or report by the Secretary, as the case may be, stand referred to the Committee on Petitions.

*(For rules, relating to Committee on  
Petitions see Chapter XIX of these rules).*

## CHAPTER XII

### Resolutions

**157. Notice of Resolution.-** A member other than a Minister who wishes to move a resolution shall give to the Secretary fifteen clear days in writing of his intention and shall submit together with the notice the text of the resolution;

Provided that the Chairman may allow it to be entered in the list of business with shorter notice than fifteen days:

Provided further that a member shall not give notice of more than four resolutions per day of the days assigned for non-official resolutions.

**158. Form of Resolution.-** A resolution may be in the form of a declaration of opinion, or a recommendation; or may be in the form so as to record either approval or disapproval by the Council of an act of policy of Government, or convey a message; or commend, urge or request an action; or call attention to a matter or situation for consideration by Government, or in such other form as the Chairman may consider appropriate.

**159. Subject matter of Resolution.-** Subject to the provisions of these rules, a member or a Minister may move a resolution relating to a matter of general public interest.

**160. Conditions of admissibility of Resolution.-** In order that a resolution may be admissible it shall satisfy the following conditions, namely:-

- (i) It shall be precisely expressed;
- (ii) It shall raise substantially one definite issue;
- (iii) It shall not contain arguments, inferences, ironical expressions, imputations, or defamatory statements;
- (iv) It shall not refer to the conduct of character of persons except in their official or public capacity; and
- (v) It shall not relate to any matter, which is under adjudication by a Court of Law.

**161. Chairman to decide admissibility of Resolution.-** The Chairman shall decide on the admissibility of a resolution. If a resolution does not in his opinion comply with the Constitution or the rules he may disallow it or a part thereof or may give the member an opportunity to amend the form of resolution to bring it in conformity with rules if the defect is of a purely verbal or formal character, the Chairman may himself amend the resolution and admit

it. The ruling of the Chairman as to whether any resolution complies with the rules or not shall be final.

**162. Intimation to member.-** The Secretary shall give intimation to the member that the resolution has been admitted or disallowed as amended by the Chairman, as the case may be.

**163. Priority of Resolution on the list of business.-** The resolution which have not been disallowed by the Chairman shall be entered in the separate list of each day allotted to private members resolution and the priority of the resolution for the purpose of discussion shall be determined by a ballot to be held by the Secretary in accordance with the provisions set out in the first schedule;

Provided that no member shall ballot for more than one resolution for one day and not more than seven resolutions shall be entered in the list of resolutions for one day.

**164. Moving of Resolution.-**(1) A member in whose name a resolution stands on the list of business shall, except when he wishes to withdraw it, when called on move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing in the list of business:

Provided that the member may, with the permission of the Chairman, authorize any other member, in whose name the same resolution stands lower in the list of business to move it on his behalf and the member so authorized may move accordingly.

(2) If a member, other than a Minister, when called is absent any other member authorized by him in written in this behalf may, with the permission of the Chairman, move the resolution standing in his name.

**165. Duration for speeches.-** No speech on a resolution except with the permission of the Chairman shall exceed fifteen minutes in duration:

Provided that the mover of the resolution when moving the same, and the Minister to whose department the resolution relates or any other Minister authorized by the Minister concerned with the permission of the Chairman speak on his behalf when speaking for the first time, may speak for thirty minutes, or such longer time as the Chairman may permit.

**166. Scope of Discussion.-** The discussion on a resolution shall be strictly relevant to and within the scope of the resolution.

**167. Seconding of Resolution.-** As soon as the resolution has been moved it shall be seconded by another member, and no discussion shall be permitted on a resolution which is not so seconded.

**168. Amendments.-** After a resolution has been moved, any member may subject to the rules, move an amendment to the resolution.

**169. Notice of Amendments.-**(1) If notice of such amendment has not been given two clear days before the day on which the resolution is moved any member may object to the moving of the amendment and such objection shall prevail unless the Chairman allows the amendment to be moved.

(2) The Secretary shall if the time permits, cause a copy of every amendment to be made available for the use of every member.

**170. Withdrawal of Resolution and amendments.-**(1) A member in whose name a resolution stands in the list of business may when called on, withdraw a resolution in which case he shall confine himself to a mere statement to that effect.

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

(3) If a resolution which has been admitted is not discussed during the session it shall be deemed to have been withdrawn.

**171. Splitting of Resolution.-** when any resolution involving several points has been discussed, the Chairman may divide the resolution and put each or any points separately to the vote, as he may think fit.

**172. Bar to moving similar Resolution.-**(1) when a resolution has been moved and has not been withdrawn with the leave of the Council, no resolution or amendment raising substantially the same question shall be moved within one year from the date of moving of the earlier resolution.

(2) When a resolution has been disallowed under the rules, or has been withdrawn with the leave of the Council no resolution raising substantially the same question shall be moved during the same session.

**173. Submission of copies of passed Resolution to the Council of Ministers.-** The Secretary shall forward the Chief Secretary a copy of every resolution, which has been passed by the Council.

## **CHAPTER XIII**

### **Calling attention to matters of urgent public importance**

**174. Calling attention to matters of urgent public importance.-(1)**

A member may with the previous permission of Chairman, call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief statement or ask for time to make a statement at a later hour or date.

(2) There shall be no debate on such statement at the time it is made, but each member in whose name the item stands in the list of business may with the permission of the Chairman ask question.

(3) Not more than two such matters shall be raised at the same sitting.

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

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

## CHAPTER XIV

### Statement of Minister

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

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

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

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

**176. Statement made by Minister.**- 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 when the statement is made.

## CHAPTER XV

### Resolution for removal of Chairman or Deputy Chairman

**177. Notice of Resolution for removal of Chairman or Deputy Chairman.**-(1) A member wishing to give notice of a resolution, under clause © of section 58 read with sub-section(2) of section 61 of the Constitution, for the removal of the Chairman or the Deputy Chairman shall do so in writing to the Secretary.

(2) On receipt of notice under sub-rule (1), a motion for leave to move the resolution shall be entered in the list of business in the name of the member concerned on a day fixed by the Chairman provided that the day so fixed shall be any day after fourteen days from the date of the receipt of notice of the resolution.

**178. Leave of Council to take up Resolution.**-(1) subject to the provisions of section 60 read with sub-section (2) of section 61 of the constitution, the Chairman or Deputy Chairman or such other person as is referred to in sub-section (2) of section 59 read with sub-section (2) of section 61 of the Constitution shall preside when a motion under sub-rule (2) of rule 177 is taken up for consideration.

(2) The member in whose name the motion stands on the list of business shall, except when he wishes to withdraw it, move the motion when called upon to do so, but no speech shall be permitted at this stage.

(3) The Chairman or the Deputy Chairman or the person [presiding as the case may be, shall thereupon place the motion before the Council and shall request those members who are in favour of leave being granted to rise in their places. If not less than seven members rise accordingly, the Chairman or the Deputy Chairman or the person presiding, as the case may be, shall declare that leave has been granted and that the resolution will be taken upon such day not being more than ten days from the date on which leave is asked for as he may appoint. If less than seven members rise, the Chairman shall inform the member that he has not the leave of the Council.

**179. Inclusion of resolution in the list of Business.**- On the appointed day, the resolution shall be included in the list of business to be taken up after the questions and before any other business for the day is entered upon.

**180. Time limit for speeches.**- Except, with the permission of the Chairman or the person presiding a speech on the resolution shall not exceed fifteen minutes in duration.



Provided that the mover of the resolution when moving the same may speak for such longer time as the Chairman or the person presiding may permit.

## CHAPTER XVI

### Procedure in Financial Matters

**181. The Budget.-** There shall be no discussion on the Annual Financial Statement or the Statement of the Estimated Receipts and Expenditure of the Government of Jammu and Kashmir (Hereinafter referred to as “the Budget”) on the day on which it is presented to the Council.

**182. General Discussion on the Budget.-**(1) On a day to be appointed by the Chairman subsequent to the day on which the Budget is presented and for such time as the Chairman may allot for this purpose, the Council, shall be at liberty to discuss the Budget as a whole or any question of principle involved therein but no motion shall be moved 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 for speeches.

**183. Presentation of Budget in parts.-** Nothing hereinbefore contained shall be deemed to prevent the presentation of the Budget to the Council in two or more parts and when such presentation takes place, each part shall be dealt with in accordance with these rules as if it were the Budget.

**183-A.** (1) The Chairman, in addition to the time allotted under rule 182 (1) and in consultation with the leader of the House and the Business Advisory Committee, shall allot a day or days for discussion on the working of each ministry that may be decided by the Business Advisory committee..

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

(3) The discussion shall not be subject to any motion or vote.

**184. Vote on account.-**(i) papers relating to the vote on account in respect of which a motion has been made in the Assembly shall be laid on the Table.

(ii) discussion of a general character in respect of such papers shall be allowed but the detail shall not be discussed further that is necessary to develop the general points.

**185. Supplementary, Additional, Excess and Exceptional grants and votes of credit.-** Supplementary, additional excess and exceptional grants

and votes of credit shall be regulated by the same procedure as is applicable in the case of Budget subject to such adaptations, whether by way of modification, addition or omission, as the Chairman may deem to be necessary or expedient.

**186. Scope of discussion on supplementary grants.-** The debate on the supplementary grants shall be confined to the items constituting the same and no discussion may be raised on the original grants nor policy underlying them save in so far as it, may be necessary to explain or illustrate the particular items under discussion.

**187. Business that can be taken up on a day allotted for any kind of financial matters.-** Notwithstanding that a day has been allotted for financial business 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 day before the Council enters on the Business for which the day has been allotted.

### **Explanation**

**187-A .** Financial business includes any business which the Chairman holds as coming within this category under the Constitution.

### **Financial and Money Bill**

**188. Provisions as regards financial bills referred to in section 64(1) of the Constitution.-**(1) If notice of motion for leave to introduce a Bill making provision for any of the matters specified in sub-section (1) of section 84 of the Constitution, is received, the Chairman may direct that it should not be included in the list of business.

(2) On a Bill being put down for introduction a member may at that stage or any subsequent stage take objection that the Bill is a Financial Bill within the meaning of section 84(1) of the Constitution and should not be introduced in the Council.

(3) If the Chairman holds that the Bill is a Financial Bill within the meaning of section 84(1) of the Constitution, he shall terminate discussion on the Bill forthwith and direct that it be struck off from the list of business and be removed from the register of Bills pending in the Council.

(4) If the Chairman has any doubt in regard to validity of objection, he shall refer the matter to the Speaker and if there is no agreement between the Speaker and the Chairman, the Chairman shall report the matter to the Council and take the sense of Council as to whether they wish to proceed further with the Bills.

**189. Money Bills.**-(1) A money Bill passed by the Assembly and transmitted to the Council shall, as soon as may be, laid on the Table.

(2) The Chairman in consultation with Leader of the council shall within two days of the Bill being so laid on the Table allot a day or days or part of a day for the completion of all or any of the stages involved in the consideration of all or any of the Bills by the Council including the consideration and passing of amendments, if any, to the Bill.

(3) when such an allotment has been made, the Chairman shall at the appointed hour on the allotted day or last of the allotted days, as the case may be, forthwith put all the questions necessary to dispose of the outstanding matters in connection with the stage or stages for which a day or days or part of a day has been allotted.

(4) After the motion that the Bill be taken into consideration has been carried, the Bill shall be taken up clause by clause. At this stage amendments to be recommended to the Assembly may be moved to the Bill and the provisions of the Rules of the Council regarding consideration of amendments of the Bills shall apply.

(5) After the Bill has been considered clause by clause and the amendments, if any, have been disposed of, the member in-charge of the Bill shall move that the Bill be returned.

(6) 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 recommendation to make 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.

(7) On a Bill being introduced in the Council or at any subsequent stage, if an objection is taken that Bill is a Money Bill within the meaning of section 77 of the Constitution and should not be proceeded within the Council, the Chairman shall if he holds the objection valid, direct that further proceedings in connection with the Bill be terminated.

(8) If the Chairman has any doubt in regard to the validity of the objection, he shall refer the matter to the Speaker whose decision on the question shall be final in accordance with section 77 (3) of the Constitution.

## CHAPTER XVII

### Questions involving breach of privilege and contempt

**190. Breach of Privilege contempt how brought to the notice of the House.**- A question involving breach of privilege either of a member of House or of a Committee thereof, may, with the consent of the Chairman, be brought to the notice of the House, by:-

- (i) a complaint from a member :
- (ii) a report from the Secretary ;
- (iii) a petition ; or
- (iv) a report from a Committee of the Council:

Provided that if the breach is committed in the actual view of the House, the House may take action without any complaint :

Provided further if the complaint is against a member, the Chairman may hear him before giving his consent.

#### (a) Complaint by a Member

**191. Notice of a complaint by a Member.**- A member wishing to arise a question of breach of privilege shall give notice in writing to the Secretary before the commencement of the sitting on the day on which the question is proposed to be raised. If the complaint is founded upon a document, the original or copy thereof, shall accompany the notice.

**192. Conditions of admissibility of a question of privilege.**- The right to raise a question of privilege shall be governed by the following conditions, namely:-

- (i) not more than one question shall be raised at the same sitting;
- (ii) the question shall be restricted to a specific matter of recent occurrence ; and
- (iii) the matter requires the intervention of the Council.

**193. Presentation of a complaint.**- If the Chairman gives his consent under rule 190, he may refer the matter to the Committee on privileges and acquaint the House thereof, or he may ask the member making the complaint, after the questions but before entering upon list of business, for further elucidation. Thereupon the member shall read his complaint as well as the documents, if any, before the House and may make a short statement. The

Chairman after hearing any other member, if necessary, shall decide if the complaint is in order:

Provided that the Chairman may, if he is satisfied about the urgency of the matter, allow a question of privilege to be raised at any other time :

Provided further where the Chairman has referred his consent under Rule 190 or is of the opinion, that the matter proposed to be discussed is not in order, he may read the complaint in the House and state that he refuses his consent or holds that the same is not in order.

**194. Chairman to refer the matter to the Committee on Privileges.**- when the Chairman asks for further elucidation as contemplated by the first part of Rule 193 and holds the complaint in order under the later part of the said rule, he may refer it to the Committee on Privileges for examination, investigation and report or he may, if he is of the opinion that the matter is such as may be disposed of by the House ask the member making the complaint to make motion that the matter be taken into consideration forth with or at some further date.

**195. Motion after presentation of the Report.**- The Chairman of the Committee on Privileges or any member thereof or any member of the House may make a motion that the report of the Committee on Privileges be taken into consideration forthwith or at some future time within which the report may be printed and copies supplied to the members.

### **(b) Complaint by the Secretary or Petition**

**196. Reference of complaint by Secretary or Petition to Privileges Committee.**-(1) Whenever a question of breach of Privilege has been raised on the report of the Secretary or by petition as given under rule 190 (ii), (iii), the Chairman may, if he gives his consent thereto, refer the matter to the Committee on Privileges and acquaint the House thereof or he may after reading the complaint or hearing any member decide whether the complaint is in order and if it is held to be so may refer the matter to the Committee on Privileges.

(2) If the Chairman is of the opinion that the matter is such which should be placed for consideration before the House, he shall ask the Secretary to read the Complaint before the House. The House may take the report into consideration at once or at some further time:

Provided that the complaint shall be printed and copies of it shall be supplied to the members before consideration of the matter in the House.

### **(c) Complaint by a Committee**

**197. Complaint by a Committee.-** Whenever a breach of privilege of a Committee of the Council has been committed, the Chairman of the Committee shall make a report thereof to the Chairman of the Council.

The Chairman of the Council shall bring the matter to the notice of the Council and the Chairman of the Committee or, in his absence, any other member of the Committee, may make a motion that the question of breach of privilege be taken into consideration forthwith or at some future time. Thereafter the procedure laid down in Rule 193, 199 and 200 so far as it is not inconsistent shall be followed.

**198. Substantive motion.-** After anyone of the following motions is agreed to by the Council :-

- (i) motion under rule 194 that the matter be taken into consideration ; or
- (ii) motion under rule 195 that the report of the Privilege Committee be taken into consideration ; or
- (iii) motion under rule 196 that the complaint of petition be taken into consideration ; or
- (iv) motion under rule 197 that the question of breach of Privilege, as contained in the report of the Committee of the Council be taken into consideration;

Any member move a substantive motion indicating the commission of a breach of privilege and also suggesting the action to be taken by the Council, any other member may move an amendment to this motion. After a brief discussion of the motion and the amendments, if any, the Chairman shall put the question.

### **(d) Procedure relating to Complaints against member**

**199. Complaint against a Member.-**(1) If the complaint is against the member and the matter is brought before the House, the said member shall be given a notice if he has not already been heard by the Chairman under the second provision to rule 190.

(2) A copy of the complaint shall be supplied to the member along with a copy of the document upon which the complaint is founded and the

member with the permission of the Chairman shall have a right of inspecting all the documents. He shall also be given an opportunity to be heard in explanation or expulsion.

(3) The member complained against shall attend the House in his place on the day so fixed and if he is unable to attend he shall intimate the Chairman his reason for non-attendance and the House in view of reasons given may postpone the consideration of the matter. If, however, the House is of the opinion that there are no good reasons for absence or the member has willfully absented, it may proceed with the matter in his absence. In case a member is absent and has failed to intimate the reasons for his absence due to unavoidable circumstances, the House may re-open the question at his request.

**200. Withdrawal of Member concerned.-** The member complained against after, attending the House as aforesaid shall withdraw from the House after he is heard in explanation or exculpation under sub-rule (2) of the rule 199 and shall not enter as long as the matter is under consideration of the Council. The House may, however, allow him to hear the proceedings or recall him for purposes of giving further explanation or tendering an apology.

### (e) General

**201. Opportunity to person charged.-** Except where the breach of privilege is committed in the actual view of the House, the House shall give an opportunity to the person charged to be heard in explanation or exculpation of an offence against him, before the sentence is passed :

Provided that if the matter has been referred to the Committee on Privileges and the person charged has been heard before the said Committee it will not be necessary for the House to give him that opportunity unless the House directs otherwise.

**202. Summoning the party charged.-** The Chairman may summon the person complained against by notice or warrant of arrest to appear before the House at any stage of the proceedings.

**203. Punishment.-** If the Committee on Privileges is of the opinion that a breach of privilege has been committed, the Committee may recommend to inflict the following punishment :

- (i) admonition ;
- (ii) reprimand ;
- (iii) suspension of a member ;
- (iv) fine ;



- (v) expulsion of a member ;
- (vi) imprisonment the term whereof at the pleasure of the House but cannot extend beyond the “prorogation” ; or
- (vii) any other punishment which the House may deem proper and fit in pursuance of the provisions of section 72 of the Constitution.

**204. Groundless complaint.-** In case the House finds a charge of breach of Privilege groundless it may order the payment of an amount not exceeding Rs. 500/- as costs to the party charged by the party complaining.

**205. Execution of the orders of the House.-** The Chairman or any other person authorized by him in this behalf shall have the power to execute all the orders passed and sentences inflicted by the House.

**206. Brevity of Debate.-** The debate at all stages on question involving breach of privilege shall be brief.

**207. Regulation of Procedure.-** The Chairman issue such directions as may be necessary for regulating the procedure in connection with all matters connected with the consideration of the question of privilege either in the Committee on privileges or in the House.

**208. Application of the rules to contempt.-** The above rules, so far as they are not inconsistent, shall apply to all cases of contempt.

**209. Power of Chairman to refer Question of Privilege to Committee.-** Notwithstanding anything contained in these rules, the Chairman may refer any question of privilege to the Committee on privileges for examination, investigation or report, and acquaint the House thereof.

### **(f) Intimation to Chairman of arrest, detention etc. and release of a member**

**210. Intimation to Chairman by Magistrate of arrest, detention etc. of a Member.-** 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 facts to the Chairman indicating the reasons for arrest, detention or conviction as the case may be, as also the place of the detention or imprisonment of the member in the appropriate form set out in the Fourth Schedule.

**211. Intimation to Chairman on release of a member.-** When a member is arrested and after conviction released on bail pending an appeal or otherwise released such facts shall also be intimated to the Chairman by the authority concerned in the appropriate form set out in the Fourth Schedule.

**212. Treatment of communication received from Magistrate.-** As soon as may be, Chairman shall after he has received a communication referred to in rule 210 or rule 211 read it out in the Council, if in session or if the Council is not in session direct to it may be published in the Bulletin 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 Council has been informed of the original arrest, the fact of his arrest or his subsequent release or discharge may not be intimated to the Council by Chairman.

**(g) Procedure regarding service of a legal process  
and arrest within the precincts of the Council**

**213. Arrest within the precincts of Council.-** No arrest shall be made within the precincts of the Council, without obtaining permission of the Chairman.

**214. Service of legal process.-** a legal process, civil or criminal, shall not be served within the precincts of the Council without obtaining the permission of the Chairman.

## CHAPTER XVIII

### **Resignation and vacation of seats in Council and leave of absence from meeting of Council**

**215. Resignation of seats in Council.**-(1) As soon as may be, the Chairman shall, after he has received an intimation in writing from a member under his hand resigning his seat in the Council, inform the Council that such and such member has resigned his seat in Council.

Provided that when the Council is not in session, the Chairman shall inform the Council immediately after the Council re-assembles, that such and such member has resigned his seat in the Council during the inter-session period.

(2) The Secretary shall as soon as may be, after the Chairman has received such intimation from a member resigning his seat in the Council, cause the information to be published in the Gazette and forward a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused.

**216. Application for leave of absence.**-(1) A member desiring permission of the Council to remain absent from the sitting thereof under sub-section (3) of section 68 of the Constitution shall make an application in writing to the Chairman.

(2) An application under sub-rule (2) shall specify the period for which leave of absence is required, indicating also the date of commencement and of termination of such leave of absence and the ground for it:

Provided that leave of absence applied for at one time shall not exceed a period of sixty days.

(3) After the receipt of the application, the Chairman shall, as soon as may be, read out the application to the Council and ask, "Is it the pleasure of the Council that permission be granted to such and such member for remaining absent from all meetings of the Council for such and such a period?" If no dissents, the Chairman shall say, "Permission to remain absent is granted". But if any dissent voice is heard the Chairman shall take the sense of the Council and thereupon declare the determination of the Council.

(4) No discussion shall take place on any question before the Council under this rule.

(5) The Secretary shall, as soon as may be, after a decision has been signified by the Council communicate it to the member.

**217. Vacation of seats in Council.**-(1) The seat of the member shall be declared vacant, under sub-rule (3) of section 68 of the Constitution, on a motion by the leader of the council, or by such other member to whom he may delegate his functions in his behalf.

(2) If the motion referred to in sub-rule (1) of this rule is carried, the Secretary shall cause the information to be published in the Gazette and forward a copy of the notification to Election Commission for taking steps to fill the vacancy thus caused.

## **CHAPTER XIX**

### **Committee of the Council**

#### **(a) General**

**218. Committee to include Committee of the Council.-** In this chapter unless the context otherwise requires, “Committee” means and includes “Committee of the Council” as defined in sub-rule (1) of rule 2.

**219. Appointment of Committee.-**(1) The members of a Committee shall be appointed or elected by the Council on a motion made, or nomination by the Chairman, as the case may be.

Provided that where election of members to a Committee is, for any reason, not held at the appropriate time, the Chairman may nominate members of such Committee who shall in the event be deemed to have been elected under these rules for the term prescribed for such Committee.

(2) No member shall be appointed to a Committee if he is not willing to serve on it. The proposer shall ascertain whether the member whose name is proposed by him is willing to serve on the Committee.

(3) Casual vacancies in a Committee shall be filled by appointment by the Council on a motion made, or nomination by the Chairman, elected or nominated to fill such vacancy shall hold office for the unexpired portion of the term for which the member in whose place he is appointed, elected or nominated would have normally held office.

**220. Term of office of Committee nominated by the Chairman.-** A Committee nominated by the Chairman shall unless otherwise specified in the rules contained in this chapter hold office for the period specified by him or until a new Committee is nominated.

**221. Resignation from the Committee.-** A member may resign his seat from a Committee by writing under his hand, addressed to the Chairman.

**222. Chairman of the Committee.-**(1) The Chairman of a Committee shall be appointed by the Chairman from amongst the members of the Committee.

Provided that if the Deputy Chairman is a member of the Committee, he shall be appointed Chairman of the Committee.

(2) If the Chairman of the Committee is for any reasons unable to act, the Chairman may appoint any other Chairman of the Committee in his place.

(3) If the Chairman of a Committee is absent from any sitting of the Committee shall choose another member to act as Chairman of the Committee for the sitting.

**223. Quorum.**-(1) The quorum to continue a sitting of a Committee shall be, as near as may be one-third of the members of the Committee.

(2) If at any time fixed for any sitting of the Committee or if at any time during any such sitting, there is no quorum, the Chairman of the Committee shall either suspend the sitting until there is a quorum or adjourn the sitting to some future day.

(3) When the Committee has been adjourned in pursuance of sub-rule (2) on two successive dates fixed for sitting of the Committee the Chairman of the Committee shall report the fact to the Council :

Provided that where the Committee has been appointed by the Chairman, the Chairman of the Committee shall report the fact of such adjournment to the Chairman of the Council.

**224. Discharge of members absent from sittings of Committee.**- If a member is absent from two or more consecutive sittings of a Committee without the permission of the Chairman of the Committee a motion may be moved in the Council for the discharge of such member from the Committee.

Provided that where the members of the Committee are appointed by the Chairman such member may be discharged by the Chairman.

**225. Voting in Committee.**-All the questions at any sitting of a Committee shall be determined by a majority of votes of the members present and voting.

**226. Casting vote of Chairman of Committee.**- In case of an equality of votes on any matter the Chairman of the Committee or the person acting as such, shall have a second or casting vote.

**227. Power to appoint Sub-Committee.**-(1) A Committee may appoint one or more Sub- Committees each having the powers of the undivided Committee, to examine any matters that may be referred to them, and the reports of such Sub- Committees shall be deemed to be the reports of the whole Committee, if they are approved at a sitting of the whole Committee.

(2) The order of reference to a Sub- Committee shall clearly state the points for investigation. The report of the Sub- Committee shall be considered by the whole Committee.

**228. Sitting of Committee.-** The sittings of a Committee shall be held on such days and at such hour as the Chairman of the Committee may fix.

Provided that if the Chairman of the Committee is not readily available, the Secretary may fix the date and time of a sitting.

**229. Sitting of Committee in Private.-** The sitting of a Committee shall be held in private.

**230. Venue of Sittings.-** The sitting of the Committee shall be held within the precincts of the Council and if it becomes necessary to change the place of sitting outside the Council the matter shall be referred to the Chairman of the Council whose decision shall be final.

**231. All strangers to withdraw when Committee deliberates.-** A person other than the member of the Committee and officers of the Council Secretariat shall withdraw whenever the Committee is deliberating.

**232. Power to make evidence or call for documents.-**(1) A witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of Committee.

(2) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

(3) No documents submitted to the Committee shall be withdrawn or altered without the knowledge and approval of the Committee.

**233. Power to send for persons, papers and records.-** A Committee shall have power to send for persons, paper and record.

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee the question shall be referred to the Chairman whose decision shall be final.

Provided further that the Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

**234. Counsel for a witness.-** A Committee may, under the directions of the Chairman permit a witness to be heard by a counsel appointed by him and approved by the Committee.

**235. Evidence on oath.**-(1) All evidence shall be taken on oath.

(2) The form of the oath shall be as follows:-

“ I swear in the presence of Almighty God ( or solemnly affirm) that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false, so help me God”.

**236. Procedure for examining witness.**- The examination of the witnesses before a Committee shall be conducted as follows:-

- (i) The Committee shall before a witness is called for examination, decide the mode of procedure and the nature of questions that may be asked of the witness.
- (ii) The Chairman of the Committee may first ask the witness such question or questions as he may consider necessary with reference to the subject matter under consideration or any subject connected therewith according to the mode of procedure mentioned in clued (1) of this rule.
- (iii) The Chairman of the Committee may call other members of the Committee one by one to ask any other questions.
- (iv) A witness may be asked to place before the Committee any other relevant points that have not been covered and which a witness thinks are essential to be placed before the Committee
- (v) A verbatim record of proceedings of the Committee shall, when a witness is summoned to give evidence, be kept.
- (vi) The evidence tendered before the Committee may be made available to all members of the Committee.

**237. Record of decisions of Committee.**- A record of the decisions of the Committee shall be maintained and circulated to members of the Committee under the directions of the Chairman of the Committee.

**238. Evidence report and proceedings treated as confidential.**-(1) A Committee may direct that the whole or a part of the evidence or a summary thereof may be laid on the Table.

(2) No part of the evidence, oral or written report of proceedings to a Committee which has not been laid on the Table shall be open to inspection by anyone except under the authority of the Chairman.



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

Provided that the Chairman may, in his discretion direct that such evidence be confidentially made available to members it is formally laid on the Table.

**239. Special reports.-** A Committee may, if it thinks fit, make a special report on any matter that arises or comes to light in the course of its work which it may consider necessary to bring to the notice of the Chairman or the Council notwithstanding that such matter is not directly connected with or does not fall within or is not incidental to its terms of reference.

**240. Report of Committee.-**(1) Where the Council has not fixed any time for the presentation of a report by a Committee, the report shall be presented within three months of the date on which reference to the Committee was made or if a session of the Council is not held within three months at the next session:

Provided that the Council may at any time, on a motion being made, direct that the time for the presentation of the report by the Committee be extended to a date specified in the motion.

(2) Reports may be either preliminary or final.

(3) The report of the Committee shall be signed by the Chairman of the Committee on behalf of the Committee:

Provided that in case the Chairman of the v is absent or is not readily available the Committee shall choose another member to sign the report on behalf of the Committee.

**241. Availability of report to Government before presentation.-** A Committee may, if it thinks fit, make available to the Government any completed part of the report before presentation to the council such reports shall be treated as confidential until presented to the Council.

**242. Presentation of report.-**(1) The report of a Committee shall be presented to the Council by the Chairman, or in his absence by any member, of the Committee.

(2) In presenting the report the Chairman of the Committee or, in his absence the member presenting the report shall, if he makes any remarks, continue himself to a brief statement of fact but there shall be no debate on that statement at this stage.

**243. Printing, publication or circulation of report prior to its presentation to Council.-** The Chairman may on a request being made to him and when the Council is not in session, order the printing, publication or circulation of a report of a Committee although it has not been presented to the Council. In that case the report shall be presented, to the Council during its next session at the first convenient opportunity.

**244. Power to make suggestions on procedure.-** A Committee shall have power to pass resolutions on matters of procedure relating to that Committee for the consideration of the Chairman, who may make such variations in procedure as he may consider necessary.

**245. Power of Committee.-** A Committee may with the approval of the Chairman make detailed rules of procedure to supplement the provisions contained in the rules in this chapter.

**246. Power of Chairman.-**(1) The Chairman may, from time to time, issue such directions to the Chairman of the Committee as he may consider necessary for regulating its procedure and the organization of its work.

(2) If any doubt arises on any point of procedure or otherwise, the Chairman of the Committee may, if he thinks fit, refer the point to the Chairman whose decision shall be final.

**247. Business before Committee not to lapse on prorogation of Council.-** Any business pending before the Committee shall not lapse by reason only of the prorogation of the Council and the Committee shall continue to function notwithstanding such prorogation.

**248. Unfinished work of Committee.-** A Committee which is unable to complete its work before the expiration of its term may report to the Council that the Committee has not been able to complete its work. Any preliminary report, memorandum or note that the Committee may have prepared or any evidence that the Committee may have taken shall be made available to the new Committee.

**249. Applicability of general rules to Committees.-** Except for matters for which special provision is made in the rules relating to any particular Committee, the general rules in this chapter shall apply to all Committees: and if and so far as any provision in the special rules relating to a Committee is inconsistent with the general rules, the former rules shall prevail.

### **(a) Business Advisory Committee**

**250. Constitution of Business Advisory Committee.-** The Chairman may at the commencement of the session or from time to time, as the case may be, nominate a Committee called the Business Advisory Committee consisting

of not more than five members including the Chairman who shall be the Chairman of the Committee.

**251. Quorum.-** The quorum to constitute a sitting of the Committee shall be three.

**252. Functions of the Committee.-**(1) It shall be the function of the Committee to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills and other Government business as the Chairman of the Council in consultation with the Leader of the House may direct for being referred to the Committee.

(2) The Committee shall have power to indicate in the proposed time table the different hours at which the various stages of the Bill or the other Government business shall be completed.

(3) The Committee shall have such other functions connected with the business of the Council as may be assigned to it by the Chairman from time to time.

**253. Report of the Committee.-** The time table in regard to the Bill or group of Bills and other Government business as settled by the Committee shall be reported by the Chairman to the House and notified in the Council Bulletin.

**254. Allocation of time order.-** As soon as may be, after the report has been made to the Council, a motion may be moved by the member of the Committee designated by the Chairman “ that this House agrees with the allocation of time proposed by the Committee in regard to such and such Bill or Bills and other Government business” and if such a motion is accepted by the Council, it shall take effect as if it were an order of the Council.

Provided that an amendment may be moved that the report be referred back to Committee either without limitation or with reference to any particular matter :

Provided further that not more than half an hour shall be allotted for the discussion of the motion and no member shall speak for more than five minutes on such motion.

## **(b) Committee on Petitions**

**255. Constitution of Committee on Petitions.-** At the commencement of the Council or from time to time, as the case may be, the Chairman shall nominate a Committee on Petitions consisting of not more than five members.

**256. Examination and circulation of Petitions.**-(1) The Committee shall examine every petition referred to it, and the petition complies with these rules, the Committee may direct that it be circulated.

Where circulation of the petition has not been directed, the Chairman may at any time, direct that the petition be circulated.

(2) Circulation of the petition shall be in extensor or in summary form as the Committee, or the Chairman, as the case may be, may direct.

(3) It shall also be the duty of the Committee to report to House on specific complaint made in the petition referred to it after taking such evidence as it deems fit and to suggest remedial measures either in concrete form applicable to the case under review or to prevent such cases in future.

### **(c)Committee on Privileges**

**257. Constitution of Committee on Privileges.**- At the commencement of the Council or from time to time, as the case may be, the Chairman shall nominate a Committee on Privileges consisting of not more than five members.

**258. Quorum of Committee.**- The quorum to constitute the sitting of the Committee shall be three.

**259. Examination of the question by the Committee.**-(1) The Committee shall examine every question referred to it and determine with reference to the facts of each case whether breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it and make such recommendations as it may deem fit.

(2) Subject to the provisions of sub-rule (1) of this rule the report may also state the procedure to be followed by the Council in giving effect to the recommendations made by the Committee.

**260. Consideration of Report.**-(1) After the motion that the report of the Committee be taken into consideration, is moved, the Chairman may put the question to the Council.

(2) Before putting the question to the Council, the Chairman may permit a debate on the motion not exceeding half an hour in duration, and such debate shall not refer to the details of the report further than is necessary to make out a case for the consideration of the report of the Council.

(3) After the motion made under sub-rule (1) is agreed to, the Chairman of the Committee or any member thereof, or any member, as the case

may be, may move that the House agrees, or disagrees with amendments, with the recommendations contained in the report.

**261 Amendments.-** Any member may give notice of amendment to the motion for consideration of the report in such form as may be considered appropriate by the Chairman.

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

#### **(d) Committee on Government Assurances**

**262. Functions of Committee.-** There shall be a Committee on Government Assurances to scrutinize the assurances, promises and undertakings etc. given by Ministers, from time to time on the Floor of the Council and report on-

- (a) the extent to which such assurances have been implemented ; and
- (b) where implemented whether such implementation has taken place within minimum time necessary for the purpose.

**263. Constitution of the Committee.-**(1) The Committee shall consist of five members, who shall be nominated by the Chairman.

Provided that a Minister shall not be nominated a member of the Committee, and that if a member, after his nomination to the Committee, is appointed a Minister, he shall cease to be a member of the Committee from the date of such appointment.

(2) The term of office of the members of the Committee shall not exceed one year.

**264. Quorum.-** In order to constitute a meeting of the Committee the quorum shall be three.

**265. Casting vote of Chairman.-** The Chairman of the Committee shall not vote in the first instance but in the case of an equality of votes on any matter he shall have, and exercise, a casting vote.

#### **(e) Rules Committee**

**266. Functions of Rules Committee.-** There shall be Committee on Rules to consider matters of procedure and conduct of business in the Council

and to recommend any amendment or additions to these rules that may be deemed necessary.

**267. Composition of Rules Committee.-** The Committee on Rules shall be nominated by the Chairman and shall consist of seven members including the Chairman of the Committee. The Chairman shall be *ex-officio* Chairman of the Committee.

**268. Quorum.-** The quorum to constitute a sitting of the Committee shall be four.

**269. 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 day 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 member shall be laid on the Table. Thereafter on the Council agreeing to the report on a motion made by a member of the Committee, the amendments to the rules as approved by the Council, shall be promulgated by the Chairman in the Gazette.

(3) If notice of such amendments has not been within seven days, the recommendations of the Committee shall be deemed to have been approved by the Council and on the expiry of the said period the Chairman shall promulgate in the Gazette the amendments to the rules as recommended by the Committee.

(4) The amendments to the rules shall come in force on their publication in the Gazette unless otherwise specified.

### **(f) House Committee**

**270. Constitution of House Committee.-**(1) There shall be House Committee consisting of not more than five members including the Chairman of the Committee. The Chairman shall be the *ex-officio* Chairman of the Committee.

(2) The members of the Committee shall be nominated by the Chairman and shall hold office for a term not exceeding one year.

**271. Quorum.-** The quorum to constitute a sitting of the Committee shall be three.

**272. Functions of the Committee.-**(1) the functions of the Committee shall be:-

(i) to deal with all questions relating to residential accommodation for members;

(ii) to exercise supervision over facilities for accommodation and other amenities to members.

(2) The functions of the Committee shall be advisory.

**273. Provisions applicable in other respects.-** In other respects the general rules applicable to Committees shall apply with such adaptations, whether by way of modification, addition or omission, as the Chairman may consider necessary or convenient.

### **(h) Library Committee**

**274. Constitution of Library Committee.-**(1) There shall be Library Committee consisting of five members of the Council who shall appointed by the Chairman.

(2) The Chairman shall be the *ex-officio* Chairman of the Committee.

(3) The Committee shall hold office for a term not exceeding one year.

**275. Functions of the Committee.-** The functions of the Library Committee shall be:-

(a) To consider and advise on such matters concerning the Library as may be referred to it by the Chairman from time to time;

(b) To consider suggestions for the improvement of the Library ;  
and

(c) To assist members in fully utilizing the services provided by the Library.

**276. Provisions applicable in other respects.-** In other respects the general rules applicable to Committees shall apply with such adaptations, whether by way of modification, addition or omission, as the Chairman may consider necessary or convenient.

### **(i) General Purpose Committee**

**277. Constitution of General Purpose Committee.-**(1) There shall be a General Purposes Committee consisting of the Chairman, the Deputy

Chairman, the leader of the House and eight other members to be nominated by the Chairman.

(2) The Chairman shall be *ex-officio* Chairman of the Committee.

**278. Functions of the Committee.-** The functions of the Committee shall be to consider and advise on such matters concerning the affairs of the Council as may be referred to it by the Chairman from time to time.

**279. Provisions applicable in other respects.-** In other respects the general rules applicable to Committees shall apply with such adaptations, whether by way of modification, addition or omission, as the Chairman may consider necessary or convenient.

**279A. Public Accounts Committee.-** As soon as may be after the commencement of first session of the Council in every year not more than two members shall be elected by the Council from amongst its members to represent on the Public Accounts Committee constituted under the rules made by the Assembly. The members shall be elected according to the principle of proportional representation by means of the single transferable vote.

**279A. (1) Estimates Committee.-** As soon as may be after the commencement of first session of the Council in every year not more than two members shall be elected by the Council from amongst its members to represent on the Estimates Committee constituted under the rules made by the Assembly. The members shall be elected according to the principle of proportional representation by means of the single transferable vote.

**279A. (2) Committee on Public Undertakings.-** As soon as may be after the commencement of first session of the Council in every year not more than two members shall be elected by the Council from amongst its members to represent on the Committee of Public undertakings constituted under the rules made by the Assembly. The members shall be elected according to the principle of proportional representation by means of the single transferable vote.

Provided that the Chairman may on a request from the Speaker nominate not more than two members to the Committee from the Council if it is found that the election could not be held.

**279B. Committee on Subordinate Legislation.-** There shall be a Committee on sub-ordinate Legislation to scrutinize and report to the Council whether the powers delegated by Legislature have been properly exercised within the framework of the statute delegating such powers.

**279B. (1) Constitution of the Committee.-** The Committee shall consist of nine members who shall be nominated by the Chairman.



Provided that a Minister shall not be nominated a member of the Committee, and that if a member, after his nomination to the Committee, is appointed a Minister, he shall cease to be a member of the Committee from the date of such appointment.

(2) A Committee nominated under sub-rule (1) shall hold office until a new Committee is nominated.

(3) Casual vacancies in the Committee shall be filled by the Chairman.

**279C. Chairman of the Committee.**-(1) The Chairman of the Committee shall be appointed by the Chairman from amongst the members of the Committee

Provided that if the Deputy Chairman is a member of the Committee, he shall be appointed Chairman of the Committee.

(2) If the Chairman of the Committee is for any reason unable to act, the Chairman may similarly appoint another Chairman of the Committee in his place.

(3) If the Chairman of the Committee is absent from any sitting, the Committee shall choose another member to act as Chairman for that meeting.

**279D. Quorum.**-(1) In order to constitute a meeting of the Committee the quorum shall be four.

(2) The Chairman of the Committee shall not vote in the first instance but in case of an equality of votes or any other matter, he shall have, and exercise, a casting vote.

**279E. Evidence before the Committee.**-(1) The Committee shall have power to require attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties :

Provided that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

(2) Subject to the provisions of this rule, a witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of the Committee.

(3) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

**279F. Duties of Committee.**- After each rule, regulation, byelaw, scheme or statutory instrument framed in pursuance of Legislative functions delegated by Legislature to a subordinate authority which is required to be laid before Legislature (hereinafter referred to as the “order”) is so laid before the Council, the Committee shall, in particular consider :-

- (i) Whether it is in accord with the general object of the Act pursuant to which it is made ;
- (ii) Whether it contains matter which is in the opinion of the Committee should more properly be dealt within an Act of Legislature ;
- (iii) Whether it contains imposition of taxation ;
- (iv) Whether it directly or indirectly bars the jurisdiction of the Court ;
- (v) Whether it gives retrospective effect to any of the provisions in respect of which the Act does not expressly give any such power ;
- (vi) Whether it involves expenditure from the consolidated Fund of the State of the Public Revenues ;
- (vii) Whether it appears to make some unusual or unexpected use of the powers conferred by the Act pursuant to which it is made ;
- (viii) Whether there appears to have been unjustifiable delay in this publication or laying it before Legislature ; and
- (ix) Whether for any reason its form or purport calls for any elucidation.

**279-G. Report of the Committee.**-(1) If the Committee is of the opinion that any order should be annulled or in part, or should be amended in any respect, it shall report that opinion and the grounds to the Council.

(2) If the V is of the opinion that any other matter relating to any order should be brought to the notice of the Council, it may report that opinion and matter to the Council.

**279-H.Presentation of the Report.**- The report of the Committee shall be presented to the Council by the Chairman of the Committee or in his absence by any member of the Committee.

**279-I. Power of Chairman to give directions.-** The Chairman may issue such directions as he may consider necessary for regulating the procedure in connection with all matters connected with the consideration of question of subordinate Legislation either in the Committee or in the House.

## **CHAPTER XX**

### **Communication between the Governor and the Council**

**280. Communication from the Governor to the Council.-**

Communications from the Governor to the Council shall be made to the Chairman by written messages signed by the Governor or, if the Governor is absent from the place of meeting of the Council, his message shall be conveyed to Chairman through a Minister.

**281. Communication from the Council to the Governor.-**

Communication from the Council to the Governor shall be made-

- (i) by formal address, after motion made and carried out in the Council ; and
- (ii) through the Chairman.

## **CHAPTER XXI**

### **General Rules of Procedure**

#### **Notices**

**282. Notice by the Member.**-(1) Every notice required by these rules shall be given in writing addressed to the Secretary and signed by the member giving notice, and shall be left at the Council Notice Office which shall be open for this purpose between the hours 10. A.M and 4. P.M, or between such hours as may be notified, on every day except Sunday or a public holiday.

(2) Notices left at the Notice Office after the hours specified in, or notified under, sub-rule (1) shall be treated as given on the next open day.

**283. Circulation of notices and papers to Members.**-(1) The Secretary shall make every effort to circulate to each member a copy of every notice or other paper which is by these rules required to be made available for the use of members.

(2) A notice or other papers shall be deemed to have been made available for the use of every member if a copy thereof is deposited in such manner and in such place as the Chairman may, from time to time direct.

**284. Lapse of pending notices on prorogation of the Council.**- On the prorogation of the Council, all pending notices other than notices of intention to move for leave to introduce a Bill, shall lapse and fresh notice shall be given for the next session :

Provided that fresh notice shall be necessary of intention to move for leave to introduce any Bill in respect of which sanction or recommendation has been granted under the Constitution, if the sanction or recommendation, as the case may be, has ceased to be operative.

**285. Motion, Amendment or Resolution moved not to lapse.**- A motion, resolution or amendment, which has been moved and is pending in the House, shall not lapse by reason of the prorogation of the House.

**286. Power of Chairman to amend notice.**- If in the opinion of the Chairman, any notice contains words, phrases or expressions which are argumentative, un-parliamentary, ironical, irrelevant, verbose or otherwise in appropriate, he may in his discretion amend such notice before it is circulated.

## **Motions**

**287. Repetition of Motions.**- A motion shall not raise a question substantially identical with one on which the Council has given a decision in the same session.

**288. Notice of Motions.**- A member who wishes to move a motion other than a motion for which a period is specially prescribed, shall give in the case of substantive motion, at least seven clear days and in the case of an amendment at least two clear days notice of his intention to the Secretary :

Provided that the following motions may be moved without notice with the permission of the Chairman –

1. Motion of the adjournment of a sitting of the Council ;
2. Motion for the withdrawal of strangers ;
3. Motion for the withdrawal of a Bill, resolution or amendment thereto;
4. Motion for postponement of any Business;
5. Motion for closure of a debate:

Provided further that the Chairman may, in his discretion, allow any other motion to be moved at any time at shorter notice or without notice.

**289. Withdrawal of a motion.**-(1) A member who has made a motion may withdraw the same by leave of the Council.

(2) The leave shall be signified not upon question, but by the Chairman taking the pleasure of the council. The Chairman shall ask, “ Is it your pleasure that the motion be withdrawn,” if no one dissents, the Chairman shall say : “The motion is by leave withdrawn.” But if any dissentient voice be heard or a member rise to continue the debate, the Chairman shall forthwith put the motion:

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.

**290. Adjournment of debate on motion.**- At any stage after a motion has been made, a member may move that the debate on the motion be adjourned.

**291. Dilatory motion.**-(1) If the Chairman is of the opinion that a motion for the adjournment of debate is an abuse of the rules of the Council, he may either forthwith put the question thereon from the chair or decline to propose the question.

(2) If the Chairman is of the opinion that the motion for recirculation of a Bill to elicit further opinion thereon is in the nature of a dilatory motion in abuse of the rules of the Council in as much as the original circulation was adequate or comprehensive or that no circumstances has arisen since the previous circulation of the Bill, he may forthwith put the question thereon or decline to propose the question.

(3) If the Chairman is of the opinion that a motion for recommittal of Bill to a Select Committee of the Council or a Joint Select Committee of the Houses or circulation or recirculation of the Bill after the Select Committee of the Council or the Joint Select Committee of the Houses has reported thereon, is in the nature of a dilatory motion in abuse of the rule of the Council or the Joint Committee of the Houses, as the case may be, has dealt with the Bill in a proper manner or that no unforeseen or new circumstance has arisen since the Bill emerged from such Committee, he may forthwith put the question thereon or decline to propose the question.

**292. Motion that policy or situation or statement or any other matter be taken in to consideration.**- A motion that the policy or situation or statement or any other matter be taken into consideration shall not be put to the vote of the Council but the Council shall proceed to discuss such matter immediately after the mover has concluded his speech and no further question shall be put at the conclusion of the debate at the appointed hour unless a member move a substantive motion in appropriate terms be approved by the Chairman and the vote of the Council shall be taken on such motion.

## **Amendments**

**293. Scope of Amendments.**-(1) An amendment shall be relevant to and within the scope of the motion to which it is proposed.

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

(3) An amendment on question shall not be inconsistent with a previous decision on the same question.

**294. Selection of Amendments.**-(1) The Chairman may refuse to put an amendment which is in his opinion frivolous.

(2) In respect of any motion, the Chairman shall have power to select the amendments to be proposed, and may if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of the amendments as may enable him to form a judgment upon it.

## **Rules to be observed**

**295. Rules to be observed by members while present in the Council.**- Whilst the Council is sitting a member –

1. shall enter and leave the Council with decorum ;
2. shall not cross the Council irregularly ;
3. shall not read any book, newspaper or letter except in connection with business of the Council ;
4. shall not interrupt any member while speaking by disorderly expression or noise or in any other disorderly manner ;
5. shall not pass between the chair and any member who is speaking ;
6. shall always address the chair ;
7. shall not leave the Council when the Chairman is addressing the Council ;
8. shall keep to his usual seat while addressing the Council ;
9. shall maintain silence when not speaking in the Council ;
10. shall not obstruct proceedings, his or interrupt and shall avoid making running commentaries when speeches are being made in the Council ;
11. shall not applaud when strangers enter any of the Galleries ;
12. shall not while speaking make any reference to the stranger in any of the Galleries.



**296. Members to speak when called by Chairman.**- when a member rise as to speak, his name shall be called by the Chairman. If more members than one rise at the same time, the member whose name is so called shall be entitled to speak.

**297. Mode of addressing the Council.**- A member desiring to make any observation on any matter before the Council shall speak from his place, shall rise when he speaks and shall address the Chairman.

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

**298. Rules to be observed while speaking.**- A member while speaking shall not –

- (i) refer to any matter of fact 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 House, State Legislature and Central Parliament ;
- (iv) reflect on any determination of the Council, except on a motion for rescinding it ;
- (v) reflect upon the conduct of person in high authority unless the discussion is base on a substantive motion drawing in proper terms.

**Explanation :-** The words “ persons in high authority” means persons whose conduct can only be discussed on a substantive motion drawn in proper terms under the Constitution or such other persons whose conduct, in the opinion of the Chairman, should be discussed on a substantive motion drawn in terms to be approved by him.

- (vi) use the Governor’s name for the purpose of influencing the debate ;
- (vii) utter reasonable, sedition’s or defamatory word ;
- (viii) use his right of speech for the purpose of obstructing the business of the Council.

**299. Question to be asked through the Chairman.**- 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 Council he shall ask the question through the Chairman.

**300. Irrelevance of re-petition.-** The Chairman after having called the attention of the Council to the conduct of a member who persists in irrelevance or intedious repetition either of his own argument or arguments by other members in debate, may direct him to discontinue his speech.

**301. Personal explanation.-** A member may with the permission of the Chairman, make a personal explanation although there is no question before the Council, but in this case no debatable matter may be brought forward, and no debate shall arise.

### **Order of speeches and right of reply**

**302. Order of Speeches and right of reply.-**(1) After the member who moves a motion has spoken other member may speak to the motion in such order as the Chairman may call upon the. If any member who is so called upon does not speak, he shall not be entitled, except with the permission of the Chairman, to speak to the motion at any late stage of the debate.

(2) Except in the exercise of a right on reply or otherwise provided by these rules, no member shall speak other than once to any motion, except with the permission of the Chairman.

(3) A member who has moved a motion may speak again by way of reply and if the motion is moved by a private member, the Minister concerned may, with the permission of the Chairman, speak (whether he has previously spoken in the debate or not) after the mover has replied.

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

### **Address by Chairman**

**303. Address by Chairman.-** The Chairman may himself or on a point being raised for on a request made by a member address the Council at any time on a matter under consideration in the Council with a view to aid members in their deliberations and such expression of views shall not be in the nature of a decision.

**304. Procedure when Chairman rises.**-(1) whenever the Chairman rise he shall be heard in silence and any member who is then speaking or offering to speak shall immediately sit down.

(2) No member shall leave his seat while the Chairman is addressing the council.

## **Closure**

**305. Closure.**-(1) At any 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) 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 any member any right of reply which he may have under these rules.

**306. Limitations of debates.**-(1) Whenever the debate on any motion in connection with a Bill or any other motion becomes unduly protracted ; then Chairman, may, after taking the sense of the Council, fix a time limit for the conclusion of discussion on any stage or all stages of the Bill or the motion, as the case may be.

(2) At the appointed hour, in accordance with the time limit fixed for the completion of a particular stage of a Bill or a motion, the Chairman shall, unless the debate is sooner concluded, forthwith put every question necessary to dispose of all the outstanding matters in connection with that stage of the Bill or the motion.

## **Question for Division**

**307. Procedure for obtaining decision of the Council.**-A matter requiring the decision of the Council shall be decided by means of a question put by the Chairman on a motion made by a member.

**308. Putting of question.**- When a motion has been made, the Chairman shall propose the question for the consideration, and put it for the decisions of the council. If a motion embodies two or more separate propositions, those propositions may be proposed by the Chairman as separate question.

**309. No speech after voices collected.**- A member shall not speak on a question after the Chairman has collected the Voices both of “Ayes” and of the “Noes” on that question.

## **Division**

**310. Division.**-(1) On the conclusion of a debate the Chairman shall put the question and invite those who are in favour of the motion to say “Yes” and those against the motion to say “No”.

(2) The Chairman shall then say : “I think the Ayes (or the Noes as the case may be) have it”. If the opinion of the Chairman as to the decision of a question is not challenged, he shall say twice “the Ayes (or the Noes, as the case may be) have it” and the question before the Council shall be determined accordingly.

(3) If the opinion of the Chairman as to the decision of a question is challenged he may, if he thinks fit, ask the members who are for “Ayes” and those for “Noes” respectively in their places and on account being taken, he may declare the determination of the House. In such a case, the names of the voters shall not be recorded.

(4) If the opinion of the Chairman as to the decision of a question is challenged and he does not adopt the course provided for in sub-rule (3) above, he shall order a “Division” to be held in such a manner as he thinks fit.

## **Withdrawal and suspension of Members**

**311. Withdrawal of a Member.**- The Chairman may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Council, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day’s sitting.

**312. Suspension of a Member.**-(1) The Chairman may, if he deems it necessary, name a member who disregards the authority of the chair or abuse the rules of the Council by persistently and willfully obstructing the business thereof.

(2) If a member is so named by the Chairman, he shall forthwith put the question that the member (naming him) be suspended from the service of the Council for the period not exceeding the remainder of the session.

(3) A member suspended under this rule shall forthwith quit the precincts of the House.

### Suspension of Sitting

**313. Power of Chairman to adjourn Council or suspend sitting.-** in the case of grave disorder arising in the Council the Chairman may, if he thinks it necessary to do so, adjourn the Council or suspend any sitting for a time to be named by him.

## Point of Order

**314. Point of Order.-**(1) A point of order shall relate to the interpretation or enforcement of these rules, or such provisions of the Constitution as regulate the business of the Council and shall raise a question which is within the cognizance of the Chairman.

(2) A point of order may be raised in relation to the business before the Council at the moment :

Provided that the Chairman may permit a member to raise a point of order during the interval between termination of one item of business and the commencement of another, if it relates to maintenance of order in, or arrangement of business before the Council.

(3) Subject to conditions referred to in sub-rule (1) and (2) a member may formulate a point of order and the Chairman shall decide whether the point raised is a point of order and if so give his decision thereon which shall be final.

(4) No debate shall be allowed on a point of order but the Chairman may if he thinks fit, hear members before giving decision.

(5) A point of order is not a point of privilege.

(6) 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 Council ; or

(d) which may be hypothetical ; or

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

## **Maintenance of Order**

**315. Chairman to preserve order and enforce decision.-** The Chairman shall preserve order and shall have all powers necessary for the purpose of enforcing his decision.

## **Admission of Strangers**

**316. Admission of Strangers.-** The admission of strangers during the sitting of the Council to those portions of the Council which are not reserved for the exclusive use of members shall be regulated in accordance with orders made by the Chairman.

**317. Withdrawal of Strangers.-** The Chairman, whenever he thinks fit may order the withdrawal of strangers from any part of the Council.

## **Personal Pecuniary or Direct Interest**

**318. Objection to membership of committee or vote of a member in a division.-** Where an objection is taken to the inclusion of a member in the Select Committee on a Bill or any other Committee of the Council on the ground that the member has personal, pecuniary or direct interest of such an intimate character that it may prejudicially affect the consideration of any matter to be considered by the Committee, the procedure shall be as follows:-

- (a) The member who has taken objection shall precisely state the ground of his objection and the nature of the alleged interest, whether personal, pecuniary or direct of the proposed member in the matters coming up before the Committee ;
- (b) After the objection has been stated, the Chairman shall give an opportunity to the member proposed on the Committee against whom the objection has been taken to state the position;
- (c) If there is dispute on facts, the Chairman may call upon the member taking objection and the member against whose appointment on the Committee objection has been taken to produce documentary or other evidence in support of their respective cases ;
- (d) After the Chairman has considered the evidence so tendered before him he shall give his decision which shall be final;

- (e) Until the Chairman has given his decision the member against whose appointment on the committee objection has been taken shall continue to be member thereof if elected or nominated and take part in discussion but shall not be entitled to vote ; and
- (f) If the Chairman holds that the member against whose appointment objection has been taken as a personal, pecuniary or direct interest within the meaning of sub-rule (3) in the matter before the Committee, he shall cease to be a member thereof forthwith :

Provided that the proceeding of the sittings of the Committee at which such member was present shall not in any ways be affected by the decision of the Chairman.

(2) 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 making the challenge to state precisely the grounds of the objection and the member 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 a vote of a member or members is challenged immediately after the division is over and before the result is announced by the Chairman.

(3) For purposes of sub-rule (1) and (2) 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 on a matter of State policy.

### **Papers quoted to be laid on the Table**

**319. Papers quoted to be laid on the Table.-** If a Minister quotes in the Council a dispatch or other state paper which has not been presented to the Council, he shall lay the relevant paper on the Table.

Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest :

Provided further that where a Minister gives in his own words a summary or gist of such dispatch or state paper, it shall not be necessary to lay the relevant papers on the Table.

**320. Treatment of the papers laid on the Table.-** (1) A paper or document to be laid on the Table shall be duly authenticated by the member presenting it.

(2) All papers and documents laid on the Table shall be considered public.

#### Report of Proceedings

**321. Report of Proceedings.-** The Secretary shall cause to be prepared a full report of the proceedings of the Council at each of its sittings, and shall as soon as practicable, publish it in such form and manner as the Chairman may, from time to time, direct.

**322. Expunction of words from debates.-** If the Chairman is of the opinion that words have been used in debate which are defamatory or indecent or un-parliamentary or undignified, he may, in his discretion, order that such words be expunged from the proceedings of the House.

**323. Indication in printed debates of expunged proceedings.-** The portion of the proceedings of the House so expunged shall be marked by asterisks an explanatory foot-note shall be inserted in the proceedings as follows :-

“Expunged as ordered by the Chair”

### Custody of Papers

**323A. Custody of Papers.-** The Secretary shall have custody of all records, documents and papers belonging to the House or any of its Committees or Legislative Council Secretariat and he shall not permit any such records, documents or papers to be taken from the Legislative Council without the permission of the Chairman.

### Admission of Officers of the Assembly

**324. Admission of Officers of Assembly to sittings of Council.-** Any officer of the Secretariat staff of the Assembly shall be entitled to admission of the Council Chamber during any sitting of the Council.



## **Residuary Powers**

**325. Residuary Powers.-** All matters not specifically provided in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Chairman may from time to time direct.

## **Suspension of a Rule**

**326. Suspension of a Rule.-** 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 Council and if the motion is carried, the rule in question shall be suspended for the time being.

## **CHAPTER XXII**

### **Miscellaneous**

#### **Ratification of amendment to the Constitution**

**327. Ratification of amendment to the Constitution.**-(1) when communications relating to the amendments to the Constitution of India which have to be ratified by the Legislature under the proviso to Article 368 of the Constitution, are received from either House of the Parliament, such communications shall be laid on the Table.

(2) As soon as the communication is laid on the Table, the Leader of the House, or a Minister authorized by the Chief Minister in this behalf, shall move a resolution for ratification of the amendments by the Council.

(3) As soon as the resolutions passed by the Council, authenticated copy of the resolution shall be forwarded to the House of the Parliament from which the amendments were received for ratification.

## CHAPTER XXIII

**327A. Ethics Committee.**-(1) At the commencement of the House, or from time to time as the case may be, the Chairman shall nominate Ethics Committee consisting of not less than six members :

Provided that a Minister shall not be nominated a member of the Committee and that if a member after his nomination to the Committee is appointed as Minister, he shall cease to be a member of Committee from the day of such appointment.

- 2(i) The Committee shall oversee the moral and ethical conduct of the members;
- (ii) The Committee shall examine the cases referred to it with reference to ethical and other misconduct of members;
- (iii) in other respects, the rules applicable to the Committee of Privileges shall apply to the with such adaptations whether by way of modification, addition or omission, as the Chairman may consider necessary ;
- (iv) The quorum to constitute a sitting of the Committee shall be three (3).

### Department Related Standing Committees

- 327-B.** (i) There shall be Council Standing Committees related to the Ministries/Departments;
- (ii) Each DRSC shall be related to the functioning of the Ministries/Departments;
  - (iii) Each Committee thus constituted shall not have more than 5 members to be nominated by the Chairman from amongst the members of the Council : Provided that a Minister shall not be a member on such a Committee ;
  - (iv) The Committee may examine the progress and functioning of any department or a wing thereof. It may suggest fresh discipline or improvement in the functioning of the Government Department or Departments ;
  - (v) That the number of such Committees shall <sup>1</sup>[not exceed four] ;

- (vi) The Chairman may appoint a Committee to examine two or more than two Ministries under its supervision.

<sup>2</sup>[**327-C. Report/recommendations of the Committee.**-(1) Each Department Related Standing Committee shall prepare its report/recommendations relating to the department assigned to it within six months of the date of its constitution or within such time as the Council may fix, which shall be signed by the Chairman of the Committee or in his absence, by the senior most member of such Committee.

(2) The report/recommendations shall be presented to the Council as soon as possible and if the Council is not in session at the time of preparation of report by the Committee, it shall be presented in the next session.

**327-D. Availability of Report to and Action Taken Report by the Government.**-(1) The Committee may, if it thinks fit, make available such report/recommendations to the Government for taking appropriate action on such report or recommendations before the same being presented to the Council.

(2) The Committee may also call for an Action Taken Report from the Government within such time as the Committee may fix in this behalf.

(3) After receipt of the Action Taken Report from the Government, the report/recommendations along with the Action Taken report from the Government shall be presented to the Council in the manner provided in sub-rule (2) of Rule 327-C.

**327-E. Applicability of General Rules.**- Except for the matters specified herein above, the general rules relating to the Committees as specified in Chapter XIX shall also apply to the Department related Standing Committees].

## **FIRST SCHEDULE**

### **Ballot procedure for determining the Relative Procedure of Private Members' Bills and Resolutions**

**General.**-1. No member may ballot for more than one Bill or Resolution for the same day of the session, and there shall not be more than seven resolutions of the list of resolutions for one day.

**The Ballot procedure.**-2. (1) Not Less than Seven days before each day allotted for the disposal of Private members' business a ballot for Private Members' resolutions and another for leave to introduce Private Members' Bill be held in his office by the Secretary.

(2) Notice of the date or dates fixed for holding the ballot shall be put up on the Notice Board three days before the date of each ballot and intimation of such date or dates shall also be given to the members through a Circular Letter.

(3) Two days before the date fixed for a ballot, a numbered list shall be kept open by the Secretary in his office and during these two days and at hours when the office is open, any member who has given notice of a Resolution or a Bill may enter his name in the case of ballot for Bills or Resolutions against one member only.

(4) A ballot shall be held in his office by the Secretary and any member who wishes to attend may do so; but no travelling allowances shall be paid for such attendance.

(5) Members in addressing notices shall list their Resolutions and Bills in the order in which they desire priority commencing with number one on the list and so on consecutively.

(6) Unless a member enters his name in the numbered list personally or authorities in writing any other member to fill in the numbered list, the Secretary shall fill in the numbered list for purposes of ballot in accordance with the priority shown in the original list sent by the member with his notice.

(7) Papers or discs with numbers corresponding to those against which entries have been made in the numbered list shall be placed in a box. A clerk shall take out a hazard from the box one of the papers or discs and the Secretary shall call out from the list corresponding names which shall then be entered in the priority list, this procedure shall be continued till all the numbers have been drawn in the case of a ballot for Bills or seven numbers have been drawn in the case of a bill or resolutions.

(8) Priority on the list shall entitle a member to have set down in the order of his priority for the day with reference to which the ballot is held in the Bill or the resolution, as the case may be, of which he has given notice.

\

## SECOND SCHEDULE

### Form of Petition

(See Rule 148)

To,

The Jammu and Kashmir Legislative Council

The humble petition of

*(here insert name and designation or description of petitioner (s) in concise form e.g “A,B and others” or the inhabitants of ..... or “ the municipality of .....” etc.)*

Sheweth

(here insert concise statement of case)

And accordingly your petitioner (s) pray that

*(here insert “ that the Bill be or be not proceeded with” or “ that special provision be made in the Bill to meet the case of your petitioner (s)” or any other appropriate prayer regarding the Bill or matter before the House or a matter of general public interest).*

And your petitioner(s) as in duty bound will ever pray.

---

Name of petitioner

Address

Signature or  
Thumb Impression

---

---

---

Counter signature of  
Member presenting

# THIRD SCHEDULE

## Form of Report on Petition by the Secretary

(See Rule 148)

Sir, under Rule..... Of the Rules of Procedure and Conduct of Business in Legislative Council, I have to report that ..... Petition as per statement laid on the Table have been received relating to .....(in case of Bills) the Bill to provide for ..... which was introduced in the Council on the .....20.....by Shri.....

### STATEMENT

Petition relating to.....(in case of Bills) the Bill to provide for.....which was introduced in the Council on the .....20.....

---

Number of Signatories	District or Town, State
-----------------------	-------------------------

---

---



## Fourth Schedule

### Form of Communication regarding arrest, detention conviction or release , as the case may be, of a Member

(See Rule 210 and 211)

Place.....

Date.....

To

The Chairman,  
Jammu and Kashmir Legislative Council,  
Srinagar/Jammu.

Dear Mr. Chairman,

#### (A)

I have the honor to inform you that I have found it my duty, in the exercise of my powers under section..... of the .....(Act) to direct that Mr..... Member of the Legislative Council, be arrested/detained for .....(reason for the arrest or detention, as the case may be).

Mr.....M.L.C was accordingly arrested/taken into custody at.....(time) on.....(date) and at present lodged in the .....jail.....(place).

#### (B)

I have the honor to inform you that Mr.....Member of the 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 ..... days, I found him guilty of .....and sentenced him to imprisonment .....(period).

(His application for leave to appeal to .....is pending consideration).

(C)

I have the honor to inform you that Mr.....Member  
of the Legislative Council who was convicted on .....(date)  
and imprisoned for.....(period for)  
.....(reasons for the conviction) was released on bail pending  
appeal (or, as the case may be, released on the sentence being set aside or  
appeal) on the.....(date).

Yours faithfully,

(Judge magistrate or  
Executive Authority).

\*Name of the Court