

THE
TRAVANCORE-COCHIN
LEGISLATIVE ASSEMBLY
RULES AND STANDING ORDERS

[As modified and adapted by the Speaker, under Article 208,
read with Article 238, clause (11) of the
Constitution of India]

(Corrected up to October 1952)



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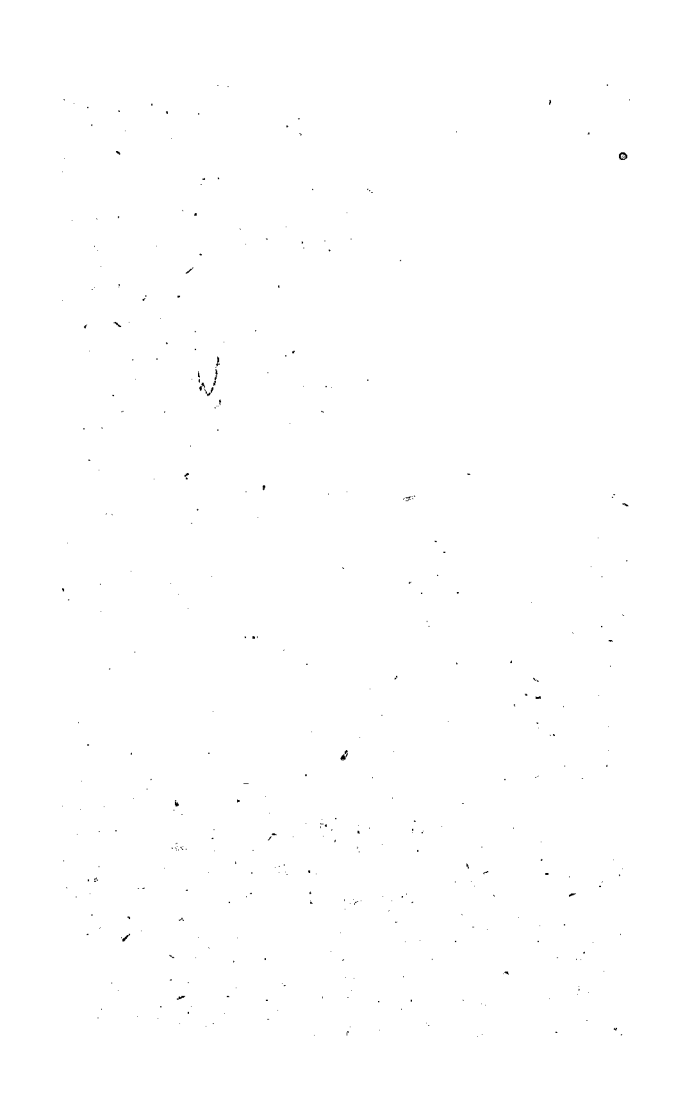


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THE TRAVANCORE-COCHIN LEGISLATIVE ASSEMBLY RULES

*[As modified and adapted by the Speaker, Travancore-Cochin
Legislative Assembly, under Article 208 read with Article
238, clause (II) of the Constitution of India]*

PART I

Short title and definitions

1. *Short title.*—These Rules may be called the Travancore-Cochin Legislative Assembly Rules.

2. *Definitions.*—(1) In these rules,—

“Assembly” means the Travancore-Cochin Legislative Assembly;

“Bill” means a proposed enactment in any stage before it has received the assent of the Rajpramukh ;

“Constitution” means the Constitution of India;

“Finance Minister” means the Minister appointed by the Rajpramukh to perform the functions of the Finance Minister under these Rules, or in his absence, any Minister authorised by the Rajpramukh to perform such functions of such Minister ;

“Gazette” means the Travancore-Cochin Government Gazette ;

“Member” means a member of the Assembly ;

“Minister” means a member of the Council of Ministers and includes any member to whom such Minister may delegate any function assigned to him under these Rules ;

“Motion” means a proposal made by a member for the consideration of the Assembly relating to any matter which may be discussed by the Assembly, and includes an amendment ;

“Resolution” means a motion for the purpose of discussing a matter of general public interest ;

“Secretary” means the Secretary to the Assembly and includes any person for the time being performing the duties of the Secretary ;

"Select Committee" means a Committee appointed by the Assembly to consider or to take evidence upon any Bill and to report their opinion for the information and assistance of the Assembly ;

"Session" means the whole period from the time when the Assembly meets to the time when it is prorogued ;

"Speaker" means the Speaker of the Assembly and includes any other person when presiding over the Assembly ;

"Standing Order" means a standing order annexed to these Rules ;

(2) All words and expressions used herein and defined in the Constitution and not hereinbefore defined shall be deemed to have the meanings respectively assigned to them in the Constitution ;

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

PART II

Meetings of the Assembly

3. *Summoning of the Assembly.*—Whenever it appears to the Rajpramukh that the Assembly should be summoned—

(1) he shall cause a notification to be published in the Gazette appointing the day, hour and place for a meeting of the Assembly ;

(2) the Secretary shall send to each member a summons to attend the meeting ;

(3) the Assembly shall sit on such days as the Speaker, having regard to the state of business of the Assembly, may from time to time, direct.

4. *Prorogation.*—When it appears to the Rajpramukh that a session of the Assembly should be prorogued, he shall cause a notification to that effect to be published in the Gazette.

5. *Election of the Speaker by the Assembly.*—(1) As soon as may be after the Assembly is summoned to meet for the first time after the general elections the Rajpramukh shall fix a date

for the holding of the election and the Secretary shall send to every member notice of the date so fixed.

(2) At any time before 1 p.m., on the day preceding the date so fixed, any member may nominate another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder, and stating—

(a) the name of the member nominated, and

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

(3) The person presiding shall read out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconds, and if only one member has been so nominated, shall declare that member to be elected. If more than one member has been so nominated, the Assembly shall proceed to elect a Speaker by ballot.

(4) For the purposes of sub-rule (3), a member shall not be deemed to have been duly nominated or be entitled to vote if he and his proposer and seconder have not, before the reading out of the names by the person presiding, made the oath or affirmation as members of the Assembly.

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

(6) Where at any ballot any of two or more candidates obtain an equal number of votes and one of them has to be excluded from the election under sub-rule (5), the determination of the candidate who is to be excluded as between the candidates whose votes are equal shall be by drawing of lots in such manner as the person presiding may decide.

(7) If a vacancy in the office of Speaker occurs during the life of the Assembly a fresh election shall be held in accordance with the procedure hereinbefore mentioned.

6. *Election of Deputy Speaker.*—(1) As soon as may be after the election of the Speaker the Assembly shall elect one of its members to be Deputy Speaker. The Speaker shall fix a date for the holding of the election and the Secretary shall send to every member notice of the date so fixed.

(2) At any time before 1 p.m., on the day preceding the date so fixed for the election, any member may nominate any other member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder and stating—

(a) the name of the member nominated, and

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

(3) The Speaker shall read out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconds, and if only one member has been so nominated shall declare that member to be elected. If more than one member has been so nominated, the Assembly shall proceed to elect a Deputy Speaker by ballot.

(4) The provisions of sub-rules (4), (5) and (6) of Rule 5 shall apply to such election.

(5) If a vacancy in the office of Deputy Speaker occurs during the life of an Assembly a fresh election shall be held in accordance with the procedure hereinbefore mentioned.

7. *Panel of Chairmen.*—At the commencement of every session of the Assembly the Speaker shall nominate from amongst the members of the Assembly a panel of not more than two Chairmen any one of whom may preside over the Assembly in the absence of the Speaker and the Deputy Speaker or whenever necessary, and in such circumstances as may be directed by the Speaker or, in his absence, by the Deputy Speaker.

8. *Powers of person presiding.*—The Deputy Speaker and any Chairman of the Assembly shall, when presiding over the

Assembly, have the same powers as the Speaker when so presiding and all references to the Speaker in these Rules, shall in these circumstances be deemed to be references to any such person so presiding.

9. *Members absent from meetings of the Assembly for sixty days.*—(1) If a member finds at any time that he is unable to attend the meetings of the Assembly for a period of sixty days computed in the manner provided in clause (4) of Article 190 of the Constitution, he shall apply for permission to be so absent.

(2) Such application shall as soon as possible after receipt, be considered by the Assembly, ordinarily without discussion, in such manner as the Speaker may determine.

(3) The Secretary shall inform the member, as soon as possible, of the decision of the Assembly on his application.

(4) The Secretary shall keep a list showing the names of all members who are absent for sixty days or more computed in the manner provided in clause (4) of Article 190 of the Constitution, from all meetings of the Assembly, and such list shall be made available for inspection by members.

(5) If a member is absent without permission from all meetings of the Assembly for a period of sixty days or more, computed in the manner provided in clause (4) of Article 190 of the Constitution, any member may move that such member's seat be declared vacant.

(6) A member shall give ten clear days' notice of such a motion and shall, with his notice, forward a complete statement of the dates on which the member whose seat is to be declared vacant was absent.

(7) No such motion shall be admitted for discussion if the Speaker is satisfied that the statement is inaccurate.

(8) If such motion is carried the Secretary shall 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. †

†Substituted by Notification No. L.A. 1—256/50 dated 15th June 1950.

(9) The Secretary shall keep an attendance book, which shall be signed every day by the members (other than the Speaker and the Ministers) present. A member (other than the Speaker and the Ministers) who has not signed the attendance book on any day shall be presumed to have been absent from the Assembly on that day.

*9.A. *Resignation of members.*—(1) As soon as may be, the Speaker shall, after he has received an intimation in writing from a member under his hand resigning his seat in the Assembly, inform the House that such and such a member has resigned his seat in the Assembly :

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

(2) The Secretary shall, as soon as may be, after the Speaker has received such intimation from a member resigning his seat in the Assembly 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:

10. *Language of the Assembly.*—(1) The business of the Assembly shall be transacted in Malayalam, Tamil or English.

(2) The official records of the proceedings of the Assembly shall be kept in English or in the language in which such proceedings were conducted in the Assembly.

11. *Limitations on debate.*—(1) The matter of every speech must, in the opinion of the Speaker, be strictly relevant to the business before the Assembly.

(2) A member while speaking shall not—

(i) reflect upon the conduct of—

(a) the President of India, or

(b) any Governor or Rajpramukh ;

(ii) use offensive expressions regarding the conduct or proceedings of the Union or any State legislature ;

- (iii) reflect on any decision of the Assembly except on a motion for amending or rescinding it;
- (iv) make a personal charge against a member;
- (v) utter treasonable, seditious or defamatory words;
- (vi) use his right of speech for the purpose of obstructing the business of the Assembly; or
- (vii) refer to any matter on which a judicial decision is pending.

12. (1) *Decisions on points of order.*—The Speaker shall decide all points of order which may arise, and his decision shall be final.

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

13. *Irrelevance or repetition.*—The Speaker after having called the attention of the Assembly to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or the arguments used by other members in debate, may direct him to discontinue his speech.

14. *Power to order withdrawal of member.*—(1) The Speaker shall preserve order and have all powers necessary for the purpose of enforcing his decisions on all points of order.

(2) He may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Assembly, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same session, the Speaker may direct the member to absent himself from the meetings of the assembly for any period not longer than the remainder of the session, and the member so directed shall absent himself accordingly. The member so directed to be absent shall not be deemed to be absent for the purpose of clause (4) of Article 190 of the Constitution.

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

PART III †

Rajpramukh's Address and Messages to the Assembly

15. *Discussion of the matters referred to in the Rajpramukh's Address under Article 176 of the Constitution as amended read with Article 238 thereof:*

(1) The Speaker shall allot a day or part of a day or more than one day for the discussion of the matters referred to in the Rajpramukh's Address under Article 176 of the Constitution as amended, read with Article 238 thereof.

(2) The Speaker shall as soon as may be convenient, arrange for a copy of the Rajpramukh's Address being made available for the use of every member.

(3) On the day or days or part of any day, allotted under sub-rule (1), the Assembly shall be at liberty to discuss the matters referred to in such Address on a motion of thanks moved by the Leader of the House or any other member authorised by him. The motion shall be seconded.

(4) Amendments may be moved to such motion of thanks in such form as may be considered appropriate by the Speaker. Notice of such amendments may be given before such time as may be fixed by the Speaker.

(5) 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 Speaker may fix the hour by which the discussion shall conclude.

(6) The Speaker may, if he thinks fit, prescribe, after taking the sense of the House, a time-limit for speeches.

(7) When the motion is adopted, with or without amendment, it shall be presented to the Rajpramukh by the Speaker.

(8) The Speaker shall report to the Assembly the Rajpramukh's reply.

† Substituted by Notification No. L. A. 1-284/51 dated 22nd August 1951

15-A. *Rajpramukh's Address under Article 175(1) of the Constitution, read with Article 238 thereof:*

No time shall be allotted for the discussion of the matters referred to in the Rajpramukh's Address under Article 175 (1) of the Constitution, read with Article 238 thereof:

Provided that the contents of the Address may be referred to in any debate in the Assembly.

15-B. *Messages by the Rajpramukh:*

Where a message from the Rajpramukh to the Assembly under Article 175 (2) of the Constitution read with Article 238 thereof is received by the Speaker, he shall read the message to the House and give necessary directions regarding the procedure to be followed for the consideration of the matters referred to in the message. In giving such directions, the Speaker shall have power to suspend or vary the rules to such extent as he deems fit.

PART IV

Arrangement of Business

16. *Allotment of time for non-official business and precedence of business.*—The Speaker, after considering the state of business of the Assembly, and after consulting the Leader of the House may allot so many days as may be possible for non-official 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, business of that class shall have precedence. On other days no business other than Government business shall be transacted except with the consent of the Speaker.

PART V

Questions

17. *Questions.*—Subject to the conditions and restrictions in the following Rules, any member may ask any question for the purpose of obtaining information on a matter of public concern within the special cognisance of the member to whom it is addressed.

18. *Procedure for questions in the Assembly.*—(1) Notice of a question shall be given in writing to the Secretary and shall specify,

(a) the official designation of the member to whom it is addressed, or if the question is addressed to a non-official member the name of such member; and

(b) the date on which the question is proposed to be placed on the list of questions for answer.

(2) Unless the Speaker, with the consent of the Minister concerned, otherwise directs no question shall be placed on the list of questions for answer until five clear days have expired from the time when notice of the admission of such question by the Speaker has been given by the Secretary to the member to whom it is addressed.

(3) Not more than three questions asked by the same member shall be called for answer on any one day.

(4) The time available for answering questions shall be allotted on different days in rotation for the answering of questions relating to such department or departments as the Speaker may, from time to time, provide and on each such day, unless the Speaker with the consent of the Minister concerned otherwise directs, only questions relating to the department or departments for which time on that day has been allotted, and questions addressed to the non-official members, shall be placed on the list of questions for answer.

(5) If any question placed on the list of questions for answer on any day is not called for answer within the time available for answering questions on that day, the member to whom the question is addressed shall forthwith lay upon the table a written reply to the question, and no oral reply shall be required to such question and no supplementary questions shall be asked in respect thereof:

Provided that a member may, by notice given at any time before the meeting for which his question has been placed on 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 sub-rule (4), be placed on the list after all questions which have not been so postponed:

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

19. *Notice of questions.*—Unless the Speaker with the consent of the Minister concerned otherwise directs, not less than ten clear days' notice of a question shall be given.

20. *Matters to which questions must relate.*—(1) A question addressed to a Minister must relate to the public affairs with which he is officially connected or to a matter of administration for which he is responsible.

(2) A question addressed to a non-official member must relate to some Bill, resolution or other matter connected with the business of the Assembly for which that member is responsible.

21. *Questions regarding matters of controversy.*—In matters which are or have been the subject of controversy between the Government of the Indian Union and the Government of the State, no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts.

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

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

(2) if it contains a statement by the member himself, he shall make himself responsible for the accuracy of the statement;

(3) it shall not contain arguments, inferences, ironical expressions or defamatory statements;

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

(5) it may not be asked as to the character or conduct of any person except in his official or public capacity;

- (6) it shall relate to a single matter;
- (7) it shall be so framed as to be merely a request for information;†
- (8) it shall not be of excessive length;
- (9) it shall not refer to any matter which is under adjudication by a court of law or which is not primarily the concern of the State Government; and
- (10) it shall not relate to any matter governed by the Covenant entered into before the commencement of the Constitution by the Rulers of the States of Travancore and Cochin for the formation of the "United State of Travancore and Cochin".

23. Speaker to decide admissibility of questions.—The Speaker shall decide whether a question is or is not admissible under these rules and may disallow any question when in his opinion it is an abuse of the right of questioning or calculated to obstruct or prejudicially affect the procedure of the Assembly or is in contravention of the rules and shall disallow any question if it infringes the rules as to the subject matter of questions.

24. Prohibition of discussion on questions or answers.—Unless otherwise provided in these Rules, no discussion shall be permitted in respect of any question or of any answer given to a question.

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

Provided that the Speaker shall disallow any supplementary question, if in his opinion, it infringes the rules as to the subject matter of questions.

PART VI

Discussion on a matter of public importance arising out of answers to questions

26. Discussion on a matter of public importance arising out of answers to questions.—(1) The Speaker shall allot half an

† The words 'and shall not in substance be a suggestion or request for action' deleted by Notification No. LA. 1-826/52 dated 1st October 1952.

hour from 4-30 p.m. to 5 p.m., on two days in a week, namely Wednesday and Friday, for raising discussion on a matter of sufficient public importance which has been the subject of a question in the House, irrespective of the fact whether the question was answered orally or the answer was laid on the table:

Provided that if the other business set down for the day is concluded before 4-30 p.m., the period of half an hour shall commence from the time such other business is concluded:

Provided further that the Speaker may allot any day instead of Wednesday or Friday if such a course is, in his opinion, necessary or convenient.

(2) A member wishing to raise discussion on such a matter shall give notice in writing to the Secretary two clear days before the day on which the matter is desired to be raised, and shall shortly specify the point that he wishes to raise:

Provided that the notice shall be accompanied by an explanatory note stating the 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 Speaker may with the consent of the Minister concerned waive the requirement concerning the period of notice.

(3) The Speaker shall decide whether the matter is of sufficient importance to be put down for discussion.

(4) If two or more notices for a day have been received and accepted by the Speaker the Secretary shall hold a ballot with a view to ascertaining which notice shall have preference for the day:

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 further 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 House for voting. The member who has given notice may make a short statement and the Minister concerned shall give a brief

reply. Any member who has previously intimated to the Speaker may be permitted to put a question for the purpose of further elucidating any matter of fact.

PART VII

Motions for adjournments for purposes of debate

27. *Motions for Adjournments.*—(1) A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker.

(2) Notice of a motion under sub-rule (1) shall be given before the commencement of the sitting on the day on which the motion is proposed to be made both to the Speaker and to the Minister concerned.

(3) The member asking for leave must, before the commencement of the sitting of the day, leave with the Secretary a written statement of the matter proposed to be discussed.

28. *Restrictions on right to make motion.*—The right to move the adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely,—

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

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

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

(4) the motion must not anticipate a matter which has been previously appointed for consideration. In determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Speaker to the probability of the matter anticipated being brought before the Assembly within a reasonable time; and

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

• 29. *Procedure to be followed.*—If the Speaker is of opinion that the matter proposed to be discussed is in order, he shall read the statement to the Assembly and ask whether the member has the leave of the Assembly to move the adjournment. If objection is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their places, and if not less than twenty-five members rise accordingly, the Speaker shall intimate that leave is granted and that the motion shall be taken at 4 p.m., or, if the Speaker after consultation with the Leader of the House so directs, at any earlier hour at which the business of the day may terminate. If less than twenty-five members rise, the Speaker shall inform the member that he has not the leave of the Assembly.

PART VIII

Ministers, Speaker and Deputy Speaker

30. *Motion of no-confidence in Ministers.*—(1) A motion expressing want of confidence in the Council of Ministers may be made subject to the following restrictions, namely,—

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

(b) the member asking for leave must leave with the Secretary a written notice of the motion which he proposes to move three days before the date on which he intends to move it.

(2) If the Speaker is of opinion that the motion is in order, he shall read the motion to the Assembly and shall request those members who are in favour of leave being granted to rise in their places, and if not less than 40 members rise accordingly, the Speaker shall intimate that leave is granted, and that the motion will be taken on such day, not being more than ten days from the date on which the leave is asked, as he may appoint. If less than forty members rise, the Speaker shall inform the member that he has not the leave of the Assembly.

31. *Resignation of Ministers.*—(1) A member who has resigned the office of Minister may, with the consent of the

Speaker, make a personal statement in explanation of his resignation.

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

(3) On such statement no debate shall be allowed :

Provided that a Minister shall be entitled, after the member has made his statement, to make a statement pertinent thereto.

32. Resolution to remove Speaker or Deputy Speaker from office.—Any resolution to remove either the Speaker or the Deputy Speaker from office, of which the required notice of fourteen days has been received, shall be read to the Assembly by the person presiding over the Assembly. He shall then request those members who are in favour of leave being granted to move the resolution to rise in their places, and if not less than forty members rise accordingly, the person presiding over the Assembly shall intimate that leave is granted. If less than forty members rise, he shall inform the intending mover thereof that he has not the leave of the Assembly to move it.

PART IX

Legislation

33. Publication of Bills before introduction.—The Speaker may order the publication in the Gazette of any Bill (together with the Statement of Objects and Reasons accompanying it) 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.

34. Notice of motion for leave to introduce Bill.—(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 the notice, submit a copy of the Bill and a full Statement of Objects and Reasons

(2) If the Bill is a Bill which under the Constitution cannot be introduced without the previous sanction or recommendation of the Rajpramukh, the member shall annex to the

notice a copy of such sanction or recommendation, and the notice shall not be valid until this requirement is complied with.

(3) If any question arises whether a Bill is or is not a Bill which requires such sanction or recommendation, the question shall be referred to the Rajpramukh whose decision on the question shall be final.

(4) The period of notice of a motion for leave to introduce a Bill under this Rule shall be one month unless the Speaker allows the motion to be made at shorter notice.

35. Financial memorandum to accompany Bill.—Every Bill shall unless the Speaker otherwise directs 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.

36. Publication after introduction.—As soon as may be after a Bill has been introduced, the bill, unless it has already been published, shall be published in the Gazette.

37. Person by whom motions in respect of Bills may be made.—

(1) 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 shall be made by any member other than the member in charge, except by way of amendment to a motion made by the member in charge.

(2) For the purpose of this Rule, 'member in charge of the Bill' means, in the case of a Government Bill, any member acting on behalf of the Government, and in any other case, the member who has introduced the Bill.

PART X

Resolutions

38. Notice of resolutions.—A member who wishes to move a resolution shall give fifteen clear days' notice of his

intention and shall, together with the notice, submit a copy of the resolution which he wishes to move:

Provided that the Speaker, with the consent of the Minister concerned, may allow it to be entered on the list of business with shorter notice than fifteen days:

Provided also that in respect of the resolution envisaged in Article 213 (2) (a) of the Constitution the period of notice required and the method of procedure to be followed shall be decided by the Speaker in his discretion consistent with the period and the items of business fixed for the session.

39. *Form of resolution.*—Every resolution shall be in the form of a declaration of opinion by the Assembly.

40. *Subject matter and admissibility of resolution.*—Subject to the provisions of these Rules and the Standing Orders any member may move a resolution relating to a matter of general public interest:

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

(a) it shall be clearly and precisely expressed and shall raise substantially one definite issue;

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

(c) it shall not raise a question substantially identical with one on which the Assembly has given a decision within the space of one year previous;

(d) it shall not relate to any matter governed by the Covenant entered into before the commencement of the Constitution by the Rulers of the States of Travancore and Cochin for the formation of the "United State of Travancore and Cochin" and

(e) it shall not relate to a matter which is not primarily the concern of the State Government or which is under adjudication by a court of law.

41. *Speaker to decide admissibility.*—The Speaker shall decide on the admissibility of a resolution and may disallow

any resolution when, in his opinion, it does not comply with the Rules or the Standing Orders, and shall disallow any resolution if it infringes the rule as to the subject matter of the resolutions.

42. *Copy to Government.*—A copy of every resolution which has been passed by the Assembly shall be forwarded to the Government.

43. *Discussion on matters of general public interest otherwise than as a resolution.*—Save in so far as is otherwise provided by the Constitution or by these Rules, no discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions, except on a motion made with the consent of the Speaker who, if he admits the motion, will allot a day for its discussion in consultation with the Leader of the House.

PART XI

Budget

44. *Presentation of budget.*—(1) The Annual Financial Statement of the estimated receipts and expenditure of the State in respect of each financial year (hereinafter referred to as the Budget) shall be presented to the Assembly on such day in the preceding financial year as the Rajpramukh may appoint.

(2) No discussion of the Budget shall take place on the day on which it is presented.

45. *Demands for grants.*—(1) A separate demand shall ordinarily be made in respect of the grant proposed for each department of Government, provided that the Finance Minister may include in one demand grants proposed for two or more departments or make a demand in respect of expenditure which cannot readily be classified under particular departments.

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

(3) Subject to these Rules, the Budget shall be presented in such a form as the Finance Minister may consider best fitted for its consideration by the Assembly.

46. *Stages of Budget debate in Assembly.*—The Budget shall be dealt with by the Assembly in two stages, namely.—

(a) a general discussion, and

(b) the voting of demands for grants.

47. *General discussion.*—(1) On a day to be appointed by the Speaker subsequent to the day on which the Budget is presented, and for such time as the Speaker may allot for this purpose, the Assembly shall be at liberty to discuss the Budget as a whole or any question of principle involved therein but no motion shall be moved at this stage nor shall the Budget be submitted to the vote of the Assembly.

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

(3) The Speaker may, if he thinks fit, prescribe a time limit for speeches.

48. *Voting of Demands for Grants.*—(1) The Speaker, in consultation with the Leader of the House, shall allot so many days as may be compatible with public interest for discussion and voting of the demands for grants.

(2) On the last day of the allotted days at 5 o'clock the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants.

49. *Motions at this stage.*—(1) Motions may be moved at this stage to reduce any grant, but not to increase or alter the destination of a grant.

(2) No amendments to motions to reduce any grant shall be permissible.

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

50. *Presentation of Budget in parts.*—Nothing hereinbefore contained shall be deemed to prevent the presentation of the

Budget to the Assembly in two or more parts and when such presentation takes place, each part shall be dealt with in accordance with the foregoing Rules as if it were the Budget.

51. Appropriation Bill.—(1) Subject to the provisions of the Constitution, the procedure in regard to an Appropriation Bill shall be the same as for Bills generally with such modifications as the Speaker may consider necessary.

(2) At any time after the introduction in the Assembly of an Appropriation Bill, the Speaker may allot a day or days for the completion of all or any of the stages involved in the passage of the Bill by the Assembly, and when such allotment has been made the Speaker shall at 5 o'clock on the allotted day or, as the case may be, the last of the allotted days, forthwith put every question necessary to dispose of all the outstanding matters in connection with the stage or stages for which the day or days have been allotted.

(3) The Speaker may, if he thinks fit, prescribe a time limit for speeches at all or any of the stages for which a day or days have been allotted under the preceding sub-rule.

†52. Vote on account.—(1) A motion for vote on account shall state the total sum required, and the various amounts needed for each department or item of expenditure which composed that sum shall be stated in a schedule appended to the motion.

(2) Amendments may be moved for the reduction of the whole grant or for the reduction or omission of the items whereof the grant is composed.

(3) Discussion of a general character shall be allowed on the motion or any amendments moved thereto, but the details of the grant shall not be discussed further than is necessary to develop the general points.

(4) In other respects, a motion for vote on account shall be dealt with in the same way as if it were a demand for grant.

†Substituted by Notification No. LA1—424/50, dated 8th November 1950.

***52. A. 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 demands for grants subject to such adaptations, whether by way of modification, addition or omission as the Speaker may deem to be necessary or expedient.

***52. B. Token grant.**—When funds to meet proposed expenditure on a new service can be made available by re-appropriation, a demand for the grant of a token sum may be submitted to the vote of the Assembly and, if the Assembly assents to the demand, funds may be so made available.

PART XII

Committee on Estimates and Committee on Public Accounts

53. Constitution of Committee on Estimates.—(1) As soon as may be after the commencement of each financial year a Committee on Estimates shall be constituted for the purpose of examining such of the budget estimates as it may deem fit, including supplementary or excess grants and to suggest economies consistent with the policies underlying the estimates.

(2) The Committee on Estimates shall consist of not more than seven members including the Chairman. They shall be elected by the Assembly from among its members according to the principle of proportional representation by means of the single transferable vote or in such other manner as the Speaker may determine. † The members of the Committee shall cease to hold office at the end of each financial year, but any member shall be eligible for re-election. In order to constitute a meeting of the Committee, the quorum shall be three.

(3) Casual vacancies in the Committee shall be filled as soon as possible after they occur by election in the manner

*Inserted by Notification No. LA1—424/50, dated 8th November 1950.

†Amended by Notification No. LA1—286/50, dated 2nd March 1951.

aforesaid, and any person elected to fill such vacancy shall hold office for the period for which the person in whose place he is elected would, under the provisions of this rule, have held office.

†(4) The Finance Minister shall be the Chairman of the Committee. If the Chairman is absent from any meeting, the Committee shall choose another member from among themselves to act as Chairman for that meeting. In the case of an equality of votes on any matter, the Chairman shall have a second or casting vote.

*(5) The 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 meeting of the whole committee;

(6) The Committee may if it thinks fit, make available to Government any complete part of its report before presentation to the Assembly. Such reports shall be treated as confidential until presented to the Assembly;

(7) The Committee may hear officials or take other evidence connected with the estimates under examination. It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential;

(8) The Committee may continue its examination of the estimates from time to time throughout the financial year and report to the Assembly as its examination proceeds. It shall not be incumbent on the committee to examine the entire estimates of any one year. The demands for grants may be finally voted notwithstanding the fact that the Committee has made no report.

54. Constitution of Committee on Public Accounts.—(1) As soon as may be after the commencement of each financial year a Committee on Public Accounts shall, subject to the provisions of this Rule, be constituted for the purpose of dealing with the appropriation accounts of the Government and the report of the †Comptroller and Auditor-General thereon and such other

†Amended by Notification No. L-A. 1—286/50, dated 2nd March 1951.

*(5) to (8) inserted by do.

accounts laid before the Assembly as the Committee may think fit.

(2) The Committee on Public Accounts shall consist of not more than seven members including the Chairman. They shall be elected by the Assembly from among its members according to the principle of proportional representation by means of the single transferable vote or in such other manner as the Speaker may determine. The members of the Committee shall cease to hold office at the end of each financial year†, but any member shall be eligible for re-election. In order to constitute a meeting of the Committee, the quorum shall be three.

(3) Casual vacancies in the Committee shall be filled as soon as possible after they occur by election in the manner aforesaid, and any person elected to fill such vacancy shall hold office for the period for which the person in whose place he is elected would, under the provisions of this rule, have held office.

†(4) The Finance Minister shall be the Chairman of the Committee. If the Chairman is absent from any meeting, the Committee shall choose another member from among themselves to act as Chairman for that meeting. In the case of an equality of votes on any matter, the Chairman shall have a second or casting vote.

55. *Control of Committee on Public Accounts.*—(1) In scrutinising the appropriation accounts of the Government and the report of the †Comptroller and Auditor-General thereon, it shall be the duty of the Public Accounts Committee to satisfy itself—

(a) that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged;

(b) that the expenditure conforms to the authority which governs it; and

(c) that every re-appropriation has been made in accordance with †such rules as may be prescribed by the Rajpramukh :

- Provided that the provision made in clause (c) above shall not apply to any accounts prior to the year 1950-51.

(2) It shall also be the duty of the Public Accounts Committee,—

(a) to examine such trading, manufacturing and profit and loss accounts, and balance sheets, as the †Rajpramukh may have required to be prepared, and the report of the †Comptroller and Auditor-General thereon; and

(b) to consider the report of the †Comptroller and Auditor-General in cases where the †Rajpramukh may have required him to conduct an audit of any receipts or to examine the accounts of stores and stock.

PART XIII

Interpretation

56. *Interpretation.*—If any doubt arises as to the interpretation of any of the provisions of these Rules, the decision of the Speaker shall be final.

PART XIV*

Questions of Privilege

57. *Question of privilege.*—Subject to the provisions of these rules, a member may, with the consent of the Speaker, raise a question involving a breach of privilege either of a member, or of the House or of a Committee thereof.

58. *Notice of question of privilege.*—A member wishing to raise a question of privilege shall give notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised.

59. *Conditions of admissibility of question of privilege.*—The right to raise a question of privilege shall be governed by the following conditions:—

- not more than one question shall be raised at the same sitting;
- the question shall be restricted to a specific matter of recent occurrence.

†Amended by Notification No. L.A. 1-286/50, dated 2nd March 1951.

*Inserted by Notification No. L.A. 1-256/50, dated 15th June 1950.

60. *Mode of raising a question of privilege*.—The Speaker, if he gives consent under Rule 57 and holds that the matter proposed to be discussed is in order, shall, after the questions and before the list of business is entered upon, call the member concerned, who shall rise in his place and, while asking for leave to raise the question of privilege, make a short statement relevant thereto:

Provided that where the Speaker has refused his consent under Rule 57 or is of opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary read the notice of question of privilege and state that he refuses consent or holds that the notice of question of privilege is not in order:

Provided further that the Speaker may, if he is satisfied about the urgency of the matter, allow a question of privilege to be raised at any time during the course of a sitting after the disposal of questions.

61. *Reference to Committee of Privileges*.—(1) If leave under Rule 60 is granted, the question shall be referred to a Committee of Privileges on a motion made by the Leader of the House or any other member to whom he may delegate his function under this sub-rule.

(2) If objection to leave being granted is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their places and if not less than twenty-five members rise accordingly, the Speaker shall intimate that leave is granted. If less than twenty-five members rise, the Speaker shall inform the member that he has not the leave of the House.

62. *Constitution of Committee of Privileges*.—(1) At the commencement of the Assembly, or from time to time as the case may be, the Speaker shall nominate a Committee of Privileges consisting of not more than seven members.

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

63. *Chairman of Committee of Privileges*.—(1) The Chairman of the Committee shall be appointed by the Speaker from amongst the members of the Committee.

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

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

64. *Quorum of Committee.*—The quorum of the Committee shall be four.

65. *Examination of the question by Committee.*—(1) The Committee shall examine every question referred to it and determine with reference to the facts of each case whether a 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 House in giving effect to the recommendations made by the Committee.

66. *Evidence before Committee of Privileges.*—(1) The Committee of Privileges shall have power to require the 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 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 Speaker whose decision shall be final:

Provided further 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 Chairman 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.

67. *Sittings of Committee of Privileges.*—(1) As soon as may be after a question of privilege has been referred to the

Committee of Privileges, the Committee shall meet from time to time and shall make a report within the time fixed by the House:

Provided that where the House has not fixed any time for the presentation of the report, the report shall be presented within one month of the date on which reference to the Committee was made:

Provided further that the House 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) If any member of the Committee of Privileges desires to record a minute of dissent on any matter, he shall sign the report stating that he does so subject to his minute of dissent, and shall at the same time hand in his minute.

68. *Presentation of Report.*—The report of the Committee of privileges shall be presented to the House by the Chairman or in his absence by any member of the Committee.

69. *Consideration of Report.*—As soon as may be, after the report has been presented, a motion in the name of the Chairman or any member of the Committee will be put down that the report be taken into consideration.

70. *Amendments.*—Any member may give notice of an amendment to the motion for consideration of the report referred to in Rule 69 above in such form as may be considered appropriate by the Speaker:

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

71. *Regulation of procedure.*—The Speaker may issue such directions as he may consider necessary for regulating the procedure in connection with all matters connected with the consideration of the question of privilege either in the Committee or in the House.

72. *Power of Speaker to refer question of privilege to Committee.*—Notwithstanding anything contained in these rules the Speaker may refer any question of privilege to the Committee of Privileges for examination, investigation or report.

**THE TRAVANCORE-COCHIN
LEGISLATIVE ASSEMBLY STANDING ORDERS**

*[As modified and adapted by the Speaker, Travancore-Cochin
Legislative Assembly, under Article 208 read with
Article 238, Clause (11); of the Constitution
of India]*

PART I

Preliminary

1. *Short title.*—These Standing Orders may be called the Travancore-Cochin Legislative Assembly Standing Orders.

2. *Definitions.*—All words and expressions used in these Standing Orders shall be deemed to have the meanings respectively assigned to them in the Constitution and in the Travancore-Cochin Legislative Assembly Rules.

3. *Time of meeting.*—(1) Meetings of the Assembly shall, subject to the direction of the Speaker, ordinarily commence at 11 a. m., and ordinarily terminate at 4-30 p.m.

(2) Any meeting of the Assembly may be adjourned by the Speaker.

4. *Lapse of pending notices on termination of a session.*—(1) On the termination of a session all pending notices shall lapse and fresh notice must be given for the next session.

(2) Bills which have been introduced shall be carried over to the pending list of business of the next session:

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

(3) The Speaker may, in respect of any Bill, suspend the operation of this rule.

PART II

Arrangement of business and giving of notice

5. *Arrangement of Government business.*— On days allotted for the transaction of Government business, the Secretary shall arrange that business in such order as the Speaker may determine.

6. *Precedence of non-official Bills.*— (1) The relative precedence of notices of Bills given by non-official members shall be determined by ballot to be held in accordance with the orders made by the Speaker, on such day, not being less than fifteen days before the day with reference to which the ballot is held, as the Speaker may direct:

Provided that the Speaker may, from time to time, make such variations in the said procedure as he may consider necessary or convenient.

(2) On a day allotted for the disposal of non-official Bills, Bills which have already been introduced by non-official members shall have priority over all other business provided that the notice required by the Rules or Standing Orders has been given. And such Bills shall have relative precedence in the following order, namely,—

- (a) Bills returned by the Raipramukh with a message under Article 200 or 201 of the Constitution;
- (b) Bills introduced in the Assembly in respect of which a motion has been carried that the Bill be taken into consideration;
- (c) Bills introduced in the Assembly in respect of which the Report of a Select Committee has been presented;
- (d) other Bills.

(3) The relative precedence of Bills falling under the same clause of sub-order (2) shall be determined by ballot to be held at such time and in such manner as the Speaker may direct:

Provided that Bills falling under clause (d) which remain over from the preceding session shall, subject to the provisions of sub-order (2) of Standing Order 4, have priority over other such Bills in the order of the date of their introduction.

7. *Precedence of resolutions.*—The relative precedence of notices of resolutions given by non-official members shall be determined by ballot, to be held in accordance with the orders made by the Speaker, on such day not being less than fifteen days before the day with reference to which the ballot is held, as the Speaker may direct:

Provided that the Speaker may, from time to time, make such variations in the said procedure as he may consider necessary or convenient.

8. *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 by the Rules or Standing Orders no business not included in the list of business for the day shall be transacted at any meeting without the leave of the Speaker.

(3) Save as otherwise provided by the Rules or Standing Orders 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.

(4) Unless the Speaker otherwise directs, not more than five resolutions (in addition to any resolution which has been commenced on, and is outstanding from, a previous day) shall be set down in the list of business for any day allotted for the disposal of non-official resolutions.

9. *Business outstanding at the end of day.*—Non-official business set down for the day allotted for that class of business and not disposed of on that day shall not be set down for any subsequent day, unless it has gained priority at the ballot held with reference to that day:

Provided that, notwithstanding anything contained in Standing Orders 6 and 7, any such business which has commenced and remains part-discussed at the end of the day shall be set down for the next day allotted to business of that class, and shall have precedence over all other business set down for that day.

10. *Giving of notice by members.*—(1) Every notice required by the Rules or Standing Orders shall be given in

writing addressed to the Secretary, and signed by the member giving notice, and shall be left at the Assembly Office which shall be open for this purpose between the hours of 11 a.m., and 3 p.m., on every day except Sunday or a public holiday.

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

11. Giving of notice 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 Standing Orders, required to be made available for the use of members.

(2) A notice or other paper 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 Speaker may, from time to time, direct.

PART III

Members

12. Seating of members.—The members shall sit in such order as the Speaker may direct.

13. Members to rise when speaking.—A member desiring to make any observations on any matter before the Assembly shall speak from his place, shall rise when he speaks and shall address the Speaker. At any time if the Speaker rises, any member speaking shall resume his seat.

14. Explanations.—When, for the purposes of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question of another member on any matter then under the consideration of the Assembly, he shall ask the question through the Speaker.

PART IV

Questions

15. Time for questions.—Unless the Speaker otherwise directs, the first hour of every meeting shall be available for the asking and answering of questions.

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

17. *Questions how put.*—Questions shall be put and answers given in such manner as the Speaker may, in his discretion, determine.

18. *Answers to withdrawn questions.*—If, on a question being called it is not put or the member in whose name it stands is absent, the Speaker at the request of any member, may direct that the answer to it be given.

PART V

Motions

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

(2) Votes may be taken by voices or division and shall be taken by division if any member so desires. The Speaker shall determine the method of taking votes by division.

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

20. *Admissibility of motions.*—(1) Except as otherwise provided by the Rules and Standing Orders, the Speaker shall decide on the admissibility of a motion.

(2) The Speaker may disallow any motion when in his opinion it does not comply with the Rules and Standing Orders.

21. *Repetition of motions.*—A motion must not raise a question substantially identical with one on which the Assembly has given a decision in the same session:

Provided that nothing in this Standing Order shall, unless the Speaker, in any case otherwise directs, be deemed to prevent the making of any of the following motions, namely,—

(a) any motion for the amendment of a Bill which has been recommitted to a Select Committee;

(b) any motion for the amendment of a Bill made after the return of the Bill by the Rajpramukh for reconsideration by the Assembly ;

(c) any motion for the amendment of a Bill which is consequential on, or designed merely to alter the drafting of another amendment which has been carried ;

(d) any motion which has to be or may be made within a period determined by or under the Rules or Standing Orders.

22. *Order of speeches and right of reply.*—(1) After the member who moves has spoken other members may speak to the motion in such order as the Speaker may call upon them. If any member who is so called upon does not speak, he shall not be entitled except by the permission of the Speaker to speak to the motion at any later stage of the debate.

(2) Except in the exercise of a right of reply or as otherwise provided by the Rules or these Standing Orders, no member shall speak more than once to any motion except with the permission of the Speaker for the purpose of making a personal explanation, but in that case no debatable matter may be brought forward.

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

Provided that nothing in this sub-order shall be deemed to give any right of reply to the mover of a motion to reduce any demand for grant or to the mover of an amendment to a Bill or a resolution, save with the permission of the Speaker.

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

23. *Rules as to amendment.*—(1) An amendment must be relevant to, and within the scope of the motion to which it is proposed.

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

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

(4) (a) The Speaker may refuse to put an amendment which is, in his opinion, frivolous.

(b) In respect of any motion, or in respect of any Bill, the Speaker 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.

24. *Division of motion.*—When any motion involving several points has been discussed, it shall be in the discretion of the Speaker to divide the motion, and put each or any point separately to the vote as he may think fit.

25. *Withdrawal of motions.*—(1) A member who has moved a motion shall not withdraw the same except by leave of the Assembly.

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

(3) If the leave of the Assembly has been given to withdraw a motion to which an amendment has been proposed, the mover of the amendment may forthwith move the motion in its amended form.

26. *Closure.*—(1) At any time after a motion has been made, any member may move "That the question be now put" and unless it appears to the Speaker that the motion is an abuse of the Rules or the Standing Orders or an infringement of the right of reasonable debate the Speaker shall then put the motion "That the question be now put."

(2) At any time after a motion has been made in respect of a Bill promoted by a Minister, the Minister may request the Speaker to put the question, and unless it appears to the Speaker that the request is an abuse of the Rules or these Standing Orders, or an infringement of the right of reasonable debate, the Speaker shall then put the question.

(3) When a motion is made under sub-order (1), or a request is made under sub-order (2), the motion, and, if it is carried, the question, or as the case may be, the question, shall be put without amendment or debate:

Provided that the Speaker may allow any member any right of reply which he may have under these Standing Orders.

PART VI

Motions for adjournment

27. *Time of asking leave for motion for adjournment.*—Leave to make a motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance must be asked for after questions and before the list of business for the day is entered upon.

28. *Limitation of time for discussion.*—(1) On a motion to adjourn for the purpose of discussing a definite matter of urgent public importance, the only question that may be put shall be "That the Assembly do now adjourn":

Provided that, if the debate is not concluded by 6 p.m., it shall automatically terminate and no question shall be put.

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

PART VII

Bills

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

30. *Motions after introduction.*—When a Bill is introduced, or on subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely,—

(a) that it be taken into consideration by the Assembly either at once or at some future day to be then specified; or

(b) that it be referred to a Select Committee:

Provided that no such motion shall be made until after copies of the 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 objections shall prevail unless the Speaker in his discretion allows the motion to be made.

31. *Discussion of principle of Bills.*—(1) On the day on which any such motion is made, or on any subsequent day to which the discussion thereof is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principles.

(2) At this stage no amendments to the Bill may be moved, but if the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee.

32. *Select Committee—composition of:*—(1) The Minister concerned with the Bill, the member who introduced the Bill and the Minister of Law shall be members of every Select Committee, and it shall not be necessary to include their names in any motion for appointment of such a committee.

(2) The other members of the Committee shall be appointed by the Assembly when a motion that the Bill be referred to a Select Committee is made, or a motion is made by way of amendment under sub-order (2) of Standing Order 31.

(3) (a) The Chairman of the Committee shall be appointed by the Speaker.

(b) If the Chairman of the Committee be absent from any meeting, the committee shall choose another member to act as Chairman for that meeting.

(c) In the case of an equality of votes, the question shall be decided in the negative.

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

33. Quorum of Select Committee.—(1) The quorum shall be fixed by the Assembly.

(2) If at the time fixed for any meeting of the Select Committee, or if at any time during any such meeting, the quorum of members is not present the Chairman of the Committee shall either suspend the meeting until a quorum is present or adjourn the committee to some future day.

(3) Where a Select Committee has been adjourned in pursuance of sub-order (2) on two successive dates fixed for meetings of the committee, the Chairman shall report the fact to the Assembly.

***34. Report by Select Committees** — (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 to consider the Bill, and shall make a report thereon within the time if any fixed by the House:

Provided that where the House has not fixed any time for the presentation of the report, the report shall be presented at the session next after the session in which the House adopted the motion for the reference of the Bill to the Select Committee.

Provided further that the House, 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 Select Committee shall in their report state whether the publication of the Bill directed by the Rules has taken place and the date on which the publication has taken place.

(4) If any member of a Select Committee desires to record a minute of dissent on any point, he must sign the report stating that he does so subject to his minute of dissent, and must at the same time hand in his minute.

35. Printing and Publication of Report—(1) The Secretary shall cause every report of a Select Committee to be printed, and a copy of the report shall be made available



for the use of every member of the Assembly. The report with the amended Bill shall be published in the Gazette.

(2) If any member is unacquainted with English the Secretary shall also, if requested, cause the report to be translated for his use into Malayalam or Tamil.

36. Presentation of Report.—(1) The report of the Select Committee on a Bill shall be presented to the Assembly by the member in charge of the Bill.

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

37. Procedure after Presentation of Report.—(1) After the presentation of the final report of a Select Committee on a Bill, the member in charge may move—

(a) that the Bill as reported by the Select Committee be taken into consideration:

Provided that any member of the Assembly may object to its being so taken into consideration if a copy of the report has not been made available for the use of members for seven days and such objection shall prevail, unless the Speaker, in his discretion allows the report to be taken into consideration; or

(b) that the Bill as reported by the Select Committee be recommitted either—

(i) without limitation, or

(ii) with respect to particular clauses or amendments only, or

(iii) with instructions to the Select Committee to make some particular or an additional provision in the Bill.

(2) If the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be recommitted.

38. Proposal of amendments.—When a motion that a Bill be taken into consideration has been carried, any member may propose an amendment of the Bill.

39. Notice of amendments.—(1) If notice of a proposed amendment has not been given two clear days, before the day

on which the Bill is to be considered, any member may object to the moving of the amendment and such objection shall prevail unless the Speaker, in his discretion, allows the amendment to be moved.

(2) If any member desires to move an amendment which under the Constitution cannot be moved without the previous sanction or recommendation of the Rajpramukh, he shall annex to the notice a copy of such sanction or recommendation and the notice shall not be valid until this requirement is complied with.

(3) The Secretary shall, if time permits, cause every notice of a proposed amendment to be printed and a copy thereof to be made available for the use of every member.

(4) If any member present is unacquainted with English the Secretary shall also, if requested, cause every such notice to be translated for his use into Malayalam or Tamil.

40. *Order of amendments.*—Amendments shall ordinarily be considered in the order of the 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.'

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

42. *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 Speaker in his discretion, allows the motion to be made.

(3) Where the objection prevails, a motion that the Bill be passed may be brought forward on any future day.

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

43. *Withdrawal of Bills.*—The member who has introduced a Bill may at any stage of the Bill move for leave to withdraw the Bill; and if such leave is granted, no further motion may be made with reference to the Bill.

44. *Authentication of and assent to Bill.*—When a Bill is passed by the Assembly, a copy thereof shall be signed by the Speaker and it shall then be submitted to the Rajpramukh for assent.

45. *Reconsideration by the Assembly of Bills passed.*—When a Bill which has been passed by the Assembly is returned by the Rajpramukh for reconsideration by the Assembly, the point or points referred for reconsideration shall be put before the Assembly by the Speaker and shall be discussed and voted upon in the same manner as amendments to a Bill, or in such other way as the Speaker may consider most convenient for their consideration by the Assembly.

PART VIII

Petitions relating to pending Bills

46. *Petitions relating to pending Bills.*—Petitions relating to a Bill which has been published under Rule 33 or which has been introduced or in respect of which notice of a motion has been received under the Standing Orders may be presented or submitted in accordance with the Standing Orders.

47. *Presentation of petitions.*—Any such petition may be presented by a member, or be forwarded to the Secretary, in which latter case the fact shall be reported by him to the Assembly and no debate shall be permitted on the making of such report.

48. *Form of presentation.*—A member presenting a petition shall confine himself to a statement in the following form.—

" I present a petition signed by
 petitioners regarding
 Bill "

and no debate shall be permitted on this statement.

49. *Nomination of committee on petitions.*—(1) A Committee on Petitions shall be constituted, as soon as may be after the commencement of each session, and shall consist of five members nominated by the Speaker of whom two shall be Chairmen of the Assembly. The person whose name appears first in the panel of such chairmen shall be chairman of the Committee and in the absence of such person, the other chairman of the Assembly shall preside.

(2) The Speaker may, if he thinks fit, fill up any vacancies occurring on the committee during the session.

50. *Reference to Committee.*—Every petition after presentation by a member or report by the Secretary, as the case may be, shall be referred to the Committee.

51. *Examination and report by Committee.*—The Committee shall examine every petition referred to it, and shall report to the Assembly stating the subject-matter of the petition, the number of persons by whom it is signed and whether it is in conformity with the Standing Orders. If the petition complies with the Standing Orders, the Committee may, in its discretion, direct that it be circulated as a paper to the Bill to which it relates. The Committee shall in its report state whether circulation has or has not been directed, and, when circulation has not been directed, the Speaker may in his discretion direct that the petition be circulated. Such circulation shall be of the petition in *extenso* or of a summary thereof as the Committee or the Speaker, as the case may be, may direct.

52. *Counter-signature of petitions.*—Every petition shall—
 (i) if presented by a member, be countersigned by him; and
 (ii) be couched in respectful and temperate language.

53. *Authentication of signatories to petitions.*—The full name and address of every signatory to a petition shall be set

out therein and shall be authenticated by the signatory, if literate by his signature, and if illiterate, by his thumb impression.

54. *Petitions to whom to be addressed and how to be concluded.*—Every petition shall be addressed to the Legislative Assembly and shall conclude with a prayer reciting the definite object of the petitioners in regard to the Bill to which it relates.

55. *General form of petitions.*—The general form of petitions set out in the Schedule attached to these Standing Orders with such variations as the circumstances of each case require, may be used and, if used, shall be sufficient.

PART IX

Resolutions

56. *Motion and withdrawal of resolutions.*—(1) A member in whose name a resolution stands on the list of business shall, when called on, either—

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

(b) move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing on the list of business:

Provided that the member may, with the permission of the Speaker, authorise 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 authorised may move it accordingly.

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

57. *Duration of speeches.*—No speech on a resolution, except with the permission of the Speaker, shall exceed fifteen minutes in duration:

Provided that the mover of a resolution, when moving the same and the Minister concerned when speaking for the first time may speak for thirty minutes or for such longer time as the Speaker may permit.

58. *Limits of discussion.*—The discussion of a resolution shall be strictly limited to the subject of the resolution.

59. *Amendments.*—After a resolution has been moved, any member may, subject to the Rules and Standing Orders relating to resolutions, move an amendment to the resolution.

60. *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 Speaker in his discretion, allows the amendment to be moved.

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

61. *Withdrawal of resolutions.*—(1) A member who has moved a resolution or an amendment to a resolution shall not withdraw the same except by leave of the Assembly.

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

62. *Order of amendments.*—(1) When an amendment to any resolution is moved, or when two or more such amendments are moved, the Speaker shall, before taking the sense of the Assembly thereon, state or read to the Assembly the terms of the original motion and of the amendments which may have been brought forward.

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

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

64. *Resolutions not discussed.*—If a resolution which has been admitted is not discussed during the session, it shall be deemed to have been withdrawn.

65. *Effect of motion and withdrawal.*—(1) When a resolution has been moved no resolution or amendment raising substantially the same question shall be moved within one year from the date of the moving of the earlier resolution.

(2) When a resolution has been withdrawn with leave of the Assembly no resolution raising substantially the same question shall be moved during the same session.

PART X

Budget

66. *Notice of motions.*—If notice of a motion to omit or reduce any grant has not been given two clear days before the day on which the demand is under consideration, any member may object to the moving of the motion, and such objection shall prevail, unless the Speaker in his discretion allows the motion to be made.

PART XI

Communications between the Rajpramukh and the Assembly

67. *Communications from the Rajpramukh to the Assembly.*—Communications from the Rajpramukh to the Assembly are made—

(1) by a speech, or

(2) by a written message addressed to the Speaker.

68. *Communications from the Assembly to the Rajpramukh.*—Communications from the Assembly to the Rajpramukh shall be made by formal address, after motion made and carried in the Assembly, and forwarded to the Rajpramukh by the Speaker.

PART XII

Miscellaneous

69. *Strangers.*—The admission to the Assembly Chamber of—

- (1) visitors to the Visitors' gallery,
- (2) representatives of the Press to the Press gallery, and
- (3) officials to the Official gallery, during the sittings of the Assembly shall be regulated in accordance with orders made by the Speaker.

70. *Power to order withdrawal of strangers.*—The Speaker, whenever he thinks fit, may order the visitors or press gallery to be cleared.

71. *Report of proceedings.*—The Secretary shall cause to be prepared a full report of the proceedings of the Assembly at each of its meetings, and shall, as soon as practicable, publish it in such form and manner as the Speaker may, from time to time, direct.

72. *Duties of Secretary.*—The Secretary shall be bound to perform the following duties in addition to those specified by any Rule or Standing Order—

- (1) to take charge of the records of the Assembly,
- (2) to attend all meetings and to take minutes of the proceedings,
- (3) to prepare and publish full reports of the proceedings of the Assembly under the direction of the Speaker and to superintend the printing of all papers ordered to be printed,
- (4) to prepare and revise the marginal abstracts of Bills and Acts and the headings and arrangements of chapters and the numbering of the clauses thereof and to check and correct the references to the numbers of the clauses, etc., made in Bills,
- (5) to note the questions and resolutions which are not admissible under the Rules and Standing Orders,
- (6) to carry on correspondence under the orders of the Assembly and generally to assist the Assembly.

73. *Interpretation.*—If any doubt arises as to the interpretation of any of the provisions of these Standing Orders, the decision of the Speaker shall be final.

5539.6

SCHEDULE

[See Standing Order 55]

Form of petition relating to a matter under the consideration of the Assembly

To

THE LEGISLATIVE ASSEMBLY

(Here insert the title of Bill, if it relates to a Bill or other particulars in other cases)

(Here insert name and address of the petitioner)

(Here insert concise statement of case)

(Here enter the prayer)

Whereas a Bill (or other matter) entitled a Bill (or other matter).....

is now under the consideration of the Assembly the humble petition of.....

showeth.....

and accordingly your petitioner prays that.....

and your petitioner, as in duty bound, will ever pray.

Signature of the Petitioner.

Counter-signature of member presenting.

(By order)

V. KRISHNAMOORTHY

Secretary, Legislative Assembly

Assembly Office, Trivandrum, 1st March 1950.