



**TRAVANCORE-COCHIN LEGISLATIVE ASSEMBLY**

**A**

**SELECTION**

**FROM THE**

**DECISIONS FROM THE CHAIR**

**1922 to 1951**

**With Index**

**Compiled by  
K. Mahadeva Aiyar, Editor of Debates  
of the Travancore-Cochin  
Legislative Assembly**

**PRINTED BY  
THE S. G. P. AT THE GOVERNMENT PRESS,  
ERNAKULAM  
1952**

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## PREFATORY NOTE

At the Conference of Presiding Officers of legislative bodies in India held in September 1949, it was decided to request the States which already had legislatures to compile and publish a Selection of the Decisions made from the Chair on certain important points of procedure in each legislature. In pursuance of this resolution, the Secretary to the Parliament of India requested this State to compile a selection of such decisions from 1921.

The work has been carried out on the following lines:

- (a) such of the rulings as are obsolete or are not now applicable on account of the altered constitutional set-up have been omitted ;
- (b) when there are several rulings on the same point that which is most comprehensive has been selected ;
- (c) conflicting rulings on minor points of procedure have been excluded ; and
- (d) for the sake of uniformity, the selected rulings have been, as far as possible, brought under the subject-headings furnished by the Parliament Secretariat.

For collecting the Rulings, I had to go through the reports of the proceedings of the separate legislatures of the Travancore and Cochin States as well as of the integrated State of Travancore-Cochin, covering a period of thirty years from 1922 to 1951. It was in 1922 that a reformed Legislative Council was constituted in Travancore with a majority of elected members and with the Dewan as President. That Council first met on the 19th July 1922, and verbatim proceedings of the Council began to be published from that time. Further reforms were introduced in 1933 when a bicameral legislature, composed of the Sri Chitra State Council and the Sri Mulam Assembly, began to function from July 1933, with the Dewan continuing as President of both the Houses. In 1948 a Representative Body of 120 members elected on the basis of adult franchise with an elected President came into being to frame a Constitution for the State. This Body functioned as the Legislative Assembly until the integration of the States of Travancore and Cochin in July 1949.



In the Cochin State, verbatim reports of proceedings of the Legislative Council began to be published from the 27th July 1925 under constitutional reforms more or less similar to those obtaining in the Travancore State at that time, with the Dewan as President. This continued till 1947, when the Council was allowed to elect a President of its own. Further reforms were introduced in the State in 1948 when adult franchise was granted and the Legislative Council was termed the Legislative Assembly with a non-official President as before. After the general elections held in the same year, this Assembly composed of 58 members held one meeting only in October 1948 before integration.

Consequent on the integration of the two States, the Assemblies of the two States met together on the 11th July 1949 under the name of "the Legislative Assembly of the United State of Travancore and Cochin". At that meeting a 'Speaker' was elected. This integrated Assembly was styled as the "Travancore-Cochin Legislative Assembly" after the Constitution of India came into force on the 26th January 1950.

Though for most of the period covered in this volume Dewans had been Presidents, it will be evident from their Rulings contained herein that they have based their decisions on well-accepted principles of parliamentary practice.

A list of the Dewans of the two States, who were ex-officio Presidents of the legislatures, and of the Presidents and Speakers, is given, and a detailed index has been added to facilitate reference.

Legislature Secretariat,	}	COMPILER
Trivandrum, January 1952.		

## TRAVANCORE STATE

### **Dewan-Presidents of the Travancore Legislature**

1. Dewan Bahadur T. Raghaviah Pantulu Garu (1920-1925).
2. M. E. Watts Esq. (1925-1929).
3. Dewan Bahadur V. S. Subrahmanya Aiyar (1929-1932).
4. Rao Bahadur A. Venkatarama Aiyar (3rd November 1930 to 18th December 1930).
5. T. Austin Esq. (1932-1934).
6. Khan Bahadur Nawab Sir Muhammad Habibullah (1934-1936).
7. Sachivottama Sir C. P. Ramaswami Aiyar (1936-1947).

### **Elected Presidents of the Travancore Legislative Assembly**

1. Sri. A. J. John (20th March 1948 to 26th August 1948).
2. Sri. R. V. Thomas (6th December 1948 to 1st March 1949).

## COCHIN STATE

### **Dewan-Presidents of the Cochin Legislative Council**

1. Rao Bahadur T. S. Narayana Aiyar (1925-1930).
2. C. G. Herbert Esq. (1930-1935).
3. Sir R. K. Shanmukham Chetti (1935-1941).
4. A. F. W. Dixon Esq. (1941-1943).
5. Sir G. T. Boag (1943-1946).
6. Dewan Bahadur C. P. Karunakara Menon (1947).

### **Elected President of the Cochin Legislature**

Sri. L. M. Pylee (1947-1949).

## TRAVANCORE-COCHIN STATE

### Speakers

1. Sri. T. M. Verghese, Speaker of the Legislative Assembly of the United State of Travancore and Cochin (11th July 1949 to 26th January 1950).
2. Sri. T. M. Verghese, Speaker of the Legislative Assembly of the Travancore-Cochin State (26th January 1950 to 17th September 1951).
3. Sri. A. M. Thomas, Speaker of the Legislative Assembly of the Travancore-Cochin State (19th September 1951 to 27th January 1952).

### Abbreviations

- TA=Proceedings of the Sri Mulam Assembly,  
Travancore State.
- TLC=Proceedings of the Legislative Council,  
Travancore State.
- TSC=Proceedings of the Sri Chitra State Council,  
Travancore State.
- CLA=Proceedings of the Legislative Assembly,  
Cochin State.
- CLC=Proceedings of the Legislative Council, do.
- USTCA=Proceedings of the Legislative Assembly of the  
United State of Travancore and Cochin.
- TCA=Proceedings of the Travancore-Cochin Legislative  
Assembly.

## A SELECTION FROM THE DECISIONS FROM THE CHAIR

### **Adjournment Motion: acceptance of more than one motion on the same day: in order:**

1. On the 6th August 1949, after question time, several adjournment motions were presented to Mr. Speaker. Leave was granted by the House to move the first among them and it was posted for discussion on the 10th August 1949. Mr. Speaker then took up the remaining motions for considering their admissibility. A point of order was then raised that under the rules none of the remaining motions need be considered, as not more than one adjournment motion could be made at the same sitting.

Mr. Speaker ruled that the wording of the Rule was "not more than one such motion shall be *made* at the same sitting" and not "shall be *accepted*". There was no objection in accepting more motions than one on the same day and posting them for being moved and discussed on subsequent days. (USTCA. Vol. I. P. 31. 6th August 1949. Translated.) (TLC. Vol. XVI. P. 507. 14th May 1930.)

### **Adjournment Motion: Budget discussion cannot be interrupted by:**

2. On the 6th August 1940, the question was raised whether an adjournment motion could be taken up for discussion on a day allotted for budget discussion.

The President ruled: "I may say that the question of having an adjournment motion discussed on a budget day is a matter which, I find, raises difficult issues. I have been looking into our Rules and I have also consulted *Parliamentary Practice*.

Under Standing Order 15 (1)—

'the debate on a motion to discuss a matter of urgent public importance shall ordinarily be taken up at 3-30 p.m. and, if not earlier concluded, shall automatically terminate at 5-30 p.m. and thereafter no question can be put.'

It may be that a particular motion may conclude earlier, but the point about an adjournment motion is that its duration is from 3-30 to 5-30 p.m. and at 5-30 it automatically terminates. This Rule has to be reconciled with Rule 71 at page 49 of the Assembly Manual which runs—

- (1) 'Not more than seven days shall be allotted by the Dewan for the discussion by the Assembly of the demands of the Government for grants.
- (2) Of the days so allotted not more than one day shall be allotted by the Dewan to the discussion of any one demand. As soon as the maximum limit of time for discussion is reached the President shall forthwith put to the vote every question necessary to dispose of the demand under discussion.
- (3) On the last day of the allotted days at 5 o' clock in the evening the President shall forthwith put to the vote every question necessary to dispose of all the outstanding matters in connection with the demands for grants'.

In other words, every demand has to come in some form or other before the House. That is, if it has not been discussed before 5 p.m. on the last day of the allotted days, it must be put in an omnibus form at 5 p.m. on the last day. In other words, there should be an opportunity given to the House to bring its mind to bear upon each one of these demands. This cannot be done consistently with the rule for a debate on the adjournment motion.

I, therefore, rule as a matter of procedure, that during the days allotted for the discussion of the budget, unless of course all the budget work is finished before the last allotted day and if the budget work takes up the whole of the allotted time, no other interruption of business is in order."

(TA. Vol. XVI. P. 1079. 6th August 1940.)

### **Adjournment Motion: Discussion against public interests:**

3. On the 21st January 1935, a Member sought the permission of the President to move an adjournment motion to discuss the "situation that has arisen in the country owing to the widespread feeling that the Cochin Harbour Agreement of 1925 is to be varied to the detriment of Travancore interests".

The President, ruling the motion out of order, said:

"I shall not enter into the variety of reasons for which, perhaps, I must rule that the motion is rejected. At present, I will only point out to the House that these negotiations at the present moment are in a very delicate stage and it is not in the public interests to allow any discussion on the floor of the House. For that reason, I rule that motion out of order." (TA. Vol. IV. P. 20. 21st January 1935. Also TA. Vol. V. P. 21. 22nd May 1935.)

**Adjournment Motion: Inadmissible motions will not be referred to in the House.**

4. A Member brought to the notice of Mr. Speaker that he had given notice of an adjournment motion but that no reference had been made about it.

Mr. Speaker ruled: "I had announced in the House on a previous occasion that adjournment motions which are *prima facie* inadmissible will not be allowed or even referred to in the House." (USTCA. Vol. III. P. 1710. 20th January 1950. TCA. Vol. I. P. 432. 16th March 1950. CLC. Vol. VI. P. 546. 29th January 1941.)

**Adjournment Motion: Matter discussed in the same session: Out of order:**

5. An adjournment motion was sought to be moved to discuss the need for taking immediate steps to guard against future failure of supply of water from the Pechippara Reservoir by supplementing the reservoir as proposed by Mr. Horseley.

The President ruled: "As the hon. Members are aware, this question of drought, its extent, its reasons and consequences, and the various measures which the hon. Members consider necessary to be adopted to overcome the present critical situation, were all thoroughly discussed, completely and exhaustively, yesterday, on a similar adjournment motion on the floor of this House. It will, therefore, serve no useful purpose if I should allow the same discussion again and thereby occupy, perhaps unnecessarily, the time of the House. The Pechippara Dam, the consequences to the ryots in Nanjinad as a result of its failure and the measures that could be adopted to

give relief to those people, were all discussed yesterday here. Therefore, I think, this adjournment motion will be absolutely redundant. I rule it out of order." (TA. Vol. IV. P. 215. 23rd January 1935)

**Adjournment Motion: Matter must be of recent occurrence and based on materials available to the House:**

6. Sri. E. P. Varghese gave notice of an adjournment motion to discuss about the reclassification of the Christian communities of the State contained in the General Circular of Government, ROC. No. 5445/34 dated 30th July 1934.

The official Member in charge (Chief Secretary to Government) said that the Government had not issued any communique on the subject of reclassification of Christians. He added that only a circular, confidential in nature, had been issued to the Heads of Departments for collecting and sending up to Government certain information for their use.

The President ruled: "In the light of that information it is quite evident, I suppose, that both the Member who brought forward this motion and the House in general will be greatly handicapped in that any material on which discussion will proceed will not be before the House. The Chief Secretary on behalf of Government has pointed out that a confidential circular has been issued.

"The next point that arises out of this is whether the matter proposed to be discussed is a matter of public importance. I grant it is. But it should also be a matter of recent occurrence. In this case, the Member himself points out that this supposed circular was issued on 30th July 1934. It is obvious, therefore, that it is not a matter of recent occurrence. For these reasons, I rule the motion out of order." (TSC. Vol. IV. P. 28. 29th January 1935.)

**Adjournment Motion: Matter must be of recent occurrence and not be one on which available legal remedies have not been utilized:**

7. Sri. K. M. Korah asked for leave to make an adjournment motion to discuss "the illegal interference of Government

officers in canvassing support against the State Congress candidate in the recent Assembly elections at Mavelikara by means of intimidation, personal violence, and undue influence brought to bear on the electors."

The President ruled: "This is a matter which ought to have been raised in the form of an election petition. Grounds such as intimidation, personal violence and undue influence that were brought to bear on the electors are just the grounds which can be taken up in the form of an election petition. It is a well-known rule in regard to adjournment motions that if there are legal remedies available in regard to those matters and those legal remedies have not been availed of during many months, then such points cannot be raised in the form of adjournment. Moreover, it is not a matter of recent occurrence. As there are other remedies open to the aggrieved party to prove these matters in a judicial tribunal, I rule the motion out of order." (TSC. Vol. XII. P. 57. 8th August 1938.)

#### **Adjournment Motion: Matter relating to Municipalities inadmissible:**

8. Sri. L. M. Pylee moved an adjournment motion for discussing the serious inconvenience caused to residents of the Ernakulam Municipality by the arrangement made for scavenging only on alternate days.

After obtaining elucidation from the Treasury Bench, Mr. President ruled: "I can accept the honourable Member's contention that this is a matter of importance. But in as much as it is primarily the concern of the Municipal government and not of the Government, I hardly think that we should be justified in adjourning the business of this House to consider the matter...." (CLC. Vol. XIII. P. 464. 2nd August 1944.)

#### **Adjournment Motion: Matter sub judice—not in order :**

9. After question time, on the 2nd August 1933, Sri. M. Sivathanu Pillai asked for leave to move the adjournment of the House to discuss the following matter, viz., 'the brutal,



unwarranted and unauthorized attack with lathies by the Police and Reserve men under the direction of the Trivandrum District Superintendent of Police on the peaceful Catholic villagers of Cape Comorin on 10th Karkatakam 1108 at 9 a.m. causing severe injuries to over one hundred of them including women and children, who are being treated at the Nagercoil District Hospital'.

The President disallowing the motion remarked : "Apart from the fact that the motion is couched in objectionable language, it is disallowed because the subject is under judicial enquiry." (TA. Vol. I. P. 39. 2nd August 1933; TA. Vol. II. P. 266. 20th November 1933; TA. Vol. XX. P. 814. 28th July 1942.)

**Adjournment Motion : Matter which can be raised by way of interpellation :  
Out of order:**

10. On the 2nd December 1949, a Member gave notice of an adjournment motion to discuss the facts relating to the stationing of a strong police force around the Assembly Chamber.

Mr. Speaker ruled: "This is probably a matter which may be made the subject-matter of an interpellation. Moreover, it does not relate to the administrative responsibility of any Minister, so far as the proceedings in this House and the arrangements are concerned. Hence it is disallowed."

(USTCA Vol. III. P. 332. 2nd December 1949.)

**Adjournment Motion: Must relate to matters for which State Government was responsible and must not trench on relations between the Government of India and the Indian States:**

11. On the 18th April 1936, an adjournment motion was sought to be moved to discuss the attitude of the Government towards the prayer of the Cocoanut Planters of South India for a protective import duty against import of foreign cocoanuts.

The President ruled: "There are two matters to be considered in connection with this motion, One is whether

this matter deals with any question for which the Government of Travancore is responsible. The obvious answer is 'no'. Its discussion will also trench very delicately on the relations between the Government of India and the Indian States, a matter which is prohibited for discussion on the floor of this House. For these two reasons, I think I must disallow the motion." (TA. Vol. VII. P. 876. 18th April 1936; TA. Vol. VIII. P. 34. 27th July 1936; TA. Vol. III. P. 220. 30th July 1934; TA. Vol. VII. P. 102. 13th November 1935.)

**Adjournment Motion: Must be definite, urgent and recent and must not anticipate matters which could be discussed during Budget discussion.**

12. Sri. A. S. Damodaran Asan and Sri. N. K. Krishna Pillai sought to move the adjournment of the House in order to discuss the following:

Sri. Asan's motion read: "The serious hardships caused to the ryots who are already groaning under the present economic depression by the recent floods in the State."

Sri. Krishna Pillai's motion read: "The miserable plight of the agriculturists of this State on account of the increasing economic distress enhanced by the recent flood damages which the Financial Secretary's speech has failed to take notice of and for which no provision has been made in the next year's Budget. The object of the motion is to press upon the attention of Government a reasonable remission of tax."

The President ruled: "Mr. A. S. Damodaran Asan and Mr. N. K. Krishna Pillai have put in motions on the same subject. The object of these adjournment motions is to consider definite matters of urgent public importance. Neither of these motions is sufficiently definite nor does it deal with a recent matter, and also both of them anticipate matters which can be discussed during the Budget session".—(TA. Vol. I. P. 39. 2nd August 1933. Also TLC. Vol. XI. P. 549. 9th August 1927, TLC. Vol. XXII P. 383. 15th December 1932, TLC. Vol. XII. P. 251. 5th December 1927; TLC. Vol. XII. P. 411. 16th April 1928; TLC. Vol. XVII. P. 12.

31st July 1930; TCA. Vol. III. P. 234. 12th March 1951. TCA. Vol. III. P. 828. 20th March 1951.)

**Adjournment Motion: Need not be stated in the House:**

13. Sri. K. P. Nilakanta Pillai raised the question that an adjournment motion given notice of should be wholly brought into the proceedings.

The President ruled: "You have explained your meaning very clearly in a few words, and there is no need to supplement it. I can answer it quite clearly. In the first place, the President's ruling cannot be questioned in this House. But, on the present occasion, to set your difficulty and possibly of other movers of adjournment motions in the years to come, at rest, I may stretch a point and make it quite clear that what is not discussed, mentioned or read out in this House, cannot form part of the proceedings of the House, and nowhere is it provided that the reasons of a Member, whether they may be recondite or otherwise, should in any particular case be stated by the President to the House. It is the intention of making the motion itself that need be announced, and anything that has not transpired or is not read out or spoken cannot form part of the proceedings."—(TLC. Vol. XII P. 252. 5th December 1927.)

**Adjournment Motion: Should be handed over on the opening day:**

14. On the 17th March 1937 (the third day of the sitting), after question time, the President made the following statement:

"I have received notice of a motion for adjourning the business of the House, to discuss a definite matter of public importance, namely, the excesses committed by the Reserve Police stationed at Ramangalam. I am sorry I have to rule the motion out of order because the practice which has been enunciated by my predecessor as President in another place but which is equally applicable to this House is that motions for adjournment should be handed over on the opening day. For reasons which have been dealt with in the ruling of my predecessor

I rule this motion out of order."—(TSC. Vol. IX. P. 588. 17th March 1937.)

**Address: Motion to present an Address to H. H. the Rajpramukh: Should be made by Leader:**

15. Sri. K. P. Nilakanta Pillai raised the question whether the motion of thanks to the Address delivered by H. H. the Rajpramukh should be made by the Leader of the House or by a back-bencher.

Mr. Speaker ruled: "The rules say that the Leader of the House or any other Member authorised by him can do it."—(TCA. Vol. I. P. 41. 8th March 1950.)

**Address: Motion on: Procedure re:**

16. In regard to the procedure for moving amendment to the Motion on the Address by H. H. the Rajpramukh and time-limit for speeches,—

Mr. Speaker ruled: "I shall state the procedure regarding the discussion on the motion and the amendments. Members who want to move amendments may first move them and after that, other Members may speak on the motion and the amendments. Speeches shall not exceed fifteen minutes. Those who are moving amendments may take fifteen minutes and others ten minutes each. Twelve amendments have so far been given notice of. If any amendment is not in order, that will be stated at the time of moving it....."—(TCA. Vol. III. P. 16. 22nd February 1951.)

**Agenda: Alteration to be made with the permission of the House:**

17. A Member requested the President to make an alteration in the Agenda placed before the House. Thereupon the President ruled that it was not within his province to make any alteration, but if the Member could get the sympathy of the House, then the President had no objection in altering the Agenda.—(TA. Vol. V. P. 123. 23rd May 1935.)

**Bills: Leave to introduce: Whether merits can be discussed:**

18. When Sri. G. Nilakantan began to discuss the merits of his "Travancore Kammala Bill", after his motion for leave to

introduce it was opposed by Sri. K. R. Elankath, a point of order was raised whether under Standing Order No. 31, the Member was in order in discussing the merits of the legislation at that stage.

The President ruled: "All that I would like to point out is that, objection having been taken to leave being granted, the hon. Member has got now a right simply to explain in general as briefly as possible why this legislation is necessary."

(TA. Vol. VIII. P. 876. 7th August 1936.)

**Bills: Leave to introduce by non-official Member:  
No Member other than the Member who has  
given notice of a Bill can move it:**

19. Sahib Bahadur P. S. Muhammad had asked for leave to introduce the Debt Relief Act (Amendment) Bill. On the 9th December 1949, when the motion was taken up, he was absent. Another Member asked for permission to move the motion.

Mr. Speaker ruled: "There are no provisions in the Rules allowing a Member other than one who has given notice to move the motion. There is no precedent for the same either here or in the Central or other Legislatures I, therefore, refuse the permission asked for."

(USTCA. Vol. III. P. 888. 9th December 1949 translated.)

**Bills: Select Committee:—Amendments made  
consistent with the context of the Bill—  
in order:**

20. The Select Committee constituted to consider the Travancore Trade Unions Bill inserted a new provision in the Bill by which it was rendered obligatory on the Trade Unions to get themselves registered. The question arose whether it was open to the Select Committee to enlarge the scope of the Bill without a direction from the House:

The President ruled: "The point raised is an important one; but I had been warned of the possibility of the point being raised and I am armed with the necessary authority. It will be observed that the hon. Member in raising the question before the House stated that the Law Member, in the course of his remarks on the

Bill, referred to certain matters and stated in the course of those remarks that the Bill would be permissive. Now the speeches made by the spokesman of the Bill are important in the matter of the scope and character of the Bill. But that should not be treated as conclusive or decisive. The prime criterion in that decision is the object of the Bill as indicated in the terms of the Bill itself. Now, turning to the Bill itself it will be seen from the Preamble which is as follows:

"Whereas it is expedient to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in Travancore."

"The object was to provide for registration. The question whether that provision for registration would be universally applicable or applicable only to certain categories of Trade Unions is, therefore, not foreign to the purpose of the Bill as adumbrated by the Bill itself. It is true that great attention should be paid to the manner in which the Bill is presented to the House. I may add that turning to the analogies we find in May's *Parliamentary Practice*, page 404, the following:

"Amendments may be made in every part of the Bill whether in the preamble, the clauses or the schedules; clauses may be omitted, and new clauses and schedules added; though no amendments can be moved to the granting or enacting words of Bills for granting aids or supplies to the Crown or to the enacting words of other Bills. Those words are part of the frame-work of the Bill and are never submitted to the committee.

"An amendment must be coherent and consistent with the context of the Bill and when a proposed amendment had been so amended as to form an incoherent question, the Chairman stated that if no further amendment were proposed, he should proceed with the question which next arose upon the clause."

"Now the test, therefore, as laid down in Parliament is that the amendment should be coherent and consistent with the context of the Bill. Judged by that test, although it is perfectly true that it goes beyond

the statement made by the Law Member in presenting the Bill to the House, I hold that this amendment is coherent and consistent with the context. Therefore, I rule that the proceedings of the Select Committee have not been *ultra vires* of the Select Committee."— (TA. Vol. IX. P. 327. 21st November 1936.)

**Bills: Select Committee: Names of absent Members could be included:**

21. On the 22nd November 1933, the question was raised, when referring a Bill to a Select Committee, whether the names of Members who were absent from the Assembly could be proposed to serve on the Committee.

The Deputy President ruled: "It is conceded that it is a matter of discretion with the person presiding. The Rules do not say—I have read the Rules carefully—that a written undertaking to serve on committees is necessary. Further, in matters like this, the person chosen as a Member of a Select Committee is obliged to serve on it. That is the Rule in other legislatures as well. I, therefore, think that the temporary absence of a Member from the House does not disentitle him from becoming a Member of the Select Committee."—(TA. Vol. II. P. 449. 22nd November 1933.)

**Bills: Select Committee: Reference to Proceedings in: Out of order:**

22. When a Member referred to the proceedings in a Select Committee,—

The President ruled: "You should not refer in the Council to what took place in the Select Committee." (TLC. Vol. IV. P. 1224. 12th June 1924; TA. Vol. IX. P. 188. 19th November 1936; TA. Vol. IX. P. 919. 24th February 1937.)

**Bills: Select Committee: Amendments beyond the scope of the Bill are out of order:**

23. On the 9th December 1936, when the Travancore Agriculturists' Relief Bill was taken into consideration, Sri. M. N. Parameswaran Pillai had given notice of amendments

for substituting the word "Debtors" for the word "Agriculturists" occurring in the title of the Bill.

The President ruled: "The principle relating to amendments is clear. An amendment cannot be moved if it is irrelevant to the Bill or beyond the scope of the Bill or of the clauses under consideration. An amendment which is equivalent to a negative of the Bill has also been ruled out of order. These principles are well-known and are enunciated in pages 404 and 405 of May's *Parliamentary Practice*, as also in our Standing Orders.

Bearing those principles in mind, the amendment proposed by Mr. M. N. Parameswaran Pillai to substitute the word 'Debtors' for the word 'Agriculturists' and to carry out consequential amendments, is really tantamount to such a modification of the essential ideas of the Bill as to be, in essence, inconsistent with it. I, therefore, rule that these amendments are out of order." (TSC. Vol. IX. P. 212. 9th December 1936; TA. Vol. XIII. P. 312. 23rd June 1939.)

**Bills: Select Committee: Amendments beyond the scope of an Amending Bill:**

24. When the Select Committee Report on the Travancore-Cochin High Court Act (Amendment) Bill was taken into consideration, Sri. N. D. Jose had given notice of the following amendment:

"In Clause 8, the following shall be added at the end:  
'and the following shall be added as a proviso:—  
'Provided that a Bench shall sit at Trivandrum'."

Mr. Speaker ruled the amendment out of order and stated:

"With regard to the amendment tabled by Mr. N. D. Jose to clause 8, I have to point out that it does not come within the scope of the Bill. The Preamble is, 'whereas it is deemed necessary to amend the Travancore-Cochin High Court Act, 1125 (Act V of 1125) for the purposes hereinafter appearing'. In the Objects and Reasons also what is stated is, 'Section 25 of the High Court Act provides that a Full Bench shall hear and decide all appeals from the decrees of the District Courts



or Courts of Subordinate Judges or of [a single Judge of the High Court in suits in which the amount or value of the subject-matter is not less than Rs. 5,000. It is proposed to delete this provision so that it may be competent for Division Benches to hear all appeals without limitation of value. It is also proposed to confer on the single Judge of the High Court power of hearing second and miscellaneous appeals valued at Rs. 1,000 and less. To implement these proposals the Act has to be suitably amended'. Opportunity has been availed of to delete the provisions regarding the constitution of High Court, salaries of Judges, etc., from the High Court Act which become infructuous in the face of similar provisions in the Constitution. It is, therefore, for the specific purposes mentioned in the Statement of Objects and Reasons and for the specific purpose as laid down in the Preamble 'hereinafter appearing', that the Amendment Bill has been brought. I do not think that the amendment to clause 8 therefore comes within the scope of this Bill."

Sri. P. Nanoo: "Am I to understand that this House cannot suggest amendments within the scope of the Objects and Reasons mentioned in the Bill?"

Mr. Speaker: "The amendment put forward is not within the scope of the amending Bill. I was stating that the amendment now tabled will not come within the scope of the amending Bill and I was stating my reasons how it will not come within the scope of the amending Bill."

Clause 8 is to this effect: "In Section 6 of the Act, the words 'shall be a court of record and' shall be deleted."

Sri. N. D. Jose: "Is it not enough, Sir, if the amendment comes within the scope of the Bill?"

Mr. Speaker: "No. It is not enough. It must come within the scope of the amending Bill. It is not enough if it comes within the scope of the original Bill which has been passed into law. It must come within the scope of the amending Bill."

Sri. N. D. Jose: "Is it not open to the House to amend the preamble also?"

Mr. Speaker: "No."

Clause 8 of the amendment Bill is, "in Section 6 of the Act the words 'shall be a court of record and' shall be deleted." My opinion is that it will not come within the scope of the amendment to clause 8 of this amending Bill. I will illustrate this. If, in this amending Bill, there is a clause to the effect that the High Court of Judicature shall sit in any place within the Travancore-Cochin State, or in Kottayam or Nagercoil then the hon. Member would have been perfectly in order in moving an amendment to the effect that the High Court of Judicature shall be situated in Trivandrum or that a Bench of it shall be situated there."

Sri. P. S. Nataraja Pillai: The Preamble here is "whereas it is necessary to make provision regulating the business of the High Court of Travancore-Cochin, for fixing the jurisdiction, etc."

Mr. Speaker: The preamble is "whereas it is deemed necessary to amend the Travancore-Cochin High Court Act for the purposes hereinafter appearing."

Sri. P. S. Nataraja Pillai: "Sir, I refer to clause 2."

Mr. Speaker: "It will not come within clause 2. It will not come within the scope of the amending Bill and there are several rulings also to this effect. I will refer to "Decisions from the Chair," Central Legislative Assembly, Vol. III, pages 17 and 11 and 12. There also the question was raised, when the motion to refer the Bill to amend the Indian Insurance Act, 1938, to a Select Committee was under discussion, Pandit Govind Malaviya enquired whether a general debate will be permitted on the entire principles involved in the Insurance Act and about other matters relating to insurance in this country, the President ruled:

'As I look upon the matter, it seems to me that the principle of the Act of 1938 is not a matter under discussion under the present Bill. This is an amending Bill. That fact must be remembered. Therefore the scope of the discussion will be limited only to the amendments proposed.'

'In the case of an amending Bill, the scope of the discussion will have to be limited to that Bill and that Bill alone and not the original Act or legislation which this Bill seeks to amend. If the other point is conceded, then at the time of even a minor amendment of any Act the whole legislation will be open to amendment.'

There is also a specific ruling in Selections from the Decisions of the Chair, Vol. I. page 55:

'By clause 72 in the Code of Criminal Procedure (Amendment) Bill it was proposed to amend Section 260 by adding an additional offence within the scope of summary trials. Clause 72 was omitted by the Joint Committee. When the Bill came before the Assembly a Member proposed an amendment to Section 260 and this amendment related to the rights of accused persons who may be brought to summary trials.

An objection was raised by the Home Member that the amendment was not in order as it introduced considerations which were not in any way pertinent to the purpose for which Section 260 was mentioned in the original Bill.

The President upheld the objection and ruled that the amendment was inadmissible.

Following these rulings, I hold that the amendment is out of order."—(TCA. Vol. IV. P. 493. 27th September 1951.)

**Bills: Select Committee: Amendments to existing Act beyond the scope of an Amending Bill:**

25. When the Jenmi and Kudiyan Act (Amendment) Bill, as revised by the Select Committee, was taken up for consideration, Sri. K. P. Nilakanta Pillai wanted to move an amendment to the Preamble of the existing Act. The Additional Head Sirkar Vakil raised objection to the amendment being moved on the ground that the Preamble of an existing Act did not form part of the Bill.

The President ruled the amendment out of order.—(TLC. Vol. XXI. P. 108. 28th July 1932.)

**Bills: Select Committee: Amendments should be moved only by the Member who has given notice:**

26. On the 29th May 1934, when the question arose whether an amendment standing in the name of one Member, who was absent, could be moved by another Member,—

The President ruled: "That Member is not there to move it. Therefore, under the rules the amendment cannot be taken into consideration. It is not permissible under the rules for any other member to move it on behalf of the Member who has sent it."—(TSC. Vol. II. P. 293. 29th May 1934.)

**Bills: Voting on Clauses: Members could not speak on a clause when put if there is no amendment to that clause before the House:**

27. Sri. A. S. Damodaran Asan raised a point of order on 23rd January 1935 that even though no amendment to a clause had been given notice of, when the question that the "Clause do stand part of the Bill" was put to vote, it was open to a Member to speak on the Clause.

The President ruled: "This motion, as Mr. Asan will clearly understand, is not a motion before the House. It is merely a question, put by the Chair, as to whether this clause do form part of the Bill. Those who are in favour of it will certainly say 'yes' and those who are against it will say 'no'. There is not a regular motion before the House. Therefore, Mr. Asan will understand that anything which is not a motion is not open to discussion."—(TA. Vol. IV. P. 222. 23rd January 1935; TA. Vol. VII. P. 1454. 14th July 1936).

**Bills: Voting on Clauses: Title to be put to vote:**

28. After the Preamble to the Travancore-Cochin Appropriation (No. 3) Bill, 1951, had been voted and passed, Sri. P. K. Krishnankutty Menon, Minister for Industries and Labour, observed: "Sir, I think that we need not put the Title to the vote of the House, since the same is included in Clause 1."

Mr. Speaker ruled: "The practice hitherto in this House has been to put the Title also to the vote of the House. In keeping with this practice, I was putting the Title. In Clause 1, as will be seen from the marginal note, the short title alone is given, though in most cases there may not be any difference between the two."—(TCA. Vol. IV. P. 492. 27th September 1951).

**Bills: Third Reading: Detailed discussion of Principle is not allowed:**

29. Opposing the motion for the Third Reading of the Travancore Debt Relief Bill, a Member began speaking on the principles of the Bill. A point of order was raised whether any objection could be made to the Third Reading unless an amendment had been tabled.

The President ruled: "The Section reads:

'If any amendment of a 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 President in exercise of his power to suspend this Standing Order allows the motion to be made.'

No doubt it says that it is one of the rights of the House that, after having passed amendments on the same day, the Bill should not be rushed through the Third Reading. I have been looking into the matter and I find that according to *Parliamentary Practice* on the Third Reading of a Bill not only can such a position be taken but a debate is also permissible on the Bill as a whole. The debate on the Third Reading is more restricted than on the Second Reading and limited to matters contained in the Bill. So the general parliamentary practice appears to be that what may be called a detailed discussion of the Bill is not allowed but general objections to the passing of the Bill on a general or *a priori* grounds or on grounds of faults of procedure may be put forward. That seems to be the general rule and I shall follow it."—(TA. Vol. XVI. P. 701. 31st July 1940.)

### **Bills: Time-limit for speeches:**

30. On the question whether there was any time-limit under the Rules for speeches on a Bill,—

The President stated: "Although there is no time-limit prescribed under the Rules, still under paragraph 72 of the Manual, the Chair has discretion to call a Member to order if the Chair finds that the Member is indulging in irrelevant repetition. Rule 29 says:

'The President or other person presiding, after having called the attention of the Chamber to the conduct of a Member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other Members in debate, may direct him to discontinue his speech.'

Even though there is no specific rule prescribing a limit, the Chair has got the power to call a Member to order if there is repetition and irrelevance...." (TSC. Vol. VIII. P. 608. 14th August 1936).

**Budget: Demands for Grants: Calculation of time for discussion:**

31. A Member raised the question that the time taken for the answering of interpellations should be excluded in the calculation of days allotted for the discussion of Demands for Grants.

The President ruled: "So far as I can see and so far as I have heard from Members who have had long experience in this Council, it has never been the practice to compensate for the time taken up in questions and answers. I myself have no objection to grant a few minutes more; but I do not think the Members have the right to insist upon the number of days calculated at the rate of five hours each, exclusive of the time taken up for interpellations. As the Law Member suggested, if the Members want to have full five hours for discussion on any Demand for which one day has been allotted, they could have it; but that will go out of the total number of days allotted for the discussion."

(TLC. Vol. XV. P. 359. 8th August 1929; ib. P. 562. 10th August 1929.)

**Budget: Demands for Grants: Cut motions need not be seconded:**

32. When a Member stood up and seconded a motion for a cut, the President observed:

"There is no need to second these cut motions."

(TA. Vol. I. P. 258. 7th August 1933; TLC. Vol. III, P. 350. 7th August 1923.)

**Budget: Demands for Grants: Discussion under specific cuts could not cover general policy:**

33. In connection with a motion for reduction under the specific head 'Clerks of the Secretariat', the mover began discussing about the general administrative policy of the Government.

The President ruled: "The motion for reduction of a particular item cannot be made the occasion for discussing the general policy of the Department as a whole. If a motion for a cut out of the total allotment for the Department is given notice of, then the policy of the

Department may be discussed. That is the rule and that has been followed on previous occasions. If the cut relates to a particular item, then the general administrative policy cannot be discussed." (TLC. Vol. XVII. P. 584. 12th August 1930; TA. Vol. VIII. P. 209. 29th July 1936; TA. Vol. XIV. P. 734. 1st August 1939; TA. Vol. XVI. P. 897. 2nd August 1940.)

**Budget: Demands for Grants: Putting demands to vote after expiry of time-limit:**

34. While discussing a token motion in the item "Establishment of the Secretariat," under the demand head "General Administration," the time allotted for the demand expired.

The President thereupon declared: "The time allotted for this Demand having expired, all the remaining motions lapse.

"I put to the vote of the House, Demand VII-General Administration-for Rs. 2,22,487 less Rs. 181."

Sri. K. P. Nilakanta Pillai then raised the following objection to that procedure: "I object to that under Rule 49. Rule 49 is as follows:—

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

"My submission is that now the allotment under 'Secretariat' may be put to the vote of the House."

After hearing the members, the President ruled:

"The point that has been raised does not appear to be a new one at all in this Council. It has been definitely disposed of by clear rulings by previous Presidents. Mr. Raghaviah gave a definite ruling on this point in 1923 and Mr. Watts reiterated that ruling in 1927. That ruling was that at this stage no question of motion or division arises and that putting to vote is a mere formality. You will find both rulings extracted at

page 947 of Vol. XI of the Council Proceedings. I do not think there is any reason for further discussion on that question or for deviating from those rulings. I rule, therefore, in accordance with those rulings, that no question of voting by division arises at this stage and that the demand should be formally put and taken as carried. I put Demand VII." (TLC. Vol. XVII. P. 626. 12th August 1930; and P. 1026. 15th August 1930.)

**Budget: Demands for Grants: Cut motions: Object need not be mentioned:**

35. When the question was raised whether the mover of a cut motion should also give notice of the object of the motion,—

The President ruled: "That is only a convention, there is no statutory rule insisting on that. I cannot, therefore, rule out the motion." (TA. Vol. XIV. P. 858. 2nd August 1939.)

**Budget: Demands for Grants: Token Cuts: Local needs could not be discussed:**

36. In moving a token motion under Education Demand, the mover attempted to discuss the present position and condition of the educational institutions in the Nedumangad taluk. A point of order was raised whether a token motion could be moved for the purpose of discussing the needs of particular localities.

The President ruled: "When a token motion is tabled, it should embrace discussion on the entire policy underlying the motion. In the course of the discussion, particular Members may voice their opinion in regard to particular localities. But the mover of the cut motion cannot confine his attention to a particular locality and yet call it a token motion. That is the object of a cut motion. That is the rule on the subject."

(TA. Vol. VIII, P, 372. 31st July 1936.)



**Budget: Demands for Grants: Token Cuts: When several motions come under same head, they would be treated only as a censure, without a particular issue:**

37. There were several motions for token cuts under one particular head.

The President pointed out: "There are eight or nine motions for token cuts under this head. If the first token motion is voted on, all the other token motions under that particular head will lapse. All the Members who have motions may speak on this motion and bring forward all their subjects. But there will be no particular issue before the House, and the motion will be considered only as a censure."—(TLC. Vol. XXI. P. 1084. 10th August 1932; TLC. Vol. XI. P. 267. 5th August 1927; TA. Vol. III. P. 532. 2nd August 1934; CLC. Vol. III. 367. 22nd July 1939.)

**Budget: Demands for Grants: Token Cuts: Scope of:**

38. On the 30th July 1935, the President enunciated the following principles regarding token motions:

"Having scrutinized the token and other motions so far received and watched also the trend of discussions in the House during the last few days, I consider it necessary to lay down the principles which should determine the admissibility of such motions and the range of discussion permissible under them.

"The purpose of a token motion and the debate on a token motion must be strictly relevant to the purpose for which the amount sought to be reduced is demanded. If the motion relates to the total grant for a Department, the debate is allowed to range over the whole policy of the Department. If the total sought to be reduced is a sub-total, then the debate is allowed to range over only so much of the policy of the Department as may, by a rule of relevancy, be apportioned to that sub-total. If, for instance, the amount sought to be reduced is only the single item of travelling allowance, the debate must be strictly confined to the travelling of the officer for whose travelling the amount is demanded. If the amount sought to be reduced is the amount of salaries for clerks, the debate must be confined to the work of the clerks. If the amount sought to be reduced is the sub-total

under, say 'Direction' in the Education Grant the debate must be confined to the policy involved in 'Direction' and no further. If, however, the amount sought to be reduced is the grand total of, say, the Education Demand, the entire educational policy, even the policy for which the Government are responsible, is within the scope of the debate.

"So far, it is a question of relevancy. There is, however, another rule. Even if the purpose of the motion and the debate of the motion be relevant according to the rules of relevancy, even then the debate should not touch or range over a subject or grant which is non-votable or a subject which is beyond the purview of the Legislature.

"In the Bombay Council, for instance, it was ruled that, when the amount under salaries of the establishment of a non-votable officer is under debate, it would not be in order to discuss the position of the non-votable officer that it is unnecessary and ought to be done away with or that the salary of that office should be reduced. A precedent from the House of Commons was quoted in support of the ruling. It was pointed out that, when a reduction was moved for reducing the Lord Chancellor's establishment (the Lord Chancellor is non-votable) for criticising the Lord Chancellor's Office, it was disallowed. It was pointed out too that, if you can attack a policy only by hitting a non-votable officer, you cannot do even that.

"In Travancore, I am told, a considered ruling was once given on these points in August 1928, which says:

"Turning next to token motions, i. e., a motion for reducing nominal sums, questions of policy may be discussed in such motions. It has been the practice generally to refer to non-votable appointments too as part of the discussion of the policy. I shall follow this practice for the present. But a debate directed specifically and solely against a non-votable appointment, not as a part of the discussion of policy but as a direct attack, will not be allowed even on token motions.

"Another point too may be mentioned. When the Budget is under debate, the individual merits of an officer do not arise, though as a part of the debate on policy, his

work may be criticised. That there should be such and such office (if it be a votable office) may be discussed, but not who may hold that office, if there be such an office.

"In regard to non-votable offices, even the question whether there should be an office or not does not directly arise though, perhaps in a general way, it may be stated in the debate that the Department is run on too expensive lines because of high offices.

"Bearing the above in mind, the token motions under General Administration and under Legislative Bodies may be examined.

"In regard to the motions under Legislative Bodies, the motions to reduce Rs. 45,000 under travelling allowance (which is the travelling allowance for the non-official Members) cannot be utilized for criticising Government, either directly or indirectly, that they are not respecting the opinions of the Legislature or for criticising the constitution of the Legislature or for discussing the franchise question. What comes properly under debate is that the non-official Members are not doing their work properly and therefore their travelling allowances should be cut. But I think that it is not proper to allow a discussion or criticism in the House about the non-official's work, because that will not be a censure on Government, which a token motion is in essence. Again, motions to reduce the total grant under Legislative Bodies cannot be utilized for criticising the Deputy President, directly or indirectly, because the Deputy President is non-votable and not a single pie of this total grant (votable grant) is applicable in any manner to the Deputy President. So also, the total grant cannot be utilized for criticising Government that they are not respecting the Legislature or are not answering interpellations properly. The functions of Government in regard to these matters have no relation to the grant under Legislative Bodies. If Government are to be criticised, it should be done under the appropriate demand. For instance, if the resolution or interpellation related to a Land Revenue matter, a token motion to censure Government must be tabled under the Land Revenue Demand which also, it must be noted, is moved by Government,

"That there should be more meetings of the Legislative Chambers, or that more time should be allotted for business, cannot also be raised in debate under any Demand; because these are functions of the Dewan, as Dewan and not as Government; and the Dewan's actions, as such, are not open to debate in the Legislative Chambers. That the Assembly Secretary should suggest to the Dewan that there should be more meetings is also not an admissible motion; because we know that the real object of the motion is to suggest that the Dewan should take a particular action and it is not open to debate.

"A discussion, on a token motion, about the working of the Legislative Body, as such, does not also seem to be quite relevant, for it cannot convey a censure on Government as a token motion ought to do.

"I hope therefore that our discussion in future will be guided on these principles and the House will have ample opportunity of applying their minds to relevant motions on the various Demands now before the House."—(TA. Vol. VI. P. 705. 30th July 1935.)

### **Budget: Discussion: Procedure regarding:**

39. After the Finance Minister had presented the Budget for 1950-51, Mr. Speaker laid down the following procedure for Budget Discussion:

"Under Rule 46, the General Discussion on the Budget will commence on the 14th March 1950, and after that the Voting on Demands for Grants will take place. For the General Discussion three days and for the Voting on Demands eight days have been allowed. The Demands will be taken up according to the order in which they are printed in the List of Demands. One full day has been allotted to each of the Demands XIV—Education, and XXIX—Public Works including Water Works and Drainage, and the other Demands have been allotted half a day each.

During the General Discussion each Member has been allowed 15 minutes excepting the Finance Minister. During the Voting on Demands for Grants every Member who has moved a cut motion and the Minister replying to it have been allowed 10 minutes and the

other Members 5 minutes each. If Members who desire to give token motions would also indicate the object of such motions, that would facilitate expedition of work.

In the calculation of time for Voting on Demands, if one hour for questions and another hour for lunch interval are deducted from the sitting of the House from 11 a.m. to 5 p.m., four hours would be available which will be computed as one day, and two hours as half a day. If questions are finished in less than an hour, the time thus available will not go to increase the time for any particular Demand but it will be available for discussing more Demands.

During Fridays the interval will be for two hours, between 12-30 and 2-30 p.m.

Under Rule No. 48 (2) of the Assembly Rules, all the Voting on Demands should be finished at 5 p. m. on the last day. Therefore, at 5 p. m. on the 25th March, all the remaining Demands will be put to vote.

I consider it necessary to explain the principles and scope of token and other motions. Every token motion, and the discussion on it, should have relation to the Demand from which the amount is proposed to be reduced. If the motion relates to a cut from the total grant of a department, then discussion can cover the whole department. If the motion relates to a sub-head, then discussion can take place only about that sub-head of the department. For instance, if the motion is for reduction from Travelling Allowance, then discussion can only be had on the travelling of the officer for whom that amount is asked for. If the motion relates to the pay of clerks, then the discussion should relate only to the work of the clerks concerned. Again, if the cut is, say, from the 'Direction' of the Education Department, then the discussion should refer only to the policy underlying 'Direction' and should not go beyond that. But if the cut is from the total grant under the Education Demand, then the whole of educational policy, including the responsibility of Government, will come under such discussion." (TCA. Vol. I. P. 239. 11th March 1950. Translated. Also P. 432 ib. TCA. Vol. III. P. 455. 15th March 1951.)

**Budget: Introduction: Questions not allowed:**

40. When the Financial Secretary was introducing the Budget for 1101 M.E., a Member asked him how a particular sum advanced as a loan could be subsequently treated as an investment on a reproductive work.

The President ruled: "I think the Member is out of order. The question for further information can be put in the discussion stage." (TLC. Vol. VII. P. 26. 27th July 1925.)

**Budget: Supplementary Grant: General questions of policy cannot be discussed:**

41. After referring to the practice in the Central Legislative Assembly and in the House of Commons, the President observed as follows in regard to the scope of discussion involved in the Demands for Supplementary Grants:

"Hon. Members can discuss the financial aspect of the grant and they can also discuss any question of policy arising purely out of the sub-head under which the grant is moved. They cannot avail themselves of this opportunity to raise questions of policy which are covered under wider grants....." (CLC. Vol. XI. P. 74. 29th July 1935;—CLC: Vol. I. P. 80. 15th July 1938.)

**Budget: Supplementary Grant:  
Token cuts out of order:**

42. On a motion for a supplementary grant of Rs. 100 for the payment of remuneration to the Co-operative Inspector who was entrusted with the work of translating the Deodhar Committee Report into Malayalam, Sri. A. S. Damodaran Asan wanted to move a token cut.

The President ruled him out of order and said: "The aim and purpose of a cut motion, as has so often been discussed, is merely to convert a cut motion into a vehicle for the purpose of bringing under review the policy and principles underlying the administration of a particular Department in respect of which a grant is moved. This opportunity is afforded to the House on every occasion when the Budget is presented and the

Demand relating to every Department is placed before it. A Supplementary Demand stands on a different footing altogether. Either the grant is made or it is refused. When a Supplementary Demand is made, it does not give the House another opportunity of bringing under review the policies and principles underlying the entire Department for which the Supplementary Demand is made. That is to say, a discussion of the principles is out of order. Therefore, I rule this motion as out of order." (TA. Vol. VI. P. 91. 20th July 1935; TA. Vol. VII. Pp. 116 & 122. 13th November 1935; TCA. Vol. IV. Pp. 354 & 356. 25th September 1951.)

**Closure: Motion must be moved by Member who has not spoken:**

43. Sri. S. J. Nair, who had already spoken on a cut motion relating to the Forest Demand, moved for closure.

The Deputy President ruled: "Mr. S. J. Nair is clearly out of order. He is one who has spoken, and he now wants the question to be put." (TA. Vol. VI. P. 1059. 2nd August 1935.)

**Deputy President: Resignation from Political Party:**

44. On the election of Sri. T.M. Varghese as Deputy President of the Assembly, Sri. Puthupalli S. Krishna Pillai raised a point of order whether after the election, Sri. Varghese has resigned from the political-party of which he was a Member.

The President ruled: "It is a matter which is in the discretion of the Deputy President to say whether he has resigned from a party or not. It is not compulsory on anybody to state the reason why he has resigned from a party. It is entirely left to him. So on that question I do not think there is need for any answer." (TA. Vol. X. P. 105. 24th July 1937.)

**Ministry: Resignation of: House should adjourn:**

45. On the 26th February 1951, a Member raised the question that in view of the resignation submitted by the Ministry to His Highness the Rajpramukh, the Ministers could not introduce the Budget or answer questions and commit

Government in any manner; he, therefore, moved that the House should adjourn. After discussion,—

Mr. Speaker ruled: "We have now come to the decision not to have any further business to-day. The Chief Minister has asked for an adjournment of the House for two weeks. I would like to know the opinion of the House—whether we shall adjourn it for two weeks or adjourn *sine die* so that we shall decide when we shall meet."

The House agreed to an adjournment till 12th March 1951. (TCA. Vol. III. P. 212. 26th February 1951.)

### **Newspapers: Reports in: Cannot be cited as authority:**

46. When, in the course of discussion, a Member quoted a report that appeared in a newspaper as authority for his statement,—

The President intervened and said: "Report of the public Press is inadmissible and should not be quoted as authority." (TSC Vol. II. P. 452. 31st May 1934.)

### **No-confidence Motion: On Government: Inadmissible:**

47. Sri. D. Gnanasigamoni gave notice of the following motion: "I move that in the opinion of this House, this Government has lost the confidence of this House and of the State." When the motion came up for consideration on 24th September 1951, the Advocate-General pointed out that it was out of order, since Rule 30 contemplated only a motion of no-confidence on the 'Council of Ministers' and not on the 'Government' which indicated a larger concept.

Mr. Speaker ruled: "Regarding this matter, the primary thing that we have to look into, is the rule itself. The Rule says: 'A Motion expressing want of confidence in the Council of Ministers' may be made. Now, there is no motion expressing want of confidence in the Council of Ministers. The wording contained in this Rule is supported by the general arguments supplied by the learned Advocate-General. I have gone through the relevant Articles of the Constitution mentioned by the learned Advocate-General, and there are other arguments also in support of the position. That is, we can contemplate a state of affairs in which a Government



can be run under the Constitution without a Council of Ministers. Under the emergency powers contained therein, the Rajpramukh can take over the Government and run it himself without the help of the Council of Ministers. So much so a situation can arise when there can be a Government without a Council of Ministers. Therefore, we have to take it that the wording contained in this Rule is very guarded and it is supported by the general arguments that have been put forth by the learned Advocate-General. Considering all these aspects, I do not agree with the argument advanced by Mr. Gnanasigamani that the 'Government' and the 'Council of Ministers' are words interchangeable. I rule this motion out of order, and I do not call upon the hon. Member to ask for leave for the introduction of this motion." (TCA. Vol. IV. P. 286. 24th September 1951.)

**Privilege: Breach of: Newspaper Report Reflecting upon the Character and Conduct of the Members: Not in Order:**

48. Sri. Kottur Kunjukrishna Pillai raised a question of privilege in the following words:

"Sir, before the business of the House is begun, I wish to raise a question of privilege of the House. In *the Malayali* dated 9th February 1939, there appears a report of a speech made by a retired officer in which he has stated thus:

'Because nineteen members have been disqualified, the remaining hands in the legislature are wooden hands.'

He also states further that:

'In the legislature without these members who are disqualified it is not good to have these wooden hands alone.'

He also states the reason why he says that it is not good. He states that because there are a large number of important Bills coming up, it is not enough to have these wooden hands. The insinuation contained in the use of the word 'wooden' is clear and unambiguous."

"It is a report of *the Malayali*. The paper has to take the responsibility of publishing this insinuation and defamatory statement about the whole Legislature and the man who made

the speech has not denied nor has he contradicted the report. He is a pensioned officer of the Government and he has abused this House whose privileges are guarded by the statute given by His Highness the Maharaja. I think, Sir, this House and the President of this House, who is the custodian of the rights and privileges and dignities of this House, ought to take very serious notice of such action. Sir, the insinuation is all the more great because it comes from one from whom we expect greater responsibility and greater rectitude in his conduct....

"The speech quoted is put in quotation marks in the paper and the speech was made by Mr. Changanacherry Parameswaran Pillai who was the President of that protest meeting.

I think we should not allow such conduct to go uncorrected. I think two courses are open: the paper should not be allowed the privileges of reporting in this House. The person who made the speech ought to be dealt with by Government because he gets a pension from Government. He attacks the very privileges and dignities conferred upon this House by His Highness the Maharaja. I therefore request you, the President of this Council, to take appropriate action which would prevent such conduct in future."

The President said: "The hon. Member has drawn the attention of the Chair to the report in a newspaper reflecting upon the conduct and character of the Members of the Travancore Legislature. I take it that the hon. Member has placed a copy of the particular issue of the newspaper in the hands of the Secretary; the hon. Member may do so now if he has not done so already. (Mr. Kottur Kunjukrishna Pillai handed over a copy of the newspaper to the Secretary.) Steps will be taken to verify the report and to ascertain the exact statement that was made.

Now there are two points which have to be considered and ruled upon by the Chair. The first is whether this publication is a breach of the privileges of this House. As to this, I have very little hesitation in saying that it is a grave contempt of the Legislature and of the Members of the Travancore Legislature, committed by those responsible for the publication. The law on the subject is perfectly clear, and has been explained at page 91 of *Parliamentary Practice* by Erskine May (13th edition).

Libels upon members have been constantly punished. But to constitute a breach of privilege they must concern the character or conduct of members in that capacity; and as is explained on page 267, libel must be based on matters arising out of the transaction of the business of the House.

The matter is explained more fully in the succeeding paragraphs.

Now, if the extract from the speech referred to by the hon. Member is analysed, it will be seen that that publication suggests that in the absence of certain Members of the Legislature, the other Members are of no account and are to be regarded as either inanimate objects or automata; in other words, it suggests that the Members of the Legislature other than the nineteen referred to have no personality or will of their own and are thereby disentitled to be treated as an active portion of the highest deliberative body of the State. To say that is to impute the greatest possible mental and moral defect and the gravest possible reflection is made thereby upon both the character and conduct of the Legislature. I rule that the publication referred to by the hon. Member is a breach of the privileges of the House and constitutes a grave case of contempt of this House.

That matter having been disposed of, the next question which arises for decision is the action to be taken. It is not possible for the House or for the President to take any action in regard to the speaker at the meeting in question, because he is neither a Member of the Legislature nor a person in any way amenable directly and definitely to the jurisdiction of the Legislature under its existing powers. All that can be done is to place on record the opinion of this House leaving it to such constituted authorities as may have jurisdiction in the matter to exercise that jurisdiction, if they are so disposed and to exercise it effectively. Therefore, in regard to the hon. Member's request that this House should directly take notice of the alleged speech at the meeting by dealing with the speaker's pension or otherwise, I must rule that portion out of order, except to the extent that the hon. Member is entitled to bring to the notice of the House the contempt that has been

committed, and the breach of privilege of the House that has taken place.

The case is very different with regard to the journal in question. This Council and the Sri Mulam Assembly both extend certain courtesies and facilities to the members of the journalistic profession and the uniform rule in such cases is that, if members of the journalistic profession misuse the facilities and privileges given to them by being guilty of disrespect to the House or commit any contempt or breach of privilege, those facilities and those conveniences may be withheld. There are other ways in which the displeasure of the House may be expressed. But before doing so, it is the elementary duty of this House to satisfy itself that the journal has been so guilty. Steps will be accordingly taken by the Secretary to call upon the Editor and Manager of the paper concerned to show cause why steps should not be taken against such paper by virtue of and in consequence of the breach of privilege and contempt committed by that journal and brought to the notice of the House."—(TSC. Vol. XIII. P. 6-9. 15th February 1939; TSC. Vol. X. P. 239. and P. 326. 10th and 11th August 1937; CLC. Vol. VI. P. 751. 30th January 1941.)

**Questions: Absent Member's question can be put by another Member only with the previous permission of the Chair:**

49. On the 26th March 1951, a Member, without the previous permission of Mr. Speaker, wanted to put a question standing in the name of another Member who was absent.

Mr. Speaker ruled: "If a Member is absent and another Member wants to ask a question standing in the name of the absentee, previous sanction of the Speaker should be obtained. The absent Member must also have given an authorisation to the other Member for this purpose. In exceptional cases, permission may be granted without adherence to these conditions."

(TCA. Vo. III. P. 918. 26th March 1951.)

**Questions: Confidential information  
could be withheld:**

50. The President made the following statement about the withholding of information in reply to questions on the ground that it is confidential:

"Another important point that was raised during the last session was whether it is open to Government to withhold any information on the ground that it was of a confidential nature, and could not be divulged in public interests. Here again, the House will realise, as already stated, that as President I cannot compel any answer being given to a question put in the House. That apart, it is only right that, in the public interests, Government should be allowed the discretion to withhold information which, they think, is of a confidential nature. I find that, even in the House of Commons, an answer cannot be compelled if refused on the ground of public interests. My ruling, therefore, is that it is quite open to Government to withhold any information on the ground of public interests and that, in such cases, an answer to the question concerned cannot be insisted upon or the Government's position challenged. Further, in regard to confidential documents, I find that it has been specifically ruled in the old Legislative Council that documents, which Government claim to be confidential or otherwise privileged, need not be placed on the table of the House, even though such documents may be cited or quoted from. That ruling is at page 35 of Vol. IX of the Travancore Legislative Council Proceedings. I see no reason to modify that ruling...."

(TA. Vol. II. P. 34. 27th July 1934; TA. Vol. V. P. 8. 22nd May 1935; TLC. Vol. XX. P. 169. 18th December 1931.)

**Questions: Disallowed: Reference to:  
Not in order:**

51. When a Member made reference to a disallowed question,—

The President ruled: "The Member is not entitled to refer to questions that have been disallowed". (TLC. Vol. VIII. P. 818. 21st April 1926; TLC. Vol.

V. P. 548. 23rd September 1924; TLC. Vol. XVII.  
P. 68. 4th August 1930.)

**Questions: Official Members cannot be compelled to answer a supplementary question:**

52. When Sri. P. K. Narayana Pillai, in the course of supplementary questions asked the Director of Public Instruction whether Government were of opinion that the Inspector of English Schools was a competent authority to pronounce upon the merits of a Malayalam book to be approved as a text-book, the latter replied that he could not be asked for an expression of opinion. Sri. Narayana Pillai thereupon complained to the Chair that the officer representing Government refused to answer.

The President ruled: "You must be satisfied with the answer given by him. It is not for me to decide what answer should be given by him."—(TA. Vol. I. P. 761. 14th August 1933; Vol. II. P. 75. 16th November 1933; Vol. II. P. 165. 18th November 1933; Vol. IV. P. 72. 21st January 1935; Vol. IX. P. 853. 23rd February 1937; CLA. Vol. I. P. 255. 3rd December 1948.)

**Questions: Oral questions: Printing of answers:**

53. On the 19th August 1949, some Members requested the Chair to have the answers to Oral Questions printed and given to Members before the sitting commenced as was the practice previously.

Mr. Speaker ruled that it would not be possible to print the questions and answers together in advance and that such a practice was not obtaining in Madras and Delhi. (USTCA. Vol. I. P. 479. 19th August 1949.)

**Questions: Policy of Government cannot be asked:**

54. In the course of supplementary questions, a Member asked about the policy of Government in the matter of awarding fee concessions.

The President ruled: "That does not arise. Your question should ask for information and not ask the policy of Government."—(TA. Vol. I. P. 410. 9th August 1933; TLC. Vol. V. P. 45. 1st August 1924; TLC. Vol. V. P. 252. 5th August 1924; TLC. Vol. XIV. P. 591. 24th April 1929.)

**Questions : Press Notes may be referred  
to in answers :**

55. In reply to a question asking for the reasons for declaring the State Transport as an essential service, the Chief Minister stated that the reasons were fully explained in the Press Note dated 21st August 1951. Sri. P. Balakrishnan Tampi raised a point of order on the ground that inviting the attention of the House to previous references was hardly satisfactory.

Mr. Speaker ruled: "If the answer is very long the hon. Minister can refer to Press Notes, and the hon. Members can go through them and ascertain the necessary information..... Official publications and documents can always be referred to by the hon. Ministers." —(TCA. Vol. IV. P. 344. 25th September 1951.)

**Questions : Public Interests : Answer withheld  
on grounds of :**

56. In answer to a starred question about the officers retired for age correction, the Chief Minister refused to answer the question on the ground that "public interests" would suffer by answering the question.

Sri. P. Balakrishnan Tampi asked: "I wish to know from the Chair whether Government can keep back information on grounds of public policy when questions are asked about the age of officers. What is the public policy involved in this age question?" Other Members also raised similar points.

Mr. Speaker ruled: "The answer has been withheld for the reason that public interest does not permit the information asked for being divulged. When the Minister concerned refuses to divulge information on grounds of public interest, it is not open to the Chair to force it out of him. I do not think there are means, at any rate within the House, available to the Members to curtail the Minister's discretion in this respect..... This is not a matter within the competence of the Chair to direct and control or for the House to discuss and decide.... But the seriousness and persistence with which many Members of the House appear to have approached this matter may, I hope, make it desirable on the part of Government to impart to the House as detailed an information as possible on the points covered

by this question."—(TCA. Vol. III. P. 846. 21st March 1954.)

**Questions : Published documents may be referred to in answers :**

57. In answer to a question, the Member was referred to Article 386 of the Travancore Account Code. A point of order was raised whether the Members may be referred to the Account Code, copies of which had not been furnished to them.

The President ruled : "So far as published documents are concerned, it is assumed that hon. Members who have access to them and who can obtain information contained in such documents know the contents of such documents. They cannot obtain such information from the Government in answer to interpellations."—(TSC. Vol. VI. P. 627. 13th August 1935 ; TA. Vol. IX. P. 77. 17th November 1936 ; TA. Vol. IX. P. 183. 19th November 1936.)

**Questions : Short Notice Questions : Whether Ministers have a voice in admitting them :**

58. On the 26th August 1949, Sri. P. Balakrishnan Tampi raised the point that the discretion for the admission of Short Notice Questions should not be surrendered to the Ministers as that would be an infringement of the rights of the House.

Mr. Speaker ruled : "I invite the attention of the hon. Member to the Rules and Standing Orders on the subject. I have to observe that the Member's remarks go counter to the existing Rules. In regard to the Short Notice Questions given with less than ten days' notice, the Minister in charge has to be consulted and with his permission only that ten days' notice can be waived. The Speaker has no authority to do it himself." (USTCA. Vol. I. P. 918, 26th August 1949; TCA. Vol. II. P. 1204. 8th November 1950.)

**Questions : Starred and Unstarred Questions : Questions on matters of local interest, asking for statistics or relating to individuals should not be starred.**

59. A Member raised a point of order that some of the questions relating to matters of local and territorial interest,



which he had starred, were admitted as unstarred questions, thus depriving him of the opportunity to ask supplementary questions.

Mr. Speaker ruled: "In the matter of starred questions it has been made known to the hon. Members that questions of purely local interest, questions relating to individuals and those asking for statistics should not ordinarily be starred. This has been kept in view in the matter of admitting questions. If, in practice, there has arisen any mistake in respect of this, that may be specifically pointed out when it will be looked into if the procedure that is being followed now requires any change." (TCA. Vol. I. P. 431. 16th March 1950.)

**Questions: Statements laid on the Table:  
Available only after question is put :**

60. A Member asked whether Statements laid on the Table of the House should not be made available to the Members for perusal even before question time in order to enable them to ask supplementary questions thereon.

The President ruled: "It is possible that the hon. Member who has sent up a question withdraws his question, or is absent at question time when his name is called. Therefore, invariably, statements are laid on the Table only after questions are asked." (TA. Vol.III. P. 393. 1st August 1934.)

**Questions: Statement laid on the Table was not  
available to the Questioner: Supplementary  
question allowed to be put on the  
next day:**

61. On the 3rd August 1933, a Member asked for a list of satrams, roads and tanks maintained with public funds that had been thrown open to all castes and creeds and those not thrown open. The list being long, it was laid on the table. The Member complained that as the list was not laid on his table, he could not put supplementary questions.

The President said: "I will get the list printed and allow you to put supplementary questions tomorrow."

N.B.—Supplementary questions were put on the 7th August 1933.

(TA. Vol. I. P. 80. 3rd August 1933.)

**Questions: Statements laid on the Table:****"The Table" is the Secretary's Table:**

62. On the 27th July 1934, the President made the following statement :

"In regard to the procedure to be followed for laying statements on the table, I had already ruled that such statements are laid by handing over the statements at the Secretary's table. I have looked into the matter again and find that in the Indian Legislative Assembly where the orders in regard to the putting of questions and giving of answers are substantially the same as ours, the practice is that the statements are only handed over at the Secretary's table. They are neither read in the Assembly nor are copies thereof circulated to the Members." TA. Vol. III. P. 33. 27th July 1934; TA. Vol. II. P. 668. 23rd May 1934; TSC. Vol. III. P. 45. 10th August 1934).

**Questions: Supplementary Questions: Claiming notice to answer:**

63. The President made the following observations with regard to the practice of Official Members frequently claiming notice to answer supplementary questions :

"Before we pass on to the next item, I have an observation to make particularly in the light of the experience which I have gained by being present in the Chair today. I fully sympathise with the Government Members who have got to answer volleys of questions on particular subjects which are dealt with in the agenda of the day. The right to claim notice should not be exercised freely and frequently. It should be exercised only when the Government Member is asked on matters not immediately within his knowledge, on matters on which he has got to make further investigations before he can commit himself definitely and on matters which are not directly related to the question under discussion. But when a Government Member comes into the House to answer a question, the House naturally assumes that he is fully conversant with the intricacies and the ramifications connected with that particular question.

Liberty to ask for notice for every question is not a liberty which should be tolerated very much and I only hope that the Members on the Government Benches will not indulge in that privilege very often." (TA. Vol. III. P. 421. 1st August 1934; CLC. Vol. IV. P. 1384. 5th April 1940.)

**Questions: Supplementary Questions: Member asking a question has the first right: And no member can put more than once:**

64. The President made the following statement:

"I think it is needless for me to remind you that a convention has been established in this House during the time of my predecessor, under which a Member asking a question has the first right to put supplementary questions, if any, and other Members wishing to ask supplementary questions will get their turn only after the original interpellator has finished, provided, of course, that no Member has the right to put supplementary questions on the same question more than once."—(TA. Vol. II. P. 508. 21st May 1934; TA. Vol. XIV. P. 48. 24th July 1939; TSC. Vol. II. P. 341. 30th May 1934; TSC. Vol. III. P. 46. 10th August 1934.)

**Questions: Supplementary Questions based on newspaper reports cannot be put:**

65. When a Member asked a supplementary question based on a newspaper report, the President intervened and observed:

"Order, order. No Member should quote newspapers unless he takes responsibility for the statement he utters. Does the hon. Member take responsibility for stating that there was a lathi charge?"

Sri. K. Narayanaperumal Nadar: "I can promise to produce that particular newspaper which stated about the lathi charge."

The President ruled: "The hon. Member is an experienced Member of the House. He knows that statements in newspapers can never be referred to in this House or in any other Legislature in the world as authentic information. Unless the hon. Member is able to take

responsibility for the assertions contained in the newspapers, I cannot allow him to put such statements."—

(TA. Vol. XIII. P. 417. 26th June 1939.)

**Questions: Supplementary Questions: Saying "No information" in answer is not courteous:**

66. When an Official Member was repeatedly giving the answer "no information" to the numerous supplementary questions put to him,—

The President pointed out: "I do not very much relish Government Members recklessly answering 'no information'. Non-official Members who put questions are entitled to answers if information is available. If in some cases information is not immediately available, the better course for the Official Member will be to ask for notice. Simply saying 'no information, no information' is not really very courteous to the non-official Members."—(TA. Vol. VI. P. 788. 31st July 1935; TA. Vol. II. P. 430. 22nd November 1933.)

**Questions : Supplementary : Scope of :**

67. On the 16th November 1935, the President gave the following ruling:

"A supplementary question is entirely intended to elicit further information on the same matter or to clarify the information already given. Supplementary questions cannot be used for any other purpose."—(TA. Vol. VII. P. 354. 16th November 1935 and P. 438. 18th November 1935.)

**Questions : Withdrawal from the Agenda :**

68. Sri. P. S. Nataraja Pillai requested permission to withdraw a question which he had given notice of and which had appeared in the Agenda for the day. Sri. K. P. Nilakanta Pillai raised a point of order that the Member could not withdraw the question at that stage since other Members were interested in knowing the answer.

Mr. Speaker ruled: "Rule 18 (5) contains provision for withdrawing a question even after it has appeared in the list of questions. If it has not been so withdrawn, the

Speaker may, under Standing Order 18, give permission to another Member to put the question."—(TCA. Vol. II. P. 389. 26th October 1950.)

**Resolutions : Balloted Resolutions alone could be considered by the Assembly :**

69. On the 2nd April 1951, which was a non-official day, all the five resolutions balloted for discussion were not moved. Sri. K. Velayudhan Nair, on a point of order, stated that the resolutions were not moved under the instructions of the Leader of that Party, and that if he had given such instructions before the resolutions were balloted, other resolutions would have been balloted and considered by the House and thus the rights of the House to discuss resolutions would not have been taken away.

Mr. Speaker ruled : "According to the present Rules only those resolutions which are balloted could be brought before the House for discussion. Neither the Speaker nor the House has any right to control or regulate the actions of the Party Leader."—(TCA. Vol. III. P. 1525. 2nd April 1951.)

**Swearing in : During the course of Debate :**

70. When a Member was speaking on a resolution, an official Member in charge of the subject wanted to take the oath.

The President observed : "I have already given a ruling. You can go on with the subject-matter. Having regard to the fact that questions relating to the policy of the Forest Department are under discussion, I hope hon. Members will forgive the informality of the official Member (Conservator of Forests) swearing in just now so that he may be present and take part in the discussion."—(TA. Vol. XXI. P. 115. 26th January 1943.)

**Swearing in : Hindi not allowed :**

71. On the 6th March 1950, when the Travancore-Cochin State Legislative Assembly met for the first time after the inauguration of the Constitution of India, all the Members took the oath of allegiance in English, Malayalam or Tamil. A Member asked whether he could take the oath in Hindi,

Mr. Speaker disallowed the request.

(TCA. Vol. I. P. 2. 6th March 1950.)

**Unparliamentary Language: "Ashamed":**

72. On the 8th April 1927, when the Cochin Medical Relief Bill was being considered, a Member stated: "Are not these gentlemen ashamed to bring a Bill with this sort of argument?"

The President ruled: "'Ashamed' is an unparliamentary expression."

(CLC. Vol. III. P. 1016. 8th April 1927.)

**Unparliamentary Language: "Blackmarketeers":**

**To say "some Members are Black-marketeters" is defamatory:**

73. During question time, Sri. V. Gangadharan Nair referred to another Member as a man of pure character compared to certain M.L.A.s who made money through the blackmarket.

Mr. Speaker objected to the comparison in the expression as defamatory and desired the Member to withdraw it. (TCA. Vol. III. P. 1436. 31st March 1951; CLC. Vol. V. P. 476. 4th August 1947.)

**Unparliamentary Language: "Boring" is not Unparliamentary:**

74. A Member referred to another Member's speech as "boring". On a point of order being raised, the Chairman (Sri. K. Ayyappan) ruled that it is not unparliamentary.

(CLC. Vol. VI. P. 552. 31st January 1938.)

**Unparliamentary Language: "Bottomless Self-seeking Individuals":**

75. During Budget Discussion, a Member stated: "There is one-party Government composed of bottomless self-seeking individuals."

At Mr. Speaker's direction, the expression was withdrawn.—(TCA. Vol. III. P. 847. 20th March 1951.)

**Unparliamentary Language: "Cowardly" applied not to a Minister but to a Policy is Parliamentary:**

76. On the 22nd February 1951, when the Motion on the Address by H. H. the Rajpramukh was being discussed, Sri. R. Sankar had tabled an amendment to the Motion using the words, "hesitant and cowardly educational and labour policy". Sri. Panampilli Govinda Menon raised the point of order whether the use of the word "cowardly" was parliamentary.

Mr. Speaker ruled: "In regard to the word 'Cowardly' probably some more appropriate expression could have been used. But I cannot say that it is unparliamentary in so far as the word is made applicable not to a Minister but to the policy."—(TCA. Vol. III. P. 35. 22nd February 1951; CLC. Vol. II. P. 394. 17th December 1931.)

**Unparliamentary Language: "Disgraceful":**

77. In opposing a resolution for the audit of the accounts of the Cochin State by a competent officer from the British service, a Member stated that it was a "disgraceful" thing.

The President ruled: "'Disgraceful' is an unparliamentary expression."—(CLC. Vol. I. P. 348. 30th July 1925.)

**Unparliamentary Language: "Ignorance" is no aspersion:**

78. When objection was taken to a Member characterising another Member as "ignorant",—

The Deputy President ruled: "Ignorance is no aspersion."

(CLC. Vol. II. P. 1041. 14th March 1932.)

**Unparliamentary Language: "Senseless Criticism" is unparliamentary if used in relation to a remark made by a Member:**

79. On the 2nd August 1947, Sri. P. Govinda Menon, Minister for Food and Education in the Cochin State, speaking

during the Voting of Demands for Grants, said: "With respect to the rambling, pointless, issueless, senseless criticism made by the hon. Member for Vadakkancheri...." A Member asked whether the use of the word 'senseless' was parliamentary. Sri. P. Govinda Menon explained that by the expression, he meant only 'without sense' or 'devoid of meaning':

Mr. President ruled: "That word, by itself, cannot be unparliamentary just as when you say 'a man fell down senseless'.... The hon. Minister has explained that he meant it simply 'without meaning'. But when a word is used in relation to a remark made by an hon. Member in the House of Legislature, 'senseless criticism' is unparliamentary." (CLC, Vol. V. P. 419. 2nd August 1947.)

### Unparliamentary Language: "Silly":

80. Sri. E. Ikkanda Warriar, referring to an explanation given by the President during question time about a contract for the construction of the Ernakulam Guest House stated: "That explanation seems to me to be silly."

The President ruled: "I take strong objection to the word 'silly' used by the hon. Member. The hon. Member should withdraw the word."

The Member withdrew the word. (CLC. Vol. VI. P. 1133. 30th March 1938.)

### Unparliamentary Language: "Undesirability" is Parliamentary:

81. The President ruled that the word "undesirability" is parliamentary. (TA. Vol. XVI. P. 641. 31st July 1940.)

### Unparliamentary Language: "Untruth" is unparliamentary:

82. A Member referring to a statement of another Member stated that it was an "untruth".

Mr. Speaker ruled: "The word 'untruth' is not parliamentary and cannot be allowed."—(TCA. Vol. I. P. 57. 8th March 1950.)



**Unparliamentary Language: Dress of a Member:  
Reference to:**

83. A point of order was raised whether it was parliamentary to make reference to the dress of a political party in the House.

The President remarked as follows: "As I find that a number of questions have been raised on this matter, I should think it is better I make the position clear so far as the parliamentary limits of debate are concerned.

It is not here alone but in many parts of this country and in many countries in the world that particular uniforms have characterised specific political parties. We are all aware of blue-shirts, red-shirts, brown-shirts and black-shirts. They constantly refer to each other like that. In the early days of the communist party when they were not considered to be quite within the pale of parliamentary propriety, they used to distinguish themselves by wearing red ties. Then, on a particular occasion, one of them was referred to in the House as 'that gentleman with a red tie', and the question was raised whether that was parliamentary. The Speaker ruled that that was permissible where a party uses a distinctive item of dress as significant of that party. But that ruling has no reference to the other rule of parliamentary propriety that it is not open to one hon. Member to refer to the particular costume or item of attire in such a manner as to make fun of it or to deride it. That is the rule of parliamentary decorum in this matter."—(TSC. Vol. XII. P. 97. 8th August 1938; TA. Vol. XII. P.151. 13th July 1938.)

**Unparliamentary Language: Expunging Unparliamentary Portions of Speech:**

84. During his speech on the General Discussion on the Budget, Sri. Ittiera Ambookan used certain words that were unparliamentary. On the point being raised, the Member withdrew the words with apologies. The question then arose whether the unparliamentary words should be published in the proceedings along with the withdrawal or whether they should be omitted.

The question was put to the House and it was decided that the unparliamentary words should be expunged from the

Official Report of the Proceedings.—(TCA. Vol. III P. 533-535. 16th March 1951.)

**Unparliamentary Language: personal attacks and Charges should not be made**

85. On the 24th August 1949 during the discussion on the Education Demand, a Member raised the point of order whether personal attacks and charges are allowable during speeches.

Mr. Speaker ruled. "It is absolutely wrong, unwarranted and cannot be allowed. Personal charges and attacks with an insinuation cannot certainly be allowed."

(USTCA Vol. I. P. 800. 24th August 1949.)

**Unparliamentary Language: Personal Imputations:**

86. A Member stated that the Financial Secretary had appointed a man of his caste as Stenographer in his office.

The President ruled: "You must not make any personal imputations like that."

(TLC. Vol. XIII. P. 470. 10th August 1928.)

**Walk-out: Member who has walked out cannot later the same day participate in the proceedings:**

87. Sri. M. I. Paul walked out of the House on the 29th March 1951 as a protest against the alleged "partiality" shown by the Chief Minister. He came into the House later on the same day and put a question to the Chief Minister.

Mr. Deputy Speaker ruled: "Since the Member had walked out as a protest against the Chief Minister, he will not be permitted to put any question to-day."

(TCA. Vol. III. P. 1362. 29th March 1951.)

**Walk-out: As protest against ruling:**

88. On the 19th July 1938 before taking up the business of the House, the President made the following statement:

"I have to invite the attention of the House to the proceedings of the meeting held yesterday. I find from the authenticated report of the proceedings—the report given by the shorthand writer—that Mr. Thanu Pillai has said:

Mr. A. Thanu Pillai: Since this important matter which affects the public has not been allowed to be discussed on the floor of the House.....

President: Order, order. The hon. Member will take his seat. He is not in order in canvassing the ruling of the Chair.

Mr. A. Thanu Pillai: Since this important motion is declared not in order, I walk out of this hall in protest.

With regard to the statement made by Mr. Thanu Pillai prior to the walk-out, I have to make the following observations by way of ruling.

Any statement of policy made on behalf of the Government or made by the Dewan or the Dewan-President speaking as the exponent of the policy of Government or as the representative of the Government, can be objected to and protested against and, constitutionally, there is no objection to hon. Members walking out by way of protest in regard to such statements on administrative matters. But in regard to the rulings of the Chair, namely, statements made by the President as Chairman of the Assembly and as rulings of the Chair, they are binding on all the Members of the Assembly and by universal practice are loyally accepted within the precincts of the House. Ordinary rules of parliamentary practice require that all rulings by the Chair should be accepted without question; otherwise, it is impossible for such parliamentary bodies to get on. If the rulings as such, of the President, are objected to and walk-outs are started as protest against rulings, it would be impossible to maintain decorum and order in this House consistently with the traditions of parliamentary practice.

This matter has arisen not only in the Parliament but also in the Legislative Assembly; and definite rulings are available to show the very clear distinction between rulings of the Chairman and statements by persons representing or purporting to speak on behalf of the Government. As such distinction might not have been before the minds of the hon. Members when they staged the walk-out yesterday, I want to make it clear. I trust that hereafter, for the purpose of observing the rules which all of us cherish so much, and for the purpose of maintaining the dignity of the House which

I know every one of us wishes to maintain, the rulings of the Chair will be obeyed without a protest or walk-out." (TA. Vol. XII. P. 373. 19th July 1938.)

**Miscellaneous: Bowing to the Chair when entering and leaving the House:**

89. A Member went out of the Chamber when discussion on a Bill was going on.

The President remarked: "I think I have to draw the attention of the House to the parliamentary custom that whenever any member enters the House or leaves the House he has to bow to the Chair."—(TA Vol. II. P. 718. 23rd May 1934; TA. Vol. II. P. 835. 25th May 1934; TA. Vol. V. P. 285. 25th May 1935.)

**Miscellaneous: Crossing floor by Employee between a speaker and the Chair:**

90. While discussion was proceeding in the House, one of the peons of the Secretariat crossed the floor of the House between the President and the Member who was then speaking and delivered a chit to one of the Press reporters.

The President observed: "Order, order. Will the Secretary see that nobody crosses the floor of the House between the Chair and the speaker?"—(TSC. Vol. II. P. 355. 30th May 1934.)

**Miscellaneous: Crossing floor by Member between a speaker and the Chair:**

91. The President observed in the course of a statement:

"There is also one minor point of order. I notice that some Members pass between the Chair and a speaker addressing the House. That is out of order."—(TA. Vol. I. P. 151. 3rd August 1933; TA. Vol. XI. P. 724. 1st February 1938.)

**Miscellaneous: "Honourable Members:" Use of the term is a courtesy:**

92. On the 21st May 1934, a point of order was raised whether the appellation "honourable" could be applied to the Members of the Assembly.

The President ruled: "I may at once say that although the Members are not entitled to be called 'honourable', all the same nothing is seriously wrong if this term is used as a matter of courtesy between each other. That term is used in Houses where the Members are not at all 'honourable.' Even in the Madras Legislative Council or in the Legislative Assembly under the statute they are not called 'honourable Members' but as between themselves they extend that courtesy between each other and I do not think there is anything seriously wrong about it or that it is a violation of the law or statute."—(TA. Vol. II P. 532, 21st May 1934.)

**Miscellaneous: Manuscript Speeches not in order:**

93. On the question whether a Member can read a manuscript speech, the President ruled:

"It is not in order to read a written speech."—(TSC. Vol. I P. 200, 22nd August 1933; TSC. Vol. VIII. P. 214, 10th August 1936; TSC. Vol. VIII. P. 604, 14th August 1936; TA. Vol X. P. 107, 24th July 1937.)

**Miscellaneous: Official document: Member reading what had come wrongfully into his hands: out of order:**

94. A Member read from an official letter which had not come into his hands through the proper channel.

The President ruled: "You are entirely out of order in reading a document which you obtained or which has come into your hands wrongfully. I may ask you to withdraw the passage you read, unless you can vouch for its accuracy." (TLC. Vol. VIII. P. 34, 2nd November 1925.)

**Miscellaneous: Official Members should not do Office work in the chamber**

95. A point of order was raised whether official Members could dispose of files and do other office work while sitting in the House.

The President ruled: "It is not open to official Members to transact official business in the House and go through departmental files. If they are taking notes or marking important points, which have been brought to light during the course of the discussion before the House,

that is permissible. I may request the Secretary to see that peons do not take big trays of papers and load the table in front of the House". (TSC. Vol. II. P. 386. 30th May 1934; TSC. Vol. XVI. P. 80. 8th August 1940.)

**Miscellaneous: other legislatures: reflections on other legislatures not in order:**

96. When in the course of discussion, a Member remarked that he had heard of legislation in other places in which fathers are being punished for the sins of commission or omission of their sons, the President intervened and said:

"The hon. Member should not make reflections on other legislatures. (TA. Vol. IX. P. 94. 17th November 1936.)

**Miscellaneous: Pamphlets: Circulation in the chamber by private persons:**

97. Certain pamphlets had been placed on the tables of the Members by some private persons. A Member stated: "Sir, I rise to a point of order. We find some private publications placed on our table. Is it permitted to place on our table anything other than Council papers? The pamphlets refer to the Bill before the House and are by private persons. I may also point out that they contain personal insinuations against some of the Members of this House.

The President ruled: "With regard to the pamphlets placed there, I may say that no pamphlets could be placed here without the order of the Chair. It is improper to use this Chamber as a place for circulation of anything in the shape of propaganda not strictly and officially connected with the business of the House. This is a matter for enquiry and I shall ask the Secretary to enquire into the matter and see how these came to be distributed here." (TSC. Vol. VIII. P. 60}. 14th August 1936.)

**Miscellaneous: Personal explanation: To be made so as not to interrupt another Member's Speech**

98. A Member wanted to give a word of personal explanation in the course of the speech of another Member.

The President ruled: "The question of personal explanation may come in after the hon. Member has finished his speech. As I have always stated, if the hon. Member does not yield his place, the other hon. Member may make a note of what he has to say by way of personal explanation and afterwards make the personal explanation." (T.A. Vol. XII. P. 310. 15th July 1938.)

**Miscellaneous: Point of Order: Cannot be raised when President is on his legs:**

99. When the Deputy President was speaking, a Member raised a point of order for his ruling. The Deputy President cut him short and ruled:

"You are not entitled to raise a point of order now."

His attention was then drawn to Rule 36 which says that a point of order could be raised at any time.

Thereupon he added: "But not when the President is on his legs." (TLC. Vol. XX. P. 812. 26th April 1932; TA. Vol. VII. P. 653. 19th November 1935.)

**Miscellaneous: Point of Order: Member raising a point of order, alone to be in possession of the House and all others to resume seats:**

100. When a Member stood up to raise a point of order and the Member who was speaking was seen standing at the same time, the President observed:

"Order, order. Two hon. Members are standing. It is a matter of well-recognised procedure that the moment a point of order is raised, everybody excepting the hon. Member who raises the point of order resumes his seat." (TA. Vol. XIV. P. 248. 26th July 1939.)

**Miscellaneous: Poll: Chair has discretion to allow:**

101. Before the Assembly adjourned on the 22nd January 1935, the President made the following statement:

"Before we disperse now, I have one word to say. I did not refuse the poll in a way that Mr. Kunjukrishna Pillai understood it. Mr. Kunjukrishna Pillai seems to

think that whenever a poll is demanded, the Chair should immediately allow it. That is not the law, that is not the practice. The Chair has got some little discretion in this matter. We have been sitting a considerably long time. So, unless there was a necessity and there was a difficulty of finding out the trend of opinion, I thought I may exercise this discretion. Anyhow because Mr. Kunjukrishna Pillai was emphatic on the assertion of his right and as there was still one more minute remaining I allowed it. I want to make this observation that it is not every time a poll is demanded that the Chair should automatically allow it." (TA. Vol. IV. P. 185. 22nd January 1935; TA. Vol. VII. P. 657. 19th November 1935; TA. Vol. XI. P. 95. 23rd November 1937; TA. Vol. XX. P. 649. 27th July 1942.)

**Miscellaneous: Poll: Member can change mind between the preliminary count and poll:**

102. A Member who remained neutral at the preliminary count was found to exercise his vote at the time of poll. The question was raised if the Member was in order in doing so.

The President ruled: "That was a preliminary count. Between the poll and the count, the Member has changed his mind. It happened several times last year when Members changed their minds; between the preliminary count and before their names attain immortality at the poll, they may change their minds." (TLC. Vol. XIII. P. 255. 7th August 1928; TA. Vol. XIII. P. 473. 26th June 1939).

**Miscellaneous: Presiding Officer's arrival to be announced:**

103. On the 3rd December 1949, at the request of Members, Mr. Speaker ordered that the arrival of the Speaker, Deputy Speaker or Chairman on the dais should be announced to the Members before such arrival. (USTCA. Vol. III. P. 363. 3rd December 1949.)

**Miscellaneous: Proceedings: Expunging of portions:**

104. After Sri. P. Balakrishnan Tampi had given a personal explanation about a speech he had made in the House,



the President remarked: "Presiding over this body, it is my duty to see that, in the report of the proceedings, nothing occurs that would savour of anything detracting from the dignity or the importance of the deliberations of this House. In the circumstances indicated by Sri. Balakrishnan Tampi, I am prepared to take the assurance that he has just given.

"In the circumstances, I think it will conduce to the dignity and proper decorum of this House if the portion of the proceedings adverted to, be expunged from the Official Report of the Proceedings of this House; and I order accordingly." (TSC. Vol. X. P. 108. 7th August 1937.)

**Miscellaneous: Proceedings: Members cannot insert long sentences into the official reports of their speeches sent to them for revision:**

105. Sahib Bahadur P. K. Kunju made a complaint that portions of his speech on a previous day had been omitted from the official report of the proceedings of that day.

The President observed: "I am informed by the Secretary to the Legislative Assembly that no portion of the speech, as delivered by the hon. Member, was omitted. But if he wants to enforce his argument he might give examples.

There is one more point. It has occurred in other Assemblies that hon. Members bringing manuscripts to be read, sometimes, find no occasion to deliver portions of the same. They have, as the proceedings of the Legislative Assembly in Simla would show, wanted every portion to be inserted in the official proceedings. The ruling is that whatever that has not been read will not go into the report."

The President later on added: "I now have got the matter ready. In the speech sent to the Member for correction, there were several additions which were not mentioned at all on the floor of this House as will be seen from a scrutiny of the shorthand report. Hence these were deleted and the Member informed about it. Just now I see that the hon. Member did not deliver a series of sentences and that he wanted to insert them in the speech. He was not allowed to do so because the

shorthand report and the hon. Member's version were found to be different."

Sri. E. John Philipose: "Sir, as a Member of this House I will be glad to know whether it is the word of the Member or the version of the shorthand reporter that is to be believed."

President: "The shorthand reporters are officers of this House and they are here for purposes of taking accurate notes. If there was any point of denial of what the shorthand reporter has written out, and if the hon. Member had raised it as a matter of privilege, an enquiry would have been at once initiated with regard to the shortcoming, if any, of the shorthand reporter. It is unheard of that any shorthand reporter will omit to record long sentences that have been actually delivered. It is unusual for shorthand writers to omit passages like that. The Assembly records of Simla bear witness to the fact that hon. Members cannot insert into the reports of their speeches portions which they have not delivered." (TA. Vol. XII. P. 586 & 591. 28th July 1938.)

**Miscellaneous: Seating arrangements for Parties formed in the course of a Session:**

106. In the case of parties which were formed in the course of a session, the President ruled:

"I have received intimation that a new party has been formed under the leadership of Mr. T. K. Velu Pillai. A request has been sent to me for allotting seats for that party. Usually seats are arranged on the opening day of the session and I have directed the Secretary to allot the requisite seats to the party from the commencement of the next session."—(TA. Vol. XX. P. 927. 30th July 1942; CLC. Vol. IV. P. 248. 7th December 1939.)

**Miscellaneous: University affairs: Reference not in order:**

107. When in the course of debate, reference was made to the exclusion of the University from the purview of the Public Service Commissioner, the President ruled:

"The University has nothing to do with the Government. It is a separate institution....."

"The hon. Member must be aware, as having participated in the University Legislation, that it is a statutory body created by the labours of this House and the other hon. House and embodied in a statute."—(TA. Vol. XV. P. 108. 23rd January 1940.)

**Miscellaneous: Visitors' Gallery: Maintenance of order in:**

**108.** When some disturbance was caused from the Visitors' Gallery,

The President remarked: "There is too much noise in the gallery. If it continues, the chairs will be removed."  
—(TA. Vol. I. P. 724. 12th August 1933.)

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