

RULES FOR THE INTERNAL WORKING OF THE COMMITTEE ON SUBORDINATE LEGISLATION

1. Examination of Orders and Bills etc.:- Every 'Order', Bill containing provisions regarding delegation of legislative powers and suggestions from members on subordinate legislation shall be first examined by the Rajasthan Legislative Assembly Secretariat and, if necessary, a memorandum prepared which, after approval by the Chairman, shall be placed before the Committee on Subordinate Legislation.

2. Notice of sitting and circulation of agenda papers: - When the date and time of a sitting of the Committee have been fixed, notice thereof along with the agenda shall be circulated to the members of the Committee.

3. Special invitees: A member who is not a member of the Committee may be invited to attend a sitting of the Committee under the orders of the Chairman but he shall not have a right to vote.

4. Record of proceedings:- A record of the proceedings of each sitting of the Committee shall be kept.

5. Minutes of sittings:- The Secretariat shall prepare draft minutes of the sitting of the Committee for approval of the Chairman or the member who presided at the sitting, as the case may be.

6. Mention of evidence in minutes:- The fact that evidence was given before the Committee shall be mentioned in the minutes of the relevant sitting.

7. Attendance of persons other than members of the Committee at its sittings:- A member of Rajasthan Legislative Assembly who is not a member of the Committee or a member of any other State Legislature, or an officer of any other State Legislature, may with the permission of the Chairman attend a sitting of the Committee when evidence is being taken by them but not when the Committee is deliberating. Such member or officer shall not, however, take part in any manner in the proceedings of the Committee nor sit in the body of the Committee.

8. Circulation of minutes:- The minutes of each sitting of the Committee shall be circulated to the members of the Committee.

9. Minutes to be appended to report: - The minutes of the sittings of the Committee shall be appended to the relevant report of the Committee and presented to the House along with the report.

10. Report of Committee:- The Secretariat shall prepare draft report of the Committee containing their recommendations which, after approval by the Chairman, shall be placed before the Committee.

11. Presentation of report:- The report of the Committee shall be presented to the House by the Chairman or in his absence, by any member of the Committee who attended the sitting at which the report was approved by the Committee.

12. Circulation of report:- As soon as possible after presentation of the report to the House, copies thereof shall be circulated to the members of the House and the Departments concerned.

ANNEXURE (1)

COMMITTEE ON SUBORDINATE LEGISLATION

238. Functions of Committee on Subordinate Legislation:- There shall be a Committee on Subordinate Legislation to scrutinize and report to the House whether the powers to make regulations, rules, sub-rules, bye-laws, etc. conferred by the Constitution or delegated by Legislature are being properly exercised within such delegation.

239. Constitution of Committee:- (1) The Committee shall consist of not more than fifteen members who shall be nominated by the Speaker:

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

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

240. Numbering and Publication of Orders.- Each regulation, rule, sub-rule, bye-law etc. framed in pursuance of the provisions of the Constitution or the legislative functions delegated by the Legislature to a subordinate authority, and which is required to be laid before the House, or not hereinafter referred to as 'Order', shall, subject to such rules as the Speaker may in consultation with the Leader of the House prescribed, be numbered centrally and published in the Gazette immediately after it is promulgated.

241. Duties of Committee.- After each such Order referred to in rule 240 is promulgated the committee shall select for scrutiny such of them as it may consider appropriate and in respect of each of them, in particular, consider:

(i) whether it is in accord ,with the general objects of the Constitution or the Act pursuant to which it is made;

(ii) whether it contains matter which in the opinion of that Committee should- more properly be dealt with in an Act of Legislature;

(iii) whether it contains imposition of any tax;

(iv) whether it directly or indirectly bars the jurisdiction of the Courts;

(v) whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;

(vi) whether it involves expenditure from the Consolidated Fund of the state or the Public Revenues;

(vii) whether it appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;

(viii) whether there appears to have been unjustifiable delay in its publication or in laying it before Legislature;

(ix) whether for any reason its form or purport calls for any elucidation.

242. Report of Committee.- (1) If the Committee is of opinion that any Order should be annulled wholly or in part, or should be amended in any respect, it shall report that opinion and the grounds thereof to the House.

(2) If the Committee is of opinion that any other matter relating to any Orders should be brought to the notice of the House it may report that opinion and matter to the House.

243. Power of Speaker to give directions:- The Speaker may issue such directions as he may consider necessary for regulating the procedure in connection with all matters

connected with the consideration of any question of subordinate legislation either in the Committee or 'in the House.

RAJASTHAN LEGISLATIVE ASSEMBLY

Direction No. 2

Dated the 3rd June, 1959

Sub: Directions by the Speaker under rule 243 of the Rules of Procedure and Conduct of Business in the Rajasthan Legislative Assembly.

In exercise of the powers conferred upon me by rule 243 of the Rules of Procedure and Conduct of Business in the Rajasthan Legislative Assembly, I issue the following directions for regulating the procedure in connection with the matters connected with the consideration of any question of subordinate legislation either in the Committee or in the House.

1. Scope of the Committee:- (1) The Committee on Subordinate Legislation may examine all 'Order', whether laid on the Table of the House or not, framed in pursuance of the provisions of the Constitution or a Statute delegating power to subordinate authority to make such orders.

(2) The Committee may examine provisions of Bills which seek to –

(i) delegate powers to make 'Orders' or

(ii) amend earlier Acts delegating such powers with a view to see whether suitable provisions for the laying of the 'Orders' on the Table of the House have been made therein.

(3) The Committee may examine any of the matter relating to an 'Order' or any question of subordinate legislation arising therefrom.

2. Examination of Bills referred to Committee by Speaker:- (1) The Speaker may also refer Bills containing provisions for delegation of Legislative powers to the Committee and where a Bill is so referred, the Committee shall examine –

(i) the extent of such powers sought to be delegated; and

(ii) When powers are sought to be delegated by the State Government to other authorities for bringing into operation any subsidiary provisions or to make any further rules or regulations, the necessity for such delegation as well as the extent and manner in which such powers shall be exercised by the subordinate authorities concerned.

(2) Where the Committee is of opinion that the provisions contained in the Bill, delegating legislative powers should be annulled wholly or in part, or should be amended in any respect, it may report that opinion and the grounds thereof to the House before the Bill is taken up for consideration in the House.

3. Supply of material by Departments or other authorities. - A Department or other authority may required to supply, for the use of the Committee, a sufficient number or copies of the following documents, namely:—

(i) Statutory and constitutional 'orders'

(ii) Amendment to such 'order'

(iii) Pre-printed editions of such 'orders' as and when they are re- printed.

4. Procedure for examination:- (1) (i) After an 'order' is published in the Gazette, it shall be examined by the Assembly Secretariat to determine, whether it is required to be brought to the notice of the Committee on any of the grounds laid down in rule 241, or in accordance with any practice or direction of the Committee,

(ii) After a Bill is introduced it shall be examined by the Assembly Secretariat to determine whether it is required to be brought to the notice of the Committee on the ground laid down in the direction.

(2) If, in the course of examination of an 'order', it is considered necessary to seek any clarification regarding any point, it shall be referred to the Department concerned and the matter, if necessary re-examined in the light of such reply.

(3) If, after examination of 'order', a Bill or any other matter, it is considered necessary to bring any point or points to the notice of the Committee, a self-contained memorandum shall be prepared on the subject and, after the approval of the Chairman, placed before the Committee.

5. Circulation of Memoranda:- The approved memorandum together with copies or extracts of the relevant 'order' wherever necessary, may, time permitting, be circulated to members of the Committee in advance.

6. Presentation of other documents with Report:- Along with the Report, the following documents may also be presented to the House:-

(i) Summary of recommendations made in the Report.

(ii) Relevant -portions of the minutes of the sittings at which the matters referred to in the Report were considered.

(iii) Such other material as may be considered necessary.

7. Recommendations of the Committee:- (1) The Departments of the Government shall be required to furnish from time to time the Assembly Secretariat, statements of action taken or proposed to be taken by them on the recommendations made by the Committee in their reports and on the assurances given by the Departments in the course of their correspondence with the Committee. The information so received shall be placed before the Committee in the form of a memorandum with the approval of the Chairman.

(2) In case where any Department of the Government is not in a position to implement, or feels any difficulty in giving effect to a recommendation made by the Committee, the Department shall place its views before the Committee which may, if it thinks fit, present a further Report to the House after considering the view of the Department in the matter.

