

## **CHAPTER X**

### **LEGISLATION**

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

**58. Publication before introduction.**— The speaker may, on request being made to him by the Government, order the publication of any Bill (together with the Statement of Objects and Reasons, the memorandum regarding delegation of legislative power and the financial memorandum accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case, it shall not be necessary to move to introduce the Bill, and, if the Bill is afterwards introduced, it shall not be necessary to publish it again.

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

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

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

(3) The period of notice of a motion for leave to introduce a Bill under this rule shall be fifteen days unless the Speaker allows the motion to be made at shorter notice.

(4) The Speaker may disallow a notice of Bill in case the Bill does not comply with the requirement of sub-rule (2) of this rule, or rule 61 or 62.

**60. Communication of sanction or recommendation of President or Governor.**— The order of the President or the Governor granting or withholding the sanction or recommendation to the introduction or consideration of a Bill shall be communicated to the Secretary by the Minister concerned in writing.

**61. Financial memorandum and money clauses.**— (1) A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law.

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

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

**62. Explanatory memorandum to Bill delegating legislating powers.**— A Bill involving proposals for the delegation of legislative powers shall further be

accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character.

**63. Statement in connection with Ordinances.**— (1) Whenever a Bill seeking to replace an Ordinance with or without modification is introduced in the House, there shall be placed before the House along with the Bill a statement explaining the circumstances which had necessitated immediate legislation by Ordinance.

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

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

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

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

#### **(b) Motions after introduction of Bills**

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

- (a) that it be taken into consideration; or
- (b) that it be referred to a Select Committee of the House; or
- (c) that it be circulated for the purpose of eliciting opinion thereon:

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

**67. Discussion of principle of Bill.**— (1) On the day on which any motion referred to in rule 66 is made, or on any subsequent day to which the discussion thereof is postponed, the principle of the Bill and its provisions may be discussed generally but the details of the Bill shall not be discussed further than is necessary to explain its principles.

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

- (a) if the member-in-charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee of the House or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion;

- (b) if the member-in-charge moves that the Bill be referred to a Select Committee of the House, any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

(3) Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon is carried, and the Bill is circulated in accordance with that direction and opinions are received thereon, the member-in-charge, if he wishes to proceed with the Bill thereafter, shall move that the Bill be referred to a Select Committee of the House, unless the Speaker allows a motion to be made that the Bill be taken into consideration:

Provided that if an amendment or a motion for appointment of a Select Committee has been moved under this rule, any member may move that the House give instructions to the Select Committee, to which the Bill is proposed to be referred, to make some particular or additional provision in the Bill and if necessary or convenient, to consider and report on amendments which may be proposed to the original Act which the Bill seeks to amend.

**68. Members by whom motions in respect of Bills may be made.**— No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member-in-charge of the Bill, and no motion that a Bill be referred to a Select Committee of the House or be circulated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge:

Provided that if the member in charge of a Bill is unable, for reasons which the Speaker considers adequate, to move the next motion in regard to his Bill at any subsequent stage after introduction, he may authorise another member to move that particular motion with the approval of the Speaker.

**Explanation.**— Notwithstanding the provisions contained in the proviso the member who introduced the Bill shall continue to be the member-in-charge.

### **(c) Procedure after presentation of report of a Select Committee**

**69. Motions that may be moved after presentation of report of a Select Committee.**— (1) After the presentation of the final report of a Select Committee of the House on a Bill, the member-in-charge may move—

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

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

- (b) that the Bill as reported by the Select Committee of the House be re-committed to the same Select Committee or to a new Select Committee either :-
  - (i) without limitation, or
  - (ii) with respect to particular clauses or amendments only, or
  - (iii) with instructions to the Committee to make some particular or additional provision in the Bill; or

(c) that the Bill as reported by the Select Committee of the House be circulated or re-circulated, as the case may be, for the purpose of eliciting opinion or further opinion thereon.

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

**70. Scope of debate on report of Select Committee.**- The debate on a motion that the Bill as reported by the Select Committee of the House be taken into consideration shall be confined to consideration of the report of the Committee and the matters referred to in that report or any alternative suggestions consistent with the principle of the Bill.

**(d) Amendments to clauses, etc., and clause by clause consideration of Bills**

**71. Notice of amendments.**— (1) If notice of an amendment to a clause or schedule of the Bill has not been given one day before the day on which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the Speaker allows the amendment to be moved:

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

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

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

- (i) An amendment shall be within the scope of the Bill and relevant to the subject-matter of the clause to which it relates.
- (ii) An amendment shall not be inconsistent with any previous decision of the House on the same question.
- (iii) An amendment shall not be such as to make the clause which it proposes to amend unintelligible or ungrammatical.
- (iv) If an amendment refers to, or is not intelligible without, a subsequent amendment or schedule, notice of the subsequent amendment or schedule shall be given before the first amendment is moved so as to make the series of amendments intelligible as a whole.
- (v) The Speaker shall determine the place at which an amendment shall be moved.
- (vi) The Speaker may refuse to propose an amendment which is, in his opinion, frivolous or meaningless.
- (vii) An amendment may be moved to an amendment which has already been proposed by the Speaker.

**73. Sanction or recommendation of the President or Governor to be annexed to notice of amendment.**—If any member desires to move an amendment which under the Constitution can not be moved without the previous sanction of the President or the recommendation of the Governor, as the case may be, he shall

annex such sanction or recommendation conveyed through a Minister and the notice shall not be valid until this requirement is complied with:

Provided that no previous sanction of the President or the recommendation of the Governor shall be required, if an amendment seeks to-

- (a) abolish or reduce the limits of the tax proposed in the Bill or amendment,
- or
- (b) increase such tax upto the limits of an existing tax.

**74. Communication of the order of President or Governor.**— The order of the President or Governor, as the case may be, granting or withholding the sanction or recommendation to an amendment to a Bill, shall be communicated to the Secretary by the Minister concerned in writing.

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

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

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

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

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

**78. Mode of moving amendments.**— When a motion that a Bill be taken into consideration has been carried, any member may, when called upon by the Speaker, move an amendment to the Bill of which he has previously given notice:

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

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

**80. Submission of a Bill clause by clause.**— Notwithstanding anything contained in these rules, the Speaker may, when a motion that Bill be taken into consideration has been carried, submit the Bill, or any part of the Bill, to the House clause by clause. The Speaker may call each clause separately and when the amendments

relating to it have been dealt with, shall put the question : "That this clause (or, this clause as amended, as the case may be) do stand part of the Bill".

**81. Postponement of clause.**— The Speaker may, if he thinks fit, postpone the consideration of a clause.

**82. Consideration of schedule.**— The consideration of the schedule or schedules, if any, shall follow the consideration of clauses. Schedules shall be put from the Chair and may be amended in the same manner as clause and the consideration of new schedules shall follow the consideration of the original schedules. The question shall then be put : "That this schedule (or, that this schedule as amended, as the case may be) stand part of the Bill"

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

**83. Voting on group of clauses and schedules.**— The Speaker may, if he thinks fit, put as one question clauses and/or schedules, or clauses and/or schedules as amended, as the case may be, together to the vote of the House :

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

**84. Clause one, Enacting Formula, Preamble and Title of Bill.**— Clause one, the Enacting Formula, the Preamble, if any, and the Title of a Bill shall stand postponed until the other clauses and schedules (including new clauses and new schedules) have been disposed of and the Speaker shall then put the question : "That Clause one, or the Enacting Formula, or the Preamble or the Title (or, that Clause one, Enacting formula, Preamble or Title, as amended, as the case may be) do stand part of the Bill".

### (e) Passing of Bills

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

(2) Where a Bill has undergone amendments, the motion that the Bill as amended be passed shall not be moved on the same day on which the consideration of the Bill is concluded, unless the Speaker allows the motion to be made.

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

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

**87. Correction of patent errors.**- Where a Bill is passed by the House, the Speaker shall have power to correct patent errors and make such other changes in the Bill as are consequential upon the amendments accepted by the House.

**(f) Adjournment of Debate on and Withdrawal and Removal of Bills**

**88. Adjournment of debate on Bill.**— At any stage of a Bill which is under discussion in the House, a motion that the debate on the Bill be adjourned may be moved with the consent of the Speaker.

**89. Withdrawal of Bill.**— The member-in-charge of a Bill may at any stage of the Bill move for leave to withdraw the Bill on the ground that—

- (a) the legislative proposal contained in the Bill is to be dropped; or
- (b) the Bill is to be replaced subsequently by a new Bill which substantially alters the provisions contained therein, or
- (c) the Bill is to be replaced subsequently by another Bill which includes all or any of its provisions in addition to other provisions;

and if such leave is granted no further motion shall be made with reference to the Bill:

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

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

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

- (i) that leave be granted to introduce the Bill;
- (ii) that the Bill be referred to a Select Committee;
- (iii) that the Bill be taken into consideration;
- (iv) that the Bill as reported by Select Committee of the House be taken into consideration; and
- (v) that the Bill (or, that the Bill as amended, as the case may be) be passed.

(2) A Bill pending before the House shall also be removed from the Register of Bills pending in the House in case a Bill substantially identical is passed by the House or the Bill is withdrawn under rule 89.

Explanation:-A Bill pending before the House shall include—

- (i) a Bill introduced in the House which does not fall within the categories of Bills mentioned in this rule or rule 92; and
- (ii) a Bill returned by the Governor with a message under Article 200 of the Constitution.

**92. Special provision for removal of private member's Bill from Register of Bills.**— A private member's Bill pending before the House shall also be removed from the Register of Bills pending in the House in case—

- (a) the member-in-charge cease to be a member of the House; and
- (b) the member-in-charge is appointed a Minister.
- (g) Authentication of Bills

**93. Authentication of Bills.**—When a Bill is passed by the House and is in possession of the House, the Bill shall be signed in duplicate by the Speaker and presented to Governor:

Provided that in the absence of the Speaker, the Secretary may, in case of urgency, authenticate the Bill on behalf of the Speaker.

- (h) Reconsideration of Bills returned by the Governor

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

**95. Authentication of Bill passed again by the House.**— When a Bill is passed again by the House, the Bill shall be signed in duplicate by the Speaker and presented to the governor in the following form:-

"The above Bill has been passed again by the House in pursuance of the proviso to article 200 of the Constitution. Dated.....20

Speaker":

Provided that in the absence of the Speaker, the Secretary may, in case of urgency, authenticate the Bill on behalf of the Speaker.