



TAMIL NADU LEGISLATIVE ASSEMBLY
Chennai-600009

PRACTICE AND PROCEDURE

Tamil Nadu Legislative Assembly
Secretariat
Chennai-600009



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Tamil Nadu Legislative Assembly

Practice and Procedure

1. Tamil Nadu Legislature - Composition and duration.

The Tamil Nadu Legislature is a unicameral one. It has only one House viz., the Legislative Assembly.

The Tamil Nadu Legislative Assembly consists of 234 elected Members from 189 General and 45 Reserved Constituencies (42 S.C. Constituencies and 3 S.T. Constituencies) as provided in the Delimitation of Parliamentary and Assembly Constituencies Order 1976 and one Member representing Anglo-Indian Community nominated by the Governor under Article 333 of the Constitution of India, when he is of the opinion that the community is not adequately represented in the Assembly. The term of the Assembly is five years from the date appointed for its first meeting, unless sooner dissolved. The expiration of the said period of five years operates as a dissolution of the House.

The present Assembly is the Twelfth, constituted under the Constitution, after the first General Elections in the year 1952.

The duration of 11 Assemblies are detailed below:

1st Assembly	1952-1957
2nd Assembly	1957-1962
3rd Assembly	1962-1967
4th Assembly	1967-1971
5th Assembly	1971-1976
6th Assembly	1977-1980
7th Assembly	1980-1984
8th Assembly	1985-1988
9th Assembly	1989-1991
10th Assembly	1991-1996
11th Assembly	1996-2001

2. Formation of Council of Ministers.

After every general election the Members elected on the various party tickets, meet separately and elect their Legislature party Leader. The Governor calls the leader of the party which has majority of Members in the Assembly, to form the Government. According to Article 164 of the Constitution the Governor appoints the Chief Minister and on his advice appoints the other Council of Ministers. Before a Minister enters upon his Office, the Governor shall administer to him the oath or affirmation of office of secrecy.

First meeting of the Legislative Assembly.

A) Documents to be handed over to the Secretary by the Members.

Members will be called upon in twos and as they are called they should approach the Secretary's table and hand over him the certificate of election given to them by the Returning Officer after the declaration of the election results and a detailed report containing party affiliation and the details in Form-III under rule 4(2) of the Members of Tamil Nadu Legislative Assembly (Disqualification on ground of defection) Rules 1986.

B) Swearing -in of Members.

Article 188 of the Constitution of India prescribes that the Members have to make and subscribe the oath or affirmation before taking their seats in the Assembly. This is in addition to the oath or affirmation made or subscribed by them before the Returning Officer or any other Officer according to the provisions of the Representation of People Act or any other Act. In the case of the first meeting before the election of the Speaker, a Member of the Assembly is appointed by the Governor as Speaker Protem, under Act 180(1) and also as the person before whom the Members should make and subscribe the oath or affirmation, under Article 188 of the Constitution of India.

The practice followed in regard for making and subscribing the oath is to call upon the Chief Minister and other Ministers first to take oath, then the Leader of the Opposition, the Leaders of parties, Ex. Chief Ministers, Ex. Speakers, Ex. Ministers, the Government Whip and then the Members in the alphabetical order.

Forms of oath or affirmation to be made by them will then be handed over to them by the Secretary. Members should read the oath or affirmation, either in English or Tamil as they choose and while doing so should strictly conform to the text in the prescribed form for the oath or affirmation and sign and return it to the Secretary. If any Member is not able to read the form by themselves for any reason, they should repeat the same when the Secretary reads it in portions.

A Member can take the oath either in the name of God or affirm solemnly as given in the form.

After making and subscribing to the oath or affirmation, Members should sign their names in the register maintained for this purpose known as the "Roll of Members", and then take their seats in the House as Members of the Assembly.

Such of those Members who have not made or subscribed to the oath or affirmation as prescribed, on the first day of the meeting, will have to make and subscribe to the oath or affirmation before the Speaker or Deputy Speaker after the elections of the Speaker and Deputy Speaker and after they are appointed by the Governor as the persons before whom oath or affirmation are subscribed. Members who are elected in the bye-elections will have to make and subscribe to the oath or affirmation before they take their seats in the House.

If any Member wants to make or subscribe to the oath or affirmation when the House is not sitting, after a bye-election, he may write to the Secretary, who, after ascertaining the convenience of the Speaker, will fix the date and time for the same.

No Member can participate in the proceedings of the House or vote in the House, unless he had made and subscribed to the oath or affirmation prescribed under Article 188, and if he does so he will be incurring a penalty of five hundred rupees for each such day which will be recovered as a debt to the State-(Vide Article 193).

4. Election of speaker and deputy speaker.

The Governor fixes a date for the election of the Speaker. Notice of the date so fixed by the Governor will be sent to every Member. (Rule 7).

At any time before noon on the day preceding the date so fixed, any Member may nominate another Member for election of Speaker. Forms of nomination paper may be obtained from the Secretary. The nomination paper should be in the prescribed form and should contain the name of the Member nominated duly signed by the proposer and seconder. It should also contain a declaration of the nominee that he is willing to serve as Speaker, if elected. It would be advisable for the proposer, seconder and the nominee to have made and prescribed to the oath or affirmation as required. The nomination would be declared invalid if any-one of them had not made the prescribed oath or affirmation, before the name of the nominee is read over by the Speaker Protem to the House at the appointed hour. The completed nomination papers should be delivered to the Secretary in person either by the proposer or the seconder or the candidate nominated.

The election will take place at a meeting of the Assembly, Sub-rules(4) to (8) of rule 7 govern the conduct of election.

The same procedure will apply to the election of Deputy Speaker except that the date is fixed by the Governor when there is no Speaker, and by the Speaker when there is one (Rule 8).

5. Information for Members.

Members are advised immediately to equip themselves with the identity cards and also hand over to the Library-II Section particulars regarding their places of residence, address etc., and also their bio-data, if they have not already done so. Even if they had given already, they are requested to verify the same and check up the details.

6. Attendance Register.

Article 190(4) of the Constitution provides that if for a period of sixty days a member of a House of the Legislature of a State is, without permission of the House, absent from all the meetings thereof, the House may declare his seat vacant. In computing the sixty days when the House is prorogued or adjourned for more than four consecutive days, that period is not taken into account. In view of this specific provision in the Constitution, it is necessary to record the attendance of Members and a register is maintained for this purpose. Members have to sign the attendance register on the days they attend the meetings of the Assembly.

To facilitate Members, printed lists of the names of Members which serve as attendance registers for each day, are placed daily in each of the two Lobbies of the Assembly (Eastern and Western) during meeting days. Members may sign in any one of them.

7. Seating arrangement for Members.

The Members should sit in the order fixed by the Speaker. The Members should sit as far as possible in their seats as this will facilitate the identification of the Members by the Chair and by the Reporters. Whenever any Member wants to catch the eye of the Speaker or at the time of any division in the House or when any Member wants to address the House, he should be in the place allotted to him by the Speaker.

8. Summoning of Assembly.

When the Governor summons the Legislative Assembly, his summons are sent to each Member, by name and it will contain the date, time and place appointed by the Governor for the meeting of the Assembly. When a meeting is

called at short notice or emergently, Members will be informed by telegram or any other method of communication and by broadcast.

9. Time of sitting.

The House ordinarily sits from 9.30 a.m. to 1.30 p.m.

10. Quorum.

The quorum necessary for a meeting of the Legislative Assembly is twenty-four Members (One-tenth of the total number of Members) (inclusive of the person presiding).

If at any time it is brought to the notice of the Chair that a quorum is not present, the bell shall be rung intermittently. Soon after hearing the bell, Members should expeditiously come to the House and if, after an interval of 15 minutes a quorum is still not present, the person presiding shall adjourn the House to the next day on which the Assembly ordinarily sits or to a later hour on the same day.

Even at the time of the beginning of the House, if necessary quorum is not present, the Secretary will ring the bell intermittently and Members should make haste to the House to constitute quorum.

11. The Documents to be handed over to the Speaker by the party leaders.

1. The leader of each Legislature party should hand over to the Speaker the following documents as per rule 3 of The Members of the Tamil Nadu Legislative Assembly (Disqualification on the ground of defection) Rules 1986 within 30 days from the date of first meeting of the Assembly.

(a) A written report containing the names of Members of the Legislature party and other details as required in Form-I of the above said Rules and a list of names of Members of Party and the posts held by them for the purpose of communication with the Speaker as required in the Rules.

(b) A copy of the Rules and Regulations of the concerned Legislature party under 'C'.

(c) A copy of the special rules and regulations if any held by the concerned Legislature party.

(d) The leader of the Legislature party must hand over a written report to the Speaker as and when any changes are made in the already given written report within 30 days from the date of changes are made.

12. Recognition of parties.

The parties which have secured more than quorum strength i.e 24 seats in the general election to the Legislative Assembly after contesting in the election in the common symbol recognised by the Election Commission will be recognised as Legislature parties. The party having the largest number of Members other than the party which has formed the Government will be recognised as an important opposition party and its leader will be recognised as Leader of Opposition.

A group of Members belong to a Legislature Party which fulfils any one of the conditions, viz. -

- (a) It has a strength of not less than eight Members.
- (b) that the total number of valid votes polled by all the contesting candidates set up by such Legislature Party at the General Election in the State to the Legislative Assembly is not less than four per cent of the total number of valid votes polled by all the contesting candidates at such General Election will be recognised as Legislature Group.

13. Sessions of the Assembly.

The Governor, on the advice of the Council of Ministers, summons the Legislative Assembly from time to time to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session. The Governor may also from time to time prorogue the House or dissolve the Assembly.

Prorogation by the Governor terminates the Session of the Assembly. The Speaker may adjourn the House from time to time within a session, subject to the conditions laid down in Rule 25 of the Legislative Assembly Rules.

14. Governor's Address.

At the commencement of the first session after the General Election to the Assembly and at the commencement of the first session of each year, the Governor addresses the Legislative Assembly and informs the Legislature of the causes of its summons (Article 176).

The Governor may also address the Legislative Assembly whenever he desires to do so. (Article 175).

No Member shall obstruct or interrupt the Address either before or after the address or during its duration with any speech or point of order or in any other manner; and such obstruction or interruption shall be regarded as a gross

breach of order of the House and shall be dealt with by the Speaker as such at the next sitting of the Assembly.

Discussion on the Governor's Address may take place on a motion of thanks moved by a Member and seconded by another Member. This gives an opportunity for general discussion on the subjects mentioned in the Governor's Address. This is called discussion on the motion of thanks to the Governor's Address. Members may give notice of amendment to the motion of thanks on the ground that the policies attractive to them are not contained in the Governor's Address.

After the motion is adopted by the House the Speaker will communicate the same to the Governor. The Speaker will also report to the Assembly the Governor's reply if any to the motion of thanks and if the Assembly is not sitting, the reply will be communicated to the Members of the House.

15. Notices to Assembly.

a. All notices relating to questions, half an hour discussion, call attention motion, adjournment motion, short duration discussion, privilege issue, resolution, Bills, motions, cut motions, etc., should be given by the Members in accordance with the respective rules.

b. All notices should be given in writing, either in Tamil or in English signed and addressed to the Secretary between 11 a.m. and 2 p.m. on every day except Saturdays, Sundays and holidays during meeting days, Notices may be given between 11 a.m. and 3.00 p.m. on all other working days. . A notice given on a holiday or after 3.00 p.m. on a working day shall be treated as notice given on the next working day.

If the Members require any information regarding giving of notices on any of the following subjects, they may contact the following Sections:

Subject	Section
1. Questions	Questions Sections
2. Half an hour discussion	Secretary
3. Calling Attention Motion	Bills-II / Speaker/ Secretary
4. Privilege issue	Speaker/ Secretary
5. Bills/ Cut Motions / Resolutions / Motions	Secretary / Bills-I
6. Short Duration Discussion	Secretary

16. Rules to be observed by the Members while participating in the Assembly Meeting.

A Member present at a sitting of the House and not speaking-

- (i) shall bow to the Chair when taking or leaving his seat;
- (ii) shall not pass between the Chair and any Member who is speaking; If necessary a Member may go out from the House through the Gate near his seat;
- (iii) shall maintain silence and during unavoidable circumstances, a Member may speak with other Member in low voice without interrupting the proceedings of the House;
- (iv) when the Speaker enters the House during the commencement of Assembly meeting, all the Members should stand in their places till the Speaker takes his seat.
- (v) shall not stand in the House or the leave the House when the Speaker is addressing the House;
- (vi) shall not interrupt a Member while speaking by disorderly expressions or noise or in any other disorderly manner;
- (vii) shall not read any newspapers or books or magazines except in connection with the business of the House:
- (viii) the Members who are present in the lobby should not obstruct the proceedings of the House by speaking or laughing loudly.
- (ix) Members should not bring in to the House umbrellas, walking sticks or any other objects prohibited by law
- (x) shall not obstruct the proceedings or interrupt and avoid making running commentaries when speeches are being made in the House;

17. To catch the Speaker's eye.

A Member who wishes to speak must rise in his place and present himself to the notice of the Speaker. If two or more Members rise at the same time the Speaker in theory calls upon the Member whom he first observes to rise. In practice he decides who shall speak.

Normally names of intending speakers are given to the Speaker in advance by the party whips. However, it is left to the Speaker to call upon any Member to speak. Mere handing over of list by whips does not guarantee that everyone in

the list would be called. It is entirely within the discretion of the Speaker and the time factor.

18. Allotment of time for Speeches by Members.

The Member should finish his speech within the time limit allotted by the Speaker. Interruptions of the other Members will also be accounted for in the time allotted to the Member.

When, for the purpose of elucidating a point during discussion, any Member has occasion to ask a question of another Member who is speaking, he may ask the question with the permission of the Speaker.

If the Speaker does not permit such Member to ask any question the Member who is speaking may continue his speech.

The bell in the Speaker's table will ring to inform the Member that the time allowed to him is going to end within few seconds. When the Speaker calls upon another Member to speak, the Member who is already speaking should finish his speech and should take his seat immediately. He should not continue his speech.

19. Rules to be observed by the Members while speaking.

Members should speak in the House by constantly seeing the Presiding Officer.

Any Member who desires to speak on any matter before the House shall rise in his seat and on being called by the Speaker address his remarks to him from his place:

Every speech must be strictly relevant to the matter before the Assembly. The Speaker, after having called the attention of the House 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 or is speaking for the purpose of obstructing business, may direct him to discontinue his speech.

Members should not speak with the persons available in the Officers gallery and Press gallery.

Members should not make any request to Officers and Press people during his speech.

The Members who happen to make his maiden speech may speak with the written speech prepared by him. Other Members should not read the

prepared speeches in the House. However, they may keep some notes during their speech.

If any documents or any quotations are mentioned by the Members during their speech, the copies of the same must be given to the Speaker in advance. However, the documents quoted by the Ministers should be accepted unless points mentioned by the Ministers have not been accepted by the House.

A Member while speaking must not –

- (i) give his opinion about or refer to any matter on which a judicial decision is pending;
- (ii) make a personal charge against a Member;
- (iii) use offensive expression about the conduct of proceedings of the Parliament or any State Legislature;
- (iv) reflect on any decision of the House except on a motion for rescinding it;
- (v) reflect upon the conduct of the Speaker, except on a substantive motion for his removal;
- (vi) reflect upon the office of the Speaker or attribute any motive to the Legislature Secretariat;
- (vii) reflect upon the conduct of President or any Governor or any Court of Justice or use the Governor's or President's name for the purpose of influencing a debate;
- (viii) utter treasonable, seditious, defamatory or unparliamentary words; or
- (ix) use his right of speech for the purpose of obstructing the business of the Assembly.

20. Mentioning others while speaking in the House.

Whenever a Member commences his speech he must rise in his place and say: Honourable Speaker Sir or Honourable Deputy Speaker Sir or Honourable acting Chairman Sir as the case may be depending upon the person presiding the House. Except the Speaker, no other Member shall call upon other Members by name. The Member must call upon other Member as Honourable Member only. No Member shall use the word 'you' towards other Member because as per parliamentary convention the word you denotes the Hon. Speaker only. Hence, Members must call upon other Members as Hon. Member or Respected Friend.

21. Unparliamentary Language.

Words or expressions which are in the nature of accusations or imputations against a Member of either House or (of) abusive nature ought not to be used in debate. Use of such language is a breach of order and if the Member using it does not immediately withdraw the offensive words at the request of the Speaker or the person presiding, he may be called upon to withdraw from the House.

If the Speaker is of opinion that the word or words has or have been used in debate which is of are defamatory or indecent, or unparliamentary or undignified, of grossly irregular he may in his discretion, order that such word or words be expunged from the official report of the proceedings of the House and all consequential alterations made in such report and make an announcement in the Assembly of the fact of his having made such order.

22. Rules to be observed while making personal allegations against a Member or an Official.

If any Member intends to make an accusation or level any personal charge against another Member, then he has to give prior notice to the Speaker as also to the Member concerned through the Assembly Secretariat and only after obtaining specific prior consent of the Speaker he can make the accusation or level the charge. Before giving his consent the Speaker must be convinced of the basis of the charges. If, however, a Member in his speech makes personal allegations against another Member without such prior consent of the Speaker, such portions would not form part of the record and the Speaker will expunge all such remarks from the proceedings of the House. If such objectionable portions are not severable from the rest of his speech then his entire speech is liable to be expunged and the Speaker may also direct the Member to discontinue his speech.

Any remark or comment made by a Member, unless he is having the floor of the House or has the permission of the Speaker to intervene, will not normally form part of the proceedings of the House, and not specific order by the Speaker is necessary for such exclusion.

23. Questions.

The first hour of every sitting of the Assembly will be available for the asking and answering of questions unless the House unanimously resolves otherwise. The Speaker may, in his discretion extend the question hour. The Speaker may dispense with the question hour, if the House meets at or after 10.00 a.m. on the first day of a meeting.

Questions are asked mainly to elicit information, on matters of public importance which are within the cognisance of the Minister to whom they are addressed or in respect of which he has information. The question hour is also extensively used by the Members concerned to bring the grievances of their constituencies to the notice of the Government. No discussion shall be permitted during question hour.

Questions are classified into three categories, namely (i) starred questions; (ii) unstarred questions ; and (iii) short notice questions.

(i) Starred questions - These are questions to which oral answers are required that is, questions which must be answered by the Minister on the floor of the House. A member who desires an oral answer to his question should distinguish it by an asterisk (*) at the commencement of the question. If the question is admitted, then it will be entered in the list of questions for oral answer. The questions will be taken up in the order in which they appear in the list of questions for the day. Not more than two starred questions by the same Member shall be placed on the list of questions for oral answers on any one day;

Provided that if names of more than one Member are clubbed in any one of the questions listed for the day the Member whose name appears first in the group would be deemed to have given the question.

The member on being called rises and says: "Mr. Speaker Sir, I put the question No." and then resumes his seat. The Member is not required to read out the text of the question. On the question being put, it will be usually answered by the concerned Minister or in his absence, by another Minister. After a Minister had furnished the answer, supplementary questions, may be asked for the purpose of further elucidating any matter of fact arising out of the answer. The Member who asked the main question is given the first preference to ask one or two supplementary questions depending on the subject and nature of the questions.

The Member must be quick to catch the 'eye' of the Speaker, if he wants to put a supplementary question, failing which he may miss/lose his chance and the Speaker may pass on to the next question. The number of supplementaries to be allowed is decided by the Speaker with reference to the importance of the question and the nature of the question.

If, on a question being called, a Member in whose name it stands is absent, the Speaker, at the request of any Member, may direct that the answer to it be given.

Starred questions which are not called for want of time or by reason of absence of the Member concerned, will be printed in the Official Report of the debates of the House, together with the answers.

When all the questions entered in the list have been called, the Speaker may, if time permits, call again any question which has not been asked by reason of the absence of the Member in whose name it stands, permit the Member, if present, to ask the question.

(ii) Unstarred questions.- Questions which are not starred will be treated as unstarred questions. They will be printed with the answers thereto and placed on the Table of the House. Unstarred questions are normally asked for the purpose of getting authentic information which the Members can use in their speeches on the floor of the House or otherwise.

If in the opinion of the Speaker any Question given notice of as a Starred Question on any question put down for oral answers is of such nature that a written answer would be more appropriate, the Speaker may direct that such question be treated as Unstarred question and placed in the list of Unstarred Questions.

If the Speaker thinks fit he may direct that a question admitted as Starred Question be treated as Unstarred, after consultation with the Member who has given notice of the Starred Question.

(iii) Short Notice Questions.- Speaker may with the consent of the Minister concerned order a question to be entered in the list of questions with shorter notice than 7 days.

There is one more category of question called the 'Private Notice Question'. This privilege is given only to the Leader of Opposition. This is not listed in the List of starred Questions, but is orally asked and answered by the Minister concerned. Notice in writing shall be given.

Not more than two starred questions by the same Member shall be placed on the list of questions for oral answers on any day. If names of more than one Member are clubbed in anyone of the questions, for the purpose of this rule, the Member whose name appears first in the group would be deemed to have given the question.

Notices of Questions.- Notices of questions must be in writing. All such notices should be signed and addressed to the Secretary. It should also contain the name of the Member. The notice of each question may be on a separate sheet or form available to Members on request.

Admissibility of Questions:- It must relate to the public affairs with which the Minister to whom it is addressed is officially connected, or to a matter of administration for which he is officially responsible or in respect of which he has information.

The Speaker decides as to the admissibility of questions with reference to the provisions in rule 41 and his decision in the matter is final.

A question must relate to a matter which is primarily the concern of this State. It should not supply any information or be put in such a way as to suggest an answer. If any statement of fact is made in a question, the Member concerned must take the responsibility for the accuracy of the Statement. A question, therefore, cannot be put based on newspaper reports. A question therefore, cannot also be asked for solution of a hypothetical proposition or for an expression of opinion or the interpretation of any law. If the information sought is available in accessible documents or books no question can be tabled for eliciting such information. It must not relate to a matter which, is pending in a Court of law, and it must not also relate to the conduct of a Judge in his judicial capacity. It must not refer to the character of any person except in his official or public capacity. It should not impute a charge of a personal character. It should not raise a question of policy too large to be dealt with within the limits of an answer to a question. It should be couched in proper language and must not contain epithets. A question should not be asked about trivial matters. It should not repeat in substance a question already answered or to which answer has been refused or seek information on matters pending before statutory tribunal or authority or all matters under consideration of a Legislature Committee or a Government Committee until a report of the Committee is published or on matters which are confidential or secret, for example, a decision of the Cabinet. Questions relating to the Legislative Assembly Secretariat are not raised and are not admitted as a matter of convention but the required information may be furnished to the Member concerned by the Assembly Secretariat on orders of the Speaker.

If more than one Member gives notice of a question on the same or connected subject, the names of all the other Members will be bracketed with the name of the Member whose question has been admitted or whose question was received first in the office. If necessary, the text of the question will be amended suitably.

The list of questions in Tamil to be answered on any particular day is circulated to Members a day in advance of the date of the meeting and copy of the list in Tamil also laid on the Table of the House before the commencement of the meeting. Printed statements, if any, referred to in the answers to the questions are also placed on the Table of the House along with the list before the commencement of the meeting. Where a statement is placed on the table of the House, an indication is given against the question concerned in the list of questions.

24. Half-an-Hour Discussion.

No discussion shall be permitted at a question time in respect of a question or of any answer to a question.

The Speaker may allot half-an-hour on three sittings in a week for raising a discussion on a matter of sufficient public importance which has been the subject matter of a question, oral or written, the answer to which was given within five days prior to the date of notice and which needs further elucidation on a matter of fact. Such discussions are held after the conclusion of the business for the day. A Member wishing to raise a matter if he has not obtained permission during question hour shall give notice in writing to the Secretary two days in advance of the date on which the matter is desired to be raised.

25. Call Attention to Matters of Urgent Public Importance.

A Member may, by giving notice in writing, call the attention of a Minister to any matter of urgent public importance, provided that if the Member who has given notice is unavoidably absent, any other Member with the permission of the Speaker may call the attention of the Minister on his behalf.

If the importance of the subject so warrants, the Speaker may *suomotu*, direct that the statements on the matter be made. Such notices shall be taken up within seven days from the date of its admission and shall be taken up after questions in accordance with the list of business for the day.

There shall be no debate on such a statement. But the Speaker may in his discretion permit not more than two questions by the Member who has called the attention of the Minister by way of elucidation or clarification. Not more than two matters shall be raised on the same day and the second matter shall not be raised by the same Member who had raised the first matter. In the event of more than two matters being presented for the same day priority shall be given to two matters which in the opinion of the Speaker are more urgent and important. The other notices may be taken up on any subsequent day to be fixed by the Speaker.

On the last day of the sitting, the Speaker may permit more than two matters to be raised. All other notices that may be pending on the last day of the sitting shall lapse. Provided that the statements, which have been received already shall be circulated to Members concerned.

26. Adjournment Motions.

A notice of a motion for the adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance may be given by any Member. Normally such notices are given from the Opposition. The matter sought to be raised must conform to the condition laid down in Rule 64 of the Assembly Rules.

A Member desirous of moving a motion for adjournment of the business of the House shall hand over three copies of such notice together with a brief statement on the matter sought to be raised to the Office at least an hour before or if it is to be handed over to the Secretary or Speaker at least half an hour before the commencement of the sitting, for being to the Leader of the House or the Speaker and the consent of the Speaker shall be obtained to seek the leave of the House to make the motion.

The Speaker may withhold consent to the matter being raised in any manner in the House. Even if no decision of the Speaker has been communicated to the Members concerned, Members should not raise it on the floor of the House in any manner, whatsoever.

The Speaker may, if the notice does not disclose sufficient facts about the matter, either on the floor of the House or otherwise obtain information in writing from the Member or the Minister concerned, and then decide the admissibility of such notice.

If more than one notice has been received, the Speaker, in his discretion, select one such notice which he considers most important to be brought before the House. If the Speaker considers that any matter sought to be raised could be more appropriately dealt with in any other form under the Rules, he can order such conversion and fix the date on which it will be taken up and intimate the Member concerned of the same and his decision thereon shall be final and the matter shall not be raised on the floor of the House in any other manner whatsoever. If the Speaker holds that the motion is not in order he may in his discretion state the reasons for his opinion.

If the Speaker holds that the matter is in order, then the Member shall ask for the leave of the House to make the motion for the adjournment of the business of the House. Leave shall be deemed to have been granted if not less than 24 Members, viz., quorum prescribed for a meeting of the House, stand up and support for such leave being given. If leave is granted the motion will be taken up on the same day an hour and a half before the time fixed for the conclusion of business.

The debate on a motion, if not earlier concluded shall automatically terminate at the end of two hours after the commencement of the debate and thereafter no question can be put to the vote of the House.

27. Discussion for Short Duration not Exceeding One Hour on Urgent Matters of Administration.

Any Member desirous of raising a discussion on an urgent matter of administration may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised. The notice shall be accompanied by an explanatory note stating reasons for raising a discussion on the matter.

The matter admissible under this rule for discussion shall confine to the conditions laid down in rule 76 of the Assembly Rules.

If the notice is admitted, the Speaker may in consultation with the Leader of the House fix the date on which such matter may be taken up for discussion and allow such time for discussion not exceeding one hour.

28. Private Member's Business.

On all days other than Thursday, no business other than Government business shall be transacted except with the consent of the Leader of the House.

On all Thursdays on which the Assembly sits except Thursdays allotted for the discussion of Financial Matters and for discussion on the Motion of Thanks to the Governor's Address, the Business of Private Members shall have precedence: However the Speaker may in consultation with the Leader of the House, allot in lieu thereof a day or days respectively, as the case may be, after completion of the discussion on the Motion of Thanks to the Governor's Address and Financial Matters for transacting Private Members Business.

On a motion made by a Minister for the suspension of this rule, the Assembly may resolve to give precedence to Government business even on these Thursdays on which the Private Members Business has precedence under this Rule.

When a Thursday has been taken over for the transaction of Government business, the Speaker may allot another day in lieu thereof in the same or subsequent week for the Private Members Business.

29. Resolution.

A 'Resolution' is an expression of the opinion of the House with reference to some subject or a declaration of its intention to do something within its cognizance. Resolutions may be moved, after following the procedure

prescribed, by any Member on matters of general public interest within the cognizance of the State Government.

A Resolution may be in the form of a recommendation addressed to the Government or of a declaration of opinion by the House or in the form of a motion for the appointment of a Committee of the House for any purpose or in any other form suitable to the subject matter.

A notice of fifteen clear days should be given to move a resolution. The Member should submit together with such notice the text of the resolution which he wants to move. The Speaker may with the consent of the Minister in-charge of the Department concerned, allow a resolution to be entered in the list of business with shorter notice than fifteen days, and without the procedure of a ballot and also fix its order of precedence in such list.

A Member may give notice of any number of resolutions but he will be allowed to ballot for only one resolution. The resolution to be entered against the name of a Member in a ballot shall be in accordance with the preference indicated by him. If he does not indicate the preference of the resolution that is to be taken up at the next non-official day, the resolution received earliest in the Office will be balloted. The relative precedence of resolution to be taken up on the Assembly will be determined by a ballot.

A Member in whose name a resolution appears in the list of business may, when called upon, either move the resolution or withdraw it. If the Member is absent, then, the resolution standing in his name will be deemed to have been withdrawn.

After a resolution has been moved, any Member may, subject to the restrictions regarding the admissibility of a resolution move an amendment to it. Notice of all such amendments should reach the Secretary one clear day before the date fixed for the discussion of the resolution.

The Mover of a Resolution has got a right of reply after the discussion is over and a Minister has got a right of further reply, even if he has participated in the discussion, after the mover exercises his right of reply.

If necessary, the Speaker may split a resolution and place each portion separately to the vote of the House.

A copy of every resolution which has been passed by the Assembly will be forwarded to the Government by the Secretary.

30. Legislation.

A Bill is a draft of an Act of the Legislature presented to either House of the Legislature by a Member or a Minister. It consists of (1) the title, (2) the enacting formula and (3) the body of the Bill divided into clauses. After the clauses, schedule are, if necessary, added.

Any Member who desires to move for leave to introduce a Bill, shall give five days' notice of his intention and shall together with the notice, submit to the Secretary a copy of the draft Bill and a full Statement of Objects and Reasons. An intimation will be sent to the Member concerned whether the Bill requires the recommendation of the Governor for introduction or for its consideration on a request from the Member. The Governor will be addressed by the Assembly Secretariat seeking his recommendation if his recommendation is necessary and his decision will be intimated to the Member.

The relative precedence of Bills to be introduced shall be determined by ballot. A ballot shall be for the names of the Members who have given notices of motions or leave to introduce the Bills which do not require the recommendation of the Governor for their introduction.

In the case of Bills requiring the recommendation of the Governor for introduction, the name of the Member will be included in the ballot only if the recommendation of the Governor is received.

A Member can ballot for only one Bill.

The Bill to be entered against the name of a Member will be in accordance with the preference indicated by him and in the absence of such indication, in accordance with the priority of the receipt of notice.

On the day on which the item is included in the Agenda, the Member concerned should move for leave to introduce the Bill. If such a motion is agreed to and leave is granted, the Bill may be introduced.

When a motion for leave to introduce a Bill is brought before the House, it is customary that no elaborate speech is permitted by way of opposition. Such of those Members who want to record their objections for such introduction may briefly say they oppose such introduction. It is also not usual at that stage for any Member to address the House on the merits and demerits of such Bill, for after the introduction the bill will be published and against brought before the House for general discussion and detailed discussion of the clauses of such a Bill.

As soon as may be after introduction, the Bill with the Statement of Objects and Reasons shall be published in the Gazette.

The Speaker may also order the publication of any Bill with the Statement of Objects and Reasons in the Gazette although no motion has been made for leave to introduce the Bill and if the Bill is afterwards introduced it shall not be necessary to publish it again.

At any time after the publication of the Bill in the Gazette and if no recommendation of the Governor for consideration of the Bill is necessary, the Member in-charge of the Bill, may after giving five days notice, make a motion in regard to the Bill that it be taken into consideration or that it be referred to a Select Committee of the House or Joint Select Committee or that it be circulated for the purpose of eliciting public opinion thereon.

Assent is the final stage in the process of legislation. It is the process by which the Governor (or the President if a Bill is reserved for his consideration) gives his approval to the Bill passed by the two House, after which it is published as an Act of the Legislature. The assent to Bill is governed by the relevant Article of the Constitution.

After the Bills are assented to, the fact is intimated to the Members.

A Bill passed by one House, agreed to by the other House without amendments or with amendments to which the first House has agreed and assented to by the Governor (or the President) is called an "Act". In the legal vocabulary, Acts of Legislature are referred to as "Statutes".

An Act comes into force from the date of commencement indicated in the Act itself and in other cases from the date of its publication in the Gazette.

31. Amendments.

An amendment is an alteration proposed or made in a motion or Bill.

An Amendment must be relevant to, and within the scope of the subject-matter of the Bill or motion to which it relates.

It must be either to insert certain words in the motion or Bill or to leave out certain words and substitute others.

If no specific time is prescribed for receipt of amendments for any Bill, such notice of amendments should be sent to the Office atleast one clear day before the day on which the item is to be taken up for discussion in the House.

If more than one amendment is proposed, each such notice should indicate to which clause or sub-clause of the Bill that amendment relates to.

Normally notices of amendments of a negative nature such as for deletion of a whole clause of a Bill are not entertained. However, it is open to the

Member to oppose the clause when the clause comes up for discussion before the House and submitted to its vote. Sometimes for purpose of convenience such notices are circulated to draw the attention of the House that certain Members are opposed to a particular clause and may seek discussion or vote of the House. But, such negative amendments are out of order. If the notice is only to seek the deletion of a particular sub-clause or group of words such notices are admitted on merits.

The Speaker has got the power to decide the order in which notices of amendments to any particular clause of the Bill should be taken. It is not necessary for him to follow the order in which they were received in the Office. In the case of identical amendments, notice of amendment given by the mover of the Bill, if any, will have precedence.

The Speaker has the power to select one of the several identical or substantially identical amendments to be proposed to the motion. Every amendment, except Government amendment, to a motion has to be seconded. If the amendments are not seconded immediately after they are moved, they will fall for want of a seconder.

When the amendment is put to the vote of the House after discussion the Member should be in his seat and in the event of his absence in the House at that time the amendment will be deemed to have been withdrawn by him.

32. Governor's Ordinances.

As soon as possible after an Ordinance is promulgated by the Governor under clause (1) of Article 213 of the Constitution, printed copies of such Ordinance shall be laid on the Table.

The Ordinance shall cease to operate at the expiration of Six weeks from the reassembly of the Legislature where the Assembly and the Council are summoned to meet on different dates the period shall be reckoned from the latter to those dates.

Within six weeks from the re-assembly of the Legislature any Member may after giving three clear days notice to the Secretary, move a motion disapproving the Ordinance and if such motion is passed it shall be forwarded to the Council with a message for its agreement.

Whenever a Bill seeking to replace an ordinance with or without modification is introduced a statement explaining the circumstances which had necessitated immediate Legislation by ordinance should be laid on the table of the House along with the Bill.

Whenever an Ordinance, which embodies wholly or partly or with modification the provisions of a Bill pending before the Assembly, 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.

33. Ratification of Amendments to the Constitution.

As soon as a message for ratification of the amendment to the Constitution is received from a House of Parliament, a copy of the message together with the Bill, as passed by the Parliament shall be laid on the Table of the House. The Secretary shall forward a copy each of the message and the Bill, to the State Government at the first convenient opportunity. Any Member may, after giving three days' notice, move a resolution that the amendment to the Constitution proposed by the Bill be ratified. No amendment shall be proposed to such a resolution.

34. Financial Business.

The discussion on the Annual Financial Statement or the statement of the estimated receipts and expenditure of the State in respect of every financial year will be in two stages:

- (1) General Discussion and
- (2) Voting of demands Members may participate in the general discussion and speak on Demands before the House.

Whenever a demand is moved by the Minister, he will lay the Policy Notes before the Assembly. Members who wish to speak on the Demand, must speak only after reading the Policy Notes thoroughly.

Members may give notice of motions for reduction of Demand in the prescribed form (commonly known as cut motions) subject to the conditions laid down in Rule 186(5) of the Assembly Rules. They should be sent to the Secretariat before the time fixed by the Speaker. Cut motions received after the prescribed time will be rejected. Normally opposition Members will give notices of cut motions.

All notices of cut motions are printed and circulated. However the convention is that whenever more than one cut motion on the same demand, with the same subject matter, is given notice of by more than one Member, then any one cut motion as agreed upon between the various parties recognised by the Speaker, would be moved and all other cut motions will not be permitted to be moved. However, Members who have given notice of cut motions would be given preference to participate in the debate. Not more than 10 cut motions for each Demand should be given by any one Member.

It is also the convention that cut motions on the Legislature Demand, unless it involves a Government action, will not be permitted to be moved. So also cut motions regarding the Legislature Secretariat will not be permitted to be

moved as the Speaker is responsible for its functions. Any information required regarding the Legislature Secretariat, may be obtained either from the Secretary or from the Speaker.

Some items are voted by the House and some are charged on the Consolidated Fund. Cut motions should relate only to items voted by the House. Discussion on Demands will end at 1.30 P.M. on the last day of taking up of Demands. This method is known as 'Guillotine'.

35. Point of Order.

A Member who wishes to raise a point of order, that is, to call the attention of the Speaker to what he believes is a breach of order, that is a breach of the rules of procedure, and, if necessary, to ask his opinion thereon, may interrupt another Member's speech for the purpose. The other Member must sit down. The point of order must relate to the business before the House at the moment, however, the Speaker may permit a Member to raise a point of order during the interval between the termination of one item of business and the commencement of another if it relates to maintenance of order in or arrangement of business before the House.

The Speaker may order expunction of any portion of the proceedings of the House relating to any point of order by the Members, when in his opinion it is an abuse of the right of raising a point of order.

36. Personal Explanation.

A Member may, with the permission of the Speaker clarify his position, when misquoted or wrongly quoted by another Member, or if a Member wants to apologise or to be excused for his conduct. A Member may also make a personal explanation although there is no question before the House. But no debatable matter may be brought forward and no debate shall arise therefrom.

37. Motions.

A matter requiring the decision of the Assembly is brought forward by means of a motion proposed by a Member and a question stated or read out by the Speaker thereon. Before the question on a motion is proposed from the Chair it is not in order for any Member to speak on it or move an amendment or any other motion.

No motion shall be published before it has been admitted by the Speaker and circulated to Members. Every motion must be proposed by one Member and seconded by another though the seconder of a substantive motion may reserve his right of speech till later stage of the debate, a motion not seconded is

forthwith dropped; an exception to the above is when a motion is moved by a Minister or if the motion is one for the reduction of any Budget grant.

A Member who has moved a motion or an amendment to a motion may withdraw the same with the leave of the Assembly expressed without dissentient voice:

If an amendment has been proposed to the motion the original motion shall not be withdrawn until the amendment has been disposed of.

A member who has moved a substantive motion may speak again by way of reply, and mover of an adjournment motion under Rule 56 shall have the right of reply. If the motion is moved by a private Member, the Minister to whose Department the matter relates shall after the mover has replied, have the right of speaking again whether he has previously spoken in the debate or not.

A Member when replying shall confine himself to matters raised during the debate and shall not introduce new debatable matters.

38. No-Day-Yet-Named Motions.

Save in so far as otherwise provided in the Constitution or in the Tamil Nadu Legislative Assembly Rules, no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Speaker. Notice of such a motion is to be given in writing addressed to the Secretary.

In order that a motion may be admissible, it must conform to the conditions laid down in rule 80 of the Assembly Rules.

The Speaker decides the admissibility of a motion or a part thereof. If the Speaker admits notice of a motion and no date is fixed for the discussion of such motion, it shall be immediately notified in the Information sheet with the heading "No-Day-Yet-Named-Motions".

The Speaker after considering the state of business in the House and in consultation with the Leader of the House allot a day or days or part of a day for the discussion of any such motion.

The Speaker shall at the appointed hour on the allotted day or the last of the allotted days as the case may be, forthwith put every question necessary to determine the decision of the House on the original question.

39. Procedure for Pointing out Mistake or Inaccuracy In a Statement made by Minister or Member.

A member wishing to point out a mistake or inaccuracy in a statement made by a Minister or any other Member, shall before referring the matter in the House, write to the Speaker pointing out the particulars of the mistake or inaccuracy and seek his permission to raise the matter in the House. The Member may place before the Speaker such evidence he may have in support of his allegation.

The Speaker may if he thinks fit, bring the matter to the notice of the Minister or the Member concerned for the purpose of ascertaining the factual position in regard to the allegation made.

The Speaker may then, if he thinks it necessary, permit the Member who made the allegation to raise the matter in the House and the Member so permitted shall before making the statement inform the Minister or the Member concerned.

The Minister or the Member concerned may make a statement by way of reply with the permission of the Speaker and after having informed the other Member concerned.

40. Privileges.

A Member may, with the consent of the Speaker, raise a question involving a breach of privilege, either of a Member or of the House or of a Committee thereof.

Notice of a motion to raise a question of privilege together with a brief statement shall be given at least one hour before the commencement of the sitting on the day on which the question is proposed to be raised to (i) the Speaker (ii) the Secretary and (iii) the Leader of the House. If the question raised is based on a document, the notice shall be accompanied by the document. The notice intended for the Leader of the House may be handed over to the Secretary for being forwarded to the Leader of the House.

In respect of a matter of privilege arising during the sitting of the House the Speaker may waive such notice and deal with the matter as he deems fit. On the Speaker giving his consent to raise a question of privilege it must be raised after the questions and before the list of business for the day is entered upon.

A question of privilege arising during the sitting of the House shall be entitled to immediate precedence over all other business.

The right to raise a question of privilege shall be governed by the following conditions, namely:-

- (1) The question shall be restricted to a specific matter of recent occurrence;
- (2) The matter, in the opinion of the Speaker requires the intervention of the House.

If the Speaker gives his consent under Rule 219 of the Assembly Rules and holds that the matter proposed to be discussed warrants intervention of the House he may at his discretion call the Member concerned to make a short statement relevant thereto:

The Speaker may give an opportunity to the Member against whom the matter is sought to be raised to briefly explain his case.

If the Speaker, holds that the matter raised affects the privilege or amounts to a contempt of the House and requires the intervention of the House he may allow a motion to be made by any Member that the alleged breach of privilege be referred to the Committee of privileges or in the alternative that it be dealt with by the House itself.

Notwithstanding anything contained in Tamil Nadu Legislative Assembly Rules, the Speaker may suo motu refer any question of privilege to the Committee of Privileges for examination, investigation and report.

41. Divisions.

On the conclusion of the debate on a motion, the Speaker will put the question to the vote of the House and decide it by voices. The Speaker will say: "Those in favour of the motion will please say 'AYE'. The Members in favour of the motion will say loudly 'AYE'. Again the Speaker will say: "Those against the motion 'will please say 'No'. The Members who are against the motion will say loudly 'No'.

The Speaker will weight the two voices and determine whether "AYES" would have it or "NOES" would have it. He will declare whether Ayes/Noes have it and pause for a moment. If the Assessment of the Speaker is challenged, then he will order that the vote of the House be counted by division. After the Speaker orders that the division be taken, the division bell will be rung continuously for some determined time (2 minutes) and the Members shall occupy their allotted places in the House within that time. If the Members are outside the House, as soon as the bell begins to ring, they should immediately make haste to the House and occupy their seats before the bell ceases to ring. After the bell ceases to ring, the Speaker or the person Presiding, will direct all the doors of the House to be closed and after such closure no Member shall be

allowed to enter the House. The Speaker will again put the motion to the vote of the House and declare the result on the strength of the voices. If the opinion of the Speaker is again challenged before he finally declares the result, then votes will be counted by means of a division. It is open to the Speaker to decide the mode of taking the votes, either by simply counting the heads or by recording the names of Members who are for and against the motion. This first method is resorted to when there are frequent calls for division. The other method is known as roll call method. The Speaker will first call the members block by block who are in favour of the motion and those who are against the motion to stand up, and the Secretary will mark their votes by calling out the names of each Member. After the name of a Member is called and marked, the Member should resume his seat. After recording the names of Members whether in favour or against the motion the Speaker will call those who are neutral to the motion to stand up. The Secretary will mark their votes also. If the House decides that the names of the Members voting on a motion either for or against need not be recorded in the debates, the numbers supporting the motion or the numbers opposing the motion should be recorded.

In the case of a Division, before the result is announced by the Chair, the vote of the Member can be challenged on the ground of personal, pecuniary or direct interest in the matter to be decided by the House. In such a case, the Chair may, if he considers necessary call upon the Member making the challenge to state precisely the grounds of his objection and the Member whose vote has been challenged to state his case and then decide whether the vote of the Member should be disallowed or not. The decision of the Chair in this regard is final.

On the Secretary furnishing the details of the voting, the Speaker will announce the result to the House.

In case the House divides equally, the Speaker has got a casting vote. Usually he casts his vote in such a way that the House can have another opportunity for considering the question. When the Speaker announces the results of the Division to the House, no objection should be raised.

42. Papers Placed on the Table of the House.

A paper is deemed to have been placed on the table of the House or laid before the Assembly on the date on which a note to that effect is entered in the list of business for the day or is found in the official Report of the Proceedings of the Assembly. Copies of all such papers are made available to Members. All such papers can be divided into two categories namely (a) Papers placed on the Table of the House in pursuance of certain statutes and (b) Papers placed on the Table of the House for the information of Members.

(a) Papers laid in pursuance of Statutes - Rules framed by the Executive Government in pursuance of powers conferred on it by various statutes come under this category. As the Legislature by itself is not in a position to frame all the rules that are necessary to carry out the intention and purpose of the various Acts passed by it and as it involves a lot of time and technicalities to do so, such powers are conferred on the Executive by the Statutes themselves. However, the Legislature reserves the power to scrutinise such exercise of power by the Executive by directing that the rules framed in pursuance of such authority be placed on the Table of the House and be subject to such modifications as both the House may make within a prescribed period from the date on which they are placed on the Table of the House. Accordingly, such rules, regulations and notifications issued under various Acts are placed on the House.

Members may give notice of amendments to rules and notifications placed on the Table in accordance with the Statutes.

Wherever any paper has to be placed on the Table of the House within a particular time limit and if there is any delay in the same it should be accompanied by an explanatory note giving the reasons for such delay along with the notification or paper.

If any annual reports of the Public Undertakings in regard to their performance and the annual accounts together with the Audit Reports thereon of the Public Undertakings have to be placed on the Table of the House as per the orders issued by the Speaker, such reports should be accompanied by an explanatory note containing the reasons for the delay in laying the papers if there is a lapse of one year after the last date of the account year of the Public Undertakings. Such explanatory note should be authenticated by the Minister concerned.

(b) Papers placed on the Table for the information of Members; White papers and administration reports, which are issued by the Government and other papers which will be of interest to Members come under this category. At times reports containing statistical information and other particulars on important topics are gathered from various Departments and presented to the Assembly by the Government. As the reports are presented with white covers, they are known as "WHITE PAPERS" Statements containing lengthy statistics and particulars which are answers to questions will also come under this category.

Papers may be either actually laid on the Table on the day on which an entry to that effect is made in the agenda for the day or sent by post earlier to Members if the House is not in session and an entry accordingly made in the agenda for the first day of the next meeting.

There are provisions in the Tamil Nadu Legislative Assembly Rules for Constitution of the Committee on Papers Laid on the Table.

43. Petitions to Assembly.

Petitions to the Assembly must confine to the conditions laid down in Rule 276 of the Assembly Rules. The petitions to the Assembly must be addressed to the Members of the Assembly, dated and signed by the petitioner or petitioners and countersigned by the Member presenting them.

A Member desiring to present a petition to the House shall give advance intimation of his intention to the Secretary. No Member shall present a petition for himself.

A Member may present a petition with the consent of the Speaker and on a day fixed for that purpose after questions and before the other business for that day is entered upon.

Every Member presenting a petition shall confine himself to a statement in the form as specified in Rule 278 of the Assembly Rules and there shall be no debate in the Assembly on it.

Committee on Petitions was constituted on 13.5.1986.

44. Effect of Prorogation of the Session of the Assembly.

On the Prorogation of a Session, all pending notices and business shall lapse, except question, statutory motions, Bills which have been introduced, and the resolutions which have been moved in the House. Such business which have not lapsed shall be carried over to the next session from the stage reached by it in the expiring Session:

Provided that, except in the case of questions, fresh notice of appropriate motions shall be given therefor.

Prorogation shall not affect the work of any Committee or Select/Joint Select Committee.

45. Elections to the Legislature Committees.

Elections to the Legislature Committees shall be held according to the principle of proportional representation by means of single transferable vote. Necessary rules for the same have been framed by the Speaker. The motion will be moved in the House of the Legislature to elect Members of the Legislature Committees. As soon as motion is put to vote of the House and carried, the last date of nomination to be filed for the post of Member of the Committee, the date of scrutinisation of the nominations and the last date of withdrawal of nomination and the date of elections if required will be announced by the

Speaker in the Assembly. The nomination papers can be obtained from the Secretary if there is election the date and time of the election will be intimated to the Members.

46. Legislature Committees.

The Legislature transacts a great deal of business and discharges its responsibilities and over-seeing functions through its Standing Committees. These Committees are appointed by the House or by nomination by the Speaker. The system of Legislature Committees is very useful in dealing with matters, which could be considered in detail by a small number of Members rather than the House itself. Further the House does not have the necessary expertise or the time to discuss such matters in detail and decide. Hence recourse to the Committee system is made.

After the Constitution came into force, the Committees of the House have gained a major role in overseeing the various aspects of the Government. A Committee is called "Legislature Committee", if it is appointed or elected by the House or nominated by the Speaker. It works under the direction of the Speaker and presents its report to the House or to the Speaker. Secretarial assistance to the Committees is rendered by the Legislature Secretariat.

The Committees can be divided into 'Financial Committees' "Scrutiny Committees" and other "Permanent Committees" of the House. The Committee on Estimates, The Committee on Public Accounts and the Committee on Public Undertakings are the "Financial Committees".

(1) Committee on Estimates.

The Committee on Estimates consists of sixteen Members elected by the Assembly from among its Members. The Chairman of the Committee is nominated by the Speaker. The term of Office of the Committee is one year or until a subsequent Committee is elected.

The Minister for Finance, the Chairman of the Public Accounts Committee and Public Undertakings Committee are ex-officio members of the Committee. The functions of the Committee are:-

(1) to report what economies, improvements in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates can be effected.

(2) to suggest alternative policies in order to bring about efficiency and economy in administration;

(3) to examine whether the money is well laid-out within the limits of the policy implied in the estimates; and

(4) to suggest the form in which the estimates shall be presented to the Legislature;

Provided that the Committee shall not exercise its functions in relation to such Public Undertakings as are allotted to the Committee on Public Undertaking by the Assembly Rules or by the Speaker.

The Committee examines each year such of those estimates as may seem fit to it or are specifically referred to it by the House. The Committee hears officials or takes evidence connected with the estimates under examination. The Committee also undertakes tours within and outside the State to study the various projects and schemes under execution in regard to the estimates under examination.

(2) Committee on Public Accounts.

The Committee on Public Accounts consists sixteen Members elected by the Assembly from among its members . The Chairman of the Committee is nominated by the Speaker from amongst the Members of the Committee, preferably from those belonging to the Opposition.

The Finance Minister, the Chairman of the Estimates Committee and Public Undertakings Committee are ex-officio members of the Committee.

Provided that if there is more than one party in the opposition, then the Speaker may alternate the office of the Chairman of the Committee yearly from among the leaders of such opposition parties or if they so desire any other Member belonging to those parties. Provided further that if the accounts to be examined by the Committee relate to a period during which the Chairman to be so nominated belonged to the party which was in the Government, then the Speaker may nominate the Chairman from any other party.

The term of office of the Committee is for one year or until a new Committee is elected.

In order to constitute a meeting of the Committee, the quorum shall be five including the Chairman or the member presiding.

The important functions of the Committee are to scrutinise the Appropriation Accounts of the State and the Report of the Comptroller and Auditor-General of India (Civil) and Revenue receipts thereon and to satisfy itself that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the services or purposes to which they had been applied and charged, that the expenditure conformed to the authority which governed it, etc.

(3) Committee on Public Undertakings

The Committee on Public Undertakings, one of the three Financial Committees, was constituted for the first time in April, 1973. The Committee consists of 16 members elected by the Assembly from amongst its members. The Chairman of the Committee is appointed by the Speaker from amongst the members of the Committee. The Chairman of the Estimates Committee and the Public Accounts Committee are ex-officio members of the Committee. The term of office of the Committee shall not exceed one year. The quorum for the meeting of the Committee shall be five including the Chairman or the member presiding.

A Minister is not eligible to become or continue to be a member of the Committee.

It is the primary concern of the Committee to examine the Audit reports and accounts of Public Undertaking as may be notified by the Speaker from time to time. The Committee also examines, in the context of the autonomy and efficiency of the Public Undertakings, whether the affairs of the Public Undertakings are being managed in accordance with sound business principles and prudent commercial practices. But the Committee does not concern itself with matters relating to day-to-day administration of the Undertakings. The Committee also examines the Reports of the Comptroller and Auditor General of India on the Public Undertakings.

The Committee selects every year for detailed examination such Public Undertakings or such subjects as they deem fit. The Committee, while examining the working of the Undertakings under its purview, hears officials or takes evidence connected with such undertakings and makes recommendations to the House.

Soon after the formation of any new Public Undertaking by the Government the fact should be notified to the House with a short note as the reasons and objects for such formation.

The Committee has further recommended that the annual financial statement of accounts of the various public undertakings in the State should be laid within the time granted in the relevant Statutes. If there is any delay in laying the accounts, it should be accompanied by a note explaining the reasons for such delay.

(4) Committee of Privileges

The Committee of Privileges is constituted under Rule 227 of the Assembly Rules. The Committee of Privileges consists of the Leader of the House, the Leader of the Opposition and the Deputy Speaker who are members ex-officio

and fourteen other members to be elected by the Assembly from amongst its members. The Committee shall hold office for each financial year or till a new Committee is constituted. The Chairman of the Committee is nominated by the Speaker from amongst the members of the Committee. By convention the Deputy Speaker is nominated as the Chairman of the Committee.

The functions of the Committee is to examine and report to the House about their findings on the cases of breach of privilege that are referred to it by the House or by the Speaker.

Notice of a motion to raise a matter of privilege together with brief statement shall be given at least one hour before the commencement of the sitting on the day on which the motion is proposed to be made to the Speaker, the Leader of the House and the Secretary and consent of the Speaker shall be obtained. The notices intended for the Leader of the House may be handed over to the Secretary for forwarding it to the Leader of the House, the Speaker may waive such notice and deal with the matter as he deems fit.

A matter of privilege must be raised after the questions and before the list of business for the day is entered upon. The matter of privilege arising during the sitting of the House shall be entitled to immediate precedence over all other business.

The Speaker, before giving his consent to the matter being raised in the House, must satisfy himself that the matter proposed to be raised is of recent occurrence and that it warrants the interference of the House. The Speaker is empowered to withhold his consent if the matter is of a trivial nature. In the case of a breach of privilege committed in the actual view of the House, the matter shall be dealt with by the House immediately without reference to the Committee.

If the Speaker holds that a prima facie case has been made out, the matter is referred to the Privilege Committee on a motion moved by a Member.

After the presentation of the Report of the Committee on a matters referred to it, the House on a motion moved by the Chairman or any Member of the Committee or any other Member, takes decision on its recommendation.

(5) Business Advisory Committee

The Committee is nominated by the Speaker at the commencement of the House or from time to time, as the case may be, and it consists of Hon. Speaker, Leader of the House and fifteen other members including the Speaker who shall be the Chairman of the Committee.

The functions of the Committee are-

(1) to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills and other business as the Speaker may refer to the Committee;

(2) to indicate in the proposed time-table, the different hours at which the various stages of the Bills and other Business shall be completed.

(3) to attend to such other functions as may be assigned to it by the Speaker from time to time.

(6) Committee on Delegated Legislation

The Committee on Delegated Legislation consists of 12 Members of Legislative Assembly nominated by the Speaker. The Chairman of the Committee is nominated by the Speaker from amongst the members of the Committee. The Committee is constituted for each Financial Year.

One of the essential functions of a Legislature is to legislate. Due to want of time, it is not possible for the Legislature to lay down all the minute working details in the legislation itself. Recourse is therefore made for delegated legislation, that is, empowering either the Government or some other authority to make rules for implementation of the Act, to obtain flexibility, elasticity, expedition and opportunity for experimentation. The authority to whom power is delegated for framing Rules under any particular legislation should strictly conform to the authority delegated to it and also follow the recognised principles for such exercise. The Legislature lays down the essential principles in the enactment leaving the working details to be formulated in the form of regulations, rules, sub-rules, bye-laws, etc., in pursuance of the powers conferred by the various enactments to see that such power is exercised within the limits formulated in the Act. It also scrutinises to see whether it is in accordance with the General Objectives of the Act, whether it contains matters which ought to have been dealt with by the Legislature in the enactment itself, whether it empowers taxation, whether it indirectly or directly bars the jurisdiction of the court or whether it involves provision of any rule which the original enactment does not empower.

(7) Committee on Government Assurances

The Committee consists of 12 members of the Assembly nominated by the Speaker for each financial year. The Chairman of the Committee is nominated by the Speaker from amongst its members. The functions of the Committee are to scrutinise the assurances, promises, undertakings, etc., given by the Ministers on the floor of the House and report to the House on the extent to which such assurances, etc., have been implemented and when implemented, whether such

implementation has taken place within the minimum time necessary for the purpose. The Committee has to make a report to the House once in six months.

(8) Committee on Rules.

The Rules Committee is nominated by the Speaker and it consists of 17 Members, including the Speaker. The Speaker is the ex-officio Chairman of the Committee. The term of office of the Committee is for one year or until a new Committee is nominated.

The functions of the Committee are to consider matters of procedure and conduct of business in the House and to recommend any amendments or additions to the rules that may be deemed necessary.

Any Member desirous of moving any amendment to the rules shall give notice of his intention to the Secretary, accompanied by a draft of the proposed amendments together with explanatory note which will be placed before the Committee for its consideration and for recommending such changes as it may consider fit.

Within seven days after the Report of the Committee is laid on the table of the House, any Member may give notice of an amendment to such recommendations contained in it. Amendments if any received will be referred to the Committee for its consideration and report. The recommendations in the final report is adopted by the House on a motion moved for this purpose. After approval of the House the amendments to the Rules will be promulgated by the Speaker in the Gazette or information sheet.

If no amendments are received within the period of seven days, the recommendations of the Committee shall be deemed to have been approved by the House and they will be published in the Gazette or information sheet under the orders of the Speaker. The amendments shall come into force on the date of such publication unless otherwise specified.

The Rules Committee of the Seventh Assembly has recommended a number of changes in the rules, and the report has been presented to the Speaker. However, the report will be placed before the Eighth Assembly and after following due procedure, will be given effect to.

(9) House Committee

A Committee called the House Committee is constituted every financial year to advise and consider all matters connected with the comfort and convenience of the Members. A Member who is a resident of Legislators Hostel shall be nominated as Chairman of the Committee. The Committee consists of eighteen

members to be nominated by the Speaker. The Committee shall meet atleast once in three months.

The Committee also looks after the convenience of Members residing in the Legislator's Hostels. The Committee passes resolutions at its meetings regarding amenities to be provided for the Members and they are implemented by the Legislative Assembly Secretariat in consultation with other Departments of Secretariat.

The Rules Committee has recommended that all the members of the Committee be nominated by the Speaker, and that an inmate of the Hostel should be nominated as Chairman of the Committee.

The Rules Committee of the Seventh Legislative Assembly has suggested the formation of three more Committees - (1) Committee on Petitions. (2) Library Committee and (3) Committee on Papers Laid on the Table of the House.

(10)Committee on Petitions

The Committee on Petitions consists of 11 Members nominated by the Speaker. The Chairman of the Committee is nominated by the Speaker from among the Members of the Committee. First Committee was constituted on 13.5.1986.

The term of office of the Members of the Committee expires at the end of each financial year. If the new Committee is not constituted at the end of the financial year the existing members of the Committee will continue to hold office until a new Committee is constituted. In order to constitute a meeting of the Committee, the quorum shall be four including the Chairman or the member presiding.

The Committee examines every petition referred to it by the House or by the Speaker.

If the petition deals with Bills or other matters pending before the House and if it complies with these rules, the Committee may direct that it be circulated to all the Members of the House. The Speaker may also at any time direct that the petition be circulated. Circulations of the petition shall be in detail or in summary form as the Committee or the Speaker, as the case may be, may direct.

It is also be the duty of the Committee to report to the Assembly on specific complaints made in the petition referred to it after taking such evidence as it deems fit and to suggest remedial measure either in a concrete form applicable to the case under review or prevent such cases in future.

The Committee may also consider representations, letters and telegrams received by it direct and give direction for their disposal provided that they are addressed to the Speaker or Committee in conformity with rule 276 of Tamil Nadu Assembly Rules and do not relate solely to individual or private grievances.

(11) Committee on Papers Laid on the Table

The Committee on Papers Laid on the Table consists of eleven members nominated by the Speaker. The Chairman of the Committee is nominated by the Speaker from among the Members of the Committee. The term of office of the members of the Committee expires at the end of each financial year. If the new Committee is not constituted at the end of the financial year the existing members of the Committee will continue to hold office until a new Committee is constituted.

In order to constitute a meeting of the Committee, the quorum shall be four including the Chairman or the member presiding.

The Committee examines all papers entered in the Agenda as laid on the Table of the House in pursuance of any statute and to report to the House on-

- (a) Whether there has been compliance of the provisions of the statute or rule or regulation under which the paper has been laid.
- (b) Whether there has been any unreasonable delay in laying the paper.
- (c) If there has been such delay whether a statement explaining the reasons for delay has been laid on the table of the House and whether those reasons are satisfactory.

The Committee performs such other functions in respect of the papers laid on the Table as may be assigned to it by the Speaker from time to time. This shall not apply to matters falling within the jurisdiction of the Committee on Delegated Legislation.

(12) Library Committee

The Library Committee consists of 10 members nominated by the Speaker. The Chairman of the Committee is nominated by the Speaker from among the members of the Committee.

The term of office of the members of the Committee expires at the end of each financial year. If new Committee is not constituted at the end of the

financial year, the existing members of the Committee will continue to hold office until new members are nominated.

The Secretary of the Assembly is the Secretary of the Committee.

Casual vacancies are filled in by nomination by the Speaker.

The Committee decides upon matters of policy connected with the Legislature Library, Library Services to members and consider suggestions for their improvement.

The meetings of the Committee are held as and when necessary and the Committee shall hold a meeting at least once in three months.

In other respects the general rules applicable to a Select Committee shall apply with such adaptation whether by way of modification, addition or omission the Speaker may consider necessary or convenient.

(13) Select Committee.

Select Committees are adhoc committees constituted for some specific purpose. Sometime Government wants to thoroughly scrutinise a particular Legislation before it is passed by the Assembly. The importance of scrutinising the Legislation needs no emphasis. Legislation is the responsibility of the Legislature and it is the Legislation that must take ultimate blame if the laws it enacts are found to contain legal flaws. Hence the Bill is referred to the Select Committee by a 'Motion' adopted by the House. The Motion itself contains the names of Members. The Members in-charge of the Bill, the Minister in-charge of the Department will be the members of the Select Committee. The Chairman of the Select Committee is nominated by the Speaker. The Committee may hear expert evidence and representatives of special interest. It considers clauses and finalises its report. Any member may give a minute of dissent to report. The report together with the Bill as reported by the Committee will be presented to the House.

During the period of 7th Tamil Nadu Legislative Assembly (1981-1984) the Tamil Nadu Cooperative Society Bill, 1980 (L.A.Bill No.45 of 1980) was referred to Select Committee on 12-8-1980 for scrutiny and the Committee presented its report to the Assembly on 29-3-1982.

47. Elections to certain Statutory Bodies.

The Members willing to serve in the Senate or Academic Council of the Universities in Tamil Nadu should file their nominations in accordance with the Rules, Election process will be followed soon after the announcement made by

the Speaker in the House. Necessary information in this regard may be collected by the Members from the Secretary.

48. Commonwealth Parliamentary Association

The Commonwealth Parliamentary Association is an organisation which aims to promote understanding and co-operation for common purpose between those engaged in the Parliamentary Government of the countries of the Commonwealth by the establishment of a machinery for the exchange of information and of individual visits and for organisation of conferences between members of the Legislatures of the Commonwealth and also to promote understanding and co-operation by similar means between those members and the members of the Legislatures outside the Commonwealth having close political and Parliamentary Association with them.

49. Disclosure of Assets of Members of Legislative Assembly

In pursuance of the resolution passed in the Tamil Nadu Legislative Assembly on 27th August 1969, every member including Ministers and Presiding Officers if he/she elected or nominated after such date as soon as may be after such election or nomination and thereafter at intervals of every twelve months ending 31st day of March, submit to the House of which he/she is a member, a return, in the prescribed form, of all assets and liabilities owned, acquired or inherited by the Member or held by him/her on lease or mortgage either in his/her own name or in the name of any member of his/her family together with details of the means by which or the source from which such property was acquired or inherited.

The return should be submitted on or before 30th September of the successive year.

The returns as soon as possible after they are submitted will be placed on the table of the House.
