



**TELANGANA LEGISLATIVE ASSEMBLY**

**HAND BOOK  
FOR  
MEMBERS**



**TELANGANA LEGISLATURE SECRETARIAT, PUBLIC GARDENS,  
HYDERABAD - 500 004.**

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FOR  
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## **PREFACE**

The Hand Book is intended to serve as a guide in regard to various Legislative matters to the Members of Telangana Legislative Assembly, particularly for the new Members.

2. The information contained in this Booklet is not exhaustive and cannot be quoted as an authority. In case the Members intend to quote the information as an authority, they are requested to cite and rely upon only the provisions of Constitution of India, Rules of Procedure and Conduct of Business in Telangana Legislative Assembly and the Directions issued by the Speaker from time to time under the Rules of Procedure, Rulings from the Chair, the established Conventions and Practices etc.,

Hyderabad,  
December, 2018.

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Secretary to State Legislature.

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**CHAPTER - I**  
**THE LEGISLATIVE ASSEMBLY -**  
**COMPOSITION, BUSINESS AND PROCEDURE**

**1. Constitution:-** The Legislature of the State of Telangana shall consist of the Governor, Legislative Assembly and Legislative Council. (Article 168)

**2. Composition:-** The Legislative Assembly of Telangana State shall consist of -

(a) 119 members chosen by direct election from territorial constituencies in the State.

(b) One member of the Anglo-Indian community is nominated by the Governor as he is of the opinion that the community is not adequately represented in the Legislative Assembly of the State.

(Article 170 & 333)

**3. Duration of the Assembly:-** (1) The duration of the Legislative Assembly is five years from the date appointed for its first meeting, unless sooner dissolved. The expiration of the said period of five years shall operate as a dissolution of the Assembly.

(2) The said period may, if Proclamation of Emergency is in operation, be extended by the Parliament by law for a period not exceeding one year at a time and no extension will be granted in any case beyond a period of six months after the Proclamation having been ceased to operate. (Article 172)

**4. Sessions of the Assembly:-** (1) Normally three Sessions of the Legislative Assembly are held in a year viz., Budget Session, Monsoon Session and Winter Session.

(2) Summons for each session are issued to the Members before the commencement of the session.

(3) When the House is reconvened after being adjourned *sine die* within a session, no summons are issued to the Members. But however, Members are informed of the date, time and place of the meeting, through a letter.

**5. Address by the Governor:-** (1) The Governor may address the Legislature and for that purpose require the attendance of members.

(2) At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Governor shall Address the Legislative Assembly and Legislative Council assembled together and inform the Legislature causes of its summons.

(Article 175 and 176)

(3) The Governor, on arrival at the main portico of the Assembly, or any other designated place for the purpose will be received by the Chief Minister, Chairman, Legislative Council, Speaker, Legislative Assembly and the Secretary, Legislature.

(4) Governor's Address is the most solemn and formal act under the Constitution. Every Member shall maintain the dignity and solemnity of the occasion before, during or after the Governor's Address. No Member shall obstruct or interrupt the Address in any manner.

(Rule 17-A)

(5) The entry of the Governor into the Assembly Chamber in procession is announced by the Officer of the Assembly. Members should rise in their places and remain standing until the Governor takes his seat on the dais.

(6) No Member should leave the Assembly Hall when the Governor is addressing.

(7) New Members who have not already made and subscribed the oath or affirmation are admitted into the Assembly Hall on the occasion of the Address on production of the Certificate of Election granted to them by the Returning Officer or on introduction by a sitting member.

(8) The members should stand till the procession leaves the Chamber after completion of the Address by the Governor.

(9) A copy of the Governor's Address is laid on the Table of the House.

(Rule 17(2))

(10) Discussion on matters referred to in the Governor's Address takes place on a Motion of Thanks moved by a member and seconded by another member. (Rule 19)

(11) According to the practice, the two members, the mover and the seconder of the Motion of Thanks, are selected by the Chief Minister.

(12) The scope of discussion on the Governor's Address is very wide and the functioning of the entire administration is open for discussion. During the course of discussion, members should not refer the name of the Governor since the Government and not the Governor is responsible for the contents of the Address.

(13) Members can move amendments to the Motion of Thanks.

(14) The discussion on the Motion of Thanks is concluded by the reply of the Chief Minister or any other Minister. The mover or the seconder of the motion does not have any right to reply at the end unlike other motions.

(15) After the reply by the Chief Minister amendments if any to the motion of thanks are put before the House. After the motion is carried it is conveyed to the Governor by the Speaker. The Governor may acknowledge the receipt of the motion of thanks through a message. The message is read out to the House.

**6. Message from the Governor :-** Where a message from the Governor for the Assembly under article 175(2) of the Constitution is received by the Speaker, he shall read the message to the Assembly and give necessary directions in regard to the procedure that shall be followed for the consideration of matters referred to in the message. In giving these directions, the Speaker shall be empowered to suspend or vary the rules to such an extent as he deems fit. (Rule 26)

**7. Oath or Affirmation by Members :-** (1) Before taking his seat in the House every member is required under Article 188 of the

Constitution to make and subscribe an oath or affirmation in the following form:

“I, A.B., having been elected (or nominated) a member of the Legislative Assembly do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.”

(Article 188 & Third Schedule - VII - B)

(2) Every Member is required to take another oath set out in Schedule III to the rules in addition to the one set out in III Schedule to the Constitution of India to the effect that he would abide by the rules and observe the etiquette and respect the conventions of the House. (Rule 5-A)

(3) Members may make oath or affirmation in Telugu or Urdu or Hindi or English.

(4) A member, when he comes to make the oath or affirmation should bring with him the Certificate of Election granted to him by the Returning Officer under Rule 66 of the Conduct of Election Rules, 1961.

(5) Members elected in a general election make and subscribe the oath or affirmation at the first sitting of a newly constituted House. A member who has not made and subscribed an oath or affirmation at the first sitting, may do so at the commencement of a sitting of the House on the next or subsequent sittings of the House after giving intimation to the Secretary.

(6) In the House, the name of a member being called by the Secretary, the member has to proceed from the place he is occupying to the right side of the Secretary's Table and hand over his Certificate of Election to the Officer at the Table. A copy of the form of oath or affirmation in the language in which the member intends to make the oath or affirmation is then handed over to him. The member faces the Chair while making the oath or affirmation. He then goes up to the Chair and shake-hand with or wishes the Chair who gives him permission to take his seat in the House. The member then

passes from behind the Chair to the other side of the Table and signs in the Roll of Members. Thereafter, he takes his seat in the House.

(7) Members elected in at any Bye-election can make an oath or affirmation in the House or before the Speaker in his Chamber, if the House is not in session.

(8) No member is entitled to sit or to vote in the House unless he has made and subscribed an oath or affirmation.

(Rule 5)

**8. Penalty for sitting and voting before making oath :-**

According to Article 193 of the Constitution if a person sits or votes as a member of the Legislative Assembly before he has complied with the requirements of Article 188 or when he knows that he is not qualified or that he is disqualified for membership thereof or that he is prohibited from so doing by the provisions of any law made by Parliament or the Legislature he is liable in respect of each day on which he so sits and votes to a penalty of rupees five hundred to be recovered as a debt due to the State.

**9. Time and Duration of Sittings:-** Unless the Speaker otherwise directs or the House itself decides otherwise, the House ordinarily sits from 10-00 a.m. to 2-00 p.m. on every working day.

(Rule 13)

**10. Quorum :-** (i) The quorum to constitute a sitting of the House will be one-tenth of the total numbers of Members (including the Speaker or the person acting as such). (Rule 14)

(ii) Two minutes before the appointed hour for the commencement of the sitting of the House and when it meets after short adjournment, the bell is rung. Before the Speaker occupies the Chair it is ascertained whether there is quorum or not and report the matter to the Speaker. If there is quorum, the Speaker takes the Chair. In case there is no quorum the sitting is postponed to a later hour. If at any time after the commencement of the sitting it is brought to the notice of the Chair that there is no quorum the bell is rung and if there is still no quorum the person presiding adjourns the House to a later hour on the same day or to the next day on which the Assembly sits.

**11. Private Members Business :-** The last two hours of a sitting on every Friday are allotted for the transaction of private members business. Different Fridays can be set apart for the disposal of particular class of business such as Bills, Resolutions and such days allotted for any particular class of business, business of that class has precedence. Two hours on a day other than Friday can also be allotted for transaction of private members business. If there is no sitting of the House on a Friday two hours on any other day in a week may be allotted for Private Members Business.

(Rule 27)

**12. Government Business :-** On days other than those allotted for private members business, no business other than the Government Business is transacted except with the consent of the Speaker. The Government is at liberty to arrange its business in any order with the consent of the Speaker.

(Rule 32)

**13. List of Business:-** A List of Business for the day is prepared by the Secretary and a copy thereof is made available to every member. The day to day Business is also uploaded in the Legislature official website, immediately after its finalization. Except otherwise provided for in the Rules no Business included in the list of Business for the day is transacted during the sitting of that day.

(Rule 33)

**14. Procedure regarding Questions:-** (1) *Question Hour:-*  
(i) Unless the Speaker otherwise directs, the first hour of every sitting is available for asking and answering questions; (Rule 38)

(ii) According to the decision of the Rules Committee, the Cabinet has been divided into two groups for the purpose of answering the Questions in the House on rotation.

(2) *Notice of Questions:-* (i) Notice of questions should be given in writing addressed to the Secretary and should specify: (a) the text of question; and (b) the official designation of the Minister to whom the question is addressed.

(ii) Notices of starred and unstarred questions should be given separately. Requisite forms are available at the Questions Branch of the Assembly and on the Legislature website.

(iii) Notices not signed are returned to the Members. Notices of questions bearing signatures which do not tally with the specimen signature, and whose genuineness is in doubt, are treated as invalid.

(iv) Notice of question should be clear, self contained and complete. Proper names, names of villages, etc., may be written in block letters giving the names of the mandals and district in which the villages are located.

(v) Every completed notice of question should be delivered in person or sent through post or left in the notice box at the office of the Assembly during office hours on any working day. (Rule 39)

(3) *Starred Questions*:- (i) A member who desires an oral answer to his question should distinguish it by an “asterisk” or a “Star”. Members should put a “Star” symbol against those questions where supplementary questions are likely to arise and not against those which merely ask for statistics or for laying of statements on the Table of the House;

(ii) A question given notice of as starred question may be admitted as unstarred question when it is considered by the Speaker that the question is of such a nature that a written reply would be more appropriate. (Rule 46)

(4) *Unstarred Questions*:- If a question is not distinguished by an ‘asterisk’ or ‘Star’, such question is treated as a question for written answer. Normally, the following types of questions are treated as unstarred:-

(a) questions seeking information of statistical nature.

(b) questions going into details where it is obvious that the reply will be too lengthy.

(c) questions which seek information on matters of local interest.

(d) questions relating to administrative details such as staff strength in Government offices, etc.



(e) questions on which there could be no scope for supplementaries.

(f) questions asking for statements, etc., to be laid on the Table.

(g) questions of interest only to a limited section of people.

(This list is illustrative but not exhaustive. The Speaker may in his discretion, admit a starred question as unstarred for any other reason)

(5) *Period of notice and number of notices*:- (i) There is no minimum or maximum period of time for giving questions under the rules;

(ii) There is no restriction on the number of notices of starred or unstarred questions which a member can give.

(6) *List of questions*: (i) Starred questions included in the List of Business for a sitting is known as the "List of questions for oral answers" and unstarred questions included in the list for a day is known as "List of questions for written answers".

(ii) List of questions are prepared in accordance with the directions of the Speaker issued from time to time as to the number of questions to be put in the list, the number out of them to be set apart for different parties in the House and the order in which they should appear in the List.

(iii) According to the existing practice, not more than 10 started questions chosen by ballot excluding the questions postponed from any other day are included in the list of questions for oral answers for a sitting.

(iv) There is no limit on the number of questions to be included in the list of questions for written answers.

(v) No question is included in the list of questions for oral answers unless 10 days have expired from the date of despatch of a question to the Government. However, if answer is received before the expiry of 10 days such question may be included in the list.

(Rule 39)

(vi) The Speaker is empowered to grant extension of time for sending the answer to any question beyond the period of 10 days on a request being made by the Government. Questions for which extension of time is granted by the Speaker are not included in the list until the expiry of the period for which extension is granted.

(Rule 39)

(vii) According to the existing practice, not more than one starred question given by the same member is placed in the list of questions for oral answers for a day unless the Speaker otherwise directs.

(viii) More than one question standing in the name of the same member is placed on the list of questions for written answers.

(ix) Unstarred questions are deemed to have been answered when printed lists containing questions along with answers have been placed on the Table of the House.

(Explanation to Rule 52)

*(7) Admissibility of Questions:-* The following are the main criteria governing the admissibility of questions:

(i) Question should be expressed clearly and precisely and should not be too general incapable of any specific answer or in the nature of a leading question.

(ii) When a question is put with reference to any previous question answered in the House, the number of that question answered together with the date on which it was answered should be mentioned in the question.

(iii) The question should not bring any name or statement not strictly necessary to make the question intelligible. If the question contains a statement, the member is responsible for the accuracy of the statement.

(iv) Questions should not contain allegations against Ministers or Members without verifying the authenticity thereof and without giving previous intimation to the Speaker to that effect. Notices relating to any allegations based on newspaper reports are not

considered for admission unless the member gives substantial proof to the Speaker in support of the allegations made in the questions.

(v) Questions seeking information on matters relating to past history or seeking expression of opinion or solution of an abstract legal matter or of a hypothetical proposition are not admissible.

(vi) Questions of excessive length are not admissible. Members while framing questions should bear in mind that it should not ordinarily exceed 150 words.

(vii) Questions should not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements.

(viii) Questions should not reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion.

(ix) A question should not relate to a matter which is not primarily the concern of the State Government.

(x) A question should not ask as to the character or conduct of any person except in his official or public capacity.

(xi) A question should not repeat in substance a matter already answered or to which answer has been refused.

(xii) A question should not ask for information on trivial or frivolous matters.

(xiii) A question should not require information set forth in accessible documents or in ordinary works of reference.

(xiv) A question should not raise matters under the control of bodies or persons not primarily responsible to the State Government.

(xv) A question should not refer discourteously to a friendly foreign country.

(xvi) A question should not seek information regarding Cabinet discussions or advice given to the Governor in relation to any matter in respect of which there is a Constitutional, statutory or conventional obligation not to disclose information. (Rule 43(2))

(xvii) Questions on matters which are or have been the subject matter of correspondence between the State Government and the Government of India or the Government of another State are not admitted except as to a matter of fact and the answer to such question is confined to a statement or fact. (Rule 44)

(xviii) The Speaker may disallow any question or part thereof if in his opinion it is an abuse of the right of questioning or calculated to obstruct or prejudicially affect the procedure of the Assembly or in contravention of the rules. (Rule 45)

(8) *Splitting of questions*:- A question should be addressed to the Minister who is an officially concerned with the subject. If a question, as framed by the member, relates to more than one Minister such a question is disallowed. However, if it can be split up into different questions with slight editing and without any substantial change, it is split up into separate questions and sent to Ministers concerned for furnishing the replies.

(9) *Clarification on questions*:- When a question as framed by the member is lacking in some material particulars such as year or years for which the information is sought or the name of Mandal or District in which a particular village is located etc., a reference is made to the member to furnish the information as is required. Such questions are kept pending for admission till the receipt of information from the member. After the receipt of information sought for from the member, the question is processed for admission.

(10) *Clubbing of names*:- (i) When several notices of questions are received on the same or allied subject they are either consolidated into one single question or one of the questions which is more comprehensive is admitted. The names of other Members are added to the question so admitted.

(ii) When a question has been admitted and sent to Government and subsequently more questions are received on the same subject, such questions are disallowed and the names of members are added to the question admitted earlier. When such

question is received after the printing of the earlier question in the list, the name of the member shall not be added.

(11) *Intimation about questions:-* When a question is admitted/disallowed, intimation to that effect is sent to the member who has given notice of the question. In the event of a question being signed by more than one member, such intimation is sent only to the first signatory of the question.

(12) *Printed Lists of Questions:-* Printed lists of questions for oral answers are circulated to the members one day in advance of the date on which they are due for answer. Lists of starred questions are printed in dig-lot system on green paper and unstarred questions with answers are printed on white paper.

(13) *Circulation of answers:-* (i) Half-an-hour before the commencement of the question hour, answers to the questions included in the list of questions for oral answers for the day are supplied to the members in whose names the questions stand in the list and to any other member on a request being made by him in this regard.

(ii) The contents of the answers including the statements if any, placed on the Table of the House as part of the answer should be treated as confidential till the questions are actually answered in the House or answers are laid on the Table.

(iii) Answer to a question circulated to members should not be treated as final, as the Minister concerned has a right to make corrections therein till he actually raises to answer the question. The answer should, therefore, be considered provisional, when made available in advance and taken as final in the form in which the question is actually answered by the Minister.

(14) *Disposal of questions listed for a day on which there is no question hour:-* (i) When a sitting of the House is cancelled or the House is adjourned for the day without taking up questions, such questions are dealt with according to the directions of the Speaker.

(ii) When the question hour is interrupted after having taken up the list of questions for oral answers and the list is partly

disposed of and the sitting continues, answers to the remaining questions in the list are placed on the Table of the House.

(15) *Supplementary Questions*:- After the main question is answered by the Minister, any member permitted by the Speaker may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given. The Speaker calls the name of the member in whose name the question stands in the list to put the supplementary question and thereafter any other member. No member has a right to put supplementary question, unless he is permitted by the Speaker. The Speaker may, in his discretion disallow a supplementary question if it infringes the rules relating to question. (Rule 50)

(16) Questions of absent members and request by Minister to answer a question of public interest - on a question being called is not put by the member or the member in whose name the question stands is absent, the Speaker may on the request of any other member, direct that the answer to such question be given at any time before the House enters upon other business. A question which is not reached for oral answer within the time fixed, can be answered at the end of question hour with the permission of the Speaker, if the Minister represents that the question is of special public interest. (Rule 49 & 2nd Proviso-Rule 42)

(17) *Disposal of answers to questions not included in the list*:- All the answers to questions not entered in the list till the end of the meetings, are placed on the Table of the House on the last day, copies of answers to such questions are given to the members who have given notice of them. All questions for which answers have been placed on the Table of the House are treated as answered and printed in the proceedings of that day. (Proviso to Rule 41)

(18) *Withdrawal and postponement of questions*:- (i) A member may by notice given at any time before the meeting for which his question has been placed on the list, withdraw his question with the consent of the Speaker or request for postponement to a later date to be specified in the notice. On such a

later day, the postponed question is placed on the list after all the questions which have not been so postponed.

(ii) A postponed question is not placed on the list unless two clear days have been expired from the date of postponement.

(iii) Postponement of questions listed for the two days of the sitting should not be asked for.

(iv) When a question is permitted to be withdrawn prior to its printing in the list, it is removed from the list of pending questions and intimation to that effect is sent to the Minister concerned. In case withdrawal is made after printing of the question in the list, it is either struck off from the list or a suitable announcement is made by the Chair in the House, if such withdrawal is made just before the commencement of the question hour.

(19) *Short Notice Questions*:- (i) A question relating to a matter of public importance may be asked at short notice and if the Speaker is of the opinion that the question is of an urgent character, he may direct the Minister concerned to answer the question on a date to be fixed by him which date should be after five days from the date of receipt.

(ii) A member giving a Short Notice Question should furnish the reasons for asking the question at short notice. Where no reasons have been given, the question is returned to the member. Printed forms are available for tabling S.N.Qs. Members should indicate the reasons why the question is asked at short notice in the appropriate column of the notice form. A general statement that the matter is of "public interest" is not taken as adequate for this purpose.

(iii) An admitted S.N.Q. is posted for answer on a date fixed by the Speaker and it is called for answer immediately after the disposal of questions which appear on the list of questions for oral answers.

(iv) If the Speaker is of the opinion that it may not be possible for the Minister concerned to answer the question at shorter notice, he may order that, it may be dealt with as an ordinary question for oral answer or a question for written answer. (Rule 51)

(20) *Publication of questions and answers:-* (i) A question should not be published before it has been answered in the House. Similarly, questions which have been disallowed or the reasons for their disallowance should not be released for publication.

(ii) A starred question is deemed to have been answered when the Minister concerned actually answers the question on the floor of the House or lays the answer on the Table of the House. An unstarred question is deemed to have been answered when copies of lists containing questions and answers have been placed on the Table of the House. (Rule 52)

**15. Half-an-Hour Discussion under Rule 70:-** (1) Half-an-hour discussion on a matter which has been the subject of a recent question-starred, unstarred or SNQ and the answer to which needs further elucidation on a matter of fact, may be held on three days in a week viz., Monday, Wednesday and Friday. During Budget meetings, half-an-hour discussion may be taken up only on Fridays;

(Rule 70(1))

(2) (i) While specifying the date of discussion, Members may ensure that the date of discussion falls on any of the above days. In case correct date is not given by the member, the notice is deemed to have been given for the next available day;

(ii) Where no date has been given by the Member, the notice is returned to the Member for specifying the date of discussion;

(3) Notice for raising half-an-hour discussion should be given in writing addressed to the Secretary, three days in advance of the date on which the matter is proposed to be raised;

(4) The Member is required to specify the point or points that he proposes to raise in the discussion. Where a notice is signed by more than one Member, it is deemed to have been given by the first signatory only;



(5) The notice should be accompanied by an explanatory note stating the reasons for raising the discussion. In case where such explanatory note is not furnished by the Member, the notice is returned to him; (Rule 70(2))

(6) The Speaker shall decide whether the matter is of sufficient public importance to be put down for discussion and may not admit a notice which in his opinion, seeks to revise the policy of Government; (Rule 70(3))

(7) If more than two notices have been received and admitted by the Speaker, a ballot is held with a view to select two notices and the notices so balloted are put down in the order in which they were received in point of time;

(8) If any matter, put down for discussion on any particular day, is not disposed of on that day it is not set down for any other day unless the Member so desires in which case it shall be included in the ballot of the next available day;

(9) Only four Members who have previously intimated to the Secretary are permitted to ask a question each for the purpose of further elucidating any matter of fact. A Member wishing to ask a question should make such request in writing before the commencement of the sitting at which the discussion is to take place. If such requests are received from more than four Members, a ballot is held to determine the names of four Members who may be permitted to ask a question each;

(10) There should be neither a formal motion before the House nor voting. The Member who has given notice may make a short statement and the Members who have previously intimated the Speaker may ask a question for the purpose of further elucidating any matter of fact. Thereafter, the Minister shall reply.

**16. Zero Hour Mentions:-** Zero Hour mentions gained importance although there is no provision in the Rules of Procedure and Conduct of Business in the Telangana Legislative

Assembly. Such mentions are generally made immediately after the Question Hour. The Hon'ble Speaker issued the following guidelines to regulate mentions during Zero Hour:

(1). A Member desiring to make a mention during Zero Hour should communicate the gist of the mention to the Hon'ble Speaker before half-an-hour of commencement of the sitting and obtain his consent therefor.

(2). The text approved by the Speaker will go on record.

(3). One Member from each political party or group will be permitted to make a mention daily which shall be of three minutes duration.

(4). No other Member shall be permitted in support of any mention.

(5). No allegation of defamatory or incriminatory nature shall be permitted during Zero Hour either with or without prior notice.

(6). Only the matters of utmost public importance where a Member could not raise by giving proper notice under the rules shall only be allowed during Zero Hour.

(7). The duration for such mentions shall be 30 minutes.

**17. Adjournment Motions:-** (1) The primary object of an adjournment motion is to draw the attention of the House to a recent matter of urgent public importance having serious consequences in regard to which any other device with proper notice will be too late. An adjournment motion if admitted leads to setting aside the regular business of the House listed for the day to discuss the matter proposed.

(2) The subject matter of the adjournment motion must have a relation directly or indirectly to the conduct or default on the part of the Government and pinpoint precisely the failure of the Government in the performance of its functions in accordance with the provisions of the Constitution or any other Law. An adjournment motion involves the element of censure against the Government.

(3) Notice of adjournment motions in triplicate addressed to the Speaker, should be given to the Secretary one hour before the

commencement of the sitting on the day on which the notice is proposed to be made. Printed forms for tabling adjournment motion are available in the notice office.

(4) A Member cannot give more than one notice for any one sitting. Not more than one matter should be discussed on the same motion.

(5) Adjournment motions are not taken up on the day of Governor's Address. Notices received for that day are treated as notices for next sitting.

(6) Notices for a day on which the House is adjourned without transacting any business are considered for the next sitting.

(7) The procedure for disposal of notices for adjournment motion is as follows:

(a) Where the Speaker is satisfied prima facie that the matter proposed to be discussed is in order, he may give his consent for moving the motion and call the member concerned after question hour and before the list of Business is entered upon, to ask for leave of the House to move the adjournment motion. If no objection to leave being granted is taken, the Speaker will declare that the leave is granted by the House. However, if there is objection to leave being granted, he will request those members who are in favour of leave being granted to rise in their places and if not less than 12 members rise, he will declare that leave is granted. If less than 12 members rise, the Speaker shall inform the Member that he has not the leave of the House. (Rule 67(2))

(b) If the leave of the House is granted, the Speaker should inform the House that the motion will be taken upon the same day or at the request of the Leader of the House or any Minister in his absence on the next day at the hour appointed by the Speaker.

(c) Where the Speaker is satisfied prima-facie that the notice of adjournment motion is inadmissible, he will refuse his consent without bringing the matter before the House and the member is informed of the Speaker's decision.

(d) Once a member is informed of the Speaker's decision withholding his consent, no discussion is permitted in the House on such motion either on the subject matter or the reasons for disallowance thereof. It is not obligatory for the Speaker to read out the notice in the House or to give reasons for refusing his consent.

(e) However, where the Speaker is not in possession of full facts to decide the admissibility of the notice, he may before refusing his consent read the notice of motion and hear from the member concerned and if necessary, the Minister on facts and then give his decision on the admissibility of the motion.

(f) No member can compel the Speaker to hear him or to read out his adjournment motion in the House. No mention should be made about the adjournment motion in the House by any member before the conclusion of the motion.

**18. Motions under Rule 53:-** (1) Save in so far as is otherwise provided in the Constitution or in the Rules of Procedure, no discussion on a matter of general public importance can take place except on a motion made with the consent of the Speaker.

(2) Notice of such a motion is to be given in writing addressed to the Secretary. Along with the notice, the member concerned should specify the issue for discussion. In order that a motion may be admissible, it should satisfy the conditions laid down in Rule 54.

(3) The Speaker decides the admissibility of the motion or a part thereof.

(4) When notices of Government motion and a private member's motion are received on the same subject only the Government motion is admitted.

(5) The Speaker in consultation with the Business Advisory Committee allots time for discussion of the motion. The Speaker may prescribe time limit for speeches wherever necessary.

(6) The mover of the motion has the right of reply.

**19. Statutory Motions:-** A member who wishes to move a Statutory Motion should give 10 clear days notice unless it is otherwise expressly provided by the statute or enactment under which the motion is made or unless the Speaker after ascertaining the views of the Minister concerned otherwise directs. Such notice shall be accompanied by a copy of the proposed motion.

**20. Motion for modification of regulations, rules etc., laid on the Table :-** (1) A regulation, rule, sub-rule, bye-law, etc., framed in pursuance of the Constitution or of the legislative functions delegated by the Legislature to a subordinate authority is laid before the House and the period specified in the Constitution or the relevant Act has to be completed before the House is adjourned *sine die* or later prorogued, unless otherwise provided in the Constitution or the Act. If the period is not so completed, the regulation, rule etc., is relaid in the succeeding session or sessions until the said period is completed in one session.

(2) Before the completion of the said period any member may give notice of motion for modification by way of an amendment to such Regulation, Rule, Sub-rule, Bye-law, etc. The Speaker decides the admissibility of the motion.

(3) The Speaker, in consultation with the Leader of the House, fixes time for consideration and disposal of the motion.

**21. Short Discussion under Rule 60 :-** (1) Any member desires of raising discussion on a matter of urgent public importance may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised. The notice should be accompanied by an explanatory note stating reasons for raising the discussion. The notice should be supported by the signature of atleast two other members.

(2) Notices of short discussion are accepted from the date following the date of issue of summons for the meetings. Interse priority of notices on the same subject is determined according to the date and time of receipt.

(3) The Speaker decides the admissibility of a notice. If any opportunity is otherwise available for discussion of the matter proposed for discussion the Speaker may refuse to admit the notice. The date for discussing the matter is fixed by the Speaker in consultation with Leader of the House and not exceeding two hours is set apart for the discussion.

(4) There is no formal motion before the House in respect of short discussion as such there is no question of voting on it.

(5) The member who has given notice may make a short statement and any other member who has previously intimated to the Speaker may be permitted to participate in the discussion subject to the time limit for speeches if any fixed by the Speaker. The Minister should reply to the discussion briefly. The member who raised the discussion has no right of reply.

**22. Calling Attention Notices under Rule 74 :-** (1) A member may, with the previous permission of the Speaker, call the attention of the Minister to any matter of urgent public importance and the Minister makes a brief statement thereon.

(2) No debate is permitted on such statement at the time, it is made, but each member in whose name the item stands in the list of Business may with the permission of the Speaker ask a specific and clarificatory question relevant to the subject. The Minister replies to the clarifications sought for by the members.

(3) Notices of calling attention can at the earliest be given on or after the date fixed by the Speaker for the purpose which is normally three working days before the commencement of the meetings. Notices received prior to that date but after the issue of summons are treated as notices given on the day fixed for the purpose. Since Rule 298 prescribes that every notice required by the Rules should be signed by the Member giving it.

(4) Notice of calling attention should be given in the prescribed form and addressed to the Secretary, and should be left in the notice office. Printed forms are available in the notice office for tabling calling attention notices.

(5) All notices received are placed before the Speaker from day to day who may select not more than two notices for a sitting subject to the admissibility of such notices.

(6) Notices not selected by the Speaker are deemed to have been lapsed on the last day of the meetings and no intimation is given to the members in respect thereof.

(7) Not more than five names are shown in the list of Business against a Calling Attention notice. Where the names of the members who have given the notice selected by the Speaker is more than five and there is no other notice on the subject so selected the first five names in the order in which they appear on the notice are shown in the list of Business. Where the names of the members who have given notices on the subject selected by the Speaker are more than five the inter-se-priority of the names of members to be included in the list of Business is determined by listing first the name of the member in whose name the notice selected stands and the remaining four names are taken from the rest of the notices in the order in which such notices are received in point of time. If the number of members given notices on the subject selected by the Speaker is five or less the inter-se-priority is determined by showing the name of the member appearing on the notice selected and the rest of the names with reference to the date of receipt of the notice.

**23. Matters of urgent public importance under Rule 344 :-**

(1) No matter, however important and urgent may be, shall be raised by any Member, without having given atleast half an hour's notice to the Speaker before the commencement of the sitting for the day and obtained his permission.

Provided that not more than three members from each Legislature Party shall given notice.

(2) Not more than two such matters shall be raised at the same sitting.

**24. Resolutions:-** (1) A resolution is a self-contained independent proposal submitted for the approval of the House and drafted in such a way as to be capable of expressing a decision of the House. A

resolution may be in the form of a declaration of opinion or recommendation or may be in the form so as to record either approval or disapproval by the Assembly of an act or policy of Government or convey a message or commend, urge, or request an action or call attention to a matter or situation for consideration by Government or in such other form as the Speaker may consider appropriate. (Rule 78)

(2) In order that a resolution may be admissible, it should satisfy the conditions laid down in Rule 79. The period of notices for making a resolution is 10 days. The Speaker may allow a resolution to be entered in the list of Business at shorter notice than 10 days. The relative precedence of resolutions given notice of by private members is determined by Ballot. No member can ballot for more than one resolution. The resolution to be entered against the name of a member is determined in accordance with the preference given by him and in the absence of such indication, in accordance with the order of priority of the receipt of notice. (Rule 77, 29 and 28(4))

(3) Unless the Speaker otherwise directs, not more than 4 resolutions in addition to any resolution outstanding under the proviso to Rule 30, are set down in the list of Business for any day allotted for the disposal of private members resolution. (Rule 33(5))

(4) The Speaker decides the admissibility of resolution and he may disallow a resolution or part thereof when in his opinion it does not comply with rules. (Rule 81)

(5) After a resolution has been moved, an amendment to the said resolution can be moved. Notice of amendments to resolutions should be given one day before the day on which the resolution is moved. Lists of amendments to resolutions are circulated to the Members.

(6) A resolution standing in the list of Business, when called upon to move, can be withdrawn. However, a resolution which has already been moved or an amendment to resolution cannot be withdrawn except by the leave of the House.



(7) When a resolution has been moved and disposed of by the House, no resolution raising substantially the same matter should be moved within six months from the date of disposal of the earlier resolution.

(8) When a resolution has been withdrawn with the leave of the House, no resolution raising substantially the same question can be moved during the same session. (Rule 84, 85, 86, 88)

(9) Subject to the provisions regulating the discussion on resolution, resolution of congratulation or condolence may, with the permission of the Speaker, be moved at any time. (Rule 34)

(10) Every resolution passed by the House is forwarded to the concerned Government by the Secretary. (Rule 89)

**25. Statutory Resolutions:-** (1) A resolution given notice in pursuance of a provision in the Constitution or an Act of Legislature is called a statutory resolution. Such a resolution is not balloted under Rule 29 even if given notice of by a private member. If the Speaker admits notice of such a resolution it is issued in a notice paper under the heading "statutory resolution" and a copy thereof is sent to the Government.

(2) The Speaker after considering the state of business in the House and in consultation with the Leader of the House allots time for discussion of such resolution. (Rule 80(3))

**26. Petitions :-** (1) A member may present a petition with the consent of the Speaker.

(2) Every petition presented to the House should be addressed to the Assembly and must be signed by the petitioner. The petition should be in respectable and temperate language and should not contain defamatory or offensive expressions. The relief prayed for in the petition must relate to a matter of definite public importance and should not relate to matter of routine administrative nature.

(3) The Member presenting the petition is responsible for its contents and genuineness.

(4) The Member himself should not be a petitioner.

(5) Every petition intended to be presented to the House should be given to the Secretary one hour before the commencement of the sitting of the day on which it is proposed to be presented. After obtaining the consent of the Speaker, the member concerned will be informed to present the petition to the House after question hour and before the other business for the day is entered upon. While presenting the petition, the member should confine to a statement viz., "I present a petition signed by ... petitioner, regarding, ....."

No debate is permitted on such statement.

(6) Every petition presented to the House stands referred to the Committee on Petitions.

**27. Statement by Ministers** :- Ministers make statements in the House with prior notice and with the consent of the Speaker in order to keep the House informed of the matters of public importance or to apprise the House about the policies of Government. No question is permitted at the time when the statement is made in the House. However, members may seek discussion on such statements with the permission of the Speaker after giving due notice under relevant rules.

**28. Matters under Rule 343** :- A Member who wishes to bring to the notice of the House any matter which is of public importance not being a point of order or which cannot be raised appropriately under any other rule, may do so after giving notice in writing to the Secretary. The member while giving notice should indicate the point which he proposes to raise together with the reasons for raising such matter. If the Speaker gives consent the member is permitted to raise the matter at such time and date as the Speaker may fix.

**29. Question of Privilege** :- (1) A question of breach of Privilege either of a member or of the House or a Committee thereof may be raised in the House with the consent of the Speaker. A

member who wishes to raise a question of privilege is required to give notice in writing to the Secretary before the commencement of the sitting on the day on which the question of privilege is proposed to be raised. If the question of privilege is based on a document the notice must be accompanied by the said document. The right to raise a question of privilege is governed by the following conditions namely-

(a) not more than one question should be raised at the same sitting;

(b) the question shall be restricted to a specific matter of recent occurrence; and

(c) the matter requires the intervention of the House.

(2) If the Speaker gives his consent for raising the matter in the House as question of privilege, the member who tabled the notice, when called by the Speaker, has to seek the leave of the House. While asking for leave the member concerned can make a brief statement relevant to the question of privilege. If objection to leave being granted is taken, the Speaker requests those members who are in favour of leave being granted to rise in their places and if not less than 25 or more members rise, the Speaker declares that leave is granted. If less than 25 members rise, the Speaker declares the leave is not granted. After leave is granted the question may either be considered and decided by the House itself or it may be referred by the House on a motion made either by the member who has raised the question of privilege or any other member to the committee of privileges for examination, investigation and report. The Speaker is empowered under Rule 174, to refer *suo moto* any question of privilege to the Committee for examination, investigation and report.

(Rule 171)

**30. Communications between the Governor and the Assembly :-** Communications from the Governor to the Assembly are made in the form of speech or message addressed to the Speaker. Communications from the Assembly to the Governor are made by formal address, after a motion is made and carried in the Assembly and forwarded to the Governor by the Speaker.

**31. Ordinances :-** As soon as possible after the promulgation of an Ordinance under clause (1) of Article 213 of the

Constitution, printed copies of such an Ordinance are made available to the members of the Assembly. Within six weeks from the re-assembly of the Assembly any member may after giving 3 clear days notice to the Secretary move a resolution for disapproving such Ordinance.

**32. Bills :-** (1) An important function of the Legislative Assembly is to enact laws. Legislative proposals have to be brought before the House in the form of Bills. A Bill has to pass through various stages before it becomes an Act.

(2) *Stages in the passing of Bills :-* (i) (a) *First Reading i.e., introduction:* The legislative process commences with the introduction of a Bill. A Bill can be introduced either by a Minister or by a private member. In the former case, it is known as Government Bill and in the later case it is known as private member's Bill. To introduce a Bill, leave of the House has to be sought by the member moving the Bill. If leave is granted, the Bill may be introduced. After introduction of the Bill it is published in the Gazette. But before introduction a Bill may with the permission of the Speaker, be published in the Gazette. In such an event no leave of the House to introduce the Bill is asked for and it is straight away introduced. If the motion for leave to introduce a Bill is sought to be opposed, prior intimation to that effect should be given to the Secretary before the commencement of the sitting of the day on which the motion is included in the list of business. The Speaker, if he thinks it is necessary may allow a brief explanatory statement be made by the member who opposes and the member who moves the motion.

(b) Thereafter without further debate, he may put the question to the vote of the House. Where the leave to introduce a Bill is sought to be opposed on the ground that the Bill initiate legislation outside the Legislative competence of the House, the Speaker may permit a full discussion thereon.

(ii) *Second reading i.e.; consideration:-* (a) The second reading of the Bill can be divided into two stages. The first stage consists of a general discussion of the Bill when the principles underlying the Bill are discussed. At this stage, it is open to the House to refer the Bill to a Select Committee of the House or to circulate it

for the purpose of eliciting public opinion or straight away take it up for consideration.

(b) In case a Bill is referred to a Select Committee, the Committee considers the Bill clause by clause. Amendments can be moved by the members of the Committee to various clauses in the Bill. The Committee can also take evidence from public bodies or experts interested in the matter. Then the Committee submits its report to the House with the Bill as emerged from the Committee. If a Bill is circulated for eliciting public opinion thereon such opinions so received are laid on the Table of the House.

(c) The second stage of the consideration of the Bill comes after the adoption of motion that the Bill, or the Bill as reported by the Select Committee, be taken into consideration. At this stage, the Bill is considered clause by clause. Amendments to clauses are put to vote. If any amendments are accepted they will form part of the Bill. The second stage of consideration is complete when all the clauses, schedules if any, enacting formula, preamble., if any, and the long title of the Bill are put to vote and disposed of.

(iii) *Third Reading i.e.; passing* :- (a) The member incharge of the Bill will move the motion that the Bill or the Bill as amended as the case may be, be passed. At this stage, the debate is confined either to support or reject the Bill. Only formal verbal or consequential amendments are allowed at this stage.

(b) For passing a Bill simple majority of members present and voting is necessary.

**33. Assent to Bills** :- (1) After the Bill is passed by the Assembly and Council, it is authenticated by the Speaker and Chairman and presented to the Governor for his assent. The Governor can give or withhold his assent to the Bill or he can return the Bill, if it is not Money Bill, for reconsideration of the Assembly. If the Houses passes the Bill again with or without amendments recommended by the Governor, the Governor shall not withhold his assent. (Article 200)

(2) When a Bill is reserved by the Governor for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom. If the Bill is not a Money Bill, the President can direct the Governor to return the Bill to the House for reconsideration. The House should reconsider such a Bill within a period of six months from the date of receipt of the message. In case Bill is again passed by the Houses with or without amendment, it is presented to the President for his consideration. (Article 201)

(3) When a Bill is returned to the Assembly under Article 200 or 201 of the Constitution, the Bill is again considered by the Assembly in accordance with the procedure laid down in Rule 125 of the Rules of Procedure.

(4) No dilatory motion shall be made in respect of Bills returned for reconsideration. (Rule 125(4))

#### **34. Procedural requirements in respect of Bills :-**

(1) Notice for introduction of a Bill shall be accompanied by the text of the Bill together with the statement of objects and reasons, signed by the member giving notice. (Rule 90 (1))

(2) If the Bill is one which under the Constitution cannot be introduced without the previous sanction of the President or recommendation of the Governor, the member incharge of the Bill should obtain and annexe to the notice such sanction or recommendation. (Rule 90(2))

(3) (i) A Bill which if enacted and brought into operation would involve expenditure from the Consolidated Fund of the State, should not be taken into consideration or referred to a Select Committee unless the Member incharge obtaining the requisite recommendation of the Governor for consideration of the Bill under Article 207(3) of the Constitution.

(ii) The recommendation of the Governor or sanction of the President should be obtained before hand either directly or through

the Legislature Secretariat. The sanction of the President granting or withholding the sanction to the introduction of the Bill or the orders of the Governor granting or withholding the recommendation to the introduction or consideration of a Bill should be communicated to the Secretary by the Minister concerned in writing.

(4) The period of notice for introduction of a Bill is seven days expiring the day previous to the day on which the motion is made unless the Speaker allows the motion to be made at shorter notice.

(5) A Bill involving expenditure should be accompanied by a financial memorandum inviting attention to the clauses involving such expenditure and also an estimate of the recurring or non-recurring expenditure involved in case the Bill is passed into law.

(6) A Bill involving proposals for delegation of Legislative power should be accompanied by a memorandum explaining such proposals and drawing attention to their scope and also stating whether they are of normal or exceptional character. (Rule 94)

(7) A Bill should be accompanied by a memorandum showing whether it is to be assented by the Governor or to be reserved by the Governor for the consideration and assent of the President together with reasons therefor. (Rule 95)

(8) A Bill seeking to amend a principal Act should be accompanied by a statement giving in verbatim in extract of all the sections of principal Act sought to be amended.

(9) When a Bill seeking to replace an Ordinance with or without modifications is introduced in the House, a statement explaining the circumstances which had necessitated immediate legislation by Ordinance should be placed before the House.

(10) The notice of motion for reference of a Bill to a Select Committee should contain the names of the members to serve on the Committee and the time limit if any, before which the Committee is to report to the House. The member giving notice should also state

in the notice whether the members proposed to be appointed on the Committee have given their consent to serve on the Committee.

**35. Provisions relating to Private Members Bills :-**

(1) On a day allotted for the transaction of private members Bills, the relative precedence of the Bill is arranged in the following order namely-

(a) Bills in respect of which the motion is that leave be granted to introduce the Bill;

(b) Bills returned by the Governor with message under Article 200 or 201 of the Constitution;

(c) Bills in respect of which a motion has been carried, that the Bill be taken into consideration;

(d) Bills in respect of which the report of a Select Committee has been presented;

(e) Bills which have been circulated for the purpose of eliciting opinion thereon;

(f) Bills introduced and in respect of which no further motion has been made or carried; and

(g) Other Bills.

(2) The relative precedence of the Bill falling under the same clause is determined by ballot. However, the motion in respect of Bills falling under Clause (a) above is entered in the List of Business in the order in which notices of such motion have been received in point of time. (Rule 28(2))

(3) No Member can ballot more than one Bill. The Bill to be entered against the name of a member is in accordance with the preference indicated by him and in the absence of such indication, in accordance with the order of priority of the receipt of the notice. (Rule 28(4))

(4) The Speaker may, by special order to be announced in the House, make such variation in the relative precedence set out in sub-para (1) above. (Rule 28(3))



(5) A Private Member's Bill pending before the House is removed from the Register of Bills, if the member Incharge ceases to be the member of the House or is appointed as Minister.

(Rule 127(3))

**36. Amendments to Clauses of Bills:-** (1) Notice of an amendment to a clause or schedule of a Bill is given to the Secretary one day before the day on which the Bill is to be considered.

(2) No amendment to a Bill is admissible unless it is satisfied the conditions laid down in Rule 105.

(3) If a member gives a notice of amendment which under the Constitution cannot be moved without the previous sanction of the President or recommendation of the Governor, he should annexe to the notice such sanction or recommendation conveyed through the Minister Incharge.

(Rule 106)

(4) The time for moving the amendments is immediately after the clause to which they relate, is taken up for consideration.

(5) While arranging the amendments under Rule 109 precedence is given to an amendment moved by the member Incharge of the Bill.

(6) An amendment moved can be withdrawn by the leave of the House. However, if an amendment has been proposed to an amendment, the original amendment cannot be withdrawn until the amendment proposed to it has been disposed of.

(Rule 112)

**37. Budget :-** (1) In respect of every financial year the Governor shall cause to be laid before the House a statement of the estimated receipts and expenditure of the State for the year known as "Annual Financial Statement" (Budget). The estimates of the expenditure embodied in the annual financial statement comprises the sums required to meet the expenditure charged upon the Consolidated Fund of the State and the sums required to meet other

expenditure proposed to be made from the consolidated fund of the State. Clause (3) of Article 202 enumerates the expenditure to be charged on the Consolidated Fund. The expenditure charged upon the consolidated fund of the State is not submitted to the vote of the House but a discussion on the said estimates is not precluded. The Estimates relating to the other expenditure should be submitted to the House in the form of Demands for Grants. The House has power to assent or to refuse to assent to any Demand or to assent to any Demand subject to a reduction of the amount specified therein. No Demand for Grant should be made except on the recommendation of the Governor. (Articles 202 & 203)

(2) The Annual Financial Statement of the estimated receipts and expenditure of the State is presented to the Assembly on the day fixed by the Governor. On the day so fixed, the Minister (Finance) presents the Budget to the House. Copies of his speech while presenting the Budget are supplied to the members. Sets of Budget papers are made available to the members through notice office after presentation in the House. The Budget is dealt with by the Assembly in two stages. On a day subsequent to the presentation of the Budget the House take up General Discussion of the Budget which is called the first stage, followed by the second stage i.e., discussion and voting on Demands for Grants. There should be an interval of 48 hours between the presentation of the Budget and the General Discussion. The Speaker will decide the number of days for the general discussion on the Budget and the Voting of Demands for Grants in consultation with the Business Advisory Committee.

(3) During General Discussion, the House is at liberty to discuss the Budget as a whole or any question of policy involved therein. The Finance Minister has a right of reply at the end of the discussion. (Rule 150, 151 & 152)

(4) The Speaker, in consultation with the Leader of the House and Business Advisory Committee, fixes the time to be allotted for

discussion of each Demand and also determines the order in which the Demands are to be taken up. Accordingly a time table showing the date and the order in which Demands for Grants of different Departments would be taken up is drawn, circulated to the members for their information. (Rule 154)

(5) Copies of explanatory notes regarding the working of the Departments during the year (Performance Budget) are supplied to the members one day before the day on which a particular Demand for Grant is taken up for discussion.

**38. Guillotine** :- On the last day of the allotted days at the appointed hour the Speaker puts every question necessary to dispose of all the outstanding matters in connection with the Demands for Grants including the motion of reduction of grant, if any. The guillotine concludes the discussion on Demands for Grants. This procedure is equally applied to the disposal of discussion on supplementary additional estimates etc. (Rule 154)

**39. Cut Motions to Demands for Grants** :- (1) Members may give notice of cut motions for the reduction of the votable heads of expenditure for the Demands for Grants. No such motion should, however, be made which would have the effect of increasing or altering the destination of Demand. Cut Motions are divided into three categories namely-

(a) Disapproval of Policy Cut, i.e., a motion “that the amount of Demand be reduced to Re. 1” representing disapproval of policy underlying the Demand. The member giving notice of such a cut motion should indicate in precise terms, the particulars of the policy which he proposes to discuss. If the cut motion is admitted the member should confine the discussion to the specific point or points mentioned in the notice and it is open to the members to advocate an alternative policy;

(b) Economy Cut, i.e., a motion “that the amount of the Demand be reduced by a specific amount” representing the economy that can be effected. Such specified amount may either be a lumpsum

reduction in the Demand or reduction of an item in the Demand. The member giving notice of such a cut motion should indicate briefly and precisely the particular matter on which discussion is sought to be raised and if the notice is admitted, speeches should be confined to the discussion as to how economy can be affected; and

(c) Token Cut, i.e., a motion “that the amount of the Demand be reduced by Rs. 100/-” in order to ventilate a specific grievance which is within the sphere of responsibility of the Government. The discussion on such a cut motion, if admitted, should be confined to a particular grievance specified in the motion. (Rule 155)

(2) In order that a notice of motion for reduction of the amount of Demand be admissible, it should satisfy the conditions laid down in Rule 156. Notice of cut motions should be given to the Secretary in writing not later than 5.00 P.M. on the 4th day of general discussion of the budget. In exceptional circumstances such motions are received even after the said period with the permission of the Speaker. For the convenience of the members, printed forms of the above categories of cut motions are kept in the notice office. Members may make use of the forms while giving notices of cut motions.

(3) Under each demand, motion for disapproval of policy cut are entered before other categories of cut motions in the list and the policy sought to be discussed by the members is also indicated in the notice. Then follows the economy and token cut motions.

(4) As soon as the motion for Demands for Grants is moved by the Minister, the Chair calls upon the Members who have given notice to move their Motions. Before putting the Demand for Grant to vote, all the cut motions are disposed of.

**40. Vote on Account:-** (1) The Assembly has power to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in Article 203 for the voting of Grant and passing of the Law in accordance with the provisions of Article 204 in relation to that expenditure. (Article 206(a))

(2) On a day subsequent to the presentation of Budget, a Motion may be made for any Grant in advance in respect of the estimated expenditure for a part of any financial year.

(3) Such motion should state the total sum required and the various amounts needed for each Department or item of expenditure which composed that sum should be stated in a schedule appended to the Motion.

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

(5) Discussion of a general character is allowed on the motion or any amendment moved thereto.

(6) In other respects motion for vote on Account is dealt with in the same way as if, it was a Demand for Grant.

**41. Supplementary, Additional or Excess Grants:-** (1) The Governor may at any time during a financial year appoint a day for the presentation of supplementary, additional or excess grants as is contemplated under sub-clauses (a) and (b) of Clause (1) of Article 205. After presentation of the said estimates one or more days, not earlier than 24 hours after the day allotted for such presentation, is set apart for the discussion and voting on the Demands for supplementary, additional or excess grants. The Demands for supplementary or additional or excess grants are dealt with as if they were Demands for Grants. The discussion on the Demands for supplementary or additional or excess grants is confined to the details of which they are comprised.

(2) The notice of motion for the reduction of a Demand for a supplementary or additional grants should be given not later than 5.00 p.m.; on the day on which they have been presented to the House. (Rule 160)

(3) The procedure outlined in para 37 is followed in the case of cut motions relating to Demands for supplementary and additional grants subject to the following conditions:

(i) a cut motion must be restricted to the items of expenditure contained in the supplementary grants;

(ii) a question of policy cannot be raised on Demands for supplementary grants in so far as such Demands refer to schemes which have already been sanctioned by the House; and

(iii) in respect of a "New Service" for which previously no sanction has been obtained, question of policy can be raised but it should be confined to the item on which the vote of the House is sought.

**42. Token Grants :-** When funds to meet proposed expenditure on a New Service can be made available by reappropriation, a demand for the Grant of a token sum may be submitted to the vote of the Assembly and if the Assembly assents to the Demand, funds can be made available. (Rule 162)

**43. Vote of Credit or Exceptional Grant :-** At any time during the financial year a motion can be made for a grant for meeting an unexpected demand upon the resources of the State or for an exceptional grant as contemplated in sub-clauses (b) & (c) of clause (1) of Article 206 of the Constitution. The vote of credit and exceptional grant are dealt with in the same manner as if they were Demand for Grants subject to such modifications, addition or omission as the Speaker may deem to be necessary or expedient.

**44. Questions for decision :-**(i) A matter requiring the decision of the House is decided by means of a question put by the chair on a motion made by the member. When a motion has been made, the Chair proposes the question for consideration and puts it for the decision of the House. If the motion contains two or more propositions they are proposed separately.

(ii) No member is permitted to speak on question after the Chair has collected the voices both of the 'Ayes' and the Noes' on the question. (Rules 331, 332 & 333)

**45. Division :-** (1) On conclusion of a debate, the Chair puts the question to the House. Those in favour of the motion are invited to say 'Aye' and those against the motion to say 'No' and then the

Chair says I think the Ayes (or the Noes, as the case may be) have it. If the opinion of the Chair as to the decision goes unchallenged the Chair says twice 'The Ayes (or the Noes, as the case may be) have it, and the question before the House is determined accordingly. But if the opinion of the Chair is challenged by a member or members exclaiming "the Noes (or Ayes) have it, the Chair directs that the Lobbies be cleared. After the lapse of 2 minutes the Chair puts the question for a second time and declares whether the 'Ayes' or the 'Noes' have it. If the opinion so declared is again challenged the Chair may ask the members who are for 'Aye' and those for 'Noes' respectively to rise in their places and after taking the account, the Chair declares the determination of the House. The result of the division should not be challenged. Before announcing the result of the division. If the Chair feels that a mistake has been committed in the recording of the votes, the Chair can allow the same to be corrected.

(2) A member who has a direct personal or pecuniary interest in the matter to be decided by the House is not entitled to vote. If any question arises as to whether a member has a direct or pecuniary interest, the House would decide the matter.

(Rule 334 (6))

## CHAPTER - II

### OFFICERS OF THE HOUSE - MEMBERS AND MINISTERS

#### **46. Election of Speaker and Deputy Speaker:-**(1)

According to Article 178 of the Constitution, the Legislative Assembly of a State has to choose two of its members to be respectively Speaker and Deputy Speaker thereof and so often as the office of the Speaker or Deputy Speaker becomes vacant, the Assembly should choose another member to be Speaker or Deputy Speaker as the case may be. In the new House constituted after general elections, the Election of Speaker precedes the Governor's Address.

(2) The Election of Speaker is held on the date fixed by the Governor. Notice of the said date is sent to every member by the Secretary. At any time between 10:30 A.M. and 05:00 P.M. on the day preceding the date so fixed, any member may file a nomination paper nominating another member for election. The Nomination Paper should contain the name of the member nominated and, signed by the proposer containing a declaration by the nominee signifying his willingness to serve as Speaker if elected. The nomination paper together with declaration has to be delivered to the Secretary in person either by the proposer or by candidate nominated. A member should not propose his own name or propose more than one name. Where there are more than one nomination paper in favour of the same candidate, one declaration is sufficient. A member is not deemed to have been duly nominated if he or his proposer has not made and subscribed the oath or affirmation before the names are read out to the Assembly under Sub-rule (5) of Rule 7. The Election of the Speaker is held at a meeting of the Assembly. At such meeting the person presiding reads the names of members nominated for the office of Speaker together with the names of proposers. If only one member has been nominated, the person presiding declares him as elected. However, if more than one member has been nominated the Assembly shall proceed to elect the Speaker by ballot in the manner specified in Sub-rules (7),(8),(9) of Rule 7. Any member can withdraw his candidature before the ballot commences.

(3) After the election of the Speaker, the Chief Minister and the Leader of the main Opposition Party go to the seat of the Speaker



elected, bow to him and conduct him to Chair. Felicitations are offered by the Chief Minister and other Leaders on behalf of different sections of the House and the Speaker makes a brief reply. Thereafter the House proceeds with its regular Business if any, on the Agenda.

(4) The Speaker holds office from the date of election till immediately before the first meeting of the Assembly after dissolution of the one to which he was elected. The Speaker may at any time resign his office by writing under his hand to the Deputy Speaker even though the office of the Deputy Speaker might be vacant.

(5) The procedure for choosing the Deputy Speaker is the same as for the Speaker, except that the date of election of Deputy Speaker is fixed by the Speaker or in the event of the office of the Speaker is vacant, by the Governor.

(6) The Deputy Speaker holds office from the date of his election till the dissolution of the House. The Deputy Speaker may at any time resign his office by writing under his hand to the Speaker even though the office of Speaker might be vacant.

**47. Resolution for removal of Speaker or Deputy Speaker from Office:-** (1) Speaker or Deputy Speaker is removable from his office by a Resolution of the Assembly passed by a majority of all the members of the Assembly. Atleast 14 days notice has to be given of the intention to move such a resolution. A member intending to give notice of a resolution for the removal of Speaker or Deputy Speaker is required to do so in writing to the Secretary. On receipt of the notice a motion for leave to move the resolution is entered in the list of business in the name of the member concerned, on a day fixed by the Speaker. Provided that the day so fixed has to be a day after 14 days from the date of receipt of notice of the resolution.

(2) At a sitting of the Assembly while any resolution for the removal of the Speaker or Deputy Speaker from his office is under consideration, the Speaker or Deputy Speaker as the case may be, cannot preside even though he is present in the House. Subject to the aforesaid provision, a member from the panel of Chairmen or any member elected under Rule 9(3) can preside in the absence of the Speaker or the Deputy Speaker as the case may be.

(3) The Speaker has a right to speak and otherwise to take part in the proceedings of the Assembly while any resolution for his removal from office is under consideration in the House and he is entitled to vote in the first instance on such a resolution or any other matter during such proceedings but not in the case of an equality of votes.

(4) The member in whose name the motion stands in the list of Business except when he wishes to withdraw it, move the motion when called to do so but no speech is permitted at this stage.

(5) The Chair thereupon places the motion before the House and requests those members who are in favour of leave being granted to rise in their places and if not less than 50 members rise accordingly the Chair declares that leave is granted and that the resolution would be taken up on such day not being more than 10 days from the date on which leave is asked for, as he may appoint. If less than 50 members rise, the Chair informs the member that he has not the leave of the House. On the appointed day the resolution is included in the list of Business and will be taken up after the questions and before any other Business for the day is entered.

**48. Speaker Protem:-** When the offices of both the Speaker and Deputy Speaker fall vacant the duties of the office of the Speaker are performed by such member of the Assembly as the Governor may appoint for the purpose. The member so appointed is known as Speaker Protem. The Speaker Protem continues in office till the Speaker is chosen. The Speaker Protem has all the powers of the Speaker under the Constitution, Rules of Procedure or otherwise. The Speaker Protem appointed after the general elections before the election of Speaker takes the prescribed Oath or Affirmation before the Governor.

**49. Panel of Chairmen:-** (1) At the commencement of every session, the Speaker nominates from amongst the members a panel of not more than 4 Chairmen. In the absence of Speaker and the Deputy Speaker any one of them presides over the House or when so requested by the Speaker or Deputy Speaker. In the event of both the Speaker and Deputy Speaker being absent and no request as

above is made, any member in the panel as shown in the list in the order in which they have been mentioned by the Speaker presides over the Assembly. The Panel of Chairmen holds office until a new Panel of Chairmen is nominated.

(2) If the Speaker and the Deputy Speaker are both absent and if no member of the panel of Chairmen is present, the Assembly may, if there is quorum, by motion, elect one of its members present, to preside and act as a Chairman and the Secretary conduct, such election.

**50. Declaration of Assets and Liabilities by Members:-**

Every Member should declare his/her assets and liabilities to the Speaker within 30 days from taking of Oath and thereafter shall declare only whenever there is a change in his/her assets and liabilities before 31st of the next July while in office and such declaration shall be treated as a public document. (Rule 364)

**51. Parliamentary Etiquette:-** The rules which the members are required to observe in the House are technically known as Parliamentary Etiquette. These are based on the Rules of Procedure and Conduct of Business in the Assembly, Conventions and also on the Ruling given by the Speaker from time to time. The following is the list of some of the important rules of Parliamentary Etiquette which members have generally to observe in the House:

(1) Members should be present in the House few minutes before (i) the scheduled time of commencement of sitting which is ordinarily 10.00 A.M.; and (ii) the time fixed by the Chair for reassembly after adjournments in a day. (iii) when the Speaker comes to take the Chair in the House, his arrival is announced. As soon as the Speaker enters the Chamber, members should rise in their places. Members who enter the House at that time should stand silently till the Speaker takes the Chair and thereafter they should go to their seats;

(2) Members should bow to the Chair while entering or leaving the House, and also when taking or leaving their seats;

(3) Members should not read any book, newspaper or letter except in connection with the Business of the House;

(4) Members should not interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner;

(5) Members should not leave the House when the Speaker is addressing the House;

(6) A member should keep to his usual seat while addressing the House;

(7) Members should maintain silence when not speaking in the House;

(8) A member should not obstruct proceedings, hiss or interrupt and should avoid making running commentaries when another member is speaking;

(9) Members should not applaud when a stranger enters any of the Galleries;

(10) Members should not shout slogans in the House;

(11) A member should not sit or stand with his back towards the Chair;

(12) Members should not wear or display badges of any kind in the House;

(13) Members should not bring or display arms in the House;

(14) Members should not display flags, emblems or any exhibits in the House;

(15) A member should not leave the House immediately after delivering his speech; courtesy to the House requires that after finishing their speeches members resume their seats and leave the House only afterwards, if necessary;

(16) Members should not distribute within the precincts of House any literature, questionnaire, pamphlets, press notes, leaflets etc., not connected with the Business of the House;

(17) A member should not carry walking stick into the House unless permitted by the Speaker on health grounds;

(18) A member should not tear off documents in the House in protest;

(19) A member should not bring cellular phones or play cassette or tape recorders in the House;

(20) Members should avoid talking or laughing in lobby loud enough to be heard in the House;

(21) A Member shall not sit on satyagraha or dharna inside the House;

(22) Members should not stand in the passage of the Chamber. They should either sit down or go out;

(23) A member should not "cross the floor" when the House is in sitting - that is, he should not pass between the Chair and the Member who is speaking;

(24) During a sitting a member should, if necessary, go out quietly by a back door close to his seat without causing any disturbance to the House;

(25) Members should not talk among themselves when the House is at work, but, if indispensably necessary they may do so only in very low voice so as not to disturb the proceedings;

(26) While the House is sitting, every member should enter and leave the Chamber with decorum and in such a manner as not to disturb the proceedings in the House;

(27) Members wishing to address the House or ask a question should raise their hands until they succeed in catching the eye of the Speaker. No member should speak until he or she has caught the eye of the Speaker, and has been called upon by him by name or by a sign to address the Chair or to put the question;

(28) A member while speaking should not-

(i) refer to any matter of fact on which a judicial decision is pending;

(ii) make personal charge against another member;

(iii) use offensive expressions about the conduct or proceedings of Parliament or any State Legislature;

(iv) reflect on any determination of the House except on a motion for rescinding it;

(v) reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms;

Explanation: The words 'persons in high authority' means persons whose conduct can only be discussed on a substantive motion drawn in proper terms under the Constitution or such other persons whose conduct, in the opinion of the Speaker, should be discussed on a substantive motion drawn up in terms to be approved by him.

(vi) Use of the Governor's or President's name for the purpose of influencing the debate;

(vii) Utter treasonable, seditious or defamatory words;

(viii) use his right of speech for the purpose of obstructing the business of the House;

(ix) make any reference to the strangers in any of the galleries;

(x) refer to Government officials by name;

(xi) read a written speech except with the previous permission of the Chair;

(xii) address individual members of the House instead address the Chair;

(xiii) question or comment on the ruling of the Speaker except on substantive motion.

(29) No member should raise in the House the subject matter of a notice or a communication sent by him to the Speaker or Legislature Secretariat unless he has been specifically permitted by the Speaker. If no intimation has been received by the member, he should presume that the matter is under the consideration of the Speaker;

(30) Every member should resume his seat as soon as the Speaker rises to speak, or calls out "Order", and also when any other member is in possession of the floor (i.e. speaking with the permission of the Chair) or has interposed in the course of the debate to raise a point of order or to offer a personal explanation;

(31) A member should not read the speech for another member;

(32) It is desirable that, as far as practicable, a member should not be referred to by name, but in some other suitable way, e.g., as “the member who has last spoken”, “the member representing ..... constituency”, “the member from .....”, etc. If unavoidable/necessary, full name may be used;

(33) No member is to argue with another member or oppose him directly when the latter is speaking. He may, however put through the chair, questions with a view to obtain information from the member who is speaking. But a member who is addressing the House with the permission of the Chair should not, as a general rule, be interrupted by another member. It is open to the former not to give way by resuming his seat, but to go on with his speech in the interruption is not due to the raising of a point of order;

(34) Repetition of the arguments of previous speakers or one’s own should as far as practicable, be avoided;

(35) No member should speak to the Galleries from inside the House nor should he make any reference or appeal to the persons seated there;

(36) It is not in order for members, other than Ministers to consult officials in the Officials Gallery from inside the House;

(37) Documents cited by a member in course of his speech, which are not available to other members, should be kept ready to be placed by him on the Table of the House, if there is demand to that effect and the Chair so directs;

(38) Words containing insinuations and offensive and unparliamentary expressions should be avoided;

(39) When the Chair holds that a particular word or expression is unparliamentary, it should be immediately withdrawn without any attempt to raise any debate over it;

(40) A member having personal, pecuniary or direct interest in a matter to be decided by the House is expected, while taking part in the proceedings on that matter, to declare his interest, it would avoid raising of objections regarding his vote at the time of division;

(41) When a member is making the maiden speech he should not be interrupted;

(42) A statement made by a Minister from the records in his possession should be accepted as correct unless a point is deliberately raised to challenge it;

(43) A member against whom charges are made personally on the floor of the House may, with the permission of the Speaker, make a personal explanation although there is no question before the House. In this case no debatable matter should be brought forward and no debate should arise;

(44) If any statement is imputed to another member, and the later says that he did not make that statement, the contradiction should be accepted without demur;

(45) The Speaker may direct any member whose conduct is in his opinion grossly disordered to withdraw immediately from the House, and any member so ordered to withdraw should do so forthwith and should absent himself during the remainder of the day's sitting; and

(46) When any member offers a criticism of another member or Minister, the later is entitled to expect that the critic should be present in the House to hear his reply. To be absent when the later is replying is a breach of Parliamentary etiquette.

**52. Guidelines for behaviour of Members outside the House:-** (1) Information given to Members in confidence or by virtue of their being Members of Committees of Legislature should not be divulged to anyone nor used by them directly or indirectly in the profession in which they are engaged, such as in their capacity as Editors or Correspondents of News papers or Proprietors of Business Firms and so on.

(2) A member should not try to secure business from Government for a firm, company or organisation with which he is directly or indirectly connected.

(3) Every Member should take decisions solely in terms of public interest, but not in order to gain financial or other material



benefits for himself/herself, their family members or friends.

(4) A Member should avoid giving certificates which are not based on facts.

(5) A Member should not make profit out of a Government residence allotted to him by sub-letting the premises.

(6) A Member should not unduly influence the Government officials or the Ministers in a case in which he is interested financially either directly or indirectly.

(7) A Member should not receive hospitality of any kind for any work that he desires or proposes to do from a person or organisation on whose behalf or for whose benefit the work to be done by him.

(8) A Member should not in his capacity as a Lawyer or a Legal Advisor or a Counsel or a Solicitor appear before a Minister or an Officer exercising quasi judicial powers.

(9) A Member should not endorse incorrect certificates on bills claiming amounts due to him.

(10) A Member of the House is entitled to approach an Officer at his Office to obtain information and make representation on public matters and the Officer shall furnish the required information as expeditiously as possible. (Rule 368)

**53. Guidelines for Members during Tours:-** (1) Intermediate journeys should be avoided during the tours.

(2) When transport is provided by Government / Undertakings during the tours of the Committee, such transport should be used for Committee work and not for private visits.

(3) During tours, Members should take particular care to maintain proper dignity, decorum so that no criticism is made of the Committee in any manner.

(4) No Member should give press statements regarding Committee proceedings. Whenever any briefing of the Press is required to be done, the same should be done by the Chairman of the Committee.

(5) The Members should not accept any costly gifts during the tour. Inexpensive mementoes connected with the organisation visited could however be accepted.

(6) The Committee or Sub-Committee or Study group, while on tour, should not accept any invitation for lunch or dinner or other hospitality that might be extended by any private party connected with subject of study tour.

(7) No Member should take any other person during the official tours. An attendant or member's spouse may accompany a member on medical grounds with the prior permission of the Speaker. In such cases, the Member may bear all expenses including hotel charges in respect of his/her spouse or attendant.

(8) The spouse or attendant of a Member should in no case, accompany Committee Members during official study visit to any installation, undertaking, office or establishment and during informal discussions with officials of the concerned establishment, undertaking etc.

**Code of conduct during visits of Delegations to foreign Countries:**

(9) Members of a delegation during their official tours / visits should not give any Press interview or issue statement. Only the Leaders of the delegations are authorised to make Press statements or give interviews.

**54. Parliamentary Conventions and Usages:-** (i) Every member should while coming to the sitting of the House, bring with him the identity card issued to him to avoid any kind of obstruction or hindrance for his entry into the precincts of the Assembly as security staff on duty have strict instructions not to allow entry without valid entry pass and it may not always be easy for the said staff to get acquainted with names and appearances of large number of members particularly when the security staff changes from time to time.

(ii) Member should not say or do anything on the floor of the House which is not permissible under the rules of procedure, rulings, precedents, customs and conventions of the House.

(iii) A Member should not give publicity in the press about the discussions which he had with the Speaker in his chambers in connection with the business of the House.

(iv) A notice should not be given publicity by any member or by any other person until it has been admitted by the Speaker and circulated to the members. A notice of question shall not be given publicity until it is answered in the House.

(v) A disallowed question should not be given publicity.

(vi) Anything pertaining to Legislature Secretariat and the functioning of the Speaker in respect of the Secretariat shall not be raised on the floor of the House. No reference should be made in the debates to any officer of the House.

**55. Attendance of Members:-** Clause (4) of Article 190 of the Constitution provides that if for a period of 60 days computed in the manner laid down therein a member of House of the Legislature of a State is without permission of the House absents from all meetings thereof, the House may declare his seat vacant. In view of this provision, it is necessary to maintain attendance of members. Members are, therefore, required to sign in the Attendance Register when they attend the meetings of the Assembly. Attendance Registers are kept in the inner lobbies for this purpose.

**56. Leave of absence of Members:-** (1) Leave of absence from the sittings is granted by the Assembly to a member on a motion made by him or any other member on his behalf stating the period of absence. Such motion is voted upon without amendment or debate.

(2) A member desiring the permission of the House to remain absent from the sittings thereof should make an application in writing to the Speaker. The application for leave of absence should state the period of absence together with the reasons for which such leave is required.

(3) If a member is absent without leave of absence from all the meetings of the Assembly for a period of 60 days computed in the manner laid down in clause (4) of Article 190 of the Constitution, the House may declare his seat vacant.

**57. Resignation of Members:-** A member who desires to resign his seat in the House should intimate to the Speaker in writing under his hand, his intention to resign the seat in the House in the form set-out in the Rules. (Rule 186)

**58. Information regarding Arrest, detention and release of members of Assembly and service of legal process in the precincts:-** (1) Communication received from the concerned authorities regarding arrest, detention, imprisonment or release of members of Assembly are read out in the House if it is sitting. If the House is not sitting, the information is published through a Bulletin. (Rules 175, 176 & 177)

(2) No arrest shall be made nor legal process on civil or criminal be served within the precincts of the House without obtaining the permission of the Speaker. (Rules 178 & 179)

**59. Obituary References:-** It is customary to make an obituary reference in the House on the passing away of sitting members, ex-members and outstanding personages. In case of death of a sitting member, the House adjourns for the day after adopting the condolence motion.

**60. Statement by a member resigned to the office of Minister:-** A member who has resigned the office of Minister may, with the consent of the Speaker, make a personal statement in explanation of his resignation. Such member has to forward a copy of the statement or in the absence of a written statement a gist of such statement to the Speaker and to the Leader of the House one day in advance of the day on which it is to be made. If the Speaker gives his consent for making the statement the item is included in the list of Business for the day. No debate is permitted on the Statement made by the member who has resigned the office of Minister in explanation of his resignation but after it has been made any Minister may make a statement pertinent thereto with the consent of the Speaker.

**61. Simultaneous Membership:-** (1) Clause (2) of Article 190 prohibits simultaneous membership in two or more State

Legislatures. Clause (2) of Article 101 prohibits simultaneous membership of House of Parliament and of the State Legislature. The question of vacation of seats is left to be decided by Rules made by the President of India. The President has made the prohibition of Simultaneous Membership Rules, 1950 which are as follows:

“1. These Rules may be called the Prohibition of Simultaneous Membership Rules, 1950.

2. The period at the expiration of which the seat in Parliament of a person who is chosen a member both of Parliament and of a House of the Legislature of a State specified in the First Schedule to the Constitution of India (hereinafter referred to as “the Constitution”) shall become vacant, unless he has previously resigned his seat in the Legislature of such State, shall be fourteen days from the date of publication in the Gazette of India or in the Official Gazette of the State, whichever is later, of the declaration that he has been so chosen.

3. The period at the expiration of which the seat of a person who is chosen a member of the Legislatures of two or more States specified in the First Schedule of the Constitution in the Legislatures of all such States shall become vacant, unless he has previously resigned his seat in the Legislatures of all but one of the States, shall be ten days from the later or, as the case may be, the latest of the dates of publication in the Official Gazettes of such States of the declarations that he has been so chosen.”

**62. Multiple Membership:-** (1) Analogous to Double Membership there is a situation arising when a person is elected to more than one seat in the same House of State Legislature in such a situation Section 70 of the Representation of People Act, 1951 provides as follows:

“If a person is elected to more than one seat in either House of Parliament or either House of the Legislature of a State, then, unless within the prescribed time he resigns all but one of the seats by writing under his hand addressed to the Speaker or Chairman, as the case may be, or to such other authority or officer as may be prescribed, all the seats shall become vacant.”

(2) Under Rule 91 of the Conduct of Elections Rules, 1961 the time within which a person has to resign all but one of the seats in either House of Parliament or in the House of Legislature of a State to which he has been elected is 14 days from the date of his election under Section 67A or where the dates of election are different in respect of different seats 14 days from the last of those dates. The resignation is required to be sent to the Speaker or Chairman and in the event of the said offices are vacant to the Deputy Speaker or the Deputy Chairman of the House concerned. Where the post of Deputy Speaker or Deputy Chairman is also vacant to the Election Commission, the Election Commission will send the resignation to the Secretary of the House concerned.

**63. Disqualifications for Membership:-** (1) A person is disqualified for being chosen as, and for being, a member of the Legislative Assembly of a State:-

(a) if he/she holds any office of profit under the Govt. of India or the Govt. of any State other than an office declared by the Legislature of the State or by Law not to disqualify its holders;

(b) if he/she is of unsound mind and stands so declared by a competent Court;

(c) if he/ she is an undischarged insolvent;

(d) if he/ she is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgement of allegiance or adherence to a foreign State;

(e) if he/ she is so disqualified by or under any Law made by Parliament.

(2) If any question arises whether a member of the House of Legislature of a State has become subject to any of the disqualifications mentioned above the question is referred to the decision of Governor and his decision is final in the matter. However, before giving his/ her decision on any such question the Governor is required to obtain the opinion of Election Commission and shall act according to such opinion.

(3) Besides the above Constitutional requirements the Representation of People Act, 1951 lays down certain further

disqualifications which are given in the Extracts from the said Act printed at page 131 of the Hand Book.

**64. Disqualifications of Membership on ground of Defection:-** (1) The Constitution (Fifty-second Amendment) Act, 1985, which came into force with effect from 1st March, 1985, amended articles 101, 102, 190 and 191 of the Constitution regarding vacation of seats and disqualification of membership of Parliament and the State Legislatures and added a new Schedule (Tenth Schedule) to the Constitution setting out certain provisions as to disqualification on ground of defection. The Tenth Schedule provides inter alia that a member is disqualified for being a member of the House-

(i) if he/she voluntarily gives up his/her membership of such political party; or

(ii) if he/ she votes or abstains from voting in such House contrary to any direction issued by the political party to which he/ she belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention; or

(iii) if an elected member of a House who has been elected as such otherwise than as a candidate set up by any political party, joins any political party after such election; or

(iv) if a nominated member of a House joins any political party after the expiry of six months from the date on which he/ she takes his/her seat after complying with the requirements of Article 99 or, as the case may be under Article 188; and

(v) an elected member of a House is deemed to belong to a political party if any by which he was set up as a candidate for election as such member. A nominated member of the House where he/she is a member of any political party on the date of his/her nomination is deemed to belong to such political party.

(2) a member of a House is not disqualified where his/ her original political party and he/she claims that he/ she and any other

members of his/her original political party, have become members of such other political party, or as the case may be, of a new political party formed by such merger to which not less than two-thirds of the members of the Legislature party concerned have agreed.

(3) A person who has been elected to the office of the Speaker or the Deputy Speaker of the House of the People or the Deputy Chairman of the Council of States or the Chairman or the Deputy Chairman of the Legislative Council of a State or the Speaker or the Deputy Speaker of the Legislative Assembly of a State is not disqualified, if he/she, by reason of his/her election to such office, voluntarily gives up the membership of the political party to which he belonged immediately before such election and does not, so long as he/ she continues to hold such office thereafter, rejoin such political party or become a member of another political party or if he/she having given up by reason of his/ her election to such office his/ her membership of the political party to which he/ she belonged immediately before such election, rejoins such political party after he ceases to hold such office.

(4) If any question arises as to whether a member of a House has become subject to disqualification, the question shall be referred to the Chairman, or, as the case may be, the Speaker of such House and his decision shall be final. Where the question is as to whether the Chairman or the Speaker has become subject to disqualification, the question shall be referred for the decision of such member of the House as the House may elect in this behalf and his decision shall be final.

(5) The Members of Telangana Legislative Assembly (Disqualification on Ground of Defection) Rules, 1986 framed by the Speaker under Para 8(1) of the Tenth Schedule provide that, in order to determine any question of disqualification, the Leader of each Legislature party other than a Legislature party consisting of only one member is required to furnish a statement in writing containing the names of the members of the Legislature party together with other particulars as in Form - I appended to the Rules; the names and designations of members of the political party who have been



authorised by it for communicating with the Speaker for purpose of the Rules, and a copy of the Rules and Regulations of the political party including the Rules and Regulations if any of the Legislature party within 30 days after the first sitting of the House or where such Legislature party is formed after the first sitting within 30 days after its formation or within such further time allowed by the Speaker. A member of the Legislature party consisting of only one member whether existed at the time of commencement of the House or became a member of the House after its first sitting is also required to furnish a copy of the Rules and Regulations of the political party including the Rules and Regulations of Legislature party if any within the above mentioned or extended time. In the event of any increase in the strength of a Legislature party consisting of only one member the leader of such party has to furnish the names of the members of the Legislature party and other particulars as in Form-I within 30 days from the date on which the strength increased.

(6) Every member of the House before he/she makes and subscribes an oath or affirmation under Article 188 of the Constitution and taking his seat in the House, is required to deposit with the Secretary his/ her election certificate or as the case may be a certified copy of the notification nominating him/her as member of the House and also furnish the particulars and declaration as in Form-III appended to the Rules. A summary of the information furnished by the members is required to be published in Bulletin and if any discrepancy therein is pointed out to the satisfaction of the Speaker necessary corrigendum is to be issued in the Bulletin.

(7) Information whether the voting or abstention from voting in the House contrary to the direction of the political party without obtaining in either case the prior permission of the competent authority has or has not been condoned is required to be furnished to the Speaker in Form-II after the expiry of 15 days from the date of such voting or abstention and in any case within 30 days from the date of such voting or abstention.

(8) No reference of any question as to whether a member has become subject to disqualification under the Tenth Schedule can be made except by a petition in relation to such member. Every such petition and every annexure to the petition is required to be

verified in the manner laid down in the Code of Civil Procedure, 1908 for the verification of pleadings. A petition in relation to a member is required to be made in writing to the Speaker by any other member and whereas in relation to the Speaker, it is to be addressed to the Secretary. If the petition does not comply with the requirements of Rule 6, it is liable to be dismissed.

(9) A Petition along with annexures thereto alleging incurring of disqualification by any member, is to be forwarded to the member in relation to whom the petition is made and where such member belongs to any Legislature party and such petition is not made by the Leader thereof, also to such Leader, for his comments. After considering the comments received, the Speaker may either decide the question by himself, or refer it to the Committee of Privileges for making a preliminary enquiry and submitting a report to him. After receipt of such report, the Speaker determines the question. The procedure to be followed by the Speaker for determining any question and the procedure to be followed by the Committee of Privileges for the purpose of making a preliminary inquiry is to be as far as may be, the same as the procedure adopted by the Committee for determining a question of breach of privilege of the House by a member. Neither the Speaker nor the Committee of Privileges may come to any finding that a member has become subject to disqualification under the Tenth Schedule without affording a reasonable opportunity to such member to represent his case and to be heard in person.

(10) The Chairman or the Speaker of a House has also been empowered by the Tenth Schedule to deal with any wilful contravention by any person of the Rules in the same manner as a breach of privilege of the House.

**65. Office of Profit:-** A person is disqualified for being chosen as and for being, a member of the Legislative Assembly, if he/she holds any office of profit under the Government of India or the Government of any State other than the office declared by the Legislature of the State or by law not to disqualify its holder. According to Section 10 of the Telangana State Payment of Salaries and Removal of Disqualifications Act, 1953 no person holding any of the office mentioned in the Schedule to the said Act is disqualified for being chosen as and for being a member of the Assembly.

**66. Damage to the property of the House by the Member:-**

When a Member causes damage to the property of the House deliberately, the value thereof as determined by the Speaker or an Officer authorised by him shall be recovered from the Member.

(Rule 365)

**67. Offences committed in the House:-** In the event of a grave offence being committed by any Member on the floor of the House resulting in grievous injury to anybody, the Speaker in consultation with the Committee on Ethics/House will initiate appropriate action against the Member who committed the offence.

(Rule 366)

**68. Protocol Violations:-** Violation of instructions of the State Government or any directions of the Speaker issued from time to time on the observance of protocol and courtesies to members will be taken up by the Committee of Privileges for examination and report. (Rule 367)

**69. Observance of Courtesies by the Officers in their dealings with the Members of the State Legislature:-**

(1) *Letters from Legislators addressed to Ministers:-* (a) When a Member of Legislative Assembly or Parliament refers any matter to a Minister, the Minister, besides acknowledging the letter, should also follow it up in due course by furnishing replies on the various issues raised in the letter. However, in matters pertaining to services, no reply need to be sent.

(b) Any Communication received from any member of the Legislature or Parliament by a Minister should be replied with utmost expedition over his own signature. In case where it is not possible to send a full reply to the Member, an interim reply should be sent acknowledging the receipt of the letter indicating, wherever possible, the action initiated thereon. The final reply should follow quickly. Where the matters raised involve issues of policy not yet settled and it is embarrassing to give a categorical answer, it should be enough to say that the matter is being looked into.

(c) Failure on the part of the Ministers to reply to the letters addressed by the members of the Legislature will legitimately be construed as an act of discourtesy.

(2) *Request for information from the Members of Parliament and State Legislature:-* (a) When a request for information is received from Members of Parliament or State Legislature, on details of administration or any other factual information, the officer should immediately acknowledge it in a letter and inform the member that a reply would be sent shortly and accordingly send it as soon as possible.

(b) The Collectors may, ordinarily, furnish Members of the Legislature or Parliament at their request with information within their cognizance such as statistics or facts relating to local matters or public concern.

(c) No information shall ordinarily be given except by the Principal Officer of a Department in the District.

(d) When an Officer is unable to accede to the request or suggestion of a Member of Parliament or State Legislature, the reasons for the inability to do so should be courteously explained to him and where compliance with his request for information would be inexpedient, the Officer should send a courteous reply that, he is unable to furnish the information.

(3) *Interview with Officers:-* (a) When a Member of the Parliament or State Legislature comes to see him, an Officer should raise from his seat to receive the Member and to see him off.

(b) For the purposes of interview, Member of Parliament and Member of State Legislature should be given preference over other visitors, and in very rare cases where an officer is unable to see a Member of Parliament and Member of State Legislature, at a time about which he had no previous notice, the position should be politely explained to the Member and another appointment fixed in consultation with him.

(c) Where for unavoidable reasons, which should not arise, officers are unable to grant interviews to Members of the State Legislature and Parliament during office hours eventhough it be beyond the hours fixed for interview, they should be so intimated politely only at the instance of interviewing officers and not by the Stenos or Receptionist of their own accord.

(4) *Public Functions - Intimation of Arrangement of Seats:-*

(a) At public functions, seats befitting their position should be reserved for Members of Parliament and State Legislature. Where any such function is presided over by an Officer, Members of the Parliament and State Legislature present, should be given seats on the dais.

(b) Invitations for such functions, if not printed, should be in the form of demi-official letters addressed by the highest officer arranging the function and should be politely worded. When any meeting convened by Government is to be attended by Members of Parliament and State Legislature, special care should be taken to ensure that notice is given to them in good time regarding the date, time, venue etc., of the meeting and it should be ensured that there is no slip in any matter of detail, however minor it may be.

(c) In public functions prominence should be given to Legislators and Non-Officials.

**70. Motion of No-confidence in the Council of Ministers:-**

(1) A motion expressing no-confidence in the Council of Ministers may be moved subject to the restrictions that (a) leave of the House to move the motion should be asked by the Member when called by the Speaker; (b) the member asking for leave must before the commencement of the sitting for that day give to the Secretary a written notice of the motion which he/she proposes to move.

(2) If the Speaker holds that the motion is in order he reads the motion to the House and requests the members who are in favour of leave being granted to raise in the places. Leave is deemed to be granted by the House if not less than one tenth of the total membership of the Assembly rise. If leave is granted, the Speaker allots time in consultation with Business Advisory Committee for discussion of the motion.

**71. Right of Advocate-General in the House:-** The Advocate-General is not a member of the Assembly. However, he has a right to speak in and otherwise to take part in the proceedings of the House and any Committee of the Assembly of which he may be named a member but he cannot vote. He is entitled to all privileges and immunities of members of the Assembly and when present in the House he occupies the seat earmarked for him.

## **CHAPTER - III**

### **COMMITTEES**

**72. General Committees of the Assembly:-** (1). Committee means and includes 'Committee' as defined in sub-rule (1) (c) of Rule 2. Members of a Committee are either appointed or elected by the House or nominated by the Speaker as the case may be. No member is appointed to a Committee unless he is willing to serve on it. Casual vacancies in a Committee are filled by appointment or election by the House or nomination by the Speaker as the case may be and the members so appointed, elected or nominated to fill such a vacancy holds office for the unexpired portion of the term for which he is appointed, elected or nominated. The objection, if any, for inclusion of a member in a committee on the ground of personal pecuniary or direct interest is determined in accordance with the provisions contained in Rule 197.

(2) **Declaration of interest by the Member in the Subject Committees:-** Where a Member of a committee has personal, pecuniary or direct interest in a matter which is to be considered by the Committee, he/she shall state his/her interest therein to the Speaker through the Chairman of the Committee, by means of an affidavit. (Rule 197-A)

(3) A Committee nominated by the Speaker unless otherwise specified in the Rules holds office for the period specified by him or until a new Committee is nominated. A Committee elected by the House unless a new Committee is elected before the financial year holds office till a new Committee is elected by the House. A member may resign his seat from a Committee by addressing a letter to the Speaker. The Chairman of a Committee is appointed by the Speaker from amongst the Members of the Committee. If the Deputy Speaker happens to be the member of any Committee, he should be appointed as Chairman of the Committee. The quorum to constitute a sitting of the Committee is as near as may be 1/3 of the total number of the members of the Committee. If a member absents from two or more consecutive meetings of a Committee without the permission of the Chairman of the Committee, a motion can be moved by the Chairman in the House for discharging such member from

the Committee in case such member is elected or appointed by the House. In case such member is nominated by the Speaker he can be discharged by the Speaker from the Committee on a report by the Chairman of the Committee. All questions at any sitting of a Committee are determined by a majority of the votes of the members present and voting. In case of equality of votes on any matter, the Chairman or the member acting as such has a second or casting vote. The sittings of the Committee are held on such days and at such time as the Chairman of the Committee may fix. In case the Chairman of the Committee is not readily available, the Secretary can fix the date, time and sitting of the Committee. The sittings are held within the precincts of the House and with the permission of the Speaker at any place. The sittings of the Committee are held in private and are not open to Press or strangers.

(4) The following is the list of Committees of the Assembly and their constitution and functions:

Sl. No.	Name of the Committee	No. of Members in the Committee	Elective/ Nominative
1.	2	3	4
<b>Financial Committees</b>			
1.	Committee on Public Accounts	13	Elective
2.	Committee on Estimates	13	-do-
3.	Committee on Public Undertakings	13	-do-
<b>Welfare Committees</b>			
4.	Committee on Welfare of Scheduled Castes	11	Nominative
5.	Committee on Welfare of Scheduled Tribes	11	-do-
6.	Committee on Welfare of Backward Classes	11	-do-
7.	Committee on Welfare of Women, Children, Disabled and the Old aged	11	-do-

1	2	3	4
8.	Committee on Welfare of Minorities	11	Nominative
<b>Other Committees</b>			
9.	Business Advisory Committee	Not more than 11	-do-
10.	Committee on Petitions	7	-do-
11.	Committee on Ethics	Not more than 7	-do-
12.	Committee of Privileges	Not more than 7	Nominative
13.	Committee on Subordinate Legislation	11	-do-
14.	Committee on Govt. Assurances	Not more than 7	-do-
15.	Amenities Committee	11	-do-
16.	Rules Committee	11	-do-
17.	Library Committee	11	-do-
18.	General Purposes Committee	No fixed Number	-do-
19.	Committee on Wild Life and Environment Protection	11	-do-

(5) Committee on Public Accounts:- (i) The Committee on Public Accounts is constituted under Rule 250. The Committee consists of thirteen Members of whom 9 members are elected by the Assembly from amongst its members and four members are elected by the Legislative Council from amongst its members according to the system of proportional representation by means of single transferable vote for a term not exceeding one year. Fresh elections are held before the end of every financial year for constituting a new Committee for the ensuing financial year and if for any reason such election is not held, the existing members of the Committee would continue to hold office until new members are elected. A Minister is not eligible to be elected as member of the



Committee and if a member after his/her election to the Committee is appointed as Minister, he/she ceases to be a member of the Committee, from the date of such appointment.

For the first time, a Member of the Opposition was appointed as Chairman of the Public Accounts Committee for 1958-59. This practice is continued since then.

(ii) The functions of the Committee is to examine the Accounts showing the appropriation of the sums granted by the House to meet the expenditure of the State Government, the Annual Finance Accounts of the State Government and such other accounts laid before the House as the Committee may think fit except those relating to such Public Undertakings as are allotted to the Committee on Public Undertakings under the Rules or by the Speaker. In scrutinising the Appropriation Accounts of the State Government and the report of the Comptroller and Auditor General thereon it is the duty of the Committee to satisfy itself:-

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

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

(c) that every re-appropriation has been made in accordance with the provisions made in this behalf under the rules framed by the competent authority.

(iii) The main function of the Committee is to ascertain that money granted by the Legislative Assembly has been spent by the Government within the scope of the Demand. This function transcends to find out whether the grant was spent with wisdom, faithfulness and economy. The Committee examines cases involving losses, nugatory expenditure and financial irregularities when cases of proved negligence resulting in loss or extravagance is brought to the notice of the Committee, it calls upon the authority concerned to explain as to what action disciplinary or otherwise it has taken to prevent the recurrence of such lapses. If any money has been spent on a service in excess of the amount granted by the House for the purpose, the Committee examines with reference to the facts of each case the circumstances leading to such an excess

and makes such recommendations as it may deem fit. Such excesses are required to be brought before the House by the Government for regularisation in the manner envisaged in Article 205 of the Constitution. As the function of the Committee is confined to the matters referred to the Audit Reports and Appropriation Accounts its work starts after the Comptroller and Auditor General presents his Reports on the Accounts of the Government. The Committee is assisted by the Accountant General in its deliberations. The Committee examines representative of the Departments concerned with the matters referred to in the Audit Reports and Appropriation Accounts. The Committee is at liberty to call for further information on any point arising from the examination of the Accounts and Reports of Comptroller and Auditor General. The Committee may visit a project or Govt. Establishment for an on the spot study of its working. The Committee presents its report to the House along with the minutes of its sittings. The Committee may append the whole or any part of the evidence to the report if it is decided to do so. The Committee presents reports to the House from time to time.

(iv) The Government is required to take action on the recommendations and conclusions contained in the Reports of the Committee and keep it informed of the action taken thereon. The implementation of its recommendations by the Government is watched by the Committee. The implementation reports received from the Government are examined and reports thereon are also presented to the House.

(6) Committee on Estimates:- (i) The Committee on Estimates is constituted under Rule 252. It consists of thirteen Members of whom Nine members are elected by the Assembly from amongst its members and Four members are elected by the Legislative Council from amongst its members according to the system of proportional representation by means of single transferable vote for a term not exceeding one year. Fresh elections are held before the end of every financial year for constituting a new Committee for the ensuing financial year and if for any reason such election is not held, the existing members of the Committee would continue to

hold the office until new members are elected. A Minister is not eligible to be elected as member of the Committee and if a member after his/her election to the Committee is appointed as Minister, he/she ceases to be a member of the Committee from the date of such appointment.

(ii) The functions of the Committee are:

(a) to report what economies, improvements in organisation, efficiency or administrative reform consistent with the policy underlying the estimates may be effected;

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

(c) to examine whether the money is well laid out within the policy implied in estimates; and

(d) to suggest the form in which the estimates shall be presented to the Assembly.

(iii) The Committee must not exercise its functions in relation to such Public Undertakings as are allotted to the Committee on Public Undertakings under the Rules or by the Speaker.

(iv) The Committee calls for detailed information from the Departments selected by it for examination during the year. The Departments selected by the Committee are required to furnish information about the organisation and functions of the Department; the details on which the estimates are based, volume of work, schemes and projects executed by them and the time schedule fixed for their completion; expenditure incurred under each sub-head of estimates during the preceding three years, variations in estimates, if any, together with the reasons therefor, etc.

(v) The Committee takes the evidence of the Secretaries to Government and Heads of Departments connected with the subject taken up for examination and formulates its conclusions and recommendations. The Committee may also visit projects, establishments, etc., for an on-the-spot study of their working. The Committee presents reports to the House incorporating its findings and recommendations. After the report has been presented to the House, the Department concerned is required to take action on various recommendations contained in the report and furnish

replies to the Committee thereon. The action taken reports received from the Departments are examined by the Committee and reports thereon are also presented to the House.

(7) *Committee on Public Undertakings*:- (i) The Committee on Public Undertakings is constituted under Rule 255. It consists of thirteen Members of whom Nine members are elected by the Assembly from amongst its members and Four members are elected by the Legislative Council from amongst its members according to the system of proportional representation by means of single transferable vote, for a term not exceeding one year. Fresh elections are held before the end of every financial year for constituting a new Committee for the ensuing financial year and if, for any reason such election is not held the existing members of the committee continue to hold office until new members are elected. A Minister is not eligible to be elected as member of the Committee and if a member after his/her election to the Committee is appointed as Minister he/she ceases to be a member of the Committee from the date of such appointment.

(ii) The functions of the Committee are to examine the reports and accounts of the Public Undertakings specified in the second schedule to the Rules; the reports of the Comptroller and Auditor General thereon, if any, and to see whether in the context of their autonomy and efficiency, the affairs of the Public Undertakings are being managed in accordance with sound business principles and prudent commercial practices. The Committee has to exercise such functions vested in the Committee on Public Accounts and the Committee on Estimates in relation to Public Undertakings specified in the second schedule are allotted to the Committee by the Speaker. But the Committee does not examine (a) matters of major Govt., policy as distinct from business or commercial functions of public undertakings; (b) matters of day to day administration; and (c) matters for the consideration of which machinery is established by any special status under which a particular public undertaking is established. The Department / Undertakings are required to furnish information to the Committee in respect of subjects selected by them. The Committee also examines official and non-official witnesses during the course of its

deliberations. The Accountant General assists the Committee in its deliberations. The Committee may visit the Public Undertakings for an on-the-spot study of their working. Thereafter the Committee arrives at its conclusions/recommendations along with the facts on which they are based which are embodied in the report of the Committee. The reports of the Committee are presented to the House.

(8) Committee on Welfare of Scheduled Castes:- (i) The Committee is constituted under Rule 273. It consists of eleven Members of whom eight members including Chairman are nominated by the Speaker and Three members are nominated by the Chairman, Legislative Council. A Minister cannot be nominated as a member of the Committee and if a member after his/her nomination to the Committee, is appointed as Minister he/she ceases to be a member of the Committee from the date of such appointment.

(ii) The functions of the Committee are to examine matters concerning the Welfare of Scheduled Castes within the purview of the State Government with reference to (a) the measures taken by the State Government to secure due representation of Scheduled Castes in services and posts under its control having regard to the provisions contained in Articles 16 and 335 of the Constitution; and (b) to review the progress and implementation of welfare programmes and other ameliorative measures including constitutional safeguards to the Scheduled Castes. The Committee selects such subjects pertaining to the Welfare of Scheduled Castes from time to time as may deem fit to the Committee. The Committee also examines matters of special interest to the Welfare of Scheduled Castes which may arise in the course of its working.

(iii) The Committee examines the notes furnished by Departments on the subjects selected by them and also takes evidence of the Secretaries to Government and Heads of Departments and others. Thereafter the Committee formulates its conclusions and recommendations. The Committee presents its report to the House embodying the recommendations formulated by it.

(9) Committee on Welfare of Scheduled Tribes:- (i) The Committee is constituted under Rule 275. It consists of eleven Members of whom eight members including Chairman are

nominated by the Speaker and Three members are nominated by the Chairman, Legislative Council. A Minister cannot be nominated as a member of the Committee and if a member after his/her nomination to the Committee, is appointed as Minister, he/she ceases to be a member of the Committee from the date of such appointment.

(ii) The functions of the Committee are to examine the matters concerning to the Welfare of Scheduled Tribes falling within the purview of the State Government with reference to (a) the measures taken by the State Government to secure due representation of Scheduled Tribes in services and posts under its control having regard to the provisions contained in Articles 16 and 335 of the Constitution; and (b) to review the progress and implementation of welfare programmes and other ameliorative measures including constitutional safeguards to the Scheduled Tribes.

(iii) From time to time the Committee selects subjects relating to the welfare of Scheduled Tribes as may deem fit to the Committee. The Committee also examines the matters of special interest to the welfare of Scheduled Tribes which may come to light during the course of its working. The Committee examines the notes furnished by the Departments selected by them and also takes evidence of the Secretaries to Government, Heads of Departments and others. Thereafter the Committee formulates its conclusions and recommendations. The Committee presents its reports to the House embodying the recommendations formulated by it.

*(10) Committee on Welfare of Backward Classes:-* (i) The Committee is constituted under Rule 277. It consists of eleven Members of whom eight members are nominated by the Speaker and Three members are nominated by the Chairman, Legislative Council. A Minister cannot be nominated as a member of the Committee and if a member after his/her nomination to the Committee is appointed as Minister he/she ceases to be a member of the Committee from the date of such appointment.

(ii) The functions of the Committee are to examine matters concerning the welfare of Backward Classes falling within the purview of State Government with reference to (a) the measures taken by the State Government to secure due representation of the Backward Classes in services and posts under its control having regard to the

provisions of Article 16 of the Constitution and guarantees given by the State Government to the backward communities; and (b) to review the progress and implementation of welfare programmes and other ameliorative measures and also Constitutional safeguards for the backward classes.

(iii) From time to time the Committee selects subjects relating to welfare of Backward Classes as may deem fit to the Committee. The Committee also examines the matters of interest to the welfare of Backward Classes which may arise during the course of its working. The Committee examines the notes furnished by the Departments selected by them and also takes evidence of the Secretaries to Government, Heads of Departments and others. Thereafter, the Committee formulates its conclusions and recommendations. The Committee presents its report to the House embodying the recommendations formulated by it.

(11) Committee on Welfare of Women, Children, Disabled and the Old Aged:- (i) The Committee is constituted under Rule 284. The Committee consists eleven Members of whom of eight members including Chairperson are nominated by the Speaker and Three members are nominated by the Chairman, Legislative Council. A Minister shall not be nominated as a member of the Committee and if a member after his/her nomination to the Committee is appointed as a Minister, he/she ceases to be a member of the Committee from the date of such appointment.

(ii) The functions of the Committee are to examine the matters concerning the welfare of women and children which fall within the purview of State Government with reference to (a) the measures taken by the State Government to secure the representation to women in services and posts under its control; (b) to review the progress and implementation of welfare programmes and the ameliorative measures of women and children.

(iii) The Committee selects the subjects pertaining to welfare of women and children etc, as may deem fit. The Committee also examines the matters of special interest to the welfare of women and children etc., which may come to light in the course of its working. The Committee examines the notes furnished by the Department selected by them besides taking evidence of Secretaries to Government, Heads of Departments and others. Thereafter the Committee presents its report to the House embodying the recommendations formulated by them.

(12) Committee on Welfare of Minorities:- (i) The Committee on Welfare of Minorities is constituted under Rule 286. It consists of eleven (11) Members of whom eight members including the Chairman are nominated by the Speaker from among the Members of the Assembly and three members are nominated by the Chairman, Legislative Council from among the Members of the Council. A Minister shall not be nominated as a Member of the Committee and if a member after his/her nomination to the Committee is appointed as a Minister, he/she ceases to be a member of the Committee from the date of such appointment.

(ii) The functions of the Committee is to examine the matters relating to the welfare of minorities which falls within the purview of the State Government.

(iii) The Committee after examining the notes furnished by the Department and taking evidence from the Secretaries to Government, Heads of Departments etc., presents reports to the House embodying its recommendations.

(13) Business Advisory Committee:- (i) The Business Advisory Committee is constituted at the commencement of new Legislative Assembly and thereafter from time to time under Rule 231. It consists of not more than eleven members including the Leader of the House and the Speaker who is the Chairman of the Committee. If necessary a few members belonging to Opposition groups who are not represented in the Committee are invited to attend the sittings of the Committee as special invitees. The members so invited take part in the deliberations of the Committee. They are not counted for the purpose of quorum.

(ii) The functions of the Committee is to recommend the time that should be allotted for discussion of the stage or stages of such Government Bills and other Business as the Speaker, in consultation with the Leader of the House, may direct for being referred to the Committee. The Committee is also empowered to indicate the proposed time table, the different hours at which the various stages of the Bill and other Business should be completed. The Committee only allots time in respect of the Business to be transacted by the House during Government time. The priority in respect of the items of Business is determined by the Government. The Committee shall also have such other functions as may be assigned to it by the Speaker from time to time.



(iii) The Committee meets at the beginning of each session and so often thereafter as may be necessary.

(iv) The recommendations made by the Committee reflect the general consensus arrived at after discussion in the Committee and are indicative of the collective view of the parties and groups represented in the House. The recommendations of the Committee are placed on the Table of the House by the Leader of the House, or in his absence by any member authorised. No variation in the allocation of time order is made except on the request of the Leader of the House, who shall notify orally to the House that there was general agreement for such variation which is enforced by the Speaker after taking the sense of the House.

(14) Committee on Petitions:- (i) The Committee on Petitions is constituted at the commencement of the new Assembly and thereafter from time to time under Rule 247. It consists of seven (7) members including the Deputy Speaker who is the Chairman of the Committee. A Minister is not nominated as a member of the Committee and if a member after his/her nomination to the Committee is appointed as Minister he/she ceases to be a member of the Committee.

(ii) The functions of the Committee are:-

(a) to examine any petition referred to it and if the petition complies with the rules to direct that it may be circulated in extens or in summary form as the case may be;

(b) to report to the House on specific complaints made in the petition referred to it after taking such evidence as it deems fit and to suggest remedial measures either in a concrete form applicable to the case under review or to prevent such cases in future.

15. Committee of Privileges:- (i) The Committee of Privileges is constituted at the commencement of the House and thereafter from time to time under Rule 256. It consists of not more than Seven members nominated by the Speaker. A Minister is not eligible to be nominated as a member of the Committee and if a member after his/her nomination to the Committee or is appointed as Minister he/she ceases to be a member of the Committee from the date of such appointment.

(ii) The functions of the Committee are:-

(a) to examine every question of privilege referred to it and to determine with reference to the facts of each case whether breach of privilege is involved and if so, the nature of the breach, the circumstances leading to it and to make such recommendations as it may deem fit; and

(b) to state the procedure to be followed by the House in giving effect to the recommendations made by it. When a question of privilege is referred to the Committee by the House, the report of the Committee is presented to the House by the Chairman. Where a question of privilege is referred to the Committee by the Speaker under Rule 153, the report of the Committee is presented to the Speaker for such action as he deems fit.

(iii) The Members of Telangana Legislative Assembly (Disqualification on Ground of Defection) Rules, 1986 made by the Speaker under paragraph 8 of the Tenth Schedule to the Constitution assigns an additional function to the Committee. The Speaker/ Member elected by the House may refer to the Committee any petition regarding disqualification of a member on ground of defection for making a preliminary enquiry and to submit a report to him. The procedure to be followed by the Committee in this regard is generally the same as is applicable to a question of breach of Privilege.

(16) Committee on Ethics:- (i) The Committee on Ethics is nominated by the Speaker at the commencement of the Assembly and from time to time under Rule 287. The Committee consists of not more than Seven Members including the Chairman to examine the unethical conduct of members both within and outside the House. A Minister within the meaning of rule 2(m) or Speaker or Deputy Speaker or Government Chief Whip or Government Whip shall not be nominated as a member of the Committee and if any member after his/her nomination to the Committee is appointed as Minister, Government Chief Whip or Government Whip or elected as Speaker or Deputy Speaker, he/she shall cease to be member of the Committee from the date of such appointment or election.

(ii) A complaint relating to the unethical conduct of a member including the Minister other than the Speaker outside the House can be made by any person to the Speaker in writing in the form of a

petition. The House may also refer complaints of unethical conduct of a member through a motion to the Committee. The Committee is also authorised to take up for enquiry any matter relating to unethical conduct of a member *suo moto*.

(iii) Every complaint should contain a concise statement of material facts on which the complainant relies. It shall also accompany with copies of documentary evidence if any on which the complainant relies. The complaint and every document annexed thereto shall be signed by the complainant and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908) for verification of pleadings.

(iv) If the complaint complies with the requirements of the rules, it is referred to the Committee by the Speaker for enquiry.

(v) After the receipt of reference the Committee conducts a preliminary verification to ascertain whether there is prima facie evidence to proceed further in the matter. After preliminary verification, if the Committee comes to the conclusion that there is ground to conduct regular enquiry if any, opportunity is accorded to the member against whom the complaint was made duly furnishing him copies of complaint and other enclosures if any enclosed thereto to offer his explanation. Every preliminary verification and the subsequent enquiry shall be conducted in camera without disclosing the identity of the complainant and the member against whom the complaint is made. Every enquiry shall be completed within three months unless there is sufficient cause for not completing it within the said period. Save as otherwise provided in the rules, the procedure for conducting any enquiry shall be so far as may be, the same as the procedure for enquiry and determination of any question as the breach of privilege of the House. The Committee is at liberty to requisition the services of any agency for the purpose of investigation of the complaint. The Committee after examination of every complaint with reference to the facts should submit a report to the House. The report should also suggest the procedure to be followed by the House for giving effect to the recommendations made by it.

(vi) The Committee in its discretion may refuse to enquire into a complaint if it is frivolous or vexatious or is not made in good

faith. It may also discontinue the enquiry if there are no sufficient grounds to proceed further in the matter. In either case should record the reasons for the refusal to enquire or for discontinuing the enquiry and communicate the reasons to the complainant as well as the member.

(vii) Persons who file false frivolous or vexatious complaints are liable for punishment by the House. The contents of the complaint should not be made public by anybody till the presentation of the report to the House. If any person makes public, the contents before presentation of the report such person is liable for punishment.

(17) Committee on Subordinate Legislation :- (i) The Committee is constituted under Rule 261. The Committee consists of Eleven members out of which Eight members are nominated by the Speaker from among the Members of the Assembly and Three members are nominated by the Chairman, Legislative Council from among the Members of the Council. A Minister is not nominated as a member of the Committee and if a member after his/her nomination to the Committee is appointed as Minister he/she ceases to be a member of the Committee from the date of such appointment.

(ii) The functions of the Committee are to scrutinise and report to the House whether the powers to make regulations, rules, sub-rules, bye-laws, etc., conferred by the Constitution or delegated by the Legislature are being properly exercised within such delegation.

(iii) The Committee considers each regulation, rule, subrule, bye-law etc., framed in pursuance of the provisions of the Constitution or the Legislative functions delegated by Legislature to a Subordinate authority and which is required to be laid before the House with particular reference to-

(a) whether it is in accordance with the general objects of the Act pursuant to which it is made;

(b) whether it contains matters which in the opinion of the Committee should more appropriately be dealt within an Act of the Assembly;

(c) whether it contains imposition of any tax;

(d) whether it directly or indirectly bars the jurisdiction of the court;

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

(f) whether it involves expenditure from the Consolidated Fund or the public revenue;

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

(h) whether there appears to have been unjustifiable delay in the publication or laying of it before the Assembly; and

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

(iv) The Committee should report to the Assembly whether any rule, regulation etc., should be annulled wholly or in part or should be amended in any respect together with the grounds therefor. The Committee can also comment on the nature of provisions contained in the relevant sections of the Act delegating the powers, if in its opinion the delegation is in conflict with the general principles governing delegation by the Assembly. The Committee presents its reports to the House from time to time.

*(18) Committee on Government Assurances:-* (i) The Committee on Government Assurances is constituted under Rule 268. It consists of not more than Seven members nominated by the Speaker. A Minister is not nominated as member of the Committee and if a member after his/her nomination to the Committee is appointed as Minister, he/she ceases to be a member of the Committee from the date of such appointment.

(ii) The functions of the Committee are to scrutinise the assurances, promises, undertakings, etc., given by the Ministers on the floor of the House from time to time and to report to the House the extent to which such assurances, promises, undertakings, etc., have been implemented and where implemented, whether such implementation has taken place within the minimum time necessary for the purpose. Implementation Reports on the assurances, promises made by Ministers shall be furnished to the Legislature

Secretariat within sixty days from the date of communication of Assurances for placing them on the table of the House.

(19) Committee on Amenities :- (i) The Committee on Amenities is constituted under Rule 265. It consists of eleven (11) Members of whom eight members are nominated by the Speaker from among the Members of the Assembly and three members are nominated by the Chairman, Legislative Council from among the Members of the Council. The functions of the Committee are-

(a) to deal with all questions relating to residential accommodation for members; and

(b) to exercise supervision and facilities for accommodation, food, medical aid and other amenities accorded to the members.

(ii) The functions of the Committee are advisory.

(20) Rules Committee:- (i) The Rules Committee is constituted under Rule 270. It consists of eleven members including the Speaker who is the ex-Officio Chairman of the Committee. The Committee is nominated by the Speaker.

(ii) The functions of the Committee are-

(a) to consider matters of Procedure and Conduct of Business in the House; and

(b) to recommend any amendments or additions to the Rules that may be deemed necessary.

(iii) When the recommendations of the Committee are laid on the table of the House, any member may give notice of amendment to the Rules within a period of seven days beginning the day on which they are so laid. Any amendment so given is referred to the Committee for consideration.

(21) Committee on Library :- (i) The Library Committee is constituted under Rule 281. It consists of eleven (11) Members of whom eight members are nominated by the Speaker from among the Members of the Assembly and three members are nominated by the Chairman, Legislative Council from among the Members of the Council.

(ii) The functions of the Committee are-

(a) to consider and advise on such matters concerning the Library as may be referred to it by the Speaker from time to time;

(b) to consider suggestions for the improvement of the Library; and

(c) to assist Members of Legislature in utilising the services provided in the Library.

(22) Committee on General Purposes :- (i) The Committee on General Purposes consists of the Speaker, the Deputy Speaker, members of the Panel of Chairmen, Chairmen of all Committees of Assembly, Leaders of recognised parties and groups in the Assembly and such other members as the Speaker may nominate under Rule 278. The Speaker is the Ex-officio Chairman of the Committee.

(ii) The functions of the Committee are to consider and advise on such matters concerning the affairs of the House as may be referred to it by the Speaker from time to time.

(23) Committee on Wild Life and Environment Protection:- (i) The Committee on Wild Life and Environment Protection is constituted under Rule 296. It consists of Eleven members of whom Eight members shall be nominated by the Speaker from amongst the members of the Assembly and Three members shall be nominated by the Chairman, Legislative Council from amongst members of the Legislative Council. Provided that a Minister shall not be nominated a member of the Committee, and if a member after his/her nomination to the Committee is appointed as Minister, he/she shall cease to be a member of the Committee from the date of such appointment.

(ii) The functions of the Committee shall be to examine the measures taken by the State Government in protection of Wild Life and Environment and to review the progress from time to time and to give suggestions wherever necessary.

(24) Departmentally Related Standing Committees:-

(i) The Committees are constituted under Rule 297A and 297B. The departments under the jurisdiction of each of the Standing committees are covered as specified in the Seventh Schedule of the Assembly Rules. The Chairman, Legislative Council and the Speaker, Legislative Assembly may alter the said schedule from time to time in consultation with each other. Each of the Standing Committees consists of such number of members, from both the Houses decided by the Chairman, Legislative Council and the Speaker, Legislative

Assembly in consultation with each other. A Minister is not eligible to be nominated as member of the Committee, and if a member after his/her nomination to the Committee is appointed as a Minister, he/she ceases to be a member from the date of such appointment. The Chairman of the Committee as specified in the Seventh Schedule is appointed from amongst the members of the Committees by the Chairman, Legislative Council and the Speaker, Legislative Assembly. The number of Committees for which the Chairman has to be appointed from each House is decided by the Presiding Officers in consultation. The term of the Committee is till the constitution of new committee.

(ii) The functions of the each of the Standing Committees are:

(a) to consider the Demands for Grants of the concerned department during the recess of the House and to make a report on the same to both the Houses.

(b) to examine the allocations made under each sub head and make reports. But the Committee does not consider Cut Motions and matters of day to day administration of the concerned Department.

(iii) The following is the procedure followed by each of the Standing Committees in their consideration of the Demands for Grants and making a report thereon to the Houses:

(a) After general discussion on the Budget in the House is over, the Houses are adjourned for a brief period;

(b) The Committees consider the Demands for Grants of the concerned Departments during the aforesaid period;

(c) The Committees will make their report within the period and the House makes use of these reports for the purpose of discussion on Demands;

(d) There will be a separate report on the Demands for Grants of each Department; and

(e) No extension of time is given to the Committees for the consideration of Demands for Grants. (Rule 297 D)

(iv) (a) The reports of the committees are based on broad consensus.



(b) The Committee presents its Report on each demand to the House on the first working day after brief recess of the House.

(Rule 297 E)

(v) (a) Except for matters for which special provision is made in the rule relating to the Standing Committees, the general rule applicable to other Committees in the Legislative Council applies mutatis mutandis to the Standing Committees specified in the Seventh Schedule and the general rules applicable to the other Committees in the Legislative Assembly applies to the Standing Committees as specified in the Seventh Schedule.

(Rule 297 F)

(b) The Standing Committees shall not work in any other place except in the precincts of Legislature, unless otherwise specifically permitted by the Chairman, Legislative Council and Speaker, Legislative Assembly.

(Rule 297 G)

(c) The Committee may avail of the expert opinion

(Rule 297 H)

(d) The Committee presents to the House in the immediate next session an action taken report on the recommendations contained in the report of the Committee. In case of non-implementation of the recommendations of the Committee, the reasons in detail forms part of the report.

(Rule 297 I)

(25) In addition to the Standing Committees mentioned above, certain other Committees are also appointed by the House or nominated by the Speaker with the consent of Minister as the case may be on an adhoc basis as and when necessary for a particular purpose such as a Select Committee on a Bill or a House Committee to examine any particular issue. The constitution, composition, functions etc.; of such Committees are laid down in the motion constituting the Committee or in the order made by the Speaker fixing the terms of reference subject to the relevant rules relating to Committees.

(26) *Implementation Reports on the recommendations of the Committee:* The Government should invariably furnish Action Taken Reports to the House on the recommendations contained in the reports of the Committees including House Committees within six months from the date of despatch of the report to them.

## **CHAPTER - IV**

### **GENERAL**

**73. General Procedure in regard to Notices:-** (1) Every notice required by the rules should be given in writing addressed to the Secretary signed by the member giving the notice. No notice should be addressed to the Speaker unless there is a provision to that effect in the rules. Each notice or communication should deal with one matter so that the member can get more efficient and prompt service. (Rule 298)

(2) Notice of a Motion or Resolution or Bill be taken upon conclusion of other Business on which the former notice is contingent. (Rule 299)

(3) Publicity should not be given to any notice until it has been admitted and circulated to the members in the manner prescribed in the rules. (Rule 301)

(4) On Prorogation of a Session, all pending notices other than notices of statutory motions, motions for amendment of rules, Motions, the consideration of which is adjourned to next session, questions pending with Government for sending answers and Bills which have already been introduced shall lapse and fresh notices are required to be given for the next session. If a fresh notice is given in respect of a Motion or Bill which has lapsed, it is not necessary to send copies of such Motion or Bill along with the notice. (Rule 302)

(5) The Speaker is empowered to amend any notice before it is circulated if it contains words, phrases or expressions which are argumentative, unparliamentary, ironical, irrelevant, verbose or otherwise inappropriate. (Rule 303)

(6) It is open to a member to give notice before making the oath or affirmation and taking his seat in the House. However, such notices are not taken up in the House until the member makes the oath or affirmation and takes his seat in the House.

(7) Notices given by the member who has been suspended from the service of the House under Rule 340 are not acceptable during the period of suspension.

(8) If a member subsequent to his giving notice of any matter under the rules is appointed as a Minister such notices are treated as lapsed from the date of such appointment.

(9) Members who have given notices of Bills, Resolutions, Motions, Questions etc.; and are unable to attend the sitting of the House on the day when those items are likely to come up before the House should give advance intimation to the Secretary to that effect together with instructions as to their treatment during their absence. Necessary action will be taken according to the rules thereon.

(10) The Secretary will make available to each member every notice or paper which is required by the rules for their use. However, notice or other paper is deemed to have been made available for the use of every member if a copy thereof is deposited in such manner and at such place as the Speaker may direct from time to time.

(Rule 300)

(11) Unless otherwise specified by the member in writing, every notice or other communication issued to him by the Assembly Secretariat is sent two days before the commencement of meeting and on meeting days such communications are sent to his address at the place of meeting of the Assembly. On meeting days such notice or other communication are placed in desks of their seats allotted to them or distributed in the House.

(Rule 37)

(12) In respect of some of the notices which are frequently given by members, the notice periods are as under:-

(1)	(2)	(3)
(a)	Questions	.. No specific period of notice is prescribed. However, an admitted question is not included in the list unless 10 days have expired from the date of despatch of question to the Government.
(b)	Short Notice Questions; Calling Attentions	.. One day before the commencement of the meetings.
(c)	Bills	.. 7 days expiring on the day preceding to the day on which the Motion is made.
(d)	Resolutions	.. 10 days.
(e)	Amendments to Bills, Motions, Resolutions	.. One day before the day on which the Motion is to be considered.
(f)	Cut Motions	.. Till 5.00 P.M. on the last day of general discussion on the Budget.
(g)	Cut Motions on Supplementary Demands	.. Till 5.00 P.M. on the day on which the Supplementary Demands are presented.
(h)	Amendments to Rules of the House	.. Within 7 days from the date on which the amendments are laid on the Table.
(i)	Half-an-hour Discucssion	.. Three days.
(j)	Postponement or withdrawal of questions	.. At any time before the meeting for which the question is placed on the list.
(k)	Amendments to Rules framed under the Act which are laid on the Table of the House	.. Before the completion of the period specified in the Constitution or the relevant Act for which they are required to be laid on the Table.

(1)	(2)	(3)
(l)	Resolution for disapproving Ordinance	.. Within six weeks from the re-assembling of the Assembly after giving three clear days notice.

(m) Notices of Adjournment Motion, Motion of No Confidence in the Council of Ministers, Question of Privilege or any other notice required to be given before the commencement of sitting on the day on which the matter is proposed to be raised in the House should be given by 9.00 A.M. on that day.

**74. Parliamentary papers circulated to Members :-**

- (i) Lists of Business.
- (ii) Lists of Starred Questions.
- (iii) Lists of Unstarred Questions alongwith Answers.
- (iv) Bulletins, if any.
- (v) Bills to be introduced in the House.
- (vi) Bills published in the Gazette.
- (vii) Lists of Amendments to Bills, Resolutions and Motions.
- (viii) Lists of Cut Motions.
- (ix) Statements and other documents placed on the Table as part of answer to questions.
- (x) Rules, etc., laid on the Table.
- (xi) Decisions of Business Advisory Committee.
- (xii) Reports of Select Committees.
- (xiii) Reports of Legislature Standing Committees.
- (xiv) Any other papers or documents permitted by the Speaker to be circulated in the House.

**75. Amendments :-** An amendment must be relevant and within the scope of the motion to which it is proposed. An amendment which has nearly effect of negative vote should not be moved. Speaker is vested with the authority to select the amendments to be proposed in respect of any motion and also to determine the order in which they may be put. The Speaker may refuse to put an amendment which in his opinion is frivolous. (Rules 311 to 314)

**76. Time limit for Debates and Speeches:-** The Speaker is empowered to prescribe time limit for speeches on any discussion. When the Debate on any Motion or Bill becomes unduly protracted, the Speaker may after sensing the mood of the House, fix time limit for the conclusion of discussion at any stage or stages of the Bill or the Motion, as the case may be. (Rules 310 & 330)

**77. Closure :-** In order to bring debate to a close, a member may move "that the question be now put". The acceptance or otherwise of a closure motion lies within the discretion of the Speaker. The question, be now put, is put by the Speaker unless it appears to him that the closure motion is an abuse of the rules or an infringement of the right of reasonable Debate. If the Motion is carried the question or questions consequent thereon are put forthwith without further debate subject to the right of reply. The discretion of the Speaker is limited to the acceptance of closure motion but the final decision rests with the House to decide whether the Debate should end or not. No debate is allowed on the closure motion. (Rule 329)

**78. Address by the Speaker :-** The Speaker may by himself or on a point being raised or on a request made by a member, address the House at any time on a matter under consideration in the House with a view to aid members in their deliberations. Such expression of views cannot be taken to be in the nature of a decision. (Rule 327)

**79. Procedure regarding papers quoted to be laid on the Table:-** If a Minister quotes in the House a despatch or other State paper which has not been presented to the House, he is required on demand to lay the relevant paper on the Table of the House. If the Minister gives a summary or gist of such despatch or State paper in his own words it is not necessary to lay the relevant papers on the Table. This procedure does not apply to a document which is stated by the Minister to be of such a nature that its disclosure would be inconsistent with public interest and what constitutes public interest is a matter entirely for the Government to decide. (Rule 335)

**80. Procedure when the Minister discloses source of advice or opinion:-** If during the reply to a question or during debate, a Minister discloses the advice or opinion given to him by any officer of the Government or by any other person or authority, he should ordinarily lay the relevant document or part of document containing the opinion or advice or a summary thereof on the Table. (Rule 337)

**81. Withdrawal of Member:-** If at any stage, the Chair is of the opinion that the conduct of the Member is grossly disorderly, the member may be directed to withdraw immediately from the House. The member so ordered should withdraw forthwith from the House and absent himself during the remainder of the day's sitting.

(Rule 339)

**82. Suspension of Member:-** (1) A member who disregards the authority of the Chair or abuses the Rules of the House by persistent and wilful obstruction of the Business before the House, may be named by the Chair and later suspended from the service of the House on a motion adopted by the House. The maximum period for which a member can be suspended from the service of the House is the remainder of the session commencing from the date of suspension. The House is at liberty to fix the term for suspension of a member subject to the said limit. The House can terminate the suspension at any time before its expiry.

(2) The following consequences arise from the suspension of a member from the service of the House and remain in force during the period of suspension:

(i) The member suspended should withdraw from the precincts of the House forthwith.

(ii) The member suspended should not enter the chambers, the inner lobby and galleries during his suspension.

(iii) The member suspended stands suspended from the sitting of the Committees of which he/she is a Member. Notices of sittings of the Committees held during the period of his suspension are not sent to him/her.

(iv) No item of business standing in the name of suspended member is put in the list of business, list of Questions, list of Amendments, list of Cut Motions, etc.

(v) No notice tabled by a suspended member is acceptable during the period of suspension.

(vi) Questions standing in the name of a suspended member which have already been printed in the list for the sittings to be held during the suspended period, are deleted from the lists by means of an errata or struck off from the list.

(vii) A suspended member is not entitled for Daily Allowance during the period of suspension.

**83. Point of Order:-** (1) Any member may invite the attention of the Speaker to any instance which he/she considers a breach of order or transgression of the Rules of Procedure by way of a point of order. A point of order should, therefore, relate to interpretation or enforcement of the Rules of Procedure and Conduct of Business in the House or conventions of such articles of the Constitution as they regulate the business of the House and must raise a question which is within the cognizance of the Speaker. The test whether a point raised is a point of order or not, is not whether the Speaker can give any relief but whether it involves a point which the Speaker alone can decide. A point of order can only be raised in relation to the business before the House at that moment.

(2) A point of order is not a point of privilege and a member should not raise a point of order to ask for information, or to explain his position or that division bells did not ring or were not heard or when a question or any Motion is being put to House, or which may be hypothetical.

(3) A member who has a point of order should rise from his seat and say "POINT OF ORDER". He should not proceed to formulate it until the member is identified by the Speaker. Only after he has been identified, he should proceed to speak on his point of order. While formulating his point of order a member should quote the specific rule of the provision of the Constitution relating to the



procedure of the House or convention which has been ignored or neglected or violated. No member should rise to speak when the Speaker is on his feet. Matters where the Speaker cannot give any relief should not be the subject of the point of order. Clarification or elucidation from a Minister should not be sought in the guise of point of order.

(4) As soon as a point of order is raised, a member who is speaking at that time should give way and resume his seat. No discussion is allowed on a point of order but the Speaker may if he thinks fit hear members before giving his decision. When two or more points of order are raised on the same subject, the Speaker may take them one after the other. After raising the point of order the Speaker decides whether it is a point of order; if so, gives his Ruling thereon which is final. Rulings given by the Speaker on a point of order cannot be discussed nor any clarification sought thereon. The Speaker can reserve his Ruling and deliver it later. The Deputy Speaker or a member of panel of Chairmen may reserve the point of order for the decision of the Speaker.

**84. Procedure for making allegations:-** (i) A member while speaking should not make any personal charge against another member unless the conduct of the member is in issue. (Rule 320)

(ii) No allegation of a defamatory or incriminatory nature should be made by a member against any person unless the member has given adequate advance notice to the Speaker and also to the Minister concerned so as to enable the Minister to make an investigation into the allegations for the purpose of reply.

(iii) The Speaker may however at any time prohibit any member from making any such allegation if he is of the opinion that such allegation is derogatory to the dignity of the House or that no public interest would be served by making such allegation.

(iv) As members are not liable to any prosecution in any court in respect of any thing said by them on the floor of the House, allegations should not be made against another Member/Minister or any individual or public body unless they are verified and supported

by adequate proof to substantiate them in the event of the member being challenged in the House. Members should not base their allegations on hearsay or mere press reports unless they have satisfied themselves about their correctness.

(v) Where a member is convinced after making enquiries that there is basis for allegations and he is prepared to take responsibility for the same, he should give notice in writing to the Speaker and the Minister concerned at the commencement of the sitting of the day on which he wishes to make allegations duly furnishing the details of allegations together with the documents if any connected therewith. In case the proof of the allegations is within the personal knowledge of the member he may brief the Speaker in person. If the allegations proposed to be made are against another member, notice should also be given to the member concerned. When a member gives mere intimation of intention to make allegations without furnishing the details of allegations and documentary evidence etc., he may not be permitted to make the allegations. Members should not make allegations against persons who are not present in the House to defend themselves. Where a member persists in making serious allegations in the House without giving previous notice and without complying the established practice or without the permission of the Chair, the Chair may prohibit the member from making any such allegations besides ruling that they may not form part of the proceedings of the Assembly. The member must wait till he receives the consent of the Speaker to make allegations.

(vi) In the light of the foregoing it is necessary that the member concerned should ensure the following before making the allegations.

(1) Adequate notice should be given to the Speaker and Minister concerned.

(2) In case the allegations proposed to be made are against another member notice should also be given to the member against whom allegations are proposed to be made.

(3) The details of charges/allegations sought to be made should be set out in the notice duly supported by documentary or any other evidence.

(4) The member should be prepared to accept the responsibility for the allegations.

(5) the member should be prepared to substantiate the allegations.

(6) The member should satisfy himself that there is sufficient ground for making the allegations.

**85. Procedure for participating in Debates:-** (i) Members desiring to participate in the debate or discussion may adopt any one of the following methods:-

(a) Lists of names of members who wish to participate in a particular debate or discussion can be furnished in advance by the Parliamentary Party or Group;

(b) A member can directly give his name at the Table to bring the same to the notice of the Chair; and

(c) A member can follow the Parliamentary Practice of catching the Speaker's eye by standing in his/her place.

(ii) It is always open to the Speaker to regulate the debate in accordance with the principles laid down by him from time to time. If a member speaks without being called by the Chair or continues his speech inspite of the direction by the Chair to conclude, the Chair may direct that such speech or portions thereof as the case may be should not form part of the proceedings of the House.

**86. Language to be used by Members in Debates:-** According to Article 210 of the Constitution, the Business of the House is transacted in the official language or languages of the State or in Hindi or in English. But a member who cannot adequately express himself in the aforementioned languages, can with the permission of the Speaker address the House in his mother tongue. According to Rule 346, the Business of the House is transacted in Telugu or English or Urdu or in any other language with the permission of the Chair.

**87. Simultaneous Interpretation of Proceedings :-** Each seat is provided with headphones, translator buttons, volume control and small monitor which display channel selector number. If any Mmber wants to hear Urdu, he/she will select the desired language

button and presses it to obtain desired language. The following buttons are specified with channel selection number.

Sl.No.	Channel selection Number	
1.	0	For Floor
2.	1	For Telugu (i.e. Urdu to Telugu, English to Telugu)
3.	2	For English (i.e. Urdu to English, Telugu to English)
4.	3	For Urdu (i.e. Telugu to Urdu), English to Urdu)

Remaining channels meant for floor.

**88. Procedure for getting the mike:-** The Hon'ble Speaker instruct the particular Member to speak, then the Member will press the button (requisition button) which is fixed on the table and signal will be blinked on the monitor (control desk/monitor), within no time technical operator will activate that particular mike.

**89. Official Reports of the Proceedings:-** (1) The Secretary causes to be prepared a full report of the proceedings of the House at each of its sittings and as soon as practicable have it published in such form and manner as the Speaker may from time to time direct.  
(Rule 347)

(2) Verbatim Record of Proceedings of everything said in the House is taken down by the official Reporters except the words, phrases, expressions, if any, ordered by the Speaker to be expunged from the proceedings of the House. A copy of every speech delivered, questions asked or interruptions made by a member is furnished to him on the next day for confirmation and corrections, if any. Only minor corrections such as grammatical errors misreporting of quotations, figures, names etc., are permissible. Improvement in

literary form or altering substance by additions, copious substitutions or deletions are not permissible. The transcript is sent with a letter attached thereto requesting to confirm the same and return within 24 hours. While returning the transcript of his speech, the member should sign on the slip by way of authentication. If a transcript is not received back from the member within the stipulated time the Reporter's copy is taken as final and sent for printing. It is not possible to accept corrections thereafter.

(3) The proceedings are printed in the language in which they were spoken on the floor of the House viz. Telugu, English, Urdu. When prepared speeches or statements are read out, members are requested to deliver a copy of the speech to the Reporter at the Table to facilitate accurate transcription.

(4) When a sitting of the House is held in secret, the Speaker may cause a report of the proceedings of a secret sitting to be issued in such manner as he thinks fit, but no other person present is permitted to keep a note or record of any proceedings or decisions of a secret sitting whether in part or full or issue any report or purport to describe such proceedings. (Rule 191)

(5) When it is considered that the necessity for maintaining secrecy in regard to the proceedings of a secret sitting has ceased to exist, a motion can be moved by the Leader of the House or by any member authorised by him with the consent of the Speaker that the proceedings of the secret sitting be no longer treated as secret. On adopting of such a motion, the Secretary shall cause to be prepared a report of the proceedings of the secret sitting and publish it in such form and manner as the Speaker may direct. (Rule 193)

**90. Printing and Publication of documents etc.:-** (1) Printing, publication, distribution or sale of any paper, document or report in connection with the business of the Assembly or any paper, document or report laid on the Table of the House or presented to the Assembly or Committee is regulated in accordance with the orders of the Speaker. A paper, document or report printed, published, distributed or sold is deemed to have been printed, published, distributed or sold under the authority of the Assembly within the meaning of Clause

(2) of Article 194 of the Constitution. If any question arises whether a paper, document or report is in connection with the Business of the House or not, the question is referred to the Speaker whose decision is final.

(2) Printed copies of the proceedings are supplied to the members.

**91. Custody of documents:-** Custody of all records, documents and papers belonging to the House or any of its Committees or the Legislature Secretariat vests in the Secretary. No such record, document or paper can be taken out of the Legislature Secretariat without the permission of the Speaker. If a document connected with the proceedings of the House or Committees thereof is required to be produced in a Court of Law, it is furnished only with the leave of the House. When the House is not in session the Speaker can permit the production of relevant documents in any Court of Law to prevent delay in the administration of justice and inform the House accordingly when it reassembles or inform the members through a Bulletin.

**92. Residuary Powers:-** The Speaker has the power to deal with all matters not specifically provided in the Rules. All questions relating to the detailed working of the rules are also regulated by the Speaker. In exercise of these powers the Speaker issues guidelines in regard to the procedure to be followed for inclusion of questions in the list of questions for oral answers and the procedure to be followed in respect of Reports of Committee which have been submitted to the Speaker but could not be presented to the House before its dissolution. Further the Speaker gives Rulings or Decisions on matters coming under the Rules of Procedure or otherwise. The Speaker is not bound to give reasons for his decisions nor any observation made by him be questioned or interpreted in any manner.

**93. Admission into Galleries:-** (1) During the sittings of the Assembly, admission of strangers to the portions of the House which are reserved for the exclusive use of members is regulated in accordance with the orders of the Speaker. Admission to the galleries in the Assembly Hall is regulated by the Admission Rules of Visitors to the Galleries of the Assembly.

(2) Application for the admission passes to the Speaker, Officers' and Visitors Galleries should be made in the prescribed form addressed to the Secretary, Legislature. Members are responsible for the behaviour of the visitors if passes are issued on their application. Admission passes must be shown by the holders to the officer on duty at the entrance to the galleries and must be returned/handed over to the said officers when the visitors finally leave the gallery. Visitors must observe complete silence in the gallery.

**(3) Speaker's Gallery** :- Presiding Officers of other State Legislatures, visiting dignitaries of Commonwealth Parliamentary Association, Members of Parliament, Ministers and Secretaries of other State Legislatures, Presidents of Recognised All India Political Parties, Ex-M.Ps and Ex-M.L.Cs/M.L.As, Judges, Vice-Chancellors and High Officials of Government of India and State Governments, distinguished visitors from foreign countries or any other person permitted by the Speaker are eligible for admission into the Speaker's Gallery. If the dignitaries cannot be accommodated in Speaker's Gallery, they may be accommodated in Officers Gallery.

**(4) Officers' Gallery**:- All State Government Officers who have admission passes, are permitted into the Officers' Gallery.

**(5) Visitors' Gallery** :- Admission passes for Visitors' Gallery are issued for one hour duration only. Admission passes should be issued from 10.00am on the day for which they are required. One admission pass is issued to each applicant. Accommodation is also reserved for the students of educational institutions.

**94. Security Arrangements** :- (1) Security arrangements and maintenance of order within the precincts of the House are regulated in accordance with the directions of the Speaker. The Chief Marshal appointed by the Speaker will look after the Watch and Ward duties within the precincts under the overall control of the Secretary. If any stranger enters into the portions of the House reserved for the exclusive use of the members or if any stranger misconducts himself within the precincts or wilfully infringes the rules he is apprehended by the Watch and Ward Staff.

(2) To strengthen the security arrangements, Door Frame Metal Detectors have been installed at various entry points. Visitors accompanying the members are required to pass through the door frame metal detectors and they may also be subjected to physical search. The baggage etc. being carried by them is also scanned/ searched by the security staff.

(3) Members are requested to co-operate with the Watch & Ward Staff on security duty and show their identity cards on request. Every effort is made to deploy staff who can easily identify the members to avoid any inconvenience.

(4) Entry into Assembly Precincts :- Entry of outsiders into Assembly premises is regulated through passes. No person without valid pass is allowed to gain entry into Assembly precincts even when accompanied by the member. This is deemed essential in the interest of security.

(5) For security reasons the Watch and Ward Staff have been instructed not to allow any stranger including the guests accompanying the members without a proper pass. Members are requested to obtain pass in advance for their guests. In case any guests are accompanying them without passes they should be left at the gate No. 3 for obtaining passes.

(6) M.L.As Car Stickers :- The Legislature Secretariat has been providing the High Security Holographic Car stickers for the Members of the Legislature, by incorporating the text of MLC/MLA in bold text with embossed effect and Registered Flexo Printing and Name of the Member, Constituency name & number and validity period, for their smooth transit during their visit from constituency to Headquarters and vice-versa.

(7) Carrying fire arms, distribution of literature, demonstrations etc. within the precincts :- Carrying or display of arms in any part of Assembly precincts is prohibited. Members should not distribute within the precincts of the House any literature, pamphlets etc., without prior permission of Speaker in writing. Dharnas, strikes, fasts etc. are also prohibited within the precincts.



(8) Arrangements for meeting visitors :- When any person comes to the Reception Office to meet a Member, an interview slip is sent to the Member concerned by the Receptionist. The Member may, if he desires, can meet the visitor at the Reception Office.

## **CHAPTER - V**

### **AMENITIES TO MEMBERS**

**95. Salary and other Allowances:-** (1) The Salary, Allowances and Pension and other facilities to the members are regulated under the Telangana Payment of Salaries and Pension and Removal of Disqualifications Act, 1953 as amended from time to time and the Rules made thereunder.

(2) Under Section 11 of the Act, a member is entitled to receive a salary of Rupees Twenty thousand per month, Constituency allowance of Rupees Two Lakhs thirty thousand and accommodation allowance of Rupees Twenty five thousand per month in case where members are not provided accommodation by the State Government.

**96. Travelling and Daily Allowances :-** A member is entitled to the following travelling and daily allowances for the journey performed from his usual place of residence for attending the meetings of Assembly or a sitting of the Committee and for return journey from the place of meeting to his usual place of residence.

(i) for the portion of the journey performed by Railway one and half single railway fare of the A/C two tier of accommodation available in the Train;

(ii) Member may travel by Air from an Air Borne Station located within his constituency or nearest to his usual place of residence either within the State or outside the State for attending the meeting of the Assembly, Council or Committees at Hyderabad or for attending the Meetings of the Committees at any other places in the State and back;

(iii) For the portion of the journey performed by Road, for attending meetings of the Assembly/Legislature Committees at Hyderabad, by a Private Car @ Rs. 20/- per km. up to 300 kms. is paid on certificate issued by the Member concerned, specifying the private car number in which he has travelled;

(iv) Members can avail extension of Air Travel for attending the Assembly/Committee meetings from the Airport, nearest to their

usual place of residence, w.e.f. 10-03-2008; members can also avail extension of Air Travel facility while accompanying the Legislature Committee in their tours to other States, twice a year; w.e.f. 10-03-2008. The claim for such journey should be supported by Air-ticket purchased for the purpose;

(v) Daily Allowance is admissible at one thousand rupees per day of attendance at the meeting and for the day before and the day after a continuous sitting of the Assembly or a Committee as the case may be, provided the member is present at the place of the meeting on those days;

(vi) Daily Allowance is also admissible for the days of adjournment in the course of continuous sitting provided the member attends the sitting on the day before the adjournment as well as on the day of re-assembly;

(vii) During an adjournment of a sitting for a period exceeding five days if a member does not return to his usual place of residence and attends the meeting on the date on which it re-assembles he may draw either the daily allowance for the period of adjournment or the travelling allowance which would have been admissible to him if he had returned to his usual place of residence whichever is less;

(viii) During an adjournment in the course of continuous sitting if a member proceeds from a place of meeting to another place where the sitting is to continue to attend the meeting at the later place the member may draw travelling allowance for the journey between the two places and daily allowance for the days of halt, during the period of adjournment at either or both the places of meeting provided the member attends the sitting on the day before the adjournment as well as the day of re-assembly;

(ix) A member who has resided at a place of meeting for more than seven days at a time and has attended the Assembly on any day during the period and returns to his usual place of residence and thereby absents for not more than twelve days from the place of meeting the T.A. and D.A. is regulated as under, subject to the condition that the member attends the meeting before it concludes.

(a) During the course of a continuous Budget Session, travelling allowance to his/her usual place of residence and back to the place of meeting or daily allowance for the days of absence whichever is more is paid.

(b) For other meetings of the Assembly travelling allowance from the place of meeting to the usual place of residence and back to the place of meeting or daily allowance for the days of absence whichever is less is paid.

(c) The above concession is available only once in the course of continuous sitting of the Assembly.

**97. Usual Place of Residence :-** Every member has to specify and certify his usual place of residence for the purpose of drawal of travelling allowance for attending the meeting. If the usual place of residence specified by the member is within the State travelling allowance is admissible from that place in case the place specified by the member is outside the State, travelling allowance is restricted to an amount admissible for a journey from and to the district headquarters of the Constituency which the member represents or the district headquarters within the State nearest to the usual place of residence of the member, if he is nominated to the Assembly. No change of usual place of residence is recognised unless and until the member reports the fact to the Secretary and certifies that such change has lasted for continuous period of three months.

**98. Date of Payment of Salary and other Allowances:-** The salary and allowances referred to in para 95 above shall be accrued from the date on which the member is declared duly elected or if such declaration is made before the vacancy occurs from the date of occurrence of the vacancy. The salary and allowances are not paid until the member has made and subscribed an oath or affirmation.

**99. Relinquishment of Salary :-** A member can relinquish his/her salary and allowances either wholly or in part within one month from the date on which he/she makes and subscribes the oath or affirmation. A relinquishment once made can be cancelled if and only if the rules relating to that allowance are so revised as to alter the amount of the allowance to which the member would have been

entitled but for the relinquishment. The relinquishment and its cancellation takes effect from the date specified by the member.

**100. Arrear Claims** :- No claim under the Telangana Payment of Salaries Act and the Rules made thereunder is admitted unless it is preferred within six months of its becoming due. The date is reckoned from the last day of the month to which the claim relates. The State Government has the power to relax this condition in special cases.

**101. Procedure for claiming Travelling and Daily Allowances:-** At the commencement of a new Assembly a Member has to furnish proforma particulars to the Secretary specifying his usual place of residence and if the usual place of residence has no railway station its distance to the railway station by road through shortest route. On arrival for a meeting a member has to furnish the details of his journey such as mode of journey, the time of arrival in the prescribed form to the Members' Claims Section of this Secretariat. On the basis of the particulars furnished T.A. and D.A. is calculated and a cheque is issued in favour of the member.

**102. Procedure for claiming Salary and Allowances :-** At the commencement of new Assembly every member is required to give written instructions to the Members' Claims Section as regards the mode of payment of his/her salary and allowances in the prescribed proforma. Giving details of the place where he/she wishes to draw salary i.e., at the Pay and Accounts Officer, Hyderabad or D.T.O./ S.T.O. in the District together with specimen signatures. Basing on the instructions issued by the member the P.A.O/D.T.O/S.T.O are informed of the particulars of the pay and allowances to be drawn by the member every month. The member has to present his salary bill every month duly signed by him affixing the required revenue stamp to the Legislature Secretariat on or before 24th of every month if the member intends to draw his salary at Hyderabad or at the D.T.O/ S.T.O. concerned according to the choice exercised by him. The Legislature Secretariat obtains the cheque from the P.A.O. Office and delivers the same to the member or to his authorised agent on 1st of every month or on the next working day if 1st day of the month happens to be a holiday.

**103. Pension :-** (1) (i) A member of the Telangana Legislative Assembly and Legislative Council who has served for the First term or a Part of it is entitled to a Pension of Rs. 30,000/- (Rupees Thirty Thousand only) per Mensum and a pension of Rs. 1,000/- (Rupees One Thousand only) per Mensum for each year of his service in subsequent terms up-to a maximum of Rs. 50,000/- (Rupees Fifty Thousand only) per Mensum vide.\* The fraction of a year not less than six months shall be counted as one year.

(ii) The period during which a person served as a member of Legislative Assembly or Legislative Council or partly as a member of the Council as it existed during the period commencing from 15th August, 1947 and ending with 1st November, 1956 of the former State of Madras or State of Hyderabad or State of Andhra is taken into account in computing the number of years.

(iii) The period of one year shall be counted from the date of declaration of the result of the election or from the date of nomination. The fraction of a year not less than six months except in the case of the first year of service is counted as one year and other fractions are disregarded.

(2) Where any person entitled to pension is also entitled to any salary from the Central Government or the State Government or any Corporation owned or controlled by the Central Government or the State Government or any local authority or has become otherwise entitled to any remuneration from such Government Corporation or local authority such person is not entitled to any pension for the period during which he continues to be entitled to such salary or remuneration. If the salary or remuneration is less than the pension such person is entitled to receive the difference as pension. The expression salary in relation to a member of Assembly includes the Constituency Allowance. The expression remuneration does not include pension to which a person is entitled from the Central Government or a State Government or the Corporation or the local authority referred to above.

### **SPOUSE PENSION:**

(3) The Spouse of a deceased Former Member, who is not remarried, shall be entitled to receive the same amount of the Pension which the deceased Member would have been entitled to receive had he been alive w.e.f. 23-04-2016.

**104. Procedure for claiming pension :-** The Secretary, Legislature is the competent authority to sanction pension to the ex-Legislators and the widows of ex-Legislators. Application for grant of pension should be made to the Secretary in the prescribed form. The following is the list of documents required to be submitted for sanction of pension to former members:-

#### **LIST OF DOCUMENTS REQUIRED TO BE SUBMITTED FOR SANCTION OF PENSION TO FORMER MEMBER**

1. Covering letter, addressed to the Secretary, Telangana Legislature Secretariat.
2. Passport size photos - (4) Nos.
3. Claim Form
4. Details of Bank Account opened in SBI/ any other Nationalised Bank (furnish cancelled cheque.)
5. PAN Card (Xerox)

On receipt of the application the competent authority after scrutiny sanctions the pension duly issuing a pension payment order. Thereafter pension is paid every month to the pensioner on submission of the claim form duly affixed with revenue stamp. The monthly pension is credited to his account in a Scheduled Bank as per the instructions of the pensioner. There is a provision in the rules to recover the dues, if any, towards rent of quarters to the Legislature Secretariat from the pension when the pensioner was a member of the Assembly/Council.

## CHECK LIST

### LIST OF DOCUMENTS REQUIRED TO BE THE SUBMITTED FOR SANCTION OF SPOUSE PENSION TO SPOUSE OF DECEASED FORMER MEMBER

1. Covering letter addressed to the Secretary, Telangana Legislature Secretariat, Hyderabad.
2. Death Certificate (Original).
3. Legal heir certificate / Family Members Certificate. (Original or xerox copy duly attested by Gazetted Officer).
4. Passport size photo of the applicant (4 Photos).
5. Affidavit duly notarised (on Rs. 10 NJ stamp paper)
6. No objection affidavit from family members for receiving of Pension to their Mother / Father (Same as above).
7. I.D.proof of the applicant (Copy of Aadhaar Card).
8. I.D. Card of the former-Member / spouse (to be returned).
9. Details of the bank account opened in SBI / any other Nationalised Bank (furnish a cancelled Cheque).
10. Copy of PAN card.

**105. Identity Cards :-** Identity Cards are issued to the former-Members and their spouses which can be utilized for the purpose of free transport in all types of Telangana State Road Transport Corporation Buses.

**106. Medical Facilities to Ex-Legislators:- (1)** Every former Member of the Legislative Assembly or Legislative Council and the member of their families shall be entitled to free Accommodation and Medical treatment in any Hospital run by the State Government.

2. (a) Every such former Member and the members of their families shall be paid Reimbursement of medical charges incurred towards hospitalization in any Government Hospital, NIMS, Hyderabad, and in certain recognized private hospitals within and outside the State where such hospitalization is advised, as extended to Ex-Legislator and their families which shall not exceed Rs.1,00,000/- (Rupees One Lakh Only).



(b) Provided with artificial limbs, hearing aids and the like at the cost of State Government which shall not exceed overall expenditure of Rs. 1,00,000/- (Rupees One lakh Only) provided for reimbursement of charges towards Medical treatment, as specified at item (a) above major ailments like Bypass Surgery, Kindey Transplantation, Cancer and Neuro Surgery, the ceiling is Rs. 4,00,000/- (Rupees Four Lakhs only).

## **CHAPTER - VI**

### **LEGISLATURE LIBRARY, RESEARCH AND REFERENCE SERVICES**

#### **107. Legislature Library**

It has rightly been pointed out that a 'good government requires not only an informed electorate' but above all an informed Legislator for effective control over the executive.

It therefore goes without saying the members of Legislature do need independent, reliable and non partisan sources of information in their evaluation of Governmental policies or critical appraisal of Governmental activities to be effective.

Access to authentic information is an important requirement for any inquisitive mind. This is more so in case of a member of Legislature for effectively taking part in the proceedings of the House as the Legislature is supreme law making institution of the state. Apart from specific legislative measures that are considered for enactment a wide range of subjects and issues covering all spheres of regional and state level activities come up for discussion before the House. Here the Legislature Library, Research & Reference wing plays a vital role.

The Telangana Legislature Library (02.06.2014) was originally established in Hyderabad State in the year 1952. Later, it served the needs of Legislators of united Andhra Pradesh till bifurcation of the State.

**Location:** The Telangana Legislature Secretariat has a well equipped Library Wing, located in a separate architecturally imposing building in the Assembly premises. It is one of the largest, finest, richest and best reference repositories in the state of Telangana. It caters to the information requirements of the Hon'ble Members by supplying them all available source of information like books, reports etc., to enable them to discharge their responsibilities effectively.

**Functions:** The Principal functions of the Legislature Library are acquisition, processing, preservation and issue of books and other published material. The emphasis is always on the concept of

building the Legislature Library into a dynamic living organism, capable of thinking ahead and planning new tools and services to meet the multifarious and growing needs of its special clientele.

Working Hours: Legislature Library works from 10.30 a.m. to 5.00 p.m. during non-session days. During sessions days it is kept open one hour before the commencement of the session and closes after the House adjourns for the day or at 5.00 p.m. whichever is later.

Budget: The Legislature Library is having a budget provision of Rs.11.55 Lakhs per annum for purchase of books, periodicals and dailies.

Acquisitions: Books and publications required for the Legislature Library are selected on the basis of :

1. Book Reviews;
2. Publishers' Catalogues;
3. Suggestions from the Legislators; and
4. Visiting the Local, National and International book fairs.

Books and other publications on subjects like Law and Legislature, Political Science, Public Administration, Economics, Biographies, Religions, Language and Literature (English, Telugu and Urdu), Psychology, Reference Books viz., Year Books, Dictionaries and Encyclopedias etc., are given priority, though all branches of human knowledge are covered. The only exception being books on Advanced Technology and Pure Sciences.

Books: The Legislature Library at present is holding about 42,500 books, (before apportion) besides innumerable number of reports, debates of State Legislature, Lok Sabha and Rajya Sabha.

Periodicals and Newspapers: Legislature Library is at present subscribing as many as 26 Newspapers out of which 12 in Telugu, 10 in English, 4 in Urdu and 2 in Hindi besides 28 periodicals and journals. All these Periodicals and Newspapers are displayed on the racks and on a separate Reading Table in the Library reading hall.

Gandhiana: As a mark of respect to the memory of Mahatma Gandhi, the father of Nation, a separate 'Gandhiana' collection is arranged,

for members and scholars interested in a deeper study and extensive research on the life and works of Mahatma Gandhi, which contains about 800 books by and on Mahathma Gandhi in English and Telugu.

Classification: All the Library acquisitions are processed and classified according to Dewey Decimal Classification System.

Issue of Books: The issue of books and other publications to Members and former Members is regulated by the Legislature Library Rules which were framed on the recommendations of the Library Committee. These rules are also incorporated in the 'Hand Book for Members'.

Members are entitled to borrow four books at a time on loan from the Library for a period of 15 days during session days and for a period of 30 days during non- session days as per Library Rules. Reference books are not issued outside Library and consulted in the Library only.

Study Facilities: Facilities are available to members for quiet study in the library. Spacious, comfortable and well furnished reading hall, cubicles are provided exclusively for the use of Hon'ble Members.

Reprographic Service: This Service was set up to cater to the urgent official needs of Legislators. Important press clippings, articles in Newspapers and Periodicals and extracts from books and other documents can be photocopied on indent by the Legislators on a limited scale.

Computerization: The frontiers of knowledge are growing at incredible speed opening up wholly new areas and incredible speed opening up wholly new areas and introducing new concepts. This is particularly so in the field of information Technology i.e., computers and communications. The Technology advances are making the world a global village and it has the greatest impact on the methods of information handling.

Now information can not only be stored, retrieved communicated electronically at a phenomenal speed but it can also be rearranged, marshalled and transformed as per the information requirement of the individuals and institutions.

### **Computerized information Services in Legislature (Library) Secretariat:**

Library Management functions like acquisition; processing, issue and return of Books have been Computerized.

#### **108. Research and Reference Services**

A good Library without a Research and Reference wing may not be of much use to the Members of Legislature. With this view, a Research and Reference Section has been formed and it is generally supplying information and also rendering Research and Reference services to the Members.

One of the main functions of this Wing is to furnish the Hon'ble Members any available factual data on matters of Parliamentary interest and Socio-Economic problems of people, as an aid to their participation in the debates and discussions in the House.

*i) Press Clippings:* All news and views, including editorial comments and articles of current as well as permanent importance from point of view of Members are identified from daily newspapers (12 Telugu, 6 English + 1 Urdu) and preserved in distinct subject-wise folders. The primary objective of the 'Press Clippings' is to meet the basic information needs of the Members by making readily available to them relevant and up-to-date information appearing in the press on almost every subject.

*ii) Preparation of Background Notes:* The Research and Reference section prepares Articles, Speeches etc., for CPA Conferences/ Seminars and Presiding Officers Conferences to the Hon'ble Speaker.

*iii) Preparation of House Statistics:* The Research and Reference section prepares various types of Statistical Information related to Council and Assembly proceedings.

*iv) Forwarding Information:* Statistical information regarding activities of the Telangana Legislature and other important events of Constitution and Parliamentary interest are forwarded to Lok Sabha Secretariat for inclusion in the Journal of Parliamentary Information.

*v) Telangana Legislature Website:* Coordinating with the Centre for Good Governance in the development of Legislature Website by

providing required information of various section, Committees etc., of the Legislature Secretariat.

vi) Compilation of Comparative Data: Whenever a foreign delegation visits the State Legislature, a brief note containing the historical, geographical, social, economical and political details of their country is to be prepared and furnished to the Presiding Officers.

vii) Reprography Service: Photocopy facility is made available to meet the urgent requirements of Members for photocopies of important Press Clippings and any particular pages in Books, Reports, Journals and Magazines and any other reference material in connection with their Parliamentary and Legislature work.

viii) Reference Service: Supply of 'on-the-spot' reference to Members from published documents and long-range services are being provided to Members.

ix) Miscellaneous Works: Seminars, Orientation Programmes, Interactive Programme with School Children, UNICEF Programmes.

**CHAPTER - VII**  
**COMMONWEALTH PARLIAMENTARY ASSOCIATION (CPA),**  
**TELANGANA BRANCH**

**109. Aims and Objectives:-** (1) The Commonwealth Parliamentary Association is an Association of Commonwealth Parliamentarians. The aims of the Association are to promote knowledge and education in social, economic, cultural, Constitutional and Legislature systems within the Parliamentary Democratic framework with particular reference to the countries of the Commonwealth of nations and to countries outside the Commonwealth having close historical and Parliamentary Associations with it. The Association, *inter alia*, pursues this aim by holding conferences and seminars and organising international visits by means of which Parliamentarians of such countries and other persons in a position to spread information, exchange points of view and generally inform themselves with regard to problems which effect the Commonwealth countries. The Commonwealth Parliamentary Association holds its conference annually. The Conferences are held in the capitals of Member Countries by rotation and are attended by delegates from all Branches of the Association.

(2) The Telangana Legislative Assembly is a member of the "Commonwealth Parliamentary Association known as "Commonwealth Parliamentary Association, Telangana Branch". The object of this Branch is to do all such things as are incidental or conducive to the attainment of the objects for which the Association is formed. This Branch was formed in 1968.

**110. Membership:-** Any sitting member of the Telangana State Legislative Assembly is entitled to become an ordinary member of the Branch without election on payment of annual subscription of Rs. 50/-. A member can also become a life member on payment of Rs. 50/-. A life member on ceasing to be a member of the Assembly becomes a life Associate without payment of any further subscription. An ordinary member after ceasing to be a member of the Assembly can become an Associate with the approval of the Executive Committee. But an Associate is not entitled for travel facilities and

parliamentary privileges offered by the member countries. A member or an Associate can resign his membership of the Branch after giving notice to the Secretary.

**111. Executive Committee and its functions:-** (1) There is an Executive Committee to conduct the business of the Branch. The Speaker is the Ex-officio President of the Branch provided he is a member of the Branch and is willing to accept the office. The Leader of the House and the Leader of Opposition are Ex-officio Vice Presidents of the Branch provided they are members of the Branch and are willing to act as such. In the event of the President or the Vice President ceases to be a member of the Branch or declines to accept the office the Executive Committee elects a member to the office concerned subject to the confirmation by the general body at the annual general meeting. The rest of the members of the Executive Committee are elected by the general body. The Secretary, Telangana State Legislature is the Ex-Officio Secretary of the Branch.

(2) The Executive Committee appoints from among the members of the Branch, delegates to attend the conferences of the Commonwealth Parliamentary Association to be held from time to time and also selects representatives who are to serve on the General Council of the Association in accordance with the provisions laid down in the Constitution or as determined from time to time by the General Council. No member of the Branch who has not been on the roll for a minimum period of three months is eligible for appointment as a member of any delegation or to represent the branch outside Telangana.

**112. Advantages of membership of the Branch :-**

(a) Introductions and hospitality:- This Branch shall use its best endeavours to provide introductions and hospitality for Members visiting from other countries. The Secretary of the Branch in the country visited, having been notified of the intended arrival of Members by the Secretary of the branch to which that member belongs, and having been presented with a letter of introduction for the purposes of identification, shall arrange for him a cordial reception and provide him with personal introductions if so desired. In all cases



where a Member is visiting the country where the headquarters of the General Council is situated, the Member shall also be provided with an introduction to the Secretary-General who shall arrange for the visiting Member to meet those interested in the work of the General Council and other gatherings.

(b) Travel facilities:- The Association shall endeavour to secure special terms for its Members when visiting those countries where branches exist. With this in view, the Secretary of this Branch, with the assistance of the Secretary-General wherever necessary or advisable, shall be responsible for the negotiations with land, water and air transport boards or companies operating in or from the territory of this branch.

(c) Publications:- "Journal of the Parliaments of the Commonwealth" or any other periodical publication or any issue of special information published by the General Council can be borrowed by the member for his study and return.

(d) Parliamentary Privileges:- The Associates shall endeavour to arrange for its Members visiting any country in which a branch exists to receive preferential treatment in the matter of access to the Galleries, Lobbies, Dining and Smoking Rooms of the Legislature of the Country for the purpose of hearing debates and meeting other Members of the Association.

(e) Special information:- The Secretary-General and the Secretaries of the Branches shall endeavour to provide special information on any subject which Members may wish to investigate.

## CHAPTER - VIII MISCELLANEOUS

**113. Parliamentary Terms:-** (1) “Act”:- A Bill passed by the Legislature and assented to by the Governor/President.

(2) “Adjournment of the Debate”:- Adjournment on a motion adopted by the House, of the debate on a Bill/Resolution/Motion on which the House is then engaged till a future day or sine die as specified in the motion.

(3) “Adjournment of the House”:- An adjournment terminates the sitting of the House which meets again at the time appointed for the next sitting. Adjournment also signifies brief break of the sitting of the House which re-assembles at the appointed time on the same day.

(4) “Adjournment sine die”:- Termination of the sitting of the House without any date being fixed for the next sitting.

(5) “Appropriation Bill”:- A Bill which provides for the withdrawal from the Consolidated Fund of the State.

(6) “Ballot” :- A method applied to determine the relevant precedence of private members’ Bills, Resolutions etc.

(7) “Bill”:- The draft of legislative proposals submitted for the consideration of the Assembly.

(8) “Budget”:- Annual financial statement of the estimated receipts and expenditure of the Government in respect of the financial year. (Article 202 and Rule 150)

(9) “Bulletin”:- Bulletin means the Bulletin of the House containing the information of any matter relating to or connected with the Business of the House or of the Committee or other matter which in the opinion of the Speaker may be included therein. (Rule 2)

(10) "Casting Vote":- The vote cast by the Speaker or any person acting as such in the House and by the Chairman or person acting as such in a Committee in the case of an equality of votes.

(Article 189 and Rule 204)

(11) "Closure":- In order to bring a debate to a close a member can rise and move that the question be now put.

(12) "Contingent Notice":- Notice of a Motion or Resolution or Bill which if admitted, may be included in the List of Business with a suitable foot note that it would be taken-up only after the conclusion of the Business on which that notice is contingent.

(13) "Crossing the Floor":- Passing between the member speaking in the House and the Chair.

(14) "Cut Motion":- A motion for the reduction of a Demand for Grant by or to a specified amount.

(15) "Demand for Grant":- The estimate of expenditure of a Department not charged upon the Consolidated Fund of the State placed before the House on the recommendation of the Governor.

(16) "Dilatory Motion":- Motions for the adjournment of the debate on a resolution, Motion or Bill, etc., or motions to delay the progress of business under consideration of the House.

(17) "Division":- The mode of arriving at a decision on a proposed measure or question by recording votes for or against.

(18) "Expunction":- Deletion of words phrases or expressions from the proceedings as being defamatory or indecent or unparliamentary or undignified. (Rule 348)

(19) "Gazette":- Telangana Gazette.

(20) "Guillotine":- Putting by the Speaker of outstanding question or questions relating to business on expiry of time allotted for its discussion. The guillotine is not preceded by any motion unlike closure.

(21) “Inter-Session Period”:- The period between prorogation of the House and its re-assembly in the next session.

(22) “Leader of the House”:- The Chief Minister if he is a member of the House or a Minister who is member of the House and is nominated by the Chief Minister to function as Leader of the House.

(23) “Leader of the Opposition”:- A member of the House who is for the time being the Leader in that House of the Party in opposition to the Government having the greatest numerical strength and recognised as such by the Speaker.

**Explanation:-** When there are two or more parties in Opposition to the Govt., having the same numerical strength, the Speaker shall, having regard to the status of parties, recognise anyone of the Leaders of such parties as the Leader of the Opposition and such recognition is final and conclusive.

(Section 12B of Payment of Salaries and Removal of Disqualifications Act, 1953)

(24) “Lobby”:- The covered corridors adjoining the chamber of the Assembly and co-terminus with it and any other room or rooms which the Speaker may specify.

(25) “Maiden Speech”:- The first speech made by a member elected for the first time in New House.

(26) “Member”:- Means a member of the Assembly.

(27) “Member Incharge of a Bill”:- In the case of a Govt. Bill the Minister introducing the Bill or any other Minister on his behalf and in any other case the member who is introducing the Bills or any other member with the permission of the Speaker.

(28) “Message”:- A communication from the Governor to the House under Article 175(2) and 200 or 201 of the Constitution.

(29) “Minister”:- Minister means a member of the Council of Ministers, a Minister of State, a Deputy Minister or a Parliamentary Secretary.

(30) "Money Bill":- A Bill containing only provisions dealing with all or any of the matters specified in sub-clauses (a) to (g) of clause (i) of Article 199 of the Constitution.

(31) "Motion":- Any matter brought before the Assembly for consideration subject to the rules. The Motions made in the House are classified into three classes i.e. 'Substantive', 'Substitute' and 'Subsidiary' Motions and they are defined as under:-

(i) "Substantive Motion":- It is a self-contained independent proposal of the House drafted in such a way as to be capable of expressing a decision of the House. Eg. Resolutions.

(ii) "Substitute Motion":- Motions moved in Substitution of the original motion for taking into consideration a policy or situation. Such motions are not strictly speaking substantive motions because they depend upon the original motion.

(iii) "Subsidiary Motion":- It is a motion dependent upon another motion. By itself, it has no meaning and is not capable of stating a decision of the House without reference to the original motion. Subsidiary motions are further divided into-

- (a) Ancillary Motions;
- (b) Superceding Motions; and
- (c) Amendments.

(a) "Ancillary Motions":- A motion which is recognised by the practice of the House as the regular way of proceeding with the various kinds of Business. The following are the examples of ancillary motions:

(i) That the Bill be taken into consideration; (ii) that the Bill be passed.

(b) "Superceding Motion":- A motion which though independent in form is moved in the course of a debate on another question and seeks to supercede that question. In that class fall all the dilatory motions. The following motions are superceding in relation to the motion for taking into consideration of a Bill:

- (i) that the Bill be recommitted to a Select Committee.
- (ii) that the Bill be recirculated for eliciting further opinion thereon;
- (iii) that the consideration of the Bill or the Debate on the Bill be adjourned *sine die* or to some other date.

(c) Amendments:- The object of an amendment is either to modify a question before the House with a view to increasing its acceptability or to present to the House a different proposition as an alternative to the original question.

(32) "Motion of Thanks":- A formal motion moved in the House expressing its gratitude of the address delivered by the Governor under Article 176(1) of the Constitution.

(33) "Naming a member":- Drawing of attention of the House by the Speaker to the conduct of a member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business thereof with a view to suspend him from service of the House. (Rule 340)

(34) "Order, Order":- To call the House to order or to ask the House to hear the Chair or a member permitted by him, these words are used.

(35) "Ordinance":- A law made by the Governor in exercise of the powers vested in him by Article 213 of the Constitution.

(36) "Panel of Chairmen":- The names of the members nominated by the Speaker to preside over the House in the absence of the Speaker and the Deputy Speaker or when so requested by the Speaker or Deputy Speaker. (Rule 9)

(37) "Papers Laid on the Table":- Means the papers or documents laid on the Table of the House for the purpose of bringing them on the record of the House by a Minister or by a member or by Secretary in pursuance of the provisions of the Constitution or the Rules of Procedure or an Act of Legislature. A paper or document laid on the Table is considered public.

(38) “Point of Order”:- A Point relating to the interpretation or enforcement of the Rules of Procedure or such Articles of the Constitution as regulate the business of the House raised in the House for the decision of the Chair.

(Rule 342)

(39) “Precincts of the House”:- Means and includes the Assembly Hall, the Lobbies, the Galleries, the Rooms in the occupation of the Legislature Secretariat the Speaker’s room, the Deputy Speaker’s room, the Committee rooms, Library Building, Party rooms, all other accommodation in the Assembly premises in charge of the officers of the Assembly including the approaches leading thereto and the open spaces therein enclosed within the iron railing, compound wall and fencing and such other places as the Speaker may from time to time specify.

(Rule 2)

(40) “Proposing the Question”:- When a member moving a motion has concluded his speech the Speaker proposes the question to which the motion relates in the form viz., Motion moved and reads the text of the motion. Discussion on the question commences after the same has been proposed by the Chair.

(41) “Private Member”:- Private Member means a member other than a Minister.

(Rule 2)

(42) “Prorogation”:- The termination of a session of the House by an order made by the Governor under Article 174(2) (a) of the Constitution.

(43) “Putting the Question”:- When debate on a question is closed the Speaker rising from the Chair reads the question to the House, beginning with “the question .....”.

(44) “Question Hour”:- Time allotted for asking and answering questions.

(45) “Question of Privilege”:- A question involving a breach of privilege either of a member or of the House or of a Committee thereof or a contempt of the House.

(Rule 168)

(46) “Quorum”:- The minimum number of members requiring to be present at a sitting of the House or a Committee for due transaction of the business.

(47) “Resolution”:- Means a motion for the purpose of discussing a matter of public interest and should be in the form of a specific recommendation or declaration of opinion by the Assembly.

(48) “Roll of Members”:- Register in which newly elected members will sign after making and subscribing the oath or affirmation before taking their seats in the House.

(49) “Session”:- Means the period of time between the first meeting of the Assembly upon the summons of the Governor under Article 174(1) of the Constitution and its prorogation or dissolution under clause (2) thereof.

(50) “Sitting of the House”:- A sitting of the House is duly constituted when it is presided over by the Speaker or Deputy Speaker or any other member competent to preside over a sitting of the House under the Constitution or the Rules of Procedure and Conduct of Business in the Assembly. (Rule 11)

(51) “Short Notice Question”:- A question relating to a matter of public importance of an urgent character asked with shorter notice.

(52) “Starred Question”:- A Question to which a member wants to have an oral answer on the floor of the House which is distinguished by an asterisk.

(53) “Statutory Resolution”:- A resolution in pursuance of a provision in the Constitution or an Act of Legislature.

(54) “Subordinate Legislation”:- Rules, Regulations etc. having the force of Law framed by the Governor or other subordinate authority in pursuance of the power conferred on him/it by the Constitution or delegated by an Act of Legislature.

(55) “Summons”:- An official communication sent by the Secretary, Legislature to the members of Assembly informing them the place, date and time of commencement of a session of the Assembly.



(56) “Suspension of a member”:- Suspending a member from the service of the House on a motion adopted by the House.

(Rule 340)

(57) “Table of the House”:- Table in front of the Secretary below the Speaker’s Chair. Papers which are required to be laid on the Table of the House are placed on this Table.

(58) “Unstarred Question”:- A question placed on the list of questions for written answers.

(59) “Vote on Account”:- A grant made by the Assembly in advance in respect of the estimated expenditure of the Government for a part of a financial year pending the voting of Demands for Grants for the financial year

(Article 206, Rule 163)

(60) “Withdrawal of a member from the House”:- Directing any member guilty of disorderly conduct to withdraw from the House by the Chair.

#### **114. Seats in Parliament from Telangana State**

There are 17 seats in Lok Sabha represented by members elected from Territorial Constituencies of Telangana State. Out of them three are reserved for Scheduled Castes and two for Scheduled Tribes.

Seven (7) seats are allotted to Telangana State in Rajya Sabha. Out of them, two, three & two members retire for every two years respectively. The Rajya Sabha members are elected by the elected members of the Legislative Assembly on the system of proportional representation by means of the single transferable vote. The number of votes required for a person to get himself elected is obtained by dividing the total number of valid votes by the number of vacancies to be filled increased by one and the result increased by one.

## **115. EXTRACTS FROM THE CONSTITUTION OF INDIA**

### **194. Powers, Privileges etc., of the House of Legislatures and of the Members and Committees thereof,--**

(1) Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in the Legislature of every State.

(2) No member of the Legislature of a State shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the Publication by or under the authority of a House of such a Legislature of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of a House of the Legislature of a State, and of the members and the Committees of a House of such Legislature, shall be such as may from time to time be defined by the Legislature by law, and until so defined shall be those of that House and of its members and committees immediately before the coming into force of Section 26 of the Constitution (Forty-Fourth Amendment) Act, 1978.

(4) The provisions of Clauses (1), (2) and (3) shall apply in relation to persons who by virtue of this Constitution have the right to speak in, and otherwise to take part in the Proceedings of a House of the Legislature of a State or any committee thereof as they apply in relation to members of that Legislature.

### **199. Definition of “Money Bills”.-**

(1) For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters namely:-

(a) the imposition, abolition, remission, alteration or regulation of any tax;

(b) the regulation of the borrowing of money or the giving of any guarantee by the State, or the amendments of the law with respect to any financial obligations undertaken or to be undertaken by the State;

(c) the custody of the Consolidated Fund or the Contingency Fund of the State, the payment of moneys into or the withdrawal of moneys from any such fund;

(d) the appropriation of moneys out of the Consolidated Fund of the State;

(e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of the State, or the increasing of the amount of any such expenditure;

(f) the receipt of money on account of the Consolidated Fund of the State or the public account of the State or the custody or issue of such money; or

(g) any matter incidental to any of the matters specified in sub-clauses (a) to (f).

**211. Restriction on discussion in the Legislature:-** No discussion shall take place in the Legislature of a State with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties.

**212. Courts not to inquire into proceedings of the Legislature:-** (1) The validity of any proceedings in the Legislature of a State shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or member of the Legislature of a State in whom powers are vested by or under this Constitution for regulating procedure or the conduct of Business, or for maintaining order, in the Legislature shall be subject to the jurisdiction of any Court in respect of the exercise by him of those powers.

## **DISTRIBUTION OF LEGISLATIVE POWERS**

**245. Extent of Laws made by Parliament and by the Legislatures of States:-** (1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State.

(2) No law made by Parliament shall be deemed to be invalid on the ground that it would have extra-territorial operation.

**246. Subject-matter of laws made by Parliament and by the Legislatures of States:-** (1) Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the "Union List").

(2) Notwithstanding anything in clause (3), Parliament and, subject to clause (1), the Legislature of any State also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the "Concurrent List").

(3) Subject to clauses (1) and (2) the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the 'State List'.

(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included in a State notwithstanding that such matter is a matter enumerated in the State List.

**248. Residuary powers of Legislation:-** (1) Subject to article 246A, Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List.

(2) Such power shall include the power of making any law imposing a tax not mentioned in either of those Lists.

**249. Power of Parliament to legislate with respect to a matter in the State List in the national interest:-** (1) Notwithstanding anything in the foregoing provisions of this Chapter, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in national interest that Parliament should make laws with respect to goods and services tax provided under article 246 A or any matter enumerated in the State List specified in the resolution, it shall be lawful for Parliament to make laws for the whole or any part of the territory of India with respect to that matter while the resolution remains in force.

(2) A resolution passed under clause (1) shall remain in force for such period not exceeding one year as may be specified therein:

Provided that, if and so often as a resolution approving the continuance in force of any such resolution is passed in the manner provided in clause (1), such resolution shall continue in force for a further period of one year from the date of which under this clause it would otherwise have ceased to be in force.

(3) A law made by Parliament which Parliament would not but for the passing of a resolution under clause (1) have been competent to make shall, to the extent of the incompetency, cease to have effect on the expiration of a period of six months after the resolution has ceased to be in force, except as respects things done or omitted to be done before the expiration of the said period.

**250. Power of Parliament to legislate with respect to any matter in the State List if a Proclamation of Emergency is in operation:-** (1) Notwithstanding anything in this Chapter, Parliament shall, while a Proclamation of Emergency is in operation, have power to make laws for the whole or any part of the territory of India with respect to goods and services tax provided under article 246 A or any of the matters enumerated in the State List.

(2) A law made by Parliament which Parliament would not but for the issue of a Proclamation of Emergency have been competent to make shall, to the extent of the incompetency, cease to have effect

on the expiration of a period of six months after the Proclamation has ceased to operate, except as respects things done or omitted to be done before the expiration of the said period.

**251. Inconsistency between laws made by Parliament under articles 249 and 250 and laws made by the Legislatures of States:-** Nothing in articles 249 and 250 shall restrict the power of the Legislature of a State to make any law which under this Constitution it has power to make, but if any provision of a law made by the legislature of a State is repugnant to any provision of a law made by Parliament which Parliament has under either of the said articles power to make, the law made by Parliament, whether passed before or after the law made by the legislature of the State, shall prevail, and the law made by the Legislature of the State shall to the extent of the repugnancy, but so long only as the law made by Parliament continues to have effect, be inoperative.

**252. Power of Parliament to legislate for two or more States by consent and adoption of such Legislation by any other State:-**

(1) If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250 should be regulated in such States by Parliament by law, and if resolutions to that effect are passed by all the Houses of the Legislatures, of those States, it shall be lawful for Parliament to pass an Act for regulating that matter accordingly, and any Act so passed shall apply to such States and to any other State by which it is adopted afterwards by resolution passed in that behalf by the House or, where there are two Houses, by each of the Houses of the Legislature of that State.

(2) Any Act so passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in like manner but shall not, as respects any State to which it applies be amended or repealed by an Act of the Legislature of that State.

**255. Requirements as to recommendations and previous sanctions to be regarded as matters of procedure only:-** No Act of Parliament or of the Legislature of a State and no provision in any

such Act, shall be invalid by reason only that some recommendation or previous sanction required by this Constitution was not given, if assent to that Act was given--

(a) where the recommendation required was that of the Governor, either by the Governor or by the President;

(b) where the recommendation required was that of the Rajpramukh, either by the Rajpramukh or by the President;

(c) where the recommendation or previous sanction required was that of the President, by the President.

**361A. Protection of publication of proceedings of Parliament and State Legislatures:-** (1) No person shall be liable to any proceedings, civil or criminal, in any court in respect of the publication in a newspaper of a substantially true report of any proceedings of either House of Parliament or the Legislative Assembly, or, as the case may be, either House of the Legislature, of a State, unless the publication is proved to have been made with malice:

Provided that nothing in this clause shall apply to the publication of any report of the proceedings of a secret sitting of either House of Parliament or the Legislative Assembly, or, as the case may be, either House of the Legislature, of a State.

(2) Clause (1) shall apply in relation to reports or matters broadcast by means of wireless telegraphy as part of any programme or service provided by means of a broadcasting station as it applies in relation to reports or matters published in a newspaper.

**Explanation:-** In this Article, "newspaper" includes news agency report containing material for publication in newspaper.

## **AMENDMENT OF THE CONSTITUTION**

**368. Power of Parliament to amend the Constitution and procedure therefor:-** (1) Notwithstanding anything in this Constitution, Parliament may in exercise of its constituent power amend by way of addition, variation or repeal any provision of this Constitution in accordance with the procedure laid down in this Article.

(2) An amendment of this constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total Membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President who shall give his assent to the Bill and thereupon the Constitution shall stand amended in accordance with the terms of the Bill:

Provided that if such amendment seeks to make any change in--

(a) Article 54, Article 55, Article 73, Article 162, Article 241 or Article 279A, or

(b) Chapter IV of Part V, Chapter V of Part VI, or Chapter I of Part XI, or

(c) any of the Lists in the Seventh Schedule, or

(d) the representation of States in Parliament, or

(e) the provisions of this Article,

(f) The amendment shall also require to be ratified by the Legislatures of not less than one-half of the States by resolution to that effect passed by those Legislatures before the Bill making provision for such amendment is presented to the President for assent.

(3) Nothing in Article 13 shall apply to any amendment made under this article.

(4) No amendment of this Constitution (including the provisions of Part III) made or purporting to have been made under this article



whether before or after the commencement of section 55 of the Constitution (Forty-second Amendment) Act, 1976 shall be called in question in any court on any ground.

(5) For the removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power of Parliament to amend by way of addition, variation or repeal the provisions of this Constitution under this article.

**116. EXTRACTS FROM THE  
REPRESENTATION OF THE PEOPLE ACT, 1951**

**PART - II**

**CHAPTER II - QUALIFICATIONS FOR MEMBERSHIP OF  
STATE LEGISLATURES**

**5. Qualifications for membership of Legislative Assembly:-** A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of a State unless--

(a) in the case of a seat reserved for the Scheduled Castes or for the Scheduled Tribes of that State, he is a member of any of those castes or of those tribes, as the case may be, and is an elector for any Assembly constituency in that State;

(b) in the case of a seat reserved for an autonomous district of Assam, he is a member of a Scheduled Tribe of any autonomous district and is an elector for the Assembly constituency in which such seat or any other seat is reserved for that district; and

(c) in the case of any other seat, he is an elector for any Assembly constituency in that State:

Provided that for the period referred to in clause (2) of Article 371A, a person shall not be qualified to be chosen to fill any seat allocated to the Tuensang district in the Legislative Assembly of Nagaland unless he is a member of the regional council referred to in that article.

### **CHAPTER III - DISQUALIFICATIONS FOR MEMBERSHIP OF PARLIAMENT AND STATE LEGISLATURES**

**7. Definition:-** In this Chapter, - (a) “appropriate Government” means in relation to any disqualification for being chosen as or for being a member of either House of Parliament, the Central Government, and in relation to any disqualification for being chosen as or for being a member of the Legislative Assembly or Legislative Council of a State, the State Government;

(b) “disqualified” means disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State.

**8. Disqualification on conviction for certain offences:-**

(1) A person convicted of an offence punishable under--

(a) Section 153A (offence of promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or Section 171E (offence of bribery) or Section 171F (offence of undue influence or personation at an election) or sub-section (1) or sub-section (2) of section 376 or 376A or section 376B or section 376C or section 376D (offences relating to rape) or section 498A (offence of cruelty towards a woman by husband or relative of a husband or sub-section (2) or sub-section (3) of Section 505 (offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code; or

(b) the Protection of Civil Rights Act, 1955 which provides for punishment for the preaching and practice of “untouchability”, and for the enforcement of any disability arising therefrom; or

(c) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962; or

(d) sections 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds

of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967; or

(e) the Foreign Exchange (Regulation) Act, 1973; or

(f) the Narcotic Drugs and Psychotropic Substances Act, 1985; or

(g) section 3 (offence committing terrorist acts) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive Activities (Prevention) Act, 1987; or

(h) section 7 (offence of contravention of the provisions of sections 3 to 6) of the Religious Institutions (Prevention of Misuse) Act, 1988; or

(i) section 125 (offence of promoting, enmity between classes in connection with the election) or section 135 (offence of removal of ballot papers from polling stations) or section 135 A (offence of booth capturing) of clause (a) of sub-section (2) of section 136 Offence of fraudulently defacing or fraudulently destroying any nomination paper) of this Act, or

(j) section 6 (offence of conversion of place of worship) of the Places of Worship (Special Provisions) Act, 1991, shall be disqualified, where the convicted person is sentenced to (i) only fine, for a period of six years from the date of such conviction (ii) imprisonment, from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

(2) A person convicted for the contravention of -

(a) any law providing for the prevention of hoarding or profiteering; or

(b) any law relating to the adulteration of food or drugs; or

(c) any provisions of the Dowry Prohibition Act, 1961;

(3) a person convicted of any offence and sentenced to imprisonment for not less than two years other than any offence referred to in sub-section (1) or sub-section (2) shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release;

(4) Notwithstanding anything in sub-section (1), sub-section (2) or sub-section (3) a disqualification under either sub-section shall not, in the case of a person who on the date of the conviction is a member of Parliament or the member of Legislature of a State, take effect until three months have elapsed from that date or, if within that period an appeal or application for revision is brought in respect of the conviction or the sentence, until that appeal or application is disposed of by the court.

**Explanation :** In this section,-

(a) “law providing for the prevention of hoarding or profiteering” means any law, or any order, rule or notification having the force of law, providing for-

(i) the regulation of production of manufacture of any essential commodity;

(ii) the control of price at which any essential commodity may be bought or sold;

(iii) the regulation of acquisition, possession, storage transport, distribution, disposal, use or consumption of any essential commodity”;

(iv) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale;

(b) “drug” has the meaning assigned to it in the Drugs and Cosmetics Act, 1940 (23 of 1940);

(c) “essential commodity” has the meaning assigned to it in the Essential Commodities Act, 1955 (10 of 1955);

(d) “food” has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954 (37 of 1954).

**8A. Disqualification on ground of corrupt practices:-** (1) The case of every person found guilty of a corrupt practice under section 99 shall be submitted, as soon as may be, after such order takes effect, by such authority as the Central Government may specify in this behalf, to the President for determination of the question as to whether such person shall be disqualified and if so, for what period:

Provided that the period for which any person may be disqualified under this sub-section shall in no case exceed six years from the date on which the order made in relation to him under section 99 takes effect.

(2) Any person who stands disqualified under Section 8A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975 (40 of 1975), may, if the period of such disqualification has not expired, submit a petition to the President for the removal of such disqualification for the unexpired portion of the said period.

(3) Before giving his decision on any question mentioned in sub-section (1) or on any petition submitted under sub-section (2), the President shall obtain the opinion of the Election Commission on such question or petition and shall act according to such opinion.

**9. Disqualification for dismissal for corruption or disloyalty:-**

(1) A person who having held an office under the Government of India or under the Government of any State has been dismissed for corruption or for disloyalty to the State shall be disqualified for a period of five years from the date of such dismissal.

(2) For the purposes of sub-section (1), a certificate issued by the Election Commission to the effect that a person having held office under the Government of India or under the Government of a State, has or has not been dismissed for corruption or for disloyalty to the State shall be conclusive proof of the fact:

Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State shall be issued unless an opportunity of being heard has been given to the said person.

**9A. Disqualification for Government contracts, etc:-** A person shall be disqualified if, and for so long as there, subsists a contract entered into by him in the course of his trade or business with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by the Government.

**Explanation:-** For the purpose of this section, where a contract has been fully performed by the person by whom it has been entered

into with the appropriate Government, the contract shall be deemed not to be subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part.

**10. Disqualification of office under Government company:-**

A person shall be disqualified if, and for so long as, he is a managing agent, manager or secretary of any company or corporation (other than a co-operative society) in the capital of which the appropriate Government has not less than twenty-five percent share.

**10A. Disqualification for failure to lodge account of election expenses:-** If the Election Commission is satisfied that a person.

(a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act; and

(b) has no good reason or justification for the failure, the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

**11. Removal or reduction of period of disqualification:-** The Election Commission may, for reasons to be recorded, remove any disqualification under this Chapter (except under section 8A) or reduce the period of any such disqualification.

## CHAPTER IV - DISQUALIFICATIONS FOR VOTING

**11A. Disqualification arising out of conviction and corrupt practices:-** If any person, after the commencement of this Act,- (1) is convicted of an offence punishable under Section 171E or Section 171F of the Indian Penal Code (45 of 1860), or under Section 125 or section 135 or clause (a) or sub-section (2) of section 136 of this Act he shall, for a period of six years from the date of the conviction or from the date on which the order takes effect, be disqualified for voting at any election.

(2) Any person disqualified by a decision of the President under sub-section (1) of section 8A for any period shall be disqualified for the same period for voting at any election.

(3) The decision of the President on a petition of any disqualification for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State shall, so far as may be, apply in respect of the disqualification for voting at any election incurred by him under clause (b) of sub-section (1) of section 11A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975 (40 of 1975), as if such decision were a decision in respect of the said disqualification for voting also.

**11B. Removal of Disqualifications:-** The Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1) of section 11A.



### PART - III

#### NOTIFICATION FOR GENERAL ELECTIONS

**12. Notification for Biennial Election to the Council of States:-** For the purpose of filling the seats of members of the Council of States retiring on the expiration of their term of office the President shall, by one or more notifications published in the Gazette of India on such date or dates as may be recommended by the Election Commission, call upon the elected members of Legislative Assembly or, as the case may be, the members of the electoral college, of each State concerned to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder:

Provided that no notification under this section shall be issued more than three months prior to the date on which the term of office of the retiring members is due to expire.

**14. Notification for general election to the House of the people:-** (1) A general election shall be held for the purpose of constituting a new House of the People on the expiration of the duration of the existing House or on its dissolution.

(2) For the said purpose the President shall, by one or more notifications published in the Gazette of India on such date or dates as may be recommended by the Election Commission, call upon all parliamentary constituencies to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder:

Provided that where a general election is held otherwise than on the dissolution of the existing House of People, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of the existing House would expire under the provisions of clause (2) of article 83.

**15. Notification for General Election to a State Legislative Assembly:-** (1) A general election shall be held for the purpose of constituting a new Legislative Assembly on the expiration of the duration of the existing Assembly or on its dissolution.

(2) For the said purpose, the Governor or Administrator, as the case may be, shall by one or more notifications published in the Official Gazette of the State on such date or dates as may be

recommended by the Election Commission, call upon all Assembly constituencies in the State to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder:

Provided that where a general election is held otherwise than on the dissolution of the existing Legislative Assembly, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of that Assembly would expire under the provisions of clause (1), of article 172 or under the provisions of Section 5 of the Government of Union Territories Act, 1963 (20 of 1963), as the case may be.

## PART - V

### CHAPTER VI - MULTIPLE ELECTIONS

**68. Vacation of seats when elected to both Houses of Parliament:-** (1) Any Person who is chosen a member of both the Houses of the People and the Council of States and who has not taken his seat in either House may, by notice in writing signed by him and delivered to the Secretary to the Election Commission within ten days from the date, or the later of the dates, on which he is so chosen, intimate in which of the Houses he wishes to serve, and thereupon, his seat in the House in which he does not wish to serve shall become vacant.

(2) In default of such intimation within the aforesaid period, his seat in the Council of States shall, at the expiration of that period, become vacant.

(3) Any intimation given under sub-section (1) shall be final and irrevocable.

(4) For the purpose of this section and of section 69, the date on which a person is chosen to be a member of either House of Parliament shall be in the case of an elected member, the date of his election and in the case of a nominated member, the date of first publication in the Gazette of India of his nomination.

**69. Vacation of seats by persons already members of one House on election to other House of Parliament:-** (1) If a person who is already a member of the House of the People and has taken his seat in such House is chosen as a member of the Council of States, his seat in the House of the People shall, on the date on which he is so chosen, become vacant.

(2) If a person who is already a member of the Council of States and has taken his seat in such Council is chosen a member of the House of People, his seat in the Council of States shall, on the date on which he is so chosen, become vacant.

**70. Election to more than one seat in either House of Parliament or in the House or either House of the legislature of a State:-** If a person is elected to more than one seat in either

House of Parliament or in the House or either House of the Legislature of a State, then, unless within the prescribed time he resigns all but one of the seats by writing under his hand addressed to the Speaker or Chairman, as the case may be, or to such other authority or officer as may be prescribed, all the seats shall become vacant.

## **CHAPTER VII - PUBLICATION OF ELECTION RESULTS AND NOMINATIONS**

**71. Publication of results of Elections to the Council of States and names of persons nominated by the President:-** After the elections held in any year in pursuance of the notifications issued under section 12, there shall be notified by the appropriate authority in the Official Gazette the names of members elected by the elected members of the Legislative Assemblies of the States and by the members of the electoral colleges for the various Union Territories at the said elections together with the names of any persons nominated by the President to the Council of States under sub-clause (a) of clause (1) of article 80 or under any other provisions.

**73. Publication of results of general elections to the House of the People and the State Legislative Assemblies:-** Where a general election is held for the purpose of constituting a new House of the People or a new State Legislative Assembly, there shall be notified by the Election Commission in the Official Gazette, as soon as may be after the results of the elections in all the constituencies other than those in which the poll could not be taken for any reason on the date originally fixed under clause (d) of section 30 or for which the time for completion of the election has been extended under the provisions of section 153 have been declared by returning officer under the provisions of section 53 or, as the case may be, section 66, the names of the members elected for those constituencies and upon the issue of such notification that House or Assembly shall be deemed to be duly constituted:

Provided that the issue of such notification shall not be deemed- (a) to preclude -

(i) the taking of the poll and the completion of the election in any Parliamentary or Assembly constituency or constituencies in which the poll could not be taken for any reason on the date originally fixed under clause (d) of section 30; or

(ii) the completion of the election in any Parliamentary or Assembly constituency or constituencies for which time has been extended under the provisions of section 153; or

(b) to affect the duration of the House of the People or the State Legislative Assembly, if any, functioning immediately before the issue of the said notification.

**PART - IX**  
**BYE-ELECTIONS**

**149. Casual vacancies in the House of the People:- (1)**

When the seat of a member elected to the House of the People becomes vacant or is declared vacant or his election to the House of the People is declared void, the Election Commission shall, subject to the provisions of sub-section (2), by a notification in the Gazette of India, call upon the Parliamentary Constituency concerned to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the notification, and the provisions of this Act and of the rules and orders made thereunder shall apply, as far as may be, in relation to the election of a member to fill such vacancy.

(2) If the vacancy so caused be a vacancy in a seat reserved in any such constituency for the Scheduled Castes or for any Scheduled Tribes, the notification issued under sub-section (1) shall specify that the person to fill that seat shall belong to the Scheduled Castes or to such Scheduled Tribes, as the case may be.

**150. Casual vacancies in the State Legislative Assemblies:-**

(1) When the seat of a member elected to the Legislative Assembly of a State becomes vacant or is declared vacant or his election to the Legislative Assembly is declared void, the Election Commission shall, subject to the provisions of sub-section (2), by a notification in the Official Gazette, call upon the Assembly Constituency concerned to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the notification, and the provisions of this Act and of the rules and orders made thereunder shall apply, as far as may be, in relation to the election of a member to fill such vacancy.

(2) If the vacancy so caused be a vacancy in a seat reserved in any such constituency for the Scheduled Castes or for any Scheduled Tribes, the notification issued under sub-section (1) shall specify that the person to fill that seat shall belong to the Scheduled Castes or to such Scheduled Tribes, as the case may be.

**PART - X**  
**MISECLLANEOUS**

**152. List of Members of the State Legislative Assemblies and electoral colleges to be maintained by the Returning Officers concerned:-** (1) The Returning Officer for an election by the elected members of the Legislative Assembly of a State to fill a seat or seats in the Council of States or for an election, by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of the State shall, for the purposes of such election maintain in his office in the prescribed manner and form a list of elected members or a list of members, as the case may be, of that Legislative Assembly.

(3) Copies of the lists referred to in sub-section (1) shall be made available for sale.

**153. Extension of time for completion of election:-** It shall be competent for the Election Commission for reasons which it considers sufficient, to extend the time for the completion of any election by making necessary amendments in the notification issued by it under section 30 or sub-section (1) of section 39.

**154. Term of office of members of the Council of States:-** (1) Subject to the provisions of sub-sections (2) and (2A) the term of office of a member of Council of States, other than a member chosen to fill a casual vacancy, shall be six years.

(2) Upon the first constitution of the Council of States the President shall, after consultation with the Election Commission, make by order such provision as he thinks fit for curtailing the term of office of some of the members then chosen in order that, as nearly as may be, one-third of the members holding seats of each class shall retire in every second year thereafter.

(2A) In order that, as nearly as may be, one-third of the members may retire on the second day of April, 1958, and on the expiration of every second year thereafter, the President shall, as soon as may be after the commencement of the Constitution (Seventh Amendment) Act, 1956, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard

to the terms of office of the members elected under sub-section (2) of section 147.

(3) A member chosen to fill a casual vacancy shall be chosen to serve for the remainder of his predecessor's term of office.

**155. Commencement of the term of office of Members of the Council of States:-** (1) The term of office of a Member of the Council of States whose name is required to be notified in the Official Gazette under Section 71 shall begin on the date of such notification.

(2) The term of office of a Member of the Council of States whose name is not required to be notified under Section 71 shall begin on the date of publication in the Official Gazette of the declaration containing the name of such person as elected under section 67 or of the notification issued under sub-clause (a) of clause (1) of article 80 or under any other provision announcing the nomination of such person to the Council of States, as the case may be.

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