APPENDIX "B" (i).

INDIAN COUNCILS ACT 1909.

Rules for the discussion of the Annual Financial Statement in the Legislative Council of the Governor General.

DEFINITIONS.

I. In these rules -

(1) "President" means -

(a) the Governor General, or
(b) the President nominated by the Governor General in Council under Section 6 of the Indian Councils Act, 1861, or
(c) the Vice-President appointed by the Governor General under Section 4 of the Indian Councils Act, 1909, or
(d) the Member appointed to preside under rule 27;

(2) "Member in charge" means the Member of the Council of the Governor General to whom is allotted the business of the Department of the Government of India to which the subject under discussion belongs, and includes any Member to whom such Member in charge may delegate any function assigned to him under these rules;

(3) "Finance Member" means the Member in charge of the Finance Department of the Government of India;

(4) "Secretary" means the Secretary to the Government of India in the Legislative Department, and includes the Deputy Secretary and every person for the time being exercising the functions of the Secretary;

(5) "Financial Statement" means the preliminary financial estimates of the Governor General in Council for the financial year next following; and

(6) "Budget" means the Financial Statement as finally settled by the Governor General in Council.

A. THE FINANCIAL STATEMENT.

General order of discussion.

2. (1) On such day as may be appointed in this behalf by the Governor General, the Financial Statement with an explanatory memorandum shall be presented to the Council every year by the Finance Member, and a printed copy shall be given to every Member.

(2) No discussion of the Financial Statement shall be permitted on such day.

3. (1) On such later day as may be appointed in this behalf by the Governor General, the first stage of the discussion of the Financial Statement in Council shall commence.

(2) On this day, after the Finance Member has stated any changes in the figures of the Financial Statement which circumstances may since have rendered necessary and has made any explanations of that
statement which he may think fit, any Member shall be at liberty to
move any resolution entered in his name in the list of business
relating to any alteration in taxation, any new loan or any additional
grant to Local Governments proposed or mentioned in such statement or
explanatory memorandum, and the Council shall thereupon proceed to
discuss each such resolution in the manner hereinafter prescribed.

4. (1) The second stage of the discussion of the Financial
Statement shall commence as soon as may be after all the resolutions
which may be moved as aforesaid have been disposed of.

(2) In this stage each head or group of heads specified in
the statement contained in the Schedule appended to these rules as
being open to discussion, shall be considered separately according to
such grouping as the Member in charge may determine.

(3) The consideration of a particular head or group of heads
shall be introduced by the Member in charge with such explanations,
supplementing the information contained in the Financial Statement,
as may appear to him to be necessary.

(4) Any Member shall then be at liberty to move any resolution
relating to any question covered by any such head or group of heads
which may be entered in his name in the list of business, and the
Council shall thereupon proceed to discuss every such resolution in
the manner hereinafter prescribed.

Subjects excluded from discussion.

5. No discussion shall be permitted in regard to any of the
following subjects, namely:-

(a) any subject removed from the cognizance of the Legislative
Council of the Governor General by Section 22 of the
Indian Councils Act, 1861; or

(b) any matter affecting the relations of His Majesty's
Government or of the Governor General in Council with any
Foreign State or any Native State in India; or

(c) any matter under adjudication by a Court of Law having
jurisdiction in any part of His Majesty's Dominions.

Resolutions.

6. No resolution shall be moved which does not comply with the
following conditions, namely:-

(a) it shall be in the form of a specific recommendations
addressed to the Governor General in Council;

(b) it shall be clearly and precisely expressed and shall
raise a definite issue;

(c) it shall not contain arguments, inferences, ironical
expressions or defamatory statements, nor shall it refer
to the conduct or character of persons except in their
official or public capacity;

(d) it shall not challenge the accuracy of the figures of the
Financial Statement; and
(e) it shall be directly relevant to some entry in the Financial Statement.

7. A Member, who wishes to move a resolution, shall give notice in writing to the Secretary at least two clear days before the commencement of the stage of the discussion to which the resolution relates, and shall together with the notice submit a copy of the resolution which he wishes to move.

8. The President may disallow any resolution or part of a resolution without giving any reason therefor other than that in his opinion it cannot be moved consistently with the public interests or that it should be moved in the Legislative Council of a Local Government.

9. (1) No discussion in Council shall be permitted in respect of any order of the President under rule 8.

(2) A resolution that has been disallowed shall not be entered in the proceedings of the Council.

10. Resolutions admitted by the President shall be entered in the list of business in such order as he may direct.

Discussion of Resolutions.

11. (1) After the mover of a resolution has spoken, other Members may speak to the motion in such order as the President may direct, and thereafter the mover may speak once by way of reply.

(2) No Member other than the mover and the Member in charge shall speak more than once to any motion except with the permission of the President for the purpose of making an explanation.

12. No speech, except with the permission of the President, shall exceed fifteen minutes in duration:

Provided that the mover of a resolution, when moving the same, and the Member in charge may speak for thirty minutes.

13. The discussion of a resolution shall be limited to the subject of the resolution, and shall not extend to any matter as to which a resolution may not be moved.

14. A Member who has moved a resolution may withdraw the same unless some Member desires that it be put to the vote.

15. When, in the opinion of the President, a resolution has been sufficiently discussed, he may close the discussion by calling upon the mover to reply and the Member in charge to submit any final observations which he may wish to make:

Provided that the President may in all cases address the Council before putting the question to the vote.

16. If any resolution involves many points, the President at his discretion may divide it, so that each point may be determined separately.

17. (1) Every question shall be resolved in the affirmative or in
the negative according to the majority of votes.

(2) Votes may be taken by voices or by division and shall be taken by division if any Member so desires.

(3) The President shall determine the method of taking votes by division.

18. (1) The President may assign such time as with due regard to the public interests he may consider reasonable for the discussion of resolutions or of any particular resolution.

(2) Every resolution which shall not have been put to the vote within the time so assigned shall be considered to have been withdrawn.

19. Every resolution, if carried, shall have effect only as a recommendation to the Governor General in Council.

20. When a question has been discussed at a meeting of the Council, or when a resolution has been disallowed under rule 3 or withdrawn under rule 14, no resolution raising substantially the same question shall be moved within one year.

B. - THE BUDGET.

21. (1) On or before the 24th day of March in every year the Budget shall be presented to the Council by the Finance Member, who shall describe the changes that have been made in the figures of the Financial Statement, and shall explain why any resolutions passed in Council have not been accepted.

(2) A printed copy of the Budget shall be given to each Member.

22. (1) The general discussion of the Budget in Council shall take place on such later day as may be appointed by the President for this purpose.

(2) At such discussion, any Member shall be at liberty to offer any observations he may wish to make on the Budget, but no Member shall be permitted to move any resolution in regard thereto, nor shall the Budget be submitted to the vote of the Council.

(3) It shall be open to the President, if he thinks fit, to prescribe a time limit for speeches.

23. The Finance Member shall have the right of reply, and the discussion shall be closed by the President making such observations as he may consider necessary.

C. - GENERAL.

24. (1) Every Member shall speak from his place, shall rise when he speaks and shall address the Chair.

(2) At any time, if the President rises, any Member speaking shall immediately resume his seat.

25. (1) Any Member may send his speech in print to the Secretary not less than two clear days before the day fixed for the
discussion of a resolution, with as many copies as there are Members, and the Secretary shall cause one of such copies to be supplied to every Member.

(2) Any such speech may at the discretion of the President be taken as read.

26. (1) The President shall preserve order, and all points of order shall be decided by him.

(2) No discussion on any point of order shall be allowed unless the President thinks fit to take the opinion of the Council thereon.

(3) Any Member may at any time submit a point of order to the decision of the President.

(4) The President shall have all powers necessary for the purpose of enforcing his decisions.

27. The Governor General may appoint a Member of the Council to preside in his place, or in that of the Vice-President, on any occasion on which the Financial Statement or the Budget or any portion thereof is discussed in the Council.

28. The President, for sufficient reason, may suspend any of the foregoing rules.

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APPENDIX "E" (ii)

Rules for the discussion of Matters of General Public interest in the Legislative Council of the Governor General.

(INDIAN COUNCILS ACT 1909)

1. In these rules -

"President" means - the Governor General or President nominated or Vice-President or any other Member appointed to preside.

Matters open to discussion.

2. Any matter of general public interest may be discussed in the Council subject to the following conditions and restrictions.

3. No such discussion shall be permitted in regard to any of the following subjects, namely:

   (a) any subject removed from the cognizance of the Legislative Council of the Governor General by Section 22 of the Indian Councils Act, 1861; or

   (b) any matter affecting the relations of His Majesty's Government or of the Governor General in Council with any Foreign State or any Native State in India; or

   (c) any matter under adjudication by a Court of Law having jurisdiction in any part of His Majesty's Dominions.
Resolutions.

4. Subject to the restrictions contained in rule 3, any Member may move a resolution relating to a matter of general public interest. Provided that no resolution shall be moved which does not comply with the following conditions, namely:-

(a) it shall be in the form of a specific recommendation addressed to the Governor General in Council;

(b) it shall be clearly and precisely expressed and shall raise a definite issue; and

(c) it shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity.

5. A Member, who wishes to move a resolution, shall give notice in writing to the Secretary, at least fifteen clear days before the meeting of the Council at which he desires to move the same, and shall together with the notice submit a copy of the resolution which he wishes to move; Provided that the President may allow a resolution to be moved with shorter notice than fifteen days, and may, in any case, require longer notice or may extend the time for moving the resolution.

6. (1) The Secretary shall submit every resolution of which notice has been given to him in accordance with rule 5 to the President, who may either admit it or, when any resolution is not framed in accordance with rule 4, cause it to be returned to the Member concerned for the purpose of amendment.

(2) If the Member does not, within such time as the President may fix in this behalf, resubmit the resolution duly amended, the resolution shall be deemed to have been withdrawn.

7. The President may disallow any resolution or part of a resolution without giving any reason therefor other than that in his opinion it cannot be moved consistently with the public interests or that it should be moved in the Legislative Council of a Local Government.

3. (1) No discussion in Council shall be permitted in respect of any order of the President under rule 6 or rule 7.

(2) A resolution which has been disallowed shall not be entered in the proceedings of the Council.

9. Resolutions admitted by the President shall be entered in the list of business for the day in the order in which they are received by the Secretary. Provided that the President may give priority to any resolution which he may consider to be of urgent public interest, or postpone the moving of any resolution.
Discussion of Resolutions.

10. The discussion of resolutions shall take place after all the other business of the day has been concluded.

11. (1) After the mover of a resolution has spoken, other Members may speak to the motion in such order as the President may direct, and thereafter the mover may speak once by way of reply.

(2) No Member other than the mover and the Member in charge shall speak more than once to any motion, except, with the permission of the President, for the purpose of making an explanation.

12. No speech, except with the permission of the President, shall exceed a fifteen minutes in duration:

Provided that the mover of a resolution, when moving the same, and the Member in charge may speak for thirty minutes.

13. (1) Every Member shall speak from his place, shall rise when he speaks and shall address the Chair.

(2) At any time, if the President rises, any Member speaking shall immediately resume his seat.

14. (1) Any Member may send his speech in print to the Secretary not less than two clear days before the day fixed for the discussion of a resolution, with as many copies as there are members, and the Secretary shall cause one of such copies to be supplied to each Member.

(2) Any such speech may at the discretion of the President be taken as read.

15. The discussion of a resolution shall be limited to the subject of the resolution, and shall not extend to any matter as to which a resolution may not be moved.

16. When a resolution is under discussion any Member may, subject to all the restrictions and conditions relating to resolutions specified in rules 3 and 4, move an amendment to such resolution:

Provided that an amendment may not be moved which has merely the effect of a negative vote.

17. (1) If a copy of such amendment has not been sent to the Secretary at least three clear days before the day fixed for the discussion of the resolution, any Member may object to the moving of the amendment; and such objection shall prevail unless the President in exercise of his power to suspend any of these rules allows the amendment to be moved.

(2) The Secretary shall, if time permits, cause every amendment to be printed and send a copy for the information of each Member.

18. A Member who has moved a resolution or an amendment of a resolution may withdraw the same unless some Member desires that it be put to the vote.

19. When, in the opinion of the President, a resolution and any
amendment thereto have been sufficiently discussed, he may close the
discussion by calling upon the mover to reply and the Member in charge
to submit any final observations which he may wish to make:

Provided that the president may in all cases address the Council
before putting the question to the vote.

20. (1) When an amendment to any resolution is moved, or when
two or more such amendments are moved, the President shall, before
taking the sense of the Council thereon, state or read to the Council
the terms of the original motion and of the amendment or amendments
proposed.

(2) It shall be in the discretion of the President to put
first to the vote either the original motion or any of the amendments
which may have been brought forward.

21. If any resolution involves many points, the President at
his discretion may divide it, so that each point may be determined
separately.

22. (1) Every question shall be resolved in the affirmative
or in the negative according to the majority of votes.

(2) Votes may be taken by voices or by division and shall
be taken by division if any Member so desires.

(3) The President shall determine the method of taking
votes by division.

General.

23. (1) The President may assign such time as, with due regard
to the public interests, he may consider reasonable for the discussion
of resolutions or of any particular resolution.

(2) Every resolution which shall not have been put to the
vote within the time so assigned shall be considered to have been
withdrawn.

24. Every resolution, if carried, shall have effect only as a
recommendation to the Governor General in Council.

25. When a question has been discussed at a meeting of the
Council, or when a resolution has been disallowed under rule 7 or with­
drawn under rule 13, no resolution or amendment raising substantially
the same question shall be moved within one year.

26. (1) The President shall preserve order, and all points
of order shall be decided by him.

(2) No discussion on any point of order shall be allowed
unless the President thinks fit to take the opinion of the Council thereon.

(3) Any Member may at any time submit a point of order to
the decision of the President.

(4) The President shall have all powers necessary for the
purpose of enforcing his decisions.

27. The Governor General may appoint a Member of the Council to
preside in his place, or in that of the Vice-President, on any occasion
on which a matter of general public interest is discussed in the Council.

28. The President, for sufficient reason, may suspend any of the
foregoing rules.