



MAHARASHTRA LEGISLATURE
SECRETARIAT

**Maharashtra
Legislative Council Rules**

NINTH EDITION

2022

Printed in India by the Manager, Government Central Press,
Mumbai and Published by the Director, Government Printing
and Stationery, Maharashtra State, Mumbai 400 004.

[Price : Rs.]

Hb 1573—1

PREFACE TO THE NINTH EDITION

After the publication of the last *i.e.* the eighth edition of the Maharashtra Legislative Council Rules in 2009, these rules have further undergone certain amendments in the year 2010, 2011, 2016, 2017 and 2018. The significant ones out of the said amendments are given below in brief :—

Rule 4 (2) of the Maharashtra Legislative Council Rules has been amended to lay down that,

“ Unless the Chairman directs otherwise, the sittings of the House shall ordinarily commence, from Monday to Friday, at 12-00 hours and conclude at 19-00 hours with a recess of half-an-hour from 14-30 to 15-00 hours.”

Rule 4 (2) of the Maharashtra Legislative Council Rules has been amended accordingly. * The above amendments have come into force from **13th January, 2017.**

The Question Hour is a very important feature of parliamentary democracy and it is necessary that it proceeds smoothly without any hiccup. On each session day, members of Opposition Party tend to seek permission for raising motion under M.L.C. Rule 289 by adjourning the Question hour. Earlier, such motions used to be raised in exceptional circumstances only. However, in recent times, about 2 to 3 such motions are raised in the House daily and then, discussions are held over the said motions to decide the propriety of adjourning the Question Hour. This naturally leads to disruption of the Question Hour. Therefore, in order to conduct the Question Hour for one full hour without having to deal with any disruption thereof, requisite amendment has been made in the Maharashtra Legislative Council Rule 17. †The above amendments have come into force on **24th September, 2010.**

Prior to admitting or rejecting any question, facts regarding the question are sought from the department to which the question relates to and a period of three days is allowed to the concerned department for furnishing the same. However, departments seldom succeed in actually sending over such factual information to Legislature Secretariat within the prescribed time frame. Sometimes it so happens that the Legislature Secretariat receives such facts after the session has concluded. Hence, requisite amendment has been made in the Maharashtra Legislative Council Rule 69 to lay down a fixed time limit for departments so as to receive facts

* *vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 13th January, 2011.*

† *vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 24th September, 2010.*

about a question within the period so prescribed for the same. [#]The above amendments have come into force on **17th September, 2010**.

In case of replies to be sent by the Government to the unstarred questions, a period of 3 months was laid down in the concerned rule within which the Government was to send such replies. However, it was decided in a meeting of Legislative Council's Business Advisory Committee that, Government should send replies to unstarred questions within a span of 60 days instead of 3 months. Incidentally, the Committee on Rules presented a report during the second session of July, 2010 recommending amendment of M.L.C. Rule 70 (2) to reflect the aforesaid decision. However, Shri Vikram Kale, M.L.C. proposed an amendment therein to the effect that the said period be reduced to 30 days. He argued that, since the Right to Information Act warrants release of information within a period of 30 days, the members of Legislature merit receipt of information within the same time frame. He petitioned through a letter that, provision of 60 days made in the Rule 70 (2) of Maharashtra Legislative Council Rules be amended to 30 days. Accordingly, requisite amendment has been made in Maharashtra Legislative Council Rule 70. [#]The above amendments have come into force on **12th January, 2011**.

- After a proviso in sub-rule (2) of rule 70 of Maharashtra Legislative Council Rules, the following proviso has been inserted—

“Provided further that, the Chairman may, when the House is not in session, order the printing, publication and distribution of answers to unstarred questions to the members although they are not laid on the Table of the House. In that case, answers to unstarred questions shall be laid on the Table of the House during its next session at the first convenient opportunity.”

Accordingly, requisite amendment has been made in Maharashtra Legislative Council Rule 70 (2). ^{**}The above changes have come into force on **13th January, 2017**.

- Rule 54 (3) of Rajya Sabha provides that,

“the Chairman may issue directions to give reply to a question on the request of any member if the question pronounced is not asked or the member on whose name the question asked, is absent.”

[‡] vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 17th September, 2010.

[§] vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 12th January, 2011.

^{**} vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 13th January, 2017.

In this rule, the words “any members on their request” have been deleted. Accordingly, requisite amendment has been made in Maharashtra Legislative Council Rule 82 (3). ††This amendment have come into force from **24th September, 2010**.

- A discussion has been held in the meeting of the Business Advisory Committee in order to cause an amend in the Rule of Legislative Council on the lines of an amendment made by Rajya Sabha in the rule regarding the authority of asking the questions. The relevant Rule No. 82 (3) provides that,

“The Chairman may issue direction to give reply to the question on the request of Minister if the question pronounced is not asked or the member on whose name the question asked, is absent.”

Rajya Sabha has amended its Rule No. 54 (3) of their Rules to state that,

“The Chairman may issue directions to reply a question if the question pronounced is not asked or the member on whose name the question is asked is absent.”

Accordingly, requisite amendment has been made in Rule 86 of Maharashtra Legislative Council. ††This amendment has come into force from **24th September, 2010**.

- In light of the amendment made by it in its Rule 54 (3) as described in the previous paragraph, the Rajya Sabha deleted its Rule 55 framed under title “Questions of the absent members”. Similarly, Rule 87 framed under title “Questions of the absent members” has been omitted by Maharashtra Legislative Council in light of the amendment proposed by it in its Rule 82 (3) which similarly states that “The Chairman may issue direction to give reply to the question if the question pronounced is not asked or the member on whose name the question asked, is absent.” ††This amendment has come into force from **24th September, 2010**.

- Hon. Presiding Officers, while denying permission to notices raised under Rule 93 of Maharashtra Legislative Council Rules, may, nevertheless, issue directions to the Government to make a statement thereon if they are of urgent public importance. Similarly, many a times discussions are

†† vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 24th September, 2010.

‡‡ vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 24th September, 2010.

§§ vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 24th September, 2010.

held in the House upon the statements made by the Government on such notices and these discussions may carry on for even 1 or 2 hours. Also, the statements to be made by the Government over the notices given under Rule 93 are rarely received on time. The Government has to send the said statements within a period of 6 days. However, the number of such statements may reach 10 to 20 in a single day for a single day. Hence, it was deemed expedient to limit such discussions to 20 minutes. Accordingly, requisite amendment is made in Rule 93 of Maharashtra Legislative Council. ***This Amendment has come into force from **24th September 2010**.

- As per Rule 101 (3) of Maharashtra Legislative Council, not more than three Calling Attention Notices are taken up for each sitting of the House. However, sometimes, due to Hon. Member's demand and sometimes owing to strength of parties the House, Hon. Chairman includes more than three Calling Attention Notices in the order of business for the day. Consequently, on the last day of the session, 7 to 8 Calling Attention Notices are listed for discussion. A single Calling Attention Notice attracts a discussion of about 30 to 40 minutes in the House. As a result, notices further down the list fall short of time. Hence, it was deemed expedient that the prolonged duration of such discussions and number of Calling Attention Notices to be listed for a day be curtailed. Accordingly requisite amendment has been made in the Rule 101 of Maharashtra Legislative Council so that not more than 4 matters are raised on a single day except on days permitted by the Hon. Chairman and a period of 45 minutes has been assigned for discussing all Calling Attention Notices listed for the day. †††This change has come into force from **24th September, 2010**.

- There is a provision in Maharashtra Legislative Council Rule 101 (3) regarding calling attention notices providing that —

*“not more than four such matters shall be raised at the same sitting :
Provided that one of such matters shall necessarily relate to a matter
of recent occurrence or to a current event.”*

The sentence “one of such matters shall necessarily relate to a matter of recent occurrence or to a current event” which appears in the proviso of Rule 101 (3) comes across as somewhat confusing. It seems to mean as if only one out of four notices may relate to a matter of recent occurrence or

*** *vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 24th September, 2010.*

††† *vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 24th September, 2010.*

to a current event and the remaining ones shall not be subject to this criterion. Naturally this defeats the very object of the said provision. Moreover, no such proviso is found in the Legislative Assembly's Rules concerning Calling Attention Notices. Taking this fact into consideration, it was deemed expedient to amend the Legislative Council Rules appropriately. Therefore, the two provisos appearing in Rule 101 (3) of the Legislative Council have been omitted and the following amendment has been inserted in their place —

“Provided that if any such matters remain pending on the concluding day of the Session, the Ministers concerned shall lay on the table of the Council the statements to be made by them.”

‡‡‡The said amendment have come into force from **12th January, 2011**.

- In case of non-official bills, it so happens that once they are introduced in a House under the Legislative Council Rule 151, the said bills lapse if there is no discussion raised upon them. Consequently, the concerned member is required to introduce the same bill freshly in the House during the next session. An amendment was proposed in the concerned Rule so that a bill, once introduced by members, would not lapse till the end of their respective term. The said amendment to be made in Rule 151 was placed before the Committee for its consideration. Accordingly, an amendment was made in Legislative Council Rule 151 so that a bill, once introduced by members, shall not be lapsed till the end of their respective term. §§§This amendment have come into force from **24th September, 2010**.

- A motion was passed in the House on 14th December, 2009 which was moved by the Minister of the State for Parliamentary Affairs regarding constitution of a Joint Committee of both the Houses of the Legislature namely 'Committee on Welfare of Minorities' (*i.e.* Muslims, Buddhists, Christians, Sikhs, Parsis and Jains) in order to achieve all-round development of minority communities and to bring about co-ordination among various welfare schemes meant for them which are being implemented by the State Government and to monitor the same effectively for development of these communities, and to examine whether the people from these communities are being benefited from the aforesaid schemes as result of effective implementation of the same through the concerned zonal offices of the Government and to take a comprehensive review of

‡‡‡ *vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 12th January, 2011.*

§§§ *vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 24th September, 2010.*

deficiencies found during the implementation of the said schemes and also to decide whether the objects set before such schemes etc. have been achieved by evaluating the success of these schemes and suggesting suitable measures to the State Government in their regard.

Since it was deemed expedient to amend the Maharashtra Legislative Council Rules with a view to constitute the aforementioned Committee lawfully in keeping with the motion passed by the House, the Maharashtra Legislative Council Rule, 214 (C) has been newly inserted after Maharashtra Legislative Council Rule, 214 (B). ****The said amendment has come into force from **24th September, 2010**.

In light of the aforesaid motion passed by the House it was deemed expedient that a new Rule numbered as "214-C" be inserted in the Legislative Council Rules regarding constitution of a Committee on Welfare of Minorities. Also, a requisite amendment has been made in Maharashtra Legislative Council Rule 215 to reflect insertion of the aforesaid new rule. The said amendment has come into force from 24th September, 2010.

Owing to insertion of the aforementioned Rule 214 (c) with reference to constitution of Committee on Welfare of Minorities', requisite amendment has been made in Maharashtra Legislative Council Rule no. 215. ††††The said amendment has come into force from **24th September, 2010**.

In case of a 'No-Day-Yet-Named motion', no further action is taken in its regard once it is moved under Maharashtra Legislative Council Rule 262 because no day is fixed for holding a discussion upon the same. Moreover, 'No-Day-Yet-Named motions' are not moved in the Maharashtra Legislative Assembly at all. Therefore, with a view to maintain uniformity in the Rules of both the Houses, the Committee was dwelling upon deleting the provision of No-Day-YetNamed motion permanently. Accordingly, the Maharashtra Legislative Council Rule 262 has been omitted permanently. ††††The said amendment has come into force from **24th September, 2010**.

During the second session of July, 2010, an amendment was made in the report presented by the Committee on Rules regarding omission of Rule 262. In consequence of omission of Rule 262 from Maharashtra

**** *vide Maharashtra Government Gazette*, Extraordinary. Part IV-C, dated 24th September, 2010.

†††† *vide Maharashtra Government Gazette*, Extraordinary Part IV-C, dated 24th September, 2010.

‡‡‡‡ *vide Maharashtra Government Gazette*, Extraordinary Part IV-C, dated 24th September, 2010.

Legislative Council Rules, Rule no. 261, 263, 264 are also being omitted therefrom. Also, in Rule 265, an amendment has been made whereby, the words “under Rule 258 to 264” are to be read as “under rule 258 to 260”.
 §§§§The said amendment has come into force from **12th January, 2011**.

Under the Maharashtra Language of the State Act, 1964, ‘Marathi’ has been adopted as the official language of the State for all Government business. In order to encourage use of Marathi language in all fields, a review was conducted in the State Government/Semi-Government offices to take a stock of how the Marathi language is used thereat. Thereafter, a motion was moved by the Hon. Minister for Marathi Language to constitute a joint committee on Marathi language comprised of members from both the Houses of Legislature. The said committee was to suggest measures to be adopted by the State Government with regard to use of Marathi language. The aforesaid motion was passed by the House on **17th December, 2015**.

Since it was deemed expedient to amend Maharashtra Legislative Council Rules with a view to constitute the aforementioned Committee lawfully in keeping with the motion passed by the House, the Maharashtra Legislative Council Rule, 214-D has been newly inserted after Maharashtra Legislative Council Rule, 214-C, ††††The said amendment has come into force on **29th April, 2016**.

In light of the aforesaid motion passed by the House it was deemed expedient that a new Rule numbered as “214-D” be inserted in the Legislative Council Rules regarding constitution of a Committee on Welfare of Minorities. Accordingly, requisite amendment has been made in Maharashtra Legislative Council Rule 215. ††††The said amendment have come into force on **29th April, 2016**.

The Honourable Presiding Officer, after holding a discussion with representatives of UNICEF, had issued a directive regarding inclusion of the subject “Welfare of Children” within the purview of the Committee on Women’s Rights and Welfare of Maharashtra Legislature. Accordingly, an amendment has been made in Maharashtra Legislative Council Rule 214-

§§§§ *vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 12th January, 2011.*

††††† *vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 29th April, 2016.*

‡‡‡‡‡ *vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 29th April, 2016.*

A by replacing the words “Rights and Welfare of Women and Child” with words “Women’s Rights and Welfare”. §§§§The said amendment have come into force on **3rd April, 2018**.

Accordingly, the words “Committee on Rights and Welfare of Women and Child” appearing in the marginal note of Maharashtra Legislative Council’s Rule 214-A and fourth line thereof have been replaced by words “Committee on Women's Rights and Welfare”. §§§§§The said amendments have come into force on **3rd April, 2018**. Similarly, the words “Committee on Rights and Welfare of Women and Child” which appear in the eighth line of Maharashtra Legislative Council’s Rule 215, have been replaced by words “Committee on Women's Rights and Welfare”. †††††The said amendment has come into force on **3rd April, 2018**.

Since all the aforesaid amendments made in the Maharashtra Legislative Council Rules were made after the publication of their eight edition, they are now incorporated in this ninth edition of theirs.

As it was felt that a review of previously published eight editions would prove to be useful to the reader, the same has been incorporated in this edition under the title “Review of previous eight editions” following this preface.

Vidhan Bhavan,
Mumbai,
Date : 22/11/2022

RAJENDRA G. BHAGAWAT,
Principal Secretary,
Maharashtra Legislature Secretariat.

§§§§§ *vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 3rd April, 2018.*

§§§§§§ *vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 3rd April, 2018.*

†††††† *vide Maharashtra Government Gazette, Extraordinary. Part IV-C, dated 3rd April, 2018.*

PREFACE TO THE EIGHTH EDITION

After the publication of the last seventh edition of the Maharashtra Legislative Council Rules in 2004, these rules have undergone some further changes in 2006 and 2009. Out of which the important changes are as follows :—

There is no provision with respect to the appointment of the Leader of the House of Legislative Council in the Maharashtra Legislative Council Rules. There is a provision for the appointment of the Leader of the House in the Rules of the Rajya Sabha as well as in the Rules of the Legislative Council of the Karnataka, Uttar Pradesh and Bihar. Further there is also a provision for the appointment of the Deputy Leader of the House in the Bihar Legislative Council Rules. Since it was felt necessary to include the provision of appointment of the Leader and the Deputy Leader of the House of the Legislative Council in the Legislative Council Rules on the same lines, rule has been amended suitably by inserting two new sub-rule *i.e.* (j-1) and (j-2) after sub-rule 2(j).

There is a provision of half-an-hour-discussion on every Tuesday and Thursday under Rule 92 of the Legislative Council Rules out of which on every Tuesday, discussion on recently answered starred or un-starred questions may be raised as per direction No. 11 of the Hon'ble Chairman. Consequently the members get only one day *i.e.* Thursday in a week to raise discussion on the matter of public importance. Nowadays the notices of half-an-hour discussion are received in large number from the members. Through this device, various questions of the Members came for discussion and they are solved. Since it is one of the useful parliamentary device for giving justice to the matter of public importance, it was felt necessary to increase the days of the discussion and number of the notices. Accordingly suitable amendment has been made in the sub-rule (1) and sub-rule (4) of the Rule 92.

Since the prescribed time of two and half hours for discussion of short duration on matters of public importance raised under Rule 97 of the MLC. Rules is insufficient and similarly, it was felt necessary to increase the time of the said discussion upto three hours, with a view to give justice to the matters of public importance, necessary amendment has been made in Rule 98 (This amendment came into force on 29th July 2006).

According to the provision in the present rules, business hours of the Legislative Council is 4 hours. However, it is noticed that this period is insufficient considering the business before the House and almost daily this period is required to be extended. Unofficial discussion on this issue was also held in the Business Advisory Committee and the members of the

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Committee have also suggested that necessary amendment should be made in the rules in- view of starting the meeting of the House early. Accordingly after submitting the said amendment for consideration of the Committee on Rules, suitable amendment has been made in the sub-rule 2(a) of Rule 4.

Since amendments to the motion of thanks on the Hon'ble Governor's Address are received from almost all members in recent time and there is no clear provision in the rule about how many amendments may be given by one member, it is noticed that such amendments are being received on large scale from last few years. It is essential to distribute the copies of such amendments on the day fixed for the discussion and before the commencement of meeting of the House to the members as well as to the ministerial departments. Since the time available for this work is limited, the sets of these amendments could be prepared before the commencement of meeting of the House on next day only if the manpower in the Legislature Secretariat is fully and continuously utilised without returning home at night also. Taking into account the manpower, material being utilised for and outcome of it, it is necessary to put restrictions on such amendments. Therefore it was felt necessary to make amendment in Rule 59. Accordingly the suitable amendment has been made in Rule 59.

The number of members of both the Committees *i.e.* the Committee on Welfare of Scheduled Castes and the Committee on Welfare of Scheduled Tribes is 15. However, only 7 members are nominated on Committee on Welfare of Vimukta Jatis and Nomadic Tribes. Functions of the above three Committees are almost identical. Since it is necessary that the number of members on these three Committees should be equal, the suitable amendment has been made in Rule 214.

Presently number of the members on the Committee on Privileges is 9 and accordingly quorum to constitute Committee comes to 3. If the meeting of the Committee is adjourned for the want of quorum, it affects the working of the Committee. Therefore, it is necessary to increase the number of members of the Committee. Accordingly suitable amendment has been made in the Rule 245. (The above changes came into force on 9th March 2009).

After the publication of the 7th edition, all the aforesaid changes in the Maharashtra Legislative Council Rules have been incorporated in this edition.

Vidhan Bhavan :
Mumbai.

Dated the 2009.

ANANT KALSE,
Principal Secretary,
Maharashtra Legislative Council.

PREFACE TO THE SEVENTH EDITION

After the publication of the last sixth edition of the Maharashtra Legislative Council Rules in 1989, these rules have undergone some further changes in 1997, 1998, 2001 and 2003. Out of which the important changes are as follows :—

Considering the fact that in spite of provision regarding timing of meetings of the House in Maharashtra Legislative Council Rules, there has been changes in the timing of meetings of the House as per practice since last few years and therefore it was felt necessary to make provision in rules itself in that regard instead of leaving such an important matter to be regulated by practice. Hence, the concerned rule have been amended suitably from that point of view.

Although very large number of notices of No-Day-Yet-Named motions are admitted, very few of them come up for discussion and remaining all notices lapse on prorogation. More over, inclusion of such notices in the list of business makes it very large and bulky. Considering all these matters, it was decided to print such notices seperately and to keep only five motions admitted in a member's name throughout the term of Council and accordingly necessary changes have been made in the concerned rule.

Considering the fact that the Bills which have been introduced do not lapse after prorogation of the session, necessary changes have been made so that amendments suggested to such Bills also should not be lapsed.

Since it was felt necessary that the provision related to the notice period for raising the Half-an-Hour Discussion in rule should be explicit and it should make intention of the rules clear, necessary amendments have been made in concerned rules accordingly.

Looking to the manifold increase in Calling Attention Notices, it was felt necessary to raise the present number of such matters from two to three for being taken up for discussion every day and there should be provision prescribing time-limit for raising such matters, and therefore necessary amendments have been made in concerned rules accordingly.

The Government of Maharashtra has brought in force the provisions of Section 5 of the Maharashtra Official Languages Act, 1964 *vide* its Notification (GAD No. OFL. 1095/737/C.R. No. 36/95/20-B, dated the 14th August 1995) with effect from the 15th day of August 1995. Accordingly, from the said date. Marathi language is being used in the Bills to be introduced amendments to be moved before the House, as well as in all Acts passed by the State Legislature and in all Ordinances Promulgated by

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the Governor of Maharashtra. Hence considering this fact, it was felt necessary to make consequential changes in the concerned rules and therefore necessary amendments have been made in the concerned rules accordingly.

Since it was felt necessary that the time allotted for Guillotine should be reduced from two hours to half-an-hour in order to get more time for discussion on Appropriation Bill, necessary amendments have been made in concerned rules accordingly.

Considering the fact that since Deputy Chairman is an ex-officio Chairman of Committee on Petitions, that committee cannot conduct its business when the office of Deputy Chairman is vacant, and therefore it was felt necessary that there should be provision in Rules for nominating any member as an acting Chairman of the Committee in order to conduct the business of the Committee, even in the absence of Deputy Chairman. Hence necessary amendment was made in concerned rule accordingly.

*These amendments came into force on 26th December 1997.

Thereafter few more changes were made in rules which are as follows : —

Taking into consideration demand being made by members since long time to reduce the period for giving notices regarding starred questions, provision of short period in Lok Sabha and other State Legislatures and similarly the present modern and advanced means of communication, it was felt that members will get answers early if the said period is reduced and therefore necessary changes have been made in concerned rule in order to reduce said period to 30 days.

Parliament has constituted "Parliamentary Committee on the Empowerment of Women," on 29th April 1997, as per the resolution passed by both the Houses of the Parliament on the occasion of International Women's Day on 8th March 1996. Since the matters related with Women's Welfare and other matters related thereto come within the preview of Government, the House has passed the motion moved by Honourable Minister for Parliamentary Affairs on 20th April 1998, providing for the constitution of such type of committee of both the Houses also on State level. New rules for making necessary provisions have been inserted in order to constitute such important Committee and to commence its business at the earliest.

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 26th December 1997.*

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*These amendments came into force on 28th December 1998.

Thereafter few more changes were made in rules which are as follows :—

Maharashtra Legislative Council Rules provides for the procedure regarding the allegation to be made against any person. Accordingly no allegation of a defamatory or incriminatory nature could be made by a member against any person unless the member has given a prior intimation to the Honourable Chairman and also to the concerned Minister. However, there was no provision of any fixed period as to when the prior notice regarding allegation may be given. Resultantly, such notices were being given in the nick of time or mostly when the House was in session. Similarly, these notices were ambiguous and necessary papers were also not being attached along with the notices. As these notices were being given in the nick of time, no sufficient time was being made available to Honourable Chairman to allow or disallow the notices by exercising the powers conferred to him under the proviso to Rule 35 of the Maharashtra Legislative Council Rules and the said matter was being raised in the House even though the allegation was derogatory to the dignity of the House and even baseless. Similarly, due to ambiguous nature of the said notices, concerned Ministers remained unaware regarding the allegations made through the said notice. Consequently, they were unable to give immediate reply thereon, and they were being deprived of natural justice.

Since Honourable Chairman and concerned Minister does not get sufficient time for investigating about allegation or for going through the concerned documents, they were causing inconvenience in that respect and there was danger of causing unnecessary defamation of concerned person as the necessary information could not be available immediately. Such allegation was being publicised widely by newspapers. However, injustice was being caused to a person on whom such allegations were made because he could not put forth his say in that regard immediately. In order to enable concerned Minister to give reply about allegation of a incriminatory nature by making proper investigation in that regard, an insistent demand was being made during the recent period on the basis of basic principle of natural justice that before making such allegation, prior “notice along with the necessary documents in that regard should be given before one day to Honourable Chairman as well as to the concerned Minister. Considering all these matters, it was felt necessary that before making allegation against any person, the prior notice alongwith necessary

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 28th December 1998.*

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documents in that regard should be given to the Honourable Chairman as well as to the concerned Minister upto 5-00 p.m. on the working day prior to a day on which the allegation is to be made in The House and an amendment has been made in the concerned rules accordingly.

After Independence, India has adopted Representative Parliamentary Democratic form of Government. In this form of Government. Executive *i. e.* Council of Minister is accountable to Legislature. For this purpose the Legislature has to keep control over the Executive. It is utmost necessary to keep through, effective as well as meaningful financial control and supervision over the Executive. Such financial control is kept by the various Parliamentary Committees consisting of selective Members of the House. The procedure of keeping control over Government by the committees is the core pith of Parliamentary form of Government.

However, Considering the limitations falling upon the existing committees compared with their functioning, provisions in the rules, colossal increase in the scope of the administration, the substantial increase made in the budget on account of various schemes, these committees are falling short in commanding an effective, meaningful and adequate administrative and financial control over the executive. In other words, it could be safely said that their functioning is certainly confined within certain limitations. **In order to have a better control of the parliament and Legislature over the administration as well as an effective examination of various aspects of the administration, need of evolving a new and dynamic committee system was being felt necessary since last few years. It was due to this concept that an inclination was being expressed to strengthen the prevalent committee system through various parliamentary provisions. The concept of Department Related Standing Committees has originated from the idea of making this committee system dynamic, expeditious and strengthened.** Time and again, an extensive deliberation was made in this regard in the conference of the Presiding Officer and a decision was taken in this conference to constitute *Ad hoc* Budgetary Committees for the purpose of making a pre-voting scrutiny of the demand for grants of departments of all ministers. Accordingly, three committees were constituted in Lok Sabha in 1989.

Before implementing this system in Lok Sabha or in any other States the system of Pre-Voting Budget Scrutiny was employed in our State in the year 1976-1977. At that time, the strength of members of the Estimates

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Committee was increased and its 5 Sub-Committees were formed and scrutiny of specific ministerial departments was vested with each of these Sub-Committees. After the reports prepared by the Sub-Committees were approved by the Estimates Committee, a consolidated report of the Committee was presented to the House. This system was adopted in context with the Budget for the years 1977-78, 1978-79 and 1979-80. Thereafter this system was not adopted in the years from 1980-81 to 1986-87. However, the said system was readopted in the year 1987-88 and 1988-89. At that time the strength of the members of the Estimates Committee was raised to 40. However, this system was discontinued from 1989-90. On 8th April 1993 total 17 Department related Standing Committees were constituted in Parliament of which. 11 belonged to the Lok Sabha and 6 belonged to the Rajya Sabha. At present, such Department related Standing Committees are in existence in 9 States of India *viz.* Karnataka, Goa, West Bengal, Kerala, Himachal Pradesh, Assam, Orissa, Meghalaya and Mizoram. On this background it was decided to adopt the system of Department related Standing Committees in Maharashtra Legislature from the Budget Session of the year 2002. Accordingly, new rules regarding Department related Standing Committees were inserted in the Maharashtra Legislative Council Rules.

*The aforesaid changes were brought into force since 14th December 2001.

On 25th July 2003 both the Houses passed a motion that a joint Committee *viz.* 'The Committee on Welfare of the Backward Classes' be constituted. Accordingly, new rules for making necessary provisions have been inserted in order to constitute such Committee and to commence its business at the earliest.

**The aforesaid changes were brought into force since 15th December 2003.

After the publication of the 6th edition, all the aforesaid changes in the Maharashtra Legislative Council Rules have been incorporated in this edition.

Vidhan Bhavan :
Mumbai,
Dated 1st October 2004.

VILAS PATIL,
Principal Secretary,
Maharashtra Legislative Council.

* *Vide Maharashtra Government Gazette*, Extraordinary, Part IV-C, dated 14th December 2001.

** *Vide Maharashtra Government Gazette*, Extraordinary, Part IV-C, dated 15th December 2003.

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PREFACE TO THE SIXTH EDITION

Since the publication of the last edition in 1980, the Maharashtra Legislative Council Rules have undergone further changes as follows :—

1. The lengthy electoral process for election of members to the important committees such as the Public Accounts Committee, Estimates Committee, Public Undertakings Committee etc., was done away with and the power was given to the Chairman to nominate members on all the Committees. While doing so, it was made incumbent on the Chairman to consult the Leader of the House, the Leader of Opposition and Leaders of recognised groups in order to safeguard that the representation on the Committees reflect the relative strength of various parties and groups in the House. Other important changes related to the increase in the strength of the Committees, the uniformity in the term of the Committees *i.e.* for a period of one year and representation of Council members on five Committees incorporated in Rules *viz.*, Committee on Welfare of Scheduled Castes, Committee on Welfare of Scheduled Tribes, Committee on Panchayati Raj, Committee on Employment Guarantee Scheme and Committee on Welfare of Vimukta Jatis and Nomadic Tribes.

*The above changes came into force with effect from 22nd April 1981.

2. When the Council Hall shifted to the new premises in a multi-storeyed building it was felt that ringing of quorum or division bell for a period of three minutes or seven minutes as the case may be would be insufficient to ensure presence of members in the House as it was provided then. The Rules were, therefore, amended for ringing of bell for five minutes and at the discretion of the Chairman for a period lasting upto ten minutes.

**The above changes came into force with effect from 31st August 1981

***3. On 20th September 1982 a change was made in Rules providing for election of Chairman of the Legislative Council by means of a motion moved and carried in the House, if necessary by division. Adopting the system followed in the Lok Sabha, Rajya Sabha and many other states.

* *Vide Maharashtra Government Gazette*, Extraordinary, Part IV-C, dated the 22nd April 1981.

** *Vide Maharashtra Government Gazette*, Extraordinary, Part IV-C, dated the 31st August 1981.

*** *Vide Maharashtra Government Gazette*, Extraordinary, Part IV-C, dated the 20th September 1982.

4. Subsequently some minor amendments were also made to the rules *viz.*, (i) rule 11 which provides for removal of Chairman a reference was included for Dy. Chairman also as provided by the Constitution : (ii) the outdated reference in Rule 18 for half working days on Saturdays was deleted; (iii) in Rule 29 the notice for giving amendments to Bills was brought down to one day from two days; (iv) in order to secure a speedy completion of Legislative business amendment was made for taking up different motions relating to a Bill earlier by reducing the period from seven to four days; and (v) providing for procedure to be followed on the lines of Lok Sabha and Rajya Sabha Rules, in the matter of acceptance of resignation of members in the light of the Constitution amendment requiring resignation of a member to be specifically accepted by the Chairman and empowering the Chairman to make enquiry to find genuineness or voluntarality of such resignation.

*These changes came into force with effect from 3rd April 1986.

The present edition incorporates all the changes referred to above and the rules have been renumbered serially.

A comparative table is added at the end showing the rule numbers in the Fifth Edition and their corresponding new numbers in this edition.

Vidhan Bhavan :
Mumbai.

C. M. DHOPARE.
Secretary (II),
Maharashtra Legislative Council.

PREFACE TO THE FIFTH EDITION

Since the publication of the last edition in February 1967 the Maharashtra Legislative Council Rules have undergone some further changes.

In 1969 and 1970 the rules underwent following changes. * The important ones were, briefly as follows :—

The procedure for holding a ballot for determining relative precedence of resolutions would be held member-wise and not resolution-wise as before. The rule in regard to half-an-hour discussion was amended so as to allow discussion on any matter of sufficient public importance, not necessarily arising out of answers to questions alone. Such discussion could now take place on two days in a week i.e. Tuesday and Thursday instead of only on Wednesdays. New rules were Framed laying down the procedure for dealing with the ratification of amendments of the Constitution. The term of office of members of the Public Undertakings Committee was brought down from five years to one year and it was also stipulated that a member having any pecuniary interest in any public undertaking should not be elected or continued as a member of the said Committee, In regard to matters relating to privileges the Chairman has been vested with the discretion to refer any matter to the House directly for its decision, where it lends itself to that course. Lastly, under the old rules, three hours on the last day of the Session could be allotted for discussion of a motion relating to a matter of public importance. This has been changed and now one whole day excluding question hour during the last week of every Session has been allotted for discussion of matters of public importance not exceeding four in number.

These changes came into force with effect from 1st January 1971.

The rules underwent further changes** in 1977.

Rules relating to Adjournment motion were replaced by new rules to provide for a motion (which may not have any element of censure in it) to discuss urgent matters on the same day or within one or two days immediately thereafter (vide rules 93-96). Another important change relates to the raising of the Calling attention matters from 2 to 3 in the same sitting with the stipulation that one of such matters should necessarily relate to a matter of recent occurrence or a current event [Rule 101(3)].

These changes came into force with effect from 9th December 1977.

The present Edition contains the rules after incorporating all the changes made from time to time as mentioned above. They have been renumbered serially.

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 16th December 1969 and 5th January 1971.*

** *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 9th December 1977.*

PREFACE TO THE FOURTH EDITION

This is the Fourth Edition of the Maharashtra Legislative Council Rules. In the context of the publication of this edition, it will be of interest to take a general survey of the far reaching changes which the rules have undergone since the advent of the Constitution of India. The successive changes mark the definite steps taken in the process of evolving a procedure and procedural forms in accordance with the accepted and well-recongnised principles of Parliamentary Practice and Procedure.

After the commencement of the Constitution of India, the Legislative Council Rules, which were already in force, were modified and adapted by the Chairman by virtue of the powers conferred on him by Article 208(2) of the Constitution, and the rules so adapted were published in the *Bombay Government Gazette**. By Notifications issued on 19th and 29th September 1950, the Chairman further amended the Rules under which a chapter on Questions of Privilege and a rule regarding Appropriation Bill were added. Subsequently” a Committee was appointed by the Legislative Council in August 1952 to frame rules under Article 208(1) of the Constitution and the rules, as finally adopted by the Council, were published in *Bombay Government Gazette*, dated 30th April 1953.

2. The reorganisation of States on 1st November 1956 brought in its wake some significant changes in the Rules. The Chairman, appointed a Committee of 12 members on 24th July 1957 to recommend any adaptations or modifications that the rules may require. The Committee, after studying the rules of various State Legislative Councils and also taking into consideration the rules of the Lok Sabha and Rajya Sabha, unanimously recommended to the Chairman certain changes in the rules. The Chairman accepted those recommendations and incorporated them in the rules acting under the powers vested in him by section 39 of the States Reorganisation Act, 1959. The said adaptations and modifications were duly notified in the *Bombay Government Gazette*.**

It may be of interest to state here briefly some of the important changes then introudced in the Rules. The question prodceure was revised so as to secure their more expeditious disposal. The new rules provided for the

* *Vide Bombay Government Gazette*, Part IV-A, dated the 17th February 1950.

** *Vide Bombay Government Gazette*, Part IV-A, Extraordinary, dated the 10th December 1957 and 16th January 1958.

constitution and working of three more Committees of the Legislature, *viz.*, the Rules Committee, the Business Advisory Committee and the Committee on Private Members', Bills and Resolutions. The rules also provided for the representation of the Council on the Committee on Subordinate Legislation, the Public Accounts Committee and the Estimates Committee. New Fragmentary devices such as discussion for short duration on matters of urgent public importance and calling attention to such matter were also introduced in the rules for the first time.

The *First Edition* of the Rules, containing these adaptations and modifications was published in *February 1958*.

3. As provided under section 39 of the States Reorganisation Act, 1956, the Rules thus adapted by the Chairman were to remain in force until rules were made by the Council under Article 208 (1) of the Constitution. It was, therefore, necessary for the House to make rules in pursuance of the provisions of that Article, Advantage was taken of this position to consider further changes in the rules. The Chairman nominated a Committee for the purpose which suggested further amendments to the rules. It submitted its report to the House on 25th August 1959. The report was approved by the House and the rules together with the amendments were adopted by it under Article 208 (1) of the Constitution, on the 3rd September, 1959. The rules as amended were notified in the *Bombay Government Gazette*.*

Some of the more important changes then made in the rules were that two more new Committees, *viz.*, the Committee on Government Assurances and the Committee on Absence of Members from the Sittings of the House, were provided for. A new general chapter on Committees containing general provisions applicable to the working of all Committees was also inserted on the lines of the Lok Sabha Rules. The new rules empowered the Chairman to treat a Starred Question as Uunstarred while admitting it in certain circumstances. Other important changes included a provision regarding resignation or members; defining the scope of petitions; procedure for sending intimation of arrest, etc., of members to the Chairman and procedure for giving certified copies of speeches, statements, etc., made in the House.

The *Second Edition* of the Rules incorporating the changes mentioned above was brought out in *November, 1959*.

* *Vide Bombay Government Gazette*, Part IV-A, dated the 1st October 1959.

THE MAHARASHTRA LEGISLATIVE COUNCIL RULES

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* *Vide Maharashtra Government Gazette*, Extraordinary Part IV-C, dated 24th September 2010.
 ** *Vide Maharashtra Government Gazette*, Extraordinary Part IV-C, dated 12th January 2011.

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**THE MAHARASHTRA LEGISLATIVE COUNCIL
RULES**

**Rules made by the Maharashtra Legislative Council
under clause (1) of Article 208 of the Constitution of India
for regulating the procedure and conduct of business of
the Council.**

PRELIMINARY

- | | |
|--|--|
| <p>1. (1) These Rules may be called the Maharashtra Legislative Council Rules.</p> <p>(2) They shall come into force on 25th August, 1960.</p> <p>2. In these rules, unless the context otherwise requires,—</p> <p>(a) “Assembly ” means the Legislative Assembly of the State of Maharashtra constituted under the constitution ;</p> <p>(b) “ Bulletin ” means the Bulletin of the Council published by the Secretary under the authority of the Chairman ;</p> <p>(c) “ Clear days ” includes Sundays and holidays ;</p> <p>(d) “ Committee ” means a Committee which is appointed or elected by the House or nominated by the Chairman and which works under the direction of the Chairman and presents its report to the House or to the Chairman, and includes a Joint Committee appointed under the provisions of rule 119(1)(c) or rules 193 and 194 and any other Joint Committee nominated jointly by the Chairman and the Speaker of the Assembly ;</p> <p>(e) “ Constitution ” means the Constitution of India ;</p> <p>(f) “ Council ” means the Legislative Council of the State of Maharashtra constituted under the Constitution ;</p> <p>(g) “ Finance Minister ” includes any Minister ;</p> <p>(h) “ Gazette ” means the <i>Maharashtra Government Gazette</i> ;</p> <p>(i) “ Government Business ” includes all business other than private members’ business ;</p> | <p>Short
title and
commence-
ment.</p> <p>Defini-
tions.</p> |
|--|--|

(j) “ House ” means the Council; and “ Houses ” means the Council and the Assembly ;

*“ (j-1) “ Leader of the House ” means Chief Minister or any other Minister appointed by Chief Minister ;

* (j-2) “ Deputy Leader of the House ” means any Minister who is a Member of the House or any Member of the House appointed by Chief Minister ;

(k) “ Member ” means a member of the Council :

Provided that a Minister who is not a member and the Advocate General shall be deemed to be members for the purpose of speaking in, moving motions and otherwise taking part in the proceedings of the Council and for the purpose of speaking in, or otherwise taking part in the proceedings of, any of its Committees of which he may be named a members, but shall not by virtue of this rule be entitled to vote on any question or be deemed to be member for the purpose of forming a quorum ;

(l) “ Member-in-charge ” means —

(i) in the case of a Government Bill, a Minister, and in the case of any other Bill, the member who has given notice of a motion for leave to introduce the Bill, or, where the Bill is one which has been passed by the Assembly and then transmitted to the Council, the member who has given notice of his intention to move the Bill; and

(ii) in the case of a Government motion, a Minister and in the case of any other motion, the member who has given notice of the motion, or, where notice of the motion is not required, the member who moves the motion ;

** (m) “ Minister ” means a member of the Council of Ministers, and includes a Minister of States and a Deputy Minister ;

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 29th July 2006.*

** *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 9th March 2009.*

(n) “ Motion ” means the statement of a matter brought forward for the consideration of the Council and includes a resolution and an amendment of a motion ;

(o) “ Originating House ” means the House in which a Bill is originally introduced ;

(p) “ Precincts of the House ” means and includes the chamber, the lobbies, the Galleries and such other places as the Chairman and the Speaker may, from time to time, specify ;

(q) “ Private member ” means a member other than a Minister or the Advocate-General ;

(r) “ Private members’ business ” means business of which notice is given by private members, but does not include statutory motions and other motions or notices for the discussion of which specific provisions exist under the rules ;

(s) “ Recognised parties or groups ” means the parties or groups recognised by the Chairman ;

(t) “ Resolution ” means motion other than a statutory motion for the purpose of discussing a matter of public importance which may be in the form of a declaration of opinion or a recommendation ; or may be in the form so as to record either approval or disapproval by the House 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 Chairman may consider appropriate ;

(u) “ Rules ” means the Maharashtra Legislative Council rules ;

(v) “ Secretary ” means the Secretary to the Council and includes any person for the time being performing the duties of the Secretary ;

(w) “ Statutory motion ” means a motion which is made in pursuance of any statute or enactment for the time being in force ;

(x) Words and expressions used in the Constitution and not defined in these rules shall have the meaning assigned to them in the Constitution.

PART I
MEETINGS OF THE COUNCIL

Summons 3. On the issue by the Governor of a notification under Article 174 of the Constitution appointing the time and place for a Session of the Council, the Secretary shall issue a summons to each member for the time and place so appointed.

Time of meeting. 4. (1) After the commencement of a session, the Council shall meet on a such days as the Chairman may direct.

(2) **“Unless the Chairman directs otherwise, the sittings of the House shall ordinarily commence from Monday to Friday at 12-00 hours and conclude at 19-00 hours with a recess of half-an-hour from 14-30 to 15-00 hours.”*

Powers to adjourn meetings. 5. (1) The Chairman may adjourn any meeting to any future day and hour or to any part of the same day to be named by him, without discussion or vote :

Provided that no meeting shall be adjourned for more than 7 days except at the request or with the consent of Government :

Provided further that the Chairman may for sufficient reasons call a meeting before the date to which it has been adjourned under this rule.

(2) The Chairman may also at the request or with the consent of Government adjourn any session without specifying the date of the next meeting :

Provided that such meeting shall be called within two months of the date of such adjournment. Seven days' notice of such meeting shall be given to all members.

* Substituted *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 13th January, 2017.*

PART II
OFFICERS OF THE COUNCIL

6. (1) When the office of Chairman is vacant or is about to fall vacant, the Governor shall fix a date for the holding of the election of the Chairman and the Secretary shall send to every member notice of the date so fixed. **Election of Chairman.**

(2) At any time before noon on the day preceding the date so fixed, any member may give notice in writing addressed to the Secretary, of a motion that another member be chosen as the Chairman of the House and the notice shall be seconded by third member and shall be accompanied by statement by the member whose name is proposed in the notice that he is willing to serve as Chairman, if elected :

Provided that a member shall not propose his own name or second the motion proposing his own name or propose or second more than one motion.

(3) A member in whose name a motion stands on the list of business may, when called, move the motion or withdraw the motion, and shall confine himself, to a mere statement to that effect.

(4) The motions which have been moved and duly seconded shall be put one by one in the order in which they have been moved, and decided, *if necessary, by division. If any motion is carried, the person presiding shall without putting later motions, declare that the member proposed in the motion which has been carried, has been chosen as the Chairman of the House.

7. When the office of the Deputy Chairman is vacant or is about to fall vacant, the Chairman shall fix a date for the holding of the election of the Deputy Chairman. The provisions of rule 6 shall, so far as may be, apply to such election. **Election of Deputy Chairman.**

8. (1) At the commencement of every Session, the Chairman of the Council shall nominate from amongst the members of the Council a panel of not more than four Chairmen, any one of whom may preside over the Council in the absence of the Chairman of the Council and the Deputy Chairman, when so requested by the Chairman of the Council or, in his absence, by the Deputy Chairman. **Panel of Chairman.**

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 20th September, 1982.*

(2) The members of the panel of Chairmen nominated under sub-rule(1) shall hold office until a new panel of Chairmen has been nominated.

Powers of person presiding. 9. The Deputy Chairman and any temporary Chairman of the Council shall, when presiding over the Council, have the same powers as the Chairman, when so presiding, and all references to the Chairman in the rules shall, in these circumstances be deemed to be references to any such person so presiding.

Delegation of powers to Deputy Chairman. 10. When, by reason of illness or absence from India or for any other sufficient cause, the Chairman is unable to exercise any of his powers or discharge any of his functions, he may by order in writing delegate to the Deputy Chairman such of his powers and functions as he may deem fit. He may likewise revoke any such delegation.

Motion for removal of Chairman or Deputy Chairman. 11. A motion to remove the Chairman or *the Deputy Chairman from office of which fourteen days' notice as required under Article 183 of the Constitution has been given shall, as soon as may be, after the expiry of the notice period, be read to the Council by the Chairman who shall then request the members who are in favour of leave being granted to move the motion to rise in their seats, and, if not less than 10 members rise accordingly, the Chairman shall intimate that leave is granted and that the motion will be taken on such day, not being more than 7 days from the day on which leave is granted, as he may appoint. If less than 10 members rise, the Chairman shall inform the member who may have given the notice that he has not the leave of the Council to move it.

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 3rd April, 1986.*

PART III

ARRANGEMENT OF BUSINESS AND GIVING OF NOTICES

12. (1) At the conclusion of questions and answers, two and a half hours of a sitting on Friday, shall be allotted for transaction of private members' business :

Provided that the Chairman may allot different Fridays for the disposal of different classes of such business and on Fridays so allotted for any particular class of business, business of that class shall have precedence :

Provided further that the Chairman may, in consultation with the Leader of the House, allot any day other than a Friday for the transaction of private members' business :

Provided further that if there is no sitting of the House on a Friday, the Chairman may direct that two and a half hours on any other day in the week may be allotted for private members' business.

(2) (a) On the days allotted for private members' business in any Session, unless any days have been allotted under first proviso to sub-rule (1) of this rule for any particular class of business when business of that class shall have precedence, the business shall be taken up in the following order :—

(i) Bills to be introduced ;

(ii) motions for continuance of Bills under rule 151 ;

(iii) motions under rule 43 for making a special order for the discussion of Bills, the consideration of which has been adjourned *sine die* ;

(iv) Bills returned by the Governor under Article 200 or 201 of the Constitution ;

(v) Bills which have been passed by the Council and returned by the Assembly with amendments ;

(vi) Bills which have been passed by the Assembly and transmitted to the Council ;

(vii) Other Bills excluding those referred to in sub-clauses (viii) and (ix) ;

**Allotment
of time
for
private
members'
business
and order
of
transacting
such
business.**

(viii) Bills, the continuance of which is ordered under rule 151 in that Session ;

(ix) Bills for the discussion of which a special order is made under rule 43 in that Session ;

(x) motions for presenting an Address to the Governor under rule 258 ;

(xi) motions under rule 189 ;

(xii) motions under rule 193 ;

(xiii) motions under rule 43 for making a special order for the discussion of motions, the consideration of which has been adjourned *sine die* ;

(xiv) motions for the discussion of which a special order is made under rule 43 ; and

(xv) resolutions.

(b) If any days are allotted for disposal of private members' business relating to Bills only, the business on such days shall be taken up in the order specified in sub-clauses (i), (ii), (iii), (iv), (v), (vi), (vii), (viii) and (ix) of clause (a) of this sub-rule.

(3) Unless the Chairman in any case otherwise directs, after business of any class has been finished, business of that class shall not again be taken up during the same Session unless business of the class or classes shown below it in sub-rule (2) has been finished.

(4) Subject to the provisions of sub- rule (2),—

(a) Bills which have been introduced shall be so arranged as to give priority to Bills which are most advanced ;

(b) the relative precedence of Bills which are at the same stage shall be determined by ballot held on such day and in accordance with such procedure as the Chairman, may prescribe.

(5) The relative precedence of members for resolutions shall be determined by ballot held in accordance with the procedure set out in the First Schedule.

(6) Notwithstanding anything contained in sub-rules (1) to (5) of this rule or in rule 102, the Chairman may, on any day allotted for private members' business, give priority to any item of such business.

13. (1) On days other than those allotted for private members' business, no business than Government business shall be transacted unless the Chairman in consultation with the Leader of the House otherwise directs. **Government business.**

(2) Government may arrange Government business in any order they deem fit :

Provided that, unless the Chairman directs otherwise, business shall be transacted in the order in which it is entered in the order of the day.

14. Notwithstanding anything contained in rules 12 and 13, and unless the Chairman otherwise directs, a motion of congratulation or condolence may, with the permission of the Chairman obtained before the commencement of the meeting of the Council, be moved at any time after the question hour. **Motions of congratulation or condolence.**

15. (1) Three clear days before the commencement of a Session, a list of business for the Session of which notice has till then been admitted by the Chairman shall be despatched to each member : **List of business.**

*Provided that such list of business shall not contain admitted notices of No-day-Yet-Named Motions which shall be printed separately.

(2) The Secretary shall prepare an order of business for the day and a copy thereof shall be sent to every member on the previous working day. Business not included in the order of business for the day shall not be transacted at any meeting without the leave of the Chairman. **Order of business for the day.**

(3) Business requiring notice shall not, without the leave of the Chairman, be included in the list of business or the order of business for the day until the notice period has expired.

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 26th December, 1997.*

(4) On any day allotted for the disposal of the private members' resolutions, resolutions of three members in the order as determined in the ballot shall be set down in the order of business.

New members take their seats. 16. At the beginning of each meeting the Secretary shall call the name of any new member who is present and who desires to take his seat. Such member shall then take the oath or make the affirmation in the manner prescribed in the Constitution.

Question time. 17. After new members, if any, have taken their seats, a period of one hour at every meeting shall be available for the asking and answering of questions :

* Provided that, no member shall raise a point of order during the question hour. Similarly no motion for adjournment of question hour shall be moved under rule 289.

Provided further that, the Chairman may grant permission for such a motion in very exceptional and urgent circumstances.

Giving of Notice. 18. (1) Every notice required by the rules shall be given in writing addressed to the Secretary and shall be left at the Council Office which shall be open for this purpose on every working day, except Sunday or a public holiday, between 11 a.m. and 5 p.m.

(2) The period of every notice shall be counted from the day on which it is received in the Council Office :

Provided that notices left or received when the office is closed shall be treated as having been received on the next working day.

(3) A copy of every motion, other than a resolution, of which notice is received, shall be sent to each member after it is admitted by the Chairman.

(4) A copy of every notice received and of its accompaniments and of any order passed by the Chairman thereon shall be sent to the Department of Government concerned.

* Inserted *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 24th September, 2010.*

19. Every notice or other paper which is required by the rules to be given or sent to members shall be deemed to have been duly given or sent if a copy thereof is despatched to the address of every member as registered in the Council Office:

Notice to members.

Provided that when the Council is in Session and for three days before the commencement of a Session, such notice or paper shall be deemed to have been despatched to each member if it is deposited in such place at the Council building as may be appointed in this behalf by the Chairman.

20. On the prorogation of a Session, all pending notices shall lapse except those in respect of unstarred questions, *No-day-Yet-Named Motions, statutory motions, amendment of rules, motions the consideration of which has been adjourned to the next Session under rule 37, Bills which have been introduced * and amendments to such Bills. Such Bills shall be carried over to the list of business for the next Session from the stage reached by them in the expiring Session.

**Prorogation :
Lapse of notices :
Business carried over.**

21. Notwithstanding anything contained in these rules, if fresh notice is given in respect of a motion or Bill which had lapsed, it shall not be necessary to send a copy of such motion or Bill along with such notice.

Copy of motion or Bill not to be sent with fresh notice.

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 26th December, 1997.*

PART IV

GENERAL RULES OF PROCEDURE

- Language of the Council.** 22. The business of the Council shall be transacted in Marathi or in Hindi or in English:
- Provided that the Chairman may permit any member who cannot adequately express himself in any of the languages aforesaid, to address the Council in his mother-tongue.
- Motions.** 23. (1) A matter requiring the decision of the Council shall be decided by means of a question put by the Chairman on a motion made by a member.
- (2) No motion shall be admissible which does not comply with the following conditions, namely:—
- (a) it shall be clearly and precisely expressed and shall raise one definite issue ;
- (b) it shall not contain arguments, inferences, imputations, ironical expressions or defamatory statements ;
- (c) it shall not refer to the conduct or character of any person except in his official or public capacity ; and
- (d) it shall not relate to any matter such as is mentioned in clauses (i), (iv) and (v) of sub-rule (2) of rule 34.
- Anticipating discussion.** 24. No member shall anticipate the discussion of any subject of which notice has been given provided that, in determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Chairman to the probability of the matter anticipated being brought before the House within a reasonable time.
- Disallowance or amendment by Chairman.** 25. (1) The Chairman may amend or disallow a motion, which in his opinion does not comply with the rules.
- (2) The Chairman may disallow any motion or part of a motion on the ground that it relates to a matter which is not primarily the concern of the State Government.
- (3) A motion or question which has not been admitted by the Chairman shall not be entered in the list of business or printed in the official report of proceedings.

26. No motion shall be published before it has been admitted by the Chairman.

Motions not to be published until admitted.

27. (1) A member who has given notice of a motion shall, when called on, either—

Moving of motions.

(a) state that he does not wish to move the motion, or

(b) move the motion, in which case he shall commence his speech by a formal motion in the terms appearing on the list of business :

Provided that with the permission of the Chairman he may make a minor or verbal alteration in the terms of the motion.

(2) If the member when called on is absent, any other member authorized by him in writing in this behalf may, with the permission of the Chairman, move the motion standing in his name. Such permission shall not be granted in the case of a statutory motion or motions, relating to Bills, amendments to Bills, or motion agreeing to the final report on amendments to these rules. If no member has been so authorized, or such permission is not granted, the motion, other than a motion relating to a Bill to which the provisions of rule 151 apply, shall lapse.

28. After a motion has been made, the Chairman shall propose the question by reading the motion for the consideration of the Council.

Proposing the question.

29. (1) An amendment shall be relevant to and within the scope of the motion to which it is proposed.

Amendments.

(2) An amendment shall not be moved which has merely the effect of a negative vote.

(3) (a) An amendment to an amendment may be moved with the permission of the Chairman.

(b) When an amendment to an amendment is moved, the amendment sought to be amended shall, so long as the amendment by which it is sought to be amended is under discussion, be deemed to be the substantive proposition before the Council.

(4) An amendment in the alternative shall not be moved.

(5) An amendment to an amendment to an amendment shall not be moved.

(6) The Chairman may disallow any amendment which is in his opinion frivolous.

(7) (a) Notice of every amendment (other than amendment, to a Bill in which case one day's notice is necessary) shall be sent to the Secretary two clear days before the date on which the motion is made.

(b) No notice of an amendment to an amendment is required.

Member to rise when speaking and to resume his seat when Chairman stands or a point of order is raised. 30. (1) A member desiring to move any motion or make any observations on any matter before the Council shall rise from his seat and, if called upon by the Chairman, address his remarks to the Chairman. If he, is not called upon by the Chairman, he shall resume his seat :

Provided that a member disabled by sickness or infirmity may be permitted to address the House sitting.

(2) If at any time, while a member is speaking, the Chairman rises or a member rises to a point of order, the member speaking shall resume his seat.

Interruption of Member speaking. 31. If, while a member is speaking, another member desires to make an explanation or to ask an explanation or information from the member speaking, he shall rise in his seat and, if called upon by the Chairman, shall make the explanation or ask the explanation or information; if not, called upon, he shall resume his seat. The Chairman shall not call upon the member so rising unless the member speaking resumes his seat.

Right of speech and reply. 32. (1) After the mover of a motion has spoken, other members may, save as otherwise provided, speak on the motion in the order in which they are called upon by the Chairman.

(2) Save in the exercise of a right of reply or as otherwise provided, no member shall speak more than once on any motion, except with the permission of the Chairman for the purpose of making a personal explanation, but in such cases no debatable matter shall be brought forward.

(3) The mover of a motion but not the mover of an amendment other than an amendment to a Bill, may speak a second time on the conclusion on the debate by way of reply and the debate thereupon shall come to an end. The mover of an amendment to an amendment shall have, no right of reply. If the motion is moved by a private member, the Minister in charge of the Department concerned may, with the permission of the Chairman, speak (whether he has previously spoken in the debate or not) after the mover has replied.

33. The Chairman may, having regard to the state of business before the Council and the nature of the motion, prescribe a time limit for speeches on the motion. **Duration of Speeches.**

34. (1) The matter of every speech shall be relevant to the motion on which it is made. **Limitations on debate.**

(2) A member while speaking shall not—

(i) refer to any matter of fact which is under adjudication by a Court of Law having jurisdiction in any part of India ;

(ii) make a personal charge against another member ;

(iii) use offensive or defamatory expressions ;

(iv) reflect upon the conduct of the President as distinct from the Government of India or any Governor as distinct from the State Government ;

(v) reflect upon the conduct, in the exercise of his or its judicial functions, of any Judge or Court of Law having jurisdiction in any part of India ;

(vi) reflect upon any decision arrived at by the Council or any matter except on a fresh motion relating to such matter;

(vii) use his right of speech for the purpose of obstructing the business of the Council ;

(viii) disclose the proceedings of any Committee appointed by the Council ; or

(ix) discuss any ruling, order or direction of the Chairman except on a motion for the removal of the Chairman brought under rule 11.

Procedure regarding allegation against person. *35. No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous notice in writing alongwith the necessary documents to the Chairman as well as to the concerned Minister for the purpose of giving a reply by making an investigation into the matter upto 5-00 p.m. on the working day prior to a day on which the member is desirous to make any allegation of defamatory or incriminatory nature against any person :

Provided that, the Chairman may 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 is served by making such allegation.

Speech not to be read. 36. No private member shall be allowed to read his speech, but he may refresh his memory by reference to notes.

Adjournment of business. 37. (1) A motion that consideration of a Bill which has been introduced or of any motion moved in the Council be adjourned to any future day in the same Session available for such business or to any future Session or *sine die* may be moved by any member at any time (except when a member is speaking), and such motion shall take precedence over any other motion then before the Council. The Chairman, after permitting a brief explanatory statement from the mover of the motion and, if the motion is opposed from the member opposing the motion, may, without further debate, put the question thereon.

(2) The Chairman may disallow any motion for the adjournment of any business, if, in his opinion, such motion is made for the purpose of securing the adjournment of the meeting.

(3) A motion under this rule cannot be made more than once during the debate on any question.

Closure. 38. (1) At any time after a motion has been made, a member may move "that the question be now put", and, unless it appears to the Chairman that such motion would infringe the rights of reasonable debate, the Chairman shall, without any debate, forthwith put the question "that the question be now-put".

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 14th December, 2001.*

(2) When the motion “that the question be now put” has been carried, the Chairman shall, after allowing such right of reply as is admissible under these rules, put the question or questions consequent thereon without further debate.

39. (1) A member who has made a motion may withdraw the same by leave of the Council.

**With-
drawal of
motions.**

(2) Leave to withdraw a motion may be asked for at any time before the question on the motion is put or, if a division is asked for, before the division takes place.

(3) The leave shall be signified not upon question but by the Chairman taking the pleasure of the Council. The Chairman shall ask: “ Is it your pleasure that the motion be withdrawn? ”. If no one dissents, the Chairman shall say : “ The motion is by leave withdrawn ”. But if any dissentient voice be heard or a member rises to continue the debate, the Chairman shall put the motion at the end of the debate.

(4) If leave is granted to a member to withdraw his motion, the amendments, if any, which have been proposed to the motion shall also be deemed to have been withdrawn.

40. (1) When an amendment to any motion is moved, the Chairman shall, before taking the sense of the Council thereon, read to the Council the terms of the original motion and of the amendment thereto.

**Putting
the
question:
Order of
amend-
ments
and
motions.**

(2) The Chairman shall put to vote the original motion and the amendments, if any, in such order as he deems fit :

Provided that an amendment which is inconsistent with a decision previously arrived at by the Council shall not be put to vote.

(3) When any motion involving several points has been discussed, it shall be in the discretion of the Chairman to divide the motion and to put each or any point separately to vote as he may think fit.

**Division
of
motion.**

41. (1) On the conclusion of the debate on a motion, the Chairman shall put the question by asking those who are in favour of it to say “ Aye ” and then those who are of the contrary opinion to say “ No ”. The Chairman shall then declare whether,

**Putting
the
question.**

in his opinion, the “ Ayes ” or the “ Noes ” have it. Any member may then request that the question should be decided by a division and his request shall be granted unless the Chairman is of opinion that the division is unnecessarily claimed, in which case he may, after the bell is rung for five minutes, ask members to rise in their seats for the purpose of counting votes.

(2) Notwithstanding anything contained in sub-rule (1), the Chairman may, in his discretion, announce that the bell shall be rung for *ten minutes instead of five minutes.

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

(4) If a member by mistake goes into the wrong lobby and records his vote, his vote shall be reckoned as given in that lobby. If the member, however, brings his mistake to the notice of the Chairman before the result of the division is announced, he may be allowed to correct his mistake.

(5) A member who is unable to go to division lobby owing to sickness or infirmity may, with the permission of the Chairman, have his vote recorded at his seat.

(6) When the tellers have brought the division lists to the Secretary’s table, a member who has not upto that time recorded his vote but who then wishes to have his vote recorded may do so with the permission of the Chairman.

(7) The result of a division shall be announced by the Chairman and shall not be challenged.

(8) If the numbers on a division are incorrectly reported by the tellers the Chairman shall, if possible, correct the error before the result of the division is announced. If the error is discovered after the result of the division has been announced, a note of it shall be taken in the official report of proceedings, but the decision of the Council as already announced shall not be changed.

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 31st August, 1981.*

42. A motion that the policy or situation or statement or any other matter be taken into consideration shall not be put to the vote of the Council, but the Council shall proceed to discuss such matter immediately after the mover has concluded his speech and no further question shall be put at the conclusion of the debate at the appointed hour, unless a member moves a substantive motion in appropriate terms to be approved by the Chairman and the vote of the House shall be taken on such motion.
- Motion that policy or situation or statement or any other matter be taken into consideration.**
43. A motion or a Bill the consideration of which has been adjourned *sine die* shall not be included in the list of business or discussed by the Council unless a fresh notice of such motion or Bill is given or unless the Council on a motion by the member in charge makes a special order for the discussion of such motion or Bill.
- Procedure when motion or Bill is adjourned *sine die*.**
44. Subject to the provisions of rule 105, a motion shall not raise a question substantially identical with one on which the House has given a decision in the same Session.
- Repetition of motion.**
45. A copy of every motion which has been passed by the Council shall be forwarded to the Department of Government concerned.
- Copy to Government.**
46. With the permission of the Chairman, a Minister may take a statement on a matter of public importance. On such statement no discussion shall be allowed but members may be permitted to ask questions for the purpose of eliciting further information in regard to the statement.
- Statement by a Minister.**
47. With the permission of the Chairman, a member, may at any time make a personal explanation although the question relating thereto is not then before the Council but in doing so, he shall not bring forward any debatable matter, nor shall any debate be allowed on such explanation.
- Personal explanations.**
48. If, at any time during a meeting of the Council, less than ten members of the Council are present, a warning bell shall be rung for ten minutes in the Library and the refreshment room, and if at the end of this period the required number of members are still not present, the Chairman shall adjourn the Council to a later hour on the same day or to a future day to be named by him.
- Adjournment for want of quorum.**

- Decision on points of order.** 49. (1) The Chairman shall decide all points of order which may arise and his decision shall be final.
- (2) Any member may at any time submit a point of order for the decision of the Chairman but in doing so shall confine himself to stating the point.
- (3) No discussion on any point of order shall be allowed except with the permission of the Chairman.
- Preservation of order.** 50. The Chairman shall preserve order and have all powers necessary for the purpose of enforcing his decisions.
- Irrelevance or repetition.** 51. If, after a member's attention has been drawn to it by the Chairman, he persists in making irrelevant remarks or repeating his own arguments or the arguments used by other members in debate or wilfully contravenes the provisions of rule 34 or any other rule, the Chairman may direct him to discontinue his speech.
- Power to order withdrawal of member.** 52. The Chairman may direct any member who refuses to obey his decision or whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the Council and any member so ordered to withdraw, shall do so forthwith and shall absent himself during the remainder of the day's meeting, any member is ordered to withdraw a second time in the same Session, the Chairman may direct the member to absent himself the meetings of the Council for any period not longer than the remainder of the Session, not exceeding the period of 45 days, whichever period is shorter and the member so directed shall absent himself accordingly. The member so directed to be absent shall, during the period of such absence, be deemed to be absent with the permission of the Council within the meaning of clause (4) of Article 190 of the Constitution.
- Power to suspend sitting.** 53. The Chairman may in the case of grave disorder arising in the Council suspend any sitting for a time to be named by him.
- Power to dispense with notice.** 54. Notwithstanding anything contained in these rules, the Chairman may curtail the period of notice or dispense with notice in any case he deems fit.

55. The Chairman may adjourn any business to any future day and hour or to any part of the same day to be named by him, without discussion or vote. **Power to adjourn business.**

56. All matters not specifically provided in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Chairman may, from time to time, direct. **General Powers of Chairman.**

PART V

GOVERNOR'S ADDRESS AND MESSAGES TO THE COUNCIL

Allotment of time for discussion of Governor's Address. 57. The Chairman, in consultation with the Leader of the House, shall allot time for the discussion of the matters referred to in the Governor's Address under clause (1) of Article 176 of the Constitution.

Scope of discussion. 58. On such day or days or part of any day, the Council shall be at liberty to discuss the matters referred to in such Address on a motion of thanks moved by a Member and seconded by another member.

Amendments. 59. Amendments may be moved to such motion of thanks in such form as may be considered appropriate by the Chairman.

* Provided that, no member shall be permitted to send notices of more than ten amendments.

Other business that may be taken up. 60. (1) Notwithstanding that a day has been allotted for discussion on the Governor's Address—

(a) a motion or motions for leave to introduce a Bill or Bills may be made and a Bill or Bills may be introduced on such day, and

(b) other business of a formal character may be transacted on such day before the Council commences or continues the discussion on the Address.

(2) The discussion on the Address may be postponed in favour of a Government Bill or other Government business on a motion being made that the discussion on the Address be adjourned to a subsequent day to be appointed by the Chairman. The Chairman shall forthwith put the question, no amendment or debate being allowed.

(3) The discussion on the Address shall be interrupted in the course of a sitting by an adjournment motion under rule 95.

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 9th March, 2009.*

61. The Chief Minister or any other Minister, whether he has previously taken part in the discussion or not, shall on behalf of the Government have a general right of explaining the position of the Government at the end of the discussion and the Chairman may inquire how much time will be required for the speech so that he may fix the hour by which the discussion shall conclude. **Government's rights of reply.**
62. The Chairman may, if he thinks fit, prescribe, after taking the sense of the Council, a time-limit for speeches. **Time-limit for speeches.**
63. The Chairman may allot time for the discussion of the matters referred to in the Governor's Address under clause (1) of Article 175 of the Constitution. **Governor's Address under clause (1) of Article 175.**
64. Where a message from the Governor under clause (2) of Article 175 of the Constitution is received by the Chairman, he shall read the message to the Council and subject to the provisions of rule 148 give necessary directions in regard to the procedure that shall be followed for the consideration of the matters referred to in the message. In giving these directions the Chairman may suspend or vary the rules to such extent as it may be necessary to do so. **Messages by Governor.**
65. When the Governor prorogues the House or Houses, he may address the House or Houses, as the case may be. **Address by Governor at the time of Prorogation of the House.**
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PART VI

QUESTIONS

- Subject matter of questions.** 66. (1) A Question may be asked for the purpose of obtaining information on a matter of public concern within the special cognizance of the Minister to whom it is addressed.
- (2) No question shall be asked—
- (a) in regard to any matter which is under adjudication by a Court of Law having jurisdiction in any part of India, or
- (b) as regards the conduct, in the exercise of his or its judicial functions, of any Judge or a Court of Law having jurisdiction in any part of India.
- Questions regarding correspondence with the Government of India.** 67. In matters which are or have been the subject of correspondence between the State Government and the Government of India no question shall be asked except as to matters of fact and the answer shall be confined to a statement of fact.
- Form and contents.** 68. In order that a question may be admissible it shall satisfy the following conditions, namely :—
- (1) it shall not bring in any name or statement not strictly necessary to make the question intelligible ;
- (2) if it contains a statement, the member asking the question shall make himself responsible for the accuracy of the statement ;
- (3) it may ask for an explanation of the intentions of Government in respect of a matter of public concern, provided that the question is not in substance a suggestion for any particular action in a matter raised by the member asking the question ;
- (4) it shall not contain any arguments, inferences, imputations, ironical expressions or defamatory statements ;
- (5) it shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition ;

(6) it shall not refer to the character or conduct of any person except in his official or public capacity ;

(7) it shall not ask for information about proceedings in any Committee appointed by the Council ;

(8) it shall not be of excessive length ;

(9) it shall not reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion ;

(10) it shall not make or imply a charge of a personal character ;

(11) it shall not raise questions of policy too large to be dealt within the limits of an answer to a question ;

(12) it shall not repeat in substance questions already answered or to which an answer has been refused ;

(13) it shall not ask for information on trivial matters ;

(14) it shall not ordinarily seek information on matters of past history ;

(15) it shall not require information set forth in accessible documents or in ordinary works of reference ;

(16) it shall not raise matters under the control of bodies or persons not primarily responsible to the Government of Maharashtra ;

(17) it shall not seek information about matters which are in their nature secret ; and

(18) it shall not relate to a matter with which a Minister is not officially connected.

69. The Chairman shall disallow any question which in his opinion is an abuse of the right of questioning at the expense of the time of the Council, and shall either amend or disallow a question which is in contravention of the Rules. **Disallow-
ance or
amend-
ment by
Chairman.**

*Provided that, before allowing or disallowing any question, if it is decided to know the facts of that question, a report with regard to that question shall be furnished to the department for

* Inserted *Vide Maharashtra Government Gazette*, Extraordinary, Part IV-C, dated the 24th September, 2010.

obtaining the facts. The concerned department shall arrange to send the facts of that question within eight days from the date of receipt of such question to the Maharashtra Legislature Secretariat. If the facts of such question are not received within eight days, the Chairman shall take a decision in that regard.

Starred questions. 70. (1) A member who desires an oral answer to his question shall distinguish it by an asterisk. Such a question is called a starred question.

Unstarred questions. (2) All other questions are called unstarred questions. No oral answers to them shall be given but such questions and answers to them shall be placed on the table of the Council and will be printed in the official report of proceedings under the heading "Unstarred Questions". Unless the Chairman otherwise directs, such questions shall be answered within *thirty days from the date of the receipt thereof by Government.

**Provided further that, the Chairman may, when the house is not in session, order the printing, publication and distribution of answers to un-starred questions to the members although they are not laid on the Table of the House. In that case, answers to un-starred question shall be laid on the Table of the House during its next session at the first convenient opportunity.

Chairman to decide if a question is to be treated as 71. If in the opinion of the Chairman any question put down for oral answer is of such a nature that a written reply would be more appropriate, the Chairman may direct that such question be placed on the list of questions for written answer :

starred or unstarred. Provided, that the Chairman may, if he thinks fit, call upon the member who has given notice of a question for oral answer to state in brief his reasons for desiring an oral answer and, after considering the same, may direct that the question be included in the list of questions for oral or written answer, as the Chairman may decide.

* Substituted *Vide Maharashtra Government Gazette*, Extraordinary, Part IV-C, dated 12th January 2011.

** Inserted *Vide Maharashtra Government Gazette*, Extraordinary, Part IV-C, dated 13th January 2017.

72. Unless the Chairman otherwise directs, not less than *30 clear days notice of a starred question shall be given. **Notice of starred question.**

73. Notice of a question shall be given in writing to the Secretary and shall specify— **Form of notice of questions.**

(a) the official designation of the Minister to whom the question is addressed ; and

(b) the date on which the question with an asterisk is proposed to be placed on the list of questions for answer.

74. Unless the Chairman otherwise directs no question shall be placed on the list of questions for answer until *18 days have expired from the day when notice of such question was received by the Minister to whom it was addressed. **Notice of admission of questions to Minister.**

75. (1) Not more than three questions distinguished by asterisk by the same member shall be placed on the list of questions for oral answer on any one day. Questions in excess of three shall be placed on the list of questions for written answer. **Member entitled to oral answers to three questions on a day.**

(2) When two or more members table starred questions on the same subject and one of the questions is admitted, the names of the other members shall be bracketed with the name of the member whose question has been admitted :

Provided that the Chairman may direct that all such questions be consolidated into a single self-contained question covering all the important points raised by the members and the names of all the members concerned shall be bracketed and shown against the question in the order of their priority :

Provided further that in computing the number of starred questions which a member is entitled to table under sub-rule (1), the consolidated question in the case of the members other than the member whose name is shown first in the order of priority, shall not be taken into account.

(3) The order in which questions for oral answer are to be placed shall be indicated by the member giving notice and, if no such order is indicated, the questions shall be placed on the list of questions for oral answer in the order in which notices are received in point of time.

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 28th December, 1998.*

Allotment of days for oral answers to questions. 76. The time available for answering questions shall be allotted on different days in rotation for the answering of questions relating to such Department or Departments as the Chairman may, from time to time, provide, and on each such day, unless, the Chairman with the consent of the Minister concerned otherwise directs, only questions relating to the Department or Departments for which time has been allotted on that day shall be placed on the list of questions for oral answer.

Chairman to decide later date for answers to certain questions. 77. Subject to the provisions of rule 76, the Chairman may direct that a question be placed on the list of questions for answer on a date later than that specified by a member in his notice, if request to that effect is made by the Government, or, if the Chairman is of the opinion that a longer period is necessary to decide whether the question is or is not admissible.

Written answers to questions not replied orally. 78. If any question placed on the list of questions for oral answer on any day is not called for answer within the time available for answering questions on that day. The Minister to whom the question is addressed shall forthwith lay on the table a written reply to the question and no oral reply shall be required to such question and no supplementary questions shall be asked in respect thereof.

List of questions. 79. Questions, which have not been disallowed, shall be entered in the list of questions for the day for oral or written answer, as the case may be, in accordance with the orders of the Chairman.

Order in which questions shall be called. 80. Questions for oral answers shall be called, if the time made available for questions permits, in the order in which they stand on the list, before any other business is entered upon at the sitting :

Provided that a question not reached for oral answer may be answered after the end of the Question Hour with the permission of the Chairman, if the Minister represents to the Chairman that the question is one of special public interest to which he desires to give a reply.

81. A member may, by notice given on or before the day preceding the date of the sitting for which his question has been placed on the list, withdraw his question, or postpone it to a later day to be specified in the notice and on such later day the question shall, subject to the provisions of rule 76, be placed on the list after all questions which have not been so postponed :

**Withdrawal
or
postpone-
ment of
questions.**

Provided that a postponed question shall not be placed on the list until two clear days have expired from the day when the notice of postponement has been received by the Secretary.

82. (1) When the time for asking questions arrives, the Chairman shall call successively each member in whose name a question appears on the list of questions.

**Mode of
asking
questions.**

(2) The member so called shall rise in his place and, unless he states that it is not his intention to ask the question standing in his name, ask the question by reference to its number on the list of questions.

(3) If, on a question being called it is not asked or the member in whose name it stands is absent, the Chairman may, *direct that, the answer to it be given.

83. Where a reference is made to a member in connection with the notice of a question and no reply is received or a reply received from his is too late for the consideration of the Chairman and the placing of the question if admitted, on the list of questions for an appropriate date, such notice shall be deemed to have lapsed.

**Lapse of
pending
questions
referred
to
members.**

84. (1) A member who desires an immediate reply to a question of an urgent nature shall give notice of it to the Secretary which shall not be earlier than seven days prior to the commencement of the Session, or an adjourned Session.

**Short
notice
questions.**

(2) Such a question shall be examined and submitted to the Chairman for admission in the original or amended form within 2 days from the date of receipt of its notice by the Secretary.

* Omitted *Vide Maharashtra Government Gazette*, Extraordinary, Part IV-C, dated the 24th September, 2010.

(3) After the Chairman has admitted the question in the original or amended form the Secretary shall ascertain from the Minister-in-charge of the Department concerned whether he agrees to give an immediate reply to the question. If the Minister concerned agrees, then subject to the provisions of sub-rule (4), the question may be asked and answered in the Council on any day convenient to him. If the Minister concerned does not agree to give an immediate reply to the question, he shall state reasons to the Chairman why the question cannot be replied as a short notice question.

In other respects the procedure for short notice questions shall be the same as for starred questions, with such modifications as the Chairman may consider necessary or convenient.

(4) Every short notice question shall be answered within 7 days from the date of its receipt by Government, if the requisite information is available within the limits of Greater Bombay and within 14 days from that date if it is required to be obtained from outside Greater Bombay.

**Clubbing
of short
notice
questions.**

85. Where two or more members give short notice questions on the same subject and one of the questions is accepted for an immediate answer the names of the other members shall be bracketed with the name of the member whose question has been accepted for answer :

Provided that the Chairman may direct that all the notices be consolidated into a single notice, if in his opinion, it is desirable to have a single self-contained question covering all the important points raised by the members, and the Minister shall then give his reply to the consolidated question :

Provided further that in the case of a consolidated question the names of all the members concerned may be bracketed and shown against the question in the order of priority of their notice.

**Authority
to ask
questions.**

86. A member who is likely to be absent may authorise another member to ask starred questions tabled by him, on his behalf. In such a case, he shall immediately intimate to the Secretary, in writing the name of the member who has been authorised to ask his questions.*

* Omitted *Vide Maharashtra Government Gazette*, Extraordinary, Part IV-C, dated the 24th September, 2010.

*87. [***] Omitted.

88. (1) After a question has been answered, any member may put a supplementary questions for the purpose of further elucidating any matter regarding which an answer has been given. **Supplementary questions.**

(2) If a Minister to whom a Supplementary question is addressed states that he is unable to answer it without notice, the supplementary question may be put only in the form of a fresh question at a subsequent meeting of the Council.

(3) The Chairman shall disallow any supplementary question if, in his opinion, it infringes the rules as to the subject matter of questions.

89. No discussion shall be permitted in respect of any question or of any answer given to a question. **Prohibition of discussion.**

90. (1) A question shall not be published before it has been answered in the Council or if it has been disallowed by the Chairman. **Questions not to be published before it is answered.**

(2) For the purposes of these rules, unstarred questions shall be deemed to have been answered when copies of lists containing such questions and answers thereto have been placed on the table of the Council under sub-rule (2) of rule 70.

91. (1) A question may be addressed to a private member for the purpose of obtaining information on a matter relating to a Bill or a motion of which such member has given notice. **Questions to private members.**

(2) Such question shall be asked and answered in such manner as the Chairman may prescribe.

* Omitted *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 24th September, 2010.*

PART VII

HALF-AN-HOUR DISCUSSION

Half-an-hour discussion on a matter of public importance. 92*. (1) On every Monday, Tuesday, Wednesday and Thursday, the Chairman shall allot half-an-hour at the close of the meeting of the Council on that day for raising discussion on a matter of sufficient public importance :

Provided that if the other business set down for the day is concluded before the time appointed for the conclusion of the meeting, the period of half-an-hour shall commence from the time such other business is concluded :

Provided further that the Chairman may allot any other days for such discussion.

(2) (a) A member wishing to raise a matter shall give notice in writing to the Secretary *not less than three days in advance of the day on which the matter is desired to be raised and shall briefly specify the points that he wishes to raise. The notice shall be accompanied by an explanatory note stating the reasons for raising discussion on the matter in question and shall be supported by the signatures of at least two other members.

(b) The Chairman may, with the consent of the Minister-in-charge of the Department concerned, curtail the period of notice or dispense with notice in any case he deems fit.

(3) The Chairman shall decide whether the matter is of sufficient public importance to be put down for discussion.

(4) If more than two notices have been received and admitted by the Chairman for any day, the Secretary shall hold a ballot with a view to drawing two notices and the notices shall be put down in the order in which they were received in point of time :

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 29th July, 2006.*

Provided that if any matter put down for discussion on a particular day is not disposed of on that day it shall not be set down for any further day, unless the member so desires, in which case it shall be included in the ballot for the next available day.

(5) There shall be no formal motion before the Council nor voting. The member who has given notice may make a short statement and the Minister concerned shall reply briefly. Any member who has previously intimated to the Chairman may be permitted to put a question for the purpose of further elucidating any matter of fact. Any other member may also, with the permission of the Chairman, be allowed to put a question, but he shall not put his question until the members who have given previous intimation have had their opportunity of putting their questions :

Provided that if the member who has given notice is absent, any member who has supported the notice may, with the permission of the Chairman, initiate the discussion.

PART VIII

MOTION TO DISCUSS MATTER OF URGENT PUBLIC IMPORTANCE

Motion to discuss a matter of urgent public importance. 93. *(1) A member desirous of raising discussion on a matter of urgent public importance shall hand over to the Secretary a written statement of the proposed motion not later than one hour before the commencement of the sitting of the Council at which he proposes to raise discussion and obtain the Chairman's permission to the proposed motion before the sitting of the Council commences.

** (2) While pronouncing a decision on a notice of motion moved under the said rule, if such notice is rejected, the directions shall be issued to the Government to make a statement by considering the urgency and public importance of the subject matter raised in the notice. A statement on such a notice shall be made within 6 days on the floor of the House. After the copies of said statement are distributed, permission shall be granted to the concerned members to ask one or two supplementary questions after considering the total number of statements and the available time. However, the period for discussion on such statements shall not exceed 20 minutes.

Restrictions on power to make a motion. 94. The right to move such a motion shall be subject to the following conditions, namely :—

(i) not more than one such motion shall be made at the same sitting;

(ii) not more than one matter can be discussed on the same motion and the motion shall be restricted to a specific matter of recent occurrence ;

(iii) the motion shall not revive discussion on a matter which has been discussed in the same Session;

* Added *Vide Maharashtra Government Gazette*, Extraordinary, Part IV-C, dated the 24th September, 2010.

** Inserted *Vide Maharashtra Government Gazette*, Extraordinary, Part IV-C, dated the 24th September, 2010.

(iv) the motion shall not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given. In determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Chairman to the probability of the matter anticipated being brought before the Council within a reasonable time; and

(v) the motion shall not deal with a matter on which a resolution could not be moved.

95. If the Chairman is satisfied, after calling for such information from the member who has given notice and from the Minister, as he may consider necessary, that the matter is urgent and is of sufficient importance that it should be raised in the Council the same day or one or two days next following, he shall grant permission for discussion which shall commence at such time and on such day as he may fix.

Chairman to decide admissibility.

96. (1) The matter shall be raised by a formal motion which shall be as nearly as possible, in the following form :—

Formal motion and discussion thereon.

“This House expresses its grave concern over the act of commission/omission of Government in the following matter of urgent public importance, namely :—”

(2) The debate on the motion, if not earlier concluded, shall terminate at the end of two hours when question in respect of the motion shall be put.

(3) No speech during the debate shall exceed fifteen minutes in duration.

Time limit for speeches.

(4) The Council may proceed to transact other business for the day after the debate on the motion has concluded.



PART IX

**DISCUSSION FOR SHORT DURATION ON MATTERS OF URGENT
PUBLIC IMPORTANCE**

Notice of raising discussion. 97. Any member desirous 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 :

Provided that the notice shall be accompanied by an explanatory note stating reasons for raising discussion on the matter in question :

Provided further that the notice shall be supported by the signatures of at least two other members.

Chairman to decide admissibility. * 98. If the Chairman is satisfied, after calling for such information from the member who has given notice and from the Minister as he may consider necessary, that the matter is urgent and is of sufficient importance to be raised in the Council at an early date, he may admit the notice and in consultation with the Leader of the House fix the date on which such matter may be taken up for discussion and allow such time for discussion not exceeding three hours as he may consider appropriate in the circumstances:

Provided that if an early opportunity is otherwise available for the discussion of the matter, the Chairman may refuse to admit the notice.

No formal motion. 99. There shall be no formal motion before the Council nor voting. The member who has given notice may make a short statement and the Minister shall reply briefly. Any member who has previously intimated to the Chairman may be permitted to take part in the discussion. Any other member may also, with the permission of the Chairman, be allowed to take part in the discussion, but he shall not do so until the members who have given, previous intimation have had their opportunity of taking part in the discussion.

Time limit for the speeches. 100. The Chairman may, if he thinks fit, prescribe a time limit for the speeches.

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 29th July, 2006.*

PART X

CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE

101. (1) A member may, with the previous permission of the Chairman, call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief statement or ask for time to make a statement at a later hour or date.

Calling attention to matters of urgent public importances.

*(2) There shall be no debate on such statement. If, however, the Chairman is of the opinion that the matter needs elucidation, he may permit a few questions to be asked.

(3) Not more than **four such matters shall be raised at the same sitting :

***Provided that, if any such matters remain pending on the concluding day of the Session, the Ministers concerned shall lay on the table of the Council the statements to be made by them.

*(3A) Not more than **forty-five minutes shall be available for raising such matters at every sitting of which not more than ten minutes shall be allotted for disposal of each such matter:

**Provided that, if more than four calling attention notices are raised on the same day, the discussion on the calling attention notices shall be stopped on the expiry of a duration of forty-five minutes and the statements on calling attention notices which failed to come up for discussion shall be laid on the Table of the House. No discussion shall be held on such statements.

(4) In the event of more than **four matters being presented for the same day, priority shall be given to the matter which is, in the opinion of the Chairman more urgent and important.

(5) The proposed matters shall be raised after the questions and before the list of business is entered upon and at no other time during the sitting of the Council.

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 26th December, 1997.*

** *Substituted Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 24th September, 2010.*

*** *Substituted Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 12th January, 2011.*

* PART X-A

**SPECIAL MENTION IN THE CONTEXT OF MATTER OF SERIOUS
AND URGENT NATURE**

Notice in regard to raise Special Mention. 101-A. The member may, with the previous permission of the Chairman, after Calling Attention notices, raise a subject Special regarding any matter of serious nature and urgent public importance as a Special Mention in the House. It shall be necessary for the member to give a notice in that regard in writing to the Secretary upto 5-00 p. m. on the day prior to the day on which such subject is to be raised in the House.

Condition of Admissibility. 101-B. In order that a notice may be admissible subject to the restrictions contained in this rule, it shall satisfy the following conditions, namely:—

(a) It shall not refer to a matter which is not primarily the concern of the State Government;

(b) It shall not refer to a matter which has been discussed in the same Session or which is substantially identical to the matter already raised by member under this rule during the Session;

(c) It shall not exceed 250 words ;

(d) Matter in the notice shall be clearly and precisely expressed and it shall not raise more than one issue;

(e) It shall not contain arguments, inferences, ironical expressions, imputation or defamatory statements ;

(f) It shall not refer to the proceedings of the Legislature Committees;

(g) It shall not refer to the conduct or character of any person except in their official or public capacity;

(h) It shall be necessary to attach the documents related to that matter alongwith the notice.

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 14th December, 2001.*

101-C. (1) No member shall raise more than one subject in one sitting, similarly a member may put forth the subject in brief before the House within the period not more than five minutes.

Limitation on the power of raising Special Mentions and time limit of speech.

(2) Total number of notices of Special Mentions to be admitted for a day shall not exceed six.

101-D. Decision of the Chairman as to which notices are to be raised in the House shall be final.

Admissibility of notice to be decided by Chairman.

101-E. If Minister replies immediately after Special Mention is raised, no supplementary questions shall be asked thereon or no discussion shall be held on it and the duration for the Ministers reply shall be two minutes.

Reply of the Minister.

101-F. It shall be binding on the Minister to send to the concerned member a reply in writing in regard to the subject raised as a Special Mention within a period of Thirty days eventhough the Minister has given a reply immediately in that regard.

Time limit for sending reply in writing.

PART XI

RESOLUTIONS

**Notice of
resolutions
and order
of
moving
them.**

102. (1) A member who wishes to a resolution, shall give 12 clear days' notice before the date appointed for the disposal of the private members' resolutions and shall together with the notice submit a copy of the resolution which he wishes to move.

(2) No member shall be permitted to send in notices of more than five resolutions during one Session of the Council :

Provided that, if notice of any resolution sent by the member is disallowed by the Chairman he may send in notices for additional resolutions so as not to exceed in any case, five resolutions admitted in his name.

(3) The names of all members who have given notices of resolutions of 12 clear days shall be included in the ballot for determining their relative precedence. The ballot shall be held in accordance with the procedure set out in the First Schedule.

(4) The names of not more than five members shall be taken out in the ballot :

Provided that, subject to the provisions of sub-rule (4) of rule 15, not more than one resolution standing in the name of a member shall be included in the order of business for the day in question :

Provided further that, if any member intimates the Secretary in writing upto 12-00 noon on the day preceding the day allotted for the disposal of private members' resolutions that he does not wish to move the resolution, the resolutions of the members next in order of precedence shall be included in the order of business for the day.

**Form
and
contents.**

103. Subject to the restrictions contained in these rules, a resolution may be moved on a matter of general public interest :

Provided that, no resolution shall be admissible which does not comply with the following conditions, namely :—

- (a) it shall be clearly and precisely expressed and shall raise one definite issue;
- (b) it shall not contain arguments, inferences, imputations, ironical expressions or defamatory statements;
- (c) it shall not refer to the conduct or character of any person except in his official or public capacity; and
- (d) it shall not relate to any matter such as is mentioned in clauses (i), (iv) and (v) of sub-rule (2) of rule 34.

104. No speech on a resolution shall, except with the permission of the Chairman, exceed fifteen minutes in duration : **Time limit of speeches.**

Provided that, the mover of a resolution, when moving the same and the Minister-in-charge of the Department concerned when speaking for the first time, may speak for thirty minutes or for such longer time as the Chairman may permit.

105. (1) When a resolution has been moved and voted upon no resolution or amendment raising substantially the same question shall be moved within one year from the date of the voting upon the earlier resolution. **Repetition of resolution.**

(2) When a resolution has been withdrawn with the leave of the House, no resolution raising substantially the same question shall be moved during the same Session.

106. (1) The provisions of rule 102 shall not apply to resolutions of which notice given by a Minister or the Advocate General. **Government Resolution.**

(2) Seven days' notice shall be necessary in respect of such resolutions.

PART XII

LEGISLATION

Notice of Motion for leave to introduce a Bill. 107. (1) A private member desiring to move for leave to introduce a Bill shall give notice of his intention and shall, together with the notice, submit a copy of the Bill and a Statement of Objects and Reasons.

(2) The period of notice of a motion for leave to introduce a Bill under this rule shall be fifteen days expiring on the day previous to the day on which the motion is made.

Introduction of Bill dependent on another Bill Pending before House. 108. A Bill, which is dependent wholly or partly upon another Bill pending before the House, may be introduced in the House in anticipation of the passing of the Bill on which it is dependent :

Provided that, the second Bill shall be taken up for consideration and passing in the House only after the first Bill has been passed by the Houses and assented to by the Governor or the President, as the case may be.

Notice of identical Bill. 109. When a Bill is pending before the House, notice of an identical Bill, whether received before or after the introduction of the pending Bill shall be removed from, or not entered in the list of pending notices, as the case may be, unless the Chairman otherwise directs.

Motion for leave to introduce : Introduction. 110. (1) On the motion for leave to introduce a Bill, the mover may make a brief explanatory statement. If the motion is opposed, the Chairman may permit a brief explanatory statement from the member who opposes and a brief reply from the mover, and shall then without further debate put the question thereon:

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

(2) If leave to introduce the Bill is granted the mover shall forthwith introduce the Bill.

(3) When a Bill has been published under the provisions of the proviso to sub-rule (1) of rule 111, it shall not be necessary to move for leave to introduce the Bill and the Bill may be introduced by the member-in-charge on any subsequent day available for business of that kind.

111. (l) As soon as may be after a Bill has been introduced, the Bill, together with the Statement of Objects and Reasons, shall be published in the *Gazette*: **Publication.**

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

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

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

112. (1) A Bill involving proposals for the delegation of legislative power shall be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character. **Explanatory memorandum to Bills delegating legislative power.**

(2) A Bill, other than a private member's Bill, involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure in case the Bill is passed into Law. **Financial memorandum and Money Clauses.**

- Translation of Bills.** 113. After a Bill has been introduced, or in the case of a Bill published under the proviso to sub-rule (1) of rule 111, after such Bill has been published, the Bill and the Statement of Objects and reasons shall be translated into Hindi and *English and such translations shall be published in the *Gazette*.
- Removal of Bill from Register of Bills.** 114. Where any of the following motions made by the member-in-charge under these rules in regard to a Bill is rejected by the House, no further motion shall be made with reference to the Bill and such Bill shall be removed from the Register of Bills pending in the House for the Session—
- (i) that leave be granted to introduce the Bill ;
 - (ii) that the Bill be referred to a Select Committee ;
 - (iii) that the Bill be referred to a Joint Committee of both the Houses with the concurrence of the Assembly ;
 - (iv) that the Bill be taken into consideration;
 - (v) that the Bill as reported by Select Committee of the House or Joint Committee of both the Houses, as the case may be, be taken into consideration; and
 - (vi) that the Bill (or, that the Bill as amended, as the case maybe,) be passed.
- Persons by whom motions in respect of Bills may be made.** 115. (1) No motion for leave to introduce a Bill shall be made, nor shall a Bill be introduced, by any member other than the member-in-charge.
- (2) No motion that a Bill be taken into consideration or passed or that it be referred to a Select Committee or a Joint Committee of both Houses or be circulated or re-circulated for the purpose of eliciting opinion thereon, shall be made by any member other than the member-in-charge except by way of amendment to a motion made by the member-in-charge.
- Previous sanction for introduction of Bills.** 116. (1) If notice is given of a motion to introduce a Bill or to move an amendment which, in the opinion of the Chairman, can not be introduced or moved save with the previous sanction

* *Vide Maharashtra Government Gazette*, Extraordinary. Part IV-C, dated the 26th December, 1997.

of the President under Article 304 of the Constitution, the Chairman shall, as soon as may be, after the receipt of the notice, refer the Bill or the amendment to the President and the notice shall not be placed on the list of business unless the President has communicated to the Chairman that the previous sanction has been granted or is not required.

(2) Notwithstanding the fact that the Chairman has, made no reference under sub-rule (1), if the President considers that a Bill or amendment is one which requires previous sanction and informs the Chairman accordingly, the Bill or amendment shall not be entered in the list of business, or, if it has been so entered, shall not be allowed to be moved, unless the President has, communicated to the Chairman that the previous sanction required has been granted.

117. (1) A Bill or amendment, to which the provisions of clause (1) of Article 207 of the Constitution apply, shall not be moved unless the Minister-in-charge of the Department to which the Bill relates states that the consideration of the Bill or amendment, as the case may be, has been recommended by the Governor. A Bill to which the provisions of Article 198 (1) and Article 207 (1) apply shall not be introduced in the Council.

Bills requiring recommendation under Article 207.

(2) A motion that a Bill, to which the provisions of clause (3) of Article 207 of the Constitution apply, be passed, shall not be put unless the Minister-in-charge of the Department to which the Bill relates states that the consideration of the Bill has been recommended by the Governor.

118. A private member's Bill pending before the House shall be removed from the Register of Bills pending in the House in case—

Special provision for removal of private member's Bill from Register of Bills.

- (a) the member-in-charge ceases to be a member of the House;
- (b) the member-in-charge is appointed a Minister;

119. (1) When a Bill is introduced or on some subsequent occasion, the member-in-charge may make one of the following motion in regard to the Bill, namely:—

Motions after introduction of Bills.

- (a) that it be taken into consideration; or

(b) that it be referred to a Select Committee composed of such members of the Council, and with instructions to report before such date, as may be specified in the motion ; or

(c) that it is expedient that the Bill be referred to a Joint Committee of both the Houses composed of so many members, and with instructions to report before such date, as may be specified in the motion; or

(d) that it be circulated for the purpose of eliciting opinion thereon, within such period, as may be specified in the motion:

Provided that no such motion shall be made unless a copy of the Bill with the Statement of Objects and Reasons together with the translation thereof either in Hindi or in *English whichever is selected by the member, has been despatched to each member four clear days before the date on which such motion is made, unless the chairman, in the exercise of his power to suspend this provision, allows the motion to be made.

(2) Any member may make a motion as aforesaid by way of amendment:

Provided that when any of the motions referred to in clause (b), (c) or (d) of sub-rule (1) of this rule is moved by the member-in-charge, the motion referred to in clause (a) of that sub-rule shall not be moved by way of an amendment.

Discussion of principle of Bill. 120. On the day on which any motion referred to in rule 119 is made, or on any subsequent day to which the discussion thereof is postponed, the principle of the Bill and its general provisions may be discussed, but the detailed provisions of the Bill shall not be discussed further than is necessary to explain its principles nor shall any amendment to the Bill be moved at this stage.

Motions after eliciting opinion. 121. (1) Where a motion that a Bill be circulated for the purpose of eliciting opinion is carried and the Bill is circulated in accordance with that direction and opinions have been received thereon within the period specified, the member-in-charge, if he wishes to proceed with the Bill thereafter, shall move that the Bill be referred to a Select Committee, unless the Chairman,

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 26th December, 1997.*

in the exercise of his power to suspend this provision, allows him to make a motion that the Bill be taken into consideration.

(2) On a motion made under this rule, the general provisions of the Bill may be discussed in the light of the opinions received on the Bill.

122. (1) The provisions of sub-rules (2) and (3) of rule 189 and of rules 190 and 191 shall apply when any Bill is referred to a Select Committee. The member-in-charge of the Bill shall be a member of the Select Committee on the Bill.

**Compo-
sition
and
procedure
of a
Select
Committee.**

(2) A Select Committee shall have power to make such amendments in the Bill referred to it as are relevant to the subject matter and within the scope of the Bill.

(3) The report of a Select Committee, together with such minutes of dissent, if any, as are received within the time fixed by the Select Committee in that behalf and the Bill, if amended, shall be published in the *Gazette* in the languages in which the Bill was published under rule 113, and copies thereof shall be despatched to each member of the Council.

123. (1) The report of a Select Committee on a Bill shall be presented to the Council by the member-in-charge of the Bill. In presenting the report, the member-in-charge may make brief explanatory remarks about the changes made in the Bill by the Select Committee. There shall be no further discussion of the report at this stage.

**Presenta-
tion of
Report
Motions
on
Presenta-
tion.**

(2) After the presentation of the report of a Select Committee on a Bill, the member-in-charge may move—

(a) that the Bill as reported by the Select Committee be taken into consideration; or

(b) that the Bill as reported be re-referred to the Select Committee either—

(i) as a whole, or

(ii) with respect to particular clauses or amendments only, or

(iii) with instructions to the Select Committee to make some particular or additional provisions in the Bill :

Provided that no such motion shall be made unless copies of the report and of the Bill, if amended, together with the translation thereof in the language selected by the member, have been despatched to each member four clear days before the date on which such motion is made.

Nothing in this proviso shall affect the power of the Chairman to suspend the operation of the proviso and to allow the motion to be made at any time.

(3) Any member may move a motion as aforesaid by way of amendment:

Provided that, if the member-in-charge moves a motion referred to in clause (b) of sub-rule (2) of this rule, a motion referred to in clause (a) of that sub-rule shall not be moved by way of amendment.

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

Procedure in the case of Bills re-referred to a Select Committee. 124. The provisions of rules 122 and 123 shall, so far as may be, apply to a Bill which is re-referred to a Select Committee, except that after the presentation of the further report of the Select Committee no motion may be made that the Bill should again be re-referred to the Select Committee.

Procedure if a Joint Committee is appointed. 125. (1) The provisions of rules 190 and 191 and sub-rules (2), (3) and (4) of rule 193 shall apply if a motion is passed that it is expedient that a Bill should be referred to a Joint Committee of both Houses.

(2) If the Assembly does not concur in the motion that the Bill should be referred to a Joint Committee, the member-in-charge may make any of the motions referred to in clauses (a), (b) and (d). of sub-rule (1) of rule 119.

(3) A Joint Committee shall have power to make such amendments in the Bill referred to it as are relevant to the subject-matter and within the scope of the Bill.

(4) The report of the Joint Committee, together with such minutes of dissent, if any, as are received within the time fixed by the Joint Committee in that behalf and the Bill, if amended, shall be published in the *Gazette* in the languages in which the Bill was published under rule 113 and copies thereof shall be despatched to each member of the Council.

126. (1) The report of a Joint Committee on a Bill referred to it under rule 119 shall be presented to the Council by the member-in-charge of the Bill. In presenting the report, the member-in-charge may make brief explanatory remarks about the changes made in the Bill by the Joint Committee. There shall be no further discussion of the report at this stage.

**Presenta-
tion of
Report:
Motion
after
presenta-
tion.**

(2) After the presentation of the report of a Joint Committee on a Bill, the member-in-charge may move—

(a) that the Bill as reported by the Joint Committee be taken into consideration, or

(b) that the Bill as reported be re-referred to the Joint Committee either—

(i) as a whole, or

(ii) with respect to particular clauses or amendments only, or

(iii) with instructions to the Joint Committee to make some particular or additional provisions in the Bill :

Provided that no such motion shall be made unless copies of the report and of the Bill, if amended, together with the translation thereof in the language selected by the member, have been despatched to each member four clear days before the date on which, such motion is made.

Nothing in this proviso shall affect the power of the Chairman to suspend the operation of the proviso and to allow the motion to be made at any time.

(3) Any member may move a motion as aforesaid by way of amendment :

Provided that if the member-in-charge moves a motion referred to in clause (b) of sub-rule (2) of this rule, a motion referred to in clause (a) of that sub-rule shall not be moved by way of amendment.

(4) The debate on a motion that the Bill, as reported by the Joint Committee of both the Houses, be taken into consideration shall be confined to consideration of the report of the Committee and the matters referred to in that report or any alternative suggestion consistent with the principle of the Bill.

Procedure in the case of Bills re-referred to a Joint Committee. 127. The provisions of rules 125 and 126 shall, so far as may be apply to a Bill which is re-referred to a Joint Committee, except that after the presentation of the further report of the Joint Committee, no motion may be made that the Bill should again be re-referred to the Joint Committee.

Joint Committees in the case of Bills originating in the Assembly. 128. The provisions of rule 194 shall apply where a message is received from the Assembly asking for the concurrence of the Council to a motion passed by the Assembly that the Bill mentioned in the message should be refferred to a Joint Committee of both Houses.

Lapse of notices of amendments when Bill is referred or re-referred to select or Joint Committee. 129. When a Bill is referred or re-referred to a Select or Joint Committee, all amendments of which notice has been given before the Bill is so referred or re-referred shall lapse.

Submission of the Bill clause by clause. 130. (1) After a motion has been agreed to by the Council that a Bill be taken into consideration, the Chairman shall submit the Bill to the Council clause by clause.

(2) Subject to the provisions of rule 29, any member may, at this stage, move an amendment to the Bill.

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

(4) Amendments shall be considered in the order of the clauses to which they relate :

Provided that, with the permission of the Chairman, amendments may be taken in any other order.

(5) The Chairman shall call the number of each clause separately, and when the amendments relating to it have been dealt with, shall put the question "that this clause or (as the case may be) this clause, as amended, do stand part of the Bill".

(6) Notwithstanding anything contained in *sub-rules* (1) and (5) of this rule, the Chairman may, in the case of uncontested clauses, put the question on a group of clauses and not on each clause separately.

(7) When any clause is under consideration, the discussion shall be confined to that clause and other clauses of the Bill, may not be discussed except with the permission of the Chairman.

(8) The Schedules, if any, shall be submitted to the Council for its consideration and shall be dealt with in the same manner as the clauses are dealt with.

(9) The title and the preamble of the Bill shall be put to the Council after all clauses of the Bill have been dealt with.

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

**With-
drawal of
amend-
ments.**

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

**Passing
of Bill.**

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

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

(4) No notice of such amendment shall be required.

Scope of Debate. 133. The discussion on a motion that the Bill, or the Bill as amended, as the case may be, be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character.

Power of Chairman to correct patent errors and make consequential changes in a bill as passed. 134. When a Bill is passed by the Council the Chairman shall have Power to correct Patent errors and make such other changes in the Bill as are consequential on the amendments accepted by the Council.

Authentication of Bills. 135. (1) After a Bill has been passed by the Council, the Chairman shall sign a certificate at the foot of the Bill in the following form :—

“This Bill was passed by the Legislative Council of the State of Maharashtra on the day of 20.....
Chairman”

Transmission to the Assembly. (2) The Bill so certified shall be transmitted to the Secretary of the Assembly for the consideration of the Assembly.

Authentication of Bills, in the absence of the Chairman. 136. For purposes of rules 135,145 and 147 in the absence of the Chairman from Mumbai/Nagpur, the Deputy Chairman may, in case of urgency, authenticate the Bill on behalf of the the Chairman.

137. If the Bill is amended by the Assembly and is returned to the Council asking the concurrence of the Council to the amendment, copies of the Bill so amended shall be laid on the table of the Council.

Return of the amended Bill to the Council.

138. (1) After the Bill has been laid on the Table under rule 137, the member-in-charge of the Bill may, after giving three day's notice, move that the amendments made in the Bill by the Assembly be taken into consideration.

Procedure for consideration of amendments.

(2) After the motion that the amendments made in the Bill by the Assembly be taken into consideration has been carried, the Chairman shall put to the Council the amendments made in the Bill by the Assembly in such manner as he thinks most convenient for their consideration.

(3) Any member may propose further amendments to the Bill, but such amendments shall be relevant or alternative to, or consequential upon, the amendments made in the Bill by the Assembly or are made necessary by the delay in the passage of the Bill.

139. (1) If the Council agrees to the amendments made by Assembly in the Bill a message intimating its agreement shall be sent to the Assembly.

Procedure consequent on consideration of amendments.

(2) If the Council, without passing any further amendments, disagrees with the amendments made by the Assembly or any of them, a message intimating its disagreement with all or any of the amendments, shall be sent to the Assembly.

(3) If the Council (i) agrees to the amendments, or any of them, and passes further amendments, or (ii) passes further amendments in place of amendments made by the Assembly, the Bill as further amended with a message asking for the concurrence of the Assembly to the Bill as further amended by the Council shall be transmitted to the Assembly.

Procedure if the Bill is again returned by the Assembly. 140. If the Bill is again returned to the Council with a message intimating that the Assembly insists on amendments to which the Council has not agreed or does not agree to the further amendments made in the Bill by the Council, copies of the message so received shall be sent to all members. The member-in-charge may then, after giving three days' notice move that the Council do agree to the Bill as passed by the Assembly. If this motion is carried, a message to that effect shall be sent to the Assembly. If the motion is lost, the Bill shall be deemed to have been rejected.

Bills originating in the Assembly. 141. (1) Copies of every Bill passed by the Assembly and transmitted to the Council shall be laid on the table of the Council. The date on which the Bill is laid on the table of the Council shall be reported to the Secretary of the Assembly.

No leave for introduction necessary. (2) After a Bill has been laid on the table of the Council under *sub-rule (1)* of this rule, it shall not be necessary to make a motion for leave to introduce the same in the Council and if the Bill is afterwards introduced it shall not be necessary to publish it.

Notice to move the Bill. (3) At any time after copies of a Bill have been laid on the Table under *sub-rule (1)* of this rule, any Minister in the case of a Government Bill or, in the case of any other Bill, any member may give notice of his intention to move the Bill and thereupon the provisions of rules 115 to 133 shall subject to the provisions of this rule, apply :

Provided that, if notice to move the Bill is given by a private member, the Bill shall be deemed to be a private member's Bill for the purposes of rule 12 :

Provided further that, in the case of Bills passed by the Assembly and then transmitted to the Council, no such motion shall be made in the Council unless a copy of amendments passed by the Assembly together with their translation either in Hindi or in *English whichever is selected by the member, and a copy of the Bill, as amended, in *Marathi have been despatched to each member two clear days before the date on which such motion is made, unless the Chairman in the exercise of his power to suspend this provision, allows the motion to be made.

*Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 26th December, 1997.

(4) After such Bill has been introduced, if the Bill has already been referred to a Joint Committee of both the Houses, no motion shall be made and no amendment shall be moved that the Bill be referred to a Select Committee or a Joint Committee.

When motion for reference to select Committee shall not be made.

(5) If the Bill is rejected a message shall be sent to the Assembly intimating that the Council has rejected the Bill.

(6) If the Bill is passed without amendments, a message shall be sent to the Assembly intimating that the Council has agreed to the Bill without any amendments.

Bills passed without amendments.

(7) If the Bill is passed with amendments by the Council, the Bill shall be returned to the Assembly with a message asking for the concurrence of the Assembly to the amendments.

Bills passed with amendments.

(8) If the Bill is returned to the Council by the Assembly with a message intimating that the Assembly has not agreed to the amendments made by the Council or any of them or that the Assembly has agreed to the said amendments or any of them and has passed further amendments or that the Assembly has passed further amendments in place of the amendments made by the Council, copies of the message so received shall be sent to all members. The member-in-charge may then, after giving three days' notice, move that the Bill as passed by the Assembly be taken into consideration. If this motion is carried, the amendments made in the Bill by the Council and disagreed to by the Assembly and the further amendments, if any, made in the Bill by the Assembly shall be put to the Council by the Chairman in such manner as he thinks most convenient for their consideration. A message shall then be sent to the Assembly that the Council has agreed to the Bill as originally passed by the Assembly or as further amended by the Assembly, as the case may be or that it insists on one or more of its own amendments with which the Assembly has disagreed.

Bills returned to the Council.

(9) The provisions of this rule shall not apply to Money Bills as passed by the Assembly and transmitted to the Council for its recommendations.

Procedure in the case of Bills passed by the Assembly for the second time. 142. (1) Copies of every Bill passed by the Assembly for the second time under clause (1) of Article 197 of the Constitution and transmitted to the Council shall be laid on the table of the Council. The date on which the Bill is laid on the table of the Council shall be reported to the Secretary of the Assembly.

(2) At any time after copies of the Bill have been laid on the table under *sub-rule (1)* of this rule, any Minister in the case of a Government Bill, or in the case of any other Bill, any member may, after giving three days' notice, move that the Bill as passed by the Assembly for the second time be taken into consideration.

(3) If the motion that the Bill be taken into consideration is lost, a message shall be sent to the Assembly intimating that the Bill as passed for the second time by the Assembly has been rejected by the Council.

(4) If the motion that the Bill be taken into consideration is carried, any member may propose amendments to the Bill. The Chairman shall put to the Council the amendments in such manner as he thinks most convenient for their consideration.

(5) If the Bill is passed without amendments a message shall be sent to the Assembly intimating that the Council has agreed to the Bill as passed for the second time by the Assembly, without any amendments.

(6) If the Bill is passed with amendments by the Council, the Bill shall be returned to the Assembly with a message asking for the concurrence of the Assembly to the amendments.

Procedure in the case of Money Bills passed by the Assembly. 143. (1) Copies of every Money Bill passed by the Assembly and transmitted to the Council shall be laid on the table of the Council. The date of the receipt of the Money Bill by the Council shall be reported to the Secretary of the Assembly.

(2) At any time after the Money Bill is laid on the table of the Council under *sub-rule (1)* of this rule, any Minister may, after giving three days' notice, move that the Money Bill as passed by the Assembly be taken into consideration. On such motion the general principles of the Bill may be discussed, but the detailed provisions shall not be discussed.

(3) If the motion is carried, the Chairman shall submit the Bill to the Council clause by clause. At this stage amendments to be recommended to the Assembly may be moved to the Bill. The amendments shall be considered in the order of the clauses to which they relate :

Provided that with the permission of the Chairman amendments may be taken in any other order.

(4) If the motion is lost, the Bill shall be deemed to have been returned to the Assembly without any recommendations.

(5) If the Council has no recommendations to make, the Bill shall be returned to the Assembly with a message to that effect.

(6) If the Council has recommendations to make, the Bill shall be returned to the Assembly with a message asking for the acceptance by the Assembly of the recommendations made by the Council.

(7) On a Bill being introduced in the Council or at any subsequent stage, if an objection is taken that a Bill is a Money Bill within the meaning of Article 199 of the Constitution and should not be proceeded with in the Council, the Chairman shall if he holds the objection valid, direct that further proceedings in connection with the Bill be terminated.

144. (1) If notice of motion for leave to introduce a Bill making provision for any of the matters specified in clause (1) of Article 207 of the Constitution is received, the Chairman may direct that it should not be included in the list of business.

**Provision
as
regards
Financial
Bills
referred
to in
Article
207(1).**

(2) On a Bill being put down for introduction a member may at that stage or at any subsequent stage take objection that the Bill is financial Bill within the meaning of clause (1) of Article 207 of the Constitution and should not be introduced in the Council.

(3) If the Chairman holds that the Bill is a financial Bill within the meaning of clause (1) of Article 207 of the Constitution, he shall terminate discussion on the Bill forthwith and direct that it be struck off from the list of business and be removed from the Register of Bills pending in the Council.

Chairman to endorse a certificate. 145. After the Council has dealt with the Bill under any of the provisions of rules 137 to 143 (both inclusive) the Chairman shall sign a certificate at the foot of the Bill stating the decision arrived at the Council.

Rejection of Bill. 146. When, any of the following motions moved in the House with reference to a Bill originating in the Assembly and transmitted to the House is negatived by the House, the Bill shall be deemed to have been rejected by the House :—

(i) that the Bill be taken into consideration ;

(ii) that the Bill be referred to a Select Committee;

(iii) that the Bill be referred to a Joint Committee of both the Houses with the concurrence of the Assembly ;

(iv) that the Bill as reported by Select Committee of the House or Joint Committee of both the Houses, as the case may be, be taken into consideration ; and

(v) that the Bill (or, that the Bill, as amended, as the case may be,) be passed.

Submission of Bills to Governor. 147. When a Bill in respect of which the originating House is the Council and which after it has been passed by the Council is passed by the Assembly without any further amendments, or when the Council agrees to the amendments made in the Bill by the Assembly and passes the Bill with these amendments, the Secretary shall send a copy of the Bill signed by the Chairman for submission, to the Governor through the Secretary to the Government of Maharashtra, Law and Judiciary Department.

Bills returned for reconsideration. 148. (1) Where a Bill is returned to the Council under Article 200 or 201 of the Constitution with a message requesting that the Council will reconsider the Bill or any specific provisions thereof or will consider the desirability of introducing such amendments as may be recommended in the message, the Chairman shall endorse the message on the Bill and shall communicate the same to the Council.

(2) After the Chairman has communicated the message to the Council, any member may move that the Bill be taken into consideration. Thereafter the ordinary procedure of the Council in regard to Bills shall, so far as may be and in so far as such, procedure is not inconsistent with the provisions of this rule, apply.

(3) Where such message relates to any specified provisions of a Bill or to the desirability of introducing particular amendments in the Bill the point or points recommended for reconsideration or the amendments recommended shall be put before the Council by the Chairman and shall be discussed and voted upon in the same manner as amendments to a Bill or in such other way as the Chairman may consider most convenient for their consideration by the Council.

(4) No dilatory motion shall be made in connection with any of the matters put before the Council under this rule.

Explanation.—For the purposes of this rule “a dilatory motion” means a motion that the Bill be referred to a Select Committee or that it be circulated for the purpose of eliciting opinion thereon or any other motion, the effect of the carrying of which will be to delay the consideration of the Bill, provisions or amendments included in the message.

149. The member-in-charge may at any stage of the Bill withdraw the Bill with the leave of the Council. **Withdrawal of a Bill.**

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

151. (1) Before a Bill has been passed, if no motion in regard to it is made during the period of one year, the Bill shall lapse: **Dropped Bills.**

Provided that the Council on a motion by the member-in-charge in the next following Session may make a special order for the continuance of the Bill. Seven clear day's notice shall be necessary for such motion :

*Provided further that, this shall not be applicable in respect of Non-official bills.

(2) A Bill in regard to which the Council has made a special order under sub-rule (1) shall be continued from the stage at which it was when it lapsed.

Bills relating to the same subject-matter not to be introduced or moved within one year of rejection. 152. When a Bill is rejected by the Council, a Bill relating to the same subject-matter shall not be introduced or moved within a period of one year from the date of its rejection.

Secretary to keep a list of Bills. 153. The Secretary shall keep a list of Bills in the form appended to these rules.

Discussion of Governor's Ordinances. 154. (1) As soon as possible after an ordinance promulgated by the Governor under clause (1) of Article 213 of the Constitution is laid before the Council printed copies of the ordinance shall be made available to the members of the Council.

(2) On receipt of a message from the Assembly under sub-rule (2) of rule 159 of the Maharashtra Legislative Assembly Rules, any member of the Council may, within six weeks of the re-assembly of the Council and after giving three clear day's notice to the Secretary to the Council, move a motion agreeing to the motion passed by the Assembly.

(3) The Chairman of the Council shall thereupon communicate to the Governor the decision of the Legislature.

*Inserted *vide Maharashtra Government Gazette*, Extraordinary, Part IV-C, dated the 24th September, 2010.

PART XIII.

*** RATIFICATION OF AMENDMENT TO THE CONSTITUTION**

155. (1) As soon as a message for ratification of the amendment to the Constitution is received from a House of Parliament, a copy of the message, together with the Bill, shall be laid by the Secretary on the Table of the House.

Ratification of amendment to the Constitution.

(2) The Secretary shall forward a copy of the message together with the Bill to the State Government at the first convenient opportunity.

156. (1) After the message has been laid on the Table under rule 155, any member may, after giving three days' notice, move a resolution that the amendment to the Constitution proposed by the Bill be ratified.

Discussion on the amendment to the Constitution.

(2) The Chairman shall, in consultation with the Leader of the House, fix a date for discussion on the resolution.

(3) No amendment shall be proposed to such a resolution.

(4) The Chairman may, if he thinks fit, prescribe a time-limit for speeches.

157. (1) If the resolution is passed by the House, a message shall be sent to the House of Parliament from which the message referred to in rule 155, was received, that the Council ratifies the amendment.

Message to Parliament.

(2) If the resolution is rejected by the House, a message shall be sent as aforesaid that the Council does not ratify the amendment.

(3) If no resolution is moved during the Session in which the message of the House of Parliament is laid on the Table, the Secretary shall send information to that effect to the House of Parliament from which the message was received.

**Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 5th January, 1971.*

PART XIV
COMMITTEES
(a) General

**Appoint-
ment of
Commi-
ttee.** 158. (1) The members of a Committee shall be appointed by the House either under the Rules or on a motion made, or nominated by the Chairman as the case may be :

Provided that, except in the case of a Select Committee or Joint Committee on a Bill or Business Advisory Committee or Committee on Rules or such other Committees as the Chairman may from time to time specify or as specifically otherwise provided by the rules, a Minister shall not be a member of the Committee and that if a member after his appointment on a Committee is appointed as a Minister, he shall cease to be a member of the Committee from the date of such appointment.

(2) Casual vacancies in a Committee shall be filled by appointment by the House on a motion made, or nomination by the Chairman, as the case may be, and any member appointed or nominated to fill such vacancy shall hold office for the unexpired portion of the term for which the member in whose place is appointed or nominated would have normally held office.

(3) During any vacancy in the Committee, the continuing members may act as if no vacancy has occurred.

**Nomina-
tion to be
in
proportion
to the
strength
in the
House.** 159. (1) Where, under these rules, the Chairman has to nominate members on any Committee he shall take into account the relative strength of recognised parties or groups and nominate members, as nearly as may be, in proportion to the strength of such parties and groups in the Council and after consulting the Leader of the House, the Leader of Opposition and the Leader of each such group :

Provided that, nothing contained in this sub-rule shall be construed as preventing the Chairman from nominating on any committee any member not belonging to any such parties or groups.

(2) If any question arises as regards the number of members to be nominated on behalf of any such party or group, the decision of the Chairman shall be final.

160. (1) A Committee nominated by the Chairman shall, unless otherwise specified in the rules contained in this part, hold office for the period specified by him or until a new by the Committee is nominated.

Term of office of Committee nominated by the Chairman.

(2) A member of a Committee shall be eligible for renomination.

161. (1) A member may resign his seat from a Committee by writing under his hand addressed to the Chairman.

Resignation from Committee.

162. (1) The Chairman of a Committee shall be appointed by the Chairman from amongst the members of the Committee :

Chairman of Committee.

Provided that, if the Deputy Chairman is a member of the Committee, he shall be appointed Chairman of the Committee.

(2) If the Chairman of the Committee is for any reason unable to act, the Chairman may appoint another Chairman of the Committee in his place.

(3) If the Chairman of the Committee is absent from any sitting, the Committee shall choose another member to act as Chairman for that sitting.

(4) The Secretary shall be the *ex-officio* Secretary of every Committee other than a Joint Committee appointed on the recommendations of the Assembly.

Secretary of Committee.

163. (1) The quorum to constitute a sitting of a Committee shall be, as near as may be, one-fourth of the total number of members of the Committee.

Quorum.

(2) If, at any time fixed for any sitting of the Committee, or if at any time during any such sitting, there is no quorum, the Chairman of the Committee shall either suspend the sitting until there is a quorum or adjourn the sitting to some future day.

(3) When the Committee has been adjourned in pursuance of sub-rule (2) on two successive dates fixed for sittings of the Committee, the Chairman of the Committee shall report the fact to the House :

Provided that, where the Committee has been nominated by the Chairman, the Chairman of the Committee shall report the fact of such adjournment to the Chairman.

Discharge of members absent from sittings of Committee. 164. If a member is absent from two or more consecutive sittings of a Committee without the permission of the Chairman of the Committee a motion may be moved in the House for the discharge of such member from the Committee :

Provided that, where the members of the Committee are nominated by the Chairman such member may be discharged by the Chairman.

Voting in Committee. 165. All questions at any sitting of a Committee shall be determined by a majority of votes of the members present and voting.

Casting Vote of Chairman. 166. In the case of an equality of votes on any matter, the Chairman of the Committee, or the person acting as such, shall have a second or casting vote.

Power to appoint Sub-Committees. 167. (1) A Committee may appoint one or more sub-committees each having the powers of the undivided Committee, to examine any matters that may be referred to them and the reports of such sub-committees shall be deemed to be the reports of the whole Committee if they are approved at a sitting of the whole Committee.

(2) The order of reference to a sub-committee shall clearly state the point or points for investigation. The report of the sub-committee shall be considered by the whole Committee.

Sitting of Committee. 168. The sittings of a Committee shall be held on such days and at such hour as the Chairman of the Committee may fix :

Provided that, if the Chairman of the Committee is not readily available, the Secretary may fix the date and time of a sitting :

Provided further that in the case of, Select Committee or Joint Committee on a Bill, if the Chairman of the Committee is not readily available, the Secretary may, in consultation with the Minister concerned with the Bill, fix the date and the time of a sitting.

169. A Committee may sit whilst the House is sitting provided that on a division being called in the House, the Chairman of the Committee shall suspend the proceedings in the Committee for such time as will in his opinion enable the members to vote in the division.

Committee may sit whilst House is sitting.

170. The sittings of a Committee shall be held in private.

Sitting of Committee in private.

171. The sittings of a Committee shall be held within the precincts of the Council Hall, and if it becomes necessary to change the place of sittings outside the Council Hall, the matter shall be referred to the Chairman whose decision shall be final.

Venue of sittings.

172. All persons other than members of the Committee and officers of the Maharashtra Legislature Secretariat shall withdraw whenever the Committee is deliberating.

All Strangers to withdraw when Committee deliberates.

173. A Committee shall have power to send for persons, papers and records :

Power to send for persons, papers and records.

Provided that, if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Chairman whose decision shall be final :

Provided further that the Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

174. The examination of witnesses before a Committee shall be conducted as follows :—

Procedure for examining witnesses.

(i) The Committee shall, before a witness is called for examination, decide the mode of procedure and the nature of questions that may be asked of the witness.

(ii) The Chairman of the Committee may first ask the witness such question or questions as he may consider necessary with reference to the subject-matter under consideration or any subject connected therewith according to the mode of procedure mentioned in clause (i) of this rule.

(iii) The Chairman of the Committee may call other members of the Committee one by one to ask any other question.

(iv) A witness may be asked to place before the Committee any other relevant points that have not been covered and which a witness thinks are essential to be placed before the Committee.

(v) A verbatim record of proceedings of the Committee shall, when a witness is summoned to give evidence, be kept.

(vi) The evidence tendered before the Committee may be made available to all members of the Committee.

Record of decision of Committee. 175. A record of the decisions of a Committee shall be maintained and circulated to members of the Committee under the direction of the Chairman of the Committee.

Evidence, report and proceeding treated as confidential. 176. (1) A Committee may direct that the whole or a part of the evidence or a summary thereof may be laid on the Table.
(2) No part of the evidence, oral or written, report or proceedings of a Committee which has not been laid on the Table shall be open to inspection by anyone except under the authority of the Chairman.

(3) The evidence given before a Committee shall not be published by any member of the Committee or any other person until it has been laid on the Table :

Provided that, the Chairman may, in his discretion, direct that such evidence be confidentially made available to members before it is formally laid on the Table.

Special reports. 177. A Committee may, if it thinks fit, make a special report on any matter that arises or comes to light in the course of its work which it considers necessary to bring to the notice of the Chairman or the House, notwithstanding that such matter is not directly connected with, or does not fall within, or is not incidental to, its terms of reference.

Report of Committee. 178. (1) Where the House has not fixed any time for the presentation of a report by a Committee, the report shall be presented within one month of the date on which reference to the Committee was made :

Provided that, the House may, at any time on a motion being made, direct that the time for the presentation of the report by the Committee be extended to a date specified in the motion.

(2) Reports may be either preliminary or final.

(3) The report of the Committee shall be signed by the Chairman of the Committee on behalf of the Committee :

Provided that, in case the Chairman of the Committee is absent or is not readily available the Committee shall choose another member to sign the report on behalf of the Committee.

179. A Committee may, if it thinks fit, make available to Government any completed part of its report before presentation to the House, Such reports shall be treated as confidential until presentation, to the House.

Availability of report to Government before presentation.

180. (1) The report of a Committee shall be presented to the House by the Chairman of the Committee or in his absence by any member of the Committee.

presentation of report.

(2) In presenting the report the Chairman of the Committee or, in his absence, the member presenting the report shall, if he makes any remarks, confine himself to a brief statement of fact, but there shall be no debate on that statement at this stage.

181. The Chairman may, on a request being made to him and when the House is not Session, order the printing, publication or circulation of a report of a Committee although it has not been presented to the House. In that case the report shall be presented to the House during its next Session at the first convenient opportunity.

Printing, publication or circulation of report prior to its presentation to House.

182. A Committee shall function under the general control and supervision of the Chairman, who may from time to time, issue such instructions, as he may consider necessary for the efficient working of the Committee.

General control and supervision of Chairman on working of Committee.

Power to make suggestions on procedure. 183. Subject to the rules, a Committee shall have power to pass resolutions on matters of procedure relating to that Committee for the consideration of the Chairman, who may make such variations in procedure as he may consider necessary.

Power of Committee to make detailed rules. 184. A Committee may with the approval of the Chairman make detailed rules of procedure to supplement the provisions contained in the rules in this Part.

Power of Chairman to give directions. 185. (1) Subject to the rules the Chairman may from time to time issue such directions to the Chairman of a Committee as he may consider necessary for regulating its procedure and the organisation of its work.

(2) If any doubt arises on any point of procedure or otherwise, the Chairman of the Committee may, if he thinks fit, refer the point to the Chairman whose decision shall be final.

Power of Chairman of Committee to regulate procedure in Committee. (3) Subject to these rules, supplementary rules, and resolutions made by the Committee and directions or other instructions issued by the Chairman, the procedure in a Committee shall be regulated by its Chairman.

Business before Committee not to lapse on prorogation of House. 186. Any business pending before a Committee shall not lapse by reason only of the prorogation of the House and the Committee shall continue to function notwithstanding such prorogation.

Unfinished work of Committee. 187. A Committee which is unable to complete its work before the expiration of its term or before the dissolution of the House may report to the House that the Committee has not been able to complete its work. Any preliminary report, memorandum or note that the Committee may have prepared or any evidence that the Committee may have taken shall be made available to the new Committee.

188. Except for matters for which special provision is made in the rules relating to any particular Committee, the general rules in this Part shall apply to all Committees; and if and so far as any provision in the special rules relating to a Committee is inconsistent with the general rules the former rules shall prevail.

Applicability of general rules to committee.

(b) Committee for Consideration of Matters of Public Importance

189. (1) After giving ten days' notice, any member may, with consent of the Chairman, move that any matter of public importance be referred for consideration and report to a Committee consisting of such members of the Council as may be specified in the motion. The motion shall also specify the instructions, if any, which are to be given to the Committee and the date before which the Committee is to submit its report.

Motion for appointment of Committee.

(2) The Committee shall not, without the leave of the Council, consist of more than ten members, including the *ex-officio* member.

(3) The Minister-in-charge of the Department concerned shall be *ex-officio* member of the Committee.

190. The Committee may hear expert evidence and representatives of special interests concerned with the matter referred to it.

Power of Committee to hear expert evidence.

191. If any member of the Committee desires to record a minute of dissent on any point in the report, he shall hand in his minute within such time as may be fixed by the Committee in that behalf.

Report of Committee: Minute of Dissent.

192. The report of the Committee shall be presented to the Council by the member on whose motion the Committee was appointed. After presenting the report, the member-in-charge shall move that the report of the Committee be taken into consideration. If this motion is carried, the report shall be discussed by the Council in such manner as the Chairman thinks proper.

Presentation of Report: Discussion after presentation.

(c) Joint Committees of both Houses

Joint Committees. 193. (1) Any member may, with the consent of the Chairman, move that it is expedient that any matter of public importance be referred to a Joint Committee of both Houses consisting of so many members and with instructions to report before such date as may be specified in the motion.

(2) If the motion is carried, a message shall be sent to the Assembly asking for concurrence of the Assembly in the motion.

(3) If the Assembly concurs in the motion, a motion shall be made by the member-in-charge nominating the members of the Council who are to serve on the Committee.

(4) The Minister-in-charge of the Department concerned shall be *ex-officio* member of every Joint Committee, and excluding him the number of members of the Council nominated on such Committee shall be not less than one-third of the total number of members of such Committee :

Provided that, if such one-third contains a fraction, the said fraction shall be rounded off to the next higher integer.

(5) The provisions of rules 190, 191 and 192 shall apply when any matter is referred to a Joint Committee under this rule.

Joint Committees appointed on motion passed by the Assembly. 194. (1) The Secretary shall send to every member a copy of the message received from the Assembly asking for the concurrence of Council in a motion passed by the Assembly that a matter should be referred to a Joint Committee of both Houses.

(2) At any time after the receipt of such message from the Assembly any member may move that the motion passed by the Assembly be agreed to.

(3) If the Council agrees, a motion may be made nominating the members of the Council who are to serve on the Joint Committee. A message shall then be sent to the Assembly intimating the concurrence of the Council in the motion passed by the Assembly and the names of the members nominated by the Council on the Joint Committee.

(4) If the Council does not agree to the motion passed by the Assembly a message intimating its disagreement shall be sent to the Assembly.

(5) The procedure in a Joint Committee appointed under this rule shall be regulated by the Rules made by the Maharashtra Legislative Assembly in this behalf.

(6) The Secretary shall despatch to each member copies of the report of a Joint Committee with any minutes of dissent thereto.

(d) Business Advisory Committee

195. As soon as may be after the commencement of the first session of the Council in every year or from time to time, as the case may be, the Chairman may nominate a Committee called the Business Advisory Committee consisting of not more than nine members including the Chairman who shall be the Chairman of the Committee.

Constitution of Business Advisory Committee.

196. (1) It shall be the function of the Committee to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills and other business as the Chairman in consultation with the Leader of the House may direct for being referred to the Committee.

Functions of the Committee.

(2) The Committee shall have the power to indicate in the proposed time-table the different hours at which various stages of the Bill or other business shall be completed.

(3) The Committee shall have such other functions as may be assigned to it by the Chairman from time to time.

197. The time-table in regard to a Bill or a group of Bills and other business as settled by the Committee shall be reported by the Chairman to the Council and notified in the Bulletin together with the decision of the House thereon.

Report of Committee.

198. As soon as may be after the report has been made to the Council a motion, may be moved by a member of the Committee designated by the Chairman "that this House agrees with the allocation of time proposed by the Committee in regard to such and such Bill or Bills or other business", and if such a motion is accepted by the Council, it shall take effect as if it were an Order of the Council :

Allocation of Time Order.

Provided that an amendment may be moved that the report be referred back to the Committee either without limitation or with reference to any particular matter :

Provided further that not more than half an hour shall be allotted for the discussion of the motion and no member shall speak for more than five minutes on such motion.

Disposal of outstanding matters at the appointed hour. 199. At the appointed hour, in accordance with the allocation of Time Order for the completion of a particular stage of a Bill or other business, the Chairman shall forth with put every question necessary to dispose of all the outstanding matters in connection with that stage of the Bill or other business.

Variation in the Allocation. 200. No variation in the Allocation of Time Order shall be made except on the request of the Leader of the House who shall notify orally to the Council that there was general agreement for such variation which shall be enforced by the Chairman after taking the sense of the Council.

(e) Committee on Private Members' Bills and Resolutions

Constitution of Committee on Private Members' Bills and Resolutions. 201. (1) As soon as may be after the commencement of first session of the Council in every year, a Committee on Private Membars' Bills and Resolutions shall be constituted. The Committee shall consist of not more than seven members nominated by the Chairman.

(2) The members of the Committee shall hold office until a new Committee is constituted.

Functions of committee. 202. (1) The functions of the Committee shall be—
(a) to examine all private members' Bills after they are introduced and before they are taken up for consideration in the House and to classify them according to their nature, urgency and importance into two categories, namely, Category 'A' and Category 'B';

(b) to recommend the time that should be allocated for the discussion of the stage or stages of each private member's Bill and also to indicate in the time-table so drawn up the different hours at which the various stages of the Bill in a day shall be completed;

(c) to examine every private member's Bill which is opposed in the House on the ground that the Bill initiates legislation outside the legislative competence of the House, and the Chairman considers such objection *prima facie* tenable;

(d) to recommend time-limit for the discussion of private members' resolutions and other ancillary matters.

(2) The Committee shall perform such other functions in respect of private members' Bills and Resolutions as may be assigned to it by the Chairman from time to time.

203. At any time after the report has been presented to the House motion may be moved that the House agrees or agrees with amendments or disagrees with the report:

Motion moved in House on the report.

Provided that not more than half an hour shall be allotted for discussion of the motion and no member shall speak for more than five minutes on such motion:

Provided further that an amendment may be moved that the report be referred back to the Committee without limitation or with reference to any particular matter.

204. The Classification of Bills and the Allocation of Time order in respect of the Bills or Resolutions shall be notified in the Bulletin in accordance with the decision of the House under rule 203 above.

Notification of Classification and Allocation of time Order.

205. At the appointed hour, in accordance with the Allocation of Time Order, the Chairman shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the completion of a particular stage of the Bill or the Resolution.

Disposal of outstanding matters at the appointed hour.

(f) Representation on the Committees on Subordinate Legislation, Public Accounts, Estimates, Public Undertakings, Welfare of Scheduled Castes, Welfare of Scheduled Tribes, Welfare of Vimukta Jatis and Nomadic Tribes, Panchayati Raj, Employment Guarantee Scheme, Rights and Welfare of Women *and Child, Welfare of Other Backward Classes, Welfare of Minorities and Marathi Language.

* Substituted *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 3rd April, 2018.*

Sub-ordinate Legislation Committee. 206. As soon as may be after the commencement of the first Session of the Council in every year, the Chairman shall nominate not more than five members to represent on the Committee on Subordinate Legislation constituted under the Rules made by the Assembly.

Public Accounts Committee. 207. As soon as may be after the commencement of the first Session of the Council in every year the Chairman shall nominate not more than five members to represent on the Public Accounts Committee constituted under the Rules made by the Assembly.

Estimates Committee. 208. As soon as may be after the commencement of the first Session of the Council in every year the Chairman shall nominate not more than six members to represent on the Estimates Committee constituted under the Rules made by the Assembly.

Public Undertakings Committee. 209. As soon as may be, after commencement of the first Session of the Council in every year, the Chairman shall nominate not more than five members to represent on the Committee on Public Undertakings constituted under the Rules made by the Assembly :

Provided that no member who has pecuniary interest in any public undertakings shall be eligible to be elected or continued to be a member of the Committee.

Committee on welfare of Scheduled Castes. 210. *As soon as may be after the commencement of the first Session of the Council in every year, the Chairman shall nominate not more than four members to represent on the Committee on Welfare of Scheduled Castes constituted under the Rules made by the Assembly.

Committee on welfare of Scheduled Tribes. 211. * As soon as may be after the commencement of the first Session of the Council in every year, the Chairman shall nominate not more than four members to represent on the Committee on Welfare of Scheduled Tribes constituted under the Rules made by the Assembly.

Committee on Panchayati Raj. 212. * As soon as may be after the commencement of the first Session of the Council in every year, the Chairman shall nominate not more than five members on the Committee on Panchayati Raj constituted under the Rules made by the Assembly.

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 22nd April, 1981.*

213. * As soon as may be after the commencement of the first Session of the Council in every year, the Chairman shall nominate not more than five members to represent on the Committee on Employment Guarantee Scheme constituted under the Rules made by the Assembly.

Committee on Employment Guarantee Scheme.

214. * As soon as may be after the commencement of the first Session of the Council in every year, the Chairman shall nominate not more than ** four members to represent on the Committee on Welfare of Vimukta Jatis and Nomadic Tribes constituted under the Rules made by the Assembly.

Committee on welfare of Vimukta Jatis and Nomadic Tribes.

214-A. As soon as may be after the commencement of the first Session of the Legislative Council in every year, the Chairman shall nominate not more than four members to represent on the “*Committee on Rights and Welfare of Women and Child Constituted under the Rules made by the Legislative Assembly. Out of these four members two members shall be from amongst women members of the Legislative Council.

******Committee on Rights and Welfare of women and child.**

*****214-B. As soon as may be after the commencement of first Session of the Legislative Council in every year, the Chairman shall nominate not more than four members to represent on the Committee on Welfare of the Other Backward Classes constituted under the Rules made by the Legislative Assembly.

Committee on Welfare of other Backward Class.

†214-C. As soon as may be after the commencement of the first session of the Legislative Council in every year, the Chairman shall nominate not more than four members to represent on the “Committee on Welfare of Minorities” constituted under the Rules made by the Legislative Assembly.

Committee on Welfare of Minorities.

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 22nd April, 1981.*

** *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 9th March, 2009.*

*** *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 28th December, 1998.*

**** *Substituted vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 3rd April, 2018.*

***** *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 16th December, 2003.*

† *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 24th September, 2010.*

Out of these four members three members shall be from minority community. Out of these four members one member shall be a woman member from minority community. If there is no woman member from a minority community, she shall be from an open category.

Committee on Marathi Language. *214D. As soon as may be after the commencement of the first session of the Legislative Council in every year, the Chairman shall nominate not more than four members to represent on the Committee on Marathi Language constituted under the rules made by the Legislative Assembly.

Procedure in Committee. 215. The procedure in the Committee on Subordinate Legislation, the Committee on Public Accounts, the Committee on Estimates, the Committee on Public Undertakings, the Committee on Welfare of Scheduled Castes, the Committee on Welfare of Scheduled Tribes, the Committee on Welfare of Vimukta Jatis and Nomadic Tribes, the Committee on Panchayati Raj, a Committee on Employment Guarantee Scheme, the Committee on Rights and **Welfare of Women and Child, the ***Committee on Welfare of Other Backward Classes, the Committee on Welfare of Minorities and *the Committee on Marathi Language shall be regulated by the Rules made by the Assembly in this behalf.

Presentation of Report of Legislature Committee. 216. The report of any of the Committees referred to in rule 215 shall be presented by any member of the Council who is a member of the Committee.

† **(f-a) Departmentally Related Standing Committees**

Constitution of Departmentally related standing Committees. 216-A. (1) There shall be Departmentally Related Standing Committees of the Houses (hereinafter be called the Standing Committees).

* *Inserted vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 29th April, 2016.*

** *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 3rd April, 2018.*

*** *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 24th September, 2010.*

† *vide Maharashtra Government Gazette, Extraordinary, part IV-C, dated the 14th December, 2001.*

(2) The Departments covered under the jurisdiction of each Committees of the Standing Committes shall be as specified in the Third Schedule:

Provided that the Chairman Legislative Council and the Speaker Legislative Assembly may alter the said Schedule from time to time in consultation with each other.

(3) Each Standing Committee shall consist of not more than 21 members out of whom not more than 5 members shall be nominated by the Chairman from amongst the members of Legislative Council and not more than 16 members shall be nominated by the Speaker from amongst the members of Legislative Assembly.

(4) A Minister shall not be nominated as member of the Committee and if a member after his nomination to the Committee is appointed as a Minister, he shall cease to be a member of the Committee from the date of such appointment.

(5) The Chairman of the Committee shall be appointed by the Chairman of Legislative Council from amongst the members of the Committee specified in part one of Third Schedule in Legislative Council Rules and Chairman of the Committee shall be appointed by the Speaker of Legislative Assembly from amongst the members of the Committee specified in part two of Fourth Schedule in Legislative Assembly Rules.

(6) The members of the Standing Committees shall hold office until a new Committee is constituted.

216-B. (1) The functions of the Standing Committee shall be :—

(a) To consider the Demand for Grants of Departments and submit a report thereon to the Houses. Nothing shall be suggested in the form of a cut motion in the said report;

(b) To examine such Bills pertaining to the concerned Departments as are referred to the Committee by the Chairman, Legislative Council or by the Speaker, Legislative Assembly, as the case may be, and to make a report thereon;

(c) To consider the annual reports of the Departments and make reports thereon;

(d) To consider the documents pertaining to the basic long term policy of the Government presented to the Houses and prepare a report thereon.

(2) The Standing Committees shall not consider the matters of day to day administration of the concerned Departments.

Applicability of Provisions relating to functions.

216-C. Each of the functions of these Committees as provided in the Rule shall be applicable to the Committees from the date as may be notified by the Chairman, Legislative Council and the Speaker, Legislative Assembly in respect of particular functions.

Quorum.

216-D. The quorum to constitute a sitting of a Committee shall be as near as may be One-Fourth of the total number of members of the Committee. If at any sitting of the Committee, there is no quorum, the sitting shall be adjourned for 15 minutes and thereafter, business of the Committee shall commence at the same place which shall not require any quorum, however, minimum three members shall be required to remain present for such a sitting.

Procedure relating to Demands for Grants.

216-E. The following procedure shall be 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 the general discussion on the Budget in the House is over, the Houses shall be adjourned for a fixed period ;

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

(c) The Demands for Grants shall be considered in the House in accordance with the reports of the Committees ;

(d) There shall be a separate report on the demands for Grants of each Department;

(e) The committee shall make their report within the prescribed period and shall not ask for more time.

Procedure relating to Bills.

216-F. The following procedure shall be followed by each of the Standing Committee for examining the Bills and making report thereon:—

(a) The Committee shall consider the general principles and clauses of the Bill referred to it and make report thereon;

(b) The Committee shall consider only such Bill introduced in either of the Houses which is referred to it by the Chairman, Legislative Council or the Speaker, Legislative Assembly, as the case may be; and

(c) The Committee shall make report on the Bill in the given time.

216-G. (1) The report of the Standing Committee shall be based on broad consensus. **Report of Committee.**

(2) Any member of the Committee may give a note of dissent on the report of the Committee.

(3) The note of dissent shall be presented to the House along with the Report.

216-H. Except for matters for which special provision is made in rules pertaining to Standing Committees, the general rules in the Legislative Council Rules applicable to other Legislature Committees shall apply *mutatis mutandis* to the Standing Committees specified in the Third Schedule and the general Rules in the Legislative Assembly Rules applicable to other Legislature Committees shall apply to Standing Committees specified in the Fourth Schedule. **Applicability of General Rules.**

216-I. The sittings of the Standing Committee shall not be held at any place other than the precincts of the Legislature, unless special permission in the matter is given by the Chairman or the Speaker, as the case may be. **Venue of sitting.**

216-J. The Committee may avail of the expert opinion or the public opinion to make the report. **Power to have expert opinion.**

216-K. Standing Committee shall not consider matters which are considered by any other Legislature Committee. **Matters not to be considered.**

Nature of Report. 216-L. The report of a Standing Committee shall be recommendatory in nature and shall be treated as considered advice given by the Committee.

(g) Committee on Rules

Functions of Committee on Rules. 217. There shall be a Committee on Rules to consider, either of its own motion or on a notice given by a member, matters of procedure and conduct of business in the House and to recommend any amendments or additions to these rules that may be deemed necessary.

Constitution of Committee on Rules. 218 *As soon as may be after the commencement of the first session of the Council in every year or from time to time as the case may be the Committee on Rules shall be nominated by the Chairman. The Committee shall consist of nine members including the Chairman of the Committee. The Chairman shall be the *ex-officio* Chairman of the Committee.

Laying of Report on the Table. 219. (1) The recommendations of the Committee shall be laid on the Table and within a period of ten days, beginning with the date on which they are so laid, any member may give notice of any amendment to such recommendations.

(2) Any notice given by a member of any amendment to the recommendations of the Committee shall stand referred to the Committee who shall consider it and make such changes in their recommendations as the Committee may consider fit. The final report of the Committee after taking into consideration the amendments suggested by the members shall be laid on the Table. Thereafter, on the House agreeing to the report on a motion made by a member of the Committee, the amendments to the rules as approved by the House shall be published in the *Gazette*.

(3) If notice of such amendments has not been given within ten days, the recommendations of the Committee shall be deemed to have been approved by the House and on the expiry of the said period the Chairman shall cause to be published in the *Gazette* the amendments to the rules as recommended by the Committee.

* *vide Maharashtra Government Gazette*, Extraordinary, Part IV-C, dated the 22nd April, 1981.

(4) The amendments to the rules shall come into force on their publication in the *Gazette*, unless otherwise specified.

(h) Committee on Government Assurances

220. There shall be a Committee on Government Assurances to scrutinise the assurances, promises and undertakings, given by Ministers, from time to time on the floor of the Council and to report on—

Functions of Committee on Government Assurances.

(a) the extent to which such assurances have been implemented ; and

(b) where implemented, whether such implementation has taken place within the minimum time necessary for the purpose.

221.*(1) As soon as may be after the commencement of the first session of the Council in every year the Committee on Government Assurances shall be constituted. The Committee shall consist of not more than nine members who shall be nominated by the Chairman.

Constitution of committee on Government Assurances.

(2) The members of the Committee shall hold office until a new Committee is constituted.

222. The Secretary of the Department concerned shall, if required by the Committee, attend meetings of the Committee to assist it in its deliberations, and shall supply such information as the Committee may desire.

Secretary of the Department to attend meetings.

(i) Committee on Absence of Members from the Sittings of the House

223. (1) As soon as may be after the commencement of the first session of the Council in every year, the Committee on Absence of Members from the Sittings of the House shall be constituted. The Committee shall consist of seven members nominated by the Chairman.

Constitution of Committee on Absence of Members from Sittings of the House.

(2) The members of the Committee shall hold office until a new Committee is constituted.

* *vide Maharashtra Government Gazette*, Extraordinary, Part IV-C, dated the 22nd April, 1981.

Functions of Committee. 224. (1) The functions of the Committee shall be—
(i) to consider all applications from members for leave of absence from the sittings of the House; and

(ii) to examine every case where a member has been absent for a period of sixty days or more, without permission, from the sittings of the House and to report whether the absence should be condoned or circumstances of the case justify that the House should declare the seat of the member vacant.

(2) The Committee shall perform such other functions in respect of attendance of members in the House as may be assigned to it by the Chairman from time to time.

Pleasure of House taken where leave of absence is recommended. 225. Where the Committee recommends that leave of absence be granted to a member or the absence be condoned, as the case may be, the pleasure of the House shall be taken by the Chairman in the following terms on a day, as soon as may be, after the presentation of the report :—

“ The Committee on Absence of Members from the Sittings of the House in its..... report has recommended that leave of absence be granted or absence be condoned (as the case may be) in respect of Shri..... for the period indicated in the report. The member is being informed accordingly. ”

Motion moved where leave of absence is not recommended. 226. Where leave of absence is not recommended by the Committee in respect of any application, a motion may be moved by any member that the House agree or agrees with amendment or disagrees with the recommendations of the Committee in respect of that application.

PART XV

FINANCIAL BUSINESS

227. (1) The annual financial statement or the statement of estimated receipts and expenditure of the State in respect of every financial year (hereinafter referred to as “the Budget”) shall be presented to the Council on such day as the Governor may appoint.

**Presenta-
tion of
Budget.**

(2) No discussion of the Budget shall take place on the day on which it is presented.

228. (1) The Chairman, in consultation with the Leader of the House, shall, not earlier than seven clear days from the day on which the budget is presented, appoint days not exceeding five in number and on the days so appointed the Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved at this stage, nor shall the Budget be submitted to the vote of the Council.

**General
discussion.**

(2) The Chairman may, if he thinks fit, prescribe a time-limit for speeches.

(3) The Finance Minister shall have a general right of reply at the end of the discussion.

229. A further statement of expenditure included in the demands for grants made under rules 257 and 258 of the Maharashtra Legislative Assembly Rules shall be laid before the Council on such day as the Chairman, in consultation with the Leader of the House, may appoint. The Council shall be at liberty to discuss such statement as a whole or any question of principle involved therein, but no motion shall be moved, nor shall the statement be submitted to the vote of the Council.

**Further
Statement
of
Expenditure.**

230. (1) A supplementary statement of expenditure, if any, shall be laid before the Council on such day as the Governor may appoint.

**Supplemen-
tary
Statement
of
Expenditure.**

(2) The Chairman, in consultation with the Leader of the House, shall allot one or more day's not earlier than three days after the day allotted under sub-rule (1) for discussion of the

estimate of expenditure but no motion shall be moved nor shall the supplementary statement be submitted to the vote of the Council.

(3) The discussion of a supplementary grant shall be confined to the items constituting the grant and no discussion shall be permitted on the original grants or on the policy underlying those grants.

(4) The members desiring to take part in discussion may give advance intimation of the specific points they wish to raise so as to facilitate full and proper discussion of the subject.

Appropriation Bill.

231. (1) Subject to the provisions of the Constitution, the procedure in regard to an Appropriation Bill shall be the same as for Bills generally with such modifications as the Chairman may consider necessary.

(2) At any time after an Appropriation Bill is laid on the table of the Council under rule 143, the Chairman may allot a day or days for the completion of all or any of the stages involved in the consideration of the Bill by the Council.

(3) *Half-an-hour before the time appointed by the Chairman for the adjournment of the Council on the day or the last of such days, as the case may be, allotted under sub-rule (2), all discussion shall terminate and the Chairman shall forthwith put every question necessary to dispose of all outstanding matters in connection with the stage or stages for which the day or days have been allotted.

(4) The debate on an Appropriation Bill shall be restricted to matters of public importance or administrative policy implied in the grants covered by the Bill which have not already been raised during the general discussion of the Budget.

(5) If an Appropriation Bill is in pursuance of a supplementary grant in respect of an existing service, the discussion shall be confined to the items constituting the same, and no discussion shall be raised on the original grant nor the policy underlying it save in so far as it may be necessary to explain or illustrate a particular item under discussion.

* *vide Maharashtra Government Gazette, Extraordinary, part IV-C, dated the 26th December, 1997.*

(6) the Chairman may, if he thinks fit, prescribe a time-limit for speeches at all or any of the stages for which a day or days have been allotted under sub-rule (2).

232. Nothing hereinbefore contained shall be deemed to prevent the presentation of the Budget to the Council in two or more parts, and when such presentation takes place, each part shall be dealt with in accordance with these rules, as if it were the Budget.

**Presenta-
tion of
Budget in
parts.**

PART XVI

PETITIONS

- Scope of petitions.** 233. Petitions may be presented or submitted to the House with the consent of the Chairman on—
- (i) a Bill which has been published under rule 111 or which has been introduced in the House;
 - (ii) any matter connected with the business pending before the House; and
 - (iii) any matter of general public interest provided that it is not one—
 - (a) which falls within the cognisance of a court of law having jurisdiction in any part of India or a court of enquiry or a statutory tribunal or authority or a quasi-judicial body, or a commission;
 - (b) which relates to a matter which is not within the cognisance of the State Government;
 - (c) which can be raised on a substantive motion or resolution; or
 - (d) for which remedy is available under the law, including rules, regulations, byelaws made by the Central Government or by State Government or an authority to whom power to make such rules, regulations, bye-laws, etc., is delegated.
- Form and contents.** 234. Petitions to the Council—
- (a) shall be addressed to the Council;
 - (b) shall be in respectful and temperate language;
 - (c) shall not contain any offensive or defamatory expressions; and
 - (d) shall be signed by the petitioner or petitioners.
- To be presented by a member.** 235. Every petition to the Council shall be presented by a member who shall be responsible for its contents and its genuineness.

236. A member desiring to present a petition shall show it to the Chairman and obtain his permission to its presentation. After he has obtained the permission of the Chairman, he may present it on any day after questions and before the other business for the day is entered upon.

Procedure.

237. A member presenting a petition may make a brief statement in regard to it. No discussion shall be allowed on such statement.

Member presenting may make a brief statement.

COMMITTEE ON PETITIONS

238. *(1) As soon as may be after the commencement of the first session of the Council in every year the Committee on Petitions shall be constituted and Committee shall consist of the Deputy Chairman, who shall be the Chairman, and four other members nominated by the Chairman of the Council.

Constitution of Committee on Petitions.

† Provided that if the office of the Deputy Chairman is vacant, the Chairman shall nominate a member from amongst the members of the Committee to act as a Chairman till such vacancy is filled.

(2) The members of the Committee shall hold office until a new Committee is constituted.

239. (1) Every petition after presentation by a member shall be referred to the Committee on Petitions.

After presentation, petition to be referred to the Committee on Petitions : Examination and report by the Committee.

(2) The Committee on Petitions shall examine every petition referred to it and shall report to the Council stating the subject matter of the petition, the number of persons by whom it is signed and whether it is in conformity with the rules. If the petition complies with the rules, the Committee may, in its discretion direct that it be circulated amongst the members. The Committee shall in its report state whether the circulation has or has not been directed, and where circulation has not been directed, the Chairman of the Council may, in his discretion, direct that the petition be circulated. Such circulation shall be of the petition *in extenso* or of a summary thereof, as the Committee or the Chairman of the Council, as the case may be, may direct.

* *vide Maharashtra Government Gazette*, Extraordinary, part IV-C, dated the 22nd April, 1981.

† *vide Maharashtra Government Gazette*, Extraordinary, part IV-C, dated the 26th December, 1997.

(3) It shall also be the duty of the Committee to report to the House on specific complaints made in the petitions referred to it and to suggest remedial measures either in a concrete form applicable to the case under review or to prevent such cases in future:

Provided that when the Committee before reporting desires any evidence to be taken on any matter relevant to the subject-matter of the petition such evidence may be taken only after the specific approval of the Chairman is obtained.

(4) A copy of the report of the Committee on Petitions shall be despatched to each member.

PART XVII

PRIVILEGES

(a) Questions of Privilege

240. Subject to the provisions of these rules, a member may, with the permission of the Chairman, raise a question involving a breach of privilege either of a member, or of the Council, or of a Committee thereof.

Question of privilege.

241. A member wishing to raise a question of privilege shall give notice in writing to the Secretary at least one hour before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document and if the document is in possession, power or control of the member the notice shall be accompanied by the document.

Notice of question of privilege.

242. The right to raise a question of privilege shall be subject to the allowing restrictions :—

Restrictions on right to raise question of privilege.

(i) not more than one question shall be raised at the same sitting ;

(ii) the question shall be restricted to a specific matter of recent occurrence.

243. (1) The Chairman, if he gives permission under rule 240 and holds that the matter proposed to be discussed is in order, shall, after the questions and before the list of business is entered upon, call the member concerned, who shall rise in his seat and, while asking for leave to raise the question of privilege, make a short statement relevant thereto :

Mode of raising question of privilege.

Provided that where the Chairman has refused his permission under rule 240 or is of opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of question of privilege and state that he refuses permission or holds that the notice of question of privilege is not in order :

Provided further that the Chairman may, if he is satisfied about the urgency of the matter, allow a question of privilege to be raised at any time during the course of a sitting after the disposal of questions'.

(2) After the member has asked for leave of the Council to raise the question of privilege, the Chairman shall ask whether the member has the leave of the Council. If objection is taken, the Chairman shall request those members who are in favour of leave being granted to rise in their seats, and if not less than seven members rise accordingly, the Chairman shall intimate that leave is granted. If less than seven members rise, the Chairman shall inform the member that he has not the leave of the Council.

Reference of Privilege question to Committee or House. 244. If leave under rule 243 is granted, the Chairman may, in his discretion, refer the question to the Committee of Privileges for examination and report or refer it to the House for decision. When the Chairman so refers the question to the House, the House may proceed to consider the question and come to a decision on a Motion made by the Member who has raised the question of privilege or by any other member.

COMMITTEE ON PRIVILEGES

Constitution of Committee on Privileges. 245. At the commencement of the Council, or from time to time, as the case may be, the Chairman shall nominate from amongst the members of the Council a Committee on Privileges consisting of not more than *eleven members. The members of the Committee shall hold office until a new Committee is nominated.

Examination of the question by Committee. 246. (1) The Committee shall examine every question referred to it and, after giving an opportunity to the persons concerned to explain their cases determine with reference to the facts of each case whether a breach of privilege is involved and if so, the nature of the breach, the circumstances leading to it, and make a report to the Council.

(2) Subject to the provisions of sub-rule (1) of this rule, the report may also state the procedure to be followed by the Council in giving effect to the recommendations made by the Committee.

Evidence before Committee on Privileges. 247. (1) Subject to the provisions of rule 173, a witness may be summoned by an order signed by the Chairman of Committee on Privileges or by the Secretary and shall produce such documents as are required for the use of the Committee.

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 9th March, 2009.*

(2) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

248. As soon as may be, after the report has been presented, the Chairman of Committee on Privileges or any member of the Committee shall move that the report be taken into consideration. **Consideration of report.**

249. Any member may give notice of an amendment to the motion for consideration of the report referred to in rule 248 in such form as may be considered appropriate by the Chairman : **Amendment.**

Provided that an amendment may be moved that the question be recommitted to the Committee either without limitation or with reference to any particular matter.

250. The Chairman may issue such directions as he may consider necessary for regulating the procedure in connection with all matters connected with the consideration of the question of privilege either in the Committee or in the Council. **Regulation of procedure.**

251. Notwithstanding anything contained in these rules, the Chairman may refer any question of privilege to the Committee on Privileges for examination, investigation or report. **Power of Chairman to refer questions of privilege to Committee.**

(b) Intimation to Chairman of arrest, detention, etc., and release of a member

252. When a member of the Council is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a Court for is detained under an executive order, the committing judge, magistrate or executive authority, as the case may be, shall immediately intimate such fact to the Chairman indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form set out in the Second Schedule. **Intimation to Chairman of arrest, detention, etc. of a member.**

Intimation to Chairman on release of a member. 253. When a member of the Council is released on bail pending his trial or pending an appeal against his conviction, or otherwise, such fact shall also be intimated to the Chairman by the authority concerned in the appropriate form set out in the Second Schedule.

Treatment of communications received. 254. As soon as may be, the Chairman shall, after he has received a communication referred to in rule 252 or 253, deal with it in the following manner :—

(i) if the said arrest, detention or imprisonment takes place when the House is in Session, the Chairman shall communicate such fact to the House. If the member is released subsequently while the House is still in Session, the said fact also shall be communicated to the House ;

(ii) if a member who is arrested, detained or imprisoned, during the period when the House is not in Session, continues to be under such arrest, detention or imprisonment after the House commences its Session, the Chairman shall communicate such fact to the House. If the member is released subsequently while the House is still in Session, the said fact also shall be communicated to the House ;

(iii) in all other cases the Chairman shall direct such communication to be published in the “ Bulletin ” for the information of the members of the Council.

(c) Procedure regarding service of a legal process and arrest within the precincts of the House

Arrest within the precincts of House. 255. No arrest shall be made within the precincts of the House without obtaining the permission of the Chairman.

Service of legal process. 256. A legal process, civil or criminal, shall not be served within the precincts of the House without obtaining the permission of the Chairman.

PART XVIII

OTHER MOTIONS

257. A member who wishes to move a statutory motion shall give ten clear days' notice, unless it is otherwise expressly provided by the statute or enactment under which the motion is made or unless the Chairman after ascertaining the views of the Minister-in-charge of the Department concerned otherwise directs, and shall together with the notice submit a copy of the proposed motion.

Statutory motions.

258. Communications from the Council to the Governor, shall be made through the Chairman by formal address after motion made and carried in the Council.

Communications to the Governor.

259. *(1) The Chairman may, in consultation with the Leader of the House, allot any day in the last week of the Session for raising discussion on a matter of sufficient public importance.

Motion on a day in the last week of the Session.

(2) A member wishing to raise the discussion shall give notice of a motion in writing to the Secretary, three days in advance of the day allotted for the discussion. The Chairman shall, before admitting the notice, ascertain the views of the Minister to whose Department the motion relates.

(3) The Chairman, may with the consent of the Minister-in-charge of the Department concerned, curtail the period of notice or dispense with notice, in any case he deems fit.

(4) The Chairman shall set down for discussion not more than 4 matters on any such day.

(5) If more than 4 notices have been received and admitted by the Chairman, the Secretary shall hold a ballot with a view to drawing four notices and the notices shall be put down in the order in which they were received in office.

(6) The discussion, if not earlier concluded, shall terminate at the end of the time allotted by the Chairman for such discussion.

* *vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 5th January, 1981.*

Discussion on a matter of public interest. 260. Save in so far as is otherwise provided in the Constitution or in these rules, no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Chairman.

261. [*] Omitted

*262. [***] Omitted

263. [*] Omitted

264. [*] Omitted

Provisions of rule 103 to apply to such motions. 265. The provisions of rule 103 shall apply to motions made under rules** 258 to 260.

* Omitted *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 24th September, 2010.*

** Substituted *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 12th January, 2011.*

PART XIX

RESIGNATION OF SEATS IN COUNCIL

266. (1) A member who desires to resign his seat in the Council shall intimate in writing, under his hand, addressed to the Chairman, his intention to resign his seat in the Council in the following form and shall not give any reason for his resignation:—

**Resignation
of seats in
Council.**

“To,
The Chairman,
Maharashtra Legislative Council,
Mumbai.

Sir,

I hereby tender my resignation of my seat in the Council with effect from forenoon/afternoon.

Place Yours faithfully,

Date Member of the Legislative Council”:

Provided that where any member gives any reason or introduces any extraneous matter the Chairman may, in his discretion, omit such words, phrases or matter and the same shall not be read out in the Council.

(2) If a member hands over the letter of resignation to the Chairman personally and informs him that the resignation is voluntary and genuine and the Chairman has no information or knowledge to the contrary, the Chairman may accept the resignation immediately.

(3) If the Chairman receives the letter of resignation either by post or through someone else, the Chairman may make such inquiry as he thinks fit to satisfy himself that the resignation is voluntary and genuine. If the Chairman, after making a summary enquiry either himself or through the Secretary or through such other agency, as he may deem fit, is satisfied that the resignation is not voluntary or genuine, he shall not accept the resignation.

(4) A member may withdraw his letter of resignation at any time before it is accepted by the Chairman.

(5) The Chairman shall, as soon as may be after he has accepted the resignation of a member, inform the Council that the member has resigned his seat in the Council and he has accepted the resignation.

Explanation.—When the Council is not in session, the Chairman shall inform the Council immediately after the Council reassembles.

(6) The Secretary shall, as soon as may be, after the Chairman has accepted the resignation of a member, cause the information to be published in the Bulletin and the *Gazette* and forward a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused :

Provided that where the resignation is to take effect from a future date, the information shall be published in the Bulletin and the *Gazette* not earlier than the date from which it is to take effect.

PART XX

SUBORDINATE LEGISLATION

267. (1) Where a regulation, rule, bye-law, etc., made by the State Government in exercise of the powers conferred by the Constitution or delegated by Parliament or by the State Legislature to a subordinate authority is laid before the House, the period specified in the Constitution or the relevant Act for which it is required to be laid shall be completed before the House is prorogued unless otherwise provided in the Constitution or the relevant Act.

Laying of regulation, rule, etc. on the Table.

(2) Where the specified period is not so completed, the regulation, rule, bye-law, etc. shall be relaid in the succeeding session or sessions until the said period is completed in one session.

268. The Chairman shall, in consultation with the Leader of the House, fix a day or days or part of a day as he may think fit for the consideration and passing of an amendment to such regulation, rule, bye-law, etc., of which notice may be given by a member :

Allotment of time for discussion of amendment.

Provided that notice of the amendment shall be in such form as the Chairman may consider appropriate and shall comply with these rules.

269. After an amendment is passed by the House, it shall be transmitted to the Assembly for its concurrence and on receipt of a message from the Assembly agreeing to the amendment, it shall be forwarded by the Secretary to the Minister concerned.

Transmission of amendment to Assembly.

270. If the Assembly disagrees with the amendment passed by the House or agrees subject to a further amendment thereof or purposes an amendment in substitution thereof, the House may either drop the amendment or agree with the Assembly in the proposed amendment or insist on the original amendment passed by the House. A message in either case shall be sent to the Assembly. In case the House agrees to the amendment as further amended by the Assembly, the amended amendment shall be forwarded by the Secretary to the Minister concerned.

Amendment returned by Assembly.

- Disagree-
ment
between
Houses.** 271. If the Assembly agrees to the original amendment passed by the House, it shall be sent by the Secretary to the Minister concerned, but if the Assembly disagrees or insists on an amendment to which the House has not agreed, the Houses shall be deemed to have finally disagreed, and all further proceedings thereon shall be dropped.
- Regulation,
rule etc. as
amended to
be laid on
the Table.** 272. If a regulation, rule, bye-law, etc. is modified in accordance with the amendment passed by the Houses, the amended regulation, rule, bye-law, etc., shall be laid on the Table.
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PART XXI

LEAVE OF ABSENCE FROM THE SITTINGS OF THE HOUSE

273. (1) A member desiring permission of the House to remain absent from the sittings thereof under clause (4) of Article 190 of the Constitution shall make an application in writing to the Chairman.

Application for leave of absence.

(2) An application under sub-rule (1) shall specify the period for which leave of absence is required, indicating also the date of commencement and of termination of such leave of absence and the grounds for it :

Provided that leave of absence applied for at any one time shall not exceed a period of sixty days.

274. All applications under rule 273 shall stand referred to the Committee on Absence of Member from the Sitting of the House.

Applications to be referred to Committee.

275. The Secretary shall, as soon as may be, after a decision has been signified by the House on the recommendations of the Committee in respect of an application for leave of absence, communicate it to the member.

Decision of House to be communicated to member.

276. If a member who has been granted leave of absence under these rules attends the Session of the House during the period for which the leave of absence has been granted to him, the unexpired portion of the leave from the date of his resumed attendance shall lapse.

Lapse of unexpired portion of leave if member attends House earlier.

277. If the Council declares, the seat, of the member to be vacant, the Secretary shall communicate such declaration to the Election Commission, to the State Government and to the member.

Communication regarding vacation of seats.

278. The Secretary shall keep an Attendance Book, which shall be signed every day by the members (other than the Chairman, Deputy Chairman and Ministers) present. A member (other than the Chairman, Deputy Chairman or a Minister) who has not signed the Attendance Book on any day shall be presumed to have been absent from the Council on that day.

Attendance Book of members.

PART XXII

MISCELLANEOUS

Minister's resignation. 279. (1) A member who has resigned the office of Minister's may, with the permission of the Chairman, make a personal statement in explanation of his resignation.

(2) Such statement shall be made after questions and before the list of business for the day is entered upon.

(3) On such statement no debate shall be allowed :

Provided that a Minister shall be entitled, after the member has made his statement, to make a statement pertinent thereto.

Official Report of Proceedings. 280. An official report of the proceedings of the Council shall be Published and issued under the supervision of the Secretary and a copy thereof shall be sent to every member.

Expunging of words from debates. 281. If the Chairman is of opinion that a word or words has or have been used in debate which is or are defamatory or indecent, or unparliamentary or undignified, he may in his discretion, order that such word or words be expunged from the proceedings of the Council.

Papers laid on the Table. 282. Papers which under any law or these rules are required to be laid on the table of the Council shall be kept in the office of the Secretary and intimation thereof shall be given to every member. Such papers shall be open to inspection by any member during office hours.

Certified copies of speeches, statements, proceedings, etc. 283. (1) The Chairman may, if he thinks proper, on an application received from a member or any other person for a certified copy of any particular speech, statement, ruling, reply to question or other part of a day's proceedings or any other paper or papers laid on the table of the House or an extract thereof, for production in any Court of Law, permit such copy to be given to the applicant on payment of the copying charges to be prescribed by the Chairman in this behalf :

Provided that if the Chairman considers that specific approval of the House is necessary in any case, he may refer the application to the House for such approval:

Provided further that no copy of any part of the proceedings of any Committee or any document produced before it in evidence shall be given until such proceedings or documents are presented to the House.

(2) No such copy shall be used for publication until the proceedings are published under rule 280.

(3) No member shall without obtaining prior permission of the Chairman, give any evidence before any Court of Law or any other authority relating to any proceedings before the House or any Committee of the House.

Members not to give evidence before Court of Law relating to any proceedings of House or Committee.

284. (1) Any communication intended for distribution to the members shall be in Marathi or Hindi or English and shall be sent to the Chairman; a sufficient number of copies shall be supplied for distribution to the members.

Communication to the Council.

(2) The Chairman shall decide whether the communication shall be distributed to the members.

285. The members shall sit in such order as the Chairman may appoint.

Members' seats.

286. The admission to the Council House and its galleries, of officials, visitors and representatives of the Press during the meetings of the Council, shall be regulated in accordance with regulations made by the Chairman.

Admission of strangers.

287. The Chairman, whenever he thinks fit, may order the strangers to withdraw or any gallery to be cleared.

Power to order withdrawal of strangers.

288. (1) The Secretary shall attend at every meeting of the Council or a Select Committee, and a Joint Committee appointed under rule 119 or 193, or any Committee thereof, and in addition to the other duties specified in the rules, it shall be his duty—

Duties of Secretary.

(a) to keep the Records of the Council;

(b) to keep, a minute book, in which he shall enter a summary of the proceedings of the Council, in the order in which they occur;

(c) to keep a minute book, in which he shall enter a summary of the proceedings of the Select Committees and Joint Committees appointed under rule 119 or 193., in the order in which they occur;

(d) to write all letters directed by the Council, the Chairman or by any Committee; and

(e) to assist the Council and the Committees appointed by it, in all work connected with their duties.

(2) Subject to the orders of the Chairman, the Secretary may authorise any of his assistants to perform such of his duties as he may direct.

**Suspension
of Rules.**

289. Any member may, with the consent of the Chairman, move that any rule may be suspended in its application to a particular motion before the Council and if the motion is carried the rule in question shall be suspended for the time being.

***FIRST SCHEDULE**

[See Rules 12(5) and 102 (3)]

Ballot procedure for determining relative precedence, of members for private member's resolutions.

(1) The Secretary will prepare a list of all members who have given notices of resolutions of 12 clear days before the day allotted for the disposal of private members' resolutions.

(2) On such day as the Chairman may appoint, a ballot will be held by the Secretary, at which any member who wishes to attend, may do so.

(3) Papers with names of the Members will be first placed in a box.

(4) The Secretary will then take out the papers from the box at random one by one and thereafter, names of only five members shall be entered on a list in the order as determined in the ballot.

The order of resolutions to be shown on the Order of Business, shall be in accordance with the priority secured by the members in the ballot and also according to the preference indicated by them for their resolutions, provided that where no such preference is indicated the resolutions shall follow the order in which they have been received in the office.

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 5th January, 1971.*

SECOND SCHEDULE

[See rules 252 and 253]

Form of communication regarding arrest, detention, conviction or release, as the case may be, of a member

Place

Date

To

The Chairman,
Maharashtra Legislative Council,
Mumbai.

Dear Sir,

A

I have the honour to inform you that I have found it my duty, in the exercise of my powers under section of the (Act), to direct that Shri Members of the Maharashtra Legislative

Council be * $\frac{\text{arrested}}{\text{detained}}$ for

..... (reasons for the arrest or detention, as the case may be).

Shri M.L.C. was

accordingly $\frac{\text{arrested}}{\text{taken into custody}}$ at (time)

on (date) and is at present lodged in the Jail, (place).

B

I have the honour to inform you that Shri Member of the Maharashtra Legislative Council, was tried at the court before me on a charge (or charges) of(reasons for the conviction).

On (date)

after a trial lasting for days, I found him guilty of and sentenced him to imprisonment for (period).

(His application for leave to appeal to †..... is pending consideration).

C

I have the honour to inform you that Shri Member of the Maharashtra Legislative Council, who was * arrested and/or detained convicted

On (date) for (reasons for arrest)* and imprisoned for..... (period) for (reasons for conviction) was

- *released on bail pending trial, _____
- *released on bail pending appeal, _____
- *released on the sentence being set aside on appeal, _____
- *released on completion of his term of imprisonment, _____
- *discharged by the Court, _____
- *acquitted by the Court, _____

on (date).

Yours faithfully,
(Judge, Magistrate or Executive Authority).

* Strike out whichever is not applicable.
† Name of the Court.

*** THIRD SCHEDULE**

[See Rule 216 (A) to 216 (L)]

Sr. No.	Name of the Committees	Departments to be covered under Committees
(1)	(2)	(3)
Part-I		
1.	Committee on Urban Development and Housing.	1. Urban Development Department. 2. Housing Department.
2.	Committee on General Administration, Law and Judiciary, Finance and Planning.	1. General Administration Department. 2. Law and Judiciary Department. 3. Finance Department. 4. Planning Department.
3.	Committee on Revenue, Co-operation and Textile Industries.	1. Revenue and Forest Department. 2. Co-operation and Textile Industries Department.
4.	Committee on Home.	1. Home Department.
Part-II		
5.	Committee on Irrigation and Public Works.	1. Irrigation Department. 2. Public Works Department.
6.	Committee on Industries, Energy, Labour and Employment.	1. Industries, Energy and Labour Department. 2. Employment & Self-employment Department.
7.	Committee on Tribal Development, Social Justice, Vimukta Jaatis, and Nomadic Tribes, Women & Child Welfare.	1. Tribal Development Department. 2. Social Justice, Cultural Affairs, Sports and Special Assistance Department. 3. Vimukta Jaatis, Nomadic-Tribes, Other Backward Classes, Special Backward Category Welfare Department.

* *vide Maharashtra Government Gazette*, Extraordinary, Part IV-C, dated the 14th December, 2001.

* **THIRD SCHEDULE**—*Contd.*

Sr. No.	Name of the Committees	Departments to be covered under Committees
(1)	(2)	(3)
		4. Women and Child Welfare Department.
8.	Committee on Agriculture, Food and Civil Supplies, Environment and Parlia- mentary Affairs.	1. Agriculture, Animal Husbandry, Dairy Development and Fisheries Department. 2. Food and Civil Supplies and Consumer Protection Department. 3. Environment Department. 4. Parliamentary Affairs Department.
9.	Committee on Rural Deve- lopment, Water Conservation and Water Supply.	1. Rural Development and Water Conservation Department. 2. Water Supply and Sanitations Department.
10.	Committee on Public Health and Medical Education.	1. Public Health Department. 2. Medical Education and Drugs Department.
11.	Committee on Education.	1. School Education Department. 2. Higher and Technical Education Department.

**Statement showing the various stages of
Bills in the Legislative Council of the
State of Maharashtra**

[See rule 153]

	(1) Serial No.
	(2) Title of Bill
	(3) From what source received, with number and date of communication.
	(4) Name of member-in-charge
	(5) Date of introduction
	(6) Date of publication in the <i>Government Gazette</i>
	(7) Date of publication of translations of Bill in the <i>Government Gazette</i> .
	(8) Date of Consideration of Bill
	(9) Date on opinion which published for eliciting and period of publication.
	(10) Date on which referred to Joint Committee or Select Committee, if any.
	(11) Date on which report of Joint Committee or Select Committee is due.

**Statement showing the various stages of
Bills in the Legislative Council of the
State of Maharashtra—contd.**

[See rule 153]

	(12) Names of members of Joint or Select Committee
	(13) Date of publication of Report of Joint or Select Committee
	(14) Date of publication of translations of Report of Joint or Select Committee.
	(15) Date of presentation of Report
	(16) Date of Consideration of the Bill as reported by the Joint or Select Committee.
	(17) Date of consideration of Bill, clause by clause
	(18) Date of passing
	(19) Date of transmission of Bill to the Assembly
	(20) Date of the Assembly agreeing to Bill without amendments.
	(21) Date of return of Bill from the Assembly asking concurrence of the Council to amendments made by the Assembly.
	(22) Date of the Council agreeing to amendments made by the Assembly.

**Statement showing the various stages of
Bills in the Legislative Council of the
State of Maharashtra—contd.**

[See rule 153]

	(23) Date of return of Bill to the Assembly with a message intimating disagreement of the Council to amendments made by the Assembly.
	(24) Date of agreement of the Assembly to Bill as originally passed by the Council or as further amended by the Council.
	(25) Date of return of Bill to the Council with a message intimating that the Assembly insists on amendments to which the Council is unable to agree.
	(26) Date of the Council agreeing to the amendments insisted on by the Assembly.
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