



Maharashtra Legislative Assembly Rules - 2019



Maharashtra Legislative Assembly Rules

Eleventh Edition - 2019



Maharashtra Legislature Secretariat



**MAHARASHTRA LEGISLATURE
SECRETARIAT**

**Maharashtra
Legislative Assembly
Rules**

ELEVENTH EDITION

2019

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PREFACE

The Tenth edition of Maharashtra Legislative Assembly Rules published on 20th January 2015 was subjected to revision in the year 2016 and 2018. Some of the significant amendments made therein are as given below—

Under the Maharashtra Language of the State Act, 1964, ‘**Marathi**’ has been adopted as 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 in respect of how the said language is used thereat. Thereafter, a motion was moved by the Hon. Minister for Marathi Language to constitute a joint committee on Marathi language comprising 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. Accordingly, the Committee on Rules of Legislative Assembly was entrusted with the task of defining the scope and framing the rules of the said Committee on Marathi language. The Committee on Rules deliberated upon the subject and then came up with appropriate revisions in Rules.

The said rules were published in the *Gazette of Maharashtra Government* issued on 11th April 2016.

A Committee on Women’s Rights and Welfare has been constituted in the Legislature with the object to examine status of women’s rights and welfare in the State and make appropriate recommendations to the Government on the subject. However, the subject of children’s rights and their protection was left out of the said Committee’s purview even though there is a department dedicated to the development of women and children in Government of Maharashtra. Taking into account these facts, a motion was moved by the then Hon. Speaker of Maharashtra Legislative Assembly to incorporate the subject of children’s rights and protection in the scope of Committee on Women’s Rights and Welfare. The said motion was passed by the House on 13th December 2013 the Committee on Rules of Legislative Assembly was entrusted with the task of defining the scope and framing the rules of the said Committee on Women’s Rights and Welfare. The Committee on Rules deliberated upon the subject and then came up with appropriate revisions in Rules.

The said rules were published in the *Gazette of Maharashtra Government* issued on 27th April 2018.

- A decision was taken in a meeting of the Business Advisory Committee held on 22nd June 2011 and 16th November 2011 that, unless the Hon. Speaker, Maharashtra Legislative Assembly, directs otherwise, the sittings of House shall ordinarily commence, from Monday to Friday, at 11-00 hours and conclude at 18-00 hours. Rule 4(2) of the Maharashtra Legislative Assembly Rules was then amended accordingly.

- Earlier, replies given to Un-starred Questions were tabled in the House and thereafter they were inserted in the list of questions and answers in order to print, publish and distribute it to the members. However, now, a decision has been taken that, when the Assembly is not in the session and even if the answers of Un-starred Questions are not laid on the Table of the Assembly even then, the Hon. Speaker may direct to print, publish, circulate as well as distribute them to the members within 40 days. In this respect, such answers of Un-starred Questions shall be laid on the Table of the House at a convenient time in the first week of the next session. Rule 72 (2) of the Maharashtra Legislative Assembly Rules was then amended accordingly.

- Marathi Language Committee is being constituted with the object of issuing instructions and suggesting measures to State Government after conducting a review as to how Marathi language is being used in official business and after inspecting whether offices of District Collectors are vigilantly watching whether Marathi is being used strictly in the official business of Government / Semi-Government offices in the State as well as in offices of Authorities and Corporations controlled by the Government. Rule 244 of the Maharashtra Legislative Assembly Rules is being amended accordingly.

The said rules were published in the *Gazette of Maharashtra Government* issued on 11th April 2016.

- A Committee on Women’s Rights and Welfare has been constituted in the Legislature with the object to examine status of women’s rights and welfare in the State and make appropriate recommendations to the Government on the subject. However, the subject of children’s rights and their protection was left out of the said Committee’s purview. Considering the said fact the subject of children’s rights and protection was incorporated in the purview of the Committee on Women’s Rights and Welfare and the title of the Committee has been revised to “Committee on Rights and Welfare of Women and Child.” Accordingly, appropriate amendment has been made after sub-rule (4) of Rule 244 of Maharashtra Legislative Assembly Rules.

The said rules were published in the *Gazette of Maharashtra Government* issued on 27th April 2018.

(3)

All the aforesaid amendments were incorporated in Maharashtra Legislative Assembly Rules after they were published in their Tenth edition and they have also been incorporated in this Eleventh edition now.

As it was deemed useful to take a review of all the past Tenth editions on this occasion, a “review of last Tenth editions” has been inserted after this preface.”

VIDHAN BHAVAN,
Mumbai,
dated, 7th November 2019.

Principal Secretary,
Maharashtra Legislative Assembly.

PREFACE TO THE TENTH EDITION

After the publication 9th edition of the Maharashtra Legislative Assembly Rules in October, 2009. These rules have undergone some further changes in the year 2010. Out of which the important changes are as follows :—

The limitation of period during which the Government has to send replies to un-starred questions rule-wise has been fixed as three months. Presently, a decision has been taken in a meeting of Business Advisory Committee to send replies to un-starred questions within a period of sixty days instead of three months. However, at the time of approving the draft report of the Committee in the meeting dated 13th July 2010, the Committee decided that the replies to un-starred questions be sent within a period of thirty days instead of three months and necessary amendment was made in Legislative Assembly Rule 72(2).

- A discussion was held in Business Advisory Committee's meeting incidental to the information received in contest of an amendment made by *Rajya Sabha* in their rules regarding authorization to ask questions. There is provision in Legislative Assembly Rule 84 (3) that "If, on a question being called, it is not asked or the member in whose name it stands is absent, the Speaker may at the request of the Minister, direct that the answer to it be given". With regard to this rule, the *Rajya Sabha* has amended their rule 54 (3) that, "If on a question being called it is not put or the member in whose name it stands is absent, the Chairman shall direct that the answer to it be given." Accordingly, necessary amendment has been made in Legislative Assembly Rule 84 (3).

- *Rajya Sabha* has amended Rule 54 (3) pertaining to "authorization to ask questions" that, "If on a question being called it is not put or the member in whose name it stands is absent, the Chairman shall direct that the answer to it be given." There is a provision in Legislature Assembly Rules 88 that, "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. Subject to the provisions of rule 84 if the member who has tabled the starred question is not present in the Assembly when it was called and if he has not authorised any other member in writing to ask it, the question shall be treated as an unstarred question." However, since the *Rajya Sabha* has amended the rule, according to that proposed amendment was made in Legislative Assembly rule 84 (3). Accordingly the necessary amendment was made in Legislative Assembly Rule 88.

- The *Rajya Sabha* has amended their Rule 54 (3) that, "If on a question being called it is not put or the member in whose name it stands is absent, the Chairman shall direct that the answer to it be given." Since an amendment has been proposed in Legislative Assembly Rule 84 (3) that, "If on a question being called it is not put or the member in whose name it stands is absent, the Speaker shall direct that the answer to it be given," the Legislative Assembly Rule 89 has been dropped accordingly.

- Hon. Minister of State for Parliamentary Affairs had moved a motion on 14th December, 2009 to constitute a joint committee of both the Houses of the Legislature by name "Committee on Minority Welfare". The Objectives of the Committee were : to bring co-ordination among various welfare schemes being implemented by the State Government for development of minorities (*Muslims, Buddhists, Christians, Sikhs, Parsis and Jains*), to effect an all-round development of these communities by bringing about effective monitoring, to make effective implementation of various schemes floated by the Government on the concerned regional office. to examine whether the people belonging to the aforementioned communities have received direct or indirect benefit of the said schemes, shortcomings found in the implementation of Government schemes, whether the set goals were accomplished or not, to present a report and information in this regard to both Houses, to suggest measures after considering the report of Maharashtra State Minority Commission etc. The House had passed the said motion. It had become necessary to amend the Legislative Assembly Rules with a view to constitute such a Committee as per the motion passed by the House. Accordingly, necessary amendments were made in the rules for inserting Rule no. 244 O and 244 P as proposed by the Secretariat.

All the aforesaid amendments were published in *Maharashtra State Gazette* on 23rd August, 2010.

After publication of the **ninth** edition, all the aforesaid amendments made in Maharashtra Legislative Assembly Rules have been incorporated in the tenth edition.

Since it was felt that a review of the previous **nine** editions published priorly might prove useful, a "review of previous **nine** editions" has been included in this edition.

PREFACE TO FIFTH EDITION

This is the Fifth Edition of the Maharashtra Legislative Assembly Rules. In the context of the publication of this new 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. These successive changes mark the definite steps taken in the process of evolving a procedure and procedural forms in accordance with the accepted and well recognised principles of Parliamentary Practice and Procedure.

After the commencement of the Constitution of India, the Legislative Assembly Rules which were already in force were modified and adapted by the Speaker by virtue of the powers conferred on him by Article 208(2) of the Constitution, and the rules so adopted were published in the Bombay Government Gazette*. Subsequently, the Legislative Assembly appointed a committee in July 1952 to frame rules under Article 208(1) of the Constitution and the rules as finally adopted by the Assembly, 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. On 24th July, 1957, the Speaker appointed a Committee of 21 members to recommend any adoptions or modifications that the rules may require. The Committee, after studying the rules of various State Legislative Assemblies and also taking into consideration the rules of the Lok Sabha, unanimously recommended to the Speaker some changes in the rules. The speaker accepted those recommendations and incorporated them in the rules acting under the powers vested in him by section 32 of the State Reorganisation Act, 1956. The said adaptations and modifications were notified in the *Bombay Government Gazette***.

It maybe of interest to state here briefly some of the important adaptations and modifications then introduced in

* *Vide Bombay Government Gazette*. Part IV-A, dated the 14th February, 1950.

** *Vide Bombay Government Gazette*. Part IV-A. Extraordinary, dated the 7th December 1957 and 15th January 1958.

the Rules. The question-procedure was revised so as to secure their more expeditious disposal. The new rules provided for the Constitution and working of four more Committees of the Legislature viz., the Rules Committee, the Business Advisory Committee, the Committee on Private Members' Bills and Resolutions and the Committee on Subordinate Legislation. Representation to the members of the Council also was given on the Committee on Subordinate Legislation, the Public Accounts Committee and the Estimates Committee. Parliamentary devices, such as notices for discussion for short duration on matters of urgent public importance and for calling attention to such matters, 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 32 of the States Reorganisation Act, 1956, the Rules thus adapted by the Speaker were to remain in force until rules were made by the Assembly under Article 208(1) of the Constitution. It was, therefore, necessary for the House to make rules in pursuance of the provision of that Article. Advantage was taken of this position to consider further changes in the rules. The Speaker nominated a committee for this purpose which suggested further amendments to the rules. It submitted its first and final reports to the House on 14th August 1959 and 8th September 1959, respectively. Both these reports were approved by the House and the rules together with the amendments as recommended by the Committee were adopted by it under Article 208(1) of the Constitution, on the 10th 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 constituted. 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

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

(9)

Speaker to treat a Starred Question as Unstarred while admitting it in certain circumstances. Other changes included a provision to enable the House to suspend temporarily, if necessary, the operation of any rule or rules ; provision regarding registration of members ; defining the scope of petitions procedure for sending intimation of arrests, etc. of members to the Speaker ; 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*.

4. Since the publication of the 2nd Edition of the Rules, the said rules underwent further changes. There was another reorganisation of States in 1960. The Speaker then referred the question of further changes, if any, in the rules to the Rules Committee in June 1960. The Committee accordingly submitted its first and final reports to the House on the 8th August, 1960 and 19th August, 1960, respectively. Both these reports were approved by the House and the rules together with amendments as recommended in the two reports were adopted by it under article 208(1) of the Constitution on 23rd August 1960. The rules so adopted by the House were notified in the *Gazette**.

The salient features of the amendments then introduced in the rules were that the two Financial Committees *viz.*, the Estimates Committee and the Public Accounts Committee, would have a non-official as their Chairman instead of the Finance Minister who till then used to be the *ex-officio* Chairman of these Committees ; powers were given to these two Committees to call for persons, papers and records to facilitate examination of the subjects committed to their care. Further to conform to the correct parliamentary practice, the provision in the old rules, relating to the discussion of the report of these Committees was deleted. Another important change made in the rules was that the Lok Sabha pattern of question-procedure was introduced in the rules for the first time.

The *Third Edition* of the Rules incorporating the above mentioned changes was published in *November, 1960*.

* *Vide Maharashtra Government Gazette, Part IV-A, dated the 17th September 1960.*

(10)

5. Since the publication of the last edition in November, 1960, the rules have undergone changes twice once in 1962 and again in 1966 :—

(i) In 1961-62, some suggestions were received for amending the rules and were considered by the Rules Committee in June, 1962. The Committee submitted its report to the Assembly in 1962 and after approval by the Assembly, the amendments as recommended by the Committee were notified and brought into force with effect from 31st July, 1962.

The main amendments made in 1962 were that provision was made that leave to withdraw a motion should be signified not upon a question put by the Speaker but by taking the pleasure of the House. A definite day, *viz.* Friday, was earmarked for transacting non-official business, and provision was also made for presenting the Budget in parts.

(ii) Thereafter, further suggestions were received for amending the rules. The Committee considered them in February-March, 1966 and submitted its report in March, 1966. The amendments, as recommended by the Committee and approved by the House, came into force from 2nd June, 1966.

The main features of these amendments were that provision was made to incorporate a revised procedure in regard to the passing of Bills, similar to the procedure followed in Lok Sabha and other State Legislatures. The Speaker's permission would now be necessary for publishing any Bill (other than a Money Bill) before introduction in the House. Further, a member would be able to send in more than 5 resolutions in a session under certain circumstances. The mover of a motion would now have the right of reply at the end and not before the Minister's reply, as earlier provided. Provision has also been made for the constitution of a new Committee on Public Undertakings on the lines of similar Committees in Parliament and some State Legislatures.

The *Fourth Edition* contained all the changes mentioned above.

Subsequently, in 1969 and 1970 the rules again underwent 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 Speaker 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 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 present edition incorporates all these changes and the rules have been renumbered serially.

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

(13)

PREFACE TO THE SIXTH EDITION

Since the publication of the last edition in February 1972 the Maharashtra Legislative Assembly Rules have undergone some further changes.

Consequent on the enhanced strength of the present House in 1978 the minimum number of members required for granting leave of the House under certain rules has been raised from 27 to 29.

In some of the Committees, *viz.* (i) Committee on Public Accounts, (ii) Committee on Estimates, (iii) Committee on Public Undertakings, (iv) Committee on Subordinate Legislation, (v) Committee on Government Assurances, (vi) Committee on Welfare of Scheduled Castes, Scheduled Tribes, Vimukta Jatis and Nomadic Tribes and (vii) Committee on Panchayati Raj, Ministers were not to be elected or nominated as Members of Committee. Instead of having the provision in this regard repeated in different rules relating to various Committees it was thought advisable to have only one rule which would be applicable to all Committees and rule 162 was therefore amended for this purpose.

During the years 1976 to 1978 the Estimates Committee was undertaking pre-voting scrutiny of Budget Estimates and for this purpose the strength of the Committee was increased from 19 to 29 every year by means of separate motions, so that the Committee could divide itself into convenient groups for the study of Budget. The pre-voting scrutiny having come to stay it was felt necessary to make permanent provision for increased strength of membership and the relevant rule was therefore amended for this purpose.

The constitution as well as the functions of the three Legislature Committees *viz.* (i) Committee on Welfare of Scheduled Castes, Scheduled Tribes, Vimukta Jatis and Nomadic Tribes, (ii) Committee on Panchayati Raj and (iii) Committee on Employment Guarantee Scheme, were governed by separate motions passed by the House from time to time. Provisions in regard to these Committees were made in Rules thereby avoiding the necessity of moving motion in this regard time and again.

(14)

The above changes came into force with effect from 1st August, 1978.* The present edition incorporates all these changes 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.

COUNCIL HALL :

Bombay,

2nd October 1979.

G. S. NANDE,

Secretary,

Maharashtra Legislative Assembly.

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 1st August and 2nd October 1978.*

PREFACE TO THE SEVENTH EDITION

Since the publication of the last edition in October 1979, the Maharashtra Legislative Assembly 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 powers was given to the Speaker to nominate members on all the Committees. While doing so, it was made incumbent on the Speaker 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 the constitution of a separate Committee for 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-storyed 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 Speaker for a period lasting upto ten minutes.

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

3. In the new Vidhan Bhavan, Bombay electronic voting device was installed and in order to permit use of that device,

* *Vide Maharashtra Government Gazette, Extraordinary, dated the 22nd April 1981.*

** *Vide Maharashtra Government Gazette, Extraordinary, dated the 31st August 1981.*

rules, on the line of Lok Sabha rules, were made and they came into force with effect from 8th December, 1983. †

4. Subsequently, some minor amendments were also made to the rules *viz.*, (i) the number of members required to rise for granting leave to a motion for removal of the Speaker was raised from 27 to 29 consequent upon the enhanced strength of the House ; (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 ten to four days ; and (v) procedure for taking evidence before the Petitions Committee was brought on par with other Committees.

These changes came into force with effect from 15th December, 1983.*

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 Sixth Edition and their corresponding new numbers in this edition.

VIDHAN BHAVAN,
Bombay,
8th March, 1985.

G. S. NANDE,
Secretary (I),
Maharashtra Legislative Assembly.

† *Vide Maharashtra Government Gazette, Extraordinary, dated 8th December 1983.*

* *Vide Maharashtra Government Gazette, Extraordinary, dated the 15th December 1983.*

PREFACE TO THE EIGHTH EDITION

After the publication of the last seventh edition of the Maharashtra Legislative Assembly Rules in March 1985, these rules have undergone some further changes in 1995, 1998, 1999 and 2001. 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 Assembly 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 separately and to keep only five motions admitted in a member's name throughout the term of Assembly 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 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 matters relating to financial business, necessary amendments have been made in concerned rules accordingly.

In order to get sufficient time to this Secretariat for examining the notices being given for raising points during discussion on Appropriation Bill as well as to make convenient to give advance copy in that regard to Honourable Minister, it was felt necessary to provide for time limit for giving such notices and therefore a necessary amendment has been made in concerned rule accordingly.

Considering the fact that since Deputy Speaker is an ex-officio Chairman of Committee on Petitions, that committee cannot conduct its business when the office of Deputy Speaker 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 Speaker. Hence necessary amendment was made in concerned rule accordingly.

These amendments came into force on 15th December, 1995.*

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

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 15th December, 1995.*

(19)

Starred questions, provision of short period in Lok Sabha & other State Legislatures and similarly the present modern & 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.

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

Maharashtra Legislative Assembly 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 Speaker 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

* *Vide Maharashtra Government Gazette, Extraordinary, Part 1V-C, dated 28th December 1998.*

(20)

were being given in the nick of time, no sufficient time was being made available to Honourable Speaker to allow or disallow the notices by exercising the powers conferred to him under the proviso to Rule 35 of the Maharashtra Legislative Assembly 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 Speaker 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 alongwith the necessary documents in that regard should be given before one day to Honourable Speaker 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 along with necessary documents in that regard should be given to the Honourable Speaker 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

(21)

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 Officers 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 demands 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 Committee was increased and its 5 Sub-Committees were formed and scrutiny of specific

(22)

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 Assembly Rules.

The aforesaid changes were brought into force since 15th December, 2001.*

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

VIDHAN BHAVAN :

Mumbai.

Dated 31st October 2003. Maharashtra Legislative Assembly.

VILAS PATIL,

Principal Secretary,

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated 15th December, 2001.*

PREFACE TO THE NINTH EDITION

After the publication of the last eighth edition of the Maharashtra Legislative Assembly Rules in October, 2003, these rules have undergone some further changes in 2003 and 2008. Out of which the important changes are as follows :—

The State Government has accepted the policy of giving facilities to the Other Backward Classes according to the Mandal Commission. From that point of view the House passed the motion moved by the Hon. Minister for Welfare of Vimukta Jatis, Nomadic Tribes and Other Backward Classes regarding constitution of a Joint Committee of both the Houses of Legislature viz. “ Committee on the Welfare of Other Backward Classes” on the lines of Committee on the Welfare of Scheduled Castes and Other equivalent committees in the Legislature on 25th July 2003 to make through study as to whether the Other Backward Classes get adequate representation/opportunities in educational institutions and statutory bodies and similarly in other fields or not, by taking review of the measures adopted by the Central and State Government in this regard and also to suggest measures in respect of making available adequate and equal opportunities in all fields and to see as to whether the policies adopted by Government are implemented or not, and the matter of deciding jurisdiction of the Committee and Framing the rules was referred to the Committee on Rules of the Legislative Assembly. Accordingly, the said matter was submitted for the consideration of the committee on Rules and necessary amendment was made in the Rules.

These changes were published in the *Maharashtra Government Gazette*, dated 15th December, 2003.

Considering the increasing responsibilities on the Maharashtra Government and increasing expectations of the people from it, the overall burden of work on the ministers of certain department has been increased. In such circumstances, it is necessary to create the post of Parliamentary Secretary to enable the ministers to carry out their duties effectively. Discussion was held from that point of view in the cabinet meeting held on Sunday, the 14th December 2008. As per the directions given by the cabinet, the relevant amendment was submitted to the Committee on Rules of Maharashtra Legislative Assembly for making amendment in the Legislative Assembly Rules and Legislative Council Rules for excluding the office of “Parliamentary Secretary” from the definition of “Minister” to create the post of “ Parliamentary Secretary ” of the minister in Maharashtra State, accordingly necessary amendment is made in the concerned rule.

As per the provision in present rule the business hours of the Legislative Assembly is 5 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 Committee have also suggested that necessary amendment should be made in the rules in view of starting the meeting of the House early. Accordingly, the said amendment was submitted for consideration of the Committee on Rules and necessary amendment has been made in it.

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 to the Hon’ble members as well as to the ministerial departments on the day fixed for the discussion and before the commencement of the meeting of the House. Since the time available for this work is limited, the sets of these amendments could be prepared before the commencement of the 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. Accordingly necessary amendment has been made in the concerned rule.

The limit of number for accepting notices of Half-an-hour discussion from the Hon’ble members is not mentioned anywhere in rule 94. It is not mentioned clearly anywhere in the rule that the ballot of those notices which are admitted should be held notice-wise or member-wise. However, since the word ‘notices’ is mentioned in the rule, it is presumed that the said ballot should be held notice-wise. Now the ballot of the notices of Half-an-hour discussion (General and arisen out of questions) is drawn on the computer and hence it is taken notice wise. Since there is no limit on the number of Half-an-hour discussion, all admitted notices are taken in ballot and there is possibility that many a time both notices drawn from the ballot are of same member. Many Hon’ble members have taken objection in this regard. Therefore, it is utmost necessary to clarify the provision in the rules. Therefore, necessary amendment has been made in the concerned rule for getting opportunity to two different members without drawing two notices of Half-an-hour discussion in the name of one member from the ballot.

Non-official Bills are lapsed after one year period and new motion is required to be moved in this regard. It is very arduous work to prepare and admit the notice of non-official bills. Therefore, it is necessary to make amendment in the concerned rule to avoid lapsing of the non-official Bills till the completion of the term of the members. Accordingly, necessary amendment has been made in the concerned rule.

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 fifteen. However, the number of Members on Committee on Welfare of Vimukta Jatis and Nomadic Tribes is only seven. The functions of the above three Committees are almost same. Hence, it is necessary that the number of members on these three Committees should be identical. Accordingly, the necessary amendment has been made in the concerned rule.

Earlier, there was limitation of giving 10 cut motions for one department on the demands in the Budget and the Supplementary demands. That limitation was relaxed in the meeting of Business Advisory Committee held on 28th March, 1989 and the decision was taken that the members may give maximum 5 cut motions on each subject of the departments and this decision was read out in the House on same day. Thereafter, Parliamentary Affairs Department has issued circular in this respect on 30th March, 1989. The number of sub-division of each department is mentioned in the booklet viz. "Subjects entrusted to the ministerial departments of the Maharashtra Government". As mentioned above, each member can give 5 notices of cut motions on each sub-divisional subject of each department. At the beginning the notices of cut motions were within the prescribed limit. If action is not taken in respect of the additional notices of cut motions, then the instance of making complaints to the Hon'ble Speaker by the members is increased and consequently the abovementioned circular of the Parliamentary Affairs Department is not implemented.

Notices of cut motions from the members are accepted upto 5-00 p.m. as per order of priority. Thereafter these notices are scrutinized departmentwise firstly and then they are scrutinised as per the amount of demands. Accordingly, notices are put serially. Then after going through the subject of each notice, they are submitted for the orders of the Hon'ble Speaker for approval or disapprove of the notices as per criterion. The list of admitted notices is get typed and sent to the Government printing press for printing. On the day previous to the day of discussion and voting, printed copies of the notices of admitted cut motions are called from the press and distributed to the Hon'ble members on the day of, discussion. Only four days period is available for doing all this process on the notices of cut motion. Some times the period of accepting the cut motions is extended on insistence of the members. As a result less period remains to take action as mentioned above.

Considering the situation mentioned above in the context of the cut motions and increasing numbers of cut motions day by day, it was felt necessary to amend the concerned rule to restrict the number of cut motions. Accordingly, necessary amendment has been made in the concerned rule.

Previously maximum 8 to 10 points were raised by one or two members for discussion on Appropriation Bill. Since the number of points to be raised were limited, it was possible to take action immediately within prescribed period of one hour period on such received points and action to pass the Appropriation Bill in the House was taken out without delay.

However, the number of members giving points on the Appropriation/ Supplementary Appropriation Bills and similarly the number of points are increasing day by day. Members may give notice of the points one hour before the commencement of the meeting of House on that day. Considering the increasing number of points of discussion, difficulties are faced in doing the work like typing the list of points by scrutinizing the points received, to submit the matter to the Hon. Speaker for approval, to submit the list of points to the Hon'ble Minister for finance, Secretary to finance and concerned members/officers in the House within such a short period. To facilitate to take action on the said notices, it is very necessary to put restriction on the number of such points to some extent as well as to increase short period of one hour for giving notices on such points upto 5-00 p.m. on previous day. Accordingly necessary amendment has been made in the concerned rule.

At present, number of the member on the Committee on Privileges is eleven and three members are required for the quorum. 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, the necessary amendment has been made in the concerned rule.

As no particular day is fixed for the discussion on No-day yet-Named motion, the Hon'ble Speaker allots time for discussion on such motion after consultation with the leader of the House. But no discussion is held in the House through this device. Therefore, necessary amendment has been made in respect of stopping the practice of admitting No-day-yet-Named motion permanently.

The abovementioned changes were published in the *Maharashtra Government Gazette* on 9th March, 2009.

After the publication of the 8th edition, all the aforesaid changes in the Maharashtra Legislative Assembly Rules have been incorporated in this edition.

VIDHAN BHAVAN,
Mumbai,
dated, 17th October 2009.

A. N. KALSE,
Principal Secretary,
Maharashtra Legislative Assembly.

(27)

**THE MAHARASHTRA LEGISLATIVE
ASSEMBLY RULES**

CONTENTS

RULE	CONTENTS	PAGE
	PRELIMINARY	
1	Short title and commencement	1
2	Definitions	1
	PART I	
	MEETINGS OF THE ASSEMBLY	
3	Summons	4
4	Time of meeting	4
5	Power to adjourn meetings	5
	PART II	
	OFFICERS OF THE ASSEMBLY	
6	Election of Speaker	5
7	Election of Deputy Speaker	7
8	Panel of Chairmen	7
9	Powers of person presiding	7
10	Delegation of powers to Deputy Speaker	7
11	Motion for removal of Speaker	8
	PART III	
	ARRANGEMENT OF BUSINESS AND GIVING OF NOTICES	
12	Allotment of time for private members' business and order of transacting such business.	8
13	Government business	11
14	Motion of congratulation or condolence	11
15	List of business : Order of business for the day... ..	11
16	New members take their seats	12
17	Question time	12
18	Giving of notice	12
19	Notice to members	13
20	Prorogation : Lapse of notices : Business carried over.	13
21	Copy of motion or Bill not to be sent with fresh notice	13

(28)

CONTENTS—Contd.

RULE	CONTENTS	PAGE
	PART IV	
	GENERAL RULES OF PROCEDURE	
22	Language of the Assembly	14
23	Motions	14
24	Anticipating discussions	14
25	Disallowance or amendment by Speaker	15
26	Motions not to be published until admitted	15
27	Moving of motions	15
28	Proposing the question	16
29	Amendments	16
30	Member to rise when speaking and to resume his seat when Speaker stands or a point of order is raised.	16
31	Interruption of Member speaking	17
32	Right of speech and reply	17
33	Duration of speeches	18
34	Limitations on debate	18
35	Procedure regarding allegation against a person	19
36	Speech not to be read	19
37	Adjournment of business	19
38	Closure	20
39	Withdrawal of motions	20
40	Putting the question—Order of amendments and motion. -	20
	Division of motion	21
41	Putting the question	21
42	Division by automatic vote recorder	22
43	Motion that policy or situation or statement or any other matter be taken into consideration.	23
44	Procedure when motion or Bill is adjourned <i>sine die</i>	23
45	Repetition of motions	23
46	Copy to Government	23
47	Statement by a Minister	24
48	Personal explanations	24
49	Adjournment for want of quorum	24
50	Decision on points of order	24
51	Preservation of order	24
52	Irrelevance or repetition	24
53	Power to order withdrawal of member	25
54	Power to suspend sitting	25
55	Power to dispense with notice	25
56	Power to adjourn business	25
57	Suspension of rules	25
58	General Powers of Speaker	25

(29)

CONTENTS—Contd.

RULE		PAGE
PART V		
GOVERNOR'S ADDRESS AND MESSAGES TO THE ASSEMBLY		
59	Allotment of time for discussion of Governor's Address.	26
60	Scope of discussion	26
61	Amendments	26
62	Other business that may be taken up	26
63	Government's right of reply	27
64	Time-limit for speeches	27
65	Governor's Address under clause (1) of Article 175 of the Constitution.	27
66	Message by Governor	27
67	Address by Governor at the time of prorogation of the House or Houses.	27
PART VI		
QUESTIONS		
68	Subject-matter of questions	27
69	Questions regarding correspondence with the Government of India.	28
70	Form and contents	28
71	Disallowance or amended by Speaker	29
72	Starred questions	30
	Unstarred questions	30
73	Speaker to decide if a question is to be treated as starred or unstarred.	30
74	Notice of starred questions	30
75	Form of notice of questions	31
76	Notice of admission of questions to Ministers	31
77	Member entitled to oral answers to three questions on a day.	31
78	Allotment of days for oral answers to questions	32
79	Speaker to decide later date for answer to certain questions.	32
80	Written answers to questions not replied orally	32
81	List of questions	32
82	Order in which questions shall be called	32
83	Withdrawal or postponement of questions	33
84	Mode of asking questions	33

(30)

CONTENTS—Contd.

RULE		PAGE
PART VI—conld.		
85	Lapse of pending questions referred to members	33
86	Short Notice questions	34
87	Clubbing of questions	35
88	Authority to ask questions	35
89	* [* * *]	35
90	Supplementary questions... ..	36
91	Prohibition of discussion	36
92	Question not to be published before it is answered.	36
93	Questions to private members	36
PART VII		
HALF-AN-HOUR DISCUSSION		
94	Half-an-hour discussion on a matter of public importance.	37
PART VIII		
MOTIONS EXPRESSING WANT OF CONFIDENCE IN THE MINISTRY AND EXPLANATION BY A MINISTER WHO HAS RESIGNED		
95	Motion regarding want of confidence in the Ministry	38
96	Minister's resignation	39
PART IX		
MOTIONS FOR ADJOURNMENT FOR PURPOSES OF DEBATE		
97	Motions for adjournments	40
98	Restrictions on power to make motion	40
99	Time of asking leave and procedure	40
100	Limit of discussion : Limit of speeches : Rule of discussion.	41
PART X		
DISCUSSION FOR SHORT DURATION ON MATTERS OF URGENT PUBLIC IMPORTANCE		
101	Notice of raising discussion	42
102	Speaker to decide admissibility	42
103	No formal motion	42
104	Time-limit for speeches	43

* *Vide Maharashtra Government Gazette, Extraordinary-IV-C, dated the 23rd August 2010.*

(31)

CONTENTS—*Contd.*

RULE		PAGE
PART XI		
CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE		
105	Calling attention to matters of urgent public importance.	43
PART XII		
RESOLUTIONS		
106	Notice of resolutions and order of moving them...	44
107	Form and contents	45
108	Time limit of speeches	45
109	Repetition of resolutions	46
110	Government resolutions	46
PART XIII		
LEGISLATION		
111	Notice of motion for leave to introduce a Bill ...	46
112	Introduction of Bill dependent on another Bill pending before The House.	47
113	Notice of identical Bill	47
114	Explanatory memorandum to Bills delegating legislative powers.	47
115	Motion for leave to introduce : Introduction ...	47
116	Publication	48
117	Translation of Bills	49
118	Removal of Bill from Register of Bills ...	49
119	Persons by whom motions in respect of Bills may be made.	49
120	Previous sanction for introduction of Bills ...	50
121	Bills requiring recommendation under Article 207 of the Constitution.	50
122	Special provision for removal of private member's Bill from Register of Bills.	51
123	Motions after introduction of Bills	51
124	Discussion of principle of Bill	52
125	Motions after eliciting opinion	52
126	Composition and procedure of a Select Committee.	53
127	Presentation of Report: Motions on presentation ...	53
128	Procedure in the case of Bills referred to a Select Committee.	54

(32)

CONTENTS—*Contd.*

RULE		PAGE
PART XIII— <i>conld.</i>		
129	Procedure if a Joint Committee is appointed ...	55
130	Presentation of report : Motions after presentation	55
131	Procedure in the case of Bills referred to a Joint Committee.	56
132	Joint Committees in the case of Bills originating in the Council.	57
133	Lapse of notices of amendments when Bill is referred or rereferred to Select or Joint Committee.	57
134	Submission of the Bill clause by clause	57
135	Withdrawal of amendments	58
136	Passing of Bill	58
137	Scope of Debate	59
138	Power of Speaker to correct patent errors and make consequential changes in a Bill, as passed.	59
139	Authentication of Bills	59
	Transmission to the Council	59
140	Authentication of Bills in absence of Speaker ...	59
141	Rejection of the Bill by the Council or failure to pass it within the prescribed time. . .	60
142	Return of the amended Bill to the Assembly ...	61
143	Procedure for consideration of amendments ...	61
144	Procedure consequent on consideration of amendments.	61
145	Procedure if the Bill is again returned by the Council	62
146	Rejection by the Council of the Bill as passed by the Assembly for the second time or failure of Council to pass it within prescribed time.	62
147	Procedure if the Bill as passed for the second time by Assembly is returned by council with amendments.	63
148	Procedure in case of Money Bills	63
149	Bills originating in the Council	64
	No leave for introduction necessary	65
	Notice to move the Bill	65
	When motion for reference to Select Committee shall not be made.	65
	Bills passed without amendments	66
	Bills passed with amendments	66
	Bills returned to the Assembly	66
150	Speaker to endorse a certificate	66
151	Rejection of Bill originating in Council	67
152	Submission of Bills to Governor	67

(33)

CONTENTS—*Contd.*

RULE		PAGE
<i>PART XIII—conld.</i>		
153	Bills returned for reconsideration	67
154	Withdrawal of a Bill	68
155	Explanatory statement by member who moves or opposes withdrawal of motion.	68
156	Dropped Bills	69
157	Bills relating to the same subject-matter not to be introduced or moved within six months of rejection.	69
158	Secretary to keep a list of Bills	69
159	Discussion of Governor's Ordinances	69
<i>PART XIV</i>		
Ratification of amendment to the Constitution		
160	Ratification of Amendment to the Constitution ...	70
161	Discussion on the amendment to the Constitution	70
162	Message to Parliament	70
<i>PART XV</i>		
Committees		
(a) General		
163	Appointment of Committee	71
164	Nomination to be in proportion to the strength in the House, composition of Committee.	71
165	Term of office of Committee nominated by the Speaker.	72
166	Resignation from Committee	72
167	Chairman of Committee	72
	Secretary of Committee	73
168	Quorum	73
169	Discharge of members absent from sittings of Committee.	73
170	Voting in Committee	73
171	Casting vote of Chairman	73
172	Power to appoint Sub-Committees	74
173	Sittings of Committee	74
174	Committee may sit whilst House is sitting ...	74
175	Sittings of Committee in private	74
176	Venue of sittings	74
177	All strangers to withdraw when Committee deliberates.	75
178	Power to send for persons, papers and records ...	75

(34)

CONTENTS—*Contd.*

RULE		PAGE
<i>PART XV—contd.</i>		
179	Procedure for examining witnesses	75
180	Record of decisions of Committee	76
181	Evidence, report and proceedings treated as confidential	76
182	Special reports	76
183	Reports of Committee	76
184	Availability of report to Government before presentation.	77
185	Presentation of report	77
186	Printing, publication or circulation of report prior to its presentation to House.	77
187	General control and supervision of Speaker on working of the Committee.	77
188	Power to make suggestions on procedure ...	78
189	Power of Committee to make detailed rules ...	78
190	Power of Speaker to give directions	78
	Power of Chairman of Committee to regulate procedure in Committee.	78
191	Business before Committee not to lapse on prorogation of House.	78
192	Unfinished work of Committee	78
193	Applicability of general rules to Committees ...	79
(b) Committee for consideration of Matters of Public Importance		
194	Motion for appointment of Committee ...	79
195	Power of Committee to hear expert evidence ...	79
196	Report of Committee : Minute of Dissent ...	79
197	Presentation of Report : Discussion after presentation	79
(c) Joint Committees of Both Houses		
198	Joint Committees	80
199	Joint Committees appointed on a motion passed by the Council.	81
(d) Business Advisory Committee		
200	Constitution of Business Advisory Committee ...	82
201	Functions of the Committee	82
202	Report of Committee	82
203	Allocation of time order	82
204	Disposal of outstanding matters at the appointed hour	83
205	Variation in the Allocation	83

(35)

CONTENTS—*Contd.*

RULE		PAGE
	<i>PART XV—contd.</i>	
	(e) Public Accounts Committee	
206	Constitution of Committee on Public Accounts ...	83
207	Control of Committee on Public Accounts ...	84
	(f) Committee on Estimates	
208	Constitution of the Committee on Estimates ...	85
209	Functions of the Committee on Estimates ...	86
210	Powers and procedure of the Committee on Estimates.	86
	(g) Committee on Public Undertakings	
211	Constitution of Committee on Public Undertakings	87
212	Functions of Committee on Public Undertakings ...	87
213	Applicability of general rules to the Committee ...	88
	(h) Committee on Private Members' Bills and Resolutions.	
214	Constitution of Committee on Private Members' Bills and Resolutions.	88
215	Functions of Committee	88
216	Motion moved in House on the Report ...	89
217	Notification of classification and allocation of Time Order.	89
218	Disposal of outstanding matters at the appointed hour.	89
	(i) Committee on Subordinate Legislation	
219	Constitution of Committee on Subordinate Legislation.	90
220	Rules, regulations, bye-laws, etc., to be laid before the Committee.	90
221	Functions of Committee	90
222	Secretary of the Department to attend meetings ...	91
	(j) Committee on Rules	
223	Functions of rules Committee	91
224	Constitution of Committee	91
225	Laying of Report on the Table	92

(36)

CONTENTS—*Contd.*

RULE		PAGE
	<i>PART XV—contd.</i>	
	(k) Committee on Government Assurances	
226	Functions of Committee on Government Assurances	92
227	Constitution of Committee	93
228	Secretary of the Department to attend meetings ...	93
	(l) Committee on Absence of Members from the Sittings of the House	
229	Constitution of Committee on Absence of Members from sittings of the House.	93
230	Functions of Committee	93
231	Pleasure of House taken where leave of absence is recommended.	94
232	Motion moved where leave of absence is not recommended.	94
	(m) Committee on Welfare of Schedule Castes	
233	Committee on Welfare of Schedule Castes ...	94
234	Functions of the Committee	95
	(n) Committee on Welfare of Schedule Tribes	
235	Committee on Welfare of Schedule Tribes ...	95
236	Functions of the Committee	96
	(o) Committee on Welfare of Vimukta Jatis and Nomadic Tribes	
237	Committee on Welfare of Vimukta Jatis and Nomadic Tribes.	97
238	Functions of the Committee	97
	(p) Committee on Panchayati Raj	
239	Constitution of the Committee on Panchayati Raj...	98
240	Functions of the Committee	98
	(q) Committee on Employment Guarantee Scheme	
241	Constitution of Committee on Employment Guarantee Scheme.	100
242	Functions of the Committee	100

(37)

CONTENTS—*Contd.*

RULE		PAGE
	PART XV— <i>conld.</i>	
	(r) Committee on Rights and Welfare of Women and Child	
243	Constitution of Committee on Rights and Welfare of Women and Child.	101
244	Functions of the Committee	101
	(s) Departmentally Related Standing Committees	
244-A	Constitution of Departmentally related Standing Committees	103
244-B	Functions of Standing Committee	104
244-C	Applicability of Provisions relating to functions	105
244-D	Quorum	105
244-E	Procedure relating to Demands for Grants	105
244-F	Procedure relating to Bills... ..	106
244-G	Report of Committee	106
244-H	Applicability of General Rules	106
244-I	Venue of sitting	106
244-J	Power to have expert Opinion	106
244-K	Matters not to be considered	107
244-L	Nature of Report	107
	(t) Committee on Welfare of Other Backward Classes	
244-M	Constitution of Committee on Welfare of Other Backward Classes	107
244-N	Functions of the Committee	107
	(u) Committee on Welfare of Minority	
244-O	Constitution of the Committee on Welfare of Minority.	108
244-P	Functions of the Committee.	109
	(v) Committee on Marathi Language	
244-Q	Constitution of the Committee on Marathi Language.	109
244-R	Functions of the Committee	110
	PART XVI	
	Financial Business	
245	Presentation of Budget	110
246	General discussion	110
247	Discussion of Budget	111
248	Form in which Budget may be presented... ..	111
249	Details of new schemes, etc., to be supplied to Members.	111
250	Finance Minister to have right of reply	111
251	Voting Demands	112
252	Demands for grants : Order of discussion : Two days for discussion of each demand	112
253	Motions for appropriation	112
254	Demands for grants may be made for reduced amounts.	112

(38)

CONTENTS—*Contd.*

RULE		PAGE
	PART XVI— <i>conld.</i>	
255	On a day of voting of demands for grants, no other business allowed before two hours before adjournment of Assembly.	113
256	Motions during the voting of demands for grants	113
257	Presentation of Budget in parts	114
258	Further statement of expenditure	114
259	Excess grants	114
260	Supplementary demands	114
261	Token grants	115
262	Vote on account	116
263	Vote of credit or exceptional grant	116
264	Appropriation Bill	116
265	Money Bill	118
	PART XVII	
	Petitions	
266	Scope of petition	118
267	Form and contents	119
268	To be presented by a member	119
269	Procedure	119
270	Member presenting may make a brief statement	119
	Committee on Petitions	
271	Constitution of Committee on petitions	119
272	After presentation, petition to be referred to the Committee on Petitions : Examination and Report by the Committee.	120
	PART XVIII	
	Privileges	
	(a) Question of Privilege	
273	Question of privilege	120
274	Notice of question of privilege	121
275	Restrictions on right to raise question of privilege	121
276	Mode of raising question of privilege... ..	121

(39)

CONTENTS—*Contd.*

RULE		PAGE
PART XVIII—<i>conld.</i>		
277	Reference of Privilege question to Committee or House.	122
Committee on Privileges		
278	Constitution of Committee on Privileges ...	122
279	Examination of the question by Committee ...	122
280	Evidence before Committee on Privileges ...	123
281	Consideration of report	123
282	Amendment	123
283	Regulation of procedure	123
284	Power of Speaker to refer question of privilege to Committee.	123
(b) Intimation to Speaker of arrest, detention, etc., and release of a member		
285	Intimation to Speaker of arrest, detention, etc. of a member.	123
286	Intimation to Speaker on release of a member ...	124
287	Treatment of communications received	124
(c) Procedure regarding service of a legal process and arrest within the precincts of the House		
288	Arrest within the precincts of the House ...	124
289	Service of legal process	125
PART XIX		
Other Motions		
290	Statutory Motions	125
291	Communications to the Governor	125
292	Motion on a day in the last week of the Session	125
293	Discussion on a matter of interest	126
294	Notice of motion	126
295	* [* * *]	126
296	Allotment of time and discussion of motion ...	127
297	Speaker to put question at the appointed time...	127
298	Provision of Rule 107 to apply to such motions...	127

(40)

CONTENTS—*Contd.*

RULE		PAGE
PART XX		
Resignation of Seats in the Assembly		
299	Resignation of seats in Assembly	127
PART XXI		
Subordinate Legislation		
300	Laying of regulation, rule, etc., on the Table ...	128
301	Allotment of time for discussion of amendment ...	129
302	Transmission of amendment to Council ...	129
303	Amendment returned by Council	129
304	Disagreement between Houses	130
305	Regulation, rule, etc., as amended to be laid on the Table.	130
PART XXII		
Leave of Absence from the Sittings of the House		
306	Application for leave of absence	130
307	Applications to be referred to Committee ...	130
308	Decision of House to be communicated to member	131
309	Lapse of unexpired portion of leave if member attends House earlier.	131
310	Communications regarding vacation of seat ...	131
311	Attendance Book of Members	131
PART XXIII		
Miscellaneous		
312	Official Report of Proceedings	131
313	Expunging of words from debates	131
314	Papers laid on the Table	132
315	Certified copies of speeches, statements, proceedings, etc.	132
	Members not to give evidence before Court of Law relating to any proceedings of House or Committee.	132
316	Communication to the Assembly	132
317	Members' seats	133
318	Strangers	133

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

CONTENTS—*conld.*

RULE		PAGE
<i>PART XXIII—conld.</i>		
319	Power to order withdrawal of strangers	133
320	Duties of Secretary	133
	First Schedule	134
	Second Schedule	135
	Third Schedule	137
	Fourth Schedule	142
	Statement showing the various stages of Bills in the Legislative Assembly of the State of Maharashtra.	143
	INDEX	(149-172)

THE MAHARASHTRA LEGISLATIVE
ASSEMBLY RULES

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

PRELIMINARY

1. (1) These Rules may be called the Maharashtra
Legislative Assembly Rules.

Short
title and
commence-
ment.

(2) They shall come into force on 23rd August 1960.

2. In these Rules, unless the context otherwise
requires,—

Definitions.

(a) “ Assembly ” means the Legislative Assembly
of the State of Maharashtra constituted under the
Constitution ;

(b) “ Bulletin ” means the Bulletin of the Assembly
published by the Secretary under the authority of the
Speaker ;

(c) “ Clear days ” includes Sundays and holidays ;

(d) “ Committee ” means a Committee which is
appointed or elected by the House or nominated by
the Speaker and which works under the direction of
the Speaker and presents its report to the House or
to the Speaker and includes a Joint Committee
appointed under the provisions of rule 123 (c) or rules
198 and 199 and any other Joint Committee nominated
jointly by the Speaker and the Chairman of the
Council ;

(e) “ Constitution ” means the Constitution of India ;

(f) “ Council ” means the Legislative Council of the
State of Maharashtra constituted under the
Constitution ;

(g) “ Finance Minister ” includes any Minister ;

(h) “ Gazette ” means the *Maharashtra Government
Gazette* ;

(i) “ Government business ” includes all business
other than private members’ business ;

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

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

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 Assembly 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 member, but
shall not by virtue of this rule be entitled to vote on
any question or be deemed to be members 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 Council and then transmitted to the Assembly,
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 State and a Deputy Minister ;

(n) “ Motion ” means the statement of a matter brought forward for the consideration of the Assembly 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 Speaker and the Chairman of the Council 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 these rules ;

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

(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 or opinion or a recommendation ; or

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

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 Speaker may consider appropriate ;

(u) “ Rules ” means the Maharashtra Legislative Assembly Rules ;

(v) “ Secretary ” means the Secretary to the Assembly 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 ASSEMBLY

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 Assembly, 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 House shall, subject to the direction of the Speaker, meet from Monday to Friday.

* (2) Unless the Speaker directs otherwise, the sittings of the House shall ordinarily commence, From Monday to Friday, at 11-00 hours and conclude at 18-00 hours.

* *Vide Maharashtra Government Gazette*, Part IV-C, dated the 11th April, 2016.

5. The Speaker 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 :

Power to
adjourn
meetings.

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

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

PART II

OFFICERS OF THE ASSEMBLY

6. (1) When owing to a general election or for any other reason the office of Speaker is vacant or is about to fall vacant, the Governor shall fix a date for the holding of the election and the Secretary shall send to every member notice of the date so fixed.

Election
of
Speaker.

(2) At any time before noon on the day preceding the date so fixed, any member may nominate another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder and stating—

(a) the name of the member nominated and

(b) that proposer has ascertained that such member is willing to serve as Speaker, if elected.

(3) On the date fixed for election, the Deputy Speaker, the Chairman nominated under rule 8 or the person determined by the Assembly or appointed by the Governor under clause (1) of Article 180 of the Constitution, as the case may be, shall read out to the

Assembly the names of the members who have been duly nominated together with those of their proposers and seconders, and, if only one member has been so nominated, shall declare that member to have been elected as the Speaker. If more than one member has been so nominated, the Assembly shall proceed to elect the Speaker by ballot.

(4) For the purposes of sub-rule (3), a member shall not be deemed to have been duly nominated if he or his proposer or seconder has not, before the reading out of the names by the person presiding, taken oath or made the affirmation as member of the Assembly.

(5) Where more than two candidates have been nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election, until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be. The candidate who obtains more votes than those obtained by the remaining candidate or than the aggregate votes obtained by the remaining candidates, as the case may be, shall be declared to have been elected as the Speaker.

(6) Where at any ballot any two candidates obtain an equal number of votes and one of them has to be excluded from the election under sub-rule (5), the question shall be decided by the person presiding by exercising his casting vote.

(7) Where at any ballot any three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under sub-rule (5), the determination, as between the candidates whose votes are equal, of the candidate who is to be excluded shall be by drawing of lots.

7. When, owing to the existence of a vacancy in the Office of Deputy Speaker, election of the Deputy Speaker is necessary, the Speaker shall fix a date for the holding of the election. The provisions of rule 6 shall, so far as may be, apply to such election.

Election
of Deputy
Speaker.

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

Panel of
Chairmen.

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

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

Powers of
person
presiding.

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

Delegation
of powers
to Deputy
Speaker.

Motion for removed of Speaker. 11. A motion to remove the Speaker from office of which fourteen days' notice, as required under Article 179 of the Constitution, has been given shall, as soon as may be, after the expiry of the notice period, be read to the Assembly by the Speaker 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 29 members rise accordingly, the speaker 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 29 members rise, the Speaker shall inform the member who may have given the notice that he has not the leave of the Assembly to move it.

PART III

ARRANGEMENT OF BUSINESS AND GIVING OF NOTICES

Allotment of time for private members' business and order of transacting such business. 12. (1) The last two and a half hours a sitting on Friday shall be allotted for transaction of private members' business :

Provided that, the Speaker 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 Speaker 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 Friday, the Speaker 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 156 ;
- (iii) motions under rule 44 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 Assembly and returned by the Council with amendments ;
- (vi) Bills which have been passed by the Council and transmitted to the Assembly ;
- (vii) Bills which have been passed by the Assembly and rejected by the Council or not passed by the Council within a period of three months from the date on which the Bill was laid before the Council;
- (viii) Other Bills excluding those referred to in sub-clauses (ix) and (x);
- (ix) Bills the continuance of which is ordered under rule 156 in that Session ;
- (x) Bills for the discussion of which a special order is made under rule 44 in that Session ;
- (xi) motion for presenting and Address to the Governor under rule 291 ;

(xii) motions under rule 194 ;

(xiii) motions under rule 198 ;

(xiv) motions under rule 44 for making a special order for the discussion of motions, the consideration of which has been adjourned *sine die* ;

(xv) motions for the discussion of which a special order is made under rule 44 ; and

(xvi) resolutions.

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

(3) Unless the Speaker 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 Speaker 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 106, the Speaker may, on any day allotted for private members' business, give priority to any item of such business at the request of the member-in-charge.

13. (1) On days other than those allotted for private members' business, no business shall be transacted unless the Speakers 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 Speaker 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 Speaker otherwise directs, a motion of congratulation or condolence may, with the permission of the Speaker obtained before the commencement of the meeting of the Assembly, be moved, at any time after the question hour. **Motion of congratulation or condolence.**

15. (1) Seven 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 Speaker shall be despatched to each member. **List of business.**

* Omitted

(2) The Secretary shall prepare an order of business for the day and a copy thereof shall be sent to every member. Business not included in the order of business **Order of business for the day.**

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

for the day shall not be transacted at any meeting without the leave of the Speaker.

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

(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.

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 Assembly Office which shall be open for this purpose on every day except Sunday or a public holiday between 11-00 hours and 17-00 hours.

(2) The period of every notice shall be counted from the day on which it is received in the Assembly 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 Speaker.

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

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 Assembly Office :

Provided that, when the Assembly is in Session and for three days before the commencement of a Session, such notice or paper (except in cases in which a member has informed the Assembly Office that it should be despatched to his address as registered in the Assembly Office) shall be deemed to have been despatched to each member if it is deposited in such place at the Assembly building as may be appointed in this behalf by the Speaker.

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.

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

Notice to members.

Prorogation :
lapse of notices :
business carried over.

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

PART IV

GENERAL RULES OF PROCEDURE

Language of the Assembly. **22.** The business of the Assembly shall be transacted in Marathi or in Hindi or in English :

Provided that, the Speaker may permit any member, who cannot adequately express himself in any of the languages aforesaid, to address the Assembly in his mother-tongue.

Motions. **23.** (1) A matter requiring the decision of the Assembly shall be decided by means of a question put by the Speaker 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, 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 discussions. **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 Speaker to the probability of the matter anticipated being brought before the House within a reasonable time.

25. (1) The Speaker may amend or disallow a motion which in his opinion does not comply with the rules.

Disallow-
ance or
amendment
by Speaker.

(2) The Speaker 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 Speaker 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 Speaker.

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 Speaker 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 authorised by him in writing in this behalf may with the permission of the Speaker, 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 a motion agreeing to the final report on amendments to these rules, or motions of which notice is given under rule 256. If no member has been so authorised, or such permission is not granted, the motion, other than a motion relating to a Bill to which the provision of rule 156 apply, shall lapse.

Proposing
the
question.

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

Amend-
ments.

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

(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 Speaker.

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

(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 Speaker 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
Speaker
stands or a
point of
order is
raised.

30. (1) A member desiring to make any observations on any matter before the Assembly, shall rise in his seat, and if called upon by the speaker, address his remarks to the speaker. If he is not called upon by the Speaker, he shall resume his seat :

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

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

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 Speaker, shall make the explanation or ask the explanation or information ; if not called upon, he shall resume his seat. The Speaker shall not call upon the member so rising unless the member speaking resumes his seat.

Interruption of member speaking.

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 Speaker.

Right of speech and reply.

(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 Speaker 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 of 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 Speaker, speak (whether he has previously spoken in the debate or not) after the mover has replied.

Duration of speeches.

33. The Speaker may, having regard to the state of business before the Assembly and the nature of the motion, prescribe a time limit for speeches on the motion.

Limitations on debate.

34. (1) The matter of every speech must be relevant to the motion on which it is made,

(2) A member while speaking must 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 expression ;

(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 Assembly on 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 Assembly ;

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

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

***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 Speaker 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 :

Procedure regarding allegation against a person.

Provided that, the Speaker 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.

36. A private member may not read his speech, but may refresh his memory by reference to notes.

Speech not to be read. Adjournment of business

37. (1) A motion that consideration of a Bill which has been introduced or of any motion moved in the Assembly 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 Assembly. The speaker, 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 Speaker 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.

* Vide Maharashtra Government Gazette, Part IV-C, dated the 15th December 2001.

(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 Speaker that such motion would infringe the rights of reasonable debate the Speaker shall, without any debate, forthwith put the question, "that the question be now put".

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

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

(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 Speaker, taking the pleasure of the Assembly. The Speaker shall ask : "Is it your pleasure that the motion be withdrawn?" If no one dissents, the Speaker shall say: "The motion is by leave withdrawn". But, if any dissentient voice be heard or a member rises to continue the debate, the Speaker 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.

Putting the question, order of amendments and motion. 40. (1) When an amendment to any motion is moved, the speaker shall, before taking the sense of the Assembly thereon, read to the Assembly the terms of the original motion and of the amendment thereto.

(2) The Speaker 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 Assembly on any other amendment to the same motion shall not be put to vote.

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

41. (1) On the conclusion of the debate on a motion, the Speaker shall put the question by asking those who are in favour of it to say “ yes ” and then those who are of the contrary opinion to say “ No ”. The Speaker shall then declare whether, 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 Speaker 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 or ask them to record their votes by operating the automatic vote recorder. If the member who claimed the division so desires, the Speaker shall also record his name and the names of such other members who vote on the side on which he votes.

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

(3) The Speaker 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 Speaker 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 the division lobby owing to sickness or infirmity may, with the permission of the Speaker, 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 up to that time recorded his vote but who then wishes to have his vote recorded may do so with the permission of the Speaker.

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

(8) If the numbers of a division are incorrectly reported by the tellers, the Speaker 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 Assembly as already announced shall not be changed.

42. (1) Where the Speaker directs under sub-rule (1) of Rule 41 that the votes be recorded by operating the automatic vote recorder, it shall be put into operation and members shall cast their votes from the seats respectively allotted to them by pressing the buttons provided for the purpose.

(2) After the result of the voting appears on the indicator board the result of the division shall be announced by the Speaker and it shall not be challenged.

(3) A member who is not able to cast his vote by pressing the button provided for the purpose due to any reason considered sufficient by the Speaker, may with the permission of the Speaker, have his vote recorded verbally by stating whether he is in favour of or against the motion, before the result of the division is announced.

(4) If a member finds that he has voted by mistake by pressing the wrong button, he may be allowed to correct his mistake provided he brings it to the notice of the Speaker before the result of the division is announced.

43. 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 Assembly, but the Assembly 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 Speaker and the vote of the of House shall be taken on such motion.

44. A motion or a Bill the consideration of which has been adjourned *sine die* shall not be discussed by the Assembly unless a fresh notice of such motion or Bill is given or unless the Assembly on a motion by the member-in-charge makes a special order for the discussion of such motion or Bill.

45. Subject to the provisions of the rule 109 a motion shall not raise a question substantially identical with one on which the House has given a decision in the same Session.

46. A copy of every motion which has been passed by the Assembly shall be forwarded to the department of Government concerned.

Statement by a Minister. **47.** With the permission of the Speaker, a Minister may make 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.

Personal explanations. **48.** With the permission of the Speaker, a member may at any time make a personal explanation, although the question relating thereto is not then before the Assembly; but in doing so, he shall not bring forward any debatable matter, nor shall any debate be allowed on such explanation.

Adjournment for want of quorum. **49.** If, at any time during a meeting of the Assembly, less than one-tenth of the total number of members of the Assembly are present, a warning bell shall be rung for ten minutes in the Library, the Lobby and the Refreshment Room, and if at the end of this period the required number of members are still not present, the Speaker shall adjourn the Assembly to a later hour on the same day or to a future day to be named by him.

Decision on points of order. **50.** (1) The Speaker 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 Speaker 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 consent of the Speaker.

Preservation of order. **51.** The Speaker shall preserve order and have all powers necessary for the purpose of enforcing his decision.

Irrelevance or repetition. **52.** If, after a member's attention has been drawn to it by the Speaker, 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 Speaker may direct him to discontinue his speech.

53. The Speaker may direct any member who refuses to obey his decision, or whose conduct is, in his opinion, grossly disorderly, to withdraw immediately from the Assembly and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same Session, the Speaker may direct the member to absent himself from the meetings of the Assembly for any period not longer than the remainder of the Session, 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 Assembly within the meaning of clause (4) of Article 190 of the Constitution.

Power to order withdrawal of member.

54. The Speaker may in the case of grave disorder arising in the Assembly suspend any sitting for a time to be named by him.

Power to suspend sitting.

55. Notwithstanding anything contained in these rules, the Speaker may curtail the period of notice or dispense with notice in any case he deems fit.

Power to dispense with notice.

56. The Speaker 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.

57. Any member may, with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the House ; and if the motion is carried, the rule in question shall be suspended for the time being.

Suspension of rules.

58. All matters not specifically provided for in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Speaker may, from time to time direct.

General Powers of Speaker.

PART V

GOVERNOR'S ADDRESS AND MESSAGES TO THE ASSEMBLY

59. The Speaker, 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.

60. On such day or days or part of any day the Assembly 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.

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

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

62. (1.) Notwithstanding that a day has been allotted for discussion on the Governor's Address,—

Other business that may be taken-up.

(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 Assembly 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 Speaker. The Speaker 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 99.

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

63. 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 Speaker may inquire how much time will be required for the speech so that he may fix the hour by which the discussion shall conclude.

64. The Speaker may, if he thinks prescribe, after taking the sense of the Assembly, a time-limit for speeches.

65. The Speaker 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.

66. Where a message from the Governor under clause (2) of Article 175 of the Constitution is received by the Speaker, he shall read the message to the Assembly, and subject to the provisions of rule 153 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 Speaker may suspend or vary the rules to such extent as it may be necessary to do so.

67. When the Governor prorogues the House or Houses, he may address the House or Houses, as the case may be.

PART VI

QUESTION

68. (1) A question may be asked for the purpose of obtaining information on a matter of public concern, within the 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.

69. 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.

70. In order that a question may be admissible it must satisfy the following conditions, namely :—

(1) it must 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 must 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 must not contain any arguments, inferences, imputations, ironical expressions, epithets or defamatory statements;

(5) it must not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition ;

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

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

(8) it must not be of excessive length ;

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

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

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

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

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

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

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

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

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

(18) it must not relate to a matter with which a minister is not officially connected.

71. The Speaker shall disallow any question which in his opinion is an abuse of the right of questioning at the expense of the time of the Assembly and shall either amend or disallow a question which is in contravention of the rules. **Disallow-
ance or
amendment
by
Speaker.**

Starred questions. **72.** (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 Assembly and will be printed in the official report of proceedings under the heading “ Unstarred Questions ”. Unless the Speaker otherwise directs, such questions shall be answered *within thirty days from the date of the receipt thereof by Government :

** Provided that, when the Assembly is not in the session and even if the answers of Unstarred Questions are not laid on the Table of the Assembly then Speaker may direct to print, publish, circulate as well as distribute it to the Members within 40 days. In this respect, such answers of Unstarred Questions shall be laid on the Table of the House at a convenient time in the first week of the next session.

Speaker to decide if a question is to be treated as starred or unstarred. **73.** If, in the opinion of the Speaker, any question put down for oral answer is of such a nature that a written reply would be more appropriate, the Speaker may direct that such question be placed on the list of questions for written answer :

Provided that, the Speaker 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 Speaker may decide.

Notice of starred questions. ***74.** Unless the Speaker otherwise directs, not less than 30 clear days’ notice of a starred question shall be given.

* *Vide Maharashtra Government Gazette, Part IV-C, dated the 23rd August, 2010.*

** *Vide Maharashtra Government Gazette, Part IV-C, dated the 11th April, 2016.*

75. Notice of a question shall be given in writing to the Secretary and shall specify—

(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.

Forms of notice of questions.

***76.** Unless the Speaker otherwise directs, no question shall be placed on the list of questions for answer until eighteen 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 Ministers.

77. (1) Not more than three questions distinguished by asterisks 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 Speaker 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.

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

(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 question shall be placed on the list of questions for oral answer in the order in which notices are received in point of time.

78. 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 Speaker may, from time to time, provide, and on each such day, unless the Speaker, 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.

79. Subject to the provisions of rule 78 the Speaker 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 a request to that effect is made by Government, or if the Speaker is of the opinion that a longer period is necessary to decide whether the question is or is not admissible.

80. 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.

81. 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 Speaker.

82. 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 :

Allotment of days for oral answers to questions.

Speaker to decide later date for answer to certain questions.

Written answers to questions not replied orally.

List of questions.

Order in which questions shall be called.

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

83. A member may, by notice given on the day preceeding 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 78, be placed on the list after all questions which have not been so postponed :

Withdrawal
or
post-ponement
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.

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

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 Speaker may * direct that the answer to it be given.

85. Where a reference is made to member in connection with the notice of a question and no reply is received or a reply received from him is too late for the consideration of the Speaker 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.

Short
Notice
Questions.

86. (1) A member who desires an immediate reply to a question of an urgent nature shall 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.

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

(3) After the Speaker 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 Assembly 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 Speaker 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 Speaker may consider necessary or convenient.

(4) Every Short Notice Question shall be answered within seven days from the date of its receipt by Government, if the requisite information is available within the limits of Greater Mumbai and within fourteen days from that date if it is required to be obtained from outside Greater Mumbai.

* Vide Maharashtra Government Gazette, Part IV-C, dated the 23rd August, 2010.

87. 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 Speaker 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.

88. 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.*

89. * [* * *]

Clubbing
of
questions.

Authority
to ask
questions.

Supplementary questions. **90.** (1) After a question has been answered any member may put a supplementary question for the purpose of further elucidating any matter regarding which an answer has been given.

(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 Assembly.

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

Prohibition of discussion. **91.** No discussion shall be permitted in respect of any question or of any answer given to a question.

Question not to be published before it is answered. **92.** (1) A question shall not be published before it has been answered or deemed to have been answered in the Assembly or if it has been disallowed by the Speaker.

(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 Assembly under sub-rule (2) of rule 72.

Questions of private members. **93.** (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.

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

* *Vide Maharashtra Government Gazette, Extraordinary Part IV-C, dated the 23rd August, 2010.*

PART VII

HALF-AN-HOUR DISCUSSION

94. (1) On every Tuesday and Thursday, the Speaker shall allot half-an-hour at the close of the meeting of the Assembly 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 Speaker may allot any other days instead of Tuesday and Thursday 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 atleast two other members.

(b) The Speaker 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 Speaker 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 Speaker for any day, the Secretary shall hold a **memberwise 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 :

Half-an-hour discussion on a matter of public importance.

* *Vide Maharashtra Government Gazette, Part IV-C, dated the 15th December, 1995.*

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

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 Assembly 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 Speaker 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 Speaker, 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 Speaker, initiate the discussion.

PART VIII

MOTIONS EXPRESSING WANT OF CONFIDENCE IN THE
MINISTRY AND EXPLANATION BY A MINISTER
WHO HAS RESIGNED

Motion regarding want of confidence in the Ministry.

95. (1) A member who desires to move for leave to make a motion expressing want of confidence in the Council of Ministers or a motion disapproving the Policy of the Council of Ministers in a particular respect shall give written notice of such motion.

(2) If the motion is admitted by the Speaker, leave to make the motion may be asked for on such day not later than two days after it is admitted, if the Assembly is in session as the Speaker may appoint, after questions and before the list of business for the day is entered upon :

Provided that, if the notice of such motion is received when the Assembly is not in session, the leave to make the motion may be asked for on a day not later than two days after the commencement of the session, as the Speaker may appoint.

(3) After the member has asked for leave of the Assembly to make the motion, the Speaker shall read the motion to the Assembly and request those members who are in favour of leave being granted to rise in their seats, and if not less than 29* members rise accordingly, the Speaker shall intimate that leave is granted and that the motion will be taken on such day, not being earlier than three days and more than seven days from the day on which leave is asked, as he may appoint. If less than 29* members rise, the Speaker shall inform the member who has given notice of the motion that he has not the leave of the Assembly.

96. (1) A member who has resigned the office of Minister may, with the consent of the Speaker, make a personal statement in explanation of his resignation.

Minister's 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.

* *Vide Maharashtra Government Gazette*, Part 1V-C, dated the 1st August 1998.
HB 1630—6a

PART IX

MOTIONS FOR ADJOURNMENT FOR PURPOSES OF DEBATE

Motions for adjournments. **97.** A Motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker.

Restrictions on power to make motion. **98.** The right to move a motion for an adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, 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 must be restricted to a specific matter of recent occurrence ;

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

(iv) the motion must 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 Speaker to the probability of the matter anticipated being brought before the Assembly within a reasonable time ; and

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

Time of asking leave and procedure. **99.** (1) A member desiring to move such a motion shall hand over to the Speaker, the Minister concerned and the Secretary a written statement of the proposed motion not later than one hour before the commencement

of the sitting of the Assembly at which he proposes to ask for leave of the Assembly to move his motion and obtain the Speaker's consent to the proposed motion before the sitting of the Assembly commences.

(2) If the Speaker grants his consent-leave to move the motion may be asked after questions and before the other business for the day is entered upon. If the Speaker refuses his consent, he may, if he thinks it necessary, read the notice of motion and state the reasons for refusing the consent.

(3) After the member has asked for leave of the Assembly to move the motion, the Speaker shall read the motion to the Assembly and ask whether the member has the leave of the Assembly. If objection is taken, the Speaker shall request those members who support the motion for adjournment to rise in their seats ; and if 29* members rise accordingly, the Speaker shall intimate that the business of the Assembly will be adjourned at 16-00 hours for the purpose of discussing the motion. If less than 29* members rise, the Speaker shall inform the member that he has not the leave of the Assembly.

100. (1) The debate on the motion, if not earlier concluded, shall terminate at 18-00 hours and thereafter no question in respect of the motion shall be put.

**Limit of discussion;
Limit of speeches;
Rule of discussion.**

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

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

* *Vide Maharashtra Government Gazette, Part IV-C, dated the 1st August 1998.*

PART X

DISCUSSION FOR SHORT DURATION ON MATTERS OF URGENT PUBLIC IMPORTANCE

Notice of raising discussion. **101.** 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 signature of at least two other members.

Speaker to decide admissibility. **102.** If the Speaker 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 Assembly 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 two and a half 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 Speaker may refuse to admit the notice.

No formal motion. **103.** There shall be no formal motion before the Assembly for 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 Speaker may be permitted to take part in the discussion. Any other member may also, with the permission of the Speaker, 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.

104. The Speaker may, if he thinks fit, prescribe a time-limit for the speeches.

Time
limit for
speeches.

PART XI

CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE

105. (1) A member may, with the previous permission of the Speaker, 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
importance.

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

(3) Not more than three 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 Assembly the statements to be made by them.

*(4) Not more than thirty 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 :

* *Vide Maharashtra Government Gazette*, Part IV-C, dated the 15 December 1995.

Provided that, the time remaining utilised on any such matter shall be made available to the matter raised next.

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

(6) 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 Assembly.

PART XII

RESOLUTIONS

Notice of
resolutions
and order
of moving
them.

106. (1) A member who wishes to move a resolution shall give 15 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 Assembly :

Provided that, if notice of any resolution sent by a member is disallowed by the Speaker 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 notice of 15 clear days' of their resolutions 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 resolutions standing in the name of any 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.

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

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, 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.

108. No speech on a resolution shall, except with the permission of the Speaker, 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 Speaker may permit.

Repetition of Resolutions. **109.** (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 of the earlier 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.

Government Resolutions. **110.** (1) The provisions of rule 106 shall not apply to resolutions of which notice is given by a Minister or the Advocate General.

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

PART XIII

LEGISLATION

Notice of motion for leave to introduce a Bill. **111.** (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 Statement of Objects and Reasons.

(2) The Statement of Objects and Reasons shall be brief and shall not contain any offensive, defamatory or irrelevant matter. The Speaker shall have power to amend the Statement of Objects and Reasons for this purpose after consultation with the member-in-charge.

(3) 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.

112. 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 :

Introduction of Bill dependent on another Bill pending before the House.

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.

113. 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 Speaker otherwise directs.

Notice of identical Bill.

114. (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 powers.

(2) A Bill, other than 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.

115. (1) On the motion for leave to introduce a Bill, the mover may make a brief explanatory statement. If the motion is opposed, the Speaker 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 :

Motion for leave to introduce.

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

(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 either of the provisos to sub-rule (1) of rule 116, 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.

Publication. **116.** (1) As soon as may be after Bill has been introduced, the Bill, together with the Statement of Objects and Reasons, shall be published in the Gazette :

Provided that, Government may order the publication of a Money 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 publish the Bill again after it is introduced :

Provided further that, the Speaker may, on a request being made to him, order the publication of a Bill, other than a Money Bill (together with the Statement of Objects and Reasons, the memorandum regarding delegation of legislative power and 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 publish the Bill again after it is introduced.

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

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

117. After a Bill has been introduced or in the case of a Bill published under either of the provisos to sub-rule (1) of rule 116, 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.

Translation of Bills.

118. 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 :—

Removal of Bill from Register of Bills.

- (i) that the 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 Council;
- (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, taken into consideration ; and
- (vi) that the Bill (or that the Bill as amended, as the case may be), be passed.

119. (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.

Persons by whom motions in respect of Bills may be made.

(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 recirculated 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.

120. (1) If notice is given of a motion to introduce a bill or to move an amendment which, in the opinion of the Speaker, cannot be introduced or moved, save with the previous sanction of the President under Article 304 of the Constitution, the Speaker 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 Speaker that the previous sanction has been granted.

(2) Notwithstanding the fact that the Speaker has made no reference under sub-rule (1), if the President considers that Bill or amendment is one which requires previous sanction, and informs the Speaker 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 Speaker that the previous sanction required has been granted.

Bills requiring recommendation under Article 207 of the Constitution.

121. (1) A Bill or amendment, to which the provisions of clause (1) of Article 207 of the Constitution apply, shall not be introduced or 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.

(2) A motion that a Bill, to which the provisions of clause (3) of Article 207 of the Constitution apply be

* Vide Maharashtra Government Gazette, Part IV-C, dated the 15th December 1995.

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.

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

(a) the member-in-charge ceases to be a member of the House ;

(b) the member-in-charge is appointed a Minister.

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

(a) that it be taken into consideration ; or

(b) that it be referred to a Select Committee composed of such members of the Assembly, 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 as is referred to in Clause (c) shall be made with reference to a Money Bill:

Provided further 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

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

Motions after introduction of Bills.

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 Speaker, 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 clauses (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.

124. On the day on which any motion referred to in rule 123 is made, or on any subsequent day to which the discussion there of 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 principle nor shall any amendment to the Bill be moved at this stage.

Motions after eliciting opinion.

125. (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 Speaker, in 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.

* *Vide Maharashtra Government Gazette, Part IV-C, dated the 15th December 1995.*

126. (1) The provisions of sub-rules (2) and (3) of rule 194 and of rules 195 and 196 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.

Composition 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 117, and copies thereof shall be despatched to each member of the Assembly.

127. (1) The report of a Select Committee on a Bill shall be presented to the Assembly 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.

Presentation of Report : Motions on presentation.

(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 Speaker 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.

128. The provisions of rules 126 and 127 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 shall be made that the Bill should again be re-referred to the Select Committee.

129. (1) The provisions of rules 194,196 and sub-rules (2), (3) and (4) of rule 198 shall apply if a motion is passed that it is expedient that a Bill should be referred to a Joint Committee of both Houses.

Procedure if a Joint Committee is appointed.

(2) If the Council 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 123.

(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 a 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 117, and copies thereof shall be despatched to each member of the Assembly.

130. (1) The report of a Joint Committee on a Bill referred to it under rule 123 shall be presented to the Assembly 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.

Presentation of report: Motions after presentation.

(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 Speaker 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 suggestions consistent with the principle of the Bill.

Procedure in the case of Bills re-referred to a Joint Committee.

131. The provisions of rules 129 and 130 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.

132. The Provisions of rule 199 shall apply where a message is received from the Council asking for the concurrence of the Assembly to a motion passed by the Council that the Bill mentioned in the message should be referred to a Joint Committee of both Houses.

133. 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.

134. (1) After a motion has been agreed to by the Assembly that a Bill be taken into consideration, the Speaker shall submit the Bill to the Assembly 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 Speaker shall have power to select the new clauses or amendments to be proposed, and may, if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgment upon it.

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

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

(5) The Speaker 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.”

Joint Committees in the case of Bills originating in the Council.

Lapse of notices of amendments when Bill is referred or re-referred to Select or Joint Committee.

Submission of the Bill clause by clause.

(6) Notwithstanding anything contained in sub-rules (1) and (5) of this rule, the Speaker may, in the case of uncontested clauses, put the question on 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 Speaker.

(8) The Schedules, if any, shall be submitted to the Assembly 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 Assembly after all clauses of the Bill have been dealt with.

Withdrawal of amendments. **135.** 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.

Passing of Bill. **136.** (1) When a motion that a Bill be taken into consideration has been carried and no amendment of the Bill is made, the member-in-charge may at once move that the Bill be passed.

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

(3) To such a motion no amendment may be moved which is not either formal, verbal or consequential

upon an amendment made after the Bill was taken into consideration.

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

137. 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.

Scope of debate.

138. When a Bill is passed by the Assembly the Speaker shall have power to correct patent errors and make such other changes in the Bill as are consequential on the amendment accepted by the Assembly.

Power of Speaker to correct patent errors and make consequential changes in a Bill, as passed.

139. (1) After a bill has been passed by the Assembly, the Speaker shall sign a certificate at the foot of the Bill in the following form :—

Authentification of Bills.

“ This Bill was passed by the Legislative Assembly of the State of Maharashtra on the day of 20.....

Speaker”.

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

Transmission to the Council.

140. For the purposes of rules 139, 141, 145, 148, 150 and 152 in the absence of the Speaker from Mumbai/ Nagpur, the Deputy Speaker may, in case of urgency, authenticate the Bill on behalf of the Speaker :

Authentification of Bills in absence of Speaker.

Provided that, in the case of a Money Bill, the certificate to be signed by the Deputy Speaker under rule 148, shall be in the following form :—

“ This Bill was passed by the Legislative Assembly of the State of Maharashtra on the day of 20

The Speaker has certificated that this is a Money Bill.

Deputy Speaker ”

141. (1) After the message intimating that the Council has rejected the Bill is read by the Speaker or after the Speaker has brought to the notice of the Assembly the fact that the Bill has not been passed within a period of three months from the date on which the Bill was laid before the Council, the member-in-charge may either in the same or in any subsequent session after giving three days’ notice move that the Assembly do pass the Bill again. On such motion no amendments shall be proposed to the Bill except such amendments, if any, as are made necessary by the delay in the passage of the Bill. After the Bill has been passed by the Assembly for the second time under clause (1) of Article 197 of the Constitution, the Speaker shall sign a certificate at the foot of the Bill in the following form :—

Rejection of the Bill by the Council or failure to pass it within the prescribed time.

“This Bill was passed for the second time by the Legislative Assembly of the State of Maharashtra on the..... day

Speaker”.

(2) The Bill so certified shall be transmitted to the Secretary of the Council for the Consideration of the Council.

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

Return of the amended Bill to the Assembly.

143. (1) After the Bill has been laid on the table under rule 142, the member-in-charge of the Bill may, after giving three day's notice, move that the amendments made in the Bill by the Council be taken into consideration.

Procedure for consideration of amendments.

(2) After the motion that the amendments made in the Bill by the Council be taken into consideration has been carried, the Speaker shall put to the Assembly the amendments made in the Bill by the Council 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 Council or are made necessary by the delay in the passage of the Bill.

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

Procedure consequent on consideration of amendments.

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

(3) If the Assembly (*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 Council, the Bill, as further amended with a message asking for the concurrence of the Council to the Bill as further amended by the Assembly, shall be transmitted to the Council.

145. (1) If the Bill is again returned to the Assembly with a message intimating that the Council insists on amendments to which the Assembly has not agreed or does not agree to the further amendments made in the Bill by the Assembly, 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 Assembly do agree to the Bill as passed by the Council. If this motion is carried, a message to that effect shall be sent to the Council. If the motion is lost, the member-in-charge of the Bill may either in the same or in any subsequent session, after giving three days' notice, move that the assembly do pass the Bill again. After the motion is carried any member may move amendments which may have been made or agreed to by the Council and they will be put in such manner as the Speaker may think most convenient for their consideration.

Procedure if the Bill is again returned by the council.

(2) After a Bill has been passed by the Assembly for the second time under clause (1) of Article 197 of the Constitution, the Speaker shall sign a certificate at the foot of the Bill in the same form as that mentioned in sub-rule (1) of rule 141. The Bill so certified shall then be transmitted to the Secretary of the Council for the consideration of the Council.

146. If a Bill passed for the second time by the Assembly and transmitted to the Council is rejected by the Council or if more than one month elapses from the date on which the Bill is laid before the Council without the Bill being passed by it the Bill shall be deemed to have been passed by the Assembly and the Council in the form in which it was passed by the Legislative Assembly for the second time.

Rejection by the Council of the Bill as passed by the Assembly for the second time or failure of Council to pass it within prescribed time.

147. If a Bill which has been passed for the second time by the Assembly and transmitted to the Council is returned to the Assembly with amendments made therein by the Council, copies of the message received from the council shall be sent to all the members and copies of the Bill as amended shall be laid on the table of the Assembly. The member-in-charge may, then, after giving three days' notice, move that the amendments made in the Bill by the Council may be taken into consideration. If the motion is carried, the Speaker shall put to the Assembly the amendments made by the Council in the Bill in such manner as he thinks most convenient for their consideration. If the Assembly agrees to the amendments made in the Bill by the Council, a message intimating its agreement shall be sent to the Council. If the Assembly does not agree to the amendments made in the Bill by the Council or any of them, the Bill shall be deemed to have been passed by the Assembly and the Council with such amendments, if any, as may have been made by the Council and agreed to by the Assembly.

148. (1) After a Money Bill has been passed by the Assembly, the Speaker shall sign a certificate at the foot of the Bill in the following form :—

“ This Bill was by the Legislative Assembly of the State of Maharashtra on the day 20 .

I certify that this is a Money Bill.

Speaker.”

(2) The Bill so certified shall be transmitted to the Secretary of the Council for the recommendations of the Council.

Procedure if the Bill as passed for the second time by Assembly is returned by Council with amendments.

Procedure in case of Money Bills.

(3) If any recommendations are made by the Council in the Bill and the Bill is returned to the Assembly with a message asking for the acceptance of the recommendations by the Assembly, copies of the message so received shall be sent to all members and copies of the Bill with the recommendations shall be laid on the Assembly table.

(4) The member-in-charge may then, after giving three days' notice, move that the recommendations made by the Council be taken into consideration. If the motion is carried, the Speaker shall put to the Assembly the recommendations as amendments to the Bill in such manner as he thinks most convenient for their consideration. If the motion is lost or if the Assembly does not accept any of the recommendations, the Bill shall be deemed to have been passed by the Assembly and the Council in the form in which it was originally passed by the Assembly.

(5) If the Assembly accepts any amendment or amendments as recommended by the Council, the Bill shall be deemed to have been passed by both the Houses with the amendment or amendments recommended by the Council and accepted by the Assembly.

(6) After a Money Bill is deemed to have been passed by the Assembly and the Council, the Speaker shall sign a certificate at the foot of the Bill that it is a Money Bill and the Secretary shall then send a copy of the Bill signed by the Speaker for submission to the Governor through the Secretary to the Government of Maharashtra, Law and Judiciary Department.

Bills originating in the Council.

149. (1) Copies of every Bill passed by the Council and transmitted to the Assembly shall be laid on the table of the Assembly.

(2) After a Bill has been laid on the table of the Assembly under sub-rule (1) of this rule, it shall not be necessary to make a motion for leave to introduce the same in the Assembly and if the Bill is afterwards introduced it shall not be necessary to publish it.

(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 119 to 137 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 Council and then transmitted to the Assembly, no such motion shall be made in the Assembly unless a copy of amendments passed by the Council 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 three clear days before the date on which such motion is made, unless the Speaker, in the exercise of his power to suspend this provision, allows the motion to be made.

(4) After such Bill has been introduced, if the Bill has already been referred to a Select Committee of the Council or 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.

No leave for introduction necessary.

Notice to move the Bill.

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

* Vide Maharashtra Government Gazette, Part IV-C, dated the 15th December 1995.

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

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

Bills returned to the Assembly. (7) If the Bill is returned to the Assembly by the Council with a message intimating that the Council has not agreed to the amendments made by the Assembly or any of them or that the Council has agreed to the said amendments or any of them and has passed further amendments or that the Council has passed further amendments in place of the amendments made by the Assembly, 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 Council be taken into consideration. If this motion is carried, the amendments made in the Bill by the Assembly and disagreed to by the Council and the further amendments, if any, made in the Bill by the Council shall be put to the Assembly by the Speaker in such manner as he thinks most convenient for their consideration. A message shall then be sent to the Council that the Assembly has agreed to the Bill as originally passed by the Council or as further amended by the Council, as the case may be, or that it insists on one or more of its own amendments with which the Council has disagreed.

Speaker to endorse a certificate. **150.** After the Assembly has dealt with the Bill under any of the provisions of rules 142 to 149 (both inclusive), the Speaker shall sign a certificate at the foot of the Bill stating the decision arrived at by the Assembly.

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

Rejection
of Bill
originating
in
Council.

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

152. When a Bill in respect of which the originating House is the Assembly and which after it is passed by the Assembly is passed by the Council without any further amendments or when the Assembly agrees to the amendments made in the Bill by the Council or when a Bill is deemed to have been passed by the Assembly and the Council, the Secretary shall send a copy of the Bill as so passed or so deemed to have been passed and signed by the Speaker for submission to the Governor through the Secretary to the Government of Maharashtra, Law and Judiciary Department.

Submission
of Bills to
Governor.

153. (1) Where a Bill returned to the Assembly under Articles 200 and 201 of the Constitution with a message requesting that the Assembly 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 Speaker shall endorse the message on the Bill and shall communicate the same to Assembly.

Bills
returned
for
reconsideration.

(2) After the Speaker has communicated the message to the Assembly, any member may move that the Bill be taken into consideration. Thereafter the ordinary procedure of the Assembly 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 amendment in the Bill, the point or points recommended for reconsideration or the amendments recommended shall be put before the Assembly by the Speaker and shall be discussed and voted upon in the same manner as amendments to a Bill or in such other way as the Speaker may consider most convenient for their consideration by the Assembly.

(4) No dilatory motion shall be made in connection with any of the matters put before the Assembly 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.

154. The member-in-charge may at any stage of a Bill withdraw the Bill with the leave of the Assembly.

155. If a motion for leave to withdraw a Bill is opposed, the Speaker may, if he thinks fit, permit the member who moves and the member who opposes the motion to make brief explanatory statements and may thereafter, without further debate, put the question.

Withdrawal
of a Bill.

Explanatory
statement
by
member
who moves
or opposes
withdrawal
of motion.

156. (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 :

Provided that, the Assembly, 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 days' notice shall be necessary for such motion.

* Provided further that, this shall not be applicable to non-official bills.

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

157. When a bill is rejected by the Assembly, a Bill relating to the same subject matter shall not be introduced or moved within a period of six months from the date of its rejection.

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

159. (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 Assembly, printed copies of such ordinance shall be made available to the members of the Assembly.

(2) Within six weeks from the re-assembly of the Assembly any member may, after giving three clear days' notice to the Secretary to the Assembly, move a motion disapproving the ordinance and if such motion is passed it shall be forwarded to the Council with a message asking for its concurrence.

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

PART XIV

RATIFICATION OF AMENDMENT TO THE CONSTITUTION

Ratification of amendment to the Constitution. **160.** (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.

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

Discussion on the amendment to the Constitution. **161.** (1) After the message has been laid on the Table under Rule 160, any member may, after giving three days' notice, move a resolution that the amendment to the Constitution proposed by the Bill be ratified.

(2) The Speaker 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 Speaker may, if he thinks fit, prescribe a time limit for speeches.

Message to Parliament. **162.** (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 160 was received, that the Assembly ratifies the amendment.

(2) If the resolution is rejected by the House, a message shall be sent as aforesaid that the Assembly 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

PART XV
COMMITTEES
(a) GENERAL

163. (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 Speaker as the case may be :

Appointment
of
Committee.

*Provided that, except in the case of a Select Committee or Joint Committee on a Bill or the Committee on Rules or the Business Advisory Committee or such other Committees as the Speaker 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 Speaker, 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.

164. (1) Where, under these rules, the Speaker 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

Nomination
to be in
proportion to
the strength
in the house,
composition
of
committees.

* Vide Maharashtra Government Gazette, Part IV-C, dated the 1st August 1978.

proportion in the strength of such parties and groups in the Assembly 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 Speaker 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 Speaker shall be final.

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

(2) A member of a Committees shall be eligible for re-nomination.

166. A member may resign his seat from a Committee by writing under his hand addressed to the Speaker.

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

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

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

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

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

Secretary
of
Committee.

168. (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 shall report the fact to the House :

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

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

Discharge
of
members
absent
from
sittings
of
Committee.

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

170. All questions at sitting of a Committee shall be determined by a majority of votes of the members present and voting.

Voting in
Committee.

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

Casting
vote of
Chairman.

172. (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.

Power to
appoint
Sub-
Committees.

(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.

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

Sittings
of
Committee.

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 time of a sitting.

174. 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.

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

Sittings of
Committee
in private.

176. The sittings of a Committee shall be held within the precincts of the Vidhan Bhavan, and if it becomes necessary to change the place of sitting

Venue of
sittings.

outside the Vidhan Bhavan, the matter shall be referred to the Speaker whose decision shall be final.

177. 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.

178. 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 Speaker whose decision shall be final:

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

179. 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 may call other members of the Committee one by one to ask any other questions.

(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 if summoned to give evidence, be kept.

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

180. A record of the decisions of Committee shall be maintained and circulated to members of the Committee under the direction of the Chairman.

181. (1) A Committee may direct that the whole or a part of the evidence or a summary thereof may be laid on the Table.

Evidence, report and proceedings treated as confidential.

(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 any one except under the authority of the Speaker.

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

182. 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 may consider necessary to bring to the notice of the Speaker 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.

Special reports.

183. (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 :

Reports of Committee.

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) Report of a Committee shall be signed by the Chairman on behalf of the Committee :

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

184. 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 presented to the House.

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

(2) In presenting the report the Chairman 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.

186. The Speaker may, on a request being made to him and when the House is not in 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.

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

Availability of report to Government before presentation.

Presentation of report.

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

General control and supervision of Speaker on working of the Committee.

Power to make suggestions on procedure.

188. 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 Speaker, who may make such variations in procedure as he may consider necessary.

Power of Committee to make detailed rules.

189. A Committee may, with the approval of the Speaker, make detailed rules of procedure to supplement the provisions contained in the rules in this Part.

Power of Speaker to give directions.

190. (1) Subject to the rules, the Speaker 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 may, if he thinks fit, refer the point to the Speaker whose decision shall be final.

Power of Chairman of Committee to regulate procedure in Committee.

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

Business before Committee not to lapse on prorogation of House.

191. 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.

192. 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.

193. 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 Committees.

(b) Committee for consideration of Matters of public importance.

194. (1) After giving ten days notice, any member may, with the consent of the Speaker, move that any matter of public importance be referred for consideration and report to a committee consisting of such members of the Assembly 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 must not, without the leave of the Assembly, consist of more than fifteen members including the *ex-officio* member.

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

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

Power of Committee to hear expert evidence. Report of Committee: Minute of Dissent.

196. 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.

197. (1) The report of the Committee shall be presented to the Assembly by the member on whose motion the Committee was appointed. After

Presentation of Report: Discussion after presentation.

presenting the report, the member-in-charge shall move that the report of the Committee be taken into consideration. Any member may then move an amendment that the matter to which the report relates be re-referred to the Committee.

(2) After the motion that the report of the Committee be taken into consideration is carried, the Assembly shall proceed with the consideration of the report.

(3) When a matter is re-referred to the Committee, the provisions of rules 195 and 196 and sub-rules (1) and (2) of this rule shall, so far may be, apply except that after the presentation of the further report of the Committee no motion shall be made that the report shall again be re-referred to the Committee.

(c) Joint Committees of both Houses

198. (1) Any member may, with the consent of the Speaker, 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 instruction 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 Council asking for concurrence of the Council in the motion.

(3) If the Council concurs in the motion, a motion shall be made by the member-in-charge nominating the members of the Assembly 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 Assembly nominated on such Committee shall be not less than two-thirds of the total number of members of such Committee :

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

(5) The provisions of rules 195, 196 and 197 shall apply when any matter is referred to a Joint Committee under this rule.

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

Joint Committees appointed on a motion passed by the Council.

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

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

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

(5) The procedure in a Joint Committee appointed under this rule shall be regulated by the rules made by the Maharashtra Legislative Council, 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

Constitution of Business Advisory Committee. **200.** At the commencement of the Assembly or from time to time, as the case may be, the Speaker, may nominate a Committee called the Business Advisory Committee consisting of not more than twelve members including the Speaker who shall be the Chairman of the Committee.

Functions of the Committee. **201.** (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 Speaker in consultation with the Leader of the House may direct for being referred to the Committee.

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

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

Report of Committee. **202.** 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 Speaker to the Assembly and notified in the Bulletin together with the decision of the House thereon.

Allocation of time order. **203.** As soon as may be after the report has been made to the Assembly a motion may be moved by a member of the Committee designated by the Speaker : “ 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 Assembly, it shall take effect as if it were an Order of the Assembly :

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.

204. 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 Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with that stage of the Bill or other business.

Disposal of outstanding matters at the appointed hour.

205. 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 Assembly that there was general agreement for such variation, which shall be enforced by the Speaker after taking the sense of the Assembly.

Variation in the Allocation.

(e) Public Accounts Committee

206. (1) As soon as may be after the commencement of the first Session of the Assembly in every year or the first Session of a newly constituted Assembly, as the case may be, a Committee on Public Accounts shall be constituted for the purpose of dealing with the reports of the Comptroller and Auditor General of India relating to the Appropriation Accounts of the State and such other accounts as may be laid before the House and such other matters as the Finance Department may, with the permission of the Speaker, refer to the Committee.

Constitution of Committee on Public Accounts.

(2) The Committee on Public Accounts shall consist of not more than twenty-five members, out of whom not more than twenty members shall be nominated by

the Speaker from amongst, the members of the Assembly and not more than five members shall likewise be nominated by the Chairman from amongst the members of the Council.

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

Control of Committee on Public Accounts. **207.** (1) In scrutinising the Appropriation Accounts of the State and the report of the Comptroller and Auditor General thereon, it shall be the duty of the Public Accounts Committee to satisfy itself:—

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

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

(c) that every reappropriation has been made in accordance with such rules as have been prescribed by the competent authority.

(2) It shall also be the duty of the Public Accounts Committee,—

(a) to scrutinize the Finance Accounts of the State Government and the Audit Report thereon ;

(b) to examine the statements of accounts showing the income and expenditure of State Corporations, trading and manufacturing schemes and projects, together with the balance sheets and statements of profit and loss accounts which the Governor may have required to be prepared or are prepared under the provisions of the statutory rules regulating the financing of a particular corporation, trading concern or project, and the Report of the Comptroller and Auditor General thereon ; and

(c) to consider the report of the Comptroller and Auditor General in cases where the Governor may have required him to conduct an audit of any receipts or to examine the accounts of stores and stocks :

Provided that, the Committee shall not exercise its functions in relation to such public undertakings as come within the purview of the Committee on Public Undertakings under these Rules.

(3) If any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose, the Committee shall examine with reference to the facts of each case the circumstances leading to such an excess and make such recommendation as it may deem fit.

(f) Committee on Estimates

208. (1) As soon as may be after the commencement of the first Session of the Assembly in every year, or the first Session of a newly constituted Assembly, as the case may be a Committee on Estimates shall be constituted to examine the budget estimates and the demands for supplementary grants and to suggest economics consistent with the policy underlying such estimates and demands and the form in which the estimates shall be presented to the Legislature.

(2) The Committee on estimates shall consist of not more than twenty-nine* members of whom not more than twenty three members shall be nominated by the Speaker from among the members of the Assembly and not more than six members shall likewise be nominated by the Chairman from amongst the members of the Council.

* *Vide Maharashtra Government Gazette*, Part IV-C, dated the 1st August 1978.

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

**Functions
of the
Committee
on
Estimates.**

209. (1) It shall be the duty of the Committee on Estimates—

(a) to scrutinise the budget estimates of expenditure in such detail as it may consider necessary and tender advice so as to ensure that Government's objectives are carried out in the most economical and efficient manner;

(b) to scrutinise the demands for supplementary grants in a like manner; and

(c) to advise Government on any financial questions that may be referred to it.

(2) The scrutiny of the budget estimates or the demands for supplementary grants by the Committee on Estimates shall not in any manner affect or postpone their consideration by the Assembly or its voting thereon. The Committee shall be entitled to scrutinise the budget estimates or the demands for supplementary grants and tender advice notwithstanding that the Assembly may have already voted the grants comprised therein :

Provided that, the Committee shall not exercise its functions in relation to such public undertakings as come within the purview of the Committee on Public Undertakings under these Rules.

**Powers
and
procedure
of the
Committee
on
Estimates.**

210. The Committee may hear officials or take expert evidence in connection with any matter under its examination. It shall be in the discretion of the Chairman of the Committee to treat any evidence tendered before it as secret or confidential.

(g) Committee on Public Undertakings

211. (1) As soon as may be after the commencement of the first Session of the Assembly in every year, or the first Session of a newly constituted Assembly, as the case may be, a Committee on Public Undertakings shall be constituted which shall consist of twenty members nominated by the Speaker from amongst the members of the Assembly and five members likewise appointed by the Chairman from amongst the members of the Council :

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

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

212. The functions of the Committee shall be—

(i) to examine the reports and accounts of the Public Undertakings specified in the Third Scheduled and such other Undertakings as may be decided by the House from time to time ;

(ii) to examine the reports, if any, of the Comptroller and Auditor-General of India on the said Undertakings ;

(iii) to examine, in the context of the autonomy and efficiency of the said undertakings, whether their affairs are being managed in accordance with sound business principles and prudent commercial practices ; and

(iv) such other functions vested in the Public Accounts Committee and the Estimates Committee in relation to the said Undertakings as are not covered by clauses (i), (ii) and (iii) above and as may be allotted to this Committee by the Speaker from time to time :

HB 1630—9a

Constitution of Committee on Public Undertakings.

Functions of Committee on Public Undertakings.

Provided that, the Committee shall not examine and investigate any of the following matters, namely :—

(i) matters of major Government policy as distinct from business or commercial functions of the said Undertakings,

(ii) matters of day-to-day administration, and

(iii) matters for the consideration of which special machinery is established under any statute.

Applicability of general rules to the Committee.

213. In other respects the rules of procedure of this House relating to committees shall apply with such variations and modifications as the Speaker may make.

(h) Committee on Private Members' Bills and Resolutions

Constitution of Committee on Private Members' Bills and Resolutions.

214. (1) As soon as may be after the commencement of the first Session of the Assembly in every year, or the first Session of a newly constituted Assembly, as the case may be, a Committee on Private Members' Bills and Resolutions consisting of not more than eleven members shall be nominated by the Speaker.

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

Functions of Committee.

215. (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 Members' Bills and also to indicate in the time-table

so drawn up the different hours at which the various stages of the Bills in a day shall be completed ;

(c) to examine every Private Members' Bills which is opposed in the House on the ground that the Bill initiates legislation outside the legislative competence of the House, and the Speaker 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 Speaker from time to time.

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

217. The Classification of Bills and Allocation of Time Order in respect of the Bills or Resolutions shall be notified in Bulletin in accordance with the decision of the House under rule 216 above.

218. At the appointed hour, in accordance with the allocation of Time Order, the Speaker 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.

Motion
moved in
House on
the Report.

Notification
of
Classification
and
Allocation of
Time Order.

Disposal of
outstanding
matters at
the
appointed
hour.

(i) *Committee on Subordinate Legislation*

219. (1) As soon as may be after the commencement of the first Session of the Assembly in every year or the first Session of a newly constituted Assembly as the case may be, a Committee on Subordinate Legislation shall be constituted.

(2) The Committee shall consist of not more than nineteen members of whom not more than fourteen members shall be nominated by the Speaker from among the members of the Assembly and not more than five members shall be nominated by the Chairman of the Council from among the members of the Council.

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

220. Rules, regulations, bye-laws, etc., made by the State Government or any authority subordinate thereto in exercise of the powers conferred by the Constitution or delegated by Parliament or by the State Legislature and which are required to be laid before the House shall be laid before the Committee as soon as possible after they are made.

221. (1) It shall be the duty of the Committee to scrutinise and report to the Assembly whether the powers to make rules, regulations, bye-laws, etc., referred to in rule 220 have been properly exercised.

(2) In particular and without prejudice to the generality of the foregoing powers, the Committee, shall consider—

(i) whether the rules, regulations, bye-laws, etc., are in accord with the general objects of the Constitution or the Act pursuant to which they are made ;

(ii) whether they contain any matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament or of the State Legislature ;

(iii) whether they give retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such powers ;

(iv) whether they appear to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which they are made;

(v) whether there appears to have been unjustifiable delay in their publication or in laying them before the Legislature ;

(vi) whether for any reason their form or purport calls for any elucidation.

222. The Secretary of the Department concerned shall 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.

(j) *Committee on Rules*

223. 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.

Functions of Rules Committee.

224. At the commencement of the Assembly or from time to time, as the case may be, a Committee on Rules shall be nominated by the Speaker and the Committee shall consist of eleven members including the Chairman of the Committee. The Speaker shall be the *ex-officio* Chairman of the Committee.

Constitution of Committee.

Laying of Report on the Table. **225.** (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 Speaker shall cause to be published in the *Gazette* the amendments to the rules as recommended by the Committee.

(4) The amendments to the rules shall come into force on their publication in the *Gazette* unless otherwise specified.

(k) *Committee on Government Assurances*

Functions of Committee on Government Assurances. **226.** There shall be a Committee on Government Assurances to scrutinize the assurances, promises and undertakings, given by Ministers, from time to time, on the floor of the Assembly and to report on—

(a) the extent to which such assurances, promises and undertakings have been implemented ; and

(b) where implemented, whether such implementation has taken place within the minimum time necessary for the purpose.

227. (1) As soon as may be after the commencement of the first Session of the Assembly in every year or the first Session of a newly constituted Assembly, as the case may be, the Committee on Government Assurances shall be nominated by the Speaker consisting of not more than nineteen members.

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

228. The Secretary of the Department concerned shall, if required by the Committee, attend meeting of the Committee to assist it in its deliberations, and shall supply such information as the Committee may desire.

(l) Committee on Absence of Members from the Sittings of the House

229. (1) As soon as may be after the commencement of the first Session of the Assembly in every year, or the first Session of a newly constituted Assembly, as the case may be, a Committee on Absence of Members from the Sittings of the House shall be constituted and the Committee shall consist of eleven members nominated by the Speaker.

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

230. (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.

Constitution of Committee.

Secretary of the Department to attend meetings.

Constitution of Committee on Absence of Members from Sittings of the House.

Functions of the Committee.

(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 Speaker from time to time.

231. 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 Speaker 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/Smt for the period indicated in the report. The member is being informed accordingly.”

232. 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 agrees or agrees with amendment or disagrees with the recommendations of the Committee in respect of that application.

**(m) Committee on Welfare of Scheduled Castes*

233. (1) As soon as may be after the commencement of the first Session of the Assembly in every year or the first Session of a newly constituted Assembly, as the case may be, a Committee on Welfare of Scheduled Castes shall be constituted consisting of not more than fifteen members, of whom not more than eleven members shall be nominated by the Speaker from amongst the members of the Assembly and not more than four members nominated likewise by the Chairman from amongst the members of the Council.

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

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

234. It shall be the duty of the Committee on Welfare of Scheduled Castes—

Functions
of the
Committee.

(i) to consider the reports submitted by the Commissioner for Scheduled Castes and Scheduled Tribes under Article 338(2) of the Constitution, in so far as they relate to the Scheduled Castes in the State of Maharashtra and to report to both the Houses as to the measures that should be taken by the State Government in respect of matters within the purview of the State Government;

(ii) to report to both the Houses on the action taken by the State Government on the measures proposed by the Committee;

(iii) to examine the measures taken by the State Government to secure due representation of the Scheduled Castes in services and posts under its control (including appointment in the Public Sector Undertakings, Statutory and Semi-Government bodies), having regard to the provisions of Article 335 ;

(iv) to consider generally and report to both the Houses on all matters concerning the Welfare of the Scheduled Castes, which fall within the purview of the State Government;

(v) to examine such of the matters as are specifically referred to it by the House or the Speaker.

**(n) Committee on Welfare of Scheduled Tribes*

235. (1) As soon as may be after the commencement of the first Session of the Assembly in every year or the first Session of a newly constituted Assembly as the case may be, Committee on Welfare of Scheduled

Committee
on Welfare
of
Scheduled
Tribes.

Tribes, shall be constituted consisting of not more than fifteen members, of whom not more than eleven members shall be nominated by the Speaker from amongst the members of the Assembly and not more than four members nominated likewise by the Chairman from amongst the members of the Council.

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

Functions
of the
Committee.

236. It shall be the duty of the Committee on the Welfare of Scheduled Tribes—

(i) to consider the reports submitted by the Commissioner for Scheduled Castes and Scheduled Tribes under Article 338(2) of the Constitution in so far as they relate to the Scheduled Tribes in the State of Maharashtra and to report to both the Houses as to the measures that should be taken by the State Government in respect of matters within the purview of the State Government;

(ii) to report to both the Houses on the action taken by the State Government on the measures proposed by the Committee;

(iii) to examine the measures taken by State Government to secure due representation of the Scheduled Tribes in services and posts under its control (including appointment in the Public Sector Undertakings, Statutory and Semi-Government bodies) having regard to the provisions of Article 335 ;

(iv) to consider generally and to report to both the Houses on all matters concerning the Welfare of the Scheduled Tribes which fall within the purview of the State Government;

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

(v) to examine such of the matters as are specifically referred to it by the House or the Speaker.

**(o) Committee on Welfare of Vimukta Jatis and Nomadic Tribes.*

237. (1) As soon as may be after the commencement of the first Session of the Assembly in every year or the first session of a newly constituted Assembly as the case may be, a Committee on Welfare of Vimukta Jatis and Nomadic Tribes shall be constituted consisting of not more than ** fifteen members, of whom not more than ** eleven members shall be nominated by the Speaker from amongst the members of the Assembly and not more than ** four members nominated likewise by the Chairman from amongst the members of the Council.

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

238. It shall be the duty of the Committee on the Welfare of Vimukta Jatis and Nomadic Tribes—

(i) to examine the various schemes of the State Government for the Welfare of Vimukta Jatis and Nomadic Tribes and to report to both the Houses as to the measures that should be taken by the State Government in that behalf;

(ii) to examine the measures taken by the State Government to secure due representation of Vimukta Jatis and Nomadic Tribes in services and posts under its control (including appointment in the Public Sector Undertaking, Statutory and Semi-Government bodies);

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

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

Committee
on Welfare
of Vimukta
Jatis and
Nomadic
Tribes.

Functions
of the
Committee.

(iii) to consider generally and to report to both the Houses on all matters concerning the Welfare of Vimukta Jatis and Nomadic Tribes which fall within the purview of the State Government;

(iv) to report to both the Houses on the action taken by the State Government on the measures proposed by the Committee;

(v) to examine such of the matters as are specifically referred to it by the House or the Speaker.

**(p) Committee on Panchayati Raj*

Constitution
of the
Committee
on
Panchayati
Raj.

239. (1) As soon as may be after the commencement of the first Session of the Assembly in every year or the first Session of a newly constituted Assembly, as the case may be, a Committee on Panchayati Raj shall be constituted.

(2) The Committee on Panchayati Raj shall consist of not more than twenty-five [†] members, of whom not more than twenty members shall be nominated by the Speaker from amongst the members of the Legislative Assembly and not more than five members shall likewise be nominated by the Chairman of the Council from amongst the members of the Legislative Council:

Provided that, of the twenty members to be nominated from the Assembly, two shall, be from amongst the Scheduled Castes and two from the Scheduled Tribes.

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

Functions
of the
Committee.

240. It shall be the duty of the Committee on Panchayati Raj—

* *Vide Maharashtra Government Gazette*, Part IV-C, dated the 1st August 1978.

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

(a) to examine the Annual Administration Report of the Zilla Parishads and Panchayat Samitis presented to the Legislature under section 142 (4) of the Maharashtra Zilla Parishads and Panchayatis Samitis Act, 1961;

(b) to examine the consolidated Finance Accounts of the Zilla Parishads and the Audit Review Report on the Accounts of the Zilla Parishads prepared by the Chief Auditor, Local Fund Accounts and presented to the Legislature by Government;

(c) to exercise the functions of the Public Accounts Committee and the Estimates Committee in relation to the budgets and accounts of the Zilla Parishads and Panchayat Samitis:

Provided that, the Committee shall not examine and investigate any of the following matters, namely :—

(i) matters of major Government policy ;

(ii) matters of day-to-day administration of Zilla Parishads and Panchayat Samitis; and

(iii) matters for consideration of which special machinery is established:

Provided further that, subject to the provisions of rule 178,—

(a) the Rural Development Department of the Government shall obtain from Zilla Parishads the information and the material required by the Committee from time to time and furnish the same to the Legislature Secretariat for the use of the Committee;

(b) the Committee may examine the Presidents of Zilla Parishads, the Chairmen of Subjects Committees of Zilla Parishads, the Chairmen of Panchayat Samitis and the Chief Executive Officers of Zilla Parishads or any other Officer.

**(q) Committee on Employment
Guarantee Scheme*

**Constitu-
tion of
Committee
on
Employ-
ment
Guarantee
Scheme.** **241.** (1) As soon as may be after the commencement of the first Session of the Assembly in every year or the first Session of a newly constituted Assembly as the case may be, a Committee on Employment Guarantee Scheme shall be constituted.

(2) The Committee shall consist of not more than twenty-five † members of whom not more than twenty members shall be nominated by the Speaker from amongst the members of the Assembly and not more than five members shall be nominated by the Chairman of the Council from amongst the members of the Council.

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

**Functions
of the
Committee.** **242.** It shall be the duty of the Committee—

(i) to examine, assess and evaluate the working of the Employment Guarantee Scheme of the State Government with special reference to the benefits accrued to, and the impact made on, the people employed under the said scheme and to find out the deficiencies and shortcomings, if any, and to suggest measures to remove them and to improve the said scheme ; and

(ii) to recommend generally so as to conduce to its better working and to obtain the best results contemplated by the scheme thereunder.

* *Vide Maharashtra Government Gazette*, Part IV-C, dated the 1st August 1978.

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

*†(r) *Committee on Rights and Welfare of Women and Child.*

243 (1) As soon as may be after the commencement of the First Session of the Legislative Assembly in every year or the first Session of the newly constituted Assembly, as the case may be, a Committee on Rights and Welfare of Women and Child shall be constituted.

**Constitu-
tion of
Committee
on Rights
and
Welfare of
Women
and Child.**

(2) This Committee shall consist of not more than fifteen members, of whom not more than eleven members shall be nominated by the Speaker from amongst the members of the Legislative Assembly and not more than four members shall be nominated by the Chairman of the Legislative Council from amongst the members of the Legislative Council. Out of the eleven members to be nominated from the Legislative Assembly, six shall be from amongst women members of the Legislative Assembly, out of them one woman member shall be the Chairman of the Committee.

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

244. The functions of the Committee on Rights and Welfare of Women and Child shall be :—

**Functions
of the
Committee.**

(i) to consider the reports submitted by the State Commissioner for Women and to report on the measures that should be taken by the State Government for improving the status and conditions of women in respect of matters within the purview

* *Vide Maharashtra Government Gazette, Part IV-C, dated the 22nd December 1998.*

† *Vide Maharashtra Government Gazette, Part IV-C, dated the 27th April 2018.*

of the State Government and securing the prestige to them ;

(ii) to report to the House about the action taken by the State Government on the measures proposed by the Committee with a view to secure equality, status and prestige to the women in the society ;

(iii) to make survey as to whether the policies adopted on Government level for the welfare of women and the implementation of various schemes formulated for improving their educational and social standard has been made or not and to report to the House in respect of measures thereon ;

(iv) to examine the measures taken by the State Government to secure representation to the women in due proportion in services under its control and to suggest measures in respect of implementation thereon ;

*(v) to inform both the House regarding measures adopted and implementation made by the Government in respect of matters falling within the purview of the State Government that are governed by Acts of Central Government namely Juvenile Justice (Protection and Care of Children) Act, 2015 which provide for health, education, protection and fundamental rights etc. of children as well as Protection of Children from Sexual Offences (POCSO) Act, 2012 Central Government and similarly prescribed rules incidental thereto;

* *Vide Maharashtra Government Gazette, Part IV-C, dated the 27th April 2018.*

(vi) to inform both the Houses in respect of action taken on the Government level regarding implementation of the child policy as per Juvenile Justice (Protection and Care of Child) Act, 2015, adopted by the Government for the development of the children;

(vii) to examine various welfare scheme for children implemented by various Departments of the State Government and to make recommendations thereon;

(viii) to examine such of the matters as are specifically referred to the committee by the House or the Speaker/ Chairman.

**(s) Departmentally Related Standing Committees*

244-A. (1) There shall be Departmentally Related Standing Committees of the Houses (hereinafter to be called the Standing Committees).

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

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

(3) Each of the Standing Committees shall consist of not more than 21 members out of which 16 members

Constitu-
tion of
Depart-
mentally
related
Standing
Committees.

* *Vide Maharashtra Government Gazette*, Part IV-C, dated the 15th December 2001.

to be nominated by the Speaker from amongst the members of Legislative Assembly and 5 members to be nominated by the Chairman from amongst the members of Legislative Council.

(4) A Minister shall not be nominated as a 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 Committees as specified in part 2 of the Fourth Schedule in Legislative Assembly Rules shall be appointed by the Speaker, Legislative Assembly and Chairman of committees as specified in part 1 of Third Schedule in Legislative Council Rules shall be appointed by the Chairman, Legislative Council from amongst the members of the Committee.

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

244-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 go concerned Departments as are referred to the Committee by the Speaker, Legislative Assembly or by the Chairman, Legislative Council, 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 Committee shall not consider the matters of day to day administration of the concerned Departments.

Functions
of
Standing
Committee.

244-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 Speaker, Legislative Assembly and the Chairman, Legislative Council in respect of particular function.

Applicability of provisions relating to functions.

244-D. The quorum to constitute a sitting of a Committee shall 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 sitting shall not require any quorum, however, minimum three members shall be required to remain present for such a sitting.

Quorum.

244-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 :—

Procedure relating to Demands for Grants.

(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 Demand 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 Committee ;

(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.

244-F. The following procedure shall be followed by each of the Standing Committees in 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 Speaker, Legislative Assembly or the Chairman, Legislative Council, as the case may be ; and

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

244-G. (1) The report of the Standing Committee shall be based on Broad consensus.

(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.

244-H. Except for matters for which special provision is made in rules pertaining to Standing Committees, the general rules in the Legislative Assembly Rules applicable to other Legislature Committees shall apply *mutatis mutandis* to the Standing Committees specified in the Fourth Schedule and the general Rules in the Legislative Council Rule applicable to other Legislature Committees shall apply to Standing Committees specified in the Third Schedule.

244-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 Speaker or the Chairman, as the case may be.

244-J. The Committee may avail of the expert opinion or the public opinion to make the report.

Procedure relating to Bills.

Report of Committee.

Applicability of General Rules.

Venue of sitting.

Power to have expert opinion.

244-K. Standing Committee shall not consider matters which are considered by any other Legislature Committee.

Matters not to be considered.

244-L. The report of a Standing Committee shall be recommendatory in nature and shall be treated as considered advice given by the Committee.

Nature of Report.

* (t) *Committee on Welfare of Other Backward Classes.*

244-M. (1) As soon as may be after the commencement of the first Session of the Assembly in every year or the first Session of a newly constituted Assembly, as the case may be, a Committee on Welfare of Other Backward Classes shall be constituted.

Constitution of Committee on Welfare of Other Backward Classes.

(2) This Committee shall consist of not more than fifteen members, of whom not more than eleven members shall be nominated by the Speaker from amongst the members of the Assembly and not more than four members nominated likewise by the Chairman from amongst the members of the Council.

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

244-N. It shall be the duty of the Committee on Welfare of Other Backward Classes—

Functions of the Committee.

(i) to examine the various schemes of the State Government for the Welfare of the Other Backward Classes and to report to both the Houses as to the measures that should be taken by the State Government in that behalf;

(ii) to examine the measures taken by the State Government to secure due representation of Other Backward Classes in services and posts under its control (including appointments in the Public Sector Undertakings, Statutory and Semi-Government bodies);

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

(iii) to consider generally and to report to both the Houses on all matters concerning the welfare of the Other Backward Classes, which fall within the purview of the State Government;

(iv) to report to both the Houses on the action taken by the State Government on the measures proposed by the Committee;

(v) to examine such of the matters as are specifically referred to it by the House or the Speaker.

*(u) *Committee on Welfare of Minorities*

Constitution of the Committee on Welfare of Minorities.

244-O. (1) As soon as may be after the commencement of the first session of the Assembly in every year or the first session of a newly constituted Assembly, as the case may be, a Committee on Welfare of Minorities shall be constituted.

(2) This Committee shall consist of not more than fifteen members, of whom not more than eleven members shall be nominated by the Speaker from amongst the members of the Assembly and not more than four members shall likewise be nominated by the Chairman from amongst the members of the Council. Out of the members of the Assembly, six members shall be from the minority community. Out of the remaining members, one woman member shall be from minority community. If there is no woman member from a minority community, she shall be from an open category. Out of the four members from the Council, three members shall be from minority community. Out of the four members from the Council one woman member shall be from minority community. If there is no woman member from a minority community, she shall be from an open category. Out of the members of Assembly, a member belonging to minority community shall be the Chairman of the Committee.

* *Vide Maharashtra Government Gazette, Part IV-C, dated the 23rd August, 2010. (Notification dated 5th August, 2010)*

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

244-P. The Functions of the Committee on Welfare of Minorities shall be :—

Functions
of the
Committee.

(1) To achieve all-round development of the minorities (Muslims, Buddhists, Christians, Sikhs, Parsis, Jains and Jews) by co-ordinating in various welfare schemes being implemented by State Government and by monitoring the same effectively for development of this community and similarly to examine whether the people from this community are benefited from the various schemes by making effective implementation of the same through the concerned zonal offices of the Government.

(2) To take a comprehensive review as to what deficiencies were found during the implementation of the scheme being implemented by the Government and whether the determined object etc. is achieved and to evaluate the success of these schemes and to suggest suitable measures to the State Government and to present the information in this regard alongwith the report to both the Houses.

(3) To suggest appropriate measures to the Government by considering the report of the Maharashtra State Minority Commission.

**(v) Committee on Marathi Language*

244-Q. (1) As soon as may be after the commencement of the first session of the Assembly in every year or the first session of a newly constituted Assembly, as the case may be, a committee on Marathi Language shall be constituted.

Constitution
of the
Committee
on
Marathi
Language.

(2) This Committee shall consist of total fifteen members, of whom eleven members shall be nominated

* *Vide Maharashtra Government Gazette, Extraordinary, Part IV-C, dated the 11th April, 2016.*

by the Speaker from amongst the members of the Assembly and four members nominated likewise by the Chairman from amongst the members of the Council.

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

Functions
of the
Committee.

244-R. (1) To give instructions and to suggest measures to State Government after taking review of the use of Marathi Language in official business.

(2) The “Marathi” Language has been adopted as an official language for the official business under the Maharashtra Official Language Act, 1964. To give instructions and to suggest measures to the State Government after taking review of the use of Marathi language in official business in Government/Semi-Government offices in the state for taking review of use of Marathi Language from the point of view of using Marathi language in all fields.

(3) In other respect these rule shall also be applicable to the changes or variations to be made by the Hon. Speaker in the rules of procedure related to the committee of this House.

PART XVI
FINANCIAL BUSINESS

Presentation
of Budget.

245. (1) The annual financial statement or the statement estimated receipts and expenditure of the State in respect of every financial year (hereinafter referred to as “ the Budget”) shall be presented to the Assembly on such day as the Government may appoint.

(2) No discussion of the Budget shall take place on the day on which it is presented.

General
discussion.

246. (1) The Speaker, 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 six in number and on the days so appointed, the Assembly 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 Assembly.

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

247. The Budget shall be dealt with by the Assembly in two stages, namely:—

(i) a general discussion, and

(ii) the voting of demands for grants.

248. (1) A separate demand shall ordinarily be made in respect of the grant proposed for each department of Government:

Provided that, Government may include in one demand grants proposed for two or more departments or make one demand in respect of expenditure such as famine relief and interest, which cannot readily be classified under any particular demand.

(2) Each demand shall contain, first, a statement of the total grant proposed and then a statement of the detailed estimates under each grant divided into items.

(3) Subject to the provisions of sub-rules (1) and (2) of this rule, the Budget shall be presented in such form as the Finance Minister may, having regard to the suggestions, if any, made by the Estimates Committee in this behalf, consider best fitted for its consideration by the Assembly.

249. When a demand or any part of it relates to any new scheme or revision of scales of pay or allowances or creation of a new appointment, all material details of such scheme or revision or appointment shall, save in special circumstances, be supplied to all members at least three clear days before the demand is made.

250. The Finance Minister shall have a general right of reply at the end of the general discussion on the budget.

Discussion of Budget.

Form In which Budget may be presented.

Details of new schemes etc. to be supplied to Members.

Finance Minister to have right of reply.

Voting of Demands.

251. (1) The voting of demands for grants shall take place on such days not exceeding eighteen as the Speaker, in consultation with the Leader of the House, may allot for the purpose:

Provided that, at least ten days shall elapse between the date of the presentation of the Budget and the first day of the voting of demands.

(2) On the last day of the days so allotted, half-an-hour* before the time appointed by the Speaker for the adjournment of the Assembly, the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants and the consideration thereof shall not be anticipated by any motion for adjournment or be interrupted in any manner whatsoever nor shall any dilatory motion be moved in regard thereto.

Demands for grants: Order of discussion: two days for discussion of each demand.

252. (1) The demands shall be discussed in such order as the Speaker may direct.

(2) Not more than two days shall be taken up for the discussion of any one demand.

(3) As soon as the maximum limit of time for discussion is reached, the Speaker shall forthwith put every question necessary to dispose of the demand under discussion.

Motions for appropriation.

253. No motion for appropriation can be moved except on the recommendation of the Governor. Such recommendation shall be communicated to the Assembly by the Minister-in-charge of the Department concerned.

Demands for grants may be made for reduced amounts.

254. (1) A demand for a grant may be made for the amount shown in the budget or for a reduced amount.

(2) At any time before the question upon a demand for a grant has been put, the Minister making the demand may inform the Assembly that he wishes to make the demand for the grant of an amount smaller

* Vide Maharashtra Government Gazette, Part IV-C, dated the 15th December, 1995.

than that originally asked for by him. In that case the question upon the demand for a grant of the reduced amount alone shall be put.

255. On a day to be allotted for the voting of demands for grants, no other business shall be taken up before two hours before the time appointed by the Speaker for the adjournment of the Assembly except with the consent of the Speaker :

Provided that, nothing in this rule shall be deemed to prohibit the asking and answering of questions during the time allowed under these rules.

256. (1) During the voting of demands for grants, motions may be moved to reduce any grant or to omit or to reduce any item in a grant but not to increase or to alter the destination of the grant.

(2) Notice of * not more than ten motions for one Department shall be given four clear days before the demand to which they relate is made.

(3) Motions to omit or reduce any items pertaining to charged expenditure shall not be allowed:

Provided that, motions may be moved to reduce the total amount of expenditure for the major head or heads included in a demand, which includes both voted and charged expenditure, by a sum which does not exceed the amount of voted expenditure.

(4) A member giving notice of any motion under this rule shall also indicate the subject which he wishes to raise on such motion.

(5) When several motions relating to the same demand have been proposed, they shall be discussed in such order as the Speaker may direct.

(6) If any motion moved under sub-rule (1) of this rule has been carried, the question upon the demand for a grant of the reduced amount alone shall be put.

On a day of voting of demands for grants, no other business allowed before two hours before adjournment of Assembly.

Motions during the voting of demands for grants.

**Presenta-
tion of
Budget in
parts.** **257.** Nothing hereinbefore contained shall be deemed to prevent the presentation of the Budget to the Assembly 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.

**Further
statement
of expendi-
ture.** **258.** (1) On a day fixed by the Speaker in consultation with the Leader of the House before the last day of the days allotted by them for the moving of demands for grants, further demands for grants may be moved :

Provided that, they are required for the purposes which in the opinion of the Government are of a very urgent nature.

(2) Such demands shall be classified according to the original demands for grants, the details being shown by sub-heads of appropriation under each grant.

(3) Such further demands shall be dealt with by the Assembly in the same manner as if they were demands for grants.

**Excess
grants.** **259.** If in respect of any financial year money has been spent on any Service for which the vote of the Assembly is necessary in excess of the amount granted for that service and for that year, a demand for the excess amount shall on a day or days fixed by the Governor be laid before the Assembly and shall be dealt with in the same manner by the Asssembly as if it were a demand for a grant.

**Supple-
mentary
demands.** **260.** (1) A supplementary statement of expenditure, if any, shall be laid before the Assembly on such day as the Governor may appoint.

(2) The Speaker, in consultation with the Leader of the House, shall allot one or more days not earlier than three days after the day allotted under sub-rule (1),—

(a) for voting on the demands for supplementary grants, or

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

(b) for discussion of the estimates of the expenditure charged upon the Consolidated Fund of the State, or

(c) for both such voting and discussion as the case may be.

(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) Half-an-hour* before the time appointed by the Speaker for the adjournment of the Assembly on the day or the last of such days, as the case may be, allotted under sub-rule (2), all discussions shall terminate and the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for supplementary grants.

(5) The consideration of the business referred to in sub-rule (2) shall not, on the day or days allotted therefore, be anticipated by any motion for adjournment or be interrupted in any manner whatsoever, nor shall any dilatory motion be moved in regard thereto.

(6) Except as otherwise provided in this rule, demands for supplementary grants shall be dealt with in the same way as if they were demands for grants.

261. When funds to meet proposed expenditure on a new service can be made available by reappropriation, a demand for the grant of a token sum may be submitted to the vote of the Assembly and, if the Assembly assents to the demand, funds may be so made available.

Token grants.

* *Vide Maharashtra Government Gazette*, Part IV-C, dated the 15th December 1995.

Vote on account.

262. (1) On any day subsequent to the presentation of the Budget but before 31st March a motion may be made for any grant in advance in respect of the estimated expenditure for a part of any financial year.

(2) Such motion shall state the total sum required, and the various amounts needed for each department or item of expenditure which composed that sum shall be stated in a schedule appended to the motion.

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

(4) Discussion of a general character shall be allowed on the motion or any amendments moved thereto but the details of the grant shall not be discussed further than is necessary to develop the general points.

(5) In order respects, a motion for vote on account shall be dealt with in the same way as if it were a demand for grant.

Vote of credit or exceptional grant.

263. (1) At any time during the financial year a motion may be made for a grant for meeting an unexpected demand upon the resources of the State or for an exceptional grant as contemplated in sub-clauses (b) and (c) of clause (1) of Article 206 of the Constitution.

(2) Exceptional grants and votes of credit shall be regulated by the same procedure as if applicable in the case of demands for grants subject to such modification, addition or omission as the Speaker may deem to be necessary or expedient.

Appropriation Bill.

264. (1) Subject to the provisions of the Constitution, the procedure in regard to an Appropriation Bill shall be the same as far Bills generally with such modifications as the Speaker may consider necessary.

(2) At any time after the introduction of an Appropriation Bill the Speaker may allot a day or days for the completion of all or any of the stages involved in the passage of the Bill by the Assembly.

(3) Half-an-hour* before the time appointed by the Speaker for the adjournment of the Assembly on the day or the last of such days, as the case may be, allotted under sub- rule (2), all discussions shall terminate and the Speaker 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 while the relevant demands for grants were under consideration.

(5) The Speaker may, in order to avoid repetition of debate, require members desiring to take part in discussion on an appropriation Bill to give intimation ** upto 5-00 p.m. on the previous working day of the specific points they intend to raise and he may withhold permission for raising such of the points as in his opinion appear to be repetitions of the matters discussed on a demand for grant or as may not be of sufficient public importance.

(6) 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*, Part IV-C, dated the 15th December 1995.

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

(7) The Speaker 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).

Money Bill. **265.** A Money Bill shall be regulated by the same procedure as is applicable in the case of an Appropriation Bill.

PART XVII

PETITIONS

Scope of Petitions. **266.** Petitions may be presented or submitted to the House with the consent of the Speaker on—

(i) a Bill which has been published under rule 116 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 cognizance 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 cognizance 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, bye-laws made by the Central Government or by State Government or an authority to whom power to make such rules, regulations, etc., is delegated.

267. Petitions to the Assembly—
 (a) must be addressed to the Assembly;
 (b) must be in respectful and temperate language ;
 (c) must not contain any offensive or defamatory expressions ; and
 (d) must be signed by the petitioner or petitioners.

Form and contents.

268. Every petition to the Assembly shall be presented by a member who shall be responsible for its contents and its genuineness.

To be presented by a member.

269. A member desiring to present a petition shall show it to the speaker and obtain his consent to its presentation. After he has obtained the consent of the Speaker, he may present it on any day after questions and before the other business for the day is entered upon.

Procedure.

270. A member presenting a petition shall confine himself to a statement in the following form :—

Member presenting may make a brief statement.

“ I present a petition signed by
 Petitioners,
 regarding ”.

No debate shall be permitted on such statement.

COMMITTEE ON PETITIONS

271. (1) As soon as may be after the commencement of the first Session of the Assembly in every year or the first Session or a newly constituted Assembly as the case may be, a Committee on Petition shall be constituted and the Committee shall consist of the Deputy Speaker, who shall be the Chairman and ten other members nominated by the Speaker.

Constitution of Committee on Petitions.

* Provided that, if the office of the Deputy Speaker is vacant, the Speaker shall nominate a member from amongst the members of the Committee to act as a Chairman till such vacancy is filled.

* Vide Maharashtra Government Gazette, Part IV-C, dated the 15th December 1995.

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

After presentation, petition to be referred to the Committee on Petitions: Examination and report by the Committee.

272. (1) Every petition after presentation by a member shall be referred to the Committee on Petitions.

(2) The Committee on Petitions shall examine every petition referred to it and shall report to the Assembly 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 Speaker 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 Speaker as the case may be, may direct.

(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.

(4) A copy of the report of the Committee on Petitions shall be despatched to each member.

PART XVIII

PRIVILEGES

(a) Questions of Privilege

Question of privilege.

273. Subject to the provisions of these rules, a member may, with the consent of the Speaker, raise a question involving a breach of privilege either of a member or of the Assembly, or of a Committee thereof.

274. A member wishing to raise 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.

275. The right to raise a question of privilege shall be subject to the following restrictions :—

Restrictions on right to raise question of privilege.

(i) not more than one question shall be raised at the same sitting; and

(ii) the question shall be restricted to a specific matter of recent occurrence.

276. (1) The Speaker, if he gives consent under rule 273 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 the leave to raise the question of privilege, make a short statement relevant thereto:

Mode of raising question of privilege.

Provided that, where the Speaker has refused his consent under rule 273 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 consent or holds that the notice of question of privilege is not in order :

Provided further that, the Speaker may, if he is satisfied about the urgency of the matter, allow a question of privilege to be raised at anytime during the course of a sitting after the disposal of questions.

(2) After the member has asked for leave of the Assembly to raise the question of privilege, the Speaker shall ask whether the member has the leave of the Assembly. If objection is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their seats, and if 20 members rise accordingly, the Speaker shall intimate that leave is granted. If less than 20 members rise, the Speaker shall inform the member that he has not the leave of the Assembly.

277. If leave under rule 276 is granted, the Speaker, 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 Speaker 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

278. At the commencement of the Assembly, or from time to time as the case may be, the Speaker shall nominate from among the members of the Assembly a Committee on Privileges consisting of not more than * fifteen members.

279. (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 Assembly.

(2) Subject to the provisions of sub-rule (1) of this rule, the report may also state the procedure to be followed by the Assembly in giving effect to the recommendation made by the Committee.

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

280. (1) Subject to the provisions of rule 178, a witness may be summoned by an order signed by the Chairman or by the Secretary and shall produce such documents as are required for the use of the Committee.

Evidence before Committee on Privileges.

(2) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

281. As soon as may be, after the report has been presented, the Chairman or any member of the Committee shall move that the report be taken into consideration.

Consideration of report.

282. Any member may give notice of an amendment to the motion for consideration of the report referred to in rule 281 in such form as may be considered appropriate by the Speaker:

Amendment.

Provided that, an amendment may be moved that the question be re-committed to the Committee either without limitation or with reference to any particular matter.

283. The Speaker 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 Assembly.

Regulation of procedure.

284. Notwithstanding anything contained in these rules, the Speaker may refer any question of privilege to the Committee of Privileges for examination, investigation or report.

Power of Speaker to refer question Privilege to Committee.

(b) Intimation to Speaker of arrest, detention, etc., and release of a member

285. When a member of the Assembly is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive order, the committing judge,

Intimation to Speaker of arrest, detention, etc., of a member.

magistrate or executive authority, as the case may be, shall immediately intimate such fact to the Speaker 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.

286. When a member of the Assembly is released on bail pending his trial or pending an appeal against his conviction or otherwise, such fact shall also be intimated to the Speaker by the authority concerned in the appropriate form set out in the Second Schedule.

Intimation to Speaker on release of a member.

287. As soon as may be, the Speaker shall, after he has received a communication referred to in rule 285 or rule 286, deal with it in the following manner :—

Treatment of communications received.

(i) if the said arrest, detention or imprisonment takes place when the House is in session, the Speaker 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 Speaker 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 Speaker shall direct such communication to be published in the “ Bulletin” for the information of the members of the Assembly.

(c) Procedure regarding service of a legal process and arrest within the precincts of the House.

288. No arrest shall be made within the precincts of the House without obtaining the permission of the Speaker.

Arrest within the precincts of the House.

289. A legal process, civil or criminal, shall not be served within the precincts of the House without obtaining the permission of the Speaker. Service of legal process.

PART XIX
OTHER MOTIONS

290. 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 Speaker, 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.

291. Communications from the Assembly to the Governor shall be made through the Speaker by formal address after motion made and carried in the Assembly. Communications to the Governor.

292. (1) The Speaker 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 Speaker shall before admitting the notice, ascertain the views of the Minister, to whose Department the motion relates.

(3) The Speaker 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 Speaker shall set down for discussion not more than four matters on any such day.

(5) If more than four notices have been received and admitted by the Speaker, 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, subject to the direction of the Speaker terminate at the end of the time allotted by the Speaker.

293. 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 Speaker. Discussion on a matter of interest.

294. (1) Notice of a motion shall be given writing addressed to the Secretary. Notice of motion.

*(2) No member shall be permitted to send notices of more than five motions during the term of the Assembly.

Provided that, if notice of any motions sent by a member is disallowed by the Speaker he may send in notices of additional motions so as not to exceed, in any case, five motions admitted in his name :

Provided further that, a member desirous of giving notice of an additional such motion, shall withdraw a notice of a motion which has already been admitted in his name.

* * **295.** [* * *]

* *Vide Maharashtra Government Gazette*, Part IV-C, dated the 15th December 1995.

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

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

Allotment of time and discussion of Motion.

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

Speaker to put question at the appointed time.

298. The provisions of rule 107 shall apply to motions made under rules 290 to *294.

Provision of rule 107 to apply to such motions.

PART XX

RESIGNATION OF SEATS IN THE ASSEMBLY

299. (1) A member who desires to resign his seat in the Assembly shall intimate in writing, under his hand, addressed to the Speaker, his intention to resign his seat in the Assembly in the following form and shall not give any reason for his resignation:—

Resignation of seats in Assembly.

“ To,
The Speaker,
The Maharashtra Legislative Assembly, Mumbai.
Sir,

I hereby tender my resignation of my seat in the Assembly with effect from forenoon/afternoon.

Yours faithfully.”

Place
Date.....

Member of the
Legislative Assembly.”

Provided that, where any member gives any reason or introduces any extraneous matter, the Speaker may, in his discretion, omit such words, phrases or matter and the same shall not be read out in the Assembly.

(2) As soon as may be, the Speaker shall, after he has received an intimation in writing from a member under his hand resigning his seat in the Assembly, inform the Assembly that such and such a member has resigned his seat in the Assmblly :

Provided that, when the Assembly is not in session the Speaker shall inform the Assembly immediately after the Assembly re-assembles that such and such a member has resigned his seat in the Assembly during the intersession period.

(3) The Secretary shall, as soon as may be, after the Speaker has received such intimation from a member resigning his seat in the Assembly, cause the information to be published in the *Gazette* and forward a copy of the Notification to the Chief Electoral Officer and to the Election Commission for taking steps to fill the vacancy thus caused.

PART XXI

SUBORDINATE LEGISLATION

Laying of regulation, rule, etc., on the Table.

300. (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, 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.

(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.

301. The Speaker 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 Speaker may consider appropriate and shall comply with these rules.

302. After an amendment is passed by the House, it shall be transmitted to the Council for its concurrence and on receipt of a message from the Council agreeing to the amendment, it shall be forwarded by the Secretary to the Minister concerned.

Transmission of amendment to Council.

303. If the Council disagrees with the amendment passed by the House or agrees subject to a further amendment thereof or proposes an amendment in substitution thereof the House may either drop the amendment or agree with the Council in the proposed amendment or insist on the original amendment passed by the House. A message in either case shall be sent to the Council. In case the House agrees to the amendment as further amended by the Council the amended amendment shall be forwarded by the Secretary to the Minister concerned.

Amendment returned by Council.

Disagree-ment between Houses. **304.** If the Council agrees to the original amendment passed by the House, it shall be sent by the Secretary to the Minister concerned but if the Council 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. **305.** If a regulation, rule, bye-law, etc., is modified in accordance with the amendment passed by the House, the amended regulation, rule, bye-law, etc., shall be laid on the Table.

PART XXII

LEAVE OF ABSENCE FROM THE SITTINGS OF THE HOUSE

Application for leave of absence. **306.** (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 Speaker.

(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.

Applica-tions to be referred to Committee. **307.** All applications under rule 306 shall stand referred to the Committee on Absence of Members from the sittings of the House.

308. The Secretary shall, as soon as may be, after a decision has been signified by the House on the recommendation of the Committee in respect of an application for leave of absence communicate it to the member.

309. If a member who has been granted leave of absence under these rules attend; the sessions 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.

310. If the Assembly 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.

311. The Secretary shall keep an Attendance Book, which shall be signed every day by the members (other than the Speaker, the Deputy Speaker or a Minister) present. A member (other than the Speaker, the Deputy Speaker or a Minister) who has not signed the Attendance Book on any day shall be presumed to have been absent from the Assembly on that day.

PART XXIII

MISCELLANEOUS

312. An official report of the proceedings of the Assembly shall published and issued under the supervision of the Secretary and a copy thereof shall be sent to every member.

313. If the Speaker 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 Assembly.

Decision of House to be communicated to member.

Lapse of unexpired portion of leave if member attends House earlier.

Communication regarding vacation of seat.

Attendance Book of Members.

Official Report of Proceedings.

Expunging of words from debates.

Papers laid on the Table.

Certified copies of speeches, statements, proceedings, etc.

Members not to give evidence before Court of Law relating to any proceedings of House or Committee.

Communication to the Assembly.

314. Papers which under any law or these rules are required to be laid on the Table of the Assembly 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.

315. (1) The Speaker 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 Speaker in this behalf:

Provided that, if the Speaker 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 312.

(3) No member shall, without obtaining prior permission of the Speaker, 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.

316. (1) Any communication intended for distribution to the members shall be in Marathi or Hindi or English and shall be sent to the Speaker; a sufficient number of copies shall be supplied for distribution to the members.

(2) The Speaker shall decide whether the communication shall be distributed to the members.

317. The members shall sit in such order as the Speaker may appoint. **Members' seats.**

318. The admission to the Assembly House and its galleries, of officials, visitors and representatives of the Press during the meetings of the Assembly, shall be regulated in accordance with regulations made by the Speaker. **Strangers.**

319. The Speaker, whenever he thinks fit may order the strangers to withdraw or any gallery to be cleared. **Powers to order withdrawal of strangers.**

320. (1) The Secretary shall attend at every meeting of the Assembly, a Select Committee and a Joint Committee appointed under rule 123 or 198 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 Assembly ;

(b) to keep a minute book, in which he shall enter a summary of the proceedings of the Assembly 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 123 or 198 in the order in which they occur ;

(d) to write all letters ordered by the Assembly, the Speaker or any Committee ; and

(e) to assist the Assembly and the Committees appointed by it, in all work connected with their duties.

(2) Subject to the orders of the Speaker, the Secretary may authorise any of his assistants to perform such of his duties as he may direct.

FIRST SCHEDULE

[See Rules 12 (5) and 106 (3)]

Ballot procedure for determining relative precedence of members for private members' resolutions

(1) The Secretary will prepare a list of all members who have given notice of 15 clear days' of their resolutions before the day allotted for the disposal of private members' resolutions.

(2) On such day as the Speaker 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.

SECOND SCHEDULE
(See Rules 285 and 286)

Form of communication regarding arrest, detention,
conviction or release, as the case may be, of a member

Place:

Date:

To,
The Speaker,
Maharashtra Legislative Assembly,
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..... Member of the Maharashtra Legislative Assembly be *arrested/detained for(reasons for the arrest or detention as the case may be.)

Shri M.L.A., was accordingly *arrested/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 Assembly 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.)

* Strike out whichever is not applicable

† Name of the Court.

C

I have the honour to inform you that Shri Member of the Maharashtra Legislative Assembly, 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 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 whichever is not applicable.

THIRD SCHEDULE

(See Rule 212)

(List of Public Undertakings**)

Home Department

- (1) Maharashtra State Police Housing and Welfare Corporation Limited

Home (Transport) Department

- (2) Maharashtra State Road Transport Corporation

Housing Department

- (3) Shivshahi Punarvasan Prakalp Limited

Revenue Department

- (4) The Maharashtra State Farming Corporation Limited.

Forest Department

- (5) Forest Development Corporation of Maharashtra Limited

Urban Development Department

- (6) City & Industrial Development Corporation of Maharashtra Limited
 (7) Maharashtra Urban Infrastructure Development Company Limited
 (8) Maharashtra Urban Infrastructure Fund Trustee Company Limited
 (9) Nagpur Mass Transport Company Private Limited
 (10) Mumbai Metro Rail Corporation Limited

Medical Education Department

- (11) Haffkine Ajintha Pharmaceuticals Limited
 (12) Haffkine Bio-Pharmaceutical Corporation Limited

Industries Department

- (13) Maharashtra Industrial Development Corporation
 (14) Maharashtra Small Scale Industries Development Corporation Limited

- (15) Maharashtra Vikrikar Rokhe Pradhikaran Limited
 (16) Development Corporation of Konkan Limited
 (17) Western Maharashtra Development Corporation Limited
 (18) Maharashtra Petrochemicals Corporation Limited
 (19) Krupanidhi Limited

Industries (Mining) Department

- (20) Maharashtra State Mining Corporation Limited
 (21) Maha Tamil Collieries Limited
 (22) MSMC Adkoli Natural Resources Limited
 (23) MSMC Warora Collieries Limited

Energy Department

- (24) Aurangabad Power Company Limited
 (25) M.S.E.B. Holding Company Limited
 (26) Maharashtra Power Development Corporation Limited
 (27) Maharashtra State Electricity Distribution Company Limited
 (28) Maharashtra State Electricity Transmission Company Limited
 (29) Maharashtra State Power Generation Company Limited
 (30) Mahaguj Collieries Limited
 (31) Maharashtra Electricity Regulatory Commission

Agriculture Department

- (32) Maharashtra Agro Industries Development Corporation Limited
 (33) Maharashtra Insecticides Limited
 (34) Maharashtra State Seeds Corporation Limited

**Animal Husbandry and Dairy Development
Department**

(35) Punyashloka Ahilyadevi Maharashtra Mendi Va Sheli Vikas Mahamandal Limited

(36) The Maharashtra Fisheries Development Corporation Limited

Co-operation Department

(37) Maharashtra Co-operative Development Corporation Limited

Marketing Department

(38) Maharashtra State Warehousing Corporation

Textile Department

(39) Maharashtra State Handlooms Corporation Limited

(40) Maharashtra State Powerlooms Corporation Limited

Cultural Affairs Department

(41) Maharashtra Film, Stage and Cultural Development Corporation Limited

Tourism Department

(42) Maharashtra Tourism Development Corporation Limited

Social Justice Department

(43) Lokshahir Annabhau Sathe Development Corporation Limited

(44) Maharashtra State Handicapped Finance and Development Corporation Limited

(45) Mahatma Phule Backward Class Development Corporation Limited

(46) Sant Rohidas Leather Industries & Charmakar Development Corporation Limited

V.J.N.T., O.B.C., S.B.C. Department

(47) Maharashtra Rajya Itar Magas Vargiya Vitta Ani Vikas Mahamandal Limited

(48) Shamrao Peje Kokan Itar Magasvarg Aarthik Vikas Mahamandal Limited

(49) Vasantao Naik Vimukta Jatis & Nomadic Tribes Development Corporation Limited

Skills Development Department

(50) Annasaheb Patil Arthik Magas Vikas Mahamandal Maryadit

Water Conservation Department

(51) Maharashtra water conservation corporation

Water Resources Department

(52) Maharashtra Krushna Khore Development Corporation.

(53) Vidarbha Irrigation Development Corporation

(54) Konkan Irrigation Development Corporation

(55) Tapi Irrigation Development Corporation

(56) Godavari Marathwada Irrigation Development Corporation

Planning Department

(57) Maharashtra Patbandhare Vittiya Company Limited

Minority Development Department

(58) Maulana Azad Alpasankyak Arthik Vikas Mahamandal Limited

Tribal Development Department

(59) Shabari Adivasi, Vitta Va Vikas Mahamandal Maryadit

General Administration Department

(60) Maharashtra Ex-Servicemen Corporation Limited

**General Administration (Civil Aviation)
Department**

(61) Maharashtra Airport Development Company Limited

(62) Mihan India Limited

(63) Nagpur Flying Club Limited

Public Works Department

(64) Maharashtra State Road Development Corporation Limited

Women and Child Development Department

(65) Mahila Arthik Vikas Mahamandal

***Motion by the Minister for Legislative Affairs passed by the Maharashtra Legislative Assembly on 6th August 1980.*

“Whereas, the Committee on Public Undertakings was entrusted with the work of examination of ten Public Undertakings under Rule 210 † of the Maharashtra Legislative Assembly Rules read with schedule III thereof and in pursuance of the Resolution passed by this House on 26th August 1972 and 14th December 1973.

And whereas, now it is considered desirable to entrust the work of taking review of all the Public Undertakings of Maharashtra Government to this Committee;

This House, therefore, resolves that the Committee on Public Undertakings should Rule 210 † the aforesaid rules the working of all the Public Undertakings, Government Bodies and Statutory Corporation existing at present and similarly of any new undertaking whenever it may be formed in future, and should carry on the functions mentioned in the said rule.”

† Since renumbered as rule 212 in Eighth Edition.

FOURTH SCHEDULE
[See Rule 244 (A) to 244 (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.	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. 4. Women and Child Welfare Department.
8	Committee on Agriculture, Food and Civil Supplies, Environment and Parliamentary 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 Development, 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

Statement showing the various stages of Bills in the Legislative Assembly of the State of Maharashtra
(See Rule 158)

Date on which report of Joint Committee or (11) Select Committee, is due	
Date on which referred to Joint Committee or (10) Select Committee, if any	
Date on which published for eliciting opinions (9) and period of publication	
Date of consideration of Bill (8)	
Date of publication of translations of Bill in the (7) Government Gazette.	
Date of publication in the Government Gazette (6)	
Date of introduction (5)	
Name of member incharge (4)	
From what source received, with number and (3) date of communication	
Title of Bill (2)	
Serial No. (1)	

Date of the Council agreeing to Bill without (21) amendments.	
Date of rejection of the Bill by the Council (20)	
Date of transmission of Bill to the Council (19)	
Date of passing (18)	
Date of consideration of Bill, clause by clause (17)	
Date of Consideration of the Bill as reported by (16) the Joint or Select Committee	
Date of presentation of Report (15)	
Date of publications of translations of Report of (14) Joint or Select Committee	
Date of publication of Report of Joint or Select (13) Committee	
Names of members of Joint or Select Committee (12)	

Date of the Council agreeing without amendments (30) to the Bill as passed for the second time by the Assembly	
Date of rejection by the Council of Bill as passed (29) for the second time by the Assembly	
Date of passing of Bill for the second time by (28) the Assembly	
Date of the Assembly agreeing to amendments (27) insisted on by the Council	
Date of return of Bill to the Assembly with a (26) message intimating that the Council insists on amendments to which the Assembly is unable to agree	
Date of agreement of the Council to Bill as (25) originally passed by the Assembly or as further amended by the Assembly	
Date of return of Bill to the Council with a (24) message intimating disagreement of the Assembly to amendments made by the Council	
Date of the Assembly agreeing to amendments (23) made or recommended by the Council	
Date of return of Bill from the Council asking (22) concurrence of the Assembly to amendments made or recommended by the Council	

Statement showing the various stages of Bills in the Legislative Assembly of the State of Maharashtra—(contd.)
(See Rule 158)

Remarks (37)	
Date of publication and number of Act (36)	
Date of assent by the Governor or the President (35)	
Date on which Bill returned for reconsideration (34) and date of reconsideration	
Date of disagreement of the Assembly to (33) amendments made by the Council in the Bill as passed for the second time by the Assembly	
Date of the Assembly agreeing to amendments (32) made by the Council in the Bill as passed for the second time by the Assembly	
Date of return of Bill as passed for the second (31) time by the Assembly from the Council asking concurrence of the Assembly to amendment made by the Council	

149
INDEX
A

ABSENCE OF MEMBERS :

Committee on, from Sittings of the House, *see* COMMITTEES,
From sittings of Committee, [R. 169], p.73.
From sittings of the House, [R. 306], p. 130.
application for leave of, [R. 306], p. 130
application to be referred to the Committee on, [R. 307], p.130.
decision of the House to be communicated to the member.
[R. 308], p. 131.

ADDRESS BY GOVERNOR :

Allotment of time for discussion of, [R. 59], p. 26.
At the time of prorogation of House or Houses, [R. 67], p. 27.
Motion of thanks on, [R. 60], p. 26.
 amendments to [R. 61], p. 26.
Government's right of reply, [R. 63], p. 27.
 Scope of discussion on, [R. 60], p. 26.
 Time-limit for speeches, [R. 64], p. 27.
Other business that may be taken up on a day allotted for
 discussion on, [R. 62], p. 26.
Under Article 175(1) of Constitution, [R. 65], p. 27.

ADJOURNMENT :

For want of quorum, [R. 49], p. 24.
Of business, [R. 37], p. 19.
Of meetings of the House, [R. 5], p. 5.

ADJOURNMENT MOTIONS :

Limit of discussion on, [R. 100], p. 41.
Limit of speeches on, [R. 100], p. 41.
Restrictions on power to make, [R. 98], p. 40.
Speaker's consent necessary to make, [R. 97], p. 40.
Time of asking leave and procedure for making, [R. 99], p. 40.
Transaction of other business after conclusion of debate on,
[R. 100(3)], p. 41.

150
INDEX
A—*conld.*

ADMISSION :

Of strangers to the House, [R. 318], p. 133.

AFFIRMATION:

By members, [R. 16], p. 12.

ALLEGATION AGAINST PERSONS :

Procedure regarding, [R.35], p. 19.

AMENDMENTS(S):

Notice of, to a Motion, [R. 29(7)(a)], p. 16.

Scope of, [R. 29], p. 16.

To Constitution of India, *See* Constitution of India.

To Bills, *See* BILLS.

To motion of thanks on Governor's Address, [R. 61], p. 26.

Withdrawal of, to Bills, *See* BILLS.

ANTICIPATING DISCUSSION:

Prohibition of, [R. 24], p. 14.

APPROPRIATION BILLS:

See under BILLS.

ARREST OF A MEMBER :

Intimation to Speaker of, [R. 285], p. 123.

Form for [Second Schedule], p. 135.

Release from [R. 286], p. 124.

Treatment of communication of, [R. 287], p. 124.

Within the precincts of the House, [R. 288], p. 124.

ASSEMBLY:

Definition of, [R. 2(a)], p.1.

Language of, [R. 22], p. 14.

Meetings of, [R. 4], p. 4.

AUTHENTICATION :

Of Bills, by Speaker, [R. 139], p.59.

—, by Deputy Speaker, [R. 140], p. 59.

151
INDEX
B

BALLOT :

- Determination of precedence of Private Members' Resolutions [R. 12(5)], p. 10.
- Procedure for determining relative precedence of Private Members' Resolutions [First schedule], p. 134.

BILLS :

- Appropriation Bill, [R. 264], p. 116.
- Authentication of, [R. 139], p. 59.
- Authentication of, in absence of Speaker, [R. 140], p. 59.
- Consideration of dependent Bill, [R. 112], p. 47.
- Dropped, [R. 156], p. 69.
- Dependent on another pending Bill, [R. 112], p. 47.
- Explanatory memorandum to, delegating legislative powers, [R. 114], p. 47.
- Financial Memorandum to, [R. 114(2)], p. 47.
- Identical, notice of, [R. 113], p. 47.
- Introduction of, [R. 115], p. 47.
- Introduction of, dependent Bill, [R. 112], p. 47.
- Money Bills, [R. 265], p. 118.
 - authentication of, in absence of Speaker, [R. 140], p. 59.
 - Procedure in case of, [R. 148], p. 63.
- Publication of, [R. 116], p. 48.
- Motions after eliciting opinion on [R. 125], p. 52.
- Motions after introduction [R. 123], p. 51.
- Motion for leave to introduce, [R. 115], p. 47.
 - Opposed, [R. 115(1)], p. 47.
 - On ground of Legislative Competence, [R. 115(1)], p. 47.
 - Rejected, [R. 118], p. 49.
- Motion for passing, rejected, [R. 118], p. 49.
- Motion for taking into consideration rejected, [R. 118], p. 49.
- Motion for withdrawal of, if opposed, [R. 155], p. 68.
- No leave for introduction necessary, in case of, passed by the Council, [R. 149(2)], p. 65.
- Notice of motion for leave to introduce, [R. 111], p. 46.
- Originating in Council, [R. 149(1)], p. 64.
 - notice to move the, [R. 149(3)], p. 65.

152
INDEX
B—contd.

BILL(S)—contd.

- passed with amendments, [R. 149(6)], p. 66.
- passed without amendments, [R. 149(5)], p. 66.
- Persons by whom motions in respect of, may be made, [R. 119], p. 49.
- Power of Speaker to correct patent errors and make consequential changes in, as passed, [R. 138], p. 59.
- Previous sanction for introduction of, [R. 120], p. 50.
 - Principle of, discussion, [R. 124], p. 52.
- Procedure consequent on consideration of amendments made by Council [R. 144], p. 61.
- Procedure for consideration of amendments made by Council [R. 143], p. 61.
- Procedure if, as passed for the second time by the Assembly is, returned by Council with amendments, [R. 147], p. 63.
- Procedure if, is again returned by the Council, [R. 145], p. 62.
- Publication of Money Bills, [R.116], p. 48.
- Publication of, other than Money Bills, [R. 116], p. 48.
- Rejection by Assembly of motions regarding, [R. 118], p. 49.
- Rejection by Council of, as passed by the Assembly for the second time or failure of Council to pass it within prescribed time, [R. 146], p. 62.
- Rejection of, by the Council or failure to pass it within the prescribed time, [R. 141], p. 60.
- Relating to the same subject-matter not to be introduced or moved within six months of rejection, [R. 157], p. 69.
- Removal of notice of identical, [R. 113], p. 47.
- Removal of Bill from Register of Bills pending in the House, [R. 118], p. 49.
- Removal of private member's Bill from Register of Bills pending in the House, [R. 122], p. 51.
- Requiring recommendation under Article 207 of the Constitution, [R. 121], p. 50.
- Returned for reconsideration, [R. 153], p. 67.
- Return of the amended, to the Assembly, [R. 142], p. 61.
- Returned to the Assembly, [R. 149(7)], p. 66.

153
INDEX
B—*contd.*

BILL(S)—*contd.*

Scope of discussion:

- on Bill as reported by Joint Committee, [R. 130(4)], p. 56.
- on Bill as reported by Select Committee, [R. 127(4)], p. 54.
- on Motion for passing of—, [R. 137], p. 59.
- Secretary to keep a list of, [R. 158], p. 69.

Select Committee on:

- composition and procedure of, [R. 126], p. 53.
- motion on presentation of report of, [R. 127(2)], p. 53.
- presentation of Report of, [R. 127(1)], p. 53.
- procedure in case of bills referred to, [R. 128], p. 54.
- when motion for reference to, shall not be made, [R. 149(4)], p. 65.

Speaker to endorse a certificate to, [R. 150], p. 66.

Statement of Objects and Reasons to, [R. 111(2)], p. 46.

Statement showing various stages of, (statement), p. 144.

Submission of, clause by clause, [R. 134], p. 57.

Submission of, to Governor, [R. 152], p. 67.

Transmission of amendments passed by Council, [R. 147], p. 63.

Translation of, Publication of, [R. 117]. p. 49.

Translation of, supply of, to members [R. 123(d)], p. 51.

Transmission of, to Council, [R. 139(2)], p. 59.

Withdrawal of amendments, [R. 135]. p. 58.

Withdrawal of [R. 154], p. 68.

BUDGET:

- Allotment of days for discussion of Demands for Grants, [R. 251], p. 112.
- Annual Financial Statement, [R. 245], p. 110.
- Demands for Grants, [R. 252], p. 112.
 - order of discussion, [R. 252(1)], p. 112.
 - may be made for reduced amounts, [R. 252], p. 112.
 - two days for discussion of each demand, [R. 252(2)], p. 112.
- Details of new schemes, etc., to be supplied to members [R. 249], p. 111.
- Discussion on, prohibited on day of presentation, [R. 245(2)], p. 110.
- Discussion of, [R. 247], p. 111.
- Exceptional grants , [R. 263)], p. 116.

154
INDEX
B—*contd.*

BUDGET—*contd.*

- Excess grants, [R. 259], p. 114.
- Finance Minister to have right of reply on, [R. 250], p. 111.
- From in which, may be presented, [R. 248], p. 111.
- Further statement of expenditure, [R. 258], p. 114.
- General discussion on, [R. 246], p. 110.
- Time-limit for speeches during, [R. 246(2)], p. 111.
- Presentation of, [R. 245], p. 111.
- Presentation of in parts [R. 257], p. 114.
- Supplementary demands, [R. 260], p. 114.
- Token grants, [R. 261], p. 115.
- Vote of credit, [R. 263], p. 116.
- Vote on Account, [R. 262], p. 116.
- Voting of Demands for grants, [R. 251], p. 112.
- Motions during the, [R. 256], p. 113.
- On a day of, no other business allowed before two hours before adjournment of Assembly, [R. 255], p. 113.

BULLETIN:

- Definition of, [R. 2 (b)], p. 1.
- Publication of communication regarding arrest of members in, [R. 287(iii)], p. 124.

BUSINESS:

- Government, [R. 13], p. 11.
- List of, [R. 15(1)], p. 11.
- Order of, for the day, [R. 15(2)], p. 11.
- Private Members, [R. 2(r)], p. 3.
 - allotment of time for, and order of transacting, [R. 12], p. 8.

BUSINESS ADVISORY COMMITTEE :

- Allocation of time order.
 - amendment to, [R. 203], p. 82.
 - disposal of outstanding matters, [R. 204], p. 83.
 - variation in, [R. 205], p. 83.
- Constitution of, [R. 200], p. 82.
- Functions of, [R. 201], p. 82.
- Report of, [R. 202], p. 82.

155
INDEX
C

CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE :

[R. 105], P- 43.

CASTING VOTE:

of Chairman of Committee, [R. 171], p. 73.

CHAIRMEN:

Panel of, [R. 8], p. 7.

CIRCULATION:

Of Bills for eliciting opinion, [R. 123(d)], p. 51.

CLEAR DAYS:

Definition of, [R. 2(c)], p. 1.

CLOSURE : [R. 38], p. 20.

COMMITTEE(S):

All strangers to withdraw when, deliberates, [R. 177], p. 75.

Applicability of general rules to, [R. 193], p. 79.

Appointment of, [R. 163], p. 71.

Availability of report to Government before presentation
[R. 184], p. 77.

Business Advisory, *see* BUSINESS ADVISORY COMMITTEE,

Business before, not to lapse on prorogation of House,
[R. 191], p. 78.

Chairman of:

appointment of, [R. 167]. p. 72.

casting vote of, [R. 171]. p. 73.

Power of, regulate procedure, [R. 190], p. 78.

Definition of, [R. 2 (d)], p. 1.

DEPARTMENTALLY RELATED STANDING COMMITTEES :

applicability of General Rules, [R. 244-H], p. 106

applicability of provisions relating to functions, [R. 244-C], p. 105

constitution of Departmentally related Standing Committees,
[R. 244-A], p. 103.

functions of, [R. 244-B], p. 104

matters not to be considered, [R. 244-K], p. 107

nature of Report, [R. 244-L], p. 107

power to have expert Opinion, [R. 244-J], p. 106

procedure relating to Bills, [R. 244-F], p. 106

procedure relating to Demands for Grants, [R. 244-E]. p. 105

quorum, [R. 244-D], p. 105

report of, [R. 244-G], p. 106

venue of sitting, [R. 244-I], p. 106

Discharge of members absent from sittings of, [R. 169], p. 73.

Evidence, report and proceedings treated as confidential,
[R. 181], p. 76.

156
INDEX
C—contd.

COMMITTEE(S)—*contd.*

For consideration of Matters of Public Importance :

discussion after presentation of report of, [R. 197], p. 79.

minute of dissent to report of, [R. 196], p. 79.

motion for appointment of, [R. 194], p. 79.

power of, to hear expert evidence, [R. 195], p. 79.

presentation of report of, [R. 197], p. 79.

General control and supervision of Speaker on working of,
[R. 187], p. 77.

May sit whilst House is sitting, [R. 174], p. 74.

Of Privileges:

amendment to report of, [R. 282], p.123.

consideration of report of, [R. 281], p. 123.

constitution of, [R. 278], p. 122.

evidence before, [R. 280], p. 123.

examination of the question by, [R. 279], p. 122.

power of Speaker to refer question of privilege to, [R. 284],
p. 123.

regulation of procedure, [R. 283], p. 123.

On Absence of Members from the Sittings of the House :

constitution of, [R. 229], p. 93.

functions of, [R. 230], p. 93.

lapsing of leave granted, [R. 309], p. 131.

motion where leave is not recommended by, [R. 232], p. 94.

pleasure of House taken where leave is recommended
[R. 231], p. 94.

On Employment Guarantee Scheme : constitution of, [R. 241],
p. 100. functions of, [R. 242], p. 100.

On Estimates:

constitution of, [R. 208], p. 85.

functions of, [R. 209], p. 86.

powers and procedure of, [R. 210], p. 86.

On Government Assurance:

constitution of, [R. 227], p. 93.

functions of, [R. 226], p. 92.

Secretary of Department to attend meetings of, [R. 228], p. 93

functions of, [R. 226], p. 92.

On Panchayati Raj:

constitution of, [R. 239], p. 98.

functions of, [R. 240], p. 98.

On Petitions:

after presentation petition to be referred to, [R. 272], p. 120.

constitution of, [R. 271], p. 119.

examination and report by, [R. 272 (2)], p. 120.

157
INDEX
C—*contd.*

COMMITTEE(S)—*contd.*

On Private Members' Bills and Resolutions :

- constitution of, [R. 214], p. 88.
- disposal of outstanding matters at the appointed hour [R. 218], p. 89.
- functions of, [R. 215], p. 88.
- motion moved in House on the report of, [R. 216], p. 89.
- notification of classification and allocation of time order (R. 217), p. 89.

On Public Accounts :

- constitution of, [R. 206], p. 83.
- control of, [R. 207], p. 84.

On Public Undertakings :

- Applicability of general rules to, [R. 213], p. 88.
- Constitution of, [R. 211], p. 87.
- Functions of, [R. 212], p. 87.

On Rights and Welfare of Women and Child :

- constitution of, [R. 243], P. 101.
- functions of the, [R. 244], P. 101.

On rules :

- constitution of, [R. 224], p. 91.
- functions of the, [R. 223], p. 91.
- laying of report of, on the Table, [R. 225], p. 92.

On Subordinate Legislation :

- constitution of, [R. 219], p. 90.
- functions of the, [R. 221], P. 90.
- rules, regulations, bye-laws, etc. to be laid before the, [R. 220], p. 90.
- Secretary of the Department to attend meetings of, [R. 222], p. 91.

On Welfare of Other Backward Classes :

- constitution of, [R. 244-M], p. 107.
- functions of, [R. 244-N], p. 107.

On Welfare of Minorities :

- constitution of, [R. 244-O], p. 108.
- functions of, [R. 244-P], p. 109.

On Marathi Language :

- constitution of, [R. 244-Q], p. 109.
- functions of, [R. 244-R], p. 110.

On Welfare of Scheduled Castes :

- constitution of, [R. 233], p. 94.
- functions of, [R. 234], p. 95.

On Welfare of Scheduled Tribes :

- constitution of, [R. 235], p. 95.
- functions of, [R. 236], p. 96.

On Welfare of Vimukta Jatis and Nomadic Tribes :

- constitution of, [R. 237], p. 97.
- functions of, [R. 238], p. 97.
- Power of, to appoint sub-committees, [R. 172], p. 74.
- Power of, to make detailed rules, [R. 189], p. 78.
- Power of, to send for persons papers and records, [R. 178], p. 75.

(G.C.P.) HB 1630—14 (700—11-2019)

158
INDEX
C—*conld.*

COMMITTEE(S)—*conld.*

- Power of Speaker to give directions, [R. 190], p. 78.
- Power to make suggestions on procedure, [R. 188], p. 78. .
- Presentation of report of, [R. 185], p. 77.
- Printing, publication or circulation of report of, prior to its presentation to House, [R. 186], p. 77.
- Procedure for examining witnesses before, [R. 179], p. 75.
- Quorum of, [R. 168], p. 73.
- Record of decisions of, [R. 180], p. 76.
- Reports of, [R. 183], p. 76.
- Resignation from [R. 166], p. 72.
- Secretary of [R. 167 (4)], p. 73.
- Sittings of, [R. 173], p. 74.
- Sittings of, in private, [R. 175], p. 74.
- Special reports of, [R. 182], p. 76.
- Term of office of, nominated by the Speaker, [R. 165], p. 72.
- Unfinished work of, [R. 192], p. 78.
- Venue of sittings of, [R. 176], p. 74.
- Voting, [R. 170], p. 73.

COMMUNICATIONS :

- Regarding arrest, detention, conviction or release of members, [R. 285-286], p. 123 and 124.
- form of, (Second Schedule), p. 135.
- treatment of, [R. 287], p. 124.
- Regarding vacation of seat, [R. 310], p. 131.
- To the Assembly, [R. 316], p. 132.
- To the Governor, [R. 291], p. 125.

COMPTROLLER AND AUDITOR GENERAL :

- Reports of scrutiny by Public Accounts Committee, [R. 207(1)], p. 84.

CONSTITUTION OF INDIA :

Amendment—

- ratification and discussion of, [R. 160-161], p. 70.
- message to Parliament [R. 162], p. 70.
- Definition of, [R. 2(e)], p. 2.
- Words and expressions used in, [R. 2(x)], p. 4.

COUNCIL :

- Definition of, [R. 2(f)], p. 2.

159
INDEX
D

DEBATES:

- Allegation against persons in, [R. 35], p. 19.
- Expunging of words from, [R. 313], p. 131.
- Irrelevance or repetition in, [R. 52], p. 24.
- Limitations on, [R. 34], p. 18.
- On motions, [R. 32], p. 17.

DELEGATED LEGISLATION:

- Explanatory memorandum to Bills, [R.114], p. 47.

Demands for Grants:

- See* BUDGET.

DEPUTY SPEAKER:

- Authentication of bills by, in absence of Speaker, [R. 140], p. 59.
- Delegation of powers to, [R. 10], p. 7.
- Election of, [R. 7], p. 7.

DIVISION:

- By Automatic Vote Recorder, [R. 42], p. 22.
- Procedure regarding [R. 41], p. 21.
- Result of, not to be challenged, [R. 41(7)], p. 22.
- Sittings of committees to be suspended in the event of, [R 174], p. 74.

E

ELECTION:

- Of Deputy Speaker, [R. 7], p. 7.
- Of Speaker, [R. 6], p. 5.

ELECTION COMMISSION:

- Resignations of members intimated to, [R. 299(3)], p. 128.
- Vacation of seats by members intimated to [R. 310], p. 131.

EMPLOYMENT GUARANTEE SCHEME COMMITTEE :

- See* under COMMITTEES:

ESTIMATES COMMITTEE:

- See* under COMMITTEES:

EVIDENCE :

- Before Committees,
- See* under COMMITTEES.

160
INDEX
E—*conld.*

EXCEPTIONAL, GRANTS:

- See* BUDGET.

EXCESS GRANTS:

- See* BUDGET.

EXPUNGING OF WORDS:

- See* under DEBATES.

F

FINANCE MINISTER:

- Definition of, [R. 2(g)], p. 2,
- See* also BUDGET.

FINANCIAL MEMORANDUM:

- To Bills other than Private Members' Bills [R. 114(2)], p. 47.

FORMS :

- Communications regarding arrest, detention, conviction or release of members (Second Schedule), p. 135-136.

G

GAZETTE:

- Definition of, [R. 2(4)], p. 2.

GOVERNOR:

- Address by, *See* ADDRESS BY GOVERNOR.
- Bills requiring recommendation of, under Article 207 of the Constitution, [R. 121], p. 50.
- Communications to the [R. 291], p. 125.
- Messages by, [R. 66], p. 27.
- Submission of Bills to, [R. 152], p. 67.

GOVERNOR'S ORDINANCES:

- Discussion of, [R. 159], p. 69.

GOVERNMENT ASSURANCES:

- Committee on, *See* under COMMITTEES.

GOVERNMENT BILLS :

- Member-in-charge, [R. 2(1)], p. 2.

GOVERNMENT BUSINESS:

- Definition of, [R. 2(i)], p. 2.
- See* also BUSINESS:

161
INDEX
H

HALF-AN-HOUR DISCUSSION:

- Admissibility of, [R. 94 (3)], p. 37.
- Allotment of time for [R. 94(1)], p. 37.
- No formal motion nor voting on, [R. 94(5)], p. 38,
- Notice of, [R. 94(2)(a)], p. 37.
- Relative precedence of notices, [R. 94(4)], p. 37.
- Supporter of notice of, to initiate, [R. 94(5)], p. 38.

HOUSE(S):

- Adjournment of, [R. 5], p. 5.
- Admission of strangers to, [R. 318], p. 133.
- Arrest within the precincts of, prohibited, [R. 288], p. 124.
- Definition of, [R. 2(j)], p. 2.
- Preservation of order in the sittings of, [R. 51], p. 24.
- Prorogation of, [R. 67], p. 27.
- Service of legal process within the precincts of, prohibited [R. 289], p. 125.
- Suspension of sittings of, by the Speaker, [R. 54], p. 25.
- Withdrawal of members from sittings of, [R. 53], p. 25.

J

JOINT COMMITTEE(S):

- Appointed on motion passed by Council, [R. 199], p. 81.
- In case of Bills originating in the Council, [R. 132], p. 57.
- Lapse of notices of amendments when Bill is referred or re-referred to, [R. 133], p. 57.
- Of Both Houses on matters of public importance, [R. 198], p. 80.
- Procedure if, is appointed, [R. 129], p. 55.
- Procedure in case of Bills re-referred to, [R. 133], p. 57.

REPORT OF:

- Motion after presentation of, [R. 130(2)], p. 55.
- Presentation of, [R. 130(1)], p. 55.
- Speaker's power to appoint, [R. 2(d)], p. 1.

162
INDEX
L

LIMITATIONS ON DEBATES, [R. 34], p. 18.

LIST OF BUSINESS, [R. 15(1)], p. 11.

LANGUAGE:

of the Assembly, [R. 22], p. 14.

M

MATTERS OF PUBLIC IMPORTANCE :

- Committee for consideration of, *See* COMMITTEES.
- Joint Committees of both Houses on, *See* JOINT COMMITTEES.
- Statement by a Minister on, [R. 47], p. 24.

MATTER OF PUBLIC INTEREST:

- Discussion on, [R. 293], p. 126.
- Notice of motion for discussion on, [R. 294], p. 126.

MATTER OF URGENT PUBLIC IMPORTANCE :

- Admissibility of discussion, [R. 102], p. 42.
- Calling attention to [R. 105], p. 43.
- No formal motion for voting on, [R. 103], p. 42.
- Notice of raising discussion on, [R. 101], p. 42.
- Pending last day of Session, [R. 105(3)], p. 43.
- Time limit for speeches, [R. 104], p. 43.

MATTER(S) :

- Allegation against other persons by, prohibited, [R. 35], p. 19.
- Application by, for leave of absence, [R. 306], p. 130.
- Arrest, detention *etc.*, of [R. 285], p. 123.
- Attendance book of, [R. 311], p. 131.
- Definition of, [R. 2(k)], p. 2.
- Discharge of, absent from sittings of Committee, [R. 169], p. 73.
- Interruption of, speaking, [R. 31], p. 17.
- Irrelevance or repetitions by, [R. 52], p. 24.
- Not to give evidence before Court of Law relating to any proceedings of House of Committee, [R. 315(3)], p. 132.
- Notice to, [R. 19], p. 13.
- Oath or affirmation by, [R. 16], p. 12.

163
INDEX
M—*contd.*

MEMBER(S)—*contd.*

- Personal explanations by, [R. 48], p. 24.
- Release of, [R. 286], p. 124.
- Resignation by, from Committee, [R. 166], p. 72.
- Resignation by, of seats in Assembly, [R. 299], p. 127.
- Right of speech and reply of, [R. 32], p. 17.
- Seats of, [R. 317], p. 133.
- Speech not to be read by, [R. 36], p. 19.
- Summons to, [R. 31], p. 17.
- To resume his seat when speaker stands or a point of order is raised, [R. 30], p. 16.
- To rise when speaking, [R. 30(1)], p. 16.
- Withdrawal of, [R. 53], p. 25.

MEMBER-IN-CHARGE :

- Definition of, [R. 2(i)], p. 2.

MESSAGES:

- By Governor, [R. 66], p. 27.

MINISTER(S):

- Cannot be appointed as member of certain committees [R. 163(1)], p. 71.
- Definition of, [R. 2(m)], p. 3.
- Motion of no-confidence in, [R. 95], p. 38.
- Resignation by, [R. 96], p. 39.
- Statement by, on matters of public importance, [R. 47], p. 24.
- Statement by, on matters of urgent public importance, [R. 105(3)], p. 43.

MINUTES OF DISSENT:

- To report of Committee for consideration of matters of public importance, [R. 196], p. 79.
- To report of Select Committee on Bills, [R. 126(3)], p. 53.

MONEY BILLS: *See* under BILLS.

MOTION(S):

- Admissibility of, [R. 23], p. 14.
- Allotment of time and discussion, [R. 296], p. 127.
- Amendments to, [R. 29], p. 16.
- Anticipatory, [R. 24], p. 14.

164
INDEX
M—*could.*

MOTIONS(S)—*could.*

- Closure, [R. 38], p. 20.
- Copy of, not to be sent with fresh notice, [R. 21], p. 13.
- Copy of to be sent to Government, when passed, [R. 46], p. 23.
- Definition of, [R. 2(n)], p. 3.
- Disallowance or amendment by Speaker, [R. 25], p. 15.
- Division of, [R. 40(3)], p. 21.
- For Adjournment of Debate, *See* ADJOURNMENT MOTIONS.
- For appropriation, [R. 253], p. 112.
- For consideration of policy, situation or statement, [R. 43], p. 23.
- For discussion of reports, [R. 2(r)], p. 3; [R. 12(2)(a)(iv)], p. 9.
- For removal of Speaker, [R. 11], p. 8.
- Lapse of, on prorogation, [R. 20], p. 13.
- Moving of, [R. 27], p. 15.
- Notice of, for leave to introduce a Bill [R. 111], p. 46.
- Not to be published until admitted, [R. 26], p. 15.
- Of congratulation or condolence, [R. 14], p. 11.
- Of thanks on Address by Governor.
See ADDRESS BY GOVERNOR
- On the last day of a Session, [R. 292], p. 125.
- Procedure when, is adjourned *sine die*, [R. 44], p. 23.
- Provisions of rule 107 to apply to, [R. 298], p. 127.
- Regarding want of confidence in Ministry, [R. 95], p. 38.
- Repetition of, prohibited, [R. 95], p. 38.
- Repetition of, prohibited, [R. 45], p. 23.
- Statutory, [R. 290], p. 125.
- Withdrawal of, [R. 39], p. 20.

N

NOTICE (S):

- Giving of, [R. 18], p. 12.
- Of motion for leave to introduce a Bill, [R. 111], p. 46.
- Of starred questions, [R. 74], p. 31.
- Lapse of pending, on prorogation of House, [R. 201], p. 82.
- Speaker's power to dispense with, [R. 55], p. 25.
- To members, [R. 19], p. 13.

165
INDEX
O

OATH OR AFFIRMATION :

By members, [R. 16], p. 12.

OFFICIAL REPORT:

Of proceedings, [R. 312], p. 131.

ORDINANCE(S):

Discussion of Governor's [R. 159], p. 69.

ORIGINATING HOUSE:

Definition of, [R. 2(0)], p. 3.

P

PANCHAYATI RAJ COMMITTEE :

See under COMMITTEES.

PANEL OF CHAIRMEN, [R.8,] p. 7.

PAPERS:

Laid on the Table, [R. 314], p. 132.]

PERSONAL EXPLANATION :

By members, [R. 148], p. 63.

PERSONS PRESIDING:

Powers of, [R. 9], p. 7.

PETITION(S):

Committee on, *See* under COMMITTEES.

Form and contents of, [R. 267], p. 119.

Member presenting, may make brief statement, [R. 270], p.119.

Procedure for presenting, [R. 269], p. 119.

Scope of, [R. 266], p. 118.

To be presented by member, [R. 268], p. 119.

POINTS OF ORDER:

Decision on [R. 50], p. 24.

PRECINCTS OF THE HOUSE :

Definition of,[R. 2(p)], p. 3.

PRESIDENT:

Previous sanction of, to introduce a Bill or move an amendment
[R. 120], p. 50.

166
INDEX
P—*conld.*

PRIVATE MEMBER:

Definition of, [R. 2 (q)], p. 3.

PRIVATE MEMBERS' BUSINESS:

Definition of,[R. 2(r)], p. 3.

See also under BUSINESS.

PRIVATE MEMBERS' RESOLUTION:

See RESOLUTIONS.

PRIVILEGES QUESTIONS OF:

Mode of raising, [R. 276], p. 121.

Notice of, [R. 274], p. 121.

Raising of, [R. 273], p. 120.

Reference of, to Committee on Privileges, or House by Speaker,
[R. 277], p. 122.

Restrictions on right to raise, [R. 275], p. 121.

See also under COMMITTEES.

PROROGATION OF THE HOUSE :

Address by Governor at the time of, [R. 67], p. 27.

Effect of, on pending business, [R. 20], p. 13.

PUBLIC ACCOUNTS COMMITTEE:

See under COMMITTEES.

PUBLIC UNDERTAKINGS COMMITTEE:

See under COMMITTEES.

PUBLICATION:

Of Bills, [R. 116], p. 48.

Of report of Committee prior to its presentation to House
[R. 186], p. 77.

Of Select Committee Report on Bills, [R. 126(3)], p. 53.

PUTTING OF THE QUESTION :

Motion for, [R. 23(1)]. p. 14.

Proposing and, [R. 28], p. 16.

When an amendment to motion is moved, [R. 40], p. 20.

167
INDEX
Q

QUESTION(S):

- Allotment of days for oral answers to, [R. 78], p. 32.
- Authority to ask, [R. 88], p. 35.
- Clubbing of short notice, [R. 87], p. 35.
- Clubbing of starred questions, [R. 77(2)], p. 31.
- Disallowance or amendment by Speaker, [R. 71], p. 29.
- First hour of sitting available for, [R. 17], p. 12.
- Form and Contents, [R. 70], p. 28.
- Form of notice of, [R. 75], p. 31.
- Half-an-hour Discussion on answers to, [R. 94], p. 37.
- Hour for asking and answering, [R. 17], p. 12.
- Lapse of, [R. 85], p. 33.
- List of, [R. 81], p. 32.
- Member entitled to oral answers to three, on a day, [R. 77(1)], p. 31.
- Mode of asking, [R. 84], p. 33.
- Notice of starred, [R. 74], p. 31.
- Notice to Ministers of, [R. 76], p. 31.
- Not to be published before it is answered, [R. 92], p. 36.
- On matters of correspondence with the Government of India, [R. 69], p. 28.
- Order for, oral answers to, [R. 77(3)], p. 32.
- Order in which to be called, [R. 82], p. 32.
- Pending notices of unstarred questions, [R. 20], p. 13.
- Period of notice of starred, [R. 74], p. 31.
- Prohibition of Discussion on, [R. 91], p. 36.
- Short-Notice, [R. 86], p. 34.
- Speaker to decide if, is to be treated as starred or unstarred, [R. 73], p. 30.
- Speaker to decide later date for answers to, [R. 79], p. 32.
- Starred, [R. 72(1)], p. 30.
- Subject-matter of, [R. 68], p. 27.
- Supplementary, [R. 90], p. 36.
- To private members, [R. 93], p. 36.
- Unstarred, [R. 72(2)], p. 30.
- to be answered within 30 days, [R. 72(2)], p. 30.
- Withdrawal or postponement of, [R. 83], p. 33.
- Written answers to, not replied orally, [R. 80], p. 32.

168
INDEX
Q—*conld.*

QUESTION TIME, [R. 17], p. 12.

QUORUM :

- Adjournment for want of, [R. 49], p. 24.
- Of Committees. [R. 168], p. 73.

R

RECOGNISED PARTIES:

- Definition of, [R. 2(s)], p. 3.

REPETITION:

- Of motions, [R. 45], p. 23.
- Of resolutions, [R. 109], p. 46.
- Of speeches, [R. 52], p. 24.

REPORTS:

- Motion for discussion of, [R. 2(n)], p. 3, [R. 12(2) (a) (*xiv*)], p. 10.

RESIGNATION:

- From Committee, [R. 166], p. 72.
- Minister's, [R. 96], p. 39.
- Of seats in Assembly by members, [R. 299(1)], p. 127.
 - intimation by Speaker to Assembly regarding, [R. 299(2)], p. 128.
 - intimation to Election Commission of, [R. 299(3)], p. 128.
 - publication in Gazette of, [R. 299(3)], p. 128.

RESOLUTIONS(S):

- Definition of, [R. 2(t)], p. 3.
- Form of contents, [R. 107], p. 45.
- Government, [R. 110], p. 46.

Notice of, and order of moving, [R. 106], p. 44.

- Relative Precedence of private members', [R. 12(5)], p. 10.
- Repetition of, [R. 109], p. 46.
- Time-limit of speeches on, [R. 107], p. 45.

RIGHT OF REPLY:

- Of Mover of Motion, [R. 32(3)], p. 17.

169
INDEX
R—*contd.*

RULES:

- Definition of, [R. 2(u)], p. 4.
- Suspension of [R. 57], p. 25.

S

SCHEDULE(S):

- First, p. 134.
- Second, p. 135.
- Third, p. 137.
- Fourth, p. 142.

SECRETARY OF THE ASSEMBLY :

- Definition of, [R. 2(v)], p. 4.
- Duties of, [R. 320], p. 133.
- Shall be ex-officio Secretary of Committee, [R. 167(4)], p. 73.
- Summons to members to be issued by, (R. 3), p. 4.
- To keep a list of Bills, [R. 158], P. 69.

SELECT COMMITTEE ON BILLS :

See under BILLS.

SERVICE OF LEGAL PROCESS :

Within the precincts of the House, prohibited, [R. 289], p. 125.

SHORT NOTICE QUESTIONS :

See under QUESTIONS.

SPEAKER :

- Authentication of Bills by, [R. 139], p. 59.
- Disallowance or amendment of motion by, [R. 25], p. 15.
- Disallowance or amendment of questions by, [R. 71], p.. 29.
- Election of [R. 6], p. 5.
- General Control and Supervision of, on Working of Committees [R. 187], p. 77.
- General powers of, [R. 58], p. 25.
- Intimation to, of arrest, detention, etc., of a member, [R. 283], p. 123.
- Intimation to, on release of a member, [R. 286], p. 124.
- Member to resume his seat when stands. [R. 30(2)], p. 17.

170
INDEX
S—*contd.*

SPEAKER—*contd.*

POWER OF:

- to adjourn business, [R. 56], p. 25.
- to appoint Joint Committees, [R. 2(d)], p. 1.
- to correct patent errors and make consequential changes in a Bill as passed, [R. 138], p. 59.
- to dispense with notice, [R. 55], p. 25.
- to give directions to Committee, [R. 190], p. 78.
- to order publication of Bill, other than Money Bill, [R. 117], p. 49.
- to order withdrawal of member, [R. 53], p. 25.
- to order withdrawal of strangers, [R. 319], p. 133.
- to preserve order, [R. 51], p. 24.
- to refer question of Privilege to Committee, [R. 284], p. 123.
- to suspend sitting of House, [R. 54], p. 25.
- Removal of from office, [R. 11], p. 8.
- To endorse a certificate to Bill, [R. 150], p. 66.

SPEECHES :

- Certified copies of, [R. 315], p. 132.
- Duration of, on motions, [R. 33], p. 18.
- Irrelevance or repetition, [R. 52], p. 24.
- Of allegation, defamation, etc., prohibited, [R. 35], p. 19.

STATEMENT(S) :

- By Minister who has resigned, [R. 96], p. 39.
- On matter of public importance by Minister, [R. 47], p. 24.
- showing various stages of Bills (statement), p. 144.

STATUTORY MOTION(S):

- Definition of [R. 2(w)], p. 4.
- See* also under MOTIONS.

STRANGERS:

- Admission of, to the House, [R. 318], p. 133.
- Withdrawal of, [R. 319], p. 133.

SUBORDINATE LEGISLATION :

- Committee on, *See* COMMITTEES.
- Explanatory memorandum to Bills delegating legislative power [R. 114], p. 47.

171
INDEX
S—*conld.*

SUBORDINATE LEGISLATION—*contd.*

Procedure regarding, [R. 300-305], pp. 128-130.

allotment of time for discussion of amendment, [R. 301], p.

129. amendment returned by Council, [R. 303], p. 129.

disagreement between Houses, [R. 304], p. 130.

laying of regulation, rule, etc., on the Table, [R. 300], p. 128.

regulation, rule, etc., as amended to be laid on the Table,
[R. 305], p. 130.

transmission of amendment to Council, [R. 302], p. 129.

SUMMONS :

To members, [R. 3], p. 4.

SUPPLEMENTARY DEMANDS:

See BUDGET.

SUPPLEMENTARY QUESTIONS:

See QUESTIONS.

SUSPENSION :

Of rules, [R. 57], p. 25.

Of sittings of the House by the Speaker, [R. 54], p. 25.

T

TABLE:

Laying of regulation, rule, etc., on the, [R. 300], p. 128.

Laying of Report of Rules Committee on the, [R. 225], p. 92.

Papers laid on the, [R. 314], p. 132.

Regulation, rule, etc., as amended to be laid on the, [R. 305], p. 130.

TIME-LIMIT FOR SPEECHES:

On discussion for short duration on matters of urgent public
importance, [R. 104], p. 43.

On Governor's Address and messages, [R. 64], p. 27.

On Resolution, [R. 108], p. 45.

172
INDEX
T—*conld.*

TOKEN GRANTS:—*conld.*

See under BUDGET.

U

URGENT PUBLIC IMPORTANCE :

Calling attention to matters of, [R. 105], p. 43.

Discussion on matters of, for short duration, [R. 101-104],
pp. 42-43.

V

VACATION OF SEATS IN ASSEMBLY :

Communication regarding, [R. 310], p. 131.

VOTE OF CREDIT :

See BUDGET.

VOTE ON ACCOUNT :

See BUDGET.

VOTING OF DEMANDS FOR GRANTS :

See BUDGET.

W

WELFARE OF OTHER BACKWARD CLASSES, WELFARE OF
SCHEDULED CASTES COMMITTEE, WELFARE OF
SCHEDULED TRIBES COMMITTEE AND WELFARE OF
VIMUKTA JATIS AND NOMADIC TRIBES COMMITTEE :
See under COMMITTEES.

WITHDRAWAL :

Of a Bill, [R. 154], p. 68.

Of members from the House, [R. 53], p. 25.

Of motions, [R. 39], p. 20.

Of strangers, [R. 319], p. 133.

WITNESSES :

Confidential nature of evidence of, [R. 181], p. 76.

Procedure for examining, before a Committee, [R. 179], p. 75.