

CHAPTER - VI**RULES OF PROCEDURE OF THE ASSEMBLY**

Rules at the commencement: - At the commencement of this Assembly the Rules of Procedure which governed the conduct of business in the Legislative Assembly were the same as those that were in force immediately before the commencement of the Constitution of India with modifications and adaptations made by the Speaker under clause (2) of Article 208 of the Constitution.

Appointment of Committee to suggest amendments:- For the purpose of formulating the necessary rules for regulating the procedure and conduct of business, under Article 208 (1) of the Constitution a Committee consisting of eighteen members was constituted by a motion made in the Assembly on the 31st July 1952. Before this Committee took up the consideration of the subject there occurred a change in the composition of the Madras Legislative Assembly consequent on the formation of the Andhra State with effect from the 1st October 1953, and a new Committee of fifteen members was constituted by a motion made in the Assembly on the 24th December 1953 in lieu of the one constituted in 1952. The Committee met on four days and its report was presented to the House on the 8th December 1954.

Changes made by the Committee: - The Committee recommended some important changes in the Rules of Procedure of the Assembly. Provision has been made for the formation of the following new committees:-

- (1) Committee on Estimates;
- (2) Business Advisory Committee;
- (3) Committee on Subordinate Legislation; and
- (4) Committee on Government Assurances.

A rule has been added to the effect that when the Houses of the Legislature were assembled together or when the members of the Assembly alone had assembled under Article 175 or Article 176 of the Constitution to hear the Address of the Governor, no member should obstruct or interrupt the Address either before or during or after the address with any speech or point of order or in any other manner and that such obstruction or interruption shall be regarded as a gross breach of order of the House and shall be dealt with by the Speaker as such at the next sitting of the Assembly.

A new provision has been made providing for members to call the attention of a Minister to any matter of urgent public importance and for such Minister to make a brief statement thereon and also enabling a Minister to make a statement himself on such a matter with the consent of the Speaker.

Another provision has also been introduced in the rules which enable a member to raise a discussion for not more than an hour on an important matter of administration.

New provisions have been added making it obligatory for a Financial Memorandum in the case of Bills involving expenditure from the Consolidated Fund of the State and a Memorandum. Explaining the scope of the legislative power delegated to government in the case of Bills involving proposals for the delegation of legislative power.

Several other changes were also made to extend the rights of the House and make its control over the Executive more effective.

Discussion and adoption by the Assembly:-The rules were discussed and passed on the 8th, 9th and 11th December 1954 in the Assembly and came into effect from the 15th December 1954, when the Speaker announced that he had signed the authorized copy of the new Rules. The Rules were published subsequently in the Fort St. George Gazette.

Further amendments to Rules.-On the 23rd August 1955, leave of the House was taken to amend the Madras Assembly Rules and a Committee consisting of 18 members was constituted. The report of the Committee was presented by the Leader of the House on the 30th September 1955 and the House approved the amendments suggested by the Committee. The amendments came into force from that day.

The following are the salient features of the amendments made:-

As a consequence of the amendment made to the rule regarding prorogation of the Assembly, viz, that on prorogation all pending notices and business shall be carried over to the next session, the number of pending resolutions and questions became unwieldy and questions which were answered in the House after a long delay had lost their topical interest. It was therefore decided to revert to status quo ante and the rule was again amended accordingly.

When the rules were revised in 1954 a number of Committees of the House were set up. The rules regarding these Committees were amended so as to make their procedure uniform, viz, that except as specially provided for in the Rules they shall generally follow the same procedure as a Select Committee and that, there shall be no minute of dissent to reports of these Committees.

Another important amendment is that investing the Speaker with the power to approve of the venue of a Committee outside the Assembly precincts.

CHAPTER - VII**OFFICIAL REPORT OF THE PROCEEDINGS OF THE ASSEMBLY**

(i) Meetings:- During the period 1952-57, the Assembly met on 314 days, for 1,571 hours and 33 minutes. The Assembly meets on all days of the week except Sundays and Public Holidays. Though according to Rules the House has to meet between 11 a.m and 5 p.m. the House met some times even at 8.am. and adjourned at 12 midnight.

(ii) language of the house:- Under rule 60 of the Madras Assembly Rules, the business of the Assembly shall be transacted in English provided that any Member may address the Assembly in any recognized language of the State or in Hindi. The speaker may also permit any Member who cannot adequately express himself in any of the above languages to address the Assembly in his mother tongue. Tamil, Telugu, Malayalam, Kannada and Hindustani have been recognized as languages of the state. There were occasions on which a Member spoke in five different languages. Most of the Kannada Members spoke in English and there were only six Kannada speeches during the period.

(iii) Official Report of the House:- An official Report of the day-to-day proceedings of the Assembly is published under the supervision of the Secretary and is made available to every Member and to Government Departments and National Libraries. They are exchanged with other Legislatures on a reciprocal basis and are also available for sale to the public.

(iv) Reporting in Languages:- At the beginning, there was provision for the reporting of the proceedings in English, Tamil and Telugu. On the formation of the new State of Andhra, the Telugu Reports were allotted to the Andhra State. As the need for a Malayalam Reporter was felt, one Malayalam Reporter was appointed in December 1953 and the post was abolished with effect from 31st October 1956 consequent on the reorganization of States.

(v) language speeches:- The duration of English speeches was 969 hours and 55 minutes, Tamil speeches 466 hours and 34 minutes. Telugu speeches, 83 hours and 43 minutes, Kannada speeches about an hour and Malayalam speeches 50 hours and 21 minutes, covering in all about 31,751 pages of printed matter. A statement showing the duration of speeches in each language yearwar Andan analysis of the Member of speeches made by the members is given in Section II-[Table No.IX](#).

(vi) Expunging of words:- There was no specific provision in the Madras Legislative Assembly Rules till it was revised in 1954 for the expunging of words considered unparliamentary or undignified from the official report of the proceedings of the House.

On the 5th July 1952, when putting a supplementary question, a Member cast certain aspersions on a particular category of Government officers. The Chief Minister immediately moved a motion that the portion relating to these aspersions he expunged from the proceedings. The motion was carried and the objectionable portion was expunged from the proceedings.

On the 18th December 1953, while participating in the general discussion on the Budget, a Member made certain remarks about the Governor and the Minister for Finance also replied to these remarks. The Speaker ordered the expunction of this portion of the debate and made an announcement to that effect on the 22nd December 1953.

It is now provided in the Madras Legislative Assembly Rules as revised that 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 official report of the proceedings of the House, and all consequential alterations made in such report and make an announcement in the Assembly of the fact of his having made such an order.

On the 26th December 1956, while putting supplementary questions on a question relating to the construction of an air base in Ramanathapuram district to perpetuate the memory of Katta Bomman, a member used certain words about him. Representation were made by certain other Members that these words should be expunged and the Speaker made an announcement on the 29th September 1956 that he had directed the words used by the member to be expunged from the official proceedings of the House as being offensive and unparliamentary and that all consequential alterations be made in the official report.

CHAPTER - VIII

ELECTIONS BY MEMBERS

(1) PRESIDENTIAL ELECTION

Under Article 54 of the Constitution of India, the President of the Indian Union is to be elected by the Members of an electoral college consisting of the elected members of both Houses of Parliament and the elected members of the Legislative Assemblies of the States. The conduct of the election is governed by the provisions of the Presidential and Vice-Presidential Elections Act, 1952, and the rules made thereunder. For the first Presidential election in 1952 the polling was held on the 2nd May 1952. The Secretary to the Legislature usually acts as the Assistant Returning officer to this election. Elected Members of the Legislative Assembly and some Members of Parliament elected from Madras polled their votes. Some Members of Parliament elected from other States also polled their votes here on Special permits issued by the Election Commission.

(2) INDIRECT ELECTIONS TO THE LEGISLATIVE COUNCIL AND THE COUNCIL OF STATES

(a) Council of States

Under Article 80 of the Constitution of India, the Council of States is to consist of 12 Members to be nominated by the President and not more than 238 representatives of the states who shall be elected by the elected members of the Legislative Assemblies of the States in accordance with the system of proportional representation by means of the single transferable vote. When the Council of States was first constituted in 1952 after the General Elections, it had 204 representatives from the States of which 27 seats were allotted to the Madras State. As one-third of the Members had to retire every two years these 27 members were divided into three groups 'as decided by lot' retiring in April of 1954, 1956 and 1958 respectively. On the first October 1953 when the Andhra State was formed, 9 of these

members were allotted as representatives of Andhra State and the other 18 members were allotted as representatives of the Madras State.

The number of representatives allotted to the Madras state again underwent a change consequent on the reorganization of States with effect from 1st November 1956. It was reduced from 18 to 17. Three of the 18 existing representatives were allotted as representatives of the new Kerala State and one Member of the Rajya Sabha representing the Tamil area transferred to this State from the former Travancore-Cochin State was allotted to this State. A bye-election was held in December 1956 to fill up the resulting vacancy.

Biennial election:- As one-third of the Members have to retire every two years, the President issues a notification under section 12 of the Representation of the People Act, 1951, on such date as may be recommended by the Election Commission calling upon the elected Members of the Legislative Assembly to elect persons to fill the seats of Members retiring on the expiration of their term of office. The Secretary and one of the Assistant Secretaries of the Legislature Department are usually appointed by the Election Commission as the Returning and Assistant Returning Officer respectively for conducting the biennial elections. A list of elected Members of the Assembly in the prescribed manner and form is maintained by the Returning Officer and copies of this list are made available for sale.

The place selected as the polling station and the hours of poll are duly notified in the Official Gazette and are also communicated to each elected Member of the Assembly. Generally, these biennial elections are held when the House is sitting. For casual bye-elections also a similar procedure is followed except for the fact that the notification calling on the elected members to fill the vacancies is issued by the Election Commission instead of by the President.

(b) The Legislative Council

Under Article 171, as it stood originally, the total number of Members in the Legislative Council shall not exceed one-fourth of the total number of Members in the Legislative Assembly of that State and of the total number of Members of the Legislative Council, as nearly as may be, one-third shall be elected by the Local Authorities Constituencies, one-twelfth shall be elected by the Graduates' Constituency, one-twelfth by the Teachers' Constituency, one-third by the Members of the Legislative Assembly from among persons who are not Members of the Assembly and the rest shall be nominated by the Governor. This Article has now been amended so that the number of members of the Legislative Council shall not exceed one-third of the total number of Members of the Legislative Assembly.

When the Legislative Council was constituted afresh under the Constitution in 1952, it had 72d Members. As a third of the Members of the Council elected from the various constituencies as well as those nominated by the Governor retire at the end of every two years, the terms of office of the members were decided by lots drawn according to the orders issued by the Governor of Madras in consultation with the Election Commission under section 156 of the Representation of People Act, 1951.

When the Andhra State was formed with effect from the 1st October 1953, the number of seats in the Madras Legislative Council was reduced to 51. Their period of office was again determined under the provisions of the Andhra State Act, 1953. The number of seats in

the Legislative Council again underwent a change consequent on the reorganization of the State with effect from the 1st November 1956. There are now 50 members in the Legislative Council.

Biennial elections:- As regards biennial elections of members to the Council elected by the Members of the Assembly and bye-elections, the same procedure as in the case of indirect elections to the Rajya Sabha is followed with this difference, viz, that all the Members of the Assembly, including the nominated Members, if any, are entitled to vote and the notification calling on the Members of the Assembly to fill the seats of the retiring members is issued by the Governor instead of by the President as in the case of the Rajya Sabha. A list of members of the Assembly entitled to vote is also maintained in the prescribed form and is made available for sale.

(3) OTHER ELECTIONS

(i) *Elections to the Committees of the House*

The Committee on Estimates, the Committee on Public Accounts, the Committee of Privileges and the House Committee consist of members elected by the Members of the Assembly from among themselves according to the principle of proportional representation by means of the single transferable vote and in accordance with the regulations framed in this behalf by the Speaker.

A Motion is moved in the Assembly by the Leader of the House for the election of the prescribed number of Members to each Committee. After the motion is carried, the speaker makes an announcement fixing the dates for the various stages of the election. If the number of persons nominated exceeds the number to be elected, a poll is held. Fresh Committees are elected at the beginning of each financial year.

Casual vacancies.- A similar procedure is followed for filling up casual vacancies. But any person elected to fill such a vacancy will hold office only for such period as the person in whose place he was elected would have held the office.

Elections to Statutory Committees:- Elections were also held for a representative of the Assembly (1) on the Board of Industries and (2) the State Library Committee respectively as and when vacancies arose.

Local Advisory Committees of Railways:- The Assembly also elected its representative on the South Indian Railway Local Advisory Committee and the Madras and Southern Mahratta Local Advisory Committee on motions moved for the purpose as and when the vacancies arose.

A poll was held in the following instances as there was a contest:-

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| (1) | 2 nd April 1954 | ... | Committee of Privileges |
| (2) | --Do-- | ... | House Committee |
| (3) | 3 rd April 1954 | ... | Committee on Public Accounts |
| (4) | 30 th January 1956 | ... | Election of a representative to the Board of Industries |

