

CHAPTER XVIII

Committees of the House

(a) COMMITTEE ON ESTIMATES

The Committee on Estimates, one of the two Standing Financial Committees of the House, was constituted for the first time in March 1955. The Committee consists of 14 Members of the Assembly elected on the basis of proportional representation by means of the single transferable vote and the Minister for Finance is a member ex-officio. The term of office of the Members is co-terminus with the financial year.

It was felt that it would be conducive to the better functioning of the Committee, if some members of the Legislative Council were also associated with the committee. Accordingly a resolution was passed by the Assembly on the 7th May 1957; requesting the Legislative Council to nominate 5 members of that House to be associated with the Committee on Estimates. In pursuance of this resolution, five members of the Council were associated with the Committee for 1957-58. This has been followed in the succeeding years also and the Assembly Rules have also been amended to that effect.

It was considered desirable that the Chairman of the other Financial Committee, viz., the Committee on Public Accounts, should also be a member ex-officio and in 1959 the Rules have been amended accordingly.

Till September 1960, the term of office of the Members of the Committee was Co-terminus with the financial year and the Committee for the succeeding financial year had to be constituted before the end of the financial year. The Legislative Assembly Rules have therefore been amended so that the term of office of the Members of the Committee shall not exceed one year and that there shall be a fresh election before the end of the year for constituting the Committee for the ensuing year and, if under any circumstances such as an election is not held, the existing members of the Committee will continue to hold office new members are elected.

The functions of the Committee are the examination of such of the estimates as may seem fit to the Committee or are specifically referred to it by the House and to report what economies, improvements in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates may be effected, to suggest alternative policies in order to bring about efficiency and economy in administration, to examine whether the money is well laid out within the limits of the policy implied in the estimate and to suggest the form in which the estimates shall be presented to the Legislature. Occasionally, the Government also request the Committee to take up for scrutiny estimates relating to a particular item. Usually the Committee selects three or four estimates for scrutiny during its period of office. As the Committee is only one year, it is not incumbent on the Committee to examine the entire estimates in the course of a year. The Demands for Grants may be voted upon notwithstanding the fact that the Committee has made no report on the estimates covered by the Grant.

The Committee for 1957-58, was constituted on the 6th May 1957. Sri K. R. Viswanathan, M.L.A., was nominated as the Chairman of the Committee. The Committee was inaugurated on the 12th June 1957 by the Hon. Dr. U. Krishna Rau, Speaker of the

Madras Legislative Assembly. At this meeting the Committee decided to take up for scrutiny the estimates relating to Community Development Projects and the estimates relating to the Public Works Department (Buildings). In connection with the scrutiny of estimates relating to Community Development Projects, the Committee visited several Community Development and National Extension Service Blocks in the districts of Chingleput, Coimbatore, Madurai, Tirunelveli and Kanyakumari in this State and certain Blocks in the Punjab State to study the progress of work in the various fields of activity covered by Community Development Programme. In connection with the scrutiny of estimates relating to P.W.D. (Buildings), the Committee also examined leading private contractors in addition to senior officers of the Public Works Department and also visited certain Government buildings which were either newly constructed or were in the process of construction. The Committee held 24 sittings, finalised and presented the following reports:-

(1) Public Works Department (Buildings).

(2) Report on the action taken by the Government on the recommendations of the Committee contained in the Report on Hospitals and Dispensaries.

(3) Report on the action taken by the Government on the recommendations of the Committee contained in the Report on the Cinchona Department.

(4) Community Development Projects.

The Committee for 1958-59 was constituted on the 8th April 1958. Sri K. S. Subramania Gounder, M.L.A., was nominated as the Chairman of the Committee. As its meeting on the 9th April 1958, the Committee decided to take up the scrutiny of the estimates relating to the following departments:-

(1) Agriculture (Experimental Farms, Agricultural Demonstrations and Propaganda including Public Exhibitions and Fairs)

(2) Forest; and

(3) Co-operation.

Again, at its meeting held on the 31st July 1958, the Committee decided to take up the scrutiny of the following further estimates:-

(4) Stationery and Printing

(5) Animal Husbandry.

In connection with the scrutiny of the above estimates, the Committee toured for 41 days visiting a number of Projects and Institutions including a visit to Trivandrum where the Committee visited the Kerala State Transport Department and sat for 16 days to discuss with the Heads of Departments concerned and to consider the draft reports. The Committee presented its reports on the estimates relating to the above departments.

The Committee also presented a report on the action taken by Government on the recommendations contained in the report on Sanitary Engineering.

The Committee for the year 1959-60 was constituted on the 24th March 1959. Sri R. Krishnaswami Naidu, M.L.A., was nominated as the Chairman of the Committee. At its

meeting on the 8th April 1959, the Committee decided to scrutinise the estimates relating to the following subjects:-

- 1) Rural Water-Supply Comprehensive Scheme
- 2) Public Works Department (Irrigation)
- 3) Small Scale Industries, and
- 4) State Transport (Nationalised)

The Committee toured in this State for 34 days in the course of which they saw a large number of wells under the Rural Water Supply Comprehensive Scheme, the Harijan Welfare Schemes and Local Development Works; a number of Irrigation Projects, Small Scale Industrial Units, State Transport branch at Nagercoil and also visited the Kerala State Transport Department and Workshop at Trivandrum. The Committee also toured for 14 days outside the State in the course of which they visited the Bombay Electric Supply and Transport Undertaking, Bombay Road Transport Corporation and a number of Small Scale Industrial Units in and around Bombay City; the National Agricultural Fair at Delhi, and the Bhakra Nangal project in the Punjab State.

At its meeting on the 30th December 1959, the Committee appointed a Sub-Committee for the purpose of studying in detail the Nationalised State Transport Undertaking. In this connection, the Sub-Committee visited the State Transport Headquarters at Mount Road. The Depot at Patullo Road and the State Transport Central Workshop at Chromepet and submitted its report, which was considered by the Committee while making its recommendations.

The Committee sat for 22 days including meetings of the Sub-Committee on State Transport and presented its reports on the four estimates taken up for scrutiny.

The Committee for 1960-61 was constituted on the 6th September 1960. Sri C.R. Ramaswamy, MLA., was nominated as the Chairman of the Committee. The Committee decided to scrutinise the estimates relating to-

- 1) General Sales-Tax and other Taxes and Duties
- 2) Education (excluding Technical and Professional Colleges)
- 3) Fisheries , and
- 4) Harijan Welfare Department.

The Committee toured for 19 days both in this State and outside in the course of which they visited certain Fisheries and Fishery Research Stations in the Kerala State and some of the educational institutions in and around New Delhi. At New Delhi, the Committee also had an opportunity to watch the Estimates Committee of the Lok Sabha at work.

In view of the General Elections in February 1962, the same Committee was continued during the year 1961-62, also. The Committee sat for 21 days and finalised its reports. In its Report on Education the Committee confined itself only to Primary and Elementary Education (Basic and Traditional) and Secondary Education. In its Report on the Commercial Taxes Department, the Committee confined itself only to the General Sales Tax.

In addition, the Committee also presented a report on the action taken by the Government on the recommendations contained in the report on Agricultural Machinery.

The composition of the Committee on Estimates for the various years during the period under review is given in Section II - [Table No.XX](#).

Committee on Public Accounts

The Public Accounts Committee is one of the two standing Financial Committees of the House. This Committee is constituted each year for the examination of accounts showing the appropriation of sums granted by the House of the expenditure of the Government, the Annual Finance Accounts of the Government and such other accounts laid before the House as the Committee things fit.

The Committee consists of 14 Members of the Assembly in addition to the Finance Minister who is a Member ex-officio. In 1957, it was considered that it would add to the efficient functioning of the Committee, if some Members of the Legislative Council were also associated with the Committee. Accordingly, a resolution was passed by the Assembly on the 7th may 1937 requesting the Legislative Council to nominate five members to be associated with the Committee. In pursuance of this resolution, five members of the Legislative Council were nominated and this is being followed in succeeding years also. In 1959, a provision has also been introduced in the madras Legislative Assembly Rules to enable the Chairman, Estimates Committee to become a Member ex-officio of the Public Accounts Committee.

Till September 1960, the term of Office of the Members of the Committee was co-terminus with the financial year and the new Committee had to be constituted before the end of the financial year. In September 1960, the rules were amended, fixing one year as the term of office of the Members of the Committee and also providing for a fresh election before the end of the year for constituting a Committee for the ensuing year. If, under any circumstances, an election is not held before the end of the year for constituting the Committee, the existing Members of the Committee will continue to hold office until the new Members are elected.

It is the function of the Committee to scrutinise the Appropriation Accounts of the State and the Report of the Comptroller and Auditor-General of India thereon and to satisfy itself that the moneys shown in the accounts as having been disbursed were that available for and applicable to the service or purposes to which they had been applied or charged, that the expenditure conformed to the authority which governed it and that every re-appropriation had been made in accordance with such rules as may be prescribed by the Governor or by the Finance Department. The Committee has to bring to the notice of the Assembly every case in which it is not so satisfied and all expenditure which the Finance Department has requested that they should be brought to the notice of the Assembly.

It is also the duty of the Committee to examine such State Trading Manufacture and Profit and Loss Accounts and Balancing Sheet as the Governor may have required to be prepared and the Comptroller and Auditor-General's report thereon and 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 stock. 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 examines with reference to the facts of each case the circumstances leading to such an excess and makes such recommendations as it may deem fit.

The Committee for 1957-58 was constituted on the 6th May 1957 and Sri V.K. Ramaswamy Mudaliar was nominated as its Chairman. It may be mentioned here that V.K. Ramaswamy Mudaliar was nominated as Chairman of the Committees on Public Accounts that were constituted every year during the period under review. The Committee met for 20 days and considered the Appropriation Accounts for 1954-55 and the Finance Accounts for 1954-55 and the appropriation Accounts for 1955-56 and Finance Accounts for 1955-56 and the Audit reports thereon and presented its reports to the Assembly on 16th November 1957 and 7th April 1958 respectively. The Committee also considered the Statements showing the action so far taken by the Government on the recommendations of the Committee on Public Accounts on the accounts for 1952-53 and 1953-54. This Committee visited New Delhi and watched the proceedings of the Public Accounts Committee of the Lok Sabha.

The Committee for 1958-59 which was constituted on the 10th April 1958 met for 19 days and considered the Appropriation Accounts for 1956-57 and the Finance Accounts for the year 1956-57 in two parts and the Audit Reports thereon and presented its report to the Assembly on 24th April 1959. The Committee also considered the statement of action taken so far by the Government and on the recommendations of the Committee on Public Accounts on the Accounts for 1954-55. The Committee visited Trivandrum and watched the proceedings of the Kerala Legislative Assembly and also the proceedings of the Public Accounts Committee of Kerala.

The Chairman of the Committee on Public Accounts visited New Delhi and attended the conference of Chairman of Public Accounts Committees.

The Committee for the year 1959-60 which was constituted on the 28th April 1959 met for 23 days and considered the Appropriation Accounts for the year 1957-58 and the Finance Accounts for 1957-58 and the Audit Reports thereon and presented its report to the Assembly on 8th August 1960. It also considered the statements showing the action taken by the Government on the recommendations of the Committee on the Accounts of the State of Madras for 1953-54 (2 items), 1954-55 (8 items) and 1955-56 (40 items).

This Committee visited New Delhi and watched the proceedings of the Public Accounts Committee of the Lok Sabha and also visited Punjab Vidhan Sabha, Chandigarh.

The Committee for the year 1960-62, which was constituted on the 20th August 1960 met for 24 days and considered the Appropriation Accounts for the year 1958-59 and the Finance Accounts for the year 1958-59 and the Audit Reports thereon and presented its report to the Assembly on 29th September 1961. It also considered the statements of action taken by the Government on the recommendations of the Committee on Public Accounts on the Accounts of the State of Madras for the years 1954-55 (3 items) and 1955-56 (12 items).

In view of the General Elections in February 1961, a fresh Committee was not constituted and the Committee for the year 1960-61 continued to function till the dissolution of the Assembly. This Committee met for 5 days and considered the Appropriation Accounts for 1959-60 and the Finance Accounts for 1959-60 and the Audit Reports thereon and presented its report to the Assembly on 15th December 1961.

The composition of the Committee for the years 1957-62 is given in Section II-[Table No.XXI](#).

During the period under review, the Committee visited the following projects and institutions under the public and private sections:-

Public Sectos	Private Sector
Periyar and manimuthar Projects	Dunlop Factory, Madras
Bakra nagal Hydro Electric Project, Punjab Cichona Plantations at Anamalai and at Naduvattam, Ootacamund	T.I. Cycles Factory, Ambattur Corborandum Universal Limited, Madras.
Neyveli Lignite Corporation, Neyveli	Ashok Leyland Workshop, Madras Industrial Estate, Guindy, Madras
Rourkela Steel Project, Orissa	Buckingham and Carnatic Mills, Perambur Madras
Bhilai Steel Project, Madhya Pradesh	Travancore Rubber Work Limited, Trivandrum
Durgapur Steel Project, madhya Pradesh	Fertilisers and Chemicals (Travancore) and India Raw Earths (Private) Limited, Alwaye, Ilmenite Factory, Chavara
Madhavaram Dairy and Milk Project, Madras	Tata iron and Steel Company Limited, Jamshedpur
Government Transport workshop, Nagercoil	Telco, Jamshedpur
Government Ilmenite Factory, Manavalakurichi.	

(c) Committee of Privileges

The Committee of privileges consists of the Deputy Speaker and fifteen other 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 Fresh Committee is constituted at the commencement of each financial year.

The Chairman of the Committee is nominated by the Speaker from amongst the members of the Committee. The function of the Committee of Privileges is to examine and report to the House about their findings on those cases that are referred to them by the House and *suo motu* by the Speaker. The following cases were considered by the Committee and reports presented to the House:-

- 1) 'Dina Thanthi' case
- 2) 'Precincts of the Assembly'
- 3) 'What happened in Mudukalathur ' case
- 4) 'Dina Thanthi ' Case No.2
- 5) 'Madras Corporation' case
- 6) 'The Mail' case.
- 7) 'Obstruction' case.

The details of these cases are given separately in chapter XVII. The names of Members of the Committee during the period of the Second Assembly, viz. 1957-62 are given in Section II-[Table No.XXII](#). The Committee held 26 meetings during this period.

(d) Business Advisory Committee

Rule 193 of the Madras Legislative Assembly Rules provides for the constitution of the Business Advisory Committee. The Speaker nominates the Committee at the commencement of the House or from time to time as the case may be and it shall consist of not more than fifteen members including the speaker who shall be the chairman of the Committee. The main function of the Committee is to draw up the programme of the sittings of the House and to recommend the time that should be allocated for the discussion of the various stages of Bills and other subjects that are referred to the Committee.

During the period of the Second Assembly (1957-62) the Committee was nominated by the Speaker on occasions and the names of members who served on the Committee are given in Section II - [Table No. XXIII](#). The Committee met on 49 occasions during this period.

(e) Committee on Subordinate Legislation

In the various Legislations enacted by the Legislature, Legislative power is given to the Executive, that is, the Government to make rules, regulations, etc/. to carry out the purposes of the Act of legislature. The delegation of such power is due to pressure on parliamentary time. The practice is by no means new development; it has been consciously adopted, with the encouragement of the legislature, because of its obvious advantages in lightening the load otherwise to be borne by the legislative machine. It is the primary responsibility of the Legislature to see that the power delegated by it is properly exercised by the Executive within the powers delegated. Before 1955, there was no agency of the legislature to perform the above functions. In the year 1955, there was no agency of the Legislature to perform the above functions. In the year 1955, the Madras Assembly Rules

were amended providing for the constitution of a Committee on Subordinate Legislation on the pattern of the Committee functioning in the House of Commons and the Lok Sabha. The Speaker was given powers to constitute the Committee. The first Committee was constituted on the 14th February 1955. During the first Assembly it presented two reports. The Committee made 16 recommendations, out of which 15 were accepted by Government and one was not pursued by the Committee in view of the reply furnished by the Government.

After the constitution of the Second Assembly, the Committee for 1957-58 was nominated by the Hon. Speaker on 7th May 1957. Sri R. Srinivasa Iyer, was nominated as the Chairman of the Committee. To avoid duplication of work, it was considered useful if members of the Legislative Council were also associated with the Committee. Accordingly a resolution was passed on 7th May 1957 in the Legislative Assembly requesting the Legislative Council to nominate three members to be associated with the Committee. In pursuance of this, three members of the Legislative Council were associated with the Committee by a resolution passed in the Council on 8th May 1957. The Committee was inaugurated on the 25th July 1957 by Hon. Dr. U. Krishna Rau, the then Speaker.

The Committee as usual scrutinised rules, sub-rules, by-laws, and regulations etc., made by the Government in pursuance of powers given by the constitutions or delegated by parliament or the State Legislature to find out whether that power has been properly exercised within such delegation.

The Committee held seven sittings and considered 99 rules amendments to rules, Notification, etc. The Committee also considered the action taken by the Department on the recommendations contained in the Second Report (First Assembly) of the Committee. The Committee examined a representative of the Industries, Labour and Co-operation Department on 31st August 1957 in connection with the scrutiny of the amendment to rule X-A of the Madras Co-operative Societies Rules. At its meeting held on 22nd February 1958, the Committee passed a condolence resolution on the death of Sri Moulana Abul Kalam Azad, the Union Education Minister.

The Committee presented two reports to the Assembly on 13th December 1957 and 3rd April 1958, respectively. Twenty nine recommendations were made by the Committee, out of which 22 were accepted by the Government and 7 were not pursued by the Committee in view of the explanation furnished by the Government. The important recommendations accepted by the Government are-

- i. all statutory rules and orders should be numbered separately and published in a single supplement to the Fort St. George Gazette (Para.5-First Report);
- ii. When amendments to Rules are placed on the Table of the House, the original Rules which were amended should be printed side by side as an annexure (Para.7-First Report); and
- iii. Rules published to elicit public opinion must be referred to the Committee for its suggestion, if any, before they are confirmed (Para.3- Second Report).

The Committee for 1958-59 was nominated on 8th April 1958 and it came into effect from 7th May 1958. Sri. R. Srinivasa Iyer was re-nominated Chairman of the Committee.

Three members from the legislative Council were associated with the Committee by a resolution passed in the Council on 10th April 1958.

The Committee held 10 sittings and considered 88 Rules, amendments to rules, Notifications etc. The Committee examined an Officer of the Home Department and an Officer of the High Court; Madras, on 4th February 1959 when it considered the rules issued under the Madras Court Fees and Suits Valuation Act, 1955. At its meeting held on 22nd December 1958, the Committee passed a condolence resolution on the death of Dr. V.K. John, an associate member of the Committee.

The committee presented 2 reports to the Assembly on 17th July 1958 and 4th February 1959 respectively. Seventy-seven recommendations were made by the Committee, out of which 47 were accepted by the Government, 21 were not pursued by the Committee in view of the explanations furnished by the Government and 9 were kept pending.

An assurance was given by the Minister for Home on the floor of the Legislative Council that the question whether the legislative Council should also be empowered to make modifications to rules and Notifications would be considered by the Government. In pursuance of the above assurance, the Government in law Department referred the matter to the Committee for its opinion. The Committee decided that the Legislative Council also should have power to make modifications by way of amendment or repeal to the Statutory Instruments. In view of the above decision, the Committee in modifications of its previous recommendation in para 10 - First Report (First Assembly), recommended a new form to be adopted in the relevant sections of all Madras Acts relating to the placing of statutory. Rules before both Houses of the Legislature. The Committee also decided that it should have power to consider the rules framed as soon as they were published in the Gazette that is before they were for ally laid before the Legislature. The other important recommendations accepted by the Government are:-

1. rules under Acts should be framed simultaneously with or immediately after the commencement of the Act (Para.30- Third Report); and
2. rules framed under Acts should be numbered consecutively with appropriate chapters for different subjects. (Para.30- Fourth Report).

The Committee of the First Assembly had recommended that it should be empowered to scrutinise the various statutory instruments issued by the State Government under the Constitution of India, Central Acts and State Acts. The Madras Legislative Assembly Rules were amended in April 1959 to the above effect. The Committee was also empowered to scrutinise the rules, etc., as soon as they were published in the Gazette. The term of the members of this Committee was for the duration of the financial year. A provision for the association of such number of members of the Legislative Council with the Committee as may be decided by the Assembly was also incorporated in the Rules, thus regularising the existing practice.

The Committee for the year 1959-60 was constituted on 30th March 1959. Sri. T. Sampath was nominated Chairman of the Committee. Three members of the legislative council were associated with the Committee by a resolution passed in the Legislative Council on 9th May 1959.

The Committee held 28 sittings and considered 148 Rules, amendments to rules and Notifications. The Committee also considered 17 draft rules and amendments to rules and offered its suggestions. The Committee examined the officers of the Revenue Department on 30th July and 20th November 1959 in connection with the scrutiny of (i) draft amendment to condition I of Form B of the Madras Sales of Motor Sprit Taxation Rules, 1939, (ii) Draft amendment to rule 30 of the Madras Agricultural Income-Tax Rules, 1955, and (iii) the Madras General Sales Tax Rules, 1959. The action taken by the Department on the recommendations of the Committee made in the First and Second Reports (Second Assembly) were read and recorded. The Committee passed a condolence resolution on 27th July 1959 on the death of Sri. M.D. Ramaswamy, a member of the Committee.

The Committee presented 4 reports to the Assembly on 12th September 1959, 17th December 1959 and 16th March 1960 and 25th March 1960 respectively. It made 222 recommendations, out of which 169 were accepted by the Government, 34 were not pursued in view of the further reply furnished by the Government and 19 are pending.

On the suggestion of the government of India, the State Government in the Law Department drafted a model clause regarding laying of rules on the Table of the House of the Legislature and forwarded the same to the Committee for its concurrence. The Committee after considering the legal and other aspects suggested a revised model clause. The Law Department further referred to the Committee for its opinion the question whether the State legislature was competent to make a provision requiring the State Government to place the rules framed by it under the Central enactments on the Table of the State Legislature. The Committee after considering the matter decided that since the matter involved complicated legal question the opinion of the Advocate General might be obtained. The Committee also decided to leave the matter to the next Committee to examine the question in detail.

The important recommendations of the Committee accepted by the Government are:-

- i. power to levy fees by the Government should not be sub-delegated (Para.10 - Fifth Report)
- ii. in cases where a licence or renewal of a licence is refused the licence fee should be refunded (Para.24-Sixth Report)
- iii. the licence fee should be such as to cover the actual cost of services rendered by Government (Para.16-Seventh Report)
- iv. short title should be given to all rules issued under various Acts (Para.13-Fifth Report)

In pursuance of the recommendations of the Committee, the Madras Entertainments Act, 1939 and the Madras General Sales Tax Act, 1959 were amended by the Government.

The Committee for the year 1960-61 was constituted on 25th March 1960. Sri T. Sampath was re-nominated Chairman of the Committee. Three members of the Legislative Council were associated with the Committee by resolutions passed in the Assembly and Council on 8th and 22nd April 1960 respectively.

The Committee held 21 sittings and considered 183 rules, amendments to rules and Notifications. The Committee also considered 67 draft rules and amendments to rules and offered its suggestions thereon. In connection with the consideration of the Madras Rectified

Spirit Rules, 1959, and rules under Section 10 of the Madras Village Panchayats Act, 1950, the Committee examined an Officer of the Home Department, an officer of the Board of Revenue and an Officer of the Rural Development and Local Administration Department on 20th and 21st June 1960 respectively.

The Law Department suggested certain changes in the model clause recommended by the Committee in paragraph 40 of its Seventh Report for the consideration of the Committee. The Committee considered the revised draft and approved the same. (Para.51-Ninth Report). The propriety of making a provision for laying rules framed by the State government by virtue of the powers delegated to them by Central Acts, on the table of the State Legislature was considered by the Committee in the light of the opinion given by the Advocate-General. The State Government in the Law Department subsequently informed the Committee that the view expressed by the Advocate-General was placed before the All-India Legal Draftsmen's Conference held at Srinagar and that the Government of India also agreed to examine the question in the light of the opinion given by the Advocate General. They however suggested that the existing practice might continue till the final decision of the Government of India was known. The Committee therefore deferred the consideration of the matter.

In connection with the scrutiny of the Madras Distillery rules, 1960 issued under the Madras Prohibition Act, 1937 the Committee visited the East India Distilleries at Nellikuppam to see how the rules were being administered and the practical difficulties experienced by the distillers in observing the conditions and restrictions imposed under the rules. The Committee also held a sitting at Nellikuppam. The Committee also considered the action taken by the government on the recommendations of the Committee made in the 3rd, 4th and 8th Reports.

The Committee presented 4 reports to the Assembly on 22nd April 1960, 1st February, 13th and 29th March 1961 respectively. The Committee made 72 recommendations. The action taken by the Government on the recommendations of the Committee are still awaited. The important recommendations of the Committee are -

(i) the Government have no power under section 10(1) of the Madras Village Panchayats Act, 1950 to extend the term of Office of the Members of the Panchayats (Para.12-Ninth Report)

(ii) the power to levy duty, tax etc., and the maximum limits of such levy should not be delegated to the executive, unless the law delegating such power lays down the legislative policy and prescribes a standard for the guidance of the authority to whom the power is delegated (Para 17-Ninth Report).

(iii) the levy of gallon age fee under rule 9 of the Madras Rectified Spirit Rules, 1959 is not contemplated and no provision has been made for such levy in the Madras prohibition Act, 1937; and]

(iv) Section 6(3) of the Madras Commercial Crops Markets Acts, 1933 contemplates two electorates, viz, that of the growers and another consisting of persons licensed under

section 5. Dividing the constituencies on geographical or territorial basis will be against the provisions of the Act.

The Committee for the year 1961-62 was constituted on 15th March 1961 with Sri. K. Vinayakam as the Chairman. Three members of the legislative council were associated with the Committee by resolutions passed in the Assembly and Council on 22nd and 27th March 1961 respectively.

The Committee held 24 sittings and considered 334 rules, amendments to rules and Notifications. The Committee also considered 36 draft rules and amendments to rules and offered its remarks. The first Report of the Committee related to the Rules and amendments to rules that were considered by the previous Committee. The original rules considered by the Committee are given in Section II [Table No. XXIV](#). The Committee also considered the action taken by the Government on the recommendations of the Committee made in the 5th, 6th and 7th Reports (Second Assembly). The Committee examined an Officer of the Home Department and an Officer of the Public Works Department (Buildings), Madras on 17th July 1961 in connection with the consideration of the Madras Buildings (Lease and Rent Control) rules, 1961. The Committee passed a condolence resolution on 9th August 1961 on the death of Hon. Dr. U. Krishna Rau, Speaker, Madras Legislative Assembly.

The Committee presented six reports to the Assembly on 18th, 28th August, 28th September (three reports) and 15th December 1961, respectively. It made 138 recommendations. The action taken by the Government on the recommendations of the Committee are still awaited. The important recommendations of the Committee are:-

- i. Remission of Court Fee cannot be granted under the rule making powers of the Madras Cinemas (Regulations) Act, 1955 (Para.5-Fifteenth Report).
- ii. all rules under an Act must have a continuous numbering (Para.30-Fifteenth Report).
- iii. under Section 85 (2) of the Madras Panchayats Act, 1958 at least the maximum rate of the annual fee to be levied per acre should be prescribed in the rules (Para.16 Seventeenth Report).
- iv. under Section 27 of the Madras Catering Establishments Act, 1958 the Government have no power to make rules for exempting certain catering establishments or persons from the provisions of the rules. (Para.40-Eighteenth Report)

General- The Committee made 538 recommendations, out of which 238 were accepted by Government, 62 were not pursued by the committee in view of the replies furnished by Government and 238 were pending.

The composition of the Committee during the period 1957-62 is given in Section II, [Table No. XXV](#).

Statistics - A tabular statement showing the number of rules considered, number of sittings held, number of Reports presented, year-wise is given in Section II, [Table No. XXVI](#).

(f) Committee on Government Assurances

While replying to questions in the House or during the discussions on Bills, Resolutions, Motions, etc., Ministers sometimes give assurances or undertakings either to consider a matter on to take action or furnish to the House further information later on. In order to watch the implementation of such assurances on behalf of the Assembly a Committee on Government Assurances is constituted by the Speaker for each financial year.

The functions of the Committee are to scrutinize the assurances promises, undertakings, etc., and to report to the House on the extent to which such assurances, etc., have been implemented and when implemented, whether such implementation has taken place within the minimum time necessary for the purpose. The Committee has to make a report to the House at least once in six months.

The first Committee was nominated by the Speaker on 14th February 1955 under the revised Madras Assembly Rules. During the lifetime of the first Assembly, the Committee presented three reports.

After the constitution of the Second Assembly, the Committee for 1957-58 was nominated by the Speaker on 7th May 1957 with seven Members. Sri K. Anbazhagan was nominated Chairman of the Committee.

The standard list of forms constituting assurances as approved by the Committee on 26th February 1955 and as further amended was adopted as a guide for extracting assurances.

The Assurances given by the Ministers are called out from the proceedings and forwarded to the Departments of the Secretariat. The replies received from the Departments regarding the implementation of assurances are tabulated in the form of a statement and placed on the table of the House. The Committee then considers the statement and also examines, if necessary, the officers of the Departments concerned.

During the year, 312 assurances were called out from the proceedings of the Assembly and communicated to the Departments. The Committee held 11 sittings. Out of the 312 assurances, 308 have been treated by the Committee as either implemented or closed. Out of the 83 assurances, that related to the First Assembly and which were pending with the Departments, 34 have been treated by the Committee as implemented or closed. The Committee presented two reports to the Assembly in November 1957 and April 1958.

The Committee recommended among other things, that when a reply was given on the floor of the House by a Minister and subsequently when it was found to be not correct, a copy of the correct reply should be placed on the table of the House. Information furnished by the Departments should be specific and complete in all respects.

The Committee for 1958-59 was constituted on 7th May 1958. Sr. M.P. Subramaniam was nominated Chairman. The Committee held seven sittings. 380 assurances were culled out and communicated to the Departments. 371 assurances have been treated by the Committee as either implemented or closed. Fifteen assurances that related to the First Assembly were also treated by the Committee as closed. The Committee presented two

reports in November 1958 and March 1959. The important recommendations of the Committee are-

(1) the reasons why a proposal has been dropped or why a suggestion could not be adopted should be stated.

(2) the Government should follow the instructions issued by them and satisfy themselves that the instructions have been carried out; and

(3) the Departments should state whether the schemes said to have been sanctioned by the Government have been actually taken on hand.

The Committee for 1959-60 was constituted on 30th March 1959. Sri K. Sattanatha Karayalar was nominated Chairman. The Committee held 12 sittings. 227 assurances were culled out and communicated to the Departments. 206 assurances have been implemented by Government. Eighteen assurances that related to the First Assembly were treated by the Committee as closed.

With reference to an assurance given on 12th March 1959, regarding the disciplinary action taken against some Superintendents of Police, the Home Department requested the Committee to cancel the assurances as the matter was strictly confidential. The Committee referred the case to the Speaker for guidance. The Speaker called for the concerned file which the Government declined to send for his perusal as it was classified as 'secret'. The Speaker advised the Committee not to pursue that the matter as it was open to the Government to decline to produce any records.

The Committee however, decided that it should be vested with more powers to call for such files for the perusal of the Speaker. It also recommended that the Madras Assembly Rules be amended to the above effect. The other important recommendations of the Committee are-

(1) the replies furnished by the Departments should be self-contained.

(2) Whenever Ministers make an incorrect statement they must correct it by making a further statement on the floor of the House and then only the assurance will be dropped; and

(3) it is for the Committee to decide to treat an assurance as implemented or dropped or to pursue it.

The Committee for 1960-61 was nominated on 25th March 1960. Sri K. Sattanatha Karayalar was renominated as the Chairman. The Committee held 11 sittings. 482 assurances were culled out and communicated to the Department out of which 340 have been treated by the Committee as implemented or closed. Sixteen assurances that related to the First Assembly were also treated by the Committee as closed.

The Committee decided on 6th January 1961 that the statement of final replies to the assurances treated by the Committee as implemented or closed should alone be placed on the table of the House in future. It further decided on 13th February 1961, that the assurances culled out by the Legislative Assembly Department should be placed before the Committee for approval before they were sent to the Departments. The Committee also recommended that the Departments should submit a report to the Committee as to whether the orders issued

by Government in pursuance of an assurance have been actually implemented. The Committee presented two reports to the Assembly in August 1960 and February 1961.

The Committee for 1961-62 was considered on 10th March 1961. Sri S. M. Annamalai was nominated Chairman. The Committee held 10 sittings. One hundred and sixty-eight assurances were culled out and communicated to the Departments. Thirty-five assurances have been treated by the Committee as implemented or closed.

The Committee passed a condolence resolution on 11th September 1961 on the death of Sri A. Vadaratnam, a member of the Committee.

The Committee considered all the pending assurances up to 1960 and decided to pursue only such assurances which were of public importance. The Committee dropped 70 assurances as they lost their utility by lapse of time. The Committee also recommended that all pending assurances relating to the year 1961 should be pursued.

The Committee presented two reports to the Assembly in September and December 1961. The composition of the Committee during the period under review are given in Section II, [Table No.XXVII](#).

A statement showing the number of (year-war and Department-war) assurances given and the assurances still pending is given in Section II, [Table No.XXVIII](#).

(g) House Committee

A Committee called the House Committee is constituted every financial year to consider and advise upon all matters connected with the comfort and convenience of members. The Deputy Speaker is the ex-officio Chairman of the Committee. Eleven members are to be elected by the Assembly on a date to be fixed by the Speaker according to the principle of proportional representation by means of a single transferable vote, and in accordance with the regulations made in this behalf by the Speaker. In addition, the Speaker may at his discretion, nominate four members to the Committee. Fresh elections and nominations have to be made before the end of each financial year for the constitution of the Committee.

The Committee is in charge of catering arrangements and conveniences of the members residing in the Legislators' Hostels. A caterer is appointed by the Committee on contract, for catering to the members. He is given premises and furniture free of rent for running his hotel. The caterer pays only 25 per cent of the electricity charges, and the balance is paid by this Department. The caterer makes his own arrangements for the collection of catering charges from members. This hotel is run in the hostel premises both during meeting and non-meeting days. The Committee is also in charge of the celebration of the Legislators' Day every year.

The composition of the Committee for each year is given in the Section II, [Table No.XXIX](#).

During the term of the Assembly, the Committee met on 24 occasions and passed 130 resolutions most of which were implemented.

(h) Rules Committee

At the time of the Constitution of the second Assembly on 1st April 1957, the rules of procedure of the Legislative Assembly framed under clause (1) of Article 208 of the Constitution during the life of the first Assembly were in force. For the purpose of making suggestions for the amendment of the Rules, a Select Committee was constituted under the Chairmanship of the Speaker Dr. U. Krishna Rau by the Assembly on the 27th July 1957. The Committee met in the Arranmore palace. Ootacamund on the 26th and 27th May 1958 and at Fort St. George, Madras on the 4th September and 31st October 1958 and suggested certain changes. The Report of this Select Committee was presented to the Assembly on 3rd November 1958 and it was taken up for consideration on the 20th April 1959 at Ootacamund. The Amendment suggested by the Select Committee were approved by the Assembly with certain changes. The following are the salient features of the amendments made:-

(i) Rule 92 (present rule 93) was amended to empower the Speaker to order the publication of any Bill with the Statements of Objects and Reasons in the Fort St. George Gazette even before its introduction in the House. Formerly such publication was done under the orders of the Governor.

(ii) Rules 163, 171 and 196 (present rules 164, 173 and 201 respectively) have been amended providing for the association of the members of the Legislative Council with the Committee on Estimates, Committee on Public Accounts and Committee on Subordinate Legislation.

(iii) Rule 195 (present rule 200) has been amended empowering the Committee on Subordinate Legislation to scrutinize and report to the House whether the powers to make regulations, rules, sub-rules, bye-laws, etc., conferred by the Constitution or delegated by Parliament or the State Legislature, are being properly exercised within such delegation.

(iv) Rule 217 (present rule 225) has been amended providing for the presentation of any petition that may relate to any matter which is within the competence of the Assembly instead of it being related only to a matter actually under the consideration of the Assembly. A member intending to present a petition should show it to the Speaker and obtain his consent beforehand and present it on any day after questions and before the other business for the day is entered upon.

(v) Under clause (1) of Article 208 of the Constitution when the Rules of the Assembly were framed in 1954 an elaborate procedure for amending the Rule of Procedure just as in the case of Bills had been provided. Now a new Chapter for the constitution of a Rules Committee to consider matters of procedure and conduct of business in the House has been added.

The first Rules Committee for the year 1959-60 was nominated by the Hon. Speaker under the amended rules during December 1959.

The Committee on Rules nominated by the Hon. Speaker for the year 1960-61 on 27th March 1960, considered the amendments given notice of by Sir.C.Subramaniam and Sri.T.S.Ramaswamy Pillai, in respect of some of the Rules at its meetings in the "Tamizhagam" Ootacamund on the 25th May 1960 and in Fort St.George, Madras on the 9th August 1960. The following are the salient features of the amendments suggested by the above Committee:-

(i) The Committee recommended that rule 9 of the Rules should be suitably amended so that the resolution, which were partly discussed should not lapse on prorogation of the Assembly but should be carried over to the next session.

(ii) The Committee also decided that the term of the members of the Public Accounts Committee and the Committee on Estimates should be one year instead of "financial year". Accordingly, they suggested amendments to rules 164 and 173.

(iii) The Committee recommended the inclusion in the rules of a new provision investing the Speaker with the power to order the printing, publication or circulation of a report even though it has not been presented to the House and to have such reports formally presented in the next session of the Assembly.

(iv) The Committee recommended the introduction of new provisions regarding the procedure to be followed in the matter of service of legal process and arrest within the precincts of the House and provisions in regard to intimation to the Speaker of arrest, detention, etc., and release of any member . Accordingly, they recommended the introduction of new Rules 245,246, 247,248 and 249 in this regard.

The Report was presented to the House on the 18th August 1960 and as no amendments were received, the recommendations of the Committee were deemed to have been approved by the House under Rule 232 (3) of the Assembly Rules.

On 16th September 1960, the Speaker published in the Fort St.George Gazette that from that date the amendments to the Rules as recommended by the Committee would come into force.

The names of the members of Select Committees appointed to make suggestions for amending the Rules of Procedure of the Assembly in 1957 and the names of members of the Committee on Rules nominated by the Speaker under Rule 228 of the Assembly Rules are given in Section II - [Table No.XXX](#).