THE ADMINISTRATORS' RULES FOR THE PONDICHERRY LEGISLATIVE ASSEMBLY

GOVERNMENT OF PONDICHERRY

Administrator's Secretariat

Pondicherry, the 20th September, 1963.

NOTIFICATION

G. S. R. 4. — In exercise of the powers conferred by the proviso to sub-section (1) of section 33 of the Government of Union territories Act, 1963 (20 of 1963), the Administrator of Pondicherry, after consultation with the Speaker of the Pondicherry Legislative Assembly and with the approval of the President, hereby makes the following rules, namely: -

1. *Short title and commencement.* - (1) These rules may be called the Administrator's Rules for the Pondicherry Legislative Assembly.

(2) It shall come into force at once.

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PART I – PRELIMINARY

2. *Definitions.* – (1) In these rules, unless the context other wise requires. –

"Act" means the Government of Union Territories Act, 1963 (20 of 1963);

"Administrator" means the Administrator of the Union territory of Pondicherry;

"Assembly" means the Legislative Assembly of Pondicherry;

"Constitution" means the Constitution of India;

"Financial Year" means a period of 12 months commencing on April 1 and ending on March 31, next;

"Government" means the Government of Pondicherry;

"House" means the Assembly;

"Member" means a member of the Assembly and includes a Minister;

"Minister" means a member of the Council of Ministers and includes a Minister of State, a Deputy Minister and any member of the Assembly to whom such Minister may delegate any function assigned to him under these rules;

"motion" means a proposal made by a member for the consideration of the Assembly and includes a resolution and an amendment to a motion;

"resolution" means a motion for the purpose of discussing a matter of general public interest;

"Secretary" means the Secretary to the Assembly and includes any other person for the time being performing the duties of the Secretary;

"section" means a section of the Act;

"session" means the period of time between the first meeting of the Assembly upon the summons of the Administrator under sub-section (1) of section 6 and its prorogation or dissolution under sub-section (2) of that section;

"sitting" means the sitting together of the members of the House for transacting business on any day form its commencement till the House rises for the day;

"Speaker" means the Speaker of the Assembly.

(2) Words and expressions used in the Constitution or in the Act and not defined herein shall, unless the context otherwise requires, have the meanings assigned to them in the Constitution or in the Act.

3. *Interpretation:* - If any doubt arises as to the interpretation of any of the provisions of these rules, it shall be referred to the Administrator and the decision of the Administrator acting in his discretion shall be final.

PART II -- PROHIBITION OF DISCUSSION OF CERTAIN MATTERS

4. *Restrictions on questions.* – (1) No question shall be asked on any matter which affects the discharge of the functions of the Administrator in so far as he is required by the Act to act in his discretion.

(2) If the Speaker is of the opinion that a question or any part of a question is or may be one which cannot be asked because it is prohibited under sub-rule (1), he shall, as soon as may be after the receipt of the notice of the question, forward to the Administrator a copy thereof and, unless the Administrator (whose decision in the matter shall be final) decides that the question may be put, it shall not be entered in the List of Business.

(3) Notwithstanding the fact that the Speaker has made no reference under sub-rule (2), if the Administrator, acting in his discretion, decides that any question or part of a question is one which cannot be asked because it is prohibited under sub-rule (1), he may communicate his decision (which shall be final) to the Speaker and on such communication, the question shall not be entered in the List of Business or, if it has been so entered, the Speaker shall decline to allow the question to be put.

(4) The Speaker shall disallow any supplementary question, if in his opinion, it infringes the foregoing provisions.

(5) If any doubt arises whether any question or any part of a question is or is not within the prohibition imposed by sub-rule (1), the administrator shall, acting in his discretion, decide the point and his decision shall be final.

5. *Restriction on resolutions.* - (1) No resolution shall be moved which relates to any matter which affects the discharge of the functions of the Administrator in so far as he is required by the Act to act in his discretion.

(2) If the Speaker is of the opinion that a resolution or any part of a resolution is or may be one which cannot be moved because it is prohibited under sub-rule (1), he shall, as soon as may be after the receipt of the resolution, forward to the Administrator a copy thereof and, unless the Administrator (whose decision in the matter shall be final) decides that the resolution may be moved, it shall not be entered in the List of Business.

(3) Notwithstanding the fact that the Speaker has made no reference under sub-rule (2), if the Administrator, acting in his discretion, decides that any resolution or any part of a resolution is one which cannot be moved because it is prohibited under sub-rule (1), he may communicate his decision (which shall be final) to the Speaker, and on such communication, the resolution shall not be entered in the List of Business or, if it has been so entered, the Speaker shall decline to allow the resolution to be moved.

(4) If any doubt arises whether any resolution of which notice has been given or any part thereof is or is not within the prohibition imposed by sub-rule (1), the Administrator shall, acting in his discretion, decide the point and his decision shall be final.

6. *Restrictions on subject-matter of motions.* – The provisions of rule 5 shall, so far as may be, apply in relation to any notice calling the attention of a Minister, or raising discussion on matters of urgent public importance under rules 52 and 53, respectively, of the Rules of Procedure and Conduct of Business of the U.P. Legislative Assembly, 1958, as modified and adapted by the Administrator under sub-section (2) of section 33, and to all motions and motions for adjournment of the business of the Assembly for the purposes of discussing any matter of urgent public importance, as they apply in relation to resolutions.

PART III --- PROCEDURE IN FINANCIAL MATTERS

7. *Budget and its presentations.* - The annual financial statement or the statement of the estimated receipts and expenditure of the Union territory in respect of every financial year (hereinafter referred to as the Budget) shall be presented to the Assembly on such day as the Administrator may appoint.

8. *Discussion on Budget.* - No discussion on the Budget shall take place on the day on which it is presented to the Assembly.

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9. *Demands for Grants.* - (1) No demand for a grant shall be made except on the recommendation of the Administrator.

(2) Subject to the provisions of rules made under sub-section (1) of Section 46 –

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

Provided that the Administrator may include in one demand grants proposed for two or more departments, or make a demand in respect of expenditure, which cannot readily be classified under particular departments.

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

10. *Stages of Budget Debate.* - 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.

11. *General Discussion.* - (1) On days to be appointed by the Administrator after consultation with the Speaker which shall not be earlier than two days subsequent to the day on which the Budget is presented and for such time thereafter, as the Administrator after consultation with the Speaker may allot for this purpose, the House 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 House.

(2) The Finance Minister shall have a general right of reply at the end of the discussion.

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

12. *Voting on Demands,* - (1) The voting on demands for grants shall take place on such days (not exceeding 15 days) as the Administrator may, after consultation with the Speaker, allot for the purpose.

(2) The demands for grants shall be presented in such order and discussion shall continue for such time within the period allotted under sub-rule (1) as the Leader of the House, in consultation with the Leader of the Opposition may determine.

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(3) On the days allotted under sub-rule (1), no other business except the questions shall be taken up without the consent of the Speaker.

(4) Motions may be moved at this stage to reduce or omit any grant but not to increase or alter the destination of a grant.

(5) No amendment to motions to reduce any grant shall be permissible.

(6) When several motions relating to the same demand are made they shall be discussed in the order in which the heads to which they relate appear in the Budget.

(7) On the last day of the days allocated under sub-rule (1), half-an-hour or so before the close of the usual sitting of the day, the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants: and this procedure 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.

13. *Cut motions* - A motion may be moved to reduce the amount of a demand in any of the following ways: -

(a) "that the amount of the demand be reduced to Re. 1" as representing disapproval of the policy underlying the demand. Such a motion shall be known as "Disapproval of Policy Cut". A member giving notice of such a motion shall indicate in precise terms, the particulars of the policy which he proposes to discuss. The discussion shall be confined to the specific point or points mentioned in the notice and it shall be open to members to advocate on alternative policy;

(b) "that the amount of the demand be reduced by a specified amount" representing the economy that can be effected. Such specified amount may be either a lump sum reduction in the demand or omission or reduction of an item in the demand. The motion shall be known as "Economy Cut", The notice shall indicate briefly and precisely the particular matter on which discussion is sought to be raised, and speeches shall be confined to the discussion as to how economy can be effected;

(c) "that the amount of the demand be reduced by Rs.100" in order to ventilate a specific grievance, which is within the sphere of the responsibility of the Government. Such a motion shall be known as "Token Cut" and the discussion thereon shall be confined to the particular grievance specified in the motion.

14. *Conditions of Admissibility of Cut Motions.* – In order that a notice of motion for reduction of the amount of demand may be admissible, it shall satisfy the following conditions, namely: -

(i) it shall relate to one demand only;

(ii) it shall be clearly expressed and shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;

(iii) it shall be confined to one specific matter which shall be stated in precise terms;

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

(v) it shall not make suggestions for the amendments or repeal of existing laws;

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

(vii) it shall not relate to expenditure charged on the Consolidated Fund of the Union territory;

(viii) it shall not relate to matter which is under adjudication by a court of law having jurisdiction in any part of India;

(ix) it shall not raise a question of privilege;

(x) it shall not revive discussion on a matter which has been discussed in the same session and on which a decision has been taken;

(xi) it shall not anticipate a matter which has been previously appointed for consideration in the same session;

(xii) it shall not ordinarily seek to raise a discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into or investigate any matter.

Provided that the Speaker may in his discretion allow such matter being raised in the House as is concerned with the procedure or stage of enquiry if the speaker is satisfied that it is not likely to prejudice the consideration of such matter by the statutory tribunal, statutory authority, commission or court of enquiry; and

(xiii) it shall not relate to a trifling matter.

15. *Notice of a Motion to omit or reduce Grant.* – Notice of a motion to omit or reduce any grant shall be given not less than two days before the day appointed for the discussion of such grant unless otherwise directed by the Speaker:

Provided that the Speaker shall decide whether or not a cut motion is admissible under these rules and may disallow any cut motion which, in his opinion, amounts to an abuse of the right of moving such a motion, or is in contravention of these rules or is otherwise inadmissible.

16. *Vote on Account.* – (1) A motion for vote on account shall state the total sum required, and the various amounts needed for each department or service or item of expenditure which compose that sum shall be stated in a Schedule appended to the motion.

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

(3) Discussion of a general nature 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.

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

17. *Supplementary or Additional Grants or Grants for Excess Expenditure.* – (1) The Administrator may allot one or more days for presentation of a statement of demands for grants in respect of supplementary or additional or excess expenditure under section 30.

(2) The Administrator may after consultation with the Speaker allot one or more days for the discussion and voting of such demands. In such cases, the same procedure will be followed as is laid down in rules 9, 10, 11, 12, 13, 14 and 15 subject to such modifications as the Speaker may deem necessary.

18. *Scope of Discussion on Supplementary Grants.* – The debate on the supplementary grants shall be confined to its items and no discussion shall be raised on the original grants nor on the policy underlying them save in so far as it may be necessary to explain or illustrate the particular items under discussion.

19. *Token grant.* - When funds to meet proposed expenditure on a new service or scheme can be made available by re-appropriation, demand for the grant of a token sum may be submitted to the vote of the House, and if the House assents to the demand, funds may be so made available.

20. *Appropriation Bill.* - (1) Subject to the provisions of the Act, the procedure in regard to an appropriation Bill shall be the same as for Bills generally but with such modifications as the Speaker may consider necessary:

Provided that no amendment shall be proposed to an Appropriation Bill which will have the effect of varying the amount or altering the destination of any grant made under section 28.

(2) The Speaker may suspend the operation of any rule for the timely passing of such Bills.

21. *Time-Limit for Disposal of Financial Business.* – In addition to the powers exercisable by the Speaker under these rules, he may exercise all powers necessary for the purpose of the timely completion of all financial business and may, in particular, allot time for the disposal of various kinds of such business and when the time is so allotted, he shall at the appointed hour, put every question necessary to dispose of all the outstanding matters in connection with the stage or stages for which the time has been allotted.

Explanation. – Financial business includes any business which the Speaker holds as coming within this category under the Act.

22. *Publication of Appropriation and Finance Accounts and Audit Reports.* - As soon as may be practicable after the Appropriation and Finance Accounts and Audit Reports thereon have been laid on the Table of the Assembly, the Secretary shall issue a notification declaring them to be published for general information.

K. J. SOMASUNDARAM,
Administrator.

C. RAMOU,
Secretary to the Administrator.

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