

**(RULES FOR THE CONDUCT OF THE LEGISLATIVE BUSINESS OF THE COUNCIL OF THE GOVERNOR
GENERAL.)**

No. 3

Fort William, the 11th February 1873.

No.3.- The following Rules for the Conduct of the Legislative Business of the Council of the Governor General received the assent of His Excellency the Governor General on the 11th day of February 1873, and are hereby promulgated for general information:-

RULES FOR THE CONDUCT OF THE LEGISLATIVE BUSINESS OF THE COUNCIL OF THE GOVERNOR GENERAL.

In exercise of the power conferred by the Indian Council's Act, 1861, section eighteen, the following amended Rules have been made by the Council of the Governor General assembled for the purpose of making Laws and Regulations at the meeting held on the 11th day of February 1873, and have received the assent of the Governor General.

I.-Preliminary

1. The Rules supersede the Rules for the Conduct of Business at the Meetings of the Council as amended on the 17th day of December 1862, and the 28th day of February 1868.

2. In these Rules-

“Council” means the Council of the Governor General of India assembled for the purpose of making Laws and Regulations:

“President” means the Governor General, or (during the time of his visit to any part of India unaccompanied by his Council) the President nominated by the Governor General in Council, under the Indian Council's Act, 1861, section six; or in the absence of both the Governor General and the President so nominated, the Senior Ordinary Member of Council present and presiding:

“Member” means a Member of the Council, whether ordinary, extraordinary or additional:

“Secretary” means the Secretary to the Government of India in the Legislative Department, and includes every person for the time being exercising the functions of his office; and “Local Government” includes a Chief Commissioner.

II.-Meeting of the Council.

3. The Council shall ordinarily meet at 11 A.M. and shall not prolong its sittings after 4 P.M., unless the President otherwise directs.
4. The quorum shall be seven, including the President.
5. The Commander-in-Chief shall sit on the right of the President: the Governor or Lieutenant Governor shall sit opposite the President: the Law Member shall sit wherever it may be convenient; and, subject to these provisions, the Members shall sit according to seniority, the junior Member being on the left of the President.
6. The President may adjourn, without any discussion or vote, any Meeting or business, whether there be a quorum present or not, to any future day, or to any part of the same day.
7. The President shall preserve order, and all points of order shall be decided by him, no discussion thereupon being allowed.
8. A Member desiring to make any observations on any subject before the Council shall address the President without rising from his chair.
9. On all matters brought before the Council, after the Member who make a motion has spoken, each Member consecutively, beginning with the Member on the left of the President, may make such observations as he thinks proper.

After all the Members in turn have had an opportunity of speaking, the mover may speak once by way of reply, and any other Member may, with the permission of the President, speak once by way of explanation:

Provided that, if the matter be an amendment of a Bill, the Member in charge of the Bill shall be entitled to speak next after the mover of the amendment.
10. When, for the purpose of explanation during discussion, or for any other sufficient reason, any Member has occasion to ask a question of another Member on any measure then under the consideration of the Council, he shall ask the question through the President.
11. Any Member may speak at the request and on behalf of another Member who is unable to express himself in English.
12. On every motion before the Council, the question shall be put by the President, and shall be decided by a majority of votes.

In case of a division the votes shall be taken by the Secretary in consecutive order, beginning with the Member on the left of the President.

After the question is put no further discussion upon it shall be allowed.

13. Any Member may ask for any papers or returns connected with any Bill before the Council. The President shall determine, either at the time, or at the Meeting of the Council next following, whether the papers or returns asked for can be given.
14. Communication on matters connected with any Bill before the Council may be addressed, either in the form of a petition to the Governor General in Council, or in a letter to the Secretary, and must in either case be sent to the Secretary. Ordinarily, such communications will not be answered.
Except in the case of the High Court at Fort William, such communications from Courts, officials, or public bodies shall ordinarily be sent through the Local Government.
15. The secretary shall either cause such communications to be printed and send a copy to each Member, or circulate them for the perusal of each Member.

III.—Introduction and Publication of Bills.

16. Any Member desiring to move for leave to introduce a Bill in accordance with the provisions of section 19 of the Indian Councils' Act, shall give the Secretary at least three days' previous notice of the title and object of the Bill.
If such motion be carried, the Bill with a full Statement of Objects and Reason shall, if not already prepared, be prepared by the Member or (if he so desire) by the Secretary in consultation with the Member.
17. The Secretary shall then cause the Bill, together with the Statement of Objects and Reasons, to be printed, and shall send a copy to each Member.
If any of the Members are unacquainted with English, he shall also cause the Bill and the statement of Objects and Reasons, to be translated into Hindustani for their use.
18. When a Bill is introduced, or on some subsequent occasion, the Member in charge of it shall make one or more of the following motions—
 - (a) that it be referred to a Select Committee, or
 - (b) that it be taken into consideration by the Council, either at once or at some future day to be then mentioned, or
 - (c) that it be circulated for the purpose of eliciting opinion thereon.
19. No such motion shall be made until after a copy of the Bill and a copy of the Statement of Objects and Reasons have been furnished to each Member. Any Member may object to the motion unless such copies

have been furnished to him at least seven days previously; and such objections shall prevail unless the President, in exercise of his power to suspend any of these Rules, allows the motion to be made.

20. On the day on which such motion is made, or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provisions may be discussed.

21. When any motion mentioned in Rule 18 is carried, the Bill shall, together with a Statement of its Objects and Reasons, be published in English in the Gazette of India.

The Bill and Statement shall also be published in such official Gazettes and in such Vernacular languages (if any), as the Council in each case decides to be necessary for the purpose of giving notice to the communities affected by the Bill.

For this purpose, the Council shall make an order at the Meeting at which such motion is carried, and may, from time to time, on the motion of any Member, vary or cancel such order.

22. The Governor General, if he see fit, may order the Publication of a Bill, together with the Statement of Objects and Reasons which accompanies it, in such Gazettes and languages as he thinks necessary, although no motion has been made for leave to introduce the Bill.

In that case it shall not be necessary to move for leave to introduce the Bill; and if the Bill be afterwards introduced, it shall not be necessary to Publish it again.

IV-Select Committees.

23. The Law Member shall be a Member of every Select Committee.

The other Members of every Committee shall be named by the Council when the Bill is referred, or at any subsequent Meeting.

The Law Member and, in his absence, the Member in charge of the Bill shall be chairman of the Committee, and, in the case of an equality of votes, the chairman shall have a second or casting vote.

24. After publication of a Bill in the Gazette of India, the Select Committee to which the Bill may have been referred shall make a report thereon.

Such report shall be made not sooner than three months from the date of the first publication in the Gazette of India, unless the Council orders the report to be made sooner.

Reports may be either preliminary or final.

The Select Committee shall in their report state whether or not, in their judgment, the Bill has been so altered as to require republication, and whether the publication ordered by these Rules or by the Council has taken place.

If, in the judgment of the Committee, the Bill has been so altered as to require republication, the

Secretary shall send a copy of the altered Bill to the Secretary of the Department to which it pertains.

25. The Secretary shall cause every report of a Select Committee to be printed, and shall send a copy of such report to each Member, and if the Committee or the President so direct, the Secretary shall cause the report, with the amended Bill, to be published in the Gazette of India.

If any of the Members present are unacquainted with English, he shall also cause the report to be translated into Hindustani for their use.

26. The report of the Select Committee on a Bill shall be presented to the Council by the Member in charge of the Bill, and shall be taken into consideration by the Council as soon as conveniently may be; but any Member may object to its being so taken into consideration when he has not been furnished for a week with a copy of the report; and such objection shall prevail, unless the President, in exercise of his power to suspend any of these Rules, allows the report to be taken into consideration.

V. – Consideration and Amendments of Bills.

27. When a Bill is taken into consideration by the Council, any Member may propose an amendment of such Bill.

28. If notice of such amendment has not been sent to the Secretary at least three days before the Meeting of the Council at which the Bill is to be considered, any Member may object to the moving of the amendment, and such objection shall prevail, unless the President in exercise of his power to suspend any of these Rules, allows the amendment to be moved.

The Secretary shall cause every such notice to be printed, and shall send a copy for the information of each Member.

If any of the Members present are unacquainted with English, he shall also cause every such notice to be translated into Hindustani for their use.

29. Amendments shall ordinarily be considered in the order of the clauses to which they respectively relate.

30. Any Member may move that a Bill which has been amended by the Council or by a Select Committee be re-published or re-committed, and, if the Council so decide, the President may order the Bill to be re-published or re-committed, as the case may be.

31. If no amendment be made when a Bill is taken into consideration by the Council, the Bill may at once be passed.

If any amendment be made, any Member may object to the passing of the Bill at the same Meeting; and such objection shall prevail, unless the President, in exercise of his power to suspend any of these Rules, allows the Bill to pass.

Where the objection prevails, the Bill shall be brought forward again at a future Meeting, and may then be passed with or without further amendment.

VI. Passing of Bills and Publication of Acts.

32. When a Bill is passed by the Council, a copy thereof shall be signed by the President, and, when the Governor General has declared his assent thereto, such copy shall be signed by the Governor General, and the Bill shall be published as soon as possible in the official Gazettes, under the signature of the Secretary, as an Act of the Governor General in Council.

Such publication shall be made in the Gazette of India in English and in the official Gazettes of the Local Governments in English and in the principal Vernacular languages spoken in the territories subject to such Governments respectively:

Provided that, when the Act, does not apply to the whole of British India, it shall be published only in the Gazette of India and in the Gazettes of the Local Governments to whose territories it applies.

VII. – Duties of Secretary.

33. At least two days before each Meeting of the Council, the Secretary shall send to each Member a list of the business to be brought forward at such Meeting.

34. The Secretary shall keep a journal, in which all the proceedings of the Council shall be fairly entered.

The journal shall be submitted after each Meeting to the President for his confirmation and signature, and, when so signed, shall be the record of the proceedings of the Council.

35. The Secretary shall also prepare a report of the proceedings of the Council at each of its Meetings, including an abstract of the observations of the Members, and publish it in the Gazette of India as soon as possible after the Meeting. He shall send a copy of such report to each Member and also to the Permanent Under Secretary of State for India.

36. In addition to other duties specially required by these Rules, it shall be the duty of the Secretary:–

1st, to draft all Bills originated by the Government of India, the Statements of their Objects and Reasons, and the Reports of the Select committees to which such Bills are referred;

2nd, to take charge of the copies of the Bills signed by the Governor General and of all the other records of the Council;

3rd, to keep the books of the Council;

4th, to keep a list of the business for the time being before the Council;

5th, to superintend the printing of all papers printed in pursuance of these Rules;

6th, to assist the Council and all Committees in such manner as they may direct;

7th, to send to the Secretary of the Department to which the Bill pertains, any Bill which an Additional Member has obtained leave to introduce under Rule 16;

8th, to examine all Bills deposited by Additional Members, and to report to the President on those which contain clauses trenching on subjects coming within section 19 or section 22 of the Indian Councils' Act, 1861;

9th, to write all letters which the Council, or the President, or any Select Committee or the Law Member, directs to be written.

37. It shall be the special duty of the Assistant Secretary in the Legislative Department, to translate into Hindustani, Bills, Statements of Objects and Reasons, Reports of Select Committees and Amendments of Bills, to explain papers to the Members unacquainted with English, and otherwise to assist them in such manner as they may require.

VIII.—Miscellaneous.

38. Strangers may be admitted into the Council Chamber during the sittings of the Council on the order of the President.

Application for orders of admission is to be made to the Secretary.

39. The President, on the motion of any Member, may direct at any time during a sitting of the Council, that strangers withdraw.

40. Any paper relating to any measure before the Council may be published by order of the President.

Copies of papers so published shall be sold at such rates as may be fixed by the Secretary.

41. Any Bill respecting which no motion has been made in the Council for two years may, by order of the President, be removed from the list of business.

42. The President, for sufficient reason, may suspend any of the foregoing Rules.

----- Footnote -----

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