

LEGISLATIVE DEPARTMENT.

(Rules for the conduct of the Legislative Business of the Council of the Lieutenant-Governor of Myanmar.)

No. 1

Dated Rangoon, the 4th August 1897.

[Amendment : 18.06.1989]

No. 1.- In exercise of the power conferred by section 48 of the Indian Councils Act 1861, the following rules have been made by the Lieutenant-Governor of Myanmar and have been sanctioned by the Governor-General in Council:-

Rules for the conduct of the Legislative Business of the Council of the Lieutenant-Governor of Myanmar.

<Amendment 18.06.1989>

I. - Preliminary.

1. In these rules-

“**Council**” means the Council of the Lieutenant-Governor of Myanmar, assembled for the purpose of making laws and regulations;

“**President**” means the Lieutenant-Governor, or, in his absence, the Member highest in official rank among those who hold office under the Crown, present and presiding;

“**Secretary**” means the officer appointed by the Lieutenant-Governor to perform the duties of Secretary to the Council, and includes every person for the time being exercising the functions of Secretary.

<Amendment 18.06.1989>

II. - Meetings of the Council.

2. When it appears to the Lieutenant-Governor that a sitting of the Council is expedient, he shall summon the Members by a notification published in the local Gazette.

3. The Council shall ordinarily meet at 11 A.M.

4. The Government Advocate shall sit wherever the President may appoint. Other members shall sit according to priority of appointment, the junior member being on the left hand of the President. Members appointed on the same day shall sit in the order in which their names appear in the notification of appointment.

5. 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.
6. The President shall preserve order, and all points of order shall be decided by him, no discussion thereupon being allowed.
7. A Member desiring to make any observations on any subject before the Council shall address the President without rising from his chair.
8. No Member shall be heard except upon business then regularly before the Council, or, by permission of the President specially obtained, in explanation of what he had said in a previous debate.
9. Except in discussing verbal amendments, when the Council is settling the several clauses of a Bill, or to explain what he has before said if it has been misunderstood, no Member other than the mover shall speak more than once upon a question; but the mover shall, if he has spoken to the question when making his motion, be allowed a reply.
10. A Member who has spoken upon a motion may speak again upon any amendment thereof afterwards moved and, if the, matter before the Council be an amendment of a Bill, the Member in charge of the Bill shall be entitled to speak a second time after the mover of the amendment has replied.
11. The President may, in all cases, address the Council after the reply of the mover, and before putting the question.
12. 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.
13. Any member may speak at the request and on behalf of another Member who is unable to express himself in English.
14. On every motion before the Council the question shall be put by the President, and shall be decided by a majority of votes.
After the question is put no further discussion upon it shall be allowed.
15. 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.
16. Communications on matters connected with any Bill before the Council may be addressed to the Lieutenant-Governor or to the Secretary, and must in either case be sent to the Secretary.

17. 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.
18. Any member who wishes to make an original motion, or move an amendment of a Bill, shall give notice of his intention at the next previous meeting, or send notice in writing to the Secretary not less than three days before the day of the meeting at which he intends to introduce the motion.

III. - Introduction and Publication of Bills.

19. When a motion for leave to introduce a Bill into Council in accordance with the provisions of section 38 of the Indian Councils Act, 1861, has been carried, the Bill, with a full Statement of Objects and Reasons, shall, if not already prepared, be prepared by the Secretary in consultation with the mover.
20. 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.
21. The Council may, at any time after leave to introduce a Bill has been granted, direct that the Bill be published in such manner as the Council thinks fit.
If any member is unacquainted with English, the Secretary shall cause the Bill and the Statement of Objects and Reasons to be translated into a language the Member understands for his use.
22. 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.
23. When any motion mentioned in the preceding rule has been carried, the Bill, together with a Statement of Objects and Reasons, shall, unless it has been previously published by order of the Lieutenant-Governor, under the next following rule, and has not been materially altered since the date of that publication, be published in English, and also in the Vernacular (unless otherwise directed by the Council) in the local Gazette.
24. A Bill may at any time be sent to the Secretary to be printed and circulated under Rule 17. The Lieutenant-Governor, if he see fit, may order such Bill to be published in the local Gazette, together with the Statement of Objects and Reasons.

IV. - Select Committees.

25. The Government Advocate shall be a Member of every Select Committee.
26. The other Members of every Select Committee shall be named by the Council when the Bill is referred or at any subsequent meeting.

The Member in charge of the Bill shall be Chairman of the Committee, and, in the case of equality of votes, shall have a second or casting vote.

27. The Select Committee shall, unless ordered to report sooner, make a report upon the Bill referred as soon as possible after the close of two months from its publication in the local Gazette. Such report may be either preliminary or final.

28. The Select Committee shall in their report state-

- (i) whether the publication ordered by these rules, or by the Council, has taken place, and the date on which it has taken place; and
- (ii) whether the Bill has been so altered as to require republication.

29. The Secretary shall cause every Report of a Select Committee to be printed and circulated to each Member. If the President so direct, he shall also cause the Report with the amended Bill to be published in the local Gazette.

30. 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, one week beforehand, 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.

31. When a Bill is taken into consideration by the Council, any Member may propose an amendment of such Bill.
32. When notice of an amendment is given under Rule 18, the amendment shall be printed and circulated to each Member.
33. Amendments shall ordinarily be considered in the order of the clauses to which they respectively relate.
34. Notwithstanding anything in the foregoing rules, it shall be in the discretion of the President when a motion that a Bill be taken into consideration has been carried, to submit the Bill, or any part of the Bill, to the Council, clause by clause. When this procedure is adopted, the President shall call each clause

separately, and, when the amendments relating to it have been dealt with, shall put the question "that this clause, or (as the case may be) this clause as amended, stand part of the Bill."

35. 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 shall order the Bill to be re-published or re-committed, as the case may be.

36. 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.

37. At any time during the progress of a Bill it may be moved by the Member who brought in the same, or other Member for the time being in charge of the Bill, that it be withdrawn. If such motion be carried, the Bill shall be withdrawn accordingly.

VI. - Passing of Bills, Publication of Acts.

38. When a Bill is passed by the Council, it shall be signed by the Secretary and submitted to the Lieutenant-Governor for him to declare that he assents to or withholds his assent from the same in accordance with the provisions of section 39 of the Indian Councils Act, 1861.

39. If the Lieutenant-Governor records his assent upon the Bill, an authentic copy shall be submitted as soon as may be for the assent of the Governor-General. When the Governor-General has signified his assent, the Bill shall be published as soon as possible in the local Gazette under the signature of the Secretary as an Act of the Lieutenant-Governor in Council which has received the assent of the Governor-General and has the force of law.

VII. - Duties of Secretary.

40. 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.

41. 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 proceeding of the Council.

42. 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 local Gazette as soon as possible after the meeting. He shall send a copy of such report to each Member, and also to the Secretary to the Government of India in the Legislative Department.

43. It shall be the duty of the Secretary-

- (1) to perform all acts required of him by the preceding rules;
- (2) to draft all Bills originated by the local Government, the Statements of Objects and Reasons, and the reports of the Select Committees to which such Bills are referred;
- (3) to take charge of the copies of the Bills to which the Lieutenant-Governor has declared his assent;
- (4) to keep the records of the Council;
- (5) to keep a list of the business for the time being before the Council;
- (6) to superintend the printing of all papers printed in pursuance of these rules;
- (7) to assist the Council and all Committees in such manner as they may direct;
- (8) to examine all Bills and to report to the President on those which contain clauses trenching on subjects coming within section 43 of the Indian Councils Act, 1861;
- (9) to write all letters which the Council or the President, or any Select Committee, directs to be written.

44. All acts which the Secretary is required to do may be done by any Secretary, or Under Secretary, or Assistant Secretary of the Government.

VIII. - Miscellaneous.

45. Strangers may be admitted into the Council Chamber during the sitting of the Council on the order of the President.

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

46. The President, on the motion of any Member or otherwise, may direct, at any time during a sitting of the Council, that all or any strangers present shall withdraw.

47. 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.

48. 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.

49. The President for sufficient reason may suspend any of the foregoing rules.

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Myanmar Law Information System (MLIS)