

Legislative (1899) Department.

ORDINARY MS.

G.O., No. 124-125

DATED 5-12-99

INDEXED

[Despatch Abstract.]

Addressing the govt. of India
on the subject of extending
the time for notice of Question
asked at the meeting of the
Leg. Council.

The Notes
in these Proceedings have been printed.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Government {1899} of Madras. LEGISLATIVE.

MISCELLANEOUS.

Recd.

Enclosures

1899.

Regd.

Spare copies

G.O., &c. Nos. 124, 125, 5th December 1899.

DECEMBER.

Legislative Council.

Addressing the Government of India on the subject of extending the time for notice of questions asked at the meeting of the —.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

ORDER—124, Legislative, dated 5th December 1899.

The following letter will be despatched to the Government of India.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

LETTER—to the Secretary to the Government of India, Home department, dated Madras, 5th December 1899, No. 125, Political.

I am directed to address you again on the subject of the time allowed to a member to give notice of a question by rule 8 of the rules for asking questions in the Legislative Council. When this Government in its letter No. 130, dated 22nd November 1893, applied to the Government of India for sanction to extend the period from six to fifteen days, that Government observed in paragraph 2 of its letter No. 258 (Public), dated the 5th February 1894, that it would prefer not to make or sanction any modifications in the rules so soon after they had been brought into force and expressed a wish that the rule in question might be given a longer trial.

2. I am now to state that, as desired by the Government of India, the rule has been tried during the last six years, but that the experience gained during these years has only confirmed this Government in its opinion that the present period of six days is too short. According to the procedure adopted in this presidency, the questions are received in the Legislative department and printed and forwarded to the executive departments of the Secretariat concerned for remarks, as to their admissibility and for draft answers. On receipt of their replies about admissibility the consent of His Excellency the President to admit them is sought, and the agenda paper is then issued. The draft answers furnished by the departments are subsequently discussed and settled at a meeting of the executive Council specially held for the purpose, and the answers as thus settled are printed and furnished to the members who have to read them at the meeting.

3. The questions at a single meeting usually number nearly forty, the highest on record being seventy-six. They are as a rule received on the latest date allowed by the rules and the printing takes up almost a day. The replies of departments about their admissibility very often take more than a day while the agenda paper has to be issued three clear days before the date of the meeting. There is thus hardly any time for the orders of His Excellency the President to be taken about their admission. The press and the office have consequently to be kept open till after 10 p.m. on the date of the issue of the agenda paper.

4. As the meeting of the Executive Council for settling the answers is held a day or two prior to the meeting of the Legislative Council, the time allowed for the preparation of draft replies is practically under three days of which one is very often a Sunday. This time is obviously insufficient for looking up records, communicating

with other departments or heads of departments and drafting the replies. On the whole therefore it has been found very difficult in this confined period to deal satisfactorily with the large number of questions received. Meanwhile the other work of the Secretariat, even of an urgent character, is brought to a standstill. The inconveniences complained of would be obviated by a short extension of the time now allowed which would cause no inconvenience to questioning members, whose questions if of pressing urgency could be specially admitted later.

5. In these circumstances I am to urge upon the Government of India the desirability of extending the time from six to ten days, and to request that His Excellency the Governor-General will be pleased to accord under section 2 of the Indian Councils Act, 1892, sanction to the necessary alteration in the rules.

H. TREMENHEERE,
Secretary to Government.

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2. I am now to state that, as desired by the Government of India, the rule has been tried during the last six years, but that the experience gained during these years has only confirmed this Government in its opinion that the present period of six days is too short. According to the procedure adopted in this presidency, the questions are received in the Legislative department and printed and forwarded to the executive departments of the Secretariat concerned for remarks, as to their admissibility and for draft answers. On receipt of their replies about admissibility the consent of His Excellency the President to admit them is sought, and the agenda paper is then issued. The draft answers furnished by the departments are subsequently discussed and settled at a meeting of the executive Council specially held for the purpose, and the answers as thus settled are printed and furnished to the members who have to read them at the meeting.

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Exd. A. F. Eccleston.

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LEGISLATIVE DEPARTMENT.

NOTES CONNECTED WITH G.O., Nos. 124, 125, LEGISLATIVE,
DATED 5TH DECEMBER 1899.

[SUBJECT.—*Interpellations.*]

Order in Council.

The question of extending the time of notice for questions to be brought up.

G. STOKES.
10-11-99.

Legislative u.o. for favour of action.

G. STOKES.
10-11-99.

With reference to the above order in Council it is submitted that the question of extending the time of notice for questions was raised in 1893 soon after the introduction of the new rules, and the Government of India was requested in letter No. 130, Legislative, dated the 22nd November of that year, to allow an extension being made from six to fifteen days.

2. This was not however approved by that Government, the chief reason being that it was too soon to make any alteration in the rules. The Government of India

This should be done.
A. E. H[AVELOCK].
19-11-99.
A. T. A[RUNDEL].
21-11-99.
H. M. W[INTERBOTHAM].
21-11-99.

accordingly suggested that a longer trial might be given to the rule in question. Further experience during the last six years has however only shown that the time is too short, and it is submitted that an application may now be made to have it extended to ten days. At times it has not been found possible to give more than

fifteen days' notice of the meeting of the Council.

P. T. THARYAN.
15-11-99.

It is respectfully submitted that India will ask whether this Government has carried out its (India's) recommendations made in paragraph 3 of its letter No. 258, dated 5th February 1894. It seems that the first recommendation has not been followed. It is that where questions are objectionable the *modified* form must be sent in six days before the meeting. Submitted that if this Government announces its intention of adhering to this practice members will send in their questions early as they will be unwilling to risk the mutilation of a series of questions by the exclusion of one objectionable one in the series; and they will be aware that if they run the time too close a little natural delay on the part of Government in requesting modification would relegate their chief sensational questions to a later meeting when interest will have subsided.

R. W. D'E. ASHE.
16-11-99.

Secretary—

The Government of India will apparently not be very much inclined to alter the rules; but they may be induced to ask other Governments how the existing rule has worked, and, if the replies are to show that the rule has not worked satisfactorily, will probably be ready to alter matters.

Yes.

A. E. H[AVELOCK].
19-11-99.

This will be a decided improvement.

A. T. A[RUNDEL].
21-11-99.

H. M. W[INTERBOTHAM].
21-11-99.

2. In any case the rule as to modified questions should, it is submitted, be worked strictly in future.

However really only a small number of questions are modified and the working of the rule will not make much difference.

M. HAMMICK.
16-11-99.

LEGISLATIVE DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 55, LEGISLATIVE, DATED
9TH JULY 1900.

[SUBJECT—Interpellations.]

From the Government of India, Home Department (Public), A. No. 1579, dated
13th June 1900.

The Government of India hold that a sufficient case for altering rule 8 of the rules framed under section 2 of the Indian Councils Act, 1892, has not been made out, and consider that if Presidents of Councils exercise their authority somewhat more freely than appears from the enquiries made by the Home department to be the practice, in rejecting, postponing, modifying or curtailing questions,—if it is recognized that all replies need not be elaborated, and if replies are confined to what can safely or conveniently be given, the existing six days' notice ought to be enough.

The usage of the House of Commons should, it is stated, be more closely followed in dealing with interpellations; and instances are given of the methods adopted by the Speaker to check abuses.

2. It is proposed to record the letter, and to send copies of it to departments of the Secretariat.

Secretary.

A. T. PRINGLE.
28-6-98.

H. TREMENHEERE.
29-6-00.

The proposal in paragraph 2 of the above note is accepted.

A. E. H[AVELOCK].
3-7-00.

A. T. A[RUNDEL].
4-7-00.

I should assert that from the suggestions offered, this Government has nothing to learn. Brevity of answer has been carefully studied, and all the suggested powers have been freely used.

H. M. W[INTERBOTHAM].
4-7-00.

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NOTIFICATION.

Fort St. George, February 14, 1893.

No. 4.—In exercise of the powers conferred upon him by 55 and 56 Vic., c. 14, section 2 (the Indian Councils Act, 1892), and with the sanction of the Governor-General in Council, the Governor in Council has been pleased to make the following rules which are now published for general information:—

I.—PRELIMINARY.

Rule 1.—In these rules—

“Council” means the Council of the Governor of Madras for the purpose of making Laws and Regulations.

“President” means the Governor of Madras, or, in his absence, the Senior Civil Ordinary Member of Council present.

“Member” means a Member of the Council, whether Ordinary or Additional.

II.—RULES FOR THE DISCUSSION OF THE FINANCIAL STATEMENT IN THE COUNCIL.

Rule 2.—The Financial Statement of the Government of Madras shall be explained in Council every year, and a printed copy given to each member.

Rule 3.—After the explanation has been made each member shall be at liberty to offer any observations he may wish to make on the Statement.

Rule 4.—The member who explained the statement shall have the right of reply, and the discussion shall be closed by the President making such observations, if any, as he may consider necessary.

Rule 5.—The discussion will be limited to those branches of revenue and expenditure which are under the control of the Local Government; and it will not be permissible to enter upon a criticism of Imperial Finance.

III.—RULES FOR ASKING QUESTIONS IN THE COUNCIL.

Rule 6.—No question shall be asked or answered in the Council of the Governor at a meeting of the Council for the purpose of making laws and regulations, as to any matters or branches of the administration other than those under the control of the Governor in Council; and, in matters which are or have been the subject of controversy between the Governor-General in Council or the

Secretary of State and the Local Government, no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts.

Rule 7.—Except as provided above, any question may be asked by any member, subject to the following conditions and restrictions.

Rule 8.—A member who wishes to ask a question shall give at least six clear days' notice in writing to the Secretary of the Council, submitting in full the question which he wishes to ask.

Rule 9.—Questions must be so framed as to be merely requests for information, and must not be in an argumentative or hypothetical form or defamatory of any person or section of the community.

Rule 10.—The President may disallow any question without giving any reason therefor other than that in his opinion it cannot be answered consistently with the public interests, and in such case the question shall not be entered in the Proceedings of the Council.

Rule 11.—The President may, if he thinks fit, allow a question to be asked with shorter notice than six days; and may in any case require longer notice if he thinks fit, or extend, if necessary, the time for answering a question.

Rule 12.—When the President has permitted the question to be asked, it shall be entered in the Notice Paper for the day, and questions shall be put, in the order in which they stand in the Notice Paper, before any other business is entered upon at the meeting.

Rule 13.—A question shall be read by the member by whom it was framed, or in his absence, if he so desires, by some other member in his behalf, and the answer shall be given either by the President or some other member whom he may designate for the purpose.

Rule 14.—The President may rule, at his discretion, that an answer to a question on the Notice Paper, even though the question be not put, shall be given on the ground of public interest.

Rule 15.—No discussion shall be permitted in respect of an answer given to a question asked under these rules.

Rule 16.—The question asked and the answer given to it shall be entered in the Proceedings of the Council.

A. BUTTERWORTH,
Ag. Under-Secy. to Government.

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200-17-11-98.

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DEPARTMENT.

C. No. _____

Interpellations
ORDER IN COUNCIL.

*The function of labour of
the time of notice for
questions when brought
up.*

10/11/99

*Nº 2916 d/ 10th November 1899
Lef. a. n. for former
of action.*

10/11/99

*Ref. 10/27/99
10/27/99
11/4/99*

[3]
500-7-8-00.

C 18/11/99
RD 20/11/99

Secy Secy/99

RD 22/11/99 Legislative DEPARTMENT.

8

C. No.

SUBJECT.

Mr. G. C. for
Circ

Question of extending the time of notice for questions

FOR ORDERS.

With reference to the ^{above} order in Council below it is submitted that the question of extending the time of notice for questions was raised in 1893 soon after the introduction of the new rules, and the Government of India was requested in letter No. 130 Legislative dated the 22nd November of that year to allow an extension being made from six to fifteen ~~more~~ days.

This was not however approved by that Government, the chief reason being that it was too soon to make any alteration in the rules. The Government of India accordingly suggested that a longer trial might be given to the rule in question. Further experience during the last six years has however only shown that the time is too short and it is submitted that an application may now be made to have it extended to ten days ~~at least~~. At times it has not been found possible to give more than 15 days notice of the meeting of the Council.

This should be done.

H. J. H.

19. 11. 99

MA
21. 11. 99.

HW
21-11-99

PH

15/11/99

P.T.O.

It is respectfully submitted that India will ask whether this Govt has carried out its (India's) recommendations made in para 5 of its letter 25-8 d. 5-2-94. It seems that the first recommendation has not been followed. It is that where questions are objectionable the modified form must be sent in six days before the meeting. Submitted that if this Govt announces its intention of adhering to this practice members will send in their questions early as they will be unwilling to risk the mutilation of a series of questions by the exclusion of one objectionable one in the series; and they will be aware that if they run the time too close a little natural delay on the part of Govt in requesting modification would relegate their chief sensational questions to a later meeting when interest will have subsided.

9.9.16-11-99

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The Government of India will apparently not be very much inclined to alter the rules - they may be inclined to ask the Government how the rule has worked and if the reply can show that the rule has not worked satisfactorily will probably be ready to alter matters.

In any case the rule as to modified questions sh^d be submitted he looked strictly in future -

However really only a small number of questions are modified & the working of the rule will not make much difference -

This will be a decided improvement.

MA 21.11.98

16 21.59

Year	Date of meeting	Number of Questions	Year	Date of meeting	Number question
1894.	5 th January	11	1898-emb	13 December	37
	7 th March	25	1899	24 January	13
	9 April	29		9 March	44
	20 November	25		7 April	33
1895	22 nd January	47		6 June	43
	15 February	12		14 November	54
	13 th March	32			
	8 th April	24			
	4 November	17			
	18 December	21			
1896	26 February	27			
	11 March	5			
	8 th April	60			
	9 December	63			
1897	9 February	76			
	9 April	55			
	23 November	58			
1898	1 February	35			
	4 April	38			
	13 May	28			
	13 th June	"			

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C 30 July 89
Rd 4/12/89

Ans 2/12/89

DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., No.

, dated

189

Again G.O., No.

, dated

189

Current No.

of 189, dated

, from

" "

" 189, "

" "

" 189, "

His Secy & C. Secy

ORDER.

no 124 d/5-12-89

The following letter will be despatched to
Government of India

Letter to no 125 d/5-12-89

The Secretary to the Government of India
Home Department.

Sir,

I am directed to address you again
on the subject of the time allowed to a
member to give notice of a question by rule 8
of the rules for asking questions in the Legisla-
tive Council. When this Government in its
letter no 130 dated 22nd November 1893 applied
to the Government of India for sanction to extend
the period from six to fifteen days, that Govern-
ment observed in para 2 of its letter no 258
(Public) dated the 5th February 1894
that it would prefer not to

Despd.
5/12

2-12-89

F-IX

F-B

F-A

It is in the rules so soon after they brought into force and expressed a doubt that the rule in question might be longer trial.

I am now to state that as desired by Government of India the rule has been during the last six years, but that the experience gained during these years has only confirmed this Government in its opinion that the present period of six days is too short. According to the procedure adopted in this Presidency, the questions are received in the Legislative Department and printed and forwarded to the Executive Departments of the Secretariat concerned for ^{remarks} objections, if any, as to their admissibility and for draft answers.

On receipt of their replies about admissibility the consent of His Excellency the President to admit them is ^{promptly} obtained, and the agenda paper is then issued. The draft answers furnished by the departments are subsequently discussed and settled at a meeting of the Executive Council specially held for the purpose, and the answers as thus settled are printed and furnished to the members who have to read them at the meeting.

3. The questions at a single meeting usually number ^{nearly} about forty, although occasionally the number is as high as seventy-six. The highest on record being seventy-six.

note. Please see statement at H. What is the average for the last six years is thirty-four.

They are as a rule received on the late allowed by the rules and the printing up almost a day. The replies of departments about their admissibility very often more than a day while the agenda paper is issued three clear days before the date of the meeting. There is thus hardly any time for the orders of His Excellency the President to be taken about their admission. The Press and the office have consequently to be kept open ~~for the issue of the agenda paper~~ till after 10 p.m. on the date of the issue of the agenda paper.

4. As the meeting of the Executive Council for settling the answers is held a day or two prior to the meeting of the Legislative Council the time allowed for the preparation of draft replies is practically under three days of which one is very often a Sunday. The time is obviously insufficient for looking up records, communicating with other departments or heads of departments and drafting the replies. On the whole therefore it has been found very difficult in this confined period to deal satisfactorily with the large number of questions received. Meanwhile the other work of the Secretariat office even of an urgent character is

light to a standstill. The inconvenience
infringed of would be obviated by a
re-entrance of the time now allowed
which would cause no inconvenience to ques-
tioning members, whose questions if of
importance could be specially admitted later
in the ^{period allowed} than ~~the period allowed~~ under rule 11 of
rules for asking questions

One of the reasons given in this govern-
ment's letter no 130 dated 22nd November
1893 for an extension of time was that
questions are occasionally drawn up in
an objectionable form. This inconvenience
however is not much felt at present.

In these circumstances I am to
urge upon the Government of India the desira-
bility of extending the time from six to
~~at least~~ ten days, and to request that
His Excellency the Governor-General will be
pleased to accord under section 2 of the
Indian Councils Act, 1892, Sanction to the
necessary alteration in the rules.

(From orders)

25-11-99

29 11 99

30.11.99

Note: The order as to working the rule strictly
with regard to modified questions has been
noted.

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When signed _____ } 1899

READ AGAIN G.O., No. _____ DATED _____
189

CURRENT No. _____

ENCLOSURES TO G. No. _____

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B. -

A = Copy in full.
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P = Copy abstract only.
Q = Copy heading only.

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Print 20 letters
+ notes +
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