

(The Myanmar Legislative Council Rules.)

NO. 519-IV

THE MYANMAR GAZETTE, JANUARY 6TH, 1923.

[Amendment : 18.06.1989]

NO. 519-IV.- In exercise of the powers conferred by sub-section (5) of section 72D and section 129A of the Government of India Act, the Governor-General in Council, with the sanction of the Secretary of State in Council, is pleased to make the following rules, the same having been laid before and approved by both Houses of Parliament:-

Short title and commencement.

1. (1) These rules may be called the Myanmar Legislative Council Rules.

(2) They shall come into force on a date to be appointed by the Governor-General in Council with the approval of the Secretary of State in Council.

<Amendment 18.06.1989>

Definitions.

2. In these rules-

“Council” means the Legislative Council of the Governor of Myanmar;

“Finance Member” means the member of the Council appointed by the Governor to perform the functions of the Finance Member under these rules;

“the Gazette” means the Myanmar Gazette;

“member” means a member of the Council;

“member of the Government” means a member of the Executive Council or a minister and includes any member to whom such member may delegate any function assigned to him under these rules;

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

“standing order” means a standing order of the Council; and

“Secretary” means a Secretary to the Council, and includes any person for the time being performing the duties of the Secretary.

<Amendment 18.06.1989>

Temporary Chairman.

3. At the commencement of every Session, the President shall nominate from amongst the members of the Council a panel of not more than four Chairmen, any one of whom may preside over the Council in the absence of the President and Deputy President, when so requested by the President or, in his absence, by the Deputy President.

Power of persons presiding.

4. The Deputy President and any Chairman of the Council shall, when presiding over the Council, have the same powers as the President when so presiding, and all references to the President in the rules and standing orders shall, in these circumstances, be deemed to be references to any such person so presiding.

Appointment of the Secretary.

5. The Secretary and such assistants of the Secretary as the Governor considers to be necessary shall be appointed by order in writing by the Governor and shall hold office during his pleasure.

Allotment of time for non-official business and precedence of business.

6. The Governor, after considering the state of business of the Council, shall, at the commencement of each Session, allot as many days as are, in his opinion, compatible with the public interests for the business of non-official members in the Council, and may from time to time during the Session alter such allotment, and on these days such business shall have precedence. On other days no business other than Government business shall be transacted except with the consent of the local Government.

Power to disallow questions.

7. The President may within the period of notice disallow any question or any part of a question on the ground that it relates to a matter which is not primarily the concern of the local Government, and, if he does so, the question or part of the question shall not be placed on the list of questions.

Subject matter of questions.

8. (1) Subject to the provisions of any notification issued by the Governor-General in Council under the provisions of sub-section (2) of section 52A of the Government of India Act declaring any territory to be a "backward tract," a question may be asked for the purpose of obtaining information on a matter of public concern within the special cognisance of the member to whom it is addressed:

Provided that no question shall be asked, in regard to any of the following subjects, namely:-

- (i) any matter affecting the relations of His Majesty's Government, or of the Government of India, or of the Governor or the Governor in Council, with any foreign State;

(ii) any matter affecting the relations of any of the foregoing authorities with any Prince or Chief under the suzerainty of His Majesty, or relating to the affairs of any such Prince or Chief or to the administration of the territory of any such Prince or Chief; and

(iii) any matter which is under adjudication by a Court of law having jurisdiction in any part of His Majesty's Dominions.

(2) If any doubt arises whether any question is or is not within the restrictions imposed by sub-rule (1), the Governor shall decide the point, and his decision shall be final.

Questions regarding controversy with higher authorities.

9. 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.

Supplementary questions.

10. Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given:

Provided that the President shall disallow any supplementary question if, in his opinion, it infringes the rules as to the subject matter of questions.

Motions for adjournments.

11. A motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President.

Restrictions on power to make motion.

12. The right to move the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely:-

(i) not more than one such motion shall be made at the same sitting;

(ii) not more than one matter can be discussed on the same motion, and the motion must be restricted to a specific matter of recent occurrence;

(iii) the motion must not revive discussion on a matter which has been discussed in the same Session;

(iv) the motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given; and

(v) the motion must not deal with a matter on which a resolution could not be moved.

Quorum.

13. The presence of at least twenty members shall be necessary to constitute a meeting of the Council for the exercise of its powers.

Language of Council.

14. The business of the Council shall be transacted in English, but any member may address the Council in Myanmar, or, with the permission of the President, in any vernacular used in the Province if he is not fluent in English or Myanmar.

<Amendment 18.06.1989>

Decision on points of order.

15. (1) The President shall decide all points of order which may arise, and his decision shall be final.
(2) Any member may at any time submit a point of order for the decision of the President, but in doing so shall confine himself to stating the point.

Irrelevance or repetition.

16. The President, after having called the attention of the Council to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

Power to order withdrawal of member.

17. (1) The President shall preserve order and have all powers necessary for the purpose of enforcing his decisions on all points of order.
(2) He may direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the Council, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same Session, the President may direct the member to absent himself from the meetings of the Council for any period not longer than the remainder of the Session, and the member so directed shall absent himself accordingly.
(3) The President may in the case of grave disorder arising in the Council suspend any sitting for a time to be named by him.

Publication of Bills.

18. The Governor may order the publication of any Bill (together with the Statement of Objects and Reasons accompanying it) in the Gazette 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 is afterwards introduced, it shall not be necessary to publish it again.

Notice of motion for leave to introduce Bills.

19. (1) Any member, other than a member of the Government, desiring to move for leave to introduce a Bill shall give notice of his intention, and shall, together with the notice, submit a copy of the Bill and a full Statement of Objects and Reasons.
- (2) If the Bill is a Bill which under the Government of India Act requires sanction, the member shall annex to the notice a copy of such sanction, and the notice shall not be valid until this requirement is complied with.
- (3) If any question arises whether a Bill is or is not a Bill which requires sanction under the Government of India Act, the question shall be referred to the authority which would have power to grant the sanction if it were necessary, and the decision of that authority on the question shall be final.
- (4) The period of notice of a motion for leave to introduce a Bill under this rule shall be as follows, namely:-
- (a) if the Bill relates to a transferred subject-fifteen days;
- (b) if the Bill relates to a reserved subject-one month or, if the Governor so directs, a further period not exceeding in all two months.

Publication.

20. As soon as may be after a Bill has been introduced, the Bill unless it has already been published, shall be published in the Gazette.

Effect of certification by Governor.

21. If the Governor certifies that a Bill or any clause of a Bill or any amendment to a Bill affects the safety or tranquillity of a Province or any part thereof, and directs that no proceedings or no further proceedings shall be taken thereon all notices of motions in connection with the subject matter of the certificate shall lapse, and if any such motion has not already been set down on the list of business it shall not be so set down. If any such motion has been set down on the list of business, the President shall, when the motion is reached, inform the Council of the Governor's action and the Council shall forthwith without debate proceed to the next item of business.

Power to disallow resolutions.

22. (1) The Governor may within the period of notice disallow any resolution or any part of a resolution, on the ground that it cannot be moved without detriment to the public interest, or on the ground that it relates to a matter which is not primarily the concern of the local Government, and if he does so the resolution or part of the resolution shall not be placed on the list of business.

(2) The Governor may disallow on grounds as aforesaid any motion for adjournment under rule 11, notwithstanding the consent of the President, and if he does so the adjournment shall not be permitted by the President and no further discussion of the motion shall take place.

Restrictions on subjects for discussion.

23. (1) Every resolution shall be in the form of a specific recommendation addressed to the Government, and no resolution shall be moved in regard to any of the following subjects, namely:-

- (i) any matter affecting the relations of His Majesty's Government, or of the Government of India, or of the Governor or the Governor in Council, with any foreign State;
- (ii) any matter affecting the relations of any of the foregoing authorities with any Prince or Chief under the suzerainty of His Majesty, or relating to the affairs of any such Prince or Chief or to the administration of the territory of any such Prince or Chief; and
- (iii) any matter which is under adjudication by a Court of law having jurisdiction in any part of His Majesty's Dominions.

(2) No resolution shall be moved in regard to any matter relating to any territory which has by a notification issued by the Governor-General in Council under the provisions of sub-section (2) of section 52A of the Government of India Act been declared to be a "backward tract" save in accordance with the provisions of such notification.

(3) The decision of the Governor on the point whether any resolution is or is not within the restrictions imposed by sub-rule (1) and sub-rule (2) shall be final.

Copy to Government.

24. A copy of every resolution which has been passed by the Council shall be forwarded to the Government, but any such resolution shall have effect only as a recommendation to the Government.

The Budget.

25. A statement of the estimated annual expenditure and revenue of the Province (hereinafter referred to as "the Budget") shall be presented to the Council on such day as the Governor may appoint.

Demands for grants.

26. (1) A separate demand shall ordinarily be made in respect of the grant proposed for each Department of the Government, provided that the Finance Member may in his discretion include in one demand grants proposed for two or more Departments, or make a demand in respect of expenditure, such as Famine Relief and Insurance and Interest, which cannot readily be classified under particular Departments. Demands affecting reserved and transferred subjects shall, so far as may be possible, be kept distinct.
- (2) 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.
- (3) Subject to these rules, the budget shall be presented in such a form as the Finance Member may consider best fitted for its consideration by the Council.

Stages of the Budget debate.

27. The budget shall be dealt with by the Council in two stages, namely:-

- (i) a general discussion;
- (ii) the voting of demands for grants.

General discussion.

28. (1) On a day to be appointed by the Governor subsequent to the day on which the Budget is presented and for such time as the Governor may allot for this purpose, the Council 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 Council.
- (2) The Finance Member shall have a general right of reply at the end of the discussion.
- (3) The President may, if he thinks fit, prescribe a time limit for speeches.

Voting of grants.

29. (1) Not more than twelve days shall be allotted by the Governor for the discussion of the demands of the local Government for grants.
- (2) Of the days so allotted, not more than two days shall be allotted by the Governor to the discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the President shall forthwith put every question necessary to dispose of the demand under discussion.
- (3) On the last day of the allotted days at five o'clock, the President shall forthwith proceed to put every question necessary to dispose of all the outstanding matters in connection with the demands for grants.

Motions at this stage.

30. (1) No motion for appropriation can be made except on the recommendation of the Governor communicated to the Council.
- (2) Motions may be moved at this stage to omit or reduce any grant or any item in a grant, but not to increase or alter the destination of a grant.
- (3) When several motions relating to the same demand are offered, they shall be discussed in the order in which the heads to which they relate appear in the Budget.
- (4) No motion shall be made for the reduction of a grant as a whole until all motions for the omission or reduction of definite items within that grant have been discussed.

Excess grants.

31. When money has been spent on any service for which the vote of Council is necessary during any financial year in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the Council by the Finance Member and shall be dealt with in the same way by the Council as if it were a demand for a grant.

Supplementary or additional grants.

32. (1) An estimate shall be presented to the Council for a supplementary or additional grant when-
- (i) the amount voted in the Budget of a grant is found to be insufficient for the purposes of the current year, or
 - (ii) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget for that year.
- (2) Supplementary or additional estimates shall be dealt with in the same way by the Council as if they were demands for grants.

Constitution of Committee on Public Accounts.

33. (1) As soon as may be after the commencement of each financial year a Committee on Public Accounts shall be constituted for the purpose of dealing with the audit and appropriation accounts of the Province and such other matters as the Finance Department may refer to the Committee.
- (2) The Committee on Public Accounts shall consist of such number of members as the Governor may direct, of whom not less than two-thirds shall be elected by the non-official members of the Council according to the principle of proportionate representation by means of the single transferable vote. The remaining members shall be nominated by the Governor.

- (3) The Finance Member shall be Chairman of the Committee, and, in the case of an equality of votes on any matter, shall have a second or casting vote.

Control of Committee on Public Accounts.

34. (1) In scrutinising the audit and appropriation accounts of the Province, it shall be the duty of the Committee to satisfy itself that the money voted by the Council has been spent within the scope of the demand granted by the Council.
- (2) It shall be the duty of the Committee to bring to the notice of the Council-
- (i) every re-appropriation from one grant to another grant;
 - (ii) every re-appropriation within a grant which is not made in accordance with the rules regulating the functions of the Finance Department, or which has the effect of increasing the expenditure on an item the provision for which has been specifically reduced by a vote of the Council; and
 - (iii) all expenditure which the Finance Department has requested should be brought to the notice of the Council.

----- Footnote -----

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