



KERALA LEGISLATURE

**COMMITTEE ON THE WELFARE OF
NON-RESIDENT KERALITES
(PRAVASI MALAYALEES)**

RULES OF PROCEDURE

**SECRETARIAT OF THE KERALA LEGISLATURE
THIRUVANANTHAPURAM**

2012

**COMMITTEE ON THE WELFARE OF NON-RESIDENT KERALITES
(PRAVASI MALAYALEES)**

**RULES OF PROCEDURE
(Internal Working)**

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PREFACE

This booklet contains the Internal Working Rules of Committee on the Welfare of Non-Resident Keralites (Pravasi Malayalees) and the extracts from the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly as they relate to the Committee.

The publication is intended for official use only.

Thiruvananthapuram,
9th May 2012.

P. K. MURALEEDHARAN,
Secretary-in-charge.

**I. RULES OF PROCEDURE OF THE COMMITTEE ON THE
WELFARE OF NON-RESIDENT KERALITES
(PRAVASI MALAYALEES)**

(Internal Working)

*(Made under Rule 207 of the Rules of Procedure and Conduct of Business in the
Kerala Legislative Assembly)*

(The following Rules are supplemental to the provisions contained in Rules 180 to 211 and Rules 261M and 261N of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly)

1. *Selection of subjects for examination.*—(1) The Committee shall select from time to time for examination, such subjects pertaining to the Welfare of Non-Resident Keralites as may deem fit and as fall within the scope of its terms of reference.

(2) The programme of work for examination of subjects may be determined by the Committee from time to time.

2. *Examination of complaints, petitions and representations.*—(1) The Committee may examine every complaint, petition or representation received from individuals or associations in and outside the nation, if they fall within the functions assigned to the Committee.

(2) The Committee may also *suo motu* initiate action on any issue, which comes to their notice, provided that it falls within the scope of the functions of the committee.

3. *Grounds for rejection of petitions, complaints and representations.*—Complaints, petitions and representations which fall in the following categories, shall not be considered by the Committee :

- (i) anonymous letters or letters on which names and/or address of the senders are not be given or are illegible and are not authenticated either by signature or by thumb impression;
- (ii) any petition, complaint or representation, which may adversely affect or deteriorate the inter-State relationship or diplomatic relationship with any foreign country;
- (iii) endorsement copies of letters addressed to authorities other than the Speaker or the House or the Chairman of the Committee or the Committee unless there is a specific request on such a copy praying for redress of the grievance ;

- (iv) representations or petitions on matters which fall within the cognizance of a court of law having jurisdiction in any part of India or a court of enquiry or a statutory tribunal or authority or a quasi-judicial body or a Commission or Ombudsman or Lokayukta;
- (v) representations of frivolous and vexatious nature or those not couched in respectful, decorous or temperate language or casting aspersions on the conduct of a Member of Legislative Assembly or a Member of Parliament :

Provided that in the case of complaints, petitions and representations received by E-mail, fax or by any other electronic media, the Committee shall conduct a preliminary examination about the genuineness of such complaints, petitions and representations first and thereupon the committee may accept or reject such complaints, petitions/representations as the case may be.

4. *To whom to be addressed.*—Every representation, petition, letter or telegram from individuals and associations shall be addressed to the Speaker or the Chairman of the Committee or the Secretary to the Legislature or the Committee.

5. *Report on the petitions.*—Two copies of the petitions submitted in compliance with the rules shall be forwarded to the appropriate department in the Government with a request for immediate acknowledgement and report on the petition within two months.

6. *Procedure in cases where the complaint, petition is against a private party.*—In cases where the petition/complaint is against a private party, individual or institution other than Government or Quasi Government, the Committee may to call for any explanation or reply from the counter-petitioner ;

Note: Counter-petitioner means and includes a person or institution other than a Government or a Quasi Government institution.

7. *Acknowledgement of petitions.*—As soon as a petition is received, the petitioner and in cases where the petition is forwarded by an MLA or MP, the MLA or MP concerned shall also be informed of the receipt of the petition. In case where the petition is received by E-mail, fax or by any other electronic media, the acknowledgement to such petitions shall be sent either by post or by the same media.

8. *Inadmissible petitions.*—If the petition does not comply with the Rules, the petitioner and in cases where the petition is forwarded by an MLA or MP, the MLA or MP shall also be informed of the reasons for the rejection of the petition.

9. *Report from the Government on the petitions.*—The report from the Government on the petitions may either be preliminary or final,—

- (i) If the report obtained from the Government is an interim one, a final report may be called for. In such cases the Government shall furnish the final report within one month.
- (ii) If the report obtained from the Government is sufficient to redress the grievance of the petitioner the relevant portion from the report shall be forwarded to the petitioner with a direction to intimate whether the grievances have been redressed.
- (iii) If the reply obtained from the petitioner is positive or if the petitioner fails to respond within a period of 15 days such petitions shall be placed before the Committee for consideration and final disposal.
- (iv) If the response from the petitioner is negative, the Committee would consider the same and the matter may be again brought to the notice of the department concerned and a final report on the petition may be called for.
- (v) If the report received from the Government is insufficient to redress the grievances of the petitioner the same shall be placed before the Committee for its consideration and decision.

10. *Authentication of communications.*—Every communication sent by the Government to be considered by the Committee shall be signed by an officer not below the rank of a Joint Secretary.

11. *Notice of sittings.*—When the date and time of a meeting of the Committee have been fixed by the Chairman, notice thereof shall be circulated to the members of the Committee.

12. *Material to be supplied to the Committee.*—The Government department to which the subject matter to be examined by the Committee relates shall be asked in writing by the Legislature Secretariat to furnish thirty sets of the necessary materials for circulation among the members of the Committee.

13. *Circulation of material to members.*—The material so received shall be circulated to the members of the Committee as soon as possible after its receipt from the Government.

14. *Papers circulated to members to be treated as confidential.*—The papers circulated to the Committee shall be treated as confidential and the contents thereof shall not be divulged to anyone; nor shall any reference be made to such information outside the Committee at any time before the report on the subject has been presented to the House. Thereafter reference may be made only to such information as is available in the documents or records laid on the Table.

15. *Examination of witnesses.*—The Committee shall have the power to require the presence of the officials of the Government, the petitioner, counter-petitioner or other persons/representatives of institutions, connected with the petition or require the production of records pertaining to the subject, if required.

16. *Chairman to be informed of the inability to appear.*—If any of the witnesses or Officers of the Government called upon to appear before the Committee to tender evidence is not in a position to do so for any bonafide reason, the reason for non-compliance shall be intimated to the Chairman sufficiently early.

17. *Points for oral evidence.*—(1) The Secretariat shall prepare list of points and/or questions for oral examination of the witnesses incorporating therein any suggestion that may be received from members, in this regard, for approval by the Chairman.

(2) Advance copies of the list of points or questions may be circulated to the members of the Committee.

18. *Procedure when taking oral evidence.*—The Chairman shall put questions one by one to the witness. If a member desires to put a question, he shall do so with the permission of the Chairman. In case the witness is not in a position to elucidate any point immediately, he may be permitted by the Chairman to furnish a reply to the Secretariat in writing as soon as may be thereafter.

19. *Points on which further information is required.*—The Secretariat shall note down the points on which further information is required by the Committee and under the direction of the Chairman take such action in the matter as may be necessary.

20. *Verbatim proceedings.*—A verbatim record of the proceedings of the meetings at which the witnesses tender evidence or are orally examined shall be maintained by the Secretariat.

21. *Minutes of sittings.*—The Secretariat shall draft minutes of the sittings of the Committee for approval of Chairman or the member who presided at the sittings as the case may be.

22. *Preparation of draft report.*—

- (i) When the examination of any subject has been completed the Committee shall frame their conclusions and recommendations.
- (ii) On the basis of the conclusions and recommendations a draft of the report shall be prepared.

- (iii) The draft report as prepared under sub-rule (ii) above shall be circulated to the members of the Committee after it has been approved by Chairman and then considered at a sitting of the Committee. The report of the Committee shall embody the decisions of the majority of the members present and voting.
- (iv) There shall be no minutes of dissent to the reports of the Committee. In case it is not possible or convenient to hold sitting of the Committee for the consideration and adoption of a draft report, the Chairman may with the permission of the Committee, finalise such report on the basis of the suggestions and comments received in writing from members.

23. *Special Report.*—The Committee may if it considers necessary present a special report with the prior permission of Speaker on a particular petition and a copy of such report shall be forwarded to the petitioner concerned also.

24. *Presentation of report.*—The report shall ordinarily be presented to the House by the Chairman but if he is unable to do so one of the members of the Committee who may be authorised by him may present the report on his behalf.

25. *Distribution of report.*—As soon as possible after presentation of the report to the House, copies thereof, shall be made available to the members of Assembly and other persons and authorities concerned.

26. *Scrutiny of statement of action taken by Government.*—The statement showing the action taken by Government on the recommendations contained in the reports of the Committee shall be obtained from the Government or the appropriate agency within two months of the presentation of the reports and put up with suitable comments for the examination before the Committee. On the basis of the comments made by the Committee a draft action taken report shall be prepared and placed before the Committee for consideration.

27. *Publicity to the activities of the Committee.*—The Secretariat shall, under the direction of the Committee, arrange to give suitable publicity to the sitting of the Committee for the information of the public.

28. *Change in rule.*—The Committee may with the approval of the Speaker make such changes in these rules as it deems fit.

29. *Interpretation of Rules.*—In cases of doubts as to the interpretation of these rules, the matter shall be referred to the Speaker whose decision shall be final.

**II. EXTRACTS FROM THE RULES OF PROCEDURE AND
CONDUCT OF BUSINESS IN THE KERALA
LEGISLATIVE ASSEMBLY RELATING TO
THE LEGISLATURE COMMITTEES**

**(a) Constitution and functions of the Committee on the Welfare
of Non-Resident Keralites (Pravasi Malayalees)**

261M. Constitution of the Committee.—There shall be a Committee on the Welfare of Non-Resident Keralites consisting of not more than nine members, to be nominated by the Speaker:

Provided that a Minister shall not be nominated as a Member of the Committee and that if a Member after his nomination to the Committee is appointed a Minister, he shall cease to be a member of the Committee from the date of such appointment.

261N. Functions of the Committee.—The functions of the Committee shall be,—

- (1) to examine, the complaints regarding:—
 - (a) the various problems of non-resident Keralites in India and abroad relating to Domestic and International job market ;
 - (b) the dispute between the employer and the prospective candidates ;
 - (c) the work relating to guidance in VISA formalities and travel regulations ;
 - (d) the work relating to air ticket booking in Domestic and International flight to the best satisfaction of the customers ;
 - (e) the atrocities, violence, torture, exploitation and unfair practice, cheating or any fraudulent activities against any persons belonging to Kerala, workers or employees in flights who travel to foreign countries on being employed or return to their place of work after enjoying leave in their native place ;
 - (f) the repatriations of dead bodies and to streamline the process of the transfer of dead bodies to their relatives or legal heirs ;
 - (g) the financial assistance to the legal heirs of the deceased/injured persons and subsequent claims related to the deceased/injured persons ;
 - (h) the rehabilitation or job opportunities of the returnees;

- (i) the functioning of the Non-Keralites Welfare Fund Board;
- (j) to check the unlawful activities of private agencies engaged in job recruitments abroad and all other agencies who are engaged on the welfare of Non-Resident Keralites.

(2) to suggest remedial measures for any or all of the above mentioned complaints.

(3) to examine such other matters as may be deemed fit by the Committee or specially referred to it by the House or by the Speaker.

(b) General

180. *Appointment of Legislature Committees.*—(1) The members of a Legislature Committee shall be appointed or elected by the Assembly or nominated by the Speaker, as the case may be.

(2) No member shall be appointed to a Committee if he is not willing to serve on it. The proposer shall ascertain whether the member whose name is proposed by him is willing to serve on the Committee.

(3) Casual vacancies in a Committee shall be filled by appointment or election by the Assembly or nomination by the Speaker, as the case may be, and any member appointed, elected or nominated to fill such vacancy shall hold office for the unexpired portion of the term for which the member in whose place he is appointed, elected or nominated would have normally held office.

181. *Objection to membership of Committee.*—Where an objection is taken to the inclusion of a member in a Committee on the ground that the member has a personal, pecuniary or direct interest of such an intimate character that it may prejudicially affect the consideration of any matters to be considered by the Committee, the procedure shall be as follows:—

(a) the member who has taken objection shall precisely state the ground of his objection and the nature of the alleged interest, whether personal, pecuniary or direct, of the proposed member in the matter coming up before the Committee;

(b) after the objection has been stated, the Speaker shall give an opportunity to the member proposed on the Committee against whom the objection has been taken, to state the position;

(c) if there is dispute on facts, the Speaker may call upon the member taking objection and the member against whose appointment on the Committee objection has been taken, to produce documentary or other evidence in support of their respective case;

(d) after the Speaker has considered the evidence so tendered before him, he shall give his decision which shall be final ;

(e) until the Speaker has given his decision the member against whose appointment on the Committee objection has been taken, shall continue to be a member thereof if elected, appointed or nominated ;

(f) if the Speaker holds that the member against whose appointment objection has been taken has a personal, pecuniary or direct interest in the matter before the Committee, he shall cease to be a member thereof forthwith ;

Provided that the proceedings of the sittings of the Committee at which such member was present shall not in any way be affected by the decision of the Speaker.

Explanation.—For the purpose of this rule the interest of the member should be direct, personal or pecuniary and separately belong to the person whose inclusion in the Committee is objected to and not in common with the public in general or with any class or section thereof or on a matter of State Policy.

182. *Term of Office of Committee nominated by the Speaker.*—A Committee nominated by the Speaker shall, unless otherwise specified in the rules contained in this Chapter, hold office for the period specified by him or until a new Committee is nominated.

183. *Resignation from Committee.*—A member may resign his seat from a Committee by writing under his hand addressed to the Speaker.

184. *Chairman of Committee.*—(1) The Chairman of a Committee shall be appointed by the Speaker from amongst the members of the Committee:

Provided that if the Deputy Speaker is a member of the Committee, he shall be appointed Chairman of the Committee.

(2) If the Chairman is for any reason unable to act, the Speaker may appoint another Chairman in his place.

(3) If the Chairman is absent from any sitting, the Committee shall choose another member to act as Chairman for that sitting.

185. *Quorum.*—(1) Unless otherwise fixed, the quorum to constitute a sitting of a Committee shall be, as near as may be, one-third of the total number of members of the Committee.

(2) If at any time fixed for any sitting of a Committee or if at any time during any such sitting, there is no quorum, the Chairman of the Committee shall either suspend the sitting until there is a quorum or adjourn the sitting to some future day.

(3) When the Committee has been adjourned in pursuance of sub-rule (2) on two successive dates fixed for sittings of the Committee, the Chairman shall report the fact to the Assembly:

Provided that where the Committee has been appointed by the Speaker, the Chairman shall report the fact of such adjournment to the Speaker.

186. *Discharge of members absent from sitting of Committee.*—If a member is absent from two or more consecutive sitting of a Committee without the permission of the Chairman, a motion may be moved in the Assembly for the discharge of such member from the Committee:

Provided that where the members of the Committee are nominated by the Speaker such member may be discharged by the Speaker.

187. *Voting in Committee.*—All questions at any sitting of a Committee shall be determined by a majority of votes of the members present and voting.

188. *Casting vote of Chairman.*—In the case of an equality of votes on any matter, the Chairman, or the person acting as such, shall have a second or casting vote.

189. *Power to appoint Sub-Committees.*—(1) A Committee may, subject to the approval of the Speaker, appoint one or more Sub-Committees, each having the powers of the undivided Committee, to examine any matters that may be referred to them, and the reports of such Sub-Committees shall be deemed to be the reports of the whole Committee if they are approved at a sitting of the whole Committee.

(2) The order of reference to a Sub-Committee shall clearly state the point or points for investigation. The report of the Sub-Committee shall be considered by the whole Committee.

190. *Date and time of sittings of Committee.*—The sittings of a Committee shall be held on such days and at such hours as the Chairman of the Committee may fix.

191. *Sittings of a Committee in private.*—The sitting of a Committee shall be held in private.

192. *Venue of sittings.*—The sittings of a Committee shall be held within the precincts of the Legislature Secretariat Buildings and if it becomes necessary to change the place of sitting outside the Legislature Secretariat Buildings, the matter shall be referred to the Speaker whose decision shall be final.

193. *All strangers to withdraw when Committee deliberates.*—All persons other than members of the Committee and officers whose services are required by the Committee shall withdraw whenever the Committee is deliberating.

194. *Power to take evidence or call for documents.*—(1) A witness may be summoned by an order signed by the Secretary and shall also produce such documents as are required for the use of a Committee.

(2) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

(3) No document submitted to the Committee shall be withdrawn or altered without the knowledge and approval of the Committee.

195. *Power to send for persons, papers and records.*—A Committee shall have power to send for persons, papers and records :

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Speaker whose decision shall be final:

Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

196. *Counsel for a witness.*—A Committee may, under the direction of the Speaker, permit a witness to be heard by a counsel appointed by him and approved by the Committee.

197. *Evidence on Oath.*—(1) A Committee may administer oath or affirmation to a witness examined before it.

(2) The form of the oath or affirmation shall be as follows:—

‘I, A, B, do swear in the name of God/solemnly affirm that the evidence which I shall give in this case shall be true, that I will conceal nothing and that no part of my evidence shall be false.’

198. *Procedure for examining witnesses.*—The examination of witnesses before a Committee shall be conducted as follows:—

- (i) The Committee shall, before a witness is called for examination, decide the mode of procedure and the nature of questions that may be asked of the witness.
- (ii) The Chairman of the Committee may first ask the witness such question or questions as he may consider necessary with reference to the subject matter under consideration or any subject connected therewith according to the mode of procedure mentioned in clause (i) of this rule.

- (iii) The Chairman may call other members of the Committee one by one to ask any other questions.
- (iv) A witness may be asked to place before the Committee any other relevant points that have not been covered and which a witness thinks are essential to be placed before the Committee.
- (v) A verbatim record of proceedings of the Committee shall, when a witness is summoned to give evidence, be kept.
- (vi) The evidence tendered before the Committee may be made available to all members of the Committee.

199. *Record of decisions.*—A record of minutes of the meetings of a Committee approved by the Chairman, shall be maintained and circulated to members of the Committee.

200. *Evidence, report and proceedings treated as confidential.*—(1) A Committee may direct that the whole or part of the evidence or a summary thereof may be laid on the Table.

(2) The evidence given before a Committee shall not be published by any member of the Committee or by any other person until it has been laid on the Table:

Provided that the Speaker may, in his discretion, direct that such evidence be confidentially made available to members before it is formally laid on the Table.

201. *Special reports.*—A Committee, if it thinks fit, may make a special report on any matter that arises or comes to light in the course of its work which it may consider necessary to bring to the notice of the Speaker or the Assembly, notwithstanding that such matter is not directly connected with, or does not fall within or is not incidental to, its terms of reference.

DIRECTION NO. 21

Legislature Committees—Prior sanction of Speaker is needed for taking evidence and preparation of Reports under Rule 201.

In cases of taking evidence and the preparation of reports by a Legislature Committee which are not specified either in the objectives of its constitution or empowered under the Internal Working Rules, the previous sanction of the Speaker is necessary. Similarly as per Rule 201 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly for taking evidence and for preparation of special reports the previous sanction of the Speaker shall be obtained.

(Issued by the Speaker on July 18, 2006)

202. *Report of Committee.*—(1) Reports may be either preliminary or final.

(2) The report of the Committee shall be signed by the Chairman on behalf of the Committee:

Provided that in case the Chairman is absent or is not readily available, the Committee shall choose another member to sign the report on behalf of the Committee.

203. *Availability of report to Government before presentation.*—A Committee may, if it thinks fit, make available to Government any completed part of its report before presentation to the Assembly. Such reports shall be treated as confidential until presented to the Assembly.

204. *Presentation of reports.*—(1) The report of a Committee shall be presented to the Assembly by the Chairman or in his absence by any member of the Committee.

(2) In presenting the report, the Chairman or, in his absence, the member presenting the report shall, if he makes any remarks, confine himself to a brief statement of fact, but there shall be no debate on that statement at this stage.

205. *Printing, publication or circulation of report prior to its presentation to Assembly.*—The Speaker may, on a request being made to him and when the Assembly is not in session, order the printing, publication or circulation of a report of a Committee although it has not been presented to the Assembly. In that case the report shall be presented to the Assembly during the next session at the first convenient opportunity.

205A. *Furnishing of reply to the recommendations contained in the report.*—The recommendations contained in the report of a Committee other than Subject Committees shall be examined by the Government and statement of action taken on such recommendations shall be furnished by the Government within the time limit specified in the report. In cases where no time limit is specified in the report, the action taken statement shall be furnished within 2 months from the date of receipt of the report by the Government.

205B. *Discussion on a matter contained in the report.*—(1) The Speaker may allot an hour on one day in a week for raising discussion on a matter of sufficient public importance which has been the subject of report of a Committee.

(2) A member wishing to raise discussion on such a matter shall give notice in writing to the Secretary three clear days before the day in which the matter is desired to be raised.

(3) The Speaker shall decide whether the matter is of sufficient public importance to be put down for discussion.

(4) There shall be no formal motion before the Assembly nor voting.

(5) If the member who has given notice is absent any other member authorised by him in writing in his behalf may, with the permission of the Speaker, initiate the discussion.

206. *Power to make suggestions on procedure.*—A Committee shall have power to pass resolution on matters of procedure relating to that Committee for the consideration of the Speaker, who may make such variations in procedure as he may consider necessary.

207. *Power of Committee to make detailed rules.*—A Committee may with the approval of the Speaker make detailed rules of procedure to supplement the provisions contained in the rules in this Chapter.

208. *Power of Speaker to give directions.*—(1) The Speaker may, from time to time, issue such direction to the Chairman of a Committee as he may consider necessary for regulating its procedure and the organisation of its work.

(2) If any doubt arises on any point of procedure or otherwise, the Chairman may if he thinks fit, refer the point to the Speaker whose decision shall be final.

209. *Business before Committee not to lapse on prorogation of Assembly.*—Any business pending before a Committee shall not lapse by reason only of the prorogation of the Assembly and the Committee shall continue to function notwithstanding such prorogation.

210. *Unfinished work of Committee.*—A Committee which is unable to complete its work before the expiration of its term or before the dissolution of the Assembly may report to the Assembly that the Committee has not been able to complete its work. Any preliminary report, memorandum or note that the Committee may have prepared or any evidence that the Committee may have taken shall be made available to the new Committee.

211. *Applicability of general rules to Committees.*—Except for matters for which special provision is made in the rules relating to any particular Committee, the general rules in this Chapter shall apply to all Committees; and if and so far as any provision in the special rules relating to a Committee is inconsistent with the general rules, the former rules shall prevail.

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