



KARNATAKA LEGISLATURE

COMMITTEE ON PRIVILEGES
INTERNAL WORKING RULES
(For Members use only)

KARNATAKA LEGISLATIVE COUNCIL SECRETARIAT
VIDHANA SOUDHA, BANGALORE-560001

P R E F A C E

The Committee of Privileges framed the Internal working Rules in pursuance of Rule 219 to supplement the general procedure for Committees outlined in Chapter XXIV and Rules 250 to 253 of the Rules of Procedure and Conduct of Business in the Legislative Council with the approval of the Hon'ble Chairman. These rules seek to facilitate smooth working of the Committee.

The Internal Working Rules were adopted by the Committee at its meeting held on 12th August 1991 with a view to make this pamphlet self-contained, relevant extract of the Rules of Procedure and Conduct of Business in the Karnataka Legislative Council relating to the Composition, Scope and functions of the Committee have been incorporated.

Bangalore,
Dated:

K.R. MAHALAKSHMI
Secretary(I/c)
Karnataka Legislative Council

Internal Working Rules for Committee on Privileges

1. **Short Title:-** These Rules may be called the “Internal Working Rules of the Committee on Privileges”.
2. **Definitions:-** In these Rules, unless the context otherwise requires;
 - (a) “Committee” means the Committee on Privileges constituted under Rule 250 of the Rules of Procedure and Conduct of Business in the Karnataka Legislative Council.
 - (b) “Chairman” means the Chairman of the Committee.
 - (c) “Member” means a Member of the Committee.
 - (d) “Rules” means the Internal Working Rules of the Committee on Privileges.
 - (e) “Secretariat” means the Karnataka Legislature Secretariat.
 - (f) Words and expressions used but not defined in these rules shall, unless the context otherwise requires, have the same meaning as assigned to them in the Rules of Procedure and Conduct of Business in the Karnataka Legislative Council.
3. **Examination of Question of Privilege referred to Committee:-** When a question of Privilege is referred to the Committee by the House or by the Chairman , a memorandum on the subject shall be prepared by the Secretariat for the consideration of the committee. The memorandum shall state briefly the point of privilege involved, the facts of the case, and the practice and precedents bearing on the question including those relating to the Parliament and Other State Legislatures.
4. **Preliminary meeting of the Committee:-** After a question of breach of privilege has been referred by the Chairman under Rule 179 or by the House under Rule 174 of the Rules of Procedure and Conduct of the Business in the Karnataka Legislative Council to the Committee on the Privileges, the Chairman shall, as soon as practicable, call a preliminary meeting of the Committee to consider the said question and determine the procedure to be followed in connection therewith.
5. **Notice of sitting and circulation of Agenda Papers:-** The date, time and place of a sitting of the Committee shall be fixed by the Chairman and notice thereof along with the agenda shall be circulated to the Members of the Committee.
6. **Papers circulated to Committee to be treated as confidential:-** The papers circulated to the Committee shall be marked and treated as confidential and the contents thereof shall not to be divulged to any one, 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/Chairman. Thereafter, reference may be made only to such information as is available in the contents of the Report or records laid on the Table of the House.
7. **Members not to raise in the House matters under Examination:-** Members of the Committee shall not ask any point on matters which are under the examination of the Committee until the reports of the Committee thereon have been presented to the House.

8. **Appearance of witnesses and Complaints:-** If the Committee considers that further enquiry is necessary, the person making the complaint, the person complained against and the witnesses, if any, shall be called to appear before the Committee on a specified date, time and place.
9. **Notices to be issued to the Complainant and witnesses:-** Notices to the Complainant, person complained against witness, if any, shall be served by the Secretary, either in Form A (Schedule I) or Form B (Schedule II) or in such other manner or form as may be considered necessary and through such agency as may be found feasible in the circumstances.
10. **Procedure when taking oral evidence:-** The Chairman may first ask any question and thereafter he may permit other members, one by one to put questions to a witness. If a member desires to put a question, he shall do so with the permission of the Chairman.
11. **Facts to be obtained from party concerned:-** A witness may be asked to place before the Committee any other relevant information that the Committee may deem necessary.
12. **Committee to decide whether prima facie case of breach of Privilege exists:-** If after going through the relevant material placed before it, the Committee is of opinion that prima facie case of breach of privilege has not been made out, it may report to the Chairman/Council accordingly.
13. **Notices to witnesses:-** If the Committee considers that further enquiry is necessary, it may take such evidence and examine such witnesses and in such order as it may determine and may issue notices in Form A (Schedule I) or Form B (Schedule II) or in such other manner or form as may be considered necessary and through such agency as may be found feasible in the circumstances to the witnesses.
14. **Rules to be observed while speaking:-** (a) A Member wishing to make any observations at the sittings of the Committee shall address to the Chairman and make all remarks to other Members through him.
(b) A Member shall speak with permission of the Chairman.
(c) Any Member who desires to interrupt while another Member is speaking shall seek the permission of the Chairman to do so.
(d) The Chairman may, if he considers that sufficient discussion has taken place on a question, close further discussion to arrive at a decision.
15. **Record of Proceedings:-** (a) Verbatim record of the proceedings of the meetings of the Committee shall be maintained by the Secretariat.
(b) The Secretariat shall prepare and circulate the minutes of the meetings of the Committee with the approval of the Chairman to each Member of the Committee.
16. **Expunction of unparliamentary, irrelevant phrases from the proceedings:-** If, in the opinion of the Chairman, any documents presented to the Committee or any remarks or observations made by anyone in the course of proceedings of the Committee contain words, phrases or expressions which are unparliamentary,

irrelevant or are not couched in respectful, decorous and temperate language, or are otherwise in appropriate, the Chairman may order such words, phrases or expressions to be expunged from the proceedings.

17. **Evidence to be taken on oath:-** All evidence before the Committee shall be taken on oath which shall be in the form prescribed in Form C (Schedule III).
18. **Preparation of Draft Report:-** The Secretariat shall prepare draft report of the Committee containing its recommendations and the same shall be placed before the Committee for consideration.
19. **Minutes to be appended to the Report:-** The minutes of sitting and such evidence as the Committee may direct shall be appended to the report of the Committee.
20. **Presentation of Report:-** (1) When a question of privilege has been referred to the committee by the House, the report of the Committee shall be presented to the House by the Chairman, or in his absence, by any Member of the Committee.
(2) When a question of privilege has been referred to the Committee by the Chairman under rule 179 of the Rules of Procedure, the report of the Committee shall be presented to the Chairman who may pass final orders thereon or direct that it be laid on the Table.
21. **Circulation of Report:-** As soon as possible after the report is presented to the House or is laid on the Table, copies thereof shall be circulated to the Members of the House.
22. **Change in Rules:-** The committee may, with the approval of the Chairman, make such changes in these rules as it deems fit.
23. **Interpretation of rules:-** In cases of doubt as to the interpretation of these rules, the matter shall be referred to the Chairman whose decision shall be final.
24. **Rules not to over ride Rules of Procedure and Conduct of Business in the Karnataka Legislative Council:-** These rules shall not, in any manner over ride any provisions contained in the Rules of Procedure and Conduct of Business in the Karnataka Legislative Council.

SCHEDULE- I

FORM – A

(See Rule 9 of the Rules of the Internal Working of the Committee)

Form of notice to person who has raised the Privilege Motion

D.O. No....

CONFIDENTIAL
REGISTERED A.D.

Dear,

The Committee of Privilege, is at present, considering the question of privilege referred to it by the House/Chairman on the(date) regarding.....

.....(subject matter)

2. The Committee has decided to hear you on(date) in connection with the above mentioned question of privilege which was raised by you in the Karnataka Legislative council.

3. Accordingly, I am directed to request you to kindly make it convenient to meet the Committee on the(date) at(time) in the Committee Room of the Karnataka Legislative Council Secretariat, Vidhana Soudha, Bangalore.

With regards,

Yours

(Name and address of Person)

SCHEDULE- II

FORM – B

(See Rule 9 of the Rules of the Internal Working of the Committee)

Form of notice to be issued to the person against whom a breach of privilege is alleged.

D.O. No....

CONFIDENTIAL
REGISTERED A/D.

Dear,

The Committee of Privilege, is at present, considering the question of privilege referred to it by the House/Chairman on the(date) regarding.....
.....
.....(subject matter)

2. The Committee has decided to orally examine you on the(date) in connection with the above mentioned question of privilege.

3. Accordingly, I am directed to request you to kindly make it convenient to appear before the Committee for oral examination on the(date) at(time) in the Committee Room of the Karnataka Legislative Council Secretariat, Vidhana Soudha, Bangalore.

With regards,

Yours

(Name and address of Person)

SCHEDULE- III

FORM OF OATH

(See Rule 17 of the Rules of the Internal Working of the Committee)

Swear in the name of God

“ I A.B. do.....that the Solemnly affirm

Evidence which I shall give touching the matter in question shall be the truth, the whole truth and nothing but the truth”.

Signature.....

Date:

APPENDIX

Extract from the Rules of Procedure and Conduct of Business in the Karnataka Legislative Council relating to the working and Composition of the Committee on Privileges.

PRIVILEGE

Questions of Privilege

174. Question of privilege:- A member may, with the consent of the Chairman, raise a breach of privilege either of a member or of the Council or of a Committees thereof.

Notice of question of privilege

175. A member wishing to raise a question of privileges shall give notices in writing to the Secretary at least one hour before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document, the notice shall be accompanied by the document.

Condition of admissibility of question of privilege

176. The right to raise a question of privilege shall be governed by the following conditions, namely;

- (i) not more than one question shall be raised at the same sitting;
- (ii) the question shall be restricted to a specific matter of recent occurrence;
- (iii) the matter requires the intervention of the Council.

Mode of raising a question of privilege

177. (1) The Chairman, if he gives consent under rule 174 and holds that the matter proposed to be discussed is in order, shall, after the questions and before the list of business is entered upon, call the member concerned, who shall rise in his place and while asking for leave to raise the question of privilege make a short statement relevant thereto:

Provided that where the Chairman has refused his consent under rule 174 or is of opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of question of privilege and state that he refuses consent or holds that the notice of question of privilege is not in order:

Provided further that the Chairman may, if he is satisfied about the urgency of the matter, allow a question of privilege to be raised at any time during the course of a sitting after the disposal of questions.

(2) If objection to leave being granted is taken, the Chairman shall request those members who are in favour of leave being granted to rise in their places and if not less than ten members rise accordingly, the Chairman shall intimate that leave is granted. If less than ten members rise, the Chairman shall inform the member that he has not grant the leave of the House.

Consideration by the Council or reference to the Committee of privilege of question of privilege to which leave is granted

178. If leave under rule 177 is granted, the Council may consider the question and come to a decision or refer it to a Committee of Privileges on a motion made either by the member who has raised the question of privilege or by any other member.

Power of Chairman to refer question of privilege to Committee

179. Notwithstanding anything contained in these rules, the Chairman may refer any question of privilege to the Committee of Privileges for examination, investigation or report.

Regulation of procedure

180. The Chairman may issue such directions, as may be necessary, for regulating the procedure in connection with all matters connected with the consideration of the question of privilege either in the Committee of Privilege or in the Council.

Constitution of the Committee

250.(1) There shall be appointed a Committee on Privileges for the Council consisting of nine members of whom seven shall be elected by the Council in accordance with the principle of proportional representation by means of the single transferable vote and two members nominated by the Chairman.

(2) The quorum to constitute a sitting of the Committee shall be four.

(3) The committee shall hold office for a term not exceeding one year.

Examination of the question by the committee

251. (1) The Committee shall examine every question referred to it and determine with reference to the facts of each case whether a breach of privilege is involved and if so, the nature of the breach, the circumstances leading to it and make such recommendations as it may deem fit.

(2) The report may also state the procedure to be followed by the House in giving effect to the recommendations made by the Committee.

Consideration of Report

252. (1) After the report has been presented, the Chairman or any member of the Committee or any other member may move that the report be taken into consideration, where upon the Chairman may put the question to the House.

(2) Before putting the question to the Council, the Chairman may permit a debate on the motion, not exceeding half-an-hour in duration, and such debate shall not refer to the details of the report further than is necessary to make out a case for the consideration of the report by the Council.

(3) After the motion made under sub-rule (1) is agreed to, the Chairman or any member of the Committee or any other member as the case may be, may move that the House agree, or disagrees or agrees with amendments, with the recommendation contained in the report.

Priority for consideration of report of the Committee

253. A motion that the report of the Committee be taken into consideration shall be accorded the priority assigned to a matter of privilege under sub-rule (1) of rule 177 unless there has been undue delay in bringing it forward:

Provided that when a date has already been fixed for the consideration of the report, it shall be given priority as a matter of privilege on the day so appointed.

