THE ORISSA TRIBES ADVISORY COUNCIL
RULES, 1950

TRIBAL WELFARE DEPARTMENT
APPENDIX-XXIV
GOVERNMENT OF ORISSA
TRIBAL & RURAL WELFARE DEPARTMENT
The 24th June 1950

No. 2898-T, R.W.—In exercise of the powers conferred by sub-paragraph (3) of paragraph a of the Fifth Schedule to the Constitution of India, the Governor of Orissa is pleased to make the following rules, namely:—

THE ORISSA TRIBES ADVISORY COUNCIL RULES, 1950
RULES

1. Short title—These rules may be called the Orissa Tribes Advisory Council Rules, 1950.

2. Definition—In these rules, unless there is anything repugnant to the subject or context,

(a) ‘Council’ means the Orissa Tribes Advisory Council;

(b) ‘Member’ means a member of the Council;

(c) ‘Schedule’ means the Fifth Schedule to the Constitution of India;

(d) ‘Chairman’ means the Chairman of the Council appointed under rule 4 and includes every person for the time being exercising the functions of the Chairman;

(e) ‘Article’ means an article of the Constitution of India;

(f) ‘Secretary’ means the officer appointed as Secretary in-charge of the Department of Tribal & Rural Welfare and includes every person for the time being exercising the function of the Secretary;

(g) ‘Rules’ means the Tribes Advisory Council Rules, 1950;

(h) ‘Motions’ means the statement of a matter brought forward for consideration of the Council and includes amendment of a motion;

(i) ‘Gazette’ means Orissa Gazette;

(j) ‘Minister’ means a Minister appointed by the Governor under Article 164;

(k) ‘Assembly’ means the Orissa Legislative Assembly;

3. Tribes Advisory Council—There shall be a Tribes Advisory Council for the State of Orissa consisting of twenty members including the Chairman and the Deputy Chairman of whom fifteen members shall be persons representing the Scheduled Tribes in the State Legislature:

Provided that these fifteen members shall be nominated by rotation annually so that all the representatives of Scheduled Tribes in the State Legislature may represent the Council. The Chairman and Deputy Chairman even if they belong to the Tribal Community shall not however be affected by such rotation;

Provided further that the remaining three members shall be the persons nominated by rotation annually from among the representatives of the Scheduled Tribes of Orissa in the Parliament.

4. Mode of appointment of members & Chairman—(1) The Hon'ble Chief Minister and the Minister-in-charge of the Tribal & Rural Welfare Department of the State of Orissa shall be members of the Council and be its Chairman and Deputy Chairman respectively.

(2) The appointment of members to the Council shall be by nomination to be made by the Governor.

(3) The appointment of Members, Chairman, Deputy Chairman and Secretary to the Council shall be notified in the Gazette.
5. Term of Council—Unless sooner dissolved by the Governor or with the dissolution of the Legislative Assembly the Council shall continue for a period of one year from the date of its constitution and shall be reconstituted in such a manner so that there may not be any gap intervening between the date of expiry of the term and the date of reconstitution of the Council.

6. Qualification for membership of the Council—A person shall not be qualified to be chosen to fill a seat in the Council unless he—

(a) is citizen of India;
(b) is not less than 25 years of age;
(c) possesses such other qualifications as may be notified in that behalf by the Governor from time to time.

7. Duration of the Council—(1) The Council shall be summoned to meet twice at least in every year and six months shall not intervene between its last sitting and the date appointed for the next sitting.

(2) Summoning of the Council—Subject to the provisions of sub-rule (1) the Chairman may from time to time summon the Council to meet once at least before the commencement of every session of the Legislative Assembly and at such place as he thinks fit and may prorogue the Council;

Provided that it shall be competent for the Governor to dissolve the Council at any time he likes.

8.Vacation, resignation of and removal from membership of the Council—A member appointed to the Council—

(a) shall vacate his office if he ceases to be a member of the Assembly provided that he was appointed as a member of the Council as a representative of Scheduled Tribes in the Legislative Assembly;
(b) may at any time, by writing under his hand, addressed to the Chairman, resign his office; and
(c) may be removed from his office at the pleasure of the Governor.

9. Performance of duties of the office of Chairman when the latter is absent—In absence of the Chairman at any meeting of the Council, the Deputy Chairman will take the chair in the absence of the Deputy Chairman the members present at the meetings shall elect one from their own members to be the Chairman.

10. Allowance admissible to members of the Council—The members shall be allowed travelling allowances at first class rates and halting allowance of Rs. 15 per each working day.

11. Admission of Members—(1) Every member of the Council who was not already made of subscribed an oath or affirmation as a member of the Assembly shall make and subscribe before the Chairman of the Council an oath or affirmation in the form set out in the name of God/Solemnly affirm that I will hear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter.

(2) If any member refuses to make or subscribe any such oath or solemn affirmation when called upon by the Chairman, his seat shall be deemed to have fallen vacant and it shall be filled up in the manner indicated in rules 3 & 4.

12. (1) All questions at any meeting of the Council shall be determined by a majority of votes of the members present and voting other than the Chairman or the person acting as such.

(2) The Chairman or the person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.
13. Vacancy in the membership and quorum—(1) The Council shall have power to act notwithstanding any vacancy in membership thereof.

(2) The quorum to constitute a meeting of Council shall be seven members.

(3) If at any time during a meeting of the Council there is no quorum it shall be the duty of the Chairman or person acting as such to adjourn the meeting to some future date to be appointed by the Chairman of the meeting and three days notice of such adjourned meeting shall be given. The members present at such adjourned meeting shall form a quorum whatever their number may be.

14. Disqualification for membership—(i) A person shall be disqualified for being chosen as and for being member of the Council—

(a) if he holds any office of profit under the Government of India or Government of any State other than an office declared by the Legislature of a State by law not to disqualify its holder;

(b) if he is of unsound mind and stands so declared by a competent Court;

(c) if he is an undischarged insolvent;

(d) if he is not a citizen of India or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgement of allegiance or adherence to a foreign State; and

(e) if he is so disqualified under any law made by the Parliament.

(ii) For the purpose of the rule a person shall not be deemed to hold an office of profit under the Government of India or the Government of State by reason only that he is a Minister either for the Union or for such State.

15. Vacancy in membership—(1) If a member of the Council—

(a) becomes subject to any of the disqualifications mentioned in rule 14, or

(b) resigns his seat by writing under his hand addressed to the Chairman, his seat shall thereupon be vacant.

(2) If for a period of sixty days a member of the Council be, without permission of the Council, absent from all meetings thereof, the Council may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Council is prorogued, is adjourned for more than four consecutive days.

(3) If any question arises as to whether a member of the Council has become subject to any of the disqualifications mentioned in rule 14 the question shall be referred to the decision of the Governor and his decision shall be final.

16. Language in which the business of the Council to be conducted—Business in the Council shall be transacted in the official language or languages of the State in Hindi or in English.

17. Discussion in the Council—(1) The Council shall discuss only such matters which may be referred to it by the Governor for advice under sub-paragraph (2) of paragraph 4 of the Schedule. The Chairman may permit discussion on matters not so referred if he considers that such discussion will be in the general interest of the work of the Council.

(2) Validity of the proceedings of the Council—The validity of any proceedings in the Council shall not be called in question on the ground of any alleged irregularity of procedure.

18. Time of meeting—The meeting of the Council, shall, subject to the direction of the Chairman, ordinarily commences at 11 A.M. and terminates at 4 P.M.

19. Adjournment of meeting—Any meeting of the Council may be adjourned by the Chairman.

20. Arrangement of Business—(1) The Chairman shall determine the order of business transacted at the meeting of the Council.
21. **List of business**—(1) A list of business for the day shall be prepared by the Secretary under the direction of the Chairman and a copy thereof shall be made available for use of every member at least a week before the date of the meeting.

(2) The Secretary shall issue notice to each member for the date and place of the meeting.

(3) Save as otherwise provided in these rules no business not included in the list of business for the day shall be transacted at any meeting without the permission of the Chairman.

22. **Member to rise when speaking**—A member desiring to make any observation on any matter before the Council shall speak from his place, shall rise when he speaks and shall address the Chairman. At any time the Chairman rises, any member speaking shall resume his seat.

23. **Explanations**—When for the purpose of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question on any matter under consideration of the Council, he shall ask the question to the Chairman.

24. **Limitation on debate**—(1) The subject matter of every speech shall strictly be relevant to the matter before the Council.

(2) A member while speaking shall not—

(i) refer to any matter of fact on which judicial decision is pending;

(ii) make a personal charge against a member of the Council or of the Assembly of the State or the Parliament;

(iii) use offensive languages;

(iv) reflect upon the conduct of the President of India or the Governor of the State or any Minister of India or of the State or any Court of law in the exercise of its judicial function;

(v) utter unreasonable, seditious or defamatory words;

(vi) use right of speech for the purpose of wilfully, and persistently obstructing the business of the Council.

25. A matter requiring the decision of the Council shall be brought forward by means of a question put by the Chairman.

26. **Motion**—(a) Any member who wishes to move a motion on any business to be brought before the Council shall give notice of his intention to the Secretary three days before the meeting at which he intends to move the motion:

Provided that the Chairman may allow a motion to be entered on the list of business of which shorter notice has been given.

(b) The Chairman may disallow any motion or part of a motion without giving any reason thereof and if he does so, motion may not be placed on the list of business.

27. **Restriction of motions**—(1) A motion must not raised a question substantially identical with one on which the Council has given a decision in the meeting.

(2) No discussion of a matter of general public interest shall take place in the meeting.

28. **The decision on point of order**—The Chairman shall decide all points of order which may arise and his decision shall be final.

29. **Irrelevancy or repetition**—The Chairman after having called the attention of the Council to the conduct of a member who in persistently irrelevant either in his argument or in the arguments made by other members present may direct him to discontinue his speech.
30. Power to order withdrawal of member—(1) The Chairman shall preserve order and have all the powers necessary for the purpose of enforcing his decision on all points of order.

(2) The Chairman 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.

31. Grave disorder—The Chairman may, in the case of grave disorder, arising in the Council, suspend any sitting for a time to be named by him.

32. Admission of visitors to the Council during meeting—Ordinarily no visitor shall be allowed to be present at the meeting of the Council. On special occasions the Chairman may permit attendance of visitors or pressmen and may whenever he thinks fit, order such visitors to withdraw.

33. Discontinuance of discussion—The Chairman may direct the immediate discontinuance at any stage of any discussion on any matter if such discussion is, in his opinion considered objectionable.

34. Committee of the Council—If the Chairman requires the Council to appoint a committee to advise him on any proposed regulation or any other matter, the Council shall forthwith comply with the request in the manner directed by the Chairman.

35. Report of the Committee—When the Council has appointed such a committee or when the Chairman has himself appointed a committee to advise him on any proposed regulation or any other matter, the Committee shall submit its report direct to the Chairman within the time fixed by him.

36. Report of the Proceedings—(1) The Secretary shall cause to be prepared a summary of the report of the proceedings of the Council at each of its meetings and submit it to the Chairman for his confirmation and signature. When signed by the Chairman, the copy shall constitute the authentic record of the proceedings of the Council.

(2) The Secretary shall send a copy of such report to each member of the Council and to the Chief Secretary to Government, the Secretary to Hon'ble Chief Minister and Secretary to the Governor.

37. The decision of the Chairman as to the interpretation of these Rules shall be final.

By order of the Governor

C. MISHRA

Secretary to Government

MEMO. No. 2899(13)-T.R.W. Dated the 25th June, 1950

Copy forwarded to all Depts. of Government/all Heads of Departments/Secretary to H.E. the Governor of Orissa/Secretary, Orissa Legislative Assembly/ all District Magistrates/all Members of the Tribes Advisory Council/A.-G. Orissa, Ranchi for information.

B. C. PATNAIK

Under-Secretary to Government
FIFTH SCHEDULE

[Article 244 (1)]

4. Tribes Advisory Council

(1) There shall be established in each State having Scheduled Areas therein and if the President so directs, also in any State having Scheduled Tribes but not Scheduled Areas therein, a Tribes Advisory Council consisting of not more than twenty members of whom, as nearly as may be three-fourths shall be the representatives of the Scheduled Tribes in the Legislative Assembly of the State:

Provided that if the number of representatives of the Scheduled Tribes in the Legislative Assembly of the State is less than the number of seats in the Tribes Advisory Council to be filled by such representatives, the remaining seats shall be filled by other members of those tribes.

(2) It shall be the duty of the Tribes Advisory Council to advice on such matters pertaining to the welfare and advancement of the Scheduled Tribes in the State as may be referred to them by the Governor.

(3) The Governor may make rules prescribing or regulating, as the case may be—

(a) the number of members of the Council, the mode of their appointment and the appointment of the Chairman of the Council and of the officers and servants thereof;

(b) the conduct of its meeting and its procedure in general; and

(c) all other incidental matters.

OGP—: [P-JII (T.W.) 17—509—16-4-1994]