

LEGISLATIVE ASSEMBLY OF
THE STATE OF GOA

**THE GOA (QUORUM IN THE
LEGISLATIVE ASSEMBLY) BILL,
2001**

(BILL NO. 58 OF 2001)

As
**(~~TO BE~~ INTRODUCED IN THE LEGISLATIVE
ASSEMBLY OF GOA)**

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM, GOA
JULY, 2001**

**THE GOA (QUORUM IN THE LEGISLATIVE
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**A
BILL**

to provide for the quorum to constitute a meeting of the Goa Legislative Assembly at variance with the quorum provided for the Legislature of a State in article 189(3) of the Constitution of India.

BE it enacted by the Legislative Assembly of Goa in the fifty-second year of the Republic of India as follows:

1. **Short title and commencement:** (1) This Act may be called the Goa (Quorum in the Legislative Assembly) Act, 2001.

(2) It shall be deemed to have come into force on the very day on which Rule 17 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly came into force.

2. **Quorum:** The quorum to constitute a meeting of the Legislative Assembly of the State of Goa shall be one-fifth of the total number of members of the Legislative Assembly.

3. **Procedure for amendment of this Act:** (1) This Act shall not be amended except in the manner specified herein.

(2) A Bill for amendment of this Act shall, after introduction, be immediately referred by the Speaker of the Legislative Assembly of the State of Goa to any existing Committee of the Legislative Assembly or to a new Committee of the Legislative Assembly that may be nominated by him in that behalf.

(3) The Committee of the Legislative Assembly of the State of Goa to which the Bill has been so referred by the Speaker, shall make a report on the Bill to the Legislative Assembly, if it is in session, or to the Speaker, if it is not in session, within 60 days of such reference.

(2) When the Bill, thereafter, is passed by the Legislative Assembly and received the assent of the Governor, this Act shall stand amended accordingly.

STATEMENT OF OBJECTS AND REASONS

Under article 189 (3) of the Constitution of India, until the Legislature of the State by law otherwise provides, the quorum to constitute a meeting of a House of the Legislature of a State shall be ten members or one-tenth of the total number of members of the House, whichever is greater. Rule 17 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly provides that the quorum to constitute a meeting of the Assembly shall be one-fifth of the total number of members of the House.

2. Since article 189(3) uses the word "law" for the purpose of varying the provisions of article 189(3), the quorum as specified in that article can only be altered by a law and not by a rule of the House. The matter was placed before the All India Conference of Secretaries of the Legislative Bodies held on 28 June 2001 in Chandigarh. The Conference confirmed the view that the quorum as specified in article 189 of the Constitution can be varied only by a law of the Legislature and not by a rule.

3. It is also felt that after enactment of a law in accordance with article 189(3) of the Constitution of India, the law should not be further amended by promulgating an Ordinance since (i) quorum is purely a matter pertaining to the Legislature where all parties are represented, (ii) the question of varying the quorum is not an urgent question that needs to be addressed through promulgation of an Ordinance and (iii) the question of quorum should not be decided unilaterally by the Legislature party in power after marginalizing the role of the parties in opposition on the floor. A special procedure has been laid down in clause 3 of the Bill as conditions precedent to amending such a law. These conditions cannot be met if an Ordinance is sought to be promulgated for amendment of the said law. Clause 3 of the Bill thus ensures that the Bill, on enactment, cannot be amended by promulgation of an Ordinance.

4. The Bill seeks to achieve these objectives.

**PORVORIM, GOA
9 JULY 2001**

**RAMAKANT D. KHALAP
MINISTER FOR LEGISLATIVE AFFAIRS**

FINANCIAL MEMORANDUM

No financial implications are involved in this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

No delegated legislation is involved in this Bill.

**ASSEMBLY HALL
PORVORIM, GOA**

**R.KOTHANDARAMAN
SECRETARY(LEGISLATURE)**