

MR. MURICKAN

61. (24) Sri. Paul Thaliath: Will the Chief Minister be pleased to state:

- (a) the date on which Mr. Murickan, a former Judge of the High Court applied for leave;
- (b) the date of granting leave with the period of leave;
- (c) whether he is still in the Government service; and
- (d) if so, the appointment he holds?

Sri. T. K. Narayana Pillai:

- (a) & (b) He wrote to Government on 25th January 1950 that he was proceeding on leave.
- (c) & (d) He was on eligible leave which expired on 3rd March 1950.

SPEECH OF THE CHIEF SECRETARY TO GOVERNMENT

62. [34] Sri. P. S. Nataraja Pillai: Will the Hon'ble the Chief Minister be pleased to state:

- (a) whether the Chief Secretary to Government made any reference to the activities of the members of the Legislative Assembly in a speech delivered on the 3rd March 1950 at the University Second Grade College day celebrations; and
- (b) if so the exact nature of the reference or the words he used?

Sri. T. K. Narayana Pillai:

- (a) No.
- (b) Does not arise.

Ruling on the point of order raised by Sri. A. Nesamony on 8th March 1950 regarding the validity of the Rules and Standing Orders adapted by the Speaker:

Mr. Speaker: In regard to the point of order raised by Mr. Nesamony regarding the validity of the present Rules and Standing Orders a final ruling from the Chair is due as promised.

The point raised by Sri. Nesamony is that the Rules and Standing Orders modified and adapted by the Speaker being ultra vires cannot be acted upon. It is contended that Ordinance No. VIII of 1124 under which the Rules and Standing Orders were in force prior to the commencement of the constitution having expired on 27th January 1950, Rules and Standing Orders modified and adapted by the Speaker on 1st March 1950 cannot be valid. Reference is made to Article 208 (2) read with Article 238 clause (1) and Explanation III to Article 372.

The fundamental mistake involved in the position taken up by Sri. Nesamony seems to be in the assumption that the Speaker's authority to modify and adapt the Rules and Standing Orders stands or falls with the Ordinance which expired on 27th January 1950. But it is evident from Article 208 (2) read with Article 238 (1) that the Rules and Standing Orders though brought into existence under the Ordinance acquired their continuing validity from the Constitution which specifically provided that those rules were to remain in force as such until modified and adapted by the Speaker. This provision of the Constitution came into force on 26th January 1950 and therefore the old rules in existence commenced their operation under the Constitution from 26th January 1950 and continued till they were duly modified and adapted by the Speaker on 1st March 1950. Explanation III to Article 372 has really no bearing on this issue as no question of continuing a law after its expiry arises in this case. I therefore hold that my previous ruling that the Rules and Standing Orders as adapted by the Speaker are valid is correct and stands in need of no revision.

Financial Business

General discussion of the Budget—(cont.)

ശ്രീ. വി. ഗംഗാധരൻ നായർ: സർ, ലാ ആൻറ് എക്സ്പെൻഡിചർ പ്രസ്തുത ഉൽഭവിക്കാതിരിക്കുന്നിടത്തോളം കാലം

ശ്രീ. കെ. കെ. കണ്ണൻ: സർ, ഒരു പോയിന്റ് ഓഫ് ഓർഡർ. സാധാരണയായി ക്വെഷ്ചൻസ് ആൻറ് എൻസെഴ്സുകൾ കഴിഞ്ഞ ഉടൻ അടിയന്തിര പ്രമേയങ്ങൾ ഉണ്ടെങ്കിൽ അവ പരിശോധിക്കാറുണ്ട്.