

The Resolution was 'by leave' withdrawn.

Shri M. Narayana Kurup : The amendment has to be put to vote, before the resolution is withdrawn.

Mr. Speaker : When once the mover of the resolution has withdrawn the resolution, the amendment need not be put.

Shri M. Narayana Kurup : The resolution is before the House now, and so the amendment has to be taken first and then only the subsequent withdrawal comes in.

Mr. Speaker : That is not the position.

Shri M. Narayana Kurup : That is the real position.

Mr. Speaker : No, that is not the real position. When the resolution is withdrawn by the mover himself, the amendment does not come into the picture at all. But if an amendment has been proposed, the proposer, on withdrawal of the original motion can forthwith move the same in its amended form. Rule 209, sub-rule (3) provided for that. But nothing in the rules permits an amendment to be put to vote regarding a motion that is withdrawn.

(ii) Resolution No. 2—Filing Powers to the High Court Bench at Trivandrum.

Mr. Speaker : Mr. Thomman may move his resolution.

Shri M. C. Abraham : On a point of order, Sir. The resolution given notice of by the hon. Member is for giving filing powers to the Trivandrum High Court Bench. In that connection, I wish to draw your attention to Rule 127 (d) which deals with the conditions of admissibility of resolutions. It says—

“it shall not relate to any matter which is not the concern of the State Government.”

So, the member is not entitled to move a resolution relating to any matter which is not the concern of the State Government. What is referred to in the resolution is the giving of filing powers to the Bench of the High Court situated in Trivandrum. May I know whether this giving of filing powers to the High Court Bench is the concern of the State Government? I want a ruling on the point whether the resolution is in order.

Mr. Speaker : The point of order is really a pertinent one. The rule is that it shall not relate to any matter which is not the concern of the State Government. If the State Government is really concerned about the establishment of a Division Bench at Trivandrum, then certainly this resolution can be moved. It is only of a recommendatory nature. The resolution does not take a decision, but only recommends that filing powers should be given to the Division Bench at Trivandrum. Therefore, the resolution is perfectly in order.