

**GOVERNOR'S SECRETARIAT
ARUNACHAL PRADESH
ITANAGAR**

PRESS RELEASE

Governor summons sixth session of sixth Legislative Assembly from 16th December

The Governor of Arunachal Pradesh Shri JP Rajkhowa has summoned the Sixth Legislative Assembly of the State for its sixth session commencing from the 16th to 18th December 2015.

In exercise of powers conferred to him under clause (1) of article 174 of the Constitution of India, the Governor modified the order dated 3rd November 2015 summoning the sixth AP Legislative Assembly which was from 14th to 18th January 2015.

The notice of resolution for removal of the Speaker has been complied with the notice period of 14 days on the 4th December, 2015 as required under the first proviso to article 179(c) of the Constitution of India. It has been judicially held in Nipamacha Singh and Others Vs. Secretary, Manipur Legislative Assembly and Others. In view of the above judicial order, it is a Constitutional obligation on the part of the Governor to ensure that the resolution for removal of Speaker is expeditiously placed before the Legislative Assembly.

It may be mentioned here that any such notice of resolution in relation to an Officer of the Legislative Assembly i.e. Speaker or Deputy Speaker needs to be expeditiously considered by the Legislative Assembly in view of (i) past precedents in the Lok Sabha and (ii) the seriousness and urgency accorded to such resolutions in para 2 of Rule 151 of the Rules of Procedure and Conduct of Business in the Arunachal Pradesh Legislative Assembly and (iii) the utmost immediacy with which the cloud cast by the notice of resolution over the continuance of the incumbent in the office of the Speaker has to be cleared.

The Governor is personally satisfied that the time gap between the date of compliance of the notice with the notice period prescribed in the first proviso to article 179(c) of the Constitution of India and the Rules of Procedure of the House concerning speedy disposal of such resolutions.

The Governor is further satisfied that, for any exercise of advancing the date of the sixth session under clause (1) of article 174 of the Constitution of India to a date earlier than the date mentioned in the summons dated 3rd November, 2015 for facilitating the House to expeditiously consider resolutions for removal of Speaker, he may not be bound by the advice of the Council of Ministers, since the subject matter of the notice for removal of the Speaker is not a matter falling under the executive jurisdiction of the Chief Minister, Arunachal Pradesh nor such a subject matter finds a mention in the Rules of Executive Business of the Government of Arunachal Pradesh framed under article 166 of the Constitution of India thereby restricting the role of the Chief Minister in advising me in exercise of my powers under article 174(1) of the Constitution of India only to matters for which the Chief Minister, under the Constitution of India, is responsible.

The order copy is attached for reference.

In exercise of powers conferred to him under clause (2) of article 175 of the Constitution of India, the Governor in his message has advised that the resolution for removal of the Speaker shall be the first item of the agenda of the House at the first sitting of the sixth session and the Deputy Speaker shall preside over the house from the first moment of the first sitting of the house in accordance with article 181(1) of the Constitution of India. The proceeding of the house on the leave, discussion and voting on the resolution for the removal of the speaker shall be completed at the first sitting of the session itself. The Deputy Speaker shall conduct the proceedings peacefully and truthfully and shall communicate the results of the voting on the resolution on the same day. The proceedings of the House on the resolution shall be videographed and an authenticated copy of the video record shall also be sent to me on the same day and until the session is prorogued, no Presiding Officer shall alter the party composition in the House.

The message copy is attached for reference.

PRO to Governor
Arunachal Pradesh
ITANAGAR, December 8, 2015

J. P. RAJKHOWA
Governor
Arunachal Pradesh



RAJ BHAVAN
Itanagar - 791111

ORDER MODIFYING THE SUMMONS ALREADY ISSUED

Memo No. No.GS/I-115/00 (Vol-II)
Itanagar, the 9th December, 2015

ORDER

WHEREAS I, Jyoti Prasad Rajkhowa, the Governor of Arunachal Pradesh, had issued an Order on 3 November, 2015 under clause (1) of article 174 of the Constitution of India summoning the Sixth Legislative Assembly of Arunachal Pradesh to meet for its sixth session at 10.00 AM on 14 January, 2016 in the Legislative Assembly Chamber at Naharlagun:

WHEREAS subsequent to the issue of the aforesaid order by me, a notice of resolution for removal of Shri Nabam Rebia, from the office of the Speaker of the Arunachal Pradesh Legislative Assembly has been received on 19 November, 2015 with a copy endorsed to me by the notice givers namely Shri Tamiyo Taga, the Leader of Opposition in the said Assembly along with 12 other Members of the Legislative Assembly:

WHEREAS the notice of resolution for removal of the Speaker as aforesaid has complied with the notice period of 14 days on the 4 December, 2015 (excluding the day of notice and 4 December, 2015 – 14 days clear notice) as required under the first proviso to article 179(c) of the Constitution of India:

WHEREAS it has been judicially held in Nipamacha Singh and Others Vs. Secretary, Manipur Legislative Assembly and Others [AIR 2002 Gauhati 7] as under:

“13... the powers to consider or to reject a motion for removal of the Speaker from his office did not vest in the Speaker but in the Legislative Assembly under article 179 and 181 of the Constitution...”

WHEREAS in view of the above judicial order, it is a Constitutional obligation on my part to ensure that the resolution for removal of Speaker is expeditiously placed before the Legislative Assembly:

J. P. RAJKHOWA
Governor
Arunachal Pradesh



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WHEREAS I have also received a request from the notice givers of the resolution for removal of the Speaker that the sitting of the sixth session of the Sixth Arunachal Pradesh Legislative Assembly originally slated for 14 January, 2016 may be advanced so as to enable the House to urgently consider the resolution for removal of the Speaker:

WHEREAS the time gap between the 4 December, 2015 and the intended date of first sitting of the sixth session i.e. 14 January, 2016 i.e. the earliest date on which the resolutions for removal of Speaker can be taken up for consideration by the House, is 42 days (including 4 December, 2015 and 14 January, 2016):

WHEREAS any such notice of resolution in relation to an Officer of the Legislative Assembly (Speaker or Deputy Speaker) needs to be expeditiously considered by the Legislative Assembly in view of (i) past precedents in the Lok Sabha and (ii) the seriousness and urgency accorded to such resolutions in paragraph 2 of Rule 151 of the Rules of Procedure and Conduct of Business in the Arunachal Pradesh Legislative Assembly and (iii) the utmost immediacy with which the cloud cast by the notice of resolution over the continuance of the incumbent in the office of the Speaker has to be cleared:

WHEREAS I am personally satisfied that the time gap between the date of compliance of the notice with the notice period prescribed in the first proviso to article 179(c) of the Constitution of India and the date of the intended first sitting of the ensuing session, as computed in the aforesaid manner, is long and unreasonable and may cause damage to the goals and ideals of provisions in the Constitution of India and the Rules of Procedure of the House concerning speedy disposal of such resolutions:

WHEREAS I am further satisfied that, for any exercise of advancing the date of the sixth session under clause (1) of article 174 of the Constitution of India to a date earlier than the date mentioned in the summons dated 3rd November, 2015 for facilitating the House to expeditiously consider resolutions for removal of Speaker, I may not be bound by the advice of the Council of Ministers, since the subject matter of the notice for removal of the Speaker is not a matter falling under the executive jurisdiction of the Chief Minister, Arunachal Pradesh nor such a

J. P. RAJKHOWA
Governor
Arunachal Pradesh



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subject matter finds a mention in the Rules of Executive Business of the Government of Arunachal Pradesh framed under article 166 of the Constitution of India thereby restricting the role of the Chief Minister in advising me in exercise of my powers under article 174(1) of the Constitution of India only to matters for which the Chief Minister, under the Constitution of India, is responsible:

AND NOW THEREFORE, -

In exercise of powers conferred upon me by clause (1) of article 174 of the Constitution of India, I, Jyoti Prasad Rajkhowa, Governor of Arunachal Pradesh do hereby modify the order issued by me under the said provision of the Constitution of India on 3rd November, 2015 summoning the Sixth Arunachal Pradesh Legislative Assembly to meet for its sixth session on 14th January, 2016 to the following extent:

- (i) For '14th January, 2016' read '16th December, 2015'
- (ii) For '18th January, 2016' read '18th December, 2015'

2. Accordingly, in pursuance of the order issued by me under clause (1) of article 174 of the Constitution of India on 3rd November, 2015 as modified herein, the Arunachal Pradesh Legislative Assembly shall now meet at 10.00 AM on 16th December, 2015 at the Legislative Assembly Chamber at Naharlagun.

(JYOTI PRASAD RAJKHOWA)
Governor

J. P. RAJKHOWA
Governor
Arunachal Pradesh



TOP MOST PRIORITY

RAJ BHAVAN
Itanagar - 791111

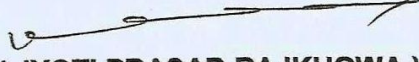
MESSAGE UNDER ARTICLE 175(2) OF THE CONSTITUTION OF INDIA

Memo No.GS/I-115/00(Vol-II)
Itanagar, the 9th December, 2015

MESSAGE

"In exercise of powers conferred upon me by clause (2) of article 175 of the Constitution of India, I, Jyoti Prasad Rajkhowa, the Governor of Arunachal Pradesh, hereby send the following message to the sixth Arunachal Pradesh Legislative Assembly meeting for its sixth session commencing from the 16th December, 2015:

1. The resolution for removal of the Speaker shall be the first item on the agenda of the House at the first sitting of the Sixth Session of the Sixth Arunachal Pradesh Legislative Assembly;
2. As the resolution for removal of the Speaker shall be the first item of business at the first sitting of the Sixth Session of the Sixth Arunachal Pradesh Legislative Assembly, the Deputy Speaker shall preside over the House from the first moment of the first sitting of the House in accordance with provisions in article 181(1) of the Constitution of India;
3. The proceedings of the House on the leave, discussion and voting on the resolution for removal of the Speaker shall be completed at the first sitting of the session itself;
4. The Deputy Speaker shall conduct the proceedings peacefully and truthfully and shall communicate the results of the voting on the resolution on the same day. The proceedings of the House on the resolution shall be videographed and an authenticated copy of the video record shall also be sent to me on the same day; and
5. Until the session is prorogued, no Presiding Officer shall alter the party composition in the House."


(JYOTI PRASAD RAJKHOWA)
GOVERNOR