Order

The 25th February, 1992

No. 15/1/92-GC(2)/3214.—In supersession of Government of Punjab, Department of General Administration (General Coordination Branch) Order No. 15/1/90-GC(2)/11965, dated 1st August, 1990 and in exercise of the powers conferred by clauses (2) and (3) of article 166 of the Constitution of India and all other powers enabling me in this behalf, I, SURENDRANATH, Governor of Punjab, make the following rules, namely:

1. (1) These rules may be called the Rules of Business of the Government of Punjab, 1992.

(2) They shall come into force at once.

2. In these rules, unless the context otherwise requires:

(a) “Article” means a article of the Constitution of India;

(b) “Council” means the Council of Ministers constituted under article 163;

(c) “Department” means the Department specified in the Government of Punjab, *Allocation of Business Rules, 1994;

(d) “Schedule” means the Schedule appended to the rules;

(e) “Secretary” means a Secretary to the Government of State of Punjab.

3. The General Clauses Act, 1897, applies for the interpretation of these rules as it applies for the interpretation of a Central Act.

PART-I

DISPOSAL OF BUSINESS

4. The Council shall be collectively responsible for all executive orders issued in the name of the Governor in accordance with these rules whether such orders are authorised by an individual Minister on a matter pertaining to his portfolio or as a result of discussion at a meeting of the Council or whatsoever otherwise.

5. Subject to the orders of the Chief Minister under rule 11, all cases referred to in the Schedule shall be brought before the Council in accordance with the provisions of the rules contained in Part II of these rules:

Provided that no case in regard to which the Department of Finance is required to be consulted under rule 7 shall, save in exceptional circumstances and under the directions of the Chief Minister, be discussed by the Council unless the Finance Minister has had an opportunity for its consideration.

6. Without prejudice to the provisions of rule 4, the Minister-in-charge of a Department shall be primarily responsible for the disposal of the business pertaining to that Department.

7. (1) No Department shall, without previous consultation with the Department of Finance, issue any order (other than orders pursuant to any general delegation made by the Department of Finance) which:

(a) either directly or by their repercussion will affect the finance of the State or which, in particular:

(i) involves any grant of land or assignment of revenue or concession, grant, lease or licence of mineral or forest rights or right to water, power or any easement or privilege in respect of such concession; or

(ii) in any way involves any relinquishment of revenue; or

(b) relates to the number of grading or cadre of posts or the emoluments of other conditions or service or posts.

(2) No proposal which requires the previous consultation with the Department of Finance under this rule, but in which the Department of Finance has not concurred, may be proceeded with unless a decision to that effect has been taken by the Council.
(3) No reappropriation shall be made by any Department other than the Department of Finance except in accordance with such general delegations as the Department of Finance may have made.

(4) Except to the extent that powers may have been delegated to the Departments under the rules approved by the Department of Finance, every order of a Department conveying a suggestion to be enforced in audit shall be communicated to the audit authorities by the Department of Finance.

(5) Nothing in this rule shall be construed as authorising any Department, including the Department of Finance, to make reappropriation from one grant to another grant specified in an Appropriation Act.

8. All orders or instruments made or executed by or on behalf of the Government of the State of Punjab shall be expressed to be made or executed in the name of the Governor.

9. (1) Every order or instrument of the Government of the State of Punjab shall be signed either by a Secretary, an Additional Secretary, a Joint Secretary, a Deputy Secretary or an Under Secretary or such other officer as may be specially empowered by the Governor on that behalf and the signature so made shall be deemed to be the proper authentication of such order or instrument.

(2) All documents relating to a reference to an arbitration or arbitration award made in pursuance of any contract made on behalf of the Governor of Punjab by virtue of Punjab Government, Home (Judicial) Department, Notification No. 5401-J-58/52430, dated the 26th June, 1958, shall be authenticated on behalf of the Governor of Punjab by any of the officers specified in Punjab Government, Home (Judicial) Department Notification No. 54(48)-61-64, dated the 17th July, 1964.

(3) A Minister shall, while on tour, be competent—

(a) to give orders in writing to the local officers in respect of matters relating to his own Department and written information regarding them shall be sent by him to the Administrative Secretary concerned; and

(b) to ask a local officer to enquire into a petition or representation received by him in respect of matter relating to the Department not under him and to submit a report about the same to his superior officers.
PART-II
PROCEDURE OF THE COUNCIL

10. The Chief Secretary or such other officer as the Chief Minister may appoint shall be the Secretary to the Council.

11. All cases referred to in the Schedule shall be submitted to the Chief Minister after consideration by the Minister-in-Charge with a view to obtaining his order for circulation there of under rule 12 or for bringing them up for consideration at meetings of the Council.

12. (1) The Chief Minister may direct that any case referred to in the Schedule may, instead of being brought up for discussion at a meeting of the Council, be circulated to the Ministers for opinion, and if all the Ministers are unanimous and the Chief Minister thinks that a discussion at a meeting of the Council is unnecessary, the case shall be decided without such discussion but if the Ministers are not unanimous or if the Chief Minister thinks that a discussion at a meeting is necessary, the case shall be discussed at a meeting of the Council.

(2) If it is decided to circulate any case to the Minister, copies of all papers relating to the case circulated among the Ministers shall simultaneously be sent to the Governor and where the case is circulated in original to the Ministers, it should be submitted to the Governor also after all the Ministers have seen.

(3) The order of circulation of a case in terms of sub-rule (2) shall be as follows:-

(a) the Minister-in-charge;
(b) the Finance Minister (if the case involves financial issues);
(c) other Ministers in the order of juniority;
(d) the Finance Minister (if the case involves financial issues);
(e) the Minister-in-charge;
(f) the Chief Minister; and
(g) the Governor.

13. (1) In the cases which are circulated for opinion under rule 12, the
Chief Minister may direct, if the matter be urgent that if any Minister fails to communicate his opinion to the Secretary to the Council by a date to be specified by him in the memorandum for circulation it shall be assumed that he has accepted the recommendations contained therein.

(2) When the Minister have accepted the recommendations contained in the Memorandum for circulation or the date by which they were required to communicate their opinion has expired, the Secretary to the Council shall submit the case to the Chief Minister and the Chief Minister accepts the recommendations and he has no observation to make he shall return the case with orders thereon to the Secretary to the Council who will pass it on to the Secretary concerned for taking steps to issue the necessary orders.

14. When it has been decided to bring a case before the Council, the Department to which the case belongs shall unless the Chief Minister otherwise directs, prepare a memorandum indicating with sufficient precision the salient facts of the case and the points for decision and the memorandum so prepared along with such other papers as are necessary to enable the case to be disposed of shall be circulated to the Ministers and the copies of the memorandum and other papers shall at the same time be sent to the Governor.

15. In cases which concern more Ministers than one, the Ministers concerned shall attempt to arrive at an agreement by mutual discussion and when an agreement is reached the memorandum referred to in rule 13 or rule 14 as the case may be shall contain the joint recommendation of the Ministers but when no agreement is reached, memorandum shall state the point of the difference and the recommendations of each of the Ministers concerned.

16. (1) The Council shall meet at such place and time as the Chief Minister may direct.

(2) When an agenda paper, showing the cases to be discussed at a meeting of the Council has been approved by the Chief Minister copies thereof together with copies of such memorandum as have not been circulated under rule 14 shall be sent by the Secretary to the Council to the Chief Minister and other Ministers so as to reach them two clear days before the date of such meeting and the copies of
the agenda and the memoranda shall at the same lines be sent to the Governor: provided that the Chief Minister may in the case of emergency, curtail the said period of two days.

(2) Except with the permission of the Chief Minister, no case shall be placed on the agenda of a meeting unless papers relating thereto have been circulated as required by rule 14.

(4) Where any Minister is on tour, the agenda paper shall be forwarded to the Secretary concerned who, if considers the discussion of any case should await the return of the Minister, may request the Secretary to the Council to take the orders of the Chief Minister for postponement of the discussion of the case till the return of the Minister.

(5) The Chief Minister or, in his absence, any other Minister nominated by him shall preside at a meeting of the Council.

(6) The Secretary concerned with the case shall attend the meeting unless his presence is excused by the Chief Minister.

(7) The Secretary of the Council shall attend the meeting of the Council, prepare a record of the decision and forward a copy of such record to the Secretaries concerned, the Minister-in-charge concerned, the Chief Minister and the Governor.

17. (1) When a case has been decided by the Council after discussion at a meeting, the Minister concerned shall take action to give effect to the decision:

Provided that, if any deviation is proposed to be made from that decision, the case shall be submitted by the Minister concerned to the Chief Minister for his permission for the case being again brought before the Council and in such case the Secretary concerned shall cause to be supplied to the Secretary to the Council such documents as the later may require to enable him to maintain his record of the case.

(2) The decision of the council relating to such case shall be separately recorded, and after approval by the Chief Minister or any other Minister presiding, shall be placed with the record of the case.

(3) A copy of the decision of the Council shall be sent to the Governor.
PART-III – DEPARTMENTAL DISPOSAL OF BUSINESS

A – GENERAL

*18. Except as otherwise provided by any other rule, cases shall ordinarily be disposed of by or under the authority of the Minister-in-charge, who may, with the prior approval of the Chief Minister, by means of standing orders, give such directions as he thinks fit for the disposal of cases in the Department and copies of such standing orders shall be sent to the Chief Minister and the Governor.

**Provided that if the Minister-in-charge is unable to dispose of the business of his department for some time due to any reason, the Chief Minister may direct the Chief Secretary to modify the existing standing orders of the department or formulate fresh standing orders as the Chief Minister may consider appropriate.

19. Each Minister shall, by means of standing orders, arrange with the Secretary what cases or classes of cases are to be brought to his personal notice and copies of such standing orders shall be sent to the Chief Minister and the Governor.

20. Except as otherwise provided in these rules, every case shall be submitted by the Secretary to the Minister-in-charge.

21. Each Secretary shall, on every Monday, in relation to the preceding week, submit to:

   (a) the Minister-in-charge a statement showing particulars of cases disposed of in the Department by the Minister-in-charge and cases disposed of by him which he considers important and a copy of each such statement shall be submitted to the Chief Secretary, Chief Minister and the Governor; and

   (b) the Chief Secretary and the Chief Minister a statement of cases in which there is a difference of opinion between the Secretary and the Minister-in-charge or between the Deputy Minister, State Minister and the Minister-in-charge.

*Substituted vide Order No. 15/495-GC(2)11796, dated 7-10-1997.

**Added vide Order No. 15/694-GC(2)18220, dated 15-11-1999.
22. Where the subject of a case concerns more than one Department, except in the case of extreme urgency, no order shall be issued nor shall the case be laid before the Council until it has been considered by the Departments concerned.

23. If the Departments concerned are not in agreement regarding the case dealt with under rule 22, the Minister-in-charge of the Department may, if he wishes to proceed with the case, direct that the case be submitted to the Chief Minister for orders for laying the case before the Council.

24. (1) A Secretary may requisition papers from any Department, other than the Department of Finance if such papers are required for the disposal of a case in his Department. Such requisition shall be dealt with under the general or special orders of the Minister-in-charge.

(2) A Minister may send for any papers from any Department for his information and if on the receipt of such papers he is of opinion that any further action should be taken on them, he shall communicate his views to the Minister-in-charge, who:

(i) if he agrees with such views may get the necessary action, initiated through the Secretary concerned;

(ii) if he disagrees with such views, may submit the case to the Chief Minister with a request that the matter be laid before the Council and further notes shall be recorded in the case before the papers are so laid before the Council:

(3) Provided that:

(a) if the case is of secret nature, it shall be sent to the Minister only under the orders of the Minister-in-charge of the Department to which it belongs;

(b) no paper under disposal shall be sent to any Minister until it has been seen by the Minister-in-charge of the Department to which it belongs;

(c) no office file shall be summoned by a Minister in cases where the matter is pending in a court of law or with an authority competent to deal with the case in a judicial capacity.

(4) (a) the Chief Secretary may, on the orders of the Chief Minister or of
any Minister or of his own motion, ask to see papers relating to any case in any Department and any such request by him shall be complied with by the Secretary concerned.

(b) The Chief Secretary may, after examination of the case, submit it for the orders of the Minister-in-charge or of the Chief Minister through the Minister-in-charge.

25. If a question arises as to the Department to which a case properly belongs the matter shall be referred for the decision of the Chief Secretary who may, if necessary, obtain the orders of the Chief Minister.

26. All communications received from the Government of India (including those from the Prime Minister and other Ministers of the Union) other than those of routine or unimportant character, shall as soon as possible after receipt, be submitted by the Secretary to the Minister-in-charge, the Chief Minister and the Governor for information.

Note:– The preliminary submission of the original letters in such cases should not be allowed to delay secretariat action thereon, and where necessary copies of such communications should be made out before their submission to the Minister-in-charge, the Chief Minister and the Governor.

27. Any matter likely to bring the State Government into controversy with the Government of India or with any other State Government shall as soon as the possibility of such controversy is seen, be brought to the notice of the Minister-in-charge, the Chief Minister and the Governor.

28. (1) The following classes of cases shall be submitted to the Chief Minister through the Chief Secretary before the issue of orders, namely:

(i) Proposals for the grant of pardons or commutation of a sentence in pursuance of article 161;

(ii) Cases relating to all policy matters including cases in which new policy

1Substituted vide Order No. 15/1 92-GC(2)/21008, dated 24-11-1992
2Substituted vide Order No. 15/1 92-GC(2)/21008, dated 24-11-1992
is to be formulated or the existing policy relating to the functioning of the Departments is to be changed and cases which are not covered by the Schedule;

(iii) Cases which affect or are likely to affect the peace and tranquility of the State;

(iv) Cases which affect or are likely to affect the interest of the Scheduled Castes and Backward Classes;

(v) Cases which affect the relations of the State Government with the Government of India, any other State Government, the Supreme Court or the High Court of Punjab and Haryana;

(vi) Constitution of an Advisory Board under article 22(4) (a) for the detention of persons without trial;

(vii) Proposals for the prosecution, suspension, dismissal, removal or compulsory retirement of:

(a) the officers belonging to Indian Administrative Service, Indian Police Service, Indian Forests Service and Punjab Civil Service (Executive Branch);

(b) the officers holding the posts of Heads of Departments and the posts equivalent thereto;

(viii) Proposals for the appointment and posting of the following officers, namely:

(a) Chief Secretary, Secretaries, Additional Secretaries and Joint Secretaries of Departments of Government;

(b) Heads of Departments and or the officers holding posts equivalent thereto;

(c) Omitted.

(d) District Judges;

1Substituted vide Order No. 15/8/96-GC(2)1/21008, dated 24-11-1992 and further substituted vide Order No. 15/8/96-GC(2)1/10291, dated 29-8-1996.

2Substituted vide Order No. 15/8/96-GC(2)1/10291, dated 29-8-1996.

3Omitted vide Order No. 15/8/96-GC(2)1/10291, dated 29-8-1996.
(c) Superintendents of Police and above;

(f) Deputy Commissioners or Collectors;

(g) Omitted.

(h) Omitted.

Proposals for the confirmation of the Head of Departments;

(x) Proposals for the provision of representation to the Anglo-Indian Community in the State Legislature Assembly under article 333;

(xi) Any communication from the Election Commission, especially with reference to its requirements as to staff and action proposed to be taken thereon;

(xii) Cases or questions as to disqualification of Members of the State Legislature;

(xiii) Any departure from these rules which comes to the notice of the Chief Secretary or any Secretary;

(xiv) Proposals for the appointment or removal of the Advocate General or for determining or varying the remuneration payable to him;

(xv) Omitted;

(xvi) Cases pertaining to the Governor's personal establishment and Raj Bhawan matters;

(xvii) Proposals for the appointment of Chairman, Members and Secretary of the State Public Service Commission;

(xviii) Cases where successor Minister wishes to modify the orders of his predecessor in office;

1Substituted vide Order No. 15/8/96-GC(2)/10291, dated 29-2-1996.

2Omitted vide Order No. 15/8/96-GF (2)/10291, dated 29-8-1996.

3Omitted vide Order No. 15/1/96 GC(2)/21008, dated 24-11-1992 and further Omitted vide order No. 15/8/96-GC(2)/10291, dated 29-8-96.

4Omitted vide Order No. 15/8/96-GF (2)/10291, dated 29-8-1996.

5Omitted vide Order No. 15/8/96-GC(2)/10291, dated 29-8-1996.
(xix) Cases which affect or are likely to affect the rights and privileges of any Ruler;

(xx) Proposals involving the alienation either temporary or permanent or of sale, grant or lease of Government property between Rs. 25,000 and Rs. 75,000 in value or the abandonment or reduction of revenues, between Rs. 25,000 and Rs. 75,000 except when such alienation, sale, grant or lease of Government property or abandonment or reduction of revenue is in accordance with the rules or with a general scheme already approved by the Council;

'(xxi) Proposals for creation and abolition of Class-IV posts;

(xxii) Proposals for giving guarantee by the State Government for raising loans by the corporations; and

(xxiii) All Industrial Units or New Projects involving investment of more than five crores or where licence or permit is to be granted for any Industrial Unit or Project by the Government

(xxiv) Constitution of State-Level Committees and Boards –

(i) which have non-official members, and consequently where travelling allowance or dearness allowance is to be paid from the State exchequer, or

(ii) where the Committee is a statutory Committee, or where the policy laid down as a result of discussion is binding on the Department or the Organisation which constituted the Board or the Committee, as the case may be,

(xxv) Cases relating to appointments of Chairmen, Executive Heads, Managing Directors and Directors of Corporations and Boards;

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1Substituted vide Order No. 15/1/92-GC(2)/13029, dated 15-11-1996.
2Added vide Order No. 15/1/92-GC(2)/21080, dated 24-11-1992, omitted vide order No. 15/8/96-GC(2)/10291, dated 29-8-96 and further added vide Order No. 15/4/95-GC(2)/8775, dated 2-6-2000.
3Substituted vide Order No. 15/1/92-GC(2)/21-08, dated 24-11-1992.
4Added vide Order No. 15/1/92-GC(2)/21080, dated 24-11-1992 and substituted vide Order No. 15/8/96-GC(2)/10291, dated 29-8-1996.
1(xxvi) Omitted.

2(xxvii) Cases relating to the re-employment of the Gazetted Officers or extension in their term of employment;

3(xxviii) Omitted.

4(xxix) Cases in which there is a difference of opinion between the Secretary and the Minister-in-charge; and

5(XXX) Such other cases or classes of cases as the Chief Minister may consider necessary.

(2) The following classes of cases shall be submitted by the Chief Minister to the Governor before issue of order, namely:

(i) Proposals to grant pardons, reprieves, respites or remission of punishment or to suspend, remit or commute sentences in pursuance of article 161;

(ii) Such cases as, in the opinion of the Chief Minister, raise questions of policy;

(iii) Cases which affect or are likely to affect the peace and tranquility of the State;

(iv) Cases which affect or are likely to affect the interest of the Scheduled Castes and Backward Classes;

(v) Cases which affect the relations of the State Government with the Government of India, any other State Government, the Supreme Court or the High Court of Punjab and Haryana;

(vi) Cases pertaining to the Governor’s personal establishment and Raj

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1Added vide Order No. 15/1/1992-GC(2)/21008, dated 24-11-1992 and Omitted vide Order No. 15/8/96-GC(2)/10291, dated 29-8-96.
2Added vide Order No. 15/1/92-GC(2)/21008, dated 24-11-1992.
3Added vide Order No. 15/8/96-GC(2)/10291, dated 29-8-96.
5Added vide Order No. 15/1/96-GC(2)/10291, dated 29-8-1996.
Bhawan matters;

(vii) Proposals for the appointment and resignation of Chairmen and Members of State Public Service Commission;

(viii) Cases or questions as to disqualification of Members of the State Legislature;

(ix) Proposals for the appointment and resignation of a Minister, State Minister, Deputy Minister or of Chief Parliamentary Secretary;

(x) Proposals for the appointment, resignation or removal of the Advocate General, under article 165;

(xi) Proposals for the provision of representation to the Anglo-Indian community in the State Legislative Assembly under article 333;

(xii) Cases pertaining to the Governor's Address or Message to the State Legislature under article 175;

(xiii) Cases which affect or are likely to affect the rights and privileges of any Ruler;

(xiv) Any departure from these rules which comes to the notice of the Chief Secretary or any Secretary; and

(xv) Such other cases or classes of cases which the Chief Minister may consider necessary or the Governor may wish to see.

29. Wherein any case the Governor considers that any further action should be taken or that action should be taken otherwise than in accordance with the orders passed by the Minister-in-charge, the Governor may require the case to be laid before the Council for consideration whereupon the case shall be so laid:

Provided that the notes, minutes or comments of the Governor in any such case shall not be brought on the Secretariat record unless the Governor so directs.

30. The Chief Minister shall—

(a) cause to be furnished to the Governor such information relating to the administration of the affairs of the State and proposals for legislation as
the Governor may call for, and

(b) if the Governor so requires, submit for the consideration of the Council any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

B – DEPARTMENT OF FINANCE

31. The Department of Finance shall be consulted before the issue of orders upon all proposals which affect the finances of the State and in particular,

(a) Proposals to add any post or abolish any post from the public service or to vary the emoluments of any post;

(b) Proposals to sanction an allowance or special or personal pay for any post or class of posts or to any employee of the Government of the State; and

(c) Proposals involving abandonment of revenue or involving an expenditure for which no provision has been made in an Appropriation Act.

32. The view of the Department of Finance shall be brought on the permanent record of the Department to which the case belongs and shall form part of the case.

33. The Department of Finance may, by general or special order, prescribe cases in which its concurrence may be presumed to have been given.

34. (1) The Finance Minister may call for any papers in a case in which any of the matters referred to in rule 7 or rule 31 is involved and the Department to whom the request is addressed shall supply the papers.

(2) On receipt of papers called for under sub-rule (1) the Finance Minister may request that the papers with his note on them shall be submitted to the Council.

(3) The Department of Finance may make rules to govern financial procedure in general, in all Departments and to regulate the business of the Department of Finance and the dealings of other Departments with the Department of Finance.
C - DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS

35. Except as hereinafter provided, the Department of Legal and Legislative Affairs shall not, in respect of legislation, be an originating or initiating Department and its proper function is to put into technical shape the proposals of legislation of which the policy has been approved and every proposal to initiate legislation shall be considered in and, if necessary, transferred to the Department to which the subject-matter of legislation relates and the necessity for legislation and all matters of substance to be embodied in the Bill shall be discussed and, subject to rule 5, settled in such Department.

36. Proposals to initiate legislation shall be treated as a case and shall be disposed of accordingly:

Provided that the case shall not be submitted to the Chief Minister until the Department concerned has consulted the Department of Legal and Legislative Affairs as to,—

(i) the need for the proposed legislation from the legal point of view;
(ii) the competence of the State Legislature to enact the measure proposed;
(iii) the requirements of the Constitution as to obtaining the previous sanction of the President thereto; and
(iv) the consistency of the proposed measure with the provisions of the Constitution, and in particular with those relating to the Fundamental Rights.

37. After obtaining the opinion of the Department of Legal and Legislative Affairs on the matters referred to in rule 36 and if the proposed legislation involves expenditure from the Consolidated Fund of the State after a financial memorandum has been prepared in consultation with the Department of Finance, the proposal shall be submitted to the Council in accordance with these rules along with a full Explanatory memorandum.

38. If the proposal for the Legislation is approved by the Council the case shall be sent to the Department of Legal and Legislative Affairs along with the decision of the council and the explanatory memorandum for the purpose of preparing
39. The Department of Legal and Legislative Affairs shall prepare a tentative draft of the Bill and return the case to the Department concerned.

40. The Department concerned will, after consulting such officers and bodies as is deemed necessary, submit the Draft Bill to the Council alongwith the opinion, if any, of the officers or bodies or bodies consulted.

Provided that it shall not be necessary to submit the draft bill to the Council if it relates to the Budget proposals or if it is a draft bill to amend an Act and such a draft bill shall be submitted to the Chief Minister.

41. If it is decided by the Council or the Chief Minister as the case may be to proceed with the Bill, with or without amendments, the Department concerned shall send the case to the Department of Legal and Legislative Affairs alongwith the final decision of the Council or the Chief Minister as the case may be requesting to prepare the final draft of the Bill.

42. (1) The Department of Legal and Legislative Affairs shall then finalise the draft and send a Draft Bill to the originating Department indicating at the same time the sanctions, if any, required for the Bill.

(2) If any provisions in the Bill involving expenditure from the Consolidated Fund of the State are modified in the finalised Draft, the Department shall send the finalised Draft Bill to the Department of Finance for revising, if necessary, the financial memorandum.

43. The originating Department will then transfer the final Draft Bill to the Department of Legal and Legislative Affairs with the instructions of Government thereon including instructions as to its introduction in the Legislative Assembly, and with copies of such papers underlying the Bill as should be communicated to the Legislative Assembly and on such transfer the Bill shall be deemed to belong to the Department of Legal and Legislative Affairs.

44. Notwithstanding anything contained in rule 35, measures designed solely to codify and consolidate existing enactments and legislation of a formal character such as repealing the amendng Bills, may be initiated in the Department of Legal
Provided that the Department of Legal and Legislative Affairs shall send a copy of the Draft Bill to the Department, which is concerned with the subject-matter, for consideration as an administrative measure and the Department to which it is sent shall forthwith make such inquiries as it thinks fit and shall send to the Department of Legal and Legislative Affairs its opinion thereon together with a copy of every communication received by it on the subject.

45. (1) Whenever a private Member of the State Legislature gives notice of his intention to move for leave to introduce a Bill, the Department of Legal and Legislative Affairs shall forthwith send a copy of the Bill and the Statement of Object and Reasons for information to the Chief Minister and to the Department to which the case belongs.

(2) The Bill referred to in sub-rule (1) shall be dealt with as a case in the first instance by the Department of Legal and Legislative Affairs where it shall be considered in its technical aspects such as required for previous sanction of the President and the competence of the State Legislature to enact the measure and then shall be forwarded with its opinion to the Department to which the case belongs.

(3) If any provision of the Bill referred to in sub-rule (1) involves expenditure from the Consolidated Fund of the State, the Department concerned shall, before it is circulated, prepare, in consultation with the Department of Finance, the Financial Memorandum in respect of the Bill.

46. The provision of rule 45 shall apply, as far as may be, to amendments of substances recommended by the Select Committee of the House of the State Legislature and also to all amendments notice of which is given by Members of the State Legislature for being moved during the consideration of Bill in the State Legislature.

47. (1) When a Bill has been passed by the State Legislature, it shall be examined in the Department concerned and the Department of Legal and Legislative Affairs and shall be forwarded to the Governor with—

(a) a report of the Secretary concerned as to the reasons, if any, why the Governor’s assent should not be given;
(b) a report to the Secretary, Department of Legal and Legislative Affairs as to the reasons, if any, when the Governor's assent should not be given or the Bill should not be reserved for the consideration of the President.

(2) Where the Governor directs that the Bill should be reserved for the consideration of the President or returned to the State Legislature with a message, necessary action in that behalf shall be taken by the Secretary to the Governor in consultation with the Secretary of the Department concerned and the Secretary of the Department of Legal and Legislative Affairs.

(3) After obtaining the assent of the Governor or the President as the case may be, the Department of Legal and Legislative Affairs shall take steps for the publication of the Bill in the official gazette as an Act of the State Legislature.

48. Whenever it is proposed in any Department, other than the Department of Legal and Legislative Affairs—

(i) to issue a statutory rule, notification order; or

(ii) to sanction under the statutory power the issue of any rule, by-law, notification or order by a subordinate authority; or

(iii) to submit to the Central Government any draft statutory rule, notification or order for issue by them,

the draft shall ordinarily be referred to the Department of Legal and Legislative Affairs for opinion and for revision where necessary.

49. (1) All Departments shall consult the Department of Legal and Legislative Affairs on—

(a) the construction of statutes, Acts, regulations and statutory rule, orders and notifications;

(b) any general legal principles arising out of any case; and

(c) the institution or withdrawal of any prosecution at the instance of any Department.

(2) Every such reference shall be accompanied by an accurate statement
of the facts of the case and the points on which the advice of the Department of Legal and Legislative Affairs is desired.

PART IV - SUPPLEMENTARY

50. The Secretary concerned is, in each case, responsible for the proper transaction of business and the careful observance of these rules and when he considers that there has been any material departure from them he shall personally bring the matter to the notice of the Minister-in-charge and the Chief Secretary.

51. These rules may, to such extent, as necessary, be supplemented by instructions to be issued by the Governor on the advice of the Chief Minister.

SCHEDULE

(See rules 5 and 11)

1. Proposal to summon the House of the State Legislature.

2. Proposals for making or proposals involving amendment, other than routine amendment of rules regulating the recruitment and the conditions of service of—
   (a) persons appointed to the Secretariat Staff of the Assembly under article 187(3);
   (b) officers and servants of the High Court under provisos of clauses (1) and (2) of article 229;
   (c) persons appointed to the public service and posts in connection with the State under proviso to article 309.

3. The annual financial statements to be laid before the State Legislature and demands for supplementary, additional or excess grants.

4. Proposals for making or amending rules under article 234.

5. Proposal for the issue of a notification under article 237.

6. Any proposal involving any action for the dismissal, removal or suspension of a member of the State Public Service Commission.

7. Proposal for making or amending regulations under article 318 or under the proviso to clause (3) of article 320.
8. Report of the State Public Service Commission on its work under article 323(2) and any action proposed to be taken with reference thereto.

9. Proposal for legislation, including the issue of Ordinance under article 213 of the Constitution.

10. Proposals for the imposition of a new tax, or any change in the method of assessment, or the pitch of any existing tax or land revenue, or irrigation rates, or the raising of loans on the security or revenue of the State, or for giving of a guarantee of the Government of the State except for raising loans by the Corporations.

*Provided that the proposals for mobilization of additional resources through taxing or non-taxing measures, which are announced by the Finance Minister, in the Budget Speech and which are passed by the Punjab Vidhan Sabha shall not be put up to the Council for approval.

11. Any proposal which affects the finances of the State Government which has not the consent of the Finance Minister.

12. Any proposal for re-appropriation to which the consent of the Finance Minister is required and has been withheld.

13. Proposals involving the alienation either temporary or permanent or of sale, grant or lease of Government property exceeding Rs. 75,000 in value or the abandonment of revenue exceeding that amount except when such alienation, sale, grant or lease of Government property or abandonment or reduction of revenue is in accordance with the rules or with a general scheme already approved by the Council.

14. The annual audit review of the finances of the State and the report of the Public Accounts Committee of the House of the State Legislature.

15. Proposals involving any important change of policy or practice.

**16. Omitted.

17. Proposals involving any important alteration in the conditions of service


of the members of the State Service or in the method of recruitment to the service or post to which appointment is made by Government.

18. Reports of the Committee of Inquiry appointed in pursuance of a resolution passed by the State Legislature.

19. Proposals for action inconsistent with the recommendation of the State Public Service Commission.

20. Proposals which adversely affect the operation of the policy laid down by the Central Government.

21. Proposals to vary or reverse a decision previously taken by the Council.

22. Cases required by the Governor or the Chief Minister to be brought before the Council.

23. Proposals to create or to abolish any post except any class-IV post from the public service or to vary the emoluments of any such post.

Dated, Chandigarh the 25th February, 1992

SURENDRA NATH
Governor of Punjab

Dated, Chandigarh the 25th February, 1992

TEJENDRA KHANNA
Chief Secretary to Government of Punjab

*Added vide Order No. 15/1/92-GC(2)/2168, dated 24-11-1992 and Substituted vide Order No. 15/1/92-GC(2)/1029, dated 13-11-96.