



सत्यमेव जयते

# **GOVERNMENT OF MEGHALAYA**

## **EXECUTIVE COUNCIL AFFAIRS DEPARTMENT**

**FOR THE YEAR 1991**

# GOVERNMENT OF MEGHALAYA

## EXECUTIVE COUNCIL AFFAIRS DEPARTMENT

No. CA.43/91 WHEREAS the President of India has by a Proclamation under Article 356 of the Constitution, issued vide notification No. GSR, 623 (E), dated 11<sup>th</sup> October, 1991 assumed to himself all the functions of the Government of the State of Meghalaya and the powers vested in or exercisable by the Governor of the State:--

AND WHEREAS, by order No. GSR, 624 (E), dated 11<sup>th</sup> October, 1991 the President further has directed that all the functions of the State Government and powers vested in or exercisable by the Governor which has been assumed by the President by virtue of the said proclamation shall also be exercisable by the Governor.

NOW, THEREFORE, the Governor of Meghalaya in exercise of the powers so conferred by the aforesaid order dated 11<sup>th</sup> October, 1991 read with clause (1) of Article 154 of the Constitution and all other powers enabling him in this behalf is pleased to make the following rules namely—

Short title and  
Commencement.

1. (1) These rules may be called the Rules of Executive Business of the Government of Meghalaya, 1991.
  - (2) They shall be deemed to have come into force on the 11<sup>th</sup> October, 1991 and shall remain so during the period the above mentioned Proclamation is in operation in the State, after which it will cease to have effect except in respect of things done or committed to be done before it so ceases to have effect.
  - (3) All orders issued or action taken by the Governor on and from the 11<sup>th</sup> October, 1991 shall be deemed to have been issued or taken under the corresponding provisions of these rules.
2. In these rules, unless the context otherwise requires—
  - (a) “Adviser” means the Adviser or Advisers to the Government appointed by the Governor with the approval of the President to aid and advise him during for the period of operation of the Proclamation issued by the President on the 11<sup>th</sup> October, 1991 under Article, 356 of the Constitution of India in relation to the State of Meghalaya.
  - (b) “Article” means an Article of the Constitution of India;
  - (c) “Department” means a Department of the Government specified in the First Schedule to these Rules;
  - (d) “Executive Council” means the Executive Council constituted under rule 7;

- (e) “Government” means the Government of Meghalaya;
- (f) “Governor” means the Governor of Meghalaya;
- (g) “President” means the President of India;
- (h) “Proclamation” means the Proclamation issued by the President of India under Notification No. GSR.623(E), dated 11<sup>th</sup> October, 1991; and
- (i) “Schedule” means a Schedule appended to these Rules.

### **ALLOCATION AND DISPOSAL OF BUSINESS**

Allocation of  
Business of the  
Government.

3. (1) The business of the Government shall be transacted in the different departments as specified in the First Schedule.

(2) Each department shall consist of a Secretary as its head and other employees duly appointed before or after the commencement of these Rules;

Provided that more than one department may be placed under one Secretary or the work of one Department distributed to one or more Secretaries.

4. (1) No department shall without previous consultation with the Finance Department authorise any order (other than orders issued under any Act or rules made there under, or pursuant to any general or specific delegation made by the Finance Department) which—

(a) Either immediately or by their repercussion will affect the finance of the State or which in particular—

i) Involve any grant of land or assessment of revenue or concession, grant, lease, or license of mineral or forest rights or a right to water power or any easement or privilege in respect of such concession; or

ii) In any way involve any relinquishment of revenue; or

(b) Relate to the number or grading of cadre or posts or the emoluments or other conditions of service or posts;

(c) Involve the addition of a post in the public service or the variation of emoluments of any posts;

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- (d) Involve the sanction of an allowance or special or personal pay for any post or class of posts or to any employee of the Government of Meghalaya;
- (e) Involve expenditure for which no provision has been made in the Appropriation Act or which is in excess of the provisions made in the Act.

(2) No proposal which requires the previous consultation with Finance Department under these rules but in which the Finance Department has not concurred may be proceeded unless a decision to that effect has been taken by the Adviser with the approval of the Governor.

(3) No re-appropriation shall be made in any department other than the Finance Department except in accordance with such general delegation as the Finance Department may have made.

(4) Except to the extent that power may have been delegated to the department under rules approved by the Finance Department every order of an administrative department conveying a sanction to be enforced in audit shall be communicated to the audit authority by the Finance Department.

(5) Nothing in this rule shall be construed as to authorise any department including the Finance Department to make re-appropriations from one grant specified in the Appropriation Act to another such grant.

Authentication of orders of Government.

- 5. All orders or instruments by or on behalf of the Government shall be expressed in the name of the Governor and every such order shall be signed by a Secretary or any other officer as may be specially empowered in that behalf and such signature shall be deemed to be the proper authentication of the order of Governor.

*Note:--* “Secretary” under this rule included the Chief Secretary, Additional Chief Secretary, Commissioner and Secretary, Special Secretary, Additional Secretary, Joint Secretary, Deputy Secretary and Under Secretary to the Government.

**ADVISER**

Adviser to the Governor.

- 6. (1) There shall be an Adviser or Advisers to the Governor to aid and advise him in the discharge of his functions during the operation of the Proclamation.
- (2) The Chief Secretary may also be appointed as an Adviser in addition to his own duties and functions.
- (3) Where more than one Adviser is appointed each of them will be in-charge of the work allotted to him by the Governor.
- (4) The duties and powers of the Adviser or Advisers under these rules shall be performed and exercised by the Chief Secretary until the Adviser or Advisers assume office.

**THE EXECUTIVE COUNCIL**

Constitution and procedure of the Executive Council

- 7. (1) There shall be an Executive Council consisting of the following, namely—
  - (a) Governor Chairman
  - (b) Adviser/Advisers Members
  - (c) Chief Secretary-cum-Adviser Member Secretary.  
Chief Secretary.
- (2) The Executive Council shall meet at such place and time as the Governor may direct.
- (3) The Executive 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 the Adviser as a result of a discussion in a meeting of the Executive Council or otherwise.
- (4) All cases specified in the Second Schedule shall be submitted to the Governor for his orders to have them either placed before the Executive Council for consideration, or circulated amongst the Advisers.

(5) The Governor may direct that any case referred to in the Second Schedule may, instead of being brought up for discussion at a meeting of the Executive Council be circulated to the Advisers for opinion and if the Advisers are unanimous and the Governor thinks that a discussion at a meeting of the Executive Council is unnecessary, the case shall be decided without such discussion.

(6) When a case is to be brought before the Executive Council the Department to which it pertains shall, unless the Governor otherwise directs, prepare a Memorandum indicating exhaustively the facts of the case and the points for decision. The Memorandum and all other relevant papers shall be sent to the Adviser or Adviser concerned for approval. After such approval, it shall be sent to the Chief Secretary with a view to obtaining orders of the Governor for bringing it up for consideration at a meeting of the Executive Council or for circulation as specified in sub-rule (4).

(7) For a meeting of the Executive Council the agenda approved by the Governor together with the Memoranda shall be sent by the Member Secretary to the Governor and the Advisers so as to reach them two days before the date of the meeting. The Governor may, in urgent cases, direct that the said period may be curtailed.

(8) Except with the permission of the Governor no case shall be placed on the agenda of a meeting unless papers relating thereto have been previously circulated.

(9) The Member Secretary or in his absence, such officers as may be authorised by the Governor shall attend the meeting of the Executive Council, prepare a record of the decision taken by the Council and after approval by the Governor arrange to circulate the decisions to the concerned Departments.

(10) When a decision is taken by the Executive Council the Adviser concerned shall take action to give effect to such decision. If, however, any deviation is proposed to be made there from the case shall be submitted to the Governor by the Adviser and further action shall be taken according to the direction of the Governor.

## DEPARTMENTAL DISPOSAL OF BUSINESS

### A. GENERAL

Departmental  
Secretary.

8. (1) The Secretary of the department or branch concerned shall be responsible for the due execution of policy work and discipline of his Department and shall transmit to the Chief Secretary all important matters or information relating to his department, who shall also be kept apprised of all important decisions taken by various Departments.

(2) Except as otherwise provided by these rules, cases shall ordinarily be disposed of by or under the authority of the Governor or the Adviser.

(3) The Adviser by means of standing orders may give such directions as he thinks fit regarding the levels and the procedure for disposal of cases in a department in his charge. Copies of such standing orders passed by the Adviser shall be submitted to the Governor.

Matter concerning  
more than one  
Department.

9. (1) When a matter concerns more than one Department no order shall be issued until the case has been considered by all the concerned Departments unless the case is one of extreme urgency and the issue of orders is approved by the Adviser.

(2) When in a matter as referred to in sub-rule (1) there is a difference of opinion amongst the Departments, the Secretary in-charge of the Department, mainly concerned with the matter shall submit the case to the Chief Secretary for orders.

(3) When the matter is submitted to him under sub-rule (2), the Chief Secretary may, subject to any general or special order of the Governor, decide it himself or if he deems fit, submit it to the Adviser concerned and if there be no Adviser, to the Governor for decision. In the event of the case being submitted to the Adviser, the Adviser may decide the case himself or submit it to the Governor for decision as he deems fit or as may be required under any general or special order issued by the Governor.

(4) If a question arises as to which Department a subject or matter mainly pertains to the matter shall be referred to the Chief Secretary for decision, who may, if necessary take the order of the Adviser or the Governor.

10. Copies of all communications 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 or of the first report of the occurrence of the nature mentioned below shall as soon as possible after receipt be submitted by the Secretary to the Chief Secretary, Adviser and Governor for information—
  - (a) Riots which involve serious public peace;
  - (b) Outrages which have political aspect;
  - (c) Calamities such as flood and earthquake which cause serious damage to life and property; and
  - (d) All other events which have political or administrative importance and all unusual happenings.
11. 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 Governor, the Adviser, and the Chief Secretary.
12. The following classes of cases shall be submitted to the Government by the Adviser before issue of orders:--
  - i) Cases raising questions of policy;
  - ii) Constitution of an Advisory Board under Article 22 (4) (a) for the detention of persons without trial;
  - iii) Any proposal for the institution of prosecution by Government against the advice tendered by the Law Department;
  - iv) All cases in which the work or conduct of Officers has come up for adverse public criticism;
  - v) All policy cases regarding reservation of appointment enforced for the Scheduled Castes, Scheduled Tribes and Backward Classes;
  - vi) Cases relating to the continuation, supersession and dissolution of Municipal Boards;
  - vii) Issue of special rules relating to State Services;



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- viii) Proposals for the grant of pardon of or commutation of sentence in pursuance of Article 161;
- ix) Cases relating to petitions for mercy from or on behalf of persons sentenced to death;
- x) All cases relating to the promulgation and withdrawal of Ordinances;
- xi) Cases which affect or are likely to affect the peace and tranquillity of the State;
- xii) Cases pertaining to the Governor's personal establishment and Raj Bhavan matters;
- xiii) Proposal for the appointment, resignation of the chairman and members of the State Public Service Commission;
- xiv) Proposals for the appointment, resignation and removal of the Advocate General (including proposals for determining and varying the remuneration payable to him);
- xv) Proposals for the appointment of Secretary, Commissioner and Secretary, Special Secretary, Additional Secretary, Joint Secretary, Deputy Secretary and Under Secretary to the Secretariat of the Legislative Assembly of Meghalaya.
- xvi) Such other cases or classes of cases of administrative importance or policy which the Adviser may consider necessary or the Governor may wish to see;
- xvii) Proposal for awarding punishment or dismissal or removal or compulsory retirement from service invoking proviso (b) and (c) to Article 311 (2);
- xviii) Proposal for making or involving amendments other than routine amendments 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 Article 229, clauses (1) and (2);

- (c) Persons appointed to the public services and posts in connection with the affairs of the State (proviso to Article 309);
- xix) The annual financial statement and demands for supplementary, additional or excess grants;
- xx) Proposal for making or amending of rules under Article 234;
- xxi) Proposals for issue of notification under Article 237;
- xxii) Any proposal involving action for the dismissal, removal or suspension of a Member of the Public Service Commission.
- xxiii) Proposals for making or amending regulations under Article 318 or under the proviso to clause (3) of Article 320.
- xxiv) Report of the Public Service Commission on its work under Article 323 (2) and any action proposed to be taken with reference thereto;
- xxv) Proposals for legislation including the issue of ordinances under Article 213;
- xxvi) Proposals for imposition of a new tax or any change in the matter of assessment or the pitch of any existing tax, or land revenues, or irrigation rates or for, the raising of loans on the security of the revenue of the State or for giving a guarantee by the Government of the State;
- xxvii) Any proposal which affects the finance of the State which does not have the consent of the Finance Department;
- xxviii) Any proposal for re-appropriation to which the consent of the Finance Department is required and has been withheld;
- xxix) Proposals involving the alienation either temporary or permanent or of sale, grant or lease of Government property exceeding Rupees One Lakh in value or the abandonment or reduction of revenue exceeding the amount except when such alienation, sale, grant or lease of Government property or abandonment of reduction of revenue is in accordance with the rules or with a general scheme approved by the Adviser;

- xxx) Proposals involving any important change of policy or practice having state wise application;
- xxxi) Proposals for action inconsistent with the recommendation of the Public Service Commission;
- xxxii) Proposals for the appointment, posting and transfer of officers holding the following posts:--
  - (a) Chief Secretary, Additional Chief Secretary, Commissioner and Secretary, Special Secretary, Secretaries, Additional Secretaries, Joint Secretaries of Departments of Government;
  - (b) Heads of Departments;
  - (c) Officers of the rank of Joint Secretary and above;
  - (d) District Judges;
  - (e) Deputy Inspectors General of Police;
  - (f) Deputy Commissioners or Collectors;
  - (g) Superintendents of Police;
  - (h) Conservators of Forests;
- xxxiii) 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;
- xxxiv) Cases which affect or are likely to affect the interest of Scheduled Castes, Scheduled Tribes and backward classes adversely;
- xxxv) (a) cases relating to any dispute regarding the payment of a share of royalty accruing from mines and minerals to the District Council;
- (b) Proposal for any amendment to the Sixth Schedule; and
- (c) Any other matter of importance relating to the Sixth Schedule of the Constitution as the Adviser may consider necessary.

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xxxvi) Proposal for prosecution, dismissal, removal or compulsory retirement of any gazetted officer;

xxxvii) proposal to lend the services of any of the Officers (referred to in item No. xxxii) to the Government of India or to any State Government on foreign service or for deputation of such Officers to participate in conference held in foreign countries or for any study or training outside the State;

xxxviii) Any other cases or classes of cases as the Adviser may consider necessary.

13. The following classes of cases shall be submitted to the Adviser:--

i) all cases which are required to be submitted by the Adviser to the Government under rule 12;

ii) cases raising questions of policy and cases of administrative importance not covered by the standing orders issued by the Advisers under rule 8 (3);

iii) constitution of an Advisory Board under Article 22 (4) (a) for the detention of persons without trial;

iv) proposals for the appointment, posting and transfer of officers holding the following posts:--

(a) Chief Secretary, Additional Chief Secretary, Commissioner and Secretary, special Secretary, Secretaries, Additional Secretaries, Joint Secretaries and Deputy Secretaries of the Departments of Government;

(b) Heads of Departments;

(c) Special Officers of the rank of Deputy Secretary and above;

(d) District Judges;

(e) Deputy Inspectors General of Police;

(f) Deputy Commissioners or Collectors;

(g) Superintendents of Police;

- (h) Superintending Engineers; and
- (i) Conservators of Forests
- v) proposals for the prosecution, dismissal, removal or compulsory retirement of any gazetted officer;
- vi) proposals involving the alienation either temporary or permanent or of sale, grant, or lease of Government property between Rs. 25,000 and Rs. 1,00,000 in value or the abandonment or reduction of revenue between Rs. 25,000 and Rs. 1,00,000 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 Adviser;
- vii) proposal to lend the services of any of the Officers referred to in item number (iv) to the Government of India or to any State Government on foreign service or for deputation of such Officers to participate in conference held in foreign countries or for any study or training outside the State;
- viii) any proposal for the institution or prosecution by the Government against the advice tendered by the Law Department;
- ix) all proposals involving important change in the strength or distribution of Police Force;
- x) all cases in which the work or conduct of officers referred to in item number (iv) has come up for adverse public criticism;
- xi) all policy cases regarding reservation of appointments and posts for the Scheduled Castes and Scheduled Tribes and backward classes;
- xii) cases relating to the constitution, supersession and dissolution of Municipal Boards;
- xiii) all cases relating to the implementation of observations or recommendations of the Committee on Estimates, Public Accounts Committee or other such Committee of the Legislature or their Sub-Committee;
- xiv) issue of special rules, relating to the State Services;

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- xv) any other case or classes of cases as the Secretary may consider necessary;
- xvi) Proposals for grant of pardon, reprieve or remission of punishments or for the suspension, remission or commutation of a sentence in pursuance of Article-161.
- xvii) cases which affect or likely to affect the peace and tranquillity of the State;
- xviii) cases which affect the relations of the State Government with Supreme Court or the High Court;
- xix) any departure from these rules which comes to the notice of the Chief Secretary or the Secretary of any Department;
- xx) proposals for appointment of the Chairman, Members and Secretary of the State Public Service Commission;
- xxi) cases pertaining to appeals against the orders of the appointing authority issued under the provisions of Meghalaya Services (Discipline and Appeal) Rules as in force in the State;
- xxii) proposal for the supersession of a District Council;
- xxiii) any other matter of importance concerning the affairs of the District Council;
- xxiv) cases of departure from these rules which comes to the notice of the Chief Secretary or the Secretary of any Department;
- xxv) Major punishments to the gazetted officers under the Meghalaya service (Discipline and Appeal) Rules as in force.

**B. CHIEF SECRETARY**

14. (1) The Chief Secretary as the Secretary to the Executive Council shall be kept apprised of all important decisions by various Departments. A weekly list of cases shall be submitted to the Chief Secretary for his information and for information of the Governor.  
  
(2) All important matters relating to all Departments and in particular Personnel and Administrative Reforms, Home, Political and Urban Affairs Departments shall be put up by the Secretary to the Chief Secretary.
15. The Chief Secretary is the head of the administrative machinery and his mediation shall be sought as far as practicable in all the cases where there is a difference of opinion between the Secretaries.
16. All memorials presented by Government servants to the Governor shall be sent with the comments of the administrative department to the Chief Secretary who will submit them for orders to the Governor.

**C. FINANCE DEPARTMENT**

17. The Finance Department shall be consulted before the issue of order upon all proposals which affect the finance of the State in which previous concurrence is necessary under these Rules.
18. The views of the Finance Department shall be brought on the permanent record of the Department to which the case belongs and shall form part of the case.
19. The Finance Department may by general or special orders prescribe cases in which its concurrence may be presumed to have been given.
20. Subject to the provision of rule, the Finance Department may make rules to give financial procedures in general in all departments and to regulate the business of the Finance Department and the dealings of the other departments with the Finance Department.
21. (1) The Finance Department shall after previous consultation with the Department of Personnel and Administrative Reforms authorise orders which:--
  - (a) relate to the number, grading or cadre and emoluments or other conditions of posts under the Government;

- (b) involve the addition of a post or abolition of a post from the public service or the variation of emoluments of any post; and
  - (c) involve the sanction of an allowance or special or personal pay for any post or class of posts.
- (2) The Finance Department shall have the following functions:--
- (a) to issue orders in cases which involve an expenditure for which no provision has been made in the Appropriation Act or which is in excess of the provision made in the Act;
  - (b) it shall prepare an estimate of the total receipts and disbursements of the State in each year and shall be responsible during the year for watching the state of the State Government's balances and for their ways and means operations.
  - (c) in connection with the Budget and supplementary estimates:--
    - i) it shall prepare a statement of estimated revenue and expenditure each year and any supplementary estimates for demands for excess grants.
    - ii) for the purpose of such preparation, it shall obtain from the Departments concerned material on which to base its estimates and it shall be responsible for the correctness of the estimates framed on the material so supplied; and
    - iii) it shall examine and advise on all schemes of new expenditure for which it is proposed to make provisions in the estimates and shall decline to provide in estimates for any scheme which has not been so examined.
  - (d) on the receipt of a report from an Audit Officer that expenditure is being incurred for which there is no sufficient sanction, it shall require the Department concerned to obtain sanction or not to incur further expenditure;
  - (e) on the receipt of a report that a financial rule has been contravened or a financial irregularity has been committed it shall take steps to enforce the rule or to stop or rectify the irregularity;
  - (f) it shall lay before the Committee on Public Accounts the reports of the Controller and the Auditor General of India relating to the Appropriation Accounts of the State and shall bring to the notice of the Committee all expenditure which has not been duly authorised and any financial irregularities;
  - (g) it shall advise the Departments responsible for the collection of revenue regarding the progress of collection and the methods of collection employed;



- (h) it shall be responsible for proper utilisation and safety of Provident Fund deposit of Government Servants and shall frame Rules relating to giving of advances out of Provident Fund, the recovery of such advances and advising Departments generally on such matters; it bring understood that it is the duty of the Government Servant himself to get the annual verification and reconciliation of his or her own Provident Fund Account from the Accountant General who is responsible for maintaining the accounts. The Finance Department shall also lay down rules relating to advance made to Government Servants for purchase or construction of houses and purchase of conveyances.
  - (i) it shall examine and report on all proposals for the increase or reduction of taxation;
  - (j) it shall examine and report on all proposals for borrowing by the State Government, shall raise such loans as have been duly authorised and shall be in-charge of all matters relating to the service of loans and the discharge of any financial guarantee.
  - (k) it shall be responsible for laying down appropriate financial rules for guidance of other Departments which are responsible for proper maintenance of accounts by themselves and by the establishments subordinate to them. Finance Department may take such action as may be appropriate to enforce such accountability.
22. (1) After the assent has been given to the Appropriation Act, specifying the grants and also the sums required to meet the expenditure, if any, charged on the revenues of the State, the Finance Department shall have the power to sanction or to authorise sanction if any re-appropriation within a grant from one major, minor or subordinate head to another.
- (2) Copies of all orders sanctioning any re-appropriation which do not require the sanction of the Finance Department shall be communicated to that Department as soon as such orders are passed.
23. The Finance Department shall also be consulted on all proposals to sanction the relaxation of any financial rules and also before final orders are passed in any case of serious financial irregularity.
24. where consultation with the Finance Department is necessary under the rules, it shall take place before the issue of orders or submission of the case to the Executive Council;

Provided that it shall be open to the Finance Department to prescribe by general or special order, cases in which such consultation with it may not be necessary.

**D. PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT**

25. (1) Personnel and Administrative Reforms Department shall be responsible for seeing that the rules and principles relating to services in general are properly followed.

(2) Personnel and Administrative Reforms Department shall be consulted for advice by other Departments in matters relating to framing of service rules and general principles relating to services.

(3) The concurrence of the Personnel and Administrative Reforms Department shall be obtained by other Departments in the following matter namely:--

(a) Relaxation of any service rules.

(b) Relaxation of any general service condition, and

(c) Creation of any gazetted post or payment of additional remuneration to any gazetted officers.

**E. LAW DEPARTMENT**

26. (1) All Departments shall consult Law Department on:--

(a) any proposal for legislation and drafting of Bills;

(b) any matter involving questions of law;

(c) any matter requiring interpretation of the provisions of any Act, rules or regulations;

(d) institution, withdrawal and conduct of cases in courts; and

(e) any other matter connected with the courts and tribunals.

(2) All reference to Law Department shall be accompanied by a précis of the subject matter and a statement of facts and specific points for which legal opinion or advice is sought for.

(3) Regarding legislation the function of the Law Department is to put into technical shape the legislative proposal of which the policy has been approved and every proposal to initiate legislation shall be considered by 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 these rules, settled, by that Department.

27. (1) If legislation is decided upon by the Adviser or the Governor, as the case may be, the Department shall if it involves expenditure from the Consolidated Fund of the State, prepare in consultation with the Finance Department, a financial statement. After the financial statement is prepared the administrative department shall prepare a self contained summary setting out the facts of the case and the legislative measures proposed and send the same to the Law Department for its comments, if any, before its submission to the Adviser for approval.

(2) The summary so sent shall be revised whenever necessary in the Law Department and returned to the concerned administrative department which shall then submit the same to the Adviser for consideration.

(3) After the approval of the Adviser is obtained for any legislative proposal, the department initiating the same shall prepare an Office Memorandum indicating with sufficient precision the line on which it has been decided to legislate and request the Law Department to take steps for drafting the Bill.

(4) The Law Department shall comply with the request and after preparing a draft Bill in consultation with the Advocate General, if necessary, shall send the same to the initiating Department. The said department shall then submit the draft Bill to the governor through the Adviser for final approval and after such approval shall take all steps in accordance with the instructions issued by the Government of India in that behalf from time to time for enactment of the Bill.

(5) If any provisions in the draft Bill are so modified by the originating department as to involve expenditure from the Consolidated Fund of the State, the said department shall prepare or revise, as the case may be, in consultation with the Finance Department, the financial statement. The procedure described in sub-rule (4) shall then apply to such Bill.

(6) Copies of the draft Bill accompanied by a detailed note in the nature of a summary, a statement of objects and reasons, a note on the financial implications and copies of the parent Act in case it is an amending Bill or extracts of the relevant sections proposed to be amended shall be sent by the administrative department to the concerned administrative Ministry at the Centre, the Union Ministry of Home Affairs and the Union Ministry of Law for immediate processing and taking steps for enactment by the President.

28. Whenever a Bill falls within any of the categories requiring the previous recommendation or sanction of the President, the initiating Department shall while forwarding the Bill to the Government of India bring the above fact to the notice of the concerned Ministry.

29. (1) Notwithstanding anything contained in these rules, measures designed solely to modify and consolidate existing enactments and legislation of a formal character, such as repealing and amending Bills, may be initiated in the Law Department:

Provided that the Law Department 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 enquires as it thinks fit and shall send to the Law Department its opinion thereon together with a copy of every communication received by them on the subject.

(2) Thereupon, the Law Department shall submit the Bill to the Adviser for orders and if the Adviser so directs, take necessary further steps for its enactment.

30. Whenever a non-official Member of Parliament gives notice of his intention to move for leave to introduce a Bill, the Law Department shall, on receipt of information about such notice from the Government of India, communicate the same to the department to which the subject matter of the Bill relates.

31. Every Bill of the nature referred to in Article 199 shall—

(a) If the Bill does not relate to a subject dealt with in the Finance Department be sent to the Secretary of the department dealing with the said subject. Such Bill shall thereafter be submitted to the Adviser or the Governor as the case may be.

(b) If the Bill relates to a subject dealt with in the Finance Department, be submitted to the Adviser and the Governor.

32. The provisions of these rules shall, so far as may be apply in respect of ordinances promulgated under clause (1) of Article 213, subject to the following—

- (a) After the ordinance has been approved by the Adviser the initiating department shall submit the same to the governor shall send the draft of the Ordinance to the concerned Ministry of the Government of India for the approval of the President.
- (b) On receipt of the copy of the Ordinance signed by the President, the Department shall forward the same to the Law Department for application.
- (c) In case the President returns the draft Ordinance to the Governor for promulgation, the ordinance shall be promulgated by the Governor and the same shall be published by the Law Department.
- (d) After the publication of the Ordinance the Law Department shall forward a copy of the same to the Governor and two copies thereof to the Secretary to the Government of India in the Ministry dealing with the subject matter of the Ordinance for being laid before the Parliament as required under clause (2) of Article 213.

#### F. OTHER DEPARTMENTS

- 33. The functions of other Departments shall be governed by the instructions and orders of the Government issued from time to time,
- Miscellaneous
- 34. If any doubt arises as to the interpretation of these rules, it shall be referred to the Governor whose decision shall be final.
  - 35. These rules may, to such extent as may be necessary, be supplemented by instructions issued by the Governor.
- Suspension of the 1972 Rules.
- 36. (1) The Rules of Executive Business of the Government of the State of Meghalaya notified *vide* CA.2/72/1, dated 21<sup>st</sup> January, 1972 as amended, shall remain suspended during the period of operation and revive on cessation of the Proclamation.  
  
(2) Notwithstanding such suspension, any order or general directions issued there under shall be deemed to have been issued under these rules except to the extent of any repugnancy to these rules, and shall continue in force until varied or rescinded.

37. Unless the context otherwise requires the General Clauses Act, 1897 shall apply for the interpretation of these rules as it applies for the interpretation of a Central Act.

By Order of the Governor.

J. M. PHIRA,

Special Secretary to the Govt. of Meghalaya,

Executive Council Affairs Department.

Dated, Shillong

The 1<sup>st</sup> November, 1991

THE FIRST SCHEDULE

*See Rule 3 (1)*

**List of Departments**

Departments:--

1. Agriculture.
2. Animal Husbandry and Veterinary and Dairy Development.
3. Arts and Culture.
4. Border Areas Development.
5. Community and Rural Development.
6. Cooperation.
7. District Council Affairs.
8. Education.
9. Election.
10. Evaluation.
11. Excise, Registration, Taxation and Stamps.
12. Executive Council Affairs.
13. Fisheries.
14. Finance.
15. Food and Civil Supplies.
16. Forest and Environment.
17. General Administration.
18. Health and Family Welfare.
19. Home (including Passport).
20. Housing.
21. Industries (including Sericulture and Weaving).
22. Law.
23. Labour.
24. Minor Irrigation.
25. Parliamentary Affairs.
26. Personnel and Administrative Reforms.
27. Planning (including Science and Technology).
28. Political.
29. Power, Mining and Geology.
30. Printing and Stationery.
31. Programme Implementation.
32. Public Health Engineering.
33. Public Relations.
34. Public Works (Roads and Bridges, Buildings and Medium Irrigation).
35. Relief and Rehabilitation of displaced persons.

36. Reorganisation.
37. Revenue.
38. Secretariat Administration.
39. Social Welfare.
40. Soil Conservation.
41. Sports and Youth Affairs.
42. Tourism.
43. Trade (including Border Trade).
44. Transport and Communications.
45. Urban Affairs.
46. Weights and Measures.



THE SECOND SCHEDULE

[See rule 7 (4)]

1. Proposal for the appointment or removal of the Advocate General or for the determining or varying the remuneration payable to him.
2. Proposals for the appointment of Legal Remembrancer and Secretary, Law.
3. Proposal for the making or amending rules regulating the recruitment and conditions of service of—
  - (a) persons appointed to the Secretariat staff of the Assembly (Article 187 (3));
  - (b) officers and servants of the High Court under Article 229, provisos to clauses (1) and (2);
  - (c) persons appointed to the public service and posts in connection with the affairs of the State (proviso to Article 309).
4. Proposals for the making or amending rules under Article 234.
5. Proposals for the issue of a notification under Article 237.
6. Any proposals involving any action for the dismissal, removal or suspension of a member of the Public Service Commission.
7. Proposals for making or amending regulations under Article 318 or under proviso to clause (3) of Article 320.
8. Report of the Public Service Commission on its work (Article 323 (2)) and any proposal 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 for the raising of loans on the security of revenues of the State or for giving of a guarantee by the Government of the State.
11. Any proposal which affects the finances of the State which does not have the consent of the Finance Department.

12. Any proposal for re-appropriation to which the consent of the Finance Department 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. 1 lakh in value or the abandonment or reduction of revenues exceeding that amount except when such alienation sale, grant or lease of Government property is in accordance with the rules or with a general scheme already approved.
14. Proposals involving any major policy or practice.
15. Proposal to vary or reverse a decision previously taken by the Executive Council.
16. Proposals which adversely affect the operation of the policy laid down by the Central Government.
17. Any proposal for the institution or withdrawal of a prosecution suit and other court proceedings by Government against the advice tendered by the Law Department.
18. Proposals involving any important alteration in the conditions of service of the members of any All India Service.
19. Reports of the Committee or Commission of Inquiry appointed by the Government.
20. Proposals to act otherwise than in accordance with the advice of the Public Service Commission.
21. Cases required by the Governor to be brought before the Executive Council.