



GOVERNMENT OF MEGHALAYA

LAW (A) DEPARTMENT

(CABINET AFFAIRS DEPARTMENT)

RULES OF EXECUTIVE BUSINESS OF THE GOVERNMENT OF THE STATE OF MEGHALAYA

(As amended upto 19th June, 1998)

**Framed under clauses (2) and (3) of Article 166 of the
Constitution of India.**

The 21st January, 1972

No.CA.2/72/1.- In exercise of the powers conferred by clause (2) and (3) of Article 166 of the Constitution of India, the Governor of Meghalaya is pleased to make the following rules:-

1. (1) These Rules may be called the Rules of Execution Business of the Government of the State of Meghalaya.
(2) They shall come into force at once.
2. In these Rules unless the context otherwise requires –
 - (a) “Article” means an Article of the Constitution of India;
 - (b) “Cabinet” means the Committee of the Council consisting of the Minister appointed as such by the Governor.
 - (c) “Chief Minister” means the Minister appointed as such by the Governor under Article 164 (1) of the Constitution;
 - (d) “Chief Secretary” means the Chief Secretary to the Government of Meghalaya.
 - (e) “Constitution” means the constitution of India;
 - (f) “Council” ,means the Council of Ministers consisting under Article 163 of the Constitution;
 - (g) “Department” means a Department of the Government of the State of Meghalaya as specified in the First Scheduled.
 - (h) “Minister” means a Minister appointed as such by the Governor and includes a Minister of State and a Deputy Minister.
(ha) “Parliamentary Secretary” means a Parliamentary Secretary appointed as such by the Chief Minister.
 - (i) “Secretary” means a Secretary to the Government of Meghalaya and include Chief Secretary, Principal Secretary, Commissioner and Secretary, a Joint Secretary, a Deputy Secretary and an Under Secretary; and
 - (j) “Schedule” means the Schedule appended to these Rules.
3. The General clauses Act, 1897 applies for interpretation of these Rules as it applies for the interpretation of a Central Act. PART – I – ALLOCATION AND DISPOSAL OF BUSINESS.
4. The Business of the Government shall be transacted in the different Departments specified in the First Schedule.

1. New Sub-Rule inserted *vide* Notification No.CA.65/85/Part/10, dated 13th June, 1990.

*Substituted *vide* notification No.CA.4/90/25. Dated 3rd September, f1993.

5. The Governor shall, on the advice of the Chief Minister, allot, among the Ministers, the business of the Government by assigning one or more Department to the charge of a Minister.

Provided that nothing in this Rule shall prevent the assigning of one Department to the charge of more than one Minister.

6. Each Department of the Secretariat shall consist of the Secretary to the Government, who shall be the official head of that Department, and of such other Government servants as the State Government may determine; Provided that :-

- (a) more than one Department may be placed in-charge of the same Secretary; and
- (b) the work of a Department may be divided between two or more Secretaries.

7. The Council shall be collectively responsible for all executive orders issued in the name of the Governor in accordance with these Rules, pertaining to his portfolio or as the result of discussion at a meeting of the Council, or of the Cabinet or otherwise.

8. Subject to the orders of the Chief Minister under Rule 14, all cases referred to in the Second Scheduled to these Rules shall be brought before the Cabinet in accordance with the provision of the rules contained in Part II.

9. Without prejudice to the provision of Rule 7, the Minister-in-charge of a Department shall be primarily responsible for the disposal of the business appertaining to that Department.

9.A. The Parliamentary Secretary may be assigned such functions to assist the Chief Minister, Deputy Chief Minister or any Minister as the Chief Minister may direct.

* In the exercise of his functions, the Parliamentary Secretary shall whenever necessary, seek the direction of the Minister whom he is assisting.

- 10.(1) No Department shall, without previous consultation with the Finance Department, authorise any orders (other than orders issued under any At or Rules made thereunder, or pursuant to any general or public specific delegation made by the Finance Department) with-

- (a) Either immediately or by their repercussion will effect the finances of the State, or which, in particular.
- (a) Invoke 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;

(i) New Rule inserted *vide* Notification No.CA.65.85/Part/10, dated 13th June, 1990
Added *vide* Notification No.CA.4/90/17, dated 7th March, 1991.

(ii) in any way involve any relinquishment of revenue.

or

(b) relate to the number of grading of cadre of 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.

***1. Provided that all posts carrying scales of pay the maximum of which are Rs.11, 130/- and above or a fixed pay of Rs.11,130/- and above per month shall be created in consultation with the Personal Department.

(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 the State of Meghalaya.

(e) 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.

(2) No proposals which requires the previous consultation with the Finance Department under this rule, but in which the Finance Department has not concurred, may be proceeded with unless a decision to that effect has been taken by the Cabinet.

(3) No re-appropriation shall be made by 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 Departments 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 authorities by the Finance Department.

(5) Nothing in these Rules shall be construed as authorizing any Department including the Finance Department to make re-appropriation from one grant specified in the Appropriation Act to another such grant or from a charge Appropriation to a votable Appropriation.

11. Orders or instruments made or executed by or on behalf of the Government of the State of Meghalaya shall be expressed to be made or executed in the name of the Governor.

*12. Orders or instruments of the Government of the State shall be expressed to be made in the name of the Governor and shall be signed either by the Chief Secretary, a Principal Secretary, Commissioner and Secretary, a Secretary, an Additional Secretary, a Joint Secretary, a Deputy Secretary, an Under Secretary or such other officer as may be authorised by the Government and such signature shall be deemed to be the proper authorisation of such order or instrument.

1. Amended *vide* Notification No.CA.85/85/Pt-III/9,dated 5th April, 1989.

*Substituted *vide* Notification No.CA.4/90/25, dated 3rd September, 1993.

**Substituted *vide* Notification No.CA.11/98/3, dated 9th June, 1998.

PART II – PROCEDURE OF THE CABINET

13. The Chief Secretary, or such other Officer as the Chief Minister may appoint, shall be the Secretary to the Cabinet.

14. All cases referred to in the Second Schedule shall after consideration by the Minister be sent to the Chief Secretary with a view to obtaining orders of the Chief Minister for circulation of the case under Rules 15 or for bringing it up for consideration at a meeting of the Cabinet.

15. (1) The Chief Minister may direct that any case referred to in the Second Schedule may, instead of being brought up for discussion at a meeting of the cabinet, 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 Cabinet is unnecessary, the case shall be decided without such discussion. 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 Cabinet.

(2) If it is decided to circulate for opinion any case to the Ministers, copies of all papers relating to such case which are circulated among the Minister shall simultaneously be sent to the Governor.

16. (1) In cases which are circulated for opinion under Rule 15, the Chief Minister may direct, if the matter be urgent, that if any Minister fails to communicate his opinion to the Secretary to the Cabinet by a date to be specified by him in the Memorandum or circulation, it shall be assumed that he has accepted the recommendations contained therein.

(2) If the Ministers 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 Cabinet shall submit the case to the Chief Minister. If the Chief Minister accepts the recommendations and if he has no observation to make he shall return this case to the Secretary to the Cabinet, who will pass it on to the Secretary concerned who will thereafter take steps to issue the necessary orders.

17. When it has been decided to bring a case before the Cabinet the Department to which the case belongs shall, unless the Chief Minister otherwise directs, prepare a Memorandum indicating with sufficient precision on the salient fact of the case and the points for decisions. Such Memorandum and such other papers as are necessary to enable the case to be disposed of shall be circulated to the Ministers Copies of the Memorandum and other papers shall at the same time be sent to the Governor.

18. In cases which concern more Ministers than one, the Ministers shall attempt by previous discussion to arrive at an agreement. If an agreement is reached the memorandum referred to in Rules 16 or 17 shall contain the joint recommendations of the Ministers; and if no agreement is reached, the Memorandum shall state the points of difference and the recommendation of each of the Ministers concerned.

19. The memorandum as required under Rules 16, 17 or 18 shall be submitted by the Secretary to the Chief Secretary who shall ensure that it is complete and in the proper form. He may return it if it is incomplete or is not in the proper form.

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

(2) After an agenda paper showing the cases to be discussed at a meeting of the Cabinet has been approved by the Chief Minister, copies thereof, together with copies of such Memoranda as have not been circulate under Rule 17, shall be sent by the Secretary to the Cabinet to the Chief Minister and other Minister so as to reach them two clear days before the date of such meeting. The Chief Minister may, in the case of emergency, curtail the said period of two day. Copies of the agenda and the memoranda shall at the same time be sent to the Governor.

(3) Except with 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 17.

(4) If any Minister is on tour, the agenda paper shall be forwarded to the Secretary in a Department concerned who, if he considered that the discussion of any case should await the return of the Minister, may request the Secretary to the Cabinet to take the order of Chief Minister for postponement of the discussion of the case until 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 Cabinet.

(6) The Secretary to the Cabinet shall attend the meeting of the Cabinet and shall prepare a record of the decisions. He shall forward a copy of such a record after approval by the Chief Minister or by any other Minister presiding, to the Chief Minister, the other Cabinet Ministers and the Governor.

21. (1) When a case has been decided by the Cabinet after discussion at a meeting, the Minister concerned shall take action to give effect to the decision. If, however, any deviation is proposed to be made from that decision, the case shall be submitted to the Chief Minister by the Minister concerned and further action on it will be taken according to any direction of the Chief Minister. The Secretary in the Department concerned will in each such cause to be supplied to the Secretary to the Cabinet such documents as the later may require to enable him to maintain his record of the case.

(2) The record of the case to be maintained by the Secretary of the Cabinet shall consist of (i) a copy of all papers circulated and records prepared under Rules 16, 17 and 20 (ii) all documents supplied under sub-rule (1) of this rule.

PART III – DEPARTMENTAL DISPOSAL OF BUSINESS

A – GENERAL

22. Except as otherwise provided by any other Rule, cases shall ordinarily be disposed of by or under the authority of the Minister-in-charge of the Department who may, by means of standing orders, give such directions as he think fit for the disposal of cases in the Department. Copies of such standing orders shall be sent to the Governor and the Chief Minister.

23. Whenever any other Department is consulted such reference shall be accompanied by the statement of the facts of the case and the point or points on which the decision of the Department is desired.

24. (1) A Secretary shall consult other Departments where such consultation is required under the Rules or the Secretary considers it desirable to do so in the interest of co-ordination of policy.

(2) If such a matter is placed before the Minister, the views of the Departments consulted shall be brought specifically to the notice of the Minister.

(3) In case where the Secretary has taken the orders of his Minister before the consulting the other Departments, the advice of the other Departments shall be brought to the notice of the Minister before finalization of the orders, if the advice is not in conformity with the orders of the Minister.

25. When the subject of a case concerns more than one Departments, no order shall be issued nor shall the case be laid before the Cabinet until it has been considered by all the Departments concerned unless the case is one of extreme urgency.

26. If the Department concerned are not in agreement regarding the case dealt with under Rule 16, 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 laying the case before the Cabinet.

27. (1) A Secretary may ask to see the papers in any Department, other than the Finance Department and Departments under the Chief Secretary, if such papers are required for the disposal of a case in his Department:

Provided that for the Department under the Chief Secretary, the latter may consider the request of the Secretary, and may allow the papers to be seen by a Secretary:

Provided also that if a Department feels that a case should not be shown to other Departments, the matter will plead before the Chief Secretary for orders.

(2) Such request shall be dealt with under the orders of the Minister.

(3) Subject to the provisions of sub-rule (3) of Rule 41, a Minister may sent for any papers from any Department for his information provided that, if he is of opinion that any further action should be taken on them he shall communicate his views to the Minister-in-charge of the Department concerned and, in case of disagreement, may submit the case to the Chief Minister with a request that the matter be laid before the Cabinet. No further notes shall be recorded in the case before the papers are so laid before the Cabinet.

(4) If the paper sent for under sub-rule (1) or (3) is of a 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.

(5) No paper under disposal shall be sent to any Minister until had been seen by the Minister-in-charge of the department to which it belongs.

(6) (a) The Secretary may, on the orders of the Chief Minister or 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 of the Department concerned.

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

28. (1) The Chief Minister may call for records of any case relating to any Department.

(2) The Chief Minister may, in consultation with the Minister-in-charge of the Department, pass such orders in any case as he considers necessary or may direct that the matter shall be placed before the Cabinet.

(3) The Chief Minister may pass orders in a case relating to any Department when the case is referred to him by the Minister-in-charge of the Department.

(4) The Chief Minister, in the absence of the Minister-in-charge of Department may, in a matter shall be referred for the decision of the Chief Secretary who will, if necessary, obtain the orders of the Chief Minister.

30. 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 and to the Chief Minister and the Governor for information.

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

32. (1) The following classes of cases shall be submitted to the Chief Minister before the issue of orders.-

- (i) Proposals for the grant of pardons, reprieves, respites or remissions of punishment or for the suspension, remission or commutation of a sentence in pursuance of article 161;
- (ii) cases raising question of major policy and cases of administrative importance not already covered by the Second Schedule.
- (iii) cases which affect or are likely to affect the peace and tranquility of the State.

- (iv) important cases which effect or are likely to effect the interest of Scheduled Castes, Scheduled Tribes and other Backward Classes.
- (v) cases which affect the relation of the State Government with the Government of India, any other State Government, the Government of 2 (Bangladesh), the Supreme Court or the High Court.
- (vi) constitution of an Advisory Board under Article 22 (4) (a) for the detention of persons without trial;
- (vii) appointment of the Chief Secretary
- (viii) proposals for the appointment and posting of the following officers:-
 - (a) Additional Chief Secretary, Principal Secretary, Commissioner and Secretary, Secretaries, Additional Secretaries and Joint Secretaries of Department of Government.
 - (b) Commissioner of Divisions, Agricultural Production Commissioner and Chairman, Board of Revenue.
 - (c) Heads of Departments;
 - (d) Special Officer of the status of Joint Secretaries and above;
 - (e) Deputy Inspectors General of Police;
 - (f) Deputy Commissioners;
 - (g) Superintendents of Police; and
 - (h) Chief Electoral Officer;
- (ix) Appointment of the Chairman and Members of the State Selection Board and the non-official members of the District Selection Committees;
- (x) Any communication from the Election Commission especially with reference to its requirements as to staff and action proposed to be taken thereon;

2. Substituted for the original entry, viz., "Pakistan", vide Notification No.CA.2/72 Part/1, dated 11th November, 1972 (Second Amendment).
Substituted vide Notification No.CA.4/90/25, dated 3rd September,1993.

- (xi) any proposal for the institution or withdrawal of a prosecution by Government against the advice tendered by the Law Department.
- (xii) any departure from these Rules which comes to the notice of the Chief Secretary or the Secretary of any Department.
- (xiii) cases pertaining to the Governor's personal establishment and Government House matters;
- (xiv) proposals for the appointment of Chairman and members of the State Public Service Commission;
- (xv) (a) proposals for the constitution of Autonomous Regions in Autonomous Districts;
- (b) proposals for the alteration of the areas of an Autonomous District;
- (c) proposals for the union of two or more Autonomous District or parts thereof with a view to form one Autonomous District and for the creation of new Autonomous Districts.
- (d) proposals for the constitution of District and Regional Council and the framing of rules to govern the conduct of business in those bodies;
- (e) cases relating to any dispute regarding the payment of share of royalty accruing from mines and minerals to the District Councils;
- (f) cases relating to the application of Acts of Parliament or of the State Legislature to Autonomous Districts and Autonomous Regions.
- (g) proposals for the appointment of a Commission to enquire into and report on the administration of Autonomous District and Autonomous Regions;
- (h) cases relating to action to be taken on the report of Commissions referred to in (g):
- (i) proposals for the annulment or suspension of any acts and resolutions of the District and Regional Councils;
- (j) proposals for the dissolution of a District or Regional Council.
- (k) proposals for the exclusion of any areas from autonomous district for the purpose of forming constituencies for election to the State Assembly;
- (l) proposals for entrustment to the District Council or to its officers functions in relation to Agriculture, Animal Husbandry, Community Projects, Co-operative Societies, Social Welfare, Village Planning or any other matter to which the executive power of the State extends;
- (m) cases relating to the issue of regulations for the administration of autonomous Districts and Regions pending the constitution of District and Regional Councils.

- (n) proposals for any amendments to the Sixth Schedule;
- (o) any other matter of importance concerning affairs of District and Regional Councils.

*(2) The following classes of cases shall be submitted by the Secretary of the Department concerned, with the approval of the Chief Minister, to the Governor before the issue of orders:-

- (i) proposal for pardon or commutation of capital sentences;
- (ii) important cases raising questions of major 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 interest of Scheduled Cases, Scheduled Tribes (in the plains) 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 High Court;
- (vi) appointment, resignation and removal of the Advocate General;
- (vii) summoning, prorogation or dissolution of the State Assembly;
- (viii) disqualification of Members of the State Assembly;
- (ix) proposals for the appointment of Chairman and Members of the State Public Service Commission;
- (x) (a) cases relating to any dispute regarding the payment of a share of royalty accruing from mines and minerals to the District Councils;
- (b) cases relating to the application of Acts of Parliament or of the State Legislature to Autonomous Districts and Autonomous Regions;
- (c) proposal for the appointment of a Commission to enquire into and report on the administration of autonomous districts and autonomous regions;
- (d) cases relating to action to be taken on the report of commission referred to in (c);
- (e) proposals for the dissolution of District or Regional Council;
- (f) cases relating to the issue of regulations for the administration of autonomous districts and regions during the transitional period pending the constitution of District and Regional Councils;
- (g) proposals for any amendments to the Sixth Schedule; and
- (h) any other matter of importance relating to the Sixth Schedule of the Constitution as the Chief Minister may consider necessary;
- (xi) any departure from these Rules which comes to the notice of the Chief Secretary of any Departments;
- (xii) cases pertaining to Governor's personal establishment and Raj Bhavan matters;
- (xiii) such other cases of administrative importance as the Chief Minister may consider necessary.

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- New Clauses after Clause (i), viz., (ii), (iii), (iv), (v), (vi), (vii) and (viii) were inserted vide Notification No.CA.2.72/49, dated 14th May, 1973 (Third Amendment), and consequential renumbering of Clauses (ix), (x), (xi), (xii) and (xiii).

33. 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 Governor so requires, submit for the consideration of the Cabinet any matter on which a decision has been taken by a Minister but which has not been considered by the Cabinet.

*33 A. The following classes of cases should be submitted to the Governor-

- (i) Appointment and resignation of the Chief Minister and other Ministers of the State;
- (ii) Governor's Address and Message to the State Legislative Assembly;
- (iii) Bills passed by the Assembly;
- (iv) Recommendations of the governor to the State Legislative Assembly under Articles 202, 204, 205 and 207;
- (v) cases regarding promulgation and withdrawal of ordinances.

B – CHIEF SECRETARY

34. (1) The Chief Secretary as the Secretary to the Cabinet shall be kept apprised of all important decision by various Departments. A weekly list of cases shall be submitted to the Chief Secretary for his information and for information of the Chief Minister.

(2) All important matters relating to all Departments and in particular Personal, Home Political and Town and Country Planning Departments shall be put up by the Secretary to the Chief Secretary.

35. The Chief Secretary is the head of the administrative machinery and his meditation shall be sought as far as practicable in all the cases where there is a difference of opinion between the Secretaries.

36. 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 Chief Minister.

C – FINANCE DEPARTMENT

37. The Finance Department shall have the following functions namely:-

- (i) it shall, consultation with the Department of Personnel, frame rules regulating the pay, leave and pension of persons in the service of the State Government and rules regulating the number gradings or cadre and emoluments of posts under the State Government and also be responsible for seeing that these rules are properly applied;

- (ii) it shall advice on the financial aspects of all transactions relating to such loans granted by the State Government;
- (iii) 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 being 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;
- (iv) it shall examine and report on all proposals for the increase or reduction of taxation;
- (v) 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 guarantees;
- (vi) it shall be responsible for laying down appropriate financial rules for guidance of other Departments who are responsible for proper maintenance of accounts by themselves and by the establishment subordinate to them. Finance Department may take such action as may be appropriate to enforce such accountability;
- (vii) 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 of Government's balances and for their Ways and Means operations;
- (viii) in connection with the budget and with supplementary estimates-
 - (a) it shall prepare a statement of estimated revenue and expenditure to be laid before the Legislature in each year and any supplementary estimates or demands for excess grants which may be submitted to the Vote of the Legislature or as the case may be laid before the Legislature;

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- Inserted as new Rules after Rule 33, Vide Notification No. CA.2/72/49, dated the 14th May, 1973 (Third Amendment)

- (b) 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
- (c) it shall examine and advice on all schemes of new expenditure for which it is proposed to make provision in the estimates, and shall decline to provide in estimates for any schemes which has not been so examined;
- (ix) 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 incur further expenditure;
- (x) 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;
- (xi) it shall lay before the Committee of Public Accounts the reports of the Auditors 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; and
- (xii) it shall advise the Departments responsible for the collection of revenue regarding the progress of collection and the methods of collection employed.

38. (1) After the Governor has given his assent to the Appropriation Act, specifying (a) the grants made by the Legislative Assembly, (b) the sums required to meet the expenditure, if any, charged on the revenue of the State, the Finance Department shall have the power to sanction or to authorise sanction 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 does not require the sanction of the Finance Department shall be communicated to that Department as soon as such orders are passed.

39. The Finance Department shall also be consulted upon all proposals to sanction the relaxation of any financial rule and also before final orders are passed in any case of serious financial irregularity.

40. Where consultation with the Finance Department is necessary under the rules, it shall take place before the issue of orders or sub-mission of the case to the Cabinet;

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

41. (1) The Finance Minister may call for any papers in a case in which any of the matters referred to in Rule 10 is involved, and the Department to whom the request is addressed shall supply the papers.

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

(3) No Minister, and no Department shall have the right to call for the Finance Department's papers in a case.

42. The Finance Department may make rules to govern financial procedure in general in all Departments and to regulate the business of the Finance Department and the dealing of other Department with the Finance Department.

D – LAW DEPARTMENT

43. The function of the Law Department is to put into technical shape the projects of legislation 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 the 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 8, settled in such Department.

44. 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 Law Department as to –

- (i) the need for the proposed legislation from a 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 provision of the Constitution, and in particular those relating to the fundamental rights.

45. If legislation is decided upon by the Minister-in-Charge, the Department will, if the legislation involves expenditure from the Consolidated Fund of the State, prepare in consultation with the Finance Department, a financial memorandum. The papers shall then be sent to the Law Department requesting it to draft the Bill accordingly.

46. The Law Department shall thereafter prepare a Draft Bill and return the case where necessary, to the Department concerned.

47. If the Draft Bill is approved by the Minister-in-charge it shall be brought before the meeting of the Cabinet with the prior approval of the Chief Minister. The Cabinet may approve the Bill with or without amendment.

48. If the Bill is approved with amendment it shall be sent to the Law Department to finalise the Bill after incorporating the amendments.

49. The Law Department shall then send the Bill to the Department concerned indicating at the same times the sanctions, if any, required for the Bill. If any provisions in the Bill involving expenditure from the Consolidated Fund of the State are modified in the finalized draft the Department shall send the finalized draft Bill to Finance Department for revising if necessary the financial memorandum.

50. The Bill thus finalized will be sent to the Legislative Assembly by the Department concerned for introduction in the Legislature with intimation to the Law Department. The Department concerned will obtain the previous sanction of the President and also prepare the financial memorandum, where necessary, in consultation with the Finance Department. The Department also will obtain the recommendation of the Governor in cases where such recommendation will be necessary.

51. Notwithstanding anything contained in Rule 43, 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 enquiries 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.

52. (1) Whenever a private member of the State Legislature gives notice of his intention to move for leave to introduce a Bill he shall give notice of his intention to the Secretary of the Legislative Assembly and shall together with the notice, submit a copy of the Bill and the Statement of objects and reasons.

(2) The Secretary of the Legislative Assembly shall then send a Copy of the Bill and the Statement of objects and reasons to the Minister for Parliamentary Affairs and the Law Department.

(3) The Bill shall then be dealt with as a case by the Law Department in the first instance, where it shall be considered in its technical aspects, such as need for previous sanction of the President and the competence of the State Legislature to enact the measures and then be forwarded with its opinion to the Department to which the case belongs.

(4) The Department concerned shall then examine whether any provisions of such Bill involving expenditure from the Consolidated Fund of the State and if so, they shall prepare, in consultation with Finance Department, the financial memorandum in respect of the Bill.

(5) The Department concerned shall then place the matter before the Cabinet for necessary orders.

(6) The Law Department shall thereafter take necessary steps as prescribed in respect of a Government Bill.

53. The provisions of Rule 50 shall apply, as far as may be, to amendments of substance recommended by the Select Committee and also to all amendments, notice of which is given members of the State legislature for being moved during the consideration of a Bill in that legislature.

54. (a) When a Bill has been passed by the Legislature it shall be examined by the Law Department as well as by the Department concerned. The Law Department shall then present the Bill to the Governor either for his assent or for reservation for the assent of the president where necessary.

(b) Where the Governor directs that the Bill should be reserved for the consideration of the president or return to the legislature with a message, necessary action in that behalf shall be taken by the Law Department with intimation to the Department concerned.

(c) After obtaining the assent of the Governor or the President, as the case may be, the Law Department shall take steps for publication of the Bill in the official Gazette as an Act of the Legislature.

55. Whenever it is proposed in any Department other than the Law Department –

- (i) to issue a statutory rule, notification or order; or
- (ii) to submit to the Central Government any draft statutory rule, notification or order for issue by them;

the draft shall be referred to the Law Department for opinion and for revision, where necessary.

56. (1) All Administrative Departments may and in the event of doubt shall consult the Law Department on the construction of statutes, acts, regulations and statutory rules, orders and notifications.

(2) All Administrative Departments shall consult the Law Department on-

- (a) any general legal principles arising out of any case; and
- (b) the institution or withdrawal of any prosecution at the instance of any Administrative Department.

(3) Every such reference shall be accompanied by an accurate statement of the facts of the case and the point or points on which the advice of the Law Department is desired.

E – PERSONNEL DEPARTMENT

57. (1) The Chief Secretary shall be the Secretary of the Department of Personnel.

(2) The Personnel Department shall be responsible for seeing that the rules and principles relating to service in general are properly followed.

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

(4) The concurrence of the Personnel Department shall be obtained by other department in the following matters –

- (i) relaxation of any service rule;
- (ii) relaxation of any general service condition; and
- (iii) appointment to any gazetted post carrying a scale of pay the maximum of which is Rs.11,130/- and above or a fixed pay of Rs.11,130/- and above per month or payment of additional remuneration to any such Gazetted officer.

F – PLANNING DEPARTMENT

58. (1) The Planning Department shall be responsible for over planning, working out a strategy of development which maximize the national product through time; laying down the guide lines for the departments regarding the drawing up of the departmental programme and schemes and working in economic, administrative and organizational appraisal of the plans and programme of various departments.

(2) The Planning Department shall be consulted for advice by other Department in matters relating to Plan formulation and the general principles relating to planning.

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

PART VI – SUPPLEMENTARY

59. The secretary of the Department concerned is in each case, responsible for 3 (the proper transaction of business and for) 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.

3. inserted *vide* notification no. CA.2/72/81 dated 20th August, 1974 (Fourth Amendment).

1. Amendment *vide* notification no. CA85/85/Pt-III/9, dated 5th April, 1989.

*Substituted *vide* notification no.11/98/3 dated 19th June,1998.

THE FIRST SCHEDULE
(See Rule 4)
List of Departments

Departments:-

1. Agriculture.
2. Animal Husbandry and Veterinary and Dairy Development.
3. Arts and Culture.
4. Border Areas Development.
5. Cabinet Affairs.
6. Co-operation.
7. Community and Rural Development.
8. District Council Affairs.
9. Education.
10. Election.
11. Evaluation.
12. Excise, Registration, Taxation and Stamps.
13. Fisheries.
14. Finance.
15. Forest and Environment.
16. Food, Civil Supplies, Consumer and Trade (including Border Trade).
17. General Administration.
18. Health and Family Welfare.
19. Home (including Passport)
20. Housing
21. Law.
22. Industries (Including Sericulture and Weaving).
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.

1. Amendment *vide* notification no. CA.65/85/90 dated 28th January, 1989.

*Amendment *vide* notification no. CA.4/90/40, dated 3rd September, 1994.

31. Public Relations.
32. Public Works (Roads and Bridges, Buildings and medium irrigation).
33. Public Health Engineering.
34. Programme Implementation.
35. Re-organisation.
36. Revenue.
37. Relief and Rehabilitation of displaced persons.
38. Secretariat Administration.
39. Social Welfare.
40. Soil and Conservation.
41. Sports and Youth Affairs.
42. Tourism.
43. Transport and Communications.
44. Urban Affairs.
45. I.T. Department.

THE SECOND SCHEDULE

(See Rules 8, 14, 15 and 32)

1. Proposals for the appointment or removal of the Advocate General or for determining or varying the remuneration payable to him.
2. Proposals for appointment of legal Remembrance and Secretary. Law and Joint Secretary, Law-cum-Draftsman.
3. Proposals to summon, prorogue or dissolve the Legislature of the State.
4. Proposals 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 State (Proviso to Article 309).
5. Decision on questions arising as to whether the member of a House of the legislature of the State has become subject to any disqualification under Article 191 and any proposals to refer such questions for the opinion of the Election Commission, any proposal to recover or to waive recovery of the penalty due under Article 193.
6. The Annual Financial Statements to be laid before the Legislature.
7. Proposals relating to rules to be made under the Article 208, clause (3).
8. Proposals for the making or amending rules under Article 234.
9. Proposals for the issue of a notification under Article 237.
10. Any proposals involving any action for the dismissal, removal or suspension of a member of the Public Service Commission.
11. Proposals for making or amending regulations under Article 318 or under proviso to clause (3) of Article 320.
12. Report of the Public Service Commission on its works [Article 323 (2)] and any action proposed to be taken with reference thereto.
13. Proposal for legislation including the issue of ordinance under Article 213 of the Constitution.
14. 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.

15. Any proposals which affects the finances of the State which has not consent of the Finance Minister.

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

17. 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 by the Cabinet.

18. Proposals involving any major policy or practice.

*19. Proposal to vary or reverse a decision previously taken by the Cabinet.

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

21. Any proposals for the institution or withdrawal of a prosecution, suit or other court proceedings by Government against the advice tendered by the law Department.

22. Proposals involving any important alteration in the conditions of Service for the members of any all India Service.

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- Inserted as new Clauses after Clause 18 *vide* Notification No.C.2/72/81, dated 20th August, 1974 (Fourth Amendment), and consequential remembering of Clauses 21,22,23,24 and 25.

23. Reports of the Committee or Commissions of Inquiry appointed by the Government on its own initiative or in pursuance of a resolution passed by the State Legislature.

24. Proposals to act otherwise than in accordance with the advice of the Public Service Commission.

25 Cases required by the Chief Minister to be brought before the Cabinet.

Raj Bhavan,
Shillong
The 21st January, 1972.

BRAJ KUMAR NEHRU,
Governor of Meghalaya.

T.CAJEE

Additional Secretary to the
Government of Meghalaya,
Cabinet Affairs Department.