

it shall not be necessary to publish it again. Publication of the Bill is authorised by the submission of the approved draft thereof to get by the with a copy of the Statement of Objects and Reasons, signed by the Minister-in-charge to the Legislative Assembly accompanied by a draft order signed by the Governor to its publication. The Legislative Assembly will take steps to effect publication of the Bill in the official Gazette duly authenticated in the manner prescribed.

332. *Notice of motion.*—The Administrative Department should, at the same time, prepare the requisite notice of motion in accordance with the procedure and conduct of business of the House of the State Legislature and submit them, duly signed by the Minister-in-charge, to the Secretary of the Haryana State Legislative Secretariat, who will arrange for the printing of copies of the Bill and their circulation to the members of the Assembly in time to comply with the requirements of the Rules made under article 208 of the Constitution of India.

333. *Select Committee.*—A Select Committee is appointed by the Legislative Assembly when a motion that the Bill be referred to a Select Committee is passed.

The composition, powers and rules of procedure of Select Committees are matters to be regulated by the Rules of Procedure and Conduct of Business in the Haryana State Legislature. The Secretary, Legislative Department cannot be a member of any such committees but his presence, or the presence of one of his Assistants, is usually invited, when he will attend as an expert advisor on drafting.

334. *Drafting Committees.*—The rule of procedure and Conduct of Business in the Haryana Legislative Assembly require that where any amendment is proposed to be made in a bill, it should be examined by a Committee which should report what amendments of a formal or consequential character should be made in the Bill as a result of the recommendations made by the Select Committee. It is usual that the Secretary, Legislative Department or one of his Assistant is invited to attend such a committee informally as a drafting expert.

To obviate the possibility of errors appearing in Acts of the State Legislature, the draft of any amendments which are proposed to Bills should, if possible, be forwarded to the Legislative Department for further scrutiny before the amendments are actually moved on the floor of the House.

335. *Procedure subsequent to passing of Bills.*—(1) When a Bill has been passed or is deemed to have been passed by the House of the Legislature, a copy thereof, signed by the Speaker, or the Deputy Speaker (when the office of the Speaker of the Assembly is vacant) will be sent to the Legislative Department with a certificate that it has been passed by the House of Legislature. Legislative Department will thereupon examine for the purpose of advising the Governor through the Administrative Department concerned whether it is in a fit state for his assent to be recorded thereto or whether it should be reserved for the consideration of the President. At this stage the Legislative Department should also comment on the legality of the Bill as passed, and in the case of a Bill to be reserved for the consideration of the President, the extent of repugnant to existing laws on the subjects enumerated in the Concurrent List in the Seventh Schedule to the Constitution or the reasons why the President's assent is necessary should be clearly explained. The Legislative Department will submit the Bill to the Governor with their comments through the Administrative Secretary concerned.

(2) A spare copy of the Bill as passed together with a copy of Bill as introduced with the Statement of Objects and Reasons shall be forwarded by the Legislative Department to the Governor when submitting the same for his assent.

(3) When a Bill is passed by the House of the Legislature, the Secretary of the State Legislature Secretariat shall furnish to the Legislature Department along with the authentic copy of the bill as passed ten copies of each of the following :

- (a) Bill as passed by the House of the State Legislature;
- (b) Bill as introduced with the Statement of Objects and Reasons;
- (c) report of the Select Committee, if any, alongwith a copy of the Bill approved by that Committee; and
- (d) extracts from the proceedings of the State Legislature on the Bill.

336. *Form of assent to be accorded by the Governor to Bills submitted for assent under article 200 of the Constitution.*—The appropriate wording for giving assent to the Bill submitted for the assent of the Governor would be "I assent to this Bill".

337. *Procedure regarding Bills reserved for consideration of President under article 200 of Constitution.*—The Bill reserved for the consideration of the President should be submitted by the Secretary to the Governor to the Government of India, Ministry of Home Affairs, who will examine the provisions of the Bill in consultation with other Ministries of the Government of India and obtain the necessary orders. For this it is necessary that the State Government should afford the Ministry of Home Affairs reasonable time for examination and consultation. Bills requiring the assent of the President may be forwarded to the Ministry of Home Affairs so as normally to allow not less than a fortnight (from the date of receipt) for examination at the Centre, the Legislative programme of the State Government being adjusted accordingly.

Every such Bill should be endorsed :—

- (a) by the Speaker to the effect that the Bill has been passed by the House of Legislature; and
- (b) by the Governor to the effect that the reserves the Bill for the consideration of the President.

In the forwarding letter submitting the authentic copy of the Bill for the President's assent. The extent of repugnancy to existing law on the subjects enumerated in the Concurrent List or the reasons why the President's assent is necessary should be explained and copies each of the following should be sent with that letter .—

- (1) Bill be passed by the State Legislature ;
- (2) Bill as introduced with Statement of Objects and Reasons ;
- (3) report of the Select Committee, if any, alongwith a copy of the Bill as approved by that Committee ; and
- (4) Extract from the proceedings of the State Legislature on the Bill, if ready.

The Legislative Department/Administrative Department will supply the Secretary to Governor with all the necessary documents.

The copies to be forwarded to the Ministry of Law, Government of India are independent of the requirements of the Ministry of Home Affairs at this stage.

338. *Return of Bill.*—Under the proviso to article 200 of the Constitution of India, the Governor may return the Bill presented to him for assent, if it is not Money Bill together with a message requesting that the House of the State Legislature will re-consider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message. When a Bill is so returned for reconsideration the point or points referred to for recommendation or the amendments recommended shall be put before the House of the Legislature by the Speaker and shall be discussed and voted upon in the same manner as amendments to a Bill or in such other way as the Speaker may consider most convenient for consideration by the House of the Legislature.

339. *Final publication of an Act.*—As soon as a Bill has received the assent of the Governor, or of the President, as the case may be, the Legislative Department will take steps to publish it as an Act in the official Gazette. The date of the assent of the Governor or of the President, as the case may be, should be published in the preamble to the notification.

Four copies of the Act as published will be supplied by the Legislative Department to the Governor's Secretary.

340. *Supply of copies of Bills and Acts to Government of India.*—The Legislative Department is responsible for the despatch of copies of Bills and Acts and other documents connected with the passage of the Bill at their different stages to the Ministry of Law, Government of India; as follows, namely :—

(a) in respect of Bills which relate substantially to matters in the State list, the Law Ministry should be supplied with—

(i) six copies of every Bill as introduced in the State Legislature ;

(ii) six copies of the Bill as finally passed by the Legislature and assented to by the Governor ;

(b) in respect of Bills which relate substantially to subjects in the Concurrent List, the Law Ministry should be supplied with six copies each of the following to keep it in touch with the various stages :

(i) the Bill as published in the Official Gazette ;

(ii) the Bill as introduced in the Legislature if different from that (i) in any respect (if not, intimation about the date of introduction will be sufficient);

(iii) the Bill as amended by the Select Committee, with a copy of its report;

(iv) the Bill as passed by the State Legislature;

(v) the Bill assented to by the Governor; and

(vi) the Acts as Published in the Official Gazette.

introduction about the progress of more important Bills in this category should also be furnished to the Government of India from time to time.

341. *Printing and reprinting of spare copies of Acts.*—The Secretary, Legislative Department is responsible for the printing and reprinting of Acts of the State Legislature. If any officer requires a large number of copies of any Haryana Act than the number to which his department is entitled under free distribution list he should refer direct soon after the final publication of the Act, to the Controller of Printing and Stationery, Haryana, who will execute the order on payment if the order involves the reprinting of the particular Act or Acts, a reference should invariably be made to the Secretary, Legislative Department.

342. *Statement of pending Legislative Business.*—Once it has been decided that a Bill is to be drafted on any subject, the measure becomes a pending legislative measure. Each Administrative Secretary is responsible for reporting pending legislative measures in his Department to the Secretary, Legislative Department a fortnight before the beginning of each quarter ending 31st March, 30th June, 30 September, and 31st December each year. The Secretary, Legislative Department, will collect and submit the whole information in one consolidated statement for the information of Council of Ministers through the Secretary to the Cabinet and of the Governor on 1st January, 1st April, 1st July, and 1st October in each year. The statement should be in the form as below and should include non-official Bills:—

STATEMENT OF PENDING LEGISLATIVE BUSINESS FOR THE QUARTER ENDING.....19

1	2	3	4	5	6	7
Serial number	Description of measures	State at which the measure has arrived with date of action taken	Secretary incharge of the measure concerned with the subject matter	Secretary Legislative Department	The Cabinet Secretary	Governor

II TREATMENT OF CENTRAL BILLS REFERRED TO THE STATE GOVERNMENT FOR OPINION

343. *Circulation of papers for opinion.*—(1) As a rule, the Government of India leave to the State Government the choice of consulting such authorities as it may consider fit on each reference made by them and the Administrative Department should exercise due discretion in circulating papers for opinion. The persons and bodies to be consulted particularly officials, should be selected with care, so that the body of opinion received will be compact, representative and composed of valuable material. This applied particularly to small and unimportant Bills on simple

issue. It is obviously undesirable to add to the preoccupation of district officers by asking for opinions on questions of which they have little knowledge, or which do not seriously affect their districts. Similar considerations apply to Commissioners and Financial Commissioners. A list of the public bodies and associations to whom Bills may suitably be circulated for opinion is maintained in the Political Branch, and from this list only such bodies should be selected in each case as are intimately concerned with the reference or scope of the Bills and may be expected to furnish useful opinion or suggestions.

(2) The judges of the High Court should be consulted in all references which effect the work of the High Court or the Civil and Criminal Courts or quasi civil or criminal tribunals subject to the control and Superintendency of the High Court, but, save where the Government of India especially ask for their opinion, the High Court as a body should not be requested to advise upon the following two classes of Bills:—

(a) Bills which are clearly concerned with matters of public policy, or involve purely political or social considerations;

(b) Bills the substance of which has already been accepted by Government and where the criticism of the High Court would necessarily be confined to details of drafting.

(3) Where there is any doubt as to whether a Bill falls within or outside the category of those on which the opinion of the High Court should be sought, it should be submitted to the Hon'ble Judges to enable them to decide for themselves it contains matter on which they ought to express an opinion, or if they can offer any criticism likely to be useful to Government.

(4) The Government of India have undertaken that in future High Courts will not be consulted where the Government of India can see for themselves that they will not be interested in particular Bill, the circulation of which is being ordered by parliament. In doubtful cases and in cases, where the opinion of the High Courts are clearly required, the Bill will be referred to the High Court.

(5) The principles contained in sub-paragraphs (2) to (4) above, which have been laid down by the Government of India with regards to the consultation of High Court in the case of Central Bills, are to be regarded as applicable also to State Bills and draft rules, by above regulations, notifications and orders.

(6) To afford facilities to the members of the State Legislature to express their opinion, when they so desire, on Bills which are circulated for opinion by the direction of Parliament 25 copies of all such Bills should be placed in the library of the Legislatures, so that any member who wishes to submit his opinion may do so. The copies intended for this purpose should be forwarded to the Secretary of the State Legislature Secretariat with a letter indicating to which Administrative Department the opinions, if any received before the specified date, should be sent.

(7) In order to put an end to the practice of direct submission to the Government of India of opinions by interested persons and associations on Bills circulated for opinion, the Government of India have directed that when a Bill, which has been circulated for opinion by the direction of parliament, is published in the State Gazette, it should be made clear at the same time in the Gazette that any person or public body desiring to submit an opinion on the Bill should do so through

the State Government only, and that any opinion which is submitted direct to Parliament Secretariat or to any Ministry of the Government of India will not be accepted.

344. *Opinion on Bills.*—In all cases in which opinions are called for, the State Government should not content themselves with merely forwarding opinions received, but should themselves express a definite opinion on the subject under consideration. The replies of the State Government should indicate the main divisions of public opinion, and their relative importance, and the opinions selected to accompany the reply should contain only one or two opinions representative of each sub division and any isolated opinion which appears to be especially valuable. Of the several opinions to the same effect, only those best expressed should be forwarded, and the covering letter should indicate the number of similar opinions received. If letters to other Ministries of the Government of India are referred to, copies of such letters should also be forwarded.

The dates on which the Bill in question, together with the Statement of Objects and Reasons, was published in the State Official Gazette should be reported, whenever specially asked for by the Ministry forwarding the Bills for opinion. When opinions are printed, the names of the officers, expressing them should invariably be printed at the foot of the opinion.

Note.—For the manner in which opinions on Bills should be arranged before submission to officers see paragraph 121.

345. *Bill relating to subjects administered by the Central Services.*—In regard to Bills relating to subjects administered by the Central Services, such as Income Tax, Railways, Sea Customs or Post Offices, while the Government of India wish to have the benefit of the considered advice of the State Government on the broad administrative and political aspects of these Bills, they do not expect minute investigation into technical administrative details on the part of the State Government. The State Government have not at their command a body of officers whose advice on such matters of details will be readily forthcoming, and, at the same time, valuable; and the Government of India do not wish to burden the State Government with the irksome labour of making special adhoc enquiries into technical measures. There is usually an authority or other head of the Central Services concerned stationed at the headquarters of the State Government and each case should be referred to this officer for opinion and his advice sought on the following two matters, and on any others which may suggest themselves :—

- (a) the points of administrative technique which are of sufficient importance to be included and commented upon in the State Government's reply; and
- (b) the selection of opinion which, in his view, are likely to be of assistance to the Government of India.

III.—LEGISLATIVE QUESTIONS AND RESOLUTIONS

346. *Procedure for dealing with question.*—The procedure for dealing with questions sent by members for reply in the Haryana Legislative Assembly is contained in the rules of Procedure and Conduct of Business in the Haryana Legislative Assembly. The Department procedure is as follows :—

- (a) Copies of each admitted question shall, after being numbered and