

concerned to vary, amend or repeal rules, notifications or orders already in force on the ground that they have become ultravires on account of fresh legislation or declaration by decisions of the Courts or have otherwise, on general principles of law, become inexpedient.

351. *Publication of rules, regulations and notifications.*—All rules, regulations or notifications; which affect the outside public, should, before being issued by the State Government or, in cases which the previous approval or sanction of the Central Government is necessary, before submission to the Central Government be published with a view to giving them greater publicity and for ascertaining whether any objections can be taken thereto. Such publication should be made in the Official Gazette, and in one or two of the local newspapers, English or Hindi, which circulate among the classes of persons whom the proposed rules are likely to effect. But no action should be taken towards the publication of the rules, etc., in their final form in the Official Gazette until it has been definitely ascertained that no objections have been received and, if any received, before these have been dealt with and determined in proper way. The Superintendent or Assistant dealing with the case will be responsible that this order is carried out.

352. *Treatment of rules requiring previous sanction of Central Government..*

(1) All rules, notifications, orders etc., to be issued under the provisions of any legislative enactment, with the previous sanction of the Central Government should, before submission to the Central Government, be referred to the Legislative Department for opinion as to their legality, and also as to whether they are drawn up in proper form. In submitting such rules to the Central Government it should be distinctly stated that they have been drafted in consultation with the Legislative Department.

(2) Rules, notifications, orders, etc., submitted to the Legislative Department as well as to the Central Government should be typed or printed on half margin in double space.

(3) When any rules, regulations or notifications are submitted for the sanction of the Central Government it should invariably be stated whether they have been published or not. If they have been published, the result of such publication should be described, and if they have not been published, the reason for non-publication should be fully explained.

353. *Defects in Acts and Rules*—All defects in Acts and rules noticed in correspondence or notes are required to be noted in a register maintained in the office of the Secretary, Legislative Department with a view to the matter not being lost sight of, when Acts and rules are being amended. Officers noticing such defects should instruct the office to see that the defects in question are noted in this register.

BUSINESS COMING BEFORE THE COUNCIL OF MINISTERS

354. Cases are brought before the Council of Ministers in accordance with the procedure laid down in Part II of the Rules of Business, 1977.

PROCEDURE OF THE COUNCIL

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

11. All cases referred to in the Schedule shall be submitted to the Chief Minister after consideration by the Minister-in-charge with a view to obtaining his orders for circulating or the case under rule 12 or for bringing it up for consideration at a meeting of the Council.

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

(2) If it is decided to circulate any case to the Ministers copies of all papers relating to such case which are circulated among the Ministers shall simultaneously be sent to the Governor. Where such a case is circulated in original to the Ministers, it should be circulated to the Governor also after all the Ministers have seen.

The order of circulation shall be as follows :—

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

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

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

14. When it has been decided to bring a case before the Council, the Department to which the case belongs shall, unless the Chief Minister otherwise directs, prepare a memorandum indicating with sufficient precision the salient facts of the case and the points for decision. 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.

15. In cases which concern more Ministers than one, the Ministers concerned shall attempt by previous discussion to arrive at an agreement. If an agreement is reached the memorandum referred to in rule 13 or rule 14 shall contain the joint recommendations of the Ministers; and if no agreement is reached, the memorandum shall state the points of difference and the 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.

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

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

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

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

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

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

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

17. (1) When a case has been decided by the Council after discussion at a meeting, the Minister concerned shall taken action to give effect to the decision. If however, any deviation is proposed to be made from that decision, the case shall be submitted by the Minister concerned to the Chief Minister for his permission for the case being again brought before the Council. The Secretary concerned shall in each such case cause to be supplied to the Secretary to the Council such documents as the latter may require to enable him to maintain his record of the case.

(2) The decision of the Council relating to each case shall be separately recorded and, after approval by the Chief Minister or any other Minister presiding, shall be placed with the record of the case. Copy of the decisions shall be sent to the Governor.

The following instructions should be observed in regard to the preparation and submission of memorandum :—

(1) The memorandum, in addition to the information required under the

rules, should bear a heading stating the subject of the case and should indicate at the top Administrative Secretary and the Minister concerned; and should be dated and signed by the Administrative Secretary concerned. In brief the following form should be adopted for preparing memoranda :—

Memorandum

Minister-in-charge

Administrative Secretary

Subject :

Sd/—

Dated.....
the.....

Secretary to Govt., Haryana,
Department

- (2) Forty-five copies of the memorandum and other papers necessary for its consideration should be forwarded to the Secretary to the Council with a covering un-official reference which should be duly numbered, dated and signed by the Administrative Officer for the Administrative Secretary concerned.

The Business of the Council is Confidential :—All papers relating to council business sent to Ministers are marked 'Confidential' for the personal use of the Minister, whether the subject actually dealt with is really confidential or not, papers are enclosed in a closed cover addressed by name and designation. The cover is marked Council Business. Every despatch to a Minister on Cabinet business is entered in a special dak book kept by the Cabinet Section. An acknowledgement of receipt is taken in this book from the Private Secretary or P.A. to the Minister concerned. When the envelop for any reason cannot be handed over and receipted by the Private Secretary, or the P.A. the Cabinet Section is responsible for seeing that it is delivered to the Minister in time. When a Minister as also his Private Secretary and the P.A. happen to be on tour, the Cabinet Section should contact an official on the Ministers establishment who is at head quarters to have cabinet papers sent to the Minister.