

of their visits to foreign countries so that the Indian representative can render them all possible assistance. In order to discharge satisfactorily this duty, it is essential that procedure outlined above should be strictly followed.

362. *Submission of a report to the Defence Ministry when leave is granted to Ministry officers in Civil employ*.—Whenever an officer of the Indian Army in permanent civil employ is retained in his civil appointment after retirement from the army on attaining the age limit for compulsory retirement and granted leave therefrom under the Civil Service Rules, a report should be made to the Defence Ministry. These orders apply to all military officers in Civil employ who are granted leave.

363. *Notice of suits against Government by private individuals*.—When a notice under section 80 of the Code of Civil Procedure, 1908, is received in the Secretariat, the particulars regarding the date and manner of service or receipt of the notice should be endorsed by the official responsible for opening of the dak in the Secretariat. The notice should, thereafter be forwarded direct to the Legal Remembrancer through the Department concerned.

If the notice relates to the affairs of the Haryana Government, the Legal Remembrancer will forward it in original to the appropriate authority as the Deputy Commissioner would have done. If the authority to whom it is forwarded parts with the original, he will keep a certified copy of the notice and the endorsement thereon. No reply what-so-ever of action should be sent to any person, leaving or delivering the notice or to the threatener.

The authority to whom the notice is forwarded by the Legal Remembrancer should see that the notice is dealt with or passed on within a day or two at the most and a request should also be made to the officer to whom the notice is sent to treat the matter as most urgent.

364. *Procedure to be followed when a relative of a member of a Selection Board presents himself as a candidate for appointment to the public service*.—When a relative of a member of a Selection Board presents himself as a candidate for appointment to the public service, the member concerned should communicate the facts to the Head of Department as soon as he becomes aware of them and withdraw from the Board till the Selection in which his relative is a candidate is decided. It will be open to the nominating authority to replace that member for that case; but he will be at liberty to return to the Board after it has been decided.

365. *Proceedings of Judicial Officers*.—It is undesirable to put on public record the reasons for such orders as are issued under section 432, 433 and 434 of the Code of Criminal Procedure 1973 nor do these provisions contemplate that reasons should be given in the order passed by the Governor remitting a sentence. In cases where it appears that a Judicial officer has erred in law or in the exercise of his judicial discretion or has awarded a grossly inadequate sentence and no other means of rectifying the Judicial officers error is available (i.e. by way of appeal or revision) the best course to adopt would be for the State Government to bring the matter to the notice of the High Court for such action as the honourable Judges might think fit to take.

366. *Procedure to be adopted when framing rules or amendments thereto*.—No rules, or amendments of rules purporting to be the rules of the Haryana Govt.

under any Act may be issued except by the Secretary to Government of the Department concerned under orders of the Minister-Incharge in accordance with the rules of business. Where an Administrative Department other than the Department concerned, requires rules or amendments of rules to be made it will send a copy of the proposed rules, alongwith a self-contained note to the Department concerned for its consideration and issue. Where a Board or committee applies for confirmation of by-laws framed under any of the Acts and concerning any Administrative Department other than the Local Government Department, the Secretary of the latter Department will send the proposed bye-laws to the Administrative Department for concurrence before according confirmation. If the by-laws are likely to involve the consequential issue of orders from that Department, it will take a copy of them and of such extracts from the proceedings of the local Government Department as may be relevant.

367. *Procedure to be followed when any alteration in the rules contained in the Municipal Account Code is to be made.*—When an amendment of the municipal Account Code has been notified, the necessary correction slips should at once be drafted, numbered and sent to the Controller of printing & Stationery for printing and distribution according to the list maintained by him.

2. *Intimation of new forms prescribed for, or of amendments to the accounts forms of local bodies to be given to the contractor for the printing and supply of such forms.*—When any new forms are added to or any amendments are made, to, the forms contained in the Municipal Account Code, intimation should at once be given to the press, which holds, for the time being the contract for the printing and supply of forms in question.

368. *Check on Furniture, Stationery, etc.*—Superintendents and Heads of Branches are required to see:—

- (i) that the inventories of articles of furniture, etc. hung in their respective rooms are kept up-to-date;
- (ii) that the broken furniture etc., are returned to the Care Taker for repairs or replacement;
- (iii) that the articles of furniture issued to the branches are used for the purpose for which these were issued e.g. paper racks of any kind are not used as side racks; and trays, table tops, and drawers as foot rests."

With a view to having an effective check on the removal of furniture, stationery and other stores from the Secretariat, no person is allowed to remove any store unless he is in possession of a written permission from a responsible officer of the office concerned.

A register should be maintained by the Head Gate Keeper in which he should make an entry for every item of furniture/Stationery & other store items going out of Secretariat building and the entries made in the register should be checked by the Resident Assistant Cum Care Taker and the Store Keeper.

369. *Transfer of the late political Department Records.*—No records of the late political Department should be transferred to any office, other than the National Archives of India, without the prior approval and knowledge of the Ministry of Home affairs. In cases where such a transfer has been decided after consul-

tation with the Government of India, a full inventory of the records intended for transfer should be prepared and a copy of it supplied to that Ministry. (Government of India, Ministry of States letter No. F. 20 (II) - 1/50, dated 5-4-52, a copy of which was forwarded by the Punjab Government with their letter No. 1797-Pb-52/1969, dated 23-4-52 to all Heads of Depts.)

370. *I-Governor Assumption of charge of office, and Resignation.—*

- (i) The Governor of a State shall be appointed by the President by warrant under his hand and seal (Article 155 of Constitution.)
- (ii) The Governor shall hold office during the pleasure of the President.
- (iii) The Governor may, by writing under his hand addressed to the President, resign his office.

Subject to the above, a Governor shall hold office for a term of five years from the date on which he enters upon his office.

(2) *Leave, including extension of leave.*—(i) The President is entitled, whenever a Governor is unable to discharge his functions as a Governor, to grant him leave of absence and to arrange for such functions to be discharged by appointing a person to act as a Governor in his place (Article 160)

(ii) The leave allowance of the Governor is governed by clause 9 of the Government of India (Governor's Allowances and Privileges) order, 1950, a copy of which is at Annexure 'A' to this Chapter.

(3) *Announcements and Notifications etc.* :—(i) The Secretary to the President will telegraph to the Chief Secretary to the State Government and the Secretary to the Governor then in office the text of the communique announcing the appointment of the Governor or acting Governor before the communique is issued to the press.

(ii) As soon as the warrant of appointment is signed and sealed by the President, copies thereof will be sent to the Chief Secretary to the State Government and the Secretary to the Governor then in office. The original warrant will be sent to the Governor designate directly by the Secretary to the President.

(iii) The date on which the Governor enters upon his office, by making the prescribed oath or affirmation, will be notified by the Chief Secretary to the State Government in the form given at Annexure 'B' when a permanent Governor returns from leave, the date of resumption of office shall likewise be notified by the Chief Secretary to the State Government.

(iv) While notifying the date on which the Governor enters upon his office (whether on initial appointment or on return from leave), the Chief Secretary to the State Government will telegraph intimation of this fact to the Secretary to the President and also to the Secy. to the Government of India, Ministry of Home Affairs.

(4) *Oath of office.*—(i) Every Governor and every person discharging the functions of the Governor, shall before entering upon his office, make and subscribe, in the presence of the Chief Justice of the High Court exercising jurisdiction

in relation to the State or in his absence, the senior most Judge of that Court available, an Oath or affirmation in the following forms:—

- (i) I..... do swear in the name of God/Solemnly affirm that I will faithfully execute the office of Governor or discharge the functions of the Governor of Haryana and will, to the best of my ability, preserve, protect and defend the Constitution and the law and that I will devote myself to the service and well-being of the people of Haryana (Article 159)
- (ii) The Military Secretary to the Governor will be responsible for arrangements to be made in Raj Bhawan in connection with the swearing in ceremony of the Governor. The Chief Secretary will be responsible for preparation of the requisite forms for oath or affirmation by the Governor.

ANNEXURE "A"

(Para 370)

The following Order dated the 1st September, 1967 made by the President was published for general information as G.S.R. 1326]

THE GOVERNOR OF HARYANA (ALLOWANCES AND PRIVILEGES) ORDER, 1967

In pursuance of the powers conferred by section 45 of the Punjab Re-organisation Act, 1966 (31 of 1966) the President hereby makes the following Order:—

1. (1) This Order may be called the Governor of Haryana (Allowances and Privileges) Order, 1967.

(2) It shall be deemed to have come into force on the 1st September, 1967.

2. The General Clauses Act, 1897, applies for the interpretation of this order as it applies for the interpretation of a Central Act.

3. In this Order :—

(a) "acting Governor", means a person appointed by the President to discharge the functions of the Governor;

(b) "Governor", means the Governor of the State of Haryana;

(c) "maintenance" in relation to official residences includes the payment of local rates and taxes and the provision of electricity, gas and water and in relation to motor cars, includes the pay and allowances of chauffeurs and the provision of oil and petrol;

(d) "official railway saloons" in relation to the Governor, mean such railway saloons, if any, as may be provided for his use;

(e) "official residence" in relation to the Governor means the official residence specified in column (1) of the First Schedule to this Order and includes such other residence or residences as may be used as the official residence or residences of the Governor and also includes the staff quarters and other buildings appurtenant thereto and the gardens thereof;

(f) "State" means the State of Haryana.

4. (1) There shall be paid to the Governor including an acting Governor, in connection with his appointment, an allowance equal to his actual expenses in travelling, with his family, if any, and his family's effects, to take up his duties as Governor or acting Governor, as the case may be, and a similar allowance on his vacating the office of Governor or acting Governor to return to the place where he ordinarily resided at the time of his appointment.

(2) There shall also be paid to the Governor but not an acting Governor, in connection with his appointment :—

- (i) an equipment allowance of Rs. 1,600/-;
- (ii) a sum to be fixed from time to time by the President and to be payable subject to such conditions as may be determined by him, to be spent on the purchase of suitable motor cars for the use of the Governor; and
- (iii) Governor's actual expenses on the freight and insurance in transporting those motor cars to the State.

5. The Governor, throughout his term of office shall be entitled without payment of rent or hire to the use of his official residence and official railway saloons and river craft and aircraft and of the motor cars provided for his use, and no charge shall fall on him personally in respect of the maintenance thereof.

6. (1) There shall be paid from time to time to the Governor an allowance equal to his actual expenses in renewing the furnishings of his official residences, so, however, that the total amount paid shall not exceed the maximum specified in column (2) of the First Schedule to this Order :

Provided that if, when the Governor assumes office, the period which has elapsed since his predecessor assumed office (acting Governors being disregarded) falls short of five years, the maximum so specified shall be decreased by such amount as the President may by special order determine.

(2) This paragraph does not apply to an acting Governor.

7. In order that the Governor may be enabled to discharge conveniently and with dignity the duties of his office, there shall, in each year, be charged on, and paid out of, the Consolidated Fund of the State :—

- (a) for each of the purposes specified in the Second Schedule to this Order such amount not exceeding the maximum amount specified in the appropriate column of that Schedule as may be required by the Governor ;
- (b) for the maintenance, improvement, renewal or replacement of the Governor's official residences and maintenance of official railway saloons, such amount, not exceeding the maximum amount specified respectively in the Third and Fourth Schedules to this Order, as may be required by the Governor ; and
- (c) such further amount for expenditure on official railway saloons otherwise than in connection with the maintenance thereof as may be determined by special order of the President;

Provided as follows :

- (1) that the Governor may, with the approval of the President, reappropriate, whenever necessary, from one sub-head to another sub-head specified in the Second Schedule but so as not to exceed the maximum amount specified in column (7) thereof;