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GOVERNMENT OF HARYANA

**RULES OF BUSINESS
OF THE
GOVERNMENT OF HARYANA, 1977**

हरियाणा सरकार

कार्य संचालन नियम, 1977

(As amended upto 13th October, 2006)

RULES OF BUSINESS

OF THE

GOVERNMENT OF HARYANA, 1977

As amended upto 13th October, 2006 vide following Notifications :-

| Sr. No. | Notification No. | Dated |
|---------|----------------------|------------|
| 1. | 1572-Cabinet-78 | 13-11-1978 |
| 2. | 980-Cabinet-80 | 25-07-1980 |
| 3. | 64-Cabinet-82 | 14-01-1982 |
| 4. | 4/1-Cabinet-83 | 18-03-1983 |
| 5. | 10/4/2-Cabinet-97 | 12-05-1999 |
| 6. | 10/3-2-Cabinet-2000 | 19-06-2000 |
| 7. | 10/13-2-Cabinet-2000 | 25-09-2000 |
| 8. | 10/4-2-Cabinet-98 | 04-09-2001 |
| 9. | 10/1/2006-2-Cabinet | 14-03-2006 |
| 10. | 7/2/2005-2 Cabinet | 13-10-2006 |

RULES OF BUSINESS

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GENERAL ADMINISTRATION

CABINET

ORDER

Dated, Chandigarh, the 21st June, 1977

No. 336-Cabinet-77.— In exercise of the powers conferred by clauses (2) and (3) of Article 166 of the Constitution of India and all other powers enabling me in this behalf, I, Jaisukhlal Hathi, Governor of Haryana, hereby make the following rules in supersession of the existing rules :—

1. These rules may be called the Rules of Business of the Government of Haryana, 1977, and 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) "Council" means Council of Ministers constituted under Article 163;
 - (c) "Department" means a department specified in the Business of the Haryana Government (Allocation) Rules, 1974;
 - (d) "Schedule" means the Schedule appended to these rules;
 - (e) "Secretary" means a Secretary to the Government of the State of Haryana.
3. The General Clauses Act, 1897, applies for the interpretation of these rules as it applies for the interpretation of a Central Act.

Part-I—Disposal of Business

4. The 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 an individual Minister on a matter pertaining to his portfolio or as a result of discussion at a meeting of the Council or howsoever otherwise.

5. Subject to the orders of the Chief Minister under rule 11, all cases referred to in the Schedule shall be brought before the Council in accordance with provisions of the rules contained in Part II :

Provided that no case in regard to which the Finance Department is required to be consulted under rule 7 shall save in exceptional circumstances and under the directions of the Chief Minister be discussed by the Council unless the Finance Minister has had an opportunity for its consideration.

6. Without prejudice to the provisions of rule 4, the Minister-in-Charge of a Department shall be primarily responsible for the disposal of the business pertaining to that Department:

Provided that representations against adverse remarks recorded in the Confidential Roll of a member of All India Services by a Minister shall be considered by the Cabinet Sub-Committee consisting of the Chief Minister, the Home Minister and the Finance Minister. The Sub-Committee will co-opt. the Minister, if he happens to be other than the Chief Minister; Home Minister and the Finance Minister, against whose remarks the representation is made. The said Sub-Committee shall exercise the powers of Government in such cases.

7. (1) No Department shall without previous consultation with the Finance Department, authorise any orders (other than orders pursuant to any general delegation made by the Finance Department) which:--

- (a) either immediately or by their repercussion will affect the finances of the State or which, in particular-
 - (i) involve any grant of land or assignment of revenue or concession, grant lease or licence 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 or cadre of posts or the emoluments or other conditions of service or posts.

(2) No proposal which requires the previous consultation of 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 Council.

(3) No reappropriation 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 this rule shall be construed as authorising any department, including the Finance Department, to make re-appropriation from one grant specified in the Appropriation Act to another such grant.

8. All orders or instruments made or executed by or on behalf of the Government of the State of Haryana shall be expressed to be made or executed in the name of the Governor.

9. (i) Every order or instrument of the Governor of the State of Haryana shall be signed either by a Secretary, an Additional Secretary, a Joint Secretary, a Deputy Secretary, an Under Secretary or an Assistant Secretary or such other officer as may be specially empowered by the Governor in that behalf and such signature shall be deemed to be the proper authentication of such order or instrument.

(ii) A Minister shall, while on tour, be competent:—

- (a) to give orders relating to his own department to local officers. These orders shall be in writing and written information regarding them shall be sent to the Administrative Secretary concerned; and
- (b) in respect of departments not under him, on receipt of a petition or a representation, to ask a local officer, to enquire into it and to submit a report about it to his superior officers.

Part II—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 circulation of 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 Ministers in the order of juniority;
- (d) the Finance Ministers (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 thereon 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 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 discussed 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 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, the 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 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 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 decision shall be sent to the Governor.

Part-III-Departmental Disposal of Business

A - General

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

19. Each Minister shall, by means of standing orders, arrange with the Secretary what cases or classes of cases are to be brought to his personal notice. Copies of such standing orders shall be sent to the Chief Minister and the Governor :

Provided that it shall not be necessary for the Secretary to obtain the concurrence of the Minister-in-charge for referring a case to the Chief Secretary or to the Legal Remembrancer for advice, but he shall keep the Minister-in-charge informed of the action taken:

Provided further that in case the Administrative department proposes not to act according to the advice of the Chief Secretary or of the Legal Remembrancer it shall be necessary to refer the case to the Chief Minister before taking final action in the matter.

20. Except as otherwise provided therein every case shall be submitted by the Secretary to the Minister-in-charge.

21. Every Monday, the Secretary shall submit to the Minister-in-charge, a statement showing particulars of cases disposed of in the Department by the Minister, and of cases, which he considers important, disposed of by the Secretary himself during the preceding week. A copy each of the said statement shall be submitted to the Chief Minister and to the Governor.

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

23. If the Departments concerned are not in agreement regarding the case dealt with under rule 22, 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 orders for laying the case before the Council.

24. (1) A Secretary may requisition the papers in any Department, other than the Finance Department, if such papers are required for the disposal of a case in his Department.

(2) Such request shall be dealt with under the General or special orders of the Minister-in-charge.

(3) A Minister may send for any papers from any Department for his information provided that, if he is of the opinion that any further action should be taken on them, he shall communicate his views to the Minister-in-charge, who, if he agrees with the suggestion, may get the necessary action initiated through the Secretary concerned. In case he disagrees with the suggestion he may submit the case to the Chief Minister with a request that the matter be laid before the Council. No further notes shall be recorded in the case before the papers are so laid before the Council :

Provided that no file shall be sent to the Minister except under the orders of the Minister-in-charge. If, however, the Minister-in-charge is of the view that the file should not be so sent he shall submit the case to the Chief Minister for final orders:

Provided further that no office file shall be summoned by the Minister in cases where the matter is pending in a court of law or with an authority competent to deal with the case in a judicial capacity.

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

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

25. If a question arises as to the Department to which a case properly belongs, the matter shall be referred for the decision of the Chief Secretary who may, if necessary, obtain the orders of the Chief Minister.

26. 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, the Chief Minister and the Governor for information.

Note :— The preliminary submission of the original letters in such cases should not be allowed to delay Secretariat action thereon, and where necessary copies

of such communications should be made out before their submission to the Minister-in-charge, the Chief Minister and the Governor.

27. 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 Minister-in-charge, the Chief Minister and the Governor.

27-A. Except as otherwise provided in these rules, all proposals of the Finance Department which involve financial implications and which that Department is competent to initiate as Administrative Department shall be submitted to the Chief Minister through the Chief Secretary for final orders.

28. (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 or commutation of a sentence in pursuance of article 161.
- (ii) Cases raising questions of policy and cases of administrative importance not already covered by the Schedule.
- (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 the interests of scheduled castes, scheduled tribes 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 the High Court.
- (vi) Constitution of an Advisory Board under Article 22(4) (a) for the detention of persons without trial.
- (vii) Proposals for the prosecution, dismissal, removal or compulsory retirement of any gazetted officer.
- (viii) Proposals for the appointment and posting of the following officers :—
 - (a) Chief Secretary, Secretaries, Additional Secretaries and Joint Secretaries of Departments of Government.
 - (b) Heads of Departments.
 - (c) Special Officer (e.g. Food Commissioner, Planning Officer, etc.).
 - ** (d) Omitted
 - (e) Deputy Inspector General of Police.

- (f) Deputy Commissioners or Collectors.
- (g) Superintendents of Police.
- (h) Superintending Engineers.
- (i) All other Class 1 Officers.
- (ix) Proposals for the provision of representation to the Anglo-Indian community (article 333).
- (x) any communication from the Election Commission, especially with reference to its requirements as to staff and action proposed to be taken thereon:

*Provided that this clause shall not apply to those communications of the Election Commission in which views, reports, proposals or Recommendations of the Chief Electoral Officer are called for in matters relating to or connected with the preparation and revision of Electoral rolls, conduct of election and by elections and delimitation of constituencies.

- (xi) Cases or questions as to disqualification of members of Legislature.
- (xii) Any departure from these rules which comes to the notice of the Chief Secretary or any Secretary.
- (xiii) Proposals for the appointment or removal of the Advocate General or for determining or varying the remuneration payable to him.
- *** (xiv) Proposal for appointment to the posts of Chief Parliamentary Secretary/ Parliamentary Secretaries and determining their qualifications as well as salary/remuneration and allowances payable to them.
- (xv) Cases pertaining to the Governor's personal establishment and Raj Bhavan matters.
- (xvi) Proposals for the appointment of Chairman, Member and Secretary of the State Public Service Commission.
- (xvii) Cases relating to the application of Acts of Parliament or of the State Legislature to the Scheduled Areas and the making of regulations for the peace and good Government of those areas.
- (xviii) Cases where successor Minister wishes to modify the orders of his predecessor in office.
- ** (xix) Omitted.
- **** (xx) Proposals involving the alienation either temporary or permanent or of sale, grant or lease of Government property between Rs. 3,00,000 and Rs. 7,00,000

* Amended vide No. 10/4/2 Cabinet-98 dated 4-9-2001.

* Proviso added vide No. 4/1-Cabinet-83 dated 18-3-83.

** Omitted vide No. 10/4-2 Cabinet-98 dated 4-9-2001.

*** Inserted vide No. 10/1/2006-2 Cabinet dated 14-3-2006.

in value or the abandonment or reduction of revenues between Rs. 3,00,000 and Rs. 7,00,000 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 Council.

- (xxi)* Proposals for the creation, for a period exceeding six months or abolition of any public office, the maximum remuneration of which is between Rs. 6,500 and Rs. 20,900.
- (xxii) Proposals for the transfer of any gazetted officer on deputation from or to the Government of India and other State Governments.
- (xxiii) Nomination or appointment of Members or Directors of Advisory Committees or Boards, Corporations and other similar institutions, as the case may be.
- (xxiv) Proposals for the suspension of any Class I officer.
- *** (xxv) Such cases where it is proposed to deny the crossing of efficiency bar to Class I officers"
- (xxvi) Cases regarding representations by Class I officers against adverse remarks in confidential reports.
- (xxvii) Cases regarding issue of letters of appreciations to Class I officers.
- (xxviii) Case in which there is difference of opinion between the Minister-in-Charge and the Administrative Secretary.
- (xxix) Such other cases or classes or classes of cases as the Chief Minister may consider necessary.
- (xxx) All cases of Vigilance Department in which suspension of any gazetted Government employee is proposed.
- (xxxi) *Cases regarding deputation on training of officers of All India Services and other class I officers with the Government of India or or other State Governments.
- *** (xxxii) Cases in which there is any difference of opinion between the Minister-in-charge and his junior Minister, Minister of State and Deputy Minister (if any).

** Omitted vide No. 10/4-2 Cabinet-98 dated 4-9-2001.

*** Amended vide No. 7/2/2005-2 Cabinet date 13-10-2006.

* Clause added vide No. 64 Cabinet-82 Dated 14-1-82.

(2) The following classes of cases shall be submitted by the Chief Minister to the Governor before the issue of orders :—

- ** (i) Proposals to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the State extends.
- (ii) Such cases as, in the opinion of the Chief Minister, raise questions of policy.
- (iii) Cases which affect or are likely to effect the peace and tranquility of the State.
- (iv) Cases which affect or are likely to affect the interest of scheduled castes, scheduled tribes 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 the High Court.
- (vi) Cases pertaining to the Governor's personal establishment and Raj Bhavan matters.
- (vii) Proposals for the appointment of Chairman and Members of the State Public Service Commission.
- (viii) Cases relating to the application of Acts of Parliament or of the State Legislature to the Scheduled Areas and the making of regulations for the peace and good Government of those areas.
- (ix) Cases or questions as to disqualification of Members of a House of Legislature.
- *(x) Omitted.
- (xi) Such other cases or classes of cases which the Chief Minister may consider necessary or the Governor may wish to see.

(3) The Chief Minister may direct that any or all cases mentioned in sub-rule (1) above shall be submitted to him through the Chief Secretary.

29. Where in any case the Governor considers that any further action should be taken otherwise than in accordance with the orders passed by Minister-in-charge, the Governor may require the case to be laid before the Council for consideration whereupon the case shall be so laid:

Provided that the notes, minutes or comments of the Governor in any such case shall not be brought on the Secretariat record unless the Governor so directs

30. 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

**Amended vide No. 980 Cabinet-80 Dated 25-7-80.

***Clause added vide No. 10/4/2 Cabinet-97 Dated 12-5-99.

Omitted vide No. 10/4-2 Cabinet-98 Dated 4-9-2001.

- (b) if the Governor so requires, submit for the consideration of the Council any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

B—Finance Department

31. The Finance Department shall be consulted before the issue of orders upon all proposals which affect the finances of the State and in particular—

- (a) proposals to add any post or abolish any post from the public service or to vary the emoluments of any post;
- (b) proposals to sanction an allowance or special or personal pay for any post or class of posts or to any Servant of the Government of the State;
- (c) proposals involving abandonment of revenue or involving an expenditure for which no provision has been made in the Appropriation Act.

32. 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.

33. The Finance Department may, by general or special order, prescribe cases in which its concurrence may be presumed to have been given.

34. (1) The Finance Minister may call for any papers in a case in which any of the matters referred to in rule 7 or rule 31 is involved and the Department to whom the request is addressed shall supply the papers.

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

(3) The Finance Department may make rules to govern financial procedure, in general, in all Departments and to regulate the Finance Department and the dealings of the other Departments with the Finance Department.

C—Law Department

35. Except as hereinafter provided the Law Department is not, in respect of legislation, an originating or Department and its proper function is to put into technical shape the projects of legislation of 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 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 5, settled in such Department.

36. 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;

