THE RULES OF BUSINESS OF THE GOVERNMENT OF PONDICHERRY, 1963.

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFIARS

New Delhi-11, the 22nd June, 1963.

In exercise of the powers conferred by article 239 and the proviso to article 309 of the Constitution, section 46 of the Government of Union Territories Act, 1963 (20 of 1963) and all other powers enabling him in that behalf, the President hereby makes the following rules, namely:-

CHAPTER - I

Preliminary

1. These Rules may be called the Rules of Business of the Government of Pondicherry, 1963.

2. (1) In these rules, unless the context otherwise requires, --

(a) 'the Act' means the Government of Union Territories Act, 1963 (20 of 1963);

(b) "the Administrator" means the Administrator of the Union territory of Pondicherry;

(c) "Chapter" means a Chapter of these rules;

(d) "the Council" means the Council of Ministers appointed under section 44 of the Act;

(e) "Department" means any of the departments or officers specified in the Schedule to the Business of the Government of Pondicherry (Allocation) Rules, 1963;

(f) "the Government" means the Government of Pondicherry;

(f-1) "Legislative Assembly" or "Legislature of the Union territory" means the Legislative Assembly of the Union territory;

(g) "Schedule" means the Schedule appended to these rules;

(h) "Secretary" means a Secretary in a Department and includes Secretary to the Administrator and the Chief Secretary.

(2) Unless the context otherwise requires, General Clauses Act, 1897 (10 of 1897) shall apply for the interpretation of these rules as it applies for the interpretation of a Central Act.

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CHAPTER - II

General

3. The business of the Government shall be transacted in accordance with these rules.

4. (1) The business of the Government in relation to matters with respect to which the Council is required under section 44 of the Act to aid and advise the Administrator in the exercise of his functions shall be transacted and disposed of in accordance with the provisions of Chapter III.

(2) The remaining business of the Government shall be transacted and disposed of in accordance with the provisions of Chapter IV.

(3) Notwithstanding anything contained in sub-rule (1) and sub-rule (2), prior reference in respect of the matters specified in Chapter V shall be made to the Central Government in accordance with the provisions of that Chapter.

5. (1) All contracts in connection with the administration of the Union territory of Pondicherry shall be expressed to be made by the President and shall be executed on behalf of the President by such person and in such manner as he may direct or authorise under article 299 of the Constitution.

*[(2) Where the person authorised to execute contracts is the Administrator, he shall exercise that authority with previous approval of the Central Government in all cases involving exercise of financial powers in excess of those delegated to him from time to time by the Central Government.]

(3) Any other person authorised to execute contract shall exercise that authority, --

(a) if the contract is in connection with public works upto the monetary limits prescribed under the Central Public Works Department Code or orders of the Central Government;

(b) in other cases upto such monetary limits and subject to such conditions as the Administrator may prescribe whether generally or in respect of specified classes of contracts to be executed by specified classes of officers:

Provided that in any case covered by clause (b), prior approval of the Central Government shall be obtained, if such approval is required in that case under sub-rule (2).

* Sub-rule (2) of rule 5 has been substituted by notification No. U-11022/2/73-UTL dated 23rd November 1973, of the MHA, GOI, New Delhi.

CHAPTER - III

Disposal of Business allocated among Ministers

6. (1) The Council shall be collectively responsible for all executive orders issued from any department in the name of the Administrator or contracts made in exercise of the powers conferred on the Administrator or any officer subordinate to him in accordance with these rules, whether such orders or contracts are authorised by an individual Minister on a matter pertaining to the Department under his charge or as the result of discussion at a meeting of the Council or howsoever otherwise.

(2) Without prejudice to the provisions of sub-rule (1), the Minister in charge of a department shall be primarily responsible for the disposal of the business pertaining to that department.

7. (1) The rules and orders made by the Central Government to regulate the procedure in its departments and offices relating to sanctioning of expenditure, appropriation and re-appropriation of funds, public works and purchases of stores required for use in the public service shall, subject to the rules governing the delegation of powers to the Administrators and any general or special orders of the Central Government, continue to apply in relation to the departments and offices of the Government of the Union territory.

(2) Unless the case is fully covered by the powers to sanction expenditure or to appropriate or re-appropriate funds conferred by any general or special orders made by the Finance Department, no Department shall, without the previous concurrence of the Finance Department, issue any order, which may --

(a) involve any abandonment of revenue or involve any expenditure for which no provision has been made in the Appropriation Act;

(b) involve any grant of land or assignment of revenue or concession, grant, lease or licence in respect of mineral or forest rights or rights to water power or any easement or privilege;

(c) relate to the creation or abolition of posts, fixation of strength of a service; or

(d) otherwise have a financial bearing whether involving expenditure or not.

(3) No proposal which requires previous concurrence 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.

(4) No re-appropriation shall be made by any Department other than the Finance Department, except in accordance with such general delegation of power of re-appropriation as the Finance Department may have made.

(5) Except to the extent that power may have been delegated to the Department 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.

(6) Nothing in this rule shall be construed as authorising any authority or Department, including the Finance Department, --

(a) to make re-appropriation from one Grant or Appropriation for charged expenditure to another Grant or Appropriation for charged expenditure;

(b) to re-appropriate funds provided for charged expenditure to meet votable expenditure;

(c) to re-appropriate funds provided for voted expenditure to meet charged expenditure;

(d) to appropriate or re-appropriate funds to meet expenditure on a new service not contemplated in the budget as approved by the Legislative Assembly.

8. The Chief Secretary shall be the Secretary to the Council and the Secretary to the Administrator shall be the Joint Secretary to the Council. When the Secretary to the Council is absent, the Joint Secretary shall perform his duties.

9. Subject to the orders of the Chief Minister under rule 10, all cases referred to in the Schedule shall be brought before the Council in accordance with the provisions contained in this Chapter:

Provided that no case in regard to which the concurrence of the Finance Department is required 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 opportunity of considering it.

10. 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 the Circulation of the case under rule 11 or for bringing it up for consideration at a meeting of the Council.

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11. (1) The Chief Minister may direct that any case submitted to him under rule 10 may, instead of being brought 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 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, the Department to which the case belongs shall prepare a memorandum setting out in brief the facts of the case, the points for decision and the recommendations of the Minister-in-charge and forward copies thereof to the Secretary to the Council who shall arrange to circulate the same among the Ministers and simultaneously send a copy thereof to the Administrator.

12. (1) While directing that a case shall be circulated, the Chief Minister may also direct, if the matter be urgent, that the Ministers shall communicate their opinion to the Secretary to the Council by a particular date which shall be specified in the memorandum referred to in rule 11.

(2) If any Minister falls to communicate his opinion to the Secretary to the Council by the date specified in the Memorandum, it shall be assumed that he has accepted the recommendations contained therein.

(3) If the Ministers have accepted the recommendations contained in the Memorandum or 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 his orders thereon to the Secretary to the Council.

(4) On receipt of the case, the Secretary to the Council shall communicate the decision to the Administrator and pass on the case to the Secretary concerned, who shall thereafter take necessary steps to issue the orders unless a reference to the Central Government is required in pursuance of the provisions of Chapter V.

13. 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. Copies of the memorandum and such other papers as are necessary to enable the case to be disposed of shall be forwarded to the Secretary to the Council who shall arrange to circulate the memorandum to the Ministers and simultaneously send a copy thereof to the Administrator.

14. In cases which concern more than one Department, the Ministers shall attempt by previous discussion to arrive at an agreement. If an agreement is reached, the memorandum referred to in rule 11 of rule 13 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 each of the Ministers concerned.

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

(2) 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 13.

(3) 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 13, shall be sent by the Secretary to the Council to the Administrator, the Chief Minister and other Ministers so as to reach them two days before the date of such meeting. The Chief Minister may, in case of urgency, curtail the said period of two days.

(4) If any Minister is on tour, the agenda paper shall be forwarded to the Secretary in the Department 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 a postponement of the discussion of the case until the return of the said Minister.

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

(6) The Secretary of the Department concerned with the case may be required to attend the meeting of the Council, if the Chief Minister so directs.

(7) The Secretary to the Council shall attend all the meetings of the Council and shall prepare a record of the decisions. He shall forward a copy of such record to each of the Ministers.

16. (1) The decision of the Council relating to each case shall be separately recorded and after approval by the Chief Minister or the Minister presiding, shall be placed with the records of the case. An advance copy of the record of the decision prepared by the Secretary to the Council and also of the record of the decision of the Council, as approved, shall be forwarded by the Secretary to the Council to the Administrator.

(2) When a case has been decided by the Council and the approved record of the decision has been communicated to the Administrator, the Minister concerned, shall take action to give effect to the decision.

DEPARTMENTAL DISPOSAL OF BUSINESS

A – General

17. Except as otherwise provided by or under these rules, cases may 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 Administrator and the Chief Minister.

18. Each Minister shall, by means of standing orders, arrange with the Secretary of the Department what matters or classes of matters are to be brought to his personal notice. Copies of such standing orders shall be sent to the Administrator and the Chief Minister.

19. Every Monday (or if it is a holiday, on the next working day), the Secretary shall submit to the Minister-in-charge a statement showing the particulars of important cases disposed of in the Department by the Minister and the Secretary and other officers during the preceding week. A copy of the said statement shall be simultaneously submitted also to the Administrator and to the Chief Minister.

20. (1) 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.

(2) If the Departments concerned are not in agreement regarding such a case, the Minister-in-charged of any of the Departments may, if he wishes to proceed with the case, direct that the case be submitted to the Chief Minister for orders or for laying the case before the Council.

21. (1) A Secretary may call for and see the papers in any Department, other than the Finance Department or Appointments Department, if such papers are required for the disposal of any case in his Department.

(2) A requisition made under sub-rule (1) shall be dealt with under the general or special orders of the Minister-in-charge.

(3) (a) A Minister may call for papers from any Department for his information:

Provided that if the paper 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:

Provided further that no paper under disposal shall be sent to any Minister until it has been seen by the Minister-in-charge of the Department to which it belongs.

(b) If the Minister is of opinion that any further action should be taken on the papers called for by him from any Department, 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 Council. No further notes shall be recorded in the cases before the papers are so laid before the Council.

(4) (a) The Chief Secretary may, on the orders of the Chief Minister or any Minister or of his own motion, call for and see the papers relating to any case in any Department and such a requisition by him shall be complied with by the Secretary to the Department concerned.

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

(5) The Administrator may call for papers relating to any case in any Department and such a request shall be complied with by the Secretary to the Department concerned who shall simultaneously inform the Minister-in-charge of the Department of the action taken by him.

22. 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 shall, if necessary, obtain the orders of the Chief Minister.

23. All communications, received from the Central Government (including those from the Prime Minister and other Ministers of the Central Government) other than those of a 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 Administrator for information.

24. Any matter which is likely to bring the Government of the Union territory into controversy with the Central Government or with any State Government shall, as soon as the possibility of such a controversy is seen, be brought to the notice of the Administrator and the Chief Minister.

25. The following classes of cases shall be submitted to the Administrator through the Chief Minister before the issue of orders, namely:-

(i) cases raising questions of policy;

(ii) cases which affect or are likely to affect the peace and tranquility of the Union territory;

(iii) cases which affect or are likely to affect the interest of any minority community, Scheduled Castes and Backward Classes;

(iv) cases which affect the relations of the Government of the Union territory with any State Government, the Supreme Court or the High Court at Madras;

(v) constitution of Advisory Boards under section 9 of the Maintenance of Internal Security Act, 1971 (26 to 1971);

(vi) cases required to be referred to the Central Government under the Act or under Chapter V;

(vii) cases pertaining to the Administrator's Secretariat and personal establishment and other matters relating to his office;

(viii) Omitted.

(ix) financial proposals involving new taxation;

(x) Omitted;

(xi) all proposed resolutions on Administration Reports;

(xii) Omitted;

(xiii) cases relating to issue of rules under an Act in force in the Union territory;

(xiv) petitions for mercy from persons under sentence of death and other important cases in which it is proposed to recommend any revision of a judicial sentence;

(xv) any departure from these rules which comes to the notice of the Chief Secretary or the Secretary of any Department;

(xvi) cases relating to summoning, prorogation and dissolution of the Legislative Assembly, removal of disqualification of voters at elections to the Legislative Assembly, fixing of dates of elections to the Legislative Assembly and other connected matters;

(xvii) Omitted;

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(xviii) matters relating to Plan evaluation;

(xix) any case of administrative importance as the Chief Minister may consider necessary.

26. Where in any case the Administrator considers that any further action should be taken or that action should be taken otherwise than in accordance with the orders passed by the Minister-in-charge, the Administrator 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 Administrator in any such case shall not be brought on the Secretariat record unless the Administrator so directs.

27. The Chief Minister shall --

(a) cause to be furnished to the Administrator such information relating to the Administration of the Union territory and proposals for legislation as the Administrator may call for; and

(b) if the Administrator 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.

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B - FINANCE DEPARTMENT

28. The Finance Department shall be consulted in all cases in which its previous concurrence is necessary under these Rules.

29. When the Finance Department is consulted / under these Rules, the views of that Department shall be brought on to the permanent record of the Department to which the case belongs and shall form part of the case.

30. (1) The Finance Minister may call for any papers from any Department in which financial consideration 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 notes on them shall be submitted to the Council.

(3) Subject to the provisions of sub-rule (1) of rule 7, 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 dealings of other departments with the Finance Department.

C - LAW DEPARTMENT

31. Except as hereinafter provided, the Law Department is not, in respect of legislation an originating or initiating Department and its proper function is to put into technical shape the projects of legislation on 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 6, settled in such Department.

32. 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 legislature of the Union territory to enact the measure proposed;

(iii) the requirements of the Constitution, the Act or any other law for the time being in force as to the obtaining of the previous sanction of the President thereto; and

(iv) the consistence of the proposed measure with the provisions of the Constitution and in particular those relating to the fundamental rights.

33. If legislation is decided upon, the department shall, if the legislation involves expenditure from the Consolidated Fund of the Union territory, 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.

34. The Law Department shall thereafter prepare a draft Bill and return the case to the Department concerned.

35. The Administrative Department shall obtain the opinion of such officers and bodies as it deems necessary on the draft Bill and submit the opinion so received with a copy of the draft Bill to the Minister-in-charge.

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36. If the draft Bill is approved by the Minister-in-charge, it shall be circulated to the other Ministers and a copy thereof shall be supplied to the Administrator and thereafter the draft Bill shall be brought before a meeting of the Council in accordance with these Rules.

37. If it is decided to proceed with the draft Bill, with or without amendments, the originating department shall send the case to the Law Department requesting it to prepare a final draft of the Bill.

38. The Law Department shall then finalise the draft and send it to the originating Department indicating at the same time the sanctions, if any, required for the Bill. If any provisions in the Bill involving expenditure from the Consolidated Fund of the Union territory are modified in the finalised draft, the originating Department shall send the finalised draft Bill to the Finance Department for revising, if necessary, the financial memorandum.

39. The originating Department shall then transfer the final draft Bill to the Law Department with the instructions of the Council thereon, including instructions as to its introduction in the Legislative Assembly and with copies of such papers relating to the Bill, such as, the Statement of Objects and Reasons, the Financial Memorandum, the Memorandum of Delegated Legislation, etc., as should be forwarded to the Legislative Assembly. After such transfer, the Bill shall be deemed to belong to the Law Department.

40. Notwithstanding anything contained in rule 31, measures designed solely to codify 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 it on the subject.

41. (1) Whenever a private member of the Legislative Assembly gives notice of his intention to move for leave to introduce a Bill, the Law Department shall forthwith send a copy of the Bill and the Statement of Objects and Reasons for information to the Chief Minister and to the Department to which the case belongs.

(2) The Bill shall 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 or the Administrator and the competence of the Legislative Assembly to enact the measure and thereafter the Law Department shall forward the case with its opinion to the Department to which it belongs.

(3) If any provisions of such Bill involve expenditure from the Consolidated Fund of the Union territory, the Department shall, before it is circulated, prepare, in consultation with the Finance Department, the financial memorandum in respect of the Bill.

42. The provisions of rule 41 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 by members of the Legislature for being moved during the consideration of a bill in that legislature.

43. (1) When a Bill has been passed by the Legislative Assembly, it shall be examined in the Department concerned and the Law Department and shall be presented to the Administrator with –

(a) a report of the Secretary of the Department concerned as to the reasons, if any, why the Administrator's assent should not be given; and

(b) a report of the Law Secretary as to the reasons, if any, why the Administrator's assent should not be given or the Bill should not be reserved for the consideration of the President.

(2) Where the Administrator directs that the bill should be reserved for the consideration of the President or returned to the Legislative Assembly, together with a message for reconsideration as is mentioned in the first proviso to section 25 of the Act, necessary action in that behalf shall be taken by the Secretary to the Administrator in consultation with the Secretary of the Administrative Department concerned and the Law Secretary.

(3) After obtaining the assent of the Administrator or the President, as the case may be, the Law Department shall take steps for the publication of the Bill in the Official Gazette as an Act of the Legislative Assembly.

44. Whenever it is proposed in any Department (other than the Law Department)-

(i)to issue a statutory rule, notification or order;

(ii)to sanction under a statutory power the issue of any rule, bye-law, notification or order by a subordinate authority; or

(iii) 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.

45. (1) All administrative department shall consult the Law Department on -

(a) the construction of Statutes, Acts, Regulations and statutory rules, orders and notifications;

(b) any general legal principles arising out of any case;

(b) the institution or withdrawal of any prosecution at the instance of any administrative department; and

(c) the preparation of important contracts to be entered into by the Government.

(2) 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.

CHAPTER-IV

DISPOSAL OF BUSINESS RELATING TO ADMINISTRATOR'S EXECUTIVE FUNCTIONS REFERRED TO IN SUB-RULE (2) OF RULE 4

46. The Administrator may, by standing orders in writing, regulate the transaction and disposal of the business relating to his executive functions referred to in sub-rule (2) of rule 4:

Provided that the standing orders shall be consistent with the provisions of this Chapter, Chapter V and the instructions issued by the Central Government from time to time:

Provided further that in the exercise of his functions with respect to the property of the Union situated within the Union territory, the Administrator shall act in consultation with the Council.

47. (1) With respect to persons serving in connection with the administration of the Union territory, the Administrator shall exercise such power and functions as may be entrusted to him under the rules and orders regulating the conditions of service of such persons or by any other order of the President.

(2) In the exercise of the powers and functions referred to in sub-rule (1), the Administrator shall act in consultation with the Chief Minister.

(3) Notwithstanding anything contained in sub-rule (1) or sub-rule (2), the Administrator shall consult the Union Public Service Commission on all matters in which the Commission is required to be consulted under clause (3) of article 320 of the Constitution; and in every such case shall not make any order otherwise than in accordance with the advice of the Union Public Service Commission unless authorised to do so by the Central Government.

(4) All correspondence with the Union Public Service Commission and the Central Government regarding recruitment and conditions of service of persons serving in connection with the administration of the Union territory shall be conducted by the Chief Secretary under the direction of the Administrator.

48. In regard to any matter referred to in sub-rule (2) of rule 4 and in respect of which no specific provisions has been made in the foregoing rules in this Chapter, the Administrator may, if he deems fit, either consult his Council or the Chief Minister, before exercising his powers or discharging his functions in respect of that matter.

CHAPTER V

REFERENCES TO THE GOVERNMENT OF INDIA

49. The Administrator may refer to the Central Government any draft Bill before it is introduced in the Legislature of the Union territory. When a draft Bill is referred to the Central Government under this rule, the advice of the Central Government shall be await4d before the Bill is introduced in the Legislature of the Union territory.

50. In case of difference of opinion between the Administrator and a Minister in regard to any matter referred to in sub-rule (1) of rule 4, the Administrator shall endeavour by discussion of the case to settle any point on which such difference of opinion has arisen. Should the difference of opinion persist, the Administrator may direct that the case be referred to the Council.

51. In case of difference of opinion between the Administrator and the Council with regard to any matter referred to in sub-rule (1) of rule 4, the Administrator shall refer it to the Central Government for the decision of the President and shall act according to the decision of the President.

52. Where a case is referred to the Central Government in pursuance of rule 51, it shall be competent for the Administrator to direct that action shall be suspended pending the decision of the President on such case or, in any case where the matter is in his opinion so urgent that it is necessary that immediate action should be taken, to give such direction as he deems necessary.

53. Where a direction has been given by the Administrator in pursuance of rule 52, the Minister concerned shall take action to give effect to such direction.

54. (1) In respect of each financial year, the Administrator shall have a development plan (which shall represent the approved phase for the year in the Five Year Plan for the Union territory) drawn up with such details as the Central Government may be order prescribe,

(2) After the annual plan has been considered by the Administrator and his Council, it shall be referred to the Central Government for approval.

55. (1) The Form of the annual financial statement of the Union territory (including the grants and appropriations in which it shall be divided) and the procedure for obtaining the approval of the President to this statement shall be such as the Central Government may by order prescribe,

(2) Each demand for grant or appropriation shall be so drawn up as to indicate separately the provision for plan schemes and the provision for non-plan expenditure,

56. (1) The Administrator shall refer to the Central Government every Bill which –

(a) If passed by the Legislative Assembly, is required to be reserved for the consideration of the President under sub-section (2) of section 21 or, as the case may be, under the second proviso to section 25, of the Act;

(b) relates to any matter enumerated in the Concurrent List in the Seventh Schedule to the Constitution;

(c) attracts the provisions of article 304 of the Constitution as applicable to the Union territory;

(d) relates to any matter which may ultimately necessitate additional financial assistance from the Central Government through substantive expenditure from the Consolidated Fund of the Union territory or abandonment of revenue or lowering of the rate of any tax;

(e) pertains to any matter relating to Universities;

(f) affects or is likely to affect the interests of any minority community, Scheduled Caste or Backward Class.

(2) Subject to the provisions of any instructions which may from time to time be issued by the Central Government, the Administrator shall make a prior reference to the Central Government in the Ministry of Home Affairs or to the appropriate Ministry with a copy to the Ministry of Home Affairs, in respect of the following matters, namely:-

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(a) all important cases raising questions of policy;

(b) cases affecting the relations of the Central Government with any State Government, the Supreme Court or any High Court or the Court of Judicial Commissioner;

(c) proposals for appointment of the Chief Secretary, Development Commissioner, Finance Secretary, Law Secretary, Inspector General of Police, and appointments to posts which carry an ultimate salary of Rs.2,000/- per mensem or more;

(d) Inter-sectional alteration in plan schemes; and

(e) non-delegated financial powers.

57. Notwithstanding anything contained in these Rules, a prior reference shall be made to the Central Government or Chief Engineer, Central Public Works Department or such other engineering officers as the Central Government may prescribe, in regard to all matters relating to public work undertaken by the Government of the Union territory in which the sanction of the Central Government or Chief Engineer or other, engineering officers aforesaid, as the case may be, is required under the Central Public Works Code or Orders of the Central Government issued in that behalf.

58. When a matter has been referred by the Administrator to the Central Government or any other authority under these Rules, further action thereon shall not be taken except in accordance with the decision of that Government or authority.

CHAPTER - VI

MISCELLANEOUS

59. The Chief Secretary and the Secretary of the Department concerned are severally responsible for the careful observance of these Rules and when either of them considers that there has been any material departure from them, he shall personally bring it to the notice of the Minister-in-charge, the Chief Minister and the Administrator.

SCHEDULE

(See rules 9 and 10)

1. Cases relating to summoning and prorogation and dissolution of the Legislative Assembly, removal of disqualification of voters at elections to the Legislative Assembly, fixing of dates of elections to the Legislative Assembly and other connected matters.

2. The annual financial statements to be laid before the Legislature and demands for supplementary, additional or excess grants.

3. Cases in which the attitude of the Council to any resolution or Bill to be moved in the Legislature is to be determined.

4. 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.

5. Any proposal which effects the finances of the of the Union territory which has not the consent of the Finance Minister.

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

7. Proposals involving the alienation, either temporary or permanent, or of sale, grant or lease of Government property exceeding rupees three thousand in value or the abandonment or reduction of revenue 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 Council.

8. The annual audit review of the finance of the Union territory and the report of the Public Accounts Committee.

9. Proposals involving any important change in policy or practice.

10. Proposed circulars embodying important changes in the administrative system of the Union territory.

11. Any proposal for the institution or withdrawal of a prosecution by Government against the advice tendered by the Law Department.

12. Proposals for the creation or abolition of any public office the maximum remuneration of which exceed rupees two hundred and fifty.

13. Appointment of Committees of Inquiry on the initiative of the Government or in pursuance of a resolution passed by the Legislature of the Union territory and reports of such Committees.

14. Cases required by the Administrator or Chief Minister to be brought before the Council.

15. Omitted.

16. Proposals relating to rules to be made under proviso to section 33(1) of the Act.

17. Draft Bills and proposals for legislation.

18. Proposals for reference to President for decision on questions arising as to whether a member of the Legislative Assembly has become subject to any disqualification under section 14(1) of the Act; any proposal to recover or to waive recovery of the penalty due under section 15, of the Act.

19. Proposals to vary or reverse a decision previously taken by the Council.

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