In exercise of the powers conferred by section 44 of the Government of National Capital Territory of Delhi Act, 1991 (1 of 1992) the President hereby makes the following rules, namely:

CHAPTER – I

Preliminary

1. These rules may be called the Transaction of Business of the Government of National Capital Territory of Delhi Rules, 1993.

2. In these rules, unless the context otherwise requires,

(a) "the Act" means the Government of National Capital Territory of Delhi Act, 1991(1 of 1992);
(b) "Lieutenant Governor" means the Lieutenant Governor of National Capital Territory of Delhi;
(c) "Capital" means the National Capital Territory of Delhi;
(d) "Council" means the Council Ministers appointed under article 239AA of the Constitution;
(e) "Chapter" means a chapter of these rules;
(f) "Department" means a Department or office specified in the Schedule annexed to the Business of Delhi (Allocation) Rules, 1993;
(g) "Government" means the Government of the National Capital Territory of Delhi;
(h) "Legislative Assembly" or "Legislature of the Union Territory" means the Legislative Assembly of the National Capital Territory of Delhi;
(i) "Minister" means a member of the Council of Ministers, by whatever name called, and includes a Deputy Minister;
(j) "Schedule" means the Schedule annexed to these rules; and
(k) "Secretary" means a Secretary to the Government of the National Capital Territory of Delhi and includes Secretary to the Lieutenant Governor;

(l) All other words and expressions used herein and not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act.

CHAPTER-II

General

3. (1) All contracts in connection with the administration of Capital 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) A person authorised to execute and sign contracts referred to in sub-rule(1) shall execute such contracts within the financial powers delegated to him. In all cases involving exercise of financial powers in excess of those delegated to him, such contracts shall be executed after obtaining the sanction of the competent authority.

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CHAPTER –III
Disposal of Business allocated among Ministers

4. (1) The Council shall be collectively responsible for all the execution orders issued by any Department in the name of the Lieutenant Governor and contracts made in the name of the President in connection with the administration of the Capital whether such orders or contracts are authorised by an individual Minister in respect of a matter pertaining to the Department under his charge or as a result or discussions at a meeting of the Council.

(2) Without prejudice to the provisos 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.

5. (1) Until the rules are framed or modified in this regard by the Lieutenant Governor under the Government of National Capital Territory of Delhi Act, 1991 the rules and orders made by the Central

Government to regulate the procedure in its Departments for sanctioning expenditure, appropriation and re-appropriation of funds, public works and purchase of stores required for use in the public services shall apply in relation to the Department of the Government, in so far as these rules are relevant to National Capital Territory of Delhi, subject to the modification that references to "Government" in the said rules and orders shall be construed in relation to the Consolidated Fund of the National Capital Territory of Delhi, as references to the Government of National Capital Territory of Delhi.

(2) Unless the proposal is fully covered by the power to sanction expenditure or to appropriate or re-appropriate funds conferred by any general or special orders made by the Finance Department in accordance with the rules and orders referred to in sub-rule (1) above, 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;

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(b) involve any 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) have a financial bearing whether involving expenditure or otherwise.

(3) No proposal which require previous concurrence of the Finance Department under this rule, but with which the Finance Department has not concurred, may be again 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 make.

(5) Except to the extent that power may have been delegated to the Departments under the rules duly 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 authorizing any authority or Department, including the Finance Department -

(a) to make re-appropriations 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.

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6. The Chief Secretary shall be the Secretary to the Council and the Principal Secretary, General Administration Department shall be the Joint Secretary to the Council. When the Secretary to the Council is absent, the Joint Secretary shall perform the duties of Secretary.

7. Subject to the orders of the Chief Minister under rule 8, all proposals referred to in the Schedule shall be placed before the Council in accordance with the provisions contained in this Chapter;

Provided that no proposal in regard to which the concurrence of the Finance Department is required under rule 5 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.

8. All proposals 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 proposal under rule 9 or for placing it for consideration of the Council.

9. (1) The Chief Minister may direct that any proposal submitted to him under rule 8 may, instead of being placed for discussion in a meeting of the Council, be circulated to the Ministers for opinion, and if all the Ministers are unanimous and the Chief Minister is of the opinion that discussions in a meeting of the Council is not required, the proposal shall be treated as finally approved by the Council. In case, Ministers are not unanimous or if the Chief Minister is of the opinion that discussions in a meeting is required, the proposal shall be discussed in a meeting of the Council.

(2) If it is decided to circulate any proposal, the Department to which it belongs, shall prepare a memorandum setting out in brief the facts of the proposal, 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 Lieutenant Governor.

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10. (1) While directing that a proposal shall be circulated, the Chief Minister may also direct, if the matter be of urgent nature, 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 9.

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

(3) If the Minister has accepted the recommendations contained in the memorandum or the date by which he was required to communicate his opinion has expired, the Secretary to the Council shall submit the proposal to the Chief Minister.

(4) If the Chief Minister accepts the recommendations and if he has no observation to make, he shall return the proposal with his orders thereon to the Secretary to the Council.

(5) On receipt of the proposal, the Secretary to the Council shall communicate the decision to the Lieutenant Governor and pass on the proposal 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.

11. When it has been decided to place a proposal be fore the Council, the Department to which it belongs, shall, unless the Chief Minister otherwise directs, prepare a memorandum indicating precisely the salient facts of the proposal and the points for decision. Copies of the memorandum and such other documents, as are necessary to enable the proposal 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 Lieutenant Governor.

12. In the proposals, which relates to more than one Department, the Minister shall, consult the other Minister concerned to arrive at an agreement. If an agreement is reached, the memorandum referred to in rule 9 or rule 11, shall contain the joint recommendations of the Ministers; and if no agreement is reached, the memorandum shall state the points of differences and the recommendations of each of the Ministers concerned.

13. (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 under rule 11.

(3) After an agenda showing the proposals to be discussed in 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 11, shall be sent by the Secretary to the Council, to the Lieutenant Governor, the Chief Minister and other Ministers, so as to reach them at least 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 shall be forwarded to the Secretary in the Department concerned who, if he considers that the discussion on any proposal 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 on the proposal 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 the meeting of the Council.

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

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(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 Ministers and the Lieutenant Governor.

14. (1) The decision of the Council relating to each proposal shall be separately recorded and after approval by the Chief Minister, or the Minister presiding , shall be placed with the records of the proposal. After approval by the Chief Minister or the Minister presiding , the decision of the Council as approved, shall be forwarded by the Secretary to the Council to the Lieutenant Governor.

(2) Where a proposal has been approved by the Council and the approved record of the decision has been communicated to the Lieutenant Governor, the Minister concerned shall take necessary action to give affect to the decision.

DEPARTMENTAL DISPOSAL OF BUSINESS

A-GENERAL

15. Except as otherwise provided by or under these rules, proposals or matters 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 proposals or matters in his Department. Copies of such standing orders shall be forwarded to the Lieutenant Governor and the Chief Minister.

16. 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 forwarded to the Lieutenant Governor and the Chief Minister.

17. 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 proposals or matters 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 to the Lieutenant Governor and the Chief Minister.

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18. (1) When the subject of any proposal or matter relates to more than one department , no order shall be issued (nor shall the proposal be placed before the Council) till it has been considered by all the Departments concerned, unless the proposal is one of extreme urgency.

(2) If the Departments concerned are not in agreement regarding such a proposal, the Minister–in-charge of any one of the Departments, may, if he wishes to proceed with the proposal, direct that the proposal be submitted to the Chief Minister for order or direction or for laying it before the Council.

19. (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 proposal or matter in his Department.

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

(3) (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 forwarded to the Minister only after obtaining the necessary orders from the Minister-in-charge of the Department to which it belongs:

Provided further that no paper under disposal shall be forwarded 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 the 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 note shall be recorded in the case 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 proposal or matter in any department and such requisition by him shall be complied with by the Secretary to the Department concerned.

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

(5) The Lieutenant Governor may call for papers relating to any proposal or matter in any Department and such requisition shall be complied with by the Secretary to the Department concerned, he shall simultaneously inform the Minister-in-charge of the department of the action taken by him.

20. If at any stage it becomes difficult to determine to which department the proposal or matter belongs, the subject matter shall be referred for the decision of the Chief Secretary, who will, if deemed necessary , obtain the order of the Chief Minister.

21. 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 their receipt, be submitted by the Secretary, to the Minister-in-charge, the Chief Minister and Lieutenant Governor for information.

22. Any matter which is likely to bring the Government of the Capital into controversy with the Central Government or with any State Government, shall, as soon as possible, be brought to the notice of the Lieutenant Governor and the Chief Minister.

23. The following classes of proposals or matters shall essentially be submitted to the Lieutenant Governor through the Chief Secretary and the Chief Minister before issuing any orders thereon, namely:

(i) matters which affect or are likely to affect the peace and tranquility of the capital;
(ii) matters which affect or are likely to affect the interest of any minority community, Scheduled Castes and backward classes;
(iii) matters which affect the relations of the Government with any State Government , the Supreme Court of India or the High Court of Delhi;
(iv) proposals or matters required to be referred to the Central Government under the Act or under Chapter V;
(v) matters pertaining to the Lieutenant Governor's Secretariat and personnel establishment and other matters relating to his office;
(va) matters on which Lieutenant Governor is required to

make order under any law or instrument in force;

(vi) petitions for mercy from persons under sentence for death and other important cases in which it is proposed to recommend any revision of a judicial sentence;
(vii) matters relating to summoning, prorogation and dissolution of the Legislative Assembly, removal of disqualification of voters at elections to the Legislative Assembly, Local Self Government Institutions and other matters connected with those; and
(viii) any other proposals or matters of administrative importance which the Chief Minister may consider necessary.

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24. Where the Lieutenant Governor is of the opinion 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 , he may require the proposal or matter to be placed before the Council for consideration;

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

25. The Chief Minister shall:

(a) cause to be furnished to the Lieutenant Governor such information relating to the administration of the Capital and proposals for legislation as the Lieutenant Governor may call for; and

(b) if the Lieutenant 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.

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B.FINANCE DEPARTMENT

26. The Finance Department shall be consulted in all matters in which its previous concurrence is necessary under these rules.

27. 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 proposal.

28. (1) The Finance Minister may requisition any records from any Department in which financial consideration is involved and the Department, to whom the request is addressed, shall supply the record immediately.

(2) On receipt of the requisite records the Finance Minister may order that the records with his notes on them be submitted to the Council.

(3) Subject to the provisions of sub-rule(1) of rule 5 of these rules, the Finance department may make rules to regulate the financial procedure.

C-LAW DEPARTMENT

29. Except as hereinafter provided, the Law Department shall not be, in respect of a Legislation, an originating or initiating Department and its function will be to put into proper legal shape the proposals of Legislation on which the policy decision has been taken 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 4, settled in such Department.

30. The Legislative proposal shall be processed like other proposal or matters of a Department:

Provided that the Legislative proposals shall not be submitted to the Chief Minister until the Department concerned has consulted the Law Debarment as to:

(i) the need for the proposed legislation from legal point of view;
(ii) the competence of the Legislature of the Capital to enact the measure proposed;
(iii) the requirement of the Constitution, Act or any other law for the time being in force as to the obtaining of previous sanction of the President, or recommendations of the Lieutenant Governor; and
(iv) the consistency of the proposed measure with the provisions of the Constitution and in particular those relating to the fundamental rights.

31. If it has been decided to process the legislative proposal, the department shall, if the proposal involves expenditure from the Consolidated Fund of the Capital prepare, in consultation with the Finance Department, a financial memorandum. The proposal shall be forwarded to the Law Department requesting it to draft the Bill accordingly.

32. The Law Department shall thereafter prepare a draft Bill and return the proposal along with the draft Bill to the Department concerned.

33. 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.

34. If the draft bill is approved by the Minister in charge, it shall be circulated to other Ministers and a copy thereof shall be supplied to the Lieutenant Governor and thereafter the draft shall be placed in a meeting of the Council in accordance with these rules.

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

36. The Law Department shall then finalise the draft and send it to the concerned 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 Capital are modified in the finalised draft, the Administrative Department shall send the finalised draft Bill to the Finance Department for revising the financial memorandum.

37. The Administrative Department shall then forward 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 along with the copies of required statements and such as the Statement of Objects and Reasons, the Financial Memorandum, the Memorandum of Delegated Legislation, Memorandum regarding Recommendations of the Lieutenant Governor, etc. After such

transfer, the proposal shall be deemed to belong to the Law Department.

38. Notwithstanding anything contained in rule 29 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 forward 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 forwarded 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.

39. (1) Whenever a private member of the Legislative Assembly gives notice of his intention to move for leave to introduce a Bill, the Secretary (Legislative Assembly) shall, forthwith, send a copy of the said Bill and the Statement of Objects and Reasons, Memorandum regarding Delegated Legislation and Financial Memorandum, if any, for information of the Chief Minister, Minister in charge of Law, Justice and Legislative Affairs Departments and to the Department to which the proposal belongs.

(2) The Bill shall be dealt with as a proposal by the Law Department in the first instance, which shall consider its technical aspects, such as, need for previous sanction of President or the Lieutenant Governor and competence of Legislative Assembly to enact the measure and thereafter the Law Department shall forward it along with its opinion to the Department to which it belongs.

(3) If any provision of such Bill involves expenditure from the Consolidated Fund of the Capital, the Department shall before it is circulated, prepare in consultation with the Finance Department, the Financial Memorandum in respect of the Bill.

40. The provisions of rule 39 shall apply, as far as may be, to all amendments of substance recommended by 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.

41. (Omitted)

42. (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 Lieutenant Governor with:-

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

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

(2) Where the Lieutenant Governor 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 24 of the Act, necessary action in that behalf shall be taken by the Secretary to the Lieutenant Governor in consultation with Secretary to the Administrative Department concerned and Law Secretary.

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

43. Whenever any Department (other than the Law Department) proposes to -

(i) issue statutory rules, notification or order;
(ii) allow under a statutory proviso the making of any rule, bye-law, notification or order by subordinate authority; or
(iii) submit to the Central Government any draft of a statutory rule, notification or order for issue by that Government;

the draft shall be referred to the Law Department for examination.

44. (1) All administrative Departments shall consult the Law Department on –

(a) proposals for legislation;
(b) the making of statutory rules, order, notifications, bye-laws, regulations, schemes, etc.
(c) any general legal principles arising out of any case;
(d) the institution or withdrawal of any prosecution at the instance of any administrative Department; and
(e) the preparation of important contracts to be entered into by or on behalf of 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 Lieutenant Governor's Executive Functions

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45. The Lieutenant Governor, may by standing orders in writing, regulate the transaction and disposal of the business relating to his executive functions:

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

Provided further that the Lieutenant Governor shall in respect of matters connected with 'public order', 'police' and 'land' exercise his executive functions to the extent delegated to him by the President in consultation with the Chief Minister, if it is so provided under any order issued by the President under article 239 of the Constitution. Provided further that 'standing orders' shall not be inconsistent with the rules concerning transaction of business.

46. (1) With respect to persons serving in connection with the administration of the National Capital Territory, the Lieutenant Governor shall, exercise such powers and perform such functions as

may be entrusted to him under the provisions of the rules and orders regulating the conditions of service of such persons or by any other order of the President in consultation with the Chief Minister, if it is so provided under any order issued by the President under article 239 of the Constitution.

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

(3) All correspondence with Union Public Service Commission and the Central Government regarding recruitment and conditions of service of persons serving in connection with the administration of National Capital Territory shall be conducted by the Chief Secretary or Secretary of the Department concerned under the direction of the Lieutenant Governor.

47. The matter in respect of which no specific provision has been made in these rules, the Lieutenant Governor shall consult the Central Government before exercising his powers or discharging his functions in respect of that matter.

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CHAPTER-V
Referring to the Central Government

48. (Omitted)

49. In case of difference of opinion between the Lieutenant Governor and a Minister in regard to any matter, the Lieutenant Governor shall endeavour by discussion on the matter to settle any point on which such difference of opinion has arisen. Should the difference of opinion persist, the Lieutenant Governor may direct that the matter be referred to the Council

50. In case of difference of opinion between the Lieutenant Governor and the Council with regard to any matter, the Lieutenant Governor shall refer it to the Central Government for the decision of the President and shall act according to the decision of the President.

51. Where a case is referred to the Central Government in pursuance of rule 50, it shall be competent for the Lieutenant Governor to direct that action shall be suspended pending the decision of the President on such case or in any case where the matter, in his opinion, is such that it is necessary that immediate action should be taken to give such direction or take such action in the matter as he deems necessary.

52. Where a direction has been given by the Lieutenant Governor in pursuance of rule 51, the Minister concerned shall take action to give effect to such direction.

53. (1) In respect of each financial year, the Lieutenant Governor shall have an Annual Plan (which shall represent the approved phase for that year in the Five Year Plan for the National Capital Territory) drawn up with such details as the Central Government may, by order prescribe.

(2) After the Annual Plan has been considered by the Lieutenant Governor and his Council, it shall be referred to the Central Government for approval.

54. (1) The form of Annual financial statement of the National Capital Territory (including the Grants and appropriations into 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.

55. (1) The Lieutenant Governor shall refer to the Central Government every legislative proposal, which

(a) if introduced in a Bill form and enacted by the Legislative Assembly, is required to be reserved for the consideration of the President under the proviso to sub-clause (c) of clause (3) of article 239 AA or, as the case may be, under the second proviso to section 24 of the Act;

(b) attracts provisions of articles 286, 287, 288 and 304 of the Constitution as applicable to the Capital;
(c) relates to any matter which may ultimately necessitate additional financial assistance from the Central Government through substantive expenditure from the Consolidated Fund of the Capital or abandonment of revenue or lowering of rate of any tax.

(2) Subject to any instructions which may from time to time be issued by the Central Government, the Lieutenant Governor 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:-

(a) proposals affecting the relations of the Central Government with any State Government, the Supreme Court of India or any other High Court;
(b) proposals for the appointment of Chief Secretary and Commissioner of Police , Secretary (Home) and Secretary (Lands);
(c) important cases which affect or are likely to affect the peace and tranquility of the National Capital Territory; and
(d) cases which affect or are likely to affect the interests of any minority community, Scheduled Castes or the backward classes.

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56. When a matter has been referred by the Lieutenant Governor to the Central Government under these rules, further action thereon shall not be taken except in accordance with the decision of the Central Government.

CHAPTER – VI
(MISCELLANEOUS)

57. 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 these rules, he shall personally bring it to the notice of the Minister-in-charge, Chief Minister and the Lieutenant Governor.

THE SCHEDULE

(See rules 7 and 8)

1. Proposals relating to summoning and prorogation and dissolution of the Legislative Assembly, removal or disqualification of voters at election to the Legislative Assembly, fixing of date of elections to the Legislative Assembly and local self-government, institutions and other connected matters.

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

3. Proposals in which the opinion of the Council to any resolution or Bill to be moved in the Legislative Assembly 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.

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5. Proposals which affect the finances of the Capital which do not have the consent of the Finance Minister

6. Proposals 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 one lakh in value or the abandonment or reduction of revenues 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 Capital and report of the Public Accounts Committee.

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

10. Orders embodying important changes in the administrative system of the Capital.

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

12. Proposals for the creation or abolition of any public office the maximum remuneration of which exceeds rupees five hundred.

13. Appointment of Committees of Inquiry on the initiative of the Department or in pursuance of a resolution passed by the Legislative Assembly and reports of such committees.

14. Proposal or matters required by the Lieutenant Governor or Chief Minister to be brought before the Council.

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

16. Draft Bills and proposals for legislation including issue of Ordinance

17. Proposals for reference to President for decision on question arising as to whether a member of the Legislative Assembly has become subject to any disqualification under sub-section (1) of section 15 of the Act.

18. Any proposal to recover or to waive off the recovery of the penalty imposed under section 17 of the Act.

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

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