

The Transaction of Business of the Government of Union Territory of Jammu and Kashmir Rules, 2019

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The Transaction of Business of the Government of Union Territory of Jammu and Kashmir Rules, 2019¹

In exercise of the powers conferred by Section 55 of the Jammu and Kashmir Reorganization Act, 2019, read with the Proclamation, dated 31st October, 2019 issued under Section 73 of the said Act, 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 Union Territory of Jammu and Kashmir Rules, 2019.

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

- (a) "the Act" means the Jammu and Kashmir Reorganization Act, 2019 (34 of 2019);
- (b) "Lieutenant Governor" means the Lieutenant Governor of the Union Territory of Jammu and Kashmir;
- (c) "Union Territory" means the Union Territory of Jammu and Kashmir;
- (d) "Council" means the Council of Ministers appointed under Section 54 of the Act;
- (e) "Chapter" means a Chapter of these rules;
- (f) "Department" means a Department or office specified in the First Schedule annexed to the Transaction of Business of the Government of Union Territory of Jammu and Kashmir Rules, 2019;
- (g) "Government" means the Government of the Union Territory of Jammu and Kashmir;
- (h) "Legislative Assembly" or "Legislature of the Union Territory" means the Legislative Assembly of the Union Territory of Jammu and Kashmir;
- (i) "Minister" means a Member of the Council of Ministers;
- (j) "Schedule" means the Schedule annexed to these rules;
- (k) "Secretary" means an Administrative Secretary to the Government of the Union Territory of Jammu and Kashmir and includes Principal Secretary or Secretary to the Lieutenant Governor, being the official head of the Department.

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

(3) Unless the context otherwise requires, the 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.

1. Ministry of Home Affairs, Noti. No. G.S.R. 534(E), dated August 27, 2020 and published in the Gazette of India, Extra., Part II, Section 3(i), dated 27th August, 2020, pp. 20-36, No. 42

CHAPTER II

GENERAL

3. (1) All contracts in connection with the administration of the Union Territory shall be expressed to be made by the President and shall be executed on behalf of the President by the Lieutenant Governor, or a person authorised by the Lieutenant Governor.

(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 and 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.

(3) Every order or instrument of the Government of the Union Territory shall be signed either by the Chief Secretary, Secretary, Special Secretary, Additional Secretary, Deputy Secretary or an under Secretary to the Government or such other officer as may be specially empowered by the Lieutenant Governor in this behalf and such signature shall be deemed to be the proper authentication of such order or instrument.

CHAPTER III

DISPOSAL OF BUSINESS ALLOCATED AMONG MINISTERS

4. (1) The Business of the Government shall be transacted in the Departments specified in the First Schedule, and shall be classified and distributed between those departments as laid down therein.

(2) The Lieutenant Governor on the advice of the Chief Minister shall allot among the Ministers the business of the Government by assigning one or more departments to a Minister.

(3) The Council shall be collectively responsible for all the executive 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 Union Territory whether such orders or contracts are authorised by a Minister in respect of a matter pertaining to the Department under his charge or as a result of discussions at a meeting of the Council.

5. (1) Unless the proposal is fully covered by the power to sanction expenditure or to appropriate or reappropriate funds conferred, by any general or special orders issued 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 or mineral or forest rights or a right to water, power or any easement or privilege;

- (c) relate to the number or grade of posts or to the strength of a service, or to the pay or allowance of government servants or to any other conditions or their service having financial implications; or
- (d) otherwise have a financial bearing whether involving expenditure or not:

Provided that no order of the nature specified above shall be issued in respect of the Finance Department and the departments and the agencies there under, without the previous concurrence of the General Administration Department.

(2) No proposal which requires previous concurrence of the Finance Department under this rule, but with which the Finance Department has not concurred, may be proceeded with, unless a decision to that effect has been taken by the Council and approved by the Lieutenant Governor.

(3) No reappropriation shall be made by any Department other than the Finance Department, except in accordance with such general delegation of power of reappropriation as the Finance Department may make.

(4) 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.

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

- (a) to make reappropriations from one 'Grant' or 'Appropriation for charged expenditure' to another Grant or Appropriation for charged expenditure;
- (b) to reappropriate funds provided for charged expenditure to meet votable expenditure;
- (c) to reappropriate funds provided for voted expenditure to meet charged expenditure;
- (d) to appropriate or reappropriate funds to meet expenditure on a new service not contemplated in the budget as approved by the Legislative Assembly.

6. The Chief Secretary shall be the Secretary to the Council and the Principal Secretary or Secretary to Lieutenant Governor shall be the Joint Secretary to the Council and 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 Second 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 Lieutenant Governor has to act in his discretion under the Act shall be placed before the council for its consideration:

Provided further that no proposal in regard to which the concurrence of the Finance Department is required under Rule 5(1) 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:

Provided also that in case of Proclamation under Section 73 of the Jammu and Kashmir Reorganisation Act, 2019 is in force, the Lieutenant Governor shall determine the manner in which proposals under this Chapter are to be disposed off.

8. All proposals referred to in the Second 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 proposals 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 discussion in a meeting of the Council is not required, the proposal shall be treated as finally approved by the Council and in case, Ministers are not unanimous or if the Chief Minister is of the opinion that a discussion 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.

(3) The Secretary of the Department concerned shall be responsible for preparing and authenticating every memorandum for consideration of the Council and for obtaining approval of the Minister in charge and the Chief Minister.

(4) The Secretary to the Council shall ensure that only such proposals are placed before the Council on which the aid and advice of the Council is required.

(5) The Secretary to the Council shall ensure that Minutes of the Meeting of the Council are issued only for such proposals as are referred to in sub-rule (3) above.

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 approval of the Chief Minister, the Secretary to the Council shall communicate the decision to the Lieutenant Governor and 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 before 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 and 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 relate 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 difference 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 atleast two days before the date of such meeting:

Provided that 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.

(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 and 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 Secretary concerned shall take necessary action to give effect to the decision unless a reference to the Central Government is required in pursuance of the provisions of Chapter V.

DEPARTMENTAL DISPOSAL OF BUSINESS

A-GENERAL

15. (1) 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 in consultation with the Secretary of the Department, 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.

(2) The Department shall be headed by the Secretary who shall allocate the work among the officers of the Administrative Secretariat for the concerned Department.

(3) In case of disagreement between the Minister in charge and Secretary of the Department, on clause (1) of Rule 15, the matter shall be submitted to the Chief Minister through the Chief Secretary.

16. Minister shall, by means of standing orders, in consultation of the Secretary of the Department decide 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:

Provided that when the case relates to a matter in which the Minister concerned has a personal interest, it shall be submitted to the Chief Minister for orders.

17. (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 and the Chief Secretary.

(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 through Chief Secretary for order or direction or for laying it before the Council.

18. (1) A Secretary may call for and see the papers in any Department, other than the Finance Department or General Administration 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 intimation to the Minister-in-charge.

(3) (a) Minister may call for papers except those relating to matters in which the Lieutenant Governor has to act in his discretion under the Act, 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 through the Chief Secretary with a request that the matter be laid before the Council and no further note shall be recorded until the matter is considered by 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 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 Chief Minister.

(c) The General Administration Department shall be consulted on all matters involving—

(a) the determination of the methods of recruitment and conditions of service of general application to Government servants in civil employment; and

(b) the interpretation of the existing order of general application relating to such recruitment or conditions of service.

(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. Secretary concerned shall simultaneously inform the Minister-in-charge of the department and the Chief Secretary of the action taken by him.

19. 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 shall obtain the order of the Chief Minister.

20. 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 Chief Secretary, Minister-in-charge, the Chief Minister and Lieutenant Governor for information.

21. 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 possible, be brought to the notice of the Lieutenant Governor and the Chief Minister by the Secretary concerned through the Chief Secretary.

22. The following classes of proposals or matters shall essentially be submitted to the Lieutenant Governor through the Chief Secretary, under intimation to the Chief Minister, before issuing any orders thereon, namely—

- (i) cases raising questions of policy;
- (ii) Matters which affect or are likely to affect the peace and tranquility of the Union Territory;
- (iii) matters which affect or are likely to affect the interest of any minority community, the Scheduled Castes, the Scheduled Tribes and the Backward Classes;
- (iv) matters which affect the relations of the Government with any State Government, the Supreme Court of India or the High Court of Jammu and Kashmir;
- (v) proposals or matters required to be referred to the Central Government under the Act or under Chapter V;
- (vi) matters pertaining to the Lieutenant Governor's Secretariat and personnel establishment and other matters relating to his office;
- (vii) matters on which Lieutenant Governor is required to make order under any law or instrument in force;
- (viii) matters relating to summoning, prorogation and dissolution of the Legislative Assembly;
- (ix) cases relating to issue of rules under an Act in force in the Union Territory;
- (x) any departure from these rules which comes to the notice of the Chief Secretary or the Secretary of any Department;
- (xi) matters relating to Annual Financial Statement and Plan evaluation; and
- (xii) any other proposals or matters of administrative importance which the Chief Minister may consider necessary.

23. 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.

24. The Chief Minister shall—

- (a) cause to be furnished to the Lieutenant Governor such information relating to the administration of the Union Territory 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.

B. FINANCE DEPARTMENT

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

26. 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.

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

C. LAW DEPARTMENT

28. Except as hereinafter provided, the Department of Law, Justice and Parliamentary Affairs 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.

29. Proposal to initiate Legislation shall be treated as a case and shall be submitted to the Chief Minister through the Minister-in-charge of the Administrative Department and the Department of Law, Justice and Parliamentary Affairs:

Provided that the case shall not be submitted to the Chief Minister until the Department concerned has consulted the Department of Law, Justice and Parliamentary Affairs 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 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.

30. If it has been decided to process the legislative proposal, the department shall, if the proposal involves expenditure from the Consolidated Fund of the Union Territory, prepare, in consultation with the Finance Department, a financial memorandum and the proposal shall be forwarded to the Department of Law, Justice and Parliamentary Affairs requesting it to draft the Bill accordingly.

31. The Department of Law, Justice and Parliamentary Affairs shall thereafter prepare a draft Bill, scrutinize the statement of objects and the reasons and return the case to the Department concerned.

32. 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.

33. 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.

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

35. The Department of Law, Justice and Parliamentary Affairs 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 Union Territory are modified in the finalised draft, the administrative Department shall send the finalised draft Bill to the Finance Department for revising the financial memorandum.

36. The Administrative Department shall then forward the final draft Bill to the Department of Law, Justice and Parliamentary Affairs 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 regarding Delegated Legislation, Memorandum regarding recommendations of the Lieutenant Governor, and the like and after such transfer, the proposal shall be deemed to belong to Department of Law, Justice and Parliamentary Affairs.

37. Notwithstanding anything contained in Rule 28, 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 Department of Law, Justice and Parliamentary Affairs:

Provided that the Department of Law, Justice and Parliamentary Affairs 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 Department of Law, Justice and Parliamentary Affairs its opinion thereon together with a copy of every communication received by it on the subject.

38. (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 Parliamentary Affairs and to the Department to which the proposal belongs.

(2) The Bill shall be dealt with as a proposal by the Department of Law, Justice and Parliamentary Affairs 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 Department of Law, Justice and Parliamentary Affairs 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 Union Territory, the Department shall before it is circulated, prepare in consultation with the Finance Department, the Financial Memorandum in respect of the Bill.

39. The provisions of Rule 38 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.

40. (1) When a Bill has been passed by the Legislative Assembly it shall be examined in the Department concerned and the Department of Law, Justice and Parliamentary Affairs 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 38 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 the Law Secretary.

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

41. Whenever any Department (other than the Department of Law, Justice and Parliamentary Affairs) 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 Department of Law, Justice and Parliamentary Affairs for examination.

42. (1) All administrative Departments shall consult the Department of Law, Justice and

Parliamentary Affairs on—

- (a) proposals for legislation;
- (b) the making of statutory rules, order, notifications, bye-laws, regulations, schemes, and the like;
- (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 Department of Law, Justice and Parliamentary Affairs is desired.

CHAPTER IV

DISPOSAL OF BUSINESS RELATING TO LIEUTENANT GOVERNOR'S EXECUTIVE FUNCTIONS

43. 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 from time to time:

Provided further that the Lieutenant Governor shall in respect of matters connected with 'public order', 'police', 'All India Services' and 'Anti Corruption Bureau' exercise his executive functions in his discretion under the Act:

Provided also that in respect of matters connected with public order, police and IPS Officers, the matters shall be submitted to Lieutenant Governor by the Principal Secretary, Home through the Chief Secretary:

Provided also that in respect of matters connected with All India Services Officers (IAS, and IFS) and Anti Corruption Bureau, the matters shall be submitted to the Lieutenant Governor by The Commissioner or Secretary, General Administration Department through the Chief Secretary.

44. (1) With respect to persons other than those belonging to All India services and Police, serving in connection with the administration of the Union Territory, the Lieutenant Governor shall, exercise such powers and perform such functions, in consultation with the Chief Minister, as may be entrusted to him under the provisions of the rules and orders regulating the conditions of service of such persons.

(2) Notwithstanding anything contained in sub-rule (1), the Lieutenant Governor shall consult the Union Public Service Commission or Public Service Commission of the Union Territory of Jammu and Kashmir 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 or the Public Service Commission of the Union Territory of Jammu and Kashmir, as the case may be, 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 Union Territory shall be conducted, by the Chief Secretary or Secretary of the Department concerned or any other officer authorised in this behalf, under the direction of the Lieutenant Governor.

45. 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.

CHAPTER V

REFERRING TO THE CENTRAL GOVERNMENT

46. 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 within two weeks from the date of such disagreement 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, which shall consider the matter in its next scheduled meeting and shall convey its decision but not later than 15 days from the date of such reference.

In case no such decision is received within 15 days from the date of such reference, the decision of the Lieutenant Governor shall be deemed to have been accepted by the Council of Ministers.

47. 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.

48. Where a case is referred to the Central Government in pursuance of Rule 47, 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.

49. Where a direction has been given by the Lieutenant Governor in pursuance of Rule 48, the Secretary concerned shall take action to give effect to such direction.

50. (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 second proviso to Section 38 of the Act;
- (b) attracts provisions of Articles 286, 287, 288 and 304 of the Constitution as applicable to the Union Territory;
- (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 Director General of Police;
- (c) important cases which affect or are likely to affect the peace and tranquility of the Union Territory; and
- (d) cases which affect or are likely to affect the interests of any minority community, Scheduled Castes or the Backward Classes.

51. Subject to the provisions of Rule 48, 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

52. The Secretary of the Department concerned shall be responsible for the proper transaction of business and careful observance of these rules and if he

considers that there has been any material departure from these rules, he shall personally bring it to the notice of the Chief Secretary, Minister-in-charge, Chief Minister and the Lieutenant Governor.

FIRST SCHEDULE

[Rule 4(1)]

*Distribution of the Business among the Departments of the Union
Territory of Jammu and Kashmir*

Sl. No.	Name of the Department	Subjects assigned
1.	Administrative Reforms, Inspections, Trainings and Grievances Department.	<ol style="list-style-type: none"> 1. Administrative Reforms. 2. Board of Professional Entrance Examination. 3. Educational Loans and Scholarships. 4. Government presses. 5. Inspections. 6. O&M. 7. Redressal of Public Grievances. 8. Stationery and Office Supplies. 9. Trainings.
2.	Agriculture Production and Farmers' Welfare Department.	<ol style="list-style-type: none"> 1. Agriculture. 2. Agriculture Education. 3. Agro Industries Development Corporation. 4. Applied Nutrition Programme. 5. Command Area Development. 6. Land Use Development Board. 7. Rakhs and Farms. 8. Sher-i-Kashmir University of Agriculture Science and Technology (SKUAST) Jammu/Kashmir. 9. Spl. Programmes like DDP & DRAP, etc. 10. Sericulture. 11. Jammu and Kashmir State Advisory Board for Development of Kisans.
3.	Animal/Sheep Husbandry and Fisheries.	<ol style="list-style-type: none"> 1. Animal Husbandry. 2. Livestock Development Board Jammu/Kashmir. 3. Jammu and Kashmir Milk Producers Cooperative Ltd. 4. Jammu and Kashmir Sheep and Sheep Products Development Board. 5. Sheep Husbandry. 6. Fisheries Development. 7. Mission Dairy Development.
4.	Civil Aviation.	<ol style="list-style-type: none"> 1. Civil Aviation.
5.	Culture.	<ol style="list-style-type: none"> 1. Art, Culture and Languages.

		<ol style="list-style-type: none"> 2. Archives, Archaeology and Museums. 3. Libraries and Research. 4. Gazetteers Unit.
6.	Cooperative.	<ol style="list-style-type: none"> 1. Cooperative. 2. Cooperative Banks.
7.	School Education.	<ol style="list-style-type: none"> 1. School Education.
8.	Higher Education.	<ol style="list-style-type: none"> 1. Higher Education. 2. Universities.
9.	Youth Services & Sports.	<ol style="list-style-type: none"> 1. Youth Services and Sports. 2. Sports Council.
10.	Department of Skill Development.	<ol style="list-style-type: none"> 1. Technical Education. 2. Skill Development Mission. 3. Food Craft Institute. 4. Craft Development Institute.
11.	Election.	<ol style="list-style-type: none"> 1. Franchise. 2. Elections.
12.	Finance Department.	<ol style="list-style-type: none"> 1. Accounts and Treasuries. 2. Banking and Institutional Finance. 3. Excise and Taxation. 4. Finance. 5. Funds Organisation. 6. Jammu and Kashmir State Financial Corporation. 7. Public Enterprises.
13.	Department of Food, Civil Supplies and Consumer Affairs.	<ol style="list-style-type: none"> 1. Consumer Affairs. 2. Food, Supplies and Management. 3. Price Control. 4. Legal Metrology.
14.	Forest, Ecology and Environment Department.	<ol style="list-style-type: none"> 1. Forest. 2. IWDP. 3. Jammu and Kashmir Forest Corporation. 4. Soil and Water Conservation. 5. Social Forestry including the World Bank Project. 6. Environment and Ecology. 7. Jammu and Kashmir Pollution Control Board. 8. Forest Protection Force. 9. Wildlife Protection. 10. State Forest Research Institute. 11. Environmental Issues.
15.	Floriculture Department.	<ol style="list-style-type: none"> 1. Floriculture. 2. Gardens and Parks.

16.	General Administration Department.	<ol style="list-style-type: none"> 1. Co-ordination of working of different Departments of Government. 2. Cabinet Work. 3. Services Selection Board. 4. Personnel Administration. 5. Public Service Commission. 6. Secretariat Administration. 7. Services. 8. Institute of Management, Public Administration. 9. Vigilance Commission. 10. Right to Information. 11. Public Services Guarantee Act. 12. Ladakh Affairs.
17.	Health and Medical Education Department.	<ol style="list-style-type: none"> 1. Health and Family Welfare. 2. Medical Education. 3. Jammu and Kashmir Drug and Food Control Organisation. 4. Jammu and Kashmir Medical Supplies Corporation. 5. State Food Safety Authorities. 6. Indian Systems of Medicine. 7. State Medicinal Plant Board. 8. Sher-i-Kashmir Institute of Medical Sciences.
18.	Home Department.	<ol style="list-style-type: none"> 1. Defence Labour Procurement. 2. Fire and Emergency Services. 3. Home Guards and Civil Defence, State Disaster Response Force. 4. Prisons. 5. Police Administration. 6. Sainik Welfare. 7. Civil Military Liaison. 8. Forensic Science Laboratory. 9. Directorate of Prosecution. 10. Police Housing Corporation.
19.	Hospitality and Protocol.	<ol style="list-style-type: none"> 1. Hospitality and Protocol. 2. Estates. 3. Resident Commission and Trade Agencies. 4. Toshakhana.
20.	Housing and Urban Development Department.	<ol style="list-style-type: none"> 1. Urban Housing including Jammu and Kashmir Housing Board. 2. Urban Development including Urban Transportation, Jammu and Srinagar Mass Rapid Transit Corporation. 3. Town Planning Organisations.

		<ol style="list-style-type: none"> 4. Jammu and Kashmir Architects Organisation. 5. Urban Environmental Engineering Department (UEED). 6. Urban Local Bodies, Municipal Bodies and Municipal Corporations. 7. Development Authorities, Agencies. 8. Building Centres, Jammu, Srinagar. 9. Jammu, Srinagar Smart City Limited. 10. Jammu and Kashmir Real Estate Regulatory Authority. 11. Jammu, Srinagar Metropolitan Region Development Authority.
21.	Industries and Commerce Department.	<ol style="list-style-type: none"> 1. Industries and Commerce. 2. Handicrafts. 3. Handlooms. 4. Jammu and Kashmir Cements. 5. Jammu and Kashmir Handicrafts (Sale and Export) Corporation Ltd. 6. Jammu and Kashmir Handloom Development Corporation. 7. Jammu and Kashmir Industries Ltd. 8. Jammu and Kashmir Minerals Ltd. 9. Jammu and Kashmir Small Scale Industries Development Corporation Ltd. 10. Jammu and Kashmir Small Industries Development Corporation Ltd. 11. Jammu and Kashmir Khadi and Village Industries Board. 12. Information Technology, Infrastructure Development Company Pvt. Ltd. 13. Jammu and Kashmir Trade Promotion Organisation. 14. Jammu and Kashmir Entrepreneurship Dev. Institute. 15. Indian Institute of Carpet Technology.
22.	Information Department.	<ol style="list-style-type: none"> 1. Information. 2. Publicity and Public Relations.
23.	Information Technology Department.	<ol style="list-style-type: none"> 1. e-Governance. 2. Computerisation, Digitalisation and Automation. 3. Electronics and Information Technology.
24.	Labour and Employment Department.	<ol style="list-style-type: none"> 1. Employees Insurance Scheme. 2. Employees Provident Fund Scheme. 3. Labour Administration. 4. Labour Welfare. 5. Employment.

		6. Self Employment Schemes including Central Schemes. 7. Jammu and Kashmir Construction Workers Welfare Corporation.
25.	Department of Law, Justice and Parliamentary Affairs.	1. Legislation. 2. Judiciary. 3. Law. 4. Parliamentary Affairs. 5. Special Tribunals. 6. Jammu and Kashmir Legal Aid and Advisory Board.
26.	Mining.	1. Geology and Mining.
27.	Planning, Development and Monitoring Department.	1. Programme Implementation. 2. Evaluation and Statistics. 3. Planning. 4. Census operation.
28.	Power Development Department.	1. Jammu and Kashmir Power Development Corporation. 2. Power Development. 3. Development of Hydro and Solar Power Projects exceeding 02 MW capacity. 4. Jammu and Kashmir Electricity Regulatory Commission. 5. All Power Corporations.
29.	Public Works (R&B) Department.	1. Designs Organisation. 2. Jammu and Kashmir Projects Construction Corporation. 3. Mechanical Department. 4. Roads and Buildings. 5. Stores Procurements.
30.	Jal Shakti Department.	1. Irrigation and Flood Control. 2. Public Health Engineering. 3. Jammu and Kashmir Water Resources Regulatory Authority.
31.	Revenue Department.	1. Administration of Evacuees Property. 2. Haj and Auqaf. 3. Land records. 4. Land Acquisition/Transfer. 5. Settlement.
32.	Department of Rural Development and Panchayati Raj.	1. Community Development and National Extension Service. 2. District Rural Development Agencies DRDAS. 3. Panchayats. 4. Rural Development.

		<ol style="list-style-type: none"> 5. Rural Engineering. 6. Rural Sanitation. 7. Applied Nutrition programme (ANP).
33.	Science and Technology.	<ol style="list-style-type: none"> 1. Remote Sensing and Geographical Information System. 2. Science, Technology and Innovation. 3. Biotechnology. 4. New and Renewable Energy. 5. Geo-Sciences and Earth Science. 6. Non-Conventional Energy Sources (Excluding Solar and Hydro Power Projects exceeding 02 MW capacity).
34.	Social Welfare.	<ol style="list-style-type: none"> 1. Social Justice and Empowerment. 2. Women and Child Development. 3. Minority Affairs. 4. Various Social Welfare Boards.
35.	Tourism Department.	<ol style="list-style-type: none"> 1. Jammu and Kashmir Tourism Development Corporation Limited. 2. Tourism. 3. Tourism Development Authorities, Heritage Societies. 4. Jammu and Kashmir Cable Car Corporation Limited. 5. Sher-i-Kashmir International Convention Centre. 6. Jammu and Kashmir Golf courses, Golf Development and Management Authorities. 7. Shrine Boards.
36.	Transport.	<ol style="list-style-type: none"> 1. Jammu and Kashmir SRTC. 2. State Motor Garages. 3. Motor Vehicle Department. 4. State Transport Authority. 5. J&K Road Safety Council.
37.	Disaster Management, Relief, Rehabilitation and Reconstruction (DMRRR).	<ol style="list-style-type: none"> 1. Emergency Relief Organisation. 2. Disaster Management. 3. Relief and Rehabilitation. 4. Management of all issues relating to Kashmiri Migrants. 5. Issues pertaining to Displaced Persons (DP's of 1947, Chhamb DP's of 1965/1971 and West Pakistan Refugees). 6. Management of issues pertaining to people affected due to firing on Line of Control and International Border.
38.	Tribal Affairs.	<ol style="list-style-type: none"> 1. Tribal Affairs.

		2. Jammu and Kashmir Advisory Board for Development of Gujjars and Bakerwals.
39.	Horticulture.	1. Horticulture. 2. Horticulture Planning and Marketing. 3. Horticulture Produce Marketing and Processing Corporation Ltd.

SECOND SCHEDULE

(See Rules 7 and 8)

1. Proposals relating to summoning and prorogation and dissolution of the Legislative Assembly.
2. The annual financial statements to be laid before the Legislative Assembly and demands for supplementary, additional or excess grants.
3. Proposals for introduction of any resolution or Bill to be moved in the Legislative Assembly.
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.
5. Proposals which affect the finances of the Union Territory and do not have the consent of the Finance Minister.
6. Proposals for reappropriation 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 or the abandonment or reduction of revenues except when such alienation, sale, grant or lease of Government property or the abandonment or reduction of revenues is in accordance with the rules or with a general scheme already approved by the Council.
8. The annual audit review of the finances of the Union Territory and report of the Public Accounts Committee.
9. Proposals involving any important change in policy or practice.
10. Proposals for the creation or abolition of any public office for which the maximum remuneration is above Rs. 47600-15110 (Level 8).
11. 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.
12. Proposal or matters required by the Lieutenant Governor or Chief Minister to be brought before the Council.
13. Draft Bills and proposals for legislation including issue of Ordinance.
14. Proposals to vary or reverse a decision previously taken by the Council.
15. The Council may at any time reconstitute the departments, create new departments, reclassify and distribute afresh the business of the Government between those departments.