The Gazette of India

#### EXTRAORDINARY

#### Part II - Section 1

#### PUBLISHED BY AUTHORITY

No.56] NEW DELHI, SATURDAY, APRIL 3, 1993/CHAITRA 13, 1915

## MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 3<sup>rd</sup> April, 1993/Chaitra 13, 1915 (Saka)

The following Act of Parliament received the assent of the President on the  $3^{\rm rd}$  April 1993, and is hereby published for general information:-

## THE ACQUISITION OF CERTAIN AREA AT AYODHYA ACT, 1993 No. 33 OF 1993

[3rd April, 1993]

An Act to provide for the acquisition of certain area at Ayodhya and for matters connected therewith or incidental thereto.

WHEREAS there has been a long-standing dispute relating to the structure (including the premises of the inner and outer courtyards of such structure), commonly known as the Ram Janma Bhumi-Babri Masjid, situated in village Kot Ramchandra in Ayodhya, in Pargana Haveli Avadh, in tehsil Faizabad Sadar, in the district of Faizabad of the State of Uttar Pradesh;

AND WHEREAS the said dispute has affected the maintenance of public order and harmony between different communities in the country;

AND WHEREAS it is necessary to maintain public order and to promote communal harmony and the spirit of common brotherhood amongst the people of India;

AND WHEREAS with a view to achieving the aforesaid objectives, it is necessary to acquire certain areas in Ayodhya;

 $\,$  BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:-

#### CHAPTER I PRELIMINARY

- 1. Short title and commencement.
- (1) This Act may be called the Acquisition of Certain Area at Ayodhya Act, 1993.
- (2) It shall be deemed to have come into force on the 7th day of January, 1993.

#### 2. Definitions.

In this Act, unless the context otherwise requires, -

- (a) "area" means the area (including all the buildings, structures or other properties comprised therein) specified in the Schedule;
- (b) "authorised person" means a person or body of persons or trustees of any trust authorised by the Central Government under section 7;

- (c) "Claims Commissioner" means the Claims Commissioner appointed under subsection (2) of section 8;
- (d) "prescribed" means prescribed by rules made under this Act.

## CHAPTER II ACQUISITION OF THE AREA IN AYODHYA

3. Acquisition of rights in respect of certain area.

On and from the commencement of this Act, the right, title and interest in relation to the area shall, by virtue of this Act, stand transferred to, and vest in, the Central Government.

- 4. General effect of vesting.
- (1) The area shall be deemed to include all assets, rights, leaseholds, powers, authority and privileges and all property, movable and immovable, including lands, buildings, structures, shops of whatever nature or other properties and all other rights and interests in, or arising out of, such properties as were immediately before the commencement of this Act in the ownership, possession, power or control of any person or the State Government of Uttar Pradesh, as the case may be, and all registers, maps, plans, drawings and other documents of whatever nature relating thereto.
- (2) All properties aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other encumbrances affecting them and any attachment, injunction, decree or order of any court or tribunal or other authority restricting the use of such properties in any manner or appointing any receiver in respect of the whole or any part of such properties shall cease to have any effect.
- (3) If, on the commencement of this Act, any suit, appeal or other proceeding in respect of the right, title and interest relating to any property which has vested in the Central Government under section 3, is pending before any court, tribunal or other authority, the same shall abate.
- 5. Duty of person or State Government in charge of the management of the area to deliver all assets, etc.
- (1) The Central Government may take all necessary steps to secure possession of the area which is vested in that Government under section 3.
- (2) On the vesting of the area in the Central Government under section 3, the person or State Government of Uttar Pradesh, as the case may be, in charge of the management of the area immediately before such vesting shall be bound to deliver to the Central Government or the authorised person, all assets, registers and other documents in their custody relating to such vesting or where it is not practicable to deliver such registers or documents, the copies of such registers or documents authenticated in the prescribed manner.
- 6. Power of Central Government to direct vesting of the area in another authority or body or trust.
- (1) Notwithstanding anything contained in sections 3, 4, 5 and 7, the Central Government may, if it is satisfied that any authority or other body, or trustees of any trust, set up on or after the commencement of this Act is or are willing to comply with such terms and conditions as that Government may think fit to impose, direct by notification in the Official Gazette, that the right, title and interest or any of them in relation to the area or any part thereof, instead of continuing to vest in the Central Government, vest in that authority or body or trustees of that trust either on the date of the notification or on such later date as may be specified in the notification.
- (2) When any right, title and interest in relation to the area or part thereof vest in the authority or body or trustees referred to in sub-section (1), such rights of the Central Government in relation to such area or part thereof, shall, on and from the date of such vesting, be deemed to have become the rights of that authority or body or trustees of that trust.

(3) The provisions of sections 4, 5, 7 and 11 shall, so far as may be, apply in relation to such authority or body or trustees as they apply in relation to the Central Government and for this purpose references therein to the Central Government shall be construed as references to such authority or body or trustees.

## CHAPTER III MANAGEMENT AND ADMINISTRATION OF PROPERTY

#### 7. Management of property by Government.

- (1) Notwithstanding anything contained in any contract or instrument or order of any court, tribunal or other authority to the contrary, on and from the commencement of this Act, the property vested in the Central Government under section 3 shall be managed by the Central Government or by a person or body of persons or trustees of any trust authorised by that Government in this behalf.
- (2) In managing the property vested in the Central Government under section 3, the Central Government or the authorised person shall ensure that the position existing before the commencement of this Act in the area on which the structure (including the premises of the inner and outer courtyards of such structure), commonly known as the Ram Janma Bhumi-Babri Masjid, stood in village Kot Ramchandra in Ayodhya, in Pargana Haveli Avadh, in tehsil Faizabad Sadar, in the district of Faizabad of the State of Uttar Pradesh is maintained.

## CHAPTER IV MISCELLANEOUS

#### 8. Payment of amount.

- (1) The owner of any land, building, structure or other property comprised in the area shall be given by the Central Government, for the transfer to and vesting in that Government under section 3 of that land, building, structure or other property, in cash an amount equivalent to the market value of the land, building, structure or other property.
- (2) The Central Government shall, for the purpose of deciding the claim of the owner or any person having a claim against the owner under sub-section (1), by notification in the Official Gazette, appoint a Claims Commissioner.
- (3) The Claims Commissioner shall regulate his own procedure for receiving and deciding the claims.
- (4) The owner or any person having a claim against the owner may make a claim to the Claims Commissioner within a period of ninety days from the date of commencement of this Act:

Provided that if the Claims Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of ninety days, the Claims Commissioner may entertain the claim, within a further period of ninety days and not thereafter.

#### 9. Act to override all other enactments.

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any law other than this Act or any decree or order of any court, tribunal or other authority.

#### 10. Penalties.

Any person who is in charge of the management of the area and fails to deliver to the Central Government or the authorised person any asset, register or other document in his custody relating to such area or, as the case may be, authenticated copies of such register or document, shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten thousand rupees or with both.

#### 11. Protection of action taken in good faith.

No suit, prosecution or other legal proceeding shall lie against the Central Government or the authorised person or any of the officers or other employees of that Government or the authorised person for anything which is in good faith done or intended to be done under this Act.

#### 12. Power to make rules.

- (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.
- (2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect duly in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### 13. Repeal and saving.

- (1) Subject to the provisions of sub-section (2), the Acquisition of Certain Area at Ayodhya Ordinance, 1993 ( Ord. 8 of 1993), is hereby repealed.
  - (2) Notwithstanding anything contained in the said Ordinance, -
  - (a) the right, title and interest in relation to plot No.242 situated in village Kot Ramchandra specified against Sl. No. 1 of the Schedule to the said Ordinance shall be deemed never to have been transferred to, and vested in, the Central Government;
  - (b) any suit, appeal or other proceeding in respect of the right, title and interest relating to the said plot No. 242, pending before any court, tribunal or other authority, shall be deemed never to have abated and such suit, appeal or other proceeding (including the orders or interim orders of any court thereon) shall be deemed to have been restored to the position existing immediately before the commencement of the said Ordinance;
  - (c) any other action taken or thing done under that Ordinance in relation to the said plot No.  $242\ \mathrm{shall}$  be deemed never to have been taken or done.
- (3) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

#### [See section 2 (a) ]

#### DESCRIPTION OF THE AREA

Sl.	Name of Village/		Revenue	Area to be acquired		
Sl. Name of Village/ No. Pargana/Tehsil/ District/State		Plot Nos.	Bigha	a Biswa	Biswansi	
(1)	(2)		(3)	(4)	(5)	(6)
1. Village Kot Ram-		143	0	9	0	
chandra, Pargana Haveli Avadh, tehsil Faizabad Sadar, District Faizabad, Uttar Pradesh.		144	0	7	0	
		145	0	8	0	
		146	1	6	7	
		147	5	8	0	
			158	0	4	0
			159	0	13	8
			160	5	13	0
			161	0	18	0
			162	1	8	7
			168	1	2	0
			169	1	7	0
			170	0	8	0
			171	1	7	0
			172	2	7	0
			173	0	18	0
			174	0	3	0
			175	0	6	0
			176	1	2	0
			177	0	16	0
			178	0	10	0
			179	0	14	0
			180	0	14	5
			181	0	13	10
			182	0	7	5
			183	0	7	5
			184	0	6	9

(1) (2) (3) (4) (5) (6) 185 0 7 5 186 0 6 10 187 0 7 0 188 0 18 15

	189	0	14	0
	190	0	4	0
	191	4	6	14
	192	0	7	0
	193	0	12	0
	194	4	19	0
	195	0	5	0
	196	0	5	0
	197	0	5	0
	198	0	3	0
	199	0	12	0
	200	2	0	0
	204	0	3	0
	(part)			
Bounded by plot No. 222 on South, Plot No. 205 on	,			
West and plot No.				
231 on East.	205	0	10	0
	206	0	5	0
	207	0	19	0
	208	0	5	0
	209	1	11	0
	210	0	8	0
	211	0	13	0
	212	0	4	14
		1		
	213		19	15
	214	0	6	0
	215	0	2	5
	216	0	6	0
	217	0	11	0
	218	0	3	0
	219	1	6	5
	220	0	12	0
	221	1	2	15
	222	0	5	7
(1) (2)	(3)	(4)	(5)	(6)
	223	5	6	0
	224	1	0	0
	225	0	11	15
	226	0	10	5
	227	0	7	5
	228	0	5	0
	229	0	11	10
	230	0	2	10
	231	1	1	10
	232	0	2	0
	222	Ü	_	•

	233	0	2	0
	234	1	12	0
	235	0	10	0
	236	0	4	0
	237	0	1	0
	238	1	6	0
	239	2	1	0
	244	0	14	10
	(part)	O	7.4	10
Bounded on the North partly by plot No. 240 and partly by plot No, 243, on the West partly by plot No. 239 and partly by plot No. 240 and on the South by Plot No. 246.	246	0	18	0
	(part)	O	10	0
Bounded by plot No. 238 on the South, plot No. 239 on the West and plot No. 244 on the North.	(part)			
		75	14	7
2. Village Avadhkhas, Pargana Haveli, Avadh, tehsil	1104	0	11	17
Faizabad Sadar, District Faizabad, Uttar	1105	0	7	14
Pradesh.	1106	0	6	2
	1107	0	14	14
	1108	0	4	3
	1109	0	3	0
	1110	0	4	5
	1111	0	12	15
(1)	(2)	(4)		
(1) (2)	(3)	(4)	(5) 	(6) 
	1112		5	8
	1113	0	5	10
	1114	0	0	10
	1115	0	1	10
	1116	0	3	10
	1117	0	9	12
	1118	1	1	17
	1119	0	7	14
	1120	0	13	15
	1121	0	3	0
	1122	0	8	0
	1123	0	8	0
	1124	0	9	10
	1125	0	6	6
	1125 1126	0	6 4	6 15

	1128	1	12	6	
	1129	0	5	9	
	1130	0	5	0	
	1132	1	3	5	
	1133	0	4	15	
	1134	0	4	0	
	1135	0	1	0	
	1136	0	9	0	
	1143	0	4	5	
	1144	0	5	15	
	1145	0	0	15	
	1146	0	3	0	
	1147	0	5	0	
	1148	0	7	15	
	1149	0	6	10	
	1166	0	6	0	
	(part)				
Bounded by plot No. 1203 on East, plot No. 1151 on West and plot No. 1167 on South.					
	1206	0	7	0	
	1210	0	1	5	
	1211	0	2	5	
(1) (2)	(3)	(4)	(5)	(6)	
(1) (2)	(3)	(4)	(5) 	(6) 5	
(1) (2)					
(1) (2)	1212	0	11	5	
(1) (2)	1212 1213	0	11 2	5 10	
(1) (2)	1212 1213 1214	0 0 0	11 2 7	5 10 0	
(1) (2)	1212 1213 1214 1215	0 0 0 0	11 2 7 0	5 10 0 15	
(1) (2)	1212 1213 1214 1215 1216	0 0 0 0 0	11 2 7 0	5 10 0 15	
(1) (2)	1212 1213 1214 1215 1216 1217	0 0 0 0 0	11 2 7 0 0 3	5 10 0 15 15	
(1) (2)	1212 1213 1214 1215 1216 1217 1218	0 0 0 0 0 0	11 2 7 0 0 3 4	5 10 0 15 15 5	
(1) (2)	1212 1213 1214 1215 1216 1217 1218 1219	0 0 0 0 0 0 0	11 2 7 0 0 3 4 5	5 10 0 15 15 5 10	
(1) (2)	1212 1213 1214 1215 1216 1217 1218 1219 1220	0 0 0 0 0 0 0	11 2 7 0 0 3 4 5	5 10 0 15 15 5 10 0	
(1) (2)	1212 1213 1214 1215 1216 1217 1218 1219 1220	0 0 0 0 0 0 0 0	11 2 7 0 0 3 4 5 7	5 10 0 15 15 5 10 0 5	
(1) (2)	1212 1213 1214 1215 1216 1217 1218 1219 1220 1221	0 0 0 0 0 0 0 0 0	11 2 7 0 0 3 4 5 7 11	5 10 0 15 15 5 10 0 5 10	
(1) (2)	1212 1213 1214 1215 1216 1217 1218 1219 1220 1221 1222	0 0 0 0 0 0 0 0 0	11 2 7 0 0 3 4 5 7 11 4	5 10 0 15 15 5 10 0 5 10 0	
(1) (2)	1212 1213 1214 1215 1216 1217 1218 1219 1220 1221 1222 1223	0 0 0 0 0 0 0 0 0	11 2 7 0 0 3 4 5 7 11 4 1	5 10 0 15 15 5 10 0 5 10 0 15	
(1) (2)	1212 1213 1214 1215 1216 1217 1218 1219 1220 1221 1222 1223 1225 1226	0 0 0 0 0 0 0 0 0 0	11 2 7 0 0 3 4 5 7 11 4 1 12 8	5 10 0 15 15 5 10 0 5 10 0 15 15	
(1) (2)	1212 1213 1214 1215 1216 1217 1218 1219 1220 1221 1222 1223 1225 1226 1227	0 0 0 0 0 0 0 0 0 0	11 2 7 0 0 3 4 5 7 11 4 1 12 8 7	5 10 0 15 15 5 10 0 5 10 0 15 15	
(1) (2)	1212 1213 1214 1215 1216 1217 1218 1219 1220 1221 1222 1223 1223 1225 1226 1227	0 0 0 0 0 0 0 0 0 0 0	11 2 7 0 0 3 4 5 7 11 4 1 12 8 7 4	5 10 0 15 15 5 10 0 5 10 0 15 15 10	
(1) (2)	1212 1213 1214 1215 1216 1217 1218 1219 1220 1221 1222 1223 1225 1225 1226 1227 1228	0 0 0 0 0 0 0 0 0 0 0 0	11 2 7 0 0 3 4 5 7 11 4 1 12 8 7 4	5 10 0 15 15 5 10 0 5 10 0 15 15 15	
(1) (2)	1212 1213 1214 1215 1216 1217 1218 1219 1220 1221 1222 1223 1225 1226 1227 1228 1229 1230	0 0 0 0 0 0 0 0 0 0 0 0	11 2 7 0 0 3 4 5 7 11 4 1 12 8 7 4 1	5 10 0 15 15 5 10 0 5 10 0 15 15 15 10 0 5 5	
(1) (2)	1212 1213 1214 1215 1216 1217 1218 1219 1220 1221 1222 1223 1223 1225 1226 1227 1228 1229 1230 1231		11 2 7 0 0 3 4 5 7 11 4 1 12 8 7 4 1 13 7	5 10 0 15 15 5 10 0 5 10 0 15 15 10 15 15 5 5 5	
(1) (2)	1212 1213 1214 1215 1216 1217 1218 1219 1220 1221 1222 1223 1225 1226 1227 1228 1229 1230 1231		11 2 7 0 0 3 4 5 7 11 4 1 12 8 7 4 1 13 7	5 10 0 15 15 5 10 0 5 10 0 15 15 10 15 15 5 6	

	1235	0	1	6
	1236	0	2	5
	1237	0	9	10
	1238	0	1	18
	1239	0	1	10
	1240	0	8	15
	1241	0	1	10
	1242	0	1	15
	1243	0	2	0
	1247	0	5	0
	(part)			
Bounded by plot No. 1248 on North Plot No. 1246 on South and Plot No. 1291 on East/Road.				
1291 Oil Labo, Roual	1248	1	7	10
	1249	0	0	13
		. – – – – –		
(1) (2)	(3)	(4)	(5)	(6)
	1250	0	7	7
	1251	0	8	0
	1252	0	9	0
	1253	0	12	10
	1254	0	4	0
	1255	0	2	0
	1256	0	2	0
	1257	0	2	10
	1258	0	2	5
	1259	0	1	10
		27	00	11
				TT
Village Jalwanpur, Pargana Haveli	1	0	3	5
Avadh. tehsil	2	1	1	0
Faizabad Sadar, District Faizabad,	3	0	0	5
Uttar Pradesh.	4	1	9	15
Codal IIaaosii.	5	0	0	10
	6	0	19	0
	7	0	2	15
	8	0	4	15
	9	1	10	10
	10	0	0	10
	11	0	3	0
	12	0	14	5
	13	0	10	0
	14	0	0	10
		0	0 15	10 15

16	0	8	15
17	0	3	15
18	0	6	5
19	0	7	5
27	1	6	0
	9	7	15

B.R. ATRE, Joint Secretary to the Govt. of India.

## THE COMMISSIONS OF INQUIRY (CENTRAL) RULES, 1972

- <sup>1</sup> G.S.R . 899 dated the 13<sup>th</sup> July 1972.- In exercise of powers conferred by section 12 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following Rules, namely:-
- 1. Short Title. Commencement and Application. (1) These rules may be called the Commissions of Inquiry (Central) Rules, 1972.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) They shall apply to a Commission of Inquiry appointed by the Central Government under section 3 of the Commissions of Inquiry Act, 1952.
- **2. Definitions.-** In these Rules unless the context otherwise requires-
- $^{2}$ [(a) 'assessor' means an assessor appointed by the Commission under section 5B of the Commissions of Inquiry Act, 1952;]
  - (b) 'Commission' means a Commission of Inquiry appointed by the Central Government under section 3 of the Commissions of Inquiry Act, 1952.
- **3.** Election of a Presiding Officer for a Meeting.- (1) Where a Commission consists of 3 or more members, then during the temporary absence of the Chairman thereof, the members present and participating in its proceedings, may elect one member from amongst themselves, to preside, for the time being, in respect of the said proceedings.
- (2) The member who presides temporarily under sub-rule (1) shall not be deemed to be the Chairman of the Commission.
- **4. Issue and service of summons.** -(1) A Commission may issue summons to persons whose attendance before it may be required either to give evidence or to produce documents.

<sup>&</sup>lt;sup>1.</sup> Published in the Gazette of India 1972, Part II, Section 3(i), page 1934.

Substituted by G.S.R. 783, dated 16-10-89, published in the Gazette of India, Part II, Sec. 3(i), dated 28-10-1989.

- (2) Every summons issued by a Commission shall be in duplicate and shall be signed by the Chairman thereof or by such person as he may empower in this behalf. It shall be sealed with the seal of the Commission and shall specify the time and place at which the person summoned is required to attend and also whether his attendance is required for the purpose of giving evidence or to produce a documents, or for both the purposes.
- (3) A person may be summoned to produce a documents, without being summoned to give evidence and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such documents to be produced instead of attending personally to produce the same.
- (4) A summon to produce documents may be for the production of all documents of a certain description in the possession or control of the person summoned.
- (5) Every summons shall be served by sending it by post to the person for whom it is intended or in such other manner as the Commission may direct.
- (6) The provisions of sub-rules (1) to (5) shall apply, as far as may be, to every other process issued by a Commission.
- **5. Procedure of Inquiry**.- (1) A commission may sit in public or in private as it thinks fit:

Provided that a Commission shall sit in private on a request being made by the Central Government in that behalf.

- (2) A Commission shall, as soon as may be after its appointment -
- (a) issue a notice to every person, who in its opinion should be given an opportunity of being heard in the inquiry, to furnish to the Commission a statement relating to such matters as may be specified in the notice;
- (b) issue a notification, to be published in such manner as it may deem fit, inviting all persons acquainted with the subject matter of the inquiry to furnish to the Commission a statement relating to such matters as may be specified in the notification.

- (3) Every statement furnished under clause (a) of sub-rule (2) shall be accompanied by an affidavit in support of the facts set out in the statement sworn by the person furnishing the statement.
- (4) Every person furnishing a statement under clause (a) of subrule (2) shall also furnish to the Commission along with the statement a list of the documents, if any, on which he proposes to rely and forward to the Commission, wherever practicable, the originals or true copies of such of the documents as may be in his possession or control and shall state the name and address of the person from whom the remaining documents may be obtained.
- (5) (a) A commission shall examine all the statement furnished to it under clause (b) of sub-rule (2) and of, after such examination, the Commission considers it necessary to record evidence, it shall first record the evidence, if any, produced by the Central Government and may thereafter record evidence in such order as it may deem fit-
  - (i) the evidence of any person who has furnished a statement under clause (a) of sub-rule (2) and whose evidence the Commission having regard to the statement, considers relevant for the purpose of the inquiry; and
  - (ii) the evidence of any other person whose evidence, in the opinion of the Commission, is relevant to the inquiry:

Provided that the Commission may dispense with the attendance of any person for the purpose of giving evidence before it if in its opinion –

- (i) such attendance cannot be enforced except by causing undue hardship or inconvenience to that person; or,
- (ii) such attendance should be dispensed with for any other sufficient reason to be recorded by it in writing.
- <sup>1</sup>[(b) if after all the evidence is recorded under clause (a), the Commission is satisfied that it is necessary for the proper determination of any relevant fact to do so, it may recall any witness already examined or examine any new witness.]

<sup>&</sup>lt;sup>1</sup> Substituted by G.S.R.. 1716, dated 12-12-1977.

- <sup>1</sup>(6) The Commission may pay the traveling and other expenses to a person who is summoned to assist the Commission at the stage of preliminary investigation or to give evidence or to produce documents before a Commission, as prescribed from time to time by the Central Government:
- (7) The Commission shall have the powers of a civil court to make local investigation, either personally or through any person, duly authorised by it, into any matter falling within its terms of reference.
- (8) A Commission shall have the power to regulate its own procedure in respect of any matter for which no provision is made in these rules.
- **6. Appointment of assessors**.- $^{1}(a)$  A Commission may, from time to time, appoint one or more assessors to assist and advise the Commission on any matter connected with its inquiry.
- (b) It shall be the duty of the assessors to assist and advise the Commission on any matter on which the Commission may consult them in the course of its inquiry;:

Provided that the advice tendered by the assessors shall not be binding on the Commission.

- (c) The Commission shall have the power to regulate the manner in which it may consult the assessors.
- <sup>1</sup>(*d*) The Commission may pay the traveling allowance, daily allowance and other incidental expenses to assessors according to their entitlement as prescribed from time to time by the Central Government.
- 7. Retention of records.- The report of a Commission and the papers relating to its Secretariat, its establishment matters and all other matters handled by or in the Commission including the evidence tendered before the Commission shall be preserved intact by the Commission and shall be remitted with the report of the Commission.

<sup>&</sup>lt;sup>1</sup> Substituted by G.S.R. 738, dated 16-10-1989.

- **8. Repeal and savings.-** (1) The Commission of Inquiry (Assessors) Rules, 1954, the rules for the issue and service of summons by a Commission of Inquiry, published with the notification of the Government of India in the Ministry of Home Affairs No. 16/1/55-Judicial (I), dated the 27<sup>th</sup> July, 1955, the Central Commissions of Inquiry (Procedure) Rules, 1960 and the Central Commissions of Inquiry (Local Investigation) Rules, 1970, are hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action under the provisions of any of the rules referred to in sub-rule (1) shall be deemed to have been done or taken under the corresponding provision of the Commissions of Inquiry (Central) Rules, 1972.

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THE COMMISSIONS OF INQUIRY ACT, 1952

ACT NO. 60 OF 1952 1\*AN ACT TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONS OF I NOUIRY ANDFOR VESTI

[14th August, 1952.]

BE it enacted by Parliament as follows: -

1.

Short title, extent and commencement.

- 1. Short title, extent and commencement. (1) This Act may be called the Commissions of Inquiry Act, 1952.
  - 2[(2) It extends to the whole of India:

Provided that it shall apply to the State of Jammu and Kashmir only in so far as it relates to inquiries pertaining to matters relatable to any of the entries enumerated in List I or List III in the Seventh Schedule to the Constitution as applicable to that State.]

- (3) It shall come into force on such date3 as the Central Government may, by notification in the Official Gazette, appoint.
- 2.

Definitions.

- 2. Definitions. In this Act, unless the context otherwise requires,-
  - (a) " appropriate Government " means-
    - (i)the Central Government, in relation to a Commission appointed by it to make an inquiry into any matter relatable to any of the entries enumerated in List I or List II or List III in the Seventh Schedule to the Constitution; and
    - (ii) the State Government, in relation to a Commission appointed by it to make an inquiry into any matter

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Goa, Daman and Diu by Reg. 12 of 1962 s.3 and Sch.

<sup>1</sup> This Act has been extended to-

Dadra and Nagar Haveli (w.e.f.1-7-1965)by Reg. 6 of 1963, s. 2 and Sch. I.

Pondicherry (w.e.f. 1-10-1963) by Reg. 7 of 1963, s. 3 and Sch. I.

2 Subs. by Act 79 of 1971, s. 2, for sub-section(2).

3 1st October, 1952. vide Notification No. S.R.O.1670, dated the 30th September, 1952, Gazette of India, Extraordinary, Pt. II, Sec. 3, p. 861.

This Act. as amended by Act 79 of 1971, came into force in the State of Jammu and Kashmir on 6-3-1972 and in the districts of Kohima and Mokokchung in the State of Nagaland on 15-2-1972, vide Notification Nos. 94(E), dated 4-3-1972 and 74(E). dated 14-2-1972 respectively, issued under s. 15 of Act 79 of 1971.

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relatable to any of the entries enumerated in List II or List III in the Seventh Schedule to the Constitution:

1[Provided that in relation to the State of Jammu and Kashmir, these clauses shall have effect subject to the modification that-

- (a) in sub-clause (i) thereof, for the words and figures "List I or List II or List III in the Seventh Schedule to the Constitution", the words and figures "List I or List III in the Seventh Schedule to the Constitution as applicable to the State of Jammu and Kashmir" shall be substituted;
- (b)in sub-clause (ii) thereof, for the words and figures "List II or List III in the Seventh Schedule to the Constitution", the words and figures "List III in the Seventh Schedule to the Constitution as applicable to the State of Jammu and Kashmir" shall be substituted;]
- (b) " Commission " means a Commission of Inquiry appointed under section 3;
  - (c) " prescribed " means prescribed by rules made under this Act.

2[2A. Construction of references to laws not in force in the State of Jammu and Kashmir. Any reference on this Act to a law, which is not in force in the State of Jammu and Kashmir, shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.]

Appointment of Commission.

3. Appointment of Commission. (1) The appropriate Government may, if it is of opinion that it is necessary so to do, and shall, if a resolution in this behalf is passed by each House of Parliament or, as the case may be, the Legislature of the State by notification in the official Gazette, appoint a Commission of Inquiry for the purpose of making an inquiry into any definite matter of public importance and performing such functions and within such time as may be specified in the notification, and the Commission so appointed shall make the inquiry and perform the functions accordingly:

Provided that where any such Commission has been appointed to inquire into any matter-

(a) by the Central Government, no State Government shall, except with the approval of the Central Government, appoint another Commission to inquire into the same

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- 1 Added by Act 79 of 1971, s. 3.
  - 2 Ins. by s. 4, ibid.
  - 3 Subs. by Act 19 of 1990, s.2

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matter for so long as the Commission appointed by the Central Government is functioning;

- (b) by a State Government, the Central Government shall no appoint another Commission to inquire into the same matter for so long as the Commission appointed by the State Government is functioning, unless the Central Government is of opinion that the scope of the inquiry should be extended to two or more States.
- (2) The Commission may consist of one or more members appointed by the appropriate Government., and where the Commission consists of more than one member, one of them may be appointed as the Chairman thereof.
- 1[(3)] The appropriate Government may, at any stage of an inquiry by the Commission fill any vacancy which may have arisen in the office of a member of the Commission (whether consisting of one or more than

one member).

(4) The appropriate Government shall cause to be laid before each House of Parliament or, as the case may be, the Legislature of the State the report, if any, of the Commission on the inquiry made by the Commission under sub-section (1) together with a Memorandum of the action taken thereon, within a period of six months of the submission of the report by the Commission to the appropriate Government.]

4.

Powers of Commission.

- 4. Powers of Commission. The Commission shall have the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely
  - (a) 2[summoning and enforcing the attendance of any person from any part of India] and examining him on oath;
  - (b) requiring the discovery and production of any document
  - (c) receiving evidence on affidavits;
  - (d) requisitioning any public record or copy thereof from any court of office;
  - (e) issuing commissions for the examination of witnesses or documents;
  - (f) any other matter which may be prescribed.

5.

Additional powers of Commission.

5.Additional powers of Commission. (1) Where the appropriate Government is of opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all or any of the provisions of sub-section (2)

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- 1 Ins. by Act 79 of 1971, s.5.
  - 2 Subs. by s. 6, ibid., for certain words.
  - 3 Ins. by Act 36 of 1986, s. 2 (w.e.f. 14-5-1986).
- 4 Subs. and omitted by Act 19 of 1990, s.2.

- or sub-section (3) or sub-section (4) or sub-section (5) should be made applicable to a Commission, the appropriate Government may, by notification in the Official Gazette, direct that all or such of the said provisions as may be specified in the notification shall apply to that Commission and on the issue of such a notification, the said provisions shall apply accordingly.
- (2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry 1[and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and section 177 of the Indian Penal Code].(45 of 1860)
- (3)The Commission or any officer, not below the rank of a gazetted officer, specially authorised in this behalf by the Commission may enter any building or place where the Commission has reason to believe that any books of account or other documents relating to the subject matter of the inquiry may be found, and may seize any such books of account or documents or take extracts or copies therefrom, subject to the provisions of section 102 and section 103 of the Code of Criminal Procedure, 1898, (5 of 1898)in so far as they may be applicable.
- (4) The Commission shall be deemed to be a civil court and when any offence as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code (45 of 1860) is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1898, (5 of 1898) forward the case to a magistrate having jurisdiction to try the same and the magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 482 of the Code of the Criminal Procedure, 1898.
- (5)Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code. (45 of 1860)
- 2[5A. Power of Commission to utilise the services of certain officers and investigation agencies for conducting investigation pertaining to inquiry.(1) The Commission may, for the purpose of conducting any investigation pertaining to the inquiry, utilise the services,-
  - (a) in the case of a Commission appointed by the Central Government, of any officer or investigation agency of the

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<sup>1</sup> Ins. by Act 79 of 1971, s. 7.

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Central Government or any State Government with the concurrence of the Central Government or the State Government, as the case may be; or

- (b) in the case of a Commission appointed by the State Government, of any officer or investigation agency of the State Government or Central Government with the concurrence of the State Government or the Central Government, as the case may be.
- (2) For the purpose of investigating into any matter pertaining to the inquiry, any officer or agency whose services are utilised under sub-section (1) may, subject to the direction and control of the Commission,-
  - (a) summon and enforce the attendance of any person and examine  $\mbox{him};$
  - (b) require the discovery and production of any document and  $\ensuremath{\mathsf{C}}$
  - (c) requisition any public record or copy thereof from  $% \left( 1\right) =\left( 1\right) +\left( 1\right) +\left($
- (3) The provisions of section 6 shall apply in relation to any statement made by a person before any officer or agency whose services are utilised under sub-section (1) as they apply in relation to any statement made by a person in the course of giving evidence before the Commission.
- (4) The officer or agency, whose services are utilised under sub-section (1), shall investigate into any matter pertaining to the inquiry and submit a report thereon (hereafter in this section referred to as the investigation report) to the Commission within such period as may be specified by the Commission in this behalf.
- (5) The Commission shall satisfy itself about the correctness of the facts stated and the conclusions, if any, arrived at in the investigation report submitted to it under sub-section (4), and for this purpose the Commission may make such inquiry (including the examination of the persons who conducted or assisted in the investigation) as it thinks fit.]
- 5B. Power of Commission to appoint assessors. The Commission may, for the purpose of conducting any inquiry, appoint persons having special knowledge of any matter connected with the inquiry as assessors, to assist and advise the Commission in the inquiry and the assessors shall be entitled to such travelling and other expenses as

may be-prescribed.

6.

Statements made by persons to the Commission.

6. Statements made by persons to the Commission. No statement made by a, person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

Provided that the statement-

- (a) is made in reply to a question which he is required by the Commission to answer, or
- (b) is relevant to the subject matter of the inquiry.

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1[6A. Persons not obliged to disclose secret process of manufacture of goods in certain cases. Except in cases where a Commission is expressly required to inquire into the process of manufacture of any goods, nothing in this Act shall be deemed to compel any person giving evidence before the Commission to disclose any secret process of manufacture thereof.]

7.

Commission to cease to exist when so notified.

- 2[7. Commission to cease to exist when so notified. (1) The appropriate Government may, by notification in the Official Gazette, declare that--
  - (a) a Commission (other than a Commission appointed in pursuance of a resolution passed by each House of Parliament or, as the case may be, the Legislature of the State shall cease to exist, if it is of opinion that the continued existence of the Commission is unnecessary;
  - (b)a Commission appointed in pursuance of a resolution passed by each House of Parliament or, as the case may be, the Legislature of the State shall cease to exist if a resolution for the discontinuance of the Commission is passed by each House of Parliament or, as the case may be, the Legislature of the State.

(2) Every notification issued under sub-section (1) shall specify the date from which the Commission shall cease to exist and on the issue of such notification, the Commission shall cease to exist with effect from the date specified therein.]

8.

Procedure to be followed by Commission.

- 8. Procedure to be followed by Commission. The Commission shall, subject to any rules that may be made in this behalf, have power to regulate its own procedure (including the fixing of places and times of its sittings and deciding whether to sit in public or in private) 3\*\*
- 4[8A. Inquiry not to be interrupted by reason of vacancy or change in the constitution of the Commission. (1) Where the Commission consists of two or more members, it may act notwithstanding the absence of the Chairman or any other member or any vacancy among its members.
- (2) Where during the course of an inquiry before a Commission, a change has taken place in the constitution of the Commission by reason of any vacancy having been filled or by any other reason, it shall not be necessary for the Commission to commence the inquiry afresh and the inquiry may be continued from the stage at which the change look place.

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- 1 Ins. by Act 79 of 1971, s. 9.
  - 2 Subs. by s. 10, ibid., for s. 7.
  - 3 certain words omitted by s. 11, ibid,
  - 4 Ins. by s. 12, ibid,
- 5. Subs. by act 19 of 1990, s. 3.

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119B

- 8B. Persons likely to be prejudicially affected to be heard. If, at any stage of the inquiry, the Commission,--
  - (a) considers it necessary to inquire into the conduct of any person; or
  - (b) is of opinion that the reputation of any person is

likely to be prejudicially affected by the inquiry,

the Commission shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence:

Provided that nothing in this section shall apply where the credit of a witness is being impeached.

- 8C. Right of cross-examination and representation by legal practitioner. The appropriate Government, every person referred to in section 8B and, with the permission of the Commission, any other person whose evidence is recorded by the Commission,-
  - (a) may cross-examine a witness other than a witness produced by it or him ;
  - (b) may address the Commission; and
  - (c) may be represented before the Commission by a legal practitioner or, with the permission of the Commission, by any other person.]

9.

Protection of action taken in good faith.

9.Person of action taken in good faith. No suit or other legal proceeding shall lie against the appropriate Government, the Commission or any member thereof, or any person acting under the direction either of the appropriate Government or of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder or in respect of the publication, by or under the authority of the appropriate Government or the Commission, of any report, paper or proceedings.

10.

Members, etc., to be public servants.

- 10.Members, etc., to be public servants. Every member of the Commission and every officer appointed or authorised by the Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.(45 of 1860)
- 1[10A. Penalty for acts calculated to bring the Commission or any member thereof into disrepute. (1) If any person, by words either spoken or intended to be read, makes or publishes any statement or does any other act, which is calculated to bring the Commission or any member thereof into disrepute, he shall be punishable with simple imprisonment for a term which may extend to six months, or with fine,

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1 Ins. by Act 79 of 1971, s. 13,

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- (2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (3 of 1973) when an offence under sub-section (11) is alleged to have been -committed, the High Court may take cognizance of such offence, without the case being committed to it, upon a complaint in writing, made by a nember of a Commission or tin officer of the Commission authorised by it in this behalf.
- (3) Every complaint referred to in subsection (2) shall set forth the facts which constitute the offence alleged, the nature of such offence and such other particulars as are reasonably sufficient to give notice to the accused of the offence alleged to have been committed by him.
- (4) No High Court shall take -cognizance of an offence under subsection (1) unless the complaint is made within six months from the date on which the offence is alleged to have been committed.
- (5) A High Court taking cognizance of an offence under subsection (1) shall try the case in accordance with the procedure for the trial of warrant cases instituted otherwise than on a police report before a court of a Magistrate:

Provided that the personal attendance of a member of a Commission as a complainant or otherwise is not required in such trial.

- (6) Notwithstanding anything -contained in the Code of Criminal Procedure, 1973, an appeal shall lie as a matter of right from any Judgment of the High Court to the Supreme Court, both on facts and on law.
- (7) Every appeal to the Supreme Court under subsection (6) shall be preferred within a period of thirty days from the date of the judgment appealed from:

Provided that, the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if It is satisfied that the appellant had sufficient cause for not Preferring the appeal within the period of thirty days.

11.

Act to apply to other inquiring authorities in certain cases.

11. Act to apply to other inquiring authorities in certain cases. Where any authority (by whatever name called), other than a Commission appointed under section 3, has been or is set up under any resolution or order of the appropriate Government for the purpose of making an inquiry into any definite matter of public importance and that Government is of opinion that all or any of the provisions of this Act should be made applicable to that authority, that Government may, subject to the prohibition contained in the proviso to subsection (1) of section 3, by notification in the Official Gazette, direct that the said provisions of this Act shall apply to that authority, and on the issue of such a notification that authority shall be deemed to be a Commission appointed under section 3 for the purposes of this Act.

12.

Power to make rules.

- 12. Power to make rules. (1) The appropriate Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
  - (a) the term of office and the conditions of service of the members of the Commission;
  - (b) the manner in which inquiries may be held under this Act and the procedure to be followed by the Commission in respect of the proceedings before it;
  - (c) the powers of civil court which may be vested in the Commission;
  - (cc) the travelling and other expenses payable to assessors appointed under section 5B, and to persons summoned by the Commission to give evidence or to produce documents before it.
  - (d) any other matter which has to be, or may be, prescribed.

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- 1 Subs. by Act 63 of 1988, s.3
- 2 Ins. by s. 4, ibid.

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- 1[(3) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.)
- (4) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before the State Legislature.:]

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1 Ins. by Act 79 of 1971. s. 14.

2 Subs. and ins. by Act 4 of 1986, s. 2 and Sch. (w.e.f. 15.5.1986)

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#### THE GOVERNMENT OF UNION TERRITORIES ACT, 1963

ACT NO. 20 OF 1963

[10th May, 1963.]

An Act to provide for Legislative Assemblies and Councils of Ministers for certain Union territories and for certain other matters.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:--

#### PART I

#### **PRELIMINARY**

#### Short title and commencement.

- 1. Short title and commencement. (1) This Act may be called the Government of Union Territories Act, 1963.
- (2) It shall come into force on such date1\* as the Central Government may, by notification in the Official Gazette, appoint:
- 2\*[Provided that it shall come into force in the Union territory of Mizoram on such date, being a date not earlier than the date of commencement of the Government of Union Territories (Amendment) Act, 1971 (83 of 1971), as the Central Government may, by notification in the Official Gazette, appoint:]

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<sup>1.</sup> Part I, sections 3, 4 and 14 of Part II, Part III, sections 53, 56 and 57 of Part V and First and Second Schedules, so far as they are applicable, came into force in the Union territory of Goa, Daman and Diu, on the 13th May, 1963, by Notifn. No. G.S.R. 814, dated 13-5-1963, see Gazette of India Extraordinary, Pt. II, Sec. 3(i), p. 423 and the remaining provisions of the Act came into force in the Union territory of Goa, Daman and Diu, on 20-12-1963: vide Notifn. No. G.S.R. 1922 dt. 16-12-1963, Gaz. of India, Exty., Pt. II, Sec. 3(i), p. 867. Part I, sections 53, 56 and 57 of Part V and the Second Schedule, so far as they are applicable, came into force in the Union territory of Pondicherry of the 13th May, 1963, by Notifn. No. G.S.R. 815, dated 13-5-1963, see ibid., and the remaining provisions came into force on the 1st July, 1963, by Notifn. No. G.S.R. 1025, dated 15-6-1963, see Gazette of India, Extraordinary, Pt. II, Sec. 3(i), p. 471.

All the provisions came into force in the Union territories of Himachal Pradesh, Manipur and Tripura, and so much of the provisions as apply to the Union territory of Delhi, came into force in that Union territory, on the 1st July, 1963, by Notifn. No. S.O. 1660, dated 14-6-1963, see Gazette of India, Extraordinary, Pt. II. Sec. 3(ii), p. 301.

So much of the provisions as apply to the Union territory of Dadra and Nagar Haveli came into force in that Union territory, on the 1st July, 1963, by Notifn. No. G.S.R. 1025, dated 15-6-1963, see Gazette of India, Extraordinary, Pt. II, Sec. 3(i), p. 471. Sections 1, 2, 3, 4, 14, 38, 43A and 56 of the Act shall come into force in the Union Territory of Mizoram on 17-2-1972: vide Notifn. No. G.S.R. 81(E) dated 16-2-1972, Gaz. of India, Exty., Pt. II, Sec. 3(i), p. 241.

All the provisions of the Act, other than those which have already come into force in the Union territory of Mizoram, shall, so far as they are applicable, come into force in that Union territory on 3-51972; vide Notifn. No. G.S.R. 269(E) dated 30-4-1972, Gaz. of India, Exty., Pt. II, Sec. 3(i), p-...

2. Ins. by Act 83 of 1971, s. 2 (w.e.f. 16-2-1972).

1\*[Provided further that it shall come into force in the Union territory of Arunachal Pradesh on such date, being a date not earlier than the date of commencement of the Government of Union Territories (Amendment) Act, 1975 (29 of 1975), as the Central Government may, by notification in the Official Gazette, appoint:]

2\*[Provided also that, subject to the preceding provisos,] different dates\* may be appointed for different provisions of this Act and for different Union territories and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

#### Definitions and interpretation.

- 2. Definitions and interpretation. (1) In this Act, unless the context otherwise requires,--
- (a) "Administrator" means the administrator of 3\*[the Union territory] appointed by the President under artcle 239;
- (b) "article" means an article of the Constitution;

- (c) "assembly constituency" means a constituency provided under this Act for the purpose of elections to the Legislative Assembly of 3\*[the Union territory];
- (d) "Election Commission" means the Election Commission appointed by the President under article 324;
- (e) "Judicial Commissioner" includes an Additional Judicial Commissioner;
- (f) "scheduled castes" in relation to 3\*[the Union territory] mean such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be scheduled castes in relation to that Union territory;
- (g) "scheduled tribes" in relation to 3\*[the Union territory] mean such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be scheduled tribes in relation to that Union territory;

#### PART II

#### LEGISLATIVE ASSEMBLIES

Legislative Assemblies for Union territories and their composition.

3. Legislative Assemblies for Union territories and their composition. (1) There shall be a Legislative Assembly for each Union

Ins. by Act 29 of 1975, s. 2 (w.e.f. 15-8-1975).

<sup>2</sup> Subs. by s. 2, ibid., for "Provided further that" (w.e.f. 15-8-1975).

<sup>\*</sup>For dates see page 701.

<sup>3</sup> Subs. by Act 18 of 1987, s. 65 (w.e.f. 30-5-1987).

<sup>1\*[(</sup>h) "Union territory" means the Union territory of Pondicherry.

<sup>(2)</sup> Any reference in this Act to laws made by Parliament shall be construed as including a reference to Ordinances promulgated by the President under article 123 and a reference to Regulations made by the President under article 240.

territory.

- 2\*[(2) The total number of seats in the Legislative Assembly of 1\*[the Union territory] to be filled by persons chosen by direct election shall be thirty.]
- (3) The Central Government may nominate not more than three persons, not being persons in the service of Government, to be members of the Legislative Assembly of 1\*[the Union territory].
- 1\*[(4) Seats shall be reserved for the Scheduled Castes in the Legislative Assembly of the Union territory.]
- 1. Subs. by Act 18 of 1987, s. 65 (w.e.f. 30-5-1987).
- 2. Subs. by the State of Himachal Pradesh (Adaptation of Laws on Union Subjects) Order, 1973, for sub-section (2) (w.e.f. 25-1-1971).
- 3. Subs. by s. 2, ibid., for "of the Union territory of Pondicherry" (w.e.f. 30-9-1976).

lation of the scheduled castes in the Union territory or of the scheduled tribes in the Union territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the Union territory.

1\*['Explanation.--In this sub-section, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.'

2\*[(6) Notwithstanding anything in sub-section (4), the reservation of seats for the Scheduled Castes in the Legislative Assembly of the Union territory shall cease to have effect on the same date on which the reservation of seats for the Scheduled Castes in the House of the People shall cease to have effect under article 334:

Provided that nothing in this sub-section shall affect any representation in the Legislative Assembly of the Union territory until the dissolution of the then existing Assembly.]

Qualification for membership of Legislative Assembly.

4. Qualification for membership of Legislative Assembly. A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of 2\*[the Union territory] unless he--

- (a) is a citizen of India and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the First Schedule;
- (b) is not less than twenty-five years of age; and
- (c) possesses such other qualifications as may be prescribed in that behalf by or under any law.

Duration of Legislative Assemblies.

5. Duration of Legislative Assemblies. The Legislative Assembly of 2\*[the Union territory], unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly:

Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 is in operation, be extended by the President by order for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

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- 1. Ins by Act 19 of 1984, s. 2.
- 2. Subs. by Act 18 of 1987, s. 65 (w.e.f. 30-5-1987).

Sessions of Legislative Assembly, prorogation and dissolution.

- 6. Sessions of Legislative Assembly, prorogation and dissolution. (1) The Administrator shall, from time to time, summon the Legislative Assembly to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.
  - (2) The Administrator may, from time to time, --
    - (a) prorogue the Assembly;
    - (b) dissolve the Assembly.

Speaker and Deputy Speaker of Legislative Assembly.

- 7. Speaker and Deputy Speaker of Legislative Assembly. (1) Every Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be.
  - (2) A member holding office as Speaker or Deputy Speaker of an

- (a) shall vacate his office if he ceases to be a member of the Assembly;
- (b) may at any time by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker, to the Speaker, resign his office;
- (c) may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly:

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided further that whenever the Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

- (3) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of the Assembly as may be determined by the rules of procedure of the Assembly.
- (4) During the absence of the Speaker from any sitting of the Assembly, the Deputy Speaker, or, if he is also absent, such person as may be determined by the rules of procedure of the Assembly, or, if no such person is present, such other person as may be determined by the Assembly, shall act as Speaker.
- (5) There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly such salaries and allowances as may be respectively fixed by the Legislative Assembly of the Union territory by law and, until provision in that behalf is so made, such salaries and allowances as the Administrator may, with the approval of the President, by order determine.

# Speaker or Deputy Speaker not to preside while a resolution for his removal from office is under consideration.

8. Speaker or Deputy Speaker not to preside while a resolution for his removal from office is under consideration. (1) At any sitting of the Legislative Assembly, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker, shall not, though he is present, preside and the provisions of sub-section (4) of section 7 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy Speaker is absent.

(2) The Speaker shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly while any resolution for his removal from office is under consideration in the Assembly and shall, notwithstanding anything in section 12, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.

# Right of Administrator to address and send messages to Legislative Assembly.

- 9. Right of Administrator to address and send messages to Legislative Assembly. (1) The Administrator may address the Legislative Assembly and may for that purpose require the attendance of members.
- (2) The Administrator may also send messages to the Assembly whether with respect to a Bill then pending in the Assembly or otherwise, and when a message is so sent, the Assembly shall with all convenient dispatch consider any matter required by the message to be taken into consideration.

#### Rights of Ministers as respects Legislative Assembly.

10. Rights of Ministers as respects Legislative Assembly. Every Minister shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of the Union territory, and to speak in, and otherwise to take part in the proceedings of, any committee of the Legislative Assembly of which he may be named a member, but shall not by virtue of this section be entitled to vote.

#### Oath or affirmation by members.

11. Oath or affirmation by members. Every member of the Legislative Assembly of 1\*[the Union territory] shall, before taking his seat, make and subscribe before the Administrator, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the First Schedule.

# Voting in Assembly, power of Assembly to act notwithstanding vacancies and quorum.

- 12. Voting in Assembly, power of Assembly to act notwithstanding vacancies and quorum. (1) Save as otherwise provided in this Act, all questions at any sitting of the Legislative Assembly of \*[the Union territory] shall
  - \* Subs. by Act 18 of 1987, s. 65 (w.e.f. 30-5-1987).

be determined by a majority of votes of the members present and voting other than the Speaker or person acting as such.

- (2) The Speaker or person acting as such shall not vote in the first instance but shall have and exercise a casting vote in the case of an equality of votes.
- (3) The Legislative Assembly of 1\*[the Union territory] shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislative Assembly of a 1\*[the Union territory] shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do, sat or voted or otherwise took part in the proceedings.
- (4) The quorum to constitute a meeting of the Legislative Assembly of 1\*[the Union territory] shall be one-third of the total number of members of the Assembly.
- (5) If at any time during a meeting of the Legislative Assembly of 1\*[the Union territory] there is no quorum, it shall be the duty of the Speaker, or person acting as such, either to adjourn the Assembly or to suspend the meeting until there is a quorum.

#### Vacation of seats.

- 13. Vacation of seats. (1) No person shall be a member both of Parliament and of the Legislative Assembly of 1\*[the Union territory] and if a person is chosen a member both of Parliament and of such Assembly, then, at the expiration of such period as may be specified in the rules made by the President, that person's seat in Parliament shall become vacant, unless he has previously resigned his seat in the Legislative Assembly of the Union territory.
- (2) If a member of the Legislative Assembly of 1\*[the Union territory]--
  - (a) becomes subject to any disqualification mentioned in  $2*[section\ 14\ or\ section\ 14A]$  for membership of the Assembly, or
  - (b) resigns his seat by writing under his hand addressed to the Speaker,

his seat shall thereupon become vacant.

(3) If for a period of sixty days a member of the Legislative Assembly of 1\*[the union territory] is without permission of the Assembly absent from all meetings thereof, the Assembly may declare his seat vacant:

Provided that in computing the said period of sixty days, no account shall be taken of any period during which the Assembly is prorogued or is adjourned for more than four consecutive days.

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- 1. Subs. by Act 18 of 1987, s. 65 (w.e.f. 30-5-1987).
- 2. Subs. by Act 24 of 1985, s. 2.

#### Disqualifications for membership.

- 14. Disqualifications for membership. (1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly of 1\*[the Union territory]--
  - (a) if he holds any office of profit under the Government of India or the Government of any State or the Government of 1\*[the Union territory] other than an office declared by law made by Parliament or by the Legislative Assembly of the Union territory not to disqualify its holder; or
  - (b) if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under the provisions of sub-clause (b), subclause (c) or sub-clause (d) of clause (1) of article 102 or of any law made in pursuance of that article.
- (2) For the purposes of this section, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State or the Government of 1\*[the Union territory] by reason only that he is a Minister either for the Union or for such State or Union territory.
- (3) If any question arises as to whether a member of the Legislative Assembly of 1\*[the Union territory] has become disqualified for being such a member under the provisions of subsection (1), the question shall be referred for the decision of the President and his decision shall be final.
- (4) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

Disqualification on ground of defection for being a member.

- 2\*[14A. Disqualification on ground of defection for being a member. The provisions of the Tenth Schedule to the Constitution shall, subject to the necessary modifications (including modifications for construing references therein to the Legislative Assembly of a State, article 188, article 194 and article 212 as references, respectively, to the Legislative Assembly of 1\*[the Union territory], section 11, section 16 and section 37 of this Act), apply to and in relation to the members of the Legislative Assembly of 1\*[the Union territory] as they apply to and in relation to the members of the Legislative Assembly of a State, and accordingly,—
  - (a) the said Tenth Schedule as so modified shall be deemed to form part of this Act; and
  - (b) a person shall be disqualified for being a member of the Legislative Assembly of 1\*[the Union territory] if he is so disqualified under the said Tenth Schedule as so modified.]

## Penalty for sitting and voting before making oath or affirmation of when not qualified or when disqualified.

15. Penalty for sitting and voting before making oath or affirmation or when not qualified or when disqualified. If a person sits or votes as a member of the Legislative Assembly of 1\*[the Union territory] before he has complied with the requirements of section 11 or when he knows that he is not qualified or that he is disqualified for membership thereof, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Union.

#### Powers, privileges, etc., of members.

- 16. Powers, privileges, etc., of members. (1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislative Assembly, there shall be freedom of speech in the Legislative Assembly of 1\*[the Union territory].
- (2) No member of the Legislative Assembly of 1\*[the Union territory] shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any committee thereof, and no person shall be so liable in respect of the publication

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- 1. Subs. by Act 18 of 1987, s. 65 (w.e.f. 30-5-1987).
- 2. Ins. by Act 24 of 1985, s. 3.

by or under the authority of such Assembly of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of

the Legislative Assembly of 1\*[the Union territory] and of the members and the committees thereof shall be such as are for the time being enjoyed by the House of the People and its members and committees.

(4) The provisions of sub-sections (1), (2) and (3) shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of 1\*[the Union territory] or any committee thereof as they apply in relation to members of that Assembly.

#### Salaries and allowances of members.

17. Salaries and allowances of members. Members of the Legislative Assembly of 1\*[the Union territory] shall be entitled to receive such salaries and allowances as may from time to time be determined by the Legislative Assembly of the Union territory by law and, until provision in that behalf is so made, such salaries and allowances as the Administrator may, with the approval of the President, by order determine.

#### Extent of legislative power.

- 18. Extent of legislative power. (1) Subject to the provisions of this Act, the Legislative Assembly of 1\*[the Union territory] may make laws for the whole or any part of the Union territory with respect to any of the matters enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution in so far as any such matter is applicable in relation to Union territories.
- (2) Nothing in sub-section (1) shall derogate from the powers conferred on Parliament by the Constitution to make laws with respect to any matter for 1\*[the Union territory] or any part thereof.

#### Exemption of property of the Union from taxation.

19. Exemption of property of the Union from taxation. The property of the Union shall, save in so far as Parliament may by law otherwise provide, be exempted from all taxes imposed by or under any law made by the Legislative Assembly of 1\*[the Union territory] or by or under any other law in force in 1\*[the Union territory]:

Provided that nothing in this section shall, until Parliament by law otherwise provides, prevent any authority within 1\*[the Union territory] from levying any tax on any property of the Union to which such property was immediately before the commencement of the Constitution liable or treated as liable, so long as that tax continues to be levied in that Union territory.

## Restrictions on laws passed by Legislative Assembly with respect to certain matters.

20. Restrictions on laws passed by Legislative Assembly with respect to certain matters. 2\*[1] The provisions of article 286, article 287 and article 288 shall apply in relation to any law passed by the Legislative Assembly of

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- 1. Subs. by Act 18 of 1987, s. 65 (w.e.f. 30-5-1987).
- 2. S. 20 renumbered as sub-section (1) thereof by Act 83 of 1971, s. 5 (w.e.f. 16-2-1972).

1\*[the Union territory] with respect to any of the matters referred to in those articles as they apply in relation to any law passed by the Legislature of a State with respect to those matters.

2\*[(2)] The provisions of article 304 shall, with the necessary modifications, apply in relation to any law passed by the Legislative Assembly of 1\*[the Union territory] with respect to any of the matters referred to in that article as they apply in relation to any law passed by the Legislature of a State with respect to those matters.]

## Inconsistency between laws made by Parliament and laws made By Legislative Assembly.

3\*[21. Inconsistency between laws made by Parliament and laws made by Legislative Assembly. If any provision of a law made by the Legislative Assembly of 1\*[the Union territory] with respect to any matter enumerated in the State List in the Seventh Schedule to the Constitution is repugnant to any provision of a law made by Parliament with respect to that matter, whether passed before or after the law made by the Legislative Assembly of the Union territory, or, if any provision of a law made by the Legislative Assembly of 1\*[the Union territory] with respect to any matter enumerated in the Concurrent List in the Seventh Schedule to the Constitution is repugnant to any provision of any earlier law, other than a law made by the Legislative Assembly of the Union territory, with respect to that matter, then, in either case, the law made by Parliament, or, as the case may be, such earlier law shall prevail and the law made by the Legislative Assembly of the Union territory shall, to the extent of the repugnancy, be void:

Provided that if such law made by the Legislative Assembly of the Union territory has been reserved for the consideration of the President and has received his assent, such law shall prevail in that Union territory:

Provided further that nothing in this section shall prevent

Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislative Assembly of the Union territory.]

## Sanction of the administrator required for certain legislative proposals.

- 22. Sanction of the administrator required for certain legislative proposals. No Bill or amendment shall be introduced into, or moved in, the Legislative Assembly of 1\*[the Union territory] without the previous sanction of the Administrator, if such Bill or amendment makes provision with respect to any of the following matters, namely:--
  - (a) constitution and organisation of the court of the Judicial Commissioner;

- 1. Subs. by Act 18 of 1987, s. 65, for "Union territory" (w.e.f. 30-5-1987).
- 2. Ins. by Act 83 of 1971, s. 5 (w.e.f. 16-2-1972).
- 3. Subs. by Act 29 of 1975, s. 4, for s. 21 (w.e.f. 15-8-1975).
  - (b) jurisdiction and powers of the court of the Judicial Commissioner with respect to any of the matters in the State List or the Concurrent list in the Seventh Schedule to the Constitution.

## Special provisions as to financial Bills.

- 23. Special provisions as to financial Bills. (1) A Bill or amendment shall not be introduced into, or moved in, the Legislative Assembly of 1\*[the Union territory] except on the recommendation of the Administrator, if such Bill or amendment makes provision for any of the following matters, namely:--
  - (a) the imposition, abolition, remission, alteration or regulation of any tax;
  - (b) the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of the Union territory;
  - (c) the appropriation of moneys out of the Consolidated Fund of the Union territory;
  - (d) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of the Union territory or the increasing of the amount of any such expenditure;
  - (\*)e)the receipt of money on account of the Consolidated
     Fund of the Union territory or the public account of
     the Union territory or the custody or issue of such

money or the audit of the accounts of the Union territory;

Provided that no recommendation shall be required under this subsection for the moving of an amendment making provision for the reduction or abolition of any tax.

- (2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.
- (3) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of \*\*[the Union territory] shall not be passed by the Legislative Assembly of the Union territory unless the Administrator has recommended to that Assembly the consideration of the Bill.
  - \* Subs. by Act 18 of 1987, s. 65, "for Union territory" (w.e.f. 30-5-1987).
  - (\*\*) substituted by Act 38 of 2001 w.e.f 10.05.06.

Procedure as to lapsing of Bills.

- 24. Procedure as to lapsing of Bills. (1) A Bill pending in the Legislative Assembly of \*[the Union territory] shall not lapse by reason of the prorogation of the Assembly.
- (2) A Bill which is pending in the Legislative Assembly of 1\*[the Union territory] shall lapse on a dissolution of the Assembly.

\*Subs. by Act 18 of 1987, s. 65, for "a Union territory" (w.e.f. 30-5-1987).

#### Assent to Bills.

2\*[25. Assent to Bills.— When a Bill has been passed by the Legislative Assembly of \*[the Union territory], it shall be presented to the Administrator and the Administrator shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President:

Provided that the Administrator may, as soon as possible after the presentation of the Bill to him for assent, return the Bill if it is not a Money Bill together with a message requesting that the Assembly will reconsider the Bill or any specified provisions thereof, and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Assembly will reconsider the Bill accordingly, and if the Bill is passed again with or without amendment and presented to the Administrator for assent, the Administrator shall declare either

that he assents to the Bill or that he reserves the Bill for the consideration of the President:

Provided further that the Administrator shall not assent to, but shall reserve for the consideration of the President, any Bill which,-

- (a) in the opinion of the Administrator would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is, by the Constitution, designed to fill; or
- (b) relates to any of the matters specified in clause (1) of article 31A; or
- (c) the President may, by order, direct to be reserved for his consideration; or
- (d) relates to matters referred to in sub-section (5) or section 7 or section 17 or section 34 or sub-section (6) of section 45 or in entry 1 or entry 2 of the State List in the Seventh Schedule to the Constitution:
- \*. Subs. by Act 83 of 1971, s. 7, for s. 25 (w.e.f. 16-2-1972).

Provided also that without prejudice to the provisions of the second proviso, the Administrator shall not assent to, but shall reserve for the consideration of the President, any Bill which has been passed by the Legislative Assembly of the Union territory of Mizoram and which relates to any area comprised in any autonomous district in that Union territory under the Sixth Schedule to the Constitution.

Explanation.—For the purposes of this section and section 25A, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the matters specified in sub-section (1) of section 23 or any matter incidental to any of those matters and, in either case, there is endorsed thereon the certificate of the Speaker of the Legislative Assembly signed by him that it is a Money Bill.

#### Bills reserved for consideration.

25A. Bills reserved for consideration.— When a Bill is reserved by an Administrator for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom:

Provided that where the Bill is not a Money Bill, the President may direct the Administrator to return the Bill to the Legislative Assembly together with such a message as is mentioned in the first proviso to section 25 and, when a Bill is so returned, the Assembly shall reconsider it accordingly within a period of six months from the date of receipt of such message and, if it is again passed by the Assembly with or without amendment, it shall be presented again to the

## Requirements as to sanction and recommendations to be regarded as matters of procedure only.

26. Requirements as to sanction and recommendations to be regarded as matters of procedure only.— No Act of the Legislative Assembly of 1\*[the Union territory] no provision in any such Act, shall be invalid by reason only that some previous sanction or recommendation required by this Act was not given, if assent to that Act was given 2\*[by the Administrator, or, on being reserved by the Administrator for the consideration of the President, by the President].

#### Annual financial statement.

- 27. Annual financial statement.— (1) The Administrator of each Union territory shall in respect of every financial year cause to be laid before the Legislative Assembly of the Union territory, with the previous approval of the President, a statement of the estimated receipts and expenditure of the Union territory for that year, in this Part referred to as the "annual financial statement".
- (2) The estimates of expenditure embodied in the annual financial statement shall show separately--
  - (a) the sums required to meet expenditure described by this Act as expenditure charged upon the Consolidated Fund of the Union territory, and
  - (b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of the Union territory;

and shall distinguish expenditure on revenue account from other expenditure.

- (3) The following expenditure shall be expenditure charged on the Consolidated Fund of each Union territory:--
  - (a) the emoluments and allowances of the Administrator and other expenditure relating to his office as determined by the President by general or special order;
  - (b) the charges payable in respect of loans advanced to the Union territory from the Consolidated Fund of India including interest, sinking fund charges and redemption charges, and other expenditure connected therewith;
  - (c) the salaries and allowances of the Speaker and the

Deputy Speaker of the Legislative Assembly;

- (d) expenditure in respect of the salaries and allowances of a Judicial Commissioner;
- (e) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;
- (f) expenditure incurred by the Administrator in the discharge of his special responsibility;
- (g) any other expenditure declared by the Constitution or by law made by Parliament or by the Legislative Assembly of the Union territory to be so charged.

## Procedure in Legislative Assembly with respect to estimates.

- 28. Procedure in Legislative Assembly with respect to estimates.— (1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of 1\*[the Union territory] shall not be submitted to the vote of the Legislative Assembly of 1\*[the Union territory], but nothing in this sub-section shall be construed as preventing the discussion in the Legislative Assembly of any of those estimates.
- (2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.
- (3) No demand for a grant shall be made except on the recommendation of the Administrator.

## Appropriation Bills.

- 29. Appropriation Bills.-- (1) As soon as may be after the grants under section 28 have been made by the Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the Union territory of all moneys required to meet--
  - (a) the grants so made by the Assembly, and
  - (b) the expenditure charged on the Consolidated Fund of the Union territory but not exceeding in any case the amount shown in the statement previously laid before the Assembly.

- (2) No amendment shall be proposed to any such Bill in the Legislative Assembly which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of the Union territory and the decision of the person presiding as to whether an amendment is inadmissible under this sub-section shall be final.
- (3) Subject to the other provisions of this Act, no money shall be withdrawn from the Consolidated Fund of the Union territory except under appropriation made by law passed in accordance with the provisions of this section.

## Supplementary, additional or excess grants.

- 30. Supplementary, additional or excess grants.-- (1) The Administrator shall--
  - (a) if the amount authorised by any law made in accordance with the provisions of section 29 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year, or
  - (b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year,

cause to be laid before the Legislative Assembly of the Union territory, with the previous approval of the President, another statement showing the estimated amount of that expenditure or cause to be presented to the Legislative Assembly of the Union territory with such previous approval a demand for such excess, as the case may be.

(2) The provisions of sections 27, 28 and 29 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of the Union territory to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of the Union territory to meet such expenditure or grant.

#### Votes on account.

31. Votes on account.--(1) Notwithstanding anything in the foregoing provisions of this Part, the Legislative Assembly of \*[the

Union territory] shall have power to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in section 28 for the voting of such grant and the passing of the law in accordance with the provisions of section 29 in relation to that expenditure and the Legislative Assembly shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund of the Union territory for the purposes for which the said grant is made.

- \* Subs. by Act 18 of 1987, s. 65, for "a Union territory" (w.e.f. 30-5-1987).
- (2) The provisions of sections 28 and 29 shall have effect in relation to the making of any grant under sub-section (1) or to any law to be made under that sub-section as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of the Union territory to meet such expenditure.

## Authorisation of expenditure pending its sanction by Legislative Assembly.

32. Authorisation of expenditure pending its sanction by Legislative Assembly.— Notwithstanding anything in the foregoing provisions of this Part, the Administrator may authorise such expenditure from the Consolidated Fund of the Union territory as he deems necessary for a period of not more than six months beginning with the date of the constitution of the Consolidated Fund of the Union territory, pending the sanction of such expenditure by the Legislative Assembly of the Union territory.

## Rules of procedure.

33. Rules of procedure. -- (1) The Legislative Assembly of \*[the union territory] may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business:

Provided that the Administrator shall, after consultation with the Speaker of the Legislative Assembly and with the approval of the President, make rules--

- (a) for securing the timely completion of financial business:
- (b) for regulating the procedure of, and the conduct of business in, the Legislative Assembly in relation to any financial matter or to any Bill for the appropriation of moneys out of the Consolidated Fund of

the Union territory;

- (c) for prohibiting the discussion of, or the asking of questions on, any matter which affects the discharge of the functions of the Administrator in so far as he is required by this Act to act in his discretion.
- (2) Until rules are made under sub-section (1), the rules of procedure and standing orders with respect to the Legislative Assembly of the State of Uttar Pradesh in force immediately before the commencement of this Act in 1\*[the Union territory] shall have effect in relation to the Legislative Assembly of that Union territory subject to such modifications and adaptations as may be made therein by the Administrator.
  - \* Subs. by Act 18 of 1987, s. 65, for "a Union territory" (w.e.f. 30-5-1987).

## Official language or languages of Union territory and language or languages to be used in Legislative Assembly thereof.

34. Official language or languages of Union territory and language or languages to be used in Legislative Assembly thereof.—-(1) The Legislative Assembly of \*[the Union territory] may by law adopt any one or more of the languages in use in the Union territory or Hindi as the official language or languages to be used for all or any of the official purposes of the Union territory:

Provided that so long as the Legislative Assembly of the Union territory of Pondicherry does not decide otherwise, the French language shall continue to be used as an official language of that Union territory for the same official purposes for which it was being used in that territory immediately before the commencement of this Act:

Provided further that the President may be order direct--

- (i) that the official language of the Union shall be adopted for such of the official purposes of the Union territory as may be specified in the order;
- (ii) that any other language shall also be adopted throughout the Union territory or such part thereof for such of the official purposes of the Union territory as may be specified in the order, if the President is satisfied that a substantial proportion of the population of the Union territory desires the use of that other language for all or any of such purposes.
- (2) The business in the Legislative Assembly of \*[the Union territory] shall be transacted in the official language or languages of the Union territory or in Hindi or in English:

Provided that the Speaker of the Legislative Assembly or person acting as such, as the case may be, may permit any member who cannot adequately express himself in any of the languages aforesaid to address the Assembly in his mother-tongue.

\* Subs. by Act 18 of 1987, s. 65, for "a Union territory".

## Language to be used for Acts, Bills, etc.

- 35. Language to be used for Acts, Bills, etc.-- Notwithstanding anything contained in section 34, until Parliament by law otherwise provides, the authoritative texts--
  - (a) of all Bills to be introduced or amendments thereto to be moved in the Legislative Assembly of 1\*[the Union territory],
  - (b) of all Acts passed by the Legislative Assembly of 1\*[the Union territory], and
  - (c) of all orders, rules, regulations and bye-laws issued under any law made by the Legislative Assembly of 1\*[the Union territory],

shall be in the English language:

Provided that where the Legislative Assembly of 1\*[the Union territory] has prescribed any language other than the English language for use in Bills introduced in, or Acts passed by, the Legislative Assembly of the Union territory or in any order, rule, regulation or bye-law issued under any law made by the Legislative Assembly of the Union territory, a translation of the same in the English language published under the authority of the Administrator in the Official Gazette shall be deemed to be the authoritative text thereof in the English language.

\* Subs. by Act 18 of 1987, s. 65, for "a Union territory"  $(w.e.f.\ 30-5-1987)$ .

## Restriction on discussion in the Legislative Assembly.

36. Restriction on discussion in the Legislative Assembly.-- No discussion shall take place in the Legislative Assembly of 1\*[the Union territory] with respect to the conduct of any Judicial Commissioner or of any judge of the Supreme Court or of a High Court in the discharge of his duties.

\* Subs. by Act 18 of 1987, s. 65, for "a Union territory" (w.e.f. 30-5-1987).

## Courts not to inquire into proceedings of Legislative Assembly.

- 37. Courts not to inquire into proceedings of Legislative Assembly.— (1) The validity of any proceedings in the Legislative Assembly of 1\*[the Union territory] shall not be called in question on the ground of any alleged irregularity of procedure.
- (2) No officer or member of the Legislative \*[the Union territory] in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order in the Legislative Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.
  - \* Subs. by Act 18 of 1987, s. 65, for "a Union territory" (w.e.f. 30-5-1987).

### PART III

#### DELIMITATION OF CONSTITUENCIES

#### Definitions.

- 38. Definitions.-- In this Part, unless the context otherwise requires,--  $\,$ 
  - (a) "associate member" means a member associated with the Delimitation Commission under section 42 1\*[or with the Election Commission 2\*[under section 43A or section 43C]];
  - (b) "Delimitation Commission" means the Delimitation Commission constituted under section 3 of the Delimitation Commission Act, 1962 (61 of 1962);

  - (c) "latest census figures" mean the census figures in 3\*[the Union territory] ascertained at the latest census of which the finally published figures are available;

- (d) "parliamentary constituency" means a constituency provided by law for the purpose of elections to the House of the People from 3\*\*[the Union territory] including the Union territory of Delhi.
  - \*. Ins. by Act 83 of 1971, s. 9 (w.e.f. 16-2-1972).
  - \*\* Subs. by Act 29 of 1975, s. 7, for "under section 43A" (w.e.f. 15-8-1975).

## Assembly constituencies.

39. Assembly constituencies.— For the purpose of elections to the Legislative Assembly of 3\*[the Union territory], the Union territory shall be divided into single-member assembly constituencies in accordance with the provisions of this Part in such manner that the population of each of the constituencies shall, so far as practicable, be the same throughout the Union territory.

\* Subs. by Act 18 of 1987, s. 65, for "a Union territory" (w.e.f. 30-5-1987).

## Representation of Pondicherry in the House of the People.

40. Representation of Pondicherry in the House of the People.—There shall be allotted one seat to the Union territory of Pondicherry in the House of the People and that Union territory shall form one parliamentary constituency.

#### Duties of Delimitation Commission.

- 41. Duties of Delimitation Commission.-- (1) It shall be the duty of the Delimitation Commission--
  - (a) to delimit the assembly constituencies in each Union territory, and
  - (b) to determine, on the basis of the latest census figures, the number of seats to be reserved for the scheduled castes and for the scheduled tribes in the Legislative Assembly of \*[the Union territory] other than the Union territory of Goa, Daman and Diu, and the constituencies in which these seats shall be so reserved.

\*Subs. by Act 18 of 1987, s. 65, for "a Union territory" (w.e.f. 30-5-1987).

- (2) It shall also be the duty of the Delimitation Commission--
  - (a) to readjust, on the basis of the latest census figures, the division of each of the Union territories of Delhi, Himachal Pradesh, Manipur and Tripura into parliamentary constituencies, \*[the number being 7, 4, 2 and 2];
    - \* Subs. by Act 19 of 1966, s. 37, for certain words (w.e.f. 13-6- 1966).
  - (b) to determine the constituency in which the seat shall be reserved for the scheduled castes or for the scheduled tribes, as the case may be; and
  - (c) to divide the Union territory of Goa, Daman and Diu into two single-member parliamentary constituencies.

#### Associate members.

- 42. Associate members. (1) For the purpose of assisting the Delimitation Commission in its duties, the Delimitation Commission shall associate with itself,--
  - (a) in respect of the Union territory of Delhi, all the members of the House of the People representing that Union territory;
  - (b) in respect of each of the Union territories of Himachal Pradesh, Manipur and Tripura, all the members of the House of the People representing that Union territory and three members of the Legislative Assembly of that Union territory to be nominated by the Speaker of the Assembly from among the members thereof;
  - (c) in respect of the Union territory of Goa, Daman and Diu, the two members of the House of the People representing that Union territory;
  - (d) in respect of the Union territory of Pondicherry, three members of the Legislative Assembly of that Union territory to be nominated by the Speaker of the Assembly from among the members thereof.
- (2) The nomination of members of the several Legislative Assemblies under sub-section (1) shall be made by the respective Speakers thereof as soon as practicable and shall be communicated to the Delimitation Commission.
- (3) If owing to death or resignation the office of an associate member falls vacant, it shall be filled as soon as practicable under and in accordance with the foregoing provisions of this section.

(4) None of the associate members shall have the right to vote or to sign any decision of the Delimitation Commission.

#### Procedure as to delimitation.

43. Procedure as to delimitation.— The provisions of sections 7, 9, 10 and 11 of the Delimitation Commission Act, 1962 (61 of 1962), shall apply, as far as may be, in relation to the delimitation of parliamentary and assembly constituencies under this Part as they apply in relation to the delimitation of parliamentary and assembly constituencies under that Act.

## Special provision for delimitation of constituencies of Mizoram Legislative Assembly.

1\*[43A. Special provision for delimitation of constituencies of Mizoram Legislative Assembly.— (1) The provisions of sections 39 to 43 (both inclusive) shall not apply to the delimitation of constituencies for the purpose of elections to the Legislative Assembly of the Union territory of Mizoram.

- 1\*. Ins. by Act 83 of 1971, s. 10 (w.e.f. 16-2-1972).
- (2) The Election Commission shall, in the manner herein provided, distribute the seats assigned to the Legislative Assembly of the Union territory of Mizoram under sub-section (2) of section 3 to single member assembly constituencies and delimit them on the basis of the latest census figures having regard to the provisions of the Constitution and to the following provisions:—
  - (a) all constituencies shall, as far as practicable, be geographically compact areas;
  - (b) in delimiting the constituencies, regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience.
- (3) For the purpose of assisting in the performance of its functions under sub-section (2), the Election Commission shall associate with itself as associate members--
  - (a) all the persons who, having been elected to the Legislative Assembly of the State of Assam from the Lungleh, Aijal East and Aijal West territorial constituencies, are members of that Assembly immediately before the day appointed under clause (b) of section 2 of the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971); and

(b) such three elected members of the District Council of the Mizo District as the Chairman thereof may nominate:

Provided that none of the associate members shall have a right to vote or sign any decision of the Election Commission.

- (4) If, owing to death or resignation, the office of an associate member falls vacant, it shall be filled, if practicable, in accordance with the provisions of sub-section (3).
  - (5) The Election Commission shall--
    - (a) publish its proposals for the delimitation of constituencies, together with the dissenting proposals, if any, of any associate member who desires publication thereof in the Official Gazette and in such other manner as the Commission

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may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

- (b) consider all objections and suggestions which may have been received by it before the date so specified;
- (c) after consideration of objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.
- (6) The Election Commission may, from time to time, by notification in the Official Gazette,--
  - (a) correct any printing mistake in any order made under sub-section (5) or any error arising therein from inadvertent slip or omission;
  - (b) where the boundaries or name of any territorial division mentioned in any such order or orders are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-todate.
- (7) Every order made under sub-section (5) and every notification issued under sub-section (6) shall be laid as soon as may be after it is made or issued before the Legislative Assembly of the Union territory of Mizoram.
- (8) All things done, and all steps taken, before the commencement of this Act in the Union territory of Mizoram with a view to

delimiting the territorial constituencies of that Union territory for purposes of elections to the Legislative Assembly of that Union territory shall, in so far as they are in conformity with the foregoing provisions of this section, be deemed to have been done or taken under those provisions as if those provisions were in force at the time such things were done or such steps were taken.]

## Representation of Arunachal Pradesh in the House of the people.

1\*[43B. Representation of Arunachal Pradesh in the House of the people. In the House of the People to be constituted after the general election to that House to be held after the commencement of the Government of Union Territories (Amendment) Act, 1975 (29 of 1975) and thereafter, there shall be allotted two seats to the Union territory of Arunachal Pradesh and the First Schedule to the Representation of the People Act, 1950 (43 of 1950) shall be deemed to have been amended accordingly.

1\* Ins. by Act 29 of 1975, s. 8 (w.e.f. 15-8-1975).

## Special provisions for delimitation of parliamentary constituencies in Arunachal Pradesh and constituencies of Arunachal Pradesh Legislative Assembly.

- 43C. Special provisions for delimitation of parliamentary constituencies in Arunachal Pradesh and constituencies of Arunachal Pradesh Legislative Assembly. (1) The provisions of sections 39 to 43 (both inclusive) shall not apply to the delimitation of parliamentary constituencies in the Union territory of Arunachal Pradesh or to the delimitation of constituencies for the purpose of elections to the Legislative Assembly of that Union territory.
- (2) The Election Commission shall divide the Union territory of Arunachal Pradesh into two single-member parliamentary constituencies on the basis of the latest census figures.
- (3) The Election Commission shall also, in the manner herein provided, distribute the seats assigned to the Legislative Assembly of the Union territory of Arunachal Pradesh under sub-section (2) of section 3 to single-member assembly constituencies and delimit them on the basis of the latest census figures having regard to the following provisions:—
  - (a) all constituencies shall, as far as practicable, be geographically compact areas;
  - (b) every assembly constituency shall be so delimited as to fall only within one parliamentary constituency;
  - (c) in delimiting the constituencies, regard shall be had to physical features, existing boundaries of

administrative units facilities of communication and public convenience.

- (4) For the purpose of assisting in the performance of its functions under sub-sections (2) and (3), the Election Commission shall associate with itself as associate members—
  - (a) the member of the House of the People representing the Union territory of Arunachal Pradesh;
  - (b) such five members of the Legislative Assembly of the Union territory of Arunachal Pradesh as the Speaker of that Assembly shall, having regard to the composition of the Legislative Assembly, nominate:

Provided that none of the associate members shall have a right to vote or sign any decision of the Election Commission.

- (5) If owing to death or resignation, the office of an associate member falls vacant, it shall be filled, if practicable, in accordance with the provisions of sub-section (4).
  - (6) The Election Commission shall--
    - (a) publish its proposals for the delimitation of constituencies together with the dissenting proposals, if any, of any associate member who desires publication thereof in the Official Gazette and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;
    - (b) consider all objections and suggestions which may have been received by it before the date so specified;
    - (c) after consideration of objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.
- (7) The Election Commission may, from time to time, by notification in the Official Gazette,—  $\,$ 
  - (a) correct any printing mistake in any order made under sub-section (6) or any error arising therein from inadvertent slip or omission;
  - (b) where the boundaries or name of any territorial division mentioned in any such order or orders are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-

date.

- (8) Every order made under sub-section (6) and every notification issued under sub-section (7) shall be laid as soon as may be after it is made or issued before the House of the People and the Legislative Assembly of the Union territory of Arunachal Pradesh.
- (9) All things done, and all steps taken, before the commencement of this Act in the Union territory of Arunachal Pradesh with a view to delimiting the territorial constituencies of that Union territory for purposes of elections to the Legislative Assembly of that Union territory shall, in so far as they are in conformity with the foregoing provisions of this section, be deemed to have been done or taken under those provisions as if these provisions were in force at the time such things were done or such steps were taken.]

# Special provision for determination of constituencies in The Legislative Assembly of Goa, Daman and Diu for Scheduled Castes And Scheduled Tribes.

1\*[43D. Special provision for determination of constituencies in the Legislative Assembly of Goa, Daman and Diu for Scheduled Castes and Scheduled Tribes. (1) The Election Commission shall determine on the basis of the latest census figures—

- (i) the number of seats to be reserved for the Scheduled Castes and for the Scheduled Tribes in the Legislative Assembly of the Union territory of Goa, Daman and Diu (hereafter in this section referred to as the Legislative Assembly) having regard to the provisions of sub-section (5) of section 3; and
- (ii) the constituencies in which those seats shall be so reserved having regard to the provisions of clause (c), or, as the case may be, clause (d), of sub-section (1) of section 9 of the Delimitation Act and without altering the extent of any constituency as delimited by the Delimitation Commission.
  - 1\* Ins. by Act 86 of 1976, s. 3 (w.e.f. 30-9-1976).
- (2) The Election Commission shall--
  - (a) publish its proposals for the determination of the constituencies in which seats shall be reserved for the Scheduled Castes or for the Scheduled Tribes, as the case may be, in the Gazette of India and in the Official Gazette of the Union territory of Goa, Daman and Diu and also in such other manner as the Election Commission may consider fit, together with a notice

- inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;
- (b) consider all objections and suggestions which may have been received by it before the date so specified;
- (c) after consideration of objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the number of seats to be reserved for the Scheduled Castes or for the Scheduled Tribes, as the case may be, in the Legislative Assembly and the constituencies in which those seats shall be so reserved and cause such order or orders to be published in the Gazette of India and in the Official Gazette of the Union territory of Goa, Daman and Diu; and upon such publication in the Gazette of India, the order or orders shall have the full force of law and shall not be called in question in any court and the Second Schedule to the Representation of the People Act, 1950 (43 of 1950) and the order made by the Delimitation Commission under section 9 of the Delimitation Act in relation to the Legislative Assembly shall be deemed to have been amended accordingly.
- (3) Subject to the provisions of sub-section (4), the readjustment of representation of any territorial constituencies in the Legislative Assembly necessitated by any order made by the Election Commission under this section, shall apply in relation to every election to the Legislative Assembly held after the publication in the Gazette of India, under sub-section (2), of such order.
- (4) Nothing contained in the foregoing sub-sections shall affect the representation in the Legislative Assembly existing on the date of publication in the Gazette of India, under sub-section (2), of any order made by the Election Commission.
- (5) The Election Commission may, from time to time, by notification in the Gazette of India and in the Official Gazette of the Union territory of Goa, Daman and Diu--
  - (a) correct any printing mistake in any order made under sub-section (2) or any error arising therein from inadvertent slip or omission;
  - (b) where the boundaries or name of any territorial division mentioned in any such order are, or is, altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.
- (6) Every order made under sub-section (2) and every notification issued under sub-section (5) shall be laid, as soon as may be, after it is made or issued before the Legislative Assembly.

- (a) "Delimitation Act" means the Delimitation Act, 1972 (76 of 1972);
- (b) "Delimitation Commission" means the Delimitation Commission constituted under section 3 of the Delimitation Act.]

## Special provision as to readjustment of territorial constituencies.

43E\*. Special provisions as to readjustment of territorial constituencies. Notwithstanding anything contained in sections 38 to 43D (both inclusive), until the relevant figures for the first census taken after the year 2026 have been published, it shall not be necessary to readjust the division of each Union territory into territorial constituencies and any reference to the "latest census figures" in this Part shall be construed as a reference to the 2001\*\* census figures.]

[\* inserted by Act, 19 of 1984 S.3 w.e.f. 1.3.1984
 \*\* substituted by Act 19 of 2005 w.e.f.21.05.2005]

43F+. Notwithstanding the publication of orders under subsection of section 10 of the Delimitation Act, 2002 or anything containing in sub-section (2) or sub-section (4) of the said section, any readjustment in the division of Union territory into territorial constituencies by the Delimitation Commission under the said Act, on the basis of 2001 census shall take effect from such date as the Central Government may, by order, published in the Official Gazette, specify and until such readjustment takes effect, any election to the Legislative Assembly may be held on the basis of the territorial constituencies existing before such readjustment.

[+inserted by Act of 2006]

## PART IV

## COUNCIL OF MINISTERS

44. Council of Ministers. (1) There shall be a Council of Ministers in each Union territory with the Chief Minister at the head to aid and advise the Administrator in the exercise of his functions in relation to matters with respect to which the Legislative Assembly of the Union territory has power to make laws except in so far as he is required by or under this Act to act in his discretion or by or under any law to exercise any judicial or quasi-judicial functions:

Provided that, in case of difference of opinion between the Administrator and his Ministers on any matter, the Administrator shall refer it to the President for decision and act according to the decision given thereon by the President, and pending such decision it shall be competent for the Administrator in any case where the matter

is in his opinion so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary:

- 1
- (2) Omitted by Act 34 and 69 of 1986 respectively s. 41 (w.e.f. 20-2-1987).
- (3) If and in so far as any special responsibility of the Administrator is involved under this Act, he shall, in the exercise of his functions, act in his discretion.
- (4) If any question arises as to whether any matter is or is not a matter as respects which the Administrator is by or under this Act required to act in his discretion, the decision of the Administrator thereon shall be final.
- (5) If any question arises as to whether any matter is or is not a matter as respects which the Administrator is required by any law to exercise any judicial or quasi-judicial functions, the decision of the Administrator thereon shall be final.
- (6) The question whether any, and if so what, advice was tendered by Ministers to the Administrator shall not be inquired into in any court.

## Other provisions as to Ministers.

- 45. Other provisions as to Ministers. (1) The Chief Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Chief Ministers.
- (2) The Ministers shall hold office during the pleasure of the  $\mbox{\sc President.}$
- (3) The Council of Ministers shall be collectively responsible to the Legislative Assembly of the Union territory.
- (4) Before a Minister enters upon his office, the Administrator shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the First Schedule.
- (5) A Minister who for any period of six consecutive months is not a member of the Legislative Assembly of the Union territory shall at the expiration of that period cease to be a Minister.
- (6) The salaries and allowances of Ministers shall be such as the Legislative Assembly of the Union territory may from time to time by law determine, and until the Legislative Assembly so determines, shall be determined by the Administrator with the approval of the President.

### Conduct of business.

- 46. Conduct of business. (1) The President shall make rules--
  - (a) for the allocation of business to the Ministers; and
  - (b) for the more convenient transaction of business with the Ministers including the procedure to be adopted in the case of a difference of opinion between the Administrator and the Council of Ministers or a Minister.
- (2) Save as otherwise provided in this Act, all executive action of the Administrator, whether taken on the advice of his Ministers or otherwise, shall be expressed to be taken in the name of the Administrator.
- (3) Orders and other instruments made and executed in the name of the Administrator, shall be authenticated in such manner as may be specified in rules to be made by the Administrator, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Administrator.

## PART V

## MISCELLANEOUS AND TRANSITIONAL PROVISIONS Consolidated Fund of the Union territory.

- 47. Consolidated Fund of the Union territory. (1) As from such Date 1\* as the Central Government may, by notification in the Official Gazette, appoint in this behalf, all revenues received in 2\*[the Union territory] by the Government of India or the Administrator of the Union territory in relation to any matter with respect to which the Legislative Assembly of the Union territory has power to make laws, and all grants made and all loans advanced to the Union territory from the Consolidated Fund of India and all moneys received by the Union territory in repayment of loans shall form one Consolidated Fund to be entitled "the Consolidated Fund of the Union territory".
  - (2) No moneys out of the Consolidated Fund of 2\*[the Union territory] shall be appropriated except in accordance with, and for the purposes and in the manner provided in, this Act.
- (3) The custody of the Consolidated Fund of 2\*[the Union territory], the payment of moneys into such Fund, the withdrawal of moneys therefrom and all other matters connected with or ancillary to those matters shall be regulated by rules made by the Administrator with the approval of the President.
  - [ 1\* Substituted by Act 18 of 1987

## Public Account of the Union territory and moneys credited to it

\*47A.(1) As from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, all other public moneys received by or on behalf of the Administrator shall be credited to a Public Account entitled "the Public Account of the Union territory".

(2) The custody of public moneys, other than those credited to the Consolidated Fund of the Union territory or the Contingency Fund of the Union territory, received by or on behalf of the Administrator, their payment into the Public Account of the Union territory and the withdrawal of moneys from such account and all other matters connected with or ancillary to the aforesaid matters shall be regulated by rules made by the Administrator with the approval of the President.

\* Inserted by Act 38 of 2001 w.e.f. 10.5.2006

## Contingency Fund of the Union territory.

48. Contingency Fund of the Union territory. (1) There shall be established a Contingency Fund in the nature of an imprest to be entitled "the Contingency Fund of the Union territory" into which shall be paid from and out of the Consolidated Fund of the Union territory such sums as may, from time to time, be determined by law made by the Legislative Assembly of the Union territory; and the said Fund shall be held by the Administrator to enable advances to be made by him out of such Fund.

- (2) No advances shall be made out of the Contingency Fund of the Union territory except for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislative Assembly of the Union territory under appropriations made by law.
- (3) The Administrator may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys into, and the withdrawal of moneys from, the Contingency Fund of the Union territory.

## Borrowing upon the security of the Consolidated Fund of the Union territory

\*48-A (1) The executive power of the Union extends to borrowing upon the security of the Consolidated Fund of the Union territory within such limits, if any, as may, from time to time, be fixed by Parliament by law and to the giving of guarantees within such limits, if any, as may be so fixed;

Provided that the power exercisable by the Government of India under the sub-section shall also be exercisable by the Administrator

subject to such conditions, if any, as the Government of India may think fit to impose.

- (2) Any sums required for the purpose of invoking a guarantee shall be charged on the consolidated Fund of the Union territory.
  - \* Inserted by Act 38 of 2001 w.e.f. 10.5.2006

## Form of accounts of the Union territory

48B. The accounts of the Union territory shall be kept in such form as the Administrator may, after obtaining advice of the Comptroller and Auditor General of India and with the approval of the President prescribe by rules.

### Audit reports.

49. Audit reports. The reports of the Comptroller and Auditor-General of India relating to the accounts of 2\*[the Union territory] for any period subsequent to the date referred to in sub-section (1) of section 47 shall be submitted to the Administrator who shall cause them to be laid before the Legislative Assembly of the Union territory.

## Relation of Administrator and his Ministers to President.

50. Relation of Administrator and his Ministers to President. Notwithstanding anything in this Act, the Administrator and his Council of Ministers shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by, the President.

## Provision in case of failure of constitutional machinery.

- 51. If the President, on receipt of a report from the Administrator of 1\*[the Union territory] or otherwise, is satisfied,--
  - (a) that a situation has arisen in which the administration of the Union territory cannot be carried on in accordance with the provisions of this Act, or
  - (b) that for the proper administration of the Union territory it is necessary or expedient so to do,

the President may, by order, suspend the operation of all or any of

the provisions of this Act for such period as he thinks fit and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering the Union territory in accordance with the provisions of article 239.

\* Subs. by Act 18 of 1987, s. 65, for "a Union territory" (w.e.f. 30-5-1987).

## Authorisation of expenditure by President.

- 2\*[52. Authorisation of expenditure by President. Where the Legislative Assembly of 1\*[the Union territory] is dissolved, or its functioning as such Assembly remains suspended, on account of an order under section 51, it shall be competent for the President to authorise when the House of the People is not in session expenditure from the Consolidated Fund of that Union territory pending the sanction of such expenditure by Parliament.]
  - \*2. Ins. by Act 1 of 1980, s. 2 (w.e.f. 25-9-1979).

## Provisions for election to Parliament from Goa, Daman and Diu, and Pondicherry.

- 53. Provisions for election to Parliament from Goa, Daman and Diu, and Pondicherry. (1) As soon as practicable after the commencement of this Act, elections shall be held in accordance with law--
  - (a) to fill the seats in the House of the People allotted to the Union territory of Goa, Daman and Diu; and
  - (b) to fill the seat in the House of the People and the seat in the Council of States allotted to the Union territory of Pondicherry.
- (2) Notwithstanding anything contained in any other law for the time being in force, the members nominated to represent the Union territory of Goa, Daman and Diu in the House of the People shall continue to be such until the election of the members to fill the two seats in that House allotted to that Union territory:

Provided that where the dates of election of the members are different, the members so nominated shall cease to be members of that House on the earlier of those two dates.

Explanation.—In this sub-section, the expression "date of election" has the same meaning as in section 67A of the Representation of the People Act, 1951 (43 of 1951).

Transitional provisions for administration of justice in certain areas in the Union territory of Mizoram.

- 1\*[54. Transitional provisions for administration of justice in certain areas in the Union territory of Mizoram. On and from the commencement of this Act in the Union territory of Mizoram and until other provisions in this behalf are made by a competent Legislature or other competent authority, the administration of justice in those areas of that Union territory which are not comprised in any autonomous district under the Sixth Schedule to the Constitution shall be carried on, so far as may be, in accordance with the provisions of paragraphs 4 and 5 of that Schedule, as if those areas were comprised in an autonomous district under that Schedule and the provisions of the said paragraphs were in force in those areas and for this purpose,—
  - (i) all powers and functions of a District Council under the provisions of the said paragraph 4 shall be exercised and discharged by the Administrator or any officer appointed by him in this behalf;
  - (ii) the said paragraph 5 shall have effect as if references to the District Council, the Regional Council and the courts constituted by the District Council, by whatever form of words, had been omitted therefrom; and
  - (iii) references to Governor in the said paragraphs 4 and 5 shall be construed as references to the Administrator.]
    - \* Subs. by Act 83 of 1971, s. 12, for s. 54 (w.e.f. 16-2-1972).

## Provision as to provisional Legislative Assembly of Arunachal Pradesh.

2\*[54A. Provision as to provisional Legislative Assembly of Arunachal Pradesh. (1) Notwithstanding anything contained in this Act (including provisions relating to the strength of the Legislative Assembly of the Union territory of Arunachal Pradesh), until the Legislative Assembly of the Union territory of Arunachal Pradesh has been duly constituted and summoned to meet for the first session under and in accordance with the provisions of this Act, there shall be a provisional Legislative Assembly which shall consist of members, being those persons referred to in clauses (b), (c) and (d) of section 3 of the North-East Frontier Agency (Administration) Supplementary Regulation, 1971 (4 of 1971) and who are functioning, immediately before the commencement of this Act in the Union territory of Arunachal Pradesh, as members of the Pradesh Council constituted under the said section 3.

- \* Ins. by Act 29 of 1975, s. 10.
- (2) The term of office of the members of the provisional Legislative Assembly shall expire immediately before the first meeting of the Legislative Assembly duly constituted after the first general

election to that Assembly.

(3) The provisional Legislative Assembly constituted under this section shall, for so long as it is in existence, be deemed to be the Legislative Assembly duly constituted under this Act and accordingly the other provisions of this Act, so far as may be, apply in relation to the provisional Legislative Assembly as they apply in relation to the Legislative Assembly.]

#### Contracts and suits.

- 55. Contracts and suits. For the removal of doubts it is hereby declared that—
  - (a) all contracts in connection with the administration of 1\*[the Union territory] are contracts made in the exercise of the executive power of the Union;
  - (b) all suits and proceedings in connection with the administration of 1\*[the Union territory] shall be instituted by or against the Government of India.

#### Power of President to remove difficulties.

56. Power of President to remove difficulties. If any difficulty arises in relation to the transition from the provisions of any of the laws repealed by this Act or in giving effect to the provisions of this Act and, in particular, in relation to the constitution of the Legislative Assembly for 2\*[the Union territory], the President may by order do anything not inconsistent with the provisions of this Act which appear to him to be necessary or expedient for the purpose of removing the difficulty.

#### Amendment to certain-enactments.

- 57. Amendment to certain-enactments. (1) The enactments specified in the Second Schedule--
  - (a) shall, together with all rules, notifications and orders made or issued thereunder, extend to and come into force in the Union territories of Goa, Daman and Diu, and Pondicherry; and
  - (b) shall be subject to the amendments mentioned in the fourth column of the said Schedule.
- (2) All things done, and all steps taken, before the commencement of this Act in connection with the preparation or revision of

electoral rolls for the purpose of elections to the House of the People from the Union territories of Goa, Daman and Diu, and Pondicherry, and to the Legislative Assemblies of those Union territories shall, in so far as they are in conformity with the provisions of the Representation of the People Act, 1950 (43 of 950), as amended by this Act, be deemed to have been done in accordance with law.

- 1. Subs. by Act 18 of 1987, s. 65, for "a Union territory" (w.e.f. 30-5-1987).
- 2. Subs. by s. 65, ibid., for "any Union territory" (w.e.f. 30-5-1987).

## Repeal and savings.

- 58. Repeal and savings. (1) The following laws are hereby repealed:—
  - (a) the Territorial Councils Act, 1956 (103 of 1956);
  - (b) the Decree No. 46-2381, dated the 25th October, 1946, as subsequently amended, relating to the Representative Assembly of the State of Pondicherry;
  - (c) the Decree No. 47-1490, dated the 12th August, 1947, as subsequently amended, relating to the setting up of a Council of Government in the State of Pondicherry;
  - (d) the State of Pondicherry (Representation of the People) Order, 1955, in so far as it relates to the Representative Assembly of Pondicherry.
- (2) Notwithstanding the repeal of the Territorial Councils Act, 1956 (103 of 1956),--
  - (a) every officer and other employee of the Territorial Council of 1\*[the Union territory] serving under the Council immediately before such repeal shall become an officer or other employee of Government and shall be employed in connection with the administration of the Union territory with such designation as the Administrator may determine and shall hold office by the same tenure and at the same remuneration and on the same terms and conditions of service as he would have but for such repeal held the same and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Administrator:

- (i) the tenure, remuneration and terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the previous sanction of the Central Government;
- (ii) any service rendered by any such officer or other employee before such repeal shall be deemed to be service rendered in connection with the administration of the Union territory;
- (iii) the Administrator may employ any such officer or other employee in the discharge of such functions as the Administrator may think proper and every such officer or other employee shall discharge those functions accordingly;

1. Subs. by Act 18 of 1987, s. 65, for "a Union territory" (w.e.f. 30-5-1987).

- (b) anything done or any action taken (including any notification, order, scheme, rule, form, notice or byelaw made or issued, any licence or permission granted) under the repealed Act shall in so far as it is not inconsistent with the provisions of this Act, continue in force unless and until it is superseded by anything done or any action taken in accordance with law;
- (c) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Territorial Council before such repeal shall be deemed to have been incurred, entered into or engaged to be done in exercise of the executive power of the Union for the purposes of the administration of the Union territory;
- (d) all assessments, valuations, measurements or divisions made by the Territorial Council shall, in so far as they are not inconsistent with the provisions of this Act, continue in force unless and until they are superseded by any assessment, valuation, measurement or division made by the Administrator in accordance with law;
- (e) all properties, movable and immovable, and all interests of whatsoever nature and kind, vested in the Territorial Council immediately before such repeal shall, with all rights of whatsoever description, used, enjoyed or possessed by that Council, vest in the Union for the purposes of the administration of the Union territory;
- (f) all rates, taxes, cesses, fees, rents, fares and other charges which immediately before such repeal were being lawfully levied by the Territorial Council shall continue to be levied at the same rate at which they

were being levied by the Council immediately before such repeal until provision to the contrary is made by law;

- (g) all rates, taxes, cesses, fees, rents, fares and other charges due to the Territorial Council immediately before such repeal shall be deemed to be due to the Union in connection with the administration of the Union territory;
- (h) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the Territorial Council may be continued or instituted by or against the Government of India.

### THE FIRST SCHEDULE

## [See sections 4 (a), 11 and 45 (4)]

#### FORMS OF OATHS OR AFFIRMATIONS

Ι

Form of Oath or Affirmation to be made by a Candidate for Election to the Legislative Assembly

"I, A.B., having been nominated as a candidate to fill a seat in the Legislative Assembly of do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India."

ΙI

Form of Oath or Affirmation to be made by a Member of the Legislative Assembly of a Union territory

"I, A.B., having been elected (or nominated) a member of the Legislative Assembly of do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter."

III

Form of Oath of Office for a Member of the Council of Ministers of a Union territory

"I, A.B., do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties

as a Minister for the Union territory of----, and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or ill-will."

ΙV

Form of Oath of Secrecy for a Member of the Council of Ministers of a Union territory

"I, A.B., do swear in the name of God/solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Minister for the Union territory of -----, except as may be required for the due discharge of my duties as such Minister."

THE SECOND SCHEDULE

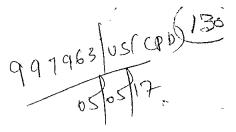
(See section 57)

ENACTMENTS AMENDED

[Not printed.]

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## Government of Puducherry Lieutenant Governor's Secretariat

No. LGS/2017/05/02

Dt. 02/05/2017

To

Shri. Satish Kumar Singh, Under Secy. to GOI (UTL), Ministry of Home Affairs, New Delhi. 110 001

Sir,

Sub: Providing of updated copy of the Rules of Business of

the Government of Puducherry - Reg.

Ref: Your Lr. No. 11018/1/2017-UTL (Part-II), dated 28<sup>th</sup> April, 2017

received by fax on 01/05/2017

-: oOo :-

Adverting to the letter cited under reference, I am to attach herewith a copy of the letter of Secretary to Government (Law), Government of Puducherry dated 02/05/2017 along with an updated version of the Rules of Business of the Government of Puducherry, 1963 duly authenticated by Shri. N. Murugavel, Under Secretary to Government (Law), Government of Puducherry for your reference.

Yours faithfully,

(G. THEVA NEETHI DHAS)
SECRETARY to Lt. GOVERNOR

Encl: As above

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## GOVERNMENT OF PUDUCHERRY LAW DEPARTMENT

No.PA/US/LD-2017/5

Dated: 02.05.2017

To The Secretary to Lt. Governor, Lieutenant Governor's Secretariat, Raj Nivas, Puducherry.

Sir,

Sub: Rules of Business of the Government of Puducherry, 1963-Updated, authenticated copy-Submitted.

Ref: (i) Lr.No.LGS/2017/04/04/, dated 12/04/2017 of the LG Secretariat, Puducherry.

(ii) M.H.A's Lr.No.11018/1/2017/-UTL(Part-II), dt.28.04.2017.

(iii) Lr.No.LGS/2017/05/01, dated 02/05/2017 of the LG Secretariat, Puducherry.

\*\*\*\*

Adverting to the letters cited above, I am to enclose a copy of the updated and authenticated version of the "Rules of Business of the Government of Puducherry, 1963 for your kind reference.

Yours faithfully,

(G.SENDIL KUMAR)
LAW SECRETARY

Encl:- As stated above.



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

## GOVERNMENT OF INDIA MINISTRY OF HOME AFFIARS

New Delhi-11, the 22<sup>nd</sup> 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.

## **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).

<sup>\*</sup> 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.

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(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:

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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;

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- (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;

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(xvii) Omitted;

# (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.

# **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.

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- 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:-

- (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.

Application state 1824 topic

## 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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## NOTIFICATION New Delhi, the 30<sup>th</sup> July, 2012

- G.S.R.614(E).- In exercise of the powers conferred by the proviso to article 309 of the constitution and in supersession of the Assistant Custodian of Enemy Property for IndiaRecruitment Rules, 1984, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules regulating the method of recruitment to the post of the Assistant Custodian of Enemy Property in the office of Custodian of Enemy Property for India, Mumbai, namely: -
- 1. Short title and commencement.-(1) These rules may be called the Assistant Custodian of Enemy Property Recruitment Rules 2012.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- 2. Number of posts, classification and Pay Band and Grade Pay or Pay Scale. The number of the said post, its classification and the pay band and grade pay or pay scale attached thereto, shall be as specified in columns 2 to 4 of the Schedule appended to these rules.
- 3. Method of recruitment, age limit and other qualifications: The method of recruitment, age limit, qualifications and other matters relating to the said post shall be as specified in columns 5 to 13 of the said Schedule.
- 4. Disqualifications. No person, -
  - (a) who has entered into or contracted a marriage with a person having a spouse living; or
  - (b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said post:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

- 5. Power to relax. Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.
- 6. Saving. -Nothing in these rules affect reservations relaxation in age limit and other concessions required to be provided for the Scheduled Castes the Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

# **SCHEDULE**

Name of the post.	Numbe r of posts.	Classification .	Pay Band and Grade Pay or Pay Scale.	Whether selection post or non-selection post.	Age limit for direct recruits.	Educatio nal and other qualificat ions required for direct recruits.
1	2	3	4	5	6	7
Assistant Custodia n of Enemy Property.	3* (2012) *Subje ct to variatio n depend ent on work load	General Central Service, Group 'B', Gazetted, Non- Ministerial.	Pay Band-2 (Rs.9300-34800)and Grade Pay Rs.4600/-	Selection post.	Not applicable	Not applicabl e
Whether age and education al qualificat ions prescribe d for direct recruits will apply in the case of promotes	Period of probati on if any.	Method of recruitment, whether by direct recruitment or by promotion or by deputation/ab sorption and percentage of the vacancies to be filled by various methods.	In case of recruitment by promotion or deputation/absorption, grades from which promotion or deputation/absorption to be made.	If a Departm ental Promotio n Committ ee exists, what is its composit ion.	Circumsta nces in which Union Public Service Commissi on is to be consulted in making recruitme nt.	
8	9	10	11	12	13	
Not applicabl e	2 years forpro motees.	(i) fifty percent by promotion failing which by deputation  (ii) fifty	Superintendent or Assistant or Stenographer Grade-1 (Group-B) having five years regular service in pay band-2 (Rs.9300-34800)and grade pay	Group 'B' DPC (For consideri ng promotio n)	Consultati on with the UPSC necessary while appointin g an	

	1			
1	percent	ofRs.4200.		office on
	deputation/ab		1.	deputatio
S	sorption	<b>Note 1</b> Where juniors	Director	n/
		who have completed their	(Enemy	absorptio
		qualifying/eligibility	Property)	n
		service are being	Chairma	
		considered for promotion,	n.	
		their senior would also be		
		considered provided they	2.	
		are not short of the	Custodia	
		requisite qualifying/	n of	
		eligibility service by more	Enemy	
		than half of such	Property	
		qualifying/ eligibility		
		service or two years,	Member	
		whichever is less, and have		
			3. Under	
		probation period for	Secretary Secretary	
		promotion to the next	(Enemy	
		higher grade along with	Property	
		their juniors who have	-	
		already completed such	Member	
		qualifying/ eligibility	Wichioci	
		service.		
		Service.		
		Note 2For the purpose of		
		computing minimum		
		qualifying service for		
		promotion, the service		
		-		
		rendered on a regular basis		
		by an Officer prior to 1 <sup>st</sup>		
		January, 2006, the date		
		from which the revised pay		
		structure based on the 6th		
		Central Pay Commission		
		Recommendations has been		
		extended, shall be deemed		
		to be service rendered in		
		the corresponding Grad		
		Pay/Pay Scale extended		
		based on the		
		recommendations of the		
		Pay Commission.		
		Deputation		

Officers of the Central Government -(a) (i) holding analogous posts on regular basis in the parent cadre; or (ii) with five years regular service in pay band-2 (Rs.9300-34800) with grade pay of Rs.4200/-; and (b) possessing two years' experience administration, establishment and accounts matters. **Note 1.-**The departmental officials in the feeder category who are in the direct line of promotion will not be eligible for Consideration for appointment on deputation. Similarly, deputationists shall not be eligible for Considerationfor appointment by promotion. (Period of deputation including period of deputation to another excadre post held immediately preceding this appointment in the same or some other organization/department of the Central Government shall ordinarily not exceed three years. Note2.-The maximum age limit for appointment by deputation shall be not exceeding fifty-six years as on the closing date of the

receipt of applications.

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appo depu basis on a offic 2006 the based Pay record exter to b the pay based record pay when merg pre-rinto commiscale	mmendations of the commission except the there has been there of more then one devised scale of pay one grade with a mon grade pay or pay and where this benefit	
pre-rinto comi scale will post( pay norm	evised scale of pay one grade with a mon grade pay or pay	

File No. 37/17/2008 – EP

S.K. Ahuja Under Secretary



#### **EXTRAORDINARY**

भाग II—खण्ड 3—उप-खण्ड (i) PART II—Section 3—Sub-section (i) प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

सं. 395] No. 395] नई दिल्ली, सोमवार, अगस्त 6, 2012/श्रावण 15, 1934

NEW DELHI, MONDAY, AUGUST 6, 2012/SHRAVANA 15, 1934

## गृह मंत्रालय

## • अधिसूचना

नई दिल्ली, 30 जुलाई, 2012

सा.का.नि. 612(अ).—केन्द्र सरकार, संविधान के अनुच्छेद 309 के परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत का शत्रु संपत्ति अभिरक्षक, मुंबई के पद से संबंधित विद्यमान भर्ती नियमों 1977 को उन बातों तक अधिक्रांत करते हुए, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करने से लोप किया गया है, भारत का शत्रु संपत्ति अभिरक्षक के पद पर भर्ती की पद्धित को विनियमित करने वाले निम्नलिखित नियम बनाती है, अर्थात् :—

- 1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का नाम भारत का शत्रु संपत्ति अभिरक्षक भर्ती नियम, 2012 है।
  - (2) ये राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे ।
- 2. पद संख्या, वर्गीकरण और वेतन बैंड और ग्रेड वेतन या वेतनमान.—उक्त पद की संख्या, उसका वर्गीकरण और उसका वेतन बैंड और ग्रेड वेतन या वेतनमान वे होंगे, जो इससे उपाबद्ध अनुसूची के स्तंभ 2-4 में विनिर्दिष्ट हैं।
- 3. भर्ती की पद्धित, आयु-सीमा और अन्य अर्हताएं.—उक्त पद पर भर्ती की पद्धित, आयु-सीमा, अर्हताएं और उनसे संबंधित अन्य बातें वे होंगी जो पूर्वोक्त अनुसूची के स्तंभ 5 से 13 में विनिर्दिष्ट हैं।
  - 4. निरर्हता.—वह व्यक्ति,—
    - (क) जिसने ऐसे व्यक्ति से, जिसका पित या पत्नी जीवित है, के साथ अनुबंध या विवाह किया है, या
  - (ख) जिसने अपने पति या अपनी पत्नी के जीवित रहते हुए किसी व्यक्ति के साथ अनुबंध या विवाह किया है,

उक्त पद पर नियुक्ति का पात्र नहीं होगा :

परन्तु यदि केन्द्रीय सरकार का यह समाधान हो जाता है कि ऐसा विवाह, ऐसे व्यक्ति और विवाह के अन्य पक्षकार पर लागू स्वीय विधि के अधीन अनुज्ञेय है और ऐसा करने के लिए अन्य आधार हैं तो वह किसी व्यक्ति को इस नियम के प्रवर्तन से छूट दे सकेगी।

- 5. छूट प्रदान करने की शक्ति.—जहां केन्द्रीय सरकार की यह राय है कि ऐसा करना आवश्यक या समीचीन है, वहां कारणों को लेखबद्ध करके और संघ लोक सेवा आयोग से परामर्श करके, इन नियमों के किसी उपबंध को किसी वर्ग या प्रवर्ग के व्यक्तियों की बाबत, इन नियमों के निजी उपबंध में आदेश द्वारा छूट प्रदान कर सकेगी।
- 6. व्यावृत्ति.—यह नियम समय-समय पर केन्द्र सरकार द्वारा जारी आदेशों के अनुसरण में अ.जा. व अ.ज.जा. तथा अन्य विशेष वर्गों के लिए उपलब्ध कराए जाने वाले अपेक्षित आरक्षण तथा आयु-सीमा में ढील और अन्य रियायतों को प्रभावित नहीं करेंगे।

# अनुसूची

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8	9	10 .	11 ,	12	13	
लागू नहीं होता	लागू	प्रतिनियुक्ति/	प्रोन्नित / प्रतिनियुक्तिः केन्द्रीय सरकार वे	त्र ग्रुप-क प्रोन्निति	A STATE OF THE STA	
	नहीं	प्रोन्नति द्वारा	अधिकारी जो:-	विचार करने हेतु	5 1	
	होता			विभागीय प्रोन्नति	आयोग से	
			(i) नियमित आधार पर सहश पर	समिति के सदस्य	परामर्श	
			धारण किए हुए हैं अथवा	निम्नानुसार है:-	करना	
-		14	(ii) वेतन बैंड -3, 15600-39100 रु0		। आवश्यक	:
34			ग्रेड वेतन 6600 रु0 के ग्रेड में 5 व	र्ष - लोक संघ लोव		1
			की नियमित सेवा के साथ सहश प			
			धारण किए हुए हैं और	अध्यक्ष		
			(ख) जिनके पास प्रशासन, स्थापना उ	_9	Ŧ	
			क्षेत्र में 5 वर्ष का अनुभव हो।			
			3.7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	(प्रशासन) गृ		
				मंत्रालय सदस्य		

बाहरी व्यक्तियों के साथ ही पे-बैण्ड 3 में 15600-39100+6600 के ग्रेड वेतन में 5 वर्ष की नियमित सेवा कर चुके विभागीय उप शत्रु संपत्ति अभिरक्षक पर भी विचार किया जाएगा और यदि उनका चयन हो जाता है तो पद को प्रोन्नित द्वारा भरा हुआ माना जाएगा।

विष्पण-1: प्रतिनियुक्ति की अवधि, जिसके अंतर्गत केन्द्र सरकार के उसी यह किसी अन्य संगठन/विभाग में इस

विष्पण-1: प्रातानयुक्त का अवाध, जिसके अंतर्गत केन्द्र सरकार के उसी यह किसी अन्य संगठन/विभाग में इस नियुक्ति से ठीक पहले धारित किसी अन्य काडर बाह्य पद पर प्रतिनियुक्ति की अविध है, साधारणतया 4 वर्ष से अधिक नहीं होगी।

टिप्पण-2: प्रतिनियुक्ति पर नियुक्ति के लिए अधिकतम आयु-सीमा आवेदन प्राप्त करने की अंतिम तारीख को 56 वर्ष से अधिक नहीं होगी।

टिप्पण-3: प्रतिनियुक्ति आधार पर निय्ति के लिए, किसी अधिकारी द्वारा 1 जनवरी, 2006 से पूर्व ( वह तारीख जिससे छठे केन्द्रीय वेतन आयोग की सिफारिशं लागू की गईं हैं) नियमितृ आधार पर की गई सेवा को एक से अधिक संशोधन पूर्व वेतनमान का समान ग्रेड वेतन सहित एक ग्रेड में अथवा वेतनमान में आमेलन किया गया है और जहां पर यह लाभ केवल उस पद (दों) के लिए लागू होगा जिनके लिए वह ग्रेड वेतन अथवा वेतनमान बिना किसी उन्नयन के सामान्य प्रतिस्थापन है, के अतिरिक्त समन्रूपी ग्रेड वेतन में अथवा वेतन आयोग की सिफारिशों के आधार पर लागू किए गए वेतनमान में की गई सेवा के बराबर माना जाएगा।

(iii) संयुक्त सचिव स्वतंन्त्रता सेनानी, (पुनर्वास) गृह मंत्रालय - सदस्य

> [फा. सं. 37/17/2008-ई.पी.] एस. के. आहूजा, अवर सचिव

# MINISTRY OF HOME AFFAIRS NOTIFICATION

New Delhi, the 30th July, 2012

GS.R. 612(E).—In exercise of the powers conferred by the proviso to article 309 of the constitution and in supersession of the Custodian of Enemy Property for India Recruitment Rules, 1977, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules regulating the method of recruitment to the post of the Custodian of Enemy Property for India, Mumbai, namely:

- 1. Short title and commencement. (1) These rules may be called the Custodian of Enemy Property for India Recruitment Rules, 2012.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- 2. Number of posts, Classification and Pay Band and Grade Pay or Pay Scale. The number of the said post, its classification and the pay band and grade pay or pay scale attached thereto, shall be as specified in columns 2 to 4 of the Schedule appended to these rules.
- 3. Method of recruitment, age limit and other qualifications. The method of recruitment, age limit, qualifications and other matters relating to the said post shall be as specified in columns 5 to 13 of the said Schedule.
- 4. Disqualifications. No person, -
  - (a) who has entered into or contracted a marriage with a person having a spouse living; or
  - (b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said post:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

- 5. Power to relax. Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.
- 6. Saving.- Nothing in these rules affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes the Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

## **SCHEDULE**

Name of the post.	Number of posts.	Classification.	Pay Band and Grade Pay or Pay Scale.	Whether selection post or non- selection post.	Age limit for direct recruits.	Education al and other qualifications required for direct recruits.
1	2	3	4	5	6	7
Custodian of Enemy Property for India.	1* (2012) *Subject to variation dependent upon work load.	General Central Service, Group 'A', Gazetted, Non-ministerial.	Pay Band-3, (Rs. 15600-39100) and Grade Pay Rs.7600/-	Not applicable	Not applicable	Not applicable
			3			
Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotes.	Period of probation if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation/absor ption and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion or deputation/absorption, grades from which promotion or deputation/absorption to be made.	If a Department Promotion Committee exits, what is its composition .	Circumstan – ces in which Union Public Service Commissio – n is to be consulted in making recruitment.	
8	9	10	11	12	13	
Not applicable.	Not applicable	Promotion/ deputation	Promotion /deputation: Officers of the Central Government  a) (i) holding analogous post on regular basis; or (ii) with five years of regular service in Pay Band-3 (Rs.15600-39100), and Grade Pay of Rs.6600; and	Group 'A' Department al Promotion Committee for considering promotion consisting of:-	Consultation with the Union Public Service Commissionn is necessary.	
2896GIJ1	2-2		b) possessing five years experience in the field of Administration and establishment matters. (The Departmental Deputy Custodian of Enemy Property for India with five years of regular service in the pay band-3 (Rs.15600-39100) and Grade Pay of Rs.6600 shall also be considered along	(i) Chairman/ Member – Union Public Service Commissio n Chairman  (ii) Joint Secretary (Administra-		

	with outsiders and in case, he or she is selected, post	tion), Ministry of	. 4	
	shall be deemed to have	Home	*	
	been filled by promotion)	Affairs -		
-14		Member		
Labeltage 1	Note 1 The period of	(iii) Joint		
	deputation including the	Secretary		•
	period of deputation in	(Freedom	*	
	another ex-cadre post held			
	immediately preceding this	Rehabilitati-		
	appointment in the same or	on),		
	some other	Ministry of		
	Organization/Department	Home		
	of the Central Government	Affairs		
	shall not exceed four years.	Member	Temperature 1	
	Note 2 The maximum		The Bart	
	age limit for appointment		A STATE OF THE STA	
	by deputation shall not be		a de la companya della companya della companya de la companya della companya dell	
	exceeding fifty-six years as			
	on the closing date of		The Hillians	
	receipt of application.			
. Centeral Mark Marks	Id let a me the real and the			
	Note 3 For the purpose of			
	appointment on deputation			
	basis, the service rendered			
	on a regular basis by an officer prior to 1 <sup>st</sup> January,			
	2006 (the date from which	F34,		
	the revised pay structure			
	based on the 6th Central			
	Pay Commission			
	recommendation has been			
	extended) shall be deemed			
Buryerson monomores	to be service rendered in			
	the corresponding grade			
Table 2004	pay or pay scale extended based on the			
	based on the recommendations of the			
	pay commission except			
	where there has been			
	merger of more then one			
	pre-revised scale of pay			
	into one grade with a			
	common grade pay or pay			
attriud La	scale and where this			
The state of the s	benefit will extend only for			
	the post(s) for which that			
	grade pay or pay scale is the normal replacement			
	grade without any up			
	gradation.			



असाधारण

#### EXTRAORDINARY

भाग II--खण्ड 3--उप-खण्ड (i)

PART II—Section 3—Sub-section (i) प्राधिकार से प्रकाशित

## PUBLISHED BY AUTHORITY

सं. 503] No. 503] नई दिल्ली, शुक्रवार, सितम्बर 26, 2014/आश्विन 4, 1936

NEW DELHI, FRIDAY, SEPTEMBER 26, 2014/ASVINA 4, 1936

गृह मंत्रालय (स्वतंत्रता सेनानी एवं पुनर्वास प्रभाग) अधिसूचना

नई दिल्ली, 26 सितम्बर, 2014

सा.का.नि. 694(अ).—भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रपति दिनांक 30 जुलाई, 2012 की अधिसूचना सा.का.नि. 612(अ), के अंतर्गत अधिसूचित भारत के शत्रु संपत्ति अभिरक्षक पद के लिए एतद्वारा विद्यमान भर्ती नियमों में निहित मुद्रण संबंधी त्रुटियों को ठीक करने के लिए निम्नलिखित संशोधन करते हैं:—

"भारत के शत्रु संपत्ति अभिरक्षक पद के लिए विद्यमान भर्ती नियमों में कालम 12 को विद्यमान प्रावधानों के स्थान पर "लागू नहीं" प्रतिस्थापित किया जाता है।"

[फा. सं. 37/17/2008-ई.पी.]

के. के. पाठक, संयुक्त सचिव

## MINISTRY OF HOME AFFAIRS

(Freedom Fighters and Rehabilitation Division)

#### NOTIFICATION

New Delhi, the 26th September, 2014

G.S.R. 694(E).—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following amendments to correct the typographical errors in the existing Recruitment Rules for the post of Custodian of Enemy Property for India notified *vide* Notification G.S.R. 612(E), dated 30th July, 2012:—

"Col. 12 in the existing Recruitment Rules for the post of Custodian of Enemy Property for India is substituted as "Not applicable" in place of the existing provisions."

[F. No. 37/17/2008-EP]

K. K. PATHAK, Jt. Secy.

3889 GI/2014



असाधारण

## EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i) प्राधिकार से प्रकाशित

## PUBLISHED BY AUTHORITY

सं. 524]

नई दिल्ली, शुक्रवार, अक्तूबर 10, 2014/आश्विन 18, 1936

No. 524]

NEW DELHI, FRIDAY, OCTOBER 10, 2014/ASVINA 18, 1936

# गृह मंत्रालय

# अधिसूचना

नई दिल्ली, 10 अक्तूबर, 2014

सा.का.नि. 716(अ).—केन्द्रीय सरकार,सिख गुरुद्वारा अधिनियम, 1925 (1925 का पंजाब अधिनियम-8) की धारा 2 के खण्ड (17 क) एवं धारा 47कके साथ पठित धारा 146 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मुख्य आयुक्त, गुरुद्वारा निर्वाचन की नियुक्ति को विनियमित करने से संबंधित निम्नलिखित नियम बनाती है, अर्थात:-

- 1. सं<mark>क्षिप्त नाम और प्रारंभ :</mark> (1) इन नियमों का संक्षिप्त नाम मुख्य आयुक्त गुरुद्वारा निर्वाचनकी नियुक्ति संबंधी नियम, 2014 कहा है।
  - (2)ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
- 2. परिभाषाएं : इन नियमों में, जब तक कि संदर्भ में अन्यथा अपेक्षित न हो, --
  - (क) "अधिनियम" से सिख गुरुद्वारा अधिनियम, 1925(1925 का पंजाब अधिनियम-8) अभिप्रेत है;
  - (ख) इसमें प्रयुक्त उन शब्दों और पदों, जिन्हें इन नियमों में परिभाषित नहीं किया गया है, किंतु इन्हें अधिनियम में परिभाषित किया गया है, का क्रमश: वहीअर्थ होगा, जैसा अधिनियम में है।
- 3. मुख्य आयुक्त गुरुद्वारा निर्वाचन की नियुक्ति : केन्द्रीय सरकार, राजपत्र में अधिसूचना द्वारा नियम 4 के उप-नियम 3 के अधीन चयनित किसी व्यक्ति को उक्त अधिनियम के अधीन अपेक्षित कार्यों को निष्पादित करने के लिए 'मुख्य आयुक्त गुरुद्वारा निर्वाचन' के रूप में नियुक्त कर सकेगी।

- 4. तलाश-सह-चयन समिति द्वारा चयन की रीति-
  - (1) केन्द्रीय सरकार, पंजाब और हरियाणा उच्च न्यायालय के रजिस्ट्रार से कम से कम तीन ऐसे सेवानिवृत्त न्यायाधीशों के पैनल की मांग करेगी, जिनकी उम्र 70 वर्ष से अधिक न हो तथा जो पंजाब और हरियाणा उच्च न्यायालय से सेवानिवृत्त हुए हों।
  - (2) पंजाब और हरियाणा उच्च न्यायालय से सेवानिवृत्त न्यायाधीशों का पैनल प्राप्त हो जाने पर, तलाश-सह-चयन समिति, जिसमें निम्नलिखित सदस्य सम्मिलित होंगे,मुख्य आयुक्त गुरुद्वारा निर्वाचन के पद के लिए वरीयता क्रम में उपयुक्त अभ्यर्थी (अभ्यर्थियों) के एक पैनल की सिफारिश करेगी, अर्थात :—

(i) गृह सचिव

– अध्यक्ष

(ii) विधि सचिव

– सदस्य

(iii) सचिव, व्यय विभाग

- सदस्य

- (3) मुख्य आयुक्त, गुरुद्वारा निर्वाचन के पद के अंतिम चयन के लिए,तलाश-सह-चयन समिति (सर्च-कम-सेलेक्शन कमिटी) की सिफारिश को नियुक्ति संबंधी मंत्रिमंडल समिति को अग्रेषित किया जाएगा।
- 5. मुख्य आयुक्त, गुरुद्वारा निर्वाचन की पदावधि: इस नियम 3 के अधीननियुक्त, मुख्य आयुक्त, गुरुद्वारा निर्वाचन की पदावधि दो वर्ष की होगी, जिसे, यदि आवश्यक हो, तो नियुक्ति संबंधी मंत्रिमंडल समिति (ए सी सी) के अनुमोदन से एक वर्ष के लिए बढ़ाया जा सकेगा।
- 6. वेतन और भत्ते : मुख्य आयुक्त, गुरुद्वारा निर्वाचन का वेतन और भत्ते, भारत सरकार के सचिव को अनुज्ञेय वेतन और भत्तों के समान होंगे, जिसमें से पेंशन की राशि कम कर दी जाएगी।

[सं. 17014/13/2014-आई एस-VII]

राकेश सिंह, संयुक्त सचिव

# MINISTRY OF HOME AFFAIRS NOTIFICATION

New Delhi, the 10th October, 2014

G.S.R. 716(E).—In exercise of the powers conferred by sub-section (1) of Section 146 read with clause (17A) of Section 2 and Section 47 A of the Sikh Gurdwaras Act, 1925 (Punjab Act VIII of 1925), the Central Government hereby makes the following rules regulating the appointment of the Chief Commissioner, Gurdwara Elections, namely:-

- 1. Short title and commencement. (1) These rules may be called the Chief CommissionerGurdwara Elections Appointment Rules, 2014.
  - (2) They shall come into force on the date of their publication in the Official Gazette.

- 2. **Definitions.** In these rules, unless the context otherwise requires, -
  - (a) "Act" means the Sikh Gurdwaras Act, 1925 (Punjab Act VIII of 1925);
  - (b) Words and expressions used herein and not defined in these rules, but defined in the Act, shall have the meanings respectively assigned to them in the Act.
- 3. Appointment of Chief Commissioner, Gurdwara Elections. The Central Government may, by notification in the Official Gazette, appoint a person selected under sub-rule-3 of rule-4 as the Chief Commissioner, Gurdwara Elections for performing the functions required under the Act.
- 4. Manner of selection by Search-cum-Selection Committee. -
- (1) The Central Government shall seek from the Registrar, Punjab and Haryana High Court, a panel of at least three retired judges not exceeding the age of 70 years who have retired from the Punjab and Haryana High Court.
- (2) On receipt of the panel of retired judges from the Punjab and Haryana High Court, the Search-cum-Selection Committee, consisting of the following members, shall recommend a panel of suitable candidate(s) for the post of Chief Commissioner, Gurdwara Elections in the order of preference, namely:-

(i) Home Secretary

- Chairman

(ii) Law Secretary

- Member

(iii) Secretary, Department of Expenditure

- Member

- (3) The recommendation of the Search-cum-Selection Committee shall be forwarded to the Appointments Committee of Cabinet (ACC) for final selection for the post of Chief Commissioner, Gurdwara Elections.
- 5. Term of office of Chief Commissioner, Gurdwara Elections. The term of office of the Chief Commissioner, Gurdwara Elections, so appointed under rule-3, shall be for a period of two years which may be extended by a period of one year, if considered necessary, with the approval of the Appointments Committee of Cabinet (ACC).
- 6. Pay and allowances. The pay and allowances to the Chief Commissioner, Gurdwara Elections shall be as admissible to a Secretary to the Government of India minus pension.

[No.17014/13/2014-IS.VII] RAKESH SINGH, Jt. Secy.