



GOVERNMENT OF JAMMU AND KASHMIR

THE JAMMU AND KASHMIR GOVERNMENT

BUSINESS RULES

(Confidential and for official use only)

Government of Jammu and Kashmir
Civil Secretariat - O. & M. Department

1ST REPRINT

This reprint of the Jammu and Kashmir Government Business Rules incorporates amendments ending June, 1974 and is expected to meet the growing demand for up to date copies of the rule.

(Sd).....
Secretary to Government
O. & M. Department

Dated: 25-06-1974

Government of Jammu and Kashmir
General Department

SECOND REPRINT

Since First re-print of the Jammu and Kashmir Business Rules many amendments have taken place it has accordingly become necessary to bring the Rules of Business up to date in a Second re-print. The Second re-print, it is expected will meet the requirements of the Secretariat Departments.

(Sd.) B.N.SAFAYA,
Secretary to Government,
General Department

Government of Jammu and Kashmir
General Department

THIRD REPRINT

Some major amendments were carried out in the Jammu and Kashmir Business Rules for the past one year which necessitated third reprint of the rules. The rules are up to date and will meet the requirements of the Department.

(Sd.) B.N.SAFAYA,
Secretary to Government.

FOURTH REPRINT

Some amendments were carried out in the Jammu and Kashmir Government Business Rules during the last four years which necessitated fourth reprint of these rules. It is hoped that this will meet the requirements of the Departments.

Dated: 15-11-1988.

(Sd.) QAZI MOHAMMAD AMIN,
Secretary to Government,
General Administration Department

Government of Jammu and Kashmir
General Administration Department

FIFTH REPRINT

This reprint of the Jammu and Kashmir Government Business Rules incorporates amendments up to date and is expected to meet the growing demand for up to date copies of the rules.

(Sd.) MADHAV LAL,

Dated: 14-02-1995

Commr./Secy. to Government,
General Administration Department

Government of Jammu and Kashmir
General Administration Department

SIXTH REPRINT

Several amendments were carried out in the Jammu and Kashmir Government Business Rules during the last seven years which necessitated reprinting of these rules. It is hoped that this sixth reprint of the Jammu and Kashmir Government Business Rules will meet the requirements of the Departments.

Dated: 12-10-2002

(R.K.Jerath)
Commr./Secy. to Government,
General Administration Department

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ORDER

THE JAMMU AND KASHMIR GOVERNMENT BUSINESS RULES.

In exercise of the powers conferred by section 43 and sub-section (2) of section 4S of the Constitution of Jammu and Kashmir in supersession of all previous rules and orders on the subject, the Governor hereby makes the following rules for the more convenient transaction of the business of the Government of Jammu and Kashmir:

1. These rules may be called "the Jammu and Kashmir Government Business Rules".
2. In these rules, unless the context otherwise requires:
 - (a) "Section" means a section of the Constitution of Jammu and Kashmir;

"Secretary" means a Secretary to the Government of the State; and includes an Additional Secretary, a Joint Secretary, a Deputy Secretary and an Under Secretary to the Government of the State;
 - (c) "Schedule" means a Schedule appended to these rules.
3. Unless the context otherwise requires the Jammu and Kashmir General Clauses Act, S. 1977, shall apply for the interpretation of these rules as it applies for the interpretation of an Act of the State Legislature.

PART I - ALLOCATION AND DISPOSAL OF BUSINESS

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

(2) Notwithstanding anything in sub-rule (1) the Cabinet may at any time reconstitute the departments, create new departments and reclassify and distribute afresh the business of the Government between those departments.
5. The Chief Minister shall allot among the Ministers the business of the Government by assigning one or more departments to the charge of a Minister and may attach to him one or more Ministers of State / Deputy Ministers to assist him in the discharge of his duties and to perform such

functions appertaining to one or more departments assigned to the charge of the Minister, as the Chief Minister the Minister-in-charge with the concurrence of Chief Minister may specify.

Provided that:

- (a) nothing in the rules shall prevent the assigning of one department to the charge of more than one Minister;
- (b) no case requiring submission to the Cabinet, Chief Minister and the Governor in the Second, Third and Fourth Schedule shall be so submitted unless it has the specific approval of the Minister-in-charge; and
- (c) copies of orders defining responsibilities and functional of Ministers of state/Deputy Minister as the case may be shall be sent to the Governor;

*Provided further that nothing in this rule shall prevent the Chief Minister from allocating the business of any department or portion thereof to the charge of a Minister of State without attaching him to any Minister In-charge for that Business or part thereof; as the case may be:

**provided also that nothing in this rule shall prevent the Chief Minister from assigning any case or class of cases pertaining to the Departments under his charge to any other Minister for disposal.

6. Each department of the Secretariat shall consist of the Secretary to the Government, who shall be the official head of that department, and of such other officers and servants subordinate to him as the State Government may determine:

Provided that:

- (a) more than one Department may be placed incharge of the same Secretary;
- (b) The work of a department may be divided between two or more Secretaries.

*Inserted vide Order issued under No. G.D. (O&M) BR/71-1312 dated 5th October, 1971.

** Inserted vide Notification SRO-492 dated 19.8.1977.

7. The Cabinet shall be collectively responsible for all executive orders issued in the name of the Governor or of the Government of Jammu and Kashmir in accordance with these Rules, whether such orders are authorized by an individual Minister on a matter appertaining to his portfolio or as the result of discussion at a meeting of the Cabinet, or otherwise.

8. Subject to the orders of the Chief Minister under rule 14, all cases referred to in the Second Schedule shall be brought before the Cabinet in accordance with the provisions of the rules contained in Part II.

9. Except as otherwise provided for in these rules, all business allotted to a department shall be disposed of by or under the general or special directions of the Minister-in-charge. Copies of such special or general directions issued by the Minister shall be sent to the Governor and the Chief Minister.

10. (1) Unless the case is fully covered by 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 Finance Department issue any orders which may:-

- (a) involve any abandonment of revenues or involves any expenditure for which no provision has been made in the Appropriation Act;
- (b) involve any grant of land or assignment of revenue or concession, grant, lease or licence or mineral or forest rights or a right to water, power or any casement or privilege in respect of such concession;
- (c) relate to the number or grade of posts or to the strength of a service, or to the pay or allowance of Government servants or to any other conditions of their service having financial implications; or
- (d) otherwise have a financial bearing whether involving expenditure or not,

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

(4)

(2) Unless the case is fully covered by a decision or advice previously given by that department, the General Administration Department shall be consulted on all matters involving:-

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

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

(3) Subject to the general provisions of rule 8, no proposal which requires the previous consultation of the Finance Department under this rule, in which the Finance Department has not concurred, may be proceeded with unless a decision to that effect has been taken by the Cabinet.

(4) Except to the extent that power may have been delegated to the Departments under rules approved by the Finance Department, every order of an Administrative Department conveying a sanction to be enforced in audit shall be communicated to the audit authorities by the Finance Department.

(5) Nothing in this rule shall be construed as authorising any department, including the Finance Department to make re-appropriations from one grant specified in the Appropriation Act to another such grant.

11. All orders or instructions made or executed by or on behalf of the Government of the State shall be expressed to be made or executed in the name of the Governor or of the Government of Jammu and Kashmir.

12. Every order or instrument of the Government of the State shall be signed either by the Chief Secretary, the Additional Chief Secretary, a Secretary, an Additional Secretary, a Joint Secretary, an Additional Joint Secretary, a Deputy Secretary or an Under Secretary to the Government or such other officer as may be specially empowered by the Government in that behalf and such signature shall be deemed to be the proper authentication of such order or instrument.

PART II -PROCEDURE OF THE CABINET

13. The Chief Secretary, or such other officer as the Chief Minister may appoint shall be the secretary to the Cabinet.
14. (1) The cases specified in the Second Schedule to these rules shall be brought up before the Cabinet. A memorandum shall be submitted in respect of such cases to the Cabinet after consideration by the Minister Incharge . In important cases the Secretary concerned to the Chief Secretary before transmission to the Cabinet Secretariat. The memorandum may be returned under the authority of the Chief Secretary, if it does not incorporate full details so as to enable a proper assessment of the case being made or if it is otherwise defective or deficient in any respect.
- (2) In respect of the below mentioned cases falling under the Second Schedule, the Secretary in the Administration Department concerned shall, with the approval of the Minister Incharge, make a submission to the Chief Minister through the Secretary to Cabinet, obtain orders and subsequently submit a note for information of the Cabinet:-
- (a) emergent cases where it is not possible to seek orders of the Cabinet as required under these rules and there is an urgent need to anticipate the same in the interests of the administration;
 - (b) cases which involve minor amendments to decisions already taken by the Cabinet;
 - (c) cases of confidential nature, the circulation of which as part of the agenda may not be in the interest of administration.
15. (1) The Chief Minister may direct that any case referred to in the Second Schedule may instead of being brought up for discussion at a meeting of the Cabinet, be circulated to the Ministers for opinion Such cases shall also be brought up before the Chief Minister through the Chief Secretary in a memorandum as in respect of any other case submitted for orders of the Cabinet.
- (2) If it is decided to circulate any such case to the Ministers, copies of all papers relating to the case which are circulated among the Ministers shall simultaneously be sent to the Governor.

* Included vide Order No. 6-GR of 1983 dated 2-3-1983.

16. (1) In cases which are circulated for opinion under rule 15, the Chief Minister may direct, if the matter be urgent, that, if any Minister fails to communicate his opinion to the Secretary to the Cabinet by a date to be specified by him in the memorandum for circulation it shall be assumed that he has accepted the recommendations contained therein.

(2) If the Ministers have accepted the recommendations contained in the memorandum for circulation or the date by which they were required to communicate their opinion has expired, the Secretary to the Cabinet 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 to the Secretary to the Cabinet who will pass it on to the Secretary concerned who will thereafter take steps to issue the necessary orders.

17. When it has been decided to bring a case before the Cabinet the department to which the case belongs shall prepare a memorandum indicating with sufficient precision the salient facts of the case and the points for decision. Such memorandum and such other papers as are necessary to enable the case to be disposed of shall be circulated to the Minister. Copies of the memorandum and other papers shall at the same time be sent to the Governor.

18. In cases which concern more Ministers than one the Ministers shall attempt by previous discussion to arrive at an agreement. If an agreement is reached the memorandum referred to in rule 14 or 15 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.

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

(2) After an agenda showing the cases to be discussed at a meeting of the Cabinet has been approved by the Chief Minister, copies thereof, together with copies of such memoranda as have not been circulated under rule 17, shall be sent by the Secretary to the Cabinet to the Chief Minister and other Ministers so as to reach them two clear days before the date of such meeting. The Chief Minister may, in the case of emergency, curtail the said period of two days. Copies of the agenda and the memoranda shall at the same time be sent to the Governor.

(3) Except with the permission of the Chief Minister no case shall be placed on the agenda of a meeting unless papers relating thereto have been circulated as required by rule 17.

(4) If any Minister is on tour, the agenda shall be forwarded to the Secretary in the Department Concerned who, if he considers that the discussion of any case should await the return of the Minister, may request the Secretary to the Cabinet to take the orders of the Chief Minister for postponement of the discussion of the case until the return of the Minister.

(5) The Chief Minister or, in his absence any other Minister nominated by him shall preside at every meeting of the Cabinet

(6) The Secretary in the Government to which the case belongs and the Secretary in any other department concerned and any other officer shall also attend the meeting. if so directed by the Chief Minister or the Minister

presiding.
(7) The Secretary to the Cabinet shall attend all meetings of the Cabinet and shall prepare a record of the decisions. The record of the decisions of each meeting shall be read over in the next meeting and submitted to the Chief Minister or in his absence to the other Minister who presided over the meeting for approval. The Secretary to the Cabinet shall then forward a copy of such record to the Governor. Copies of record of decisions in the relevant case should also be communicated to the Secretary or Secretaries in the Department or Departments concerned.

20.(1) When a case has been decided by the Cabinet after discussion at a meeting, the Minister concerned shall take action to give effect to the decision. If, however, any deviation is proposed to be made from that decision, the case shall be submitted to the Chief Minister by the Minister concerned and further action oft it will be taken according to any directions of the Chief Minister. The Secretary in the department concerned will in case cause to be supplied to the Secretary to the Cabinet such documents as the latter may require to enable him to in his record of the case.

(2) The decisions of the Cabinet relating to each case shall be separately recorded and after approval by the Chief Minister or any other Minister presiding, shall be placed with the record of the case. A copy of the decisions shall be sent to the Governor.

21 .(1)There shall be Standing Committees of the Cabinet as set out in the Fifth Schedule with functions as may be specified by the Chief Minister. The Chief Minister may from time to time amend the Schedule by adding or reducing the number of such Committees.

(2) Each Standing Committee shall consist of such Ministers as the Chief Minister may from time to time specify.

(3) The Standing Committee shall, in relation to the matters assigned to them, have the same powers as are exercised by the Cabinet in terms of Rule 14 read with Second Schedule of the Jammu and Kashmir Government Business Rules.

(4) Adhoc Committees of Ministers may be appointed by the Cabinet or by the Chief Minister for investigating and reporting to the Cabinet on such matters as may be specified and, if so authorised by the Cabinet, for taking decisions on such matters.

(5) Any decision taken by an Adhoc Committee may be reviewed by the Cabinet:

Provided that all policy issues which come before the Adhoc Committees shall be submitted by them to the Cabinet for decision;

Provided further the decision taken by such Adhoc Committees shall be circulated to all Cabinet Ministers for information.

Provided further that the Standing Committees shall be presided over by the Chief Minister and that the Chief Secretary shall be the Secretary of these Committees.

PART III- DEPARTMENTAL DISPOSAL OF BUSINESS -A-GENERAL

22. 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 Governor and the Chief Minister.

23. Except as otherwise provided herein cases shall be submitted by the Secretary in the Department to which the case belongs to the Minister-in charge;

Provided that when the case relates to a matter in which the Minister concerned has a personal interest it shall be submitted to the Chief Minister who shall direct that the case shall be circulated to any one or more of the other Ministers;

*Provided further that all such cases which are required to be submitted to the Chief Minister as Minister incharge and are also covered under rule 31 of the rules, may be submitted by the Secretary of the concerned Administrative Department, except the cases of Planning Department, directly for being placed before the Chief Minister through Chief Secretary for orders.

24. Every Monday the Secretary shall submit to the Minister-in-charge statement showing particulars of cases disposed of in the Department by the Minister and the Secretary, respectively during the preceding week. A copy of the said statement shall be simultaneously submitted also to the Chief Minister.

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

26. If the Departments concerned are not in agreement regarding the case dealt with under rule 25, the Minister-in-charge of the department, may if he wishes to proceed with the case, direct that the case be submitted to the Chief Minister for orders for laying the case before the Cabinet.

27.(1) A Secretary may ask to see the papers in any department if such papers are required for the disposal of a case in his Department.

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

(3) A Minister may send for any paper from any department for his information provided that, if he is of opinion that any further action should be taken on them, 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 Cabinet. No further notes shall be recorded in the case before the papers are so laid before the Cabinet;

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.

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

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

28. If any 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 will, if necessary, obtain the orders of the Chief Minister.

29. All communications received from the Government of India including those from the Prime Minister and other Ministers of the Union, other than those of routine or unimportant character shall, as soon as possible after receipt, be submitted by the Secretary to Minister-in-charge and the Chief Minister for information.

30. Any matter likely to bring the State Government into controversy with the Government of India or with any other State Government shall, as soon as the possibility of such a controversy is seen, be brought to the notice of the Chief Minister and the Minister-in-charge.

31.(1) The classes of cases listed in the Third Schedule shall be submitted to the Chief Ministers through the Chief Secretary, before the issue of orders:

*Provided that the Chief Minister may direct that any of the cases listed in the said Schedule be submitted to any other Minister nominated by him.

(2) The classes of cases listed in the Fourth Schedule shall be submitted by the Chief Minister to the Governor before the issue of orders.

32. Where in any case the Governor considers that any further action should be taken or that action should be taken otherwise than in accordance with the order passed by the Minister-in-charge. The Governor may require the case to be laid before the Cabinet for consideration whereupon the cases shall be so laid:

Provided that the notes, minutes or comments of the Governor in any such case shall be brought on the Secretariat record unless the Governor so directs. .

33. The Chief Minister shall: -

- (a) cause to be furnished to the Governor such information relating to the administration of the State and Proposals for legislation the Governor may call for; and
- (b) if the Governor so requires submit for the consideration of the Cabinet any matter on which a decision has been taken by a Minister but which has not been considered by the Cabinet

B - FINANCE DEPARTMENT

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

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

35. The views of the Finance Department shall be brought to the permanent record of the Department to which the case belongs and shall form part of the case.

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

37.(1) The Finance Minister may call for any papers in case in which any of the matters referred to in rule 10 or rule 34 is involved and the department to whom the request is addressed shall supply the papers.

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

(3) 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

38. 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 of which the policy has been approved; and every proposal to initiate legislation shall be considered in, and if necessary, transferred to the department to which the subject matter of 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 8, settled in such department

39. Proposal to initiate legislation shall be treated as a case and shall be submitted to the Chief Minister through the Minister-in-charge of the Administrative Department and the Law Department:

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 State Legislature to enact the measures proposed;
- (iii) the requirements of the Constitutions as to obtaining previous sanction if any; and
- (iv) the consistency of the proposed measure with the provisions of the Constitution and in particular those relating to the Fundamental Rights.

40. If legislation is decided upon by the Minister-in-charge, the department will, if the legislation involves expenditure from the Consolidated Fund of the State, prepare in consultation with the Finance Department, a financial memorandum. The papers shall then be lent to the Law Department, requesting it to draft the Bill accordingly.

41. The Law Department shall thereafter prepare a tentative draft Bill, scrutinize the statement of objects and reasons and return the case to the department concerned.

42 The Administrative Department will obtain the opinion of such officers and bodies as it seems necessary on the draft Bill and submit the opinion received with a copy of the tentative draft Bill to the Minister-in-charge.

43. If the tentative draft Bill is approved by the Minister-in-charge it shall be circulated to the other Minister and a copy supplied to the Governor and unless the Chief Minister directs otherwise the tentative draft Bill shall be brought before a meeting of the Cabinet. Proposals for any substantial or important amendments in the draft Bill after its approval shall also be dealt with similarly.

44. If it is decided to proceed with the 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.

45. The Law Department shall then finalize the draft and send a draft Bill 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 State are modified in the finalized draft the department shall send the finalized draft Bill to the Finance Department for revising if necessary, the financial memorandum.

46. (1) Where my previous sanction under the Constitution or the recommendation of the Governor is necessary for a Bill the originating department shall obtain it, and then forward a copy of it (together with the statement of objects and reasons and the Notes on Clauses, if any) to the Law Department which shall cause the same to be published in the Gazette.

(2) The originating department shall also prepare a notice on motion to introduce the Bill and shall after obtaining the signature of the Minister-in-charge forward the notice to the Secretary to the House of Legislature in which it is proposed to introduce the Bill. The department will be incharge of the Bill in all its subsequent stages.

(3) The Governor or as the case may be, the authority so empowered under the relevant rules of the legislature may order the publication of the Bill (together with the statement of objects and reasons and the Notes on Clauses, if any, accompanying it) in the Gazette although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill and if the Bill is afterwards introduced it shall not be necessary to publish it again.

(4) After complying with the provisions of the foregoing sub-rules the originating department may transfer the final draft Bill to the Law Department with the instructions of Government thereon and copies of papers relating to the Bill. After such transfer the Bill shall be deemed to belong to the Law Department.

47. Notwithstanding anything contained in rule 38 measures designed solely to codify and consolidate existing enactments and legislation of a formal character such as repeating 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 them on the subject.

48. (1) whenever private member of the State Legislature gives notice of his intention to move for leave to introduce Bill, the Office of the Legislature shall forthwith send two copies of the Bill and the Statements of Objects and Reasons to the Department principally concerned with the subject matter of the Bill and another to the Law Department. The Administrative Department shall submit one set of papers to the Chief Minister for information.

(2) The Bill shall be dealt with as a case by the Administrative Department and then referred to the Law Department for advice in its technical aspects, such as need for previous sanction, if any, and the competence of the State Legislature to enact the measure.

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

49. The Provisions of the rule 48 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 the Members of the State Legislature of being moved during the consideration of a Bill in that Legislature.

50. (1) When a Bill has been passed by the Legislature it shall be examined by the Law Department in consultation with the

Administrative Department concerned, and shall be forward to the Governor with: -

- (a) a report of the Secretary of the department concerned as to the reasons, if any, why the Governor's assent should not be given; and
- (b) a report of the Law Secretary as to the reasons, if any, why the Governor's assent should not be given.

(2) Where the Governor directs that the Bill should be returned to the Legislature with the message, necessary action in that behalf shall be taken by the Law Department in consultation with the Administrative Department concerned.

(3) After obtaining the assent of the Governor the Law Department shall cause the Bill to be published in the Gazette as an Act of the Legislature.

51. Whenever it is proposed in any Department other than Law Department: -

- (i) to issue a statutory rule, notification or order; or
- (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 unless it is of a routine nature or unless similar drafts have already been accepted by the Law Department, be referred to that Department for opinion and for revision where necessary.

52. (1) All Administrative Departments 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;
- (c) the institution or withdrawal of any prosecution at the instance of any Administrative Department; and

(d) preparation of important contracts 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.

PART IV - SUPPLEMENTARY

53. The Secretary of the Department concerned is in each case responsible for "[the proper transaction of business and] the careful observance of these rules and when he considers that there has been any material departure from them he shall personally bring the matter to the notice of the Minister-in-charge and the Chief Secretary.

54. These rules may to such extent as may be necessary.. be supplemented by instructions to be issued by the Chief Minister.

GOVERNOR,
JAMMU AND KASHMIR

September 9, 1968

** Inserted vide Order issued under endst. No G D(Adm)51/74-IV dated 31.1.1978.

*The Supplementary instructions issued under rule 54 up to date will be found at pages 35 to 42..

THE FIRST SCHEDULE
[Rule 4 (1)]

Distribution of the Business among the Departments of the Secretariat

<u>S.No.</u>	<u>Name of the Department</u>	<u>Subjects assigned</u>
1.	Administrative Reforms, Inspections, Trainings & Grievances Department.	1. Administrative Reforms. 2. Competent Authority. Entrance Examinations. 3. Educational Loans & Scholarships. 4. Government presses. 5. Inspections. 6. IMP A. 7. O&M 8. Redressal of Public Grievances. 9. Stationery and Office Supplies. 10. Trainings.
2.	Agriculture Production.	1. Agriculture. 2. Agriculture Education 3. Agro Industries Development Corporation. 4. Applied Nutrition Programme. 5. Command Area Development. 6. Horticulture. 7. Horticulture Marketing and Planning. 8. Horticulture Produce Marketing and Processing Corporation Ltd. 9. Land Use Development Board. 10. Rakhs and Farms. 11. SKUAST. 12. Spl. Programme like DDP & DDAP etc. 13. Sericulture
3.	Animal Husbandry.	1. Animal Husbandry. 2. The Jammu Co-op. Milk Fed. Ltd. 3. J&K Sheep and Sheep Products Development Board. 4. Kashmir Valley Milk Production Co-op. Federation. 5. Sheep Husbandry.

<u>S.No</u>	<u>Name of the Department</u>	<u>Subjects</u>
4.	Civil Aviation	1. Civil Aviation
5.	Co-operative.	1. Co-operative. 2. Co-operative Banks. 3. CONFED. 4. JAKFED.
6.	Education	1. Art, Culture and languages. 2. Gazetteers Unit. 3. General Records and Archives. 4. Higher Education. 5. Regional Engineering College. 6. Research Libraries and Museums. 7. School Education. 8. Technical Education 9. Universities. 10. Youth Services and Sports.
7.	Election	1. Franchise 2. Elections
8.	Environment and Ecology.	1. Environment and Ecology. 2. J&K Pollution Control Board.
9.	Forest Department	1. Accounts and Treasuries. 2. Banking and Institutional Finance. 3. Excise and Taxation. 4. Finance. 5. Funds Organization. 6. J & K Bank. 7. J & K State Financial Corporation
10.	Fisheries	1. Fisheries Development.
11.	Food and supplies Department.	1. Food and Supplies. 2. Food Management 3. Price Control
12.	Forest Department	1. Forest 2. IWDP. 3. J&K Forest Corporation. 4. Social Conservation. 5. Social forestry including the World Bank Project.

* Department of Election created by vide Government Order No: 922-GAD of 1994 dated: 9.11.1994.

S.No	Name of the Department	Subjects assigned
13.	Floriculture department.	1. Floriculture. 2. Gardens and Parks.
14.	General Administration Department.	1. All India Service. 2. Co-ordination of working of different Departments of Government 3. Cabinet Work. 4. Resident Commission and Trade Agencies. 5. Services Selection Board. 6. Personal Administration. 7. Public Service Commission. 8. Secretariat Administration. 9. Services. 10. "Vigilance Organization. 11. Estates 12. Information Technology Unit
15.	Health and Medical Education Department.	1. Health and Family Welfare. 2. Indian Systems of Medicine. 3. Medical Education 4. Sheri-i-Kashmir Institute of Medical Sciences.
16.	Home Department	1. Defence Labour Procurement 2. Fire Services. 3. Home Guards and Civil Defence. 4. Jails. 5. Law and Order. 6. Police Administration. 7. Sainik Welfare.
17.	Hospitality and Protocol	1. Hospitality and Protocol

• Department of Gardens, Parks and Floriculture renamed as Department of Floriculture vide G.O.No 465-GAD of 2000 dated 26-04-2000.

– Vigilance Organization transferred from Home Deptt. to GAD vide G.O.No.10-GAD of 1997 dated 02-01-1997.

S.No	<u>Name of the Department</u>	<u>Subjects assigned</u>
18.	Housing and Urban Development Department	1. Housing. 2. J.D.A 3. J & K Housing Board. 4. Local Bodies. 5. S.D.A 6. Town Planning. 7. Urban Development. 8. UEED.
19.	Industries and Commerce Department	1. Geology and Mining. 2. Handicrafts. 3. Handlooms 4. Himalayan Wool Combers Ltd. 5. Industries and Commerce. 6. J & K Cements. 7. J & K Handicrafts (Sale and Export) Corporation. 8. J & K Handloom Development Corporation. 9. J & K Industries Ltd. 10. J & K Minerals Ltd. 11. SICOP 12. SIDCO 13. Tawi Scooters Ltd.
20.	Information Department	1. Information. 2. Publicity.
21.	"Labour and Employment	1. Employees Insurance Scheme. 2. Employees provident Fund Scheme. 3. Labour Administration. 4. Labour Welfare. 5. Employment 6. Self Employment
22.	Ladakh Affairs.	1. Ladakh Affairs.
23.	Law and parliamentary Affairs	1. Administration of Gurdawaras. 2. Legislation. 3. J & K Legal Aid and Advisory Board. 4. Judiciary. 5. Law. 6. Parliamentary Affairs. 7. Special Tribunals.

<u>S.No</u>	<u>Name of Department</u>	<u>Subject assigned</u>
24.	Planning and Development Department	1. Computerization. 2. <u>Programme</u> Implementation. 3. Evaluation and Statistics. 4. Planning.
25.	Power Development Department	1. J & K Power Development Corporation 2. J & K State Electricity Board. 3. Power Development
26.	Public Enterprises	1. B.P.E 2. Public Enterprises.
27.	Public Works	1. Designs Organization. 2. Irrigation and Flood Control 3. J & K Projects Construction Corporation. 4. Mechanical Department. 5. Public Health Engineering. 6. Roads and Buildings. 7. Stores Procurements.
28.	Revenue and Relief	1. Administration of E.P. 2. Agrarian Reforms. 3. Consolidation of Holdings. 4. Emergency Relief Organization. 5. Land Records. 6. Land Revenue. 7. Relief and Rehabilitation. 8. Settlement. 9. Weights and Measures. 10. Haj and Auqaf.
29.	Rural Development.	1. Community Development and National Extension Service. 2. DRDAS. 3. Panchayats. 4. Rural Development. 5. Rural Engineering. 6. Rural Sanitation.

S.No	<u>Name of the Department</u>	<u>Subjects assigned</u>
30.	Science and Technology.	1. Integrated Rural Energy Programme. 2. J & K State Council for Science and Technology. 3. Non-Conventional Energy Sources including J & K Energy Development Agency. 4. Remote Sensing. 5. Science and Technology.
31.	Social Welfare.	1. J & K Advisory Board for Gujjars and Bakerwals. 2. J & K S.C, S.T. and Backward Classes Development Corporation. 3. J & K State Schedule Castes Advisory Board. 4. Pahari Speaking Dev. Board 5. Social Welfare. 6. State commission for Women. 7. State _Commission for Backward classes. 8. Women Development Corporation. 9. Welfare of Women and Children.
32.	Tourism Department.	1. Civil Aviation. 2. J&K Tourism Development Corporation 3. Shri Mata Vaishno Devi Shrine Board 4. Tourism. 5. *Gulmarg Development Authority. 6. *Pahalgam Development Authority. 7. **Patnitop Development Authority.
33.	Transport.	1. J&K SRTC. 2. Road Transport. 3. State Motor Garages. 4. State Motor Authority.

* Administrative control transferred from the Housing & Urban Development Department to Tourism Department vide Government Order No: Order No.794-GAD of 1999 dated 14-07-1999

** Administrative control of transferred from the Housing and Urban Development Department to the Tourism Department vide Government Order No.109-GAD of 1998 dated 21-01-1998.

THE SECOND SCHEDULE
(Rule 8)

Cases which shall be brought before the Cabinet.

1. Cases involving legislation including the issue of ordinances.
2. Proposals to summon or prorogue or dissolve the Legislature of the State.
3. Address of Governor to the Legislature.
4. Proposals to appoint public commissions or committees of enquiry and consideration of the reports of such commissions or committees
5. Omitted
6. Cases involving the question as to whether a member of the House of the Legislature of the State is subject to any disqualification.
7. The annual financial statements to be laid before the Legislature and demands for supplementary, additional or excess grants.
8. Proposals relating to rules to be made under Section 85 clause (3).
9. Proposals for the making or amending of rules under Section 110.
10. Proposals for the issue of Notification under Section 113.
11. Cases in which the attitude of the Government to any resolution or a Bill to be moved in the Legislature is to be determined.
12. 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 or for the raising of loans on the security of the revenue of the State or for giving of a guarantee by the Government of the State.
13. The annual audit review of the finance of the State and the report of the Public Account Committee.
14. Proposals involving any important change of policy/or directives or embodying changes in the administrative system of the state.

15. Proposals for the creation or the abolition of any post under the Government carrying a pay scale the maximum of which is above Rs. *15200/- per mensem in the case of posts in the plan for the Development Schemes and Rs.*12000/- per mensem and above in the case of posts borne on the Non-Plan Budget.

(Explanation: Where, however, new creations involve a number of non-gazatted and gazetted appointments in connection with the implementation of schemes or setting up of new organizations, the Departments concerned should submit cases to the Cabinet indicating the total picture in each case, while proposing such creations).

16. Appointment, resignation and removal of the Advocate General, Additional Advocate General and Assistant Advocate General or determining or varying the remuneration payable to them.
17. Proposals involving the appointment, resignation, dismissal, removal or suspension of the Chairman, Members or officers of the status of secretary, Additional Secretary or Joint Secretary of the Public Service Commission.
18. Proposals regarding appointment, resignation and removal of Chairman and members of any other Commission not mentioned specifically and *ad hoc* Commission and members thereon.
19. Proposals for appointments, or for taking any action inconsistent with the recommendations of the Public Service Commission.

20. (1) Proposals for the appointments/promotion of the following officers, namely:

- (a) Chief Secretary, Additional Chief Secretary and other promotions of All India Service Cadre Officers to various scales of pay within the respective services.
- (b) Heads of Departments and such other officers as are treated equivalent to a head of Department like Advisers, Consultants; and
- (c) KAS Officers.

Proposals for the posting of the following officers, namely:

- (a) Secretaries, Special Secretaries, Additional Secretaries and Joint Secretaries.

• Revised vide SRO-18 dated 19.1.1998 from Rs. 4500/- to Rs. 15200/- and Rs. 3600/- to Rs. 12000/-.

- (b) Heads of Departments
 - (c) Divisional Commissioners and District Development Commissioners-Cum-Deputy Commissioners.
 - (d) Additional Inspector General of Police.
 - (e) D.I.G of Police and Superintendents of Police.
 - (f). *(.....) Conservators of Forests.
 - (g) Officers of the level of Joint Heads of Departments like Joint Directors and equivalent ranks.
21. (1) Cases of deputation of officers from the Central Government or other State Governments or any other agency outside the State Services/Cadres.
- (2) Cases of deputation of State Government Officer outside the State.
22. Report of the public Service Commission on its work under section 137 and any action proposed to be taken with reference thereto.
23. Cases involving financial implications on which the Finance Minister desires a decision of the Cabinet.
24. Cases in which a Minister desires decision or direction of the Cabinet in a matter of importance on a subject assigned to his charge.
25. Cases in which a difference of opinion arises between two or more Ministers and a Cabinet decision is desired.
26. Proposals to vary or reverse a decision previously taken by the Cabinet.
27. Any other cases which the Governor or the Chief Minister may by general or special order require to be brought before the Cabinet.
28. Proposals, which adversely affect the operation of the policy laid down by the Central Government.
29. Reports of the State Anti-Corruption Commission.

* Deleted vide G.O. No 635-GAD of 2001 dated-13-6-20001

30. Cases regarding revision of scales of pay, either in general or in respect of an individual or group of posts.
31. Cases regarding attachment of special pay to any post
32. Grant of dearness allowance, compensatory allowance, Local allowance or any other allowance not covered under rules/orders or any increase in wages of permanent daily wagers in Government Departments.
33. Premature retirement of Gazetted Officers under Article 226(2) of the Jammu and Kashmir Civil Service Regulations.
34. Extension in services of Gazetted Officers.
35. Proposals for review of cadre schedules of All India Services.
36. Proposals for allotment of direct recruits in All India Services to the State Cadre of such All India Services.
37. Re-employment of Gazetted Officers after retirement.
38. Except the cases of forest leases and sale of forest produce including minor forest produce, proposals involving alienation, either temporary or permanent, or sale of Government property including land and temporary lease of immovable property, where such lease of Government property is not in accordance with the rules or a general scheme already approved by the Cabinet and the value thereof exceeds Rs. 50,000 in each case.
39. Proposal to nominate Members of the Legislative Council under section 50(6) of the constitution of Jammu and Kashmir.
40. Any proposal for the institution of prosecution by the Government against the advice tendered by the Law Department.
41. Proposals for making regulations under section 131 or under the proviso to clause (2) of section 133 of the Constitution of Jammu and Kashmir.

Items 6, 15, 20 and 21 recast and items 30 to 41 added under order No. 55-GR of 1980 dated 26.12.1980

THE THIRD SCHEDULE
[Rule 31 (1)]

Cases which shall be submitted to the Chief Minister through the Chief Secretary.

1. Cases involving formulation of statutory rules.
2. Proposals for the making or amending of rules regulating the recruitment and conditions of service of the members of State services including of those persons appointed to the Secretariat staff of legislatures and officers and servants of High Court.
3. Proposals for the dismissal, removal, reduction in the rank or compulsory retirement of an officer whose proposals for appointment require to be submitted to the Chief Minister including cases of disciplinary action against members of All India Services and KAS and disciplinary cases of such officers in respect of which action is proposed to be taken by the departments contrary to the advice of the Anti-Corruption Commission and/or the Public Service Commission.
4. Grant of permission to take employment in commercial, industrial or other private concerns to all officers whose appointment is made with the approval of the Chief Minister or the Cabinet.
5. Omitted.
6. Cases relating to the accord of administrative approval to works costing over *[hundred] lakhs rupees.
7. Cases involving relaxation of upper or lower, age limits for entry into government service.

Explanation: In the case of incumbents of the posts the maximum of the scale of pay of which does not exceed Rs. **2600/- who have been recruited upto 1.1.1972, the Minister-in-charge will be competent to accord sanction, and cases above that limit shall be submitted to the Chief Minister as co-ordination cases. In cases after 1st January, 1972 and in all new cases prior approval of the Chief Minister should be obtained by the departments except in cases where Public Service Commission recommends relaxation in which case the department should be competent to issue orders under intimation to General Administration Department.

8. Proposals for the grant of pardons reprieves, respites or remissions of punishment, or for the suspension, remission or commutation of

* Substituted vide order No. 1-GR of 1988 dated 28.9.1988.

** Substituted *ibid* Rs. 2050/- revised to Rs. 2600/- vide SRO- 75 dated 30.3.1992.

a sentence and cases relating to petitions for mercy from or on behalf of persons sentenced to death.

9. Cases raising questions of policy and cases of administrative importance not already covered by the Second Schedule or such cases where specified delegations have not been made in any of the Schedules or other rules and orders.
10. Cases which affect or are likely to affect the peace and tranquility of the State or any part thereof.
11. Cases which affect or are likely to affect the interest of any minority community, scheduled castes and backward classes.
12. Cases which affect the relations of the State Government with the Government of India, any other State Government, the Supreme Court or the High Court.
13. Constitution of an Advisory Board for the detention of persons without trial
14. Omitted.
15. Proposals for the provisions of the representation to the scheduled castes in the State services.
16. Any communication from the Election Commissioner especially with reference to its requirements as to staff and action proposed to be taken thereon.
17. Omitted.
18. Any departure from these rules which comes to the notice of the Chief Secretary or the Secretary of any Department.
19. Cases pertaining to the Governor's personal establishment.
20. Omitted.
21. Cases relating to summoning and prorogation of the Legislature, dissolution of the Legislative Assembly, removal or disqualification of voters at the elections to the legislature, fixing of dates of elections to the Legislature and other connected matters.
- **22. Cases relating to the appointment of officers of Legislature of the rank of Under Secretaries and above other than those falling within the purview of the Cabinet.

* Item 20 omitted vide order issued under No. O & M/BR/74 dated 22.5.1974.

**Item 22 substituted *ibid*.

23. Proposals involving the appointment, resignation, dismissal, removal or suspension of the officers of the Public Service Commission except those of the status of Secretary, Additional Secretary or Joint Secretary.
24. Proposals regarding counsel fee to the Advocate General, Additional Advocate General and other Government Advocate which are not covered by the terms and conditions of their appointments or by the provisions of Law Department Manual.
25. Proposals for the creation or abolition of posts under the Government carrying a pay scale the maximum of which is more than Rs. *8000/- and not exceeding Rs. *15200/- per mensem in respect of posts included in the plan and less than Rs. *12000/- per mensem in the case of other posts.
26. Omitted.
27. Cases involving proposals in relaxation of rules.
28. Periodic intelligence summaries from the Home Department.
29. Any proposal to recover or to waive recovery of the penalty due under Section 71.
30. Any other matter which the Chief Minister may from time to time, by general or special orders specify.
31. Any proposal to withdraw otherwise than in accordance with competent legal advice any prosecution instituted by or at the instance of the Government.
32. Proposals for the transfer of Deputy Secretaries, Senior Scale KAS Officers from one department to another department and Junior Scale IAS Officers;

Provided that KAS Officers shall be transferred within the department under the charge of a Minister in terms of any orders that the Minister concerned may deem fit to pass. Immediate intimation of such *intra-departmental transfers shall be given to the General Administration Department for information of the Chief Minister.
33. Premature retirement of non-gazetted officers under Article 226(2) of the Jammu and Kashmir Civil Service Regulations.
34. Grant of advance increments not covered under rules/orders.

* Recast vide order No. 4-GR of 1987 dated 8.10.1987.

* Substituted vide SRO 18 dated: 19.1.1998.

* Substituted vide Notification No. GAD(Ser) 1/99 dated 08-01-1999.

35. Extension in services of non-gazetted officers or re-employment after retirement of any such officers.
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Items 9 and 2S recast and items 33 to 35 added under Order NO. S.s-oR *or* 1980 dated 26.12.1980

THE FOUR SCHEDULE
[Rule 31 (2)]

(Cases which shall be submitted by the Chief Minister to the Government before issue of orders).

1. Proposals for the grant of pardons, or commutation of a sentence in pursuance of section 34.
2. Such cases as in the opinion of the Chief Minister raise major questions of policy.
3. Cases which affect or are likely to affect national security and the peace and tranquility of the State or any part thereof.
4. Cases which affect or are likely to affect the interest of scheduled castes and backward classes.
5. Cases which affect the relations of the State Government with the Government of India, any other State Government, the Supreme Court or the High Court.
6. Cases pertaining to Governors personal establishment and Raj Bhawan matters.
7. Proposals for the appointment of Chairman and Members of the State Public Service Commission and Anti-Corruption Commission.
8. Cases relating to summoning and prorogation of the Legislature, dissolution of the Legislative Assembly, removal or disqualification of voters at elections to the Legislature, nomination to the Legislative Council, fixing of dates of elections to the Legislature and other connected matters.
9. Governor's address and message to the House or Houses of Legislature of the State.
10. Recommendations of the Governor for presentation to the House or Houses of Legislature of Financial Statement and statements relating to supplementary, additional or excess grants, Appropriation Bills.
11. Promulgation and withdrawal of ordinances.
12. Such other cases or classes of cases which the Chief Minister may consider necessary or the Governor may wish to see.

Note 1: Where in any case the Governor considers that any further action should be taken or that action should be taken otherwise than

in accordance with the orders passed by Minister-in-charge the Governor may require the case to be laid before the Cabinet for consideration whereupon the case shall be so laid:

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

Note:

The Governor may:

- (a) ask for such information relating to the administration of the affairs of the State and proposals for legislation as he may require; and
- (b) direct that any matter on which a decision has been taken by a Minister but which has not been considered by the Cabinet be submitted for consideration of the Cabinet.

THE FIFTH SCHEDULE
RULE 21

*STANDING COMMITTEES OF THE CABINET

Standing Committee of the Cabinet on Political Affairs

1. Minister for Roads and Buildings
2. Minister for Law
3. Minister for Finance
4. Minister for Rural Dev. Panchayats and Cooperatives
5. Minister for Industries and Commerce
6. Minister for Transport
7. Minister for Irrigation, PHE and Flood Control
8. Minister for Sheep and Animal Husbandary
9. Minister for Social Welfare
10. Minister for Forests
11. Minister for Agriculture, Horticulture and Sericulture

Standing Committee of the Cabinet on Infrastructure

1. Minister for Roads and Buildings
2. Minister for Finance
3. Minister for Housing and Urban Development
4. Minister for Irrigation, PHE and Flood Control
5. Minister for Transport
6. Minister for Forests

Standing Committee *or* the Cabinet on Economic Affairs

1. Minister for Roads and Buildings
2. Minister for Finance
3. Minister for Rural Dev. Panchayats and Cooperatives
4. Minister for Housing and Urban Development
5. Minister for Social Welfare
6. Minister for Forests
7. Minister for Industries and Commerce
8. Minister for Agriculture, Horticulture and Sericulture
9. Minister for Sheep and Animal Husbandry
10. Minister for Parks and Gardens, Haj and Auquaf
11. Minister for Revenue

Standing Committee of the Cabinet on Social Development

1. Minister for Law
2. Minister for Finance
3. Minister for Rural Development, Panchayats and Cooperatives.
4. Minister for Science and Technology, Information, Youth Services and Sports.
5. Minister for Medical Education
6. Minister for School Education
7. Minister for Social Welfare
8. Minister for Higher Education

GOVERNMENT OF JAMMU AND KASHMIR

In pursuance of rule 54 of Jammu and Kashmir Government Business Rules, the following instructions are issued for disposal of various classes of cases.

For the processing of co-ordination cases required to be submitted to the Chief Minister under rule 31 the following procedure shall be adopted:-

(i) If the Chief Secretary considers that there are deficiencies or other objections to a proposal, he will return the proposal to the Administrative Department for comments. The Department may either accept the advice of the Chief Secretary or resubmit the case giving reasons for, non-acceptance of the advice. The Chief Secretary will then put up the case to the Chief Minister for orders.

(n) Where the Chief Minister does not approve of a proposal of an Administrative Department, and the Minister-in-charge 80 desires the case shall be submitted to the Cabinet for a decision.

(Sd)_____

Chief Minister,

No.GD (O&M) BR/71-1312.

Dated: 27.4.1971.

GOVERNMENT OF JAMMU AND KASHMIR
GENERAL DEPARTMENT

In pursuance of rule 54 of the Jammu and Kashmir Government Business Rules, the Chief minister is pleased to direct that, subject to the provisions of rule 8, no proposal which requires previous consultation of the Public Service Commission, under the Rules and Regulation for the time being in force, in which action is proposed to be taken inconsistent with the recommendations of the said Commission, may be proceeded with unless General Administration Department has been consulted. The views of the General Administration Department shall be brought on the permanent record of the department to which the case belongs and shall form part of the case.

(Sd)_____

Chief Minister

No.GDC-692-CM/71

Dated: 15.5.1972.

**GOVERNMENT OF JAMMU AND KASHMIR
CML SECRETARIAT - GENERAL ADMINISTRATION DEPARTMENT**

Subject: Procedure for sanctioning prosecution and connected matters against the Government Servants involved in Corruption cases.

Whereas, in pursuance of rule 34 of the Jammu and Kashmir Business Rule Circular instructions were issued vide General Administration Department's endorsement No. GAD (Adm) 184/78-IV dated 1.9.1988; and

Whereas, para (c) of the said instructions provides as follows:-

"Where sanction for prosecution of a public servant has been granted, the General Department shall issue the order of suspension of the delinquent officer; and

Whereas, the Hon'ble High Court of Jammu and Kashmir vide its judgment dated 21.8.1989 in Writ Petition No. 1863 of 1988 titled G.M. Hurrah V/s State and Others held that para (c) of the said circular instructions is invalid on the ground that it is contrary to the provisions of rule 31 of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956.

Now, therefore, in pursuance of rule 54 of the Jammu and Kashmir Business Rules and in exercise of all other powers enabling him in this behalf, the Governor is pleased to direct that:-

- (3) all cases relating to allegation of corruption against Government servants falling under the Jammu and Kashmir Prevention of Corruption Act, Samvat 2006 or any other law for the time being in force, on the subject, shall be examined and processed by the General Administration Department after they are received by it from the Vigilance Commissioner or any other authority authorized by the Government in this behalf.
- (b) all cases which under law require previous sanction for prosecution of a public servant shall be submitted to the Chief Minister by the *General Administration Department along with the views containing the full facts of the case and after the orders of Chief Minister are obtained sanction for prosecution will be issued by the *General Administration Department.
- (c) where sanction for prosecution of a public servant has been granted, the *General Administration Department shall endorse

a copy of the sanction to the Administrative Department/appointing authority for consideration of the matter in terms of the provisions of rule 31 of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 and the instructions issued thereunder.

(d) the circular No. GAD (Adm) 184/78-IV dated 1.9.1988, is hereby rescinded.

By order.

(Sd)_____

Secretary to Government,
General Administration Department

*Substituted vide Government Order No. 10-GAD of 1997 dated 02-01-1997 as the administrative control of Vigilance Organization transferred from Home Department to General Administration Department vide aforesaid order.

**Government of Jammu and Kashmir
General Administration Department**

Subject: Constitution of Board of Directors of Public Sector under takings/Societies.

**Government Order No: 1131-GAD of 1996
Dated : 21- 11- 1996**

In pursuance of rule S4 read with item 30 of IIIrd Schedule of J&K Government Business Rules the Chief Minister is pleased to direct that all proposals relating to appointment of Chairmen, Vice Chairmen and Members of the Board of Directors of various Public Sector Undertakings, Societies etc., shall henceforth be submitted to the Chief Minister through Chief Secretary, for order.

By order of the Government of Jammu and Kashmir.

**Sd/- (G.M.Thakur)
Commr./Secretary to Government,
General Admn. Department**

No: GAD (Adm) 45/72-IV

Dated: 21-11-1996

Government of Jammu and Kashmir
General Administration Department

Subject: Procedure for dismissal of Government employees in the interest of security of the state.

In pursuance of Rule 54 of the Jammu and Kashmir Government Business Rules and in exercise of an other powers enabling him in this behalf, the Governor is pleased to direct that:-

****Whenever it is proposed to dismiss a Government employee taking recourse to proviso (c) to Clause (2) of Section 126 of the Constitution of Jammu and Kashmir, the case will be examined in Home Department and after views of Advisor Incharge of Home Department have been recorded, the case (other than that of Home Department) shall be referred to the concerned Advisor with all relevant material. Thereafter, the case file containing the views of Advisor Incharge of Home Department and the Advisor of the concerned Department will be placed for orders of H.E the Governor in Coordination through Chief Secretary and the orders passed thereof shall be issued by the Administrative Department concerned."**

Sd/-
Commr/Secretary to Government,
General Administration Department

No: GAD (Adm) 6/90-Home-I

Dated: 2-8-1995

*These instructions were superseded vide Government Order No. 1102-GAD of 2000 Dated 19-9-2000 copy of which is annexed with these now superseded instructions.

**Government of Jammu and Kashmir
General Administration Department**

Government Order No: 1102-GAD of 2000
Dated : 19-09-2000

In supersession of all previous orders on the subject, it is hereby ordered that following procedure shall be observed for invoking clause (c) of sub section (2) of section-126 of the Constitution of Jammu and Kashmir:

- a) Cases where clause (c) of sub section (2) of section 126 of the Constitution of Jammu and Kashmir is proposed to be invoked shall be referred to the Principal Secretary to Government, Home Department under the signatures of Addl. D. G., CID.
- b) Recommendations on (a) above shall be supported by a copy of the interrogation report and other collateral evidence so as to justify dispensing with the holding of an inquiry in the interest of Security of the State.
- c) The recommendations of Addl. D.G., CID shall be scrutinized by a Committee comprising of the following:
 - 1. Special Secretary, Home Department.
 - 2. Special Secretary, GAD.
 - 3. A representative of the department to which the Government employee belongs.
 - 4. A representative of the CID.

Recommendations as would be made by the Committee referred to above in para-c would be processed by the Principal Secretary, Home for orders of the *Cabinet/Governor in terms of clause (c) of Sub Section (2) of Section 126 of the Constitution of Jammu and Kashmir.

Once approval of the Governor is given, orders of dismissal will be issued by the concerned Department.

It is further ordered that:-

- i) All pending cases be decided in the above manner.

- ii) All Departments will seek the advice of the Home Department before deciding the period of suspension of Government employees whose dismissal orders are either quashed by the courts or they resume duty after detention. The Home Department shall in turn seek the recommendations of the Committee referred to in para-c above.

By order of the Government of Jammu and Kashmir.

Sd/-
Commr/Secretary to Government,
General Administration Department

No: GAD (Adm) 166/2000-V

Dated: 19-09-2000

*Substituted vide Government Order No. 422-GAD of 2001 dated 18-04-2001.