

**KARNATAKA GOVERNMENT SECRETARIAT**  
**DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS**  
 No. DCA 20 TRB 76 (1), dated 29<sup>th</sup> July 1977

**THE KARNATAKA GOVERNMENT**  
**(TRANSACTION OF BUSINESS) RULES, 1977**

(As amended up to 21<sup>st</sup> November 2019)

In exercise of the powers conferred by clauses (2) and (3) of Article 166 of the Constitution of India and in supersession of all previous Rules on the subject, the Governor of Karnataka hereby makes the following Rules for the more convenient transaction of the Business of the Government of Karnataka namely:

1. These Rules may be called the Karnataka Government (Transaction of Business) Rules, 1977.

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

(a) “**Article**” means an Article of the Constitution of India.

(b) “**Council**” means the Council of Ministers constituted under the Article 163;

(c) “**Cabinet**” means the Committee of the Council of Ministers referred to in Rule 12;

(d) “**Government**” means the State Government;

(e) <sup>1</sup>[“**Secretary means** <sup>2</sup>[an **Additional Chief Secretary**] Principle Secretary or a Secretary to the Government and except in rule 7, includes a Special Secretary, Additional Secretary, Joint Secretary, Deputy Secretary, Under Secretary or any other officer holding these posts on ex-officio basis”.]

1. Substituted by Notification No: DCA 20 ARB 96, dt.23.8.2000 KGD Ex 29.8.2000

2. Inserted by Notification No: DPAR 15 ARB 2018, dt.21.11.2019 KGD EX. 21.11.2019.

[(ea) **Secretary of the Legislature means a Secretary, the Karnataka Legislative Assembly or the Karnataka Legislative Council, as the case may be]**

Inserted by Notification No: DPAR 15 ARB 2018, dt.21.11.2019. KGD EX. 21.11.2019.

(f) “**Schedule**” means the schedule appended to these Rules;

(g) “**Minister**” means Cabinet Minister and includes a Minister of State [or a Deputy Minister] not attached to a Cabinet Minister.

Inserted by Notification No. DCA 20 ARB 96, dt 23.8.2000 KGD 29.8.2000

(h) “**Minister-in-charge**” means the Minister appointed to be in-charge of the Department of the Government to which a case belongs;

(i) “**Case**” includes the papers under consideration and all previous papers and notes put up in connection therewith to enable the question raised to be disposed of.

(j) “**Scrutinising Committee**” means a committee consisting of the

Minister-in-charge of law in the <sup>1</sup>[Department of Parliamentary Affairs and Legislation] as Chairman, the Minister-in-charge of the Bill. The Secretary to Government in the Administrative Department concerned, the Secretary to Government in the <sup>1</sup>[Department of Parliamentary Affairs and Legislation], the <sup>1</sup>["Additional Draftsman"] and the Assistant Draftsman concerned in the <sup>1</sup>[ Department of Parliamentary Affairs and Legislation ] as Members and such Assistant Draftsman in the Department as the Secretary.<sup>1</sup>[Department of Parliamentary Affairs and legislation] may designate as the Secretary.

1. Substituted by Notification No: DCA 1 ARB 96, dt. 22.1.96 KGD 24.1.1996

(2) The General Clauses Act, 1897 (Central Act X of 1897) applies for the interpretation of these Rules as it applies for the interpretation of a Central Act.

(3). A case shall be deemed to belong to a Department to which under the Schedule to the Karnataka Government (Allocation of Business) Rules, 1977 the subject matter thereof pertains or is mainly related. If in respect of any case a question arises as to the Department to which the case belongs, it shall be referred to the Chief Secretary who shall decide the question after obtaining the orders of the Chief Minister, if necessary.

## **PART- I**

### **ALLOCATION AND DISRIBUTION OF BUSINESS**

4. The Business of the Government shall be transacted in the Secretariat Departments specified in the Karnataka Government (Allocation of Business) Rules, 1977 and shall be classified and distributed between those Departments as laid down therein.

5. (1) The Governor shall, on the advice of the Chief Minister, allocate among the Ministers the Business of the Government by assigning one or more Departments of the Secretariat to the charge of a Minister.

(2) The Governor shall on the advice of the Chief Minister allot to every Minister of State other than a Minister and to every Deputy Minister such items of work assigned to the Minister to whom he is attached as the Governor may specify and the Minister of State or the Deputy Minister concerned may subject to the control and orders of the Minister, attend to such items of work allotted to him as the Minister may specify.

Provided that when the Chief Minister or any other Minister is likely to be absent and unable to attend to his work, the work of that Minister may be distributed among the other Ministers in such manner as the Chief Minister may think fit.

“Provided further that any Department of the Secretariat which is not assigned to a Minister under sub-rule (1) shall be deemed to be assigned to the Chief Minister and when a Minister ceases to hold office for any reason, the Departments of the Secretariat assigned to his charge shall stand assigned to the Chief Minister till the Governor assigns them to any other Minister under sub-rule (1)”.

**Explanation .-** In this Rule, Department includes Part or Parts of a Secretariat Department.

6. (1) Subject to the provisions of these Rules in regard to consultation with other Department and submission of cases to the Chief Minister, the Cabinet and the Governor all business allotted to a Department under Karnataka Government (Allocation of Business) Rules, 1977 shall be disposed of by, or under the general or special directions of the Minister-in-charge.

(2) 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.

[“Provided that the standing orders issued by the previous Minister-in-Charge shall continue to be in force till they are modified or confirmed by the succeeding Minister-In-Charge”.]

Inserted by Notification no: DCA 20 ARB 96, dt. 23.8.2000 KGD 29.8.2000

7. Each Department of the Secretariat shall consist of the Secretary to Government, who shall be the official Head of the Department and of such other officers subordinate to him as the State Government may determine:

Provided that-

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

**“Explanation.-** Secretary to Government in the Department of Cabinet Affairs and in the Department of Personnel and Administrative Reforms shall be the Chief Secretary”.

[“Provided further that the business allotted to the Department of Personnel and Administrative Reforms shall, subject to any general or special order of the Government, be disposed of by the Chief Secretary, Additional Chief Secretary and the Secretary of the Department.”]

Inserted by Notification no: DCA 20 ARB 96, dt. 23.8.2000 KGD 29.8.2000

[“7A. There shall be such number of Additional Chief Secretaries to Government as may be determined by the Government”.]

Inserted by Notification no: DCA 20 ARB 96, dt. 23.8.2000 KGD 29.8.2000

8. (a) There shall be a <sup>1</sup>[Additional Chief Secretary-cum-Development Commissioner] whose powers and functions will be as follows:

- (1) He shall exercise all the powers of a Secretary to Government.
- (2) The Secretaries of the Rural Development and Co-operation, Agriculture and Animal Husbandry, Public Works, Energy and Social Welfare, Labour Departments shall, in important matters relating to Development, Panchayat Raj, Co-operation, Agriculture, Horticulture, Fisheries, Veterinary and

Animal Husbandry, Minor Irrigation \* Command Area Development <sup>2</sup>[Disaster Management, Minority Welfare, Haj and Wakf Department, Backward Classes Welfare Department] and Social Welfare submit files to the Minister-in-charge through the <sup>1</sup>[Additional Chief Secretary-cum-Development Commissioner]

\*Inserted by Notification No: DCA 19 ARB 83(B) dt. 12.12.83

(3) The <sup>1</sup>[Additional Chief Secretary-cum-Development Commissioner] is empowered to call for any file relating to any of the above subjects and submit it to the Minister -in-charge with his advice.

1. Substituted by Notification No: DPAR 15 ARB 2018, dt. 21.11.2019 KGD EX. 21.11.2019.

2. Inserted by Notification No: DPAR 15 ARB 2018, dt. 21.11.2019 KGD EX. 21.11.2019.

9. There shall also be such number of Special Secretaries to Government in different department as may be determined by Government from time to time. The Special Secretaries to Government shall be incharge of such business of the Government transacted in the department concerned as may be specified in each case and subject to such conditions as may be specified, they shall exercise all the powers of the Secretaries to Government in respect of the business of the Government assigned to them.

Problem of co-ordination in matters of planning and budgeting shall be resolved, in consultation with the Special Secretary, by the Secretary, whose decision will be final.

10. (1) [Subject to the provisions of this rule and rule 13,17 and 21] of Rules 13 and 17 the Minister-in-charge, shall be primarily responsible for the disposal of the business pertaining to his department.

(2) Every case to be submitted to the Cabinet under Rule [17 and 21] shall first be submitted to the Minister-in-charge.

Substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019 KGD EX. 21.11.2019.

11. The Council of Ministers shall be collectively responsible for all executive orders issued in the name of the Governor in accordance with these Rules whether such orders are authorized by the Cabinet or by an individual Cabinet Ministers, a Minister of State on a matter appertaining to his portfolio or of the result of discussion at meeting of the Council or of the Cabinet or how-so-ever otherwise.

12. There shall be a Committee of the Council of Ministers to be called the Cabinet which shall consist of the Cabinet Ministers except when the Council of Ministers meets on any occasion, all matters referred to in the First Schedule shall ordinarily be considered at a meeting of the Cabinet:-

Provided that ,-

(i) When at a meeting of the Cabinet a subject with which any Minister of State not attached to a Cabinet Minister is considered the said Minister of State shall be entitled to attend the meeting at the time at which such subject is discussed and take part in the discussions; and

- (ii) a Minister of State not attached to a Cabinet Minister shall be entitled to attend a meeting of the Cabinet at any time and take part in the discussions on any subject when requested to do so by the Chief Minister.

Provided further that a Minister of State attached to a Cabinet Minister or a Deputy Minister may attend a meeting of the Cabinet when requested to do so by the Chief Minister, either when a subject with which he is concerned is under discussion or otherwise.

13. (1) <sup>1</sup>[Sub-committees of the Cabinet] may be constituted by the Cabinet for investigating and reporting to the Cabinet on such matters as may be specified, and if so authorized by the Cabinet, for taking decisions, on such matters.

(2) <sup>1</sup>[A Sub-committee of the Cabinet] shall consist of such Cabinet Ministers and Ministers of State as the Cabinet may specify.

Provided that the <sup>1</sup>[Chairman of the sub-committee of the Cabinet may] request any Cabinet Minister or Ministers of State to attend the meetings of <sup>1</sup>[a sub-committee of the cabinet] when a subject with which he is concerned is under discussion.

(3) No case which concerns more than one Department shall be brought before <sup>1</sup>[a sub-committee] of the Cabinet until all the Departments concerned have been consulted.

(4) Any decision taken by <sup>1</sup>[a sub-committee of the Cabinet] may be reviewed by the Cabinet.

<sup>2</sup>“(5) Every Sub-Committee of the Cabinet so constituted shall be serviced by the Administrative Department to which the subject matter mainly pertains”.]

1. Substituted by Notification No: DCA 20 ARB 96, dt. 23.8.2000 KGD 29.8.2000

2. Inserted by Notification No: DCA 20 ARB 96, dt. 23.8.2000 KGD 29.8.2000

#### 14. [ XXX ]

Omitted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019 KGD EX. 21.11.2019.

15. (1) The Chief Minister may call for papers from any Department and express his views and also tender advise on any matter coming within the purview of the business allocated to any Minister.

(2) The Finance Minister may call for papers from any Department in which financial consideration is involved.

(3) Any Minister may ask to see papers in any other Department if they are related to or required for consideration of any subject allotted to him.

[Provided that concerned Administrative Department shall provide the required papers, with the prior approval of the Minister-in-charge.]

Inserted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019 KGD EX. 21.11.2019.

16. Every Minister and every Secretary shall transmit to the Chief Minister all such information with respect to business of Government as the Chief Minister may require from time to time to be transmitted to him.

17.(1) No Department shall, without previous [consultation with the Finance Department or as the case may be, the internal financial Adviser and Ex-officio Deputy Secretary to Government concerned in accordance with the Government of Karnataka (Consultation with Financial Adviser) Rules. 1982] authorize any orders (other than orders pursuant to any general delegation made by the Finance Department) which,

- (a) either immediately or by their repercussions, will affect the finances of the State, or which, in particular.
  - (i) involve any grant of land or assignment of revenue or concession, grant, lease or license of mineral or forest rights or right to water, power or any easement or privilege in respect of such concession: or
  - (ii) in any way involve any relinquishment of revenue; or
- (b) relate to the number of grading or cadre of posts or the emoluments or other conditions of service.

**Substitute by Notification No: DCA 20 ARB 96, dt. 23.8.2000 KGD 29.8.2000**

(2) No proposal which requires previous consultation with 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 Cabinet.

[Provided that where the Finance Department has not given its concurrence but the Cabinet has overruled the opinion of the Finance Department and concurred with the proposal with or without modification. any order issued in pursuance of such concurrence shall indicate the following,-

“This order falls within the purview of the proviso to sub-rule (2) of rule 17 of the Karnataka Government (Transaction of Business) Rules. 1977 and is issued accordingly”]

**Substitute by Notification No: DCA 20 ARB 96, dt. 23.8.2000 KGD 29.8.2000**

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

(4) Except to the extent that the power may have been delegated to the Department under the rules approved by the Finance Department, every order of an Administrative Department, conveying a sanction to be enforced <sup>2</sup>[**subject to audit**] shall after obtaining the <sup>1</sup>[concurrence of the Finance Department or as the case may be, the Internal

Financial Advisor and Ex-officio Deputy Secretary to Government] be communicated to the audit authorities by the Administrative Department and the fact of such concurrence shall be indicated in the order.

1. Substituted by Notification No: DCA 20 ARB 96, dt. 23.8.2000 KGD EX 29.8.2000
2. Substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019. KGD EX 21.11.2019

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

18. All orders or instruments made or executed by or on behalf of Government shall be expressed to be made or executed in the name of the Governor of Karnataka [ XXX ]

Omitted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019 KGD EX 21.11.2019

<sup>1</sup>[19.] Orders and instruments made and executed in the name of the Governor of Karnataka, shall be authenticated by the <sup>2</sup>[signature of an Additional Chief Secretary, a Principal Secretary, a Secretary, a Special Secretary, an Additional Secretary] a Joint Secretary, a Deputy Secretary, an Under Secretary. <sup>3</sup>[a Desk Officer] <sup>4</sup>[or any other officer holding these posts on ex-officio basis] or by such other officer as may be specially empowered in that behalf by the Governor in the manner specified below, and such signature shall be deemed to be the proper authentication of such order or instrument.

By Order and in the name of the Governor of Karnataka,  
(Signature)

Name and designation of the Officer authorized to sign

1. Renumbered by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019 KGD EX 21.11.2019
2. Substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019 KGD EX 21.11.2019
3. Inserted by Notification No: DCA 10 ARB 2001, dt. 28.2.2002 (w.e.f. 15.10.2001)
4. Substituted by Notification No: DCA 20 ARB 96, dt. 23.8.2000 KGD Ex 29.8.2000

<sup>1</sup>[19A.] Amendment to the Karnataka Civil Services Rules. <sup>2</sup>[Manual of Contingent Expenditure, Karnataka Financial Code and Karnataka Treasury Code] which are of a routine nature and which do not involve any question of policy or heavy financial commitments may be made by the Secretary to Government. Finance Department with the prior approval of the Minister-in-charge of the Finance Department and the Chief Minister.

1. Renumbered by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019 KGD EX 21.11.2019
2. Inserted by Notification No: DCA 1 ARB 87, dt. 07.12.87

**PART – II**  
**PROCEDURE OF THE CABINET**

20. (1)(a) Cases specified in the First Schedule to these Rules shall be brought before the Cabinet after submission to the Minister-in charge of the Department.

(b) Cases other than those specified in the First Schedule to these Rules shall be brought before the Cabinet by the direction of-

(i) the Chief Minister, or

(ii) the Minister-in-charge of the Department with the consent of the Chief Minister:

Provided that no case in regard to which the Finance Department is required to be consulted under Rule 17, shall, save in exceptional circumstances under the direction of the Chief Minister, be discussed by the cabinet unless the Finance Minister has had an opportunity to consider it.

(2) Any case which the Governor may require to be submitted for consideration of the Council under Article 167 (c) of the Constitution shall be brought before the Council under the direction of the Chief Minister. The provisions of these Rules shall mutatis mutandis be applicable in respect of the procedure of the Council.

[ (3). When the rules are framed under the constitution of India or any Central Act such rules shall be framed with the approval of the Cabinet. When the rules are framed under the State Acts such rules shall be framed with the approval of the Minister concerned:

Provided that, any rules proposed to be framed or amended under a State Act, which has greater impact on the public shall be framed after approval of the Cabinet. The Secretary of the concerned department, after consulting the minister in charge shall decide whether any amendment of rules or framing of rules requires a detailed discussion in the cabinet. In such cases it shall be submitted to the Chief Minister through the Minister concerned.

The decision of the Chief Minister regarding requirement of approval of cabinet shall be final.

Inserted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019 KGD EX 21.11.2019

21. Subject to the provisions of Rule 20, all cases specified in the First Schedule to these Rules shall be brought before the Cabinet.

[“Provided that where a proposal relating to an externally aided project involving fifty crores and above is already approved by the Cabinet any proposal regarding implementation of such project need not be brought before the Cabinet but shall be placed before an empowered committee constituted by any general or special order with the prior approval of the Cabinet, consisting of such persons and with such powers and functions as may be specified in such order.”]

Inserted by Notification No: DCA 20 ARB 96, dt. 23.8.2000 KGD 29.8.2000



22. The Chief Secretary, or in his absence, such other officer as the Chief Minister may appoint in this behalf shall be the Secretary to the Cabinet.

23.(1) While submitting a case for being laid before the Cabinet, the Department to which the case belongs should prepare and forward a Memorandum setting out with sufficient precision, the points in the case which require decision to the Secretary to the Cabinet, through the Chief Secretary and the Minister-in-charge of the Department.

In particular, the Memorandum shall state concisely:

- (i) In case which concerns more than one Department, the joint recommendations of the Ministers or points of differences between them, with the recommendations of each of the Ministers concerned.
- (ii) If it has not been possible to consult any concerned Department, the reason therefor.
- (iii) Advise, if any, tendered by the [Department of Parliamentary Affairs and Legislation] under these rules.

Substituted by Notification No: DCA 1 ARB 96, dt. 22.1.96 KGD GSR 10 dt.24.1.96

(2) When the subject of the case concerns more than one Department, the case shall not be submitted for being laid before the Cabinet until it has been considered by the Departments concerned, unless the case is one of extreme urgency.

24. (1) The Chief Minister may direct that any case referred to in Rule 21 may, instead of being brought up for discussion at a meeting of the Cabinet, be circulated to the [Cabinet Ministers] for opinion and if all the Ministers are unanimous and the Chief Minister thinks that a discussion at a meeting of the Cabinet is unnecessary, the case shall be decided without such discussion. If the Ministers are not unanimous and the Chief Minister think that a discussion at a meeting is necessary, the case shall be discussed at a meeting of the Cabinet.

(2) If it is decided to circulate any case to the Ministers who are members of the Cabinet, copies of all papers relating to such cases which are circulated among the Ministers shall simultaneously be sent also to the Governor.

Substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019 KGD EX 21.11.2019

25. (1) In cases which are circulated for opinion under Rule 24, if any Minister fails to communicate his opinion to the Secretary to the Cabinet by a date to be specified in the Memorandum which shall not be less than seven days from the date of 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 if the date by which they were required to communicate their opinions has expired, the Secretary to the Cabinet shall pass it on to the Secretary concerned who will thereafter take steps to issue the necessary orders.

(3) A copy of the decision taken thereon shall be sent by the Secretary to the Cabinet to the Governor.

26. [The department concerned shall forward to the Secretary to the Cabinet a copy of the memorandum and the requisite number of copies of other papers relevant thereto atleast three

days before the date appointed for the meeting.]

Substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019 KGD EX 21.11.2019

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

(2) After an agenda paper giving 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 already circulated under Rule 26 shall be sent by the Secretary to the Cabinet to the Chief Minister and other Cabinet Ministers so as to reach them two clear days before the date of such meeting. The Chief Minister may in case of emergency, curtail the said period of two days. Copies of the agenda and the Memorandum shall at the same time be sent to the Governor and relevant extracts of the agenda shall be sent to the Secretary of the Administrative Department concerned.

(3) When a case with which a Minister of State not attached to a Cabinet Minister is concerned is included in the agenda of a meeting of the Cabinet, a copy of the Memorandum and the relevant extract of the agenda shall be sent by the Secretary to the Cabinet to such Minister of State at the same time at which the agenda and copies of the Memoranda are sent to the Cabinet Ministers,

(4) Except with the permission of the Chief Minister, no case shall be placed on the agenda of a meeting of the cabinet unless the papers relating thereto have been circulated as required by this Rule or Rule 26.

(5) If any Cabinet Minister is [not able to be present himself at the meeting of the Cabinet], 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 Cabinet to take the orders of the Chief Minister for a postponement of the discussion of the case until the return of the Minister.

Substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019 KGD EX 21.11.2019

28. (1) The Chief Minister or, in his absence, any other [Cabinet Minister] nominated by him, shall preside at a meeting of the Cabinet.

(2) The Secretary to the Cabinet shall attend all the meetings of the Cabinet and shall prepare a record of the decisions. He shall forward a copy of such record to the Governor, the Chief Minister and to each of the Cabinet Ministers, Ministers of State.

(3) The Secretary of the Department concerned with a case shall make himself available for consultation when the case is being discussed at the Cabinet and shall also attend the meeting if he is so directed by the Chief Minister or the Minister presiding.

Substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019 KGD EX 21.11.2019

29. [(1) The decision of the Cabinet relating to each case shall be separately recorded and shall be placed with the record of the case. An extract of the decision shall be sent to the Secretary of the Department concerned for necessary action.

(2) When a case has been decided by the Cabinet the Secretary of the Department shall take action to give effect to the decision.]

Substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019 KGD EX 21.11.2019

## **PART – III**

### **DEPARTMENTAL DISPOSAL OF BUSINESS**

#### **A. General**

30. (1) The Secretary of a Department shall, save as provided in sub-rule (2), submit a case for orders to the Minister-in-charge or to the Minister of State or the Deputy Minister, if any, as the case may be,

(2) Subject to the general or special directions of the Minister-in-charge, routine cases and cases of minor importance, namely, cases covered by rule, decided policy or precedent which do not involve the over-ruling of a Head of a Department and which raise no points of delicacy, may be disposed of by the Secretary of the Department on his own responsibility. The Secretary of the Department may also dispose of in the absence of the Minister-in-charge or the Minister of State or the Deputy Minister cases requiring immediate action, on his own responsibility.

(3) The Minister-in-charge may direct that cases of minor importance may be disposed of by a Deputy Secretary or an Under Secretary of the Department,

(4) A copy of every direction given under sub-rule (3) shall be submitted to the Governor.

(5) Before the second day of every week a compilation of abstract of orders issued during the preceding week, relating to policy decisions and matters of importance shall be prepared and submitted immediately to the Chief Secretary for transmission to the Chief Minister and the Governor.

“Note 1:- Where the case relates to a matter in which a Minister is personally interested, it shall be sent to the Chief Minister who may dispose of it himself or pass it on to any other Minister for disposal.

2:- Where sanction or approval of Government is required for any proposal from any company, society, local body or other institution it shall be examined by the Department concerned in the same manner as a case belonging to such department”.

31. (1) Subject to the provisions of sub-rule (2) of Rule 5 and Rule 6, the Minister of State attached to a Cabinet Minister or the Deputy Minister may pass orders in cases pertaining to the items of work specified by the Minister-in-charge.

Provided that where a case relates to a matter in which the Minister of State attached to a Cabinet Minister or the Deputy Minister is personally interested, it shall be submitted direct to the Minister-in-charge.

(2) The Minister of State attached to a Cabinet Minister or the Deputy Minister may ask to see papers pertaining to the items of work in which he can pass orders under sub-rule (1).

32. (1) When the subject of the 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.

(2) The Secretary of the Department shall ensure that all the Departments concerned

have been consulted before he submits a case to the Minister-in-charge or Deputy Minister as the case may be for orders.

33. (1) Subject to the Provisions of these Rules, the Minister-in-charge may dispose of all cases arising in Departments under his control.

(2) If more than one Department is concerned with a case and there is a difference of opinion between the Departments, the Minister-in-charge may decide the issue if he is incharge of both the Departments.

(3) If the case concerns more than one Minister and there is a difference of opinion between the Departments the Minister-in-charge shall attempt by previous discussion with the Ministers of other Departments concerned to arrive at an agreement.

(4) If no such agreement is arrived at and the Minister-in-charge wishes to proceed with the case, the case shall be submitted to the Chief Minister for a decision, and the Chief Minister may either decide the case himself or refer the case to the Cabinet.

34. (1) Copies of all communications received from the Government of India (including those from the Prime Minister and other Ministers of the Union ), a State Government or the High Court, 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 Governor for information.

(2) The Secretary in the Department concerned shall without delay send, immediately on receipt, copies of communications reporting an occurrence of the nature indicated below to the Chief Minister and to the Minister or Ministers concerned for information.

- (i) Riots which involve a serious breach of the public peace;
- (ii) Outrages which have a political aspect;
- (iii) Calamities, such as floods or earth quakes which cause serious damage to life or Property; and
- (iv) All other events which have a political or administrative importance and all unusual happenings.

(3) If the first report of an occurrence of the nature indicated above, is received in any Department of the Secretariat other than the Department of Personnel and Administrative Reforms, the Secretary of that Department shall send a copy of it immediately to the Chief Secretary also.

Note: - Secretariat action on the communication shall not be held up.

35. 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 envisaged, be brought to the notice of the Governor, Chief Minister and the Minister-in-charge.

36. All cases of the nature specified in the Second Schedule to these Rules shall,

before the issue of orders thereon, be submitted to the Chief Minister by the Secretary of the Department [through the Minister]

Inserted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.

37. All cases of the nature specified in the Third Schedule to these Rules shall, before the issue of orders thereon, be submitted to the Governor.

### **B. Governor**

38. The Chief Minister shall cause to be furnished to the Governor such information relating to the administration of the affairs of the State and proposals for legislation as the Governor may call for.

39. 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 orders passed by the Minister-in-charge, the Governor may refer the case to the Chief Minister and should he require the case to be laid before the Council of Ministers for consideration, the case shall be so laid:

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

40. Cases requiring the approval of the Governor under these Rules or any provision of law and Bills to be assented to, or reserved for the consideration of the President, by the Governor under the Constitution, shall be sent to the Secretary to the Governor for submission to the Governor, by the Secretary of the Department, after perusal by the Minister-in-charge.

### **C. Finance Department**

41. The Finance Department shall perform the following functions, namely:-

- a) It shall review periodically the demand, collection and balance of the several classes of loans and advances and shall advice on all transactions relating to loans and advances;
- b) It shall be responsible for the safety and employment of all funds belonging to, vesting in or under the management of the State Government;
- c) It shall examine and report on all proposals for the increase, continuance or reduction of taxation;
- d) It shall examine and report on all proposals for the borrowing by the Government: shall take all steps necessary for the purpose of raising such loans as have been duly authorised; and shall be in-charge of all matters relating to the service of loans;

- e) It shall be responsible for all matters relative to financial procedure and the application of the principles of sound finance;
- f) It shall be responsible for seeing that proper financial rules are framed for the guidance of other Departments and that suitable accounts, including commercial accounts, where necessary, are maintained by other Departments and Establishments subordinate to them;
- g) It shall be responsible for all matters relative to budget procedure and to the form and content of the Annual Financial Statement, and it shall be responsible during the year for the provision of ways and means and for watching the state of the Government's cash balances;
- h) in connection with the budget and with the supplementary estimates-
  - (i) It shall prepare the annual statement of receipts and expenditure for presentation to the houses of the Legislature and any supplementary estimates of expenditure which it may be necessary to present in the course of the year; it shall also prepare the Appropriation Bills and Bills relating to the Consolidated and Contingency Funds of the State.
  - (ii) for the purpose of such preparation, it shall obtain from the Departments concerned, material on which to base its estimates, and it shall be responsible for the correctness of the estimates, framed on the material so supplied ;
  - (iii) it shall examine and advise on all schemes of new expenditure for which, it is proposed to make provision in the estimates, and shall decline to provide in the estimates for any schemes which has not been so examined;
- i) on receipt of a report from an audit officer that expenditure for which there is no sufficient sanction, is being incurred, it shall require steps to be taken to obtain sanction or that the expenditure shall immediately cease;
- j) it shall lay the audit report relating to the State Accounts before the committee on Public Accounts;
- k) it shall decide to what extent in particular Departments the audit of the expenditure should be reinforced by an audit of receipts;
- l) it shall advice departments responsible for the collection of revenue regarding the methods of collection employed.

42. 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 tenure or 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:

Provided that where it is sought to create posts or sanction allowance, raise salaries or give financial concessions to employees in the Finance Department itself or in the Department under its administrative control / the Department of Personnel and Administrative Reforms will exercise in respect of such matters, all Powers of the Finance Department.

43. (1) After grants have been voted by the Legislative Assembly –
- a) the Finance Department shall have power to sanction any re-appropriation within a grant from major, minor or subordinate head to another;
  - b) if any re-appropriation within a grant between heads of subordinate to a minor head is sanctioned by any Department in pursuance of any delegation made by the Finance Department, a copy of every order sanctioning the re-appropriation shall be communicated to the Finance Department as soon as it is passed.
- (2) The Finance Department shall have power -
- a) [ xxx ]  
Omitted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.
  - b) to sanction the delegation by a Minister, to any officer or class of officers, of the power of re-appropriation conferred by clause (b) of the said sub-rule.
- (3) Copies of orders sanctioning any re-appropriation which do not require the sanction of the Finance Department, shall be communicated to that Department as soon as such orders are passed.

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

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

[45A. Every proposal for giving a guarantee by the Government upto rupees [ten] crores may be approved by the Finance Minister”]

Substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.

46. (1) The Finance Minister may call for any papers in cases in which any of the matters referred to in Rules 17 or Rules 41 and 42 are involved and the Department to whom the request is addressed shall supply the papers.

(2) On receipt of papers called for under sub-clause (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.

**[D. Department of Parliamentary Affairs and Legislation]**

47. Except as hereinafter provided, the [Department of Parliamentary Affairs and Legislation] is not, in respect of legislation, an originating or initiating Department, and its proper function is to put into technical shape projects of legislation on which the policy has been approved. 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 settled in such Department.

Substituted by Notification No: DCA 1 ARB 96, dt. 22.1.96 KGD Ex 24.1.96

48. Proposals to initiate legislation shall be treated as a case and shall be submitted for orders to the Chief Minister through the Minister-in-charge of the Administrative Department and the [Department of Parliamentary Affairs and Legislation]:

Provided that the case shall not be so submitted to the Chief Minister until the Department concerned has consulted the [Department of Parliamentary Affairs and Legislation] 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 measure proposed:
- (iii) whether the previous sanction of the President is necessary under the Constitution:
- (iv) the consistency of the proposed measure with the provisions of the Constitution and in particular, those relating to Fundamental Rights.

Advice of the [Department of Parliamentary Affairs and Legislation] on these points should be set out in the Memorandum prepared under Rule 23.

49. If legislation is decided upon, the Department shall draw up a memorandum on the proposal indicating with sufficient precision the lines on which it has been decided to legislate and also a Statement of Objects and Reasons. If the Legislation involves expenditure from the Consolidated Fund of the State, financial memorandum shall also be prepared in consultation with the Finance Department. The papers shall then be sent to the [Department of Parliamentary Affairs and Legislation] requesting it to draft the Bill accordingly.

Note :- A separate memorandum need not be prepared in cases where a note for the Cabinet or some other paper already in existence will serve the purpose of a memorandum



Substituted by Notification No: DCA 1 ARB 96, dt. 22.1.96 KGD Ex 24.1.96

50. The [Department of Parliamentary Affairs and Legislation] shall thereafter prepare a draft bill, scrutinize the Statement of Objects and Reasons and return the case to the Department concerned.

51. The Administrative Department if so directed by the Minister-in-charge, will obtain the opinion of such officers and bodies as it deems necessary for the draft bill and submit the opinions received with a copy of the tentative Draft Bill to the Minister-in-charge.

52. If the tentative Draft Bill is approved by the Minister-in-charge, it shall be sent to the Secretary of the Scrutinizing Committee for being placed before the Scrutinizing Committee. The tentative Draft Bill as approved by the Scrutinizing Committee shall be returned to the Originating Department.

53.(1) The tentative Draft Bill as approved by the Scrutinizing Committee shall then be circulated along with the Financial Memorandum, if any, other Ministers 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.

(2) [ xxx ]

Omitted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019

(3) [ xxx ]

Omitted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019

(4) [ xxx ]

Omitted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019

(5) In the case of a Bill requiring the previous sanction of the President under the proviso to clause (b) of Article 304 of the Constitution of India, the Administrative Department principally concerned shall address the Ministry of Home Affairs, Government of India and such proposals shall be sent at least three weeks before the session of the Legislature is scheduled to meet.

["Provided that when the need for action is so urgent that prior consultation is not possible, in such cases the Government of India shall be informed of it as soon as possible."]

Inserted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019

(6) Whenever the Government of India are consulted under ["The Department of Parliamentary Affairs and Legislation shall after obtaining information from the Administrative Department concerned."] shall send to the Government of India six copies of the letter forwarding the Bill to the Central Government and not less than six copies of the Bill with the Statement of Objects and Reasons and in case, the proposed legislation is an amending Bill, six up to date copies of the principal Act, notes on clauses of the proposed legislation, a comparative statement showing each relevant clause as it exists and as it would read after the proposed amendment and a certificate in the following form,

namely:-

Substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019

**Certificate in the case of Bill/Ordinance sent for approval and Bill sent for previous sanction of the President**

\*Subject : -

Certificated that the following documents in connection with the above mentioned legislative proposal have been attached herewith :-

1. Six copies of the letter of State Government forwarding the proposed draft legislation.
2. Six copies of the proposed legislation together with an equal number of copies of the statement of Objects and Reasons for it.
3. The proposed legislation is an amending one. Six up-to-date copies of the Principal Act, note on clauses of the proposed legislation and a comparative statement showing each relevant clause as it exists and as it would read after the proposed amendment are also therefore attached.

\*\* Signature

Note :- \*Please give long title of the Legislative proposal.

2. \*\* The certificate should be signed by the officer under whose signature the proposal is sent.

(7) The provisions of sub-rules [ xxx] (5) and (6) shall apply mutatis mutandis in respect of Ordinances which require the previous instructions of the President under the proviso to Article 213 (1) of the Constitution. In addition, the Government of India shall be informed of the necessity for the promulgation of the proposed Ordinance, the object sought to be achieved by it and the specific ground on which it is considered necessary to obtain the instructions of the President. The relevant articles of the Constitution which render such instructions necessary shall also be indicated.

Omitted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019

54. If it is decided to proceed with the Bill, with or without amendments the originating Department shall send the case to the I[Department of Parliamentary Affairs and Legislation] with necessary instructions requesting that Department to prepare a final draft of the Bill.

55. The Department of Parliamentary Affairs and Legislation shall then finalize the draft if necessary after placing it again before the Scrutinizing Committee and send the Draft Bill to the originating Department indicating at the same time, the sanctions, if any, required for the Bill, along with notes on clauses, whenever necessary, covering important clauses of 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.

56. The originating Department shall then transfer the final draft Bill to the [Department of Parliamentary Affairs and Legislation] with the instructions of Government thereon including instructions as to its introductions in the Legislative Council or the Legislative

Assembly according to the rules thereof and with the copies of such papers connected with the Bill including a copy of the Statement of Objects and Reasons signed by Minister-in-charge as should be communicated to the Legislative Council or the Legislative Assembly. After such transfer the Bill shall be deemed to belong to the 1[Department of Parliamentary Affairs and Legislation.]

[56A. Whenever any financial Bill or Money Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 199 are to be introduced or moved in the Legislature, the Department of Parliamentary Affairs and Legislation shall obtain the recommendation of the Governor under clause (1) and (3) of Article 207 of the Constitution.

56B. When a Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of the State and provided provision is made in the Budget, the Department of Parliamentary Affairs and Legislation shall obtain the recommendation of the Governor under clause (3) of Article 207 of the Constitution.]

Inserted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019

57. Notwithstanding anything contained in Rule 47 measures designed solely to codify and to consolidate existing enactments and legislation of a formal character such as repealing and amending Bills may be initiated in the [Department of Parliamentary Affairs and Legislation].

Substituted by Notification No: DCA 1 ARB 96, dt. 22.1.96 KGD Ex 24.1.96

Provided that the [Department of Parliamentary Affairs and Legislation] shall send a copy of the draft Bill prepared 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 [Department of Parliamentary Affairs and Legislation] its opinion thereon together with a copy of every communication received by him on the subject.

58. (1) Whenever a private Member of the State Legislature gives notice of his intention to move for leave to introduce a Bill, the 1[Department of Parliamentary Affairs and Legislation] on receiving intimation of the fact from the Secretary of the Legislature 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 1[Department of Parliamentary Affairs and Legislation] in the first instance, where it shall be considered in its technical aspects by the 1[Department of Parliamentary Affairs and Legislation] such as need for previous sanction of the President and the competence of the State Legislature to enact the measure and then shall be forwarded with its opinion to the Department to which the case belongs.

(3) If any provisions of such Bill involve 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.

59. The provisions of Rule 58 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 State Legislature for being moved during the consideration of a Bill in that Legislature.

60. “(1) When a Bill has been passed by both the Houses of Legislature, it shall be examined in the Department of Parliamentary Affairs and Legislation and shall be forwarded to the Governor with a report of the Secretary. [ Department of Parliamentary Affairs and Legislation] as to the reasons, if any, why the Governor may declare his assent to the bill or why the Governor shall reserve the Bill for the Consideration of the President of India.”]

(2) Where the Governor directs that the Bill should be reserved for the consideration of the President or returns it to the Legislature with a message necessary action in that behalf shall be taken by the [Department of Parliamentary Affairs and Legislation] in consultation with the Administrative Department concerned.

1. Substituted by Notification No: DCA 1 ARB 96, dt. 22.1.96 KGD Ex 24.1.96

(3) In the case of a Bill attracting the provisions of clause (2) of Article 254 of the Constitution of India, the extent of repugnancy to the existing Central laws on the subject enumerated in the Concurrent List and in cases where the Bill is reserved for the consideration of the President for some other reason the specific ground on which the Bill is reserved for the consideration of the President by quoting specifically the relevant provisions of the Constitution and also whether the said Bill had been sent earlier for the approval of the Central Government prior to its introduction in the State Legislature and if so, which of the suggestions or observations made by the Ministry of Home Affairs in regard to the said Bill have been incorporated with or without modifications as also which of the suggestions or observations have not been carried out with reasons therefor shall be clearly mentioned in the letter addressed to the Government of India for obtaining the assent of the President. Similar action shall be taken in respect of other legislative proposals e.g., when a Bill is sent for replacing an ordinance for which previous instructions of the President had been obtained earlier. Six copies of the letter addressed to the Government of India, three authentic copies of the Bill printed on parchment paper each endorsed by the Governor reserving the Bill for the consideration of the President and leaving sufficient space below the Governor's signature for appropriate endorsement by the President six other copies of the Bill as passed by the State Legislature, six copies of the Bill as introduced with the statement of Objects and Reasons therefor, the report of the Select Committee of the State Legislature, if any, along with three copies of the Bill as approved by that committee and in case the legislation is an amending Bill, six up-to-date copies of the Principal Act, notes on clauses of the proposed legislation and a comparative statement

showing each relevant clause as it exists and as it would read after the proposed amendment and a certificate in the form given below shall also be sent to the Government of India along with the letter addressed to the Government of India for obtaining assent of the President.

### **Certificate in the case of Bill sent for obtaining assent of the President**

\*Subject:-

Certified that the following documents in connection with the above mentioned legislative proposal have been attached herewith:-

1. Six copies of the letter of State Government forwarding the proposed legislation.
2. Three authentic copies of the legislation printed on parchment paper each endorsed by the Governor reserving the legislation for the consideration of the President and leaving sufficient space below the Governor's signature for appropriate endorsement by the President.
3. Six other copies of the Bill as passed by the State Legislature.
4. Six copies of the Bill as introduced with the Statement of Objects and Reasons therefore,
5. The report of the Select Committee or Joint Select Committee, if any, along with three copies of the Bill as revised by that Committee,
6. The legislation is an amending one, Six up-to-date copies of the Principal Act, notes on the clauses of the proposed legislation and a comparative statement showing each relevant clause as it exists, and as it would read after the proposed amendment are also therefore attached.

\*\* Signature

Note: - \*Please give long title of the Legislative proposal.

2. \*\* The certificate should be signed by the officer under whose signature the proposal is sent.

(4) After obtaining the assent of the Governor or the President, as the case may be. the 1[Department of Parliamentary Affairs and Legislation] shall take steps for the publication of the Bill in the Official Gazette as an Act of the Legislature.

[(4A) In case assent of the President is obtained a copy of the same shall be communicated to the Governor and the Legislature after publication in the official Gazette.

(4B) If assent to the Bill is withheld under Article 201 of the Constitution by the President, the same shall be intimated to the Governor, the Legislature and the concerned Administrative Department.

(4C) Whenever the Cabinet decides to withdraw a Bill pending before the Governor or the President for valid reasons the same shall also be informed to the Governor and the State Legislature after it is so withdrawn.]

61. [(1)] Whenever it is proposed in any Department other than the [Department of Parliamentary Affairs and Legislation.]

- (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 [Department of Parliamentary Affairs and Legislation] be referred to that Department for opinion and for revision where necessary.

Substituted by Notification No: DCA 1 ARB 96, dt. 22.1.96 KGD Ex 24.1.96

[(2) In respect of cases referred to the Department of Parliamentary Affairs and Legislation under sub-rule (1) the Administrative Department **[after bringing it to the notice of concerned Minister]** shall take action in accordance with the legal advice of the Department of Parliamentary Affairs and Legislation. But the Administrative Department may refer a case to the Department of Parliamentary Affairs and Legislation for reconsideration of its opinion in the light of the new points brought to notice.]

**“(3) Whenever any Administrative Department issues notification to bring the provisions of any Act into force or any notification containing rules or amendment to any existing rules, ten Gazette copies of the same shall invariably be sent to the Department of Parliamentary Affairs.**

**(4) Whenever it is required under any Act that any rule, order, notification issued shall be laid before each House of the Legislature such rule, order, notification issued shall be laid before each House of the State Legislature under intimation to the Department of Parliamentary Affairs.”**

Renamed by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.

**[D.D.Department of Law, Justice and Human Rights]**

62. (1) All Administrative Departments shall consult the 1[Department of Law, Justice and Human Rights] on-

- a) the construction of statutes, Acts, regulations and statutory rules, orders and notifications;
- b) any general legal principles arising out of any case; and
- c) the institution or withdrawal of any prosecution at the instance of any Administrative Department.

(2) Every such reference shall be accompanied by an accurate statement of the facts of the case and the point or points on which the advice of the [Department of Law, Justice and Human Rights] is desired.

Substituted by Notification No: DCA 1 ARB 96, dt. 22.1.96 KGD Ex. 24.1.96

63. In respect of cases referred to the [Department of Law, Justice and Human Rights] under [Rule 62] the Administrative Department shall take action in accordance with the legal advice of the [Department of Law, Justice and Human Rights]. But the Administrative Department may refer a case to the Department of Law for reconsideration of its opinion in the light of the new points brought to notice.

Substituted by Notification No: DCA 1 ARB 96, dt. 22.1.96 KGD Ex. 24.1.96

1. All orders sanctioning the defence, at the public expense, of suits or proceedings brought against Government Servants for acts done in their official capacity shall be issued in the [Legal cells of the Administrative Department]. The Department to which the officer belongs shall always see the case before issue.

Inserted by Notification No: DCA 20 ARB 96, dt. 23.8.2000 KGD Ex. 29.8.2000

65. All cases in which the Advocate-General or the **Additional Advocate-General** has expressed opinions on questions of law shall be sent to the [Department of Law, Justice and Human Rights] for perusal and return, and if in any case the file itself cannot conveniently be sent, a copy of the opinion recorded therein shall be sent.

**Substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.**

Substituted by Notification No: DCA 1 ARB 96, dt. 22.1.96 KGD Ex. 24.1.96

[65A. It shall be the duty of the Law Department to review, at least once in a month, the pending Government litigation. For this purpose, the Secretary to Government, Law Department, shall hold monthly meetings with all the heads of legal cells and the Law Officers of the Office of the Advocate General. The Secretary to Government, Law Department shall report the result of such review to the Chief Secretary in a proforma specified by that department in this behalf.]

Substituted by Notification No: DCA 20 ARB 96, dt. 23.8.2000 KGD Ex. 29.8.2000

## **E. Land Acquisition**

66. All cases relating to acquisition of land under [**the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013**] (hereinafter referred to as the said Act) for any Department of Government shall be dealt within the Revenue Department; but all administrative decisions connected with the acquisition shall be taken in the Administrative Department concerned in the Secretariat, under orders of the Minister-in-charge.

**Substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.**

67. The selection of the land to be acquired is purely an administrative decision, and if the records received in the Revenue Department of the Secretariat involve decision at Government Level regarding the selection of the land, the papers should be transferred to the Administrative Department concerned in the Secretariat for obtaining the orders of the Minister-in-charge regarding the selection of the land and returning the papers to the Revenue Department for further action. Correspondence regarding selection of the land will be

between the Head of the Department concerned and the Secretariat Department concerned and the Deputy Commissioner would normally be addressed for starting acquisition proceedings only after a final decision regarding the selection of the land is taken. When proposals are received in the Revenue Department for acquisition of lands elected in consultation with the Administrative Department. [The Revenue Department shall issue notification under section 10A of the said Act exempting the projects where the social impact assessment is not necessary and in such cases the permission for issue of the Notification under section 11 of the said Act shall be issued by the Revenue Department without any further consultation with the Administrative Department of the Secretariat.

Provided that in cases where exemption under section 10A is not issued, the Revenue Department shall ensure that social impact assessment is completed by the Deputy Commissioner within six months.]

Substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.

"67A. In cases where Social Impact Assessment is necessary and where a preliminary notification under Section 11 is not issued within twelve months from the date of appraisal of the Social Impact Assessment report submitted by the Expert Group under section 7, then, such report shall be deemed to have lapsed and a fresh Social Impact Assessment shall be required to be undertaken prior to acquisition proceedings under section 11.

Provided that the Revenue Department, shall have the power to extend the period of twelve months, if in its opinion circumstances exist justifying the same.

Provided further that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned."

Inserted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.

68. Where, however, the final selection of land to be acquired is still in dispute and there is no final decision at the Level of Government or where it is proposed to modify the acquisition proposals in the light of the objections preferred before the issue of Preliminary Notification such cases shall be transferred by the Revenue Department to the Administrative Department concerned in the Secretariat for obtaining orders of the Minister-in-charge regarding final selection of the lands. On the basis of such decision conveyed by the Administrative Department concerned in the Secretariat, further action to issue Preliminary Notification in accordance with such decision will be taken by the Revenue Department.

[68A. (1) Upon the publication of the preliminary notification under sub-section (1) of section 11 by the Deputy Commissioner, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, under sub-section (1) of section 16 of the said Act, in such manner and within such time as prescribed. Under sub-sections (1) and (2) of section 17 of said Act, the Deputy Commissioner shall review the draft Scheme submitted under sub-section (6) of section 16 by the Administrator. The "Rehabilitation and Resettlement Committee" shall review the implementation of the schemes at the project level constituted under section 45.



(2) The Deputy Commissioner shall submit the draft Rehabilitation and Resettlement Scheme with his suggestions to the Commissioner, Rehabilitation and Resettlement for approval of the Scheme.

(3) Under sub-section (1) of section 19 of the said Act, when the Revenue Department is satisfied, after considering the report, if any, made under sub-section (2) of section 15, that any particular land is needed for a public purpose, a declaration shall be made to that effect, along with a declaration of an area identified as the “resettlement area” for the purposes of rehabilitation and resettlement of the affected families, under the hand and seal of the Secretary to Government, Revenue Department or of any other officer duly authorized to certify its orders and different declarations may be made from time to time in respect of different parcels of any land covered by the same preliminary notification irrespective of whether one report or different reports has or have been made (wherever required).]

Inserted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.

69. Where acquisition is resorted to under the normal procedure, a report under Section [under section 15, 16 and 17] of the said Act [shall] have to be considered by Government before issue of declarations under [under section 19] of the said Act. At this stage the Administrative Department of Secretariat [shall] be consulted before sanctioning acquisition of lands in the following classes of cases even though no objections have been preferred to the proposed acquisition:

Substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.

- (i) the schemes for which land is being acquired have not received sanction from the competent authority; or
- (ii) the funds required for meeting the cost of acquisition have neither been deposited nor made available for payment from out of allotment included in the budget; or
- (iii) it appears from subsequent reports that the cost of acquisition is likely to be substantially more than the originally estimated cost, although provision for the additional expenditure may have been made.

70. Where objections are received in response to Preliminary Notification and the Revenue Department after consideration of such objections feels that acquisition [shall] be proceeded with in spite of the [upon such report], further action may be taken by the Revenue Department itself without consulting the acquiring Department except in cases of extraordinary importance and complexity.

Substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.

71. Where the report [under sub-section (1) of section 15 of] the said Act recommends to drop the acquisition or modify the proposals in view of the objections filed, the papers [shall] be transferred to the Administrative Department concerned in the Secretariat for

obtaining final orders of the Minister-in-charge of the Department on the proposals contained in the report.

Substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.

[72. Where the Revenue Department proposes to effect any modification in the proposals approved by the Department sponsoring acquisition, either at the stage of consideration of the report under sub-section (1) of section 15, sections 16 and 17 of the said Act or in proceedings initiated on an application under section 36 of the said Act, the papers shall be transferred to the Administrative Department concerned in the Secretariat for obtaining final orders of the Minister-in-charge and returning the papers to the Revenue Department for further action in accordance with such decision within the prescribed time.]

substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.

### **F. Stores Purchase**

72-A. [X X]

### **2[G. Department of Public Enterprises]**

72 - B. All Administrative Departments shall consult the 2[ Department of Public Enterprises] on any proposal specified in item 16 of the First Schedule before soliciting approval of the Cabinet.

Inserted by Notification No. DCA 7 ARB 1984, dated 7<sup>th</sup> November 1984

## **PART-IV**

### **MISCELLANEOUS**

73.(1) A Secretary may ask to see the papers in any Department other than the Finance Department or the Department of Personnel and Administrative Reforms or Department of Cabinet Affairs, 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) The Chief Secretary may ask to see papers relating to any case in any Department or with any Special Secretary to Government and any such request by him shall be complied with by the Secretary of the Department concerned or the Special Secretary as the case may be.

(4) Subject to the provisions of Rule 15, a Minister may send for any paper from any Department 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.

Note.- (i) Private Secretaries to Ministers shall not requisition files of Secretariat Departments other than their own in respect of the Departments under the control of their Ministers they shall not requisition files of a confidential nature.

(ii) When a Minister requires a file belonging to another Secretariat Department he may send a requisition either to the Minister or to the Secretary concerned. If the requisition is made to a Secretary, he should submit the files together with the requisition to the Minister-in-charge of the portfolio for orders.

(iii) Notes or Minutes made by a Minister on a file which does not belong to the Department under his control, should be made on a separate sheet of paper and may be attached to the correspondence file and can be referred to wherever necessary in the note file.

74. Whenever it may be found necessary to make communications to high officers of Government e.g., Divisional Commissioners, Heads of Departments, Deputy Commissioners etc., conveying or implying the dissatisfaction of Government in any degree or indicating how they might more satisfactorily discharge the duties of their office, such communications shall be made in the form of confidential letters and memoranda to be signed by the Chief Secretary, and the drafts of such communication shall be submitted to the Minister-in-charge and the Chief Minister for approval.

75. (1) When a question is asked by a Member of the Legislative Assembly or of the Legislative Council, the Secretary of the Legislature will send two copies of the same to the [an officer not below the rank of Deputy Secretary]" in the concerned Department without waiting for the orders of the Speaker, Chairman regarding its admission. The Secretary of that Department shall prepare replies and notes for supplementaries and the Minister-in-charge of the Department shall answer the question in the House.

(2) If, however, it is felt that the question does not relate to that Department, the Secretary of the Department shall settle the question after discussion with the Secretary of the Department to whom he feels the question should go. In case no decision is arrived at by this discussion, the Secretary shall refer the matter to the Chief Secretary, whose decision shall be final. When a question is thus transferred, the case papers connected with the question shall be sent direct to the Department which it is decided should handle the question, and only an intimation in a routine note of such transfer should be sent to the Secretary. Legislature.

(3) When a question is of a composite nature, that is where it concerns the portfolio of more than one Minister, the Secretary, Legislature shall transmit the same to the Secretariat Department mainly concerned with it depending on the nature of the question. The Secretariat Department which so receives the question shall deal with it after collecting particulars from the other Secretariat Departments concerned and prepare draft replies. In cases where it is difficult to decide the Department which should deal with such questions, the decision of the Chief Secretary shall be sought and

that decision shall be final. It shall be the responsibility of that Department to deal with such questions after collecting material from the other Secretariat Departments concerned and prepare draft replies and the note for supplementaries. The Minister-in-charge of the Department to which composite questions are sent will formally be in charge of the questions and the Department shall send replies to the Legislature Secretariat.

(4) As soon as the Speaker / Chairman Passes orders admitting the question in its original form or in an amended form, the Legislature Secretariat will forward copies thereof in duplicate to [an officer not below the rank of Deputy Secretary] of the concerned Department.

**Substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.**

(5) The draft reply and note for supplementaries prepared by the Department shall be amended wherever necessary in accordance with the amended question by consulting the other Departments of the Secretariat if found necessary. Answers to the questions and the note for answering supplementary questions shall be on separate sheets of paper.

(6) Complete copies of composite questions with copies of replies and notes for answering supplementary questions shall be sent to all the Departments concerned and to the Ministers for information. Any supplementary questions on such questions relating to other Departments shall be answered by the Ministers concerned if found necessary.

76.(1) The Secretary in a Department is a Secretary to the Government. It is his duty to see that the policy of the Government in the Department with which he is concerned is carried out. It is his duty to place before the Minister all relevant facts relating to a case accurately and to tender the necessary advice either in a written note or orally at any time before the Minister passes final orders on a case. It shall also be the duty of the Secretary to draw the attention of the Minister to the fact that any proposed course of action is contrary to the provisions of any rule or law or is at variance with the policy hitherto adopted by Government.

(2) The Secretary may with the approval of the Minister-in-charge delegate such powers to the [Special Secretary], [Additional Secretary], Joint Secretaries, Deputy Secretaries and Under Secretaries working under him as he considers necessary, subject to compliance with the provisions of these rules.

77. If any doubt arises as to the interpretation of these rules, it shall be referred to the Chief Minister, whose decision shall be final.

78. The Chief Secretary and the Secretary of the Department concerned are severally responsible for the proper transaction of business and 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 Chief Minister through the Minister-in-charge, as the case may be.

**79. The Government of Karnataka (Consultation with financial Advisors) Rules, 1982 and orders or circulars issued by the Finance Department, regarding duties and responsibilities of Financial Advisors referred to in clause (ii) of para 80 of the Karnataka Government Secretariat Manual of Office Procedure (Revised) 2005, shall continue to remain in force and be deemed to have been made under rule 45 and sub-rule (3) of rule 46 of these rules."**

**Substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.**

**FIRST SCHEDULE**

(See Rules 12, 20 and 21)

**(CASES WHICH SHALL BE BROUGHT BEFORE THE CABINET)**

1. Proposals for Legislation inclusive of Ordinances, but excluding proposals which in the opinion of the Chief Minister are of a purely formal nature or of trivial importance;
2. Any case in which the attitude of Government to resolutions to be moved in the Legislature is to be determined;

["Provided that if the urgency of the case so requires and it is not practicable to obtain the approval of the Cabinet, such attitude of the Government may be determined with the approval of the Minister- in-charge of the Department and the Chief Minister".]

Inserted in Notification No: DCA 15 ARB 83, dt. 29.11.83

3. Cases relating to summoning and prorogation of the Legislature, dissolution of the Legislative Assembly, nominations to the Legislative Council, [\*\*] and other connected matters;

Omitted in Notification No: DCA 8 ARB 84, dt. 26.07.85

4. Decision on questions arising as to whether the Member of a House of the Legislature of the State has become subject to any disqualification under article 191 and any proposals to refer such questions for the opinion of the Election Commission; any proposal to recover or to waive recovery of the penalty due under article 193;
5. Proposals for the provision of representation of the Anglo-Indian Community (article 333);
6. Proposals to move resolutions under article 252;
7. Proposals to entrust the functions of the State Government to the Government of India or its officers under article 258-A.
8. [Important communications from the Election Commission and action proposed to be taken thereon, except routine instructions and proposals related to staff, etc.,"

Substituted by Notification No: DCA 20 ARB 96, dt. 23.8.2000 KGD 29.8.2000

9. [Proposals for imposition of new taxation or any change in the method of assessment or pitch of existing taxation, land revenue or water rates, for raising of loans on the security of the general revenue of the State or for giving a guarantee by the Government in a particular proposal exceeding rupees ten crores."]

Substituted by Notification No: DCA 20 ARB 96, dt. 23.8.2000 KGD 29.8.2000

10. The Annual Financial Statement including connected papers to be laid before the Legislature and proposals for supplementary demands.
11. Any proposals affecting the finances of the State or for re-appropriation within a grant in which the Minister -in-charge of the Finance Department has not concurred.
12. [Proposals involving alienation, whether temporary or permanent, by way of sale, grant or lease of Government property or the abandonment or reduction of revenue, where such alienation or abandonment or reduction of revenue is not [covered by] the provisions of the Karnataka Land Revenue Act. 1964 and rules made thereunder or any other Act or rules or any general scheme approved by the Government or [except cases pertaining to grant of land to other Government Departments, Corporations, Local bodies for public purpose for value of land up to rupees five crores.]  
Substituted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.
13. [ xxx ]  
Omitted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.
14. Reports of Committees of Inquiry appointed by Government on their own initiative or in pursuance of a resolution of the Legislature;
15. Administrative approval of work estimates, where, -
- i. original estimates exceed rupees ten crores; or
  - ii. original estimates does not exceed rupees ten crores; but the revised estimate exceeds rupees ten crores; or
  - iii. original estimate exceeds rupees ten crores and revised estimates exceed the original estimates by twenty five percent or rupees ten crores whichever is less.]<sup>2</sup>

<sup>1</sup>[Explanation, - For the purpose of this proviso State Level Empowered Committee means the committee constituted vide G.O.No: ಗ್ರಾಅಪ 14 ಗ್ರಾನೀಸ (5) 2013, dated: 11.03.2013 to accord administrative approval to any estimate or revised estimate of multi village water supply schemes of and above rupees five crores but not exceeding hundred crores, which are to be implemented under the funds of National Rural Drinking Water Programmes and 13<sup>th</sup> Finance Commission]<sup>1</sup>.

[15A. Administrative approval of goods and services other than works: (1) In respect of goods and services of scale based items, approval has to be obtained whenever there is any change either in the rates or quantity once in five years. Provided that, in case of any change in rate or quantity less than five percent within five years the proposal need not be brought before the cabinet.

(2) In respect of other goods and services, approval has to be obtained as and when requirement arises:

Provided that, if the revised cost of procurement exceeds rupees ten crores, it shall again be placed before the Cabinet.

Inserted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.

**Explanation.-** Scale based items are those being procured by the departments like egg and milk distribution to anganawadi and school children, uniforms, procurement of food grains etc., for which the rates and the quantity are generally fixed]

16. Proposals relating to-

(i) Creation of new corporations or companies either wholly owned or partially financed by the State Government or by a Public Sector Undertaking;

[(ii) Participation by the State Government or a Public Sector Undertaking in providing share capital to a new or an existing Corporation or Company:-

(a) where Finance Department does not agree; or

(b) where the monetary value of equity participation exceeds rupees one crore or where it exceeds 25 percent of Share Capital of the new company or corporation;

(iii) Providing share capital exceeding rupees one crore by the Karnataka State Industrial Investment and Development Corporation and exceeding rupees seventy five lakhs by the Karnataka State Financial Corporation to an existing corporation or company.”]

Substituted by Notification No: DCA 20 ARB 96, dt. 23.8.2000 Ex KGD 29.8.2000

(iv) winding up, amalgamation or such other major schemes of structural re-organization of public sector undertakings;

[(v) Increase in capital investment estimates of State owned public corporations, companies, enterprises and projects where such increase is more than 50 percent and where such increase is partly or wholly funded by Government;

(vi) expansion of existing schemes or establishing of new schemes or new lines of production by any State owned Public Corporation, company, enterprise or project where such expanding or establishing new schemes or new lines of production involves any capital outlay of not less than rupees three crores or where the capital outlay on such expansion of existing schemes or establishment of new schemes or new lines of production is funded by State Government partly or wholly or by means of finance guaranteed partly or wholly by the State Government or where the capital outlay exceeds 25 percent of the gross block of such corporation, company or enterprise or project”.] and

Substituted by Notification No: DCA 20 ARB 96, dt. 23.8.2000 Ex KGD 29.8.2000

(vii) grant of loans by the Karnataka State Industrial Investment and Development Corporation and the Karnataka State Financial Corporation in excess of the limits laid down by the Industrial Development Bank of India for purposes of refinancing”.

17. Proposals for the making or amending of rules regulating “the recruitment and the conditions of service of persons serving in connection with the affairs of the State, except where the proposals are of minor importance.
18. Proposals for re-employment of a person who has retired [ xxx] except where the proposals are for the re-employment of a person who has retired on invalid pension or consequent to revision of date of birth or re -employment of teachers in the Education Department till the end of the academic term.

**Omitted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.**

19. Proposals for:-
- a) grant of permission to Gazetted Government Servants who intend to take up re-employment after their retirement in statutory / non-statutory Organizations, Companies, Corporations etc., owned or controlled by Government in which the Government has a major financial interest; or
  - b) re-employment of retired Gazetted Government Servants in these organizations referred to in (a) above.
20. Proposals inconsistent with the recommendation of the Public Service Commission for appointments or other important actions in cases in which the Public Service Commission has been consulted [except proposals for making or amending the rules to regulate the recruitment and conditions of service or persons serving in connection with the affairs of the State.]

Inserted by Notification No:DCA20ARB96,dt23.8.2000ExKGD29.8.2000

21. Proposals inconsistent with the recommendation of the [Lokayukta or an Upalokayukta] in regard to disciplinary action against a Government Servant.

Substituted by Notification No:DCA 1 ARB 86,dt.23.6.86

**[21A. Proposal inconsistent with the recommendation of Karnataka Lokayukta or an Upalokayukta made under sub-section (3) of section 12 of the Karnataka Lokayukta Act in regard to a Government Group A Officer.**

**21B. Proposal inconsistent with the recommendation of the Karnataka Lokayukta or an Upalokayukta made under clause (d) of sub-rule (2) of rule 14A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 in regard to disciplinary action against a Government Servant belonging to Group-A." ]**

Inserted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.

22. Annual Report of the [ Lokayukta or an Upalokayukta ]

Substituted by Notification No:DCA 1 ARB 86,dt.23.6.86

23. Proposals for dismissing, removing or compulsory retiring under article 311 any officers 3[holding posts in Group A or [ xxx] 4[“except those for



imposing the penalties of dismissal or removal or compulsory retirement in accordance with the Karnataka Civil Services(Classification, Control and Appeal) Rules,1957 for an established charge of unauthorized absence.”]

Omitted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.

24. Report of the Public Service Commission on its work, [article 323 (2)] and any action proposed to be taken with reference thereto.
25. Proposals for the appointment of Chairman or Members of the Public Service Commission.
26. Proposals for the appointment or removal of the Advocate General or for determining or varying the remuneration payable to him.
27. Appointment of the Chief Secretary.
28. Proposals involving any important change of policy or practice.
29. Any departure from these Rules which comes to the notice of the Chief Secretary or the Secretary of any Department.
30. Any proposals for the institution, or withdrawal of a prosecution by Government against the advice tendered by the [Department of Law, Justice and Human Rights] [ x x x x ]  
Omitted by Notification No: DCA 1 ARB 96 dt. 22.1.96 GSR No:10, KGD 24.1.96
31. Cases which effect or are likely to affect the rights and privileges of any former Rulers.
32. Review of State Administration Reports before they are published.
33. Cases which require modification, alteration or reversion of decisions already taken by the Cabinet.
34. Proposals which adversely affect the operation of the policy laid down by the Central Government.
35. [“All proposals for grant of exemption under sub-section (1A) of section 109 of the Karnataka Land Reforms Act, 1961 except those in respect of which the Deputy Commissioner may exercise the powers of the State Government under the proviso to the said Sub-section.”]  
Inserted by Notification No. DCA 18 ARB 96, dt: 7.11.96 KGD 13.11.96
36. [All self-financing schemes of local bodies including the Urban Development Authorities, the Karnataka Housing Board and such other statutory bodies.
37. Every statement of decisions of the empowered committee referred to in rule

21 shall be placed before the Cabinet at least once in six months.”]

Inserted by Notification No:DCA20ARB96,dt.23.8.2000 ExKGD 29.8.2000

38. [Approval of/addition/deletion of area to Wildlife Sanctuaries, Conservations Reserves and Eco sensitive Zones.
39. Framing or amending rules under the Central or State Act which attracts sub rule (3) of rule 20 of these rules.]

Inserted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.

## SECOND SCHEDULE

(See Rule 36)

### (CASES WHICH SHALL BE SUBMITTED TO THE CHIEF MINISTER)

1. Petitions for mercy and proposals for the grant of pardons, reprieves, respites or remissions of punishments or for the suspension, remission or commutation of a sentence in pursuance of Article 161.
2. Cases raising questions of policy and all cases of administrative importance not covered by Rule 21.
3. Cases which affect or are likely to affect the peace and tranquility of the State and periodical and special reports relating to political conditions and law and order including reports on communal disputes and subversive movements.
4. Cases which affect or are likely to affect interests of any Minority Community, Scheduled Castes, Scheduled Tribes and Backward Classes.
5. Cases which affect the relations of Government with the Government of India, any other State Government, the Supreme Court or the High Court.
6. Constitution of an Advisory Board under article 22 (4) (a) for the detention of persons without trial.
7. Proposals for disciplinary action against an officer of the All India Services.
8. Cases relating to disciplinary matters against [an officer equivalent in rank to an officer in the Karnataka Administrative Service (Group-A) Senior Scale and above] of the State Civil Services.  
Substituted by Notification No: DCA 4 ARB 86, dt. 28.1.87 KGD 16.4.87
9. Proposals to refer any complaint or disciplinary matter against [an officer equivalent in rank to an officer in the Karnataka Administrative Service (Group-A) Senior Scale and above] to the [Lokayukta or an Upalokayukta.]  
Substituted by Notification No: DCA 4 ARB 86, dt. 28.1.87 KGD 16.4.87  
Substituted by Notification No: DCA 1 ARB 86, dt. 23.6.86
10. [Proposals relating to the action to be taken on the recommendation of the [Lokayukta or an Upalokayukta] against a Gazetted Government Servant equivalent in rank to an officer in the Karnataka Administrative Service (Group-A) Senior Scale and above.]  
Substituted by Notification No: DCA 4 ARB 86, dt. 28.1.87 KGD 16.4.87
11. Proposals for the appointment and posting of the following officers:
  - a) Secretaries, Special Secretaries, Additional Secretaries, Joint Secretaries and Deputy Secretaries to Government;
  - b) Heads of Department;
  - c) Special Officers with status not less than that of Head of Department

- or Joint Secretary;
  - d) District Judges including Additional District Judges;
  - e) **Director General and Inspector General of Police, Director General of Police, Additional Director General of Police, Inspector General of Police and Deputy Inspector General of Police**
  - f) Deputy Commissioners;
  - g) Superintendents of Police;
  - h) Superintending Engineers and Executive Engineers;
  - i) Conservators and Deputy Conservators of Forests.
12. Proposals involving any important changes in the strength and distribution of the Police Force.  
 [“12A. The proposals inconsistent with the recommendation of the Karnataka Public Service Commission relating to making or amending the rules to regulate the recruitment and conditions of service of persons serving in connection with the affairs of the State.”]  
 Inserted by Notification No: DCA 20 ARB 96, dt. 23.8.2000 Ex.KGD 29.8.2000
13. Proposals involving important alterations in the recruitment rules or conditions of service of All India Service Officers.
14. Memorials addressed to the Chief Minister personally unless they are withheld under rules made for the purpose.
15. Creation of and first appointments to all Gazetted posts where the minimum of the time scale of pay applicable to the [post is not less than the minimum of the Karnataka Administrative Service (Group-A) Senior Scale] and to the following posts:
- (a) Advocate-General;
  - (b) Chairman and Members of Appellate Tribunals; and
  - (c) Secretary, Public Service Commission.
  - (d) Recommendation for the Office of the Chairman and Members of the Karnataka State Administrative Tribunal to the Central Government; and**
  - (e) Chairman and Members of any other Commission, Authority, Tribunal or Committees created by Statute.”**
- Substituted by Notification No: DCA4 ARB 86, dt.28.1.87 KGD 16.4.87  
**Inserted by Notification No. DPAR 15 ARB 2018, dt: 21.11.2019.**
16. Creation of and first appointment to any post in a statutory / non-statutory Organization, Company, Corporation, etc., owned or controlled by Government or in which Government has a major financial interest and where such creation or appointment requires the approval of Government.
17. First appointment to all Gazetted posts which are not under the purview of the Public Service Commission.
18. All proposals for grant of leave or extension of service to a Gazetted Officer after

the date on which he is required to retire under the rules or orders of Government.

19. All proposals for the appointment of a non-official on any committee or in any other capacity.
20. All cases where the normal period of probation or officiation is proposed to be waived or reduced.

[“20A. Proposals for giving a guarantee by the Government for rupees five crores and above but not exceeding rupees ten crores in any single case.”]

Inserted by Notification No: DCA 20 ARB 96 dt. 23.8.2000 Ex KGD 29.8.2000

21. Civil Aviation including purchase and maintenance of Government Aircraft.
22. Amendments to these rules and to the Karnataka Government (Allocation of Business) Rules, 1977; and
23. Any case or class of cases not specified herein, which the Chief Minister may direct to be submitted or which the circumstances of the moment may have given special importance, or in which the Chief Minister be may specially interested.

**THIRD SCHEDULE**  
**(See Rule 37)**  
**(Cases which shall be submitted to the Governor)**

1. Proposals for grant of pardons, reprieves, respites or remissions of punishment or for the suspension, remission or commutation of a sentence in pursuance of article 161.
2. Cases which affect or are likely to affect the peace and tranquility of the State.
3. Cases which affect or are likely to affect the interest of the Scheduled Castes, Scheduled Tribes and Backward Classes.
4. 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.
5. Cases pertaining to the Governor's personal establishment and Government House matters.
6. Proposals for the appointment and acceptance of resignation of Chairman, Members and Secretary of the Public Service Commission;
7. [Proposals for the appointment and removal of the Lokayukta or Upalokayukta.]  
Substituted by Notification No: DCA 1 ARB 86, dt. 23.6.86
8. Proposals for the appointment and acceptance of resignation of the Advocate General and for determining or varying the remuneration payable to him,
9. Proposals for reduction in rank, compulsory retirement, removal or dismissal from service of the following Officers:
  - a) Secretaries, Additional Secretaries, Special Secretaries, Joint Secretaries and Special Officers of the same status;
  - b) Heads of Departments and Special Officers having the same status;
  - c) District Judges including Additional District Judges;
  - d) Deputy Inspectors General of Police;
  - e) Deputy Commissioners.
10. All cases relating to summoning and prorogation of the Legislature, dissolution of the Legislature, dissolution of the Legislative Assembly, nomination to the State Legislative Assembly and Council fixing of dates of election to the Legislature and other connected matters.
11. Cases in which powers are exercisable by the Governor under the Constitution or any provision of Law.

12. Such other cases of administrative importance as the Chief Minister might consider necessary.
13. Proposals for appointment and acceptance of resignation of the Chief Minister and other Ministers of the State.
14. The Governor's address and his message to the House or Houses of the Legislature of the State.
15. Cases pertaining to disqualification of Members of Houses of State Legislature.
16. Bills passed by both Houses of the State Legislature.
17. Cases relating to the recommendations of the Governor for presentation to the House or Houses of Legislature of the State, of Annual Financial Statements relating to supplementary, Additional or Excess Grant and Appropriation Bills.
18. Proposals for promulgation and repeal of ordinances.





