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NOTIFICATION

No.J-12011/16/87-POL, the 20th February, 1987. In exercise of the powers conferred by clause (2) and (3) of Article 166 of the Constitution of India, the Governor of Mizoram is pleased to make the following rules-

1. (1) These Rules may be called the Govt. of Mizoram (Transaction of Business) Rules, 1987.
- (2) They shall come into force at once.
2. In these Rules unless the context otherwise requires—
 - (a) "Article" means an Article of the Constitution of India;
 - (b) "Cabinet" means the Committee of the Council consisting of the Ministers appointed as such by the Governor;
 - (c) "Chief Minister" means the Minister appointed as such by the Governor under Article 164 (1) of the Constitution ;
 - (d) "Chief Secretary" means the Chief Secretary to the Government of Mizoram ;
 - (e) "Constitution" means the Constitution of India ;
 - (f) "Council" means Council of Ministers constituted under Article 163 of the Constitution ;
 - (g) "Department" means a Department of the Government of Mizoram as specified in the first Schedule ;
 - (h) "Government" means the Government of the State of Mizoram.
 - (i) "Minister" means a Minister appointed as such by the Governor and includes a Minister of State and a Deputy Minister ;

- (j) "Secretary" means a Secretary to the Government of Mizoram and includes Chief Secretary, Additional Chief Secretary, Special Secretary and Additional Secretary, a Joint Secretary, a Deputy Secretary and an Under Secretary, and
- (k) "Schedule" means the Schedule appended to these Rules.

PART I - ALLOCATION AND DISPOSAL OF BUSINESS

3. The business of the Government shall be transacted in the different Departments specified in the First Schedule.

4. The Governor shall, on the advice of the Chief Minister, allot among the Ministers, the business of the Government by assigning one or more Departments to the charge of a Minister.

5. Each Department of the Secretariat shall consist of the Secretary to the Government or some other Government Officer who shall be the administrative head of that Department.

Provided that -

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

6. In matters of interpretation of the expressions "decision" or "orders" or "approval" of the "Government of Mizoram" mentioned in any rules, regulations, orders or scheme or notification or instructions for the time being in force shall mean the decision of the Council of Ministers or the Chief Minister or the concerned Ministers as the case may be.

7. Subject to the orders of the Chief Minister under Rule 14, all cases referred to in the second Schedule to these Rules shall be brought before the Cabinet in accordance with the provisions of the Rules contained in part II.

8. The Minister-in-charge of a Department shall be responsible for the disposal of business pertaining to his Department and the Secretary of the Department shall assist and carry out the instructions of the Minister-in-charge in this regard.

9. (1) No Department shall, without previous consultation with the Finance Department, authorise any orders (other than orders issued under any Act or Rules made thereunder, or pursuant to any general or specific delegation made by the Council of Ministers which -

(a) either immediately or by their repercussion, will affect the finances of the State, or which, in particular -

- (i) involve any grant of land or assessment of revenue or concession, grant, lease or licence of mineral or forest rights or a right to water, 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 numbers or grading of cadre of posts or the emoluments of any posts;
- (c) involve the addition of a post in the public service in the variation of emoluments of any post;

Provided that all Group 'A' posts or posts on fixed pay which is equivalent or more than that of the starting of Group 'A' scale of pay per month shall be created in consultation with the Department of Personnel and Administrative Reforms.

(d) involve an expenditure for which no provision has been made in the appropriation Act or which is in excess of the provision made in the Act.

(e) involve the sanction of an allowances or special or personal pay for any posts or class of posts or to any employee of the Government of Mizoram;

(2) No proposal which requires the 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 Council of Ministers or the Chief Minister.

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

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

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

10. Orders or instruments made or executed by or on behalf of the Government of Mizoram shall be expressed to be made or executed in the name of the Governor of Mizoram.

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

PART II PROCEDURE OF THE CABINET

12. The Chief Secretary, or such other officer as the Chief Minister may appoint, shall be the Secretary to the Cabinet.

13. All cases referred to in the Second Schedule shall, after consideration by the Minister be sent to the Chief Secretary for obtaining orders of the Chief Minister for bringing it up for consideration at a meeting of the Cabinet or for circulation of the case under Rule 14 herein.

14. The Chief Minister may direct that any case referred to in the Second Schedule or otherwise may instead of being brought up for discussion at the Cabinet be circulated to the ministers for their opinion. The Chief Minister may refer such matter for discussion at a meeting, if he may consider necessary.

15. In cases which are circulated for opinion under Rule 14 every Minister shall communicate his opinion by a date specified in the Memorandum of meeting for circulation. In case any Minister fails to communicate his opinion, the Secretary to the Cabinet shall bring the matter to the notice of the Chief Minister for further directions. The Chief Minister may return the case to the Secretary to the Cabinet with orders. The Secretary of the Cabinet will then pass it on to the Secretary concerned for taking steps for the implementation of the decision or for issuance of the orders accordingly.

16. When it has been decided to bring a case before the Cabinet the Department to which the case belongs, shall, unless the Chief Minister otherwise directs, prepare a Memorandum indicating with sufficient precision on the salient facts of the case and the points for decision. Cabinet Memorandum having any financial implications shall be accompanied by financial Memorandum obtained from Finance Department. Such Memorandum and such other papers as are necessary to enable the case to be disposed of shall be circulated to the Ministers.

17. In cases which concern more Ministers than one, the Ministers shall attempt by previous discussion to arrive at an agreement. If an agreement is reached, the Memorandum shall contain the joint recommendations of the Ministers; and if no agreement is reached the Memorandum shall state the points of difference and the recommendations of each of the Ministers concerned shall be submitted to the Chief Minister for his decision.

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

(2) After an agenda paper showing the cases to be discussed at a meeting of the Cabinet has been approved by the Chief Minister, copies thereof, together with copies of such Memorandum as have not been circulated under Rule 16 shall be sent by the Secretary to the Cabinet, to the Chief Minister and other Ministers so as to reach them two clear days before the date of such meeting. The Chief Minister may waive the said period of two days.

(3) Except with the permission of the Chief Minister, no case shall be placed on the agenda of a meeting unless papers relating thereto have been circulated as required by Rule 16.

(4) If any Minister is on tour, the Secretary of the Cabinet shall bring the matter to the notice of the Chief Minister before the meeting of the

Cabinet for appropriate instructions. The Chief Minister may direct for a report from Secretary of the Department for consideration of the Cabinet.

(5) The Chief Minister may direct the Chief Secretary to obtain the opinion of Law Department as regards the proposals before the Cabinet.

(6) The Chief Minister or in his absence any other Minister nominated by him shall preside at a meeting of the Cabinet.

(7) The Secretary to the Cabinet shall attend the meetings of the Cabinet and shall prepare a record of the decisions. He shall after approval of the Chief Minister prepare the record of decisions of the Cabinet for communication to the Governor under Article 167 (1) of the Constitution and to other Ministers of the Cabinet.

19. When a case has been decided by the Cabinet after discussion at a meeting, the Minister concerned shall take action to give effect to the decision. If however, any deviation is proposed to be made from that decision, the case shall be submitted to the Chief Minister by the Minister concerned and further action will be taken according to any directions of the Chief Minister.

PART III-DEPARTMENTAL DISPOSAL OF BUSINESS

A-General

20. Except as otherwise provided by any other Rule, cases shall ordinarily be disposed of by or under the authority of the Minister-in-charge of the Department who shall give such directions as he thinks fit for the disposal of cases in his Department. Copies of important instructions shall be brought to the notice of the Chief Minister.

21. Whenever a matter concerns two departments, the fact shall be specifically brought to the notice of the Minister concerned. Thereupon, the Minister of concerned departments shall hold discussion and try to arrive at an understanding. The Ministers may however, direct that the discussion may be held by the Secretaries of the Departments concerned. Such decision shall be recorded and placed before concerned Ministers. In case of any difference of opinion, the matter shall be put up before the Chief Minister for appropriate orders.

22. (1) The Chief Minister may call for records of any case relating to any Department.

(2) The Chief Minister may, in consultation with the Minister-in-charge of the Department, pass such orders in any case as he considers necessary or may direct that the matter shall be placed before the Cabinet.

(3) The Chief Minister may pass orders in a case relating to any Department when the case is referred to him by the Minister-in-charge of the Department.

(4) The Chief Minister, in the absence of the Minister-in-charge of the Department may, in a matter of urgent public importance relating to any Department, pass such orders as he considers necessary or expedient.

23. If a question arises as to the Department to which a case properly belongs, the matter shall be referred for the decision of the Chief Minister.
24. All communications received from the Government of India (including those from the Prime Minister and other Ministers of the Union) other than those of routine or unimportant nature shall be placed by the Secretary to the Minister-in-charge and the Chief Minister for information.
25. Any matter likely to bring the State Government in to controversy with the Government of India or with any other State Government or the Government of Bangladesh or Burma shall be brought to the notice of the Chief Minister and the Minister-in-charge forthwith. The Chief Minister may apprise the Governor in this regard.
26. (1) The following classes of cases shall be submitted to the Chief Minister before the issue of orders —
 - (i) Proposals for the grant of pardons, reprieves, respites or remissions of punishment or for the suspension, remission or commutation of a sentence.
 - (ii) Cases which affect or are likely to affect the peace and tranquility of the State;
 - (iii) Proposal for awarding punishment of dismissal or removal or compulsory retirement from service ;
 - (iv) Important cases which affect or are likely to affect the interests of the minority communities or Scheduled castes and backward classes ;
 - (v) Cases which affect the relation of the State Government with the Government of India or any other State Government, or the Government of Bangladesh and Burma, or the Supreme Court or the High Court.
 - (vi) Constitution of an Advisory Board under Article 22(4)(a) for the detention of persons without trial.
 - (vii) Appointment, of the Chief Secretary;
 - (viii) Appointment, transfer, posting and deputation of all Group 'A' Officers in the Autonomous Bodies. Such proposals should be routed through the Minister concerned.
 - (ix) Proposal for the appointment and posting of the following officers —
 - (a) Additional Chief Secretary, Special Secretary, Secretaries, Additional Secretaries and Joint Secretaries of the Departments of Government.

- (b) Development Commissioner and other Commissioners under the Government.
 - (c) Inspector General of Police; Deputy Inspector General and Superintendent of Police
 - (d) Heads of Department.
 - (e) Special Officers of the status of Joint Secretaries and above;
 - (f) Deputy Commissioner;
 - (g) Chief Electoral Officer;
 - (xi) Appointment of the Chairman and members of the State Public Service Commission, State Selection Board and the members of the Department or District Selection and promotion Committees.
 - (xii) Every important communication from the Election Commission;
 - (xiii) Any proposals for the institution or withdrawal of a prosecution by Government;
 - (xiv) All proposals in regard to the matters in connection with Sixth Schedule of the Constitution of India;
 - (xv) Cases pertaining to the Governor's personal establishment and Government House matters;
 - (xvi) Cases of Group A and B Officers of the Govt. of Mizoram pertaining to appeals against the orders of Appointing Authority.
 - (xvii) All other policy and important matters.
22. Where a matter is required to be placed before the Chief Minister the Secretary shall place the matter before the Minister-in-charge through the Chief Secretary.
- The matter shall then be placed before the Chief Minister for orders accordingly. In matters required to be disposed of by the Minister concerned, the Department Secretary shall place the same before the Minister concerned for orders under Rule 20 of these Rules.
28. The following cases shall be submitted through the Chief Minister, to the Governor before issue of orders :—
- (i) Proposals to grant pardons, reprieves, respites or remissions of punishment or suspension, remissions of commutation of sentence under Article 161 of the Constitution of India.
 - (ii) Proposals for the appointment of Chairman and Members of the State Public Service Commission.

- (iii) Cases pertaining to Governor's personal establishment and Raj Bhavan matters ;
 - (iv) Appointment and resignation of the Council of Ministers or any other Minister ;
 - (v) Governor's address and message to the Legislative Assembly ;
 - (vi) Bills passed by the Legislative Assembly for the Governor's assent ;
 - (vii) Promulgation and withdrawals of Ordinances ;
 - (viii) Appointment, resignation and removal of the Advocate General ;
 - (ix) Summoning, prorogation or dissolution of the State Assembly ;
 - (x) Disqualification of members of the State Assembly ;
 - (xi) Proposals and requests for recommendations obligatory under the financial procedure laid down in the Constitution of India.
9. The Chief Minister shall ;
- (a) Communicate to the Governor all decisions of the Council of Ministers relating to the administration of the affairs of the State and proposals for legislation ;
 - (b) Furnish such information relating to the administration of the affairs of the State and proposals for legislation as the Governor may call for ; and if the Governor so requires.
 - (c) submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

CHIEF SECRETARY

30. (1) The Chief Secretary as the head of the Administrative Machinery, responsible to ensure the efficient functioning of the State Administration shall be kept informed and apprised of all important decisions and in particular of the Departments of Personnel and Administrative Reforms, Home, Political, Vigilance and Rural Development Departments who shall bring all such decisions and informations to the notice of the Chief Minister.

(2) All cases of appointment, transfer, posting, deputation, termination, compulsory retirement and removal of all Group 'A' Officers including Officers of equivalent rank in the Autonomous Bodies shall be put up by the Secretary to the Chief Secretary who shall put them up before the Chief Minister through the Minister concerned for order.

FINANCE DEPARTMENT

31. The Finance Department shall have the following functions, namely-

(i) It shall, in consultation with Personnel and Administrative Reforms Department, frame Rules regulating the pay, leave and pension of persons in the service of the State Government and Rules regulating the number, gradings or cadre and emoluments of posts under the State and also be responsible for seeing that these Rules are properly applied;

(ii) It shall advise on the financial aspects of all transactions relating to such loans granted by the State;

(iii) It shall be responsible for proper utilisation and safety of Provident Fund deposits of Government servants and shall frame Rules relating to giving of advances out of Provident Fund, the recovery of such advances and advising department generally on such matters; it being understood that it is the duty of the Government servant himself to get the annual verification and reconciliation of his or her own Provident Fund account from the Director (Accounts and Treasuries) who is responsible for maintaining the accounts. The Finance Department shall also lay down Rules relating to advances made to Government servant for purchase or Construction of houses and purchase of conveyance;

(iv) It shall examine and report on all proposals for the increase or reduction of taxation;

(v) It shall examine and report on all proposals for borrowing by the State shall raise such loans as have been duly authorised and shall be in-charge of all matters relating to the service of loans and the discharge of any financial guarantees;

(vi) It shall be responsible for laying down appropriate financial rules for guidance of other Department who are responsible for proper maintenance of accounts by themselves and by the establishments subordinate to them. Finance Department may take such action as may be appropriate to enforce such accountability;

Such financial rules be placed before the Cabinet for approval.

(vii) It shall prepare an estimate of the total receipts and disbursements of the State in each year and shall be responsible during the year for watching the state of the State Government's balances and for their Ways and Means and operations;

(viii) In connection with the budget and with Supplementary estimates :—

(a) It shall prepare a statement of estimated revenue and expenditure to be laid before the Legislature in each year and any supplementary estimates or demands for excess grants which may be submitted to the vote of the Legislature or, as the case may be, laid before the Legislature;

(b) For the purpose of the 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; and

(c) 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 estimates for any scheme which has not been so examined;

(ix) On the receipt of a report from an Audit Officer that expenditure is being incurred for which there is no sufficient sanction, it shall require the Department concerned to obtain sanction or not to incur further expenditure.

(x) On the receipt of a report that a financial Rule has been contravened or a financial irregularity has been committed, it shall take steps to enforce the rule or to stop or rectify the irregularity;

(xi) It shall lay before the Committee on Public Accounts the report of the Auditor General of India relating to the appropriation accounts of the State and shall bring to the notice of the Committee all expenditure which has not been duly authorised and any financial irregularities; and

(xii) It shall advise the Departments responsible for the collection of revenue regarding the progress of collection and the methods of collection employed.

32. Where a financial proposal has been made by a Minister and the same is not approved by the Finance Department, the same shall be put up before the Chief Minister for appropriate orders.

33. (1) After the Governor has given his assent to the Appropriation Act, specifying (a) the grants made by the Legislative Assembly, (b) the sums required to meet the expenditure, if any, charged on the revenue of the State, the Finance Department shall have the powers to sanction or to authorise any re-appropriation within a grant from one major, minor or subordinate head to another.

(2) Copies of all orders sanctioning any re-appropriation which does not require the sanction of the Finance Department shall be communicated to that Department as soon as such orders are passed.

34. The Finance Department shall be consulted upon all proposals to sanction the relaxation of any financial rule and also before final orders are passed in any case of serious financial irregularity.

Provided that where an expenditure is incurred on a decision taken by the Cabinet or the Chief Minister, such financial rules shall be deemed to have been appropriately relaxed.

35. Where a matter has been referred to be taken up the Cabinet meeting, the Finance Department shall forward its financial memorandum as described in Rule 17.

36. (1) The Finance Minister in consultation with the Minister of another Department may call for papers of the other Department.

(2) In case of any difference of opinion, the Finance Minister or the concerned Minister may request that the papers be placed before the Chief Minister for orders.

37. The Finance Department may make Rules to govern the financial procedure in general in all Departments and to regulate the business of the Finance Department. The said Rules shall be placed before the Cabinet for approval.

PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT

38. (1) The Personnel and Administrative Reforms Department shall be responsible for seeing that the Rules and principles relating to services in general are properly followed:

(2) The Personnel and Administrative Reforms Department shall be consulted for advice by other Departments in matters relating to framing of service rules and general principles relating to services.

(3) The approval of the Chief Minister shall be obtained by all Departments in the following matters:—

(i) relaxation of any service rule;

(ii) relaxation of any general service condition; and

(iii) creation of any gazetted post or payment of additional remuneration to any gazetted officer.

LAW DEPARTMENT

39. The functions of the Law Department shall be to;

(a) aid and advice the Government and other Departments on all legal matters;

(b) consider the proposals for legislation for the consideration of the Government;

(c) draft legislations for giving effect to the decisions of the Government;

(d) prosecute all litigation for and on behalf of the State Government;

(e) make proposals for legal reforms to the Government;

(f) to bring out in published form all Acts, rules, notifications and update them from time to time;

(g) to formulate schemes for giving legal aid to weaker sections of the society.

40. Proposals to initiate legislation shall be treated as a case and the Law Department shall advise the Government as—

(i) the feasibility of the proposed legislation from a legal point of views;

(ii) competence of the State Legislature to enact the measure proposed; and

(iii) the requirements of the Constitution as to obtaining the previous sanction of the President thereto; and

(iv) the consistency of the proposed measure with the provisions of the Constitution, and in particular those relating to the Fundamental Rights.

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

42. The Law Department shall thereafter prepare a Draft Bill and return the case where necessary, to the Department concerned.

43. If the draft Bill is approved by the Minister-in-charge it shall be brought before the meeting of the Cabinet with the prior approval of the Chief Minister. The Cabinet may approve the Bill with or without amendments.

44. If the Bill is approved with amendments it shall be sent to the Law Department to finalise the Bill after incorporating the amendments.

45. The Law Department shall then send the Bill to the Department concerned indicating at the same time the sanctions, if any, required for the Bill. If any provisions in the Bill involving expenditure from the Consolidated Fund of the State are modified in the finalised draft, the Department shall send the finalised draft Bill to Finance Department for revising, if necessary the financial memorandum.

46. The Bill thus finalised will be sent to the Legislative Assembly by the Department concerned for introduction in the Legislature with intimation to the Law Department. The Law Department will obtain the previous sanction of the President wherever necessary under the Law. The Law Department will obtain the recommendation of the Governor in cases where such recommendation is necessary.

47. Notwithstanding anything contained in Rule 40 measures designed solely to modify and consolidate existing enactments and Legislation of a formal character, such a repealing and mending Bills may be initiated in the Law Department.

Provided that the Law Department shall send a copy of the draft Bills to the Department which is concerned with the subject matter for consideration as an administrative measure. The Department to which it is sent shall forthwith make such enquiries as it thinks fit and shall send to Law Department for its opinion thereon.

48. (1) Whenever a private member of the State Legislature gives notice of his intention to move for leave to introduce a Bill, he shall give notice of his intention to the Secretary of the Legislative Assembly and shall together with the notice, submit a copy of the Bill and statements of objects and reasons.

(2) The Secretary of the Legislative Assembly shall then send a copy of the Bill and the statement of objects and reasons to the Minister for parliamentary Affairs and the Law Department.

(3) The Bill shall then be dealt with as a case by the Law Department in the first instance, where it shall be considered in its technical aspect, such as need for previous sanction of the President and the competency of the

State Legislature to enact the measure and then be forwarded with its opinion to the Department to which the case belongs.

(4) The Department concerned shall then examine whether any provisions of such Bill involve expenditure from the consolidated Fund of the State and if so, they shall prepare, in consultation with the Finance Department, the Financial Memorandum in respect of the Bill.

(5) The Law Department concerned shall then place the matter before the Cabinet for necessary orders.

(6) The Law Department shall thereafter take necessary steps as prescribed in respect of a Government Bill.

49. The provisions of Rule 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.

50. (a) When a Bill has been passed by the Legislature, the Law Department shall then present the Bill to the Governor either for his assent or for reservation for assent of the President wherever necessary.

(b) where the Governor directs that the Bill should be reserved for the consideration of the President or returns to the Legislature with a message, the Law Department shall place the matter before the Council of Ministers as per the procedure prescribed under Rule 18 with its opinion.

(c) After obtaining the assent of the Governor or the President as the case may be, the Law Department shall take steps for publication of the Bill in the official gazette as an Act of the Legislature.

51. Whenever it is proposed in any Department other than the Law Department,

(i) to issue a statutory rule, notification or order;

or

(ii) to submit to the Central Government any statutory rule, notification or order for issue by them, the draft shall be referred to the Law Department for opinion and for revision, where necessary.

52. The Law Department shall be consulted by all administrative Departments 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 suit prosecution or other legal proceedings;

(d) all correspondence to High Court or Supreme Court in any matter; and

(e) matters relating to State Judicial Service.

Every such reference shall be accompanied by an accurate statement of facts of the case and the point or points on which the advice of the Law Department is desired.

RURAL DEVELOPMENT DEPARTMENT

53. (i) The Rural Development Department shall implement all Rural Development Schemes whether sponsored by Central Government or otherwise under the guidance and supervision of the Chief Minister and the Minister concerned. The Commissioner and Secretary shall seek guidance from the concerned Minister in this regard from time to time and shall be responsible to the State Government in all respects as to the planning, evaluation, execution, due and rational expenditure of funds provided for the purpose.

(ii) The Department shall be responsible for all schemes pertaining to replacement of jhooming system including conservation of forest wealth in regard to jhooming practice.

PLANNING DEPARTMENT

54. (i) The Planning Department shall be responsible for working out a strategy of development which maximises the national product through time; laying down the guidelines for the Departments regarding the drawing up of the departmental programme and schemes and working an economic, administrative and organisational appraisal of the Plans and Programmes of various Departments.

(ii) The Planning Department shall be consulted for advice by other Departments in matters relating to Plan formulation and the general principles relating to Planning.

Provided that it shall be opened to the Planning Department to prescribe, by general or special Order, cases in which such consultation with it may not be necessary.

SUPPLEMENTARY

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

56. Notwithstanding anything contained herein, the Council of Ministers or the Chief Minister may relax the Rules in the interest of public and smooth functioning of the affairs of the State.

57. The matters in regard to which the rules are silent or adequate provision has not been made, the Secretary in the Department shall obtain appropriate directions from the Chief Minister or the Minister concerned.

58. The Government of Mizoram (Transaction of Business) Rules, 1972 are hereby repealed and the Government of Mizoram (Transaction of Business) Rules, 1987 shall prevail in all matters covered herein.

FIRST SCHEDULE

(See Rule 3)

LIST OF DEPARTMENT

1. Agriculture Department.
2. Animal Husbandry and Veterinary Department.
3. Civil Supply Department.
4. Co-operation Department.
5. District Council Affairs Department.
6. Educational and Human Resources Department.
7. Excise and Taxation Department.
8. Finance Department.
9. Environment and Forest Department.
10. General Administration Department.
11. Home Department.
12. Health and Family Welfare Department.
13. Industries Department.
14. Information and Public Relations Department.
15. Law, Judicial and Parliamentary Affairs Department.
16. Land Revenue and Settlement Department.
17. Labour and Employment Department.
18. Local Administration Department.
19. Personnel and Administrative Reforms Department.
20. Political and Cabinet Department.
21. Planning and Programme Implementation Department.
22. Public Works Department.
23. Power and Electricity Department.
24. Public Health Engineering Department.
25. Printing and Stationery Department.
26. Rural Development Department.
27. Relief and Rehabilitation Department.
28. Secretariat Administration Department.
29. Sericulture Department.
30. Social Welfare Department.
31. Soil Conservation Department.
32. Sport and Youth Welfare Department.
33. Transport Department.
34. Trade and Commerce Department.
35. Vigilance Department.
36. Tourism Department.

SECOND SCHEDULE

(See Rules)

1. Proposals for the appointment or removal of the Advocate General, or for determining or varying the remuneration payable to him.
2. Proposals to summon, prorogue or dissolve the Legislature of the State.
3. Proposals for the making or amending rules regulating the recruitment and conditions of service of —
 - (a) Persons appointed to the Secretariat staff of the Assembly (Article 187(3));
 - (b) Officers and servants of the High Court under Article 229, proviso to clause (1) and (2);
 - (c) Persons appointed to the Public service and posts in connection with the State (Proviso to Article 309).
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. The Annual Financial Statements to be laid before the Legislature.
6. Proposals for the making or amending rules under Article 234.
7. Proposals for the issue of a notification under Article 237.
8. Any proposal involving any action for the dismissal, removal or suspension of a member of the Public Service Commission.
9. Proposals for making or amending regulations under Article 318 or under the proviso to clause (3) of Article 320.
10. Report of the Public Service Commission on its work (Article 323 (2) and any action proposed to be taken with reference thereto.
11. Proposals for legislation including the issue of ordinance under Article 213 of the Constitution.
12. Proposals for the imposition of a new tax or any change in the method of assessment or the pitch of any existing tax or land revenue or irrigation rates or for the raising of loans on the security of revenues of the State or for giving of a guarantee by the Government of the State.
13. Proposals involving the alienation either temporary or permanent, or of sale, grant or lease of any movable or immovable or the abandonment or reduction of

revenues except when such alienation, sale, grant or lease of Government property is in accordance with the rules or with a general scheme specifically approved by the Cabinet.

14. Proposals involving any major policy or practice.
15. Proposals to vary or reverse a decision previously taken by the Cabinet.
16. Any proposals for the institution or withdrawal of a prosecution suit or other legal proceedings by the Government.
17. Proposals involving any important alternation in the conditions of service of the members of any All India Service.
18. Reports of the Committee or Commissions of Inquiry appointed by the Government on its own initiative or in pursuance of a resolution passed by the State Legislature.
19. Proposals to act otherwise than in accordance with the advice of the Public Service Committee.
20. Proposals which adversely effect the operation of the policy laid down by the Central Government.
21. Cases required by the Chief Minister to be brought before the Cabinet.

By Order, etc.

Sd/-Lalkhama
Chief Secretary to the Govt. of Mizoram