

[40. The function of the Legislative Department is to put into technical shape the projects of legislation of which the policy has been approved and every proposal to initiate legislation shall be considered in and if necessary transferred to, the Department to which the subject matter of the legislation relates and the necessity for legislation and all matters of substance to be embodied in the Bill shall discussed and, subject to Rule 8, settled in such Department.

41. Proposals to initiate legislation shall be treated as a case and shall be disposed of accordingly:

Provided that the case shall not be submitted to the Chief Minister until the Department concerned has consulted the Legislative Department as to-

- (i) the need for the proposed legislation from a legal point of view;
  - (ii) the competence of the State Legislature to enact the measure proposed;
  - (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.
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42. If Legislation is decided upon by the Minister-in-charge, the Department will, if the legislation involves expenditure from the Consolidated Fund of the State, a financial memorandum be prepared in consultation with the Finance Department. The papers shall then be sent to the Legislative Department requesting it to draft the Bill accordingly.
43. The Legislative Department shall thereafter prepare a Draft Bill and return the case where necessary, to the Department concerned.
44. 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 amendment.
45. If the Bill is approved with amendment it shall be sent to the Legislative Department to finalise the Bill after incorporating the amendments.
46. The Legislative 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 finalized draft, the Department shall send the finalized draft Bill to Finance Department for revising, if necessary, the financial memorandum.
47. The Bill thus finalized will be sent to the Legislative Assembly by the department concerned for introduction in the Legislature with intimation to the Legislative Department. The department concerned will obtain the previous sanction of the President and also prepare the financial memorandum, where necessary, in consultation with the Finance Department. The department also will obtain the recommendation of the Governor in cases where such recommendation will be necessary.
48. Notwithstanding anything contained in rule 26, measures designed solely to codify and consolidate existing enactments and Legislation of a formal character, such as repealing and amending Bills may be initiated in the Legislative Department:

Provided that the Legislative Department shall send a copy of the draft Bill to the Department which is concerned with the subject matter for consideration as an administrative measure and the Department to which it is sent shall forthwith make such enquiries as it thinks fit and shall send to the Legislative Department its opinion thereon together with a copy of every communication received by them on the subject.



[49.(1)(a) If any private member of the State Legislature requests any Minister to obtain the previous sanction of the President or the recommendation of the Governor for the introduction or consideration of any Bill which he proposes to introduce or move for consideration in the Legislative Assembly, he shall furnish a copy of the Bill together with the explanatory statement of objects and reasons on receipt of which the Administrative Department concerned shall send a copy of the Bill together with the explanatory statement of objects and reasons to the Legislative Department and another copy to the Parliamentary Affairs Department.

(b) Whenever a private member of the State Legislature has given notice of his intention to move for leave to introduce a Bill or for its consideration and whether any previous sanction of the President or recommendation of the Governor is necessary or not for the introduction or consideration of the Bill, Secretary of the Legislature shall send a copy of the Bill together with a copy of the explanatory statement of objects and reasons, and where the member has annexed to his notice any sanction or recommendation of the President or the Governor, such sanction or recommendation also to the Legislative Department and another copy of the above documents to the Parliamentary Affairs Department.

(2) The Legislative Department shall, on receipt of a Bill under the preceding sub-rule, if it has not been so examined earlier, examine the Bill in its technical aspects, such as, the competence of the Legislature to enact a law on the subject-matter covered by the Bill, the need for previous sanction of the President or the need of the Governor's recommendation and then forward the opinion to the administrative department concerned together with a copy of the bill, the explanatory statement of objects and reasons and the administrative department shall then, if this has not been so examined or decided earlier examine whether the policy underlying the Bill could be supported or not and place the matter before the Cabinet for a decision on the same.

(3) Notwithstanding anything in and without prejudice to the Cabinet decision on the policy underlying the Bill taken under the preceding sub-rule, the administrative department shall obtain where necessary the previous sanction of the President or the recommendation of the Governor, as the case may be, for the introduction or consideration of the Bill and send the same to the member concerned or to the Secretary of the Legislature, as the case may be.

(4) In all cases covered by the preceding sub-rule the Legislative Department shall further examine whether the Bill requires any memorandum on delegated legislation or financial memorandum and if any such memorandum is required then in case of memorandum on delegated legislation intimate the Parliamentary Affairs Department, the Administrative Department and in case where a financial memorandum is required, the Finance Department about such requirement.]

50. The provisions of Rule 47 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.

51. (a) When a Bill has been passed by the Legislature it shall be examined by the Legislative Department as well as by the department concerned. The Legislative Department shall then present the Bill to the Governor either for his assent or for reservation for the assent of the President where necessary.

(b) Where the Governor directs that the Bill should be reserved for the consideration of the President or return to the legislature with a message, necessary action in that behalf shall be taken by the Legislative Department with intimation to the Department concerned.

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

52. Whenever it is proposed in any Department other than the Legislative Department: -

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

(ii) to submit to the Central Government any draft statutory rule, notification or order for issue by them,

the draft shall be referred to the Legislative Department for opinion and for revision, where necessary.]]