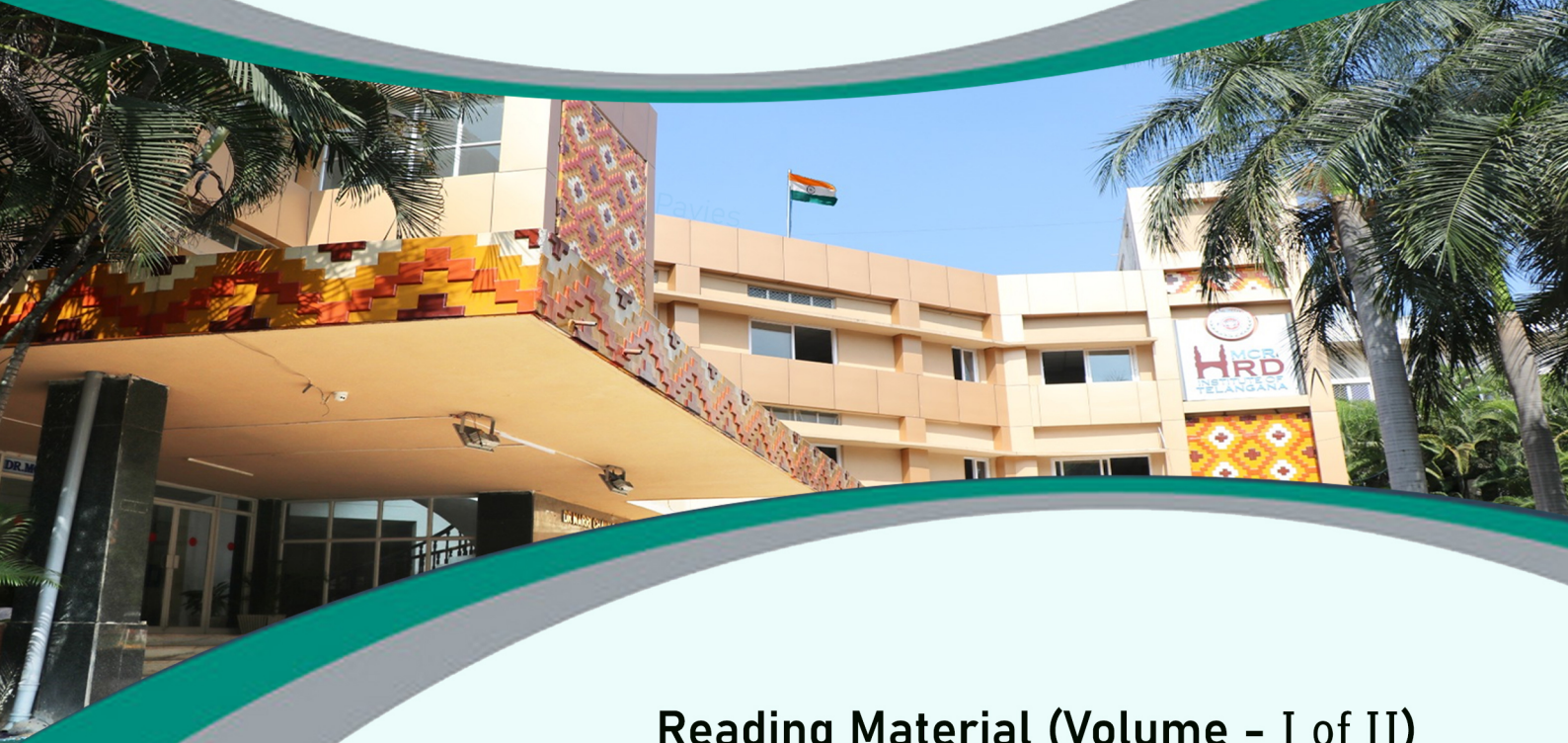
Foundation Training Programme
for

Assistant Section Officers

(Probationers)

8th April to 7th June 2024



Reading Material (Volume - I of II)

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प्रवीण्यं च लोकहितम्
EFFICIENCY AND THE PUBLIC GOOD

भारत सरकार
GOVERNMENT OF INDIA

2024

FOUNDATION TRAINING PROGRAMME
READING MATERIAL (VOL-I of II)
FOR
ASSISTANT SECTION OFFICER
(PROBATIONERS)



Interaction of
Dr. Jitendra Singh, MOS (PP)
with the Assistant Section Officers



CGLE 2020 BATCH – 31st January, 2023 at ISTM



CGLE 2019 BATCH – 17th August 2022 at ISTM

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CHAPTER – 1

MISSION KARMAYOGI

1.1 Civil Services are at the epicentre of all the Government activities. Civil Services are mandated to lead the efficient delivery of public goods to the citizens of the country. With the challenges emanating from disruptions like pandemic and need to accelerate the pace of economic development, there is a clear need to keep the services fully prepared and trained. We need to have a civil service that is well trained, well-rounded, prepared, fit for action, fit for future and such a civil service would be critical in achieving our national goals of creating an ***Atmanirbhar Bharat*** as articulated by our Hon'ble Prime Minister. The national programme for Civil Services Capacity Building (NPCSCB) aims at promoting citizen centred governance by initiating a significant change in competency driven training programs and Human Resource (HR) management of officials by transitioning from a 'rule-based' system to the 'role-based' learning system.

1.2 Government's strong resolve to enhance governance through massive capacity building of civil services emerged in 2018, when a *NITI-Ayog* document called "*Strategy for New India@75*" in a chapter under the heading 'Civil Service Reforms' spoke about strengthening and leveraging online avenues for training; introduction of pre and post-training matching of skills to determine postings; digitizing human resource records across states; and most importantly developing a competency matrix to monitor ongoing skill acquisition and help match **requirements** with resources in real time.

Policy Framework of Mission Karmayogi

1.*3* This document also mentioned about the need of initialising an e-learning platform to conduct training modules. Later, in front of the Statue of Unity at Kevadia, on the occasion of Rashtriya Ekta Diwas 2019, Government's resolution to usher in a new era of uniform, competency-based training was reverberated. Hon'ble President of India in his address1 to the Joint Houses of Parliament on 31st January 2020, also brought out government's commitment to transformational changes in the work culture in Government and strengthening institutions, use of modern technology to promote transparency and promotion of healthy competition and public participation at the grassroot levels. In his speech on the occasion of seventy fifth Independence Day, Hon'ble Prime Minister's message also resonated the need for capacity building of government officials through a renewed and modern outlook.

1.*4* The tenets of good governance can be carried forward from government's wish list to the people only by a horde of new age Civil Servants. Hence, it is prime to upscale their capabilities, by bringing major reforms in learning and upgradation of skills, knowledge and attitudes. That training in envisaged in Mission Karmayogi which would make our civil servants agile, capable of partnering with diverse stakeholders and keep them up to date with new competencies.

1.5 The timing for NPCSCB could hardly have been more apt; as a New India with favourable demography, a fast evolving and self-reliant economy, increasing social awareness and an unprecedented digital penetration prepares for a global leadership. There are challenges emanating from pandemic but it also offers

opportunities to develop new capabilities and shift of attitudes by democratisation of learning with more urgency, across hierarchies and geographies, making the civil services more citizen centric.

1.6 In the policy framework of competency based training system, at the top level, there is a council comprising of eminent public HR practitioners, thinkers, global thought leaders and representatives of the Indian political leadership under the Chair of Hon'ble Prime Minister of India, known as Prime Minister's HR Council. This council is conceived to be the apex body for driving and providing strategic direction to civil services reforms and capacity building. It will identify areas for policy intervention, approve the National Capacity Building Plan and review and provide guidance on reports submitted by other tiers of the governance structure and the annual Global Public HR Summit.

2. The National Programme for Civil Services Capacity Building

2.1 The National Programme for Civil Services Capacity Building (NPCSCB) is crafted to lay the foundation for capacity building for future generations of the Civil Servants so that they remain entrenched in the Indian culture and sensibilities and remain connected with their roots while they learn from the best practices across the world. The NPCSCB will cover all civil servants, holders of civil posts, temporary hires etc., who discharge the responsibilities assigned to them in different Ministries, Departments, Organisations and ISTM Journal of Training, Research & Governance

Policy Framework of Mission Karmayogi agencies of the Union Government. All Ministries, Departments, Organisations and agencies of the Government of India will be responsible for the implementation of the NPCSCB, as stakeholders under the roles and functions envisaged under this programme. The NPCSCB makes inroads for further policy frameworks down the line, one on HR coupled with an electronic Human Resource Management System (eHRMS), and five other – viz., Institutional, Competency, Digital Learning and Monitoring & Evaluation frameworks.

2.2 A competency-based HR policy requires assignment of right person to the right role at the right time, thus securing the sustainable competitive advantage for the nation and provides citizen centricity to the service delivery. The proposed program aims to create a robust policy framework and provide an institutional structure towards implementation of such an HR policy in the Government. The policy framework will also enable adoption of modern technological tools such as a digital platform, artificial intelligence, machine learning and data analytics for monitoring and evaluation of the entire programme especially quality of the learning content, assessment of user feedback and competency assessment. The approach will break silos in capacity development and democratize knowledge on an equitable basis across civil services. It is proposed that besides delivery of training & capacity building, service matters like confirmation i.e. completion of probation, deployment, work allocation, work assignment, notification of vacancies etc be integrated with the proposed competency framework. Some of the important principles of the proposed policy framework are as below:

1. To complement the Physical Capacity Building approaches with the Online Training approaches;

2. To emphasise the role of '" On-Site learning" complementing the "Off-Site learning" whereby the civil servant learns in her job environment and only ISTM Journal of Training, Research & Governance higher order learning is delivered through training institutions and through universities;
3. To create an ecosystem of shared training infrastructure including of teaching materials and personnel;
4. To calibrate all civil service tasks to a Framework of Roles, Activities and Competencies (FRAC) approach, thereby identifying the relevant behavioural, functional and domain needs of each individual position in the government structure;
5. To create and deliver content relevant to the identified FRAC based competency need, through online, face-to-face and blended means.
6. To encourage and partner with all Content Creators including in-house sources as well as the Private Sector to build a Content Market Place in a robust e-platform;
7. To make available to all civil servants, agnostic to their geographical location and their position in the hierarchy, an opportunity to build capacity and self improve by giving them access to training content in Hindi, English and other Indian languages;
8. To create ability in government to harness digital emit, for the purpose of continuous improvements in capacity building and personnel deployment;
9. To enable Departments, Ministries, Agencies and Organisations of the Government to invest directly in the effort to create the co-shared, collaborative and common eco-system through a mandatory annual subscription to be prescribed by Department of Personnel & Training (DoPT) from time to time;
10. To facilitate policies for empowerment of individual learners to acquire her competencies and follow self-driven as well as mandated learning paths, be put in place by the respective Ministries and Departments; and
11. To enable willing State Governments to align their policies on similar lines.

2.3 In order to facilitate digital working environment in Central Government, an electronic Human Resources Management System (e-HRMS) has now been introduced in all the Departments. This will help Government to digitally manage the service matters of officials leading to reduction in transaction time and cost, availability of digital records, dashboards for Management Information System, real time monitoring of manpower deployment as well as serving as a productivity enhancement tool amongst others. The Ministries and Departments will be able to switch over to digital transactions completely, once e-HRMS captures the data of all the employees in a particular organization.

3. Institutional Framework

3.1 Apart from the Prime Minister's HR Council mentioned in Para 1 above, a Special Purpose Vehicle would be set up for hosting the technology platform providing a framework of competency mapping and assessment on the one hand and best in class competency building products on the other hand to help close competency gaps of officials. The following institutional framework for monitoring and evaluation of capacity building is proposed to be set up:

3.1.1 **Cabinet Secretariat Coordination Unit:** The coordination unit, under the Chairmanship of the Cabinet Secretary, will monitor the implementation of the NPCSCB. It will align all stakeholders and provide mechanism for overseeing capacity building plans. The Coordination Unit comprising of nominated Secretaries to the Government and Cadre Controlling Authorities (hereinafter referred to as 'CCAs'), will also serve as the secretariat for the PMHRC. An officer of appropriate seniority and rank will be designated to function as Member Secretary of the Unit.

3.1.2 **Capacity Building Commission**[3] The Capacity Building Commission has been constituted on 1 April 2021, by the Government of India as an organization under the DOPT. It has been mandated to drive standardization and harmonization across the landscape of Indian civil services. As the custodian of civil services capacity building reforms, the Commission's role is central to the overall institutional framework of Mission Karmayogi. Established as an independent body with complete executive and financial autonomy, the Commission comprises of three Members and is supported by an internal Secretariat. The Secretariat is headed by an officer in the grade of Joint Secretary to the Government of India (designated as the Secretary to the Commission). The Members have been appointed from diverse backgrounds to ensure adequate representation of multiple perspectives such as those of state governments, public sector, private sector, academia etc. The core purpose of the Commission is to build credibility and shape a uniform approach to capacity building on a collaborative and co-sharing basis. It is mandated to perform the following key functions:

3.1.2.1 Preparing an Annual State of Civil Services Report;

3.1.2.2 Exercising functional supervision over Training Institutions and creating shared learning resources;

3.1.2.3 Facilitating the creation of Annual Capacity Building Plans for ministries and departments;

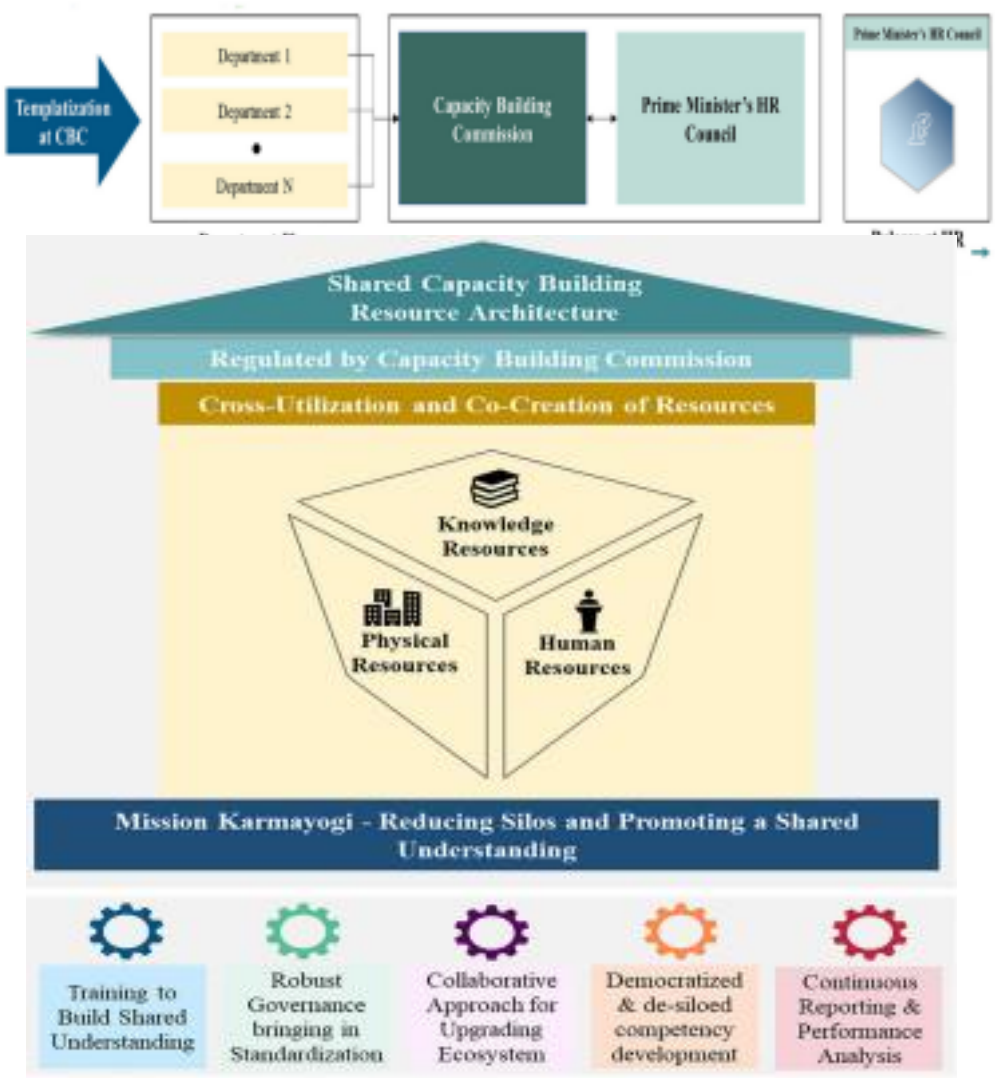
3.1.2.4 Organizing a global HR Summit;

3.1.2.5 Evolving a harmonious, de-siloed approach to capacity building initiatives;

3.1.2.6 Undertaking an Audit of Human Resources available in Government

3.1.2.7 Recommending policy interventions in areas of personnel/HR to DoPT; and

3.1.2.8 Approving Knowledge Partners for the Mission.



3.1.3 **Special Purpose Vehicle (SPV)**[4], namely, *Karmayogi* Bharat would be set up as a not-for-profit company under section 8 of Companies Act, 2013 as a 100% government-owned entity. The SPV, *inter-alia* will be responsible to deliver and manage the following business services:

3.1.3.1 Design, implement, enhance and manage a Digital platform and infrastructure;

3.1.3.2 Make available best in class content and ensure validation of the content on iGOT-*Karmayogi* platform;

3.1.3.3 Manage and deliver Competency Assessment Services;

3.1.3.4 Manage governance of telemetry data and ensure provision of monitoring and evaluation;

3.1.3.5 Own and manage frameworks, the Intellectual Property Rights of all digital assets on behalf of Governments; and

3.1.3.6 Manage internal processes of the SPV in compliance with relevant government guidelines.

3.1.4 **Task Force:** Keeping in view the aforesaid, a Task Force comprising of leading experts has been set up on 23rd June 2021 to help DOPT to draw a clear road map for the guidance and operationalization of the '*Karmayogi Bharat'.* It is expected to provide its recommendations before the end of December 2021. Some of the important areas in which the taskforce is expected to provide its recommendations are as under :

– an organizational structure for the SPV aligning its vision, mission and functions; including the proposed Board Committees and their role,

– Policy frameworks for HR, Compensation, IT, Procurement and Oversight functions,

– Roadmap for technology adoption & implementation and development of an online content market place, including an appropriate content pricing mechanism that incentivises the best quality content on the platform, consistent with the procurement policy guidelines of the Government,

– Plans for pedagogy and delivery models in respect of various learning resources,

– Staffing plans for top management including Board members and key personnel with panels of potential candidates,

– Collaboration framework for the SPV's engagement with various stakeholders.

– Road map for Platform to help improve capacities of civil servants, execution capacity of MDOs, with speed, scale and sustainability with a data rich

– Strategies for change management,

– Expansion Plans for iGoT Karmayogi, including scaling plans to include States/UTs, District and sub-district levels of administration.

4. Competency Framework

4.1 The exercise for defining the Framework for Roles, Activities, and Competencies including skills (FRACs) is intended to be carried out by each Ministry/Department/ Organisation of Union Government and integrated with the iGOT-Karmayogi Platform. FRACs exercise will define the content of various roles and activities through a granular expostulation of each position organised in a coherent manner. The behavioural, functional and domain competencies thus revealed will enable a position holder to discharge her responsibility more effectively by acquiring the requisite attitudes, skills and knowledge. Accordingly, the work allocation, work assignments, notifications of vacancies etc. are proposed to be eventually done on the iGOT-Karmayogi platform following the FRACs model. Further, content appropriate to the FRACs model will be provided by participating organisations on the 70:20:10 rules (being an indicative 70% training online, 20% on-the-job and 10% physical). Institute of Secretariat Training & Management (ISTM) an ISO 9001:2015 certified Central Training Institute (CTI) located in New Delhi has been declared as a National Centre of Excellence for FRACs.

5. Digital Learning Framework (iGOT- Karmayogi Platform)

5.1 It is proposed to build iGOT-Karmayogi as an integral part of the Digital India stack as a social good for capacity building of all government employees. It will provide anytime-anywhere learning to train about 2.5 crores users which was hitherto not achievable through traditional measures. The platform is proposed to eventually evolve into a vibrant and world class marketplace for content modelled on FRACs, supported by a robust e-learning content industry including best in-class institutions, start-ups and individual resources, where carefully curated and vetted digital e-learning content will become available as training modules. Appropriate framework to ensure that Capacity Building for future generations of the Civil Servants so that they remain entrenched in the Indian culture and sensibilities and remain connected with their roots while they learn from the best practices across the world will be setup.

6. Monitoring and Evaluation Framework

6.1 The monitoring and evaluation framework is proposed to enable the monitoring and evaluation of the performances of all users of the iGOT-Karmayogi platform on Key Performance Indicators (hereinafter referred to as 'KPIs') including the individual learner, the supervisor, the organisation, the peer group, the content provider, the content creator, the technology service providers etc. A **single source of truth Dashboard** and an **Annual State of the Civil Services Report** are proposed to capture the Key Performance Indicators (KPIs) for all departments, organisations and agencies of the government and document the outcomes of current initiatives, the targets against goals (including KPIs from the iGOT-Karmayogi dashboard) along with the roadmap for future Public HR Management and Capacity Building.

Fig: Chart showing M and E framework

7. Conclusion

7.1 Mission Karmayogi aims at making India a leader in public HR management, leapfrogging other countries by using its digital capacity. Together, various strands of the programme as outlined in previous paragraphs aim at making the civil service responsible and capable for her own development, while creating the digital and physical infrastructure as well as policy and institutions to support her. The use of digital technology to create a backbone will extend from the senior most officers to the last official in the field. The transformational journey of capacity building which began with the launch of *Aarambh 2019* - the common foundation course for civil services has now reached a point where a state of the art learning experience is being delivered equally to one and all. Under this broad mandate, a stream of activities have already taken place to align the stakeholders, shift from Rule based learning to Role based learning and eliminate silos. The goal is to harness the true potential of civil services, enabling them to deliver to larger social and economic mandates.

7.2 The programme will lay the foundation for multiple transformative changes in learning and HR management in the Government. It will continuously augment and enhance capacities while driving social good and innovation across the ecosystem. As we move towards a digital and open society, it is this endeavour of making capacity building a national mission that will power the Government to deliver to an aspirational India. By leveraging technology and shifting behaviour, the programme will drive change across the governance landscape, ensuring that the civil services are future ready and fulfil the role expected of them. The programme is expected to become a force multiplier, breaking silos of past years,

and releasing a new wave of energy. This will power India to become not just the largest and vibrant democracy of the world but a prosperous, progressive and modern society.

Reference

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CHAPTER – 2

CENTRAL SECRETARIAT & CSS

1.1 Central Secretariat Service

1.1.1 The Central Secretariat occupies a key position in Indian administration. The Secretariat refers to the conglomeration of various Ministries/Departments of the Central Government. The Secretariat works as a single unit with collective responsibility as in the case of the Council of Ministers. Under existing rules, each Secretariat Department is required to consult any other department that may be concerned before disposing of a case.

1.1.2 The Secretariat assists the Ministers in the formulation, implementation and monitoring of governmental policies. Ministers finalize policies on the basis of adequate data, precedents and other relevant information. The Secretariat makes these available to the Minister, thus, enabling her to formulate policies. Secondly, the Secretariat assists the Ministers in their legislative work too. The Secretariat prepares legislative drafts to be introduced in the Parliament. Thirdly, it engages in the collection of relevant information for answering parliamentary questions and, also, for various parliamentary committees. Fourthly, it carries out a detailed scrutiny of a problem bringing an overall comprehensive viewpoint on it, getting approval, if required, of other nodal departments. It functions as the main channel of communication between the government and other concerned agencies. And lastly, the Secretariat also ensures that field offices execute, with efficiency and economy, the policies and decisions of the Government.

1.1.3 The Central Secretariat Service (CSS) serves as the backbone of the Central Secretariat comprising various Ministries/Departments of the Government of India. Continuity in administration and institutional memory in the Secretariat functioning is ensured by this Service.

1.1.4 The functions of the Secretariat devolve right down the hierarchy from the Secretary to Additional Secretary/Joint Secretary, Director/Deputy Secretary, Under Secretary, Section Officer up to the Assistant Section Officer. The CSS Officers occupy various positions in the Secretariat ranging from Assistant Section Officers to the level of Joint Secretary/Additional Secretary. The entry level position of the Assistant Section Officer (ASO) 1 in the CSS plays an important role in this Secretariat functioning.

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CHAPTER – 3

ROLE OF AN ASO

1. An ASO has a pivotal role in the government machinery. ASOs play a crucial role in Policy formulation, execution and implementation of various Government Schemes, Programmes, Projects, etc. They are also actively involved in handling parliament questions, assurances, bills, administrative matters, vigilance matters, budgetary work, amongst other duties. The initial examination of any policy, scheme, or case on any subject in any Ministry/Department is generally handled at the level of ASO. In this process, the ASO is expected to contribute immensely through in-depth examination of the issues involved. Their work usually requires them to have a command over procedures, rules and regulations and a sense of history of the subject in view of their familiarity with the precedents. They are able to identify and locate the relevant provisions of rules or guidelines and apply them to a given situation. They are also required to keep track of the changes in the policies of their Department as well as in the external environment.

2. ASOs are considered the custodians of records and the repository of information. They become the subject or domain experts whose advice is sought and whose opinions are valued. Briefs for Ministers and senior officers are drafted by an Assistant Section Officer in respect of Parliament Questions and other important issues. ASOs are also required to coordinate and arrange for meetings among senior officers, between representatives of departments, various stakeholders, etc., draft the minutes of the meetings and take follow up action where required.

3. An Assistant Section Officer plays some of the following roles in various Ministries/ Departments: -

i. Custodian of Records, precedents, policy files, database etc.
ii. Examination of fresh receipts in terms of policy and procedures.
iii. Initiating action as per approved course of action.
iv. Ensuring that facts and figures mentioned in a case are correct and updated.
v. Putting up papers and files for a decision in terms of given framework.
vi. Developing alternative courses of action and examination of alternates in terms of their suitability
vii. Informing the approved course of action to relevant stakeholders
viii. Follow up action for obtaining the required information
ix. Providing information to other agencies, organisations, and divisions in the department.
x. Review of performance and seeking direction for interventions
xi. Regulatory and procedural compliance
xii. Attending to references relating to court matters, RTI, Parliament matters etc.

4. Main responsibilities of an ASO are –

i. Keeping abreast of developments in the assigned field or area of work.
ii. Complete familiarization with the procedures or changes in procedures and rules etc.
iii. To process receipts or papers as per assigned priority
iv. Analyse the issues independently.
v. Recording office notes and preparing drafts for communication
vi. Keeping records properly arranged, classified and in readily retrievable state
vii. Keeping track of cases
viii. Monitoring of pending cases or receipts
ix. Compliance with Security Instructions, CSMOP, GFRs, DFPRs, FRSR. and Establishment and Vigilance rules.
x. Follow up action on court cases, RTI matters, Parliament Questions or Assurances.

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CHAPTER – 4

ORGANISATIONAL STRUCTURE IN GOVERNMENT OF INDIA

As part of improving governance, the Prime minister of India has said that "…***a positive regulatory framework was being pushed ahead.***" Making a strong case for a policy-driven state, he pointed out that he has often called for '***Minimum Government and Maximum Governance***'. The state, he said, should focus only on five functions:

i. Public goods (Defence, Police, Judiciary etc.);
ii. Its externalities (such as pollution);
iii. Empowering markets (restrict monopoly);
iv. Fill information gaps; and
v. Ensuring a well-designed welfare and subsidy mechanism.

2. Other than this, the government has no business to be in business, he said. We may also have a quick glance through discussing on the Strengths and Weaknesses of the Existing Structure in the Report of the 2nd Administrative Reforms commission (ARC). The 2nd ARC has commented that the existing structure of the Government of India has evolved over a long period. Hence, it has certain inherent strengths which have helped it stand the test of time. However, there are weaknesses also which render the system slow, cumbersome and unresponsive.

3. As for strength, the Government of India has evolved an elaborate structure, rules and procedures for carrying out its functions which have contributed to nation building and the creation of an inclusive state. These have ensured stability both during crises as well as normal times. At the same time, where considered essential, innovative structures have been created in form of empowered commissions, statutory boards, autonomous societies and institutions especially in the fields related to research, science and technology.

4. Moreover, the structure of Government staffed by the permanent civil servants has provided continuity and stability during the transfer of power from one elected government to the other. This has contributed to the maturing of our democracy. Besides, the well laid down rules and procedures of government have upheld the neutrality of the civil services and prevented politicization of government programmes and services. This has helped in the evolution of institutions based on the principles enshrined in the Constitution.

5. As a matter of strength of the existing structure, the ARC also recognizes the link between policy making and its implementation and the fact that the framework of the Government of India has facilitated a staffing pattern which promotes a link between policy making and implementation. This has also helped the structure of both the Government of India and the States and promoted the concept of cooperative federalism.

6. The structure also advocates a national outlook amongst the public functionaries: Public servants working in Government of India as well as its attached and subordinate offices have developed a national outlook transcending parochial boundaries. This has contributed to strengthening national integration.

7. As for the weaknesses the Report of the 2nd ARC clearly points to the undue emphasis on routine functions. The Ministries of Government of India are often unable to focus on their policy analysis and policy making functions because of the large volume of routine work that they are saddled with. This leads to national priorities not receiving due

attention. Often, functions which are best carried out by the State or Local Governments - could easily be outsourced. Further, the structure promotes undue proliferation of Ministries/Departments resulting in weak integration and coordination amongst them and creation of a large number of Ministries and Departments sometimes because of the lack of an integrated approach.

8. Also, adding to the weaknesses is an extended hierarchy with too many levels. Government of India has an extended vertical structure which leads to examination of issues at many levels frequently causing delays in decision making on the one hand and lack of accountability on the other. Another noteworthy feature of the structure is that several levels are redundant as they do not contribute to the decision making process.

9. Before having a closer look through the existing Organizational Structure and the Government documents where that have been described, let us have a generic idea about the topic of Organizational Structure from the Secretariat point of view:

10. An organizational structure defines how job tasks are formally divided, grouped and coordinated. There are six key questions the structure designers need to address. The answers suggest the six key elements wanting threadbare analysis. They are as follows:

Key Design Questions and Their Answers for Proper Designing of Organizational Structure:

The Key Questions	**The Answer is provided By**
To what degree are activities subdivided into separate jobs?	**Work Specialization**
On what basis will jobs be grouped together?	**Departmentalization**
To whom do individuals report?	**Chain of Command**
How many individuals can an officer efficiently and effectively control?	**Span of Control**
Where does decision making authority lie?	**Centralization and decentralization**
To what degree will there be rules and regulations to direct officers and staff	**Formalization**

11. Government organizations are subdivided into separate jobs. In the Secretariat set up, the specialized areas are either functional – Ministry specific or conventional i.e. common to all. Some of the common areas are “Accounts”, “Housekeeping”, “Parliamentary Matters” etc. whereas, examples of specific areas are “Agricultural Statistics”, “Sugar Pricing”, “Explosives Control” etc. The basis on which the jobs are grouped and regrouped are called **Departmentalization.**

12. **Chain of Command** and **Span of Control** are what covered in an important document prescribed in the Central Secretariat Manual of Office Procedure (CSMoP). It’s called **Government Machinery.** Let us first have a thorough look towards it:

12.1 **The President–T**he executive power of the Union formally vests in the President and may be exercised by him either directly or through officers subordinates to him, in accordance with the Constitution.

12.2 **The Council of Ministers-**

(1) In the exercise of his functions, the President is aided and advised by a Council of Ministers headed by the Prime Minister. In actual practice the executive power of the Union resides in the Council of Ministers.

(2) The Council of Ministers consists of three categories of Ministers, namely:
(a) Cabinet Ministers;
(b) Ministers of State; and
(c) Deputy Ministers.

(3) The Cabinet, which consists of Ministers of the first category only, is responsible for shaping the overall policies of the Government in discharging its responsibilities. A Minister of State with Independent Charge also attends a Cabinet meeting when subject matter of his/her Department is considered. The Cabinet also functions through its Committees.

12.3 **Allocation/Transaction of government business –**

(1) Among the rules issued by the President for the convenient transaction of the business of the Government, under Article 77(3) of the Constitution, are:

a) The Government of India (Allocation of Business) Rules; 1961(As amended from time to time). and
b) The Government of India (Transaction of Business) Rules 1961 (As amended from time to time).

The Allocation and Transaction of Business Rules are available on the website of Cabinet Secretariat (www.cabsec.nic.in)

(2) The Allocation of Business Rules allocates the business of the Government among its different Ministries / Departments, which are assigned to the charge of the Ministers by the President on the advice of the Prime Minister. In relation to the business allotted to a Minister, these rules also permit the association of another Minister or Deputy Minister to perform such functions as may be specifically assigned to him.

(3) The Transaction of Business Rules seek to define the authority, responsibility and obligations of each department in the matter of disposal of business allotted to it. While providing that the business allotted to a department will be disposed of by, or under the direction of the Minister-in-charge, these rules also specify:

(a) Cases or classes of cases to be submitted to the President, the Prime Minister, the Cabinet or its committees for prior approval; and
(b) The circumstances in which the department primarily concerned with the business under disposal will have to consult other departments concerned and secure their concurrence before taking final decisions.

12.4 **Ministry / Department –**

(1) A Ministry/Department is responsible for formulation of policies/ schemes of the government in relation to business allocated to it and also for the execution and review of those policies.

(2) For the efficient disposal of business allotted to it, a Department is divided into Wings, Divisions, Branches and Sections/Cells.

(3) A Ministry / Department is normally headed by a Secretary to the Government of India who acts as the administrative head of the Department and principal adviser of the Minister on all matters of policy and administration within the department.

(4) The work in a Ministry / Department is normally divided into wings with a Special Secretary/ Additional Secretary/Joint Secretary in charge of each wing. Such a functionary is normally vested with the maximum measure of independent functioning and responsibility in respect of the business falling within his wing subject, to the overall responsibility of the Secretary for the administration of the department as a whole.

(5) A wing normally comprises a number of divisions each functioning under the charge of an officer of the level of Director/Joint Director /Deputy Secretary. A division may have several branches each under the charge of an Under Secretary or equivalent officer as Branch Officer.

(6) A section is generally the lowest organizational unit in a Ministry / Department with a well-defined area of work. It normally consists of Assistant Section Officer/ Senior Secretariat Assistants, as dealing officers and Junior Secretariat Assistants as clerical support. Sections are supervised by a Section Officers. . Initial processing and submission of cases through noting and drafting is primarily done by Dealing Officers of the level of ASO/SSA or JSA. However, there are instances where cases are to be initiated at higher level. Even in such cases, functionaries in Section will be provide the required assistance. Desk Functionaries deal with cases independently with stenographic assistance and submit them to his/her higher officer in the hierarchy.

(7) While the above represents the commonly adopted pattern of organization of a Department, there are certain variations, the most notable among them being the Desk Officer system. In this system, the work of a Department at the lowest level is organized into distinct functional desks each manned by desk functionaries of appropriate ranks, e.g. Under Secretary or Section Officer. Each desk functionary handles the cases himself/herself and is provided adequate support staff.

12.5 Functions of various levels of functionaries in the Central Secretariat:

(a) ***Secretary–*** A Secretary to the Government of India is the administrative head of the Ministry or Department. She is the principal adviser of the Minister on all matters of policy and administration within her Ministry/Department, and her responsibility is complete and undivided.

(b) ***Special Secretary /Additional Secretary/Joint Secretary–*** When the volume of work in a Ministry exceeds the manageable charge of a Secretary one or more wings may be established with Special Secretary/ Additional Secretary/Joint Secretary, in-charge of each wing. Such a functionary is entrusted with the maximum measure of independent functioning and responsibility in respect of all business falling within her wing subject, to the general responsibility of the Secretary for the administration of the wing as a whole.

(c) ***Director /Deputy Secretary–*** Director /Deputy Secretary is an officer who is in charge of a Secretariat Division and is responsible for the disposal of Government business dealt within the Division under her charge. She should, ordinarily be able

to dispose of the majority of cases coming upto her on her own. She should use her discretion in taking orders of the Joint Secretary/Secretary on more important cases, either orally or by submission of papers.

(d) ***Under Secretary–*** An Under Secretary is in charge of a Branch consisting of two or more Sections and in respect thereto exercises control both in regard to the despatch of business and maintenance of discipline. Work comes to her from the sections under her charge. As Branch Officer she disposes of as many cases as possible at her own level but she takes the orders of Deputy Secretary or higher officers on important cases.

(e) ***Section Officer-*** A Section Officer is the leader of a team comprising a Section which is the smallest yet most fundamental block in the structure of the Central Secretariat. You can study the roles, functions, duties and responsibilities of a Section Officer in the Central Secretariat manual of Office Procedure (CSMoP). It is more important for you to understand your part which is as follows:

(f) ***Assistant Section Officer -*** She works under the orders and supervision of the Section Officer and is responsible for the work entrusted to her. Where the line of action on a case is clear or the Branch Officer or higher officers have given clear instructions, she should put up a draft without much noting. In other cases she will put up a note keeping in view the following points-

(i) to see whether all facts open to check have been correctly stated;
(ii) to point out any mistakes or incorrect statement of the facts;
(iii) to draw attention, where necessary, to precedents or Rules and Regulations on the subject;
(iv) to put up the Guard file, if necessary, and supply other relevant facts and figures;
(v) to bring out clearly the question under consideration and suggest a course of action wherever possible.

12.6 **Attached and Subordinate offices-**

(1) Where the execution of the policies of the government requires decentralization of executive action and/or direction, a department may have under it executive agencies called `Attached' and `Subordinate' offices.

(2) Attached offices are generally responsible for providing executive direction required in the implementation of the policies laid down by the department to which they are attached. They also serve as repository of technical information and advise the department on technical aspects of question dealt with by them.

(3) Subordinate offices generally function as field establishments or as agencies responsible for the detailed execution of the policies of government. They function under the direction of an attached office, or where the volume of executive direction involved is not considerable, directly under a department. In the latter case, they assist the departments concerned in handling technical matters in their respective fields of specialisation.

12.7 ***Constitutional Bodies:*** Such bodies, as are constituted under the provisions of the Constitution of India. Example: Union Public Service Commission (UPSC).

12.8 ***Statutory Bodies:*** Such bodies as are established under the statute or an Act of Parliament. Example: National Commission for Women (NCW).

12.9 ***Autonomous Bodies:*** Such bodies as are established by the Government to discharge the activities, which are related to governmental functions. Although such bodies are given autonomy to discharge their functions in accordance with the Memorandum of Associations etc., but the Government's control exists since the Government of India funds these bodies fully or partly through the Grant-in-aid. Example: All India Institute of Medical Science (AIIMS), Central Board of Secondary Education (CBSE) etc.

12.10 **Central Public Sector Enterprises(CPSE):** CPSE is the company under the administrative control of Central Ministry/Department holding more than 50 % of the equity by Central Govt. the subsidiaries of these companies, if registered in India wherein any CPSE has more than 50 % equity are also categorised as CPSEs. It also covers certain statutory corporations like Airport Authority of India, Food Corporation of India and Central Warehousing Corporations.

12.11 **Integrated Headquarters of Ministry of Defence:**
Integrated Headquarters of Ministry of Defence comprising Army Headquarters, Naval Headquarters, Air Headquarters and Defence Staff Headquarters will be associated in the formulation of policies in relating to matters concerning the Defence of India and the Armed Forces of the Union. They would be responsible for providing executive direction required in the implementation of policies laid down by the Ministry of Defence. They shall exercise delegated administrative and financial powers. The role and functions the Services Headquarters now designated as Integrated Headquarters in all other aspects remain unchanged. The shares of CPSEs are held by the President or his nominee and managed by Board of Directors which includes official and non-official directors/ other shareholders or Holding companies. The departmentally run public enterprise, banking institutions and insurance companies are not covered under the definition of CPSEs.

12.12 ***Information and Facilitation Counters (IFCs)***
The Information and Facilitation Counter will provide the following services to the clients/customers of the organization:

(1) Information regarding services provided and programmes, schemes etc. supported by the organization and the relevant rules and procedures, through brochures, folders etc.
(2) Facilitating the customer/client to obtain the services of the Organization optimally, timely, efficiently and in a transparent manner and providing forms etc. of public usage;
(3) Information regarding the standards of quality of service, time norms, etc. evolved by the organization with reference to the services/schemes/functioning of the organization;
(4) Information regarding hierarchical set up of Public Grievance Redress Machinery of the organization; and
(5) Receiving, acknowledging and forwarding the grievances / application / request / form etc. (related to the services provided by the Organization) to the concerned authority in the organization and providing information on their status/disposal.

13. Narrow or small spans have their advocates. By keeping the span of control to five or six, an officer can maintain close control. But narrow spans have three major drawbacks. First, they are expensive because they add levels of management. Second they make vertical communication in the organization more complex. The added levels of hierarchy slow down decision making and tend to isolate upper management. Third, narrow spans of control encourage overly tight supervision and discourage employee autonomy. Hence, trend in recent time is toward wider span of control.

14. Coming to **Centralization and Decentralization**, you have to remember that in a centralized set-up, lower level functionaries merely carry out higher officers' directives. At the other extreme, you may like to push down decision making to the functionaries who are closest to the action. This is decentralization. In a decentralized organization, action can be taken more quickly to solve the problems, more people provide input into decisions, and employees are less likely to feel alienated from those who make the decisions that affect their work lives. Your Division in the Government is effectively decentralized when the Divisional Head has an open mind to delegate important decision making to her subordinates.

15. **Formalization** refers to the degree to which jobs within your Section are standardized. If a job is highly formalized, the job incumbent has a minimum amount of discretion over what is to be done, when and how. Employees are always expected to handle the same input in exactly the same way, resulting in a consistent and uniform output. Thus formalization is the main characteristic of standardization, which you may like to advocate strongly in a purely clerical set-up within a Section.

16. The Central Secretariat is essentially a **Bureaucratic** set-up. Standardization is the key concept that underlies all bureaucracies. The bureaucracy is characterized by highly routine operative tasks achieved through specialization, formalized rules and procedures, tasks that are grouped into functional Departments, Central Authorities, and narrow span of control and decision making that follows the chain of command. Primary advantage of bureaucracy lies in its ability to perform standardized activities in a highly efficient manner. Furthermore, the bureaucracy can get by nicely with less talented – and, hence, less costly lower level staff and officers.

17. The major weakness of a bureaucracy lies in the fact that specialization creates sub-unit conflicts. You will experience uncalled-for occasions when files will be objected upon by the internal finance for reasons unknown to you! Another major weakness lies in obsessive concern following the rules. Thus bureaucracy is efficient only as long as the employees confront problems which they have previously encountered and for which rules have already been established.

18. As a shield against the perils of bureaucratic structure, therefore, you may like to advocate the structure of an **Empowered Organization**. Modern day management gurus put forward the following typology of empowerment styles:

i) Information sharing (downward communication)
ii) Upward problem solving (I am there to protect you)
iii) Task autonomy (peer pressure becomes prime control mechanism)
iv) Attitudinal shaping (training, education, confidence building)
v) Self-management (shift from "THEM" to "ME" model)

19. In the "THEM" model, the lower level functionaries think that it is "THEM" up there who set the procedures and rules and decide what is to be done and how. They want only my hands or back, not my brain. There is not a great deal I can do to change things, so I don't bother about right or wrong – and I don't bother working very hard either. But the "ME" model is just the opposite. The empowered employee feels at the centre of a team that can achieve.

20. You have to also face the following challenges which are quite common in the Central Secretariat work culture when you would like to bring certain changes towards making your own set up more structurally empowered:

a. High tolerance level towards slow and centralized decision making;
b. Short-term focus;
c. Individual orientation scores over team orientation;
d. Avoidance of conflict;
e. Low risk-tolerance;
f. Focus on results than on process;
g. Individual accountability;
h. Little or no horizontal cooperation;
i. Highly politicized environment;
j. Resistance to change;
k. Guarded communication;
l. Slow communication;
m. Adoption of indirect communication styles.

21. The challenge for you is, therefore, to bring fresh blood in approach and workings in Central Secretariat to make the outcome more people friendly than paper friendly.

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CHAPTER – 5

DECISION SUPPORT SYSTEM IN GOVERNMENT

Decision Support System (DSS) can be defined as a system that provides tools to managers in solving problems on their own. A DSS cannot make decisions for managers. It provides managers with a set of capabilities that enable them to generate the information required by them to make decisions.

2. Characteristics of DSS

1. This **supports decision making** and occurs at all levels of management.
2. Instead of helping individuals working on independent tasks, it can **help groups in decision making.**
3. It is **flexible and adaptable**. i.e. it can fit itself in the style of a particular manager and ready to change according to changes in the environment.
4. DSS **focusses on decisions** rather than data and information.
5. DSS can be used for **solving structured problems.**
6. DSS is **extensible and evolve over-time.**

3. There is always a need to have a strong decision support system in Government which would be able to provide necessary continuity to its policy decisions. In the areas of decision making, where specialized services are available and also in areas where these are not available, there is always a need at the middle levels of the Government to coordinate between public interest and domain expertise to present a balanced picture.

4. The ultimate objective of all Government business is to meet the citizens' needs and to further their welfare without undue delay. At the same time, those who are accountable for the conduct of that business have to ensure that public funds are managed with utmost care and prudence. It is, therefore, necessary, in each case, to keep appropriate record not only of what has been done but also of why it was so done. The DSS provides a delivery system for policy formulation, continuity in policy administration, monitoring & review of the implementation of policies / schemes, coherent institutional memory etc., which are germane to good governance at the Headquarters' of the Central Government.

5. Important structural changes have been made in Central Secretariat Service several times since 1919, and the common thread running through all the stages of the evolution of the Service, has been the role of the service in ensuring continuity of administration in the Central Secretariat which was in earlier days, often referred to as "Secretariat Administration and House Keeping". In modern times, it is an essential part of Decision Support System (DSS).

6. The better skills in noting and drafting and in interpretation of rules and regulations by members of CSS is well-recognized. As a matter of fact, they facilitate maintaining the vital link between Parliament and the Central Secretariat, especially when it comes to handling of Parliament Questions, Assurances, Government Bills, etc. Another important area where they substantially contribute is the work relating to cadre management of various organized services, work relating to financial management and preparation of the budget of various Departments of the Central Government and litigation work of the

Central Government, which are also largely being handled by the CSS officers. Thus, the CSS ensures continuity in the policies of the Government of India. This is an essential component of the DSS.

7. As an integral part of the Decision Support System, what role CSS officers play has been described in the observations of the (i) Central Pay Commissions (CPC), (ii) two Cadre Restructuring Committees of CSS and (iii) Parliamentary Standing Committee on MHA in its 83rd Report about the role of Central Secretariat Service as under:

- The CSS Officers at the middle and lower management levels of the administrative machinery are responsible for assisting in the formulation and monitoring implementation of policies concerning subjects, which are the main responsibility of the centre.

- The CSS ensures continuity of administration in the Central Secretariat, which is in common parlance called “Secretariat Administration and House Keeping”.

- The service is well recognized for better skills in noting and drafting and interpretation of rules and regulations.

- The lower and middle level CSS Officers skilfully coordinate, analyse and dissect the Reports of Commissions/Committees; and opinions, ideas and experiences of various experts to present a balanced view/picture on their noting after considering the programme and policy of the Govt. in office. This analysis later leads to policy formulation.

- The CSS facilitates in maintaining the vital link between Parliament and Central Secretariat, especially in handling of Parliament Questions, Government Assurances and Government Bills etc.

- There is substantial contribution by CSS Officers in financial management and preparation of the budget of various Departments of the Central Government and also in monitoring the plan schemes funded and contributed by Government of India but executed by States and other Implementing Agencies.

- The CSS Officers have been handling various litigation works quite effectively and protect the interests of the Central Government.
- The Service provides a set of trained personnel, who serve as carrier of the Secretariat tradition of institutional memory and bridge between the past and the present and between lower rung and top management of the Government. Such coherence facilitates exploring and establishing the best practices and techniques for future governance.

- The service personnel has been lauded for their changing role by Central Pay Commission (5th CPC):

a) The CSS has undergone radical and qualitative changes and the tasks performed by it have become more complex, varied and function specific; and
b) CSS Officers have revealed their potentialities for being able to perform much larger and complex tasks and have acquainted themselves as creditably as members of other services.

- In a nutshell, the service provides a strong permanent bureaucratic set up at lower and middle levels of the Central Government.

8. The lowest functionary of the CSS i.e. Assistant Section Officer.Besides routine noting and submission of cases, he is required to locate and collect other files, papers, information, data and material, if any, referred to in the receipt, or having a bearing on the issues raised therein, identify and examine the issues involved in the case and record a note. A section consisting of Assistant Section Officer and Section Officer, while putting up a case, are required to see whether all the statements, so far as they are open to check, are correct; point out mistakes, incorrect statements, missing data or information(if any), draw attention to the statutory or customary procedure and point out the relevant law and rules; furnish other relevant data or information available in the Department; state the questions for consideration and bring out clearly the points requiring decision; draw attention to precedents; evaluate relevant data and information; and suggest, where possible, alternative courses of action for consideration.

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CHAPTER - 6

CONDUCT RULES

General

The essence of Conduct Rules is that every Government servant is required to ensure absolute integrity and devotion to duty. He should not do anything which is unbecoming of a Government servant. A supervisory officer has to ensure integrity and devotion to duty of Government servants under his control and authority. A Government servant should act in his best judgement while performing his official duties. When a Government servant seeks instructions or approval from a superior officer when it was not necessary, he continues to be responsible. The official superiors should give directions to subordinates in writing. If giving oral directions becomes unavoidable, such directions should be confirmed in writing.

2. In so far as CCS (Conduct) Rules, 1964 are concerned, "Members of family" in relation to a Government servant includes:-

(i) the wife or husband as the case may be, of the Government servant, whether residing with the Government servant or not but does not include a wife or husband, as the case may be, separated from the Government servant by a decree or order of a competent Court;
(ii) son or daughter or step-son or step-daughter of the Government servant and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the Government servant or of whose custody the Government servant has been deprived by or under any law;
(iii) any other person related, whether by blood or marriage to the Government servant or to the Government servant's wife or husband, and wholly dependent on the Government servant.

(Rule – 2)

3. An amendment to sub-rule (1) of Rule 3 of Central Civil Services (Conduct) Rules, 1964 vide OM No. F. No. 11013/6/2014-Estt.A dated 10th December, 2014 highlighted the need for a code of Ethics and Values for Civil Services and amended the rule comprehensively as follows:

Every Government servant shall at all times-

(i) Maintain absolute integrity;
(ii) Maintain devotion to duty;
(iii) Do nothing which is unbecoming of a government servant;
(iv) Commit himself to and uphold the supremacy of the constitution and democratic values;
(v) Defend and uphold the sovereignty and integrity of India, the security of the state, public order, decency and morality;
(vi) Maintain high ethical standards and honesty;
(vii) Maintain political neutrality;
(viii) Promote the principles of merit, fairness and impartiality in the discharge of duties;

(ix) Maintain accountability and transparency;
(x) Maintain responsiveness to the public, particularly to the weaker section;
(xi) Maintain courtesy and good behaviour with the public;
(xii) Take decisions solely in public interest and use or cause to use public resources efficiently, effectively and economically;
(xiii) Declare any private interests relating to his public duties and take steps to resolve any conflicts in a way that protects the public interest;
(xiv) Not place himself under any financial or other obligations to any individual or organisation which may influence him in the performance of his official duties;
(xv) not misuse his position as civil servant and not take decisions in order to derive financial or material benefits for himself, his family or his friends;
(xvi) Make choices, take decisions and make recommendations on merit alone;
(xvii) Act with fairness and impartiality and not discriminate against anyone, particularly the poor and the under-privileged sections of society;
(xviii) Refrain from doing anything which is or may be contrary to any law, rules, regulations and established practices;
(xix) Maintain discipline in the discharge of his duties and be liable to implement the lawful orders duly communicated to him;
(xx) Maintain confidentiality in the performance of his official duties as required by any laws for the time being in force, particularly with regard to information, disclosure of which may prejudicially affect the sovereignty and integrity of India, the security of the State, strategic, scientific or economic interests of the State, friendly relation with foreign countries or lead to incitement of an offence or illegal or unlawful gain to any person;
(xxi) Perform and discharge his duties with the highest degree of professionalism and dedication to the best of his abilities.

(Rule-3)

A Government servant would be deemed to be lacking in devotion to duty if he habitually fails to perform the tasks within the given time and expected quality. Following shall further be ensured by a Government servant:

- Not to act in a discourteous manner.

- Not to adopt delaying tactics in the disposal of work.

- Follow Government policies regarding age of marriage, preservation of environment, protection of wildlife and cultural heritage and prevention of crime against women.

- Avoid indulgence in any act of sexual harassment of any woman at work place. An officer in-charge of a work place should take appropriate steps to prevent such harassment.

Government of India's Decisions

- It is the duty of Government servant who is convicted in a criminal court to inform his official superior of the fact of conviction and the circumstances at the earliest. Failure to do so will be treated as suppression of material information and he will be liable to disciplinary action.

- The intimation about arrest and connected circumstances should also be reported to superior officer even if released on bail.

- A Government servant can participate in activities or work of public utility provided these do not interfere with the performance of his official duties. This applies to activities organized by Govt. Department or Bharat Sewak Samaj and not by private organization.

- A Govt. servant can be permitted to join as volunteer in the Civil Defence Service.

- A Govt. servant can enroll as member of St. John Ambulance Brigade and receive training but this should not interfere in discharge of his duties.

- A Govt. servant may be permitted to join Home Guards Organization.

- A Govt. servant may be permitted to join the Territorial Army.

- In matters relating to grievance concerning employment or conditions of service, a Govt. servant may first exhaust the normal official channels before taking the matter to a Court. In any case permission is not necessary for suing the Government in a Court of Law.
- A Govt. servant must be impartial and must not show undue favor or ill will in his official dealings.

- A Govt. servant should show courtesy and consideration to Members of Parliament and of State Legislature. He should consider carefully and listen patiently to what the Members may have to say. He should always act according to his best judgement.

- Making of joint representation by Govt. servants amounts to subversive of discipline.

Alignment of Service Rules with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013:

On promulgation of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' { SHWW (PPR) Act } and

notification of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013', providing for a redressal mechanism for handling cases of sexual harassment at workplace, Rule 3-C of CCS (Conduct) Rules,1964 has been amended as follows:

Rule 3-C: Prohibition of sexual harassment of working women:

(1) No Government servant shall indulge in any act of sexual harassment of any woman at any work place.

(2) Every Government servant who is in charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

The rule also details as to what entails sexual harassment, and what constitutes a workplace.

(Rule- 3 C)

4. **Employment of near relatives of Government servants in companies or firms**.

A Government servant should not use his influence to get employment for members of his family in any company or firm. A Class-I officer shall seek previous sanction of the Govt. for permitting his son, daughter or other dependent to accept employment in any company or firm with which he has official dealings. The same condition will also apply in case of a company or firm having official dealings with the government. In case of urgency the matter should be reported to the government and employment accepted provisionally. A Government servant needs to inform the prescribed authority the fact of his family member accepting employment in a company or firm and also intimate if he had any official dealings with that company or firm. Every matter concerning giving of contract to any company or firm in which any member of his family is employed should be reported to the official superior and disposed as per the instructions received.

(Rule – 4)

Government of India's Decisions

- Employment includes apprenticeship with firms, whether paid or unpaid
- Government servants other than Group 'D' employees need to furnish information in report of their close relations when first appointed to the service.

5. **Taking part in politics and elections**

A Govt. servant should not be associated with any political party or organisation which takes part in politics. He should prevent members of his family from assisting any movement or activity which is subversive of the Government. If he is unable to do so he should report the matter to the Government. With regard to a question whether any organisation takes part in politics or movement/activity being subversive of Government, the final decision will be taken by the Government. Further, a Government servant should not canvass, influence or participate in any manner in an election to legislature or Local Authority. A

Government servant has, however, a right to cast his vote without disclosing the manner in which he would vote. At the same time he would not be liable to have contravened the provision if he is assigned the responsibility of conducting an election under a prevalent law. The act of displaying electoral symbol on his vehicle etc. would amount to using his influence in the election.

(Rule-5)

Government of India's Decisions

- A Govt. servant intending to join or participate in activities of any organisation should ensure that its aims and activities are not objectionable.

- Attendance at meetings organized by a political party should not be contrary to the prescribed provisions. If it is a public meeting, it is not contrary to any prohibiting order and the Govt. servant himself does not speak or takes a prominent part.

- Normal arrangement during election tours of Ministers and arrangements by district offices for providing normal courtesies to Ministers is permitted.

- A Govt. servant who proposes or seconds the nomination of a candidate at an election or acts as a political agent commits a breach of the Conduct Rules.
- A Govt. servant should maintain political neutrality in all respects.

- Taking part by a Govt. servant in a meeting or demonstration by a political party should be avoided.

- Govt. servants should keep away from demonstrations organized by political parties held in the neighbourhood.

- Participation in the activities of Dharma Pracharak Sanstha and Door Darshi Party is liable to disciplinary action.

6. **Joining of Associations by Government servants**

A Government servant should not be connected to an association whose aims & objectivise or activities are prejudicial to the interests of:-

- sovereignty and integrity of India or
- public order or
- morality

(Rule-6).

Government of India's Decisions

- Individual Govt. servants or their associations/unions do not have any right to display posters or other notices on the walls, doors etc. of the office premises

- Action for violation of Rule-6 relating to joining of association by Govt. servants action can be taken by a disciplinary authority when an authority not below the level of Head of Deptt. decides the activities of the Association attract provisions of Rule

7. Demonstration and Strikes

A Govt. servant should not participate in any demonstration which is prejudicial to the interests of sovereignty and integrity of India, security of State, friendly relations with foreign States, public order, decency or morality, contempt of Court defamation or incitement to an offence. He should also not engage in strike or coercion relating to any matter concerning his service or that of other Govt. servant.

(Rule-7)

Government of India's Decisions

- A Govt. servant who in an office bearer of an Executive Committee of a Service Association should not deal with representations or other matters related to the Association.

- Participation of Government servant in 'Gherao' which involves forcible confinement of public servants would amount to subversion of discipline and harmful to public interest and would attract the relevant disciplinary provisions.

- Holding meetings/demonstrations by Govt. servant without permission within the office premises is strictly prohibited.

8. Connection with Press or Other Media

A Government servant requires previous sanction of the Govt. to own or participate in the editing/management of any newspaper or periodical publication or electronic media. The sanction is not needed in the bona fide discharge of his official duties like publishing a book or participate in a public media.

(Rule-8)

Government of India's Decision

- The time limit prescribed for grant of permission may be adhered to.

9. **Criticism of Government**

A Government servant cannot make any statement of fact or opinion via any broadcast or document or press directly or indirectly, which is an adverse criticism of any recent or current policy of the Central/State Government. This will also apply in cases which are capable of embarrassing the relations between Central Govt. and State Govt. and Central Govt. and Foreign State. This will not apply when a Govt. servant makes statements or expresses views in his official capacity.

(Rule -9)

Government of India's Decision

- The Govt. servant visiting abroad should avoid making any written or oral statement without prior approval.

10. **Evidence before Committee or any other Authority**

A Government servant requires previous sanction of the Government for giving evidence in connection with an enquiry conducted by any person, committee or authority. However, he shall not criticize the policy or any action of the Government. This does not apply in case of evidence given at enquiry before an authority of Government, evidence given in a judicial enquiry or evidence given at a departmental enquiry.

(Rule- 10)

Govt. of India's Decisions

The witnesses while appearing before a Parliamentary Committee should follow points of conduct and etiquette some of which are as follows:-

- give due respect to the Chairman and Committee/Sub-Committee
- to speak when asked
- make submissions in courteous and polite language etc.

Govt. servants are free to submit memoranda to the Commission and give frank expression to their personal views but there should not be given any publicity. Memoranda can also be submitted to the Pay Commission.

11. **Communication of Official Information**

A Govt. servant should communicate information in good faith to a person as per Right to Information Act, 2005. He should not in other cases communicate any official document or classified information to any Government servant or any other person to which he is not authorized to communicate such information.

(Rule – 11)

12. **Subscriptions**

A Government servant requires previous sanctions of the Government for asking or accepting contributions or associating with raising of any fund or collections.

(Rule-12)

13. **Gifts**

A Govt. servant shall not accept or allow a member of his family to accept any gift. On occasions like Weddings, anniversaries or religious functions gifts may be accepted from near relatives or personal friends who have no official dealings with him in terms of religious and social practice. However, such relatives and

personal friends should not have official dealings with the Government servant. He shall report the fact of accepting gift to the Government if the value of gift exceeds certain monetary limits. These are as follows: -

Holders of Group 'A' post	-	above Rs. 25,000/-
Holders of Group 'B' post	-	above Rs. 15,000/-
Holders of Group 'C' post	-	above Rs. 7,500/-

A Government servant, in other cases, cannot accept a gift without the sanction of Government if the value exceeds certain monetary limits. These are as follows: -

Holders of Group 'A' or Group 'B' post	-	above Rs.5000/-
Holders of Group 'C'	-	above Rs.2000/-

A Government Servant, being a member of Indian delegation or otherwise, may receive and retain gift from foreign dignitaries in accordance with the Foreign Contribution (Acceptance or Retention of Gifts or Presentations) Rules, 2012.

(Rule -13)

Govt. of India's Decisions

I. A Govt. servant shall not be permitted to accept gifts of more than trifling value at the time of transfer. He can accept gifts at the time of retirement from members of staff with prior permission, if required.

II. Acceptance of passage and hospitality by officers from foreign contracting firms is not permissible.

III. For receipt of gifts on occasions like weddings from persons having official dealings with the Govt. servants, sanction of Govt. will be required, if the amount exceeds the prescribed limits.

14. **Dowry**

A Government servant shall not give or take dowry. He should also not demand directly or indirectly and dowry from the parents or guardian of a bride or bridegroom.

(Rule 13-A)

15. **Public Demonstration in Honour of Government servants**

A Government servant cannot receive any complimentary address in his honour or of other Government servant without a previous sanction of the Government. He is however permitted to participate in a farewell entertainment of a private and informal character held in his honour or that of other Government servant on his retirement or transfer. A Govt. servant is also allowed to attend simple and inexpensive entertainments arranged by public bodies or institutions.

(Rule -14)

16. **Private Trade or Employment**

A Govt. servant requires previous sanction of the Government for following:-

- Engage in any trade or business
- Negotiate for any other employment
- Hold an elective office or canvass for a candidate for an elective office. A Govt. Servant is allowed to hold elective office for a period of two terms or for a period of 4 years whichever is earlier.
- Canvass or support of any business of insurance/commission agency owned or managed by his family
- Take part in registration, promotion or management of any bank or company or cooperative society for commercial purposes.
- Associate in the making of a radio or television programmes, produced by a private agency and a privately produced media programme including a video magazine.

Previous sanction will not be required when a Government servant participate in his official capacity in a programme produced or commissioned by Government media. A Govt. servant does not require previous sanction of the Government for the following:-

- Undertake honorary work of social or charitable character
- Undertake occasional work of a literary, artistic or scientific character
- Participate in sports activities as an amateur
- Participate in registration, promotion or management of a literary, scientific or charitable society which work for promotion of sports, cultural or recreational activities. It is to be ensured that his official duties do not suffer and within one month of participating in such activities he should provide such details to the government.
- Take part in the registration, promotion or management of a cooperative society for benefit of Government servants. He will discontinue participation if directed by Government. He will ensure his official duties do not suffer and within one month should provide details to the Government.

A Govt. servant should report to the Government the details of his family members engaged in a trade or business or own or manage an insurance agency. A Govt. servant may not accept any fee for work done for a private or public body without sanction of the prescribed authority. He can do so if it is permitted under general or special orders of Government.

(Rule-15).

Govt. of India's Decisions

I. Acceptance of part-time examiner ship of examination papers set by recognized universities is permissible provided the official duties do not suffer.

II. Sanction of the Govt. will be required for acceptance of a part-time lectureship in the nature of regular remunerative occupation.
III. Prior permission is necessary for accepting remuneration for services rendered to Co-operative Societies.
IV. Private practice (consultancy work or of other type of work) is not permissible
V. A Govt. servant can be permitted to enrol himself as an Advocate but cannot engage in legal profession till he is in Govt. service.
VI. Prior sanction is necessary for contesting/canvassing in election to sports bodies.

17. **Subletting and Vacation of Government Accommodation**

A Government servant shall not sublet or lease accommodation allotted to him. He should vacate the accommodation when cancelled within the prescribed time limit.

(Rule15-A)

18. **Investments, Lending and Borrowing**

A Government servant should not speculate in any stock, share or other investment. He can however, make occasional investments through duly authorized stock brokers or persons registered under law. Speculation means frequent purchase or sale of shares, securities or other investments. A Government servant or his family member should not make investment which might embarrass him in discharge of his duties. He should not apply either himself or through his family member for allotment of shares in the initial Public Offerings of a Central Public Sector Enterprise.

A Govt. servant should further not lend or borrow or deposit money from/to any person or firm or private limited company which may place him under a pecuniary obligation. He can also not lend money to any person at interest for which something is charged. This will not, however, apply in the ordinary course of business with a Bank or public limited company.

A Government Servant can raise a temporary loan from a relative or a personal friend free of interest.

[Rule-16]

19. **Insolvency and Habitual Indebtedness**

A Government servant is required to manage his private affairs in such way that he avoids habitual indebtedness of insolvency. If any legal proceedings are instituted against him for recovery of any debt he shall report the facts to the Government.

[Rule-17]

20. **Movable, Immovable and Valuable Property**:

A Government servant when first appointed should submit details of his assets and liabilities regarding immovable property in his name or members of his family or any other person. Details of shares, debentures and cash and other movable property will also be provided by him along with debts and liabilities incurred directly or indirectly.

The Annual Property Returns required to be filed under the Central Civil Services (Conduct) Rules, 1964 may be filed in the prescribed form 11. The returns are required to be filed by all the Government servants belonging to Group 'A' & 'B', 'C' and erstwhile Group 'D', in terms of Rule 18 (4) of the CCS (Conduct) Rules, 1964 which empowers the Government to require a Government servant to submit a statement of movable or immovable property as may be specified in the orders from time to time.

A Government Servant shall acquire or dispose immovable property in any manner with previous knowledge of the prescribed authority. If such transaction is with a person with whom he has official dealings, previous sanction of the prescribed authority shall be obtained. Transection include purchase, sale and lease but not renting.

In case of a transaction of movable property by a Govt. Servant, he is required to report the same to the prescribed authority within one month of the date of transaction. This is applicable when the value of such property exceeds two months basic pay. If the transaction is with a person with whom the Govt. servant has official dealings, previous sanction of the prescribed authority shall have to be obtained.

The Government or prescribed authority can seek details of movable or immovable property from a Government servant. This may include the means by which the property was acquired.

(Rule – 18)

Government of India's Decisions

- Bidding by Govt. officers is prohibited where auctions are arranged by their own officers
- A charge of corruption arises reasonably if a Govt. servant is not able to satisfy his assets in movable and immovable property

21. **Restrictions in Relation to Acquisition and Disposal of Immovable Property outside India and Transactions with foreigners etc**

A Government servant would require previous sanction of the Government for the following:-

- Acquire immovable property located outside India.
- Dispose of any immovable property situated outside India which was in his name or that of his family.

- Enter into any transaction with a foreigner or foreign Govt. for acquisition of any immovable property and for disposal of any immovable property.

(Rule 18-A)

22. **Vindication of Acts And Character of Govt. Servant**.

A Government should not have recourse to any Court or press for vindication of official act which has been a subject of criticism. For doing this, he would require previous sanction of the Government. If the sanction is not available within three months it will be assumed that the permission is available. Previous sanction will not be required when a Govt. servant acts for vindicating his private act in his private capacity. He would, however, be required to submit a report to the prescribed authority.

(Rule – 19)

23. **Canvassing of Non-Official or other Outside Influence**

A Govt. servant shall not attempt to bring political or any other outside influence on any supervisor authority in support of his interests regarding service under the Government.

(Rule -20)

Government of India's Decision

- Government servants should not canvass for out of turn allotment of Govt. accommodation through MPs, prominent persons, politicians etc.
- No notice should be taken of a representation on service matters submitted by a relative of a Govt. servant.

24. **Restrictions Regarding Marriage**

A Govt. servant shall not enter into a marriage with a person who has a spouse living. He shall not enter into a marriage if he himself has a spouse living. A marriage could however be permitted by the Govt. if such a marriage is permissible under the personal law of the Govt. servant and the other party. Under other permissible grounds also such a marriage could be allowed. If a Govt. servant marries a person who is not an Indian national, he should intimate this to the Government.

25. **Consumption of Intoxicating Drinks and Drugs**

A Government servant shall abide by the law relating to drinks or drugs applicable to the area where he is being at present. His performance of duty should not be affected in any way by reason of being under influence of such intoxicating drink or drug. He should neither consume such drink or drug in public nor appear in a public place in a state of intoxication. Excessive use of drink or drug is also not permitted.

(Rule -22)

Govt. of India's Decisions

I. Every Govt. servant to adhere to provisions of Conduct Rules regarding consumption of intoxicating drinks or drugs.
II. Govt. servants should refrain from consuming intoxicating drinks at official parties arranged by foreign missions. This will also apply in case of parties arranged by Govt. or semi Govt. organizations where foreigners are entertained.

26. **Employment of Children Below 14 years of age**

A Government servant shall not employ any child below the age of 14 years.

(Rule- 22A)

Govt. of India' Decision

Employment of Children below the age of 14 years will be a violation of Conduct Rules as well as it will be an offence under Child Labour (Prohibition and Regulations) Act, 1986.

Note: Interpretation

The matters relating to the interpretation of the rules will be finally decided by the Government

(Rule-23)

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CHAPTER - 7

OFFICE PROCEDURE

A few important definitions are indicated below:

(i) '**File' -** A collection of papers on a specific subject matter, assigned a file number and consisting of one or more of the following parts:

- Notes
- Correspondence
- Appendix to Notes
- Appendix to correspondence

(ii) 'Current file' - Means a file action on which has not been completed.

(iii) 'Note' — The remarks recorded on a case to facilitate its disposal. It includes a summary of previous papers, a statement or an analysis of the questions requiring decision, indication of the rules/precedent/resource position, suggestions regarding the course of action and final orders passed thereon.

(iv) 'Appendix to notes' in relation to a file:

A lengthy summary or statement containing detailed information concerning certain aspects of the question discussed on the file, incorporation of which in the main note is likely to obscure the main point or make the main note unnecessarily lengthy.

(v) 'Appendix to correspondence' in relation to a file:

Lengthy enclosures to a communication (whether receipt or issue) on the file, inclusion of which in the correspondence portion is likely to obstruct smooth reading of the correspondence or make the correspondence portion unwieldy.

(vi) 'Standing note' in relation to a subject:

A continuing note explaining, among other things, the history and development of the policy, procedure and the latest position designed to serve as:

(a) A complete background material for review of the existing policy or procedure;

(b) A brief for preparing replies to Parliament questions or Notes for supplementaries thereto; and

(c) Induction or training material.

(vii) 'Routine note' — A note of a temporary value or ephemeral importance so captioned and recorded outside the file, e.g., a record of casual discussion or a note on a point of secondary importance intended to facilitate consideration of the case by higher officers.

(vii) 'Notes portion' of a file — The portion containing notes or minutes recorded on a case.

(viii) 'Correspondence portion' - The portion of file containing 'receipts' and office copies of the communications issued from the file including self-contained inter-departmental notes but excluding those recorded on the notes portion of the file itself.

(ix) 'Paper under consideration (PUC)' — A receipt pertaining to a case, the consideration of which is the subject matter of the case.

(x) 'Fresh Receipt (FR)' — Any subsequent receipt on a case which brings in additional information to aid the disposal of a paper under consideration.

(xi) 'Section' — The basic work unit within a department, responsible for attending to items of work allotted to it. It is generally headed by a Section Officer and includes 'Cell', 'Unit' and other like terms.

(xii) 'Diarist' — A clerk within a section charged with the responsibility, inter-alia of maintaining the section diary.

(xiii) 'Diary number' — The serial number assigned to a receipt in the Section Diary/Personal Staff of Officers followed by code letters identifying the Section Diary ('H' for section diary for Hindi receipt and 'O' for Section Diary for other receipts)/Officer's designation, the year and the abbreviated symbol of the section e.g., 205-H/2010-O&M or 123-O/ DS(O&M)/2010**.**

(xiv) 'Dealing hand' —Any functionary such as a Lower/Upper Division Clerk, an Assistant entrusted with initial examination and noting upon cases.

(xv) '**Case' -** A current file or a receipt together with other related papers, if any.

(xvi) 'Come-back case' - Case received back for further action such as re- examination or preparing a draft or a summary of the case.

(xvii) 'Urgent dak' — Dak marked 'Immediate' or 'Priority', and includes telegrams, wireless messages, telex messages, fax, e-mail, Court/CAT/ RTI cases, Parliament Matters etc.

(xviii) 'Indexing' of a file—Indicating its title under appropriate catchwords arranged in their alphabetical order followed by the rest of the words and the File Number to facilitate its retrieval.

(xix) 'Docketing' —Making of entries in the notes portion of a file about the serial number assigned to each item of correspondence (whether receipt or issue) for its identification.

(xx) 'Department' —Any of the ministries, departments, secretariats and offices mentioned in the First Schedule to the Government of India (Allocation of Business) Rules, 1961, as amended from time to time.

(xxi) 'Departmental index' —A consolidated index of files opened by different sections of a department during a calendar year (except those of a classified nature or those proposed to be retained for less than 10 years) arranged in a single series in the alphabetical order of the catchwords under which they have been indexed. The catchwords are followed further by the rest of the subject and the file number.

(xxii) 'Final disposal' of a case under consideration—Completion of all action thereon culminating, where necessary, in the issue of final orders or final reply to the party from which the original communication emanated.

(xxiii) '**Security grading'** — Security marking of classified documents as 'Restricted' 'Confidential', 'Secret', or 'Top Secret'.

2. DAK-RECEIPT, REGISTRATION AND DISTRIBUTION

2.1Receipt of Dak—

(a) During office hours, the entire dak of the department including that addressed to Ministers/Officers by name is received in the Central Registry/Information Facilitation Counter. The Immediate/ important dak addressed to Ministers/Officers by name and sent through special messenger directly to the addressees themselves, is received by them or their personal staff.

(b) In case an officer is on long leave, has retired or left the office after completion of his tenure, the incumbent or the personal staff concerned or the officer just below the concerned officer dealing with the subject will receive the immediate/important references, this does not apply to confidential letters. In case none of the above mentioned officers is in position, the central registry will receive such letters. Immediate/important letters should not be returned.

(c) Outside the office hours, dak will be received by the addressee himself at his residence if marked 'immediate' and addressed by name. In such cases, the officer will normally be informed in advance over telephone about the dak being delivered at his residence. In all other cases, dak will be received, outside office hours by the night duty clerk of the Department concerned or where no such arrangements exist, by the officer designated by the Department concerned to receive such dak.

(d) Communication received through e-mails in the Department will be downloaded centrally in the Computer Centre of the Department by a designated person, who will forward the same to the Central Registry. Such communications addressed to Ministers/Officers will be downloaded by them or their personal staff.

(e) Communication received through FAX should be immediately photocopied as the text of the FAX message fades with the passage of time.

2.2 Acknowledgement of dak—

The receipt of dak, except ordinary postal dak, will be acknowledged by the recipient signing his name in full and in ink with date and designation. As far as possible, e-mails received should be acknowledged and responded through e-mail.

2.3 Registration of dak —

(a) Urgent dak will be separated from other dak and dealt with first.

(b) All covers, except those addressed to Ministers/Officers by name or those bearing a security grading, will be opened by the Central Registry.

(c) On opening dak, the Central Registry/IFC will check enclosures and make a note of any item found missing.

(d) All opened dak, as well as the covers of unopened classified dak, will be date-stamped (vide specimen as under) :—

Ministry/Department of ....
Received on .....
C.R./I.F.C. Number... ... ...
Section Diary Number... ... ...

(e) The entire dak will be sorted out section-wise (and officer-wise, if addressed by name). To facilitate this, the Central Registry will keep a list (refer para 92) showing the up to date allocation of the subjects to various sections.

(f) The following categories of dak will be registered by the Central Registry/IFC in the dak register:

- telegrams, wireless messages, FAX messages, telex messages and email messages received from the Computer Centre;
- registered postal dak;
- inter-departmental files;
- court/CAT summons etc and receipts enclosing valuable documents, e.g. service books, agreements, etc;
- parliament questions, resolutions, cut motions and references seeking information relating to them;
- unopened inner covers containing classified dak;
- letters from Members of Parliament;
- any other category covered by departmental instructions; and
- envelopes received without contents or with material not marked to any officer will be registered with necessary comments in the remarks column of Dak Register.

- The Central Registry, IFC will maintain one or more dak registers or computers as may be found convenient. In no case, however, will a single register/computer be operated upon by two or more clerks. Where more than one dak register is maintained, each register will be identified with an alphabetical code letter 'A', 'B', 'C' and so on.
- The CR/IFC Number assigned to dak, manually in the dak register or through the computer, will be indicated on the dak in the appropriate place in the stamp affixed on it.
- Dak received may, however, be registered in the computer wherever such a facility is available in Central Registry/IFC. In that case, dak register and invoice register need not be maintained manually.

2.4. Distribution of dak-

(a) The Central Registry/IFC will prepare an invoice **(Appendix-2 of MoP)** separately for each section to which the dak is to be distributed. The dak, along with invoice, will be sent to the section concerned and acknowledged by the diarist. The invoice, duly signed, will then be returned to the Central Registry/IFC, where it will be filed section-wise and date-wise. In case the dak is registered through computer, section-wise and date-wise report will be generated by computer.

(b) Alternatively, dak may be distributed and acknowledgement obtained in messenger books or dak register maintained section-wise.

(c) The above procedure will also apply to the dak meant for Ministers/Officers, which will be acknowledged by their personal staff.

(d) Urgent dak will be distributed as and when received. Other dak may be distributed at suitable intervals (i.e. 11.00 A.M., 2.00 P.M. and 4.00 P.M.). Such part of the ordinary dak as is received too late to be included in the last daily round, will be kept ready for distribution early next day. The official in charge of the Central Registry will ensure:

(i) that, as far as possible, sorting, registration and invoicing of dak is completed on the day of its receipt;

(ii) that to the extent which the above work cannot be completed during the day, and without prejudice to the processing of urgent dak, the night duty staff attends to it; and

(iii) that the total number of receipts pending at the end of the day for sorting, registration and invoicing are noted in a register and the full signatures of the night duty staff are obtained on it in token of their having taken custody of the receipts.

(e) Urgent dak received after office hours will be sent to the sections concerned if there is staff on duty. In other cases, such dak will be dealt with in accordance with the instructions issued by the Department concerned.

3. Receipts-Submission and Diarisation-

3.1 Perusal and marking of receipts- The diarist will submit all receipts to the Section Officer who will:

- go through the receipts;
- forward misdirected receipts to the sections concerned;
- separate those which, either under the departmental instructions or in his discretion, should be seen by higher officers before they are processed and mark them to such officers;
- mark to himself such of the remaining receipts as are of a difficult nature or present any special features requiring his personal attention;
- mark other receipts to the dealing hands concerned, and where necessary, indicate urgency grading and give directions regarding line of action;
- keep a note in his diary of important receipts requiring prompt action or disposal by a specified date; and
- submit the case to the officer who last noted on it, if it is one returned by another department.

3.2. Diarising of receipts in sections-

(i) Each section will maintain a section diary as per MoP. *Devanagri* script will be used for diarising Hindi receipts.

(ii) The diarist will diarise in the section diary (Appendix 3 of MoP) all receipts except the following before they are submitted to the officers concerned or distributed among the dealing hands:

(a) Receipts which, as a class, are adequately taken care of by a register specially devised for the purpose (e.g. telephone bills which are entered in telephone bill register);
(b) receipts which have already been diarised in computer;
(c) Communications received from Members of Parliament for which a separate register is maintained for watching their disposal shown below:

(d) unsigned communications (except e-mail) on which no instructions have been recorded by officers and on which no action is to be taken;
(e) identical copies of representations, save the one received first;
(f) post copies of telegrams unless the endorsement contains a message in addition to that contained in the telegrams;
(g) petty contingent vouchers such as those relating to night duty or overtime claims of the staff, claims for coolie hire or conveyance hire, chits asking for articles of furniture, stationery etc.
(h) routine acknowledgements;
(i) casual leave applications;
(j) copies of miscellaneous circulars, office memoranda, extracts, etc; circulated by any section for general information, e.g., orders of general application, telephone lists, notices of holidays, tour programmes, etc; and
(k) any other types of receipts which under departmental instructions are not required to be diarised.

(iii) Inter-departmental notes, telegrams, or any other category of receipts sought to be distinguished from the rest, may be entered in the section diary in red ink.

(iv) Receipts redirected to other sections will also be diarised.

(v) Papers referred to another department will be diarised each time they are received back. For those referred under diary numbers, however, previous and later entries in the diary will be linked by giving the earlier and the later diary numbers against each entry.

(vi) If a receipt is diarised after a lapse of more than 15 days from the date it bears, the entry regarding date in column 3 of the section diary will be circled in red ink.

(vii) The diary number of a receipt will be indicated in the space provided for the purpose in the stamp affixed by the central registry vide para 14 (4).

(viii) The section officers will scrutinise the section diaries once a week to see that these are being properly maintained and append his dated initials in token of scrutiny.

(ix) Under the computerised environment the format of the diary register will be as in Appendix.

A single diary number will be generated irrespective of where a receipt is diarised. All exclusions mentioned in sub-para (2) above would be applicable. Appropriate codes in Remarks column would indicate the different categories of receipts as well as redirected receipts or receipts diarised after a lapse of more than 15 days from the date it bears, as mentioned in earlier sub-paras. Papers received back from other departments will be diarised and will be linked with previous diary numbers as they can be easily traced electronically. The diary number will be indicated on the receipt as in the manual system. The Section Officer will generate a status report of the receipts from computer every week to ensure proper monitoring.

3.3 Diarising of receipts addressed to officers-

(i) The personal staff of officers of the rank of Deputy Secretary and above will diarise receipts addressed to their officers in respective personal section diary. Envelopes received without contents or with material not marked to any officer should also be diarised (Appendix 4 of MoP) with necessary comments.

(ii) No receipt will be diarised more than twice. A communication once diarised above the section level will not be diarised a second time till it reaches the section, where it will be diarised in the section diary. For example, a communication received by the Minister and diarised by his personal staff need not be diarised at the level of Secretary, Additional Secretary/Joint Secretary. Director/Deputy Secretary, etc.

(iii) In the computerised diary system no receipt will be diarised more than once. For receipts addressed to officers, diarising will be done by their personal staff.

3.4. Movement of receipts-

1. Receipts submitted to officers will move in pads conspicuously labelled as 'Receipts Pad'. Their movement and perusal will receive prompt attention.

2. The Section Officer will keep a careful watch on any hold-up in the movement of receipts. The diarist will bring to his notice any receipt which are not received back from officers within one working day.

3.5. Action by higher officers- Officers to whom receipts are submitted will:

(1) go through the receipts and initial them;
(2) remove receipts which they may like to dispose of without assistance from section or to submit to higher officers;
(3) enter the diary numbers of the receipts removed vide sub-para (2) above on the movement slip (shown below); (this will be prepared in the prescribed format in computerised system also)
(4) where necessary, give directions regarding line of action to be taken on other receipts; and
(5) return the receipts together with movement slip, if any, to the Section Officer for action in terms of paras 16(4) and 16(5) above.

3.6. Allocation of disputed receipts-

If a section feels that it is not concerned with a misdirected receipt forwarded to it vide para 6 (2) the same should be brought to the notice of the officer designated by the department for deciding allocation of disputed receipts.

4. Action on Receipts

4.1 General principles-

Action on receipts will be so organised that it results in speedy and correct decision-making process. All records creating agencies will use good quality paper and ink as prescribed by the Bureau of Indian Standards while transacting official business this is to ensure longevity of records and easy retrieval of information.

(1) An officer will himself initiate action on as many receipts as possible, keeping in view the priority requirements.
(2) Number of levels at which a case is examined will be reduced to the minimum.
(3) Paper work will be kept at an essential minimum.
(4) Least possible time will be taken for examination and disposal of cases.
(5) While disposing of cases, an officer will aim at optimising the quality as well as the quantity of work performed by him.

4.2 Action by dealing hand-

The dealing hand will:

(i) go through the receipts and separate urgent receipts from the rest;
(ii) enter the receipts in the Assistant's diary (shown below); It is not necessary to maintain separately in a computerised environment as the system can generate information through query.
(iii) deal with the urgent receipts first; Code indicating the priority may be given in a computerised environment.
(iv) check enclosures and if any found missing, initiate action to obtain it;

(v) see whether any other section is concerned with any part or aspect of a receipt and if so, send copies or relevant extracts to that section for necessary action;
(vi) bring the receipt on to a current file if one already exists or open a new file and indicate file No. in column 4 of the assistant's diary. If the current file is under submission, a part file will be opened, which will be subsequently merged with the main file by the dealing assistant when he accesses both. In a computerised environment the relevant file number, whether of existing file or a new file, will be indicated in the relevant column in the diary register itself.
(vii) file papers systematically.
(viii) assign the receipt page number (s) and a serial number.
(ix) docket the receipt and reproduce on the notes portion of the file remarks, if any made by an officer on the receipt;
(x) with the help of file registers, indexes, precedent book, standing guard files, reference folders, etc. locate and collect other files or papers, if any, referred to in the receipt, or having a bearing on the issues raised therein;
(xi) identify and examine the issues involved in the case and record a note;
(xii) arrange papers and reference them in the case properly;
(xiii) where necessary, attach a label indicating the urgency grading appropriate to the case;
(xiv) put up the case to the appropriate higher officer; and
(xv) indicate the date of submission in column 5 of the assistant's diary. In the computerized diary system indicate the details of submission at the appropriate column.

4.3 Action by section officer-

(i) The Section Officer will:
  (a) scrutinise the note of the dealing hand;
  (b) finally dispose of routine cases;
  (c) take intermediate routine action;
  (d) record, where necessary, a note setting out his own comments or suggestions; and
  (e) submit the case to the appropriate higher officer.
  (f) in computerised environment also make a suitable entry in the electronic diary register.

(ii) What constitutes ‘routine cases' or ‘intermediate routine action' in terms of (b) and (c) above will be specified by each department in its departmental instructions.

4.4 Examination by section-

When the line of action on a receipt is obvious or is based on a clear precedent or practice, or has been indicated by a higher officer, and a communication has to issue, a draft will be put up without any elaborate note. In other cases, the section, while putting up a case, will:

(1) see whether all the statements, so far as they are open to check, are correct;
(2) point out mistakes, incorrect statements, missing data or information, if any
(3) draw attention, if necessary, to the statutory or customary procedure and point out the relevant law and rules;
(4) furnish other relevant data or information available in the department, if any;

(5) state the questions for consideration and bring out clearly the points requiring decision;
(6) draw attention to precedents;
(7) evaluate relevant data and information; and
(8) suggest, where possible, alternative courses of action for consideration.

4.5 Standard Process Sheet-

For dealing with cases of repetitive nature e.g. sanctioning of leave, GPF advances, forwarding of applications etc. standard process sheets will be devised by the respective Ministries / Departments and will be prescribed through departmental instructions. No notes will be recorded in such cases. Standard Process Sheets will also be maintained in electronic form in a computerised environment.

4.6 Level of disposal and channel of submission-

(i) An officer above the level of Section Officer will take action on a case in accordance with the departmental instructions prescribing the level of final disposal and channel of submission for each category of cases. Departmental instructions will also be maintained in electronic form in a computerised environment.
(ii) Each Department will review the instructions on level of disposal and channel of submission every three years keeping the number of levels at which a case is examined to the minimum by delegating powers to lower formations.
(iii) As far as possible it will be ensured that a case is seen either by an Under Secretary or a Deputy Secretary/Director instead of both seeing it.
(iv) A Desk Officer will submit cases direct to a Deputy Secretary or Director who in turn would submit it to the Joint Secretary/Additional Secretary.
(v) A case will pass through only one of the following levels before it is submitted to the Minister;

- Additional Secretary
- Special Secretary
- Secretary

(vi) A Joint Secretary can submit cases directly to Secretary/Minister and not necessarily through the Additional Secretary.
(vii) Additional Secretaries in large ministries should be allowed to function independently in day-to-day administrative and functional matters. In matters requiring orders of the Minister, other than those relating to policy/important cases, Additional Secretary can submit files directly to the Minister.
(viii) In Ministries / Departments with a Special Secretary and Secretary, there should be a clear delegation of authority to the Special Secretary so that in most matters he can function independently.
(ix) Wherever level jumping is done in respect of any category of cases, each such case on its return, will pass through all the levels jumped over who in suitable cases could resubmit the cases for reconsideration.
(x) In a computerised environment the system will provide scope for level jumping.

4.7 Direct submission of cases by senior assistants

(1) An assistant in a conventional section who has more than five years' service in the grade including at least six months in the concerned section may be required to submit all his cases direct to the branch officer. In appropriate cases, Assistants with less than five years' service in the grade may also be permitted to submit cases direct to branch officer.

(2) All the cases directly submitted by Assistants to the branch officer will as a rule, go back to the Assistants through the Section Officer. The section officer will be free to bring to the notice of the branch officer any omission or flaws in the submission of cases or the decisions taken and thus give an opportunity to the branch officer to reconsider the matter.

4.8 Examination by Officer-

(i) An Officer will regularly discuss with his staff to decide the course of action to be taken on various cases. Normally a single note will be put up to the decision making level after the line of action is decided.

(ii) For dealing with important problem solving issues, the technique of writing a self-contained note may be used. This involves entrusting an officer or a group of officers with preparing a comprehensive note which will be put up straight to the decision making level. The note will contain the background to the problem, issues arising out of its precedents, if any, analysis of all relevant facts, and recommendations.

4.9 Deviation from normal procedures or rules- In every case where a major or minor infraction, other than trivial, of the existing procedures or rules, is sought to be made, it shall be the responsibility of the decision making authority to ensure that reasons are recorded in writing, justifying such a deviation from the rules or procedures.

4.10 Running summary of facts- To facilitate consideration and to obviate repeated recapitulation, a running summary of facts will be prepared and placed on the file in a separate folder labelled as such in every case in which it is evident that such a summary would contribute to its speedy disposal. This summary will also include the advice or views of other departments consulted in the matter but not opinions of individual officers within a department. It should be kept up to date, incorporating changes whenever further developments take place. Running summary of facts will also be maintained in electronic form in a computerised environment.

4.11 Oral discussions-

(1) All points emerging from discussions (including telephonic discussions) between two or more officers of the same department or from discussions between officers of different departments, and the conclusions reached will be recorded on the relevant file by the officer authorising action.

(2) All discussions /instructions /decisions which the officer recording them considers to be important enough for the purpose, should be got confirmed by all those who have participated in or are responsible for them. This is particularly desirable in cases where the policy of the government is not clear or where some important deviation from the

prescribed policy is involved or where two or more level differs on significant issues or the decision itself, though agreed up to by all concerned, is an important one.

4.12 Oral instructions by higher officers-

(i) Where an officer is giving direction (including telephonic direction) for taking action in any case in respect of matters on which he or his subordinate has powers to decide, he shall ordinarily do so in writing. If, however, the circumstances of the case are such that there is no time for giving the instructions in writing, he should follow it up by a written confirmation at his earliest.

(ii) An officer shall act in his best judgment except when he is acting under instructions of an official superior. In the latter case, he shall obtain the directions in writing wherever practicable before carrying out the instructions. If it is not possible to do so, he shall obtain written confirmation of the directions as soon thereafter as possible. If the Officer giving the instructions is not his immediate superior but one higher to the latter in the hierarchy, he shall bring such instructions to the notice of his immediate superior at the earliest.

4.13. Oral orders on behalf of or from Minister:

(1) Whenever a member of the personal staff of a Minister communicates to any officer an oral order on behalf of the Minister, it shall be confirmed by him in writing, immediately thereafter.

(2) If any officer receives oral instructions from the Minister or from his personal staff and the orders are in accordance with the norms, rules, regulations or procedures they should be brought to the notice of the Secretary (or the head of the department where the officer concerned is working in or under a non-secretariat organization).

(3) If any Officer receives oral instructions from the Minister or from his personal staff and the orders are not in accordance with the norms, rules, regulations or procedures, he should seek further clear orders from the Secretary (or the head of the Department in case he is working in or under a non-secretariat organization) about the line of action to be taken, stating clearly that the oral instructions are not in accordance with the rules, regulations, norms or procedures.

(4) In rare and urgent cases when the Minister is on tour/ is sick and his approval has to be taken on telephone, the decision of the Minister shall be conveyed by his Private Secretary in writing. In such cases, confirmation will be obtained on file when the Minister returns to Headquarters/re-joins.

4.14. Confirmation of oral instructions—

(1) If an officer seeks confirmation of oral instructions given by his senior, the latter should confirm it in writing whenever such confirmation is sought.

(2) Receipt of communications from junior Officers seeking confirmation of oral instructions should be acknowledged by the senior officers or their personal staff, or the personal staff of the Minister, as the case may be.

4.15. Aids to processing-

(i) To facilitate processing of a case, each section will develop and maintain the following records for important subjects dealt with by it:
   (a) standing guard files;
   (b) standing notes;
   (c) precedent book
   (d) standard process sheets (of repetitive items of work only); and
   (e) reference folders containing copies of circulars, etc.

The above records will also be maintained in electronic form in a computerised environment.

(ii) Apart from copies of acts, rules, orders and instructions concerning subjects dealt with by it, each section is expected to maintain, for ready reference, the Constitution of India and certain acts, rules and instructions of a general nature, references of most of which have been made in this manual. Each department is expected to procure an adequate number of copies of these acts, rules and instructions and make them available to all concerned. An illustrative list of such acts, rules and instructions is given below:

These acts, rules and instructions will be accessed electronically if available on website of issuing Ministries/Departments.

(iii) The documentation-cum-reference system (manual as well as electronic form) will include reference material peculiar to the need of the functional sections and a consciously developed information system to act as an aid to policy formulation, review and operational decisions.

4.16. Filing of papers-

(1) Papers required to be filed will be punched on the left hand top corner and tagged onto the appropriate part of the file viz. notes, correspondence, appendix to notes and appendix to correspondence, in chronological order, from left to right.

(2) Both `notes portion' and `correspondence portion' will be placed in a single file cover. While the Notes portion is separately to be tagged and placed inside the file cover when not under submission, two ends of the correspondence portion is to be tagged through the two flaps of the file-cover.

(3) Both 'Notes portion' and Correspondence portion' of a file are to be separately numbered. The first page of the correspondence (page number;1) shall be on the top while the last page (say page number 20) shall be at the bottom of the correspondence portion. Similarly, 'Notes portion' shall also have separate page numbers.

(4) Earlier communications referred to in the receipt or issue, will be indicated by pencil by giving their position on the file.

(5) (a) If the file is not bulky, appendix to notes and appendix to correspondence may be kept along with the respective note portion or the correspondence portion of the main file if these are considered as integral and important part.

(b) If the file is bulky, separate file covers may be maintained for keeping appendix to notes and appendix to correspondence.

(6) Routine receipts and issues (e.g., reminders, acknowledgments) and routine notes will not be allowed to clutter up the file. They will be placed below the file in a separate cover and destroyed when they have served their purpose.

(7) When the 'notes' plus the `correspondence' portion of a file become bulky (say exceed 150 pages), it will be stitched and marked `Volume I'. Further papers on the subject will be added to the new volume of the same file, which will be marked `Volume II', and so on.

(8) In Volume II and subsequent volumes of the same file, page numbering in notes portion and correspondence portion will be made in continuity of the last page number in note portion/correspondence portion of the earlier volume.

(9) On top of the first page of the note portion in each volume of the file, file number, name of the Ministry/Department, name of branch/section and subject of the file will be mentioned.

4.17. Arrangement of papers in a case-

The papers in a case will be arranged in the following order from top downwards:

1. Reference books;
2. Notes portion of the current file ending with the note for consideration;
3. Running summary of facts;
4. Draft for approval, if any;
5. Correspondence portion of the current file ending with the latest receipt or issue, as the case may be;
6. Appendix to notes and correspondence;
7. Standing guard file, standing note or reference folder, if any;
8. Other papers, if any, referred to, e.g., extracts of notes or correspondence from other files, Copies of orders, resolutions, gazettes, arranged in chronological order, the latest being placed on the top;
9. Recorded files, if any, arranged in chronological order, the latest being placed on the top; and
10. Routine notes and papers arranged in chronological order and placed in a separate cover.

4.18. Linking of files-

(1) If the issues raised in two or more current files are so inter-connected that they must be dealt with together simultaneously, the relevant files will be linked in the manner indicated in (2) below. Such linking may also be resorted to if a paper on one current file is required for reference in dealing with another current file unless a copy of the paper can be conveniently placed on the first file.

(2) When files are to be linked, strings of the file board of the lower file (but not its flaps) will be tied around the upper file and those of the file board or flap of the

upper file tied underneath it in a bow out of the way so that each file is intact with all its connected papers properly arranged on its file board or flap.

(3) On receipt back after completion of action, the linked files will be immediately delinked after taking relevant extracts and placing them on the linked files, where necessary.

(4) In a computer environment the file tracking system has the facility for easy linkage of files and its subsequent movement.

4.19. Use of urgency grading:

(1) The two urgency grading authorised for use on cases are `Immediate' and `Priority'.

(2) The label `Immediate' will be used only in cases requiring prompt attention. Amongst the rest, the `Priority' label will be used for cases which merit disposal in precedence to others of ordinary nature.

(3) Where Lok Sabha/Rajya Sabha labels for questions, motions, bills are used, it will not be necessary to use, in addition, `Immediate' or `Priority' label.

(4) The grading of urgency assigned to a case will be reviewed by all concerned at different stages of its progress and where necessary, revised. This is particularly **important for cases proposed to be referred to other departments.**

5.1. Time limits—Time Limits will be fixed for disposal of as many types of cases as possible handled in the Department through departmental instructions. As a general rule, no official shall keep a case pending for more than 7 working days unless higher limits have been prescribed for specific types of cases through departmental instructions. In case of a case remaining with an official for more than the stipulated time limit, an explanation for keeping it pending shall be recorded on the note portion by him. The system of exception reporting will be introduced to monitor the disposal of receipts.

5.2. Weekly arrear statement—

(a) On the first working day of every week, each Section officer will give particulars of receipts/cases pending with each dealing hand for more than 7 days in the form at **Appendix 35 of MoP.**

(b) The Section Officer will also prepare similar statement in respect of dealt with by him and pass them on to the diarist.

(c) The diarist will consolidate the above statements in the form at **Appendix 36 of MoP** and submit the consolidated statement to the Section Officer on the same day. In a computerized environment the Section Officer will generate a pendency statement from the computer on the first working day of every week.

(d) The Section Officer will:

(i) check the consolidated arrear statement for accuracy;

(ii) scrutinize the statement of receipts/cases which are more than one-week old

(iii) give his remarks or instructions, where necessary; and

(iv) submit the statements to the Branch Officer.

(e) The Branch Officer will watch the progress of work in the section and, where necessary, give suitable directions for expeditious handling of delayed receipts/cases.

(f) On receipt back in the section, action will be taken as per directions.

5.3. Monthly statement of cases pending disposal over a month—

(1) Every section will prepare on monthly brain a statement indicating briefly the position of each case pending disposal for over a month.

(2) On the last working day of each month, the diarist will:

(a) go through the case sheets (Appendix 37 of mop) of pending cases for the preceding month and indicate the latest position of each case.

(b) prepare fresh case sheets for cases opened during the preceding month but not yet finally disposed of

(c) hand over the case sheets to the dealing hands concerned.

(3) The dealing hand will:

(a) scrutinize entries in the first two columns of the case sheets;

(b) draw a red line across case sheets of cases that have been finally disposed of or transferred to call book complete column 3 of other case sheets; and

(c) return the case sheets to the diarist by the 2nd of the month following that to which the statement relates.

(4) The diarist will

(a) remove the case sheets of files that have been finally disposed of or transferred to call book vide para 125(1) for being kept in a separate folder;

(b) arrange the remaining case sheets in chronological order of the dates of the commencement of cases, the latest being on top;

(c) place the case sheets in a file cover marked ‘Monthly statement of cases pending disposal for over a month’;

(d) prepare, in duplicate, a numerical abstract in the form at Appendix 38; and

(e) submit the monthly statement and the two copies of the numerical abstract to the Section Officer by the 3rd of the month.

(5) The Section Officer will :

(a) scrutinize the case sheets and, where necessary, add his remarks;

(b) check the numerical abstract for accuracy;

(c) submit the monthly statement and one copy of the numerical abstract, with a brief forwarding note, to the Branch Officer by the 5th of the month; and

(d) send the second copy of the numerical abstract to the designated section for Internal Work Study (DSIWS)

(6) Unless otherwise provided in the departmental instructions, the monthly statement together with the numerical abstract will go up to the Joint Secretary.

5.4 Call Book-

(a) A current case can be transferred to call books if no action can or need be taken (e.g. cases held up in law courts) to expedite its disposal *for at least* 6 *months.* Approval of an officer not below the level of Branch Officer/ Divisional Head may be taken for this purpose.

(b) Closed cases in which a review is contemplated after a period of 6 months or more may also be included in the call book. Cases transferred to call book vide sub-para (1) above, will be excluded from the monthly statement of pending cases, till they are reopened.

(c) When a case included in the call book becomes ripe for action or if action has to be restarted as a sequel to an unexpected development, e.g. receipt of a communication from the party concerned earlier than expected, it will be revived and its progress watched in the usual way through the monthly statement of pending cases. The date of commencement of such reopened cases, however, will be the date of occurrence of the development or that of the first note leading to the reopening of the case.

(d) The section officer will scrutinize the call book in the last week of every month to see that the cases which become ripe for further action during the following month are brought forward and action initiated on due dates. The call book will be submitted to the Branch Officer/ Divisional Head once in a quarter, i.e. during the months of January, April, July and October. He will satisfy himself that no case on which action could have been taken suffers by its inclusion in the call book and, in suitable cases, give directions for the action to be taken. Call book is maintained in a format suggested in **Appendix 40 of MoP**.

5.5 Monthly progress reports of recording and review of files —

(i) On the first working day of each month, the record clerk will prepare, in duplicate, progress reports on the recording and review of files for the preceding month, and submit them, together with the following records, to the section officer:
(ii) register for watching the progress of recording.
(iii) lists of files received for review.

- The section officer will check the two statements, submit one copy of the report to the branch officer and send the other to the designated unit looking after Internal Work Study.
- The designated section for Internal Work Study (DSIWS) will:

(a) post the figures in the forms at **Appendices 43 and 44 of MoP** and return the reports to the section concerned;

(b) prepare the consolidated statement for the department as a whole by vertically totalling the columns in the form at **Appendices 43 and 44 of MoP;**

(c) watch the progress of recording and review work generally; and

(d) bring to the notice of the designated O&M officer and the Secretary, any significant trends in the matter.

5.6. Watch on disposal of communications received from Members of Parliament—

(1) The personal section of each Joint Secretary/Director (if the Director submits cases direct to Secretary/Additional Secretary) will maintain a separate register of communications received from Members of Parliament in the form given in Appendix 45. The serial number at which a letter is entered in this register will be prominently marked on that letter together with its date of registration e.g., '125/JS/(P)MP' 20.9.2012

(2) To keep a special watch on speedy disposal of communications received from Members of Parliament, each section will;
   (a) maintain a register as in form at **Appendix 46 of MoP;** and
   (b) mark out prominently those communications finally disposed of by circling the serial numbers in the register in red ink.

(3) If for any reason an M.P.'s letter is received by a section without being registered in the personal section of the Joint Secretary/Director, it should be got registered their immediately.

(4) On the first working day of each month, each section will submit the register, along with the report in the form at Appendix 47 of MoP to the Under Secretary/Deputy Secretary. The report, with the remarks of Under Secretary/Deputy Secretary, will be submitted to the Director/Joint Secretary and register will be returned to the section.

(5) The personal section of the Joint Secretary/Director will check whether all the communications entered in its register figure in the reports sent by the sections. If any discrepancy is found, it should be reconciled. Thereafter, the report will be submitted to the Joint Secretary/Director for scrutiny and for such other action as he may consider appropriate.

(6) Ministries/Departments may, through departmental instructions, include additional columns in the forms at Appendices 45, 46 & 47 MoP to suit local needs.

5.7. Watch on disposal of communications received from VIPs—

A special watch on communications received from VIPs (illustrative list at **Appendix 48 of MoP.**

5.8 Monitoring of Court/CAT cases and implementation of Court/CAT Orders:

(i) The Personal section of each Joint Secretary/Director (if the Director submits cases direct to Secretary/Additional Secretary) will maintain a separate register of Court/CAT Cases from the date of filing the petition/application in Court/CAT in the form given in **Appendix 49 of MoP.** The serial number at which a petition is entered in the register will be prominently marked on the petition/application together with its date of registration e.g. 12/JS/Court/CAT Case 18.9.2012

(ii) To keep a watch on status of Implementation of Court/CAT judgments/orders, each section will:

(a) maintain a register as in form at **Appendix 50 of MoP;** and

(b) mark out prominently those Court/CAT cases finally implemented /disposed of by rounding off the serial numbers of the register in red ink and give date of implementation of Court/CAT orders.

(iii) If for any reason Court/CAT case is received by a section without being registered in the personal section of the Joint Secretary/Director, immediate steps will be taken to get it registered there.

(iv) On the 1st & 15th day of each month, each section will submit the register along with the reports in the form at Appendices 49 to 51 of MoP to the Under Secretary/Deputy Secretary. The report, with the remarks of Under Secretary/Deputy Secretary, will be submitted to the Director/Joint Secretary and register will be returned to the section.

5.9. Applications received under Right to Information Act, 2005 (RTI)—

The applications received under Right to Information Act, 2005 (RTI) will be dealt with and monitored by the Assistant Public Information Officer, Public Information Officer, Central Public Information Officer and Appellate Authority as per the relevant provisions contained in the RTI Act-2005.

5.10. Register of Parliamentary Assurances—

(1) Each section in a department will keep a record in the form at **Appendix 52 in MoP** of Assurances given by a Minister to either House of Parliament, whether in replies to questions or in the course of discussions on Bills, Resolutions, Calling Attention Notices, Motions, etc. A separate register will be maintained for each House and entries therein will be made session-wise.

(2) The Section Officer will:

(a) scrutinize the registers once a week;

(b) ensure that necessary follow-up action is in fact being taken; and

(c) submit the registers to the branch officer every fortnight if the House concerned is in session and once a month otherwise. He should draw the branch officers special attention to the Assurances which are not likely to be implemented within a period of three months.

(3) The branch officer will keep the higher officers and the Minister informed of the progress made in the implementation of assurances given by him in Parliament. Cases, in which there is likely to be any delay in the implementation of a promise or an undertaking should be particularly brought to their notice well in advance.

5.11. Check-list of periodical reports —

(1) To ensure timely receipt, preparation and dispatch of periodical reports, each section will maintain two check-lists, one for incoming reports and the other for outgoing reports, in the forms at **Appendices 53 and 54,** respectively of MoP. All periodical reports will be listed in column 2 of the appropriate check-list in the order of their frequency, weekly reports being entered first, fortnightly reports next, and so on.

(2) The check-lists will be prepared at the commencement of each year, approved by the section officer, shown to the branch officer and displayed prominently on the wall.

(3) The section officer will go through the check-lists once a week to plan action on items requiring attention during the following week or so. After a periodical report has been received or despatched the relevant entry in the date column of the appropriate check-list will be circled in red ink.

5.12. Review of periodical reports/returns—

(a) All periodical reports and returns relating to each section will be reviewed at the level of Joint Secretary or above every three years with the following objectives;

- to eliminate those that are unnecessary;
- to redesign those that do not provide information/data in usable form;
- to rationalise/simplify the essential ones by combining two or more of them, if possible; and
- to revise the frequency in relation to the need with due regard to constraint of time required for collection of information/data from field levels.

(b) The results of the review during each year will be reported by the section to the Section designated for handling work of IWSU by 7th of April.

The Section designated for handling work of IWSU will consolidate the reports received from various sections and send a report covering the Ministry/Department as a whole, to the Department of Administrative Reforms and Public Grievances, by the 30th of April as per item 6 of **Appendix 66 in MoP.**

5.13. Responsibility of expeditious disposal of work---

(1) The primary responsibility for expeditious of work and timely submission of arrear-and-disposal statements rests with the section officer. To this end, he will inspect the sections diary and the assistant's diaries, and take such other action as may necessary to ensure.

(a) that no paper or file has been overlooked; and
(b) that no receipt or case though actually pending with the dealing hand, has been excluded from the relevant arrear statement.

(2) The branch officer also will keep a close watch on the progress of work in the sections under his control. In particular, he will ensure that the prescribed arrear and disposal statements are submitted punctually and regularly.

6. Purpose and periodicity—Inspections are not investigations. They are to find facts/state of affairs and improve functioning, to help introspection rather than find faults/lapses for punitive action. With the abolition of the IWSU/O&M Units in various Ministries/Departments the work of inspection activity could be given to Sections like General Administration or Coordination or any other Unit/Section designated for the purpose, (DSIWS). The branch officer heading this Unit/Section will be designated as the O&M Officer of that particular Ministry/Department.

(1) Each Section/Desk in the Department will be inspected once a year to ascertain the extent to which the provisions of this manual and the instructions issued there under are being followed. Each Department will also inspect once a year all attached and subordinate offices under their administrative control through their designated senior officers who will give them useful tips on the spot for improvement. Questionnaires will be used for this purpose.
(2) The Record Room in the Department will be inspected in association with a representative of the National Archives of India once a year.
(3) In addition to the information mentioned at sub-paras (1) and (2), the Administration/ Establishment section will generate information which will be updated monthly and it will be used as the Department's tool of Management Information System.
(4) The information generated in the format for the entire Department will be consolidated by the designated Section handling IWSU functions. The information culled from the above will then be submitted to the Secretary of the Department every quarter to facilitate monitoring of key issues.
(5) Department of Administrative Reforms and Public Grievances will also undertake a study in two or three Departments each year for sharing ideas and experiences in the field of Establishment, Administration, Public Grievances redress, Audit and O&M for mutual benefit.

6.1. Inspecting authorities—As far as possible, the inspection will be conducted by an officer of or above the level of Desk Officer/Under Secretary officer who does not handle any part of the work of the Section/Desk to be inspected. The inspecting officer will present his report to the higher officer concerned endorsing a copy each to the Divisional Head, the O&M officer and the Section Officer/Desk functionary concerned. In the case of record room, a copy of the inspection report will also be endorsed to the National Archives of India. The Section Officer/Desk functionary will take necessary action to rectify the defects pointed out in the inspection report and submit a compliance report to his senior officer within fifteen days, endorsing a copy to the Divisional Head

and the O&M officer. The Divisional Head will review the action taken on inspection reports.

7 Areas amenable to automation - The following areas of office work are suitable for automation:
(a) collection, collation, storage and retrieval of information;
(b) processing and delivery of information;
(c) document creation and duplication; and
(d) faster communication.

8. e-Office Project

8.1. Introduction

The Department of Administrative Reforms and Public Grievances (DAR&PG) has taken up the e-Office Mission Mode Project (MMP) that has been conceptualized to modernize the Central Government Offices through introduction of Information Technology. The mandate for the department has been to not only introduce the IT solutions and best practices, but also to bring in process reengineering to create an efficient office environment. The Mission Mode Project on e-Office aims to address the fundamental requirements of the offices of the Central Government, in the areas like efficiency, productivity, transparency and accountability.

8.2. Vision of e-Office- The e-Office MMP envisages an user-friendly and integrated file and software solution with implementation of associated process reforms and Central Secretariat Manual of e-Office Procedures. The e-Office MMP is aimed at introducing the concept of e-file (electronic files), rule based file routing, flexible workflows, quick search and retrieval of files and office orders, digital signatures, forms and reporting components in the government office leading to Less Paper and efficient Offices (LPO) in all the Government of India offices.

8.3. Objectives of e-Office: The broad objectives of e-Office are as below:

1. To improve efficiency, consistency and effectiveness of government responses
2. To reduce turnaround time and to meet the demands of the citizen's charter
3. To provide for effective resource management to improve the quality of administration
4. To enhance transparency and accountability

8.4. Main Components and functionalities of e-Office - e-Office has been divided into various modules. Each module aims to streamline and automate a particular office work flow to provide it a greater level of efficiency and transparency. The modules envisaged under the e-Office umbrella are as follows:

8.4.1 Admin Module- The admin module in e-Office is the controlling module which allows the administration of user groups, applications, the various e-Office modules such as correspondence manager, e-file, e- Record, etc. among other things.

8.4.2 e-File & Correspondence Manager- The e-file Manager is one of the most critical modules of e-Office framework. This module will be used by Dealing Hand/Section Officer and all other higher officers who use e-files for taking all decisions. The module will let the users create e-files, work on e-files, send e-files, review, monitor and track status of e-files and close e-files. The e-file will create transparency in the system along with a better mechanism to track and dispose of e-files. The proposed framework will also help smooth and expeditious disposal of cases. This module will contain all functionalities from the present physical file system which is relevant to e-file manager module. According to the newly described framework, all the e-files in the department will have a unique e-file number. The e-file will contain digital signature of user and once affixed will not allow any changes on the e-file. The system will also have automatic pre-defined reports, alerts at defined frequency to relevant officers to make them aware of the status of e-file and help them take pro-active action in disposal of cases.

8.4.3 Records Manager - This module will be used by Dealing Hand/Section Officer and all other higher officers. The module will let the users create e-records after the e-file has been closed, create requisitions for referencing e-records created outside the section, review e-records on timely basis, monitor and track status of review of all e-records due for review, send alerts for timely review, issue of records and create a backup copy in Disaster Recovery Site.

The proposed framework will eliminate the need of a physical record room as well as a record officer, as all activities currently being undertaken in a physical record room, such as receiving physical file, allocating location, storage, retrieval of physical file for issue or review and despatch will be moved to an electronic Digital Record Room. Also all e-records will be reviewed on the e-Office platform making the review process quick and efficient. Records will be become easy to store, trace, move along with giving added security to the records being maintained.

8.4.4 Knowledge Management - This module will be used for maintaining the knowledge repository of the department. e-Office becomes fully operational across all offices of the Government of India, it is expected that it will repulse CS MoP.

9. Concept of Citizen's/Client's Charter

9.1. The Citizen's/Client's Charter is a written declaration by a Government department that highlights the standards of service delivery that it subscribes to, availability of choice for consumers, avenues for grievance redress and other related information. In other words, it is a set of commitments made by a department regarding the standards of service which it delivers.

The Citizen's/Client's Charter is intended to empower citizens and clients so that they can demand committed standards of service and avail remedies in case of non-compliance by service provider organizations. The basic thrust of the Citizen's/Client's charter is to render public services citizen centric by making them demand driven rather than supply driven.

9.2 Citizens- Citizens are individuals, groups of individuals (companies, trusts, associations, unions etc.) and the common public at large. They are outside the government and are generally referred to as *external clients.* Being outside the government machinery, the general presumption is that they do not have sufficient knowledge of the government's internal processes. Therefore, the onus is on the service provider to ensure that citizens are well aware of the service standards and the expectations from service recipients. It cannot be presumed that all citizens are literate or understand the official language, and it may be necessary to communicate with them in the local language also.

10. Departmental instructions—

(1) Manual of Office Procedure lays down the essential procedures for efficient paperwork management, i.e. processing, handling and control of official papers, in the Central Secretariat. To provide for sufficient flexibility it suggests the issue of departmental instructions which could supplement or vary, within broad limits, the prescribed procedures to suit special conditions and requirements.

(2) The inspecting officer, at the time of Annual Inspection, shall check whether the Section is ensuring compliance with departmental instructions or not.

10.1 Compilation/consolidation of orders/instructions—

(1) In April every year, each section will prepare a list of subjects in respect of which orders issued by it require compilation/consolidation.
(2) The list will be submitted to the Joint Secretary who, after approval of list, will fix a time- bound programme for completion of compilation/consolidation work.
(3) A copy of this programme will be sent to the designated Section handling work of Internal Work Study.
(4) The designated Section will submit the report on the progress made to the DAR&PG by 30thApril every year.

10.2. Review of rules, regulations and manuals—

(i) Every section should maintain an up to date list of rules, regulations and manuals administered by it and take action for their review, every three years. 85

(ii) The designated Section handling work of IWS will report the progress made in review of rules, regulations and manuals to the DAR&PG by 30th of April every year.

11. SEVOTTAM

Sevottam- It is a framework developed for bringing continuous improvement in the quality of service delivery by government organizations. It has three modules of Citizen's Charter, Public Grievance Redress and Service Delivery Capacity.

NOTE: Wherever there is a mention of a format, Manual of Office Procedure (MoP), may be referred as it prescribes formats to collect and prepare information. The service of all information curtained in the above handout is Central Secretariat Manual of Office Procedure (CS-MoP).

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CHAPTER - 8

FILE MANAGEMENT SYSTEM

1.1 File; means a folder consisting of related papers on a specific subject consisting of one or more of the following parts with a file number:

(i) Correspondence portion:

(a) Contains all incoming written communications that are inputs to take decision; and;

(b) Office copy of the communication sent by office.

(ii) Notes portion: Contains the process sheet i.e. how decision was taken on a case

(iii) Appendix to correspondence portion: Lengthy enclosures to a communication (whether receipt or issue) on the file, which are likely to obstruct smooth reading of the correspondence or make the correspondence portion unwieldy

(iv) Appendix to notes portion:

A summary or statement containing detailed information concerning certain aspects of the question discussed on the file, incorporation of which in the main note is likely to obscure the main point or make the main note unnecessarily lengthy. Such aspects are processed in Appendix to Notes and key issues arising there from are then processed in the Notes portion giving reference to the relevant page.

Box-e.1 1.

e-File mainly comprises of: a) Notes b) Correspondences c) Draft communication	d) References e) Linked files (actionable files) f) Attached files (linked for reference purposes)

1.2. File Management System : It has two connotations

(i.) The manner in which file number is given; and
(ii.) The manner in which papers are filed.

A proper file numbering system is essential for convenient identification, sorting, storage and retrieval of papers. The two systems now in use in the Central Secretariat are:

a Functional file numbering system; and

b File numbering based on subject classification.

They are described in the succeeding paragraphs:

(a) Functional file numbering system:

(i) Functional file number was developed by DARPG in respect of functions common to all Ministries and Departments. Common office functions codes are given in –table 1.1

Table – 1.1 Common Office Function Codes

Code	Records relating to Common functions in Ministries & Deptts.
A.	Establishment
B.	Welfare
C.	Vigilance
D.	Common Office Services
E.	Hindi
F.	Public Relations
G.	Finance, Budget, Cash and Accounts
H.	Parliament Matters
I.	RTI matters

(ii) Broadly speaking apart from the code indicating common office functions, functional file number will have alpha-numeric code for basic, primary, secondary and tertiary heads (Table — 1.2 read with Appendix — 1.1 serial number of the file opened during the year under such heads and numbers representing year of opening of the file

Table — 1.2: Functional file number system codes at a glance.

Relevant Head	Activity
Basic heads (Functions)	To identify and list basic functions of the department These may be (called 'basic (or group) heads' A-Establishment; B-welfare, etc for common office functions as prescribed by DARPG in http://darpg gov in/darpgwebsite cmslDocument/ fiIefRRS WC pdf; and 'labour relations', 'foreigners', 'fertilizers' in case of substantive functions of the Departments
Primary heads (Main activity)	To list under each function (i_e basic/group heads) its main activities identifying them by appropriate subject headings called 'primary heads'
Secondary heads	To divide each primary head into sub-subjects or aspects called 'secondary heads'
Tertiary heads	Where necessary, break down each secondary head into its various known factors called 'tertiary heads'.

(iii) Details of how file numbers are under the functional file number system is given in Appendix 1.1

(b) Conventional File numbering system or File number system based on subject classification:

(i) File numbering under this system may vary from Department to Department and in each Department from Section to Section too. This is the reason why functional file system was devised to bring uniformity in file numbering system across all Departments. However, many sections in a number of Ministries and Departments still use conventional file number system or file number system based on subject

classification. A file number under this system normally has two or more file alpha-numeral parts that contains:

a. Subject code
b. Sub-head code
c. Serial number of the file opened
d. Year in which the file is opened
e. Ownership which is an abbreviated form identifying the section.

(ii) Details of how file numbers are assigned under the conventional file numbering system are given in Appendix 1.2.

1.3. Instances where files need not be opened:

(i) Normally, no new files will be opened for dealing with receipts of a purely routine nature (e.g. requests for supply of unclassified factual information. notices of holidays, miscellaneous circulars) which

(ii) Can be disposed of straightaway by noting the reply on the source receipts and returning them to the originators; or

(iii) Unlikely to generate further correspondence. Therefore, can be placed in a miscellaneous file to be destroyed at the end of the year, or placed in the folder of circulars, etc.; if any, on the subject. Departmental instructions may be issued on this aspect.

Box-e.1.2

File numbering in e-File is based on the type of file numbering system adopted by the Department. In case of functional file system, e-File has a provision to include basic, primary, secondary and tertiary heads in respect of the substantive functions of the Department. e-File also has provision for file numbering system based on subject classification. However, efforts are to be made by each Department to move from the file numbering system based on subject classification to the functional file numbering system. How these are to be done is given in the e- File User Manual available at https://docs.eoffiee.gov.in/eFileMU.pdf

1.4. File Register: A record of files opened during a calendar year will be kept in a file register to be maintained by the Section Specimen of a File Register is at Appendix— 1.3

1.5. File movement register:

Movements of files are made in a file movement register. A specimen of a File Movement Register is at Appendix — 6.4 Departments are advised to use the e-File MIS Report available in e-Office.

1.6. Filing of Papers

(i) Filing of papers means placing the and / or FRs in the correspondence portion and the notes in the note portion of the file.

(ii) Papers required to be filed are to be punched on the left hand top comer leaving inch each on the top and left corner and tagged onto the appropriate part of the file viz. notes, correspondence, appendix to notes and appendix to correspondence, in chronological order, top to bottom with the oldest reference at the top and the latest at the bottom.

(iii) Both the 'Notes portion' and the 'Correspondence portion' of a file are to be separately page numbered The first page of the correspondence (say page number 1) shall be on the top while the last page (say page number 20) shall be at the bottom of the correspondence portion.

(iv) Sometimes, the latest PUC or FR is kept on top for quick access by the senior officers. While doing so, it must be ensured that each such PUC and or FR (s) is page numbered and referenced and docketed. After action thereon is decided, these PUC and / or FR(s) along with copy of the outgoing communication, if any, must be transferred to the bottom of the correspondence portion to ensure chronological sequence.

(v) Both the ‘notes portion' and the ‘correspondence portion' are placed in a Single file cover. Left end of tag in the note portion will be tagged on to the left side of the free cover and right end of the tag will remain as such i.e. untagged. In the case of correspondence portion, right side of the tag will be tagged onto the right side of the same file cover and left side of the tag will remain as such i.e. untagged.

(vi) Earlier communications referred to ag the receipt (R) or the issue (I) will be indicated in red ink by giving the position of these references on the file.

(vii) If a file is bulky, separate file covers may be maintained for keeping appendix to notes and appendix to correspondence. For instance, a 50 page report is received with a demi-official letter as an enclosure, the D.O. letter is filed on the correspondence portion and the report is to be kept in Appendix to Correspondence portion An indication is given in the D.O. letter that the report is kept in the Appendix to correspondence portion. Similarly, on the first page of the report the details of the letter and its page reference will be given along with reference to the page number in the correspondence portion.

(viii) Routine receipts and issues (e.g., reminders, acknowledgments) and routine notes will not be allowed to clutter the file They will be placed below the file in a separate cover and destroyed when they have served their purpose, unless these have an audit or legal necessity, in which case they are to be filed chronologically in the correspondence portion.

(ix) If the file is not bulky, appendix to notes and appendix to correspondence may be kept along with the respective note portion or the correspondence portion respectively of the main file.

(x) To facilitate easy handling of file, when the 'notes' plus the ‘correspondence' portion of a file become bulky (say exceed 150-200 pages), it will be stitched and marked ‘Volume I' e g. A — 11012/2/20190 — Estt (Volume — l). Further papers on the subject will be added to the new volume of the same file, which will be marked 'Volume II' e.g A— 11011/2/20— Estt (Volume — II), and so on.

(xi) In Volume II and subsequent volumes of the same file, page numbering in notes portion and correspondence portion is to be made in continuity of the last page number in note portion/ correspondence portion of the earlier volume.

Box-e.1.3

In e-File, all electronic receipts including scanned copy of PUC and FRs are attached or uploaded to e-File. For electronic Files the need for creating a new volume does not arise.

Box— 1.1: Arrangement of papers in a file

- How are papers to be arranged in a file?

The papers in a case will be arranged in the following order from top downwards:

1. Acts/ Rules/ Instructions or Reference books;
2. Notes portion of the current file ending with the note for consideration;
3. Draft for approval, if any;
4. Correspondence portion of the current file ending with the latest receipt or issue or running summary of facts, as the case may be;
5. Appendix to notes and correspondence, if required to approve the proposal; else they may be kept in safe custody by the Dealing Officer;
6. Standing Guard File, Precedent Book or Reference Folder, if any;
7. Other papers, if any, referred to, e.g., extracts of notes or from other files, copies of orders, resolutions, gazettes, arranged in chronological order, the latest being placed on the top. These too are be page numbered and to be filed in the correspondence portion;
8. Recorded files, if any, arranged in chronological order, the latest being placed on the top; and
9. Routine notes and papers arranged in chronological order and placed in a separate cover.

Box-e 1.4

In e-File, papers are arranged in each part of the file as given in the box under para 6.1. There is no need for Appendix to Notes or Appendix to Correspondence in e-File.

1.7. Referencing:

(i) Every page in each part of the file (viz, notes, correspondence, appendix to notes, and appendix to correspondence) is consecutively numbered in separate series in pen on the right top comer Blank intervening pages. if any, are not numbered.

(ii) Each item of correspondence in a file, whether receipt (R) or issue (l), is assigned number (docketing) which will be displayed prominently in red ink at the top middle of its first page

(iii) The paper under consideration on a file is flagged *PUC" and the latest fresh receipt noted upon, as ‘FR’ If there are more than one ‘FR they are flagged separately as 'FR and so on.

Similarly, there could be more than one PUC in a file While flagging 'PUC' or 'FRs' the relevant page numbers will be invariably quoted in the margin. Other papers in a current file are referred to in the notes could be flagged as Flag A, B etc. even in the current file. However, the relevant page numbers must be given in the margin for future reference, after the flags are removed.

(iv) Recorded files and other papers put up with the current file are flagged with alphabetical slips for quick identification Only one alphabetical slip will be attached to a recorded file or compilation. If two or more papers contained in the same file or compilation are to be referred to, they should be identified by the relevant page numbers In addition to the alphabetical slip, e g. 'C'/17c, 'C'/57c, and so on.

(v) To facilitate the identification of references to papers contained in other files after the removal of slips, the number of the file referred to will be quoted invariably in the body of the note and the relevant page numbers, together with the alphabetical slip attached thereto, will be indicated on the margin .Similarly, the number and date of orders, notifications and the resolutions, and, In the case of Acts, Rules and Regulations, their brief title together with the number of the relevant section, rule, paragraph or clause, referred to will be quoted in the body of the notes, while the alphabetical slips used, will be indicated on the margin.

(vi) However, Rules or other compilations referred to in a case need not be put up if copies thereof are expected to be available with the officers to whom the case is being submitted. The fact of such compilations not having been put up will be indicated in the margin of the notes in pencil as 'Not put up'

(vii) Flag will be pinned or stuck neatly on the backside of the papers sought to be flagged. When a number of papers put up in a case are to be flagged, the slips will be spread over the entire width of the file so that every slip is easily visible.

(vii) An illustration of 'referencing' in the notes portions and in the correspondence portion IS at Appendix — B 5 and 1.6 respectively.

1.8. Docketing:

(i) "Docketing" means making of entries in the notes portion of a file about the serial number assigned to each item of correspondence (whether receipt or issue) for its identification. After Docketing, if the Branch Officer or any higher officer has made any remark on the receipt, it is reproduced before recording the note. An illustration of 'docketing' is at 1.5 and 1.6.

1. In e-File, the system automatically numbers the e-pages in the Notes and the Correspondence portions in separate series. Thus, page numbers are given automatically by the system.

2. The system facilitates marking a 'Receipt' in correspondence as 'PUC # or 'FR #. However, once a "PUC" or "FR" number is assigned, it cannot be changed. Therefore, each new "PUC" or "FR" will be assigned a fresh number. In e-File, there is no need to flag correspondence as PUC or FR, as merely giving reference to the page number would suffice to track that reference

3. 'Docketing' in e-File is done in two ways:-

a. There is a provision for the Minister / senior officer to record his comments on the ‘Receipt' in the "Remarks" field. This process is done before adding the ‘Receipt" in the e-File; and

b. It is reproduced by typing the remarks given by the Minister or senior officers on the notes portion and hyper-linking the relevant correspondence page number. However, the system does not assign a serial number for docketing, as is done in the manual system.

1.9. Linking of files:

(i) If the issues raised in two or more current files are so inter-connected that they must be dealt with together simultaneously, the relevant files will be linked in the manner indicated in sub-pare (ii) below. Such linking may also be resorted to, if a paper on one current file is required for reference in dealing with another current file, unless a copy of the paper can be conveniently placed on the first file.

(ii) Attaching a file is different from linking file(s). Linked file(s) is/ are file(s) where decision is required; while an attached file is a file which is ‘attached' only for reference purposes.

(iii) The linked files are to be stacked one above the other. The linked file(s) is / are to be displayed by placing a slip on the flap on the file board as under:

Box.e.1.5: Specimen of slip to be attached on file board flap while linking files

Linked files: No: 11011/5/2016 - Policy No: 11011/6/2010 - policy

(iv). On return of the file after completion of action, the linked and the attached files will be immediately delinked after taking relevant extracts and placing the extracts in linked files.

Box-e.1.6.

Procedure exists for linking and attaching of files in the e-File. Only active files are available for linking/attaching. The files to be linked or attached must be available in the user's account.

1.10. Part file:

(i) If the main file on a subject is not likely to be available for some time and it is necessary to process a fresh receipt or a note without waiting for its return, a part file may be opened to deal with it. Thig device may also be resorted to where it is desired to consult simultaneously two or more sections or officers.

(ii) A part file Will normally consist of:

a. receipt dealt with: and
b. notes relating thereto

(iii) Where two or more part files are opened each will be identified by a distinct number, e.g., No: A-11011/2/2018 - Fin (PF-I), No: A-11011/212018 - Fin (PF-2) and so on.

(iv) A part file shall be merged with the main file by the Dealing Officer immediately when the main file and the part file are returned to the Section, after giving fresh referencing.

Box.e.1.7

In e-File, the part file is opened against a main file by any user if he/she is in the channel of submission of that file. Unlike the merger of physical files, in e-File, part file is attached as separate entity and subsequently the respective part files are closed.

1.11. Transfer, reconstruction and renumbering of files:

(i) Whenever work is transferred from one Department/Section to another, the former will promptly transfer all the related records including files, both current and closed, to the latter. In case of transfer of files from one Department to the other a list will be prepared and approval of Head of Department will be taken. The Department/ Section taking over the records will not reclassify or renumber the closed files transferred to it. In the case of current files, the endeavour should be to close them at the earliest possible stage and to open new files according to the Departments/ Section's own scheme of classification for dealing With the matter further.

(ii) A file will be reconstructed if it is misplaced. The file number and the subject will be obtained from the file register and the copies of correspondence will be sought from the corresponding Department. On receipt of all such papers they will be arranged in chronological order on the file and a self-contained note will be prepared on the basis of the copies of correspondence, and placed on the notes portion of the reconstructed file.

Box-e.1.8.

Similar transfer of files can take place in e-File by the e-File Administrator.

1.12. Movement of files and other papers:

(i) Movement of files will be entered in the file movement register (Appendix 1.4)
(ii) When current files are linked ag per Para 1.9, the movement of the linked files will be marked in the space allotted in the file movement register for the file with which these are linked and a go individually in the space allotted in the file movement register for each of the linked files.
(iii) When recorded files are put up with a file, the movement of the recorded files will be marked in the space allotted in the file movement register for the file with which these are put up.
(iv) Movement of files received from other departments/ sections and other receipts which have not been brought on to a file in the receiving section will be noted in the ‘remarks' column of the section register.
(v) No current file will be issued to other sections except against written requisition and after marking its movement in the file movement register.
(vi) Files and other papers marked by the Under Secretary to other officers, sections or departments will be routed through the section for noting their movement
(vii) When the files are handed over personally by the Under Secretary to other officers, he will inform the section officer accordingly who will ensure that the movement of such files is marked in the file movement register.
(viii) The personal staff of officers of the rank of Deputy Secretary and above will maintain the movement of papers received by their officers in the respective personal section register. Movement of any file handed over personally to a higher officer or to the Minister will similarly be noted by the personal staff. Papers/Files marked by them to other departments, however, will be routed

through the section concerned, for noting their movements in the file movement register or section register as appropriate.

Box-e.1.9.

In case of electronic file or receipt its movement is recorded in the system automatically, as and when a user sends it to another. However, when a physical receipt or file is sent using e-File, the user has to make sure that the physical receipt or file is actually sent along with a movement entry made in the system. The receiver has to acknowledge the receiving of the receipt or the file in the system as well.

1.13. Urgency grading:

(i) The urgency grading advised are 'Immediate', 'Priority' and 'Top Priority' The label "Immediate' will be used only in cases requiring prompt attention. Amongst the rest, the 'Priority' label will be used for cases which merit disposal in precedence to others of ordinary nature. 'Top Priority' will be applied in extremely urgent cases.

(ii) Where Lok Sabha/ Rajya Sabha questions, motions, Bills are processed, separate specific file cover shall be used. Hence, it will not be necessary to use any other urgency grading.

(iii) The grading of urgency assigned to a case will be reviewed by all concerned at different stages of its progress and where necessary, revised. This is particularly important for cases proposed to be referred to other departments.

Box-e.1.10.

In e-File, 'Out Today", "Most Immediate" and "Immediate" are the urgency grading. These urgency grading are given by the user at the time of sending the file receipt. Label "VIP" is used for the Rajya Sabha/ Lok Sabha matters. The grading of urgency assigned to a case will be reviewed by all concerned at different stages of its progress and where necessary, revised. This is particularly important for cases proposed to be referred to other Departments.

APPENDIX -1.1.

(Para 1.2)

Essentials of a functional file index and an identifying file numbering system

1. Basic head- Identify and list basic functions of the department, these may be called' basic (or group) heads' e.g.- 'labour relations', foreigners', fertilizers'.

2. Primary heads- List under each function (i.e. basic/ group heads) its main activities identifying them by appropriate subject headings called 'primary heads'

3. Secondary heads- Divide each primary head into sub-subjects or aspects called 'secondary heads'.

4. Tertiary heads-Where necessary, break down each secondary head into its various known factors called 'tertiary heads'.

5. Further sub-divisions — In this way the process of breaking down the function could be extended to several descending, consecutive echelons according to needs

6. Examples — Examples of basic, primary, secondary and tertiary heads are in annexure to appendix)

7. Rational sequence — In drawing up lists of basic, primary, secondary and tertiary heads and their further sub-divisions, where necessary, some rational sequence in arranging the heads in the same list may be followed. Such an arrangement may reflect organic or procedural relationship among the different heads to adopt any of the following orders or a combination thereof as convenient:

- a step-wise process
- an alphabetical order (particularly when representing regions, produces, commodities clients, organizations or institutions)
- descending levels of importance of heads.
- diminishing frequency of occurrence of different events identified by suitable heads.

The first two places in the list of secondary heads under each subject may be uniformly reserved for ‘general' and 'policy' matters.

Entries in each list of standardized heads (viz Under basic heads, primary heads, secondary heads, tertiary heads and so on) may be arranged in alphabetical order, if any other type of sequence has not been followed.

8 Identification of basic heads — If the number of basic heads be large, each may be identified by a group of 2 to 3 letters phonetically selected If it be small not exceeding •10, they may be identified by assigning consecutive Roman numerals to them. For example, in the field of agriculture, the basic heads ‘fertilizers', 'seeds', 'plant protection', etc. could be symbolized by 'Few, ‘Sd', 'Ppn', etc., respectively.

9 Identification of primary heads — Next, the primary heads will each be identified by a group of 2-digit Arabic numerals beginning with 11 and continuing in consecutive order up to 99.

10 Identification of secondary and tertiary divisions — Similarly, each secondary head, as also each tertiary head, will be identified by a group of 2-digit Arabic numerals beginning with 11 and going up to 99

11 Deviations — If the subjects be simple relating to a fresh or recent activity, they may well be covered by one list of primary heads alone or by a two-level list of primary heads and secondary heads. Each primary heads or secondary head could then be identified as in 8 and 9 above.

Progressive increase in levels develops as the number of functions increases, so also when the number of activities under each function and the number of operations under each activity increase.

12 Exception — If a paper requiring filing is such as apparently does not relate to any of the approved lists, the following questions may be relevant: -

(i) whether it can come under any factor heading i.e. tertiary heading as related to a secondary heading;
(ii) whether it seems allied to a secondary heading as related to a primary heading; and if not;
(iii) whether it could be brought under an additional heading placed at appropriate point in the list of primary headings.

If nothing suggests, it may be temporarily placed in the list of primary headings as the last item.

13. File code — The file may then be assigned an alphanumeric code symbol composed in the following sequence:-

(i) a single letter or a group of 2-3 letters, or a Roman numerical representing the basic head followed by a hyphen as the separator:

(ii) a 2-digt group of Arabic numerals representing primary head followed by zero as the separator:

(iii) a 2-digit group of Arabic numerals identifying the secondary head followed by a slant stroke as the separator:

(iv) serial number of the file opened during the year under the secondary head, followed by a slant stroke as the separator;

(v) a 2-digit number representing the year, followed by a hyphen as the separator:

(vi) a group of abbreviating letters representing the section.

If the file opened relates to a standardized tertiary head, a 2 digit Arabic numeral identifying it, enclosed in brackets, may be inserted before the serial number mentioned in (iv) above and the slant stroke preceding it.

Example 1 A file opened by Labour Relations I section during 2019 relating to a strike in colliery ‘X' may have IV 13024/15//LRI as the file code where 'IV' represents the 19 functions group 'labour relations' 13 the primary head ‘strikes', ‘0' the separator, ‘24' the secondary head 'coal mines', ‘5' the serial number of the file opened during the year

under the secondary head Coal mines' to describe the colliery involved, ‘2019’ the year of opening the file and ‘LR-I' the section concerned.

Example: 2. A file opened by Foreigners Il section to examine an application of Mr. Ferrari. a French national, to visit India may bear the coded number F 17012/2/2019. Fll where F' represents the group head 'Foreigners', '17' the primary head visa/ endorsement', ‘O' the separator, '12' the secondary head 'French' '2' the serial number of the file opened during the year under that head, ‘2019' the year of opening the file. and 'File the concerned section

Similarly, in Fertiliser IV section, file relating to fertiliser imports could carry the code Frt-190i2Í3/Z019-FIV here ⁱFrt' would denote the basic head Fertilisers' and the other symbols would be as explained in the above two examples.

14. File — A complete title of the file will normally consist of the appropriate standardized heads (from the 'basic' head downwards each separated by a hyphen) followed by a very brief content to describe the particular question issue, event, person, things, place, etc. involved. The basic head, however, need not form part the title, when-

(a)the total number of such heads is small and from their ‘identifying Roman numerals, they can easily be known; or
(b)the basic head is identified by a letter or a group of letters phonetically selected.

Annexure to APPENDIX- 1.1

Examples of basic, primary, secondary and tertiary heads

Basic Head	Primary Head	Secondary Head	Tertiary Head
Labour Relations	Strikes/Lockouts Adjudication of disputes	- Coal mines Oil fields Banking	
Foreigners	Acts and Statutory rules Visa/endorsement Special permits Extension of stay	-Passport (entry into India) Act/Rules -Registrationof Foreigners Acts/ Rules - Foreigners Act/ Rules - Citizenship - Act/Rules	
Fertilizers	Imports, Planning Statistics, Control Promotion	-Shipment -Foreign exchange	-Policy -UK credit -Barter/link deals —Charter

For opening files relating to establishment, finance, budget and accounts, office supplies and services and other housekeeping jobs common to all departments, the standardized functional file index including its file numbering system, issued by the Department of Administrative Reforms and Public Grievances will be followed . http://darpg nic in/darpgwebsite cms/ Document/Files/RRS_wc.pdf

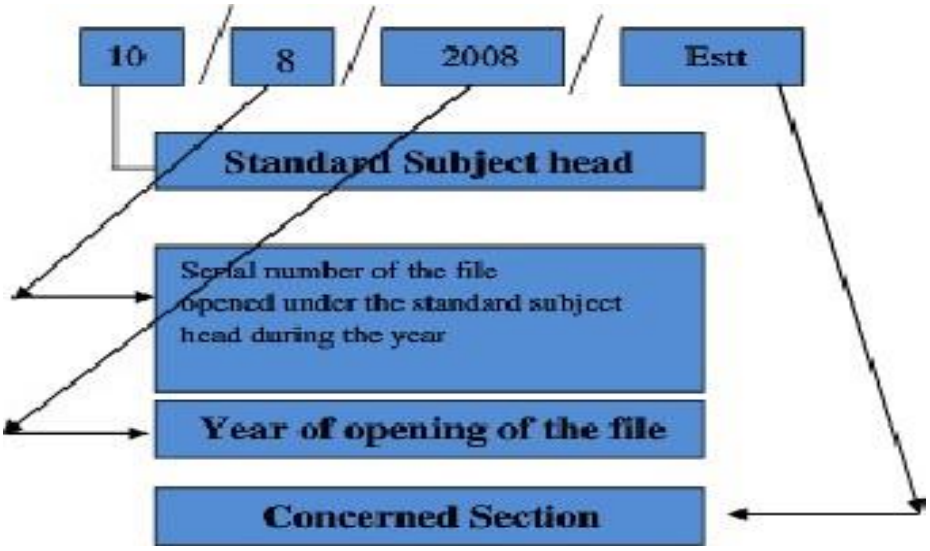
APPENDIX -1.2

Assigning file numbers under the File numbering system based on subject classification

Figure —1.1

Specimen of a file number under file numbering system based on subject classification

Conventional file number system or File number on subject classification



1. Each Section will maintain approved lists of:

a) Standard heads, i.e. main subject headings assigned to the Section; and

b) Sub-heads, i.e. aspects of the main subject headings.

2. The standard heads will bear consecutive serial numbers and will be pasted on the first page of the File Register No such numbers, however, will be allotted to sub-heads at this stage. Code for each such sub-heads is allotted as and when the need arises to open such sub-heads. A specimen of standard heads of a section is at Appendix— 1.7.

3. The pages allotted to registers are also indicated against each Specimen of such standard head is at Appendix — However, the code number assigned to the subject head and the standard heads in this file numbering system will vary from Section to Section even within a Department

4. The lists of standard heads and sub-heads will be reviewed at the beginning of each year and revised, if necessary, with the approval of the Branch Officer concerned. The serial numbers once allotted to the standard heads should not ordinarily be changed. Before opening a new file, the dealing officer will ascertain the standard head to which the paper under consideration relates. He will then propose a suitable title of the file for the approval of the Section Officer. The title will consist of:

a Standard head:

b Sub-head which will be more Indicative of the precise subject than the 'head', (where it is necessary to have more than one sub-head in a title the general should usually precede the specific); and

c A brief content indicating the question or issue under consideration in relation to the standard head and sub-head and where necessary the specific institution, person, place or thing involved.

5. The title should be as brief as possible but should give at a glance sufficient indication of the contents of the file so as to serve as an aid to its identification. It should be articulated, i.e. broken up into components, each consisting of the minimum possible substantive words and expressing an element in the subject matter. Each part will begin with a capital letter and will be separated from the preceding one by a bold dash.

6. As far as possible, there should be a separate file for each distinct aspect of the subject The title of a file should not be couched in very general or wide terms which might attract large number of receipts on different aspects of the matter, thereby making the file unwieldy.

7. If the Issue raised in a fresh receipt or in the note on a current file goes beyond the original scope, a new file may be opened to deal with it, after placing the relevant extracts or copies thereon.

8. The first three elements in the file number will be separated from one another by a slant stroke and the last two by dash. Thus, files opened in, say, Scientific Research (SR) Section during 2016 under the standard head bearing serial number ‘3', will be numbered consecutively as 3/1/2016-SR, 3/2/2016-SR and so on, where 'SR represents the section.

APPENDIX -1.3

(Para 1.4)

File Register

STANDARD HËAD NO .....

STANDARD HEADING.....

File No.	Subject	Date of		Classification (and year of	Rem arks
		Opening	Closing		
	2	3	4	5	6

Instructions

1. Entries in columns 1-3 will be made at the time of opening flies and those in columns 4 and 5 at the time of recording and reviewing them.
2. Year of review in column 5 is required to be indicated only in the case of category C files.
3. If as a result of the review, a file is marked for further retention, the year of the next review will be worked out and indicated in column 5.
4. When a file is transferred to the departmental record room or to another section in the department, the fact of such transfer and the relevant date, will be indicated in column 6 — e.g.

DRR MHA _____

6-1-2016 6-2-201 6

Similarly, when the file is marked for destruction, an entry regarding the fact and the year of destruction will be made in this column.

APPENDIX - 1.4.
(Para 1.5)

File Movement Register

File No.

SUBJECT

To whom	Date	To whom	Date	whom	Date	To whom	Date
Space for recording movements of part files							

NOTES:
Movement will be marked by indicating the officer, Section or Department to which the file has been sent with date of sending below it.

APPENDIX -1.5.
(Para 1.7& 1.8)

Illustration of 'Docketing' and ' Referencing' on the notes portion

S No 17 (R) pg22/c

"Link the minutes of the previous meeting and consult DOLA

---

sd/-
ABC JS C(Policy)
12/1/19

Reference: FR

This relates to
2. Minutes of the previous meeting are linked below
3 A self —contained I.D note to DOLA is put for approval.

Sd/
(DEF)
dated
SO (Policy - I)

US (PoI)

Dir (Pol)

****

CHAPTER - 9

NOTING

1 Definition of Note

a) Note are written remarks recorded on a paper under consideration to facilitate its disposal.

b) It should consist of a précis or previous paper, the statement of analysis of the question of questions requiring decision, suggestions regarding the course of action and final orders passed thereon.

c) A note recorded by a minister, the prime minister, the vice-president or the president should be referred to as a 'Minute'

d) The name, designation and, where necessary, the telephone number of the officer signing a note should invariable be typed or stamped with a rubber stamp below the signature which should be dated . In recording the date, the month and the year should also be indicated.

2 Guidelines on Noting

(a) All notes should be concise and to the point. Excessive noting should be avoided.

(b) Notes and orders should normally be recorded on note sheets.

(c) Notes should not be recorded on the receipt itself except in very routine matters.

(d) 'Docketing' means making of entries in the notes portion of a file about the serial number assigned to each item of correspondence (whether recei9pt or issue) for its identification. After Docketing, if the branch officer or any higher officer has made any remark on the receipt, it should be reproduced in the manner indicated below and then the note should follow.

S.NO.23(Receipt)p.70/Cor " We need to keep Cab Sec informed .PI put up today. Sd/-XXX JS(Policy) 23/10" / DS(/Proj) Sd/-

(e) A simple and direct style of writing should always be adopted use of complicated and ambiguous language should be avoided.

(f) Verbatim reproduction of extracts from, or paraphrasing of the P.U.C or of notes of other Ministries recorded on the same file should be avoided.

(g) Even it apparent errors or misstatements have to be pointed out or to an opinion expressed therein has to be criticized, care should be taken to couch observation in courteous and temperate language free from personal remarks.

(h) A note will be divided into paragraphs of a convenient size paragraphs should be serially and may also have brief titles, if necessary.

(i) The dealing hand will append his or her full signature with date on the below the note .an officer will append full signature on the right hand side of the note with name, designation and the date.

(j) When passing orders or making suggestion, an officer should continue the note to the actual points rather than repeating of reiterating the ground already covered in the previous notes. If the line of action suggested in the preceding note is corrects, the officer should merely append signature.

(k) Modification of notes:-The higher officers should record their own notes giving their views on the subject, where necessary correcting or modifying the facts given in earlier notes. In any case, the replacement or modification of the notes which have already been recorded on a file, when the file has been further noted upon by others, should not be permitted. Where a final decision already communicated to a party is found later on to have been given on a mistaken ground or wrong facts or wrong interpretation of rules due to misunderstanding or otherwise, such replacement or modification of a note may have also legal implications. In all such cases, wherever necessary, review of the decision should be examined and the revised decision shall be taken in consultation, if so required, with the Ministry of Law and with the approval of an officer higher than the one who took the original decision. The reason(s) for the reversal or modification of the earlier decision shall duly be recorded on the file. Under no circumstances a note shall be pasted over or removed from the file. In case of mistake in the note or disagreement with a previously recorded note a new note shall be recorded, keeping the previously recorded note on the file.

(l) When a paper under consideration raises several major points which require examination and respective order on each point (or group of related points) it will be noted upon separately in “Sectional” notes. Such sectional notes will each begin with a list of the major points(s) dealt with therein.

(m) Routine note means a note of a temporary value or ephemeral importance recorded outside the files, e.g., a record of casual discussion or a note on a point of secondary importance intended to facilitate consideration of the case higher officers.

(n) Running summary of facts in relation to a case means a summary of the facts of the case updated from time to time to incorporate significant development as and when they take place. It is prepared to avoid repeated re-capitulation of the case through self-contained notes. Wherever a running summary of facts is available on the file, it should be referred to without repeating any part of the facts in the note.

2.1 Types of Cases, Quantum of /noting and Functional Approach

Most of the cases dealt with in Government of India can be divided into the following five categories.

(i) Ephemeral cases
(ii) Routine & Repetitive cases
(iii) Action in Correspondence cases
(iv) Problem Solving cases
(v) Planning and Policy cases

The following approach could be adopted for noting on various categories of cases:

1. **Ephemeral Cases-**

These cases are also known as “no-Noting” cases. The Section Officer or desk functionary should record the reason, in brief, why no action is necessary and file such cases at the dak stage itself. Such cases should be kept in the file “O” bundle and destroyed on 31st December of every year. These may also be returned in original to the sender recording requisite factual information.

2. **Routine or Repetitive Cases-**

In cases of repetitive nature, ‘**a standard process sheet** ‘which means a standard skeleton note should be developed indicating pre- determined points of check. In respect of other routine cases, a fair should be put up without any noting.

3. **Action – in - Correspondence Cases-**

These cases also do not require detailed noting. It would be sufficient if a brief note (a paragraph or so) were recorded indicating the issue under consideration and the suggested action.

4. **Problem Solving Cases-**

In these cases a detailed note providing maximum information on each aspect will be necessary, even then, the note should be concise and to the point, covering the following aspects: -

i. What is the problem?
ii. How has it arisen?
iii. What is the Rule, ‘policy’ or ‘precedent’?
iv. What are the possible solution?
v. Which is the best solution? Why?
vi. What will be the consequences of the proposed solution?

5. **Policy and Planning Cases-**

These types of cases would not be large in number in any organization. They would, however, require a thorough examination, particularly because important decisions are to be taken at top management level. A note in such cases should be structured in the following manner: -

(i) Problem: - State the problem. How it has arisen? What are the critical factors?
(ii) Additional Information: - Give additional information to size up the problem. The information would be available on the files and other paper in the Section. If sufficient information is not available to enable thorough examination, it should be collected before attempting a note.
(iii) Rule, policy etc: - Precedent cues having a bearing on the issue under consideration should be put up. If there are varying precedents or any precedent differs in certain respects from the case under examination, the difference should be brought out so as to arrive at a correct decision.
(iv) Precedents - Precedent cases having a bearing on the issue under consideration should be put up. If there are varying precedents or any precedent differs in certain respects from the case under examination, the difference should be brought out so as to arrive at a correct decision.
(v) Critical analysis: - the case should then be examined on merits answering questions like 'what are the possible alternative solutions/ which is the best solution? It should be ensured that views of other Divisions/Ministries etc. have been obtained where necessary. Attention should also be paid to other aspects like the financial and other implications, repercussions, and the modality of implementing the decision and the authority competent to take a decision.
(vi) Concluding para: - the concluding para should suggest a course of action for consideration. In cases where a decision is to be taken by a higher authority like committee, Board etc. the point or points on which the decision of such higher authority is sought should be specifically mentioned.

6. **Guidelines for noting**

(1) All notes will be concise and to the point. Lengthy notes are to be avoided, by shifting bulk of material to statements placed below.
(2) The verbatim reproduction of extracts from or paraphrasing of the paper under consideration, fresh receipt, or any other part of correspondence or notes on the same file, should not be attempted.
(3) When passing orders or making suggestions, an officer will confine his note to the actual points he proposes to make without reiterating the ground already covered in the previous notes. If he agrees to the line of action suggested in the preceding note, he will merely append his signature.
(4) Any officer, who has to note upon a file on which a running summary of facts is available will, in drawing attention to the facts of the case, refer to the appropriate part of the summary without repeating it in his own note.

(5) Relevant extracts of a rule or instruction will be placed on the file and attention to it will be drawn in the note with proper referencing, rather than reproducing the relevant provisions in the note.

(6) Unless a running summary of facts is already available on the file or the last note on the file itself serves that purpose, a self-contained note will be put up with every case submitted to the Minister. Such a note will bring out briefly but clearly relevant facts, including the views expressed on the subject by other departments, if any, consulted in the matter and the point or points on which the orders of the Minister are sought.

(7) If apparent errors or incorrect statements in a case have to be pointed out or if an opinion expressed therein has to be criticized, care should be taken to couch the observations objectively, in courteous and temperate language free from personal remarks.

(8) When a paper under consideration raises several major points which require detailed examination and respective orders, each point (or group of related points) will be noted upon separately in sectional notes; such notes will each begin with a list of the major point(s) dealt with therein and placed below the main note in a separate folder.

(9) Notes and orders will normally be recorded on note sheets in the notes portion of the file and will be serially numbered. Black or Blue ink will be used by all category of staff and officers. Only an officer of the level of Joint Secretary to Government of India and above may use green or red ink in rare cases.

(10) The dealing hand will append his full signature with date on the left below his note. An officer will append his full signature on the right hand side of the note with name, designation and date.

(11) A note will be divided into serially numbered paragraphs of easy size, say ten lines each. Paragraphs may preferably have brief titles. The first few paragraphs will give the profile of the problem, position of rules, precedents and the position of resources with proper analysis and sequence and an indication of the evidence and the conclusions reached. The final paragraph should weigh the arguments and recommend the best course of action, with a supporting draft communication, if necessary.

(12) In writing notes, the observations made in **Appendix 1**- 'Style in notes and drafts' will be kept in view.

(13) A small margin of about one inch will be left on all sides (left, right, top and bottom) of each page of the note sheet to ensure better preservation of notes recorded on the files as at times the paper gets torn from the edges making reading of the document difficult. However, notes should be typed/written on both sides of the note sheet as per instructions of Department of Expenditure.

(14) While preparing/submitting of papers for consideration of the Committee of Secretaries, the required procedure as detailed in **Handbook for Preparation of Cabinet Notes** published in the website of Cabinet Secretariat will be kept in view.

7. Arrangement of papers in a Case

While submitting a case, the papers, folders, reference book etc, are to be arranged in the following order from top downwards: -

1. Reference books;
2. Notes proton of the current file ending with the note for consideration;
3. Running summary of facts;
4. Draft for approval, if facts;
5. Correspondence portion of the current file ending with the latest receipt or issue, as the case may be
6. Appendix to notes and correspondence;
7. Standing guard file, standing notes or reference folder, if any;
8. Other papers, if any, referred to e.g. extract of notes or correspondence from other files, copies of orders, resolutions, gazettes, arranged in chronological orders, resolutions, gazettes, arranged in chronological, the latest being placed on the top;
9. Recorded files, if any, arranged in chronological order, the latest being placed on the top;
10. Routine notes and papers arranged in chorological order and placed in a separate cover.

8. Referencing

Referencing is the process of identifying a document, decision and facts mentioned in a note, draft or office copy of communication issued. It involves a series of activities. These are described in the succeeding paragraphs.

a) Every page in each part of the file (viz, notes, correspondence, appendix to notes, and appendix to correspondence) will be consecutively numbered in separate series, in pencil. Blank intervening pages, if any, will not be numbered.

b) Each item of correspondence in a file whether receipt or issue, will be assigned a serial number which will be displayed prominently in red ink on the top middle portion of its first page.

c) The paper under consideration on a file will be flagged ‘PUC’ and the latest fresh receipt noted upon, as ‘F.R’. In no circumstances, will a slip, other than ‘PUC and ‘FR’ be attached to any paper in a current file. If there are more than one ‘F.R-I’, ‘FR-II’ etc. (However, in practice other slips are also attached to a paper in the current file. All the slips should be removed after the action is over).

d) In referring to the papers flagged ‘PUC’ or ‘FR’ the relevant page numbers will be quoted invariably in the margin. Their page numbers will refer to other papers in a current file.

e) Recorded files and other papers put up with the current file will be flagged with alphabetical slips for quick identification. Only one alphabetical slip will be attached to a recorded file or compilation. If two or more papers contained in the same file or compilation are to be referred to, they should be identified by the relevant page numbers in addition to the alphabetical slip, e.g. ‘A’/23 n., ‘A’/17 C and so on.

f) To facilitate the identification of references to papers contained in other files after the removal of slips, the number of the file referred to will be quoted invariably in the body of the note.

The relevant page numbers, together with the alphabetical slip attached thereto, will be indicated in the margin. Similarly, the number and date of orders, notifications and resolutions, and, in the case of acts, rules and regulations, their brief title together with the number of the relevant section, rule, paragraph or clause, referred to will be quoted in the body of the notes, while the alphabetical slips used, will be indicated in the margin.

g) Rules or other compilations referred to in a case need not be put up if copies thereof are expected to be available with the officer to whom the case is being submitted. The fact of such compilations not having been put up will be indicated in the margin of the notes in pencil.

h) The reference slips will be pinned neatly on the inside of the papers to be flagged. When a number of papers put up in a case are to be flagged, the slips will be spread over the entire width of the file so that every slips are easily visible.

9. Linking and De-linking of files

a) If the issues raised in two or more current files are so inter-connected that they must be dealt with together simultaneously, the relevant files will be linked in the manner indicated in (2) below. Such linking may also be resorted to if a paper on one current file is required for reference in dealing with another current file unless a copy of the paper can be conveniently placed on the first file.

b) When files are to be linked, strings of the file board of the lower file (but not its flaps) will be tied round the upper file. The file board of flap of the upper file will be tied underneath it in a bow out of the way so that each file is intact with all its connected papers properly arranged on its file board or flap.

c) On receipt back after completion of action, the linked files will be immediately delinked after taking relevant extracts and placing them on the linked files, where necessary.

Styles in Noting and Drafting

The style/clarity/ precision/format in notes and drafts is as important as their contents. The following will be observed in drafting and also in writing notes :-

a. “Information” is singular. If information is called for on many points, it does not become “Information’s.”
b. The words “Proximo”, “Idem” and “Ultimo” should be avoided. They are not necessarily even abbreviations and they possess no recommendations. On the contrary, they lead to confusion and one has to take the trouble of looking at the date of the letter to find out what they mean. The names of the months must be used instead.
c. “The same” must not be used instead of “it” or some other simple word.
d. Such needlessly formal words as “therein” and “thereon” should not be used instead of “in it’ or “on it”.
e. The preference for passive verbs over active verbs generally make the style vague and clumsy, as “It is understood” for “I do not understand” or “The date of issue of the order should be reported by him” for “he should report when he issues the order”.

A simple or short word is to be preferred in place of a long phrase. Examples of needless verbosity are preference of “make the assessment” to “assess”, “purchase”, to “buy”, “commence” to “begin” and “omitted to” or “failed to” to the simple “did not” (the two latter ones are very common); “make enquires” for “enquire”; “building purposes” for “buildings” Where “omit” by itself is proper and sufficient. The love of such redundant phrases is displayed as “has been omitted to be entered in the register” instead of “has been omitted from the register”. Another widespread error is the use of “for being” instead of “to be” and “for doing” instead of “to do” and “returned for being stamped” instead of “to be stamped”. If the Secretary orders that an assistant should be punished “for being corrupt” he does not mean “in order to make him corrupt”.

f. Foreign or classical words and expressions should be avoided as far as possible; vernacular words should only be used when their meaning cannot be expressed equally well in English.

1. Split infinitives should be avoided. Write “Kindly to state” and not “to kindly state”. A very common and equally objectionable feature of official communications is a similar splitting of other verbal phrases. For instance, “The Deputy Commissioner will, in the circumstances now stated, be requested” is not good English. It is quite as easy to say “In the circumstances now stated, the Deputy Commissioner will be requested to .....”

2. Do not write “marginally noted” which could only mean “having marginal notes”. Write “noted on margin”. Similarly, “Plan marked” could only mean “marked with plans” (Compare “pock- marked”), and “plaint mentioned” neither does nor possibly could mean anything.

3. Instead of such a phase as “the figures for 1949, 1950 and 1951 were 256, 257 and 348 respectively” which is confusing, write “the figure for 1949 was 256, that for 1950 was 257 and that for 1951 was 348". This is a little, if at all, longer and is perfectly clear. “Former” and “latter” should also be avoided as they are constant sources of confusion.

4. Do not ride any phrase to death. Some persons begin every letter with the phrase “with reference to”, It is better to vary the phrase so as to make it definite. Say “In reply to”, “As directed in” and so on; or begin in narrative form “In their order ..... Government directed ..... .“ Avoid the phrase “with advertence to”.

5. In ordinary English “in case” does not mean the same as “if ” “I shall take my umbrella in case it rains” means “so as to be prepared for rain”. Nor does “as well as” mean the same as “and”. It is much more emphatic. It would be absurd to say “a man was 5 feet 8 inches high as well as 21 years of age”, But you might well say that “he was a good painter as well as a remarkable musician”. The fondness for writing “as well

as" for "and" and "in case" for "if " presumably arises from the fondness of the users for a longer expression. "In case "if " is a stage further on the downward path. "I am unable to" for "I cannot" and "hand over" for "give" are other common examples of the preference for the longer phrase. "By the time" is sometimes wrongly used for "then". "By that time" is sometimes wrongly used for "then". "By that *time" means "then". "By the time that" means "when". Always be as definite* as possible.

6. "As such" is often misused. It is correct to say "Mr. A was then the Superintendent and as such was bound to report-"but "Mr. Awas not then the Superintendent and as such he is not to be blamed" is meaningless. "While such being the case" is a familiar embellishment of criminal complaints, etc. "While" is here redundant.

7. Tenses and moods are misused in almost every note or draft. The misuse of "had" is one of the commonest errors. The pluperfect "had" is rightly used to emphasize the priority of one event in the past to another. It is correct to say "I had gone to bed when the house caught fire" but senseless to say "I had gone to bed at 10 O'clock last night" ("I went" is correct)- unless the meaning is that you had gone to bed before 10 O'clock. The present tense is wrongly used for the incomplete perfect, as in "I am record-keeper from 1906. "I have been record-keeper since 1906" is correct. "Government press for a reply" should be "Government are pressing for a reply". "The following men now act" is wrong. It should be "are now acting". "Act" means "usually act" or, habitually act";" are acting" emphasizes the fact that they are doing so now.

8. "Must have" is sometimes misused for "should have" or "ought to have". "Must have done it" means that he certainly has done it. It is not to be used to mean that he has not done it but should have. "Till" is commonly misused in a way that it is positively misleading. "No reply was received till January last" implies that a reply was received on January 1st but it is erroneously used to mean that even on January 1st no reply had been received. To convey this latter meaning "up to" with the pluperfect is the correct English- Up to January 1st, I had received no reply".

9. Distinguish "all the stamps have not been punched" which is ambiguous from "Not all the stamps have been punched" or "the stamps have not all been punched", which mean that some have been punched and some not. These phrases are commonly confused. "He has yet to collect Rs.l ,000", is not ordinarily modern English. "Still has" is correct. "Yet" may be used with a negative, e.g., "has not yet applied" and is only used with a positive a verb in special phrases such as "I have yet to learn".

10. "So" is not equivalent to "very". It is sometimes written "the peon is so impertinent" "I warned him so many times" meaning "very impertinent", "very often". "Not so bad" means "rather goods", but this is a colloquial phrase. Similarly, "too" has generally a relative sense, that is, it implies exacts relatively to a certain standard or object not absolute intensity so to speak (except in a few colloquial phrases such as "it is too bad"); but it is commonly written "it is too hot" meaning "it is very hot".

11. The verb “to hope” implies pleasurable anticipation. It is used sometimes instead of a natural word such as “think”, and thereby producing comically inappropriate phrases such as “I hope your honour is ill”. Omission of articles (a, an, the) is a common fault. It is permissible in a telegram for reasons of economy-not elsewhere. But articles must be used correctly. The statement “appellant is the inhabitant of Jaipur,” implies that there is only one inhabitant. “An inhabitant of Jaipur” is correct “This is serious omission” should be “This is a serious omission”.

12. “As to” is common redundant form e.g. “The Deputy Commissioner is directed to report as to whether”, “whether” alone is sufficient. So also “as against “or” as compared with” are commonly used in comparing figures, where “against” or “compared with” are sufficient and correct. It is correct to say “as compared with last harvest, the yield was poor”, but not the “yield was 4 rupees as compared with 8 rupees last year”. “As” mean, nothing in the latter phrase.

13. Pseudo-accuracy account for much unnecessary verbiage. “If any” is a common example of this fault. It is quite unnecessary to say “The Deputy Commissioner is requested to report the number of cases if any”. If there are none, the Deputy Commissioner will say so. In the same way it is unnecessary to say “The Deputy Commissioner is requested to report whether it is advisable or not to” .... The use of the word “ask” instead of “order” or “direct” produces a curiously important effect when a lower subordinate is referred to. “The S.D.O. may be asked to report” sounds silly.

14. On the other hand, the use of such phrases as “at all”, “in spite of ” sometime sounds needlessly discourteous as well as unidiomatic. “In spite of three reminders the Deputy Commissioner has not at all cared to reply” is rude as well as un-English “It” will be enough if the Deputy Commissioner ....is not English. The more appropriate phrase is “the Deputy Commissioner need only”. Avoid pretentious words such as “penultimate”. “Last but one” is quite good enough.

15. “I am directed to request that you will be so good as to furnish me with information as to whether” is the sort of stuff that we come across frequently. “I am directed to enquire whether” means exactly the same and is not unduly curt. Never use several words where one will do. Do not write “make an application” but “apply” or “a liable of the value of fifty paise only” instead of “a fifty paisa stamp”. Addition of the word “only” after any sum of money is in place in a bill or cheque not elsewhere.

16. “In this connection” at the beginning of a sentence is a favorite bit of hackneyed padding. It means nothing at all. “In returning herewith” a favourite but inappropriate type of opening phrase. It is often aggravated by making the subject of the main sentence different from the implied subject of “returning” or by changing to the passive construction. You can say “In returning, instead of,” I am directed to point out”. You must not say “In returning herewith the statement received with his letter....

the Deputy Commissioner is informed". But this is quite common. On the other hand, such phrases as "Turning to paragraph.... it may be observed" and so on ("Regarding", "Concerning", "Considering", etc.), are unobjectionable though "Turning to paragraph 1" is no doubt more strictly correct.

17. A needless anxiety to avoid repetition gives rise to various faults. Sometimes, instead of repeating a man's name, an assistant will say "the individual" which is not good English. The use of "former and latter", "respectively" and "the same" have been mentioned already and also come under this head.

18. The words "Comprise", "compose" and "consists" are confused with each other. It is written "the land comprises of 3 plots" or "is comprised of ". The correct forms are "the land comprises/ consists/ is composed of three plots". It is also written "the old building was substituted by a new one". You can say "a new building was substituted for the old one" "or" "the old building was replaced by a new one". "Dispose it off " is a common error for "dispose of it", also "tear off' for "tear up" and "stick up" for "stick in" (You can stick a thing "up" on a wall of course but not "up" in a book). "Stick up too" is used for "Stick to" itself a slang phrase. "He stuck up to the agreement" is wrong. It is also written "slips have been pasted" and the "papers have been stitched" whereas "pasted in" and "stitched (or preferable 'Sewn') together" are correct.

19. "Agree" and "tally" cannot be used actively. Figures may agree or tally. You cannot "agree" figures or "tally" them. Generally, use unpretentious words rather than pompous ones. "I went to camp" not "I proceeded", "live" or "dwell", not "reside". "Instead of" is much more usual in ordinary English than "in lieu of", which is a phrase used mainly in legal documents. "Stamp" is the ordinary English not "label"; and "Envelope" or "letter" not "cover".

20. You cannot say "He told/expressed that he was unwilling". It must be "he told me that he was unwilling", "he expressed his unwillingness", "he expressed himself strongly". "Enough of money" is not good English. Say "enough money"; "of follows", "enough" when for any reason it is necessary to use "enough" as a substantive, e.g. "I have had enough of this" "I don't know enough of the language, to "but I know enough English to" .... "None" for "no one" is obsolete or poetical. Do not write "None made any offer" but "no one made any offer". Do not say "it is not used by any" but "but it is not used by anyone". Do not say "this is known to all" but "everyone knows this". "There is no use of sending" is wrong. It should be "it is no use sending", "it is no use to send" or "there is no use in sending".

21. Do not qualify expressions, needlessly. To do so produces flabby style. Words like "it seems" and "it appears" are used when there is really no doubt. "He was absent in his house" meaning that he was elsewhere than in his house, is a contradiction in terms. "Absent from" is correct, but the ordinary English would be "he was not at

home", or simply "he was away" or "was out". "Also" is misused with negatives. "He did not address the letter and did not also stamp it" should be "nor did he stamp it".

22. "He puts himself up at...." or "he is put up at", are wrong. The correct English (and it is colloquial) is "He is putting up at", "Wooden piece" for "piece of wood" is a common error.

23. "Inquired/enquired into the witness" is another frequent mistake. You "examine" a witness and "enquire into" a case. But one does not "investigate into a case", one "investigates it". 'Male member' should not be used to mean "male" or "man". You can say "the male members of my family". Do not say "my family members" but "members of my family". "Through" meaning "past" and "cross" meaning "went past" are frequently used e.g., "I went through the temple", or "I crossed the temple". You "cross" a river or a road when you go from one side of it to the other.

24. Do not use such phrases as "has breathed his last", or "is no more", for "is dead". "It is high time to do so and so" is an idiomatic English phrase. "As it was high time, the Court adjourned the case till next day" is not English.

25. "In view to do" "so and so" is wrong. You can say "with a view to reducing" meaning "in order to reduce", and you can also say "in view of these circumstances" meaning "having regard to them". "In view to" is impossible.

26. "You should insist on the Under Secretary to reply" is wrong. It should be "should insist on his replying". "Address" is used sometimes as though it meant "ask". "Government will be addressed to reconsider their order" is, strictly speaking, meaningless.

27. "Government sanctioned a peon to the Deputy Secretary" should be "for the Deputy Secretary". "Petitioner wants that the land should be transferred" is wrong. It should be "wants the land transferred/to be transferred."

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CHAPTER - 10

DRAFTING AND FORMS OF COMMUNICATION

1. Drafting

1.1 Definition of Draft- A draft is a rough sketch of a communication to be issued after approval by the officer concerned and Drafting is the process of preparing this rough sketch.

1.2 Instances where Draft is not necessary-

(i) In simple cases like sending an acknowledgement, etc, a fair communication can be put up for the signature of the officer concerned

(ii) In cases of repetitive nature, wharf standard forms of reply are available

1.3 Drafting- Searching questions- Before initiating the process, if would be useful to ask a few searching questions, like

a) Is a draft necessary?
b) Who should be addressed and who will sign?
c) What is the relationship between the sender and receiver?
d) Is something to be conveyed or to be called for?
e) Are all details available?
f) What is the intention of the decision?
g) What should be the recipient's response?
h) Dose the language convey?
i) Has the referencing been done?
j) Is it logically sequenced?
k) Does it have proper urgency, security grading?

1.4 Contents of a draft-

a) Identifying the Sender **-** A draft should clearly indicate the name, designation, telephone number, tax, email address and complete postal address of the organization to which the sender belongs. Apart from these, the identifying number of the communication (the file number on which the draft is being put up) also helps in identifying the sender clear identification of the sender facilitates the receipt in sending the response or seeking further clarification etc.

b) Adopting the right form **-** Different forms of written communication are used in the office correspondence in the Central secretariat. Deciding on the right from would depend on various factors including what is the purpose of the communication between the sender and receiver. Of the 12 forms of communication for which specimens have been given in Appendix-II only four, namely, letter, D.O letter, Office Memorandum and I.D Note have specified target groups, as indicated below-

Forms of communication	Target Group
Letter	Foreign governments, state governments like UPSC, Election Commission, etc., Central public Sector Enterprises, statutory authorities attached/Subordinate Offices, and Members of public
Demi-Official Letter	Officers of equivalent level and of one or two levels above the sender Non officials
Office Memorandum	Attached/Subordinate Offices, Other Ministries/Departments, Other Sections/Units Within the same Ministries/Departments and officers& Employees.
Inter-Departmental Note	Others Ministries/ Departments

Besides, the 12 forms communication, the central secretariat manual of offices procedure also includes circular, advertisement and E-mail for which no specific formats have been prescribed Circular and advertisement can be issued in the formats of letters and office memorandum. E- mail is a powerless form of communication to be used by departmental having computer facilities supported by Internet connectivity and can be widely used for subject where legal or financial implications are not involved. In addition, fax, speed post, and registered post/Resisted AD have been indicated as methods of delivery in important and urgent matters

1.5 Visualizing the Response- While drafting the intention of the decision and what response is anticipated from the receiver, if kept in mind, would help in making the communication effective

1.6 Clarity Consistency and Uniformity-The language used should be simple and clear. The content of communication should be developed in a manner that reflects consistency in the taken by the sender on a particular issue. It expressions and repetition of the matter makes the communication brief.

1.7 Redundancy, Verbosity, Circumlocution and Repetition- No draft should contain any information that is not relevant. While drafting communication, using simple words helps in easy understanding of the content in addition adopting a direct or writing without superfluous expression and repetition of the matter makes the communication brief.

1.8 Providing a Summary-Where the communication to be sent is long where the subject matter is complex, providing a summary of the content at the end would enable a quick appreciation of the message conveyed and reinforce the action points for the receiver.

1.9 General Instructions regarding Drafting-

1. Sufficient space should be left for the margin and between successive lines in the draft for incorporating changes, additions, interpolation of words, etc.

2. Depending on the forms, subject of the communication (including reminders) should be mentions appropriately.

3. The enclosures, which are to accompany the fair copy, should be indicated at the bottom left of the page. A short oblique line in the margin will indicate that enclosures are to be sent along with the fair copy. Where copies of an enclosure referred in the draft are available and, therefore, need not be typed, an indication to that effect will be given in the margin of the draft below the relevant the relevant oblique line.

4. Urgency grading will be indicated on the top right corner, if required.

5. Where the communication to be sent is of an important or immediate nature, the mode of transmission e.g. by registered post or by speed post or by special messenger. etc., will be indicated at the top right corner.

6. Where copies of the communication are to be endorsed to other authorities for information or for further action, proper endorsements will be indicated at the bottom left of the draft.

7. A slip bearing the words" Draft for approval" should be attached to the draft. If two or more drafts are put up on a file, the draft as well as the D.F.A. slip will be numbered as 'D.F.A. I', 'D.F.A. II', 'D.F. A. III' and so on.

8. A draft should carry the message sought to be conveyed in a language that is clear, concise and incapable of misconstruction.

9. Lengthy sentences, abruptness, redundancy, circumlocution, superlatives and repetition, whether of words, observations or ideas, should be avoided.

10. Official communications emanating from a department and purporting to convey the views or orders of the Government of India must specifically be expressed to have been written under the directions of Government. This requirement does not, however, imply that each communication should start with the phrase 'I am directed to say' or 'The undersigned is directed to convey', which has the effect of distancing the communicator from the reader at the very outset. A more direct and to-the-point format is to be preferred if some degree of rapport is to be established with the receiver of the communication. The obligatory requirement can be met in a variety of imaginative ways. For instance, variations of the phrase can be added to the operative part of the letter towards the end as under:

.....I have the pleasure to inform you that the government, on reconsideration of the matter, has decided to sanction an additional grant of:

or

.....In the circumstances, it is regretted that it has not been found possible to accede to your request.

or

.....We do, therefore, regret that we have not found it possible to accede to your request.

11. Communications of some length or complexity should generally conclude with a summary.

12. Depending upon the form of communication, the subject should be mentioned in it (including reminders).

13. The number and date of the last communication in the series, and if this is not from the addressee, his last communication on the subject, should always be referred to. Where it is necessary to refer to more than one communication or a series of communications, this should be done on the margin of the draft.

14. All drafts put up on a file should bear the file number. When two or more communications are to issue from the same file to the same addressee on the same date, a separate serial number may be inserted before the numeral identifying the year to avoid confusion in reference, e.g., A-.12012/5/(1)08-Admn &A-. 12012/5/(2)08-Admn.

15. A draft should clearly specify the enclosures which are to accompany the fair copy. In addition, short oblique lines should be drawn at appropriate places on the margin for ready reference by the typist, the comparers and the despatcher. The number of enclosures should also be indicated at the end of the draft on the bottom left of the page e.g.-'Encl. 3'.

16. If copies of an enclosure referred to in the draft are available and are, therefore, not to be typed/photocopied, an indication to that effect will be given in the margin of the draft below the relevant oblique line.

17. If the communication to be despatched by post is important (e.g., a notice cancelling a license or withdrawing an existing facility) or encloses a valuable document (such as an agreement, service book or a cheque) instructions as to whether it should be sent through registered post or speed post or Courier or in an insured cover, will be given on the draft by the section officer concerned with its issue.

18. Urgent communications with bulky enclosures to far-flung areas like Andaman & Nicobar Islands, Lakshadweep etc. will be arranged to be despatched by Air Parcel through Air India. The addressee will also be advised through telephone or alternative ways to take delivery of the consignment. Instructions to this effect will be given by the Divisional Head/Branch Officer/Section Officer at the time of approval of draft.

19. The name, designation, telephone number, fax number, and e-mail address of the officer, over whose signature the communication is to issue, should invariably be indicated on the draft. It would be beneficial to indicate the telephone number and the fax number of the person to whom the communication is being addressed.

20. In writing or typing a draft, sufficient space should be left for the margin and between successive lines for additions or interpolation of words, if necessary.

21. A slip bearing the words 'Draft for approval' (DFA) should be attached to the draft. If two or more drafts are put up on a file, the drafts as well as the slips attached thereto will be marked 'DFAI', 'DFAII', 'DFAIII' and so on.

22. Drafts which are to issue as 'Immediate' or 'Priority' will be so marked under the orders of an officer not lower in rank than a Section Officer.

23. Further styles of writing may please be seen at Chapter – 2 of Module - II

2. Procedure for drafting

No draft is required to be prepared in simple and straight-forward cases or those of a repetitive nature for which standard forms of communication exist. Such cases may be submitted to the appropriate officer with fair copies of the communication for signature.

(1) It is not always necessary to await the approval of the proposed line of action and the draft will be put up simultaneously along with the notes by the initiating level officer. The higher officer may revise the draft, if it does not conform to the approved course of action.

(2) After a final decision is taken by the competent authority he may have the fair communication made for his signature and authorize its issue; otherwise, he will prepare a draft and submit it to the appropriate higher officer for approval.

(3) The officer approving the issue of a draft will append his initials with date on the draft. It is also expected that he orders on the file simultaneously whether the draft so approved should be kept on the file (along with the office copy of the communication issued in fair) or not.

(4) Initial drafting will be done in black or blue ink. Modifications in the draft at the subsequent levels may be made in green or red ink by the officers so as to distinguish the corrections made. However, for the purpose of noting, only black and blue ink should be used on note sheets.

FORMS OF COMMUNICATION

The specimens of different forms of communication generally used by various functionaries of the Government of India are available at Appendix 9 of the Manual of Office Procedure (March 1987 edition). A particular form of communication is adopted for a specific purpose with a specific target group to be addressed. Accordingly, therefore, each should have some distinctive features, is only obvious.

1. LETTER

This form is used for corresponding with foreign Governments, State Governments, the UPSC, and heads of attached and subordinate offices, public enterprises, statutory authorities, public bodies and members of public generally. It must commence with `Sir(s)', `Dear Sir(s)' and end with `Yours faithfully'. The name, designation and telephone number of the signatory must be mentioned below the signature. Written in first person, it carries more of formality than any personal touch. It is used for collecting/eliciting information as well as for conveying views, decisions etc.

2. DEMI-OFFICIAL LETTER

It is used in correspondence between Government Officers (of the same rank of the Addressee being not more than one or two levels above the officer who is writing) or while writing to a non-official for an inter-change of communication of information or opinion without the formality of prescribed procedure. It is written in the first person and in a personal and friendly tone. With name, designation and telephone number on the top of the letter head, it begins with the salutation `My Dear' or `Dear Shri' or even `Dear Sir/Madam' as may be suitable and ends with an expression of regards and the subscription `Yours sincerely'.

3. OFFICE MEMORANDUM

The target group to be addressed comprises other departments (but not UPSC), Attached & Sub-ordinate Offices, and the Employees. It is written in third person and bears no salutation or subscription except the name, designation & telephone number of the signatory. It is used in calling for or conveying information but not for conveying any order of the Government.

4. INTER-DEPARTMENTAL NOTE

To obtain the advice, views, concurrence or comments on a proposal or to seek clarification of rules, instructions etc. this form of communication is addressed to other Departments. It is also used for consultation by a Department with its Attached and Sub-ordinate Offices or vice-versa. It may be recorded on a file or even may be on independent self-contained note. No salutation, no subscription are necessary.

OFFICE ORDER - It is used for communicating internal decision of day-to-day administration e.g. grant of regular leave, distribution of work etc.

ORDER - It is used for communicating financial sanctions and orders in disciplinary cases.

NOTIFICATION- It is used for notifying the promulgation of statutory rules and orders, appointments and promotions of Gazetted Officers etc. in the Gazette of India and is addressed to the Manager of the Government of India Press concerned. The details about different parts and sanctions of the Gazette reserved for different types of notification are available in Appendix 11 of the Manual.

RESOLUTION - It is used for making public announcement of decisions of Government important matters of policy and is published in the Gazette of India. The publication and its communication to be specified parties are authorised by means of an order below the resolution.

PRESS COMMUNIQUÉ/ NOTE - These are used with a view to giving wide publicity to a Government decision. Press Communiqué is more formal and has to be reproduced verbatim by the media whereas the press note is in the nature of a hand-out which can be edited, compressed or enlarged by the media.

ENDORSEMENT - It is used for returning or passing on the original letter alongwith reply/ remarks. It is also used for supplying to copies to parties other than the addressee. However, this will not be used for sending copies to State Governments. The appropriate form in that case would be “letter”.

CIRCULAR - This form is used when important and urgent external communications received or important and urgent decisions taken internally have to be circulated within a Department for information and compliance by large number of employees.

(Forms without any format)

ADVERTISEMENT - This form is used for communication with the general public to create awareness and may take the form of audio visual or written communication.

E-MAIL - This is a paper-less form of communication to be used by the Department having computer facilities supported by internet or intranet connectivity and can be widely used for subjects where legal or financial implications are not involved.

Specimen Forms of Communications LETTER

(With endorsement)

No……..
Government of India
Department of ……..
(……. Vibhag)

New Delhi, dated the ……..

To
The Director General,
Central PWD, Nirman Bhavan,
New Delhi

Subject : _____

Sir,

With reference to your letter No ……. Dated……. On the subject cited above …….. , I am to inform you that ……..

Yours faithfully,
Sd/-

(A.B.C.)
Under Secretary to the Govt. of India
Tele No ……

No……..
Copy forwarded for information / action to :
(1)
(2)

(A.B.C.)
Under Secretary to the Govt. of India
Tele. No.----------

DEMI-OFFICIAL LETTER

XYZ
Deputy Secretary
Tele.No.

Government of India
(Bharat Sarkar)
Department of ……..
(…….. Vibhag)

New Delhi, the …….

D.O. No : _____

My dear / Dear Shri …….

We propose to draw up a model scheme for …… A copy of the outline prepared in this connection is enclosed.

I should be grateful if you would let me have your comments as soon as possible. I may add that we intend circulating the draft scheme formally to all departments in due course for their comments.

With regards,

Yours sincerely,

(X,Y,Z)

Shri A.B.C.
Deputy Secretary
Department of …….
(…….. Vibhag)
Krishi Bhavan
New Delhi – 110001

OFFICE MEMORANDUM

NO…….
Government of India
(Bharat Sarkar)
Department of …….
(……. Vibhag)

New Delhi, the ……...

OFFICE MEMORANDUM

Subject : _____

The undersigned is directed to refer to the Ministry of Agriculture's Office Memorandum No _____ dated _____ on the subject mentioned above and to send the requisite information as in the enclosures.

2. Information regarding
_____
will be sent on receipt from the field offices.

Enc.: 3 statements

(A.B.C.)
Under Secretary to the Govt. of India
Tele. No ……

To
The Department of ……
(…… Vibhag)
(Shri/Smt ……..)
Yojana Bhavan,
Parliament Street,
New Delhi

INTER-DEPARTMENTAL NOTE

Government of India
Bharat Sarkar)
Department of ……
(…….. Vibhag)

Subject : _____

The present rules regulating the issue of identity cards provide *inter alia* that ……

2. A question has now arisen whether …….

3.

4.

5. This department will be grateful for the advice of the Department of Legal Affairs on the issue raised in para 4 above.

(X.Y.Z.)
Deputy Secretary
Tele. No.

Department of Legal Affairs (VidhiKAryaVibhag) (Shri ……..)
ShastriBhavan, New Delhi

Department of …… (VidhiKaryaVibhag) I.D. No ……..Dated ……

OFFICE ORDER

No……
Government of India
(Bharat Sarkar)
Department of ……..
(…….. Vibhag)

New Delhi, the ……...

OFFICE ORDER

Shri XYZ, a permanent Lower Division Clerk in this Department is granted earned leave for ……. Days from ……. To …….. with permission to prefix ……. a public holiday, to the leave.

2. It is certified that but for his proceeding on leave, Shri XYZ would have continued in the same post.

(A.B.C.)
Under Secretary to the Government of India

Copy to :

1. Office Order File

2. Cashier

3. Section concerned

4. Shri X,YZ, LDC

ORDER

No……
Government of India
(Bharat Sarkar)
Department of ……..
(…….. Vibhag)

New Delhi, the ……..

ORDER

Sanction of the President is accorded under rule 10 of the Delegation of Financial Powers Rules, to the write off irrecoverable loss of Rs. 5000 /- (Rupees Five Thousands only) being the value of the following articles belonging to this department.

1) X XXX

2) X XXX

(A.B.C.)
Under Secretary to the Government of India
Tele. No. …….

Copy forwarded to :

1. The A.G.C., New Delhi
2. Internal Finance Section
3. Cash Section

NOTIFICATION

[to be published in the Gazettee of India, Part I, Section 2]

Government of India
(Bharat Sarkar)
Department of ……...
(…….. Vibhag)

New Delhi, the ……

NOTIFICATION

No……. Shri X,Y,Z, Under Secretary in the Department of …….. is appointed to officiate as Deputy Secretary in that Department vice Shri…….. transferred to the Department of …….

(A.B.C.)
Under Secretary to the Government of India

To
The Manager
Government of India Press
(Bharat Sarkar press)
Faridabad

No…… New Delhi, the ….

Copy forwarded for information to :
(1)
(2)
(3) (D.E.F.)
Under Secretary to the Government of India

Endorsement should be typed on all copies except one intended for the Press.

RESOLUTION

[to be published in the Gazette of India, Part I, Section I]

No…….
Government of India
(Bharat Sarkar)
Department of-------
(…….. Vibhag)

New Delhi, the ……

RESOLUTION

The Government of India have had under consideration the question of further improving efficiency of the departments and services concerned with the collection of revenue. As a first step in that direction the President has been pleased, under the powers vested in him by provision to Article 309 of the Constitution of India, to decide that a Class I Central service to be known as 'India Revenue Service' should be constituted with effect from …….

(A.B.C.)
Secretary to the Government of India

ORDER

ORDERED that a copy of the resolution be communicated to ……

ORDERED also that the resolution be published I the Gazette of India for general information.

(A.B.C.)
Secretary to the Government of India

To
The Manager,
Government of India Press,
(Bharat Sarkar)
Faribabad

PRESS COMMUNIQUE / NOTE

Not to be published or broadcast before ……a.m. / p.m. on …… day.
The …… 2002.

PRESS COMMUNIQUE / NOTE

In response to public demand, the Government of India have appointed a Commission to go into the problem of ……. And make suitable recommendations to the Government.

2. The Commission will consist of Shri …….. as Chairman and the following as members :

1.
2.
3.

3. In making its recommendations, the Commission is expected to give consideration to the following matters:

a)
b)
c)

4. The Commission is expected to submit its report to the Government by ……

Department of ……..
(…….. Vibhag)

New Delhi, the ……

No…….

Forwarded to the Principal Information Officer, Press Information Bureau, Government of India, New Delhi for issuing the communiqué and giving it wide publicity.

(ABC)
Joint Secretary to the Government of India

ENDORSEMENT

No……
Government of India
(Bharat Sarkar)
Department of
(…….. Vibhag)

New Delhi, the …….

A copy each of the *undermentioned* papers is forwarded to ……. for information and necessary action.

(ABC)
Joint Secretary to the Government of India
Tele No ……..

List of papers forwarded

(1)
(2)
(3)

Annexure

Composition of *the Gazette* of *India and instructions for sending material for publication therein*

Appendix-11[vide para 50(11)] of MOP

A. Composition

Part	Section	Type of matter to be published.
I (To be published from Faridabad)	1.	Notifications relating to resolutions and non-statutory orders issued by the Ministries of the Government of India (other than the Ministry of Defence).
	2.	Notifications regarding appointments, promotions, etc. of government officers issued by the Ministries of the Government of India (other than the Ministry of Defence).
	3.	Notifications relating to resolutions and non-statutory orders issued by the Ministry of Defence.
	4.	Notifications regarding appointments, promotions, etc. of government officers issued by the Ministry of Defence.
II (To be published from Delhi)	1.	Acts, ordinances and regulations.
	1A.	Publication of the authoritative texts in Hindi language of Acts, ordinances and regulations.
	2	Bills and reports of Select Committees on Bills.
	3.	*Sub-Section (i)* General statutory rules (including orders, byelaws, etc., of a general character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by central authorities (other than the administrations of Union Territories) *Sub-Section (ii)* Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by central authorities (other than the administrations of Union Territories)
	3A.	Authoritative texts in Hindi (other than such texts published in section 3 or section 4) of general statutory rules and statutory orders (including bye-laws of general character) issued by the Ministries of the Government of India (including the Ministry of Defence) and by central authorities (other than administrations of Union Territories)
	4.	Statutory rules and orders issued by the Ministry of Defence
III(To be published from Faridabad)	1.	Notifications issued by the Supreme Court, Comptroller and Auditor General, Union Public Service Commission, Railway Administration, High Courts and

		the attached and subordinate offices of the Government of India.
	2.	Notification and notices issued by the Patent Office, Kolkata.
	3.	Notifications issued by or under the authority of Chief Commissioners.
	4.	Miscellaneous notifications including notifications, orders, advertisements and notices issued by the statutory bodies.
IV (To be published from Faridabad)		Advertisements and notices by private individuals and private bodies.
V (To be published from Faridabad)		Supplement showing statistics of births and deaths, etc. both in English and Hindi.

NOTE 1 - Notifications to be published in sub-section (i) of Section 3 of Part II are serial numbered by press as 'G.S.R. .....and those published in sub-section (ii) as 'S'O.....' The identification numbers given by the ministries will appear within brackets at the end of notification.'

NOTE 2 -Weekly statements of the Reserve Bank of India published by the Central Government under Section 53 (i) of the Reserve Bank of India Act, 1934 is published in subsection (ii) of Section 3 of Part II.

NOTE 3 - Part II of the Gazette is published in octavo form so that each section might, be bound at the end of the year in a form convenient for reference.

B. Instructions:

1. The part and the section of the gazette in which the matter is to be published (vide 'A'. Instructions' above) should invariably be indicated on the top of the copy for the guidance of the press. In case of doubt as to whether a notification should be treated as a statutory rule or order and published in sub-section (i) or sub-section (ii) of section 3, as the case may be, of Part II, the Ministry of Law should be consulted.

2. The original type-script copy, signed by a competent officer, should alone be sent to the press. Cyclostyled copy, carbon copy or a copy which does not bear the officer's signature will not be accepted by the press. Corrections, if any, in the copy sent to the press, should be legible and attested by the officer signing it.

3. Extraordinary issues of the Gazette can be published whenever necessary. No matter should be required to be published in a Gazette Extraordinary unless it is of such urgent nature that it cannot wait until the publication of the next ordinary issue of the Gazette.

4. In fixing the date which a Gazette Extraordinary should bear, the time-schedule prescribed by the Chief Controller of Printing and Stationery should be observed. Where for any special reasons this is not practicable, the Government Press should be consulted before fixing a date.

5. The notification to be published in a Gazette Extraordinary or the forwarding letter should invariably be signed by an officer not lower in rank than a Joint secretary.

6. All notifications intended for publication as 'extraordinary issues' irrespective of the part, section, or sub-section, in which they are to appear, should be sent to the Government of India Press, New Delhi. The part and the section of the Gazette in which the notification would normally have been published will be indicated by that press in the issue itself.

7. 15 copies of every notification of general public importance will be sent by the department issuing it to the Parliament Library at the same time when it is sent for publication in the Gazette of India. A copy of the letter, forwarding the copies to the Parliament Library, will be endorsed to the *Lok Sabha* Secretariat and the *Rajya Sabha* Secretariat along with a copy of concerned Notification to each of them.

8. Not less than ten copies of every statutory Notification will be sent by the department issuing it to the Legislative Department of the Ministry of Law, Justice and Company Affairs, on the date on which it is sent for publication in the Gazette of India.

9. Copy of every Gazette Notification will be sent by the Organization issuing it to all the concerned Ministries/Departments at the same time when it is sent for publication in the Gazette of India.

Annexure

FILING OF PAPERS

(Procedures Prescribed in the Central Secretariat Manual of Office Procedure (CS-MOP)

(1) Papers required to be filed will be punched neatly on the left hand top corner and tagged on to the appropriate part of the file viz. notes, correspondence, appendix to notes and appendix to correspondence, in chronological order, from left to right

(2) Both 'notes portion' and 'correspondence portion' will be placed in a single file cover. Left end of tag in the notes portion will be tagged onto the left side of the file cover and right end of the tag will remain as such i.e., untagged. In the case of correspondence portion, right side of tag will be tagged on to the right side of the same file cover and left side of the tag will remain as such i.e., untagged.

(3) Earlier communications referred to in the receipt or issue, will be indicated by pencil by giving their position on the file.

(4) (a) If the file is not bulky, appendix to notes and appendix to correspondence may be kept along with the respective note portion or the correspondence portion of the main file if these are considered as integral and important part.

(b) If the file is bulky, separate file covers may be used for keeping appendix to notes and appendix to correspondence.

(5) Routine receipts and office copies of the communications issued (e.g., reminders, acknowledgments) and routine notes will not be allowed to clutter up the file. They

will be placed below the file in a separate cover and destroyed when they have served their purpose.

(6) When the 'notes' plus the 'correspondence' portion of a file become bulky (say exceed 150 pages), it will be stitched and marked 'Volume 1'. Further papers on the subject will be added to the new volume of the same file, which will be marked 'Volume II', and so on.

(7) In Volume II and subsequent volumes of the same file, page numbering in notes portion and correspondence portion will be made in continuity of the last page number in note portion/ correspondence portion of the earlier volume.

(8) On top of the first page of the note portion in each volume of the file, file number, name of the Ministry/Department, name of branch/section and subject of the file will be mentioned.

Annexure

Noting & Drafting under e-Office Environment

3.13 File Management System (eFile) -

3.13.1 Process name – Diarization

(Go to the URL → Enter User Name and Password → FMS → Receipt)

<u>Browse and Diarize</u>

Browse and Diarize
Go to **'Receipts'**
⇩
Click **'Browse and Diarize'**
⇩
Select **'Electronic'**
⇩
Browse and Upload pdf *(mandatory)*
⇩
Enter letter details
⇩
Click **'Generate Receipt'**

Actions performed –

Forwarding the receipt to others	Save the receipt generated without sending it further	Copying the details of the generated receipt to create a new receipt
Go to **'Receipts'** ⇩ Click **'Browse and Diarize'** ⇩ Generate Receipt ⇩ Enter **'To'** / **'Cc'** ⇩ Click **'Send'**	Go to **'Receipts'** ⇩ Click **'Browse and Diarize'** ⇩ Generate Receipt ⇩ Click **'Send to draft'**	Go to **'Receipts'** ⇩ Click **'Browse and Diarize'** ⇩ Generate Receipt ⇩ Click **'Copy'** ⇩ Upload pdf ⇩ Edit the details *(if necessary)* ⇩ Click **'Generate Receipt'**

3.13.2 Process name – After receiving the file/receipt in Inbox

Actions performed –

(For Receipts only)

Attachment of file to receipt for reference	Dispatching a reply against a receipt	Display details of Dispatch History and Referenced Files	Attachment of receipt to file (optional)
Go to **'Receipts'** ⬇ Click **'Inbox'** ⬇ Select a receipt ⬇ Click **'Attach file'** ⬇ Select the respective file ⬇ Click **'Attach'**	Go to **'Receipts'** ⬇ Click **'Inbox'** ⬇ Select a receipt ⬇ Click **'Dispatch'** ⬇ Enter the details ⬇ Click **'Dispatch By Self/CRU'**	Go to **'Receipts'** ⬇ Click **'Inbox'** ⬇ Select a receipt ⬇ Click **'Details'**	Go to **'Receipts'** ⬇ Click **'Inbox'** ⬇ Select the receipt ⬇ Click **'Put in a file'** ⬇ Select the respective file ⬇ Click **'Attach'**

(For Files only)

Details of the File/receipt movement	Close File	Park File	Details of part files and volumes if created
Go to **'Files'** ⬇ Click **'Inbox'** ⬇ Open a file/receipt ⬇ Click **'Movements'**	Go to **'Files'** ⬇ Click **'Inbox'** ⬇ Open a file ⬇ Click **'More Action'** ⬇ Select **'Close File'** (Only by the creator of the file) ⬇ Enter Closing Remarks ⬇ Click 'Close'	Go to **'Files'** ⬇ Click **'Inbox'** ⬇ Open a file ⬇ Click **'More Action'** ⬇ Select **'Park File'** ⬇ Enter Remarks and Reminder Date ⬇ Click **'OK'**	Go to **'Files'** ⬇ Click **'Inbox'** ⬇ Open a file ⬇ Click **'Details'**

3.13.3 Process name – Forwarding and Replying a File/Receipt to other users

(Go to the URL → Enter User Name and Password → FMS → Files/Receipt)

<u>Forward/Reply</u>

Forward			Reply	
Go to **'Files/Receipts'** ⇩ Click **'Inbox'** ⇩ Select a file/receipt ⇩ Click **'Forward'** ⇩ Enter **'To/Cc'** ⇩ Enter **'Action/Priority'** *(optional)* ⇩ Click **'Send'**	**OR** Go to **'Files/Receipts'** ⇩ Click **'Inbox'** ⇩ Select quick action for forward ⇩ Enter **'To/Cc'** ⇩ Enter **'Action/Priority'** *(optional)* ⇩ Click **'Send'**	**OR** Go to **'Files/Receipts'** ⇩ Click **'Inbox'** ⇩ Open a file/receipt ⇩ Click '**Send'** ⇩ Enter **'To/Cc'** ⇩ Enter **'Action/Priority'** *(optional)* ⇩ Click **'Send'**	Go to **'Files/Receipts'** ⇩ Click **'Inbox'** ⇩ Select a file / receipt ⇩ Click **'Reply'** ⇩ Enter **'To/Cc'** ⇩ Enter **'Action/Priority'** *(optional)* ⇩ Click **'Send'**	**OR** Go to **'Files/Receipts'** ⇩ Click **'Inbox'** ⇩ Select a quick action for reply ⇩ Enter **'To/Cc'** ⇩ Enter **'Action/Priority'** *(optional)* ⇩ Click **'Send'**

Actions performed –

Pullback the	Follow up	View of the sent	Part file (only for files)
File/Receipts Sent Click the icon for Pullback against the file/ receipt to be pulled back	File/Receipts Inbox/Sent Select the file Click **'Mark As'** Select **'New Follow Up'** Select the severity Enter the Follow Up action Select the Alert Mode Select the date and time Click **'Save'**	File/Receipts Sent Click the file/receipt number to view the sent file/receipt	Files Sent Select the particular file against which a part file is created Click Create Part

3.13.4. Process name – Opening/Creating a new File

(Go to the URL → Enter User Name and Password → FMS → Files → Create New)

Create New File (Non SFS)

Electronic File (Non-SFS)
Files ⇩ Electronic File ⇩ Click **'Create New (Non-SFS)'** ⇩ Enter File Heads ⇩ Enter Subject and other details ⇩ Click **'Continue Working'**

Actions performed –

Link/Delink Files	Edit the details on the cover-page of the file	Send
Files ⇩ Create New ⇩ Click **'Link/Delink'** ⇩ Click **'Attach'** ⇩ Choose file ⇩ Click **'Attach'**	Files ⇩ Create New ⇩ Click **'Edit'** ⇩ Modify the details except the File number ⇩ Click **'Save'**	Files ⇩ Create New ⇩ Click **'Send'** ⇩ Enter **'To'** ⇩ Click **'Send'**

Actions performed –

Add Green Note	Add Yellow Note	Attach Correspondences	Drafting a fresh letter/Reply	References
Files ↓ Create New ↓ Click **'Add Green Note'** ↓ Type the Noting ↓ Click **'Save'** ***(For Details Refer Process 5)***	Files ↓ Create New ↓ Click **'Add Yellow Note'** ↓ Type the Note ↓ Click **'Save'** ***(For Details Refer Process 5)***	Files ↓ Create New ↓ Click **'Correspondences'** ↓ Click **'Attach'** ↓ Choose a receipt ↓ Click **'Attach'**	Files ↓ Create New ↓ Click **'Draft'** ↓ Select **'Create new Draft'** ↓ Click **'New/Fresh'** or **'Reply'** ↓ Enter details ↓ Type a letter ↓ *Click **'Save'*** ***(For Details Refer process 6)***	Files ↓ Create New ↓ Click **'References'** ↓ Local references ↓ Click **'Browse'** ↓ Choose a document ↓ Click **'Attach'**

Actions performed –

Reference to Correspondence	Reference to previous noting
Click **'Add Green Note'** ⇩ Type in the green sheet ⇩ Select text to be referred ⇩ Click the reference button ⇩ Click **'Save'**	Click the file number ⇩ Click **'Previous noting'** ⇩ Click paragraph button ⇩ Click **'Add Green Note'** ⇩ Type in the green sheet ⇩ Select text to be referred ⇩ Click the paragraph number from the previous noting ⇩ Click **'Save'**

Add Yellow Note

Add Yellow Note
Click File Number ⇩ Click **'Add Yellow note'** ⇩ Type in the yellow sheet ⇩ Click **'Save'**

Actions performed

Editing text in yellow note	Discarding Yellow Note	Confirming Yellow Note
Click file number ⇩ Click **'Edit'** ⇩ Click **'Save'**	Click the file number ⇩ Click **'Discard'**	Click the file number ⇩ Click **'Confirm'**

3.13.6. Process name – Creation, Approval and Dispatch of DFA in Files

(Go to the URL → Enter User Name and Password → FMS → Files →Inbox→ Open selected file→ Draft)

Actions performed –

Drafting fresh letter	Drafting reply	Approval of DFA	Dispatch of DFA (by Self)	Dispatch of DFA (By DND/CRU)
Files ↓ Go to **'Inbox'** ↓ Click on a file number to open the inner page of the file ↓ Click **'Draft'** ↓ Select **'Create New Draft'** ↓ Click **'New/Fresh'** ↓ Enter details ↓ Type a letter ↓ Click **'Save'**	Files ↓ Go to **'Inbox'** ↓ Click on a file number to open the inner page of the file ↓ Click **'Draft'** ↓ Select **'Create New Draft'** ↓ Click **'Reply'** ↓ Browse the receipt against which the reply is to be created ↓ Enter **'Reply' Type** ↓ Type a letter ↓ Click **'Save'**	Files ↓ Go to **'Inbox'** ↓ Click on a file number to open the inner page of the file ↓ Click **'Draft'** ↓ Select **'View draft'** ↓ Click **'DFA number'** or the **'Version of DFA'** ↓ Click **'Approve'** ↓ Click **'Send'**	Files ↓ Go to **'Inbox'** ↓ Click on a file number to open the inner page of the file ↓ Click **'Draft'** ↓ Select **'View draft'** ↓ Click **'DFA number'** with status **'Approved'** ↓ Click **'Dispatch by Self'** ↓ Select **'By Post / Mail'** ↓ Enter the necessary details ↓ Click **'Send'**	Files ↓ Go to **'Inbox'** ↓ Click on a file number to open the inner page of the file ↓ Click **'Draft'** ↓ Select **'View draft'** ↓ Click **'DFA number'** with status **'Approved'** ↓ Click **'Dispatch by DND'** ↓ Select **'DND user'** and **'Delivery Mode'** ↓ Enter **'Remarks'** ↓ Click **'OK'**

3.13.7. Process name – Sending of Issual against a standalone Receipt

(Go to the URL → Enter User Name and Password → FMS → Receipt →Dispatch)

<u>Dispatching a DFA against a Receipt</u>

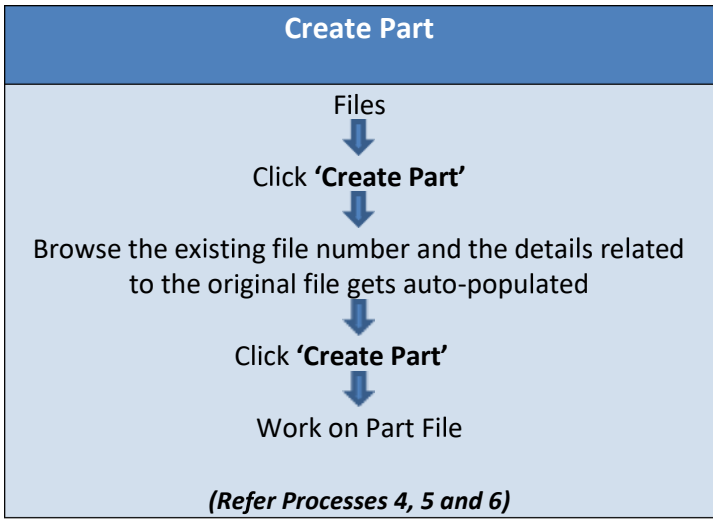
Dispatch by Self
Receipts ⬇ Go to **'Inbox'** ⬇ Select the receipt ⬇ Click **'Dispatch'** ⬇ Select **'Reply'** OR **'New/Fresh'** ⬇ Enter type and nature of reply ⬇ Enter the mandatory details *(Name and Address)* ⬇ Attach any document *(if required)* ⬇ Click **'Dispatch by Self'**

Actions Performed –

Sent	Returned	
Print Envelope	**Receive**	**Resend**
Files ⬇ Go to **'Dispatch'** ⬇ Click **'Sent'** ⬇ Select a dispatched letter ⬇ Click **'Print Envelope'** ⬇ Save and take a printout	Select a particular Receipt ⬇ Click **'Receive'**	Select a particular Receipt *(with complete details and attachments)* ⬇ Click **'Resend'**

(Go to the URL → Enter User Name and Password → FMS → Files → Create Part)

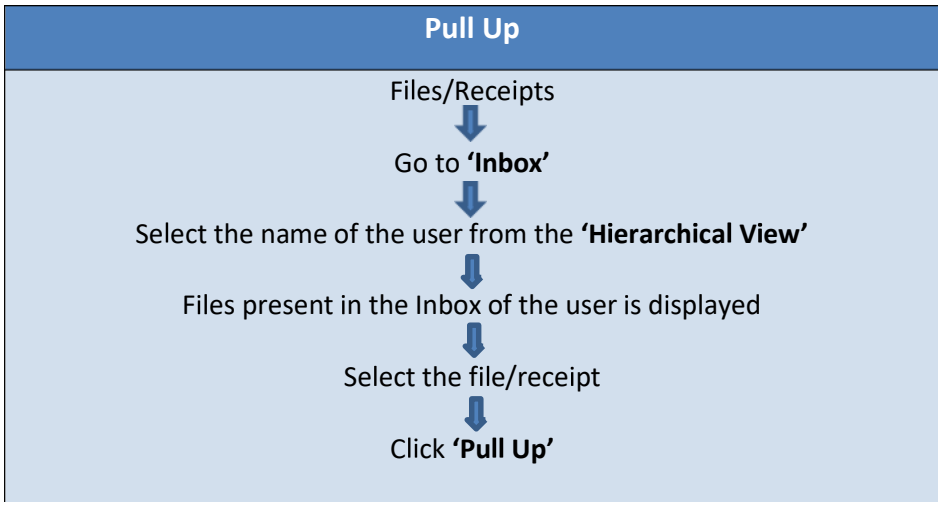
<u>Create Part</u>



3.13.9. Process name – Pull Up

(Go to the URL → Enter User Name and Password → FMS→ Files/Receipts)

<u>Pull up</u>



3.13.8. Process name – Creation of Part files

3.13.10. Search

(Go to the URL → Enter User Name and Password → FMS)

a. Search in Noting

Search in Noting
Files ⇩ Go to **'Inbox'** ⇩ Click a file number to open it ⇩ Enter the text to be searched in the space provided at the right top of the noting page

b. Advance search

Advance Search	
FMS ⇩ Click the down arrow of the **'Search'** textbox ⇩ Select the location of the text to be searched ⇩ Click the **'Search'** symbol	**OR** FMS ⇩ Enter the text/keyword (to be searched) in the **'Search'** textbox ⇩ Click the **'Search'** symbol

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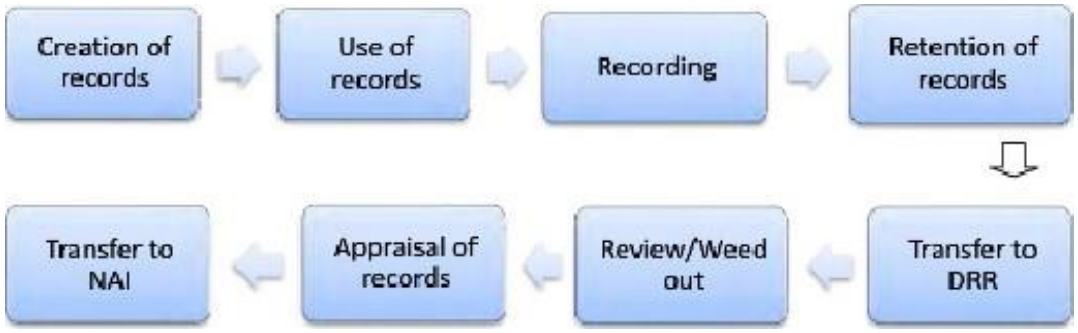
RECORDS MANAGEMENT

1.1 Activities involved in records management

(1) Records management covers the activities concerning recording, retention, retrieval and weeding out.

(2) Each record creating agency will nominate, in pursuance of provisions of the Public Records Act, 1993 and the Public Records Rules, 1997 a Departmental Records Officer (DRO) who is not below the level of a Section Officer for overall records management of the organisation as a whole.

Box— 1.1 : Stages of Records Management:



1.2 Stage of recording

Files should be recorded after action on all the issues considered thereon has been completed as per the record retention schedules (Para 1.7). However, files of a purely ephemeral nature (such as casual leave records or circulars of temporary nature) containing papers of little reference or research value may be destroyed after one year without being formally recorded.

Box-e.1.1

In e-Files, the facility of recording a file is given for the files on which processing is done physically. An electronic file on which action is complete is closed and kept in a separate folder (closed folder). This may be closed by the creator of the file after getting approval of the competent authority, which may be of the level of Section Officer or above based on the roles assigned in the application. The closed file may be seen by the official who has closed the file and official who has authorized the closure of the file. The closed file can be re-opened/retrieved by the official who has closed the file with the approval of the competent authority

1.3 Departmental instructions for records management:

Each Department has to issue Departmental instructions to regulate the recording and reviewing of records

1.4 Categorisation of records:

Files may be recorded under any one of the following categories:

(i) Category 'A' meaning 'keep and microfilm'- This categorization will be adopted for:

(a) files which qualify for permanent preservation for administrative purposes (Part 'A' of Appendix 1.2) and which have to be microfilmed because they contain

(i) a document so precious that its original must be preserved intact and access to it in the original form must be restricted to the barest minimum to avoid damage or loss; or

(ii) material likely to be required for frequent reference by different parties simultaneously/frequently.

(b) files of historical importance (Part 'B' of Appendix 1.2)

(ii) Category 'B' meaning keep but do not microfilm - This category will cover files required for permanent preservation for administrative purposes, such as those listed in part 'A' of Appendix 1.2. It will, however, exclude the nature of material falling under the category described in (i) or (ii) of sub para (1) (a) above and therefore need not be microfilmed.

(iii) Category 'C' meaning 'keep for specified period only'- This category will include files of secondary importance having reference value for a limited period not exceeding 10 years. In exceptional cases, if the record is required to be retained beyond 10 years, it will be upgraded to 'B' Category.

The e-Files may be recorded under two categories:
Category - 'A' - e-Files which qualify for permanent preservation for administrative purposes or historical reasons such as those listed in Part 'A' and Part 'B' of Appendix 1.2.

Category 'C' Files which are of secondary importance having reference value for a limited period not exceeding 10 years. In exceptional cases, if the record is required to be retained beyond 10 years it will be upgraded to 'A' Category.

1.5 Procedure for recording:

After action on the issue(s) considered on the file has been completed, the Dealing Officer/ Initiating Officer, in consultation with his supervisory officer, should close and record the file in the manner prescribed below:

(i) indicate the appropriate category of record (Para 1.4) and in the case of category 'C', also specify the retention period and the year of review/ weeding/ destruction on the file cover; for non-file documents, Indicate the number of years for retention on the file cover e.g. "C/5 — Destroy (or Review) 2/2023 on a file cover of the file to be retained for 5 years from the date of closure in 2/2018". This is done after the Dealing Officer specifically obtained approval of the Section Officer/Desk Officer;

(ii) where necessary, revise the title of the file so that it describes adequately the contents at that stage;

(iii) get the file indexed (Paras 1.6 & 1.7) for Category 'A'&'B files;

(iv) Take extract from the file, copies of important decisions, documents, etc. as are considered useful for future reference and add them to the standing guard file/ standing note/precedent book;

(v) remove from the file all superfluous papers such as reminders, acknowledgements, routine slips, working-sheets. rough drafts, surplus copies, etc. and destroy them, unless they have audit or legal value;

(vi) complete all references and, in particular, mark previous and later references on the subject on the file cover;

(vii) complete columns 4 and 5 of the file register and correct the entry in column 2 where necessary;

(viii) enter the file number in column of the register for watching progress of recording (Appendix 1.1);

(ix) write the word 'recorded' prominently in red ink, across the entries in the file movement register;

(x) indicate page numbers and other references in ink which were earlier made in pencil

(xi) prepare fresh file covers, where necessary, with all the entries already made thereon; and

(xii) hand over the file to the MTS who will repair the damaged papers, if any, stitch the file and, show it to the person entrusted with the responsibility by the Section Officer for making entries in the register for watching progress of recording before keeping it in the bundle of recorded files

Box-e.1.2.

In e-File, change of file title and removal of any paper from any part of the electronic file is not permissible. In e-File, file maintenance is a continuous and automatic activity

1.6 Stage of indexing:

Files will be indexed at the time of their recording Only those files which are categorised as 'A'&'B' will be indexed. If a list of recorded files is in MSWord or pdf format, there is no need for indexing.

Box-e.1.3.

In e-File, the meta-data of the file along with the recording information and record movement helps in easy tracking and retrieval of the file along-with monitoring the status of recording
In e-File, the files may be searched using meta-data like file number, subject/ part of the subject, category and other parameters used while creating a file on the cover page of the file

1.7 Record Retention Schedule;

(i) To ensure that files are neither prematurely destroyed, nor kept for periods longer than necessary, every department will:

a in respect of records connected with accounts, observe the instructions contained in Appendix to the General Financial Rules, 2017;

b in respect of records, relating to establishment, housekeeping matters, etc. common to all departments, follow the 'schedule of periods of retention for records common to all departments' issued by the Department of Administrative Reforms and Public Grievances.

c. in respect of records prescribed in this Manual, observe the retention periods specified in Appendix 1.10; and

d. in respect of records connected with its substantive functions departmental instructions issued for departmental retention schedule prescribing the periods should be preserved in consultation with the National Archives of India.

(ii) The above schedules should be reviewed at least once in 5 years.

1.8 Custody of records:

(i) Recorded files are to be kept serially arranged in the sections/ desks concerned for not more than one year, after which they are to be transferred to the departmental record room. For files due for such transfer the register at Appendix 1.1 will be consulted.

(ii) ln the event of transfer of work from one section to another, the relevant files also are transferred, after being listed in duplicate in the form at Appendix 1 3. One copy of this list will be retained by the section taking over the files for its record and the other acknowledged and returned to the section transferring them.

(iii) Files transferred by a section to the departmental record room be accompanied by a list of files (Appendix 1 3) in duplicate. The departmental record room will verify that all the files mentioned in the list have been received, retain one

copy of the list and return the other, duly signed, to the section concerned. In the record room, these lists will be kept section-wise in separate file covers.

(iv) The departmental record room will maintain a record review register (Appendix 1.4) in which a few pages will be allotted for each future year Category – 'C' files marked for review in a particular year will be entered in the pages earmarked for that year in the register.

(v) Files surviving the review undertaken on their attaining the 25th year of life will be stamped prominently as 'transferred to NAI' and sent to the National Archives of India. Files transferred to the National Archives of India will be accompanied by a list (In triplicate) (Appendix — 1.3), one copy of which will be returned by the National Archives of India, duly signed, to the Departmental Record Room.

(vi) Record rooms will be properly ventilated, with adequate lighting and fire-safety equipment and avoid exposure to moisture The records will be arranged serially section-wise and will be regularly dusted. For proper preservation the records will be periodically fumigated.

1.9 Review and weeding of records:

(i) A category 'C' file will be reviewed on the expiry of the specified retention period and weeded out unless there are sufficient grounds warranting to further retention. Justification for retaining a file after review will be recorded on the file with the approval of Branch Officer/ Divisional Head concerned. Retention after a review will be for a period not exceeding 10 years, including the period already retained-

(ii) Category 'A' & 'B' files will be reviewed on attaining the 25th year of their life in consultation with the National Archives of India In these reviews the need for revising the original categorisation of category 'B' files may also be considered.

(iii) The year of review of category 'C' files will be reckoned with reference to the year of their closing and that for category 'A' and category 'B' files with reference to the year of their opening.

(iv) Beginning in January each year, the departmental record room will send to the sections/desks concerned the files due for review in that year. together with a list of files in the form at Appendix 1.5, in four lots — in January, April, duly and September.

(v) (a) Files received for review will be examined by, or under the direction of, the Section Officer or the Desk functionary concerned end those files which are no longer required will be marked for destruction. Other files may be marked for further retention. It may, however, be ensured that in case an

inquiry has been initiated departmentally or by a Commission of Inquiry or as a result of Court proceedings having a bearing on the subject matter contained in the files / documents concerned or the files / documents which are required in connection with the implementation of order/ judgement of any court of law, such files/ documents will not be destroyed, even if, such files/documents have completed their prescribed life as per the Record Retention Schedule.

(b). Files/documents referred to above may be, destroyed only after submission of the Report by the Commission or completion of Inquiry or implementation of the judgement/ order of the court(s), with the approval of the concerned Joint Secretary/Head of the Department In case the implementation of the court order has been challenged/ appealed against either by the Government or by the applicant in a higher court, the concerned files/documents will not be weeded out until the appeal/challenge is considered and finally decided. In such cases the limitation period prescribed for appeals should also be kept in mind.

(vi) After review the person entrusted with that responsibility by the Section Officer will make entries of revised categorization/retention period in the file registers and return them to the Departmental Record Room along with the list (Appendices— 1.6 & 1.7) after completing column 3 thereof.

(vii) The Departmental Record Room, under the supervision of Departmental Record Officer (ORO), Will:

(a) transfer category 'A' & 'B' files surviving the review undertaken at the 25th year of their life sub-para (iii) above, to the National Archives of India;

(b) in the case of other files:

(i) destroy those marked for destruction, after completing column 4 of the list of files (Appendix 1.3); and

(ii) restore the rest i.e. those marked for further retention, to the departmental record stacks after making the required entries in the record review register in the case of category ' C' files;

(viii) Records not falling within the definition of file, e.g., publications, orders, etc., will also be subject to periodic reviews at suitable intervals and those no longer needed should be weeded out. To facilitate such reviews each section will maintain a register

(ix) Considering the urgency to reduce the volume of records now being retained without any significant need for their retention, the following measures may be taken in the Ministries/Departments: -

(a) A special drive may be launched annually to record/ review all Category 'C' files, and to weed out those no longer needed

(b) Each Joint Secretary may review every half year the state of recording/reviewing/ weeding out of files in his Wing and allot time bound tasks towards this end to the members of the staff:

(c) Inspecting officers may be asked to pay special attention to the stage of Records Management in the sections as well as the Departmental Record Rooms during their inspections.

(x) The following manner of Weeding/Destruction of records will be adopted:

(a) Routine files/records will be manually torn into small pieces and disposed off.
(b) Classified files/records will be destroyed by use of shredder, and
(c) Secret files/ records will also be incinerated after being shredded as per provision under Departmental Security Instructions' issued by the Ministry of Home Affairs.

Box.e.1.4

National Archives of India (NAI) and NIC are the Nodal Offices for developing a module for closed e-files and taking follow up action in the matter.

1.10. Quarterly progress reports of recording and reviewing of files:

i. The record officer will prepare each quarter, in duplicate, progress reports on the recording and review of files for the preceding quarter, in the forms at Appendices 1.6 and 1.7 and submit them, together with the following records, to the section officer
   (a) Register for watching progress of recording (Appendix— 1.1); and
   (b) Lists of files received for review (Appendix— 1.5)

ii. The section officer will check the two statements, submit one copy of the report to the branch officer and send the other to the designated section looking after Internal Work Study.

iii. The designated section entrusted with the functions of Internal Work Study (DSIWS)/ O&M will:
   (a) post the figures in the forms at Appendices 1.6 and 1.7 and return the reports to the section concerned;
   (b) prepare the consolidated statement for the Department as a whole by vertically totalling the columns in the form at Appendices 1.8 and 1.9;
   (c) watch the progress of recording and review work generally; and
   (d) bring to the notice of' the designated O&M officer and the Secretary, any significant trends in the matter.

1.11. Maintenance/ transfer of records in the personal offices of Ministers:

(a) The personal offices of Ministers shall maintain necessary records such as registration, dispatch and file movement registers. The above records will

be in addition to files and folders for papers of secret nature connected with the Cabinet meetings, etc. and for such subjects as considered necessary:

(b) When a file or paper is given to the Minister for seeking orders or for any other purpose, informally, the PS to Minster will be informed. PS to Minister will on receipt of these particulars, will satisfy that such a file has been received by the Minister and watch its further movement The file will be returned to the officer concerned as soon as the matter has received the attention of the Minister and the file has been disposed of

1.12. Records maintained by officers and their personal staff:

Each Department may issue departmental instructions to regulate the review and weeding out of records maintained by officers and their personal staff.

1.13.Requisitioning of records:

(i) No recorded file will be issued from the sections. Departmental Record Room or Archival records except against a signed requisition in form prescribed under Public Records Act, 1993/Public Records Rules, 1997 in the case of Archival records.

(ii) Files obtained by a section from the departmental record room will normally be returned within 6 months. If they are not received back within this period, the departmental record room will remind the section concerned. For this purpose, the record room will maintain a simple register for keeping a record of the files issued to the various sections each month. A similar register will be maintained by each section as a record of files borrowed from it by other sections

(iii) Requisitions for files belonging to other departments and in the custody of the National Archives, will be got endorsed by the department concerned before they are sent to the Archives. If the requisitioned file happens to be a confidential one, the Archives will not supply the file direct to the requisitioning department but route it through the department to which it belongs.

a. The requisition will be kept in place of the file issued by NAI.
b. If the requisitioned file is one that has been microfilmed or printed, normally a microfilmed or printed copy and not the original will be issued to the requisitioning department.
c. Files obtained by a department from the National Archives will not normally be retained for more than a year except with the latter's specific knowledge and consent

(iv) On return, the requisitioned file will be restored to its place and the requisition returned to the section/official concerned.

Box-e.1.5.

In e-File, based on the category defined on the files, the list of files that are to be reviewed in a particular year is available in the system. The Record Management System has provisions to take care of requisitioning of files from the department and or NAI.
In eOffice, the Record Management System is inbuilt with provisions for all aspects related to Record Management of electronics files. The system would indicate the list of files that are due for review as per the categorization of files at the time of recording by the creating section. It would also indicate the location of the files i.e. whether they are in the Departmental Records Room of the creating Department/Ministry after review by the creating sections or if they are due for appraisal at the end of stipulated time period. It would also indicate the final disposal of e-files after appraisal i.e. if they are to be transferred to the National Archives of India or they are to be weeded out. Presently, all electronic records are retained in the e-file system.

APPENDIX 1.1.

[para 1.10]

Register for watching the progress of recording

Section._____ Month and year.....

No	F. No Marked for recording	Date of marking	Date of Recording
1.	2	3	4

Box-e.1.7.

In e-File, the above data is saved automatically

APPENDIX 1.2

(para 1. 4)

Illustrative list of records fit for permanent preservation because of (a) their value for administrative purposes, and (b) their historical importance

A — Records of value for administrative purposes:

Papers of the following categories will normally be among those required to be kept indefinitely for administration's use:

1. Papers containing evidence of rights or obligations of or against the government, e.g., title to property, claims for compensation not subject to a time limit, formal instruments such as awards, schemes, orders, sanctions, etc.

2. Papers relating to major policy decisions, including those relating to the preparation of legislation.
3. Papers regarding constitution, functions and working of important committees, working groups, etc.
4. Papers providing lasting precedents for important procedures, e.g., administrative memoranda, historical reports and summaries, legal opinions on important matters.
5. Papers concerning rules, regulations, departmental guides or instructions of general application.
6. Papers relating to salient features of organisation and staffing of government departments and offices.
7. Papers relating to important litigation or 'causes celebres' in which the administration was involved.

B — Records of Historical importance:

Much of the material likely to be preserved for administrative purposes will be of interest for research purpose as well; but papers of the following categories should be specially considered as of value to historians:

1. Papers relating to the origin of a department or agency of government; how it was organised; how it functioned; and (if defunct) how and why it was dissolved.

2. Data about what the department/agency accomplished. (Samples by way of illustration may be enough; but the need for such samples may be dispensed with where published annual reports are available).

3. Papers relating to a change of policy. This is not always easy to recognize, but watch should be kept for (a) summary for a Minister, (b) the appointment of a departmental or inter-departmental committee or working group, and (c) note for the Cabinet or a Cabinet Committee. Generally, there should be a conscious effort to preserve all such papers, including those reflecting conflicting paints of view. In the case of inter-Departmental committees, however, it is important that a complete set of papers be kept only by the departments mainly concerned — usually the one providing secretariat assistance.

4. Papers relating to the implementation of a change of policy, including a complete set of instructions to executing agencies etc., and relevant forms.

5. Papers relating to a well-known public or international event or cause celebre, or to other events which gave rise to interest or controversy on the national plane.

6. Papers containing direct reference to trends or developments in political, social, economic or other fields, particularly if they contain unpublished statistical or financial data covering a long period or a wide area.

7. Papers cited in or noted as consulted in connection with, official publications.

8. Papers relating to the more important aspects of scientific or technical research and development.

9. Papers containing matters of local interest of which it is unreasonable to expect that evidence will be available locally, or comprising synopsis of such information covering the whole country or a wide area.

10. Papers relating to obsolete activities or investigations, or to abortive scheme in important fields.

11. Any other specific category of records which, according to the departmental instructions issued in consultation with the National Archives of India, have to be treated as genuine source of information on any aspect of history — political, social, economic, etc., or are considered to be of biographical or antiquarian interest.

APPENDIX 1.3

(para 1.8.iii)

List of files transferred to National Archives of India/ Departmental Record Rooms/Sections/Desks

Ministry/ Department of……Section..

……

Sl No	File No.	Subject	Categorisation and year of	Date of actual destruction
1	2	3	4	5

Appendix 1.4

(para 1.8 (iv)

Record Review Register

Ministry/Department of.._____ Year of review……

File No	File No.	File No	File No.

Note: — This register will be maintained for category 'C' files only.

APPENDIX 1.5

(para 1.10 (i) (b)]

List of files due for review

Sl No.	File No.	instruction of reviewing authority
1	2	3

INSTRUCTIONS

1. The departmental record room prepare this list in triplicate by completing columns 1 and 2 only

2. The section responsible for review will sign one copy of the list and return it to the departmental record room by way of acknowledgement, retaining the other two copes.
3. After review, the section concerned will complete column 3 of the list in both the copies by indicating.

(a) the word ‘keeps’ in the case of the files proposed to be retained indefinitely;
(b) the letter 'W' in the case of files desired to be weeded out; and
(c) the precise year of weeding, in the case of class ‘C’ files proposed to be retained for a further period not exceeding 10 years from the date of their closing.

4. Both the copies of the list should accompany the files returned to the departmental record room, which will sign one copy and return it to the section concerned by way of acknowledgement.

APPENDIX 1.6
para 1.10 (iii)(a)

Quarterly Progress Report on recording of files

Section/ Desk. . . . . .

Quarter ending	Number of files				Initials	
	from previous quarter	Marked for record during the quarter	Recorded during the quarter	Remaining to be recorded at the end of the quarter (col. 2+3-4)	Assistant Section Officer	Section Officer/ desk functionary
1	2	3	4	5	6	7

INSTRUCTIONS

1. Column 1 will also indicate year
2. Column 2 will repeat the figure in column 5 for the preceding quarter.
3. Column 3 and 4 will be filed on the basis of the register for watching the progress of recording (Appendix 1.10)

APPENDIX 1.7
(para1.10 (i))

Quarterly Progress Report on review of files
Section/ Desk.....

Quarter ending	Number of Files						Initials	
	B.F from previous quarter	Receiv e d for review during the quarter	Reviewed during the month			Remaining to be reviewed the end of the quarter (col. 2+3+6)	Assistant Section Officer	Section Office/ Desk function nary
			Marked for further reten tion	Marked for destru ction	Total			
1.	2.	3.	4.	5.	6.	7.	8.	9.

INSTRUCTIONS

1. Column 2 will repeat the figure in column 5 for the preceding quarter.
2. Column 3 and 4 will be filled on the basis of record review register and lists of file received for review.

APPENDIX 1.8

(para No 1(iii))

Consolidated Quarterly Progress Report on recording of files

Ministry/Department_. . . . . ..Quarter ending.....

Section	Number of files				Variation of col.5 from col.2
	B.F. from previous quarter	Marked for record during the quarter	Recorded during the quarter	Remaining to be recorded at the end of the quarter(col.2+ 3-4)	
1	2	3	4	5	6

APPENDIX 1.9

(para No 1(iii))

Consolidated Quarterly Progress review of recorded files

Ministry/ Department_. . . . . Month ending _.....

Section	Number of files				Variation of col.5 from col.2
	BF. from previous quarter	Received for review during the quarter	Reviewed during the quarter	Remaining to be reviewed at the end of the quarter(col.2+3-4)	
1	2	3	4	5	6

Box -e 10.8.

In e-File, the various registers maintained physically, like file registers for recording, records review register, records for weeding out, records sent to NAI, etc. are available in the system

APPENDIX 1.10

(para 1.7 c)

Retention schedule for records prescribed in the Manual of office Procedure

Sl. No.	Description of record	Reference to relevant para of the manual	Retention period (in years) from the date of closure
1	2	3	4
1	Dak register	5.3	3
2	Standing guard files	1 1.4	Permanent, To be weeded out when the revised version becomes available
3	Section Dispatch Register	9.6(iii)	5
4	Messenger book	5.4	3
5	File register	6.4	Permanent
6	File movement Register	6.5	3
7	Register for watching the progress of recording	10.10(i)a	3
8	Precedent	11.6	Permanent
9	List of files transferred to Departmental record room	10.8(iii)	25
10	List of files transferred National Archives	10.8(iv)	Permanent
11	Record review register	10.8(v)	1
12	List of Tiles received for review	10.10.	1
13	Record requisition slip (NAI)	10.13 (iii)	To be destroyed after the file has been returned to
14	Quarterly Progress report on recording of files	10.10.	1
15	Register for keeping a watch on communications received from MPs	12.3	3
16	Register of Parliamentary Assurances	12.6	3
17	Check-lists for periodical reports	12.7	1
18	Inspect on reports		1 year after the ATN on that report is accepted

NOTE:1 The retention period will be reckoned with reference to the date from which the record ceases to be current/ active. Where, however, it is proposed to weed out a register wherein certain entries are still current, e.g., file movement register where certain files entered therein have not been recorded or the register of assurances, where certain assurances have not been implemented, the current entries will first be transferred to the new register and the old register weeded out thereafter.

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CHAPTER – 12

PARLIAMENTARY PROCEDURE

As a part of the executive machinery, you are required to deal with lots of Parliament matters – ranging from Parliament Questions, the most common, to attending to requirements of various Parliamentary Committees, Government assurances in Parliament etc. As a civil servant, any work relating to Parliament is required to be done with priority and importance. Parliamentary work should be given utmost priority and should be disposed off on an urgent basis. In this Chapter, we will learn about the procedure of Parliament starting from Parliamentary terms to actual disposal of Parliament work.

There are some important resources from which every dealing officer can learn about the disposal of work relating to Parliament. These are: -

(a) Departmental Instructions on Parliament Procedure issued by Department from time to time to highlight internal channels for disposal of Parliamentary work;

(b) Manual of Parliament Procedure, issued by Ministry of Parliamentary Affairs, which contains comprehensive instructions about disposal of Parliament related work in a Ministry/Department;

(c) Rules of Procedure and Conduct of Business in Lok Sabha, Directions by Speaker, Lok Sabha and Rules of Procedure and Conduct of Business in Rajya Sabha and Directions by Chairman, Rajya Sabha help in conducting the business of the Houses for disposal of work;

(d) You may inculcate the habit of watching Lok Sabha and Rajya Sabha TV which shows live proceedings of the Houses besides many other educational programmes relating to Parliament procedure.

A few Parliamentary Terms

1. PARLIAMENT of India consists of the President and two Houses - the Rajya Sabha (Council of States) and the Lok Sabha (House of the People). They are also known as Upper House and Lower House. Though the President is a constituent part of Parliament, he neither sits nor participate in the deliberations of the Houses. Rajya Sabha consists of not more than 250 members. It consists of 12 members nominated by the President and 238 members elected by the elected members of State Legislative Assemblies and of the Union Territories for a term of six years. One third of its members retire every second year, elections held and the vacancies filled up. Hence it is called a permanent House. The maximum strength envisaged for the Lok Sabha was 545 including two members (Anglo-

Indians) nominated by the President. Two seats were reserved in the Lok Sabha for members of the Anglo-Indian community from 1952 to 2020. These two members were nominated by the President of India on the advice of the Government of India. In January 2020, the Anglo-Indian reserved seats in Lok Sabha and State Legislatures of India were abolished through the 104th Constitutional Amendment Act, 2019.

2. SUMMONING OF THE HOUSE: From time to time, Constitution of India provides that the President summons each House of Parliament to meet so that the gap between the last sitting of a session and the first sitting of the next session not exceed six months. This is to ensure that both Houses should meet before completion of every six months.

3. SITTINGS OF THE HOUSE: Assembling of the members of a House presided over by the Speaker/Chairman to transact the business allotted for a day during the session period is termed as a "sitting". Timings of sittings of the House ordinarily are as under :-

Sl. no.	Details	Rajya Sabha	Lok Sabha
(a)	Normal working hours	1100 hrs. to 1800 hrs.	1100 hrs.to1800 hrs.
(b)	Lunch hours	1300 hrs. to 1430 hrs.	1300 hrs. to 1400 hrs

There have been many occasions when the House decided to dispense with the lunch break and even sat during late hours to transact urgent business.

4. SESSSION: It is a series of sittings of the House over a period during which certain pre-determined business is transacted. There are normally 3 sessions, namely, Budget Session (Feb-May), Monsoon Session (Jul-Aug) and Winter Session(Nov-Dec), in a year.

5. QUORUM: It is the minimum number of MPs whose presence is necessary to constitute the sitting of the House/Committee. The quorum to constitute a sitting of Lok Sabha and Rajya Sabha is 1/10th of the total membership of each House. Presence of five members are necessary to constitute the sitting of a Parliamentary Committee. The existence of quorum is ascertained at the beginning of the sitting each day before the Speaker/Chairman takes over the Chair. If it is found that there is no quorum, the quorum bell is rung and the Chariman/Speaker resumes his seat only after there is a quorum in the House. This procedure is followed whenever the House reassembles after the lunch break or after any adjournment. During the rest of the sitting of the day, the question of quorum is usually not raised by any member. But even if a single member raises it any time, proceedings have to be interrupted and quorum bell rung. Proceedings can then be resumed only after there is quorum in the House.

6. ADJOURNMENT: It means postponement of a sitting of the House. The postponement can be for any duration of time- ten minutes, fifteen minutes, half an hour, one hour for rest of the day etc. as announced by the Speaker/Chairman of Lok Sabha/Rajya Sabha. 'Adjourn sine-die' is postponement of sitting of the House without fixing any definite date fixed for the next sitting. The power to adjourn a sitting of the House vests in the Presiding Officers. He may also call a sitting of the House before the day/ hour to which it had been adjourned or at any time after the House has been adjourned sine-die. Adjournment has no effect on the business pending before the House. On the last day of a session, the Presiding Officer would adjourn the House sine die after transaction of its business.

7. PROROGATION: It is termination of a session of the House(s) by an order of the President. A sitting of the House after prorogation can be held only when the President summons the House afresh. All the pending business before the House except the following lapses on prorogation:

(a) Bills pending before either House or before Select/Joint Committee of the House(s).
(b) Any business pending before a Committee of the House (Rule 284 of the LS Rules and Rule 226 of the RS Rules).
(c) Notice of intention to move for leave to introduce a Bill.
(d) A motion, resolution or an amendment which has been moved and is pending before the House.

8. DISSOLUTION: It means the end of life of the Lok Sabha. Rajya Sabha being a permanent body is never dissolved. Dissolution of Lok Sabha takes place under the following circumstances: -

(a) On expiry of the term of 5 years; or

(b) On expiry of the extended term during a proclamation of emergency or;

(c) By exercise of the President's power under Art. 85 (2) of the Constitution of India.

The power to dissolve the Lok Sabha is vested in the President. All business pending before the Lok Sabha and before the Parliamentary Committees lapses with the dissolution except the following:

a. Bills originated in the Rajya Sabha which have not been passed by the Lok Sabha but which are still pending before the Rajya Sabha;

b. Assurances given by the Ministers on the floor of the House which are yet to be implemented.

9. TABLE OF THE HOUSE: The Table below the Presiding Officer's podium and in front of the table of the Secretary General of the House, but excluding the



semi – circle table of the Reporters is called the Table of the House.

10. WELL OF THE HOUSE: It is the "U" shaped area between Table of the House and the first row of the Ministers / Members. It being the lowest protion of the House, the press has coined the term "well of the House".

11. LAYING OF PAPERS ON THE TABLE: Authenticated copy of the papers to be laid on the Table are treated as laid. It does not imply that the Minister is required to hand over the paper physically at the Table. Once a document/Report/ Paper is laid on the table of the House it becomes a public property and can be made available to MPs/Press/Media etc. When the Presiding Officer call the names of Minister/Chairman of Committee or MP whose name is listed he/she state that "I……, is laying ……. paper/report on the Table of the House".

12. MINISTER: Means a member of the Council of Ministers.

13. PRIVATE MEMBER: Any member of Lok Sabha or Rajya Sabha who is not a Member of the Council of Ministers is called a Private Member.

14. LEADER OF THE HOUSE: Prime Minister is the Leader of the House in Lok Sabha, if she is a member of the House. otherwise a Minister (Minister of Parliamentary Affairs) nominated by PM who is a Member of Lok Sabha will be the Leader of the House in Lok Sabha. In Rajya Sabha, PM will be Leader of the House, if he is a member of the House and if not, leader is appointed by the P.M.

from amongst the Members of his Cabinet. The leader of the House is responsible for arrangement of the Govt. business in the House. Leader of the largest party in Opposition shall be Leader of the Opposition of the House. However, such a recognition is given by the Speaker, Lok Sabha provided the largest party in opposition have minimum 55 MP in the House.

15. PARLIAMENTARY QUESTIONS: Parliamentary Question is a technique of parliamentary surveillance over administration in a parliamentary democracy. Accountability of the Council of Ministers is ensured through parliamentary questions. Real test of the Ministers is done through searching supplementary questions during the Question Hour. Members have a right to ask questions to the Ministers for all their acts of omission and commission. A Minister who is not well prepared may be in difficulty within no time when he/she faces the volley of supplementary questions which comes from various nooks and corners of the Houses. Question Hour being the first hour of Lok Sabha, i.e. from 11.00 am to 12.00 noon, attendance of members will be maximum and the press gallery to cover the proceedings will be full. In Rajya Sabha, Question Hour is from 12.00 noon to 13.00 hrs. Immediately before commencement of Question Hour in Lok Sabha, oath or affirmation by new members (if any) and obituary reference (s) (if any) are taken up. A Parliament question is one of the devices available to a Member of Parliament to seek information from the Govt.

16. Questions are of four types, namely: (a) Starred Question: It has to be answered orally by the Minister on the floor of the House. Answers to such Questions will be followed by supplementary questions. Starred question are distinguished by an asterisk (*) mark and is printed on green paper in Lok Sabha. Twenty starred questions are listed on a day. Hardly four or five questions will get time to be answered by the Minister on a day.

(b) Unstarred Question: A written answer is to be given to an unstarred question. No supplementary question can be asked against an unstarred question as only written answers will be given against such questions. Not more than 230 questions are printed on the unstarred list per day. However, a maximum of 25 questions pertaining to Sates under President's Rule can be added to the above list. Unstarred questions are printed on white paper in Lok Sabha. All admitted starred question which don't find a place in starred list of questions, may be considered for unstarred questions.

(c) Short Notice Question: A question which relates to a matter of urgent public importance and which can be asked with a notice shorter than ten days against the normal notice of fifteen days (for Starred and Unstarred Questions), is called Short Notice Question. Such questions are admitted to be answered orally at a short notice, are subject to the concurrence of the concerned Minister. If the Minister does not accept the Short Notice Question, it may be put as a regular Starred Question at the earliest opportunity.

(d) Question to Private Member: Another type of question is the questions raised by the member to the Private Member. The question should relate to the subject matter of a Bill, Resolution or other matter connected with the business of the House for which the Private Member is responsible. However, no short notice questions can be addressed to a Private Member.

17. PARLIAMENTARY COMMITTEES: Parliamentary Committee are appointed/elected by the members of Lok Sabha / Rajya Sabha or nominated by Speaker, Lok Sabha or Chairman, Rajya Sabha. It reports to the House/Presiding Officer. It works under the directions of the Presiding Officer of the House concerned. It is serviced by the Lok Sabha/Rajya Sabha Sectt., as the case may be.

As per provisions of the Constitutions of India, Govt. cannot draw or spent money out of the Consolidated Fund of India without the approval of Parliament. Parliament alone has the control of the public purse. The parliamentary control over pulic expenditure is not limited only to the voting of money required by Govt. for carrying out the expenditure of the country but also extends to ensuring that the expenditure is incurred in a prudent manner on plans and programmes approved by Parliament and the targets are achieved.

With a view to have an effective control over public expenditure, three Financial Committees viz., Public Accounts Committee, Estimates Committee and Committee on Public Undertakings have been set up by Lok Sabha. Public Accounts Committee keep an unremitting vigil over expenditure and performance of the Government. It brings to light inefficiencies, waste and indiscretion in the implementation of programmes approved Parliament. Committee on Public Undertakings examines the working of Public Undertakings. Functions of Estimates Committee are to examine such of the estimates as may seen fit to the Committee or are specifically referred to it by the House or the Speaker and to reprt what economies, improvements in organisation, efficiency or administrative reforms that may be effected in the Ministries/Departments of the Central Government or statutory or other Government Bodies under their control, consistent with the Policy underlying the estimates.

PAC and COPU being Joint Committees of the two Houses, the election ensures one representation of almost all parties and groups in Parliament more or less in proposition of their strength in the House. Non party character is the hallmark of the Parliamentary Committees and its meeting are held in camera. The power privilege and immunities of the Committees and their members are same as those of the House.

The Committee can call for any papers, persons or record. But Ministers are not called to appear before the Committee. Even evidence of private organisations can be taken by the Committee. All witnesses appearing before

Parliamentary Committees are protected by Privilege of the House in respect of any statement made by them during their evidence before the Committee. The Committee can also undertake study visit to understand/examine the ground realities. The Ministry/Department is required to submit action taken on the recommendations contained in the Report of the Committee within six months from the presentation of the Report in Parliament.

While appearing before a Parliamentary Committee, Govt. Officer should observe proper etiquette and decorum. They should always address their submissions before the Committee in a courteous and polite language. The following types of behaviour of a witness before a Parliamentary Committee would constitute a breach of privilege or contempt of the Committee: -

(i) Refusal to answer question;
(ii) Prevarication or wilfully giving false evidence or suppressing truth or misleading the Committee;
(iii) Trifling with the Committee and returning insulting answers; and
(iv) Destroying or damaging a material document relating to the Committee.

18. Zero Hour: In Lok Sabha, immediately after Question Hour i.e. at 12.00 hours, members used to stand up and raise matters of urgent public importance agitating their minds. There is no mention of the term 'Zero Hours' in the Rules of Procedure and Conduct of Business in Lok Sabha. The media has coined the term 'Zero Hour' because it is the time before the clock strike one o'clock. Since long back it has been regularised and now the members can give notice for (Zero Hour) matters of urgent public importance on the previous evening of the day when the notice is proposed to be raised in the House. Twenty members who get priority in the ballot of notices will get opportunity to raise their matter in the House. Out of twenty, Speaker selects five notices to be allowed to raise at 12.00 noon. Rest of 15 members are given chance to raise their matters before adjournment of the House on that day. The notices raised in the House are forwarded to the Ministries concerned by the Lok Sabha Sectt. in Rajya Sabha zero hour or special mention notices are taken up at 11.00 hrs.

19. OFFICIAL REFERENCE BOOKS : Some of the official reference books in handling Parliamentary work of the Ministries / Departments are as under :

(a) Rules of Procedure and Conduct of Business in Lok Sabha.
(b) Rules of Procedure and Conduct of Business in Rajya Sabha.
(c) Directions by the Speaker.
(d) A memorandum on the preparation and passing of Bills issued by the Ministry of Law.
(e) Manual for handling parliamentary work in the Ministries (Ministry of Parliamentary Affairs).

SYNOPTIC NOTE ON PARLIAMENTARY QUESTIONS

1 WHAT IS A " PARLIAMENTARY QUESTION"?

"Question" is one of the devices available to Members of Parliament to ensure accountability of the Govt.

2 WHAT ARE THE OBJECTIVES OF A PARLIAMENTARY QUESTION?

(a) To elicit information on matters of public importance.

(b) To make the Govt. accountable for all its acts of omission and commission to the Parliament and through the Parliament to the People.

(c) To ventilate public grievances.

3 WHAT ARE THE TYPES OF QUESTIONS?

	Points of difference	**Starred Question**	**Unstarred Questions**	**Short Notice Questions**	**Question to Private Members**
a	Nature of reply	Oral answers given to both the question and supplementaries	Written answers given. No provision for supplementary questions.	Oral answer for original Question. Oral answers given for supplementaries	Oral answers for main question and also supplementaries
b	Notice period (in no. of days)	15 days	15 days	10 days	15 days
c	Maximum number of questions asked in a day	20 + Questions Transferred / postponed	230 + Max. 25 regarding States under President's Rule	One	one
d	Time	During Question Hour	During Question Hour	Immediately after Question Hour	Immediately after question hour
e	Days	As allotted to the Department (Fixed days)	As allotted to the Department (Fixed days)	Any day of the week.	Any day of the week
f	Colour of the paper used i) Lok Sabha ii) Rajya Sabha	 Green Pink	 White Yellow	 Pink White	 Yellow
g	Special features	-	-	Urgent matter of public importance. Prior-consent of the Minister is required.	Subject should relate to private member's Bill/ Resolutions

4 ADMISSIBILITY OF QUESTIONS

Members of Parliament have a right to ask questions. However, the right is governed by certain guidelines for its admissibility. The following types of questions are not admitted:

(a) Questions referring to the character or conduct of any person except in official or public capacity.
(b) Questions seeking expressions of opinion to an abstract legal question or a hypothetical proposition.
(c) Questions to which information is available in accessible documents or in ordinary works of reference.
(d) Questions which are in substance repetitions of those answered previously.
(e) Questions the subject-matter of which is pending before any court of law or before a Parliamentary Committee.
(f) Questions making discourteous reference to foreign countries with which India has friendly relations.
(g) Questions seeking information, which is secret in nature, e.g. regarding Cabinet discussions or advice given to the President. etc.
(h) Questions to pursue a matter already under correspondence between the Member and the Minister or the Ministry.

5 ACTION IN THE DEPARTMENT

Parliament Questions have to be handled with top priority and urgency. As soon as a Parliamentary Question is received:

(a) Check whether the Question pertains to your Department or not in accordance with the Government of India (Allocation of Business) Rules, 1961.

If "No", Desk Officer/Branch Officer to ring up the counterpart in the Department to which the question belongs, for transfer of the question. If the request is accepted, then the accepting Department has to send an acceptance communication to Lok Sabha/Rajya Sabha Secretariat same day. In the meantime, the Question should be sent immediately to the officer concerned, under intimation to the Lok Sabha/Rajya Sabha Secretariat. On the other hand, if the request is not agreed to, the matter will be resolved at the level of the Senior Officers without delay or noting. If ultimately, the Department concerned declines to accept the transfer, or the communication accepting the transfer is not received by the Lok/Rajya Sabha Secretariat, the Question may be answered under compulsion but thereafter, the issue be pursued with the Deptt. concerned to accept future questions on the subject.

(b) Check whether the Question pertains to your Section/Desk. The transfer, if necessary, is to be settled at the level of the Section Officer/Desk Officer/Branch Officer failing which the assistance of the O&M officer will be sought to resolve the matter, without delay or noting.

(c) (i) Examine the admissibility of the Question with reference to Rule 41 of Rules of Procedure & Conduct of Business in Lok Sabha & Rules 47 of Rule of Procedure & Conduct of Business in Rajya Sabha.

(ii) If required by the RS/LS Secretariat relevant "FACTS OF THE CASE" may be communicated to the LS/RS Secretariat for deciding the admissibility of the question within 48 hrs. While communicating the facts of a case to the LS/RS Sectt., information of confidential nature will be marked as such and the RS/LS Sectt. advised that the information should not be disclosed to the Member giving notice thereof.

(iii) Collect information/materials to frame a draft reply and also "NOTE FOR SUPPLEMENTARIES" (where necessary).

(d) Devise a Proforma to collect the information.
(e) Information to be sought will be limited to what is not available, or to make available the information up-to-date.
(f) Only those concerned should be asked to furnish the relevant information.
(g) Tabulation or compilation of information collected to frame answer or to prepare a note for supplementary will be started immediately without waiting for the replies from all.

6 DRAFTING

(a) prepare a tentative draft reply (and a draft note for supplementary in case of Starred/ Short Notice Question) immediately on receipt of the provisionally admitted list of questions.
(b) Review the drafts on receipt on the printed list of admitted questions and, if necessary, revise the reply so that it conforms to the admitted form (version) of the question.
(c) In preparing the draft reply, re-produce the parts of the questions and set out their replies in parallel columns against each part.
(d) If Starred Question, indicate the position of the question in the printed list on the top right hand corner of the File.
(e) Be as precise, unambiguous and complete as possible while drafting a reply. Avoid evasive expressions.
(f) As far as possible answer each part of the question separately.
(g) As far as possible avoid an interim reply that "information is being collected and will be placed on the Table of House" which tantamount to an assurance.
(h) Place a copy of the document whether published under the authority of the Govt., or otherwise in the Parliament Library when a reply to question refers to information available in a document.
(i) If a question is on the printed list, it has to be answered even though the reply may be that it would not be in the public interest to give the information asked for.
(j) When the question is in Hindi, the reply will be in Hindi and it will be treated as the authentic version. The English version will be treated as its translation.
(k) Add "Note for Supplementary" for use of the Minister to all the draft replies to Starred Questions and Short Notice Questions. It should be comprehensive, but brief. It should cover the likely supplementary

questions with reference to the nature of the question and the context in which the Member raised it.

(l) If inadvertently, an answer to a question contains any inaccuracy, it may be corrected after following the procedure prescribed by the Ministry of Parliamentary Affairs.

SYNOPTIC NOTE ON PARLIAMENTARY COMMITTEES

1. WHAT IS PARLIAMENTARY COMMITTEE?

1.1 A Parliamentary Committee:

1.1.1.1 is either appointed / elected by the House or nominated by the Presiding Officer;

1.1.1.2 works under the directions of the Presiding Officer;

1.1.1.3 Presents its report to the House or to the Presiding Officer;

1.1.1.4 The Lok Sabha/Rajya Sabha Secretariat provides the Secretarial assistance to it; and

1.1.1.5 As far as possible, different parties and groups are represented on a Committee in proportion to their respective strength in the House. Therefore, a Committee is a microcosm or extension of the whole House.

2. WHAT IS THE NEED FOR A PARLIAMENTARY COMMITTEE?

The work done by the Parliament in modern times is varied in nature. It is also considerable in volume. The time at its disposal is limited. Therefore, it cannot give close consideration to all the legislative and other matters that come up before it. Hence, a good deal of its business is transacted in Committees of the House.

Committees work in a non-party spirit and do their job in an atmosphere of complete cordiality and work for the real object. Meetings are held in camera. Members having expertise or knowledge on the subject are nominated/appointed elected to the respective Committees so that they will be able to contribute.

3. TYPES OF PARLIAMENTARY COMMITTEES

There are 55 Parliamentary Committees. Parliamentary Committees are of two kinds: ***Ad-hoc*** **Committees** and the **Standing Committees**

3.1 ***Ad-Hoc*** **Committees** are appointed for a specific purpose and they cease to exist when they finish the task assigned to them and submit a report. The Select Committees and Joint Select Committees on Bills, appointed to examine Bills clause by clause, are examples of Ad-hoc Committees. Select Committee members belongs to one House only and in Joint Committee, members are drawn from both the Houses.

3.2 Financial Committees are the most important standing Committees of Parliament. They are Committee on Public Accounts, Committee on Estimates and Committee on Public Undertakings. These Committees are serviced by the Lok Sabha Secretariat and its Chairmen are appointed by Speaker, Lok Sabha. Its term is one year. Public Accounts Committee is known as the mother of Parliamentary Committees. It was first constituted in 1924. By convention, since 1967, its Chairman is appointed from the largest party in Opposition in Lok Sabha.

3.3 Each House of Parliament has Standing Committees like Business Advisory Committee, Committee on Petitions, Committee on Privileges, Committee on Papers laid on the Table, Committee on Private Members Bills and Resolutions etc.

3.4 Standing Committees of Parliament have been constituted to keep a vigil and surveillance over the Executive. Some of Standing committees of this kind are: Committee on Subordinate Legislation, the Committee on Government Assurances, twenty four Departmentally Related Standing Committees etc.

4. GENERAL

4.1 CHAIRMAN: The Chairman of all the Parliamentary Committees are appointed by the Presiding Officer from among the members of the Committee. In case, the Presiding Officer or Deputy Presiding Officer is a Member of a Committee, he will be the ex-officio Chairman of that Committee e.g. Business Advisory Committee, Committee on Private Members Bills & Resolutions in Lok Sabha.

4.2 QUORUM: to constitute a sitting of a Committee is one third of the total number of members of the Committee.

4.3 ”IN-CAMERA SITTINGS”: The sitting of all the Parliamentary Committees are held in camera which means that no public or media are allowed to witness the proceedings. Proceedings of the Parliamentary Committees are not televised. Members of the Committee or anyone who have access to proceedings of the Committee are not permitted to communicate directly or indirectly, to the press or electronic media any information regarding its proceedings etc. before the report has been presented to the House.

4.4 All issues at any sitting of a Committee is determined by a majority of votes of the members present and voting. In the case of an equality of votes on any matter, the Chairman or the person acting as such, shall have a second or a casting vote.

4.5 The Committees may appoint Sub-Committees, take evidence or call for documents, send for persons, papers and records and make special reports to the House.

4.6 The Committees have powers to summon anyone as witness and to examine the files.

4.7 With the dissolution of Lok Sabha, the Parliamentary Committees of that House cease to exist. Term of a Standing Committee is one year.

5. FUNCTIONS

5.1 The functions and other details of Financial Committees and Departmentally Related Standing Committees are given below:-

DETAILS REGARDING FINANCIAL COMMITTEES OF PARLIAMENT

Sl. No.	Name of the Committee	Composition	Term	Function
1	**Public Accounts Committee (PAC)**	LS – 15 RS – 7 Total 22	One Year (elected)	(a) Examine the appropriation accounts of the Govt. and Reports of the Comptroller and Auditor General to satisfy itself: (i) that the money disbursed were equally available for and applicable to the service or purpose for which they have been approved; (ii) that the expenditure conforms to the authority which governs it; (iii) that every re-appropriation has been made properly. (b) examines various aspects of Govt.'s tax administration (under-assessment, tax-evasion, non-levy of duties, misclassification etc.) and makes recommendations to check the leakage of revenue.
2	**Estimates Committee**	LS – 30 Total 30	One Year (elected)	(a) To report what economies economics, improvements in organization, efficiency or administrative reforms, may be effected consistent with the policy underlying the estimates; (b) To suggest alternative policies in order to bring about efficiency and economy in administration; (c) To suggest the form in which estimates shall be presented to Parliament.
3	**Committee on Public Undertakings (CPSU)**	LS – 15 RS – 7 22	One year	(a) To examine the Reports and Accounts of the Public Undertakings and the Reports of the Comptroller and Auditor General of India thereon;

			(Elected)	(b) to examine, in the context of the autonomy and efficiency of the Public undertakings whether the affairs of the PSUs are being managed in accordance with the sound business principles and prudent commercial practices. (Matters of major Govt. Policy not examined)

DEPARTMENTALLY RELATED STANDING COMMITTEES OF PARLIAMENT

1.0 SALIENT FEATURES:

- There are 24 Departmentally related Standing Committees (DRSCs) of Parliament. Out of 24 Committees, 16 DRSCs are serviced by the Lok Sabha Secretariat while 8 by the Rajya Sabha Secetariat. Each DRSC consists of 31 Members, 21 from the Lok Sabha and 10 from Rajya Sabha who are nominated by the respective Presiding Officers.
- The term of office of the members of the Committees shall not exceed one year.
- The venue of sittings of the Standing Committees shall be the precincts of Parliament House. However, with the specific permission of the Chairman, Rajya Sabha, or the Speaker, Lok Sabha, the Committee may work in any other place.
- After deliberations, the Committees shall submit a Report to the House.
- The Reports of the Committees shall be based on broad consensus. A member of the Committee may give note of dissent on the report of the Committee. The note of dissent shall form part of the report.
- The general rules applicable to other Parliamentary Committees in Rajya Sabha/Lok Sabha shall apply to the DRSCs.
- The Committee may avail of the expert opinion or the public opinion to make the Report.
- The DRSCs shall not generally consider the matters, which are considered by the other Parliamentary Committees.
- The reports of the DRSCs shall have persuasive value and shall be treated as considered advice given by the Committees.

2.0 CONSTITUTION:

2.1 Each of the Standing Committees shall consist of not more than 31 members. 21 members nominated by the Speaker from Lok Sabha and 10 members nominated by the Chairman, Rajya Sabha, from Rajya Sabha.

2.2 A Minister shall not be nominated as a member of the Committee. If a member after his nomination to the Committee is appointed a Minister, he shall cease to be the member of the Committee from the date of such appointment.

2.3 The Chairman of Committees shall be appointed by the Chairman, Rajya Sabha or by the Speaker, Lok Sabha. The Chairman shall be from amongst the members of the Committee. The composition of the DRSCs may be seen from the website: rajyasabha.nic.in/loksabha.nic.in.

3.0 FUNCTIONS:

3.1 The functions of each of DRSCs shall be:

3.1.1 to consider the Demands for Grants of the concerned Ministries/Departments and make a report on the same to the House. The report shall not suggest anything of the nature of cut motions;

3.1.2 to examine such Bills pertaining to the concerned Ministries/Departments as are referred to the Committee by the Chairman, Rajya Sabha or the Speaker, Lok Sabha as the case may be, and make report thereon;

3.1.3 to consider annual reports of Ministries/Departments and make reports thereon; and

3.1.4 to consider national basic long term policy documents presented to the Houses, if referred to the Committee by the Chairman, Rajya Sabha or the Speaker, Lok Sabha as the case may be and make report thereon.

3.2 The Standing Committees shall not consider the matters of day to day administration of the Ministries/Departments concerned.

4. PROCEDURE RELATING TO DEMANDS FOR GRANTS

4.1 The DRSCs shall follow the following procedures in their consideration of the Demands for Grants and making a report on them to the House.

4.1.1 After the general discussion on the Budget in the Houses is over, the Houses shall be adjourned for a fixed period;

4.1.2 The Committees shall consider the Demands for Grants of the concerned Ministries during the aforesaid period;

4.1.3 The Committees shall make their report within the period and shall not ask for more time;

4.1.4 The Demands for Grants shall be considered by the House in the light of the reports of the DRSCs; and

4.1.5 there shall be a separate report on the Demands for Grants of each Ministry.

5. PROCEDURES RELATING TO BILLS

5.1 The DRSCs shall follow the following procedures in examining the Bills and making report thereon:

5.1.1 The Committee shall consider the general principles and clauses of the Bills referred to them and make report thereon;

5.1.2 The Committee shall consider only such Bills introduced in either of the Houses as are referred to them by the Chairman, Rajya Sabha or the Speaker Lok Sabha, as the case may be; and

5.1.3 The Committee shall make report on the Bills in the given time.

[REFERENCE: Amended Rule 33IC-33IN of the Rules of Procedure and Conduct of Business in Lok Sabha.]

ASSURANCES

Various assurances, or undertaking given by the Hon'ble Ministers on the floor of the House to do something constitute Government Assurances. It could also be a direction to (the Minister) do something by the Presiding Officers. In Secretariat, we need to be meticulous in timely fulfilment of the Assurance (within three months) or to initiate process of taking extension. The whole business of Assurance is monitored through a software called **Online Assurance Monitoring System** (OAMS).

1.0 WHAT IS AN ASSURANCE?

1.1 If a Minister gives a promise or an undertaking during the course of reply to a question or a discussion which involves further action on the part of Government in reporting back to the House, such a promise or an undertaking is called an "Assurance". A Standard List of expressions, which normally constitute an assurance, is at Annex – I & II of this note.

1.2 All directions by the Presiding Officer involving action on the part of Ministers are also complied with as Assurances.

2.0.1 THE PROCEDURE

2.0.2 All assurances given by the Ministers are extracted by the Ministry of Parliamentary Affairs (MPA) from the relevant proceedings / debates of the House and communicated to the Ministry/Department concerned normally within 10 days of the date on which they are given. If the administrative Department has any objection to treating such an item as an assurance or finds that it would not be in the public interest to fulfill it, it will write to the to the Rajya Sabha Secretariat or the Lok Sabha Secretariat within a week of the receipt of such communication for getting it deleted from the list of assurances. Such action will require approval of the Minister concerned.

2.0.3 At the same time, the Departments will also keep track of the assurances given by their Ministers while replying to questions or otherwise on the floor of the House and initiate action for their implementation in anticipation of receipt of a

formal communication from the MPA. An Assurance will, however, be treated as such only after receipt of a formal communication from MPA.

3.0 TIME LIMIT

3.1 An assurance is required to be fulfilled within a maximum period of 3 months from the date of assurance. If there are any genuine and practical difficulties in fulfilling the assurance within this period, the Ministry may, with the approval of the Minister, make a reference to the Rajya Sabha Secretariat or the Lok Sabha Secretariat giving specific reasons for the delay and the probable time required so that the Committee on Government Assurances (CoGA) may be apprised of the position and requested for the extension of time.

3.2 The extension can be granted by the CoGA. All requests for extension should reach the Secretariat concerned 7 days before the expiry of the stipulated period of 3 months or the expiry of any extension already sought.

4.0 REGISTER OF ASSURANCES

4.1 A register is to be maintained in the Parliament Unit/Section of the Ministry concerned, to monitor the implementation of the various assurances given by the Ministry. Similarly, another register is to be maintained in each Section/Desk in the Ministry to monitor fulfilment of assurances. It is maintained to ensure that extension(s) is/ are sought in time without any delay. It is maintained separately for Lok Sabha and Rajya Sabha, entries therein being made session-wise. The register of assurances maintained by the Section/Desk will be as in Annex-III & IV.

4.2 The Section Officer/Desk Officer should:

(a) scrutinize the registers once in a week;

(b) ensure that necessary follow-up action is taken to fulfil the assurance without any delay; and

(C) submit the register to the branch officer every fortnight if the House concerned is in session and once in a month otherwise, drawing his special attention to the assurances which are not likely to be implemented within a period of 3 months.

5.0 FULFILMENT OF AN ASSURANCE

5.1 Every effort should be made to fulfill the assurance within the prescribed time. In case, only part of the information is available and collection of the remaining information involves considerable time, the available information should be supplied to the MPA within the stipulated time. Efforts for expeditious collection of the remaining information for complete implementation of the assurance at the earliest should be continued.

5.2 Information to be supplied in partial or complete fulfillment of an assurance should be approved by the Minister concerned. The Implementation Report should

be in the format as at Annex-III & IV. The Report should be sent to the MPA who would arrange to lay it on the Table of the House.

6.0 NUMBER OF COPIES

6.1 If the assurance has to be given to a Member, 15 copies each in English and Hindi of the Implementation Report should be sent to the MPA. For each additional Member, one extra copy has to be added. Once copy each in Hindi and English will be duly authenticated by the officer forwarding the implementation report.

7.0 COMMITTEE ON GOVERNMENT ASSURANCES

7.1 Each House of Parliament has a Committee on Government Assurances nominated by the Presiding Officer. While the Committee of Rajya Sabha has 10 members Committee on Govt. Assurances in Lok Sabha has 15 members. Functions of the Committees are (a) to scrutinize the assurances so given by the Ministers on the floor of the House and (b) to report to the House, the extent to which such assurances have been implemented and, where implemented, whether such implementation has taken place within the minimum time necessary for the purpose. **It has a quorum of five members, which more than the usual quorum of 1/3rd with reference to other Parliamentary Committees.** Tenure of Committee on Govt. Assurance in Lok Sabha is not exceeding one year and in Rajya Sabha is till reconstituted. Ministry of Parliamentary Affairs compiles the assurances and makes it categorisation into 'A' 'B' & 'C'.

Category 'A' consists of assurances relating to subjects fall directly under the Central Government and Central Government alone is responsible for its implementation.

Category 'B' assurances relating to subjects fall under both Union and State Governments and both the Governments are responsible for its implementation.

Category 'C' assurances related to Central Government Programmes which have to be implemented through State Governments e.g. Mahatma Gandhi National Rural Employment Guarantee Scheme. Prachan Mantri Gram Sadak Yojana etc.

8.0 EFFECT OF DISSOLUTION OF THE HOUSE

8.1 The assurances given by Ministers on the floor of the House which are pending implementation by the Government and of which a report has been made by the Committee on Government Assurances are **deemed not to lapse** on dissolution of the House.

Following Annexures relating to assurances further elucidate the procedure involved in the Parliament for different purposes:-

(a) Standard list of expressions which constitute an Assurance in Rajya Sabha.
(b) Standard list of expressions constituting Assurances in Lok Sabha.
(c) Register of Assurances given in Parliament.

ANNEXURE – I

STANDARD LIST OF EXPRESSIONS WHICH CONSTITUTE AN ASSURANCE IN RAJYA SABHA

(As approved by the Committee on Government Assurances of the Rajya Sabha at its listing held on the 24th July, 1972)

1. The matter is under consideration.
2. I shall look into it.
3. Enquiries are being made.
4. I shall inform the Hon'ble Member.
5. This is primarily the concern of Stale Government but I shall look into it.
6. I shall write to the State Governments.
7. I assure the House all suggestions by Hon'ble Members will be carefully considered.
8. I shall study, the conditions on the spot during my tour.
9. I shall consider the matter.
10. I will consider it.
11. I will suggest to the State Government.
12. We will put the mailer in the shape of a resolution.
13. I shall see what can be done about it.
14. I will look into the matter before I can say anything.
15. The suggestion will be taken into consideration.
16. The matter will be considered in the conference to be held on_____.
17. The matter is still under examination and if anything required to be done it will certainly be done.
18. The mailer will be taken up with the Government of _____.
19. I have no information; but I am prepared to look into the matter.
20. Efforts are being made to collect the necessary data.
21. The suggestions made will be borne in mind while framing the rules.
22. If the Hon'ble Member so desires. I can issue further instructions.
23. Copy of the report when finalised, will be placed in the Parliament Library.
24. I shall supply it to the Hon'ble Member.
25. I think it can be done.
26. If the Hon'ble Member's allegation is true, I shall certainly have (the matter gone into).
27. We shall have to find that out.
28. I will draw the attention of the Government who I hope will take adequate steps in this direction.
29. It is a suggestion for action which will be considered.
30. (Discussion of Railway Budget). All the points raised by various Members will be considered and the result will be communicated to each Member.
31. Information is being collected and will be laid on the Table of the Rajya Sabha.
32. I am reviewing the position.
33. Directions by the Chairman, Deputy Chairman or the Vice-Chairman involving action on the part of Ministers.
34. All specific points on which information is asked for will be furnished to each member.

ANNEXURE – II

STANDARD LIST OF EXPRESSIONS CONSTITUTING ASSURANCES IN LOK SABHA

1. The matter is under consideration.
2. I shall look into it.
3. Enquiries are being made.
4. I shall inform the Hon'ble Member.
5. This is primarily the concern of State Governments but I shall look into it.
6. I shall write to the State Government.
7. I assure the House all suggestions by Hon'ble Member will be carefully considered.
8. I shall study the conditions on the spot during my tour.
9. I shall consider the matter.
10. I will consider it.
11. I will suggest to State Governments.
12. We will put the matter in the shape of a resolution.
13. I shall see what can be done about it.
14. I will look into the matter before I can say anything.
15. The suggestion will be taken into consideration.
16. The matter will be considered at the_____conference to be held on _____
17. The matter is still under examination and if anything is required to be done, it will certainly be done.
18. The matter will be taken up with the Government of _____.
19. I have no information; but I am prepared to look into the matter.
20. Efforts are being made to collect the necessary data.
21. The suggestions made will be borne in mind while framing the rules.
22. If the Hon'ble Member so desires, I can issue further instructions.
23. Copy of the report, when finalised, will be placed in the Library of the House.
24. I shall supply it to Hon'ble Member.
25. I think it can be done.
26. If the Hon'ble Member's allegation is true, I shall certainly have the matter gone into.
27. We shall have to find that out.
28. I will draw the attention of the _____Government who I hope will take adequate steps in the directions.
29. It is a suggestion for action, which will be considered.
30. All the points raised by various Members will be considered and the result will be communicated to each member.
31. Information is being collected and will be laid on the Table of the House.
32. I am reviewing the position.

NOTE : All directions by the Speaker, Deputy Speaker Lok Sabha or the Chairman or Deputy Chairman, Rajya Sabha involving action on the part of Ministers, will be complied with as assurance.

ANNEXURE – III

----------Session, 20 of the Lok Sabha

----------Session, 20 of the Rajya Sabha.

Date of fulfillment----------

Ministry of---------- Department of----------

Question No.	**Subject**	**Promise made**	**When & how Fulfilled**	**Remarks**
1	2	3	4	5

ANNEXURE – IV (PARA 4.1)

REGISTER OF ASSURANCES GIVEN IN PARLIAMENT

(To be maintained by section concerned)

Lok Sabha/Rajya Sabha Session----------

Section----------

S. N.	File No.	Question No. / discussion date and Name of MP raising the point	Reference	Subject	Promise made	Date of receipt from Parliament Unit	Due date for implementation of the assurance	Sources from which information is required to be collected	Extension Sought /granted	No. & date of the communication under which IR/part IR was sent to MPA.	Date on which IR / Part IR laid on the Table of the House	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13

Col.3- Show date on which the assurance was given.
Col.4- Show date of Bill, resolution, motion etc. in connection with which assurance was given, and also Ministry of Parliamentary Affairs reference with which it was received.
Col.5- Show specific point on which assurance was given.
Col.13- Show whether request for deletion has been made.

Abbreviations: IR: Implementation Report
MPA: Ministry of Parliamentary Affairs.

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CHAPTER – 13

GENERAL SYSTEM OF FINANCIAL MANAGEMENT

INTRODUCTION

1.1 General Financial Rules (GFRs) were initially a set of executive instructions. Subsequently, they were issued as General Financial Rules, 1963. Over the next four decades, the GFRs were amplified and supplemented by various decisions of Government of India. Many of the provisions had also become redundant. Developments including a rapid growth of alternative service delivery systems, development of information technology, outsourcing of services, and liberalisation of system of procurement, accounting and disposal of goods in line with international practices necessitated an overall review of GFRs, 1963. On the basis of a Task Force set up by the Government for the review and on the basis of suggestions received from the Ministries & Departments on the recommendations, General Financial Rules, 2005 were evolved. GFRs 2005 is expected to provide greater flexibility to officers in transacting government business while ensuring accountability commensurate with responsibility at different levels of Government. the GFRs were further reviewed and revised and a new GFR, GFR, 2017 has come in to existence.

1.2 The General Financial Rules, 2017 are effective from 8th March, 2017.

1.3 The salient features of revised & updated GFRs are:

(i) Systems of procurement, accounting and disposal of goods have been liberalized;

(ii) Rules have been simplified and re-arranged for easy comprehension;

(iii) Redundant appendices and forms have been deleted. New forms relating to fresh activities have been inserted and the remaining forms updated. To avoid confusion in respect of retained / revised forms, ***the existing form numbers have been retained***;

(iv) Limits of delegations have substantially raised to provide greater flexibility to officers transacting government business and facilitate quick decision making while ensuring accountability and responsibility;

(v) Purchase Committees have now been authorized to make purchase of goods for values between Rs 25,000 to Rs 2,50,000. Purchase of goods upto Rs

25,000 on each occasion are allowed without inviting quotations based on certified personal satisfaction of the competent authority.

(vi) Purchase through Government e-market palace (GeM) has now been made mandatory***.***

1.4 In a Parliamentary form of Government like ours, the financial control is three-fold – the legislature, the executive and the audit. The legislature exercises its control at two stages. The initial control is exercised at the time of passing the budget for the financial year and the second stage control is exercised after implementation of the budget by the executives. This is mainly to ensure that-

i. The ***expenditure has the sanction of the competent authority*** either by a special or general order or by virtue of the delegated powers.
ii. The ***expenditure has been kept within the approved budget.***
iii. The ***expenditure conforms to the relevant provisions of the constitution, the laws and rules made thereunder*** and is also in concurrence with the financial rules regulations framed by the competent authority.
iv. The ***moneys have been used for the purpose for which and in the manner in which the Legislature wanted them to be used.***
v. The ***expenditure is incurred with due regard to the broad and general principle of financial propriety***.
vi. The ***revenues and the receipt of the Government have been correctly assessed, realized and credited to the Government account***; and
vii The transaction relating to ***the revenues and expenditure have been properly recorded and correctly classified***.

1.5 The Audit is the main instrument to secure Executive's accountability to the Legislature in exercises of financial control. The executives actions in transacting government business are verified by the audit and reported to the Legislature. Thus, the Executive is not only answerable to the Legislature but it has also to satisfy the Audit for its actions on the points mentioned above. For discharging this responsibility of the Executive, there is a well-devised machinery composed of Controlling Officers (among other provisions do have a look at Rule 26) in respect of the budget of the Ministry / Department concerned. Those Officers have been entrusted the responsibility of controlling the expenditure and or collection of revenues (ii) a system of competent authorities who issue financial sanctions, (iii) a system of Drawing And Disbursement officer-DDO, who draws bills and makes payments and (iv) a system of making payment, receipts and maintenance of accounts.

2. CONTENTS OF GFRs 2017

2.1 The GFRs 2017 contain provisions that are the guidelines for all those entrusted with receipt, custody and incurring expenditure from the public monies. The provisions contained in the Civil Accounts Manual, the Central Treasury Rules, Government Accounting Rules 1990 and Central Government Account (Receipts & Payments) Rules, 1983 are also to be taken into account. GFRs 2017 are to be followed even by those in autonomous bodies, statuary bodies and public sector undertakings.

2.2 GFRs contains provisions on:

a. General system of financial management
b. General principles relating to expenditure and payments of money including standards of financial propriety
c. Budget formulation and implementation
d. Government Accounts
e. Works
f. Procurement of goods
g. Procurement of services
h. Inventory management
i. Contract management
j. Grants-in-aid & loans
k. Miscellaneous subjects like, establishment matters, security deposits, destruction of records connected with accounts, etc.

2.3 A General System of Financial Management in Government can be seen in the subsequent paragraphs:

2.4 All moneys received by or on behalf of the Government either as dues of Government or for deposit, remittance or otherwise, shall be brought into Government Account without delay, in accordance with such general or special rules as may be issued under Articles 150 and 283 (1) of the Constitution.

[Rule 7 (GFRs, 2017)]

2.4.1 (i) Under Article 284 of the Constitution all moneys received by or deposited with any officer employed in connection with the affairs of the Union in his capacity as such, other than revenues or public moneys raised or received by Government, shall be paid into the Public Account.

(ii) All moneys received by or deposited with the Supreme Court of India or with any other Court, other than a High Court, within a Union Territory, shall also be dealt with in accordance with Clause (i) of sub-rule (1).

2.4.2 The Head of Account to which such moneys shall be credited and the withdrawal of moneys therefrom shall be governed by the relevant provisions of Government Accounting Rules 1990 and the Central Government Account

(Receipts and Payments) Rules, 1983 or such other general or special orders as may be issued in this behalf.

[Rule 8 (1) & (2) (GFRs, 2017)]

2.4.3 It is the duty of the Department of the Central Government concerned to ensure that the receipts and dues of the Government are correctly and promptly assessed, collected and duly credited to the Consolidated Fund or Public Account as the case may be.

[Rule 9 (GFRs, 2017)]

2.4.4 The Controlling Officer shall arrange to obtain from his subordinate officers monthly accounts and returns in suitable form claiming credit for the amounts paid into the treasury or bank as the case may be, or otherwise accounted for, and compare them with the statements of credits furnished by the Accounts Officer to see that the amounts reported as collected have been duly credited. Accordingly, each Accounts Officer will send an extract from his accounts showing the amounts brought to credit in the accounts in each month to the Controlling Officer concerned.

[Rule 10 (GFRs, 2017)]

2.4.5

(1) Detailed rules and procedure regarding assessment, collection, allocation, remission and abandonment of revenue and other receipts shall be laid down in the regulations of the Department responsible for the same

(2) In Departments in which officers are required to receive moneys on behalf of Government and issue receipts therefor in Form GAR-6 the departmental regulations should provide for the maintenance of a proper account of the receipt and issue of the receipt books, the number of receipt books to be issued at a time to each officer and a check with the officer's accounts of the used books when returned.

[Rule 11 (1) & (2) (GFRs, 2017)]

2.4.6 Amounts due to Government shall not be left outstanding without sufficient reasons. Where such amounts appear to be irrecoverable, the orders of the competent authority shall be obtained for their adjustment.

[Rule 12 (GFRs, 2017)]

2.4.7 Unless specially authorized by any rule or order made by competent authority, no sums shall be credited as revenue by debit to a suspense head. The credit must follow and not precede actual realization.

[Rule 13 (GFRs, 2017)]

2.4.8 Subject to any general or special orders issued by a Department of the Central Government, an Administrator or a Head of a Department responsible for the collection of revenue shall keep the Finance Ministry fully informed of the

progress of collection of revenue under his control and of all important variations in such collections as compared with the Budget Estimates.

[Rule 14 (GFRs, 2017)]

2.4.9

(1) Rents of buildings and lands. When the maintenance of any rentable building is entrusted to a civil department, other than the Central Public Works Department, the Administrator or the Head of the Department concerned shall be responsible for the due recovery of the rent thereof.

(2) The procedure for the assessment and recovery of rent of any building hired out will be regulated generally by the rules applicable to buildings under the direct charge of the Central Public Works Department.

(3) The detailed rules and procedure, regarding the demand and recovery of rent of Government buildings and lands, are contained in the departmental regulations of the departments in charge of those buildings.

[Rule 15 (1), (2) & (3) (GFRs, 2017)]

2.4.12

(1) Fines. Every authority having the power to impose and/ or realize a fine shall ensure that the money is realized, duly checked and deposited into a treasury or bank as the case may be.

(2) Every authority having the power to refund fines shall ensure that the refunds are checked and no double refunds of amounts of fines collected or refunds of fines not actually paid into a treasury or bank as the case may be, are made

[Rule 16 (1) & (2) (GFRs, 2017)]

2.4.13 Miscellaneous Demands. Accounts Officers shall watch the realization of miscellaneous demands of Government, not falling under the ordinary revenue administration, such as contributions from State Governments, Local Funds, contractors and others towards establishment charges.

[Rule 17 (GFRs, 2017)]

2.4.14 Permission of Revenue. A claim to revenue shall not be remitted or abandoned save with the sanction of the competent authority.

[Rule 18 (GFRs, 2017)]

2.4.15

(i) Subject to any general or special orders issued by the Government Departments of the Central Government, Administrators and Heads of Departments, other than those in the Department of Posts, shall submit annually on the 1st of June to the Audit Officer and the Accounts Officer concerned, statements showing the remissions of revenue and abandonment of claims to revenue sanctioned during the preceding year by competent authorities in exercise

of the discretionary powers vested in them otherwise than by law or rule having the force of law, provided that individual remissions below Rupees one thousand need not be included in the statements.

(ii) For inclusion in the statements referred to in Rule 19 (1) above, remissions and abandonments should be classified broadly with reference to the grounds on which they were sanctioned and a total figure should be given for each class. A brief explanation of the circumstances leading to the remission should be added in the case of each class.

[Rule 19 (i) & (ii) (GFRs, 2017)]

2.4.16 Departments of the Central Government and Administrators may make rules defining remissions and abandonments of revenue for the purpose of Rule 19 above.

I. GENERAL PRINCIPLES RELATING TO EXPENDITURE AND PAYMENT OF MONEY

[Rule 20 (GFRs, 2017)]

2.4.17 Standards of financial propriety. Every officer incurring or authorizing expenditure from public moneys should be guided by high standards of financial propriety. Every officer should also enforce financial order and strict economy and see that all relevant financial rules and regulations are observed, by his own office and by subordinate disbursing officers. Among the principles on which emphasis is generally laid are the following :-

(i) Every officer is expected to exercise the same vigilance in respect of expenditure incurred from public moneys as a person of ordinary prudence would exercise in respect of expenditure of his own money.
(ii) The expenditure should not be prima facie more than the occasion demands.
(iii) No authority should exercise its powers of sanctioning expenditure to pass an order which will be directly or indirectly to its own advantage.
(iv) Expenditure from public moneys should not be incurred for the benefit of a particular person or a section of the people, unless –
(a) a claim for the amount could be enforced in a Court of Law, or
(b) the expenditure is in pursuance of a recognized policy or custom.

[Rule 21 (GFRs, 2017)]

2.4.18 Expenditure from Public Funds. No authority may incur any expenditure or enter into any liability involving expenditure or transfer of moneys for investment or deposit from public funds (Consolidated Fund / Contingency Fund and the Public Accounts) unless the same has been sanctioned by a competent authority.

[Rule 22 (GFRs, 2017)]

2.4.19 Delegation of Financial Powers. The financial powers of the Government have been delegated to various subordinate authorities vide Delegation of Financial Powers Rules as amended from time to time. The financial powers of the Government, which have not been delegated to a subordinate authority, shall vest in the Finance Ministry.

[Rule 23 (GFRs, 2017)]

2.4.20 Consultation with Financial Advisers. All draft memoranda for Expenditure Finance Committee or Public Investment Bureau or Committee on Establishment Expenditure and Cabinet Committee for Economic Affairs or Cabinet shall be circulated by the Ministry or Department concerned after consultation with the concerned Financial Adviser of the Ministry or Department. A confirmation to this effect shall be included in the draft memorandum at the circulation stage.

[Rule 24 (GFRs, 2017)]

2.4.21

(1) Provision of funds for sanction. All sanctions to the expenditure shall indicate the details of the provisions in the relevant grant or appropriation wherefrom such expenditure is to be met.
(2) All proposals for sanction to expenditure, shall indicate whether such expenditure can be met by valid appropriation or re-appropriation.
(3) In cases where it becomes necessary to issue a sanction to expenditure before funds are communicated, the sanction should specify that such expenditure is subjected to funds being communicated in the budget of the year.

[Rule 25 (1), (2) & (3) (GFRs, 2017)]

2.4.22 Responsibility of Controlling Officer in respect of Budget allocation. The duties and responsibilities of a controlling officer in respect of funds placed at his disposal are to ensure :

(i) that the expenditure does not exceed the budget allocation.
(ii) that the expenditure is incurred for the purpose for which funds have been provided.
(iii) that the expenditure is incurred in public interest.
(iv) that adequate control mechanism is functioning in his Department for prevention, detection of errors and irregularities in the financial proceedings of his subordinate offices and to guard against waste and loss of public money,

[Rule 26 (GFRs, 2017)]

2.4.23

(1) Date of effect of sanction. Subject to fulfilment of the provisions as contained in the Delegation of Financial Powers Rules, all rules, sanctions or orders shall

come into force from the date of issue unless any other date from which they shall come into force is specified therein.

(2) Date of creation to be indicated in sanctions for temporary posts. Orders sanctioning the creation of a temporary post should, in addition to the sanctioned duration, invariably specify the date from which it is to be created

[Rule 27 (1) & (2) (GFRs, 2017)]

2.4.24 Powers in regard to certain special matters.— Except in pursuance of the general delegation made by, or with the approval of the President, a subordinate authority shall not, without the previous consent of the Finance Ministry, issue an order which –

(i) involves any grant of land, or assignment of revenue, or concession, grant, lease or licence of mineral or forest rights, or rights to water, power or any easement or privilege of such concessions, or

(ii) involves relinquishment of revenue in any way

[Rule 28 (GFRs, 2017)]

2.4.25 Procedure for communication of sanctions. All financial sanctions and orders issued by a competent authority shall be communicated to the Audit Officer and the Accounts Officer. The procedure to be followed for communication of financial sanctions and orders will be as under:-

(i) All financial sanctions issued by a Department of the Central Government which relate to a matter concerning the Department proper and on the basis of which payment is to be made or authorized by the Accounts Officer, should be addressed to him.

(ii) All other sanctions should be accorded in the form of an Order, which need not be addressed to any authority, but a copy thereof should be endorsed to the Accounts Officer concerned.

(iii) In the case of non-recurring contingent and miscellaneous expenditure, the sanctioning authority may, where required, accord sanction by signing or countersigning the bill or voucher, whether before or after the money is drawn, instead of by a separate sanction.

(iv) All financial sanctions and orders issued by a Department of the Central Government with the concurrence of the Internal Finance Wing or Finance Ministry, as applicable, should be communicated to the Accounts Officer in accordance with the procedure laid down in the Delegation of Financial Powers Rules, and orders issued thereunder from time to time.

(v) All financial sanctions and orders issued by a Department with the concurrence of the Ministry of Home Affairs or Comptroller and Auditor General of India or Department of Personnel should specify that the sanction or orders are issued with the concurrence of that Department along with the number and date of relevant communication of that Department wherein the concurrence was conveyed.

(vi) All orders conveying sanctions to expenditure of a definite amount or upto a specific limit should express both in words and figures the amount of expenditure sanctioned.

(vii) Sanctions accorded by a Head of Department may be communicated to the Accounts Officer by an authorized Gazetted Officer of his Office duly signed by him for the Head of Department or conveyed in the name of the Head of the Department.

(viii) All orders conveying sanctions to the grant of additions to pay such as Special Allowance, Personal Pay, etc., should contain a brief summary of the reasons for the grant of such additions to pay so as to enable the Accounts Officer to see that it is correctly termed as Special Allowance, Personal Pay, etc., as the case may be.

(ix) Orders issued by a Department of a Union Territory Government where Audit and Accounts (a) have not been separated shall be communicated direct to the Audit authority; (b) have been separated, copies shall be endorsed to the Audit authorities. In case of sanctions in respect of matters, where reference was made to the Central Government under the Rules of Business framed under Section 46 of the Government of Union Territory Act, 1963, the following clause shall be added in the sanction endorsed to Audit:- "A reference had been made in this case to the Central Government and the above order/letter conforms to the decision of the Central Government vide Government of India, Ministry/Department of.....Letter No……dated……..".

(x) Copies of all General Financial Orders issued by a Department of the Central Government with the concurrence of the Comptroller and Auditor General of India shall be supplied to the Comptroller and Auditor General of India.

(xi) Copies of all sanctions or orders other than the following types should be endorsed to the Audit Officers:-

(a) Sanctions relating to grant to advances to Central Government employees.

(b) Sanctions relating to appointment or promotion or transfer of Gazetted and non-Gazetted Officers.

(c) All sanctions relating to creation or continuation or abolition of posts.

(d) Sanctions for handing over charge and taking over charge, etc.

(e) Sanctions relating to payment or withdrawal of General Provident Fund advances to Government servants.

(f) Sanctions of contingent expenditure incurred under the powers of Head of Offices.

(g) Other sanctions of routine nature issued by Heads of Subordinate Officers (other than those issued by Ministries or Departments proper and under powers of a Head of Department).

(xii) Sanctions accorded by competent authority to grants of land and alienation of land revenue, other than those in which assignments of land revenue are treated as cash payment, shall be communicated to the Audit and/ or the

Accounts Officer, as the case may be, in a consolidated monthly return giving the necessary details.

[Rule 29 (GFRs, 2017)]

2.4.26 Lapse of Sanctions. A sanction for any fresh charge shall, unless it is specifically renewed, lapse if no payment in whole or in part has been made during a period of twelve months from the date of issue of such sanction. Provided that –

(i) when the period of currency of the sanction is prescribed in the departmental regulations or is specified in the sanction itself, it shall lapse on the expiry of such periods; or
(ii) when there is a specific provision in a sanction that the expenditure would be met from the Budget provision of a specified financial year, it shall lapse at the close of that financial year; or
(iii) in the case of purchase of stores, a sanction shall not lapse, if tenders have been accepted (in the case of local or direct purchase of stores) or the indent has been placed (in the case of Central Purchases) on the Central Purchase Organization within the period of one year of the date of issue of that sanction, even if the actual payment in whole or in part has not been made during the said period.

[Rule 30 (GFRs, 2017)]

2.4.27 Notwithstanding anything contained in Rule 30, a sanction in respect of an addition to a permanent establishment, made from year to year under a general scheme by a competent authority, or in respect of an allowance sanctioned for a post or for a class of Government servants, but not drawn by the officer(s) concerned, shall not lapse.

[Rule 31 (GFRs, 2017)]

2.4.28 Remission of disallowances by Audit and writing off of overpayment made to Government servants. The remission of disallowances by Audit and writing off of overpayments made to Government servants by competent authorities shall be in accordance with the provisions of the Delegation of Financial Powers Rules, and instructions issued thereunder.

[Rule 32 (GFRs, 2017)]

II. DEFALCATION AND LOSSES

2.4.29

(1) Report of Losses. Any loss or shortage of public moneys, departmental revenue or receipts, stamps, opium, stores or other property held by, or on behalf of, Government irrespective of the cause of loss and manner of detection, shall be

immediately reported by the subordinate authority concerned to the next higher authority as well as to the Statutory Audit Officer and to the concerned Principal Accounts Officer, even when such loss has been made good by the party responsible for it. However the following losses need not be reported:

(i) Cases involving losses of revenue due to

a. mistakes in assessments which are discovered too late to permit a supplementary claim being made,
b. under assessments which are due to interpretation of the law by the local authority being overruled by higher authority after the expiry of the time-limit prescribed under the law, and
c. refunds allowed on the ground that the claims were time-barred:

(ii) Petty losses of value not exceeding Rupees ten thousand.

(2) Cases involving serious irregularities shall be brought to the notice of Financial Adviser or Chief Accounting Authority of the Ministry or Department concerned and the Controller General of Accounts, Ministry of Finance. Rule 33 (3) Report of loss contemplated in sub-rule

(3) (1) & (2) shall be made at two stages.—

(i) An initial report should be made as soon as a suspicion arises that a loss has taken place.
(ii) The final report should be sent to authorities indicated in sub rule (1) & (2) after investigation indicating nature and extent of loss, errors or neglect of rules by which the loss has been caused and the prospects of recovery.

(4) The complete report contemplated in sub rule 3, shall reach through proper channels to the Head of the Department, who shall finally dispose of the same under the powers delegated to him under the Delegation of Financial Power Rules. The reports, which he cannot finally dispose of under the delegated powers, shall be submitted to the Finance Ministry.
(5) An amount lost through misappropriation, defalcation, embezzlement, etc., may be redrawn on a simple receipt pending investigation, recovery or write-off with the approval of the authority competent to write-off the loss in question.
(5) In cases of loss to Government on account of culpability of Government servants, the loss should be borne by the Central Government Department or State Government concerned with the transaction. Similarly, if any recoveries are made from the erring Government officials in cash, the receipt will be credited to the Central Government Department or the State Government who sustained the loss.
(7) All cases involving loss of Government money arising from erroneous or irregular issue of Cheque or irregular accounting of receipts will be reported to the Controller General of Accounts along with the circumstances leading to the loss, so that he can take steps to remedy defects in rules or procedures, if any, connected therewith.

[Rule 33 (1) - (7) (GFRs, 2017)]

2.4.30 Loss of Government Property due to fire, theft, fraud. Departmental Officers shall, in addition to taking action as prescribed in Rule 33, follow the provisions indicated below in cases involving material loss or destruction of Government property as a result of fire, theft, fraud, etc. All losses above the value of Rupees Fifty thousand due to suspected fire, theft, fraud, etc., shall be invariably reported to the Police for investigation as early as possible. Once the matter is reported to the Police Authorities, all concerned should assist the Police in their investigation. A formal investigation report should be obtained from the Police Authorities in all cases, which are referred to them.

[Rule 34 (GFRs, 2017)]

2.4.31 Loss of immovable property by fire, flood etc. All loss of immovable property exceeding Rupees fifty thousand, such as buildings, communications, or other works, caused by fire, flood, cyclone, earthquake or any other natural cause, shall be reported at once by the subordinate authority concerned to Government through the usual channel. All other losses should be immediately brought to the notice of the next higher authority.

[Rule 35 (GFRs, 2017)]

2.4.32 Report to Audit and Accounts Officers. After a full enquiry as to the cause and the extent of the loss has been made, the detailed report should be sent by the subordinate authority concerned to Government through the proper channel; a copy of the report or an abstract thereof being simultaneously forwarded to the Audit officer and Pay and Accounts Officer.

[Rule 36 (GFRs, 2017)]

2.4.33 Responsibility of losses. An officer shall be held personally responsible for any loss sustained by the Government through fraud or negligence on his part. He will also be held personally responsible for any loss arising from fraud or negligence of any other officer to the extent to which it may be shown that he contributed to the loss by his own action or negligence. The departmental proceedings for assessment of responsibility for the loss shall be conducted according to the instructions contained in Appendix 1 and those issued by the Ministry of Personnel from time to time.

[Rule 37 (GFRs, 2017)]

2.4.34 Prompt disposal of cases of loss. Action at each stage of detection, reporting, write off, final disposal, in cases of losses including action against delinquents and remedial measures should be completed promptly with special attention to action against delinquents and remedial measures, taken to strengthen the control system III.

[Rule 38 (GFRs, 2017)]

SUBMISSION OF RECORDS AND INFORMATION

2.4.35 Demand for information by Audit or Accounts Officer. A subordinate authority shall afford all reasonable facilities to the Audit Officer and Pay and Accounts Officer for the discharge of his functions, and furnish fullest possible information required by him for the preparation of any official account or report, payments and internal audit.

[Rule 39 (GFRs, 2017)]

2.4.36 A subordinate authority shall not withhold any information, books or other documents required by the Audit Officer or Accounts Officer.

[Rule 40 (GFRs, 2017)]

2.4.37 If the contents of any file are categorized as 'Secret' or 'Top Secret' the file maybe sent personally to the Head of the Audit Office specifying this fact, who will then deal with it in accordance with the standing instructions for handling and custody of such classified documents.

[Rule 41 (GFRs, 2017)]

2.5 Apart from GFRs, one also need to know:

- ✓ Delegation of Financial Powers Rules, 1978
- ✓Receipts and Payment Rules, 1983
- ✓Government Accounting Rules, 1990
- ✓Civil Accounts Manual
- ✓List of Major and Minor Heads of Account of the Union and States

2.6 Following are quick review of the above mentioned Rule/Manual:

S No	Title of the rule	What it is about
1	Delegation of financial Powers Rules, 1978	Short title: "DFPRs". Which authority has how much financial powers? What are the conditions subject to which the powers could be exercised? You will find answers to these questions in DFPRs. Some of the terms you would have heard in office like the Head of the Department (HoD), Head of Office (HoO) are defined in these rules. **Nodal Ministry:** Ministry of Finance, Department of Expenditure [E(II-A) Branch]
2	Receipts and Payment Rules, 1983	Short title: "R & P rules". A competent authority has approved a proposal to incur expenditure from public money. Now someone needs to incur the expenditure. Who will draw this amount

		from the Consolidated Fund of India? And how? Quite obviously, there ought to be procedure. These are stipulated in Receipts and Payment Rules, 1983. You must learn who draws your salary and ensures it is credited in your bank account. That's DDO! Drawing & disbursing Officer. This is an authority whose functions and what procedure she must adopt are all listed in these rules. **Nodal Ministry:** Ministry of finance, Department of Expenditure, Controller General of Accounts.
3	Government Accounting Rules, 1990	Short title: "GAR" (not to be confused with "GAAR!". The head of accounts to which government revenue and receipts are credited or withdrawn from are governed by the provisions of these rules. The form of accounts of the Union and the States are governed by these rules. **Nodal Ministry:** Ministry of finance, Department of Expenditure, Controller General of Accounts.
4	Civil Accounts Manual	Short title: CAM You want to learn about the departmentalized accounting system, banking arrangements, etc. have a look at these rules. **Nodal Ministry:** Ministry of finance, Department of Expenditure, Controller General of Accounts.
5	List of Major and Minor Heads of Account of the Union and States	Let us say that you are posted in a section where you are required to issue sanctions (written authorization for incurring expenditure from public money issued with the approval of a competent authority). You will find (when you refer to the previous case file) that the last but one paragraph refers to certain head of account to which the expenditure is debitable (chargeable). Where do I find these heads of account? What are the Major heads and minor heads? You will find the answers here! **Nodal Ministry:**

		Ministry of finance, Department of Expenditure, Controller General of Accounts.

BUDGET: PRINCIPLES; PROCESS & PRACTICE[1]

1 Unless there is an authorised budget, we cannot carry out any function in Government. Therefore, there is a need to learn about budget: what it means, why we need it, what are the principles upon which Indian budget is based upon, what is the process of preparing the budget, what are the various budget techniques used and the practice adopted while preparing the budget.

What is budget?

2 Budget is termed as 'annual financial statement'. It is the statement of estimated receipts and expenditure of the Central Government for each financial year, laid before the Parliament. It is an annual exercise for detailing roadmap for efficient use of public resources. The financial year is from 1st April of one year to 31st March of next year i.e. spreading over two calendar years. It is a legal document passed by Parliament; and approved by the President.

Why budget?

3 The main objective of Government financial management is to determine how well the financial and resource management responsibilities have been discharged. Budgeting involves determining for future time period on what is to be done and the resources required. Two basic elements of budget are the revenues and the expenses. Budget is a tool for efficient public finance management to achieve the socio-economic goals determined by the Government.

Budgeting principles:

4 Preparation of budget is an interactive process between the Ministry of Finance, Planning Commission and all the Ministries / Departments. Budget in India is prepared on the basis of the following principles:

a) **Budget is prepared on cash basis:**
whatever is expected to be actually received or paid under proper sanction during a financial year, is to be included in the budget year. This concept of cash basis is opposed to the accrual concept.

b) **Rule of lapse:**

Funds provided by the Parliament will expire at the end of the financial year. No deduction of unspent budget can be appropriated for meeting the demands in the next financial year. Thus, all unused funds lapse at the end of the financial year.

c) **Realistic estimation:**

Funds in the budget are restricted to the amount required for actual expenditure. Departments are expected not to obtain more or less money than they actually need. If a department is allotted funds which it does not actually need, it will deprive some other Department from getting the required resources.

d) **Budget to be on Gross basis:**

Budget is prepared basically on Gross basis. The gross figures of receipts and expenditure are reflected separately for voting by the Parliament. Departments are normally not permitted to use the receipts or deduct expenditure in their budget proposals. However, net basis of budgeting is allowed in case of a few Departments like, Ministry of Defence & Department of Posts where departmental receipts of Defence Ordinance factories etc are allowed to be used and outlays on net basis too are reflected.

e) **Budget Estimates are linked to accounting classification:** Government of India has accounting classification which has 6-tier and 15 digit codes:

Six-tier accounting classification

Tiers of classification (15 Digits)	**What it denotes**
Major Head (4)	Functions of the Government
Sub-Major Head (2)	Sub-function
Minor head (3)	Programmes
Sub-head (2)	Schemes & activities
Detailed head (2)	Sub-schemes
Object head (2)	Primary unit of appropriation

The Funds:

5 There are three funds, namely, the Consolidated Fund of India; the Contingency Fund of India; and the Public Account.

a) **The Consolidated Fund of India**: All receipts, other than those that go into the Public Account, flow into the Consolidated Fund of India. These receipts could either be tax-receipts or non-tax receipts. Tax-receipts are those like the Customs duty, excise duty, income tax. Service tax, etc. Non-tax receipts are in the form of dividends & profits of public sector enterprises, loans raised by the government, interest on and repayment of loans given by the government, etc. Outflows from this Fund is used to meet the budget required on various programmes and services.

b) **The Contingency Fund of India**: This is in the nature of imprest money. This corpus size is Rs 500 crore. The Fund has been established to meet unforeseen

expenditure pending authorisation from Parliament. Advance from Contingency Fund is recouped at the earliest by obtaining authorisation from the Parliament.

c) **Public Account**: The receipts and disbursements such as subscription to provident funds, small savings form part of the Public Account.

Some important terms:

While framing and implementing budget certain terms are used. Some of the terms are defined in the succeeding paragraphs.

i. **Annual Financial Statement**:- The detailed estimates of receipts and expenditure of a financial year.
ii. **Budget Estimates:** These are the detailed estimates of receipts and expenditure of the Budget year
iii. **Revised Estimates**: is an estimate of the probable receipts and expenditure for one year preceding the budget year framed with reference to the transactions already recorded and in anticipation for the remainder of the year in the light of the order already issued.
iv. **Primary Unit of Appropriation**:- A standard object head, against which the provision for expenditure appears is the Primary unit of Appropriation.
v. **Appropriation**:- means the assignment of funds in a primary unit of appropriation, to another such unit.
vi. **Re-appropriation**:- means the transfer of funds from one Primary unit of appropriation, to meet a specified expenditure.
vii. **Controlling Officer (Budget)**: means an officer entrusted by a Department with the responsibility of controlling the incurring of expenditure and / or the collection of revenues. The term includes Heads of Department & Administrators.
viii. **New service:** means expenditure arising out of a new policy decision, not brought to the notice of the Parliament earlier.
ix. **New instrument of service**: means relatively large expenditure arising out of important expansion of an existing activity.
x. **Vote on account**: means provision made in advance by the Parliament, in respect of estimated expenditure necessary in respect of part of the budget year. Such advance allocation by the Parliament is necessary to meet the expenditure for the first two months (normally). Hence usually, vote on account is obtained for $1/6^{th}$ of the budget. In case of General Election, however, the vote on account could be more than $1/6^{th}$.
xi. **Outcome budget**: is a document prepared and presented annually to the parliament. It reflects the purposes and the objectives for which funds were provisioned, the cost of various programmes and activities proposed to achieve these objectives and quantitative projection of the work performed and services rendered under each programme and activity.
xii. **Detailed Demands for grants:** The detailed estimates of expenditure of a Department is given in the Detailed Demands for Grants. This document is

presented to the Parliament by the Department concerned well in advance of budget discussions. This document contains information for three years:

- Budget Estimates for the Budget Year;
- Revised Estimates for one year preceding the Budget Year; and
- Actual expenditure details of two years preceding the Budget Year

The details of estimates of expenditure are given separately for the 'charged' and 'voted; capital & revenue; and for plan & non-plan.

Supplementary Grants: It is a document presented before the Parliament giving details of estimates of further expenditure over and above the expenditure authorised by the Parliament in the Annual Financial Statement. Supplementary Demands for Grants are presented, if required, once in each of the three sessions, namely, the monsoon session, the winter session and the budget session. Supplementary Grant is of types:

a. **Token Supplementary**:- Amount required to fulfill the condition of obtaining prior approval of Parliament for expenditure on New Service/New Instrument of Service money is available by Re-appropriation.

b. **Technical Supplementary**:- For re-appropriation from Revenue to Capital or Voted to Charged or vice-versa within the same grant.

c. **Cash Supplementary**:- When the additional amount required is given over and above BE of the total grant.

7. THE BUDGET PROCESSS

The budget cycle normally starts towards the end of September of the current financial year and ends in April of the next financial year. The process includes the following activities:

a. Issue of budget circular [September]
b. Preparation & consolidation of estimated receipts and expenditure by the respective Departments
c. Submission of Statement of Budget Estimates (Proposed) by the Departments to the Department of Economic Affairs
d. Pre-budget meetings taken by Secretary (Expenditure) with the Financial Advisers [End October/early November]
e. Resource forecast [November – December]
f. Finalisation of ceilings of expenditure under Revised estimates and Budget Estimates by Ministry of Finance[Mid-December]
g. Finalisation of Budget Estimates (Annual Plan) by the Planning Commission [early January]

h. Submission of statement of budget estimates by the Departments [one week of communication of the ceilings]
i. Printing of Detailed Demands for Grants [January]
j. Presentation of Budget [February]

8. Budget Discussions:

After the budget is introduced, discussions on the budget begin. The Departmentally related Standing Committees scrutinise the Detailed demands for Grants and submit their reports after the Departments furnish replies to their questions and after the Secretary who is the Chief Accounting Authority gives oral evidence before the Committee. After the general discussions in the Lok Sabha, Members may move **cut motions**. Cut motion could be 'Disapproval of the Policy Cut', 'Economy Cut' or 'Token Cut'. On the last day of the discussions, the Speaker puts all outstanding Demands for Grants to the vote of the House. This process is known as '**Guillotine'** which brings the debate on the financial proposals to an end. Voting of the Grants by Lok Sabha by itself does not result in authorisation of funds. For this purpose the Appropriation Bill introduced by the Finance Minister is passed by Lok Sabha & the Rajya Sabha. Similarly, Finance Bill too is passed to bring the tax proposals into effect. Both these bills become Acts after accent by the President.

9. BUDGET IMPLEMENTATION:

After approval of the budget by the Parliament, The Departments have the responsibility to ensure that the expenditure is incurred for the approved purpose without exceeding the authorised budget and in public interest after due diligence. Various provisions given in the General Financial Rules, 2017 and the Delegation of Financial Powers Rules, 1978 are to be followed besides the economy instructions issued from time to time. Under the Cash Management & Exchequer Control system Departments are to ensure greater evenness in the budgeted expenditure; reduce the rush of expenditure during the last quarter; reduce, if not completely avoid, parking of funds through better planning and effective monitoring of expenditure pattern. Not more than 33% of the budget can be used during the last quarter and not more than 15% of the budget can be used in the month of March.

10. REAPPROPRIATION

Powers of appropriation and re-appropriation

Ministries/departments of central govt. , administrator of Union Territories and Heads of Departments have full powers subject to general restrictions under Rule 10 of DFPRs

Re-appropriation of Funds not permissible in the following cases

a. Expenditure not sanctioned by competent authority
b. Re-appropriation from:

Votable to charged

Revenue section to capital section

c. New service/ new instrument of service not approved by parliament.
d. Expenditure on works which has not received the administrative approval/technical approval.
e. From and to the provisions for deputation of scientists abroad.
f. Expenditure on new public works not provided in budget which may cost Rs. 50 lakhs and more.
g. From salary head to any other head.
h. From provisions allocated under Externally Aided Projects to non-Externally Aided Projects
i. From the provision made for any new item of expenditure for another purpose.

Re-appropriation in the following cases is permissible with the approval of Ministry of Finance

a. From and to the provisions for the 'secret service expenditure'
b. To augment provision under salaries, wages, office expenses and other charges together for entire grant.
c. To augment the Secretariat expenditure
d. Augment travel expenditure exceeding 10% of the existing provisions
e. Any order for re-appropriation increasing the budget provisions under a sub head by more than 25% of BE or Rs. 5 crore, whichever is more, shall be reported to parliament through last batch of supplementary. Prior approval of Secretary (E)/AS(E) should be obtained.
f. All re-appropriation leading to increasing the budget provisions by Rs.5 crore or more under a sub head shall be made only with the prior approval of Secretary(E).

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CHAPTER -14

DELEGATION OF FINANCIAL POWERS RULES

1. Contents of Delegation of Financial Powers Rules (DFPRs) 1978

i. Definitions
ii. General limitation of power to sanction expenditure
iii. Powers of appropriation and Re-appropriation & General Restriction
iv. Powers and procedure for creation of posts.
v. Power to incur Contingent Expenditure.
vi. Powers to incur Miscellaneous Expenditure.
vii. Powers to write off losses.

2. Definitions

2.1 "**Administrator"** means an Administrator of a Union Territory, by whatever name designated.

2.2 "**Appropriation"** means the assignment to meet specified expenditure of funds included in a primary unit of appropriation.

2.3 "**Contingent expenditure"** means all incidental and other expenditure including expenditure on stores which is incurred for the management of an office, for the working of technical establishment such as a laboratory, workshop, industrial installation, store-depot, office expenses and the like but does not include any expenditure, which has been specifically classified as falling under some other Head of expenditure, such as "Works", "Tools and Plant".

2.4 "**Department of the Central Government:** means a Ministry of a Department of the Central Government as notified from time to time and includes the Planning Commission, the Department of Parliamentary Affairs, the President's Secretariat, the Cabinet Secretariat and the Prime Minister's Office.

2.5 "**Head of the Department**" in relation to an office or offices under his administrative control, means an authority specified in Schedule I and includes such other authority or person as the concerned Department in the Central Government may, by order, specify, as a Head of the Department.

2.6 "**Head of Office**" means a Gazetted Officer declared as such under Rule 14 of DFPRs, 1978.

2.7 **"Miscellaneous expenditure"** means all expenditure other than expenditure falling under the category of pay and allowances of Government servants, leave salary, pensions, contingencies, grants-in-aid, contributions, works, tools and plant and the like.

2.8 "**Non-recurring expenditure**" means expenditure other than recurring expenditure.

2.9 **"Primary unit of appropriation**" means Sub-Read or standard objects of expenditure against which budget provision is made; and against which expenditure - either voted or charged – is accounted for.

2.10 **"Recurring expenditure"** means the expenditure which is incurred at periodical intervals.

2.11 "**Re-appropriation"** means the transfer of funds from one primary unit of Appropriation to another such unit.

2.12 "**Subordinate Authority"** means a Department of the Central Government or any authority subordinate to the President.

3. General Limitations on Power to Sanction Expenditure (Rule 4)

i. No expenditure shall be incurred from public revenues except on legitimate objects of public expenditure;

ii. A subordinate authority may sanction expenditure or advances of public money in those cases only in which it is authorized to do so by-
   a) The provisions of any law for the time being in force;
   b) These or any other rules issued by, or with the approval of President; or
   c) Any general or special order of the President or other competent authority;

iii. No expenditure which involves the introduction of a new principle or practice likely to lead to increased expenditure in future unless the said expenditure has been subjected to scrutiny and agreed to by the Finance Ministry before its inclusion in the budget;

iv. A subordinate authority shall exercise the power to sanction expenditure subject to any general or special order, direction or stipulation, which the authority delegating or re-delegating such power may issue, prescribe from time to time.

4. Powers of Appropriation & Re-Appropriation

4.1 Full powers to the Ministries/Departments of Central Government, Administrators of the UTs and Head of Departments (H.O.Ds) subject to the following general restrictions under Rule 10 of these rules:

a) Appropriation and re-appropriation of funds is not permissible in following cases: -

i. Expenditure not sanctioned by the competent authority;
ii. Re-appropriation from votable to charged expenditure and vice-versa;
iii. One grant/appropriation to charged expenditure, from other grant/appropriation for charged expenditure;
iv. New services/New instrument of service not contemplated in the budget as approved by Parliament;
v. Expenditure on "Works" which has not received the administrative approval/Technical sanction;
vi. From and to the provision for "Deputation or Travel abroad of Scientists";
vii. Expenditure on new public works not provided in the Budget, which may cost Rs.50 lakhs or more;
viii. Capital Section to Revenue Section in the same demand for grant or vice-versa;
ix. From salary head to any other head;
x. From provisions allocated under Externally Aided Projects to non-EAP projects.

b) Appropriation/re-appropriation is not permissible without approval of Ministry of
Finance in case of re-appropriation:

i. From the Unit "Major Works" to other Units.
ii. Expenditure on works in excess of 15% of authorised limit, if savings available under appropriate works head.
iii. To meet expenditure on a new public works costing Rs.10 lakhs or more but less than Rs.50 lakhs.
iv. From and to the provision for the "Secret Service Expenditure".
v. To augment provision under, salaries, wages, office expenses and other charges together for entire Grant.
vi. From the provision made for any new item of expenditure for another purpose.
vii. To augment the Secretariat Expenditure.
viii. In the Revenue Section from Direct Expenditure to grant-in-aid to States and UTs and vice-versa.
ix. In the Capital Section, from Capital outlay to loans or vice-versa.
x. Augment Travel Expenses exceeding 10% of the existing provisions. (Powers up to 10% are with the Secretaries of Ministries/Departments).

Note: -Re-appropriation under sub-head/ standard object head by more than 25% or Rs.5.00 crore, whichever is more, is reported to Parliament with last batch of Supplementary Demand. Prior approval of Additional Secretary /Secretary (Expenditure) for re appropriation is required after last batch of supplementary has been sent to Parliament.

5. DFPRs Schedules

Schedule	Item
Schedule I	List of Heads of Departments
Schedule II	Powers to create permanent posts
Schedule III	Powers to create temporary posts
Schedule IV	Powers of Appropriation & Re-appropriation
Schedule V	Powers of Incurring Contingent Expenditure
Schedule VI	(Annexure to Schedule V)
Schedule VII	Powers to incur Miscellaneous expenditures.
	Powers to write of losses.

6. Powers of Subordinate Authorities

i. The Department of Central Government, Administrator & HOD shall have the powers specified in schedule II, III, IV, V, VI and VII.

ii. Department of Central Government may, confer powers, upon an Administrator or HOD or any Subordinate authority

a) No re-delegation in respect of the following is allowed:

i. Creation of posts;
ii. Write off of losses;
iii. Re appropriation of funds exceeding 10% of the original budget provisions, for object head or sub head;
iv. The Administrator or HOD, by an order, may authorise a gazetted officer under him to exercise all or any of the powers. The Administrator or HOD shall be responsible for correctness;
v. Powers to incur contingent or miscellaneous expenditure are subject to Articles required or purchase of stationary stores are made in accordance to the provisions contained in GFR 2017;
vi. In regard to contingent expenditure on each item in col. 2 of annexure to schedule 5, conditions specified in col. 3 to be observed;
vii. Miscellaneous expenditure are subject to government rules/instructions issued from time to time;
viii. Any authority can exercise financial powers delegated to an authority subordinate to it;
ix. Ministries may further re-delegate powers to subordinate/attached organisations to meet their requirements. Review of such re-delegation at least once in three years;

7. Powers Regarding Creation of Posts-need for creation of posts arises:

i. When a new organisation is set up;
ii. When an existing organisation expands;
iii. Reorganisation of the structure of an organisation after detailed study.
iv. To fulfil certain statutory functions;

v. Up-gradation of posts for various reason(s).

a) Guidelines to create posts (general conditions / restrictions)

i. Post justified on the basis of workload and functional justification;
ii. Post(s) shall be created only in the approved scale or rate of pay;
iii. Temporary post can be created if funds are available during the year of creation by appropriation or re-appropriation;
iv. Non-plan post can be created only if savings in the succeeding years can be established;
v. Earlier emphasis was on whether the post to be created was temporary or permanent (Schedule II & III of the DFPRs). The basis for deciding who is the competent authority depends on, whether the post is a plan post or a non-plan post (economy instructions);
vi. Powers delegated to a subordinate authority shall not be used to create post(s) so as to add to any service or cadre unless that service or cadre is under the control of that authority; [Exception: CSS/CSSS/CSCS]
vii. In the case of a new project or reorganisation scheme, if creation of some posts require the approval of the Ministry of Finance, creation of the remaining posts which may be created under the delegated powers of a subordinate authority shall be held up till the Ministry of Finance approves the proposal;
viii. Retrospective creation of post(s) should be done only with the approval of the Finance Minister. Do remember to create related supporting staff posts but they should not be created in excess of standard scales (e.g. MTS posts, stenographers, personal staff of senior officers and Ministers, etc.);
ix. Up-gradation of a post amounts to creation of a post;
x. While providing “matching savings” for the creation of non-plan posts, following principles shall be borne in view:

a) Matching savings” should be provided for by the surrender of posts in the same group; or
b) It should be provided by the surrender of posts in the immediate line of promotion;

xi. Whenever higher level posts are abolished, it will be necessary to abolish personal/supporting staff of that (those) post(s) simultaneously. In addition to such abolition, it will be desirable to have a work study conducted to determine what other re-structuring and abolition of lower posts would be required as a result of the abolition of higher level post(s);
xii. If a post is held in abeyance or remains unfilled for a period of one year or more, it would be deemed to be abolished. FA will monitor this aspect and ensure that abolition orders are issued within one month of the post remaining unfilled/held in abeyance for a period of one year. If the post is required subsequently, the post could be revived with the approval of the FA.
xiii. Delegated powers of the subordinate authorities

Schedules II and III of the DFPRs are no longer relevant because of the economy instructions imposing ban on creation of posts. Presently for creation of posts of plan posts as well as non-plan posts, approval of Finance

Ministry is required. In case of posts of the level of Joint Secretary and above, approval of the Finance Minister / Cabinet is required.

b) Action on the staff inspection unit (SIU)s reports

i. Final report is mandatory in nature. To be implemented by the administrative department within 3 months from the date of receipt of the Report;
ii. Financial Adviser of the Department concerned is responsible to ensure the implementation;
iii. Report contains creation of posts as well as reduction of certain other posts, simultaneous action to be taken to reduce and creating the new posts;
iv. Staff declared surplus may be retained against clear vacancies arising after the receipt of the SIU Report only for 3 months;
v. Differences over the assessment made by the SIU should be referred within one month from the date of receipt of report to a Committee consisting of:

Secretary (Expenditure) - Chairman
Secretary (Personnel) - Member
Secretary (Administrative Department concerned) - Member

vi. Surplus posts (earmarked for reduction) not covered by the reference to the committee to be abolished within 3 months.

8 Powers of Incurring Contingent Expenditure. (Schedule – V)

Authority	**Extent Of Power**	
	Recurring	**Non-recurring**
Deptt. of Central Govt.		
a) Vice President's Sectt.	Full powers	Full power
b) Other Deptts.	Full powers	Full power
Administrators	Full powers	Full power
Heads of Offices other than Under Secretary in Central Govt.	Rs.1000/- per month in each case	Rs.5000/- in each case
Under Secretaries as HOO in Deptts. Of Central Govt.	Rs.2000/- per month in each case	Rs.5000/- in each case

9 Annexure to Schedule V [purchase of misc. items/misc. expenditure]

Item of Expenditure	**Limit**	**Rules/Remarks**
Bicycle	Full powers	Against DGS&D rate contract
Hire of office furniture	Full powers	
Electric Gas, water	Full powers	
Fixture/Furniture purchase/repair	Full powers	As per conditions and Scale prescribed by Min. of Urban Dev.
Legal charges	Full powers	
Motor Vehicle Purchase Maintenance & Upkeep	Full powers	For staff car approval of Secretary required
Repairs to Govt. buildings	Full powers	

Item of Expenditure	Limit	Rules/Remarks
Repairs to hired building	Rs.50000 p.a. non-recurring Rs.6000/- p.a. recurring	Only if land lord refuses to meet the charges
Postal & telegraph charges	Full powers	No charges for non-service stamp other than for letters to other countries.
Local purchase of stationary	Full powers	Subject to rules for supply and use of stationary stores. HOO Rs.4000/- p.a. HOD & Administrator- Full
Telephone charges	Full	Full powers
All office equipment	Full	HOO Rec.-1000/- p.m. Non-Recurring Rs.10,000/-.subject to general or special orders issued by MOF & Deptt. Of Supplies from time to time.
Computers	Full	System to be compatible to NIC systems. Instructions of Deptt. Of Electronics from time to time.
Petty Works	Rs.30000/- in each case	
Printing & Binding	Full powers when executed through or with the approval of Director of Printing except Publication Div. & DAVP under Min. of I&B	Rule for Printing & Binding. Govt. Press not less than 500 copies. For forms not less than 3000 copies. Petty Printing (Emergent unforeseen) Deptt 1,00,000 p.a. HOD 20,000p.a. HOO 10,000 p.a. Above this within the schedule of Rates of Dte. Of Printing.
Stores (a) Works (b) Other Stores	Full Powers Full Powers	Sanction for executing work constitutes sanction for exp. on purchased stores.

Schedule-VI:

10 Power to incur miscellaneous expenditure (Schedule VI)

Authority	Limit	
	Recurring	Non-recurring
Deptts. Of Central Govt.		
i) Ministry of Parliamentary Affairs, President's/Vice President's Secretariat	Full	Full

ii) Others Deptts.	Full	Full
Administrators		
i) All Union Territories except Lakshadweep	Full	Full
ii) Administrator Lakshadweep	Rs.10,000/- PA	Rs.40,000/- PA
Heads of Deptts.	Rs.5000/- PA	Rs.20,000/- PA

11 Powers of appraisal and approval of scheme/project

Scheme/Project Appraisal		Scheme/Project Approval	
Cost (Rs.Cr)	Appraisal by	Cost (Rs.Cr.)	Approval by
Up to 100	The Financial Adviser	Up to 100	Secretary of the Administrative Department
>100 & up to 500	SFC/DIB Chaired by Secretary of the Admn. Dept.	>100 & up to 500	Minister-in-charge of the Administrative Department
>500	EFC/PIB Chaired by the Expenditure Secretary, Except Departments/Schemes/projects for which special dispensation has been notified by the Competent Authority	>500 & up to 1000	Minister-in-charge of the Admn. Dept. and Finance Minister, except where special powers have been delegated by the Finance Ministry
		>1000	Cabinet/Committee of the Cabinet concerned with the subject

Expenditure Finance Committee (EFC)	
Expenditure Secretary	Chairperson
Secretary of the Administrative Ministry/Department	Member
Financial Advisor of the Administrative Ministry/Department	Member
Adviser, PAMD, NITI Aayog	Member
Representative of Budget Division	Member
Representatives of concerned Ministries/Agencies	Member
Joint Secretary, Department of Expenditure	Member-Secretary
For appraisal of Schemes of Scientific nature, Scientific Adviser may be invited as Member.	
Standing Finance Committee (SFC)	
Secretary of the Administrative Ministry/Department	Chairperson
Joint Secretary in Charge of the Subject Davison	Member
Representative of NITI Aayog	Member
Financial Advisor of the Administrative Ministry/Department	Member-Secretary
Representative of Department of Expenditure and any other Ministry/Department that the Secretary/Financial Advisor may suggest may be invited as per requirement.	
Public Investment Board (PIB)	

Expenditure Secretary	Chairperson
Secretary of the Administrative Ministry/Department	Member
Financial Advisor of the Administrative Ministry/Department	Member
Adviser, PAMD, NITI Aayog	Member
Representative of Budget Division	Member
Representative of concerned Ministry/Agencies	Member
Joint Secretary, Department of Expenditure	Member-Secretary
For appraisal of scientific projects, Scientific Adviser may be invited as Member.	
Delegated Investment Board (DIB)	
Secretary of the Administrative Ministry/Department	Chairperson
Joint Secretary in Charge of the Subject Davison	Member
Representative of NITI Aayog	Member
Financial Advisor of the Administrative Ministry/Department	Member-Secretary
Representative of Department of Expenditure and any other Ministry/Department that the Secretary/Financial Advisor may suggest may be invited as per requirement.	

Governed by DFPR, 1978 and GFR, 2017 and subject to purchase power delegated for making purchases directly and not through the CPO, a department has full power to sanction expenditure for purchases and for execution of contracts.

12 Power to write off losses

i. The loss does not disclose a defect in rules and procedures, the amendment of which require the order of higher authorities of Finance Ministry;
ii. There has been no serious negligence on the part of any Government servant calling for disciplinary action;
iii. If Integrated/Associate Finance finds that loss reveals basic defect in rule & procedure, the same be brought to notice of Establishment Division for further necessary action;
iv. Each case to be reckoned with reference to total value of stores to be written off on one occasion;
v. Loss arising out of one specific cause should be written off at one time but losses due to more than one cause can be clubbed together.

13 Schedule –VII Write off of losses

Nature of loss	**Authority**	**Monetary limit**
Irrecoverable loss of stores/Public money	Deptt. Administrator	Rs.20 Lakh Rs.2 lakh
Not due to theft fraud or negligence	HOD	Rs.50,000
	Department	Rs.2 lakh
(b) Other cases	Administrator	Rs.50,000

(b) for other reason	HOD	Rs.20,000

Loss of revenue/loan/ advance.	Deptt./Admn. HOD	Rs.1 Lakh Rs.10,000
Deficiency & Depreciation in value of stores	Deptt./Admn HOD	Rs.50,000 Rs.2,500
Condemnation of Motor Vehicle	Deptt.	Rs.2 lakh (Subject to life in year & distance run) a certificate that vehicle is not fit for commercial use. to be disposed off in 3 months of placing of fresh order

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Participants may also refer latest Orders/references:

CHAPTER - 15

DISCIPLINARY PROCEEDINGS – CCS(CCA) RULES 1965

It is essential that every organisation, whether government or semi-government or private, should have a well-established reward and punishment system to ensure that the people are made to work towards the fulfilment of the organisational goals. While the reward system will encourage the employees to work better towards the achievement of organisational goals, punishment system is used to prevent people from working against the organisational goals.

2. Misconduct, or non-conforming behaviour, as it is sometimes called, can be tackled in many ways such as counselling, warning, etc. In extreme cases such as, criminal breach of trust, theft, fraud, etc. the employer is also at liberty to take recourse to legal proceedings against the employee with the help of Police system, if the misconduct of the latter falls within the purview of the penal provisions of the law of the land. However such proceedings, generally conducted by the State agencies, are time consuming and call for a higher degree of proof.

3. In addition to the above option, the employer also has an option to deal with the erring employee within the terms of employment. In such an eventuality, the employee may be awarded any penalty which may vary from the communication of the displeasure to the severance of the employer-employee relationship i.e. dismissal/removal from service. An employer can inflict punishment on an employee only after following some statutory provisions depending upon the nature of the organisation.

4. Briefly, the applicability of rules relating to different types of organisations is as under:

(a) **Government**: Part XIV of the Constitution relates to the terms of employment in respect of persons appointed in connection with the affairs of the State. Any action against the employees of the Union Government and the State Governments should conform to these Constitutional provisions, which confer certain protections on the Government servants. These provisions are applicable only to the employees of the various Ministries, Departments and Attached and Subordinate Offices. In addition to the constitutional provisions, there are certain rules which are applicable to the conduct of the proceedings for taking action against the erring employees. Central Civil Services (Classification, Control, and Appeal) Rules 1965 covers a vast majority of the

Central Government employees. Besides, there are also other Rules which are applicable to various sections of the employees in a number of services.

(b) **Semi Government Organisations**: By this we mean the Public Sector Undertakings and Autonomous Bodies and Societies controlled by the Government. Provisions of Article 311 under Part XIV of the Constitution do not apply to the employees of these Organisations. However, as these organisations can be brought within the definition of the term 'State' as described in Article 12 of the Constitution, the employees of these organisations are protected against the violation of their Fundamental Rights by the orders of their employer. The action of the employer can be challenged by the employees of these organisations on the grounds of arbitrariness, etc. These organisations also have their own sets of rules for processing the cases for conducting the disciplinary proceedings against their employees.

(c) **Purely private organisations**: These are governed by the various industrial and labour laws of the country and the approved standing orders applicable for the establishment.

5. Although the CCS(CCA) Rules 1965 applies only to a limited number of employees in the Government, essentially these are the codification of the Principles of Natural Justice, which are required to be followed in any quasi-judicial proceeding. Even the Constitutional protections which are contained in Part XIV of the Constitutions are the codification of the above Principles. Hence, the procedures which are followed in most of the Government and semi-governmental organisations are more or less similar.

CONSTITUTIONAL PROVISIONS RELATING TO DISICPLINARY PROCEEDINGS

6. Articles 309, 310 and 311 are relevant to disciplinary Proceedings. **Article 309** is an enabling provision which gives power to the legislature to enact laws governing the conditions of service of the persons appointed to public services or posts in connection with the affairs of the State. Proviso to this Article provides that pending the enactment of the laws, the President may frame rules for the above purpose in respect of Central Government employees. CCS(CCA) Rules 1965 as well as several other service rules have been framed under the proviso to Article 309 of the Constitution.

7. **Article 310** of the Constitution contains what is known as the '*Pleasure Doctrine*'. It provides that the term of appointment of a person to a civil service of Union or that of a state or to defence services or to an All India Services or to posts connected with these services shall depend upon the pleasure of the President or

the Governor as the case may be . The same Article also provides that the pleasure of the President can be over ridden only by the express provisions of the Constitution and nothing else. Thus, in case there is any express provision relating to the tenure of appointment of a Government Servant, the same will prevail; otherwise, the tenure of appointment will depend upon the pleasure of the President.

8. A restriction on the Pleasure of the President is contained in the immediately following Article viz. **Article 311**. The first thing to be noted about Article 311 is that it does not apply to the defence personnel. The Supreme Court has clarified that even the civilians working in connection with the defence are not covered by the provisions of Article 311. Article 311 basically grants two protections to the civilian government servants (other than the defence civilians, of course). The two protections relate to **who** and **how**. The first part of the Article provides that no person shall be dismissed or removed from service by an authority subordinate to the one by which he was appointed. Thus, the protection is that, before being sent out of service, a Government servant is entitled to have his case considered by the authority who is equal in rank or above the rank to the one who appointed him to the service. If the penalty of dismissal or removal from service is imposed by an authority that is lower in rank than the Appointing Authority, the same will be unconstitutional. The following are some of the practical difficulties which may arise in complying with this provision:

(a) The employee concerned may be holding a post different from the one in which he was initially recruited and his promotion to the present grade might been made by an authority other than the one who initially recruited him to service. Who is appointing authority in respect of such an employee?

(b) The power for making appointment to a grade keeps on changing. Twenty years ago, the power of making appointment to a grade was exercised by an officer of a certain level. Consequent to the decentralization of powers, the power for making appointment to the same grade is presently vested in a lower level officer. Is there any restriction on the exercise of the power of dismissal by the lower level officer?

(c) A post has been abolished consequent to some re-organisation /re-structuring of certain departments. The post so abolished was the appointing authority in respect of a number of levels. Who can exercise the powers of dismissal in such cases?

The answers to these questions are contained in the provisions of the statutory rules which have been framed under Article 309 and a number of decisions of the Courts.

8. The second protection granted by Clause 2 of the Article 311 relates as to how a Government servant can be dismissed, or removed from service or reduced in rank. It provides that no one can be dismissed or removed from service or reduced in rank except *after an inquiry***.** The same article also indicates that the above mentioned inquiry must satisfy the following two conditions:

(a) The individual concerned must be *informed* of the charges.
(b) Must be granted a *reasonable opportunity* of being heard in respect of these charges.

9. Here information of the charges would mean and include the requirement of delivery of a written charge sheet in the language and composition that the suspected public servant can understand, specificity of the charges proposed to be leveled, i.e. clearly indicating the "Who" "What" "When" and "How" about the charges. A vague charge-sheet giving general information such as "always" "never" etc. does not convey the "information" as mandated under the Constitution.

11. The phrase 'reasonable opportunity' has not been defined in the Constitution; but the courts have clarified through a number of decisions that this includes, opportunity to know the charge, know the evidence led by the Disciplinary Authority in support of the charge, inspection of documents, leading evidence in defence, etc. Another important question relating to the applicability of Article 311 is, whether the article provides protection to permanent employees only or even the temporary employees are entitled for the protection. Although Article 311 does not specifically state as to whether the provisions are applicable to temporary employees also, the Supreme Court has clarified that the protection is available under any one of the under mentioned circumstances:

(a) Where there is a right to post
(b) Where there is visitation of evil consequences

12. All permanent employees have a right to post and hence are entitled for this protection. As regards the temporary employees, even in their case, a reasonable opportunity of defence will have to be afforded if they are being visited by evil consequences. Thus, if a temporary employee is discharged from service by giving him one month notice, without assigning any reason, the same may be permissible. If the order of discharge mentions any reasons having a bearing on the conduct or the competence of the employees, in such cases an inquiry will be necessary. In short, even probationers will be entitled to the protection of inquiry, if the order of discharge contains a stigma.

13. Article 311 also provides that under certain circumstances, a government servant may be dismissed or removed from service or reduced in rank without an

inquiry. These are contained in the second proviso to Article 311. The circumstances under which the protection under Article 311 Clause 2 does not apply are as under:

(a) Where the penalty is being imposed on the ground of conduct which has led to his conviction on a criminal charge; or.
(b) Where the disciplinary authority is satisfied, for reasons to be recorded, that it is not reasonably practicable to hold an inquiry in the case; or
(c) Where the President is satisfied that in the interest of the security of the country it is not expedient to hold the inquiry.

14. The provision mentioned at para 11(a) above, grants power to the disciplinary authority to impose penalty without conducting inquiry if the Government servant has been convicted in a criminal case. Conducting a departmental inquiry after the employee has been held guilty in a criminal case would be an exercise in futility. Hence the power granted by the Second Proviso to Article 311 may be availed and appropriate penalty may be imposed on the employee. It must, however, be noted that this provision only grants a power to the disciplinary authority to impose the penalty without inquiry when the employee has been convicted in a criminal case. It is not mandatory for the disciplinary authority to dismiss the employee whenever he has been convicted in a criminal case. The authority concerned will have to go thorough the judgment and take a decision depending upon the circumstances of the case.

15. Another occasion when the disciplinary authority may impose penalty on the employee without conducting any inquiry is when, the disciplinary authority, is satisfied, for reasons to be recorded, that it is not reasonably practicable to hold an inquiry. There are two conditions for invoking this provision viz. firstly, the disciplinary authority must be satisfied that it is not reasonably practicable to hold inquiry in a particular case and secondly, the authority must record the reasons for his decision. Although the constitution does not require the communication of the reasons in the penalty order, it has been recommended in the judgements of the Supreme Court that it is desirable to communicate the reasons in the penalty order. This provision can be of help during large scale violence, threat to the disciplinary authority or inquiry authority or the state witnesses, etc. Invoking this provision for mundane purposes such as avoiding delay, etc. may not be in order.

16. Thirdly, an employee may be dismissed or removed from service or reduced in rank without inquiry whenever the President is of the opinion that in the interest of the security of the country it is not expedient to hold an Inquiry. In such cases, the decision to dispense with the inquiry is taken at the level of President and that too only on the ground of the security of the country. This provision may be useful in cases of espionage charges, etc. Here, the word President has been used in

constitutional sense. The decision does not require personal approval of the President. It would be sufficient if the decision is taken by the Minister in charge.

17. Although the above mentioned provisions are applicable as such to the employees of the Ministries, Departments and Attached and Subordinate Offices only, yet the same are relevant to the employees of Public Sector Undertakings and the Autonomous Bodies as well. This is so, because similar provisions exist in the service rules relating to a number of PSUs and Autonomous bodies.

PRELIMINARY INVESTIGATION STAGE

18. Misconduct in employment falls under two distinct categories viz. cases having a vigilance angle and cases not having a vigilance angle. Allegation of bribery, corruption, forgery, falsification of records, submission of false claims, possession of assets disproportionate to known sources of income, etc. are known as cases having a vigilance angle. Cases such as unauthorised absence, lack of devotion to duty, insubordination, etc. are known as cases not having a vigilance angle. The classification of cases on this basis is relevant from the angle of consultation with the Central Vigilance Commission.

19. Information relating to the misconduct of employees may be gathered by the disciplinary authority from a number of sources. Such sources of information are known as complaint. In the context of disciplinary proceedings, even a press report or an audit report providing information about the misconduct of an employee will be treated as a letter of complaint. Generally, a disciplinary case commences with the receipt of a complaint. The complaint may or may not, contain verifiable allegation against a government servant. In the latter event, the contents of the complaint may have to be examined so as to determine as to whether there is any prima facie case against any employee. This process is known as Preliminary Investigation. Preliminary investigation is also used for collecting evidence against the Suspected Public Servant (SPS). Depending upon the nature of the case, the matter may be referred to the CBI (at the level of the Chief Vigilance Officer), or to the local police authorities or may be departmentally investigated. Departmental preliminary investigation is carried out when the allegation relates to misconduct other than a criminal offence and the same is capable of verification within the department. In case, the investigation of the complaint calls for the exercise of police powers, the same must be handed over to the police or the CBI.

20. Before commencing preliminary investigation departmentally, generally the complainant may be contacted to provide evidence if any at his disposal in support of the allegations made by him. Preliminary Investigation may be carried out either by the Vigilance Officer himself or it may be handed over to any other officer. In either case, the Officer carrying out Preliminary Investigation should sufficient knowledge about the subject relating to the complaint. He should be conversant with

not only the rules and regulations relating to the transaction but also the procedures and practices. The preliminary Investigation Officer should identify the documents required for verifying the allegations and the persons who can throw light in the matter. After chalking out the programme, in one swift move, all the documents required should be brought within his custody. Once the persons concerned become aware of the fact that misconduct is being investigated, it is likely that they will attempt to tamper with the records and eliminate evidence. To obviate this, the Preliminary Investigation Officer should maintain absolute confidentiality and act swiftly. The persons who can provide information must be contacted and tactfully interrogated. Their statements should be recorded and signatures obtained. In case the persons whose conduct is being investigated are in custody of the records or other evidence required for the investigation and there is a possibility of the evidence being tampered, it is appropriate to consider their transfer.

21. It is not mandatory to contact the Suspected Public Servant during the Preliminary Investigation. However, there is no ban on contacting him either. A decision in this regard will have to be taken by the Preliminary Investigation Officer, depending upon the nature of the case. In this connection, it is worth considering that at times, the SPS, being the person most familiar with the case, may be able to give a satisfactory explanation in respect of the allegation. If the explanation given by the SPS is satisfactory, then it may save the unnecessary effort in the preparation of Charge Sheet, conducting the Inquiry, etc. and then dropping the charges. The long period of uncertainty during which the individual concerned will be tense and de-motivated will result in loss to the organisation also.

22. On conclusion of the Investigation, the Preliminary Investigation Officer is required to submit a report which will contain the facts collected by him and an analysis of the same. He is also required to indicate as to whether a prima facie case is established or not. The report should specifically indicate as to whether an opportunity was offered to the SPS, if so whether he availed the same. The report together with the documents collected in the course of the Preliminary Investigation should be submitted to the Disciplinary Authority who will take a decision as to whether disciplinary action should be initiated against the SPS.

23. If the case is one having vigilance angle and the officer involved is a Category A Officer, the disciplinary Authority should forward the Preliminary Investigation report and other documents to the Central Vigilance Commission, through the Chief Vigilance Officer and obtain First Stage Advice. Members of All-India Services serving in connection with the affairs of the Union and Group ‘A’ officers of the Central Government; such level of officers of the corporations established by or under any Central Act, Government companies, societies and other local authorities, owned or controlled by the Central Government, as that Government may, by notification belong to Category A for this purpose.

PENALTIES

24. Penalties that can be imposed on the Government Servant have been classified as Major and Minor Penalties. As per **Rule 11** of the CCA Rules, the competent authority may, for good and sufficient reasons, impose on a Government Servant any of the following penalties:

Penalties

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely :-

Minor Penalties –

(i) censure;

(ii) withholding of his promotion;

(iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders;

(iii) (a) reduction to a lower stage in the time-scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his pension.

(iv) withholding of increments of pay;

Major Penalties -

(v) save as provided for in clause (iii) (a), reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay

(vi) reduction to lower time-scale of pay, grade, post or Service for a period to be specified in the order of penalty, which shall be a bar to the promotion of the Government servant during such specified period to the time-scale of pay, grade, post or Service from which he was reduced, with direction as to whether or not, on promotion on the expiry of the said specified period -

(a) the period of reduction to time-scale of pay, grade, post or service shall operate to postpone future increments of his pay, and if so, to what extent; and

(b) the Government servant shall regain his original seniority in the higher time scale of pay , grade, post or service;

(vii) compulsory retirement;

(viii) removal from service which shall not be a disqualification for future employment under the Government;

(ix) dismissal from service which shall ordinarily be a disqualification for future employment under the Government.

Provided that, in every case in which the charge of possession of assets disproportionate to known-sources of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (viii) or clause (ix) shall be imposed;

Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

EXPLANATION - The following shall not amount to a penalty within the meaning of this rule, namely:-

a) withholding of increments of a Government servant for his failure to pass any departmental examination in accordance with the rules or orders governing the Service to which he belongs or post which he holds or the terms of his appointment;

b) stoppage of a Government servant at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;

c) non-promotion of a Government servant, whether in a substantive or officiating capacity, after consideration of his case, to a Service, grade or post for promotion to which he is eligible;

d) reversion of a Government servant officiating in a higher Service, grade or post to a lower Service, grade or post, on the ground that he is considered to be unsuitable for such higher Service, grade or post or on any administrative ground unconnected with his conduct;

e) reversion of a Government servant, appointed on probation to any other Service, grade or post, to his permanent Service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation;

f) replacement of the services of a Government servant, whose services had been borrowed from a State Government or any authority under the control of a State Government, at the disposal of the State Government or the authority from which the services of such Government servant had been borrowed;

g) compulsory retirement of a Government servant in accordance with the provisions relating to his superannuation or retirement;

h) termination of the services –

(a) of a Government servant appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation, or

(b) of a temporary Government servant in accordance with the provisions of sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965, or

(c) of a Government servant, employed under an agreement, in accordance with the terms of such agreement.

25. The Rule does not provide as to which penalty may be imposed for which misconduct. This aspect has been left to the discretion of the disciplinary authority.

MINOR PENALTY PROCEEDINGS

26. Minor penalties are less severe as compared to the Major penalties. The authority competent to impose these penalties may be lower than the Appointing Authority. Besides, ordinarily Minor penalties can be imposed without conducting an oral inquiry.

27. The procedure for imposing minor penalty is laid down in **Rule 16** of CCS (CCA) Rules 1965. Once a decision has been taken by the disciplinary authority to initiate minor penalty proceedings against an employee, a memorandum is issued to the employee communicating the proposal to take action against him. This memorandum is accompanied by a statement of imputations of misconduct or misbehaviour, giving him about 10 days' time for submitting his reply. In case the Government Servant desires to peruse some documents for preparing his reply, the same may be considered on merit. On receipt of his reply, or if no reply is received on expiry of the prescribed date, the competent authority will take a decision on the basis of available information. The findings of the disciplinary authority will be recorded in file and an appropriate order will be served on the Government servant concerned. If it is decided, as a result of such examination, to exonerate the Government servant, an order to that effect will be issued.

28. There may be circumstances where even for the imposition of minor penalty detailed oral hearing may be conducted. Such cases broadly fall under the following two categories:

a) **Optional:** Cases wherein the disciplinary authority may feel that in the circumstances of the case it is appropriate to hold an oral inquiry. The disciplinary authority may suo motto decide that in a particular case, oral inquiry may be held to ascertain as to whether the charges are proved. Alternatively, the decision may be taken based on the request of the

concerned official. In any case, the final decision will be as per the discretion of the disciplinary authority. Cases involving oral evidence will normally call for oral hearing.

b) **Obligatory:** Where, the disciplinary authority, after considering the reply of the Government servant, proposes to impose the penalty of withholding of increment, under any one of the following circumstances, an oral inquiry shall invariably be held:

i) withholding of increment for a period exceeding three years,
ii) withholding of increment for any period with cumulative effect
iii) withholding of increment which is likely to adversely affect the pension of the Government servant,

29. Generally there will be a tendency to initiate the proceedings for major penalty so that the options can be kept open, because, on conclusion of the major penalty proceedings, minor penalty can also be imposed. This tendency should be avoided for two reasons. Firstly, if the gravity of the misconduct indicates that the ends of justice will be met through a minor penalty, initiation of major penalty proceedings will create unnecessary tension for the employee concerned and hence it will be unfair to him. Secondly, minor penalty proceedings can be completed expeditiously. Imposition of the penalty soon after the misconduct is always effective and desirable.

MAJOR PENALTY PROCEEDINGS

30. Procedure for imposition of Major penalty is laid down in rule 14 of the CCS (CCA) Rules. Normally, a Major penalty can be imposed only by the Appointing Authority.

Charge Sheet

31. Before imposition of major penalty, the disciplinary authority is required to prepare charge sheet which will have a memorandum with the following four annexures:

(a) **Annexure-I** - Articles of charge
(b) **Annexure-II** - Statement of imputations of misconduct or misbehaviour
(c) **Annexure-III** - List of documents by which the articles of charge are proposed to be sustained
(d) **Annexure-IV** - List of witnesses through whom the charges are proposed to be proved

32. It must be ensured that the charges are clear and unambiguous. The charged official will be able to defend himself only if he knows what exactly the allegation against him is. Hence vagueness of charge is likely to invalidate the proceedings. Articles of charge as mentioned in **Annexure-I** is the essence of the misconduct of the employee. It may be negligence, or insubordination or lack of integrity, etc. The details of the facts/transaction from which the charge emanates are known as the Statement of imputations of misconduct or misbehaviour. This will be a detailed account and is given in **Annexure-II**. The evidence based on which the charge is proposed to be established may be documentary or oral. These are given in **Annexures-III** & **IV** of the charge sheet.

33. The charge sheet so prepared is served on the Govt. servant concerned with the instructions to file his written statement of defence. The covering memorandum is required to be signed by the disciplinary authority. In cases wherein the President is the disciplinary authority, the covering memorandum should be signed by an officer authorised to authenticate orders on behalf of the President. Normally, the copies of the documents and the statements of witnesses are supplied along with the Charge Sheet. If the documents are bulky and copies could not be given along with the Charge Sheet, the charged officer may be given an opportunity to inspect the same within a reasonable time, say 10 days.

34. Further course of action depends upon the response of the Charged Officer. Possible responses are that the Charge Officer may not respond to the Charge Sheet or may send a reply. Again, in his reply, the Charged Officer may admit the charge(s) or deny the same. While denying the Charge, the charged officer may make a bald denial or attempt to convince the disciplinary authority. The disciplinary authority has the following options:

(a) In case of unconditional and unambiguous acceptance of the charges, the disciplinary authority may pass orders for imposing suitable penalty.

(b) In cases of conditional denial or denial without any convincing reason, or in cases wherein the Charged Officer has not submitted the written statement of defence, the disciplinary authority has to take further action for holding an inquiry for establishing the charges. In case the Charged Officer has admitted some of the charges unconditionally and has refuted others, the disciplinary authority will order inquiry only in respect of the charges which have not been admitted by the Charge Officer.

(c) It is also possible that the Charged Officer may, in his written statement of defence, give a convincing reply to the allegations against him. In such cases the disciplinary authority may close the case and pass orders accordingly.

Inquiry

35. If, on examination of the written statement of the Charged Officer, or in cases wherein he has not filed any written statement within the prescribed time, the disciplinary authority initiates action for conducting an inquiry for establishing the charges. He will appoint an Inquiry Officer(IO) and a Presenting Officer (PO). As per CCS (CCA) Rules, the Inquiry Officer/ Presenting Officer can be a serving Govt. Servant or a retired one. The Presenting Officer may be a legal practitioner. Copies of the Charge sheet and the accompanying documents are sent to the Inquiry Officer and the Presenting Officer.

36. Inquiry Officer, on receipt of the order of appointment will examine whether the requisite documents of the case have been sent. The role of Inquiry Officer is to conduct an inquiry in accordance with the provisions of Rule 14 of the CCA Rules as well as the Principles of Natural Justice and to give a finding as to whether the charges are proved. Presenting Officer's role is akin to that of a public prosecutor. His endeavor will be to establish the charges by leading evidence on behalf of the disciplinary authority. While the Inquiry Officer is required to be impartial to the case, there is no such requirement in respect of the Presenting Officer. While appointing the Inquiry Officer, it must be ensured that he is higher in rank to the Charged Officer and does not have any interest or preconceived ideas about the case. As regards the Presenting Officer, he is lower in rank as compared to the Inquiry Officer.

37. The Inquiry Officer is required to maintain a record of the progress of the case in the form of *Daily Order Sheets*. A daily order sheet is a brief narration of the day's happenings in the Inquiry. Whenever there is a progress in the case, the Inquiry Officer is expected to prepare a daily order sheet. On the date of receipt of the appointment order as Inquiry Officer, he will make his first daily order sheet indicating the fact of his appointment. Similarly during the progress of the case also he will keep on making daily order sheets, indicating progress; such as, taking over of documents, examination of witnesses, receipt of a request from the Charged Officer for production of additional documents etc.

38. The first perceptible action of the Inquiry Officer will be writing to the Charged Officer, with a copy to the Presenting Officer to appear before him on the date, time and venue prescribed by him for the Inquiry. Generally, the proceedings before the Inquiry Officer is divided into two phases viz. Preliminary Hearing and Regular Hearing. Inspection of listed documents, ascertaining the documents and witnesses required by the Charged Officer, etc. are done during the Preliminary Hearing. During Regular Hearing, examination of witnesses is carried out.

39. The Charged Officer is entitled to have the assistance of another officer for the purpose of defence. This person is known as Defence Assistant. The Defence Assistant may be a serving or retired Government Servant. In case the

Presenting Officer is a legal practitioner, the Charged Officer acquires a right to engage a legal practitioner as his defence assistant. Otherwise, the Charged Officer is required to obtain permission from the disciplinary authority for engaging a legal practitioner as a Defence Assistant depending upon the facts and circumstances of the case. As regards the request of the Charged Officer for engagement of a Defence Assistant from a station other than the one where the inquiry is being conducted, the Inquiry Officer will have to take a decision. Another important aspect of the Inquiry is that if the Charged Officer has reasons to fear that the Inquiry Officer is biased against him, he is at liberty to make a representation to the Disciplinary Authority for change of Inquiry Officer. When a representation of this nature is pending disposal, the Inquiry Officer is expected to stay the proceedings.

40. In the first hearing, known as the preliminary hearing, the Inquiry Officer will question the Charged Officer as to whether he has received the Charge Sheet, understood its contents and admits the charges. In case, the Charged Officer admits the charges unconditionally at this stage, the same is recorded and the finding of guilt is sent to the disciplinary authority duly signed by the Charge Officer. In most of the cases, the Charged Officer denies the charges. Hence the Inquiry Officer will proceed with further inquiry. On denial of the charges by the Charged Officer, the Inquiry Officer will fix a schedule for inspection of the original documents listed in Annexure – III of the Charge Sheet. This may be conducted at a date, time and venue suitable to the Presenting Officer and the Charged Officer. The Inquiry Officer need not be present during the inspection of documents. After fixing the schedule for inspection of the original document, the Inquiry Officer asks the Charged Officer to submit the list of documents and the witnesses required for the purpose of his defence. The Inquiry Officer, on examination of this request may allow such of the documents and witnesses, which in his opinion are relevant for the purpose of defence. The Inquiry Officer will write to the custodian of the relevant documents for making the same available to enable the Charged Officer to make his defence.

41. After the Inspection of the documents, the Presenting Officer and the Charged Officer will report to the Inquiry Officer on a date and time fixed by the Inquiry Officer. The Inquiry officer will ascertain the outcome of the inspection i.e. whether the Charged Officer disputes the genuineness of any of the documents. The documents which have been admitted by the Charged Officer will be taken on record by the Inquiry Officer marking them as SE-1, SE-2, etc. (SE: State Exhibit). Thereafter, the oral examination on behalf of the state will be led by the Presenting Officer. This phase is known as Regular Hearing.

42. Oral evidence may be led by both the parties. Oral evidence called on behalf of the disciplinary authority is known as State Witness (SW) and the oral evidence called on behalf of the Charged Officer is known as Defence Witness

(DW). A witness will be subjected to three stages of examination. Firstly, the examination -in - chief will be conducted by the party who calls the witness. Thereafter, the witness will be subjected to cross examination carried out by the opposite party. Finally, the party who called the witness is allowed to carry out re-examination. Thus the State witness will be examined-in–chief by the Presenting Officer, cross examined by the Charged Officer/Defence Assistant and finally re-examined by the Presenting Officer. Similarly, the Defence Witnesses will be examined–in–Chief by the Charged Officer/ Defence Assistant, cross examined by the Presenting Officer and re-examined by the Charged Officer/Defence Assistant. The depositions of the witness are noted down by the Inquiry Officer (with stenographic assistance) and the recorded statements are got signed by the parties present and the witness himself. The recording may be in narrative form or question answer form, depending upon the nature of the examination of the witness. It may be kept in mind that the examination, cross-examination etc. of DW will start only on completion of the same with SW.

43. On conclusion of the evidence on behalf of the disciplinary authority, the Inquiry Officer will ask the Charged Officer to state his defence and lead evidence. He will also take on record, the documents which, the charged officer may wish to rely upon and mark them as DE-1, DE-2 etc (DE-Defence Exhibit). Thereafter, evidence on behalf of the Charged Officer is led. The Charged Officer has an option to appear as his own witness. In such a case, he will have to face the cross examination of the Presenting Officer. When the evidence for both the parties is over, the Inquiry Officer will question the Charged Officer generally of the circumstances appearing against him.

44. After bringing the facts on records in the form of documentary evidence or through oral evidence, the parties will have to convince the Inquiry Officer as to whether the charges are proved or not. The Presenting Officer will have to convince the Inquiry Officer that on the basis of the facts presented in the inquiry, there are reasons to believe that the charges may be held as proved. Similarly, the Charged Officer will try to convince the Inquiry Officer that on the basis of the information submitted during the inquiry, the charges cannot be held as proved. This process of convincing the Inquiry Officer is carried out either through oral arguments or submission of written briefs. Generally, the parties prefer to submit written briefs. The Charged Officer has an option to finalise his brief on perusal of the brief of the Presenting Officer. On conclusion of the deposition of the witnesses for both sides, the Inquiry Officer will direct the Presenting Officer to submit his written brief within a reasonable time say 10 days, with a copy to the Charged Officer. The Charged Officer will be directed to submit his brief within a suitable time thereafter.

45. On receipt of the written briefs of the parties, the Inquiry Officer is required to make his Inquiry Report. The report will contain the background of the

case, details of the hearings held, the evidence adduced in the inquiry, contentions of the respective parties, an objective analysis of the evidence and finally the conclusion, together with the reasons therefor, of the Inquiry Officer as to whether the charges are proved or not. Copies of the report along with other records of the case such as the original documents taken on record, statements of witnesses during the inquiry, daily order sheets, etc. will be sent by the Inquiry Officer to the disciplinary authority.

Action after Inquiry

46. The following courses of action are open to the disciplinary authority on receipt of the Inquiry officer's report:

(a) If it is observed from the report that the Inquiry officer has deviated from the statutory provisions or the Principles of Natural Justice, the disciplinary authority may refer the case back to the Inquiry Officer for removal of the anomaly. *E.g. If a document requested by the Charged Officer was not provided, which in the opinion of the disciplinary authority may amount to denial of opportunity of defence to the Charged Officer, the disciplinary authority may direct the inquiry Officer to provide the same to the Charged Officer and continue the inquiry.*

(b) If the disciplinary authority is not in agreement with the findings of the Inquiry Officer, he may record his reasons for disagreement and proceed accordingly. In case the Inquiry Officer has held the Charged Officer guilty and the disciplinary authority, on the basis of the records of the case comes to the conclusion that the Charged Officer is not guilty, the case may be closed and an order passed to that effect.

(c) If the Inquiry Officer has held the Charged Officer not guilty and the disciplinary authority comes to the conclusion that the Charged Officer is guilty, the report of the Inquiry Officer together with the note of disagreement of the disciplinary authority is sent to the charged officer and he is allowed to make a representation against the same. On receipt of the reply from the Charged Officer, final orders are passed.

(d) In case the disciplinary authority is in agreement with the Inquiry Officer, depending upon the findings of the Inquiry Officer, the case is processed. i.e. if the finding is to the effect of not guilty, the case is closed and appropriate order is passed. Alternatively, a copy of the Inquiry report is sent to the Charged Officer and he is allowed an opportunity to make representation. On receipt of the reply of the Charged Officer, final orders are passed taking the contents of the representation into account.

47. In cases falling within the purview of the CVC, the matter is referred to the Commission along with the documents of the case and the second stage advice obtained. Second stage advice of the CVC may not be required in the cases where

consultation with the UPSC is mandatory under the rules. Consultation with UPSC, where necessary is also carried out. The Disciplinary Authority shall forward or cause to be forwarded a copy of advice of the Commission to the Government Servant, who shall be required to submit, if he/she so desires, written representation or submission on the advice of the Commission, to the Disciplinary Authority within fifteen days. The Disciplinary Authority will consider the representation/submission before passing the final orders.

48. An employee who has been penalised in the above manner has certain departmental remedies by way of Appeal, Revision and Review.

49. In case, he is still aggrieved, he has the option to seek redressal from judicial fora.

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CHAPTER – 16

OFFICIAL LANGUAGE POLICY

1. THE POLICY

The Official Language Policy of the Union is one of bilinguals, that is, it provides for the use of Hindi and the English languages for the official purposes of the Union. The effort is to encourage the increasing use of Hindi through persuasive methods, ensuring, at the same time, quick and efficient disposal of government business, and also not putting at a disadvantage the employees who are not proficient both in Hindi and English.

The official Language Policy is based on –

- the provisions of the Constitution (mainly Article 120 & Article 343-351);
- the Official Language Act, 1963; as amended in 1967;
- the Government of India Resolution dated 18-1-1968 on Official Language; and
- the Official Language (Use for Official Purposes of the Union) Rules, 1976.

1. THE OFFICIAL LANGUAGE AND THE NUMERALS

Under Article 343 of the Constitution, Hindi in Devanagri script shall be the Official Language of the Union, and that the international form of Indian numerals shall be used for the official purposes of the Union.

3. THE USE OF ENGLISH AND HINDI DURING TRANSITIONAL PERIOD

Under the Constitutional settlement, even though Hindi had been adopted as the official language, English was to be used for all the official purposes of the Union till 26 January 1965. During this period, i.e. from 26 January 1950 to 26 January 1965, which is called the transitional period, Hindi was to be used only for those official purposes for which such use was authorised by the President. Accordingly, the President authorised the use of Hindi, in addition to English, for certain purposes, such as warrants of appointments of Ambassadors, Judges of the Supreme Court/High Courts, gazette notifications, headings of registers, name plates/boards, notings, etc.

4. COMMISSION AND COMMITTEE OF PARLIAMENT ON OFFICIAL LANGUAGE

The transitional period of fifteen years was to be utilised for the development of Hindi and its progressive introduction for the official purposes of the Union. To facilitate the achieving of this objective, Article 344 envisaged setting up of two Commissions and two Committees of Parliament on Official Language. However,

actually only one Commission and one Committee could be constituted. After considering the recommendations of the Commission and the report of the Committee thereon, the President issued a comprehensive Order in April, 1960. The Order did not propose any restrictions on the use of the English language for the official purposes of the Union and ordered concrete steps for the development of Hindi, such as evolution of scientific, technical and legal terminology, drawing up of programme for the progressive use of Hindi, etc.

5. Surprise visit-

Surprise visits by the Head of the organization and other senior officers to the various sections of an office are very helpful in ensuring that the attendance is regular and that there are no arrears of work and that efficiency, neatness and tidiness are generally maintained.

6. THE USE OF ENGLISH AFTER 26 JANUARY, 1965

The Official Language Act, 1963, was enacted so as to provide for the continued use of the English language for the official purposes of the Union after 26 January 1965. The Act was amended in 1967 to give legal shape to the assurances of the late Prime Minister Jawaharlal Nehru to the non-Hindi speaking people that the use of English would be continued for the official purposes of the Union as long as they wanted.

Along with the aforesaid Amendment, the Parliament also adopted a Government Resolution which requires the preparation of an annual assessment report on such use and placing of the same before Parliament. It also provides for the development of Hindi and all other languages enumerated in the VIIIth Schedule to the Constitution, the optional use of these languages as medium of All India and higher Central Service Examinations (now called Civil Services Examination) and the implementation of the Three Language Formula by all the State Governments. A copy of this resolution is attached as ANNEX – II.

7. THE LANUGAGE(S) FOR USE IN PARLIAMENT

Under Article 120 of the Constitution and Section 3 of the Official Language Act, 1963, Hindi and English languages can be used for transaction of business in Parliament. A Member of Parliament, who is unable to express himself in either of these languages, can be permitted to speak in his mother tongue.

8. LANGUAGE FOR USE IN SUPREME COURT/HIGH COURTS

Under Article 348 of the Constitution, the language of the Supreme court is English till Parliament, by law, provides for the use of any other language. This has not been done so far. The language of the High Courts is also English. However, this Article read with Section 7 of the Official Languages Act Empowers the Governor of a State, with the previous consent of the President, to authorise the optional use of Hindi or the official language of the concerned State in proceedings, judgments, etc. of the High Courts. The High Courts of States of Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh have been authorised the optional use of Hindi. Now

Hindi text of any order, rule, regulation or byelaws issued under any central act is also authoritative.

9. THE OFFICIAL LANGUAGES ACT 1963

The following are the main provisions of the Act:

i) It allows the continued use of English for –
a) The official purpose of the Union.
b) The transaction of business in Parliament.

ii) It regulates the use of Hindi and English for correspondence between the Union and the States and amongst the States.
iii) It makes obligatory use of Hindi and English for specified documents.
iv) It vests power in Legislatures of the non-Hindi speaking States for the discontinuance of the use of English for the official purposes of the Union.
v) It provides for the setting up of the Committee of Parliament on Official Languages comprising 30 Members of Parliament (20 from Lok Sabha and 10 from Rajya Sabha) to assess the progress made in the use of Hindi for the official purposes of the Union and to submit its report to President, making recommendations thereon.

10. THE OFFICIAL LANGUAGES (USE FOR OFFICIAL PURPOSES OF THE UNION) RULES, 1976. [NOTIFIED ON 28-6-1976]

(1) These Rules have been framed under the provisions of Sec.8 of the Official Languages Act, 1963. The special feature of the Rule is that it defines 'Central Government Office', 'Working Knowledge of Hindi', "Proficiency in Hindi", etc. and groups the States and Union Territories into three regions, viz. Region 'A' Region 'B' and Region 'C'. Details of these Regions are given in ANNEX-III.

(2) The Rules provide that communications from Central Government offices to –

(i) A State or UT or a person in Region 'A' shall be in Hindi and if in exceptional cases sent in English, these should be accompanied by translation in Hindi;
(ii) (a) a State or a UT in Region 'B' shall originally be in Hindi, and if issued in English should be accompanied by translation in Hindi. However, the State Government can ask that communications of any particular category or class be sent in either English or Hindi accompanied by translation in the other language, for a specified period and in that case these should be sent.
(b) A person in the aforesaid State be either in Hindi or in English.

(iii) A State or a UT or a person in Region 'C' shall be in English.

(iv) the Central Government offices in Region 'C' can send their communications to a State or UT in Region 'B' or Region 'A' in Hindi or in English.

(Rule 3)

(3) Language of Communications Between Central Government Offices

(i) between Ministries/Departments in Hindi or in English.
(ii) between Ministries/Departments and their Attached or Subordinate Offices in Region 'A' in Hindi in proportion as determined by Central Government.
(iii) Between Offices in Region 'A' – in Hindi only.
(iv) Between inter-regional offices – in Hindi or English.
(v) Amongst offices in Region 'B' or Region 'C' – in Hindi or in English.

(4) *Communications received in Hindi should be replied to in Hindi.*

(Rule 5)

(5) *Both Hindi and English should be used for -*

a) Notifications, Resolutions, General Orders, Rules, Administrative Reports or Press Communiqués;
b) Administrative and other reports and official papers laid before a House or House of Parliament; and
c) Contracts and Agreements, and Licenses and Permits, notices and forms of tender.

(Rule 6)

APPLICATIONS, ETC. CAN BE IN HINDI OR ENGLISH

Applications, appeals, representations can be submitted by the employees in Hindi or English and when these are in Hindi or signed in Hindi, these should be replied to in Hindi. An employee can also ask for a copy of order or notice relating to service matter (including disciplinary proceedings) in Hindi or English, as the case may be.

[Rule (7)]

NOTINGS IN HINDI OR ENGLISH

An employee is free to use Hindi or English for recording his note and he himself will not be providing a translation in the other language.

[Rule 8(1)]

WORKING KNOWLEDGE OF HINDI

Those employees who have passed Matriculation or equivalent or higher examination with Hindi as a subject or the prescribed examination (such as Pragya, Praveen or Prabodh under the Hindi Teaching Scheme) or declare in the prescribed form that they possess working knowledge, would be deemed to possess working knowledge of Hindi.

[Rule 10 (1)]

The employees possessing working knowledge of Hindi should not ask for a translation of a document in English unless it is of legal or technical nature. If any question arises as to whether a particular document is of a legal or technical nature, the Head of Department or office shall decide it.

[Rule 8(2) & 8(3)]

NOTIFIED OFFICE

When 80% staff of an office have acquired working knowledge of Hindi, the staff of that office will be deemed to have possessed a working knowledge of Hindi and such an office shall be notified in the Gazette of India.

[Rule 10(4)]

Communications to Central Government offices, except notified offices, in Region 'C' are to be accompanied by their translation, if necessary, in the other language. With regard to Central Government offices in Region 'A' or Region 'B', translation, if necessary, is to be provided at the receiving end.

(Rule 4)

PROFICIENCY IN HINDI

Those employees who have passed matriculation or equivalent or higher examination with Hindi as medium of examination, or have taken Hindi as elective subject in degree or equivalent or higher examination or if they declare in the prescribed form that they possess proficiency in Hindi, then they would be deemed to possess proficiency in Hindi.

(Rule 9)

The form shall be as under:

FORM

I hereby declare that I possess proficiency in Hindi/have acquired a working knowledge of Hindi in view of the following:-
Date:
Signature

OBLIGATORY USE OF HINDI ALONE BY EMPLOYEES ON SATISFYING CERTAIN CONDITIONS

The Central Government can issue an order requiring employees of a notified office having proficiency in Hindi to use Hindi alone for noting, drafting or other specified purposes.

[Rule 8(4)]

MANUALS, FORMS, NAME-PLATES, ETC., BOTH IN HINDI AND ENGLISH

a) Manuals, codes, other procedural literature should be published both in Hindi and English in diglot form.

b) The forms, headings of registers, name plates, name board, rubber stamps, items of stationery is to be printed or inscribed both in Hindi and English. However, the Central Government may exempt any office from compliance of these provisions.

(Rule 11)

c) Responsibility for compliance- (1) It shall be the responsibility of the administrative head of each Central Government Office –

i) to ensure the provisions of the Act and these rules and the directions issued under sub-rule (2) are properly complied with; and

ii) to devise suitable and effective check points for this purpose.

(2) The Central Government may from time to time issue such directions to its employees and officers as may be necessary for the due compliance of the provisions of the Act and these rules.

(Rule 12)

MACHINERY FOR FORMULATION AND IMPLEMENTATION OF OFFICIAL LANGUAGE POLICY

(i) The CENTRAL HINDI COMMITTEE, headed by the Prime Minister, with Cabinet Ministers of some important Ministries, some Chief Ministers and prominent scholars as Members, is the highest policy making body for the use of Hindi for the official purposes of the Union.

(ii) THE HINDI ADVISORY COMMITTEE (HINDI SALAHAKAR SAMITI) in each Ministry/Department headed by the concerned Minister and with officials and non-officials (including some Members of Parliament) as Members, advise the Ministries/Departments on the use of Hindi for official purposes.

(iii) A CENTRAL OFFICIAL LANGUAGE IMPLEMENTATION COMMITTEE headed by Secretary, Department of Official Language, coordinates and implements the policy regarding the use of Hindi for official purpose

(iv) OFFICIAL LANGUAGES IMPLEMENTATION COMMITTEE, in each Ministry/Department/Attached or Subordinate office is normally headed by Joint Secretary (Admn.) or the Administrative Head of the Office.

ANNEXURE - I

THE OFFICIAL LANGUAGE RESOLUTION, 1968

Ministry of Home Affairs
New Delhi, the 18th January, 1968

The following Government Resolution, as adopted by both Houses of Parliament, is hereby published for general information:-

RESOLUTION

'WHEREAS under article 343 of the Constitution Hindi shall be the official language of the Union, and under article 351 thereof it is the duty of the Union to promote the spread of the Hindi Language and to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India;

This House resolves that a more intensive and comprehensive programme shall be prepared and implemented by the Government of India for accelerating the spread and development of Hindi and its progressive use for the various official purposes of the Union and an annual assessment report giving details of the measures taken and the progress achieved shall be laid on the Table of both Houses of Parliament and sent to all State Governments;

2. WHEREAS the English schedule to the Constitution specifies 14 major languages of India besides Hindi, and it is necessary in the interest of the educational and cultural advancement of the country that concerted measures should be taken for the full development of these languages;

The House resolves that a programme shall be prepared and implemented by the Government of India, in collaboration with the State Governments for the coordinated development of all these languages, alongside Hindi so that they grow rapidly in richness and become effective means of communicating modern knowledge;

3. WHEREAS it is necessary for promoting the sense of unity and facilitating communication between people in different parts of the country that effective steps should be taken for implementing fully in all States the three language formula evolved by the Government of India in consultation with the State Government;

This House resolves that arrangement should be made in accordance with that formula for the study of a modern Indian Language, preferably one of the Southern languages, apart from Hindi and English in the Hindi speaking areas and of Hindi along with the regional languages and English in the non-Hindi speaking areas.

4. AND WHEREAS it is necessary to ensure that the just claims and interest of people belonging to different parts of the country in regard to the public services of the Union are fully safeguarded;

This house resolves –

a) that compulsory knowledge of either Hindi or English shall be required at the stage of selection of candidates for recruitment to the Union service or posts except in respect of any special services or posts for which a high standard of knowledge of English alone or Hindi alone, or both as the case may be is considered essential for the satisfactory performance of the duties of any such service or post; and

b) that all the languages included in the Eighth Schedule to the Constitution and English shall be permitted as alternative media for the All India and higher Central Services examinations after ascertaining the views of the Union Public Service Commission on the future scheme of the examinations, the procedural aspects and the timing.

Sd/-

R.D. Thaper
Joint Secretary to the Government of India.

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CHAPTER – 17

LITIGATION MANAGEMENT

(How to Handle CAT/Court Cases)

Handling of Court and Tribunal matters require meticulous planning and monitoring in Section. Any unintentional delay or deliration may give grounds for Contempt Proceedings. As it is essential for a civil servant to closely monitor and take timely actions regarding litigation matters, it is important to understand the theoretical and practical aspect of the procedure for the same.

2. Introduction

1.1 Of the three resources of any organisation, namely - Men, Money and Materials; the former assumes a far greater significance than the latter resources. Conflict within the group and with other groups is a very natural process in any organisation, something which cannot be wished away and should never be allowed to be overlooked. For, a conflict is required to be managed to the holistic advantage of the organisation. Thus, appropriate intervention is required at some stage of the conflict. In this context, members of the organisation must have an opportunity to air their grievances. The forum for such grievance management can be within the system or even outside.

1.2 In the government machinery, provisions for such external avenues have been made based on the subject matter of the grievance as well as on the geographical jurisdiction. For example, matters related to recruitment and service conditions of any person aggrieved from the decision of Central Government can be raised in the Central Administrative Tribunals, whereas grievances of government employees on any other subject will have to be raised before the appropriate court of law. Secondly, such matters will have to be raised before a bench of CAT/Court, which has the geographical jurisdiction over the matter as well.

2. Central Administrative Tribunals

2.1 Central Administrative Tribunals has been established under the provisions of Administrative Tribunals Act 1985 in order to provide economic and speedy redressal to the grievances. CAT has branches at various parts of the country having jurisdiction over specific states / areas. Members of the Armed Forces, employees of Supreme Courts / High Courts and Secretariat staff of the Parliament are, however, not covered within the scheme of CAT.

2.2 The proceedings in the CAT are judicial in nature, but the CAT is not bound by the provisions of the Civil Procedure Code (CPC) or Criminal Procedure Code (CrPC) or the Indian Evidence Act. It is guided by the principles of natural justice which, in essence, is impartiality and fair play

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3. Where, when and how to file an application?

3.1 Jurisdiction of a particular bench for filing an application is determined by the following parameters:

(a) The place where the applicant is posted for the time being.
(b) The place where the cause of action, wholly or in part has arisen.

3.2 In the case of persons who are not presently in service including those retired, dismissed etc., the place of residence will be the crucial factor determining the jurisdiction of the bench. In case of disputes, decision of the Chairman of the CAT, in Delhi, will be final.

3.3 Before filing an application before the Tribunal the applicant/complainant must ensure that:

(a) The order issued is final in nature and has been passed by an authority competent under the rules to make.
(b) An appeal or representation against the order has either been rejected or has remained unanswered for a period of six months. This also holds true in case the representation / appeal is against non-issue of an order which is adversely affecting the prospects/requirement of an employee.

3.4 The normal period within which an application can be made before the CAT is:

(a) Within one year from the date of the final order made in disposal of appeal, representation, revision etc.
(b) One year after the expiry of 6 months from the date on which such appeal or representation, application for revision has been made but no order was made by the competent authority.

3.5 However, CAT is competent to relax the period of limitation in deserving cases. CAT also has the power to entertain cases in which departmental remedies have not been exhausted.

4. Composition of the CAT

4.1 Benches of the CAT are located all over the country. Principal Bench is located in New Delhi and other 16 benches are located mainly at the seats of the

High Courts in the country. In addition we have 19 circuit benches which are controlled by one of the benches. Every Bench has got a geographical jurisdiction. For example the Bench at Chennai has jurisdiction over all the Central Govt. offices in Tamil Nadu and Pondicherry. The Bench at Guwahati has jurisdiction over all the North Eastern States. The Bench at Lucknow has jurisdiction over some of the districts of Uttar Pradesh whereas the remaining districts of Uttar Pradesh are under the Jurisdiction of Allahabad Bench.

4.2 Cases in the Tribunal are decided by Members or Chairman. There is only one Chairman for all the Benches of CAT and his office is in the Principal Bench, New Delhi. Other Benches are headed by a vice Chairman appointed in each of 16 benches. Besides, the tribunal have members from two streams viz. Judicial Stream and Administrative Stream. They are known as Member (J) and Member (A) respectively.

4.3 The word Bench is also used to denote the number of judicial functionaries hearing and deciding a case. Single Bench comprises only one functionary hearing and deciding a case. Single Bench may comprise of a Member (J) or a Member (A) or Chairman. A Division Bench comprises of two persons.

5. Procedure in the CAT

5.1 An aggrieved person can submit an application in the prescribed format at the registry of the bench with a fee of Rs.50/- either in person or through his advocate. Initially it is scrutinized by the officials of registry at the filing counter and a number is allotted to it. After detailed scrutiny of the documents to identify and remove deficiencies, the application is placed before the appropriate bench. Matters like Pay & Allowances, Transfer, Pension, Adverse Entries in the APAR, Accommodation, etc. are placed before Single Bench, while matters such as seniority, promotion, disciplinary proceedings, etc, are earmarked for Division Bench.

5.2 Other kinds of applications viz. Miscellaneous Application, Petition for Transfer, Review Application and Contempt Applications are also filed in the CAT. Miscellaneous Applications (MA) are filled on issues relating to an OA. Some of the instances when MAs are filed are as under:

(a) In cases where more petitioners join hands to file an OA; or
(b) Some additional information which has been omitted in OA is to be submitted before the bench; or
(c) More respondents are to be called; or
(d) The application is being filed after the expiry of the prescribed period of limitation and the applicant prays for condonation of delay; or
(e) The respondent seeks more time for implementation of the directions of the CAT, etc.

5.3 Miscellaneous Applications are filed along with an OA or in continuation of an OA and are referred to as MA No. ..... in OA No. .....

5.4 Once the OA is filed; it is heard by the bench to examine whether it is a fit case for admission. Only the applicant or his counsel can appear before the bench at this stage. After hearing, the bench either rejects the case or issues notice to the respondents. The notices issued by the CAT are of the following three kinds:

(a) **Notice for admission**: The respondent may be asked to show cause against admission. In such cases the respondent may consider filing a short reply citing preliminary objections regarding the maintainability of the OA.

(b) **Notice after admission**: In such cases, the respondents are required to file reply contesting on merit as to why the relief sought by the applicant should not be granted. However, in case there are points on the maintainability of the OA, the same can also be advanced in the reply of the respondent.

(c) **Notice for distribution to the employees**: Sometimes respondent departments receive notices to be served on its employees. In such cases, after serving the notice within stipulated period the concerned department is required to file an affidavit in compliance enclosing the copies of the acknowledgement.

6. **Action by departments on receipts of notice**

6.1 On receipt of the notice, which contains the OA and all the annexure in paper book form, it is examined from various angles. In case there are more than one respondents, it is to be examined to ascertain **which department is the main respondent**. This is important because as per instruction, only one reply is to be filed on behalf of the Government of India. The department where the cause of action arose or the department which issued the final order which is being challenged in the OA, is required to contest the case. The main respondent is required to obtain the views of other respondents and incorporate the points in their reply and also indicate that views of the other respondents have been enjoined in the reply. In the case of private respondents (employees etc.), the department is not required to take any action.

6.2 Sometimes some officials may be impleaded by name for the official acts performed by them. Contempt petition is one such example. But even in an O.A., some officials may be impleaded by name for the official acts performed by them. In such cases, the defence of their case is taken up by the departments concerned. The individual may be required to file a small reply adopting the reply filed on behalf of the Department. One or two paragraphs of the OA which directly pertain to the individual will have to be answered in the reply of the individual.

6.3 The department which receives the OA should immediately check as to whether any genuine relief is due to the applicant and try to redress the grievance

without any loss of time. OA is then examined for its merits – i.e. facts and maintainability (i.e. procedural and technical lapses). The objections on maintainability are also called Preliminary Objections.

6.4 Grounds of Preliminary Objections are as under:

(a) **Limitation** :- Whether the case has been filed after the expiry of limitation period.

(b) **Non-Joinder/Mis-Joinder** :- Whether all the concerned parties have not been made respondents or irrelevant parties have been made respondents in the OA.

(c) Whether the case has been filed **Without exhausting available departmental remedies.**

(d) Whether the case **Does not fall within the jurisdiction of CAT/bench** where it has been filed.

(e) **Plural Remedies** :- An OA should seek a single relief or relief consequential to the main relief. If an OA is filed seeking more than one unconnected relief, the same is not permissible under the rules.

(f) **Res Judicata :-**The same matter, which has been decided by the CAT or any other authority cannot be raised before it again by the same parties even for consequential relief.

(g) **Estoppel**:- Whether applicant seeks to testify against a statement of fact by which he had sought benefits from the department on earlier occasions such as change in date of birth, option once exercised for fixation of pay, etc.

(h) **Suggestio Falsi and Suppression Veri** :- Whether the applicant has suggested some falsehood or suppressed an information which has a critical bearing on the case while the same was available with him.

6.5 The preliminary objection becomes most vital when a notice against admission is issued by the bench. The cases can be rejected at this stage on grounds of non-maintainability alone. Therefore, short reply sent to the CAT should contain Preliminary Objection, if any, to facilitate rejection of OA on maintainability.

6.6 However, once a case is admitted, detailed reply is to be filed, contesting the case on merits, in triplicate, in proper book form with index, etc. The first task is to have Govt. Counsel appointed through the Litigation Section of the Ministry of Law. In exceptional cases a private advocate outside the panel can be appointed. Government Counsel may have to file his application and seek time from CAT for filing reply. Section 23(2) of the CAT Act, 1985 also makes provision for the nomination of Group 'Á' officer of the department as the **Presenting Officer** with the approval of Minister-in-Charge. A Presenting Officer can file reply and argue cases on behalf of respondents.

7. **Preparation of reply once the OA is admitted**:-

7.1 The following tasks are involved in the preparation of reply:

(a) Ascertaining the veracity of the facts narrated by the applicant;

(b) Ascertaining the correct facts relating to the issue agitated in the OA;

(c) Exploring the possibility of raising any preliminary objection regarding the maintainability of the OA;
(d) Collection of documents in support of the case of the respondents;
(e) Identification of any similar case filed by any other employee of the department for similar relief. This will not only facilitate easy preparation of the reply but also enable the respondents to move the Tribunal for linking the similar cases to be heard and disposed off together; and
(f) Identification of any precedent especially unreported cases which will be known only to the department. This will strengthen the case of the respondents if the earlier decision was in favour of the respondents. Alternatively, it will help the respondents to effectively resist the present OA by distinguishing it from the earlier case.

7.2 After the facts and documents are collected, the process of drafting reply begins. Before the material portion of the reply, there are certain introductory paragraphs required in the reply and the same are as under:-

(a) The identity of the official filing the reply should be given in the opening paragraph;
(b) There should be a recitation to the effect that the officer filing reply is competent and has been duly authorized to file the reply on behalf of the respondents; and
(c) There should be confirmation to the effect that he/she has read the OA and has understood the contents. It is generally stated that **'except as has been expressly admitted hereunder, all the material averments in the OA are denied'**.

7.3 Often it may not be sufficient for the respondent to simply admit or deny what has been stated by the applicant in the OA. It will be of great advantage if the facts of the case are presented in chronological or logical order in a cohesive manner in its entirety so that the complete details of the case could be understood in one go. It will be a good practice to open the reply of the respondents (after the introductory paragraphs mentioned above), with "**Brief Background of Case**". This portion should contain all the relevant facts (of course only the relevant facts) which are essential for acquiring complete knowledge of the case. It may be appreciated that the applicant would be interested only in his case and will be presenting the facts of the case as known to him or as suitable to him. The respondent, being responsible for larger issues, would have taken decision based on certain guidelines by the nodal agencies or as a result of the policy decision, etc., which may not be even known to the applicant. Further, the respondents would also know the repercussions if the applicant's request is accepted. Presentation of these facts in proper perspective goes a long way in enabling the court to appreciate the case of the respondents. It is also worth remembering to '**state such additional facts as may be found fit for the just decision of the case'**.

7.4 The third part of the reply should contain preliminary objection, if any.

7.5 Thereafter, para wise reply on merits, on the averments made by the applicant in his OA is given. This is perhaps the most crucial part in the respondent's reply. Every averment made by the applicant must be viewed in its proper perspective and the respondent's version of the same may be given. For example, assume that an applicant has stated in para 1 of the OA This application is being filed against the illegal order of suspension passed by the Respondent no. 2 vide order No. .... dated ..... Annexed and marked as Annexure 1"". On the face of it, it may appear that there is nothing to counter or contradict what has been stated by the applicant because he has only cited the order against which he is moving the Tribunal. While referring to the order of suspension, he has described the same as illegal". It would be appropriate to place on record that the impugned order is valid in the eyes of law.

7.6 The following points may be kept in view while drafting reply :

(a) In order to avoid repetition of facts, the respondents may invite the attention of the Tribunal to the relevant paragraph.

(b) At times, the applicant might have mentioned certain facts which are not essential for the case and the same may not be within the knowledge of respondents. For examples, an applicant whose pension has been withheld would have stated facts relating to his domestic problems as well. Under such circumstances the respondents may plead ignorance of the facts simultaneously pointing out that the domestic circumstances are not relevant for determining the legal validity of the impugned order.

(c) On certain occasions, the respondents may not be in position to comment on the truth or otherwise of the contention of the applicant even though the contention may have a bearing on the case. For example, a person may be pleading that he could not file OA in time because he was suffering from some ailment and hence his prayer for condonation of delay be allowed. Under such circumstances, the respondents may plead ignorance and also submit that the applicant **be put to strict proof** of the averments made by him.

(d) There may be paragraphs, which are formal in nature such as the details of the Postal Order, etc. Against such paragraphs, the respondents may state 'being formal, does not call for any reply from the answering respondents'.

7.7 Finally, the respondents are required to make a formal prayer for the dismissal of the OA. The prayer may be in the following form :

Prayer - ***"In view of the submission made hereinabove, in the brief background of the case, preliminary objections and the parawise comments, the applicant is not entitled to any of the relief prayed for and the application is liable to be dismissed with costs. It is prayed accordingly".***

7.8 This is required to be followed by verification by the officer who signs the reply.

7.9 In the course of the reply, whenever supporting documents are available for substantiating the contention of the respondents, a reference should be made in the body of the reply to the appropriate annexure. The documents annexed to the reply are to be marked as R-1, R-2, R-3, etc. The copies of the documents are required to be attested by a legal practitioner or a gazetted officer as under:

This annexure ..... is the True copy of the original document.

Sd/-

Name and Designation

7.10 The language of the reply has to be clear, precise and free from ambiguity. The following points may be kept in mind while preparing the reply:

a) The names of the persons and places must be spelt accurately, throughout the reply;

b) Abbreviations should be avoided as far as possible, especially when they pertain only to Government Departments;

c) Generally pronouns like he, she etc., are avoided in the pleadings. Parties are referred through their legal positions e.g. "Applicant No.3 joined service under Respondent No.2 with effect from……"

d) Whenever a statutory provision is referred to, the exact language of the statute should be used e.g. as per CCS (CCA) Rules, 1965, reduction to lower stage in the time scale for a period not exceeding three years' more or less means the same as for a maximum period of three years. However, such conversions should be strictly avoided while drafting pleading for the court.

7.11 After draft reply is made, the same must be got approved by the Govt. Counsel who has been engaged for defending the case. After clearance from the counsel, the draft may be required to be got vetted by the Legal Advisor.

7.12 Rule 4 of the Central Administrative Tribunal Rules of Practice, 1993, relating to the preparation of pleadings is reproduced hereunder for ready reference:-
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"4. Preparation of pleadings and other papers-

(a) All pleadings, affidavit, memoranda and other papers filed in the Tribunal shall be fairly and legibly typewritten or printed in English or Hindi Language on durable white foolscap folio paper of Metric A-4 size (30.5 cm long and 21.5 cm wide) on one side only in double space with a left margin of 5 cm and right margin of 2.5 cm duly paginated, indexed and stitched together in the paper-book form. The index shall be in Form No.1.

(b) English translation of documents/pleadings shall be duly authenticated by any legal practitioner.

7.13 The reply can be signed by any of the officer authorized for the purpose. The instructions in this regard are contained in Government of India, Department of Personnel & Training Notification No.A-11019/105/87-AT dated 28th September, 1993 published as GSR 630 in the Gazette of India at the same time. As per the above notification, any Group-A Officer in any Ministry/Department of the Government of India or any Desk Officer in any Ministry/Department of the Government of India or any Group A Officer in any Non-Secretariat office of the Government of India is authorized to sign all pleadings and other documents to be filled for and on behalf of the Union of India before the Central Administrative Tribunal. The above officers as are acquainted with the facts of the case also are authorized to verify the pleadings. In respect of Contempt Proceedings, however, the officers impleaded by name are required to file the reply.

7.14 After the reply is complete in all respects and duly signed by authorized officer, a copy of the same is delivered by hand or sent by registered post, to the applicant or his counsel. The proof of delivery or dispatch of the reply to the applicant must be produced before the Registry at the time of filing of reply. The registry gives acknowledgement for receipt of reply.

8. Action in the CAT

8.1 Once reply is submitted, opportunity is given to the applicant/counsel to submit a rejoinder to the reply within a specified time. Once these formalities are completed the case comes up for hearing or put 'on board' depending upon the importance of the case. The case progresses through various listing viz. Fortnightly list and Daily Cause List. On the date(s) assigned for hearing, counsels of both the parties are given opportunity to argue their cases in front of the bench. After carefully going through the written replies and pleadings from both parties, the bench conveys the decision, within a reasonable period.

8.2 It is desirable that a responsible official of the department connected with case is also present in the tribunal / Court during the hearing in order to liaise with the counsel for respondents to clear doubts etc.

9. Action when CAT order is against the Govt.

9.1 In cases where the matter is decided against the government, immediate steps should be taken to obtain a copy of the order and analyse the direction. A view needs to be taken in consultation with the nodal Ministry and the Legal Advisor of the administrative ministry concerned as to whether the order should be implemented or a Writ Petition needs to be filed in the matter in the High Court. The reference to nodal Ministry for their advice should be made well before the last date for filing Review Application before the CAT itself or Writ Petition before the High Court.

9.2 In cases where it is considered necessary to file Review / Writ Petition, the following documents will be required:-

(a) Certified copy of the CAT / Court order against which Review / Writ Petition is proposed to be filed.
(b) copy of Original Application and reply thereto.
(c) Opinion of the Counsel who defended the case.
(d) Opinion of the Branch Secretariat, Ministry of Law.
(e) Grounds on which the order of the CAT / Court order is proposed to be contested.
(f) Whether the above grounds were brought to the notice of the CAT, If not, why these grounds which are now proposed to be advocated in the appeal were not made use of in the CAT.
(g) Last date by which review / appeal is to be filed.

10. Review Application (R A)

10.1 Review application lies in the same bench which passed the order in the original OA, unless the Chairman for reasons to be recorded in writing, directs the RA to be heard by any other bench. RA can be filed on the following circumstances only;

(a) any new / additional material which despite due diligence on the part of the department could not be procured or was not available at the time of passing the order;
(b) against an error appearing on the face of the judgment.
(c) any other analogous reason.

10.2 RA is to be filed within 30 days of the receipt of copy of the Order sought to be reviewed.

11. Writ Petition

11.1 A Writ Petition against the order / review order lies in a division bench of the High Court, having the same jurisdiction as the CAT bench, under article 226 of the constitution.

12. Special leave petition (S L P)

12.1 SLP can be filed in the Supreme Court under article 136 of the Constitution against the writ jurisdiction of the High Court. However SLP is available only when substantial matter of law or a matter of great public importance is involved. Advice of the Additional Solicitor General is to be sought before filing an SLP.

13. Contempt Petition (CCP or CrCP)

13.1 Applicants can submit Civil Contempt Petition (CCP) or Criminal Contempt Petition (Cr CP) in case the Tribunal or High Court order is not implemented within the stipulated time frame. As the contempt is directed against the Head of Department, it becomes very embarrassing. In order to avoid such an occasion either in the CAT or Courts, orders are to be implemented within the prescribed time limit or a MA is to be filed before expiry of such time limit seeking more time to implement the order citing reasons thereof.

14. Payment to the Govt. Counsel

14.1 The instructions with regard to payment to the Govt. Counsel for defending the case are contained in **Ministry of Law O.M No.26(1)/97-judl dated 12 May 87 read with their OM Nos. 26 (1)/2011-Judl dated 01st Sep, 2011 and 23 (2)/2011-Judl dated 01st Sep, 2011**. These instructions provide for payment towards drafting / filing the reply, defending the case, out of pocket expenses and appearance for each effective hearing in case hearing in the case continues beyond 3 days. Effective hearing has been defined to be a hearing in which either one or both the parties involved in a case are heard by the Court. If the case is mentioned and adjourned or only direction is given or only Order is delivered by the Court, it should not constitute an effective hearing but will be termed as a non-effective hearing. The bill submitted by the counsel should be carefully scrutinized with reference to the instructions contained in Ministry of Law O.M. ibid. In case of doubt, the matter can be referred to Ministry of Law and Justice at New Delhi or its Branch Secretariat Concerned.

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CHAPTER – 18

ADMINISTRATIVE LAW[2]

Administrative Law is the branch of public law which deals with organisation and powers of administrative and quasi- administrative agencies. It prescribes principles and rules by which an official action is reached and reviewed in relation to individual liberty and freedom. It is a law but not a law in the lawyer's sense of the terms like property law or contract law. One of the main thrusts of the study of administrative law is on the procedure by which the official action is reached. If the procedure is not trustworthy the end cannot be just. Hence the Administrative Law also includes within its study the control mechanism by which the administrative agencies are kept within bounds and made effective in the service of the individuals.

2. Though Administrative Law has existed in some form for a long time, the 20th and 21st century have seen a rapid growth in its span. As our Supreme Court has put it:-

> "Today the State is not a police State, exercising sovereign functions, but as a progressive democratic State, it seeks to ensure social security and social welfare for the common man, regulates the industrial relations, exercises control over the production, manufacture and distribution of essential commodities, starts many enterprises, tries to achieve equality for all and ensures equal pay for equal work. It improves slums, looks after health and morals of the people, provides education to children and takes all the steps which social justice demands. All these developments have widened the scope of Administrative Law. (UP Warehousing Corp. Vs. Vajpayee, AIR 1980 SC 840)."

3. Administrative Law is concerned with functions and powers of the three organs of the state and their regulation in a democratic country. Of the three organs viz., Legislature, Executive and Judiciary, the executive is concerned with the running of the administration, evolving legislative policy, implementation of laws etc. It also plays other function known as quasi-legislative functions. Administration law is traditionally said to be the law reality to the control of government power. There is a need to maintain balance between the needs of an efficient administration aiming to achieve certain social outcomes and the need to

protect the basic rights of the individuals from the influence of arbitrary exercise of power by the State Machinery. In fact administrative law appears to fulfil this need.

> It aims at control of discretion, arbitrariness or rather the *meri marzi* syndrome that power brings. It promotes fairness in administration. It is both a part of Constitutional Law, as in democracy most powers and restriction owe their origin to Constitution, but it is separate also. It goes where Constitution has stopped and examines the details-which no constitution, however, large in volume can incorporate.

4. Rule of Law

The entire basis of Administrative Law is the doctrine of the rule of Law. A man may be punished only for breach of a law but nothing else. According to Wade in *Administrative Law*, rule of law requires that the Government should be subject to the law, rather than the law subject to the Government. Equality before law is foundation of administrative law.
In fact in some laws in England there was a provision that Minister's decision shall be final. Courts in England held, despite this the Minister's decision could be reviewed by Courts.

In our system all laws flow from Constitution. Therefore, laws cannot violate Constitution. Rules cannot go against laws, and instructions/orders/Office Memorandum cannot be in violation of the Rules.

Otherwise, our actions have to be in compliance with instructions. We cannot plead that it is not provided for in the rules. If, however, the instructions go against the letter or spirit of the rules, then instructions will be illegal.

5. Separation of Power

Our democracy has three organs : (i) Legislature, (ii) Executive, and (iii) the Judiciary.

Democracy envisages that the three organs function in their separate fields and do not try to encroach upon powers of the other organ.

But main purpose of Separation of Powers is the system of checks and balances which ensures smooth running of the democracy.

Judicial Review of the actions of both executive and the legislature is one of the pillars of democracy.

In fact in Indira Gandhi Vs. Raj Narain, AIR 1975 SC 2299 Supreme Court observed: "There is no liberty if the judicial power is not separated from the legislature and the executive."

It is, of course, not possible to have a water-tight compartmentalization of these powers or functions. For example, chief Justice functions as executive head of the judicial system. Parliament punishes for its contempt, even impeachment of a Judge will be done by Parliament-these are basically judicial functions. And executive also frames laws-rules/regulations which have the force of law (Article 13 of Constitution). And under Article 141, Supreme Court has the power to declare law which will be binding.

6. Subordinate Legislations

We know that making laws is the function of the legislature. However, sometimes legislature itself delegates the task of making laws to executive. These laws are called subordinate or delegated legislation. These include rules, bye-laws, notifications, instructions, orders, office memorandum-anything which is not made by the legislature, but is to be obeyed. There are several reasons for the growth of subordinate or delegated legislation. Some of them are given here:-

There are many reasons, some are given here:

(i) As we have seen, this and the past century have seen growth of government which functions as police, builder, teacher, doctor, trader, farmer……there is almost no area which is not within the functions of government these days.

(ii) Government has had to take over some functions of judiciary also, for example, in addition to courts we have tribunals which are supposed to deal with the issue with adequate expertise in that field. For example, we have had Monopolies and Trade Practices Commission, which though not court, performed like a Court and had many powers of Courts (recording evidence and punishing for its contempt for example). Similarly, we also have Income Tax Tribunals, and last but not the least Administrative Tribunals.

(iii) Legislatures (Parliament and State Legislatures) really have no time to go through all the details of a law. The task of drafting the rules or bye-laws necessary for application of the Act passed by the Parliament is left to the executive. For example, CAT Procedure or rules of Practice lay down even the length of paper on which application should be made (A-4), and even that it should be in double space. It will be neither desirable, not practicable to include all this in the Act and for the Parliament to discuss it.

(iv) Legislature cannot foresee all the eventualities. For example, it will be impossible to enumerate all the commodities from vegetables to metals (or many other things) which may need to be included in the purview of the Essential

Commodities Act. Increase in the production may also mean that a particular commodity need not remain within the Act. So, the Central Government has the power to make changes in the list of essential commodities by way of notifications.

(v) A discussion in the Legislature means that there cannot be secrecy. Hence, for the urgency and to prevent leaks sometimes it may indeed be desirable to issue executive orders.

(vi) Details of technical matters like construction or income tax are better left to the experts.

7. Principles of Natural Justice

Principles of Natural Justice mean justice that is natural and not only that is written in the law books. They are more common sense and depend on one's sense of fairness. Various names given to the concept make the picture clear. It has been called God given law, fundamental or basic law, universal justice, law of equity or "fair play in action". Apart from constitutional or legal guarantees, administrative law rests upon Principles of Natural Justice.

Purpose of application of Principles of Natural Justice is to do justice or to ensure that injustice does not take place. They are applicable to every action which is likely to benefit some people or deny to some people. Now, you cannot ignore principles of natural justice in judicial, quasi-judicial or administrative action.

They are used when there is a gap in the rules or laws, and we feel that this particular step will further the ends of justice. Obviously, application of principles of natural justice cannot be against the rules. The come to the help of rules, but they cannot take the place of rules. For example, even if the rule does not say that before taking a particular action you need to hear the person concerned, PNJ means that you *have to.* This will save the rule from being declared illegal.
The principles of natural justice are also flexible and in applying them you have to keep in view whether by application of a particular principle you will help justice, and not defeat it. For example, in *Heera Nath Vs. Rajendra Medical College, Ranchi* inquiry committee did not allow cross examination of the girls. Court upheld the inquiry committee's action as cross-examination was likely to result in further victimization of these girls. Principles of Natural Justice are not written in stone-they serve Justice and their application will depend on many circumstances.

These are the three main principles:

(i) Audi Alteram Partem (Hear the other party) – This principle simply means that you have to give an opportunity to the person affected by your decision to present his case. If you had taken a decision without hearing what he has to say, the action would be one sided and may be unfair. In exceptional circumstances

you may have to take a decision immediately. In that case keep an open mind and give the person a post-decisional hearing. If satisfied with what he says, you can always reconsider your decision.

(ii) ***Nemo judex in causa sua (Rule Against Bias)* –** Bias means one has already decided or has prejudged. Bias could be in favour of or against somebody. A biased person can never take a fair decision. Therefore, a selection made by a committee which had some bias will be quashed as illegal. An inquiry by a biased Inquiry Officer is waste of paper.

Supreme Court has upheld that in a committee if even one person is biased, its decision will be illegal. Every member is bound to express himself, and is bound to influence others. There is no way of finding out as to how much the others were influenced by this one man's views because discussions take place in privacy. It will have no meaning to accept such a committee's report.

We can't read the mind of a person to see whether he was biased or not. A cunning person may hide his bias, and can still do untold damage to somebody. It is, therefore, not possible to judge from the report of a selection committee or inquiry officer whether this was written by biased persons.

We have to see whether this person is likely to act in a fair manner, or whether we have some facts which show that he could be biased. If it can be established by conduct of member(s) of the committee before or during selection or inquiry that they are *likely to be biased*, it is sufficient to make their report illegal.

For example, if an officer has been sending reports against an Assistant, obviously he cannot be in the selection committee for a post where this Assistant is a candidate, as the officer is likely to be biased against this Assistant.

(iii) Speaking Order – Speaking order means that we have to give a detailed justification for the decision. The order should *speak* what our mind has thought when writing that order.

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CHAPTER – 19

RIGHT TO INFORMATION

Background and origin

'Information' as a term has been derived from the Latin words "Formation' and Forma" which means giving shape to something and forming a pattern, respectively. Information adds something new to our awareness and removes the vagueness of our ideas.

2. More than two centuries ago, Sweden passed the first freedom of information law in the world. The law was principally sponsored by Anders Chydenius, a Finnish enlightenment thinker and politician. Chydenius had been inspired by the humanist Confucian philosophy…and the fact that the Chinese emperors were expected to "admit their own imperfection as a proof for their love of the truth and in fear of ignorance and darkness."

3. He played a crucial role in creating the Freedom of the Press Act of 1766. It abolished political censorship and provided public with an access to government documents. Information is Power, and as the Prime Minister stated, the Government wants to share power with the humblest; it wants to empower the weakest. It is precisely because of this reason that the Right to Information has to be ensured for all.

4. Article 19(1) (a) of our Constitution guarantees us the right to freedom of speech and expression. Tamilnadu and Goa, enacted Right to Information laws in 1997 and inspired other states to follow suit. States which passed Right to Information laws were:

- Rajasthan, Karnataka 2000
- Delhi 2001
- Maharashtra, Assam 2002
- Madhya Pradesh 2003
- Jammu and Kashmir 2004

5. The Government of India introduced the Freedom of Information Bill, 2000 in the Lok Sabha on 25th July, 2000. The Bill cast an obligation upon public authorities to furnish such information wherever asked for. It was passed by the Parliament as the Freedom of Information Act 2002. However, the Act could not be brought into force because the date from which the Act should come into force, was not notified in the Official Gazette.

6. The Right to Information Act 2005 passed by the Parliament of India and published in the Gazette of India on 21st June, 2005 extends to the whole of India except the State of Jammu and Kashmir. The State of Jammu and Kashmir enacted the Jammu and Kashmir Right to Information Act, 2009 which came into force on 20 March 2009, repealing the earlier Jammu and Kashmir Right to Information Act, 2004.

Definitions of important terms

A. "Information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

B. Record includes-

i. any document, manuscript and file;
ii. any microfilm, microfiche and facsimile copy of a document;
iii. any reproduction of image or images embodied in such microfilm (whether enlarged or not); and
iv. any other material produced by a computer or any other device;

C. public authority has been defined as any authority or body established or constituted;

i. by or under the Constitution;
ii. by any other law made by Parliament;
iii. by notification issued or order made by the Government, and includes any other body owned or controlled by the Government;

D. Right to information means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-

i. inspection of work, documents, records;
ii. taking notes, extracts, or certified copies of documents or records;
iii. taking certified samples of material;
iv. obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

RTI – clarifications

✓ A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority.

✓ The Act gives the citizens a right to information at par with the Members of Parliament and the Members of State Legislatures. According to the Act, the information which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.

✓ A citizen has a right to obtain an information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts provided such information is already stored in a computer or in any other device from which the information may be transferred to diskettes etc.

✓ The information to the applicant should ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.

✓ The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee or office-bearer of any Corporation, Association, Company, NOO etc. indicating his name and such employee/office bearer is a citizen of India, information may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation etc.

✓ Only such information is required to be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. It is beyond the scope of the Act to create information;, or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

Suo moto disclosures

Every public authority to provide as much information suo motu to the public through various means of communications so that the public have minimum need to use the Act to obtain information. Internet being one of the most effective means of communication, the information may be posted on the website.

Section 4(1)(b) of the Act, in particular, requires every public authority to publish following sixteen categories of information:

(i) the particulars of its organisation, functions and duties;
(ii) the powers and duties of its officers and employees;

(iii) the procedure followed in the decision making process, including channels of supervision and accountability;
(iv) the norms set by it for the discharge of its functions;
(v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
(vi) a statement of the categories of documents that are held by it or under its control;
(vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
(viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
(ix) directory of its officers and employees;
(x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
(xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
(xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
(xiii) particulars of recipients of concessions, permits or authorisations granted by it;
(xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
(xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
(xvi) the names, designations and other particulars of the Public Information Officers.

Besides the categories of information enumerated above, the Government has issued guidelines vide OMs dated 11.9.2012 & 15.4.2013, that the following categories of information may be published by the public authorities:

i. Information relating to procurement
ii. Public Private Partnerships
iii. Transfer Policy and Transfer Orders
iv. RTI Applications
v. CAG & PAC paras
vi. Citizens Charter
vii. Discretionary and Non-discretionary grants
viii. Foreign Tours of PM/Ministers and senior officers

In addition, the Government may prescribe other categories of information to be published by any public authority. It has also been clarified that publication of the information as referred to above is not optional. It is a statutory requirement which every public authority is bound to meet.

As per Government guidelines contained in OM dated 15.4.2014;
"All Public authorities shall proactively disclose RTI applications and appeals received and their responses, on the websites maintained by Public Authorities with search facility based on key words. RTI applications and appeals received and their responses relating to the personal information of any individual may NOT be disclosed, as they do not serve any public interest'.

However, keeping in the view the directions dated 20.11.2013 of Hon'ble High Court of Kolkatta in WP No. 33290 of 2013 in the case of Mr. Avishek Goenka vs UOI regarding personal details of RTI applications, Government has issued directions to the public authorities vide OM dated 23.3.2016 that the public authorities may note that while proactively disclosing RTI applications and appeals received and responses thereto on their website, the personal information of an individual should not be disclosed.

Exemptions

Sub-section (1) of section 8 and section 9 of the Act enumerate the categories of information which is exempt from disclosure.
The categories pertain to

(a) National Security
(b) Contempt of Court
(c) Parliamentary Privilege
(d) Trade Secrecy
(e) Fiduciary relationship
(f) Foreign government
(g) Safety of informer in law enforcement
(h) Investigation
(i) Cabinet papers
(j) Privacy

Sub-section (2) of section 8, however, provides that information exempted under sub-section (1) or exempted under the Official Secrets Act, 1923 can be disclosed **if public interest in disclosure overweighs the harm to the protected interest**.

Further, sub-section (3) of section 8 provides that information exempt from disclosure under sub-section (1), except as provided in clauses (a), (c) and (i) thereof, would cease to be exempted after 20 years from the date of occurrence of the related event etc.

It has been clarified that section 8(3) of the Act does not require the public authorities to retain records for indefinite period. The records should be retained as per the record retention schedule applicable to the concerned public authority.

Information generated in a file may survive in the form of an OM or a letter or in any other form even after destruction of the file/record. The Act requires furnishing of information so available after the lapse of 20 years even if such information was exempt from disclosure under sub-section(l) of Section 8. It means that the information which, in normal course, is exempt from disclosure under sub-section(1) of Section 8 of the Act, would cease to be exempted if 20 years have lapsed after occurrence of the incident to which the information relates. However, the following types of information would continue to be exempt and there would be no obligation, even after lapse of 20 years, to give any citizen

(i) information disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interest of the State, relation with foreign state or lead to incitement of an offence;

(ii) information the disclosure of which would cause a breach of privilege of Parliament or State Legislature; or

(iii) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other Officers subject to the conditions given inproviso to clause (i) of sub-section(1)of Section 8 of the Act.

Overriding effect of RTI Act

The RTI Act has over-riding effect vis-a-vis other laws inasmuch as the provisions of the RTI Act would have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than the RTI Act.

How to apply for information?

An applicant, along with his application, is required to pay a sum of Rs.I0/- as application fee in cash or by way of a demand draft or a banker's cheque or an Indian Postal Order payable to the Accounts Officer of the public authority.

The applicant may also have to pay additional fee, as prescribed by the Right to Information (Regulation of Fee and Cost) Rules, 2005 for supply of information as given below:

(a) rupees two (Rs. 2/-) for each page (in A-4 or A-3 size paper) created or copied;
(b) actual charge or cost price of a copy in larger size paper;
(c) actual cost or price for samples or models;
(d) for inspection of records, no fee for the first hour; and a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof);

(e) for information provided in diskette or floppy rupees fifty (Rs.50/-) per diskette or floppy;
(f) for information provided in printed form at the prIce fixed for such publication or rupees two per page of photocopy for extracts from the publication.

As per the guidelines issued by the Government vide OM dated24th November 2016, Government has decided to initiate the process where the amount received from the citizen in the form of 'RTI fees' and ' Additional Payments' will be credited to the concerned Public Authority's bank account.

If the applicant belongs to 'below poverty line (BPL) category, he/she is not required to pay any fee. However, he/she should submit a proof in support of his/her claim to belong to the below poverty line. The application not accompanied by the prescribed fee of Rs. 10/- or proof of the applicant's belonging to below poverty line, as the case may be, shall not be a valid application under the Act and, therefore, does not entitle the applicant to get information.

It has also been clarified that where the CPIO decides that the information shall be provided on payment of fee in addition to the application fee, the applicant would be informed of:

(i) the details of further fees required to be paid;
(ii) the calculations made to arrive at the amount of fees asked for Contents and Format of Application.

Any reasons required to file a RTI application

An applicant making request for information is NOT required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him. Also, the Act or the Rules do not prescribe any format of application for seeking information. Therefore, the applicant should NOT be asked to give justification for seeking information or to give details of his job etc. or to submit application in any particular form.

How to respond if does not pertain to fully or partially

If the subject matter of the application concerns any other public authority, it should be transferred to that public authority within five days of the receipt of the application. While transferring the application or sending a copy thereof, the concerned public authority should be informed that the application fee has been received. The applicant should also be informed about the transfer of his application and the particulars of the public authority to whom the application or a copy thereof has been sent. . If a CPIO transfers an application after five days from the receipt of the application, he would be responsible for delay in disposing of the application to the extent of number of days which he takes in transferring the application beyond 5 days. The CPIO of the public authority to whom the

application is transferred, should not refuse acceptance of transfer of the application on the ground that it was not transferred to him within 5 days.

If only a part of the application concerns the other public authority, a copy of the application may be sent to that public authority, clearly specifying the part which relates to that public authority.

A public authority may designate as many CPIOs for it, as it may deem necessary. It is possible that in a public authority with more than one CPIO, an application is received by the CPIO other than the concerned CPIO. In such a case, the CPIO receiving the application should transfer it to the concerned CPIO immediately, preferably the same day. Time period of five days for transfer of the application applies only when the application is transferred from one public authority to another public authority and not for transfer from one CPIO to another in the same public authority.

Response on RTI application

The answering CPIO should check whether the information sought or a part thereof is exempt from disclosure under section 8 or Section 9 of the Act. Request in respect of the part of the application which is so exempt may be rejected and rest of the information should be provided immediately or after receipt of additional fees, as the case may be.

Where a request is received for access to information which is exempt from disclosure but a part of which is not exempt and such part can be severed in such a way that the severed part does not contain exempt information then, access to that part of the information/record may be provided to the applicant. Where access is granted to a part of the record in such a way, the Central Public Information Officer should inform the applicant that the information asked for is exempt from disclosure and that only part of the record is being provided, after severance, which is not exempt from disclosure. While doing so, he should give the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based. The CPIO should take the approval of appropriate authority before supply of information in such a case and should inform the name and designation of the person giving the decision to the applicant also.

Timely response

1. Supply of information in normal course. 30 days
2. Supply of information if the application is received through APIO. 05 days shall be added
3. Supply of information if it concerns the life or liberty of a person : 48 hours
4. Transfer of application to other public authority under section 6(3) of the Act : 05 days
5. Supply of information if application/request is received after transfer from another public authority:

(a) In normal course :, Within 30 days of the receipt of the application by the concerned public authority.
(b) In case the information concerns the life or liberty of a person: Within 48 hours of receipt of the application by the concerned public authority

6. Supply of information where the applicant is asked to pay additional fee:, The period intervening between informing the applicant about additional fee and the receipt of such fee by the public authority shall be excluded for calculating the period of reply.

7. Supply of information by organizations specified in the Second Schedule:
   (a) If information relates to allegations of violation of human rights (after approval of the Central Information Commission): 45 days from the receipt of application
   (b) In case information relates to allegations of corruption: Within 30 days of the receipt of application.

If the Public Information Officer fails to give decision on the request for information within the prescribed period, he shall be deemed to have refused the request. It is pertinent to note that if a public authority fails to comply with the specified time limit, the information to the concerned applicant would have to be **provided free of charge**.

Third Party Information

Third party in relation to the Act means a person other than the citizen who has made request for information. Any public authority other than the public authority to whom the request has been made shall also be included in the definition of third party.

It has been clarified that information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Section 8(1)(d) requires that such information should not be disclosed unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.

If an applicant seeks any information which relates to or has been supplied by a third party and that third party has treated that information as confidential, the Central Public Information Officer should consider whether the information should be disclosed or not. The guiding principle in such cases should be that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party. However, procedure as given below should be followed before disclosing such information. It may be noted that this procedure need be followed only when the third party has treated the information as confidential.

If the CPIO intends to disclose the information, he should within five days from the receipt of the application, give a written notice to the third party that the information has been sought by the applicant under the RTI Act and that he intends to disclose the information. He should request the third party to make a submission in writing or orally, regarding whether the information should be disclosed. The third party should be given a time of ten days, from the date of receipt of the notice by him, to make representation against the proposed disclosure, if any.

The Central Public Information Officer should make a decision regarding disclosure of the information keeping in view the submission of the third party. Such a decision should be taken within forty days from the receipt of the request for information. After taking the decision, the CPIO should give a notice of his decision to the third party in writing. The notice given to the third party should include a statement that the third party is entitled to prefer an appeal under section 19 against the decision.

The third party can prefer an appeal to the First Appellate Authority against the decision made by the Central Public Information Officer within thirty days from the date of the receipt of notice. If not satisfied with the decision of the First Appellate Authority, the third party can prefer the second appeal to the Central Information Commission.

If an appeal has been filed by the third party against the decision of the CPIO to disclose the third party information, the information should not be disclosed till the appeal is decided.

First Appeal

The first appeal may be made within 30 days from the date of expiry of the prescribed period or from the receipt of communication from the CPIO. If the First Appellate Authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal, the appeal may be admitted after 30 days also.

Deciding appeals under the RTI Act is a quasi-judicial function. It is, therefore, necessary that the First appellate authority should see to it that the justice is not only done but it should also appear to have been done. In order to do so, the order passed by the First appellate authority should be a speaking order glvmg justification for the decision arrived at.

The appeal should be disposed of within 30 days of receipt of the appeal. In exception cases, the Appellate Authority may take 45 days for its disposal. However, in cases where disposal of appeal takes more than 30 days, the Appellate Authority should record in writing the reasons for such delay.

If an appellate authority comes to a conclusion that the appellant should be supplied information in addition to what has been supplied to him by the CPIO, he may either

(i) pass an order directing the CPIO to give such information to the appellant; or
(ii) he himself may give information to the appellant while disposing off the appeal.

In the first case the appellate authority should ensure that the information ordered by him to be supplied is supplied to the appellant immediately. It would, however, be better if the appellate authority chooses the second course of action and he himself furnishes the information along with the order passed by him in the matter.

If, in any case, the CPIO does not implement the order passed by the First appellate authority and the appellate authority feels that intervention of higher authority is required to get his order implemented, he should bring the matter to the notice of the officer in the public authority competent to take action against the CPIO. Such competent officer shall take necessary action so as to ensure implementation of the provisions of the RTI Act.

Penalty or disciplinary action

An applicant under the Act has a right to appeal (second appeal) to the Information Commission and also to make complaint to the Commission. Where the Information Commission at the time of deciding any complaint or appeal is of the opinion that the Public Information Officer has without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished subject to the condition that the total amount of such penalty shall not exceed twenty five thousand rupees. The Public Information Officer shall, however, be given a reasonable opportunity of being heard before any penalty is imposed on him. The burden of proving that he acted reasonably and diligently and in case of denial of a request that such denial was justified shall be on the Public Information Officer.

Where the Information Commission at the time of deciding any complaint or appeal is of the opinion that the Public Information Officer has without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it may recommend disciplinary action against the Public Information Officer.

Protection of work well done

Section 21 of the Act provides that no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or

intended to be done under the Act or any rule made thereunder. The responsibility to prove that his/her action was in good faith, however, lies with the Public Information Officer.

RTI online

In an initiative by DoP&T, a Web Portal RTI Online with url https://rtionline.gov.in has been launched. This is a facility for the Indian Citizens to file RTI applications and first appeals online and also to make payment of RTI fees online.

2. The applicant can pay the prescribed fee through the following modes:

a) Internet banking through State Bank of India and its associate banks;

b) Credit/Debit card (Visa or Master).

3. As prescribed in the RTI Rules, 2012, RTI application fee is Rupees 10/-. No RTI fee is required to be paid by any citizen who is below poverty line. However, such applicant must attach a copy of the certificate issued by the appropriate government in this regard, along with the application.

4. The application filed through this Web Portal would reach electronically to the "Nodal Officer" of respective Public Authorities which are aligned to this portal. The Nodal Officer shall access this portal on the url https://rtionline.gov.in/RTIMIS at least twice in a day. Nodal Officer will transmit the RTI application electronically to the concerned CPIO. In case the RTI application is not meant for that Public Authority who has received it, the "Nodal Officer" can transfer the application electronically (if aligned to the portal) / Physically (if not aligned to the portal) to other public authority.

5. Each CPIO has been provided username and password by the Nodal Officer to login. All CPIOs shall regularly check the portal https://rtionline.gov.in/RTIMIS, at least once in a day, to know whether any new RTI application has been received or not.

6. In case additional fee is required representing the cost for providing information, the CPIO shall intimate the applicant about the same through this portal.

7. The first appeals filed through this Web Portal would also reach electronically to the "Nodal Officer" who would transmit the appeals electronically to the concerned First Appellate Authority (FAA). Each FAA would be provided username and password by the Nodal Officer to login. All FAAs shall regularly check the portal https://rtionline.gov.in/RTIMIS to know whether any new appeal has been received or not.

8. The CPIOs and the FAAs shall reply to the applicant/appellant electronically through this portal. However, if the volume of information to be supplied is large, the same could be sent through post but be mentioned in the Reply Text Box of doing the same.

9. The RTI applications received physically through Dak in RTI Cell should also be entered in the Portal by the Nodal Officer/RTI Cell. The RTI applications received physically -through Dak directly by the CPIO should also be entered in the Portal by the concerned CPIO. However, The CPIOs should reply to such applications physically through post.

Gist of Sections of RTI

Section 1 deals with the short title, extent and the commencement of the legislation. The legislation will come into force on the one hundred and twentieth day of its assent by the President.

Section 2 defines various words and expressions used in the Act.

Section 3 seeks to confer on the citizens a right of access to information held by public authorities.

Section 4 seeks to entrust a duty on every public authority to maintain records and publish manuals rules, regulations, instructions, etc. in its possession.

Section5 provides for designation of Public Information Officers and Assistant Public Information Officers.

Section 6 specifies the manner in which requests may be made by a citizen to the authority for obtaining the information. It also provides for transferring the request to the other concerned public authority who may hold the information.

Section 7 lays down specific time limit within which a public authority shall provide information and the fees to be paid for processing the request and for providing the information.

Section 8 deals with various categories of information which shall be exempted from disclosure.

Section 9 empowers the Public Information Officer to reject a request for information where an infringement of a copyright subsisting in a person would be involved.

Section 10 enables the public authority to severe and provide partial information which falls partly under the exempted categories and partly under the non-exempted categories.

Section 11 provides for consultation with the third party where the request relates to or has been supplied by a third party and has been treated as confidential by that party.

Sections 12 to 18 provides for constitution of Central Information Commission, the terms and conditions of service and the powers of the Information Commissioners and the Deputy Information Commissioners.

Section 19 seeks to provides for first and second appeals, the first appeals lies with the officer senior in rank to the Public Information Officer and the second appeal may be made to the Commission.

Section 20 provides for imposition of penalty on a Public Information Officer for failing to provide information without any reasonable cause within the specified period.

Section 21 bars the institution of legal proceedings against any person for things done in good faith under the Act.

Section 22 seeks to make the legislation overriding in character so that the scheme is not subverted through the operation of other enactment.

Section 23 seeks to bar the jurisdiction of the subordinate courts.

Section 24 seeks to exempt certain intelligence and security organisations from the purview of the legislation but information pertaining to allegation of corruption, and human rights violation, shall, without prejudice to the exemption, be provided.

Section 25 provides for preparation of an annual report by the Commission and laying of such report by the Central Government before each House of Parliament.

Section 26 seeks to cast an obligation on the Central Government to develop and promote schemes for advancement of the information regime.

Section 27 seeks to empower the Central Government to make rules so as to carry out the provisions of the legislation.

Section 28 seeks to empower the competent authority to make rules so as to carry out the provisions of the legislation.

Section 29 seeks to require the Central Government to lay the rules before each House of Parliament.

Section 30 empowers the Central Government to remove difficulties in giving effect to the provisions of the legislation within a period of two years from the commencement of the legislation.

Section 31 repeals the Freedom of Information Act, 2002.

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CHAPTER – 20

DATA DRIVEN GOVERNMENT

In this 21st century of Digital Transformation, we often hear that Data is the new oil, data is the new fuel and data is the oxygen that holds immense untapped potential in it. Every second, individuals, as well as organizations, are generating a huge amount of data in the form of documents, images, videos, social media messages, search queries, news, and so on. Over a period, data has emerged as an important asset for the development of any country and is also the driver for a digital economy. It is also a reality that data is not a recent discovery, however, it has taken the centre stage in recent times and is a key discussion point of any deliberation be it in government, industry, academia, or startups. Two elements have contributed to these data-driven insights. Firstly, the availability of high-speed networks and broadband penetration across the length and breadth of the country has led to a lot of data generation on a real-time basis. Earlier, the processing and analysis of this data was a tedious and time-consuming task as advanced data analytics tools were not available, however, with the advent of have completely grown out of data. Big tech platforms of today are also heavily relying on data to cull out meaningful and actionable insights, thereby changing the way businesses have conducted themselves earlier.

2. In Government, the most traditional use of data analysis has been the statistical analysis of data collected through various surveys, census, indices, etc. In the traditional methodology, the insights generated from the analysis of the available data were provided to government authorities for effective policy formulation or planning of new programmes, schemes as well as preparation of the budget of the government. With the launch of the Digital India Program and Six years since its launch, a wide range of government initiatives and schemes (Central as well as State) are today making extensive use of data and employing best-in-class analytical tools to derive value out of this data. Right from the concept to formulation ,implementation to the monitoring of a scheme, data is now being extensively used in almost every aspect of a project or initiative. For instance, data is at the core of many flagship programmes such as Swachh Bharat Mission, Housing for all, One Nation One Ration Card, Pradhan Mantri Ujjwala Yojana, Fertilizers Distribution, to name a few. NIC's in-house developed tool called Darpan has helped many ministries and organizations by extracting data from various IT systems and create dashboards and insights from this data. Similarly, Prayas is monitoring the progress of the flagship programmes of the government based on defined Key Performance Indicators (KPIs).

3. Almost every sector of the socio-economic development of our country is influenced by the prowess of data. For instance, data can prove to be highly useful for the formulation of poverty alleviation schemes as well as subsidy distribution schemes. Various schemes of the government such as the MGNREGA, Pensions Scheme, Farmers Subsidy, Benefits for unorganized labor, Scholarships, etc. can make use of data analytics to identify the right beneficiary, understand their socio-economic status, and use technology solutions for timely dissemination of benefits, etc. These programmes are

touching the lives of millions of citizens in India and thus ensuring equitable and rightful distribution of benefits would create a huge positive impact, contributing to the upliftment of society. Similarly, fields like Criminal Justice and Judiciary can consume data to analyze crime patterns, locate the criminal networks and hotspots of potential crimes, etc. This would help the authorities take corrective measures and prevent any such

4. We have witnessed that data is emerging as the key resource of a Digital Economy. Citizens, organizations, and society at large will benefit from the democratization of data as it will become usable to anyone to derive insights and build inclusive solutions for the development of our society. However, various researches also suggest that much of the data is still not analyzed and has huge untapped potential. One of the major challenges right now is the fact that data is currently residing in silos and thus to unleash the true potential of this data, various IT systems must collaborate and operate in a symbiotic fashion. The National API Exchange Platform set up by NIC is supporting a safe and secure flow of data between different systems, basis the mutual understanding of the participating entities. The need of the hour is to understand the significance of good quality data and employ it for the betterment of society.

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CHAPTER – 21

E-GOVERNANCE POLICY INITIATIVES

UNDER DIGITAL INDIA

The Department of Electronics and Information Technology (DeitY), Ministry of Communications and Information Technology has taken several policy initiatives in the e-Governance domain that are crucial for achieving the vision and objectives of the Digital India programme. Effective implementation of e-Governance is a key component of the Digital India programme. These policy initiatives are an endeavor to chart out the roadmap for implementation of e-Governance projects in the country. They cover a number of important areas, e.g. e-Kranti (National e-Governance Plan 2.0), open source software, open APIs, e-mail policy, use of IT Resources, Collaborative Application Development and Application Development & Re-Engineering for Cloud Ready Applications. These policies are envisaged to provide necessary support to all Central Ministries/ Departments as well as all States/UTs in leveraging the emerging technologies, making use of newer business models and revamping of existing projects so as to deliver the services electronically to citizens in an efficient, transparent and affordable manner. These policies draw their strengths from the national and international best practices in the respective domain as well as inputs from subject matter experts from Government departments, industry and academia.

2. Department of Electronics & Information Technology under Ministry of Communication & Information Technology, have issued a detailed framework on digital India & e-Governance titles 'e-Governance Policy Initiatives Under Digital India'. This ---------- provides for major e-Governance initiatives taken by Government of India. Detail of some of these measures are given in succeeding paragraphs.

3. "The e-Kranti Framework" provides details on the eKranti framework that is an integral part of the Digital India programme. With the vision of "Transforming e-Governance for Transforming Governance", e-Kranti programme aims towards easy governance, effective governance, good governance and mobile governance. It provides the key principles for revamping the existing projects and also for new and ongoing e-Governance projects. The "Policy on Adoption of Open Source Software for Government of India" will encourage the formal adoption and use of Open ii Source Software (OSS) in Government organizations. The compliance to this policy will ensure that strategic control of e-Governance assets would remain with the Government and would also ensure business continuity for the projects in future from technical perspective.

4. The “Framework for Adoption of Open Source Software in eGovernance Systems” suggests a set of recommendations and procedures for promoting, managing and enhancing the adoption of OSS in e-Governance Systems in India. It highlights the impact of adoption of OSS in Government, influencing factors, mutual impact of Open Standards and OSS, establishing enterprise security with OSS, unified software development for all major devices using standards based web browser and use of localization. The Framework suggests neutral guidelines to select software and the process for induction of OSS solution. The ecosystem suggested to promote the adoption of OSS describes required institutional mechanism, collaboration with key stakeholders like industry, OSS communities, academia, collaborative mechanism, offering of services based on OSS, provisioning of support services on OSS and integration with on-going initiatives.

5. The “Policy on Open Application Programming Interfaces (APIs) for Government of India” sets out the Government’s approach on the use of “Open APIs” to promote software interoperability for all eGovernance applications & systems and provide access to data & services for promoting participation of all stakeholders including citizens. This policy initiative will encourage the formal use of Open APIs in Government organizations. The world-wide initiatives on “Open Government” also focus on open APIs to easily access the information collected by Government organizations.

6. The “E-mail Policy of Government of India” lays down the guidelines with respect to use of e-mail services by the Government departments and organizations. The policy initiative aims to ensure secure access and usage of Government of India e-mail services by its users and is ii applicable to all employees of Government of India (GoI) and employees of those State/UT Governments that use the e-mail services of GoI. The “Policy on Use of IT Resources of Government of India” provides the guidelines to ensure proper access to and usage of Government’s IT resources and prevent their misuse by the users. The policy initiative covers all IT resources including desktop devices, portable and mobile devices, networks including wireless networks, Internet connectivity, external storage devices and peripherals like printers and scanners and the software associated therewith.

7. The “Policy on Collaborative Application Development by Opening the Source Code of Government Applications” intends to increase the pace of e-Governance application development and rapid roll out/implementation by adopting an open-source based development model. The Government of India wants to promote re-use of existing

developed applications. By opening the source code, the Government wants successful, scalable, high quality e-governance applications to be developed in a collaborative manner. It also wants new applications to be developed to encourage creativity both inside and outside the Government by encouraging collaborative development between Government departments/agencies and private organizations, citizens and developers to create innovative e-Governance applications and solutions. T

8. he “Application Development & Re-Engineering Guidelines for Cloud Ready Applications” aims to address one of the major concerns in the e-Governance domain that is lack of process reengineering and leveraging of the latest emerging technology i.e. Cloud. This guideline intends to ensure development of Common Application Software (CAS) which can be configured as per different States / departments requirements without the need of modifying the core code of the application for a faster deployment so that time, effort and cost in developing applications are saved and to avoid duplication of efforts. It is therefore imperative that applications are developed in conformity to guidelines that makes them standardized and compatible for hosting and running across states

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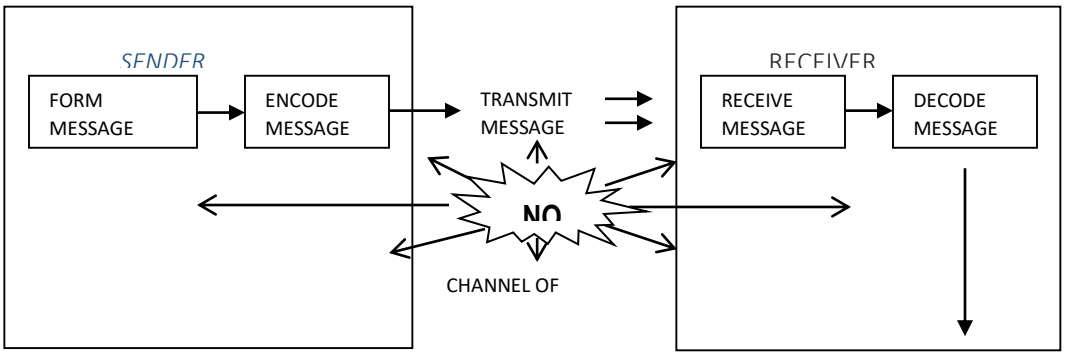
CHAPTER – 22

COMMUNICATION IN ORGANISATION

Effective communication is vital to all Organisations because it coordinates employees, fulfills employee needs, supports knowledge management, and improves decision-making. First organization depends on the ability of people to coordinate their individual work effort toward a common goal. Information exchange is an essential part of the coordination process, allowing employees to develop common mental models that synchronize their work. Second, communication is the glue that holds people together. It helps people satisfy their drive to bond and, as part of the dynamics of social support, eases work-related stress. Communication is also a key driver in knowledge management. It brings knowledge into the organization and distributes it to employees who require that information. As such, it minimizes the "silos of knowledge" problem that undermines an organisation's potential.

Individuals rarely have enough information alone to make decisions on the complex matters facing businesses today. Instead, problem solvers require information from co-workers, subordinates, and anyone else with relevant knowledge. In other words, effective decision makers need to communicate. By improving decision making, knowledge management, employee needs, and coordination, workplace communication has a significant effect on organisational performance.

The communication model provides a useful "conduit" metaphor for thinking about the communication process. According to this model, communication flows through channels between the sender and receiver. The sender forms a message and encodes it into words, gestures, voice intonations, and other symbols or signs. Next, the encoded message is transmitted to the intended receiver through one or more communication channels (media). The receiver senses the incoming message and decodes it into something meaningful. Ideally, the decoded meaning is what the sender had intended.



In most situations, the sender looks for evidence that the other person received and understood the transmitted message. This *feedback* may be a formal acknowledgement, such as "Yes, I know what you mean", or indirect evidence from the receiver's subsequent actions. Notice that feedback repeats the communication process. Intended feedback is encoded, transmitted, received and decoded from the receiver to the sender of the original message.

This model recognizes that communication is not a free flowing conduit. Rather, the transmission of meaning from one person to another is hampered by *noise* – the psychological, social and structural barriers that distort and obscure the sender's intended message. If any part of the communication process is distorted or broken, the sender and receiver will not have a common understanding of the message.

Communication Channels

A critical part of the communication model is the channel through which information is transmitted. There are two main types of channels: verbal and nonverbal. Verbal communication includes any oral or written means of transmitting meaning through words. Nonverbal communication, which we discuss later, is any part of communication that does not use words.

Verbal Communication

Different forms of verbal communication should be used in different situations. Face to face interaction is usually better than written methods for transmitting emotions and persuading the receiver. This is because nonverbal cues accompany oral communications, such as voice intonations and use of silence. Moreover, in face-to-face settings, the sender receives immediate feedback from the receiver and can adjust the emotional tone of the message accordingly.

Written communication is more appropriate for recording and presenting technical details. This is because ideas are easier to follow when written down than when communicated orally. Traditionally, written communication has been slow to develop and transmit, but electronic mail and other computer mediated communication channels have significantly improved written communication efficiency.

Non- verbal Communication

Computer mediated communication is changing the face of organisations, but it hasn't yet replaced nonverbal communication. Nonverbal communication includes facial gestures, voice intonation, physical distance, and even silence. This communication channel is necessary where physical distance or noise prevents effective verbal exchange and the need for immediate feedback precludes written communication. But even in close face-to-face meetings, most information is communicated nonverbally. Nonverbal communication is also important in emotional labor – the effort, planning, and control needed to express organizationally desired emotions. Employees make extensive use of nonverbal cues to transmit prescribed feelings to customers, co-workers and others.

As such, no discussion on communication would be complete without consideration of nonverbal communication, which includes body movements, the intonations or emphasis we give to words, facial expressions, and the physical distance between the sender and receiver. The academic study of body motions has been labeled kinesics. It refers to gestures, facial configurations, and other movements of the body. But it is a relatively young field, and it has been subject to far more conjecture and popularizing than the research finding support. Hence while we acknowledge that body movement is an important segment of the study of communication and behaviour, conclusions must, of necessity, be guarded. Recognizing this qualification, let us briefly consider the ways body motions convey meaning.

It can be argued that every body movement has a meaning and that no movement is accidental. For example, through body language we say, “Help me, I’m lonely”; “Take me, I’m available”; “Leave me alone, I’m depressed”. And rarely do we send our messages consciously. We act out our state of being with nonverbal body language. We lift one eyebrow for disbelief. We rub our nose for puzzlement. We clasp our arms to isolate ourselves or to protect ourselves. We shrug our shoulders for indifference, wink one eye for intimacy, tap our fingers for impatience, slap our forehead for forgetfulness.

We may disagree with the specific meanings of the movements just described, but we can’t deny that body language adds to, and often complicates, verbal communication. A body position or movement does not by itself have a precise or universal meaning, but when it is linked with spoken language, it gives fuller meaning to a sender’s message.

If you read the verbatim minutes of the meeting, you wouldn’t grasp the impact of what was said in the same way you would if you had been there or saw the meeting on video. Why? Thee is no record of nonverbal communication. The emphasis given to words or phrases is missing. To illustrate how intonations can change the meaning of a message, consider the student in class who asks the instructor a question. The instructor replies, “What do you mean by that?” The student’s reaction will be different depending on the tone of the instructor’s response. A soft, smooth tone creates a different meaning from an intonation that is abrasive with strong emphasis placed on the last word.

The facial expression of the instructor in the previous illustration also conveys meaning. A snarling face says something different from a smile. Facial expression along with intonations, can show arrogance, aggressiveness, fear, shyness and other characteristics that would never be communicated if you read a transcript of what had been said.

The say individuals space themselves in terms of physical distance also has meaning. What is considered proper spacing is largely dependent on cultural norms. For example, what is considered a businesslike distance in some European countries would be viewed as intimate in many parts of North America. If someone stands closer to you than is considered appropriate, it may indicate aggressiveness or sexual interest; if farther away than usual, it may mean disinterest or displeasure with what is being said.

It is important for the receiver to be alert to these nonverbal aspects of communication. You should look for nonverbal cues as well as listen to the literal meaning of a sender's words. You should look for nonverbal cues as well as listen to the literal meaning of a sender's words. You should particularly be aware of contradictions between the messages. Your boss may say she is free to talk to you about a pressing budget problem, but you may see nonverbal signals suggesting that this not the time to discuss the subject. Regardless of what is being said, an individual who frequently glances at her wristwatch is giving the message that she would prefer to terminate the conversation. We misinform others when we express one message verbally, such as trust, but nonverbally communicate a contradictory message that reads, "I don't have confidence in you". These contradictions often suggest that "actions speak louder (and more accurately) than words."

BARRIERS TO EFFECTIVE COMMUNICATION

A number of barriers can retard or distort effective communication. In this section, we highlight the more important of these barriers.

Filtering

Filtering refers to a sender's purposely manipulating information so it will be seen more favorably by the receiver. For example, when a manager tells his boss what he feels his boss wants to hear, he is filtering information.

The major determinant of filtering is the number of levels in an organization's structure. The more vertical levels in the organization's hierarchy, the more opportunities there are for filtering. But you can expect some filtering to occur wherever there are status differences. Factors such as fear of conveying bad news and the desire to please one's boss often lead employees to tell their superiors what they think those superiors want to hear, thus distorting upward communications.

Selective Perception

The receiver, in the communication process, sees and hears things in a selective way, based on his needs, motivations, experience, background, and other personal characteristics. The receiver also projects his interests and expectations into communications as he decodes them. The employment interviewer who expects a female job candidate to put family before career is likely to see that priority in female candidates, regardless of whether the candidates feel that way or not.

Information Overload

Individuals have a finite capacity for processing data. When the information we have to work with exceeds our processing capacity, the result is information overload. And with e-mails, phone calls, faxes, meetings, and the need to keep current in one's

field, more and more managers and professionals are complaining that they are suffering from information overload.

What happens when individuals have more information than they can sort and use? They tend to weed out, ignore, pass over, or forget information. Or they may put off further processing until the overload situation is over. Regardless, the result is lost information and less effective communication.

Emotions

How the receiver feels at the time of receiving a communication message will influence how he or she interprets it. The same message received when you're angry or distraught is often interpreted differently from when you're happy. Extreme emotions such as jubiliation or depression are most likely to hinder effective communication. In such instances, we are most prone to disregard our rational and objective thinking processes and substitute emotional judgements.

Language

Words mean different things to different people. Age, education, and cultural background are three of the more obvious variables that influence the language a person uses and the definitions he or she gives to words.

In an organization, employees usually come from diverse backgrounds. Further, the grouping of employees into departments creates specialists who develop their own jargon or technical language. In large organisations, members are also frequently widely dispersed geographically – even operating in different countries-and individuals in each locale will use terms and phrases that are unique to their area. The existence of vertical levels can also cause language problems. For instance, differences in meaning with regard to words such as incentives and quotas have been found at different levels in management. Top managers often speak about the need for incentives and quotas, yet these terms imply manipulation and create resentment among many lower managers.

The point is that, although you and I probably speak a common language – English- our usage of that language is far from uniform. If we knew how each of us modified the language, communication difficulties would be minimized. The problem is that members in an organization usually don't know how those with whom them interact have modified the language. Senders tend to assume that the words and terms they use mean the same to the receiver as they do to them. This assumption is often incorrect.

OVERCOMING THE BARRIERS TO COMMUNICATION

Given the barriers to communication, what can managers do to minimize problems and attempt to overcome those barriers? The following suggestions should be helpful in making communication more effective.

Use Multiple Channels

When you use multiple channels to convey a message, you improve the likelihood of clarity for two reasons. First, you stimulate a number of the receiver's senses. An e-

mail and a phone call, for example, provide sight and sound. Repeating a message by using a different channel acts to reinforce it and decreases the likelihood of distortions. Second, people have different abilities to absorb information. Some understand best when a message is in writing. Others, however, prefer oral communications. The latter tend to rely on nonverbal cues to provide them with enhanced insights that words alone don't convey.

Use Feedback

Many communication problems can be attributed directly to misunderstandings and inaccuracies. These are less likely to occur if the manager ensures that the feedback loop is utilized in the communication process . This feedback can be verbal written, or nonverbal.

If a manager asks a receiver, "Did you understand what I said?", the response represents feedback. But the "yes" or "no" type of feedback can definitely be improved upon. The manager can ask a set of questions relating to a message in order to determine whether the message was received as intended. Better yet, the manager can ask the receiver to restate the message, in his or her own words. If the manager then hears what was intended, understanding and accuracy should be enhanced. Feedback can also be more subtle than the direct asking of question or the summarizing of the message by the receiver. General comments can give the manager a sense of a receiver's reaction to a message. In addition, performance appraisals, salary reviews and promotion decisions represent important, but more subtle, forms of feedback.

Feedback, of course does not have to be conveyed in words. Actions can speak louder than words. For instance, a sales manager sends out a directive to her staff describing a new monthly sales report that all sales personnel will need to complete. Failure of some of the sales people to turn in the new report is a type of feedback. It should suggest to her that she needs to clarify further her initial directive. Similarly, when you give a speech to a group of people, you can tell by their eye movements and other nonverbal clues whether the group members are getting your message. This benefit of feedback may explain why television performers on situation comedy shows prefer to tape their programs in front of a live audience. Immediate laughter and applause, or their absence, convey to the performers whether they are getting their message across.

Simplify Language

Because language can be a barrier, a manager should seek to structure messages in ways that will make them clear and understandable. Words should be chosen carefully. The manager needs to simplify his or her language and consider the audience to whom a message is directed, so that the language will be compatible with the receiver. Remember, effective communication is achieved when a message is both received and understood. Understanding is improved by simplifying the language used in relation to the audience intended. This means, for example, that a hospital administrator should always try to communicate in clear and easily understood terms and that the language used for conveying messages to the surgical staff should be purposely different from that used with employees in the admissions office. Jargon can facilitate understanding when

it is used with other group members who speak that language, but it can cause innumerable problems when used outside that group.

Listen Actively

When someone talks, we hear. But too often, we don't listen. Listening is an active search for meaning, where as hearing is passive. When you listen, two people, the receiver and the sender, are thinking.

Many of us are poor listeners. Why? Because it is difficult and because it is usually more satisfying to talk. Listening, in fact, is often more tiring than talking. It demands intellectual effort. Unlike hearing, active listening demands total concentration. The average person speaks at a rate of about 150 words per minute, whereas we have the capacity to listen at the rate of over 1,000 per minute. The difference obviously leaves idle brain time and opportunities for the mind to wander.

Active listening is enhanced when the receiver develops empathy with the sender, that is, when the receiver tries to place himself in the sender's position. Because senders differ in attitudes, interests, needs, and expectations, empathy makes it easier to understand the actual content of a message. An empathetic listener reserves judgement on the message's content and carefully listens to what is being said. The goal is to improve one's ability to receive the full meaning of a communication, without having it distorted by premature judgment or interpretations.

What Makes a Good Listener?

This is the question I asked senior managers on one of the management development programmes I was teaching. I also asked them to indicate what they felt were the characteristics of bad listeners and the results below provide clear guidelines:

Poor listeners	Good listeners
Interrupt	Patient
Change subject	Eye contact
Impetuous	Summarize to clarify
Inattentive	Put you at ease
Negative body language	Short prompts given
Easily distracted	Have empathy
Yes, but…..people	Take time to listen
Impatient	Look attentive
Switch off	Ask open questions
Take over the conversation	Don't interrupt

Curt	Supportive body language
Thinking what they will say next	Show interest
Too talkative	Concentrate
Discouraging, e.g. look away	Ask about my feelings
Very critical	Pass few judgements

There are therefore two ways to become a better listener. First cut out the behaviours that annoy and switch others off. If you do interrupt a lot, then exercise some discipline. If you do a lot of 'yes butting', then summarize the other person's comment before you make your statement. If you do have a defensive body posture, practise becoming more open.

Secondly, reinforce the things people like to see and hear in good listeners. Practise asking open questions and show interest in what others say.

As William Shakespeare said, it is important to 'Give every man thine ear, but few thy voice. Take each man's censure, but reserve thy judgement'. This is still sound advice if you really want to find out what others think and feel.

The other side of the conversational coin is the skill of putting your view across. Again I have asked managers what they regard as the characteristics of effective and ineffective presenters, and these are some of the major points to emerge.

Ineffective presenters	*Effective presenters*
Vague – too general	Speak to the point
Exhibit lack of confidence	Illustrate with examples
Do not get to the point	Have the facts
Talk for themselves – not one	Address people's concerns
Poor eye contact	Open behaviour posture
Avoid questions	Respond well to questions

There are other points which will be important to you but the above represent general pluses and minuses that people note when talking with others. It can make the difference to getting a job, losing an order, persuading a client, winning an argument, or a host of other conversational situations. So here are some ways you can go about improving your performance.

Practise Your Listening Skills

Until you know how you come across in meetings it is difficult to know what you have to improve. Therefore arrange for one of your meetings to be video-taped and then discuss the replay with a person who has some experience in human relations training and counselling.

Once you know what you want to do, set yourself a number of specific skills you wish to improve. Then systematically organize yourself to practise those skills. You can do this in various ways:

a) *Role playing* is a useful way of developing a skill. Here you simulate playing a particular part – such as selling a product, conducting a grievance interview or making a presentation. If done seriously, it can provide a great help.

b) *Real-life experiments* can be more risky but provide situations that count. Ins such trials it is best to try just a few skills at a time, such as asking open-ended questions or summarizing feelings before presentings.

c) *Case analysis* can be useful by observing other people demonstrate the skill you wish to improve. This is often called role modelling. It is the equivalent of watching a great golf player demonstrate the skill as a basis for comparison. However, having seen the skill, it will take time to practise it to reach a high level of competence.

Read and observe what others are doing. There are now a number of books on special skills such as selling and negotiating. This book will provide most of the principles but you will do well to follow up with special books on particular skills and observe top performers if possible in the way they perform.

Ask for feedback when you feel others are in a position to comment on what your are doing. At first people may be reluctant to tell you, particularly if they have a criticism. However, providing you give them permission and are not defensive, you will learn a lot.

Watch how others react to you, for this is really the acid test. Do they move forward, away from or against you? Notice particularly the things you do that have a positive and a negative effect. The more you smile, ask open questions, provide accurate summaries and present views without putting others on the defensive, the more you will find people move toward you.

How to Interact with Others

The studies that have been done show that the average manager spends about three-quarters of every working week in conversation with others. It has been calculated that managers will be:

- listening for 45 per cent of their time
- talking for 30 per cent of their time
- reading for about 16 per cent of their time
- writing about 9 per cent of their time

Clearly these percentages change, depending on the level you are in the managerial system and the nature of your job, whether it be in sales, research, personnel or other functions.

Therefore how we converse is a central factor in how successful we are in our job. It is no use being very able in terms of technical knowledge unless you can influence and persuade others.

A key aspect of this is to know whey you should be problem-centred and when to be solution-centred. As a key rule, it is wise if in doubt to 'get below the line' and be problem-centred before offering solutions.

Rudyard Kipling summed up the key skills for being problem-centred when he wrote ' I have six honest servants. They taught me all I know. Their names are, who, what, where, when, why and how'.

It is interesting to note that 'who, where and when' invariably lead to closed questions that require a specific factual or yes/no answer. In contrast, 'what, why and how' can usually be used to initiate an open question. Practice with these simple conversation starters can make a big difference in what you find out and the speed with which you do it.Constrain Emotions

It would be naïve to assume that a manager always communicates in a fully rational manner. Yet we know that emotions can severely cloud and distort the transference of meaning. If we're emotionally upset over an issue, we're likely to misconstrue incoming messages, and we may fail to express clearly and accurately our outgoing messages. What can the manager do? The best approach is to defer further communication until composure is regained.

Use the Grapevine

You can't eliminate the grapevine. What managers should do, therefore, is use it and make it work for them. Managers can use the grapevine to transmit information rapidly, to test the reaction to various decisions before their final consummation, and as a valuable source of feedback when the managers themselves are grapevine members. Of course, the grapevine can carry damaging rumors that reduce the effectiveness of formal communication. To lessen this potentially destructive force, managers should make good use of formal channels by ensuring that they regularly carry the relevant and accurate information that employees seek.

Leadership Style and Communication

As a leader or manager, you try to get things done through other people. This means you manage people and the resources you require to get the task done. The management of people can be called leadership, and all of us have our own preferred leadership styles which affect the ways in which we communicate with others, especially our staff.

There is however, no one magic style, which will make us effective leaders. We have to work at it, to develop different styles, which are most appropriate to the three elements in every leadership situation:

- You, the leader
- Your staff
- The task to be done

Only by understanding and analyzing these three elements can you choose the right style for any given situation. There are four basic leadership styles:

1. Directing
2. Coaching
3. Supporting
4. Delegating

Each of these is appropriate, IN THE RIGHT SITUATION (but we all have our preferred style and often find it difficult to change that style even when we need to).

Directing is most appropriate when a complex task has to be performed and your staff are not experienced or motivated to do it; or when you are under time pressure for completion. You explain what needs to be done, and tell them what to do. In such a situation, you can fall into the trap of over-communicating: excessive explanation can confuse and waste time.

Coaching is appropriate when your people are more motivated and are becoming more experienced in coping with the task. Here you would explain in more detail and help them to understand by spending time building up a good relationship with them.

Supporting works when people are familiar with the techniques required and have further developed their relationship with you. You take time to talk to them, to involve them more in work decisions, to listen to their suggestions for improving performance.

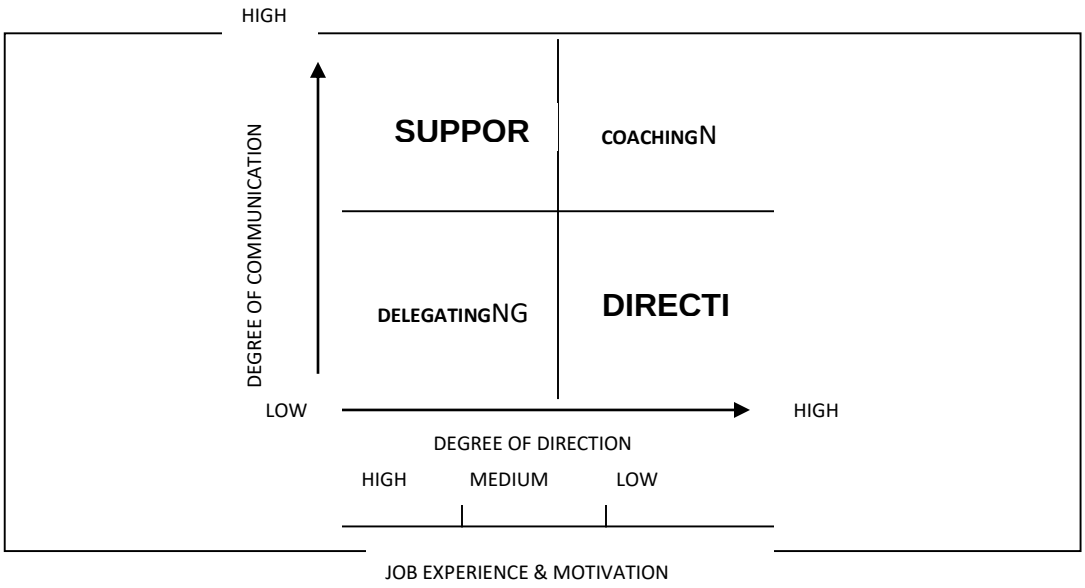
Delegating is right when your staff are thoroughly conversant and efficient in the performance of the task, and you can simply let them get on with it. People of experience do not take kindly to a manager sitting on their shoulders and interfering with every aspect of their work. However, you still need to keep an eye on their performance to ensure that your required standards are maintained.

If you combine the four basic leadership styles with the characteristics and the experience of the people you are managing, you can identify which is the most appropriate style of leadership in a particular situation:

Analytical skills: to assess the degree of experience and motivation your subordinates bring to the achievement of the task.

1. Flexibility skills: to vary your style of leadership to the most appropriate one based on your analysis of the situation.
2. Communication skills: to explain why you are varying your leadership style in different situations to the individual subordinates concerned. Each person's experience and motivation to perform certain tasks will be different. People whom you might usually manage in a delegating style would react adversely to a directing style if you were not capable of communicating effectively to them that the reason you are using a different style is that the task you are asking them to perform is of a nature which is completely unfamiliar to them.

3.



Situational Leadership

Most people whom you manage are likely to fall into the medium experience, medium motivation categories. So the two styles – supporting, and coaching – will work for you most of the time. But, if you stick to these styles, to paraphrase Abraham Lincoln, 'You can manage 80% of your people effectively for 100% of the time, or 100% of your people for 80% of the time, but you can't manage 100% of your people effectively for 100% of the time!'

You will need to use all four styles at some time or another, and so you will need to develop the following communication skills:

1. How to explain clearly, and concisely, the nature of the task.
2. How to tell people what to do and how to do it.
3. How to encourage people when work is well done.
4. How to build relationships with your staff.
5. How to share problems with them, and listen to their ideas and feelings.
6. How to delegate effectively, so that there is a clear understanding of what problems people should bring to you.
7. How to explain why you are behaving differently as a leader in a particular situation – why, in effect, you are being consistent in your inconsistency!

[Extracts from: (1) Organizational Behaviour 3e by Steven L. McShane & Mary Ann Von Glinow, (2) Essentials of Organizational Behaviour by Stephen P Robbins, (3) The essence of effective Communication, Ron Ludlow & Fergus Panton (4) The Art of Effective Communication authored by Charles J.Margerison]

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