

**READING MATERIAL
ON
OFFICE MANAGEMENT
FOR
DEPUTY SECRETARIES / DIRECTORS**

December, 2018



भारत सरकार

**GOVERNMENT OF INDIA
INSTITUTE OF SECRETARIAT TRAINING & MANAGEMENT
(AN ISO 9001:2015 CERTIFIED INSTITUTION)
DEPARTMENT OF PERSONNEL & TRAINING
ADMINISTRATIVE BLOCK, JNU CAMPUS (OLD)
OLOF PALME MARG, NEW DELHI – 110067
TELEPHONE: 011-2618 5308 TELEFAX: 2610 4183
www.istm.gov.in**

INDEX

CHAPTER NO.	TOPIC	PAGE NO.
1.	ORGANISATION STRUCTURE IN GOVERNMENT OF INDIA	1 - 10
2.	FILE MANAGEMENT	11 - 16
3.	DECISION MAKING PROCESS IN CENTRAL GOVERNMENT- NOTING	17 - 21
4.	STYLES OF WRITTEN COMMUNICATION ISSUED FROM CENTRAL GOVERNMENT - DRAFTING	22 - 44
5.	PARLIAMENTARY PROCEDURE	45 - 66
6.	PREPARATION OF NOTES FOR THE CABINET/ CABINET COMMITTEES	67 - 73
7.	OVERVIEW OF RTI ACT 2005	74 - 90
8.	BUDGETING PRINCIPLES AND PRACTICES	91 - 100

PREFACE

The Institute of Secretariat Training and Management (ISTM), established in 1948, strives to function as a capable capacity building institution to fulfil demand driven human development needs of government and support institutions across the country for improved workflow delivery through sustainable, innovative and contemporary means, with the motto of “Efficiency and the Public Good”.

ISTM implements the Cadre Training Plan of Central Secretariat Service (CSS) and Central Secretariat Stenographers Service (CSSS) and other Organized Services functioning in the Central Secretariat. ISTM is the nodal institute for capacity building of Government officers for implementation of Right to Information Act, 2005. ISTM is the lead institute in the areas of Training of Trainers courses. ISTM conducts induction training for officers of Indian Cost Accounts Service on regular basis. Besides, probationers of various other organized services like IAS, IFS, IRS, IES, ISS, ITS, ICLS, IDES, IFOS, IL, etc. attend short duration training programmes on Office Management, Personnel Management and Financial Management as well as Central Secretariat Practices.

ISTM conducts research and undertakes consultancy work for capacity building in the field of governance by collaborating with client institution in the areas of Training Need Analysis, Design of Training, Cadre Review/ Restructuring, Audit of Proactive Disclosure under RTI Act, 2005, etc.

This reading material is compiled primarily for the purpose of providing overview of functioning of Government of India in Central Secretariat. Following resources have been utilised/consulted for the effort:

www.darpg.nic.in

www.mpa.gov.in

www.cabsec.nic.in

www.rti.gov.in

www.finmin.nic.in

I shall consider its objective fulfilled, if the trainee officers find it handy and useful.

K. Govindarajulu
Joint Director, ISTM

CHAPTER - 1

ORGANISATIONAL STRUCTURE IN GOVERNMENT OF INDIA¹

After reading this Chapter, the reader will be able to describe the following:

- a) Theoretical aspects of Organisation Structure;*
 - b) Machinery of Government;*
 - c) The President of India;*
 - d) The Council of Ministers;*
 - e) Transaction of Government Business;*
 - f) Ministry/Department;*
 - g) Functions of various levels of functionaries in the Central Secretariat;*
 - h) Various organizations of lower formations;*
 - i) Typology of Empowered Organization;*
-

1.1 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.

1.2 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.

1.3 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

¹ Based on text available in Central Secretariat Manual of Office Procedure

created in form of empowered commissions, statutory boards, autonomous societies and institutions especially in the fields related to research, science and technology.

1.4 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.

1.5 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.

1.6 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.

1.7 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.

1.8 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.

1.9 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:

1.10 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
i) To what degree are activities subdivided into separate jobs?	Work Specialization
ii) On what basis will jobs be grouped together?	Departmentalization
iii) To whom do individuals report?	Chain of Command
iv) How many individuals can an officer efficiently and effectively control?	Span of Control
v) Where does decision making authority lie?	Centralization and decentralization
vi) To what degree will there be rules and regulations to direct officers and staff?	Formalization

1.11 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**.

1.12 **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:

1.12.1 The President- You have already read in the previous chapter that the 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.

1.12.2 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. It sometimes functions through its Committees.

1.13 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; and
 - (b) The Government of India (Transaction of Business) Rules.
- (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.

1.14 Ministry / Department

- (1) A Department is responsible for formulation of policies 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.
- (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.
- (6) A section is generally the lowest organizational unit in a Ministry / Department with a well-defined area of work. It normally consists of assistants and clerks supervised by a Section Officer. Initial handling of cases (including noting and drafting) is generally done by secretariat personnel who are also known as the dealing hands.
- (7) Besides there are variations like the Integrated Headquarters of Ministry of Defence where, the Vice Chiefs of Staff, the Principal Staff Officers of the concerned branches and other appropriate authorities, exercise the powers delegated by the Raksha Mantri through various Branches and the Directorates of the Integrated Headquarters of the Ministry of Defence.

1.15 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 up to 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.

1.16 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.

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

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

1.19 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. Example: All India Institute of Medical Science (AIIMS).

1.20 Public Sector Undertakings: Public Sector Undertaking are set-up in the form of companies or corporations in which the President of India or his nominees hold the shares and which are managed by Board of Directors, which includes officials and non-officials. Example: Steel Authority of India (SAIL).

1.21 Integrated Headquarters of Ministry of Defence:- Integrated Headquarters of Ministry of Defence comprising Army Headquarters, Naval Headquarters, Air Headquarters and Defence Staff Headquarters are associated in the formulation of policies in relation to matters concerning the Defence of India and the Armed forces of the Union. They are responsible for providing executive direction required in the implementation of policies laid down by the Ministry of Defence. They exercise delegated administrative and financial powers.

1.22 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.

1.23 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.

1.24 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.

1.25 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.

1.26 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.

1.27 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.

1.28 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)

1.29 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 center of a team that can achieve.

1.30 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.

1.31 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.

CHAPTER - 2

FILE MANAGEMENT²

After reading this Chapter, the reader will be able to describe the following:

- a) *Definition*
 - b) *Oral discussions*
 - c) *Aids to processing*
 - d) *Filing of papers*
 - e) *Arrangement of papers in a case*
 - f) *Linking of files*
 - g) *Use of urgency grading*
-

1.1 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:

- (a) Notes
- (b) Correspondence
- (c) Appendix to Notes
- (d) 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:

² Based on text available in Central Secretariat Manual of Office Procedure & Notes on Office Procedure, ISTM.

- (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 supplementary 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.

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

(ix) '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.

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

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

1.2 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.

1.3 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.

1.3.1 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.

1.3.2 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/rejoins.

1.3.3 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.

1.4 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.

(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.

1.5 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.

1.6 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;
- (10) routine notes and papers arranged in chronological order and placed in a separate cover.

1.7 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.

1.8 Use of urgency grading

- (1) The two urgency grading authorised for use on cases are 'Immediate, and 'Top 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 and Top Priority in very urgent cases.
- (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.

CHAPTER - 3

DECISION MAKING PROCESS IN CENTRAL GOVERNMENT - NOTING³

After reading this Chapter, the reader will be able to describe the following:

- a) Definition of Note*
 - b) Guidelines on Noting*
 - c) Types of Cases and Quantum of Noting*
-

1.1 Definition of Note

1.1.1 Note are written remarks recorded on a paper under consideration to facilitate its disposal. 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. A note recorded by a Minister, the Prime Minister, the Vice-President or the President should be referred to as a 'Minute'.

1.1.2 Notes and orders will normally be recorded on note sheets in the notes portion of a file and will be serially numbered. All category of officers will use either blue or black ink in signing the note. 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.

1.2 General Guideline on Noting

- (a) All notes should be concise and to the point. Excessive noting should be avoided.
- (b) Notes should not be recorded on the receipt itself except in very routine matters.
- (c) A simple and direct style of writing should always be adopted. Use of complicated and ambiguous language should be avoided.
- (d) 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.

³ Based on text available in Central Secretariat Manual of Office Procedure & Notes on Office Procedure, ISTM.

- (e) Even if apparent errors or misstatements have to be pointed out or an opinion expressed therein has to be criticized, care should be taken to couch observation in courteous and temperate language free from personal remarks.
- (f) A note will be divided into paragraphs of a convenient size. Paragraphs should be serially numbered and may also have brief titles, if necessary.
- (g) The dealing hand will append his or her full signature with date below the note. An officer will append full signature on the right hand side of the note with name, designation and the date.
- (h) 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 correct, the officer should merely append signature.
- (i) Modification of notes: - There should be no occasion to record a note in the first instance and then pasting it over. Such pasting is tantamount to mutilation of record. It also gives an inelegant look to the files. Even where a note recorded in the first instance needs any modification on account of additional facts/ errors having come to notice, a subsequent note may be recorded indicating the circumstances leading to recording of the fresh note, keeping the earlier note intact. It is also undesirable for an officer to make his subordinate change his note.
- (j) 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.
- (k) 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 by higher officers.
- (l) 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 a file, it should be referred to without repeating any part of the facts in the note.

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

1.3.1 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

1.3.2 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 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 “O” bundle and destroyed on 31st December of every year. These may also be returned in original to the sender recording requisite factual information also, in appropriate cases.

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) is 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: - The correct and updated law position by quoting them in full perspective should be referred to.
- 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.

1.4 Referencing

1.4.1 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 pen. 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) 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.
- d) 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.
- e) 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.
- f) 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.
- g) 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.

CHAPTER - 4

STYLES OF WRITTEN COMMUNICATION ISSUED FROM CENTRAL GOVERNMENT – DRAFTING⁴

After reading this Chapter, the reader will be able to describe the following:

- a) *What is a Draft*
 - b) *Structures of Written Communication issued for varied purposes*
 - c) *Styles of English language used in notes and drafts*
-

2.1 Drafting

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

2.1.2 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, where standard forms of reply are available.

2.1.3 Drafting- Searching questions

Before initiating the process, it would, therefore, be useful if the person dealing with a case asks a few searching questions to herself, like as follows:

- 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) Does the language convey what it intends to?
- i) Are the paragraphs logically sequenced?
- j) Does it have proper urgency, security grading?

⁴ Based on text available in Central Secretariat Manual of Office Procedure & Notes on Office Procedure, ISTM.

2.1.4 Contents of a draft

- a) Identifying the Sender- A draft should clearly indicate the name, designation, telephone number, fax, email address and complete postal address of the organization to which the sender belongs. Apart from these, the file number on which the draft is being put up should also be clearly indicated;
- b) Adopting the right form- Different forms of written communication are used in the office correspondence in the Central secretariat. The use of each form and phraseology adopted in them are given in Annexure. There are eleven (11) forms, out of which only four (4), namely, Letter, Demi Official (D.O.) Letter, Office Memorandum (OM) and Inter Departmental (ID) Note are mostly used for target groups, as indicated below:

Forms of communication	Target Group
✓ Letter	✓ Foreign Governments, State Governments, Statutory Bodies like UPSC, Election Commission etc, Public Enterprises, Attached/Subordinate Offices, 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 Employees.
✓ Inter-Departmental Note	✓ Others Ministries/ Departments

- c) Besides, Circular, Advertisement and E-mail are also recognized forms for which no specific formats have been prescribed. Circular and Advertisement can be issued in the formats of letters and office memorandum. In addition, Fax, Speed Post, and Registered Post/Resisted with AD are widely used methods of delivery in important and urgent matters.

2.1.5 Visualizing the Response- While drafting a communication, the intention of the decision to be communicated and what response is anticipated from the receiver, if kept in mind, would help in making the communication effective.

2.1.6 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 on a particular issue.

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

2.1.8 Providing a Summary- Where the communication to be sent is long and 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.

2.1.9 General Instruction 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 mentioned 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.
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 "DFA" which stands for "Draft for approval" should be attached to the left hand corner of the draft. If two or more drafts are put up on a file, the draft as well as the DFA. slips numbered as "DFA-I", "DFA-II", "DFA-III" and so on will be attached.

2.2 Style of English used in Central Secretariat

2.2.1 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.

2.2.2 The most common mistakes found in Secretariat English necessitate reiteration on following points: "Information" is singular. If information is called for on many points, it does not become "Informations." The words "Proximo", "Idem" and "Ultimo" are avoidable. They are not necessarily even abbreviations and they possess no recommendations. On the contrary, they lead to confusion. "The same" must not be used instead of "it" or some other simple word. Such needlessly formal words as "therein" and "thereon" should not be used instead of "in it" or "on it". 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. 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 a senior secretariat

assistant should be punished "for being corrupt" he does not mean "in order to make him corrupt". 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. Short sentences should be preferred to long ones "Secretary's attention is invited to O.M.
2.He is requested" is better than "The Secretary's attention is invited to O.M and he is requested". "In case in which" is a clumsy phrase for which "when", "where" or "if" can usually be substituted. The word "necessary" is usually superfluous in such phrases as "the necessary entries", "the necessary corrections", "the necessary instructions", etc.
3. The phrase "do the needful" should never be used. Either state definitely what is to be done or say "do what is necessary". The word "avail" is very awkward one, as it is reflexive and also takes "of" after it. It is better avoided. Moreover, if you do use it, you must not say "the leave was availed of "or" I availed of the leave", still less "he is permitted to avail the holidays". You must say " I availed myself of the leave" and so on. But why not simply say "took the leave"? "Available" also is a bad word. A register "not readily available" may mean anything, for example, that it was needed for reference by one of the members, or had been sent some- where out of the office, or was locked up and the key was elsewhere. It is very annoying to have one's work increased by having to send a note back to ask what it means.
- 4 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"
5. 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.
6. 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.

7. 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".
8. 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.
9. "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. A was 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.
10. 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.
11. "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".

12. 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.1,000", 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".
13. "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".
14. 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".
15. "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.
16. 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.

17. 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.
18. "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 paise stamp". Addition of the word "only" after any sum of money is in place in a bill or cheque not elsewhere.
19. "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..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.
20. 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.
21. 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.
22. “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”.
23. 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”.
24. 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”.
25. “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.
26. “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.

27. 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.
28. "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.
29. "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.
30. "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."

2.2.3 The drafts of letters issued having crucial policy, financial and vigilance implications, where the drafts have been changed by Senior Officers in the process of movement of files upwards, barring grammatical corrections, should also form a part of the correspondence portion, which could be numbered in seriatim. If there is no change in the draft letter, it can be shredded.

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.

5. Office Order

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

6. Order

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

7. 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.

8. 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.

10 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.

11 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”.

12 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)

13 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.

14 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 (Bharat
Sarkar)

Department of

(..... Vibhag)

New Delhi, dated the

To

The Director General,
Central PWD,
NirmanBahvan,
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.

Gouvernement 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)
KrishiBhavan
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)
YojanaBhavan,
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. NoDated

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.

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) Faribabad

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 Gazettee of India, Part I, Section I]

Government of
India

No.....

(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.

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

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

PRESS COMMUNIQUE / NOTE

Not to be published or broadcast beforea.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)

6: Source: Central Secretariat Manual of Office Procedure

CHAPTER - 5

PARLIAMENTARY PROCEDURE⁵

After reading this Chapter, the reader will be able to describe the following:

- a) Parliamentary Terms*
 - b) Questions*
 - c) Action in the Department*
 - d) Drafting*
 - e) Half an hour discussion*
 - f) Parliamentary Committees*
 - g) General*
 - h) Assurances*
 - i) Time limit*
 - j) Register of Assurances*
 - k) Fulfillment of an Assurance*
 - l) Number of Copies*
 - m) Committee on Government Assurance*
 - n) Effect of the dissolution of the House*
 - o) Legislative Process*
-

4.1 Parliamentary Terms

4.1.1 Parliament of India consists of the President and two Houses - the Rajya Sabha (Council of States or the House of Elders or the Upper house) and the Lok Sabha (House of the People or the Lower House). Though the President is a constituent part of parliament, he does not sit or participate in the discussions in either of the two Houses. Rajya Sabha consists of not more than 250 members. It includes 12 members nominated by the President and 238 members selected by the States and the Union Territories. The Rajya Sabha at present consists of 245 members. The maximum strength envisaged for the Lok Sabha is 550 apart from two nominated members (Anglo-Indians), if necessary.

4.1.2 Summoning of the House-From time to time the president summons each House of Parliament to meet to transact business. The gap between the last sitting of one session and the next sessions should not exceed six months.

4.1.3 Sittings of the House: Assembling of the members of a House to transact the business allotted on a day during the session is termed as a "sitting". Unless the speaker directs otherwise, sittings of the House ordinarily commences as under: -

⁵ Based on text available in Manual of Parliamentary Procedure Publisher by M/o Parliamentary Affairs.

Sr. no.	Details	Rajya Sabha	Lok Sabha
(a)	Normal working hours	1100 hrs. to 1700 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 decides to dispense with the lunch break and even sits late hours.

4.1.4 Sesssion: is a series of sittings of the House over a period during which certain pre-determined business are to be transacted. There are normally 3 sessions namely, Budget Session, Monsoon Session and Winter Session, in a year.

4.1.5 Quorum: It is the minimum number of MPs whose presence in the House is necessary to transact business. The Quorum to constitute a sitting of the House is 1/10th of the total membership. The existence of quorum is ascertained at the beginning of the sitting each day before the Speaker/Chairman takes the Chair. If it is found that there is no quorum, the quorum bell is rung and the Speaker/Chairman takes his seat only after there is a quorum. 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.

4.1.6 Adjournment: It means postponement of a sitting of the House. The postponement may be to an hour or part of the same day or sine die_(i. e. without any definite date being fixed for the next meeting. The power to adjourn a sitting of the House vests in the Presiding Officer. 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.

4.1.7 Prorogation: It is termination of a session of the House, 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.
- (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 in the House.

4.1.8 Dissolution: It means the end of the life of the Lok Sabha. Rajya Sabha being a permanent body is never dissolved. Dissolution takes place either:-

- (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 in the Parliamentary Committees lapses with the dissolution except the following:-

- a. Bills originating 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.

4.1.9 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.

4.1.10 Laying of Papers on the Table: It means that the authenticated copy of the papers to be laid on the Table is kept the Table. If necessary, it may be made available to the member on request after the Minister formally states that he lays the paper on the Table. It does not imply that the Minister is required to hand over the paper physically at the Table.

4.1.11 Minister: A member of the Council of Ministers.

4.1.12 Leader of the House: Prime Minister is the leader of the House in the Lok Sabha if he is a member of the House, otherwise a minister nominated by him who is a member of the Lok Sabha will be the leader of the House in Lok Sabha. In Rajya Sabha the leader is appointed by the P.M. from among member of his Cabinet. The leader of the House is responsible for arrangement of the Govt. business in the House.

4.1.13 Private Member : Any member of Lok Sabha or Rajya Sabha who is not a member of the Council of Ministers.

4.1.14 Questions: A device available to a Member of Parliament to seek information on a subject. They are of four types, namely:

- (a) **Starred Question:** It is to be answered orally by the Minister. Answers to such Questions may be followed by supplementary questions. These questions are distinguished by an asterisk (*) mark.
- (b) **Unstarred Question:** It does not carry the (*) mark and only a written answer is given. No supplementary Questions can be asked.
- (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 15 days against the normal notice of 15 days (for Starred and Unstarred question), is called Short Notice Question. Such Questions admitted to be answered orally on a Short Notice 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 a Private Member:** is asked when the subject matter of the question pertains to any Bill, Resolution or any matter relating to the Business of the House for which that Member is responsible.

4.1.15 Parliamentary Committee: A Committee appointed/nominated/elected by the Parliament. 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.

4.1.16 Well of the House: It is the "U" shaped area between Table of the House and the first row of the Ministers/Member.

4.1.17 Zero Hour: provides an opportunity to the members to raise issues of importance by giving prior notice to the Speaker/Chairman. Zero Hour in Lok Sabha is at 12 noon i.e. immediately after question hour while in Rajya Sabha it is at 11 am. Zero Hour is not formally recognised in our parliamentary procedure.

4.1.18 Official Reference Books: Some of the official reference books are:

- (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 under the Rules of Procedure and Conduct of Business in Lok Sabha.
- (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).

These are available at <http://loksabha.nic.in/> and at <http://loksabha.nic.in/>

4.2 Questions

4.2.1 Question defined

A "Question" is one of the devices available to a Member of Parliament to raise a matter on the floor of the House.

4.2.2 Purpose of a question.

For any of or all the following reason(s):

- (a) To elicit information on matters of public importance.
- (b) To focus on the omissions and commissions of the executive organ of the Government
- (c) To gauge the public opinion.

4.2.3 Types of questions.

	Point of Difference	Starred Question	Unstarred Question	Short Notice Questions
a)	Nature of reply	Written for original Question. Oral answers with supplementary	Written answers. No supplementary	Written for original Question. Oral answers with supplementary
b)	Notice Period (in no. of days)	15	15	Less than 15 days
c)	Maximum number of questions asked in a day	20 (Lok Sabha) 15 (Rajya Sabha)	230 + Max. 25 regarding States under President's Rule	One
d)	Time	During Question Hour	During Question Hour	Immediately after Question Hour
	Days	As allotted to the Department (Fixed days)	As allotted to the Department (Fixed days)	Any day of the week.

4.2.3 Admissibility of questions

(a) Members of Parliament have a right to ask questions. However, the right is governed by certain conditions. Some of them are (i.e. the following types of questions are not admitted):

- (i) Questions referring to the character of conduct of any person except in official of public capacity.

- (ii) Questions seeking expressions of opinion to an abstract legal question or a hypothetical proposition.
- (iii) Questions to which information is available in accessible documents or in ordinary works of reference.
- (iv) Questions which are in substance repetitions of those answered previously.
- (v) Questions the subject-matter of which is pending before any court of law or before a parliamentary committee.
- (vi) Questions making discourteous reference to foreign countries with whom India has friendly relations.
- (vii) Questions seeking information, which are secret in nature, e.g. regarding Cabinet discussions or advice given to the President. Etc.
- (viii) Questions to pursue a matter already under correspondence between the member and the minister or the Ministry.

(b) The admissibility of the question may be examined with reference to Rule 41 of Rules of Procedure & Conduct of Business in Lok Sabha & Rules 47 of Rules of Procedure & Conduct of Business in Rajya Sabha.

4.3 Action in the Department

4.3.1 If the question does not pertain to your Department, then immediately get in touch with the officer concerned in the Department to which the question belongs, for transfer of the question. The question should also be sent immediately to the officer concerned, under intimation to the Lok Sabha/Rajya Sabha Secretariat. If the request is accepted, then the accepting Department has to send an acceptance communication to Lok Sabha/Rajya Sabha same day. 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. If ultimately, the Department concerned declines to accept the transfer, or the communications accepting the transfer is not received by the Lok/Rajya Sabha Secretariat in time, the question has to be answered under compulsion but thereafter, the issue be perused with the Deptt. concerned to accept future questions and assurance (if it is subsequently treated as such) on the subject.

4.3.2 If the question does not pertains to your Section/Desk, then urgent steps have to be taken to transfer the same to the section/desk concerned. 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 detailed noting.

4.3.3 In both the above cases, keep the Parliament section of your Department informed.

4.3.4 If required by the RS/LS Secretariat, relevant "FACTS OF THE CASE" may be communicated to the them 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 secretariat concerned will be advised that the information should not be disclosed to the member giving notice thereof.

4.3.5 In case the question has to be answered by you, collect information/material to frame a draft reply and also "NOTE FOR SUPPLEMENTARIES" (where necessary).

- (a) Devise a proforma to collect the information.
- (b) Information to be sought will be limited to what is not available, or to make available the information up-to-date.
- (c) Only those concerned should be asked to furnish the relevant information.
- (d) Tabulation or compilation of information collected to frame answer or to prepare a note for supplementary will be started without waiting for the replies from all.

4.4 Drafting Of Reply

- (a) prepare a tentative draft reply (and a draft note for supplementary in case of Starred and 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.
- (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 question. 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.

4.5 Half an Hour Discussion

In case the answer to a question requires further elucidation, the chair may allow half an hour discussion on it. Three days notice for the same has to be given. The discussion, if admitted, is limited to half-an-hour and is held in the last half-an-hour of a sitting.

4.6 Parliamentary Committees

4.6.1 Parliamentary Committees are agencies of the parliament enabling a thorough scrutiny of the working of the executive and in which parliament has confidence. They deal with specific items of business requiring comprehensive and judicious consideration. Members of these committees work in close cooperation with each other. A good deal of parliamentary work is done in these committees which also have a benefit of being training ground for future presiding officers and ministers. At times they are also an interface with the general public.

4.6.2 A Parliamentary Committee

- a) is a group of Members of parliament;
- b) is either appointed / elected by the House or nominated by the Presiding Officer;
- c) works under the directions of the Presiding Officer;
- d) presents its report to the House or to the Presiding Officer;
- e) Lok Sabha/Rajya Sabha Secretariat provides the Secretarial assistance to it; and
- f) As far as possible, different parties and groups are represented on a Committee in proportion of their respective strength in the house. Therefore, a Committee is a microcosm of the whole House.

4.6.3 The work done by the Parliament in modern times it 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.

4.6.4 Parliamentary Committees can broadly be classified as :-

Financial Committees

Sl. No.	Name of the Committee	Composition	Term	Function
	Public Account Committee (PAC)	LS - 15 RS - 7 <hr/> 22	One Year	(a) Examine the appropriation of accounts of the govt. and the 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 applied. (ii) that the expenditure conforms 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	30 LS members	One Year	(a) To report what economics, improvements in organization, efficiency or administrative reforms, may be effected consistent with the policy under lying 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 <hr/> 22	One year	(a) To examine the Reports and Accounts of the Public Undertakings and the Reports of the comptroller and auditor General thereon. (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)

4.6.5 Departmentally Related Standing Committees (DRSCs)

4.6.5.1 The unprecedented growth in the range and magnitude of governmental activities underscores the need for greater parliamentary role. Accordingly, DRSCs ensure effective parliamentary scrutiny over the executive, especially on matters dealing with the Budget. Beginning with three such committees in 1989, there are at present 24 DRSCs. These committees have acquired tremendous importance so much so that the Minister concerned has to inform the parliament the status of implementation of the recommendations made by them.

4.6.5.2 Since 2004 each DRSC consists of 31 members - 21 from Lok Sabha and 10 from Rajya Sabha. Seats on each Committee are allocated to different parties and groups in the House, as far as practicable in proportion of their respective strength in the House. Suitable numbers of seats on these Committees are also allocated to independents. The term of each committee is one year from its constitution.

4.6.5.3 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, she shall cease to be the member of the Committee from the date of such appointment.

4.6.5.4 The functions of each of the Standing Committees are

- a. To consider the Demands for Grants of the concerned Ministries/Departments and make a report on the same to the Houses. The report shall not suggest anything of the nature of cut motions;
- b. to examine such Bills pertaining to the concerned Ministries/Deptts. 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;
- c. to consider annual reports of Ministries/Deptts. and make reports thereon; and
- d. 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 reports thereon.

4.6.5.5 The Standing Committees shall not consider the matters of day to day administration of the Ministries/Departments concerned.

4.6.5.6 The Chairman of committees in Part I of the Annex shall be appointed by the Chairman, Rajya Sabha. The Chairman of the Committees specified in Part II of the Annex shall be appointed by the Speaker. The Chairman shall be from among the members of the Committees.

4.6.5.7 The Standing Committees shall follow the following procedures in their consideration of the Demands for Grants and making a report on them to the House:

- a. after the general discussion on the Budget in the Houses is over, the Houses shall be adjourned for a fixed period;
- b. the Committees shall consider the Demands for Grants of the concerned Ministries during the aforesaid period;
- c. the Committees shall make their report within the period and shall not ask for more time;
- d. the Demands for Grants shall be considered by the House in the light of the reports of the Committees; and
- e. there shall be a separate report on the Demands for Grants of each Ministry.

4.6.5.8 The Standing Committees shall follow the following procedures in examining the Bills and making report thereon:

- a. the Committee shall consider the general principles and clauses of the Bills referred to them and make report thereon;
- b. 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, as the case may be; and
- c. 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.]

4.6.6 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, which sometimes are appointed to examine Bills clause by clause, are examples of Ad-hoc Committees. An example would be the Select Committee on Lokpal and Lokayuktas Bill, 2011.

4.6.7 Apart from the Ad-hoc committees, each House of Parliament has Standing committees like Business Advisory Committee, the Committee on Petitions, the Committee on Privileges, the Committee on papers laid on the Table, the Business Advisory Committee, the Committee on Private Members Bills and Resolutions. A large number of **Standing Committees** of parliament have been constituted to control and to keep surveillance over the Executive. Some of Standing committees of this kind are: the Committee on Subordinate Legislature, the Committee on Government Assurances, the Public Accounts Committee, the Estimates Committee, the Committee on Public Undertakings. The last three are the financial committees of the parliament.

4.7 General

4.7.1 **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 is member of a Committee, he is ex-officio Chairman of that committee. In case, the Presiding Officer is not member of the Committee, but the Deputy presiding Officer is, he is appointed as Chairman of that Committee.

4.7.2 **Quorum:** to constitute a sitting of a Committee is one third of the total number of members of the committee.

4.7.3 **"In-Camera Sitzings":** This sitting of a Committee are held in private. A members of the Committee or anyone who have access to proceedings of the Committee is not permitted to communicate directly or indirectly, to the press any information regarding its proceedings etc. before the report has been presented to the House

4.7.4 All issues at any sitting of a Committee is determined by a majority of votes of the members present and noting. 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.

4.7.5 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.

4.7.6 The Committees have powers to summon anyone as witness and to examine the files.

4.7.7 With the dissolution of Lok Sabha, the Parliamentary Committees of that House ceased to exist.

Ministries / Departments under the jurisdiction of the Standing Committees.

[Paragraph 4.6]

PART - I

S.No	Name of the Committee	Ministries/Departments
1	Committees on Commerce	1) Commerce 2) Textiles
2	Committee on Home Affairs	1) Home Affairs 2) Law, Justice & Company Affairs 3) Personnel, Public Grievances & Pension
3	Committee on Human Resource Development	1) Human resource Development 2) Health and Family Welfare
4	Committee on Industry	1) Industry 2) Steel 3) Mines
5	Committee on Science & technology, Environment & Forests	1) Science & Technology 2) Electronics 3) Space 4) Ocean Development 5) Biotechnology 6) Environment & Forests
6	Committee on Transport & Tourism	1) Civil Aviation 2) Surface Transport 3) Tourism

PART - II

S.No	Name of the Committee	Ministries/Departments
7	Committees on Agriculture	1) Agriculture 2) Water Resources 3) Food Processing
8	Committee on Communications	1) Information & Broadcasting 2) Communications
9	Committee on Defence	Defence

10	Committee on Energy	1) Coal 2) Non-conventional Energy source 3) Power 4) Atomic Energy
11	Committee on External Affairs	External Affairs
12	Committee on Finance	1) Finance 2) Planning 3) Programme Implementation
13	Committee on Food, Civil Supplies and Public Distribution	1) Food 2) Civil Supplies, Consumer Affairs & Public Distribution
14	Committee on Labour and Welfare	1) Labour 2) Welfare
15	Committee on Petroleum & Chemicals	1) Petroleum & Natural Gas 2) Chemicals and Petrochemicals 3) Fertilizers
16	Committee on Railways	Railways
17	Committee on Urban and Rural Development	1) Urban Development 2) Rural Development

4.8 Assurances

4.8.1 If a minister gives a promise or an undertaking during the course of reply given 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 of this note.

4.8.2 All directions by the Presiding Officer involving action on the part of Ministers are also complied with as Assurances.

4.8.3 All assurances given by the Minister are extracted by the Ministry of Parliamentary Affairs (MPA) from the relevant proceedings 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. 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.

4.9 Time Limit

4.9.1 An assurance is required to be fulfilled within a 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 giving specific reasons for the delay and the probable time required so that the Committee on governmental assurances (CoGA) may be appraised of the position and required for the extension of time.

4.9.2 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.

4.10 Register of Assurances

4.10.1 A register is to be maintained in the Parliament Unit/Section of the Ministry concerned, to monitor the implementation of the various assurances given. Similarly, another register is to be maintained in each Section/Desk in the Ministry to monitor fulfillment 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-II.

4.10.2 The Section Officer/Desk Officer should:

- (a) scrutinize the registers once a week;
- (b) ensure that necessary follow-up action is taken to fulfil the assurance without any delay; and
- (d) submit the register to the branch officer every fortnight if the House concerned is in session and once a month otherwise, drawing his special attention to assurances which are not likely to be implemented within a period of 3 months.

4.11 FULFILMENT OF AN ASSURANCE

4.11.1 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.

4.11.2 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. The Report should be sent to the MPA who would arrange to pay it on the table of the House.

4.12 Number of Copies

4.12.1 If the assurance was 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.

4.13 Committee on Government Assurance

4.13.1 Each House of Parliament has a Committee on Government Assurances nominated by the Chairman / . While the committee of Rajya Sabha has 10 members, the functions of the Committee 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.

4.14 Effect of the dissolution of the House

4.14.1 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.

Standard list of expressions which constitute an assurance

(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 State 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 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 the State Government.
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 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 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 Parliament Library.
24. I shall supply it to the Hon'ble Member.
25. I think it can be done.
26. If the Hon. 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 theGovernment 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 and promised.

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 well 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 Members' 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 or the Chairman involving action on the part of Ministers, will be complied with as assurance.

4.15 Legislative Process

1. Bills

(i) All legislative proposals are initiated in the department to which the subject matter of the legislation relates and are brought in the form of Bills before the Parliament

(ii) There are four different types of bills-

a. **Constitution Amendment Bills:** These are bills which seek to amend the Constitution.

b. **Money Bills:** It only contains provisions related to taxation, borrowing of money by the government, expenditure from or receipt to the Consolidated [Fund](#) of India. Such matters are specified in Article 110(1) of the constitution.

c. **Financial Bills:** contains some provisions related to taxation and expenditure, and additionally contains provisions related to any other matter is called a Financial Bill. Therefore, if a Bill merely involves expenditure by the government, and addresses other issues, it will be a financial bill.

d. All other bills are called Ordinary Bills

(iii) While all Money Bills are Financial Bills, the same does not hold true the other way round. A bill that contains some provisions related to taxation or expenditure, but also covers other matters would be considered as a Financial Bill.

(iv) A Money Bill can be introduced only in the Lok Sabha and the other house can only suggest recommendations which the Lok Sabha may or may not accept. If these recommendations are not given within 14 days of the bill being transmitted to the Rajya Sabha, the bill is deemed to have been passed. Authority to certify a bill as Money bill vests with the Speaker of the Lok Sabha as per Article 110(3) of the Constitution. Further, Article 122 states that parliamentary proceedings as well as officers responsible for the conduct of business (such as the Speaker) may not be questioned by any Court.

2. Stages in the Legislative Process

(i) The administrative ministry formulates the proposal taking into account the political, administrative, financial, economic and social implications and by also consulting other Ministries, state governments where necessary. Ministry of Law & Justice is consulted for the legal and constitutional aspects of the proposal as well as for the feasibility and desirability of the legislations in the light of existing laws and also constitutional validity of the proposal.

(ii) After a go ahead from the Ministry of Law & Justice, the administrative ministry prepared a self contained note for the Cabinet's approval. The department

concerned will also send all the relevant papers to the Ministry of Law and Justice (Legislative Department) with an Office Memorandum indicating the precise lines on which it has been decided to legislate, to enable that department to take up drafting of the requisite Bill.

- (iii) The draft bill along with the Cabinet note is then submitted to the Cabinet for its consideration and approval. The Cabinet discusses the broad aspects of the policy underlying the proposal and gives its decision.
- (iv) Subsequent to all approvals, the administrative ministry prepares a “Statement of Objects and Reasons” which explains the rationale behind the proposed legislation. This statement helps in understanding the necessity and scope of the Bill. The draft of the bill is then sent to the Secretariat of the house in which it is proposed to be introduced where it is examined for its compliance with constitutional and procedural provisions. Copies of the bill are printed for circulation among the members. The bill is also included in the list of business for the day on which the Minister proposes to introduce it.
- (v) The Bill then goes through its “three readings” in the house. In the First Reading, leave of the house is sought to introduce the Bill. For this, the Minister concerned has to give a seven days’ notice in writing. This reading concluded with the grant of leave by the house following which it is published in the official Gazette. In some cases leave to introduce it in the House is not necessary if with the permission of the Speaker/Chairman, it is published in the Gazette even before introduction.
- (vi) In the Second Reading, the Bill is considered in two stages:-
 - a. In the first stage, there is a general discussion on the principles of the Bill and its provisions. The house at this stage may refer the same to a Select Committee of the House or to a Joint Committee of the two houses or may take it up straightway.
 - b. The second stage involves a clause-by-clause consideration of the Bill as introduced or as reported by the Select/Joint Committee. Discussion takes place on each clause of the Bill and amendments can be moved at this stage. Each clause and amendment is put to vote of the house. The amendments become part of the Bill if voted for by the majority of members present and voting. The same procedure is followed for the schedules and the title of the Bill.
- (vii) In the Third Reading the Minister concerned moves that the Bill be passed. a debate on arguments in support or rejection of the Bill takes place without referring to the details.

- (viii) Motions for consideration and passing of the Bills are adopted by a simple majority of members present and voting. However, in case of Constitution Amendment Bills, its passage requires a majority of the total membership of the house and a majority of not less than two-thirds of the members present and voting.
- (ix) After its passage by one house, it is sent to the other house and there also it goes through the same stages except introduction. In case of disagreement between the two houses or a lapse of six months from the date of receipt of the Bill by the other house without the Bill being passed by it, the President may, in accordance with Article 108 of the Constitution call a Joint Sitting of the two houses to break the deadlock. The bill is deemed to have been passed by both the Houses in the form it is passed by a majority of the total number of members of both the Houses present and voting at the Joint Sitting. No joint Sitting of both the houses is allowed on a Money Bill or a Constitution Amendment Bill.
- (x) After its passage by Parliament, the Bill is then sent for obtaining the assent of the President of India. The President may :-
- a. give his assent
 - b. withhold his assent
 - c. return the bill with the recommendations to the Houses for reconsideration. On passage of the Bill again with or without amendments, the Bill has to be given assent by the President.

1. 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 - II (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.

CHAPTER – 6

PREPARATION OF NOTES FOR THE CABINET/CABINET COMMITTEES⁶

After reading this Chapter, the reader will be able to describe the following:

- a) Cabinet Notes as instruments of policy making*
 - b) Disposal of the Business of the Government of India*
 - c) Format and Presentation of the Note*
 - d) Contents*
 - e) Inter-Ministerial Consultations*
 - f) Time-Lines for Inter-Ministerial Consultations*
 - g) Forwarding of Notes to Cabinet Secretariat*
 - h) Various Organizations of Lower Formations;*
 - i) Typology of Empowered Organization;*
-

Cabinet Notes as instruments of policy making

The decisions taken by the Cabinet and Committees of the Cabinet are fundamental to the governance of the country. Various matters of national and international importance impacting different facets of governance get flagged and placed before the Cabinet and Committees of the Cabinet. The notes for their consideration are, therefore, central to policy making and to successful execution of different programmes. These notes, should therefore, have the highest degree of clarity with all pertinent details having been brought out in the right perspective.

2. Some of the illustrative cases required to be placed before the Cabinet are:

- (i) Cases involving legislation including the issue of Ordinances.
- (ii) Cases involving negotiations with foreign and Commonwealth countries on treaties, agreements and other important matters
- (iii) Proposals to appoint public commissions or committees of inquiry and consideration of the reports of such commissions or committees.
- (iv) Proposals relating to creation of posts of the level of Joint Secretary to the Government of India or higher.
- (v) Cases in which a difference of opinion arises between two or more Ministers and a Cabinet decision is desired.
- (vi) Proposals to vary or reverse a decision previously taken by the Cabinet.

3. The proposals that are placed before the Cabinet and Committees of the Cabinet are often the culmination of a series of steps. These include consultations with the stakeholders within the Central Government and outside, consultations with the State

⁶ Based on the “Handbook on Writing Cabinet Notes” available on the website of the Cabinet Secretariat.

Governments, inter-ministerial consultations and in many cases, appraisal by designated bodies or financial institutions. The final document and the proposals contained in such notes should therefore be of very high quality.

Disposal of the business of the Government of India

4. The business of the Government of India is disposed of at various levels within the Ministries/Departments in terms of the Government of India (Allocation of Business) Rules, 1961 by, or under the general or special directions of the Minister-in-charge. However, the Government of India (Transaction of Business) Rules, 1961, stipulate that such disposal of business is subject to the provisions relating to consultation with other Ministries/Departments, approval of the Prime Minister, the Cabinet and its Committees and the President. Accordingly, while a significant portion of the Government business gets disposed of at the departmental level, certain cases, or class of cases that are important from the national perspective, require approval of the Cabinet or one of the Committees of the Cabinet.

5. The proposal(s) sought to be placed before the Cabinet/Committees of the Cabinet, should either be the concern exclusively of the sponsoring Department, or it should primarily concern the Department in terms of the AoB Rules. In cases, where it does not exclusively concern the sponsoring Department, the concurrence of Departments whose business is impacted, must be obtained. In the event of such concurrence not being possible, the views of the differing Departments are to be appropriately included in the note seeking approval of the Cabinet or the Committee of the Cabinet. In the latter case, where there is difference of opinion between the sponsoring and the consulted departments, the views of the consulted departments need to be reflected honestly in the note.

6. Detailed guidelines/instructions regarding preparing notes for the Cabinet and Committees of the Cabinet including the process to be followed for inter-ministerial consultation have been issued by the Cabinet Secretariat. These are available on the website of the Cabinet Secretariat, viz., <http://cabsec.nic.in>. Some of the important aspects of format and inter-ministerial consultation process are given in the foregoing paragraphs.

Format and Presentation of the Note

7. The notes for the Cabinet or the Cabinet Committees should be prepared as per the following format and presentation requirements:

- (i) The notes are to be prepared in the prescribed format and copies of the Notes made on A-4 size paper.
- (ii) The copies of the Note are to be made both in English, and Hindi. Both versions are to be sent to the Cabinet Secretariat together.
- (iii) The notes are to be typed in double space (in Arial font, size 12-14) and both sides of the paper are to be used.

- (iv) The typing impression should be legible and clear in all pages.
- (v) In the documents annexed, marginal notings if any, must be removed. In case, such documents have a poor impression, these must be retyped.
- (vi) The main note should, preferably, not exceed 7-8 pages in double space. Other details, especially tables, charts, diagrams, maps etc. which should, as far as possible be brief, can be relegated to annexes.
- (vii) A wide margin (not less than 1.5 inch) should be left towards that edge of the paper which is put in the pads for the meetings i.e. the left edge on the obverse and the right edge on the reverse of the page.
- (viii) All paragraphs and sub-paragraphs of the Notes are to be appropriately numbered. Bullets, arrows and other similar markings are not to be used as a replacement for paragraphs or sub-paragraphs.
- (ix) The Notes are to be security graded "Secret" or "Top Secret". While assigning the security grading, the proposed classification should be properly evaluated with reference to the contents of the Note. However, all proposals to be brought before the Cabinet/Committees of the Cabinet are to be classified at least as "Secret". Depending on the content, the sponsoring Ministry/Department would examine whether the note should continue to be classified "Secret" or "Top Secret" after its consideration by the Cabinet, or after action on it is complete or over.
- (x) Copy number is to be indicated on the top right side on the first page of the note. Below that, in the centre, the file number and the name of the sponsoring Ministry and Department are to be indicated. Copy number is not required to be indicated on pages other than the first page of the main note.
- (xi) The file number and the name of the Ministry/Department is to be indicated on each page of the note on the top including appendices and annexures.
- (xii) The words "Note for the Cabinet" or "Note for the Cabinet Committee on _____", , as the case may be, are to be indicated below the name of the Ministry/Department on the first page.
- (xiii) Below the caption "Note for the Cabinet/Committee of the Cabinet", a brief subject heading is to be given. While being brief, the heading should be fully indicative of the proposals contained in the Note.
- (xiv) Every note should, as far as possible, be so structured as to include paragraphs on introduction, background, proposal, justification, details of interministerial consultations, financial implications, approval required and a paragraph stating that the note has been approved by the Minister-in-charge.
- (xv) **Appendix I** : "Statement of Implementation Schedule; **Appendix II** : "Statement on Equity, Innovation and Public Accountability"; and **Appendix III** : "Statement on Major Milestones and Corresponding Target Dates" (for infrastructure project related proposals only) should also be added and a reference made to that effect in the body of the note.

- (xvi) On the top right hand corner of the first page, the date of the note is to be indicated clearly. It has to be the date on which the note is signed and its copies sent to the Cabinet Secretariat. In those cases, where the Note is required to be rectified/ revised and resubmitted, it should be given a fresh date. The date on the front page and all other pages that are signed by the competent officer should be the same, both in English, and Hindi versions.
- (xvii) All pages in the Note, including the annexes, appendices etc. are to carry continuous page numbers on the bottom extreme right hand corner, simultaneously indicating total number of pages, in the manner “page x of y” where “x” is the running serial number of the page, and “y” is the total number of pages in the note including Appendices/ Annexures.
- (xviii) The fact that Appendices/ Annexes/ Annexures are attached with the note should be indicated in the main note and also duly referenced with page numbers wherever these are referred to for the first time. On each Appendix/ Annex/ Annexure, the relevant paragraph and page number of the main note, where these have been referred to, should be indicated, for easy reference.
- (xix) Only relevant papers are to be annexed with the Note. Unrelated papers/ annexures are not to be attached. Copies of old notes considered by Cabinet/ Committees of the Cabinet are not to be attached. In cases, where the issue had previously been considered by the Cabinet/ Committees of the Cabinet, only the relevant extracts from such notes and the decision(s) previously taken by the Cabinet/ Committees of the Cabinet are to be annexed or appropriately reproduced in the body of the note.
- (xx) It should be indicated in the final paragraph of the Note that the proposals made therein have the approval of the Minister-in-charge of the sponsoring Ministry.
- (xxi) The Note should be properly tagged or stapled. No other form of binding is advised. There should be no spiral/hard binding of the note(s).
- (xxii) The Note as well as the Appendices, should be signed by a Joint Secretary or higher officer in the main Ministry/ Department sponsoring the note. Joint Secretary equivalent officers even if working in the main Ministry/ Department are not authorized to sign the notes for Cabinet/ Committees of the Cabinet.
- (xxiii) No note for the Cabinet/ Committees of the Cabinet etc. should be signed by any officer in the Attached/ Subordinate Office.
- (xxiv) The telephone number of the officer signing the note should necessarily be indicated in the note as well as Appendices.

Contents

8. Special attention needs to be paid to the quality of drafting. The note while being brief should bring out all relevant details and no material fact should remain unstated. The main note should be self-contained, lucid, straight forward and contain only the relevant details.

9. All acronyms/abbreviations used in the text of a note are to be expanded when the term is first used in the note. Its full form, with the acronym/abbreviation given in brackets should be given. Acronyms that are not commonly used are to be avoided.

10. The Note should have a brief introduction that succinctly brings out the essence of the proposal in three-four sentences, followed by a brief background, the details of the proposal, its financial implications, details of appraisal, if any carried out by the financial institutions or prescribed appraisal body/forum, inter-ministerial consultations, consultations with State Government, if relevant, recommendations of any expert bodies etc., details about Appendices/Annexures attached and approval required etc.

11. The approval paragraph should be self-contained and it should indicate the specific point or points on which approval/decision is sought. Reference to proposals in earlier paragraphs should be avoided while formulating the approval paragraph. The paragraph should have absolute clarity and it should leave no scope for any differing interpretations. This paragraph should also not contain any content for which approval of the Cabinet/Committee of the Cabinet is not required.

Inter-Ministerial Consultations

12. The sponsoring Ministry/Department should consult all Ministries/Departments which may be concerned with the subject matter. The draft note(s) should be sent to all the Ministries/Departments concerned, whose business is likely to be impacted by the proposal.

13. The views of the consulted Ministries/Departments should have the approval of the Minister-in-charge of consulted Ministries/Departments. While conveying the views on proposals contained in the draft notes for the Cabinet/Committees of the Cabinet to the sponsoring Ministry/Department, the consulted Ministries/Departments should categorically state that the same have the approval/concurrence of their Minister-in-charge. In cases, where approval at the level of the Minister-in charge in the consulted Ministries is not indicated by them, it will be presumed that the comments had been approved at the level of the Minister-in-charge.

14. When the differing Ministry/Department's remarks are reproduced in the final Note, no second reference to the differing Ministries/Departments concerned is necessary. However, if any addition is made to the Note by the sponsoring Ministry to rebut the arguments advanced against its proposal, it should be shown to the differing Ministries/Departments. The obligation would, however, be limited to sending a copy of the note to such Ministry/Department and not to securing their consent to the views expressed by the sponsoring Ministry/Department in rebuttal. In such cases, the fact that the note, in its final form, has been shown to the differing Ministry/Department should be clearly reflected in the Note.

15. The details of inter-ministerial consultations i.e. the comments of consulted Ministries are required to be incorporated in the main note. The views of the consulted Ministry/Departments need to be faithfully reflected in the main note to ensure that the Cabinet/Committees of the Cabinet could peruse them before arriving at a decision. The comments of the consulted Ministry should not be edited or para-phrased in a manner as to alter their connotation and all the comments/conditionalities should be incorporated in the note/ annexures.

16. Only in cases where the comments of the consulted Ministries/Departments are very lengthy and it may not be possible to incorporate them in the main note, may these be reproduced in the Annexure without being para-phrased or edited along with the comments of the sponsoring Ministry in a tabular format. However, the gist of such comments shall necessarily be incorporated in the main body of the note even in such cases.

17. All notes for the Cabinet/Committee of the Cabinet etc. must specifically mention the dates on which comments of the consulted Ministries/Departments were sought and received by the administrative Ministry/Department.

18. A copy of the draft note should necessarily be forwarded to the Prime Minister's Office at the time when notes are sent for inter-ministerial consultations and their comments awaited for 15 days. In cases, where the proposal needs to be cleared/appraised by bodies such as EFC/PIB etc., a copy of the EFC/PIB Memo etc. should also be forwarded to PMO. Comments, if any, received from PMO should be duly taken into account while finalizing the note. It is, however, clarified that the consideration of the proposal by the appraisal bodies should not be delayed for reasons of non-receipt of comments from PMO.

Time-Lines for Inter-Ministerial Consultations

19. Commencing from the date, the draft note is received by the Ministry/Department being consulted, the comments of consulted Ministries/Departments shall, in all cases, where there are no financial implications, be finalized and communicated to the sponsoring Ministry/Department in 15 days, and in cases, where there are financial implications, the time limit for finalization and forwarding comments shall be four weeks.

20. In all cases where the notes for the Cabinet/Committees of the Cabinet are required to be circulated for inter-ministerial consultations, the entire process of consultations will be completed in two weeks' time. In cases where the consulted Ministries/Departments fail to forward their comments to the sponsoring Departments within two weeks, the sponsoring Departments will clearly indicate in the body of the note the date on which comments were sought from the Ministry/Department concerned, and the fact that the comments of the Ministries/Departments consulted have not been received till finalization of the note for the Cabinet/Committee of the Cabinet.

It will be the responsibility of the Ministry/Department sponsoring the proposals to ensure that the draft note for the Cabinet/Committee of the Cabinet is delivered to all Ministries/Departments required to be consulted and the Prime Minister's Office quickly and the period of two weeks will reckon from the date, copies of such draft notes have been delivered to all Ministries/Departments concerned.

21. After completion of inter-ministerial consultation an unnumbered single copy of the finalized note shall be submitted to the Prime Minister's Office. Simultaneously, 5 copies of the note are to be submitted to the Cabinet Secretariat. The sponsoring Ministry/Department will wait for 3 working days for any direction and, thereafter, if any comments have been received, make necessary changes and submit the requisite number of final note to the Cabinet Secretariat.

Forwarding of Notes to Cabinet Secretariat

22. After the Minister-in-charge of a Department/Ministry has approved a note for submission to the Cabinet or any Committee of the Cabinet chaired by the Prime Minister, a copy of the note should be forwarded to the Principal Secretary to the Prime Minister immediately and thereafter, comments/advice of the PMO be awaited for three working days. Simultaneously, five copies of the final note will also be forwarded to the Cabinet Secretariat. Accordingly, only after expiry of three working days, the requisite number of copies of the final note should be sent to the Cabinet Secretariat for placing it before the Cabinet/Committees of the Cabinet. The note should bear the date on which it is sent to the Cabinet Secretariat. The fact of compliance with the aforesaid instructions will be clearly stated in the forwarding memo vide which the notes are sent to the Cabinet Secretariat.

23. The forwarding memo should be addressed to and all copies of notes sent to Director (Cabinet), Cabinet Secretariat, Rashtrapati Bhavan, New Delhi- 110004 and not to any other senior officer in the Cabinet Secretariat. Where it is considered expedient or necessary to draw the attention of senior officers in the Cabinet Secretariat, an additional copy of the note may be forwarded to them directly.

Note: For further details, consult the "Handbook on Writing Cabinet Notes" and other latest instructions available on the website of the Cabinet Secretariat.

CHAPTER – 7

OVERVIEW OF RTI ACT 2005⁷

After reading this Chapter, the reader will be able to describe the following:

- a) Explain the background and origin of RTI Act 2005;*
 - b) Define the important terms given in RTI Act 2005;*
 - c) List out the clarifications issued on various provisions of RTI Act 2005;*
 - d) Name the information covered under suo motto disclosures of RTI Act 2005;*
 - e) Explain the exempted category of information under RTI Act 2005;*
 - f) Discuss the procedure involved in application and response for information being sought under RTI Act 2005;*
 - g) Draw the time frame given for giving information under different situations under RTI Act 2005;*
 - h) Explain procedure involved in Third party information under RTI Act;*
 - i) Discuss the procedure involved in appeal under RTI Act;*
 - j) Explain the penalty/disciplinary action prescribed under RTI Act;*
 - k) Explain the main features of RTI online;*
-

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. Tamil Nadu and Goa, enacted Right to Information laws in 1997 and inspired other states to follow suit. States which passed Right to Information

⁷ Based on RTI Act 2005, Rules 2012 DOPTs Oms & Manuals on RTI

laws subsequently were Rajasthan, Karnataka (2000); Delhi (2001); Maharashtra, Assam (2002); Madhya Pradesh (2003); Jammu and Kashmir (2004); etc.

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. However, the Central Act is applicable to Central Government public authorities located in Jammu & Kashmir.

7. Definition 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;

8. RTI Act, 2005 - Some Clarifications

- (i) A citizen has a right to seek such information 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.
- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) 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 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.

- (vi) 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

8. Every public authority has to provide as much information as possible 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.

9. 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.

10. 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

11. 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.

12. 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’.

13. However, keeping in the view the directions of Hon’ble High Court of Kolkatta in WP No. 33290 of 2013 dated 20.11.2013 in the case of Mr. AvishekGoenka 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 details of RTI applications and appeals received and responses thereto on their website, the personal information of an individual should not be disclosed.

Exemptions

14. Sub-section (1) of section 8 and section 9 of the Act enumerate the categories of information which is exempt from disclosure (Refer to copy of the RTI Act for details). 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

15. 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 outweighs the harm to the protected interest.**

16. 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.

17. 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.

18. 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 (1) 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 in proviso to clause (i) of sub-section(1)of Section 8 of the Act.

Overriding effect of RTI Act

19. 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?

20. An applicant, along with his application, is required to pay a sum of Rs.10/- 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.

21. As per the guidelines issued by the Government vide OM dated 24th 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.

22. 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.

23. 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?

24. 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 to repeated RTI questions?

25. The case of Shri Ramesh Chand Jain Vs. Delhi Transport Corporation, GNCT D, Delhi, on the issue of seeking information by the RTI Applicants through repetitive Applications on similar issues/subject was considered and decided by the Central Information Commission. The Central Information Commission, in its decision, had observed that-

“..... several applicants seek some information from one wing of the public authority, and based on the responses file a bunch of RTI questions from the same or other wings of same public authority, or from other authority. This will have a continuous harassing effect on the public authority. As the PIOs go on answering, more and more questions are generated out of the same and in the same proportion the number of repeated first appeals and second appeals will be growing.”

26. The Commission after considering various aspects of the issue and the provisions of acts of similar nature in other countries, and also the decisions of earlier Information Commissioners has concluded that:-

- “(i) Even a single repetition of RTI application would demand the valuable time of the public authority, first appellate authority and if it also reaches second appeal, that of the Commission, which time could have been spent to hear another appeal or answer another application or perform other public duty.
- (ii) Every repetition of RTI application which was earlier responded will be an obstruction to flow of information and defeats the purpose of the RTI Act.”

27. The Central Information Commission, vide its decision No. CIC/AD/A/2013/001326-SA dated 25.06.2014 has thus, held that:-

- (i) There is no scope of repeating under RTI Act.
- (ii) Citizen has no Right to Repeat.
- (iii) Repetition shall be ground of refusal.
- (iv) Appeals can also be rejected.”

How to respond if does not pertain to fully or partially?

28. If the subject matter of the application concerns any other public authority, the PIO who has received it should transfer it to the concerned public authority within five days of the receipt of the application, under intimation to the Applicant. However, if the PIO of the Public Authority is not able to find out as to which public authority is concerned with the information even after making reasonable efforts to find out the concerned public authority, he should inform the Applicant that the information is not available with that public authority and that he is not aware of the particulars of the concerned public authority to which the application could be transferred. It would be the responsibility of the PIO to establish of the reasonable efforts made – in case of an appeal.

29. 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.

30. 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. In case the information sought is scattered with more than one other public authorities, PIO should give information relating to it and advise the applicant to make separate applications to the concerned public authorities. However, if the details about other public authorities are available with the PIO, such details may also be provided to the applicant.

31. 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.

32. If the information sought is the concern of a public authority under any State Government or Union Territory Administration, the CPIO should inform the applicant that the information may be had from the concerned State Government or Union Territory Administration. Application in such cases need not be transferred to State Government or Union Territory Administration.

Response to RTI application

33. 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. The CPIO has to apply his mind while passing on the information received from the custodian of the records.

34. 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.

35. Timelines for responding to RTI Application are as follows:-

- (i) Supply of information in normal course - 30 days
- (ii) Supply of information if the application is received through APIO - 05 days shall be added
- (iii) Supply of information if it concerns the life or liberty of a person : 48 hours (the onus to prove that the information sought qualifies life and liberty lies with the applicant)
- (iv) Transfer of application to other public authority under section 6(3) of the Act : 05 days
- (v) 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
- (vi) 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.
- (vii) 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.

36. 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

37. 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 covered by the definition of third party.

38. 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.

39. If an applicant seeks any information (a) which relates to or has been supplied by a third party and (b) the 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, certain procedure 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.

40. 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.

41. 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.

42. 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 receipt of notice. If not satisfied with the decision of the First Appellate Authority, the third party can prefer second appeal to the Central Information Commission.

43. 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

44. 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.

45. 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 giving justification for the decision arrived at.

46. The appeal should be disposed off 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.

47. 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

- a. pass an order directing the CPIO to give such information to the appellant; or
- b. he himself may give information to the appellant while disposing off the appeal.

48. 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.

50. 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.

Second Appeal

51. If the first appellate authority fails to pass an order on the appeal within the prescribed period or if the appellant is not satisfied with the order of the first appellate authority, he may prefer a second appeal with the Information Commission within ninety days from the date on which the decision should have been made by the first appellate authority or was actually received by the appellant.

Penalty or disciplinary action

52. 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 denied the request for information with malafide 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 twentyfive 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.

53. 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

54. 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

55. 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 through the following modes:

- a) Internet banking through State Bank of India and its associate banks;
- b) Credit/Debit card (Visa or Master).

56. 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.

57. Each CPIO has been provided with a username and a password by the Nodal Officer to access the RTI applications referred to the CPIO. 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.

58. In case additional fee is required representing the cost for providing information, the CPIO shall intimate the applicant about the same through this portal.

59. 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.

60. 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.

61. 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.

Section 5 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 sever 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.

CHAPTER – 8

BUDGETING PRINCIPLES AND PRACTICES⁸

After reading this Chapter, the reader will be able to describe the following:

- a) Importance of Budget;*
 - b) Budgeting Principles;*
 - c) Budgetary Process;*
 - d) Preparation of the Budget;*
 - e) Both Plan and Non-Plan – Merged;*
 - f) Voting of Budget;*
 - g) Outcome Budget;*
 - h) Execution and Control of Expenditure Against Budget;*
 - i) Review of Budget as Executed;*
-

Budgeting is balancing what you want with what you can afford. We all have to do it. Government departments are not different. They have long had public expenditure plans and cash limits. Proper budgeting takes this process down the line by sharing the department's resources among managers. But living within your means needs decisions about plans and priorities- what to do and what not to do and how to get the best out of the resources available. Budgeting is about making those difficult choices. A budget sets down who will do what, by when and with what resources. The necessity for budgeting arises because economic resources are limited and there are always a large number of demands or requirements for them.

1. Importance of Budget

Budget is the outcome of a process that includes preparation of financial plan by executives, review and approval of that plan by the Legislature, execution of the plan, evaluation and public reporting of the results. This serves several purposes:-

- (i) It is an instrument of social and economic policy.
- (ii) It is a plan of action for efficient and economic implementation of functions programmes, activities and projects of Govt.
- (iii) It is a tool of management for planning and effective use of resources for achieving the objectives of Govt.
- (iv) It is an instrument of legislative control over National Finance, by which executive is held accountable to the legislature for incurring expenditure from public funds

⁸ Based on the Website of the Ministry of Finance, Department of Expenditure

2. Budgeting Principles

Indian budgetary system is based on following **budgeting principles**:-

- (i) Accounting classification based on function-cum-program has been evolved with twin objectives of reflecting government transactions in terms of functions, programs and schemes and securing **harmony between accounting classification and plan heads of development**. Budget is prepared according to this accounting classification for **Sectors/Sub-sectors** in respect of **Major/Sub-Major Heads, Minor Heads, Sub-Heads, Detailed Heads and Object Heads**(units of appropriations like salaries, wages, office expenses, etc.)
- (ii) Unspent budget lapses at the close of the financial year.
- (iii) Budgeting is done on '**gross basis**' Approval of the legislature is sought for gross expenditure though departmental recoveries in reduction of expenditure are shown below the line to indicate the net expenditure.
- (iv) Budgeting is done on '**Cash basis**' and not on 'accrual basis' What will be actually paid or received during budget period is included and what will not be paid or realised is not included even though it has accrued in that year.
- (v) Estimation is done as closely as possible by avoiding guesswork resulting in over estimation or underestimation.
- (vi) There is a '**single budget**' comprehensively prepared covering all agencies that are under effective financial control of government and all their financial transactions, to ensure that scarce resources are allocated to their best use and that legal control and public accountability are properly enforced. For example, it does not include the transactions of State Governments, Local Bodies, Public enterprises etc who have their own resources, responsibilities and funds. But it includes grants, loans, subscription, subsidies to them as well as receipts of any dividend, interest, loan repayment from them.

3. The financial process is basically the budgetary process. In accordance with the provisions of Article 112 (1) of the Constitution, the Finance Minister shall arrange to lay before both the Houses of the Parliament , an '**Annual Financial Statement**' also known as "Budget" showing the estimated receipts and expenditure of the Central Government in respect of a financial year, before the commencement of the year . This statement is commonly referred to as the '**Budget**'. Similar statements for State Governments are laid

before the Legislatures of the States. The revenue collected and the loans raised are credited to the '**Consolidated Fund**'. Besides the Consolidated Fund, there is the '**Public Account**' in which the receipts in respect of which Government acts as banker or creditor are remitted. There is a third Fund called the '**Contingency Fund**', with a fixed corpus amount, from which money can be withdrawn on the orders of the President/Governor as the case may be to meet emergent commitments or for meeting the expenditure on '**New Services**' not provided for in the budget, pending authorization by Parliament or the State Legislature.

The receipts and expenditure of the Railways being a departmental commercial organization form part of the Government's receipts and expenditure and are included in the Annual Financial Statement. With the merger of Railway Budget with the General Budget, the Demands for Grants and the Statement of Budget Estimates of Railways shall also be part of the General Budget with effect from 2017-18. The provisions for preparation, formulation and submission of budget to the Parliament are contained in Articles 112 to 116.

4. Budgetary Process

The budgetary process can be considered under the following heads: -

- (a) Preparation of the budget.
- (b) Voting of the budget.
- (c) Execution of the budget.
- (d) Review of the budget as executed.

5. Preparation of the Budget

The Budget is prepared by the executive. Budget preparation is a two-way process of reaching decisions on the size and composition of expenditure and revenue. It will be unrealistic to decide the total size of expenditure without considering the availability of revenues. Similarly, the amount of revenues to be raised is influenced by the assessment of needed expenditure and possible sources of deficit financing and their economic consequences. Thus, the decision on the size and composition of expenditure and revenues is reached through repeated adjustments of preliminary estimates and periodical reviews of the Budget Estimates, Revised Estimates, Supplementary Demands for Grants, and surrenders during the currency of the financial year. This exercise may sometime go beyond the financial year leading to Demand for Excess Grant from the legislature.

6. Estimates of receipts and expenditure are prepared by various **estimating authorities**. It starts with preparation of estimates by local officers all over India sometime in August. These are vetted and consolidated by the Heads of Departments and then scrutinized by the Administrative Ministry. Receipts estimates pertaining to direct and indirect taxes, are prepared by the Central Board of Direct Taxes and Central Board of Excise and Customs. Controller of Aid Accounts and Audit and the Budget Division in the Ministry of Finance prepare the estimates relating to external and internal debts. Estimates of departmental receipts are prepared by the Chief Controller/Controller of Accounts of respective Ministries/ Departments with the approval of their Financial Adviser .

The expenditure estimates shall show separately the sums required to meet the expenditure Charged on the Consolidated Fund under Article 112 (3) of the Constitution and sums required to meet other expenditure for which a vote of the Lok Sabha is required under Article 113(2) of the Constitution. The estimates shall also distinguish provisions for expenditure on revenue account from capital account, including on loans by the Government and for repayment of loans, treasury bills, cash management bills and ways and means advances. The detailed estimates of expenditure shall be prepared by the estimating authorities up to the final unit of appropriation (Object head) under the prescribed Major and Minor Heads of Accounts for both Revenue and Capital expenditure. Estimates shall include suitable provision for liabilities of the previous years that is to be discharged during the year. The estimates of scheme related and other expenditures shall be processed in consultation with the Budget Division, Ministry of Finance in accordance with the instructions issued by it. The Revised and Budget Estimates of both Revenue and Capital expenditure after being scrutinized by the Financial Advisers and approved by the Secretary of the Administrative Ministry or Department concerned shall be forwarded to the Budget Division in the Ministry of Finance in such manner and forms as may be prescribed by it from time to time.

7. Preparing of budget estimates or review of these estimates at various stages during the financial year requires a great deal of care on the part of the budget estimating authorities. Some of the important points which may prove helpful in formulating the estimates and review thereof are mentioned below: -

- (i) Familiarization with the organization's functions, programs, schemes and activities.

- (ii) Collection of historical data and other information relating to the functions, programs, schemes, projects and activities in respect of which budget requests are being made.
- (iii) Analysis of the data and other related information;
- (iv) Identification of the changes that have taken place in respect of the ongoing programs, schemes, projects and activities, including impact of the post budget decisions, if any. Whether any new scheme, project or activity has been taken up or is likely to be taken up. What are the financial implications of these changes and decisions, including new activities, on the budget.
- (v) Inclusion of the funds requirement for the budget period -item- wise under each schemes, activity, programme and function.
- (vi) Summarizing the funds requirement in terms of accounting Classification.
- (vii) Supporting the budget requests by necessary data analysis or other documents and information.

8. In preparing the budget requests the estimating authorities should also bear in mind the following check points; -

- (i) Be sure about the authenticity of the figures of past actual, which form the basis for the estimates.
- (ii) The detailed estimates of expenditure shall be prepared by the estimating authorities up to the final unit of appropriation (Object head) under the prescribed Major and Minor Heads of Accounts for both Revenue and Capital expenditure. Estimates shall include suitable provision for liabilities of the previous years that is to be discharged during the year.
- (iii) Go through the liability register maintained by the office and ensure that provision is made in respect of the pending liabilities which are likely to be liquidated during the financial year in respect which budget estimates are being made.
- (iv) In case of regular and maintenance expenditure care should be taken to make provision for annual growth or escalation, if required.
- (v) Be fully conversant with the post budget decisions and other factors influencing the funds requirement for the budget period and ensure that provision is made, if required.
- (vi) In case of any program, scheme, activity or items of expenditure for which budget provision exists and has been discontinued ensure that the provision is accordingly excluded from the current budget unless the funds are proposed to be utilized to meet extra requirement for other items.

- (vii) Since diversion from revenue to capital or vice-versa and voted to charged or vice-versa is not permissible ensure that budget requirements are worked out separately in respect of these section.
- (viii) Before submitting the estimates to the next higher authority and accepting authority ensure that all the budget instructions including economy instructions in connection with the preparation of the budget have been carefully gone through and meet the requirements of the budget accepting authority in the Ministry/Department.

9. The estimates are to distinguish between **`charged' expenditure** and **`voted' expenditure**. The Constitution provides that certain specified items of expenditure are 'charged' against the Consolidated Fund and not subject to the vote of Parliament. Parliament can, of course, discuss these. Examples of such 'charged' expenditure are: -

- (i) Payments to be made in satisfaction of Court Degree.
- (ii) Re payments of loan and interest on it.
- (iii) Pay and Allowances of: -
 - (a) President and his staff.
 - (b) Comptroller and Auditor General and his staff.
 - (c) Judges of Supreme Court, High Courts
 - (d) Speaker and Deputy Speaker of Lok Sabha
 - (e) Chairmen and Deputy Chairmen of Rajya Sabha, etc

10. Voted expenditure is all expenditure out of the Consolidated Fund which is not 'charged' and is subject to vote by Parliament.

11. To facilitate better analysis there is separate classification of budget into Revenue & Capital heads. Revenue Receipts consists of the government tax and non-tax revenues. While the tax revenues, non-debt capital receipts including disinvestments and borrowings are managed by the various Departments of the Ministry of Finance, the non-tax revenues are collected through all Ministries/Departments and other autonomous bodies and implementing agencies and comprise an important source of revenue for the Government. User Charges:

'User Charges' is an important component of the non-tax revenues. Each Ministry/Department may undertake an exercise to identify the 'user charges' levied by it and publish the same on its website. (i) While fixing the rates of user charges, the Ministries/Departments must ensure that the user charges recover the current cost of providing services with reasonable return on capital investment. (ii) Any deviation from these principles shall be specifically recorded with reasons justifying the setting of user charges lower than the cost recovery norms, if any. (iii) The rates of user charges should

be linked with appropriate price indices and reviewed at least every three years. (iv) In order to enable ease of revision of user charges, the rate of user charges shall be fixed, where ever possible through Rules or executive orders and not through a statute.

Revenue expenditure is for normal running of government departments and various services, debts servicing, grants, subsidies, contributions etc. Broadly speaking, expenditure which does not result in creation of assets is treated as revenue expenditure. **Capital Receipts** consists of capital receipts from market borrowings, external assistance, issue of bonus shares, disinvestment of equity holding in Public Sector enterprises, recoveries of loans sanctioned by government and public deposits like small savings, provident fund etc. **Capital expenditure** mainly relates to increase in concrete assets of material and permanent character or reducing recurring liability and also investments, repayment of loans taken by government, loans and advances to States/UTs, government servants etc.

{Both Plan and Non-Plan - Merged}

12. **Voting of Budget:** The process of voting of budget can be considered in five stages:

- (i) Presentation to the Legislature.
- (ii) General discussion.
- (iii) Voting of Demands.
- (iv) Consideration of the Appropriation Bill.
- (v) Consideration of the Finance Bill.

The estimates initially submitted by the Departments may undergo some changes as a result of scrutiny in the Budget Division, Ministry of Finance and deliberations in the pre-budget meetings between the Secretary (Expenditure) and the Secretary or Financial Adviser of the Department concerned. The final estimates arrived at on the basis of scrutiny and pre-budget meetings shall be incorporated in the Budget documents.

13. **Outcome Budget:**

After finalization of the estimates for budgetary allocations, the Department of Expenditure in consultation with NITI Aayog and the concerned Ministries shall prepare an Outcome Budget statement linking outlays against each scheme/project with the outputs/deliverables and medium term outcomes. The outputs/deliverables shall be mandatorily given in measurable/quantitative terms on the basis of parameters and deliverables decided in advance, on the basis of projections made in the Medium Term

Expenditure Framework (MTEF) Statement. Allocations for each scheme/project shall be against a firm set of deliverables which shall be adhered to. The performance against specified outcomes would form the basis of deciding on the continuation of the scheme and the quantum of budget allocation.

14. The budget is generally presented to both Houses of Parliament on the last day of February. Every Member of Parliament is issued the following: -

- (i) Finance Minister's printed speech.
- (ii) Budget estimates of receipts and disbursements.
- (iii) Finance Secretary's memorandum explaining important variations between:
 - (a) Revised and budget estimates of current year.
 - (b) Budget estimates of the next year and the revised estimates of the current year.
- (iv) Demands for Grants.
- (v) White paper, giving the background to the estimates.

15. On the day of presentation, there is no discussion. After a few days, a general discussion of the budget as a whole or any question of principle involved therein takes place in the Legislatures. The debate is wound up by the finance Minister who tries to clarify the issues raised.

16. Thereafter, each demand for grant is introduced by the Minister in-charge. The members of the Legislatures may move '**cut motions**'. A fixed number of days are allotted by the Speaker for discussion and voting of demands. At the end of the days allotted the Speaker is required to put the demands to vote. It does happen that a number of demands are put to vote without any discussion. This is known in parliamentary language as the '**guillotine**'. In India the British convention is followed; rejection of demand is taken as the passing of a motion of no confidence in the Ministry.

17. After the voting of demands has been completed the '**Appropriation Bill**' is brought in, to give legal effect to the demands as voted and to authorise the issues of moneys from the Consolidated Fund. A discussion takes place, but no amendments may be moved. The Appropriation Bill as passed by the Parliament and assented to by the President becomes the '**Appropriation Act**', which is the authority for drawal of money from the consolidated fund.

18. If the Appropriation Bill seeking authorization of the Parliament to make expenditure in consonance with the Budget proposal is likely to be passed after the start of the financial year to which it corresponds then pending the completion of the procedure prescribed in Article 113 of the Constitution for the passing of the Budget, the Finance Ministry may need to obtain a 'Vote on Account' to cover expenditure for a brief period in accordance with the provisions of Article 116 of the Constitution. Funds made available under Vote on Account are not to be utilized for expenditure on a 'New Service'.

After the Appropriation Bill relating to Budget is passed, the Ministry of Finance shall communicate the same to the Ministries / Departments which, in turn, shall distribute the same to their subordinate formations. The distribution so made shall also be communicated to the respective Pay and Accounts Officers who shall exercise check against the allocation to each subordinate authority.

19. If savings are not available within the Grant to which the payment is required to be debited, or if the expenditure is on "New Service" or "New Instrument of Service" not provided in the budget, necessary Supplementary Grant or Appropriation in accordance with Article 115 (1) of the Constitution shall be obtained before payment is authorized (Refer to Appendix 5).

When the expenditure on the new service can be met from savings in other sub-heads, a '**Token supplementary demand**' is raised to get parliamentary approval to the extension of the activities of the department. When the expenditure can be met from savings in other subheads but the powers of re -appropriation is not with the Government a '**Technical supplementary demand**' is raised.

20. The '**Finance Bill**' contains the taxation proposals of the Government for the year. A motion by the Finance Minister that the Bill be taken into consideration opens the discussion. Amendments seeking the reduction or abolition of any tax are in order. Passing of such amendments is not taken as reflection of lack of confidence in the Ministry. The Bill as passed by the Lok Sabha is sent to the Rajya Sabha and becomes the Finance Act after it received the assent of the President.

21. Execution and Control of Expenditure Against Budget

The Grants are distributed to the Administrative Ministries after passing of the Appropriation Act. The Controlling officers in the ministries are responsible to see that the expenditure under each sub head is kept within the appropriation and that the appropriations are properly utilised. For this purpose, the Head of the Department and

the Accounts Officer shall be jointly responsible for the monthly reconciliation of the figures given in the accounts maintained by the Head of the Department with those appearing in the Accounts Officer's books. The procedure for reconciliation shall be followed. As soon as cheques for the bills presented for payment are received, and/or status of e-payments are verified from the reports available with DDO on PFMS portal these shall be noted in the appropriate column of the Bill Register and the DDOs shall ensure that the amounts of cheques tally with the net amount of the bills presented. In case any retrenchment is made by the PAO, a note of such retrenchments shall be kept against the bill in the remarks column in TR 28-A. The Departments of the Central Government shall obtain from their Heads of Departments and other offices under them the departmental figures of expenditure in Form GFR 8 by the 15th of the month following the month to which the returns relate. The figures relating to Revenue and Capital expenditure shall be separately shown in these returns.

It requires commitment to implement budget, cash management reporting of results and review thereof. Accounting and auditing though considered as separate operations are also regarded as final stages of budget execution.

22. To lend flexibility to the system, controlling officers at various levels have been delegated powers of re appropriations i.e., to transfer funds, within a grant from one unit of appropriation in which there is savings to another where the amount is inadequate, subject to restrictions.

23. Review of Budget as Executed

The budget as executed is reflected in the accounts. The Appropriation Accounts and the Audit Reports are reports to the Legislatures by the C&AG on the actual execution of the budget, which was passed by them. These are then examined by the Public Accounts Committee.

24. Where the expenditure incurred is in excess of the grants, the executive seeks an '**excess grant**' from the legislature, as recommended by the PAC. The Accounts Officer shall not allow any payment against sanctions in excess of the Budget provisions unless there is specific approval of the Chief Accounting Authority. Such excess grants are frowned upon by the legislature but are inevitable. Lapses of funds also come up to adverse criticism

भारत सरकार
GOVERNMENT OF INDIA



सचिवालय प्रशिक्षण तथा प्रबन्ध संस्थान
कार्मिक और प्रशिक्षण विभाग

(आईएसओ 9001:2015 संस्था)

प्रशासनिक ब्लॉक, ज.ने.वि. (पुराना) परिसर, ओलोफ पामे रोड, नई दिल्ली-110067

दूरभाष : 26185308, टेलीफैक्स : 26104183

वेबसाइट : www.istm.gov.in