

कार्यालय कार्यविधि पर टिप्पणियाँ  
**NOTES ON OFFICE PROCEDURE**  
कार्यालय प्रबन्ध की सहायक सामग्री  
**Aids to Office Management**



(1948 TO 2008)

60

राष्ट्र की गौरवपूर्ण  
सेवा के साठ वर्ष  
**SIXTY YEARS GLORIOUS  
SERVICE TO THE NATION**



भारत सरकार  
**GOVERNMENT OF INDIA**

सचिवालय प्रशिक्षण तथा प्रबन्ध संस्थान  
**Institute of Secretariat Training & Management**  
कार्मिक और प्रशिक्षण विभाग  
**DEPARTMENT OF PERSONNEL AND TRAINING**  
कार्मिक, लोक शिकायत तथा पेंशन मन्त्रालय  
**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS**  
वेबसाइट /Website: [www.istm.gov.in](http://www.istm.gov.in)

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## PREFACE TO THE FIRST EDITION

The Secretariat Training School had prepared a compilation of instructions on office procedure, noting, drafting etc. in 1949, for the guidance of trainees in the Secretariat Training School. Some of the instructions contained in that compilation are now included in the Manual of Office Procedure, issued by the O & M Division of the Cabinet Secretariat. It has, therefore, been considered necessary to revise the compilation. The relevant portions covered by the Manual of Office Procedure have been omitted. A few more notes on the subjects taught in the School have been added. It is hoped that these will be helpful in the proper understanding of the subject dealt with.

2. This compilation has been published for official use only and is intended primarily for the use of the trainees of the Secretariat Training School to give them an insight into the procedure and methods of work in Government offices. This should not be cited as an authority in official notes and correspondence. Any matter contained in it should not be reproduced or published and its use by any person in any circumstances, other than legitimate official purposes, is unauthorized.

New Delhi,  
The 4<sup>th</sup> February, 1959

G. NATH  
Director,  
Secretariat Training School

## PREFACE TO THE SEVENTH EDITION

The "Notes on Office Procedure (An Aid to Office Management)" was initially brought out by the Institute in February, 1959, primarily to provide the proper insight to the participants of various training programmes of this Institute on aspects of office management and procedures in the Secretariat of the Ministries/Departments and its offices. During all these years, the officials in the Ministries etc have evidently found the publication handy and useful, as it has remained in considerable demand.

2. Since the Sixth Edition, which was published in August, 1989, there has been significant changes in the areas of *Office Management, Methods and Procedures* in the Central Secretariat and therefore it has become necessary to bring out the new edition of the Notes on Office Procedure in revised form. In the present edition, new chapters on "*Handling of CAT Cases and Citizen Charter*" has been added. Chapters on *Noting and Drafting* has been thoroughly revised and other chapters have been updated, wherever necessary. The chapter on *Inspections*, which added in the Fifth Edition has since been deleted, as the information is already available in the *Central Secretariat Manual of Office Procedure*. The last Chapter titled "Leadership, Motivation, Attitude and Communication" has been revised and substituted by a new Chapter titled "Human Behaviour in Organization".

3. It may be reiterated that the compilation is primarily intended for the use of the trainees of ISTM. It will help in proper understanding and comprehending the provisions of Manual of Office Procedure and related subjects in their perspective. This should, however, not be cited as an authority in official matters.

4. The publication in this revised and enlarged form would not have been possible but for the active, willing and enthusiastic cooperation of the faculty members of the Institute who deserve all appreciation for the painstaking work done by them. Shri K.S. Kumar, Joint Director has rendered assistance in coordinating and editing the revised publication.



5. Every care has been taken to ensure the accuracy and correctness of the various aspects discussed in the new edition. However, in case the readers come across any errors or omissions, they may kindly bring the same to the notice of this Institute. Any comments or suggestions for the improvement of this book will be gratefully appreciated.

New Delhi  
Date: 2008

(Dr.Khwaja M.Shahid)  
Director  
Institute of Secretariat Training & Management

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Chapter 1  
THE GOOD ADMINISTRATOR\*

So many different functions have to be administered in so many different situations in an advanced society that it is extremely difficult to speak usefully about qualities generally characterising "good administrators". In a particular individual one particular quality may be so marked as to offset the lack of some other desirable attribute. The relative importance of various qualities will vary with the institutional situation, too. For example, a man who gets along with modest abilities in a long-established organisation may fail dismally in a new position in a new organisation. Contrasting a good military commander in the field with a good chief of staff in the national capital further illustrates the varieties of administrative species.

Admitting the wide range of variables, some more or less generally requisite qualities may be identified. Out of a dozen such attributes, an effective administrator might usually be expected to have an assortment of seven or so. To see all twelve in one person would be to see someone more than a good administrator – a superman, or a man long dead. In actual practice, individual shortcomings can be overcome in large organisations by constituting administrative teams with members whose qualities complement each other.

Some qualifications not peculiar to administration must be assumed to begin with. Without basic character, other attributes are insufficient. The good administrator has a high loyalty to his institution, involving a willingness to yield a good deal of himself to its discipline. Aside from the self-interest of income, in public administration there is a special opportunity for a sense of dedication with altruistic and idealistic significance. There are also loyalties to particular programmes, functions and professions. Sometimes satisfaction of sense of craftsmanship in institutional performance is an important feature of emotional motivation.

After character and motivation more strictly administrative capacities are to be considered:

- (1) The most crucial single qualification of this sort is, I think, willingness to assume responsibility. In the case of Presidents, Prime Ministers and Cabinet members the administrators with party as well as public responsibilities – I am inclined to put the requirements as something more than willingness to carry heavy responsibilities. These persons who must campaign publicly be popularly elected and publicly accountable need to have a special zest for public life and public responsibilities; perhaps – "positive eagerness for public responsibility" is the phrase I seek. To want it too much is a weakness that leads to personal deterioration, but not to want it positively is a weakness that reflects inherent incapacity for this peculiarly public role. For professional civil servants simple

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\* Extract from the Book entitled "Public Administration for a Welfare State by Paul H. Appleby.



willingness to accept responsibilities is probably best; it reflects sober self-confidence that avoids the pitfalls of an inflated ambition. Yet this willingness must include courage, a readiness to take risks, a dynamic attitude, not simply an ability to play things safe or to attend to details. Mere tidying things up ("house-keeping" it has been called) is not administration. The fact that it is less easy for me to recall really good administrators among civil servants in the United States than to recall good ones who were political appointees probably has its chief explanation in this distinction concerning courage and a dynamic attitude.

Willingness to take responsibility is much rarer than most people are inclined to believe. The greater are the responsibilities of a position the fewer are those who would actually wish to fill it. Many would like the higher income the more responsible position often yields. Many would like the status thought to be associated with the position. Many would like the recognition of merit that accompanies promotion, and would dislike being passed over in favour of someone else. These things often cause persons to seek positions they would for every other reason prefer not to have. Such attitudes are indicative of administrative incapacity. Their frequency also probably reflects some malformation in our systems of compensation and recognition, since there surely are many important and worthy functions besides those of administrative character.

For the purpose of our present discussion, however, the point is that those who are most likely to carry responsibilities effectively are those who do not run from them and yet know that responsibilities are heavy. They are the ones who know administration to be full of troubles and yet find it challenging and rewarding in itself.

- (2) Perhaps the second basic attribute of a good administrator springs naturally from the first. It is demonstrated growing power – a steadily enlarging ability to deal with more problems, more varied problems and more diverse people. President Woodrow Wilson is often quoted as having said that "all who come to Washington who had unbroken records of personal growth and no records of personal swelling, the Washington performance would be a much more completely gratifying one than it has been in the past. Growing capacity is more subject to identification than practice has generally demonstrated, even though there are no fool-proof guides. And growing capacity in subordinates can be nurtured by good administrators.

An ability to capitalise largely on relatively slight experience is of the essence of growing power. Some people become more and more preoccupied with and confined by their particular experiences, while others are caused by particular experience to gain insights in other directions than those actually traversed. Those of the second sort have a certain capacity for generalising what they see and do, without becoming dogmatic or too prone to verbalise their learning too glibly. This characteristic may be described as a wordly-wide, actionist form of



what in more cloistered and verbalising individuals becomes, or closely resembles, philosophy.

- (3) As this discussion has by now suggested, a good administrator is one with a strong bent towards action. He has discovered the importance of excellence, and will often be highly reflective, but is one with a sense of urgency, one who keeps his eye on deadlines and on his personal responsibilities for action; he is one who is likely to feel that his thinking is a by-product of his involvement in action. His mind may be of a quality and type unsurpassed by any other kind of mind, yet its orientation toward action and its scope will sharply differentiate it from that of "professional intellectuals". He and high type political leaders will prove striking examples of classical French remark about "the superior person", "He is not a specialist".
- (4) A good administrator needs to be upto a point, a good listener; beyond this point he needs to be a good initiator of that to which he listens. This is to say that he is one who asks searching questions, the answers to which will importantly illumine the problem before him, and illumine it in term of his peculiar responsibilities.

Even the ablest of subordinates tends to discuss a problem in terms of his own involvement in it. The administrator next higher should not deal with it only in terms of the subordinate's concerns. He listens in part to get the subordinate's view, of course. In another part he listens in order to identify things not said which may be crucial to his responsibility; he needs then to inquire about these matters. His questions will reflect his exposure to larger parts of his organisation than any particular subordinate regularly deals with. They will reflect also his exposure to larger publics and correspondingly significant worldly wisdom.

The subordinate's view, in contrast, will be confined to narrower, more specialised functions. The subordinate is likely to lose some of his bearings because of his preoccupations with techniques or other particulars. The good administrator is one whose questions turn attention back to the organisations' basic purposes as related to the particular matters under consideration.

- (5) A good administrator is one who has learned how to be unusually effective with people. He is skilled in avoiding personal offence, in seeing how to placate and when to offend, and persuade. This means that he has quick emotional perceptions. For this very reason he avoids membership in or reliance on cliques, and for the most part is in one sense merely impersonal and fair towards individuals, yet in another sense he is considerate, loyal and defensive of colleagues and subordinates. This is to say that he has no favourites, no cronies, but is, quick to see and respond to special opportunities to be helpful.
- (6) A kindred point is that a good administrator is one who prefers to have around him the ablest people he can find. He builds his own strength by building the competence of his organisation – not by demonstrating how he can tower above



incompetents. He praises good performance in preference to offering criticism of mistakes. If criticism is really called for, it is offered privately and as inoffensively as possible.

- (7) It is only a step to the next point. A good administrator uses his institutional resources rather than relying too heavily on himself. The organisation as a whole can produce a vast amount of information that will be importantly useful to him. It can offer many ideas, and many judgements, the fruits of many kinds of experience. It can and will do more of these things if he exhibits great hospitality to ideas, information and judgement.
- (8) A good administrator is one who aims at effectiveness and avoids using power or authority for their own sake. Using them readily when his responsibility requires, he will usually keep power in reserve, available for the exceptional case. He will prefer to avoid issuing "orders" in favour of ratifying subordinate proposals, stimulating the unauthored groups' conclusion or suggesting courses of action. He will especially avoid making decision others should make and equally avoid making decisions before they are needed. Thus, often his decision will be not to decide but to postpone action, to refer the problems to others, even though when a personal decision is required he will make it promptly and without intentional ambiguity. For decisions made individually and for those made by subordinates alike, he will assume definite responsibility.
- (9) A good administrator has self-confidence that enables him readily to confess ignorance and personal fault. The incompetent administrator gets himself into frequent trouble by pretending to knowledge he does not have and by trying to justify his own least justifiable actions.
- (10) A good administrator does not discourage, but positively welcomes, reports of troublesome things lest they reach unmanageable dimensions before he hears of them. He passes on reports of such matters to higher authority in terms varying according to the nature of the difficulty but he is especially careful to report factually on things that may seem to reflect shortcomings on his own part. Nothing else helps so much to earn the confidence of his own superiors and his subordinates. Weaker, less competent administrators paint a too rosy picture of themselves and use subordinates as scape-goats. Others easily see their weakness.

In reporting trouble, the administrator makes clear in certain instances that it is for information only, with no action then recommended or desired. In cases where action is due, he reports the problem and reports his own remedial action, or presents possible alternative actions and indicates which one seems to him to be preferable. In other words, he avoids both panic and unwarranted non-chalance, avoids merely spreading gloom, carries his full share of responsibility, and assumes responsibility for assisting his superiors find problems solutions.



A good administrator is a team-worker. He deals with "subordinates" in a manner showing them the same kind of respect he gives to his "superiors". They are all important to each other. He is considerate of others, but never "soft" and never gullible; he is a hard task-master, but a fair one. He upholds subordinate responsibilities exactly as he wishes his own to be upheld.

A good administrator tirelessly pursues means of improving administration of all for which he is responsible. He is hospitable to suggestions for improvement. He is an initiator in asking new questions about performance and about seeing new ways to appraise what is going on. While one of the duties of an administrator is to enforce conformity with established routines, in the interest of systematic and synchronized action, he also has a special responsibility for the improvement of work ways, and a working perspective especially fitting him for the task.

Bernard has said, "The higher the positions in the line of authority, the more general the abilities required". Yet the usual tendency will be for an executive to be the prisoner of his past, more limited, preoccupations. His "thirteen years of experience" may be only one year of experience repeated thirteen times. Getting out of prior experience what is significantly relevant to a position higher up or to a different functional situation is extremely difficult and uncommon, rather than something to be assumed because of present position.

Because institutions have vitality and momentum, high-ranking executives happily adjusted in an organisation may not be notably competent. They may be passengers, carried on, perhaps unconsciously by associates and the organisation as a whole. Further promotion may be unwarranted, and transfer to some entirely different field of action may be the height of unwisdom. No one's equipment can automatically and commonly include experience in jobs not held, and ability to lead persons in those jobs the executive has not held is the pre requisite to his promotion or transfer.

A distinct step-up in achievement in one job after another, success in markedly different types of jobs in different institutions; revitalising a deteriorating organisation; success in starting and heading an entirely new organisation where there is no special advantage in patents, size of capital resources or the like; and success in crisis -- these, progressively in this order, are extraordinarily convincing of an executive's virtuosity. But all of these elements of proof are only rarely available.

Many administrators in private organisations would be disposed to insist that almost every thing said up to now in this discussion applies as much to private administration as to public administration. Except in terms of degree of application this is true in private organisation conducted within nations which have well-established political democracy. In other words, as government, increases its democratic character it exercises -- for the most part indirectly -- an influence complicating and humanizing private administration. Political democracy changes popular attitudes towards private administrative practices,



changes mass expectations, and gradually strengthens the bargaining position of employees in relation to employers.

To see this we have only to recall the pictures Dickens gave us of life in England as experienced by the masses only a century or so ago. English people at that time had a few basic and until then most unusual – political rights, but they were not yet living under a government that was “a well-established political democracy”. Both feudal attitudes and royal powers were still strong. Even if technologies had been more advanced than they were, and total income of the society thus made sufficient to elevate mass standards significantly, it is likely that most of the gains would have gone then to the already privileged. It was a period when the almost unchallenged economic rationalisation was that of *laissez-faire*. This was the ruthless and arbitrary reality that Marx saw, and the advance of technology alone would not so soon or certainly have refuted him as did that advance coupled with the strengthening of political democracy.

The United States was somewhat sooner committed to truly popular sovereignty, but until the ideal of “republican” government evolved into a more thoroughly and frankly democratic form, private administration in my country in retrospect is seen to have been shockingly ruthless. In my-lifetime I have seen enormous changes in the private scene.

Most injections of compassion and the manners and methods conducive to good morale have come as indirect consequence of aspirations specifically served by governmental and political process. Private organisations have responded to changed expectations of employees and clients in manifold, subtle ways. But they have also responded to particular standards written into law and imposed upon them by a government popularly responsive because it was popularly responsible. They have acted also in concern lest failure to act would lead to further governmental regulation or intervention.

The callousness with which industrialists still exploited child labour at the turn of the century has given way to universal school attendance to the age of about 16, school lunches and a host of other welfare programmes. Employer liability for injuries of employees, unemployment insurance, old age pensions, in-service training and establishment of collective bargaining are only a few of the items now achieving equities almost undreamed of century ago. These things mean that the modern definition of a “good administrator” in private institutions has come to have considerable human and social content.

R.A. Gordon's study of Leadership in Large Corporations in the United States makes vivid the fact that corporate goals have become so numerous in the most thoroughly “capitalistic” nation, and involve so many values other than profits, that corporation executives now a days are highly confused. Their concerns are greatly affected by employees, community and public attitudes. Even so, private



responsibilities and involvements are and will ever be, much more narrowly confined than those of government.

Therefore, the qualities generally distinguishing good administrators as I have listed them in the earlier part of this discussion seriously understate the requirements for public administrators. Everything required of competent private administrators is needed in public administrators in still larger terms.

No one may be confidently expected to be an able public administrator merely because he has a reputation as a private administrator. Most of the dismal failures I have seen in public posts were appointed to them because of their repute as private administrators. These few who made the shift successfully had had more than an ordinary amount of prior association with things and people governmental. Even so, all of these few were startled and shocked to find how very much of their time and energies had to be expended in dealings direct or indirect with legislatures, executive colleagues, governors and citizen groups engaged in agitation.

This is implicit in democracy. The basic principles and structures of democracy probably cannot, and probably should not be fully utilised in large and important private organisations. (Sydney and Beatrice Webb, socialist thinkers, saw part of the problem when they asserted that members of cooperatives should lose their votes when employed by them). In any case, the public scope is wider and more complicated than the scope of any private responsibility. A good administrator in a democratic government post, therefore, is one who – beyond the qualifications I have emphasised earlier – needs to have a high respect and sympathy for political processes and political leaders. Lack in this area is widespread, and it is one of the most serious of all possible shortcomings, for it is the scope of politics that differentiates democracy from all other government forms.

There are no strong drives characteristic of human beings which democratic government can fail to take into account. This is why the problems dealt with by government exceed the capacity of sheer intellect or of skills merely technical. The craftsmanship of democratic government is essentially a social skill.

The career, "non-political" public servant may be socially skilful with his fellow workers, but even with them he is preoccupied with a special responsibility that is much less than commensurate with the general society or the general public interest. For society at large and for the general public interest there are no brokers so skilful, so widely exposed, so accountable as the party politicians. While internal competition and coordination will enable the bureaucracy to overcome the worst excess of their pre-occupations, this is sufficiently accomplished only under the discipline of control by politicians through the medium of party responsibility. This discipline is handicapped at the national level in India because of ministerial and parliamentary remoteness from the actual interchange between administrative organs and citizens. This remoteness results



from the extraordinary way in which administration of programmes crucial to national policy is assigned to states.

The good administrator – politician or civil servant – does not try to “act like a politician” or to “act like a good administrator”. Real political performance and good administration are not to be seen in plays on stage or screen; they can only be simulated there. The true politician behaves in a political way because he is a politician. The good administrator acts with competence because he is a good administrator. (How the two got that way and are continuing to get that way is another story). One can only be one’s self. But no one can be a really top-quality administrator in democratic government without having respect for political processes and political responsibilities.

Structural changes should usually be arrived at in an orderly and evolutionary fashion, but in the context of a general continuity sometimes some drastic changes of an important sort become necessary.

I illustrate by speaking of India although I believe what I say has equal significance in every nation seeking rapid advancement.

The first administrative necessity for independent and socially revolutionary India was to utilise the best available institutional sub-structure. That was clearly and emphatically the Indian remnant of the Indian Civil Service and its associate and subordinate services. I should like to testify, to, that in any judgement the best of the individuals comprising this institutional facility were and are the equals of the best in any other nation, with the average in responsible positions generally rating also very high.

This long after independence, however, it is important to keep in mind the limitations of old structures and work ways as well as the enormously increased dimensions and changed character of the programmatic work-load here.

The basic institutional pattern of administration here still has many distinctly British features. Much of all this contributed significantly to the generally high quality of the Indian government. But for present needs structural and procedural changes, and many changes in attitude, are certainly in order.

I agree with the relevant point, if not entirely with the supporting argument made here recently by an American colleague. He said that if the British had been as able administrators as many have thought them to be neither India nor the United States would be independent nations today. This is more persuasive in the case of the United States than in the case of the India. Concerning India, granted that the United States had in fact started the procession to independence, I doubt that better administration could have done any better than in the end to make the noble exit the British did make, and enlist India as a highly important member of the Commonwealth as it did.



The general point, however, is that the British pattern of administration, even at home, needs change in a changing world and its pattern of administration in India needs more rapid and extensive change than has yet been achieved.

A part of the past success and eminence of British administration was a product of military competence and naval supremacy, and another part derived from a feudal history and the consequent fact that British diplomats and administrators, at home and in other countries with strong feudal traditions, spoke in the traditional voice of authority. Success so achieved won further success, of course.

There was more to it, of course. The British, like the Persians and the Romans in other long-enduring empires, in the last century confined colonial power to its essentials and enlisted local leaders in the hierarchies. Their administration of law was in some respect harsh, but there was in it a respect for fair process that was impressive.

For a wide variety of reasons, only some of them "administrative", Britain has a deserved eminence. It is now as for a long time distinguished by persons of high abilities, social and political spirit, cohesion and political adaptability that reflect extraordinary maturity and argue for the nation's long survival.

Yet British administration has changed significantly, in the quarter-century I have known it. And changing internal social conditions foreshadow and require further change. Anyhow, a system British-designed cannot at all be expected to serve the growing needs of independent India as well as system designed by Indians and imaginatively and continuingly developed by them.

A foreigner may be permitted in so friendly a country to suggest that the original transition has been so well made that the time has come for administrators in India to demonstrate in special measure one of the important capacities of good administrators – the capacity to improve institutional structures and work-ways. This requires knowledge of structural variations in various kinds of effective institutions and considerable understanding of factors contributing to effectiveness and popular accountability, all pointed first of all at insuring national success, national capacity to subordinate and coordinate local egoisms and specialist egoisms. Unification of many of the special "services" here into a major general civil service would be, in my opinion, one convincing and important demonstration.

Coming when they came, and in the form in which they came the constitutional commitments made by the new Indian nation are heavier than those ever undertaken elsewhere. Anywhere such principles and goals might have been established even so recently as 1920, their exactions of administrator would have been unprecedented. Today they are staggering. The improvements in administration that are needed would be impossibly difficult if they were carried



on in the spirit of programmatic "detachment" so often invoked on behalf of Civil Service irresponsibility. There is no such thing as a "good administrator" who has no deep sense of emotional involvement in the programmes adopted by the government. In India there is no such thing as a good administrator who has no deep sense of emotional involvement in the programmes adopted by the government. In India there is no such thing as a good administrator who is not thoroughly attached to the Welfare State commitments to which the national Constitution binds all who claim to be public administrators.

The heart of administration is the management of programmes designed to serve the general welfare. The people do not look to governments to conduct civil service examinations, carry on budgets and other such things often erroneously referred to as "the administrative". These things are incidental to administration. The people look to governments to carry on programmes of general benefit and it is the conduct of these programmes that is the proper focus of administration. A good administrator is programme-oriented. The higher he goes, the more programmes he has to take into account, give himself to and at the same time restrict and balance in terms of each other and in terms of resources available to use in them. But for him, the results to which his every action is dedicated are results of popular value.

"Public officials are the trustees of the People".

- Gover Clevelant

Chapter 2  
OFFICE MANAGEMENT

1. Hours of Attendance: - The normal hours of attendance for the offices of the Government of India located in Delhi are as follows:

Group -A Ministries and Departments of the Govt. of India as specified in Schedule I of the Government of India (Allocation of Business) Rules, 1961

All working days 9.00 AM to 5.30 PM

Lunch Interval 1.00 PM to 1.30 PM

Group -B All other offices of the Government of India

All working days 9.30 AM to 6.00 PM

Lunch interval 1.30PM to 2.00 PM

2. Offices will remain closed on Saturdays and Sundays. Any member of the staff may, however, be required to work outside office hours if the state of work in the office so demands. Every member of the staff is expected to be in his/her seat and to start work by 9.00 or 9.30 A.M., as the case may be unless special permission for late attendance has been obtained. Half a day's casual leave is to be deducted from a Government servant's casual leave account for each day's late attendance. Late attendance upto an hour on not more than two occasions in a month may be permitted by the competent authority if he is satisfied that it is due to unavoidable reasons.

Half a day's casual leave in the forenoon or afternoon may be allowed to a Government servant on prior application. The practice to leave office early with permission should be discouraged.

Attendance Register-

(i) Arrival -The Attendance Register in form S.37 will be maintained in each Section. Every Member of the staff should, on arrival, enter in ink clearly his/her initials together with the time of arrival against his/her name in the relevant dated column against the letter 'A'. The register should be initialed by the Section Officer (or, in his absence, by the senior most Assistant present) at the bottom of the dated column on the last page for the current month, in token of scrutiny. At 9.10 or 9.40 AM, as the case may be, the register should be sent to the Branch Officer. Any person arriving thereafter should mark his/her attendance in the register in the Branch Officer's room.



- (ii) Departure- while leaving office, every member of the staff should record his/her initials with the time of departure in the space against the letter 'D' opposite his name.

3. Recording of non attendance- The following abbreviations will be used by the Section officer to denote the reasons of non attendance-

- (i) CH-Compensatory Holiday in lieu of attendance on a holiday.
- (ii) CL- Casual Leave
- (iii) L-Leave of any other kind
- (iv) A- Absence without leave or permission (This entry should be made in pencil-when leave of any kind is sanctioned, the appropriate abbreviation as indicated above should be substituted in ink.)
- (v) RH-Restricted Holiday.

4. Late Attendance or leaving early: if a person is permitted to attend late or to leave early as entry to the effect will be made by the supervisor in the remark column. Any such permission for any consecutive period will require the sanction of the Administrative Officer (or the corresponding officer) in charge of Administration of the office.

Person reaching office within ten minutes of the opening hours are nevertheless late. Such late coming may be condoned unless it becomes a matter of frequent occurrence.

At the end of each month the Section Officer will bring to the notice of the Officer-In-Charge the name of person, if any, who had been frequently or habitually late during the month without prior permission.

5. Maintenance of Attendance Register-

- (i) for staff in Sections including class IV staff)-The register will be maintained under the personal supervision of the Section Officer who will see that the entries are made correctly.
- (ii) Personal Staff (including Class IV) attached to Officers- Except where there is a regular pool of stenographers or other personal staff working in a room under a supervisor, the attendance will be controlled by the officers to whom the staff is attached. In the event, however, of the absence of the officer on leave or on tour or for any other reason, his personal staff would report to the Under Secretary (or the corresponding officer) in charge of the administration unless there exist any specific orders to the contrary.

## 6. Punctuality:

(i) Strict measures should be taken by the administrative authorities for the enforcement of punctuality. Section Officers/Supervisory Officers should be very particular in scrutinizing the attendance register;

(ii) Surprise daily checks may be carried out in one or two sections of the Ministry/Department/Office under the direct supervision of a senior officer, like the Joint Secretary in charge of administration or of the Head of the Department, as the case may be; and

(iii) The lunch break must be scrupulously observed not only by the subordinate staff but also by the supervisory officers and periodical surprise checks should be made by the supervisory officers to ensure that the staff under them do not overstay the lunch break.

7. Leave- The grant of leave to a Government servant is governed by the Central Civil Services (Leave) Rules, 1972. The following instructions should be observed by members of staff in submitting applications for leave:

(i) In the case of leave of any kind for private purposes (i.e. leave other than that on medical certificate), an application should be submitted well in advance before the date of commencement of the leave.

(ii) In the case of leave on medical certificate, the application should be accompanied by a medical certificate, from Competent medical authority or prescribed under Rule 19 of Central Civil Services (Leave), Rules 1972 stating as clearly as possible the nature, probable duration of illness and the period of leave required for restoration of health.

(iii) The leave address should be indicated in all cases.

All applications for leave from members of staff should be submitted through the Section Officer who will record his remarks thereon with due regards to the condition or work and the number of persons already on leave in the Section. If he recommends the leave, he will state his proposals for carrying on the work of the applicant during his/her absence and will pass on the application to the Administration Section concerned. The Administration Section will verify the admissibility of the leave applied for and submit the application to the officer competent to sanction the leave. The orders passed on an application for leave will be issued in the form of an office order, one copy of which will be communicated to the applicant and one copy supplied to the Cash Section.



On return from leave, a member of the staff should report to duty to the to the authority which granted the leave or to the authority, if any, specified in the office order granting the leave. He/She should also submit, in writing, a joining report, which should be accompanied by a certificate of fitness to resume duty from the prescribed authority and in the form prescribed, if the leave availed of was on medical grounds.

8. Extension of Leave- Requests for extension of Leave should be avoided as far as possible.

Applications for extension of leave should be submitted well in advance of the date of expiry of the leave already granted so that they may be considered and orders communicated to the applicant in time. It should not be assumed that an extension will always be granted.

If a person is prevented from resuming duty on account of any unforeseen occurrence immediately before the due date, he/she must send an immediate intimation to the Head of office giving full reasons of his/her inability to attend office on the due date.

A Government servant who remains absent after expiry of his leave is not entitled to any leave salary for the period of such absence and that period will be debited against his half pay leave account to the extent such leave is due, the period in excess thereof being treated as extraordinary leave.

Willful absence from duty after the expiry of leave renders a Government servant liable to disciplinary action.

9. Casual Leave-Casual leave is a concession granted to a Government servant to enable him to stay away from office for a short period on account of illness or to enable him to attend to urgent private matters. It should be applied for in advance as far as possible except when a person is prevented from attending office by sickness or other unforeseen circumstances.

Casual Leave is not a recognized form of leave nor is it subject to any rules. Technically a Government servant on casual leave is not treated as absent from duty nor is his pay intermitted.

The maximum period of casual leave which a government servant is allowed to avail himself of is 08 days in a calendar year. The C.L. is intended for short periods and should not normally be granted for more than 05 days at a time. The limit of 05 days at a time may be relaxed in special circumstances at the discretion of the Head of Office. Such leave may be prefixed and/or suffixed to recognized holidays and Sundays with the permission of the officer sanctioning the leave. The Sundays and

holidays falling during the period of casual leave will not be treated as part of the leave. Casual leave should not, however, be granted so as to cause evasion of the rules regarding:

- (i) Date of reckoning of pay and allowances;
- (ii) Charge of office;
- (iii) Commencement and end of regular leave;
- (iv) Return to duty, or so as to extend the term of leave beyond the time admissible by rule.

In the case of a person who joins service during the middle of a year, the casual leave admissible need not be reduced proportionately. He may also be granted 08 days' leave but the authority sanctioning such leave will take into account all the circumstances before granting such leave. Contingency paid staff is entitled to casual leave provided employment of a substitute is not considered necessary. Representatives of recognized associations may be granted casual leave, if due, to attend duly constituted meetings of such associations subject to exigencies of service.

10. Maintenance of Casual Leave account – A register based on the following format will be maintained for casual leave account of all the employees in a section.

Casual Leave and restricted holidays account for the year.....

Ministry/Department.....Section/Branch.....

S.No.	Name	Casual Leave taken on (dates)								RH		Remarks
		1	2	3	4	5	6	7	8	1	2	

11. Special Casual Leave- In addition to casual leave, special casual leave may be granted to a Government servant by the competent authority for certain specific purposes in accordance with the orders issued by the Department of Personnel and Training from time to time.

Special Casual Leave may be granted for the following purposes: -

- (i) Where staff is not able to attend office during civil disturbances, curfews, strikes, natural calamities, bandhs or failure of transport etc.
- (ii) Training and duty as a member of officially sponsored auxiliary Police organisations, such a Home Guards, National Volunteer Corps, etc.



- (iii) Training as a member of St. John Ambulance Brigade (to the extent not covered by ordinary casual leave due and of seven days for participating in the activities).
- (iv) Period spent in camp by Government servants to join the Urban Units of Territorial Army, not exceeding 14 days, which can be combined with regular leave, where necessary.
- (v) Interview/medical examination at the time of actual recruitment/commissioning in the Urban Unit of the Territorial Army (to the extent not covered by ordinary casual leave due).
- (vi) Transit time for joining training in T.A.
- (vii) Training with P&T Units of the Territorial Army.
- (viii) Interview/Medical examination at the time of recruitment/commissioning to the Auxiliary Air Force Indian Naval Reserve/Indian Naval Voluntary Reserve or subsequent medical examination, if any (to the extent not covered by ordinary casual leave due).
- (ix) Participation in sporting events of national or international importance in a representative capacity or engaged in coaching or administration of teams participating in such events. Special Casual Leave in such cases should not exceed 30 days in a calendar year.
- (x) Attending coaching or training camps under the Rajkumari Amrit Kaur Coaching Scheme or similar All India Coaching or Training Scheme provided the government servants are selected or sponsored by a national Sports Federation/Association recognized by the All India Council of Sports and approved by the Ministry of Human Resource Development. (Admissible upto a maximum of 30 days)
- (xi) Participation in Inter-ministerial or inter-departmental sporting events duly recognized by Government –normally tournaments (admissible upto a maximum of 10 days)
- (xii) Participants in Republic Day Parades and rehearsals connected therewith as members of the St. John Ambulance Brigade.
- (xiii) Government servant participating in general body Central Committee the meeting of Kendriya Sachivalaya Hindi Parishad.

- (xiv) Taking a Hindi Examination (Prabodh, Praveen and Pragya) under the Scheme of teaching Hindi to Central Government employees (for days of examination and reasonable time spent on journeys from and to the center of examination nearest to the headquarters. This can be availed of only twice during the official career of the officer).
- (xv) Donating blood to recognised blood banks on a working day (for that day only).
- (xvi) Central Government servants who having joined Lok Sahayak Sena, have won a certificate of merit and are required to participate in the Republic Day Parade (for the period of stay not exceeding 14 days plus minimum period required for journey from headquarters to Delhi and back).
- (xvii) Attending courts of law as jurors or accessors with the permission of Heads of Departments.
- (xviii) Special casual leave upto 10 days to outstation delegates/members (5 days to local delegates/members) of executive committees of recognised Associations/Unions/ Federations of Central Government employees to attend its meetings.
- (xix) To male government employees for undergoing vasectomy operation under the Family Welfare Programme (Special casual leave not exceeding 6 working days). To female Government employees undergoing tubectomy operation or salpingectomy after MTP (Special casual leave not exceeding 14 days).
- (xx) Government servants attending annual general meetings and participating in activities of recognised service associations or unions of which they are office bearers upto a maximum of 20 days in a calendar year.
- (xxi) Government servants who are members of the Indian Institute of Public Administration and who are residing outside Delhi for attending an authorized meeting of the Institute for a period not exceeding 6 working days in a calendar year plus journey time.
- (xxii) Participation in mountaineering/trekking expeditions not exceeding 30 days in calendar year provided expedition has the approval of Indian Mountaineering Foundation and there is no change in the overall limit of 30 days of special casual leave for an individual government servant for one calendar year for participation in



sporting events of national or international importance. The period of absence in excess of 30 days should be treated as regular leave admissible under the leave rules and be permitted, as a special case, to combine special casual leave with regular leave.

- (xxiii) Special Casual Leave may be granted to women employees on the date of insertion of IUCD
- (xxiv) Central Government male employees whose wives undergo a tubectomy operation may be granted special casual leave upto seven days. This will be subject to production of a medical certificate. The female govt employees whose husbands undergo vasectomy operation are allowed the SCL on the day of the operation.
- (xxv) Special Casual Leave is also granted to Government servants appearing for departmental promotion examinations.
- (xxvi) To exservicemen re-employed as civilians for appearing before Medical Resurvey Boards for assessing their disability pension and to those ex-servicemen who had sustained injuries during operations and are employed as civilians to enable them to go to an Artificial Limb Center for replacement of an artificial limb or for treatment.
- (xxvii) For recanalisation operation-Central Government employees for undergoing recanalisation operation for a period of 21 days or actual period of hospitalization as certified in Medical certificate whichever is less.
- (xxviii) To appear for departmental promotion examination to cover the actual duration of examination and the minimum period required for journey to and from examination center nearest to the headquarter.
- (xxix) Participating in cultural activities like dance, drama, music, poetic symposium etc. of an All India or Inter State character organised by the Central Secretariat Sports Control Board or on its behalf (admissible upto a maximum of 30 days).
- (xxx) To Staff side members of the Departmental Councils-one day's special casual leave for each meeting of the Departmental Council (No. TA/DA) and one day's duty period, on the day preceding the day of each meeting of the Departmental Council, for consultations (TA/DA also admissible).



- (xxxi) To member/delegates/Managing Committee members & for office bearers, for looking after the working of co-operative societies formed exclusively with the Central Government employees (maximum of 10 days.)
- (xxxii) Participate in dancing and singing competition organised at Regional National or International level organised by Govt. sponsored bodies (admissible upto a maximum of 15 days).

12. Combination of Special casual leave with other kinds of leave:  
While combination of special casual leave with either regular leave or casual leave is permissible, combination of all the three is not permissible.

Authority to grant special casual leave- Special casual leave may granted by Heads of Departments or other authorities specially empowered in that behalf.

13. Leaving the station: No member of the staff should leave his headquarters without the permission of the Section Officer. He/She should, when so permitted, inform the Section Officer of his/her address at the station to which he/she is proceeding. In all applications for leave, including casual or compensatory leave, during which the application proposes to leave the station, the fact should be stated in the application together with his outstation address. Any person who wishes to leave the station during the period of leave already granted to him should notify his intention together with his address to his Section Officer or the Administration Section. Any change in that address which may occur thereafter should also be communicated.

14. Address of officers and staff – A list of the addresses of all officers and members of the staff employed in a Department should be maintained up-to date in the Administration Section. A similar list in respect of the staff employed in a Section should be maintained by each Section Officer and one copy kept by him at this residence. The members of the staff should intimate any change in their residential address as soon as it takes place to the Section Officer as well as to the Administration Section. In the Ministries a copy of the list should also be maintained by the Resident Clerk.

15. Office rooms- In the interest of security, the farash should not open any room in his charge until the arrival of a clerk working in the Section or of the peon attached thereto. During the lunch interval, a member of the staff should be on duty in the room by turn. In the evening the last man to leave office will be responsible to make over the room to the farash and to get the room locked. The duty may be assigned to a member of the staff working in the room by turn, if necessary. A register should be



maintained to keep a record of the persons on duty during the lunch interval and in the evening and they should append their signatures therein in token of their having performed the duty.

In the case of room occupied by officers, the peons attached to them should supervise by turn the sweeping, dusting and opening of rooms. No outsider or a member of the office staff excepting the Personal Assistant or Stenographer attached to the officer should ordinarily be permitted to enter an officer's room during his/her absence. If any file, book or paper is required urgently during an officer's absence from the room it should be removed only by the Personal Assistant or the Stenographer concerned.

It is the general responsibility of the Section Officer to see that the room or rooms occupied by the Section under his charge are maintained in a neat and tidy condition. The assistants and Clerks should keep their tables and surroundings neat and clean and the papers neatly arranged.

When leaving office, every member of the staff should see that all papers, registers, etc. in his charge are kept in their proper places. Pending papers should be kept together in a separate folder appropriately marked.

It shall be the duty of the Section Officer to see that the electric lights, fans and heaters are used only when necessary and that they are switched off when not required during office hours.

16. Responsibility of the staff- each member of the staff of an office is responsible for the work assigned to him/her and is also responsible for all official papers and articles belonging to the office which are entrusted to him for his use.

17. Maintenance of order in the Section – While the Head of Office is responsible for the general discipline of the office, every Section Officer is responsible for the maintenance of order in his/her Section and should prevent idle talking, loitering, reading of newspapers etc. by his staff.

18. Admission of outsiders to the office – The admission of outsiders or private persons to any part of the office, for any purpose whatsoever, is prohibited. Any person calling on business or entitled by position to make enquiry should do so from the Branch Officer or the Section Officer. No member of the staff should, under any circumstances, give any information on any subject to any outsider. Any improper enquiries made by visitors should be brought to the notice of the Branch Officer.

19. Taking of papers outside the office – Section Officers may, with the permission of their Branch Officers be allowed to take officials papers to their houses if absolutely necessary for dealing with any case of an urgent

nature. This will not apply to secret papers the movement of which is governed by the instructions issued on the subject by the Ministry of Home Affairs. Members of staff should in no circumstances take official papers home.

20. Surprise visits – Surprise visits by the Head of the organisation and other senior officers to the various sections of an office are very helpful in ensuring that the attendance is regular and that there are no arrears of work and that efficiency, neatness and tidiness are generally maintained.

“Enthusiasm moves the world”

A.J. Balfour



## CENTRAL GOVERNMENT HEALTH SCHEME

1. General- This scheme was introduced in Delhi on 1-7-1954 with a view to provide comprehensive Medical care facilities to the Central Government employees and members of their family. The scheme was gradually widened to other areas and at present cover 24 cities like –

Mumbai	Gurgaon	Meerut
Delhi	Guwahati	Mumbai
Bangalore	Hyderabad	Nagpur
Bhopal	Jaipur	Noida
Chandigarh	Jabalpur	Patna
Chennai	Kanpur	Pune
Delhi/New Delhi	Kolkata	Shillong
Gwalior	Lucknow	Thiruvananthapuram

### 2. Eligibility criteria-

Following persons are eligible to avail medical facilities under the Central Government health scheme:

- (i) All Central Government employees paid from civil estimates ( except Railways and Delhi Administration) including their families.
- (ii) Pensioners of Central Government(except pensioners belonging to Railways and Armed Forces ) and their families.
- (iii) Pensioners retiring with Contributory Provident Fund benefits and their families,.
- (iv) Widows of Central Government pensioners, getting family pension.
- (v) Delhi Police personnel and their families.
- (vi) Civilian employees of Defence paid from Defence Service Estimates (except at Mumbai) where the scheme is in operation)
- (vii) Child drawing pension on death of a Central Government employee including minor brothers and sisters of such child
- (viii) Ex-Governors and their families
- (ix) Ex Vice-Presidents and their families.
- (x) Central Government employees on leave preparatory to retirement
- (xi) Central government servants who are deputed to semi-government and autonomous bodies receiving substantial grant from or financed by the Central Government and their family members.
- (xii) Military officers while on deputation to civil departments and getting their emoluments from Civil Estimates
- (xiii) Families of 'CGHS covered government servants' who are on temporary transfer outside Delhi/CGHS centers for a short period up to six months provided they deposit six months contribution in advance,.
- (xiv) Pensioners visiting CGHS covered cities and staying at a place falling in CGHS covered cities.



- xxvi) Employees of CGHS not residing in the CGHS covered cities.
- xxvii) Ministers/Deputy Ministers of the Central Government / State Governments and their families.
- xxviii) Parliamentary Secretaries of the Central Government and their families
- xxix) Members of Parliament and their families
- xxx) Ex-Members of Parliament including those who are not in receipt of any pension
- xxxi) Retired judges of the Supreme Court and High Court residing in CGHS covered areas besides Delhi/New Delhi
- xxxii) Work Charged and Industrial Staff working in establishments run by various Ministries/Departments of Central Government, immediately from the date of their joining the service
- xxxiii) Employees of Kendriya Vidyalaya Sangathan stationed at Calcutta, Madras and Bombay
- xxxiiii) Employees of Ordnance Factory Board Headquarters, Calcutta and Ordnance Equipment Factories Headquarters, Kanpur
- xxxv) Ad-hoc employees of CGHS organisations outside Delhi
- xxxvi) All India Service pensioners who retire while serving under the State at their option.
- xxxvii) Freedom fighters and members of their family receiving central pension under the Swatantrata Sainik Samman Pension Scheme
- xxxviii) Family member of the deceased Ex-members of Parliament
- xxxix) Pensioners of Ordnance factories
- xl) Members of staff side of the National Council of the Joint Consultative Machinery even though not serving as Central Government employees
- xli) Persons employed in semi-government and autonomous bodies who are permitted to join the CGHS scheme
- xlii) Accredited Journalists who produce a certificate from the press Council of India stating that he is the member of the Press Association, New Delhi
- xliiii) Retired employees of Indian Council of Agricultural Research.
- xliv) Employees of statutory canteens in CGHS covered cities if not covered under any other medical scheme.
- xlv) Employees of Central Council of Indian Medicine
- xlvi) Retired Divisional Accountants of the Indian Audit and Accounts Department.

However, the following categories of persons are not entitled to avail CGHS facilities-

- a) Family members who are no longer dependent upon the government servant though staying with him/her
- b) Major brothers or sisters even though wholly dependent on the employee
- c) Married or divorced daughter staying with her parents
- d) Government servants and their family members staying in an area not covered under CGHS



- e) Government servants transferred to a State Government or an ineligible department or are deputed to a foreign service. However, their families may be issued temporary permits for availing CGHS facilities on pre-payment of prescribed charges.

#### Index Card Identity Card/Temporary Family Permit:

- (i) The first step is to fill in details like the members of the family and address etc. in the Index Card (in duplicate) alongwith family photograph and submit it to the Issuing Authority which issues a permanent Identity Card to the beneficiary, inter-alia, indicating the dispensary within whose area the beneficiary resides. The Identity Card is to be shown to the Medical Officer on every visit, even if the beneficiary is in possession of an old prescription. Passing on an Identity Card to non-entitled persons and/or false personation thereafter are offences under the Indian Penal Code.
- (ii) In case of transfer from one Department/Ministry to another, the Issuing Authority cancels the card and a new card is issued from the new Department/Ministry.
- (iii) Where the family members wholly dependent on the Government servant, are residing permanently in some other city covered under the scheme, the issuing authority, after ensuring the above fact may issue two separate CGHS cards (bearing the same serial number) one for the employee and the other for his/her family members.
- (iv) A beneficiary should intimate his office as soon as any change occurs in his residential address and have the address on his identity/index card amended under intimation to both the dispensary concerned and the Issuing authority. For a change of dispensary (only permissible on change of residence), the beneficiary should apply in the form 'Transfer of Dispensary' in triplicate alongwith the Identity card, to the issuing authority. After the necessary entries, the Govt. servant should present two of these forms to the Medical Officer of his old dispensary for further action.
- (v) Temporary Family Permits for a period not exceeding one year at a time may be issued by the Ministries/Heads of Departments against advance payment of contribution for the families of the Central Govt. Servants who were beneficiaries of the Scheme prior to the following events:-
- (a) Their transfer to North-East Region, Andaman and Nicobar Islands and Lakshadweep Islands.

- (b) Their deputation ex-India, leave (including study leave and deputation-cum-special leave) under the training and fellowship schemes.

**N.B.** The benefit of such permits is not admissible to the families of Central government servants either transferred to the State Governments or loaned to foreign governments and whose pay and allowances during their period of foreign service are met by foreign governments.

(vi) **Issue of Identity Cards to Pensioners**

- i) Pensioners are required to apply in the prescribed form, for issue of CGHS identity cards, alongwith photograph of the dependent family members and a copy of Pension Payment Order (PPO). Identity cards to pensioners are issued by Addl. Director/Joint Director of the concerned city.
- ii) Pensioners can avail CGHS facilities on the basis of their identity cards with photograph, in all cities having CGHS facilities, which they(including dependent family members) may be visiting.

**Contributions**

(i) A compulsory monthly contribution is levied on all entitled classes of government servants/pensioners as indicated below-

Pay Range (BP + SP)	Pension/family pension	Rate of monthly contribution (Rs.)
Up to Rs.3,000	Up to Rs.1,500	15
Rs.3,001 to Rs.6,000	Rs.1,501 to Rs.3,000	40
Rs.6,001 to Rs.10,000	Rs.3,001 to Rs.5,000	70
Rs.10,001 to Rs.15,000	Rs.5,001 to Rs.7,500	100
Rs.15,001 and above	Rs.7,501 and above	150

(ii) When both husband and wife are Central Govt. servants, the contribution is recovered from only one of them whose pay is higher.

(iii) The recovery of contribution is effected through monthly salary of bills. It is recoverable during the period of duty, suspension and leave (other than EOL) not exceeding four months. In respect of leave exceeding four months, the employee has the option not to pay the contribution in which case the facilities under the scheme will not be available to him and his family members.



## Facilities under CGHS

The facilities available under CGHS mainly include-

- (i) Consultation with the Medical Officer at CGHS dispensary, polyclinic or hospital.
- (ii) X-Ray, Laboratory and other diagnostic facilities.
- (iii) Supply of medicines, etc.
- (iv) Hospitalisation facilities
- (v) Reimbursement of cost of implants for heart ailments, hearing aids, intra-ocular lens, etc.

Such facilities can be availed at CGHS hospitals/dispensaries, government hospitals/referral hospitals. Besides, in order to provide availability of medical facilities more comprehensive and for certain specialized treatments not available in government hospitals, certain private hospitals have also been recognized under the Scheme.

### Chapter 3

## MACHINERY OF GOVERNMENT AND FUNCTIONS OF VARIOUS GRADES OF OFFICERS

The executive power of the Union formally vests in the President and may be exercised by him either directly or through officers subordinate to him in accordance with the Constitution.

In the exercise of his functions, the President is aided and advised by a Council of Ministers headed by the Prime Minister. The executive authority, therefore, resides in the Council of Ministers.

The Council of Ministers consists of three categories, namely:-

- i) Cabinet Ministers;
- ii) Ministers of State; and
- iii) Deputy Ministers.

The Cabinet, which consists of 'Cabinet Ministers' only, is responsible for shaping the overall policies of the Government. In discharging its responsibilities, it sometimes functions through its Committees which are called 'Cabinet Committees'.

**Allocation of Government business** - The Allocation of Business Rules allocate the business of the Government among its different Departments. These rules also enable the President to allot this business to the Ministers. This allotment is done 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 of State or Deputy Minister to perform such functions as may be specifically assigned to them. These rules also provide that on the advice of the Prime Minister, the President may entrust the responsibility for specified items of business affecting any one or more than one Department to a Minister, who is in charge of any other Department or to a Minister without portfolio who is not in charge of any Department.



5. **Transaction of Business** -- The Transaction of Business Rules seek to define the authority, responsibility and obligation of each Department in the matter of disposal of business allotted to it. These rules also specify:

- i) Cases or classes of cases to be submitted to the President, the Prime Minister, the Cabinet or its Committees for prior approval; and
- ii) 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.

6. **Ministry or Department** -- A Ministry or Department is responsible for formulation of policies of the Government within its sphere of responsibility as well as the execution and review of these policies. The Secretariat functions of the Ministries or Departments with regard to their respective areas of activity may be described, in broader details, as under:-

- i) Assisting the Minister in policy-making and its periodical review.
- ii) Framing legislation and rules and regulations.
- iii) Sectoral planning and programme formulation.
- iv) (a) Budgeting and control of expenditure in respect of activities of the Ministry/Department; and  
(b) According or securing administrative and financial approval to operational programmes and plans and their subsequent modifications.
- v) Supervision and control over the execution of policies and programmes by the executive departments or semi-autonomous field agencies and evaluation of the results.
- vi) Coordination and interpretation of policies, assisting other branches of Govt. and maintaining contact with State Administrations.
- v) Initiating measures to develop greater personnel and organizational competence both in the Ministry/Department and its executive agencies.

vii) Assisting the Minister in the discharge of his parliamentary responsibilities.

**Attached and Subordinate Offices** – Where the execution of policies of the Government requires decentralization of executive direction and the establishment of field agencies, a Ministry has under it subsidiary organizations called Attached and Subordinate Offices. The Attached Offices are responsible for providing executive direction required in the implementation of the policies laid down by the Ministry to which they are attached. They also serve as repository of technical information and advise the Ministry on technical aspects of the functions dealt with by them. The Subordinate Offices function as field establishments or as agencies responsible for detailed execution of the decisions of the Government. They generally function under the direction of an Attached Office. However, in cases where the volume of executive direction involved is not considerable, there will be no attached office and the subordinate office will not only function directly under a Ministry but also perform all the functions of an 'Attached Office'.

8. Besides attached and subordinate offices, there may be a number of autonomous institutions and Public Sector Undertakings under a Ministry/Department. Autonomous institutions which may be fully or partially funded by the Government are engaged in research activities of various kind and perform mainly advisory functions. Public Sector Undertakings are commercial organizations involved in production activities.

## **FUNCTIONS OF VARIOUS GRADES OF OFFICERS**

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

10. **Special Secretary/Additional Secretary/Joint Secretary** – When the volume of the 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 his/her wing. This would, however, be subject to the general responsibility of the Secretary for the administration of the wing as a whole.

11. **Director/Deputy Secretary** – Director/Deputy Secretary is an officer who acts on behalf of the Secretary. He/She holds charge of a Secretariat Division and is responsible for the disposal of Govt. business dealt within the Division under his/her charge. He/She would, ordinarily be able to dispose of the majority of cases coming upto him/her on his/her own. He/She should use his/her discretion in taking orders of the Joint Secretary/Secretary on more important cases, either orally or by submission of papers.

12. **Under Secretary** - An Under Secretary is in charge of a Branch in a Ministry 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 him/her from the sections under his/her charge. As Branch Officer he/she disposes of as many cases as possible at his/her own level but takes orders of Deputy Secretary or higher officers on important cases.

13. **Section Officer:**

A. **General duties**

- i) Distribution of work among the staff as evenly as possible – that is one Assistant should not be over loaded while the other is idle or under-utilised;
- ii) Training, helping and advising the staff;
- iii) Management and co-ordination of the work;
- iv) Maintenance of order and discipline in the section;
- v) Maintenance of a list of residential addresses of the staff.

B. **Responsibilities relating to Dak**

- i) to go through the receipts;

- i) to submit receipts which should be seen by the Branch Officer or higher officers at the dak stage;
- ii) to keep a watch on any hold-up in the movement of dak; and
- iii) to scrutinize the section diary once a week to know that it is being properly maintained.

***C. Responsibilities relating to issue of draft***

- i) to see that the draft is letter perfect i.e. all corrections have been made before it is marked for issue;
- ii) to indicate whether a clean copy of the draft is necessary;
- iii) to indicate the number of spare copies required;
- iv) to check whether all enclosures are attached;
- v) to indicate priority marking; and
- vi) to indicate mode of dispatch.

***D. Responsibility for efficient and expeditious disposal of work and checks on delays***

- i) to keep a note of important receipts with a view to watching the progress of action;
- ii) to ensure timely submission of arrear and other returns;
- iii) to undertake inspection of Assistants' tables to ensure that no paper of file has been overlooked;
- iv) to ensure that cases are not held up at any stage; and
- v) to go through the list of periodical returns every week and take suitable action on items requiring attention during next week.

***E. Independent disposal of cases:***

He should take independently action of the following types:

- i) issuing reminders;
- ii) obtaining or supplying factual information of a non-classified nature;



(ii) any other action which a Section Officer is authorized to take independently.

*Duties in respect of recording and indexing*

- (i) to approve the recording of files and their classification;
- (ii) to review the recorded file before destruction;
- (iii) to order and supervise periodic weeding of unwanted spare copies; and
- (iv) ensuring proper maintenance of registers required to be maintained in the section.

*Ensuring proper maintenance of reference books, Office Orders etc. and keep them up-to-date.*

*Ensuring neatness and tidiness in the Section.*

*Dealing with important and complicated cases himself/herself.*

*Ensuring strict compliance of Departmental Security Instructions.*

*Assistant/Upper Division Clerk* – He/She works under the orders and supervision of the Section Officer and is responsible for the work entrusted to him/her.

Where the line action on a case is clear or clear instructions have been given by the Branch Officer or higher officers, he/she should put up a draft without much noting. In other cases he will put up a note keeping in view the following points:-

- (i) to see whether all facts that can be verified/checked have been correctly stated;
- (ii) to point out any mistakes or mis-statements 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

- v) to bring out various alternative courses of action along with their implications and suggest a course of action wherever possible.

11. *Private Secretary/Personal Assistant/Stenographer* - He/She should keep the officer free from the worries of a routine nature by mailing correspondence, filling papers, making appointments, arranging meeting and collecting information. He/She should be skilled in human relations. An officer has to depend on his/her Personal Assistant for routine jobs so as to have more time to devote himself/herself to the work in which he/she is specialized. The Personal Assistant should earn the trust of his/her officer for being entrusted with confidential and secret papers. He/She is the keeper of secrets and an 'assistant' to the boss. He/She should be popular with the persons who come in contact with the boss officially or who are helpful to the boss or who have dealings with the boss in official/professional matters. Some of the more specific functions are enumerated below:-

- i) Taking dictation in shorthand and its transcription in the best manner possible.
- ii) Fixing up of appointments and if necessary cancelling them.
- iii) Screening the telephone calls and the visitors in a tactful manner.
- iv) Keeping an accurate list of engagements, meetings etc. and reminding the officers sufficiently in advance for keeping them up.
- v) Maintaining in proper order the papers required to be retained by the officer.
- vi) Keeping a note of the movement of files, passed by his/her officer and other officers, if necessary.
- vii) Destroying by burning the stenographic record of the confidential and secret letters after they have been typed and issued.
- viii) Carrying out the corrections to the officer's reference books.
- ix) Relieving the boss of much of his/her routine work and generally assisting him/her in such a manner as he/she may direct. At the same time, he/she must avoid the temptation of taking over himself/herself the authority of the boss.



16. *Lower Division Clerk* – Lower Division Clerks are ordinarily entrusted with work of routine nature, for example – registration of Dak, maintenance of Section Diary, File Register, File Movement Register, Indexing and Recording, typing, comparing, despatch, preparation of arrears and other statements, supervision of correction of reference books and submission of routine and simple drafts etc.

17. *Desk Officer System* - A section is generally the lowest organizational unit in a department with a well-defined area of work. Initial handling of cases is generally done by the clerical hands. A most notable variation from this pattern is the Desk Officer system. In this system, the work of a department at the lowest level is organized into various functional desks each manned by two desk functionaries of appropriate ranks e.g., Junior Secretary or Section Officer. Each desk functionary handles cases himself/herself and is provided adequate stenographic and clerical assistance.

"The best executive is the one who has sense enough to pick good men to do what he wants done, and self-restraint enough to keep from meddling with them while they do it". -*Theodore Roosevelt*

## Chapter 4 DRAFTING

### Definition of Draft –

A draft is a rough sketch of a communication to be issued after approval of the officer concerned.

And, **Drafting** is the process of preparing this rough sketch.

### Instances where Draft is not necessary –

- In simple cases like sending an acknowledgement, etc., a fair communication can be put up for the signature of the officer concerned.
- In cases of repetitive nature, where standard forms of reply are available.

### Drafting – Searching Questions-

Before initiating the process, it would be useful to ask a few searching questions,

- Is a draft necessary?
- Who should be addressed and who will sign?
- What is the relationship between the sender and the receiver?
- What should be the form?
- Is something to be conveyed or to be called for?
- Are all details available?
- What is the intention of the decision?
- What should be the recipient's response?
- Does the language convey?
- Has the referencing been done?
- Is it logically sequenced?
- Does it have proper urgency, security grading?

### Contents of a Draft –

#### o Identifying the Sender -

A draft should clearly indicate the name, designation, telephone number, fax number, email address and complete postal address of the organization to which the sender belongs. Apart from these, the identifying number of the communication (the file number on which the draft is being put up) also helps in identifying the sender. Clear identification of the sender facilitates the recipient in sending the response or seeking further clarifications, etc.



### c. 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 Chapter VIII of the Central Secretariat Manual of Office Procedure. Deciding on the right form would depend on various factors including what is the purpose of the communication, to whom it is being sent (i.e. target group) and what is the relationship between the sender and the receiver.

Of the 11 forms of communication for which specimens have been given in Appendix 9 of the Central Secretariat Manual of Office Procedure, only four, namely, Letter, D.O. letter, Office Memorandum and I.D. Note have specified target groups, as indicated below –

Forms of Communication	Target Group
✓ Letter	✓ Foreign Governments, State Governments, Constitutional Authorities like UPSC, Election Commission, etc., Public Enterprises, Statutory Authorities, Public Bodies, 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 Ministry/Departments and Officers & Employees.
✓ Inter-Departmental Note	✓ Other Ministries/Departments

Besides these 11 forms of communication, the Central Secretariat Manual of Office Procedure also includes Circular, Advertisement and E-mail for which no specific formats have been prescribed. Circular and Advertisement can be issued in the formats of Letter and Office Memorandum.

E-Mail is a paperless form of communication to be used by department having computer facilities supported by internet connectivity and can be widely used for subjects where legal or financial implications are not involved.

In addition, Fax, Speed Post, and Registered Post/Registered AD have been indicated as methods of delivery in important and urgent matters.

### Visualizing the Response –

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

### Clarity, Consistency and Uniformity –

The language used should be simple and clear. The content of communication should be developed in a manner that reflects consistency in the stand taken by the sender on a particular issue. It should also reflect uniform grammatical construction.

### Redundancy, Verbosity, Circumlocution and Repetition –

No draft should contain any information that is not relevant. While drafting communications, using simple words help in easy understanding of the content. In addition, adopting a direct style of writing without superfluous expressions and repetition of the matter makes the communication brief.

### Providing a Summary–

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

### General Instructions regarding Drafting –

- 1) Sufficient space should be left for the margin and between successive lines in the draft for incorporating changes, additions, interpolation of words, etc.
- 2) Depending on the form, 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. Where copies of an enclosure referred in the draft are available and, therefore, need not be typed, an indication to that effect will be given in the margin of the draft, below the relevant oblique line.
- 4) Urgency grading will be indicated on the top right corner, if required.
- 5) Where the communication to be sent is of an important or immediate nature, the mode of transmission, e.g. 'By Registered Post' or 'By Speed Post' or 'By Special Messenger', etc., will be indicated at the top right corner.



66. 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.
67. A slip bearing the words "Draft for Approval" should be attached to the draft. If two or more drafts are put up on a file, the draft as well as the D.F.A. slips will be numbered as "D.F.A. I", "D.F.A. II", "D.F.A. III" and so on.

#### **Authentication of Government Orders –**

All orders and other instruments made and executed in the name of the President should be expressed to be made in his name and signed by an officer having regular or officio secretariat status of and above the rank of Under Secretary, or officer specifically authorized to authenticate such orders under the Authentication (Orders and other instruments) Rules, 1958.

Where the power to make orders, notifications, etc., is conferred by a statute on the Government of India, such orders and notifications will be expressed to be made in the name of the Government of India.

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## NOTING

### Definition of Note --

- i) Notes are written remarks recorded on a paper under consideration to facilitate its disposal.
- ii) It should consist of a précis of previous paper, the statement or analysis of the question or questions requiring decision, suggestions regarding the course of action and final orders passed thereon.
- iii) A note recorded by a Minister, the Prime Minister, the Vice-President or the President should be referred to as a 'Minute'.
- iv) The name, designation and, where necessary, the telephone number of the officer signing a note should invariably 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.

### Guidelines on Noting –

- (a) All notes should be concise and to the point. Excessive noting should be avoided.
- (b) Notes and orders should normally be recorded on note-sheets.
- (c) Notes should not be recorded on the receipt itself except in very routine matters.
- (d) 'Docketing' means making of entries in the notes portion of a file about the serial number assigned to each item of correspondence (whether receipt or issue) for its identification. After Docketing, if the Branch Officer or any higher officer has made any remark on the receipt, it should be reproduced in the manner indicated below and then the note should follow.

S.No.23 (Receipt) _____	p.70/Corr
"We need to keep Cabsec informed. PI put up today.	
/	Sd/- XXX
DS(/Proj) Sd/-	JS (Policy)
/	23/10".

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



- (a) 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.
- (b) Even if apparent errors or misstatements have to be pointed out or if an opinion expressed therein has to be criticized, care should be taken to couch the observations in courteous and temperate language free from personal remarks.
- (c) A note will be divided into paragraphs of a convenient size. Paragraphs should be serially numbered and may also have brief titles, if necessary.
- (d) The dealing hand will append his or her full signature with date on the left below the note. An officer will append full signature on the right hand side of the note with name, designation and the date.
- (e) When passing orders or making suggestions, an officer should confine the note to the actual points rather than repeating or 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.
- (k) *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 the 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. In any case, there should be no occasion to conceal a note recorded in the first instance. It is also undesirable for an officer to make his subordinate change his note. (Detailed instructions on modification of notes are available in Para 33 of the Central Secretariat Manual of Office Procedure.)
- (l) When a paper under consideration raises several major points which require detailed examination and respective orders 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 point(s) dealt with therein.
- (m) '*Routine note*' means a note of a temporary value or ephemeral importance 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.



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

### **Types of Cases, Quantum of Noting and Functional Approach**

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

- Ephemeral cases
- Routine/Repetitive cases
- Action in Correspondence cases
- Problem Solving cases
- Planning and Policy cases

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

#### **1. Ephemeral Cases:**

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

#### **2. Routine or Repetitive Cases:**

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

#### **3. Action-in-Correspondence Cases:**

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

#### **4. Problem Solving Cases:**

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

- (i) What is the problem?
- (ii) How has it arisen?



- (iii) What is the 'Rule', 'Policy' or 'Precedent'?
- (iv) What are the possible solutions?
- (v) Which is the best solution? Why?
- (vi) What will be the consequences of the proposed solution?

### *Policy and Planning Cases:*

These types of cases would not be large in number and are normally dealt with at sufficiently higher levels of the organization. They require a thorough examination with maximum amount of noting developed systematically. A note in such cases should be structured in the following manner: -

- (i) Problem – State how the problem 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 papers in the Section. If sufficient information were not available to enable thorough examination, it should be collected before attempting a note.
- (iii) Rule, policy etc – Relevant rules, regulations, policy, standing orders, practices are required to be referred to, wherever available. Logical interpretation of such rules etc. bringing out their bearing on the problem has to be put across in a cohesive manner.
- (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 such as '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 paragraph – the concluding paragraph 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.



## Referencing -

*Referencing is the process of identifying a document, decision and facts mentioned in a case, draft or office copy of the communication issued.*

Referencing involves a series of activities indicated below:

1. Every page in each part of the file (viz. notes, correspondence, appendix to notes and appendix to correspondence) will be consecutively numbered in separate series, in pencil. Blank intervening pages, if any, will not be numbered.
2. 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.
3. The paper under consideration on a file will be flagged 'PUC' and the latest fresh receipt noted upon, as 'F.R'. In no circumstances, will a slip, other than 'PUC' and 'FR' be attached to any paper in a current file. If there are more than one fresh receipt in a case, these should be flagged as 'F.R I', 'FR II' and so on.
4. In referring to the papers flagged 'PUC' or 'FR' the relevant page numbers will be quoted invariably in the margin. Other papers in a current file will be referred to by their page numbers.
5. 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.
6. 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.
7. 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.



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

#### Noting on inter-departmental references –

Interdepartmental references broadly fall under two categories, namely:

- Cases where reference is merely for ascertaining factual information; and
  - Cases in which the reference seeks concurrence, opinion or a ruling from the Ministry referred to.
- (a) Where the reference requires information of a factual nature or other action based on a clear precedent or practice, the dealing hand in the receiving Department may straightaway record a note on the file.
  - (b) If the reference seeks an opinion, ruling or concurrence of the receiving department and requires detailed examination, such examination will normally be done separately and only the officer responsible for commenting upon the reference will record the final views on the file. This separate examination can be done through routine notes or on what is commonly known as “shadow files” which are opened subject-wise in the receiving department.
  - (c) When an officer records a note on a file after obtaining the orders of a higher officer, a remark that “this has the approval of-----” should be added in that note.
  - (d) A copy of the note finally recorded on the main file will be retained with the routine notes/shadow file, before the main file is returned to the originating Department.

The inter-departmental note recorded on the file of the originating Department will bear the subject file number (shadow file number) to facilitate filing of papers and their subsequent retrieval for future reference.

#### Single File System (SFS) -

- 1) This will apply to matters, which have to be referred by the non-secretariat organization (NSO) to the department for seeking a sanction/order, i.e. a decision not within its delegated powers.
- 2) The file cover of an SFS case should prominently show the name of the (originating) NSO and likewise indicate that it follows the SFS system.

- 3) The SFS file need not bear an I.D. No. or other formal method of sending, but will be sent as though it is from one officer to another in the same organization.
- 4) The SFS file should be complete in all respects, so as to enable the department to take a decision expeditiously; hence the NSO will ensure that:
  - a) Every point for decision/order is clearly brought out;
  - b) All relevant connected papers are placed on the file, properly arranged and referred to;
  - c) Draft orders/sanctions are put up, where they are required to be approved by the department for issue; and
  - d) The availability of funds, etc., is certified where additional expenditure is involved in the proposal.
- 5) The officer last dealing with the SFS case in the NSO will mark it to the appropriate officer in the department, by name; policy files will, however, be referred to the department at appropriate levels to be determined by the department and the NSO concerned, through a general order.
- 6) All SFS files will be invariably routed through the central registry of the department concerned. Their receipt will be entered in a separate register, which will also record, against the relevant receipt entry, the despatch of the file on its return to the NSO.
- 7) As a rule, all notings in the department will be on the NSO file. However, where sensitive or delicate matters in the sphere of personnel, policy issues and finance are involved, the recording of notes in 'duplicate' files may be permitted by issuing general or special orders by the department. This will be done at a particular stage of the SFS case or at or above a particular level, with the final decision thereafter being suitably recorded on the SFS file.
- 8) As a convention, the secretariat noting on an SFS file will start on a new page and the noting done sequentially-save in matters of the nature referred to in (7) above.
- 9) Action to implement the government decision in SFS case, will be initiated in and by the NSO on the return of the file. Order so issued should specifically state that they have received the concurrence of Government in the department concerned. Copies of every sanction/order so issued by the NSO, will be endorsed without fail to all the officers concerned in the department.



These instructions on Single File System are available in Para 53 of the Central Government Manual of Office Procedure.

### Preparation of a Summary or Statement of Cases for the Minister

A self-contained summary of the case should always be put up with every file submitted to a Minister. Such a summary should bring out briefly, but clearly, all the relevant facts, including the views expressed on the subject by other Departments, if any, consulted in the matter, and the point(s) on which the action of the Minister are sought. The following points may be carefully observed:-

- (i) A brief subject heading should be given in all such cases.
- (ii) The summary should give the chronological facts of the case and should not omit any important considerations that could affect the decision.
- (iii) If the case concerns other Ministries or Divisions the summary should contain the recommendation of that Ministry or Division and, in case of disagreement, the points of difference and the recommendation of the Department concerned. Opinions of individual officers within a Department should not find mention.
- (iv) The concluding paragraph should contain the point or points on which decision of the Minister is sought together with the recommendation of the sponsoring officer.
- (v) The summary should be self-contained but it should not be unnecessarily long. Where the material to be submitted is lengthy, much of it should be relegated to annexure or appendices, keeping the main summary as brief as possible. This will enable the higher authorities to study the annexure or appendices if they want further details on any particular point.
- (vi) The paragraphs of the summary should be properly numbered.
- (vii) The summary should be typed preferably in single space in small paras to enable easy reading.
- (viii) The annexure should be page numbered consecutively to facilitate location of the particular page or portion thereof, to which attention might be drawn during discussion or further noting.
- (ix) In case of lengthy summaries, indicating sub-headings to the appropriate paragraphs would be useful.

### Arrangement of papers in a case -

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

1. Reference books;
2. Notes 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. extract 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.

### Linking and De-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 round the upper file. The strings of the file board of the upper file will be tied underneath it in a bow 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 de-linked after taking relevant extracts and placing them on the relevant files, where necessary.



**Notes for Cabinet, Cabinet Committees, Group of Ministers, COS, High-level Commissions / Committees -**

Details regarding preparing / submitting of notes / papers to Cabinet, Cabinet Committees, Group of Ministers & COS are available in Appendix 7.1 & 7.2 of Central Secretariat Manual of Office Procedure.

Similarly, instructions for constitution / re-constitution of High Level Commissions / Committees are given in Appendix 7.3 of Central Secretariat-Manual of Office Procedure.

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## Chapter 5

# FINANCIAL SANCTIONS

**GENERAL:** Financial sanctions are the written expressions relating to the permission or authorization or resolve for expenditure from public funds. In the Govt. of India, the power to issue a financial sanction vests primarily with the Ministry of Finance. The Govt. of India (Transaction of Business) Rules, 1961, provide that unless a case is specifically covered by the powers to sanction expenditure or to appropriate or reappropriate funds, conferred by any general or special orders made by the Ministry of Finance, no Department shall, without the previous concurrence of the Ministry of Finance, issue any order involving expenditure, or otherwise having a financial bearing. However, for the expeditious discharge of public business, the Ministry of Finance has delegated powers to other Ministries/Departments, Administrators of Union Territories, Heads of Departments and Heads of Offices. This process of delegation is a continuous one, depending, *inter alia*, upon the economic climate and the level of activity necessitating delegation of financial powers to the various executing agencies in accordance with the responsibilities entrusted to them. The authorities who may exercise these delegated powers, the limits of expenditure and the conditions subject to which these powers may be executed are specified in the various Rules such as the Delegation of Financial Powers Rules, 1978, the Fundamental & Supplementary Rules, the General Financial Rules and also in other general or special orders. All financial powers not specifically delegated to any authority by the Delegation of Financial Powers Rules, are known as 'Residuary Financial Powers'. Such powers vest in the Finance Ministry. Ministry of Finance also includes the Integrated Financial Adviser who may exercise all or any of the powers of the Ministry of Finance beyond those delegated to the Ministries/Departments, subject to the supervision by the Ministry of Finance and also subject to such general or special orders as may be issued in his behalf by that Ministry. Thus the Finance Ministry's powers are exercised by the Integrated Financial Advisers of the Departments also, where the I.F.A. Scheme is in force.

**LIMITATIONS ON POWERS TO SANCTION EXPENDITURE:** Before sanctioning expenditure from public funds it may be ensured that:

- (a) Public revenue is spent only on legitimate objects of public expenditure.
- (b) The expenditure from public money is guided by the standards of financial propriety indicated in rule 21 of GFR
- (c) A subordinate authority sanctions expenditure or advances of public money in those cases only in which it is authorized to do so by
  - (i) the provisions of any law for the time being in force, or
  - (ii) delegation of Financial Powers Rules, or
  - (iii) any other rules issued by or with the approval of the President, or



- (iv) any special/general orders of the President or other competent authority.
- (d) Directions or stipulations for exercise of delegated or re-delegated powers are fulfilled.
- (e) In case of expenditure involving new principle or practice likely to lead to increased expenditure in future, prior consent of the Ministry of Finance is obtained.

[Rule 4 DFPRs]

Unless otherwise provided by any general or special rule or order it shall be within the competence of an authority to exercise the financial powers delegated to another authority subordinate to it.

[Rule 13(5) DFPRs]

**DRAFTING OF SANCTIONS:** Drafting financial sanctions is of paramount importance and the following points should be borne in mind:

**(a) Form of Sanction**

- (i) All financial sanctions issued by a Department of the Central Government which relate to a matter concerning the Department proper and on the basis of which payment is to be made or authorized by the Accounts Officer, should be addressed to him.
- (ii) All other sanctions should be accorded in the form of an Order, which need not be addressed to any authority, but a copy thereof should be endorsed to the Accounts Officer concerned.
- (iii) In the case of non-recurring contingent and miscellaneous expenditure, the sanctioning authority, may, where required, accord sanction by signing or countersigning the bill or voucher, whether before or after the money is drawn, instead of by a separate sanction.

**(b) Sanction in the Name of**

- (i) All financial sanctions issued by Ministries and Departments of the Central Government whether with the concurrence of the Ministry of Finance or under their own powers, should be issued in the name of the President, say as,

“I am directed to convey the sanction of the President .....” or “The President is pleased to sanction.....”



(iii) Where, however, the power to make orders, notifications, etc. is conferred by a Statute on the Central Government, the statutory orders, Notifications, etc. so made are expressed only in the name of the Central Government for obvious reasons

(iii) Sanctions which are issued by Heads of Department under the powers delegated to them are issued in their own name, as under;\_

"I am to sanction \_\_\_\_\_" and signed by them. Sanctions can also be signed and communicated to Audit by an authorised gazetted officer subordinate to the Head of Department, the sanction being either in the name of the Head of Department or signed by the gazetted officer for the Head of Department.

[Clause vii-GFR-29]

(iv) When powers delegated to Head of Office are exercised, the sanctions can be issued in the name of the Head of Office himself.

(c) **Purpose:** - The purpose of the sanctioning to expenditure should be clearly stated. The language should not be open to ambiguity or mis-interpretation. If different articles are to be purchased, the quantity or specification of each one of them should be stated separately and not mixed up with others. Similarly, all orders conveying sanctions to the grant of additions to pay, such as special pay and compensatory allowance, should contain a brief but clear summary of the reasons for the grant of the addition so as to enable the Audit Officer to see that it is correctly classified as special pay or compensatory allowance, as the case may be.

(d) **Amount:** - All orders conveying sanction to expenditure of a definite amount or upto a specific limit, should express the amount of expenditure sanctioned both in words and figures.

[Clause(vi) GFR-29]

(e) **Conditions:** - It should be ensured that sanctions duly incorporate any information, certificate, conditions etc. required to be incorporated under the relevant financial rules. The following are some examples: -

(i) While creating a temporary post, its duration must be clearly stated. The date from which it is created should also invariably be specified.

[GFR-27(2)]

(ii) All sanctions of the grants-in-aid issued by a Ministry/Department under Rule 20 of the D.F.P.Rs 1978, should conform to the pattern of assistance or rules governing such grants-in-aid also have been laid down by the Internal Finance Wing of the Ministry/Department concerned under GFR 209 (2).





- (iii) All orders conveying sanctions to the grant of additions to pay such as Special Allowance, Personal Pay, etc., should contain a brief summary of the reasons for the grant of such additions to pay so as to enable the Accounts Officer to see that it is correctly termed as Special Allowance, personal Pay, etc., as the case may be.

[Clause (viii) GFR 29]

(f) Whenever any orders are issued affecting the conditions of service of persons serving in the Indian Audit and Accounts Department, the fact that the orders are being issued after consultation with the Comptroller and Auditor General of India, as required under Article 148(5) of the Constitution, should be mentioned in the orders, preferably as a separate paragraph as indicated below: -

*"In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders are issued after consultation with the Comptroller and Auditor General of India."*

(g) **Sanction issued with the consent of other Ministries/Departments**

- (i) Whenever the consent or sanction of the Finance Ministry is required under these rules, such consent or sanction shall be communicated to the Audit/Pay and Accounts Officer concerned by a Department of the Central Government itself after adding a Clause to the sanction as follows:-

*"This Order/Memorandum issues with the concurrence of the Ministry of Finance (Department of Expenditure), vide their O.M./U.O. No..... dated ....."*

- (ii) Whenever the consent of the Finance Ministry is required under these rules, such consent or sanction shall be communicated to the Audit/Pay and Accounts Officers concerned by a Department of the Central Government, where the Integrated Finance Advice Scheme has been introduced by adding a clause to the sanction letter as follows:-

*"This order/Memorandum issues with concurrence of Finance Branch vide their U.O. No ..... dated ....."*

- (iii) Whenever a financial sanction is issued by a Department of the Central Government in exercise of the powers conferred on it by these rules in consultation with its Internal Financial Adviser/integrated Financial Adviser, it shall be communicated to Audit/Pay and Accounts Officer concerned by the Department concerned by adding a clause to the sanction as follows:



*“This sanction issues in exercise of the powers conferred on this Department in consultation with the Internal Finance Branch/Finance Branch vide their U.O.No..... dated .....*”.

[DFPR – 25]

- (iv) All financial sanctions and orders issued by a department with the concurrence of the Ministry of Home Affairs or Comptroller and Auditor-General of India or Department of Personnel should specify that the sanction or orders are issued with the concurrence of that Department along with the number and date of relevant communication of that Department wherein the concurrence was conveyed.

[Clause (v) of GFR-29]

- (v) In the case of sanctions involving foreign exchange where the concurrence of the Ministry of Finance (Deptt. Of Economic Affairs and/or Department of Expenditure) is obtained, the fact that the concurrence of the Department of Economic Affairs has been obtained is specifically indicated along with the number and date of the authority of that Department.

(b) Sometimes items of expenditure sanctioned by the Ministry/Department from its Grant are actually incurred by another Ministry/Department as in the case of works executed by Divisional Officers of CPWD etc. on behalf of other Ministries/Departments. In the Departmentalized Accounting System, the debits for such expenditure are passed on along with the vouchers for final account to the concerned Pay & Accounts Officer of the Ministry/Department which sanctioned expenditure. In cases of this nature, the Ministries/Departments according to the sanction should indicate in the sanction the particular P&AO in whose books the expenditure is to be finally adjusted, besides indicating the particulars of the head of account and the grant/appropriation to which the expenditure is debitable.

### COMMUNICATIONS OF SANCTIONS

(a) Copies of all sanctions/orders other than the following types should be endorsed to the Audit Officer:-

- (i) Sanctions relating to grant of advances to Central Government employees.
- (ii) Sanctions relating to the appointment/promotion/transfer of gazetted and non-gazetted officers.
- (iii) Sanctions relating to creation/continuance/abolition of posts.



- (iv) Sanctions for handing/taking over charge etc.
- (v) Sanctions relating to payment/withdrawal of General Provident Fund advances to Government servants.
- (vi) Sanction of contingent expenditure incurred under powers of Head of Offices.
- (vii) Other sanction of routine nature issued by heads of subordinate offices (other than those issued by Min/Department proper under powers of a HOD).

(b) Copies of all general financial orders issued by the Departments of the Central Government with the concurrence of the Comptroller & Auditor General may be supplied to the C&AG .  
[ GFR – 29]

### SIGNING OF SANCTIONS:

(a) Under Article 53 of the Constitution, the executive power of the Union vests in the President and is exercised by him either directly or through officers subordinate to him in accordance with the Constitution. Article 77 of the Constitution requires that all executive action of the Government of India should be expressed to be taken in the name of the President and that orders and other instruments made and executed in the name of President should be authenticated in such manner as may be specified in rules made by the President. The rules made by the President for the authentication of orders in the name of the President are contained in the Authentication (Orders and other Instruments) Rules, 1958.

(b) All financial sanctions and orders involving payments from Government funds should not be conveyed over cyclostyled signatures. They should be communicated to the Audit Officer and/or the Accounts Officer, as the case may be, duly signed by an authorized gazetted officer.

(c) Sanctions accorded by a Head of Department may be communicated to the Accounts Officer by an authorized Gazetted Officer of his Office duly signed by him for the head of Department or conveyed in the name of the Head of the Department.

[Clause (vii) GFR-29]

(d) A Head of Office can authorise a subordinate gazetted Officer to incur contingent and miscellaneous expenditure on his behalf. But the Head of Office remains responsible for the correctness, regularity and propriety of expenditure incurred by the said gazetted officer. In such cases, sanctions can be signed by the gazetted officer for the Head of office, who has to communicate the name and specimen signature of the former to the Treasury Officer.

[Rule 16 of the DFP Rules and Rule 142 of the Treasury Rules]



**DETAILS OF BUDGET PROVISIONS:** All sanctions to expenditure shall indicate the details of the provisions in the relevant Grant/appropriation wherefrom expenditure is to be met including the details of Budget head under which the expenditure will be booked and also how the expenditure will be met (i.e. valid appropriation or re-appropriation). In case sanction is issued before funds are communicated it should be specified in the sanction that such expenditure is subject to funds being communicated in the relevant budget.

[GFR-25]

### **EFFECT OF SANCTION**

(a) **Date of effect of sanction** – Subject to fulfillment of the provisions of Rule 6 of the Delegation of Financial Powers Rules, 1978, all rules, sanctions or orders shall come into force from the date of issue unless any other date from which they shall come into force is specified therein.

[Clause (1) GFR - 27]

(b) However, no expenditure can be incurred against a sanction unless funds are made available for the purpose by valid appropriation or re-appropriation or advance from Contingency Fund of India. Sanction for recurring expenditure becomes operative for the first year when funds are made available and remains effective for each subsequent year subject to appropriation in such years and also subject to the terms of sanction.

[Rule 6 DFPRs]

**LAPSE OF SANCTION:** A sanction for any fresh charge shall, unless specifically removed, lapse if no payment in whole or part has been made during a period of 12 months from the date of issue. Following are the exceptions to this general rule: -

(a) When period of currency of sanction is prescribed in departmental regulations or specified in the sanction itself, it will lapse on the expiry of such period.

(b) When there is specific mention in the sanction that expenditure will be met from budget provisions of specified financial year, it will lapse at the close of that financial year.

(c) In the case of purchase of stores, a sanction shall not lapse, if tenders have been accepted (in the case of local or direct purchase of stores) or the indent has been placed (in the case of Central Purchases) on the Central Purchase Organization within the period of one year of the date of issue of that sanction, even if the actual payment in whole or in part has not been made during the said period.

[ GFR – 30]



(d) Sanctions relating to addition to a permanent establishment made from year to year under general scheme sanctioned by competent authority or in respect of an allowance for a particular post/class of Govt. servants, even though not drawn by the officer(s) concerned, shall not lapse.

[GFR 31]

(e) A sanction to an advance or a non-refundable part-withdrawal from Provident Fund, unless it is specifically renewed, lapses on the expiry of a period of three months. This does not, however, apply to withdrawals effected in installments. In such cases, the sanction accorded for non-refundable withdrawal from Provident Fund remains valid upto a particular date to be specified by the sanctioning authority in the sanction order itself.

(GFR 268)

## Chapter 6

# PARLIAMENTARY PROCEDURE

**Parliamentary Control over Executive:** - The Constitution of India derives its authority from the people and fully recognizes the sovereignty of the people in the administration of the country. This sovereignty is exercised through Parliament elected on adult franchise, with a responsible Cabinet as its executive instrument.

Parliament, representing the people, is supreme in the administration of the country. The Council of Ministers is collectively responsible to the Lower House of Parliament for its acts of omission and commission. Parliament can force the Executive to resign by expressing want of confidence or by rejecting any of the policies put forward by the Executive.

Parliament's control over the Executive can broadly be described under the following two heads:-

1. Control over general policy, and
2. Control over public finances.

(1) Control over general policy is exercised through the endorsement or rejection of the policies initiated by the Executive and by moving resolutions, motions including no-confidence motions, etc.

(2) Control over public finances.- It is the responsibility of the Executive to formulate demands for money and to initiate necessary fiscal measures to finance its plans and policy, while it is the prerogative of the legislature to exercise control over (a) taxation, (b) expenditure, (c) borrowing, and (d) accounts.

Besides these omissions and commissions in the implementation of the policies are also highlighted through the Questions and other items of agenda.

## 2. Parliament

(i) The two Houses.- The supreme legislature of the Union is the Parliament consisting of the President and the two Houses –the Rajya Sabha or the Council of States and the Lok Sabha or the House of the People. Each House is assisted by the respective Secretariat.

The President shall from time to time summon each House of Parliament to meet at such times and place as he thinks fit.

At the commencement of the first session after each general election to the House of the People and at the commencement of the first session of each year, the President



shall address both Houses of Parliament assembled together and inform Parliament of the causes of its summons.

The President is constitutionally bound to summon Parliament without allowing an interval of a period of six months between two consecutive sessions, i.e. between the last sitting in one session and the date appointed for its first sitting in the next session. Normally there are three sessions in a year the first one commences in the mid-February which is the budget session, the second, the autumn session starts in the mid-August, and the third in the mid-November and is known as the winter session.

(ii) Time and duration of sittings.- The Houses normally sit everyday, except on Saturdays and Sundays. The Rajya Sabha sits from 11 A.M. to 5 P.M. The Lok Sabha sits from 11 A.M. to 6.00 P.M. The Rajya Sabha observes a recess of an hour and a half from 1 P.M. to 2.30 P.M. but in the Lok Sabha the recess is of an hour from 1.00 P.M. to 2.00 P.M. The Houses can also sit exceptionally on other days and at other times.

(iii) Quorum- It means the minimum number of members required to be present at a sitting of the House for valid transaction of its business. The quorum to constitute a meeting of either House of Parliament is one-tenth of the total number of members of the House. This includes the Speaker/Chairman or the Presiding Officer for the time being.

(iv) Some other important Parliamentary terms.

(a) Adjournment, Prorogation and Dissolution – Adjournment of the House means postponement of a sitting of the House to an hour or part of the same day or to a particular day or sine-die, i.e. without any definite date being fixed for the next sitting. After the House is adjourned sine-die, a sitting of the House can be called by the Speaker. On adjournment of the House sine-die, the business pending before the House does not lapse.

Prorogation means the termination of a session of the House – On prorogation of the House, all business pending before the House, except what is saved by Article 107(3) of the Constitution and Rules 284, 335 and 336 of the Rules of Procedure and Conduct of Business in Lok Sabha, lapses. After the House is prorogued, no sitting of the House can be called unless the President summons the House afresh under Art. 85(1) of the Constitution which really means a new session.

The House is adjourned by the Speaker whereas it is prorogued by the President. Adjournment also may be a motion in the Lok Sabha where the on-going business is adjourned or kept in abeyance in order to take up a definite matter of urgent importance like a disaster or havoc like tragic losses of life or property etc.

The President has power to promulgate Ordinances when the House is prorogued but not when the House is adjourned. During adjournments also the House is in session.



Dissolution of the House means the end of the life of the Lok Sabha either by an order made by the President under Article 85(2) (b) of the Constitution or on the expiration of the period of five years from the date appointed for its first meeting. It is followed by the election of a new House.

The Upper House is not dissolved but as nearly as possible one-third of its members retire every Second year.

(b) Appropriation Act – When all the grants necessary for service of the year have been voted, the expenditure of each grant upon the service for which the grant is made is secured by the Appropriation Act.

(c) Bills – A Bill is a draft of legislative proposals, and can be introduced either by a Minister or by a private member. In the former case, it is known as a Government Bill and the latter, is known as a Private Member's Bill.

(d) Bulletin – It is the Bulletin of the House concerned containing a brief record of the proceedings of the House at each of its sitting, information relating to the business of the House and that relating to Parliamentary Committees.

(e) Closure – The right to move a closure motion is a valuable device in the hands of a member to cut short the debate on any question. In order to bring a debate to a close, a member rises and moves "That the question be now put". The acceptance of closure rests with the discretion of the Chair. Before he accepts it, he considers whether the question before the House has received adequate debate or not, whether or not the views of the Opposition have been adequately expressed before the House. The practice of resorting to Closure Motion went practically out of use with the introduction of the Business Advisory Committee in 1953 and is resorted to rarely. A Closure Motion cannot be moved when another Member is speaking. It should not be applied as an abuse of the Rules or an infringement of the right of reasonable debate.

(f) Guillotine – Guillotine is a different form of closure. It is provided under Rule 208(2) of the Lok Sabha Rules of Procedure. It means the putting by the Speaker of every question necessary to dispose of all the outstanding matters in connection with the demands for grants on the expiry of the time allotted for its discussion or otherwise. The Chair puts the question, no further discussion thereon being allowed. Unlike closure, the guillotine to be applied is not preceded by any motion. Under the rules of the House, guillotine, technically speaking, applies only to the budget demands, Appropriation Bill and Finance Bill. In the year 1998-99 the demands for grants of all the Ministries/Departments except those of the Ministry of Agriculture were guillotined. In 1999-2000 even those of the Ministry of Agriculture were not discussed and voted but were guillotined.

(g) Point of order: It is a question raised relating to the rules by a Private Member before an item of business is over or yet to be taken up. The Speaker may hear different sections of the House before giving a ruling on it.



(h) Session – The term Session means the period during which Parliament sits without any intermission or recess. Unless Parliament be prorogued, the session is not closed. The effect the termination of a session there must be a prorogation of the House(s) of Parliament.

(i) Sitting of the House – A sitting of the House is duly constituted when it is presided over by the Speaker/Chairman or any other member competent to preside over a sitting of the House under the Constitution or the Rules of Procedure and Conduct of Business of Lok Sabha/ Rajya Sabha and has quorum.

(j) Special Mentions – After an item of business is over and before another is entered upon Members may with the permission of the chair raise matters not listed in the agenda paper. Written replies are sent to the Member within a month since when the matter was raised.

(k) Table of the House – The oval Table is just below and in front of the desk of the Secretary General below the Speaker's Podium. Papers which are required to be laid on the Table of the House are already placed on this Table. At the appropriate time, when called by the Speaker, the Minister-in-charge goes on record by mentioning that he lays such documents on the Table of the House. During sitting of the House, the Roll of Members is always kept on this Table for signature before taking their seats. Senior Officers of various Branches of the Secretariat of respective House are seated around the Table.

(l) Zero Hour—Members are allowed to raise matters of urgent public importance after the Question Hour i.e. during 'Zero Hour' in the two Houses by the Presiding Officers. Whenever Presiding Officers give directions to the Government or the Minister/Minister of State of Parliamentary Affairs gives assurances on certain issues raised during 'Zero Hour' in the two Houses, the relevant extracts from the proceedings of the Houses relating to such matters are sent by the Minister of Parliamentary Affairs to the Minister concerned on the same day for such action as may be deemed necessary by the department. Ministry of the Parliamentary Affairs also sends relevant extracts from the proceedings relating to the matters raised during Zero Hour in the two Houses on which no directions or assurances are given, to the department concerned for information and such actions as may be deemed necessary. The department may examine such matters and, if deemed necessary, send replies to the members under intimation to the Ministry of Parliamentary Affairs.

3. "Questions in Parliament"—The primary object of Questions is to elicit information on facts and figures in matters of public importance within the special cognizance of the Minister.

Questions are of three kinds:-

- i. Starred Questions- These are answered orally on the floor of the House and with reference to the answer given, members are entitled to ask supplementary



questions. These will be intelligently anticipated while preparing – 'Note for Supplementaries' for the use of the Minister.

- i. Unstarred Questions- These call for written answers which are placed on the Table of the House and no supplementaries are asked in respect of such answers. Answers to them are deemed laid on the Table of the House.
- ii. Short Notice Questions- These may be only admitted with written consent by the Minister urgent in regard to matters of public importance notice shorter than ten clear days for the Speaker and five for the Minister and answered orally as starred questions. It is within the discretion of the Minister either to accept or not to accept a short notice question. If the Minister declines to accept short notice of a Question, and the Question is of sufficient public importance, that question may be admitted by the Speaker as Starred Question and placed as the first Question in the list of Starred Questions for the day on which it would otherwise become due for answer. If a short notice question is answered a calling attention may be pre-empted on the matter.

Not less than 10 clear days' notice of a question is ordinarily required to be given by a member to the Secretary General, Lok Sabha/Rajya Sabha who gives at least five clear days' notice to the Minister to whom the question is addressed. In practice, however, in order to give the concerned Department as much time as possible for preparation of an answer, an advance copy of the Question in the provisionally admitted form is forwarded to that Department by the Lok Sabha/ Rajya Sabha Secretariat.

On receipt of the provisionally admitted version of the question from the Parliament Unit of the Ministry/Department, the concerned Section will examine it immediately and take the following action:-

- i. If a question is wrongly addressed to a Minister, the Ministry/Department to whom an advance copy has been sent should immediately contact the Department concerned and obtain its concurrence to the transfer of the question. If the Department concerned declines to accept the transfer, the question may be answered under compulsion but thereafter the matter may be pursued with the concerned Department requesting it to accept future questions on the subject. (The matter of transfer of the question may be taken up at such a level as the case may warrant so as to resolve the issue without any delay or noting).
- ii. If it pertains to some other section, it will not be returned to the Parliament Unit but its transfer to the appropriate section will be settled either at the level of the Section Officer or Branch Officer. If this should fail, the assistance of the O&M Officer or other higher officer will be sought to resolve the issue without delay or noting.
- iii. It should be examined whether the question is admissible for answer in terms of provisions regarding "Conditions of admissibility" and the position intimated to the Question Branch of Secretariat of the House concerned stating that the parts



so-and- so of the questions falls within the mischief of rule so-and-so which facts may be taken into consideration while deciding admissibility of the question.

## QUESTIONS – CONDITIONS FOR ADMISSIBILITY

A Question to be admissible must satisfy the following conditions:-

- i. It shall not bring in any name or statement not strictly necessary to make the question intelligible;
- ii. If it contains a statement the member shall make himself responsible for the accuracy of the statement;
- iii. It shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;
- iv. It shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;
- v. It shall not ask as to the character or conduct of any person except in his official, or public capacity;
- vi. It shall not ordinarily exceed 150 words;
- vii. It shall not relate to a matter which is not primarily the concern of the Government of India;
- viii. It shall not ask about proceedings in a Committee which have not been placed before the House by a report from the Committee;
- ix. It shall not reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion;
- x. It shall not make or imply a charge of a personal character;
- xi. It shall not raise questions of policy too large to be dealt with within the limits of an answer to a question;
- xii. It shall not repeat in substance questions already answered or to which an answer has been refused;
- xiii. It shall not ask for information on trivial matters;
- xiv. It shall not ordinarily ask for information on matters of past history;
- xv. It shall not ask for information set forth in accessible documents or in ordinary works of reference.
- xvi. It shall not raise matters under the control of bodies or persons not primarily responsible to the Government of India;
- xvii. It shall not ask for information on a matter which is under adjudication by a court of law having jurisdiction in any part of India;
- xviii. It shall not relate to a matter with which a Minister is not officially connected;
- xix. It shall not refer discourteously to a friendly foreign country;
- xx. It shall not ask for information regarding Cabinet discussions, or advice given to the President in relation to any matter in respect of which there is a Constitutional, statutory or conventional obligation not to disclose information;



- xxi. It shall not ordinarily ask for information on matters which are under consideration of a Parliamentary Committee; and
- xxii. It shall not ordinarily ask about matters pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any Commission or Court of Enquiry appointed to enquire into, or investigate, any matter but may refer to matters concerned with procedure or subject or stage of enquiry, if it is not likely to prejudice the consideration of the matter by the tribunal or Commission or Court of Enquiry.

### GENERAL PROCEDURE REGARDING QUESTIONS

The procedure regarding Parliament Questions is summarized below:-

- a) Notice of a question must be given in writing to the Secretary General of the House and must specify (a) the official designation of the Minister to whom it is addressed, or, if the question is addressed to a private member, the name of such member; and (b) the date on which the question is proposed to be placed on the list of questions for answer.
- b) In order to enable the members of Parliament to address the questions correctly, a pamphlet entitled "Subjects for which various Ministries and Departments of the Government of India are responsible" for answering questions in the Lok Sabha/ Rajya Sabha is supplied to them. Whenever any changes take place in the allocation of work amongst the various Ministries, whether they occur during the session or otherwise, such changes should be communicated by the Ministries concerned to the Lok Sabha and Rajya Sabha Secretariats immediately so that they may have the up-to-date information regarding the subjects dealt with in each Ministry.
- c) Not less than ten and not more than twenty-one clear days' notice of a question is required to be given. In the case of Rajya Sabha there is no upper limit of notice period and notices can be given from the day the House is summoned for the forthcoming Session.
- d) The time available for answering questions is allotted by the Speaker/Chairman on different days in rotation for answering of questions relating to the various Ministries of the Government of India. For this purpose, Ministries have been divided into groups, each group having its questions on a particular day allotted to it.
- e) An asterisk (\*) should be placed at the beginning of a question to which a member wishes to have an oral answer on the floor of the House. When a question has been answered orally by a Minister, it is open to any member of the House to ask supplementary questions. A dagger mark (\$) indicated that the original question is in Hindi.



- f) Not more than five including one starred question distinguished by asterisk by the same member can be placed on the list of questions for oral answer on any one day.
- g) In the list of questions for oral answers for any day, not more than twenty questions can be included. Questions in excess of twenty are transferred to the list of questions for written answers.
- h) Where two or more questions on the same or allied subject addressed to a Minister for oral answer appear on the list of questions for any particular day and when the first of them comes up for answer, the Speaker/Chairman may himself or on the request of any member, direct that any or all such questions be taken up together for answer, irrespective of the order in which they stand in the list.
- i) Members have to indicate in their notices of starred questions for each day the order in which they desire to ask their questions for answer. If no preference is indicated, the questions shall be placed on the list of questions for oral answer in the order in which notices are received in point of time.
- j) Notices of starred and unstarred questions must be given separately and separate notices are required for separate dates, and when notice of more than one question is given at the same time, such questions and their parts should be clearly numbered.
- k) Notices of questions should be clear, self-contained and complete.
- l) Questions containing references to previous questions and answers must be made self-contained by quoting very briefly the purport of the previous questions and answers, their numbers and the dates when the questions were answered.
- m) Questions asking for information as regards the truth or otherwise of statements in newspapers must contain the specific points in the statements in respect of which information is desired.
- n) Notices of questions referring to newspaper articles must be accompanied by the relevant newspaper cuttings or the name of the paper and the date when the article appeared in the paper.
- o) In the case of a question containing a statement by the member, he must make himself responsible for the accuracy of such statements.
- p) A question not asked by a member although he is present in the House is treated as withdrawn and therefore not printed in the proceedings of the House.
- q) Answers to Starred questions not reached during the Question hour are deemed laid on the Table of the House at the end of it. A question not reached for oral answer may be answered after the end of the Question Hour with the permission of the Speaker/Chairman, if the Minister represents to the Speaker/Chairman that the question is one of special public interest to which he desires to give an answer.
- r) An absent member's starred questions for a particular sitting may be asked by another member provided the latter has been authorised in that behalf in writing and the letter of authority is given before the sitting to the



Secretary General. Such authority should be for a definite date or dates. An absent member is not permitted to authorize more than one member for this purpose for any one sitting. If on a question being called, it is not asked or the member in whose name it stands is absent without giving any letter of authority to any other member on his behalf, the Speaker may, at his discretion, direct the answer to be given in the second round, if in his opinion or that of the Minister concerned, the subject matter of the question is of such importance as to warrant an answer being given in the House.

- s) The questions of absent members which are answered in the House are printed in the official report of the Parliamentary Debates with a bracketed remark indicating that they were asked by so-and-so on behalf of so-and-so.
- t) In cases where no intimation is received by the Speaker/Chairman from the absent member, the question is passed over in the House but it is included together with its answer in the official report of the proceedings.

4. "DRAFTING OF ANSWER TO PARLIAMENTS QUESTIONS" Every single question has to be answered duly. While drafting the answer, the following points will be borne in mind:-

- a) The preparation of a tentative draft answer and a draft note for supplementaries, where necessary, will be undertaken immediately on receipt of the provisionally admitted question. Simultaneously further information will also be collected from all concerned. The draft answer so prepared will be reviewed on receipt of the printed list of admitted questions, and, if necessary revised so that it conforms to the admitted form of the question. To facilitate this, the Parliament Unit will keep in contact with the Lok Sabha/ Rajya Sabha Secretariat and ascertain the text of the question as finally admitted for the information of the section concerned, even before the printed list is received. This will be done a couple of days before the printed list is received i.e. as soon as the final list is ready in the Lok Sabha/ Rajya Sabha Secretariat for going to the press.
- b) In preparing a draft answer, parts of the question will be reproduced and replies thereto set out in parallel columns against each part. In cases of starred questions, the position of the question in the printed list will be indicated on the top right hand corner of the draft answer. If the original notice is in Hindi, an indication will be given to that effect on the draft.
- c) The answer will be as precise, unambiguous and complete as possible, taking particular care to avoid expressions which are liable to be construed as evasive or as implying an assurance unless it is clearly intended to give one. It must be restricted to the text only.
- d) As far as possible, an interim answer, even to an unstarred question, that "information is being collected and will be placed on the Table of the House" will be avoided. Such a reply will be given only if it is expected,



- with a reasonable degree of certainty, that the information would be available and that there will be no objection to disclosing it.
- e) If on the basis of whatever information is already available within the Department or has been obtained from the out-side agencies, a satisfactory answer could be framed, the feasibility of giving such an answer, although not strictly complete, may be considered without calling for further information or holding out an assurance.
  - f) Where a question calls for elaborate answer or detailed figures, the reading of which is likely to take more than 15 seconds, a statement giving the required information will be prepared and attached to the answer. In the case of a starred question, the answer will merely state that a statement is being laid on the Table of the House. In the case of an unstarred question, however, there is no need to say so specifically.
  - g) When an answer to a question refers to information available in a document, whether published under the authority of the Government or otherwise copies of such a document will invariably be placed in the Parliament Library before the answer is given or laid on the Table of the House.
  - h) An answer to a question will not refer to the answer to a question or proceedings in the other House during a current session.
  - 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 original question is in Hindi, the answer will be in Hindi and will be treated as the official version and the English version will be treated as its translation.
  - k) A note for supplementaries marked 'Secret' for the use of the Minister will be added to all draft answers to starred and short notice questions. It will be comprehensive and precise but as brief as possible and will take into account the likely supplementaries with reference to the nature of the question and the context in which the member has raised it.

5. **ALTERATIONS IN THE ANSWERS GIVEN** - Whenever a minister while replying to a Question deviates from the printed version, the Department concerned will immediately communicate the fact to the LS/RS Sectt. As well as to the Information Officer concerned and ensure that necessary corrections are made in the copies already supplied.

Where the printed answer to a Question is found to contain any inaccuracy the following procedure will be followed:

- a) Within a week of the reply, the minister will ordinarily give a notice to the Secretary General, Lok Sabha/Rajya Sabha of his intention to make a statement. A copy of the statement proposed to be made will also be sent.
- b) The prescribed number of copies (both in Hindi & English) of the statement, alongwith an authenticated copy, will be sent to the Lok Sabha/Rajya Sabha,



latest by 5.00p.m. on the working day preceding the day on which the statement is to be made.

c) If the House is in session –

i. Starred Questions (Lok Sabha/Rajya Sabha).

The item would be included in the list of business on an appropriate day and the minister would be called upon to make the statement in the House or lay it on the Table of the House.

ii. Unstarred Questions in the Lok Sabha:

Item would be included in the list of questions for written answer on the appropriate day as –

“The minister of ..... to lay a statement correcting the reply given on ..... to Unstd Qn.No..... by Shri .....

As at (i) above.

d) If the House is not in session –

(i) Starred Questions:

(aa) The minister may be called upon to make the statement during the next session, or

(bb) The statement may be included in official report of the debates with a suitable explanatory foot note.

(ii) Unstarred Questions:

As at (bb) above.

In case copies of the answer to a Question supplied to the Lok Sabha/Rajya Sabha Secretariat are desired to be replaced or some corrections are to be carried out in these copies, necessary intimation to the effect and revised copies of answers should be sent so as to reach the Lok Sabha/ Rajya Sabha Secretariat not later than 9.00 hrs. on the day on which the Question is due for answer.

6. Laying of papers on the Table of either House of Parliament- When it is proposed to lay a paper on the Table of the Lok Sabha/Rajya Sabha, otherwise than as a part of a reply to a question, a copy of the paper, authenticated in Hindi and English by the Minister preferably on the front page in the manner described below, together with the



prescribed number of copies should be sent to the Secretariat of the House concerned, at least two clear days before the date on which it is proposed to be laid on the Table:-

“Paper to be laid on the Table of Lok/ Rajya Sabha”.

### AUTHENTICATED

Dated  
New Delhi

(Signature)  
Minister of -----

Simultaneously, the Secretariat of the House concerned should also be informed whether additional copies of the papers proposed to be laid on the Table of the House would be available for supply to such members of Parliament as may ask for them and if so, how many. The name, designation, telephone number of the officer from whom the spare copies can be had should also be communicated to the Secretariat of the House concerned. All reports required to be laid on the Table of a House of Parliament will be released to the press only after they have been so laid.

7. “HALF AN-HOUR DISCUSSION”- The last Half-an-hour on three alternate days in each House is allotted for raising discussion on a matter of sufficient public importance which has been the subject of a recent question, oral or written, and the answer to which needs elucidation on a matter of fact. A member wishing to raise a matter has to give notice in writing to the Secretary General of the House concerned three days in advance of the day on which the matter is desired to be raised specifying the point or points that he wishes to raise accompanied by an explanatory note stating the reasons for raising discussion on the matter in question. Hence, for three days after answering a question there may be such a notice. It is therefore necessary to continue to collect information even after a question is answered.

The Speaker/Chairman may waive the requirements concerning the period of notice with the consent of the Minister concerned. The Speaker/Chairman shall decide whether the matter is of sufficient public importance to be put down for discussion and may not admit a notice which in his opinion, seeks to revise the policy of Government.

There is no formal motion or voting on the matter in question. The Member who has given notice makes a short statement and the Minister concerned gives a short reply. Any member who has previously intimated to the Speaker/Chairman is permitted (after the member in whose name the discussion is admitted has spoken and before the Minister commences his reply) to put a question for the purpose of further elucidating any matter of fact.

When half-an-hour discussion is interrupted for want of quorum or when there is no time for the Minister to give a full reply to the debate, he may with the permission of the Speaker/ Chairman lay a statement on the Table of the House.



Discussions on matters of urgent public importance for short duration- A member of Parliament desirous of raising discussion on a matter of urgent public importance may give notice in writing to the Secretary General of the House concerned specifying clearly and precisely the matter to be raised, together with an explanatory note stating the reasons for raising discussion. The notice shall be supported by the signatures of at least two other members.

If the Speaker is satisfied, after calling for such information from the member who has given notice and from the Minister as he may consider necessary, that the matter is urgent and is of sufficient importance to be raised in the House at an early date, he may admit the notice and fix the date for discussion. Not more than one hour in the Lok Sabha and two and a half hours in the Rajya Sabha are allowed for such discussion at or before the end of sitting.

There is no formal motion or voting on the matter in question. The member who has given notice makes a short statement and the Minister concerned gives a short reply. Any other member who has previously intimated to the Speaker/ Chairman may be permitted to take part in the discussion.

A precise, brief marked 'Secret' is required to be submitted before hand for use of the Minister while replying to the discussion.

8. "CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE"- With previous permission of the Speaker/Chairman, a member/members may call attention of a Minister to any matter of urgent public importance. The Minister may make a brief statement immediately or ask for time to make a statement at a later hour or date. No debate is permitted on such a statement at the time it is made. However, the Speaker/Chairman may, in his discretion, allow signatories to a calling attention notice to ask a clarificatory question each.

Not more than two such matter can be raised at the same sitting. Priority between two such matters shall be given to that matter which is, in the opinion of the Speaker/Chairman, more urgent and important.

A member giving a call attention notice to the Secretary General of the House endorses inter alia copies thereof concurrently to the Minister concerned and the speaker. It will be open to the Minister, immediately on receipt of such a notice, to bring any facts to the notice of the Speaker/Chairman which he may take into account in deciding the admissibility of such a notice.

If an when the notice has been referred to the Ministry for facts/comments thereon, it should be treated as immediate and the relevant facts should be forwarded to the Secretariat of the House by 10.00 hours of the following day and a copy thereof endorsed to the Department of Parliamentary Affairs. While forwarding the facts, the Ministry should indicate whether they have been issued with the approval of the Minister and whether the facts may or may not be disclosed to the Members.



The statement made in the House in response to a calling attention notice should also cover the points raised by members through notices of Questions, Adjournment Motions and other notices on the same or allied subject. The statement includes the precise factual position of the urgent matter, steps initiated to provide relief and curb it and a promise of non-recurrence. Such a general promise is not treated as an assurance.

Along with the draft statement in reply to an admitted calling attention notice, a note for supplementaries marked 'Secret' has also to be prepared and submitted to the Minister. If a calling attention notice is in Hindi or if the first signatory tables the notice in Hindi, the statement should, as far as possible, be made in Hindi.

In the case of a NO-DAY-YET-NAMED Motion, given notice of and admitted, Department of Parliamentary Affairs will advise the Ministry and the Secretariat of the House concerned whether time can be made available for discussion on it. It is taken up during the time saved out of the government time allotted by the Business Advisory Committee of the House concerned. In the case of motions for which time can be made available, Ministries should normally agree to a discussion unless there are serious objections to a discussion being held. A file has to be opened and a brief draft for approval of the Minister about the government's stand in the matter. It is taken up when included in the list of Business.

10. Motion for Adjournment on a Matter of Public Importance- A motion for adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance can be made with the consent of the Speaker.

Notice of an adjournment motion shall be given before the commencement of the sitting on the day on which the motion is proposed to be made to (a) the Speaker, (b) the Minister concerned, and (c) the Secretary General of the House.

The right to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions:-

- a) Not more than one such motion shall be made at the same sitting.
- b) Not more than one matter shall be discussed on the same motion.
- c) The motion shall be restricted to a specific matter of recent occurrence.
- d) The motion shall not raise a question of privilege.
- e) The motion shall not revive discussion on a matter which has been discussed in the same session.
- f) The motion shall not anticipate a matter, which has been previously appointed for consideration. In determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Speaker to the probability of the matter anticipated being brought before the House within a reasonable time.
- g) The motion shall not deal with any matter which is under adjudication by a Court of Law having jurisdiction in any part of India.



- h) The motion shall not raise any question which under the Constitution or the Rules of Procedure and Conduct of Business in Lok Sabha can only be raised on a distinct motion by a notice given in writing to the Secretary General.

No motion which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or Court of Enquiry appointed to enquire into or investigate any matter shall ordinarily be moved.

The Speaker may allow such a matter being raised in the House as is concerned with the procedure or subject or stage of enquiry if he is satisfied that it not likely to prejudice the consideration of such matters by the statutory tribunal, statutory authority, commission or court of enquiry.

If the Speaker gives consent, he shall, after the questions and before the list of business is entered upon, call upon the member concerned to rise in his place and ask for leave to move the adjournment of the House.

If objection to leave being granted is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their place, and if not less than fifty members rise accordingly, the Speaker shall intimate that leave is granted. If less than fifty members rise, the Speaker shall inform the member that he has not the leave of the House.

The motion shall be taken up at 4.00 P.M. or if the Speaker so directs, at any earlier hour at which the business of the House may conclude.

The Speaker may if he is satisfied that there has been adequate debate put the question at 18.30 hours or at such other hour not being less than 2 hours and 30 minutes from the commencement of the debate. The speaker shall prescribe the time limit for speeches.

It will be open to the Minister to bring immediately, on receipt of a notice on an adjournment motion, any facts to the notice of the Speaker which he may take into account in deciding the admissibility of the notice.

The Speaker may also require a notice to be referred to the Minister for facts. In that case, it should be ensured by the Ministry that the facts are forwarded to the Lok Sabha Secretariat by 10.00 hours of the following day. While forwarding facts, the Ministry should also indicate whether they have the approval of the Minister and whether they may be disclosed to the Members.

Intimations about adjournment motions should be treated as 'Immediate' and the notes prepared thereon for use of the Minister should give the following information:-



- i. The notice of motion with date for discussion.
- ii. A concise statement of all the facts known. (in respect of the Ministries/Depts. Concerned also)
- iii. A descriptive list of the documents, extracts of files put up, each of which should be clearly flagged. These should cover all material likely to be useful in debate or required for reference, and the relevant portions should always be specifically indicated and, if possible, sidelined in the papers themselves.
- iv. Notes so far as they may be required to amplify or explain the material put up.

11. Procedure regarding making of Suo-moto statements by Ministers under Rule 372 of the Rules of Procedure and Conduct of Business in Lok Sabha —(1) Whenever any major accident occurs in Railways, Air, Sea, River, Mines, Collieries, Defence Services, etc. or there are occurrences of a serious nature, the Ministers concerned may make suo-moto statements on the floor of Lok Sabha at the earliest opportunity. This procedure would obviate the necessity of Members tabling notices of Adjournment Motions, Calling Attention, Questions etc. If any Calling Attention Notices, Short Notice Questions and other questions have already been received on the same subject, the points raised in those notices may also be covered by the Minister while making a suo-moto statement.

(2) The requisite number of copies of the statement in English and Hindi should be supplied to the Lok Sabha Secretariat one day in advance. Where it is not possible to supply the copies in advance, two typed copies of the statement in the language in which it is to be made by the Minister should be furnished by 10 A.M. on that day and the remaining copies supplied by 10.30 hours at the latest.

(3) The item regarding the statements to be made by a Minister would ordinarily be included in the agenda on the date intimated by the Minister. The advance intimation should also be given by the Ministries on the previous evening so that the item is included in the List of Business and the statement is made immediately after the Question Hour unless the statement relates to an incident which occurred later.

(4) The procedure in respect of making similar statements in the Rajya Sabha is the same. Suo- moto statements prove the alertness of govt. agencies. The pre-empt many notices.

No questions are allowed to be asked at the time of such statements for which separate notices are called for.

12. Resolutions- Usually a resolution is in the form of a declaration of the OPINION of the House of the Legislature by which it is passed, relating to a matter of general public interest. The following is a specimen of a resolution moved by a private member:-

“This House is of opinion that the scheme of rationalization proposed to be implemented in the textile and jute industries in the various centers in the country



will lead to large-scale retrenchment and mass unemployment and that Government should abandon all such schemes”.

The following are two instances of resolutions moved by a Minister ?:-

“In pursuance of sub-section (2) of Section 4A of the Indian Tariff Act, the ..... sabha hereby approves of the notification of the Government of India in the Ministry of Commerce..... by which the export duty on tea was enhanced from sixty paise to seventy five paise per kg. With effect from the date of said notification”.

The Rules of the Lok Sabha provide that besides declaring the opinion of the House on a matter, a resolution may also be passed in the following forms:-

- 1) Recommendation
- 2) Recording approval or disapproval by the House of an act or policy of; Government
- 3) Conveying a message
- 4) Commending, urging or requesting an action
- 5) Calling attention of Government to a matter or situation for consideration
- 6) Or in such other form as the Speaker may consider appropriate.

A member other than a Minister, who wishes to move a resolution on a day allotted for private members' resolution has to give a notice to that effect at least two days before the date of ballot. The names of all members from whom such notices are received are balloted and those who secure the first three places in the ballot are eligible to give notice of one resolution each within two days after the date of the ballot. The resolutions, if admitted, are put down in the List of Business.

A resolution, which can be moved by a member or Minister, should satisfy the following conditions:-

- a) It shall be clearly and precisely expressed
- b) It shall raise substantively one definite issue.
- c) It shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements.
- d) It shall not refer to the conduct or character of persons except in their official or public capacity.
- e) It shall not relate to any matter which is under adjudication by a Court of Law, having jurisdiction in any part of India.

No resolution which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into or investigate any matter shall ordinarily be permitted to be moved.



The Speaker/Chairman may allow such a matter being raised in the House as is concerned with the procedure or subject or stage of enquiry if he is satisfied that it is not likely to prejudice the consideration of such matter by the statutory tribunal, statutory authority, commission or court of enquiry.

A member in whose name a resolution stands on the List of Business shall, except when he wishes to withdraw it, when called upon, move the resolution. He may, with the permission of the Speaker/Chairman, authorise any other member in whose name the same resolution stands lower in the List of Business, to move it on his behalf and the member so authorized may move it on his behalf. If a member, other than a Minister, when called upon, is absent any other member authorized by him in writing in this behalf, with the permission of the Speaker/Chairman, may move the resolution.

**Amendments to Resolutions-** After a resolution has been moved any member may move an amendment to the resolution. If notice of such an amendment is not given one day previous to the day on which the resolution is moved, any member may object to the moving of the amendment and such objection shall prevail unless the Speaker/Chairman allows the amendment to be moved. The Secretary General shall, if time permits, make available to the members, from time to time, lists of amendments of which notices have been received. No speech on a resolution shall, except with the permission of the Speaker/Chairman, exceed 15 minutes in duration. The mover of the resolution, when moving the same, and the Minister concerned when speaking for the first time, may speak for 30 minutes or such longer period as the speaker/Chairman may permit. The discussion on a resolution shall be strictly relevant to and within the scope of the resolution.

A member who has moved a resolution or amendment to a resolution shall not withdraw the same except by leave of the House. A member may, when called upon, withdraw the resolution and shall confine himself to a mere statement to that effect.

Lok/Rajya Sabha Secretariat forwards to the Ministries concerned copies of the resolutions admitted by the Speaker/Chairman. The resolution should be examined as soon as received and any facts or other observations which the Ministry may wish to place before the Speaker/Chairman should be communicated to the Secretariat concerned as early as possible and in any case before the resolution is taken up in the House. Occasionally, the Lok/Rajya Sabha Secretariat itself calls for factual information in respect of a resolution to enable the Speaker/Chairman to decide its admissibility. In giving the factual position or in making other observations, it would normally be enough to touch upon one or more of the following points:-

- 1) whether the subject matter of the Resolution falls outside the jurisdiction of the Central Government;
- 2) whether the issue involved in the Resolution has been considered before in Parliament or by Government, and if so, with what results;



- 3) whether there is any objection to discussing the Resolution on grounds of policy or public interest; and
- 4) whether any reference or statement made in the Resolution is factually incorrect.

It is not necessary to state at this stage whether the Resolution will be accepted or opposed by Government and/or the reasons for it.

On receipt of the list of non-official Resolutions selected in ballot, a draft brief should be prepared on each Resolution in the Ministry concerned. The Department of Parliamentary Affairs will advise Ministries as regards such of those Resolutions as are not likely to come up for discussion for want of time and on which brief need not be prepared.

The draft brief should be submitted to the Minister-in-charge with the file and should contain all relevant facts (or reference to them when they cannot be conveniently stated in full) with extracts from or abstracts of the relevant documents, if any, summarized in a clear and self-contained form. Required number of copies of the approved brief should be sent to the Department of Parliamentary Affairs for the approval of the Parliamentary and Legal Affairs Committee of the Cabinet. The brief should state the conclusion at the end- whether it is proposed to oppose the Resolution or accept it, with or without amendment. It follows that in considering Government's stand on a Resolution, the possibility of its acceptance in a modified form should be taken into account.

When any resolution involving several points has been discussed, the Speaker/Chairman may divide the resolution and put each or any point separately to vote as he may think fit.

When a resolution has been moved, no resolution or amendment raising substantially the same question shall be moved within one year from the date of moving the earlier resolution.

When a resolution has been withdrawn with the leave of the House, no resolution raising substantially the same question shall be moved during the same session.

A copy of every resolution which has been passed by the House shall be forwarded to the Minister concerned.

After discussion has taken place on a resolution, the relevant proceedings on it should be examined as soon as they are available and further specific action, as may be called for, initiated without delay. A copy of the proceedings should invariably be placed on the file.

To facilitate inclusion in the list of Business of resolutions to be moved by Government for the approval of notifications, statutory rules etc., notices of such



resolutions should not normally be given when a session is due to end within 7 days of the receipt of the notice. Similarly, notices of motions for the election of members to Committees, etc. should be sent at least 7 days before the end of a session.

13. Motions, etc- All motions moved in the House are classified into three broad categories, namely, 'Substantive', 'Substitute', and 'Subsidiary' Motions, which are defined in the succeeding paragraphs.

- 1) Substantive motions- A Substantive Motion is a self-contained independent proposal submitted for the approval of the House and drafted in such a way as to be capable of expressing a decision of the House, e.g., all Resolutions are substantive motions.
- 2) Substitute Motions- Motions moved in substitution of the original motion for taking into consideration a policy or situation or statement or any other matter are called Substitute Motions. Such Motions, though drafted in such a way as to be capable of expressing an opinion by themselves are not strictly speaking substantive motions inasmuch as they depend upon the original motion.
- 3) Subsidiary Motions- They depend upon or relate to other motions or follow upon some proceedings in the House. They by themselves have no meaning and are not capable of stating the decision of the House without reference to the original motion or proceedings of the House.

Subsidiary Motions are further divided into: (a) Ancillary Motions, (b) Superseding Motions and (c) Amendments.

- a) Ancillary Motions – They are motions which are recognized by the practice of the House as the regular way of proceeding with various kinds of business. The following are examples of ancillary motions –
  - i. That the Bill be taken into consideration.
  - ii. That the Bill be passed.
- b) Superseding Motion- They are motions which though independent in form, are moved in the course of debate on another question and seek to supersede that question. In that class fall all the dilatory Motions. The following motions are Superseding Motions in relation to the motion for taking into consideration a Bill:-
  - i. That the Bill be recommitted to a Select Committee.
  - ii. That the Bill be recommitted to a Joint Committee of the Houses.
  - iii. That the Bill be recirculated for eliciting further opinion thereon.
  - iv. That the consideration of the Bill or the debate on the Bill be adjourned sine die or to some future date.



c) Amendments- They are subsidiary motions which interpose a new process of question and decision between the main question and its decision. Amendments may be to the clause of a Bill, to a Resolution or to a Motion, or to an Amendment to a clause in a Bill, Resolution or Motion.

2. Cut Motions- A Motion may be moved to reduce the amount of a demand in any of the following ways:-

- a) 'That the amount of the demand be reduced to Rs.1/-' as representing disapproval of the policy underlying the demand. Such a motion shall be known as "Disapproval of Policy Cut". A Member giving notice of such a motion shall indicate in precise terms the particulars of the policy which he proposes to discuss. The discussion shall be confined to the specific point or points mentioned in the notice and it shall be open to Members to advocate an alternative policy.
- b) 'That the amount of the demand be reduced by a specified amount' representing the economy that can be effected. Such specified amount may be either a lump sum reduction in the demand or omission or reduction of an item in the demand. Such a motion is known as "Economy Cut". The notice shall indicate briefly and precisely the particular matter on which discussion is sought to be raised and speeches shall be confined to the discussion as to how economy can be effected.
- c) 'That the amount of the demand be reduced by Rs.100/-' in order to ventilate a specific grievance, which is within the sphere of responsibility of the Government of India. Such a motion is known as "Token Cut" and the discussion thereon shall be confined to the particular grievance specified in the motion.

The period of notice of a cut motion is one day before the day on which the demand to which it relates is due for consideration, but the Speaker of Lok Sabha is empowered to waive an objection on the score of insufficient notice.

Immediately on receipt of a notice of cut Motion a comprehensive brief is required to be prepared and sent to the Parliament Assistant for placing it on the pad of the Minister.

15. Legislation - (1) Ministries should keep the Department of Parliamentary Affairs informed about their proposals for legislation. To enable the Department of Parliamentary Affairs to draw up a consolidated legislative programme of a session, detailed particulars about bills proposed to be introduced during any session should be sent to the Department at least one month before the commencement of the session.

(2) Government Legislative Programme- At the Commencement of each session, or as soon as possible thereafter, a statement of Government Legislative business (not to



be taken as exhaustive) likely to be undertaken during the session is published in the Bulletin- Part II for the information of Members.

(3) Private Members Business- In the Lok Sabha, the last two and half hours of the sitting on every Friday are allotted for transaction of Private Members' business. In the Rajya Sabha, the entire sitting (except the Question hour) is allotted for transaction of such business.

Different Fridays are allotted for the disposal of Private Members' Bills and Private Members' Resolutions and on Fridays allotted for any particular class of business, business of that class has precedence.

The Speaker/Chairman may, in consultation with the Leader of the House, allot any day other than a Friday for the transaction of Private Members' business.

If there is no sitting on a Friday, the Speaker may direct that two and a half hours on any other day in the week may be allotted for Private Members' business.

In the Rajya Sabha, the Chairman, after considering the state of business of the Sabha, may allot so many days as may be possible for private members' business, and may allot different days for the disposal of different classes of such business, and, on days so allotted for any particular class of business, business of that class shall have precedence.

(4) Formation of Legislative Policy- The first stage in the preparation of Bill is the formulation of the legislative policy. A statute is the formal and legal expression of a legislative policy, and therefore the Bill can be drafted the policy sought to be implemented by it must be determined. At this stage administrative, financial or political considerations are more likely to be involved than legal considerations and these have to be dealt with and settled by officials in the administrative Ministries concerned. Once these matters are settled, the Rules of Business of Government framed under Article 77(3) of the Constitution require that proposals for legislation should be referred to the Ministry of Law and Justice for advice as to their feasibility from the legal and constitutional points of view. Such proposals are considered by the Ministry of Law and Justice and advice is tendered generally on the necessity or desirability of such legislation in the light of existing laws.

The competency of Parliament to legislate on the subject under the Constitution is also considered at this stage, and the broad lines on which legislation may be undertaken are likewise often indicated. From the very nature of things, however, the advice tendered at this stage is of a general character and it is reserved for the legal draftsman to examine the various provisions in greater detail at the drafting stage. On receipt of this general advice, the Minister-in-charge of the administrative Ministry comes to a decision as to whether the proposed legislation should be proceeded with.



Certain matters relating mainly to civil law and procedure, as for example, laws relating to marriage, divorce, succession, transfer of property, civil procedure, evidence and the like and matters relating to elections to Parliament and State Legislatures fall within the administrative jurisdiction of Ministry of Law and Justice and that Ministry functions as the originating and initiating Ministry in respect of these types of legislation. In addition, consolidation of existing laws and the periodical cleaning up of the Statute Book by means of repealing and amending Bills are also to be dealt with by the Ministry of Law and Justice. Apart from the repealing and amending Bills which are of a formal or routine character and in respect of which Cabinet approval is generally dispensed with, the procedure outlined in this chapter is followed as far as possible with respect to all Bills which are, initiated by the Ministry of Law and Justice.

(5) Approval of Cabinet- Under the Rules of Business of Government, cases involving legislation have to be brought before the Cabinet for decision, and consequently if the Minister-in-charge of an administrative Ministry decides, after consulting the Ministry of Law and Justice as indicated above, that legislation on any particular topic should be sponsored in Parliament, he causes to be prepared a self-contained summary setting out the facts of the case and the legislative measures proposed and the summary is first shown to the Ministry of Law and Justice for its comments, if any, before submission to the Cabinet for approval. The summary is then submitted to the Cabinet for consideration either by the full Cabinet or by a Standing Committee thereof, as the case may be, depending upon whichever body is concerned with the subject-matter.

(6) Preparation of the Bill- If approval of the Cabinet for any legislative proposal has been obtained, the Ministry initiating action in this behalf prepares an Office Memorandum indicating with sufficient precision the lines on which it has been decided to legislate and requesting the Ministry of Law and Justice (Legislative Department) to take steps for drafting Bill with a view to its introduction in Parliament. A great deal depends upon the care and skill with which instructions to draftsman are drawn. He should be given the whole of the legislative proposals in full details and acquainted with as much of the background of what is proposed as is relevant. The summary of the legislative proposals as submitted to the Cabinet is no substitute for the precise instructions which the draftsman always requires before undertaking any drafting work, because the summary in most cases would be very general in character and would not have dealt with each of the legislative proposals in detail. It is generally found that the drafting of a Bill proceeds at the maximum speed and with minimum friction if complete instructions are given to the draftsman. The practice of furnishing such Officer Memorandum for the drafting of Bills should be strictly adhered to.

(7) In the case of short Bills, one or two drafts may suffice, but in the case of longer Bills several drafts may have to be made and subjected to criticism both on files and at conferences. In the case of important and complex Bills, the process of drafting may be long, one extending over several months. The process of revising the draft must continue until the sponsors of the Bill and the draftsman are both satisfied with the form and contents of the Bill. Bill-drafting is a laborious process and is essentially a task that



ought to be carried out under conditions which allow sufficient time for deliberate thought and research upon the many points that arise. The drafting of a Bill is a co-operative process to which many persons contribute.

(8) Formalities respecting Bills before introduction in Parliament- When a Bill is drafted and approved by the Ministry sponsoring it, that Ministry attaches to the Bill a Statement of Objects and Reasons relating thereto which is signed by the Minister who is in charge of the Bill in Parliament. The Statement has to be drawn up carefully so that it does no more than indicate the intention behind the Bill and the reasons which had led up to it in a calm and judicial tone. Very often such Statements are drawn in consultation with the draftsman or are shown to him for approval.

(9) In respect of certain types of Bills, the Constitution requires a few formalities to be complied with before their introduction in, or consideration by, Parliament.

- i. Under Article 3 of the Constitution, no Bill for the formation of new States or for the alteration of area, boundaries or names of existing States can be introduced in either House of Parliament except on the recommendation of the President.
- ii. Under Article 117(1), no Bill which makes provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of Article 110 shall be introduced in the Lok Sabha except on the recommendation of the President. These matters are :—
  - a) The imposition, abolition, remission, alteration or regulation of any tax;
  - b) The regulation of the borrowing of money or the giving of any guarantee by the Government of India, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India;
  - c) The custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such Fund;
  - d) The appropriation of moneys out of the Consolidated Fund of India;
  - e) The declaring of any expenditure to be expenditure charged on the Consolidated Fund of India or the increasing of the amount of any such expenditure;
  - f) The receipt of money on account of the Consolidated Fund of India or the Public account of India or the custody or issue of such money or the audit of the accounts of the Union or of a State.

It is however, provided in Article 117(2) that a Bill shall not be deemed to make provision for any of such matters by reason only that it provides for the imposition of



taxes or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

If a Bill contains any of the matters enumerated in sub-clauses (a) to (f) above or in sub-clause (g) of Article 110(1) that is to say, any matter incidental to any of the matters specified in sub-clauses (a) to (f) aforesaid and nothing else besides, it would be a Money Bill. In other words, if a Bill contained matters referred to in clause (1) of Article 110 and other matters as well, it will not be a money Bill unless it can be argued that the other matters are really incidental to the matters specified in sub-clause (a) to (f) of Article 110(1), and therefore fall within Article 110(1) (g). For example, the insertion of a necessary definition or a commencement clause in a Bill which is otherwise a Money Bill will not thereby remove it from the category of Money Bills. Apart from the fact that a Money Bill can only be introduced in the Lok Sabha with the recommendation of the President, certain other considerations apply in relation to the passing of such Bills, which are discussed later.

(iii) Under Article 117(3), a Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill.

(iv) Under Article 274, no Bill which imposes or varies any tax or duty in which States are interested shall be introduced in either House of Parliament except on the recommendations of the President.

(v) Under Article 349, for a period of 15 years from the commencement of the Constitution, no Bill making provisions for the language to be used for any of the purposes mentioned in clause (1) of Article 348 shall be introduced in either House of Parliament without the previous sanction of the President.

(10) Whenever a Bill falls within one or the other of the categories aforesaid, it is for the Ministry in charge of the Bill to obtain such recommendation or previous sanction. No reference is made herein to the withholding of sanction or recommendation because such a contingency is not possible in relation to Government Bills. The order of the President granting sanction or recommendation to the introduction or consideration of the Bills has to be communicated to the Secretary General of the Lok Sabha or the Rajya Sabha, as the case may be, by the Minister in-charge in writing. (See Rule 68 of the Rules of Procedure and Conduct of Business in the Rajya Sabha), Rules 384 of the Rules of Procedure and Conduct of Business in the Lok Sabha requires that the communication by the Minister to the Secretary General of the Lok Sabha should be in the following form:



"The President having been informed of the subject-matter of the proposed Bill, Motion, demand for grant or amendment accords his previous sanction to the introduction of the Bill or the moving of the amendment or recommends the introduction of the Bill or the moving of the motion, demand for grant or amendment in the House or recommends to the House the consideration of the Bill."

A copy of the communication is also endorsed to the Ministry of Law and Justice.

(11) In the case of an amendment to a Bill, which under the Constitution cannot be moved without the previous sanction or recommendation of the President, the orders of the President granting or withholding such sanction or recommendation will be similarly obtained by the Administrative Ministry concerned and communicated under the signature of the Minister to the Secretary General of the Lok Sabha or the Rajya Sabha, as the case may be. A copy of the communication will also be endorsed to the Ministry of Law and Justice.

(12) The procedure ordinarily adopted for obtaining such recommendation or previous sanction is for the Ministry concerned to submit to the President a self-contained note on the subject together with a copy of the summary to the Cabinet and the decision of the Cabinet, and it may not be unusual for a copy of the Bill as drafted also to be submitted. The President, if satisfied endorses his recommendation or sanction on the file:

(13) The Rules or Procedure of either House of Parliament require that –

- a) A Bill involving expenditure shall be accompanied by a Financial Memorandum inviting particular attention to the clauses involving expenditure and giving an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law;
- b) Clauses or provisions in Bills involving expenditure from the Consolidated Fund of India shall be printed in thick type or in italics.
- c) A Bill involving proposals for delegation of legislative power shall be accompanied by a Memorandum explaining the proposals and drawing attention to their scope and stating also whether they are of a normal or exceptional character.
- d) A Bill seeking to replace an Ordinance shall be accompanied by a Statement explaining the circumstances which necessitated immediate legislation by ordinance.

[ See Rule 69,70 and 71 of the Rules of the Lok Sabha and Rules, 64,65 and 66 of the Rules of the Rajya Sabha].

(14) Financial Memoranda are prepared by the Ministries sponsoring the Bills and the Ministry of Finance, Department of Expenditure (if it is not the sponsoring Ministry) is always consulted at the appropriate stage. These Memoranda outline the objects on



which expenditure is likely to be involved, and furnish an estimate wherever possible of the annual expenditure.

(75) The Memoranda regarding delegated legislation have to be drawn with due care. While the practice of delegating law-making power is justifiable, Parliament would like to be satisfied that the delegated legislative power does not extend beyond these justifiable limits. In fact there is a Committee on Subordinate Legislation constituted by Parliament which scrutinizes and reports to the House whether the powers to make rules, regulations, bye-laws and such like subordinate legislation which are delegated by Parliament to other authorities are being properly exercised within the limits of such delegation. The normal type of delegated legislation could be characterized by the fact that the Units of the delegated power are clearly defined in the enabling Act itself and do not include such exceptional powers as the power to legislate on matters of principle or to impose taxation or to amend an Act of Parliament. The exceptional type embraces cases where the power just cited or where the powers given are very wide and their limits are almost impossible of definition or while limits are imposed, the control of the courts is needed. Parliament would ordinarily require that unless the subject-matter of a Bill is of a special nature, exceptional types of delegated legislative power should be confined within the narrowest possible limit.

(76) Rule 320 of the Rules of the Lok Sabha requires the Committee on Subordinate Legislation to examine every rule made by a delegated authority with a view to consider-

- i. Whether it is in accordance with the general objects of the Constitution or the Act pursuant to which is made;
- ii. Whether it contains matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;
- iii. Whether it contains imposition of any tax;
- iv. Whether it directly or indirectly bars the jurisdiction of the courts;
- v. Whether it gives retrospective effect to any of the provisions in respect of which the Constitution of the Act does not expressly give any such power;
- vi. Whether it involves expenditure from the Consolidated Fund of India or the public revenues;
- vii. Whether it appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
- viii. Whether there appears to have been unjustifiable delay in its publication or in laying it before Parliament; and
- ix. Whether for any reason its form or purport calls for any elucidation.

A draftsman, no doubt, would keep all the general principles involved in delegated legislation and Rule 320 in mind when drafting a Bill and therefore in most cases the legislative power is not likely to be of an exceptional character. In the very few cases where the delegated power is of an exceptional character, the Memoranda should take care to explain why it has to be so.



(17) Observance of other constitutional requirements – If legislation is being undertaken in pursuance of Article 249 or 312 or Article 252 of the Constitution, the Administrative Ministry will have to ensure that there is the necessary resolution of the Council of States or as the case may be, that the concerned State Legislatures have passed the necessary resolutions.

(18) Title showing arrangement of clauses- In the case of Govt. Bills containing more than 25 clauses, a title showing the arrangement of clauses is included at the beginning in order to facilitate references to the clauses in the Bill. A practice has also grown of late of annexing to amending Bills a copy of the provisions sought to be amended. Both the arrangement of clauses and the annex are prepared in the Ministry of Law and Justice.

(19) When all the foregoing formalities are completed, the Bill, together with its Memoranda and annexures, is sent by the Ministry of Law and Justice to the Government Press for printing and the proofs obtained are scrutinized by the draftsman/- provisions relating to the matters specified in sub-clause (a) to.....? partment and the Bill is then sent to Secretariat of the House concerned. Clauses or provisions in the Bill which involve expenditure from public funds will be printed in thick type or italics.

(20) Introduction and consideration of Bills in Parliament- The choice of the House in which a Bill (other than a Bill to which clause (1) of Article 117 applies) is to be introduced is often a matter of convenience depending upon the state of Parliamentary business. But more often than not, a Minister may feel that the subject-matter of the Bill of which he is in charge is of such a nature that the directly elected representatives of the people should first consider the measure and therefore the Bill should be introduced in the Lok Sabha. Article 109 and 117(1) of the Constitution prohibit the introduction in the Rajya Sabha of Money Bills, that is to say, Bills which contain provisions dealing with all or any of the matters specified in clause (1) of Article 110, and nothing else besides, and other Bills making provisions for any of the matters specified in sub-clause (a) to (f) of that clause along with other matters. Such Bills are generally referred to as Financial Bills. 2 Types:- Subject to the above restrictions, Bills may originate in either House of Parliament as stated above.

Apart from the fact that Money Bills cannot be introduced in the Rajya Sabha, the question whether a Bill is a Money Bill or not assumes importance with respect to matters of procedure. The Rajya Sabha does not “pass” such Bills. It only returns them to the Lok Sabha. The Rajya Sabha cannot make amendments in a Money Bill, its power being limited to making recommendations to the Lok Sabha in respect thereof. The time within which a Money Bill has to be returned by the Rajya Sabha is limited to 14 days (since the date it is received in the Rajya Sabha Secretariat) and if the Bill is not returned to the Lok Sabha with or without recommendations, within the time so limited, the Bill is deemed to have been passed by both the Houses. The Lok Sabha may or may not accept the recommendations made by the Rajya Sabha.

The question whether a Bill is a Money Bill or not is one of some complexity. The Speaker’s decision on the subject, however is final. Where a Bill is held by the



Speaker to be a Money Bill, he endorses a certificate to that effect both when the Bill goes to the Rajya Sabha and also when it is presented to the President for his assent.

[See Article 109 and 110(3) and (4)]

(21) When the question as to the House in which a Bill is to be introduced is settled, the Ministry of Law and Justice sends the proof copy of the Bill to the Secretariat of that House under an Office Memorandum signed by the Chief Draftsman, copies being endorsed to the Department of Parliamentary Affairs and to the Ministry concerned with the Bill. The former will fix the time and date for the introduction of the Bill in the House. The Bill from that moment passes to the control of that House and it is then the responsibility of the Secretariat of that House to take all further steps in connection therewith. A week/s time is generally required before a Bill can be ready for introduction after receipt of proof copies in the Parliament Secretariat.

(22) Procedure for obtaining copies of Bills- Ministries requiring additional printed copies of Bills as introduced should send their demand along with the requisition for work in the prescribed form, duly completed, to the Secretariat of the House concerned. This should be done well in time and, in any case, not later than the date on which the corrected proof of the relevant Bill is forwarded by the Ministry of Law & Justice to the Secretariat concerned, to enable the latter to consolidate the print order for issue to the printers. For this purpose, the originating Ministry may keep in touch with the Ministry of Law & Justice as regards the probable date of the transmission of the Bill to the Secretariat of the House concerned.

A similar procedure will be followed for obtaining copies of the reports of Select Committees or Joint Committees on Bills except that the order should be sent to the Secretariat of the House concerned not later than the date by which the report is scheduled to be presented.

The demand for copies of Bills as passed by both Houses of Parliament should be sent to the Secretariat of the House concerned in which the Bill is finally passed not later than the date of its passage.

The cost of printing the additional copies will be debited against the monetary allotment of the Ministry/Department concerned.

(23) Whenever a secret Bill is introduced in Lok Sabha/Rajya Sabha, an authenticated copy thereof bearing the signature of the Minister below the Statement of Objects and Reasons should be handed in at the Table of the House concerned at the time of introduction.

A Bill which is dependent wholly or partly upon another Bill pending before the Lok Sabha may be introduced in that House in anticipation of the passing of the Bill on which it is dependent. But the second Bill cannot be taken up for consideration and passing until the first Bill has been passed by Parliament and assented to by the President.

[See Rule 66 of the Rules of the Lok Sabha]



(24) The business of each of the two Houses is arranged by the Minister for Parliamentary Affairs and Bills are put down on the agenda for introduction on suitable days. The Minister in-charge of the Bill will also send to the Secretary General of the House concerned an intimation of his intention to move for leave to introduce the Bill, to move that the Bill be taken into consideration and also that the Bill be passed. Similar intimation is to be sent to the Secretary General of the other House after the Bill has been passed in one House and transmitted to the other.

Whenever a Bill is proposed to be referred to Select or Joint Committee on Government motion, notice will be sent to the Secretary General of the House concerned accordingly. The Minister in the administrative Ministry will consult the Minister for Parliamentary Affairs for names of Members to be associated with the Select/Joint Committee. These names are usually mentioned at the time of making the motion in the House concerned.

On the specified day, the Minister-in-charge of the Bill moves a motion for leave to introduce the Bill. If the leave is granted by the House, the Bill is introduced. This stage is known as the First Reading of the Bill. If a motion for leave to introduce a Bill is opposed, the Speaker may, in his discretion, allow a brief explanatory statement to be made by the member-in-charge and the member who opposes the motion. Thereafter without further debate, he may put the question to the vote of the House. A member can also raise a point at this stage that the Bill initiates legislation outside the legislative competence of the House. If a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion on it. As soon as may be after the Bill has been introduced, it is published in the Gazette of India; but it is possible for a Bill to be published earlier in the Gazette of India if the Speaker of the Lok Sabha or the Chairman of the Rajya Sabha, as the case may be, on a request being made to him, order the publication of the Bill in the Gazette before any motion is made in either House in respect thereof. In such a case it is not necessary to move a motion for leave to introduce the Bill or to publish it again in the Gazette. When a Bill is introduced in one House, copies of the Bills are circulated to the members of the other House also more or less simultaneously.

[See Rules 64,72 and 73 of the Rules of the Lok Sabha and Rule 61 of the Rules of the Rajya Sabha].

(25) There is a Committee of the Cabinet called the Parliamentary and Legal Affairs Committee which decides questions of priority relating to Bills, and once it is known that certain Bills are likely to come up for any kind of consideration, the Business Advisory Committee composed of members of the House concerned allot time for each of the Bills and every attempt is made by the House to adhere to the time schedule.

(26) After copies of the Bill have been made available for the use of members for two days before the day on which the Bill is to be taken into consideration, the Minister-in-charge/- to make one of the following motions in respect of the Bill, namely:-



- i. That it be taken into consideration; or
- ii. That it be referred to a Select Committee of the House; or
- iii. That it be referred to a Joint Committee of both the House with the concurrence of the other House; or
- iv. That it be circulated for the purpose of eliciting public opinion thereon.

No such motion can be made until after the copies of the Bill have been made available for the use of members for 2 days before the day on which the motion is made.

[See Rule 74 of the Rules of the Lok Sabha and Rule 69 of the Rules of the Rajya Sabha the former Rule incidentally further provides that no motion for a Joint Committee can be made in respect of a Money Bill or a Financial Bill].

When any of the above motions is moved, the principles of the Bill and its provisions are discussed generally but the details of the Bill cannot be discussed further than is necessary to discuss the general principles underlying the Bill. No amendments are moved at that stage. But if the Minister-in-charge moves that the Bill be taken into consideration, any member may move an amendment that it be referred to a Select Committee or a Joint Committee or that it be circulated for eliciting public opinion. When a Bill is circulated for public opinion. When a Bill is circulated for public opinion the next motion to be made after obtaining public opinion is generally for reference to a Select Committee or a Joint Committee. It is not permissible in such a case to move a motion for consideration of the Bill unless the Speaker allows such motion to be made.

(27) If a Bill is referred to a Select Committee or a Joint Committee, the draftsman who prepared the Bill attends all meetings thereof and is responsible for revising the Bill in the light of the decisions taken at the meetings of the Committee. Although not a member of the Committee, the draftsman is often permitted to take part in the proceedings thereof when legal issues are involved. The procedure followed in the Select Committee is as far as practicable, the same as that followed in the House during the consideration stage of a Bill. For instance, amendments of the nature referred to in Article 117(1) require the recommendation of the President before they can be moved in a Select Committee, and such recommendation should be communicated to the Secretary General of the House concerned.

A record of decisions taken by the Committee is maintained in the Lok Sabha/Rajya Sabha Secretariat and is circulated to members of the Committee soon after each meeting. The Committee has power to take evidence of associations, public or experts who are interested in the measure, to examine witnesses or to call for documents, and is required under the rules to present its report with the Bill as amended by it to the House appointing it within the time fixed in that behalf and if no time is fixed by the House, within 3 months from the on which the motion for reference to the Select Committee was adopted. In the case of a Joint Committee, the report is presented to both the Houses. Although till recently the reports of Committees were also prepared by the



draftsman, the present practice is for the Secretariat of the House concerned to take charge of the preparation of the reports but from the very nature of things, that Secretariat works in close collaboration with the draftsman in drawing up the reports. Thereafter, the report and the Bill are published in the Gazette of India. The minutes of the various meetings are also appended to the copies of the report and the Bill as circulated to the members of the House.

(28) After the presentation of the report to Parliament, the member-in-charge may move that the Bill as reported by the Select or Joint Committee be taken into consideration or that the Bill be recommitted, or that it be re-circulated for the purpose of obtaining public opinion or further public opinion as he may decide.

[See Rule 77/93 of the Rules of the Lok Sabha/Rajya Sabha].

(29) When a Bill (whether it has been examined by a Select Committee or a Joint Committee or otherwise) comes up before either House for consideration, it is in its Second Reading stage, and it is now open to the members of the House to move amendments. Every clause is subject to amendment at this stage but in order to save time and repetition of arguments, a single discussion may be allowed to cover a series of inter-dependent amendments. Rule 80 of the Rules of the Lok Sabha and Rule 96 of the Rules of the Rajya Sabha govern the admissibility of the amendments. Broadly speaking, they should be within the scope of the Bill and relevant to the subject-matter of the clause to which they relate. For example, where a Bill seeks to amend certain Sections of existing Act, it is not correct to move an amendment to a Section which is not covered by the amending Bill. Amendments which fall within Article 117(1), 274(1), and 349 are subject to the same restrictions with regard to the recommendations or previous sanction of the President as Bills falling within these Articles are, except that, where the amendment is for the purpose of reducing or abolishing any tax, no recommendation of the President is necessary.

It has been ruled that an amendment to a Finance Bill as returned by a Select or Joint Committee which has the effect of restoring the rates originally proposed in the Bill before their reduction by the Committee, will not require the recommendation of the President under Article 117(1). Again, the expression "tax or duty in which States are interested" occurring in Article 274 (1) in relation to an amendment to a Bill providing for the variation of any such tax or duty has been construed to mean any existing tax or duty and therefore where an amendment sought to reduce a tax or duty which was being imposed for the first time by the Bill, no recommendation of the President would be necessary. But if the effect of such an amendment is to increase the tax or duty albeit that such tax or duty is being imposed for the first time, to the extent to which the amendment seeks to increase the tax or duty, it would be an imposition and hence Article 274(1) would apply and the recommendation of the President would be necessary.

There are rules relating to notice of amendments which are designed with a view to giving the Minister concerned an opportunity of considering the amendments administratively or politically, and also to consult the draftsman. The draftsman is also



generally available in the Official Gallery or Lobby during the progress of any Bill that he has drafted.

The consideration of the schedule or schedules, if any, shall follow the consideration of the clauses. Clause one, the Enacting Formula, the preamble, if any, and the Title of a Bill shall stand postponed until the other clauses and schedules have been disposed of.

(30) The last motion in respect of the Bill is that it be passed with or without amendment, as the case may be. This motion is not usually moved on the same day on which the consideration of the Bill is concluded if the Bill has undergone amendments. This is the Third Reading stage. Discussion at this stage is confined to arguments either in support of the Bill or for its rejection without referring to the details thereof, further than is absolutely necessary. Only verbal amendments are allowed at this stage. (Rule 94 of the Rules of the Lok Sabha). As soon as a Bill is passed by one House, it is transmitted to the other House for concurrence with a message to that effect. Under Article 107 of the Constitution, a Bill is deemed to have been passed by both Houses if it has been agreed to by them, either without amendment or with such amendments only as are agreed to by both Houses and Article 108 provides for a joint sitting of both Houses in certain cases for resolving differences while Article 109 prescribes a special procedure for Money Bills.

(31) Withdrawal of Bill- The member-in-charge of a Bill may at any stage, with the leave of the House, withdraw the Bill. In such cases a statement giving the reasons for the withdrawal is circulated to the members sufficiently in advance and for that purpose the requisite number of copies of the relevant note are forwarded to the Secretary General of the House concerned at least 5 days in advance of the date on which the motion is sought to be moved. A Bill may also be removed from the Register of Bills pending in the House in the circumstances specified in Rule 112/120 of the Lok Sabha/Rajya Sabha.

[Rule 110/118 of the Rules of the Lok Sabha/Rajya Sabha].

(32) Procedure in case of disagreement between two Houses- If a Bill passed by one House is not agreed to by the other and there is a deadlock, the President may call for a joint sitting of the two Houses to resolve the deadlock. If at the joint sitting of the Houses, the Bill is passed by a majority of the total number of members of both the Houses present and voting, with the amendments, if any, accepted by them the Bill is considered to have been passed by both the Houses.

This provision does not apply to Money Bills. In regard to these Bills, the Lok Sabha has got the exclusive power to legislate and the Rajya Sabha can only delay them by a fortnight. It is open to the Lok Sabha to accept or not any of the recommendations of the Rajya Sabha with regard to a Money Bill. A Money Bill shall not be introduced in the Rajya Sabha and prior consent of the President is required to introduce it in the Lok Sabha.



(33) Correction of patent errors in Bills- When a Bill (other than a Money Bill) has been passed by both Houses, the Secretariat of the House last in possession of the Bill sends a copy thereof as passed to the Ministry of Law and Justice, which will scrutinize and point out mistakes in the Bill, if any, relating to printing, spelling, punctuation, numbering of sections or clauses, or cross-references and marginal headings. Under a rule made in this behalf, both the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha have power to correct patent errors and make such other changes in the Bill as are consequential on the amendments accepted by the House.

[See Rule 95 of the Rules of the Lok Sabha and Rule 108 of the Rules of the Rajya Sabha].

(34) President's assent- The Bill will then be reprinted by the Secretariat of the House concerned with the subscription "As passed by the Houses of Parliament". That Secretariat will thereafter send to the Secretary to the President, through the Ministry of Law and Justice, two assent copies of the Bill, together with a spare copy with the endorsement of the Speaker of the Lok Sabha or the Chairman of the Rajya Sabha, as the case may be, certifying that the Bill has been passed by the Houses of Parliament, for the assent of the President.

Whenever a Bill passed by a Parliament is required to receive President's assent before a particular date the Secretariat of the Lok Sabha or the Rajya Sabha (as the case may be), the Ministry of Law and Justice and the Department of Parliamentary Affairs should be advised to that effect in good time to ensure timely action in the matter. There shall be endorsed on every Money Bill when it is presented to the President for assent the certificate of the Speaker signed by him that it is a Money Bill.

Acts are normally published in a Gazette of India Extraordinary on the day on which they are assented to. The date on which the President's assent is given is intimated to the Administrative Ministry by the Ministry of Law and Justice. One copy of the Bill bearing the President's signature is retained in the Ministry of Law and Justice and the other copy is returned to the Secretariat of the House concerned. The President's Secretariat retains the spare copy. Copies of Acts will also be forwarded by the Ministry of Law and Justice to all the State Governments for publication in Gazettes of State Governments.

(35) Printing of copies of Acts for sale- The Ministry of Law and Justice will take steps to have copies of the Act reprinted in suitable form for sale to the public.

(36) Translation of Acts in Hindi and regional languages- The Ministry of Law and Justice will take steps to have the Act translated into Hindi (Devnagari script) and to have the translation placed on sale. State Governments will be informed when an Act is being translated. Translation into regional languages will be arranged for by the State Governments if so desired by them



16. Procedure for Financial Bills- The Constitution divides Bills containing financial provisions into several categories with different incidents. The main division is into 'Money Bills' and 'Other Financial Bills'.

(1) Special Procedure in respect of a Money Bill- The following special procedure shall be adopted in respect of a Money Bill:-

- i. It must deal exclusively with any of the matters specified in sub-clauses (a) to (f) of clause(1) of Article 110 of the Constitution.
- ii. It shall be introduced in the Lok Sabha
- iii. It cannot be introduced except on the recommendation of the President.
- iv. When a Money Bill has been passed by the Lok Sabha and it is transmitted to the Rajya Sabha for its recommendations, the Speaker of the Lok Sabha shall sign the certificate that the Bill is a Money Bill.
- v. The Rajya Sabha, shall within a period of fourteen days from the date of its receipt, return the Bill to the Lok Sabha with its recommendations. The Lok Sabha may either accept or reject all or any of the recommendations of the Rajya Sabha.
- vi. If the Lok Sabha accepts any of the recommendations of the Rajya Sabha, the Money Bill shall be deemed to have been passed by both Houses with the amendments recommended by the Rajya Sabha and accepted by the Lok Sabha.
- vii. If the Lok Sabha does not accept any of the recommendations of the Rajya Sabha, the Bill shall be deemed to have been passed by both the Houses in the form in which it was originally passed by the Lok Sabha.
- viii. If the Rajya Sabha does not return a Money Bill within the specified period of fourteen days of the receipt of the Bill. The Bill shall be deemed to have been passed by both the Houses at the expiry of the aforesaid period in the form in which it was passed by the Lok Sabha.
- ix. When the Bill is presented to the President for assent, the Speaker of the Lok Sabha shall sign the certificate that it is a Money Bill.

(2) Powers of the Rajya Sabha over a Money Bill- When a Money Bill is received by the Rajya Sabha Secretariat, the only courses open to it are:-

- i. To return the Bill without amendments; or
- ii. To return it with suggestions for amendments; or
- iii. To withhold it for a period of fourteen days.

(3) Other Financial Bills- (a) If a Bill contains provisions relating to different matters of which some fall within any of the sub-clauses(a) to (f) of clause (1) of Article 110 Constitution it is deemed to be an 'Other Financial Bill'.



(b) These Bills fall under several categories:-

Bills which provide for any of the matters enumerated in sub-clauses (a) to (f) of clause (1) of Article 110 of the Constitution but which do not consist solely of those matters, e.g. a Bill which contains a taxation clause but which does not deal solely with taxation.

Procedure in respect of such Bills-

- i. They shall not be introduced in the Rajya Sabha.
- ii. They shall not be introduced except on the recommendation of the President.
- iii. The Rajya Sabha has full power to reject or amend such Bills as in the case of non-financial Bills.
- iv. Such Bills have to be passed in the Rajya Sabha through three readings like ordinary Bills.
- v. In case of a final disagreement between the two Houses over such a Bill, the President may summon them to meet in a joint sitting.

Amendments to such Bills-

(a) Amendments requiring recommendation of the President- The following amendments shall require sanction of the President before they are introduced in the Lok Sabha.

- i. When a Bill proposes to levy a tax for a particular period, an amendment to extend the operation of the tax indefinitely.
- ii. An Amendment that the proceeds from the duty proposed in the Bill shall not be carried to the Consolidated Fund of India but shall be appropriated for other purposes.
- iii. An amendment for transferring one item from one part of the Schedule to a Finance Bill to another which has the effect of increasing the duty.

(b) Amendments not requiring recommendations of the President-

The following amendments shall not require sanction of the President before their introduction in the Lok Sabha:-

- i. An amendment which seeks to reduce or to abolish a tax.
- ii. An amendment which seeks to increase the tax proposed in the Bill not beyond the limits of an existing tax.

Examples:-



- a) Where a Financial Bill proposed to remove an existing duty, an amendment for the deletion of that clause which seeks to abolish the duty can be moved without the President's recommendation, though the apparent effect of the amendment would be to increase taxation.
- b) An amendment which seeks to increase the rate of an existing tax requires recommendation of the President. But an amendment seeking to increase the rate of duty in one particular case but reducing it in another so that the total effect of the amendment would be to reduce the tax, may be moved without the sanction of the President.

#### II. Bills providing for-

- i. The imposition of fines or other pecuniary penalties;
- ii. The demand or payment of fees for licences or fees for services rendered;
- iii. The imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

Though such Bills contain financial provisions, they are treated as ordinary Bills.

#### Explanation:-

- a) Pecuniary penalty means any sum of money recoverable in a summary manner, e.g. a provision in a Bill that if anybody does an act declared to be illegal, he must pay a certain penalty per day.
- b) Forfeiture of property is not a pecuniary penalty.

#### Procedures in respect of such Bills-

- i. They may be introduced in either House.
- ii. They do not require any recommendation from the President.
- iii. They may be rejected or amended by the Rajya Sabha in the ordinary manner.
- iv. Amendments to such Bills are not subject to special provisions relating to Money or Financial Bills.

III. Bills involving expenditure- These are ordinary Bills which may contain provisions which, if passed would involve expenditure from the Consolidated Fund of India. These Bills are confined only to monetary charges and not to any other burden on the national revenue or finance. If the expenditure is already authorized by an existing law, and a Bill simply enables such expenditure being made for the purpose and within the amount authorized by the existing law, such a Bill would not come within the purview of this clause. For example, where there is already an Act which authorizes the making of advances for certain purposes up to a certain amount and subsequently a Bill is brought for sanctioning the advance for a particular purpose within the scope of the existing enactment, the Bill cannot be said as involving expenditure, for the expenditure



already authorized by Parliament. If, however, the money is sought to be diverted to a new purpose, the Bill will be said as involving expenditure.

Procedure in respect of such Bills –

- i. They may be initiated in either House.,
- ii. The Rajya Sabha has full power to reject or amend them.
- iii. Such Bills shall not be passed in either House unless the President has recommended the consideration of such Bills.

Explanation- It should be noted that such recommendation is not a Condition precedent to the introduction of such a Bill. It may be introduced without the recommendation of the President, and it would be in order if the recommendation is obtained before moving the motion for consideration of the Bill.

iv. No recommendation of the President is required for moving an amendment involving or increasing expenditure. If, however, an amendment involving expenditure is carried, in a Bill which did not previously receive the President's recommendation, such recommendation will be required before the Bill as amended, is passed by the House.

iv. If a Bill does not seek to effect 'appropriation' in the technical sense, but merely imposes liability on the Government, it may be introduced without the President's recommendation and it may be passed provided the recommendation is obtained before consideration.

III. Difference in procedure between an ordinary Bill and a Bill to amend the Constitution- The distinction between an ordinary Bill and a Bill to amend the Constitution is as follows:-

- 1) Subject to the provision of Article 368 of the Constitution, a Bill amending the Constitution is to be passed by the Parliament in the same way as an ordinary Bill. A Bill amending the Constitution may be initiated in either House of Parliament but a special majority is prescribed for its passage. After it is passed by each House by majority of the total membership of that House and by a majority of not less than two-thirds of the members of the House present and voting, it is presented to the President for his assent.
- 2) A private member cannot introduce a Bill seeking to amend the Constitution in the same way as any other Bill. While in the case of ordinary Bill he can move for leave to introduce a Bill of which he has given notice of one month in advance (unless the Speaker has waived the period by which the notice has fallen short), at the commencement of the private members' business on a bills day, he has to wait for the report of the Committee on Private Members' Bills and Resolution on a Bill seeking to amend the Constitution of which he may have given notice before he can be permitted to move such a motion.



3) If such a Bill seeks to amend any of the provisions of the Constitution relating to the federal structure e.g.

- i. The manner of election of the President,
- ii. Extent of the executive power of the Union and the state,
- iii. The Supreme Court and the High Courts,
- iv. Distribution of legislative powers between the Union and the States,
- v. Any of the Lists in the VII Schedule,
- vi. Representation of States in Parliament,
- vii. Procedure for amendment of the Constitution,

It must after passage by each House of Parliament by a majority of the total membership of the House and by a majority of two-third members present and voting be ratified by the legislatures of not less than one-half of the States before it is presented to the President for his assent.

18. Procedure regarding non-official Bills- (i) Whenever a Private Member of Parliament gives notice, in accordance with the provisions of the Rules of Procedure and conduct of Business in the Houses of Parliament, of his desire to move for leave to introduce a Bill, the Secretariat of the House concerned sends a copy of the notice together with a copy of the Bill and Statement of Objects and Reasons to the Ministry to which the subject belongs.

(ii) The Ministry concerned will consult the Ministry of Law and Justice as to the competence of Parliament to enact the measure.

(iii) The policy of Government in relation to the Bill shall be officially settled in the Ministry to which the subject belongs with the approval of Parliamentary and Legal Affairs Committee of the Cabinet.

(iv) Bills in respect of which notices of motion for leave to introduce have been given by Private Members shall be entered in the List of Business for the day allotted for Private Members' Bills as first item for the purposes of introduction in the order in which the notices of motions have been received in point of time.

(v) Private Members' Bills which have already been introduced and are pending before the House and in respect of which members wish to proceed on the days allotted for the disposal of Private Member' Bills will be classified by the Committee on Private Members' Bills and Resolutions as Category 'A' and Category 'B'. Bills classified as Category 'A' shall have precedence over Bills classified as Category 'B' and the relative precedence of Bills under each of these categories will be determined by ballot held separately. Where Bills have not been so classified by the Committee the relative precedence of such Bills will be determined by ballot in accordance with such directions as the Speaker/Chairman may give therefore.



(vi) Notices of next motions in respect of Bills mentioned in sub-paragraph(v) above should be given sufficiently in advance to allow of their relative precedence being determined by ballots.

Full particulars in connection with these ballots are intimated to members in sufficient time before hand.

19. **Ordinances and Regulations-** The procedure described above (except in so far as it relates to anything to be done in Parliament) applies also, generally speaking, to the drafting of Ordinances which may be promulgated by the President under Article 123 of the Constitution. Once the draft of the Ordinance is settled, a printed copy thereof is obtained. The Ministry of Law and Justice then submits it to the President for his signature through the Minister in charge of the administrative Ministry. The President's Secretariat returns the signed copy of the Ordinance to the Ministry of Law and Justice for promulgation and the Ordinance is then promulgated and published in the Gazette of India. The Ministry of Law and Justice will inform the Ministry concerned as to promulgation or making of the Ordinance so as to enable the Ministry to take further action in the matter. Copies of Ordinances are also forwarded to all the State Governments for publication in State Gazettes.

The same procedure is followed in the case of Regulations made by the President under Article 240 except that in such cases Regulations are submitted for the signature of the President through the Minister of Home Affairs.

Rules 71 of the Rules of the Lok Sabha requires that whenever a Bill seeking to replace an Ordinance is introduced in the House, a statement shall be placed before the House along with the Bill explaining the circumstances which necessitated immediate legislation by Ordinance. Similarly, whenever an Ordinance which embodies wholly or partly the provisions of any Bill pending before the House is promulgated, a statement explaining the circumstances which necessitated immediate legislation by Ordinance shall be laid on the Table of the House at the commencement of the session following the promulgation of the Ordinance.

20. **Legislation in respect of Union Territories.** Under the provisions of certain Sections of the enactments relating to Union Territories, the Central Government is competent to extend, by a notification in the official gazette, any State enactment with or without modification, to the Union Territories concerned. All proposals for such extension will be dealt with in the Ministry of Home Affairs who will examine them in consultation with the Ministry of Law & Justice and other Ministries concerned and then place them before the appropriate Advisory Committee.

The Administrative Ministries, will, however consult the Ministry of Home Affairs at the earliest possible stage to enable the latter to express their views as regards the desirability of undertaking the proposed legislation, the principle or principles involved therein and the substance of the more important provisions proposed. Thereafter, the administrative Ministry concerned will prepare the draft Bill in



consultation with the Ministry of Law and Justice and the other Ministries, etc. concerned and send the final draft to the Ministry of Home Affairs for being placed before the appropriate Advisory committee. As soon as the matter has been considered by the Advisory Committee, the administrative Ministry will take suitable steps to obtain the approval of the Cabinet and introduce and process the proposed legislation in Parliament in accordance with the procedure described above.

21. *Subordinate Legislation* - Each regulation, rule, sub-rule, by-law, etc., framed in pursuance of the provisions of the Constitution or of the legislative functions delegated to Parliament to a subordinate authority, which is required to be laid before Parliament should be numbered centrally and published in the Gazette of India immediately after its promulgation. Whenever it is proposed to lay such papers on the Table of the Houses of Parliament, the following information should invariably be supplied to the Secretariat of the House concerned:-

- (i) Brief purport of the notification or paper to be laid on the Table.
- (ii) Statutory or other requirement under which the paper is to be laid on the Table.
  - (a) In case of Central Government notification, details of the Act and section which provides for laying should be clearly stated.
  - (b) In the case of State Government notification the provisions in the State Act for laying it on the Table should be reproduced.
- (iii) Whether published in the Gazette and if so,
  - (a) G.S.R./S.O./S.R.O. number of notification published in the Gazette ; and
  - (b) Date and part and section of the Gazette.
- (iv) Whether subject to modification by the House.
- (v) Period specified in the principle Act for which it is required to be laid.
- (vi) Whether Hindi or English version of the document has been previously laid on the Table of House and if so, on what date.
- (vii) Date on which proposed to be laid on the Table (Normally two clear days' notice should be given).

22. *Notice of Government Amendments to Bills, Resolutions or other Motions.*- Under the rules of Procedure, notices of amendments to Bills, resolutions or other motions are required to be given at least one day before the day on which the Bill, resolution or motion, as the case may be, is due to be considered. This requirement should be strictly adhered to by Ministries in respect of notices of Government amendments. In a special case, however, when it is not possible to give timely notice of an amendment, the reasons for waiving the period of notice may be stated when sending the notice of amendment for the consideration of the Speaker.



*Scrutiny of Record of Proceedings in Parliament.* - (1) On receipt in the Ministry of the record of the proceedings in Parliament, it will be examined to see

- (a) whether any promises, assurances or undertakings have been given on the floor of the House; and
- (b) whether there are any points in the replies to supplementary questions or in other parts of the proceedings which require elucidation or amendment.

*Assurances in Parliament* - If during the course of a reply given to Question or a discussion, a Minister gives an undertaking which involves further action on the part of the Government in reporting back to the House, it is called an Assurance.

(1) A standard list of such expressions which normally constitute an assurance is given below:-

- (i) The matter is under consideration.
- (ii) I shall look into it.
- (iii) Enquiries are being made.
- (iv) I shall inform the Honourable Member.
- (v) This is primarily the concern of the State Govt., but I shall look into it.
- (vi) I shall write to the State Government concerned.
- (vii) I assure the house that all suggestions made by Honourable Member will be carefully considered.
- (viii) I shall study the conditions on the spot during my tour.
- (ix) I shall consider the matter.
- (x) I will consider it.
- (xi) I will suggest to the State Governments.
- (xii) We shall put up the matter in the shape of a resolution.
- (xiii) I shall see what can be done about it.
- (xiv) I shall look into the matter before I can say anything.
- (xv) The suggestion will be taken into consideration.
- (xvi) The matter will be considered at a conference to be held on-
- (xvii) The matter is still under examination and if anything is required to be done, it will certainly be done.
- (xviii) The matter will be taken up with govt. of ---
- (xix) I have no information but I am prepared to look into the matter.
- (xx) Efforts are being made to collect the necessary data.
- (xxi) The suggestion made will be borne in mind while framing the rules.
- (xxii) If the Hon'ble Member so desires, I can issue further instructions.
- (xxiii) Copy of the report, when finalised, will be placed in the library of the House.
- (xxiv) I shall supply it to Hon'ble Member.
- (xxv) I think it can be done.



- (xxvi) If the Hon'ble Member's allegation is true, I shall certainly have the matter gone into.
- (xxvii) We shall have to find that out.
- (xxviii) I will draw the attention of the Government who I hope will take adequate steps in this direction.
- (xxix) It is a suggestion for action which will be considered.
- (xxx) All the points raised by various Members will be considered and the result will be communicated to each Member.
- (xxxi) Information is being collected and will be laid on the Table of the House.
- (xxxii) 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 assurances.

(2) When an assurance is given by the Minister, it is extracted by the Department of Parliamentary Affairs from the relevant proceeding and communicated to the Department concerned. If the administrative Department has any objection to treat such an item as an assurance or finds that it would not be in public interest to fulfil it, it will write to the Department of Parliamentary Affairs within a week of the receipt of such communication for getting it deleted from the list of assurances. Alternatively, if it finds that it is not possible to fulfil the assurance within the stipulated period of 3 months, it will seek an extension of time from the Committee on Government Assurances through the Department of Parliamentary Affairs as soon as the need for such an extension becomes apparent indicating the reasons for delay and the probable additional time required. In either case, prior approval of the Minister will be obtained.

(3) The particulars of every assurance will be entered by the Parliament Unit in a Register. Thereafter, the assurance will be passed on to the concerned section.

Each section will take prompt action even before the receipt of the communication from the Department of Parliamentary Affairs to fulfil such an assurance and keep a watch thereon in a register.

The Section Officer incharge of the Section will scrutinise the register once a week with a view to ensure that necessary follow up action is taken without any delay and 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 the assurances which are not likely to be implemented within a period of three months.

Separate registers will be maintained for assurances in Lok Sabha and Rajya Sabha, entries therein being made sessionwise.

The Branch Officer will like-wise keep his higher officers and Minister informed of the progress made in the implementation of assurances drawing their special attention to cases of delay.



(4) Every effort will be made to fulfil the assurance within the prescribed time. In case only part of the information is available and the collection of remaining information would involve considerable time, the available information will be supplied to the Department of Parliamentary Affairs within the prescribed time. Efforts will continue for the expeditious collection of the prescribed proforma will be sent to the Department of Parliamentary Affairs.

(5) Information to be supplied in partial or complete fulfilment of an assurance will be approved by the Minister concerned and 12 copies each thereof in Hindi as well as in English in the prescribed proforma will be sent to the Department of Parliamentary Affairs.

(6) The Department of Parliamentary Affairs after scrutinising the information will arrange to lay it on the table of the House, a copy will be forwarded by the Department to the Member as well as the Department concerned. Parliament unit and the section concerned will, on the basis of this statement make suitable entries in their registers of the assurances having been fulfilled.

(7) Each House of Parliament has a Committee on government Assurances nominated by the Presiding Officer which scrutinise the nature of and the time taken in the fulfilment of assurances and focusses attention on the delays and other significant aspects, if any, pertaining to them.

The reports of the above two committees are scrutinised by the Department of Parliamentary Affairs which takes up the matter with the concerned Department for remedial action wherever called for.

25. *Limitations on the power of Parliament in financial matters.* - The Constitution has imposed some limitations upon the powers of the Parliament in financial matters. These limitations may be summarised as below:-

- (i) No demand for a grant shall be made except on the recommendation of the President.
- (ii) No Bill or amendment relating to a financial matter shall be introduced except on the recommendation of the President.
- (iii) Any Bill which would involve expenditure shall not be passed unless the President has recommended it.
- (iv) No amendment shall be proposed to an Appropriation Bill which would have the effect of (a) varying the amount or altering the destination of any grant or (b) varying the amount charged on the Consolidated Fund.
- (v) No Bill or amendment which imposes or varies any tax or duty in which the States are interested or which imposes, any such surcharge as is



mentioned in Art.271\* shall be introduced or moved in either House of Parliament except on the recommendation of the President.

**Parliamentary Committees.** - A Parliamentary committee is a Committee which is appointed or elected by the House or nominated by the Speaker. It works under the direction of the Speaker, presents its report to the House or to the Speaker and the Secretariat for it is provided by the Lok Sabha Secretariat. The names, methods of constitution and the functions of some of the Standing Committees of the Parliament are given below:-

(1) **The Public Accounts Committee.** - It is a recognised provision in the financial systems of countries enjoying responsible Government that there should be a review of transactions after the budget proposals have been executed. It is clearly useless to give to the Legislature the power of voting money for a particular purpose unless the Legislature is assured that the money is spent by the Executive for the purpose for which it was voted. This control is ensured by the provision of audit of public accounts by an independent statutory authority - the Comptroller and Auditor General and the subsequent examination of his report by the Public Accounts Committee.

The Comptroller and Auditor General examines the annual accounts and submits a report to the Parliament on the examination made. The examination of this report is entrusted to a special Committee of the House, designated as the Public Accounts Committee. The examination is important to ensure that a vote of Parliament has not been avoided by the Executive by adjusting expenditure in excess of grant to another vote where a saving has accrued. This review completes the cycle of control to make the authority of the House over expenditure effective. The provision for the examination of the report by a Committee of the House has been made because Parliament can hardly spare the time necessary for the detailed scrutiny. It is also a technical examination which best be undertaken by a Committee.

The Public Accounts Committee consists of not more than 22 members (15 from the Lok Sabha and 7 from the Rajya Sabha) who are elected by both the Houses of Parliament every year from amongst their Members. The term of office of members is one year. A Minister cannot, however, be appointed to be a member of the Committee.

Art.271 lays down that Parliament may at any time increase any of the following duties or taxes or surcharge for purposes of the Union and the whole proceeds of any such surcharge shall form part of the Consolidated fund of India:-

- 1. Duties in respect of succession to property other than agricultural land.
- 2. Estate duty in respect of property other than agricultural land.
- 3. Terminal taxes on goods or passengers carried by Railway, Sea or air.
- 4. Taxes on railway fares and freights.
- 5. Taxes other than stamp duties on transactions in stock exchanges and future markets.
- 6. Taxes on the sale or purchase of newspapers and on advertisements published therein.
- 7. Taxes on the sale or purchase of goods other than newspapers, where such sale or purchase takes place in the course of inter-state trade or commerce.
- 8. Taxes on income other than agricultural income.



The Chairman of the Committee is appointed by the Speaker, from amongst the members of the Committee; if, however, the Deputy Speaker is a member of the Committee, he is appointed Chairman of the Committee.

The present charter of the Committee as embodied in the Rules of Procedure and Conduct of Business, is to satisfy itself:

- (i) that the money shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged;
- (ii) that the expenditure conforms to the authority which governs it; and
- (iii) that every reappropriation has been made in accordance with the provisions made in this behalf under rules framed by the competent authority.

It is also the duty of the Public Accounts Committee:

- (i) to examine in the light of the report of the Comptroller and Auditor General the statement of accounts showing the income and expenditure of state corporations' trading and manufacturing schemes concerns and projects;
- (ii) to examine the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies, the audit of which may be conducted by the Comptroller and Auditor General either under the directions of the President or by a statute of Parliament; and
- (iii) to consider the report of the Comptroller and Auditor General in cases where the President may have required him to conduct an audit of any receipts or to examine the accounts of stores and stocks.

The aim of the Committee is:-

- (i) to ensure that money is spent as Parliament intended;
- (ii) to ensure the exercise of due economy and to draw attention to cases of waste, extravagance, losses and nugatory expenditure;
- (iii) to ensure that a high standard of public morality in all financial matters is maintained.

If any money has been spent on any service during financial year in excess of the amount granted by Parliament for that purpose, the committee examines, with reference to the facts of each case the circumstances leading to such an excess and makes such recommendations as it may deem fit.



Although the committee has no power to compel any administrative action to be taken on its observations, this has not affected the effectiveness of the Committee's recommendations. The Committee's power is indirect and lies in the potential results of its reports and publicity which it is able to give to the questions it investigates and in the moral effect of its criticism. The Committee has entirely fulfilled the expectation that it should develop into a powerful force for controlling public expenditure.

(2) *Estimates Committee.* Parliamentary control over national expenditure can be fully effective only when it is comprehensive in its scope and character. It is not sufficient to ensure that the appropriations have been utilised economically and prudently and within the grants and for the purposes approved; it is equally necessary to provide for a detailed examination of the estimates presented to the House to secure possible economies in the execution of plans and programmes.

For achieving the latter objective, a Committee on Estimates is appointed to examine such of the estimates as may deem fit to the Committee or are specifically referred to it by the House or the Speaker, and to suggest economies consistent with the policy underlying the estimates.

The Estimates Committee consists of not more than 30 members, who are elected by the Lok Sabha every year from amongst its members. The term of office of members is one year. A Minister cannot, however, be appointed to be a member of the committee. The Chairman of the Committee is appointed by the Speaker from amongst the members of the Committee; if, however, the Deputy Speaker is a member of the Committee, he is appointed Chairman of the Committee.

Defining the functions of the committee, Dr. John Mathai, the then Finance Minister, stated that the Estimates Committee would work as a continuous Economy Committee. As Shri Ashok Chanda has put it, "the real business of the Estimates Committee would be, excepting the policy and the objectives of Government with which it was not concerned, to suggest how this policy and its objectives could be carried out with the least expenditure of public funds".

The aim of the Committee is:

- (i) to exert a healthy influence on and regulate the course of public expenditure; and
- (ii) to act as a deterrent to extravagance in public expenditure by instilling the fear that the expenditure of the Government and of various departments would be examined in detail by an independent authority.



The functions of the Committee as specified in the Rules of Procedure and Conduct of Business are:

- (i) to report what economies, improvements in organisation, efficiency or administrative reforms, consistent with the policy underlying the estimates, may be effected;
- (ii) to suggest alternative policies in order to bring about efficiency and economy in administration;
- (iii) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and
- (iv) to suggest the form in which the estimates shall be presented to Parliament.

As it is a Committee of Parliament deriving its authority from it, the Estimates Committee's recommendations are naturally given very high consideration by the Government. Many organizational changes have resulted from such recommendations for improving efficiency of even Constitutional Authorities.

**(3) Committee on Public Undertakings.** - The Committee on Public Undertakings consists of 22 members (15 from the Lok Sabha and 7 from the Rajya Sabha). The term of office of members is one year. The Committee examines (a) the reports and accounts of the Public Undertakings, (b) the reports, if any, of the Comptroller and Auditor General on the Public Undertakings whether their affairs are being managed in accordance with sound business principles and prudent commercial practices. It will perform such functions at present vested in the Public Accounts Committee and the Estimates committee as may be allotted to that committee by the Speaker from time to time. Matters of major Government policy as distinct from business or commercial functions, matters of day-to-day administration and matters for the consideration of which machinery is established by any special statute, do not fall within the purview of this Committee.

Accountability before this Committee has also led to high efficiency in Public Undertakings and prevented them from being bureaucratic or complacent.

**4. Committee on the Welfare of Scheduled Castes and Scheduled Tribes-**

This Committee consists of twenty members (other than Ministers) elected every year from the Lok Sabha and ten nominated from the Rajya Sabha. They are elected by the House. The functions of the Committee are:-

- (i) to consider the reports submitted by the National Commission for Scheduled Castes and Scheduled Tribes under Article 338(5) of the Constitution and to report as to the measures that should be taken by the



- Union Government in respect of matters within the purview of the Union Government including the Administrations of the Union Territories.
- (ii) To report on the action taken by the Union Government and the Administrations of the Union Territories on the measures proposed by the Committee;
  - (iii) To examine the measures taken by the Union Government to secure due representation of the Scheduled Castes and Scheduled Tribes/ services and posts under its control (including appointments in the Public sector undertakings, statutory and semi-government bodies and in the Union Territories) having regard to the provisions of Art.335;
  - (iv) To report on the working of the welfare programmes for the Scheduled Castes and Scheduled Tribes in the Union Territories; and ✓
  - (v) To examine such other matters as may seem fit to the Committee or are specifically referred to it by the House or the Speaker.

There are 24 Departmentally related Standing Committees of the Houses. The jurisdiction of each of the Standing Committees are given in Annexure-III to this note. The term of office of the members of the committees shall not exceed one year. The venue of sittings of the Standing Committees shall be the precincts of Parliament House. However, with the specific permission of the Chairman, Rajya Sabha, or the Speaker, Lok Sabha, the committee may work in any other place. After deliberations, the Committees shall submit a report. The reports of the Committees shall be based on broad consensus. A member of the Committee may give note of dissent on the report of the Committee. The note of dissent shall be presented to the Houses along with the report. The general rules applicable to other Parliamentary Committees in Rajya Sabha/ Lok Sabha shall apply to Standing Committees. The Committee may avail of the expert opinion or the public opinion to make the report. The Standing Committees shall not generally consider the matters which are considered by the other Parliamentary Committees. The reports of the Standing Committees shall have persuasive value and shall be treated as considered advice given by the Committees.

### CONSTITUTION:

Each of the Standing Committees shall consist of not more than 45 members. 30 members to be nominated by the Speaker from among members of Lok Sabha and 15 members to be nominated by the Chairman. Rajya Sabha, from among members of Rajya Sabha. A Minister shall not be nominated as a member of the committee. If a member after his nomination to the committee is appointed a Minister, he shall cease to be the member of the committee from the date of such appointment. The Chairman of committees in Part I of the Annexure shall be appointed by the Chairman, Rajya Sabha. The Chairman of the Committees specified in Part II of the Annexure shall be appointed by the Speaker. The Chairman shall be from among the members of the Committees.



## FUNCTIONS:

The functions of each of the Standing Committees shall be:

To consider the Demands for Grants of the concerned Ministries/Departments and make a report on the same to the House. The report shall not suggest anything of the nature of cut motions;

To examine such Bills pertaining to the concerned Ministries/Departments as are referred to the Committee ;by the Chairman, Rajya Sabha or the Speaker, as the case may be, and make report thereon;

To consider annual reports of Ministries/Departments and make reports thereon; and

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, as the case may be, and make report thereon.

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

## PROCEDURE RELATING TO DEMANDS FOR GRANTS

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

After the general discussion on the Budget in the Houses is over, the Houses shall be adjourned for a fixed period;

The Committees shall consider the Demands for Grants of the concerned Ministries during the aforesaid period;

The Committees shall make their report within the period and shall not ask for more time;

The Demands for Grants shall be considered by the House in the light of the reports of the Committees; and

There shall be a separate report on the Demands for Grants of each Ministry.



## PROCEDURES RELATING TO BILLS

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

The Committee shall consider the general principles and clauses of the Bills referred to them and make report thereon:

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

The Committee shall make report on the Bills in the given time.

7. Committee for Empowerment of Women - Consists of not more than 30 Members other than a Minister ( 20 nominated by the Speaker and 10 by the Chairman) and its Chairman is appointed by the Speaker from amongst the Members of the Committee.

Functions: i) The functions of the Committee shall be

- (2) to consider the reports submitted by the National Commission for Women and to report on the measures that should be taken by the Union Government for improving the status/conditions of women in respect of matters within the purview of the Union Government including the Administrations of the Union Territories;
- (3) to examine the measures taken by the Union Government to secure for women equality, status and dignity in all matters;
- (4) to examine the measures taken by the Union Government for comprehensive education and adequate representation of women in Legislative bodies/ services and other fields;
- (5) to report on the working of the welfare programmes for the women;
- (6) to report on the action taken by the Union Government and Administrations of the Union Territories on the measures proposed by the Committee; and
- (7) to examine such other matters as may seem fit to the Committee or are specifically referred to it by the House or the Speaker and the Rajya Sabha or the Chairman, Rajya Sabha.

Matters exclusively assigned to this Committee shall not be considered as far as possible by any other Parliamentary Committee including the Departmentally related Standing Committees to the extent possible.

(8) *Committee on Subordinate Legislation.* - The variety and number of laws on the agenda of a legislature every session now assume formidable proportions. It becomes



physically impossible for a Legislature to pass all these laws, and the arrears of work continue to mount. So the legislatures can give consideration only to the general principles of bills before them. The details have to be delegated to Government departments, which are empowered to fill in these details. Almost all the laws passed by the Indian Parliament empower the Executive to make Rules and Regulations under the Acts. In order to check that the Executive does not abuse this power, it was provided that such Rules and Regulations would be placed on the Table of the House. It was, however, realised that Parliament did not have the necessary time to exercise adequate control over these Rules and Regulations. Therefore, the Speaker to the Lok Sabha appointed on the 1<sup>st</sup> December, 1953, a committee consisting of 10 members of Parliament. This Committee was called the Committee on Subordinate Legislation. Its independence from executive influence has been ensured by the provision that no Minister can be a member of this Committee.

The Committee now consists of not more than 15 members, who are nominated by the Speaker of the Lok Sabha. The term of office of the members of the Committee is one year. The procedure for the appointment of Chairman is similar to that of the Public Accounts Committee.

After each Rule, Regulation, sub-rule, Bye-law etc. is laid before the House, the Committee considers, in particular, whether:

- (i) It is in accord with the general objects of the Constitution or the Act pursuant to which it is made;
- (ii) it contains matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;
- (iii) it contains imposition of any tax;
- (iv) it directly or indirectly bars the jurisdiction of the courts;
- (v) it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;
- (vi) it involves expenditure from the Consolidated Fund of India or from the public revenues;
- (vii) it appears to make some unusual or unexpected use of the power conferred by the Constitution or the Act pursuant to which it is made;
- (viii) there appears to have been unjustifiable delay in its publication or in laying it before Parliament; or
- (ix) for any reason its form or purport calls for any elucidation.

The recommendations made by this Committee of the Lok Sabha maintain Parliamentary control over delegated legislation effectively and prevent.



The abuse of power by the Executive.

(9) *Committee on Government Assurances.*- In the course of answering questions or replying to debates, a Minister may agree to consider the matter or give assurances, undertakings or promises in respect thereof. In the past, such assurances given on the floor of the House lay embedded in the Debates without any watch as to whether they are fulfilled, unless interested Members of their own accord took care to pursue them by means of further questions. Once an assurance has been given in the House, it ceases to be a matter between the Member who put the question and the Minister who answered it; it becomes an assurance given to the whole House.

In order that implementation of such assurances might be watched, the Speaker has constituted a Committee called the Committee on Government Assurances. The Committee consists of not more than 15 members, who are nominated by the Speaker of the Lok Sabha. The term of office of the members of the Committee is one year. The procedure for the appointment of Chairman is similar to that of the Public Accounts Committee.

The functions of the Committee are:-

- (i) to see the extent to which assurances, promises, undertakings, etc. given by the Ministers on the Floor of the House have been implemented; and
- (ii) where implemented, whether such implementation has taken place within the minimum time necessary for the purpose.

This Committee meets periodically to examine the assurances given and also the action taken thereon by Government and presents its report to the House from time to time.

(10) *Business Advisory Committee.* - It is a committee nominated by the Speaker. It consists of not more than 15 members including the Speaker who shall be the chairman of the Committee. Its function is to recommend the time that should be allocated for the discussion of the stage or stages of Government Bills and other business as the Speaker in consultation with the Leader of the House may direct for being referred to the Committee. The Committee has the power to indicate in the proposed time-table the different hours at which the various stages of the Bill and other business shall be completed. The Committee also performs such other functions as may be assigned to it by the Speaker from time to time.

(11) *Committee on Private Members' Bills.*- The Committee on Private Members' Bills and Resolutions consists of 15 members nominated by the Speaker and holds office for one year. Its functions are:



- (i) to examine every Bill seeking to amend the Constitution, notice of which has been given by a private member before a motion for leave to introduce the Bill is included in the list of business;
- (ii) to examine all private members' Bills after they are introduced but before they are taken up for consideration in the House and to classify them according to their nature, urgency and importance into two categories, viz Category A and category B;
- (iii) to recommend the time that should be allowed for the discussion of the stage or stages of each private member's Bill and also to indicate in the time-table so drawn up the different hours at which the various stages of the Bill in a day shall be completed.
- (iv) To examine every private member's Bill which is opposed in the House on the ground that the Bill initiates legislation outside the legislative competence of the House and the Speaker considers such objection prima facie tenable; and
- (v) To recommend time limit for the discussion of private members' resolutions and other ancillary matters.

The Committee also performs such other functions in respect of private members' Bills and Resolutions as may be assigned to it by the Speaker from time to time.

(12) *Committee on Petitions.* - The Committee on Petitions consists of not less than 15 members nominated by the Speaker. A Minister cannot be nominated a member of the Committee and if a member after his nomination to the Committee is appointed a Minister he shall cease to be member of the committee from the date of such appointment. The Committee examines every petition referred to it. After examination, the committee may direct that it may be circulated either in extenso or in summary form. It is the duty of the Committee to report to the House on the specific complaints made in the petitions referred to it after taking such evidence as it deems fit and to suggest remedial measures either in a concrete form applicable to the case under review to prevent such cases in future.

In accordance with the latest instructions of the Speaker, petitions which are not otherwise admissible are also informally placed before the Committee, for their consideration.

(13) *Committee on Privileges.* The committee on Privileges consists of not more than 15 members nominated by the Speaker.



The Speaker may refer any question of privilege to the Committee on Privileges for examination, investigation and report.

The Committee examines every question referred to it and determines with reference to the facts of each case whether a breach of privilege is involved, if so, the nature of the breach, the circumstances leading to it and makes such recommendations as it may deem fit. The report may also state the procedure to be followed by the House in giving effect to the recommendations made by the Committee.

(14) *Committee on Absence of Members from sittings of the House-* The Committee consists of 15 members. They are nominated by the Speaker and hold office for one year. The functions of the Committee are:

- (i) to consider all applications from members for leave of absence from the sittings of the House;
- (ii) to examine every case where a member has been absent for a period of 60 days or more without permission from the sittings of the House and to report to the House whether the absence should be condoned or the circumstances of the case justify that the House should declare the seat of the member vacant; and
- (iii) the Committee also performs such other functions in respect of attendance of members in the House as may be assigned to it by the Speaker from time to time.

(15) *Rules Committee-* The Committee consists of 15 members nominated by the Speaker, who shall be the ex-officio Chairman of the Committee. The functions of the Committee are:

- (i) to consider matters relating to Rules of Procedure and Conduct of Business in the House; and
- (ii) to recommend any amendments or additions to the rules that may be considered necessary.

27. *Rules of Procedure of Parliamentary Committees.* (1) No member shall be appointed to a Parliamentary committee if he is unwilling to serve on the Committee. The Chairman of the Committee shall be appointed by the Speaker from amongst its members. Unless the Speaker is a member and consequently an ex-officio Chairman of the Committee, the Deputy Speaker, if he is a member of the Committee.

(2) The quorum to constitute a sitting of the Committee shall be as nearly as may be  $\frac{1}{3}$ <sup>rd</sup> of the total number of members of the Committee. When the Committee has been adjourned for lack of quorum on two successive occasions, the Chairman shall report the fact to the House or the Speaker, as the case may be.



(3) If a member is absent from two or more consecutive meetings of the Committee without the permission of the Chairman, he may be discharged by the House or the Speaker as the case may be.

(4) The Committee may appoint one or more sub-committees each having the powers of the undivided committee to examine any matters that may be referred to them and the reports of such sub-committee shall be deemed to be the reports of the whole committee if they are approved at a sitting of the whole committee.

(5) The Committee may sit while the House is sitting provided that on a division being called in the House the Chairman of the Committee shall suspend the proceedings in the Committee for such time as will in his opinion enable the members to vote in a division.

(6) The sittings of the Committee shall be held in private and generally within the precincts of the Parliament House.

(7) A witness may be summoned by an order signed by the Secretary General and shall produce such documents as are required for the use of the Committee. The Committee may under the direction of the Speaker permit a witness to be heard by a Counsel appointed by him and approved by the Committee. The Committee may administer oath of affirmation to a witness examined before it. The Committee may treat any evidence tendered before it as secret or confidential. No document submitted to Committee shall be withdrawn or altered without the knowledge and approval of the Committee. A Parliamentary Committee shall have power to send for persons, papers and records. If any question arises whether the evidence of person or production of a document is relevant for the purpose of the Committee, the question shall be referred to the Speaker whose decision shall be final. Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

(8) A Parliamentary Committee may make a special report on any matter that arises or comes to light in the course of its work to the Speaker or the House even if such matter is beyond its terms of reference.

(9) The Committee may direct that the whole or a part of the evidence or summary thereof may be laid on the Table of the House. The Speaker may direct that such evidence be confidentially made available to the members before it is formally laid on the Table of the House.



(10) When the House has not fixed any time for the presentation of the report, the report shall be presented within one month of the date on which reference to the Committee was made. The House may extend the time for presentation of report by the Committee on a motion being made. The Committee may make available to government any completed part of its report before presentation to the House. Such reports shall be treated as confidential until presented to the House. The Speaker may on a request being made to him and when the House is not in session order the printing, publication or circulation of a report of a Committee although it has not been presented to the House. In that case the report shall be presented to the House during the next session at the first convenient opportunity.

(11) A Parliamentary Committee has power to pass resolutions on matters of procedure relating to the Committee for the consideration of the Speaker who may make variations in the procedure as he may consider necessary. The Speaker may from time to time issue directions to the Chairman of the Committee for regulating its procedure and the organisation of its work.

(12) Any business pending before a Committee shall not lapse on account of prorogation of the House and the Committee shall continue to function notwithstanding such prorogation. A committee which is unable to complete its work before the expiration of its term or before the dissolution of the House may report to the House that the Committee has not been able to complete its work. Any preliminary report, memorandum or note that the Committee may have prepared or any evidence that the Committee may have taken shall be made available to the new Committee.

28. *Motion of No-Confidence in Ministers.* Article 75(3) of the Constitution states that the Council of Ministers shall be collectively responsible to the House of the People. This means that the Council, in a body, shall be under the constitutional obligation to resign as soon as it loses the confidence of the Lower House of the Legislature. The normal mode of expressing lack of confidence in the Ministers is by passing a vote of no-confidence in the Council of Ministers by the Lok Sabha. A motion of no-confidence is the surest means to cause the down-fall of a Ministry. As the responsibility of the Council of Ministers is to the Lower House a motion of no-confidence can be brought only in that House. Rules 198 of the rules of Procedure and Conduct of Business in the Lok Sabha states as follows:-

- “(1) A Motion expressing want of confidence in the Council of Ministers may be made subject to the following restrictions, namely –
- (a) leave to make the motion shall be asked for by the Member when called by the Speaker.
  - (b) The member asking for leave shall, before the commencement of the sitting for that day, give to the Secretary General a written notice of the motion which he proposes to move.



- (2) If the Speaker is of opinion that the motion is in order he shall read the motion to the House and shall request those members who are in favour of leave being granted to rise in their places, and if not less than fifty members rise accordingly, the Speaker shall declare that leave is granted and that the motion will be taken up on such day, not being more than ten days from the date on which the leave is asked for, as he may appoint. If less than fifty members rise, the Speaker shall inform the member that he has not the leave of the House.
- (3) If leave is granted under the above sub-rule (2) the Speaker may, after considering the state of business in the House, allot a day or days or part of a day for the discussion of the motion.
- (4) The Speaker shall, at the appointed hour on the allotted day or the last of the allotted days, as the case may be, forthwith put every question necessary to determine the decision of the House on the motion.
- (5) The Speaker may, if he thinks fit, prescribe a time limit for speeches."

Under the above rule the motion cannot be moved unless it has the initial support of not less than 50 members.

29. *Procedure for presentation of petitions to Parliament.*- Petitions may be presented or submitted to the Lok Sabha with the consent of the Speaker on:

- (i) a Bill which has been published or which has been introduced in the House;
- (ii) any matter connected with the business pending before the House; and
- (iii) any matter of general public interest provided it is not one –
  - (a) which falls within the cognizance of a court of law having jurisdiction in any part of India or a court of enquiry or a statutory tribunal or authority or a quasi-judicial or a commission.
  - (b) Which should ordinarily be raised in a State Legislature,
  - (c) Which can be raised on a substantive motion or resolution, or
  - (d) For which remedy is available under the law including rules, regulations, by-laws made by the Govt. of India or any authority to whom power to make such rules, regulations, etc., is delegated.

Every petition shall be couched in respectful, decorous and temperate language. It shall be either in Hindi or in English. If any petition in any other Indian language is made, it shall be accompanied by a translation either in Hindi or in English, and signed by the petitioner. The full name and address of every signatory to a petition shall be set out therein and shall be authenticated by his signature, and if, illiterate by his thumb impression. Letters, affidavits or other documents shall not be attached to any petition. A Member of Parliament shall not present a petition from himself.



Every petition shall be addressed to the House and shall conclude with a prayer stating the definite object of the petitioner in regard to the matter to which it relates.

A member shall give advance intimation to the Secretary-General of the House of his intention to present a petition.

A member presenting a petition shall confine himself to a statement in the following form.

"Sir, I beg to present a petition signed by ..... Petitioner(s) regarding ..... " And no debate shall be permitted on this statement.

Every petition shall, after presentation by a member of Lok Sabha or report by the Secretary of the House, as the case may be, stand referred to the Committee on Petitions.

30. *Points of Conduct and Etiquette for the Guidance of witnesses appearing before Parliamentary Committees or their Sub-Committees.*- The witnesses should note the following points while appearing before a Parliamentary Committee:

1. Due respect to the Chairman and the Committee/Sub-Committee should be shown by the witness by bowing while taking his seat.
2. The witness should take the seat earmarked for him opposite to the seat of the Chairman.
3. The witness should take the oath, or make affirmation, if so asked by the Chairman. The witness will take the oath or make affirmation standing in his seat and bow to the Chair just before taking the oath or make affirmation and immediately afterwards.
4. The witness should answer specific question put to him either by the Chairman, or by a member of the Committee or by any person authorised by the Chairman. The witness may be asked to place before the Committee any other points that have not been covered and which a witness thinks are essential to be placed before the Committee.
5. All submissions to the Chair and the Committee should be couched in courteous and polite language.
6. When the evidence is completed and the witness is asked to withdraw, he should, while leaving, bow to the Chair.
7. The witness should not smoke or chew when he is seated before the Committee.
8. Subject to the provisions of rules 270 of the Rules of Procedure and conduct of Business in the Lok Sabha, the witness should note that the following acts shall constitute breaches of privilege and contempt of Committee:-
  - (a) Refusal to answer questions.



- (b) Prevarication or wilfully giving false evidence or suppressing the truth or misleading the Committee.
- (c) Trifling with the Committee; returning insulting answers.
- (d) Destroying or damaging a material document relating the enquiry.

31. *Code of Conduct to be observed by Officials sitting in official galleries in Lok/Rajya Sabha.*

1. (a) The Official Gallery is intended only for officials of the Government of India, and in certain cases for other Government officials, whose presence is required in connection with the business under discussion in the House.  
 (b) Persons other than Government officials may, at the discretion of the Speaker/Chairman, be admitted into the Gallery for a particular meeting or meetings on a written request received from the Ministry of the Government of India concerned.
2. Admission to the Gallery will be through Official Gallery Cards and General Passes endorsed for "Official Gallery only" issued by the Secretary General under the order of the Speaker/Chairman. A separate Card or Pass must be obtained for each Session.
3. The Official Gallery Cards will be issued only to Officers of the rank of Under Secretary and above, while General Passes with the endorsement "Official Gallery only" will be issued to Officers below the rank of Under Secretary.
4. Applications for Official Gallery Cards and General Passes should be made in writing to the Secretary at least 24 hours in advance of the date of meeting or meetings for which they are required. Such applications must give in all cases, the names and designations of persons for whom Cards or Passes are required. All such applications must be signed by an Officer not below the rank of an Under Secretary. No application will ordinarily be considered unless it conforms with the foregoing rules.
5. Not more than four "Sessional" Official Gallery Cards, and four General Passes with the endorsement "Official Gallery only" will ordinarily be issued to each Ministry. If extra Cards or Passes are required for any particular meeting or meetings these may be issued, if accommodation permits, on a written request received from the Ministry concerned and shall be strictly limited.
6. The restriction mentioned in rule 5 will not apply in respect of General Passes to be issued to Class IV officers of a Ministry who are required to be in attendance at the Official Gallery on Officers or on duty, but such staff will not be permitted to enter the Official Gallery except at the discretion of the Watch and Ward staff in-charge of the Gallery.



7. Official Gallery Cards and General Passes are not transferable and will be issued by name in each case. If such a Card or Pass is transferred it will be reported to the Ministry concerned for disciplinary action to be taken against the offender.
8. Holders of Official Gallery Cards and General Passes must show their cards and passes to the Security or the Watch and Ward staff whenever required to do so.
9. Holders of General Passes must not occupy seats in the Official Gallery to the exclusion of holders of the Official Gallery Cards and should leave the gallery as soon as the business with which they are officially concerned is concluded.
10. Entrance to the Official Gallery will be strictly regulated by Watch and Ward staff of the Parliament Secretariat on duty in that Gallery.
11. During the Question Hour preference will be given to the representatives of those Ministries which are responsible for answering questions on that day and front row seats may be reserved for such officials only. The Watch and Ward Assistant on duty in the Official Gallery will regulate such entry in accordance with the indications on the Question List of the day.
12. After the Question Hour is over the chairs in the front row shall be vacated in favour of officials concerned with the actual business before the House as shown on the Order Paper. One of the three chairs in the centre of the front row shall ordinarily be reserved for the Official Draftsman or other representative from the Ministry of Law and Justice.
13. On occasions, chairs in the front row may be reserved for high ranking officials who are constitutionally concerned with the business of the House such for example as the Comptroller and Auditor General.
14. After full provision for the business before the House has been made, other Officials who are particularly required by Ministers to wait on them in the Official Gallery will be allowed to occupy any of the remaining seats.
15. On special occasions when the number of officials seeking entry into the Official Gallery is more than the seating capacity of this Gallery, entry into the Gallery will be regulated by a special order of the Secretary General.
16. No Officer shall, ordinarily, remain in the Official Gallery longer than his business requires.
17. The Official Gallery may be closed to holders of Official Gallery Cards and General Passes on special occasions at the discretion of the Speaker/Chairman. Timely notice will, as far as possible, be given to Ministries if and when the Official Gallery is to be closed.



18. In case the presence of an Officer is not actually required in the official Gallery in connection with the particular business under discussion in the House, or in the event of persistent over-crowding to the inconvenience of Officers whose presence is required in the Gallery, the Speaker may, at his discretion, restrict admission into the Gallery of holders of Official Gallery Cards and General Passes or require any Officer to vacate his seat or leave the Gallery.
19. Holders of Official Gallery Cards are not permitted to use opera glasses. Extra chairs may not be placed in the Gallery or passage-ways except under the specific orders of the Speaker/Chairman.
20. Holders of Official Gallery Cards shall not be permitted to take sticks, umbrellas, attache cases and handbags, with them into the Gallery.
21. The Speaker/Chairman, whenever he thinks fit may order the withdrawal of holders of Official Gallery Cards from any part of the House.
22. When the order is given to clear the Galleries, the Watch and Ward Staff responsible will see that holders of Official Gallery Cards immediately obey the orders. As soon as the Gallery is clear, the door will be locked by the Watch and Ward Officer.
23. In the event of any demonstration or disturbances on the part of any holder of Official Gallery Card in the Gallery the Watch and Ward Assistant on duty will take the name of the official thus misconducting himself, or herself, and if necessary, arrange for his or her removal from the Gallery; in either case, the Speaker/Chairman, through the Secretary General, will at once be apprised of the action taken.
24. The Watch and Ward Officer shall remove or cause to be removed, any holder of Official Gallery Card from any part of the House or of the Galleries appropriated to the members only and also any holder of Official Gallery Card who, having been admitted into any other part of the House or of the galleries, shall misconduct or herself or shall not withdraw when strangers are directed to withdraw.
25. No holder of Official Gallery Card shall be admitted to the gallery when the House meets in secret session.
26. No Official whose name is included in the list of those who are excluded from the precincts will be admitted to the Gallery.
27. The Speaker/Chairman, may in his discretion, at any time, suspend any of these rules in the case of any particular meeting or meetings and substitute therefor any special rules which he may deem fit.
28. The Speaker/Chairman may, in his discretion cancel any admission card to this Gallery at any time.



29. Admission Cards are not transferable and they shall in no circumstances be passed on to unauthorised persons. They are issued subject to the holders observing the conditions endorsed thereon.

30. Any matter not provided for in these rules shall be regulated by the Speaker/Chairman, in his discretion.

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“Equal and exact justice to all men \_\_\_\_\_ freedom of religion, freedom of the press, freedom of person under the protection of the habeas corpus ..... these principles form the bright constellation which has gone before us.”

Thomas Jafferson



**ANNEXURE - II**

**PROFORMA FOR FULFILLING ASSURANCES**

.....Session, 20 of the Lok Sabha

.....Session, 20 of the Rajya Sabha

Date of fulfillment.....

Ministry of.....Department of .....

Question No.& date	Subject	Promise Made	How fulfilled	Remarks
1	2	3	4	5



**Ministries/Departments under jurisdiction of the Standing Committees**

**PART - I**

<b>S.No.</b>	<b>Name of the Committee</b>	<b>Ministries/Departments</b>
1.	Committees on Commerce	Commerce and Industry
2.	Committee on Home Affairs	1. Home Affairs 2. Development of North Eastern Region
3.	Committee on Human Resource Development	1. Human Resource Development 2. Youth Affairs and Sports
4.	Committee on Industry	1. Heavy Industries and Public Enterprises 2. Small Scale Industries 3. Agro and Rural Industries
5.	Committee on Science and Technology, Environment & Forests	1. Science and Technology 2. Space 3. Ocean Development 4. Atomic Energy 5. Environment & Forests
6.	Committee on Transport, Tourism and Culture	1. Civil Aviation 2. Road Transport & Highways 3. Shipping 4. Tourism 5. Culture
7.	Committee on Health and Welfare	Family Health and Family Welfare
8.	Committee on Personnel, Grievances, Law and Justice	Public 1. Law and Justice 2. Personnel, Public Grievances & Pensions

**PART - II**

9.	Committee on Agriculture	1. Agriculture 2. Food Processing Industries
10.	Committee on Information Technology	1. Communications and Information Technology 2. Information & Broadcasting
11.	Committee on Defence	Defence
12.	Committee on Energy	1. Non-Conventional Energy Sources 2. Power
13.	Committee on External Affairs	1. External Affairs 2. Non-Resident Indian Affairs



14.	Committee on Finance	1. Finance 2. Company Affairs 3. Planning 4. Statistics and Programme Implementation
15.	Committee on Food, Consumer Affairs and Public Distribution	Public Distribution
16.	Committee on Labour	1. Labour and Employment 2. Textiles
17.	Committee on Petroleum and Natural Gas	Petroleum and Natural Gas
18.	Committee on Railways	Railways
19.	Committee on Urban Development	1. Urban Development 2. Urban Employment and Poverty Alleviation
20.	Committee on Water Resources	Water Resources
21.	Committee on Chemicals and Fertilizers	Chemicals and Fertilizers
22.	Committee on Coal and Steel	1. Rural Development 2. Panchayati Raj
23.	Committee on Coal and Steel	1. Coal and Mines 2. Steel
24.	Committee on Social Justice and Empowerment	1. Social Justice and Empowerment 2. Tribal Affairs



## Chapter 7 HANDLING OF CAT CASES

### **Introduction**

To address the need to have a separate machinery to provide speedy and inexpensive relief to the aggrieved persons, for redressal of their grievances arising out of service matters connected with the Civil Posts / Services under the Union., the Central Administrative Tribunal was established consequent to enactment by the Parliament, the 'Administrative Tribunals Act of 1985'. The Central Administrative Tribunal came into effect from 1<sup>st</sup> of November 1985. The jurisdiction (of CAT) extends to whole of India so far it relates to service matters (civil posts/Services) of the personnel of the Union.

### **Applicability**

Under the provisions of Administrative Tribunal Act, 1985, the Central Administrative Tribunal exercises jurisdiction and powers in relation to :

recruitment and matters concerning recruitment in respect of All India Service, any Civil Service of the Union, any civil post under the Union as well as posts connected with the Defence or in the Defence Service filled by a Civilian.

all Service matters in respect of any member of All India Service, persons appointed to any Civil Service or any civil post under the Union, civilian appointed to any defence service post connected with the defence, person under the control of any corporation or society owned or controlled by the Government and the Administrative Tribunal Act being made applicable to them by specific notification.

### **Non-Applicability**

The provisions of the Administrative Tribunal Act do not apply to –

members of the Naval, Military and Air Force or any other Armed forces of the Union,

any officer or servant of the Supreme court or any High court,

any person appointed to the secretarial staff of either house of Parliament or to the secretarial staff of any State legislature or a House thereof of any State or UT.

### **Composition**

The Central Administrative Tribunal (CAT) consists of one Chairman, Vice Chairman, Judicial and Administrative Members to the extent necessary. The Chairman of the Tribunal has his office in the Principal Bench, New Delhi. The CAT benches, located in different States, normally, are headed by Vice Chairman.



In order to achieve the objectives on establishment of the Central Administrative Tribunal, a Single Bench or a Division Bench is constituted to deal / adjudicate cases filed in the CAT.

**A Single (Member) Bench** consisting of one member, ( normally an Administrative member ) is constituted by the Chairman to dispose of specified cases (ie., where administrative facts have been disputed). An illustrative list of the cases handled in a single bench (wef 1/5/88) are:

**Cases relating to:**

1. change of date of birth.
2. postings / transfer.
3. entry in character rolls/confidential record/service record, made otherwise than as a measure of penalty under Central Civil Services (Classification, Control and Appeal) Rules, 1965.
4. allotment or eviction from Government accommodation.
5. fixation of pay.
6. claim of medical reimbursement, leave, joining time, LTC and overtime.
7. crossing of efficiency bar.
8. grant of pension, family pension, other retirement benefits, and cases relating to interest on retirement benefits.
9. grant or refusal to grant advances/loans.
10. stagnation increment.
11. grant of passes to Railway employees.
12. grant, refusal or recovery of allowances.
13. compassionate appointment/appointment of dependants of Government dying in harness.

**A Two Member (/Division) Bench** : means - a bench constituted with judicial as well as Administrative Member. It deals with all those cases referred to it including those dealt by Single Bench when question of application of law (of the land) is called for. Inclusion of an Administrative Member in CAT benches is to ensure that the Administrative Member possess necessary expertise and familiarity with the administrative Procedure and rule so as to deal with the service problems in a just and satisfactory way, while adjudicating the matter. An illustrative list of cases handled in Division Bench is given below:

**DIVISION BENCH CASES**

1. Absorption in Public Sector/Autonomous Bodies/Other Departments.
2. Ad hoc Appointments/Regularization



3. All India Services.
4. Allotment/Vacation/Eviction of Quarters.
5. Civil Services Examination
6. Creation and Abolition of Post
7. Daily Wages/Casual/Regularization
8. Deputation/Repatriation
9. Disciplinary – Cases
  - a) Major Punishment – Dismissal/Removal/Compulsory Retirement/Reduction in Rank.
  - b) Minor Punishment – Other Punishments.
  - c) Suspension.
10. Extra-Departmental Staff
11. Leave Rules – Break in Service/Dies non.
12. Lien
13. Medical Facilities
14. Probation
15. Recruitment and Appointment
16. Reservation for SCs/STs/Ex-Servicemen/Physically Handicapped.
17. Reversion
18. Retirement under FR 56 (j)
19. Scale of Pay
20. Selection / Promotion
21. Seniority / Confirmation
22. Surplus Staff – Redeployment of
23. Travelling Allowance .
24. Temporary Service Rules/Termination of Service
25. Training
26. Uniform and Washing Allowance
27. Voluntary Resignation/Retirement

**Larger Bench** : is constituted on the specific directive of the Chairman of CAT, whenever a situation arises ie., when differing views/ judgements /orders have been passed [by different benches of CAT] on a similar cause of action filed by applicants belonging to same



ment, in different benches of CAT, to adjudicate the case once again to have a uniform / unanimity in judgement on the specific 'cause of action' referred to it.. The number of members in such a Larger Bench normally consists of five or more, preferably in odd numbers where the decision on the case is arrived by the majority.

### *Service matter*

Service matter has been defined, under the Act, to mean all matters relating to the conditions of service – viz.,

- i) Remuneration (including allowances) Pension & other retirement Benefits
- ii) Tenure(including confirmation, seniority, promotion, reversion, premature retirement, superannuation )
- iii) Leave of any kind
- iv) Disciplinary Matters
- v) Transfer
- vi) Allotment of quarters
- vii) Eviction proceedings under Public Premises act
- viii) Determination of marital status for purpose of family pension
- ix) Any other matter

### *Application*

In CAT parlance an application means, the application filed by an aggrieved person against an executive order on service matters, within the jurisdiction of the bench, seeking remedy / relief on the grievance caused. According to Section 19 of CAT Procedures Rules, the application should be filed in the prescribed form\* ( \*given under OA ) mentioning details like (reference) number and the authority which has passed the order, against which the subject application is submitted. The application is normally filed with the Registrar of the bench of the Tribunal within whose jurisdiction the applicant is for the time being posted or the cause of action has arise. The applicant is also required to furnish a declaration the effect that the subject matter against which the applicant wants redressal is within the jurisdiction of the tribunal where the application is filed. Normally, only an aggrieved individual/person can file an application seeking remedy on the grievance caused. However, with the explicit permission of the Tribunal a group of persons can also file a single application if the tribunal is satisfied that a common interest in the matter is involved, having regard to the cause of action and nature of relief prayed for by the applicants. In the application, the applicant has to set out the facts of the case in a chronological order setting out in each paragraph a separate issue or fact. The grounds for relief with legal provisions if any relied upon, are also to be furnished concisely under the different heads and numbered serially. The application should also contain the prayer of the applicant specifying the relief sought for, explaining the grounds for such relief and legal provisions, if any, relied upon. **The application(s) should be based upon a single cause of action and the applicant may seek one or more relief(s) provided**



they are consequential to one another. Interim relief, if any, prayed for, should also be incorporated in the application itself.

Application to the Tribunal shall be made, in the prescribed format, duly typed / printed, in ample space on one side, on a durable good quality paper accompanied by

- i) an attested copy of the order against which the application is filed
- ii) attested copies of the documents relied upon by the applicant and referred to in the application.
- iii) an index of the documents.
- iv) Vakalat Nama duly executed in favour of the legal practitioner filing the application.
- v) Particulars of bank draft or postal order towards remittance of the filing fee ( which at present is Rs.50/- per application ).

The application should be presented (to the Registrar) in triplicate in two compilations viz. Compilation No.1, being the application alongwith the impugned order, and, Compilation No.2 in a paper book form in respect of all other documents and annexures referred to in the application.

While filing the application, in the event of number of respondents being more than one, as many extra copies of the application in paper book form along with unused file size envelope with clear marking of the address of each of the respondent, should also be furnished by the applicant.

#### **Limitation**

An application before the Tribunal has to be filed within one year from the date on which the final order, by the concerned authority, has been made. A declaration to the effect that the application is within the limitation period prescribed should be furnished by the applicant in the application itself. The period of limitation is reckoned with reference to date of initial final order, by the authority competent to pass such final order.

The Act specifically lays down that the tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed all the remedies available to him / her under the relevant service rules as to redressal of grievance.

#### **Scrutiny & registering of application**

The registry ( or registrar's court ) of the bench after scrutiny of the application will register and number the application and place it before the bench for admission. Defects if any in the application will be got rectified by the registry, before registration.



## Notices

On registration of the application and placing before the bench, the Tribunal Orders of notices to the respondents. The different types of notices that are issued by the Tribunal are :

- i) **Notice before admission:** - This notice is issued before taking up the application (filed by the aggrieved person) for adjudication. In this notice the respondent department is given opportunity to place their (dept.'s) views/ comments on the application, before admitting/ deciding on the application filed. Normally two to four weeks time is provided to the respondents to submit their views, to the tribunal, on the application filed.
- ii) **Notice after admission :-** depending upon the urgency in deciding on the grievance/ matter brought out by the applicant, the tribunal may, at times admit the application and then issue notice to the respondent giving direction to file their (dept's) reply.
- iii) **Notice for serving to private respondents** i.e., notice to other employees working under the control of respondent department who have been made a party to the case. This notice is sent to the main respondent with a view to avoid any delay in serving the notice to the persons (i.e., private respondent) concerned.

### Action of respondent(s)

Respondent (who are govt. department represented by the Secretary to the Government) should ensure that, reply to the notice received from CAT, is made to the tribunal within the time limit indicated in the notice. Normally 2-3 weeks time is provided for filing the reply. The reply of respondent is required to be filed with the Registrar of the CAT Bench concerned along with a copy of acknowledgement obtained from the applicant after serving of reply of the respondent to the applicant or his counsel.

9.1 ***In the event of insufficient time to furnish a reply to the notice / application received alongwith the notice, the respondents are required to seek extension of time for filing a reply by filing a Miscellaneous application ( MA) as per the prescribed procedure.***

9.3 In addition to the above, immediately on receipt of notice from CAT, the respondents should initiate further action for engaging standing govt. counsel for briefing & defending the case on behalf of Union of India. When a reply is being filed in response to the notice received, the respondents should also explore the possibility of raising preliminary objections, as may be required or relevant, in seeking dismissal of the application in the admission stage itself.

9.4 In the reply the respondent has to specifically admit, deny or explain the facts stated by the applicant in the application and also state such additional facts as may be found necessary for a just decision of the case. The reply to the application should be filed in triplicate along with copy of the documents relied upon, in paper book form. One copy of the



along with the paper book should be furnished to the applicant or his legal practitioner and proof of such delivery to be furnished to the registry of the bench, while filing the respondents' reply.

**Pleadings / Reply of respondents :** Pleadings /reply of the respondents should contain, reply to each of the paragraphs (especially on the facts / points brought out by the applicant) in the original application. Following can be the contents / essentials of the (para-wise) reply to be filed on an OA, by the respondents.

## CONTENTS

1. INTRODUCTORY PART
2. PRELIMINARY OBJECTIONS
3. BRIEF FACTS OF THE CASE
4. PARAWISE REPLY
5. PRAYER
6. VERIFICATION

**1.1 INTRODUCTORY PART :** In the introductory part/paragraph, the respondent should indicate,

- a) identity of the official filing reply
- b) (his/her) authority and competence
- c) (his/her) confirmation about the knowledge of the case, and
- d) overall denial ( on the contention of the applicant )

**2.2 PRELIMINARY OBJECTIONS** – are used as a tool and raised by the respondent seeking dismissal of an OA on technical grounds – ie., without going into the merits of the case. Kinds of Preliminary objections that are normally used /available to a respondent are :

1. Jurisdiction : ( both subject matter and geographical )
2. Limitation : ( time availability )
3. Resjudicata : ( a subject matter which has been adjudicated and decided/settled between same parties cannot be brought again for adjudication ,on the same grounds, before a similar forum )
4. Estoppel : ( going back on ones own legal promise/statement )
5. Non exhausting of Official remedies
6. Mis-Joinder – Non-Joinder
7. Plural remedies
8. Suggestio falsi – Suppressio veri (making misleading statements or suppression of facts under an OATH )



**13. BRIEF FACTS OF THE CASE & PARAWISE REPLY – In this the respondents should -**

- (i) either admit or deny or explain the facts made in the OA,
- (ii) state additional facts where necessary
- (iii) ensure, accuracy of spelling in names of persons, places
- (iv) avoid using abbreviations
- (v) refer the parties (involved) by their legal position– applicant no.2, or applicant no.7, etc.
- (vi) quote exactly statutory provisions and not a gist of the Rule position
- (vii) enclose copies of documents relied upon

15. PRAYER : The respondents' prayer seeking dismissal of the application shall be made.

16. VERIFICATION: The officer authorized to sign the reply of the respondents shall verify the contents of the reply so made and append his/her signature at the end of the reply.

**10. Types of applications filed in CAT**

**(i) Original application (OA)**

Original applications (OA) are filed by persons aggrieved by any order issued by an authority under the Government pertaining to any matter within the (subject and geographical) jurisdiction of the Administrative Tribunal bench, with a prayer for grant of relief. Original application is filed under Section 19 of the Administrative Tribunal Act, 1985 and conform to the form prescribed in the CAT rules. The Original applications are numbered serially throughout the year. Eg. OA 33 /2003. This numbering will enable easy identification of the application.

[ Prescribed form of Application ]

**APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985.**

Title of the case:-----



INDEX

S.No.	Description of documents	Page No.
1.	Application	
2.		
3.		
4.		
5.		
6.		

Signature of the applicant

For use in Tribunal's Office

Date of filling

or

Date if Receipt by Post

Registration No.

.....  
.....  
.....

Signature  
For Registrar



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
..... BENCH

Shri A.B.

So Shri

resident of .....

place of employment or last employed .....

APPLICANT

Vs.

1. Secretary to Govt. of India  
Department of  
Ministry of

Respondent(s)

2.  
(add description and the residential or official address on which the service of notices is to be effected on the respondent or respondents. The details of each respondent are to be given in a chronological order).

DETAILS OF APPLICATION

1. Particulars of the order against which the application is made
2. Jurisdiction of the Tribunal
3. Limitation
4. Facts of the case
5. Grounds for relief with legal provisions
6. Details of the remedies exhausted
7. Matters not previously filed or pending with any other Court
8. Relief(s) sought
9. Interim order, if any, prayed for
10. In the event of application being sent by Registered Post
11. Particulars of Bank Draft/Postal Order filed in respect of the application fee
12. List of enclosures

- 1.
- 2.
- 3.
- 4



## VERIFICATION

I, .....(Name of the applicant), S/o, D/o, W/o.....age  
working as .....in the Office of .....resident of  
..... do hereby verify that the contents of paras ..... to.....are  
true to my personal knowledge and para ..... to ..... believed to be true  
on legal advice and that I have not suppressed any material facts.

Date:

Place:

Applicant

Signature of the

To

The Registrar,

.....(Bench)

.....(place)

- (i) **Transferred application(TA)** : Section 29 of Administrative Tribunal Act, 1985 mentions that every suit or other provision pending in any court before establishment of Administrative Tribunal should stand transferred to the CAT after the establishment of such tribunal.
- (ii) **Review application (RA)** : Either the respondent or an applicant, being the parties before the tribunal may file applications for review of the orders of the tribunals by preferring review applications.
- (iv) **Civil Contempt petition (CCP)** : Contempt petitions are filed by the applicant against the respondent, alleging that the orders of the tribunal in the original application have not been complied with by the respondent leading to guilty or contempt of court.
- (v) **Petition for transfer (PT)** : In terms of provision contained under sec.25 of the Administrative Tribunal Act, 1985, any of the parties to an application may request the permission of the tribunal for transferring a case from one bench to another.
- (vi) **Miscellaneous applications (MA)** : The parties before the Tribunal may make written submission in addition to the applications /petitions on related matters such as vacating interim orders of the Tribunal if any, making amendment to the pleading (OA) / TA, inclusion of more respondent to the case, extension of time for implementation of orders, or to bring to the notice of the tribunal further development that might have taken place on the case filed, which may have a bearing on its outcome.

### 11. Decision by Tribunal

On a perusal of the documents filed by the applicant and respondents, written submissions made and hearing the oral arguments advanced at the time of hearing, the tribunal would take a decision. The decision of the tribunal on such application is communicated by an order. The order of the tribunal on an application is final and binding on



with the parties i.e. applicant and respondent. The time limit prescribed for complying with the order of the tribunal is either the specified time limit prescribed in the order or within six months on receipt of the order. In this context the date of receipt of the order means the date on which certified copy of the order of the tribunal is ready for issue by the judicial branch of the tribunal.

### **Review of decision.**

In the event of the applicant or respondent not satisfied with the order of the tribunal may seek review of the judgement by filing a petition within 30 days of the communication of the order. **Once a review petition is disposed off no further review is admissible.**

### **Action after disposal of OA**

*What do we understand by the term ' Disposal of OA ' ?*

Disposal of an OA means – where a final action has been taken by the CAT. The final action may be, either -

- (i) dismissal of an OA in the admission stage itself; ( on technical grounds etc., ) or
- (ii) an order passed on an OA resulting in grant of the relief prayed by the applicant, or
- (iii) a final order passed on the OA without granting the specific relief sought by the applicant but with a direction to the respondents to reconsider the representation /request of the applicant on the issue agitated, in line with the laid down norms / policy, or
- (iv) dismissal of an OA without granting the specific relief but passing an advice /direction to the respondent to frame and notify certain guidelines/policy for 'just decision' of the cases / issues, as of the type / kind brought by the applicant before the tribunal, etc.,

The action to be taken, on disposal of OA by CAT, may be summarized as under :

1. As soon as the judgement /order has been pronounced on an OA and in the event such an order is against the respondents, immediately apply for a certified copy of the order , with the judicial section of the CAT Bench.
2. On getting the order, pursue the order in its totality for any observations, suggestions, advise or directives which are to be identified / complied with by the respondents for taking further action.
3. In case it is decided to contest the order by way of review or appeal, initiate further action for filing review application in the CAT . The time limit laid down for filing RA is thirty days from the date of final order.



4. If it is decided to file an appeal against the CAT order , the appeal is required to be filed before the Division bench of High Court concerned , which has jurisdiction superintendence over the particular bench of the tribunal, with due diligence so as to avoid any last minute hassles.
5. Wherever approval of higher authorities /nodal departments in the matter is required , obtain the same well in time, justifying the reasons for appeal. As per existing instructions , Ministry of law is required to be consulted and their advice obtained for filing appeal on CAT order.
6. In case the time is insufficient to implement the order of the CAT, move an application by filing an M.A., before the concerned bench of the CAT which has passed the orders, seeking grant of extension of time stating the reasons , lest it may lead to filing of contempt petition by the applicant.
7. Where it has been decided to implement the orders of the CAT obtain approval / concurrence of concerned nodal authorities / Estts. so as to avoid any complication in future.



## Chapter 8 ORGANISATION AND METHODS

### 1 Introduction

The success of any national programme for improving the image of the public service as an instrument of social good largely depends upon the efficient functioning of the Administration. An efficient administration is also crucial for creating an environment that will help increase productivity of the economy as a whole by setting an example of optimum utilization of resources. Organisation and Methods techniques are specifically designed for the analysis and improvement of administrative and clerical systems, office procedures and office mechanization. They aim at improving the capability of an enterprise to make the optimum use of its resources in men, material money and time and thus enable it to do things faster, better, more easily and more profitably.

### 2 Organisation & Methods (O&M)

Organisation & Methods originally came from the pioneers of scientific management (Taylor and Gilbreth). Their work influenced the early approaches and establishment of the function. Organisation & Methods, commonly known as O&M, is defined as:

*"the systematic examination of activities in order to improve the effective use of human and other material resources"*

Essentially it is a specialist function that has a primary objective of improving an organisation's efficiency and control.

### 3. O&M Techniques

The three basic O&M techniques are Organisation Analysis, Method Study and Work Measurement. These are supplemented by a number of specialised techniques like forms design & control, PERT/CPM, ergonomics and so on. O&M and its associated techniques can also be seen to form the basis of Business Process Reengineering and Business Process Improvement. All these techniques attempt to use the scientific method of problem-solving i.e. analysis, evolution and evaluation for improving the effectiveness and economy of the operations and the activities of the individuals comprising it.

#### a) Organisation Analysis

Organisation analysis is a technique of breaking up an organisation into its constituent parts with a view to examining the structure of duties and responsibilities and the inter-relationships of individuals/functions involved in achieving specified common goals. This involves a study of-

- i) The objectives of an organisation;



ii) The *functions* of the components of an organisation or the *duties and responsibilities* of the individuals working therein; and

iii) *Inter-relationships* between the functions and individuals.

An organisation is usually thought of as a formal arrangement of individuals and units in an officially established pattern or structure. In every organisation, there are, however, many unofficial relationships which are often as significant to the functioning of the organisation as the official ones. These unofficial relationships, often described as the 'informal organisation' supplement the 'formal organisation'.

Some of the basic tools of Organisation Analysis are as follows:-

- i) Organisation Chart
- ii) Organisation Manual
- iii) Work Distribution Chart.
- iv) Activity List
- v) Duty List
- vi) Job Description

After an organisation has been analysed, it can be reconstructed keeping in view certain principles. Some of the more important principles of an organisation can be stated as follows:-

- i) Clear definition of objectives
- ii) Grouping of related activities
- iii) Equation of responsibility to authority
- iv) Minimum layering
- v) Proper span of control
- vi) Unity of command
- vii) Delegation of authority
- viii) Clear demarcation of staff and line functions.

An organisation can be productively efficient if individuals/units are properly assigned duties and responsibilities and the inter-relationships between them are placed on a sound footing. Organisation Analysis helps to evolve the framework suitable for this purpose.

#### **b) Method Study**

Method study has been defined as "a systematic and analytical approach to problems which enables all the relevant factors to be evaluated so that decisions may be made". The aim of method study is to analyse a situation, examine the objectives of a situation and then to synthesize an improved, more efficient and effective method or system.



Method study factorises the problem i.e. breaks the problem into its constituent parts for a detailed and comprehensive examination.

A method study investigation generally follows the thought process of the scientific method viz. analysis, evolution and evaluation. To meet the requirements of this basic procedure, method study is usually divided into the following six distinct stages:-

- (i) SELECT the problem(s) to be studied.
- (ii) RECORD the technological, economic, sociological and other factors which have a governing influence on the problem.
- (iii) EXAMINE each fact critically to evolve possible alternative objectives, plans, resources, methods, means of coordination etc.
- (iv) DEVELOP the most practical, economic and effective objectives, plans, procedures and methods keeping in view all the contingent circumstances.
- (v) INSTAL the new method as standard practice.
- (vi) MAINTAIN the installed method by periodical reviews and valuation of the achievement.

### c) Work Measurement

Work Measurement has been defined as the application of techniques designed to establish the time for a qualified worker to carry out a specified job at a defined level of performance.

Several Work Measurement techniques have been developed to assess work load keeping in view the varied nature of work in different organisations, degree of precision desired, constraints like time required for the study, experience required and the cost of the study. The principal techniques of Work Measurement are



Time Study, Activity Sampling, Pre-determined Motion Time Systems (PMTS), Synthesis and Analytical Estimating.

#### d) Work Measurement in Government

While measurement of work in factory situations is quite common, the nature of work in the functionally diverse organisations of the Government is a mix of clerical, technical and professional activities. This influences the choice of appropriate techniques, which are also suitably modified.

The important techniques for measuring work in Government offices are briefly mentioned as follows:-

- i) **Time study or direct time observation** is an appropriate and effective technique to determine the per unit time for short cycle repetitive jobs, though it can also be used for studying long-cycle repetitive jobs.
- ii) **Activity sampling /work sampling** is used mainly to determine time factor or per unit time for case work (receipt work) and day to day items of miscellaneous work or activities. This technique has been suitably modified by SIU and is referred to as "Self logging". In this technique, a work sample for a given period of time (usually 5 to 7 days) of the work done by functionaries of the entire organisation, or a specified part of the organisation is collected in specially designed formats and analysed. Each employee records his/her activities in the formats, indicating the unit and nature of work completed and the actual time spent on it.
- iii) The technique of **analytical estimation** is used to determine time required for completion of a job cycle or operation by analysing all relevant details of the job, in consultation with actual performers and their supervisors. This technique is particularly useful for assessing time for long-cycle jobs where direct time observation is difficult and the job frequency is not regular.
- iv) **Case Studies of Historical Data/Past Performance** also serve as a suitable technique, in those areas of work, where other commonly used techniques are not found effective.

#### 4. O&M in the Government of India- A historical perspective

The early history of Work Measurement can be traced back to the pre-independence era, when attempts were first made in 1895 by Gurnath Bewoor, the then Director General of Post & Telegraph, to evolve norms for as many as 150 jobs in the P&T Department.

The need for improvement in the various spheres of administrative activity was realised by the Government of India even in the early years of independence. There was



a growing concern over the growth of machinery of administration and deterioration of efficiency of the civil servants.

Accordingly, the Government appointed several committees with a view to identifying the deficiencies and shortcomings and to suggest remedial measures for their removal and bringing about administrative innovations. In 1948, an Economy Committee was set up to review the increase in the civil expenditure of the Central Government and make recommendations for eliminating unnecessary, wasteful or extravagant expenditure. A comprehensive review of the working of the machinery of the Central Government was undertaken towards the end of 1949 by M. Gopalaswami Ayyangar, (Report on the Reorganisation of the Machinery of Government, 1950). In July, 1951, the Planning Commission asked A.D. Gorewala to assess how far the existing administrative machinery and methods were adequate to meet the requirements of planned development. (Report on Public Administration, 1951). In 1952, R.R. Gopalaswami made a deep analysis of the machinery of Government. (Report on the Machinery of Government: Improvement of Efficiency). A little later, an American Expert, Dean Appleby, undertook a critical review of the Indian Administrative System and submitted two reports. His first report "Public Administration in India: Report of a Survey, 1953" mainly dealt with changes in basic principles and concepts about Indian Administrative Organisation and Practices. In his second report, "Re-examination of India's administrative system with special reference to administration of Government's Industrial and Commercial Enterprises, 1956", Appleby made several suggestions for streamlining organisation, work procedures, recruitment, training and relations between the Administration and the Comptroller and Auditor General. The Government readily accepted one of the recommendations made by Appleby in his first report, and set up a Central Organisation and Methods (O&M) Division in the Cabinet Secretariat.

##### 5. Organisation and Methods (O&M) Division

The O&M Division was set up in March, 1954 as a standing machinery for administrative improvement. It was created to undertake critical reviews of the methods and procedures of work and suggest ways and means to improve them so as to reduce delays and unnecessary expenditure. The main function entrusted to the Division was to provide leadership and drive and by a cooperative effort to build up a common fund of information, experience and competence in O&M work.

By its location in the Cabinet Secretariat, the O&M Division could secure better cooperation from other Ministries/Departments in the Central Government.

However, it was realised that main effort for administrative efficiency must necessarily come from within each Ministry/Department. Therefore, O&M units were set up in each Ministry/Department to provide supporting services from within. These units functioned under a part-time O&M Officer (usually a Deputy Secretary).

The O&M Division concentrated on improving the working of the Central Secretariat and its Attached and Subordinate Offices through improvement of the



organisational pattern and simplification of procedures. The thrust was by and large directed towards effecting improvement in paper management through manualisation, and a system of inspections. The ambit of the activity of O&M Division remained at lower levels of the administrative hierarchy, but the Division did create an awareness among Government organisations about the need to improve administrative efficiency by eliminating unnecessary work and reducing delays.

In 1963, after a mid-term appraisal of the Third Five Year Plan, it was realised that administrative deficiencies had something to do with the shortfall in achievement. Central Ministries and State Governments, were, therefore, called upon to raise the level of administrative efficiency, and strengthen the implementation of development programmes. It was in this background that the machinery for administrative reforms came to be reviewed.

#### 6. Administrative Reforms Wing.

The first outcome of the review was the setting up of the Department of Administrative Reforms within the Ministry of Home Affairs in March, 1964. The O&M Division was transferred from the Cabinet Secretariat to the new Department. The intention was that the Department would be the Government's standing machinery for Administrative Reforms. The Department was expected to raise the level of the reforms process from mere O&M operations to something more likely to yield positive results.

In 1973, the Department of Administrative Reforms became a Wing of the Department of Personnel and Administrative Reforms in the Cabinet Secretariat. In April, 1977, the Department of Personnel & Administrative Reforms was lodged in the Ministry of Home Affairs and subsequently, in December 1984, it was placed under the independent charge of Minister of State. In March, 1985 this department was elevated to a full fledged Ministry of Personnel and Training, Administrative Reforms, Public Grievances and Pensions. In December, 1985 the Ministry was redesignated as the Ministry of Personnel, Public Grievances and Pensions with three departments viz. Department of Personnel and Training, Department of Administrative Reforms & Public Grievances and Department of Pension & Pensioners' Welfare.

Department of Administrative Reforms and Public Grievances functions as the nodal agency for administrative reforms.. The Department acts as facilitator, in consultation with Central Ministries/Departments, State Governments/UT Administrations, Organisations etc. to improve Government functioning through administrative reforms in the spheres of restructuring the Government, process improvement, Organisation and Methods and grievance handling, and by promoting modernisation, Citizen's Charters, award schemes, e-governance and best practices. It is also responsible for the formulation of policy and coordination of measures concerning the redressal of public grievances relating to the State and Central Government agencies.

The main functions of the Department of Administrative Reforms and Public



Grievances are as follows: -

- a) To advise the Central Government on policy matters concerning administrative reforms;
- b) To provide Management Consultancy services to the organisations of the Central Government, State Governments, Public Sector Undertakings and local bodies and promote modern management practices in these organisations, through major studies relating to organisation, structure and/or methods and procedures;
- c) To promote and develop management services effort in different Ministries/Departments; and
- d) To impart management education and disseminate information on administrative practices and modern management techniques

### 7. Staff Inspection Unit

During the early fifties, the Government work started expanding at a very fast rate, particularly after commencement of the First Five Year Plan. Among other things, this created a requirement for more and more of personnel in different fields. It was therefore, realised that there should be a regular system of reviewing and determining staffing pattern in Government offices so that employment of personnel did not become uneconomical or unproductive. With this end in view, a Special Reorganisation Unit was set up in 1956, to review the work allotted to, and strength of staff in various Government Offices, and to recommend reorganisation, reduction or augmentation of personnel in these offices. This unit was reorganised in 1964 and renamed as Staff Inspection Unit and was transferred to Ministry of Finance. Since then, the SIU is a part of Department of Expenditure in the Ministry of Finance.

This unit is expected to secure economy in staff consistent with administrative efficiency and evolve standards of performance and work norms. This unit plays a major role in ensuring that:

- a) Staff sanctioned for a particular purpose is utilised for that very purpose;
- b) Redundant and profitless activities are eliminated; and
- c) Work is simplified so as to effect economy in staff without sacrificing efficiency.

The Staff Inspection Unit is the principal agency for undertaking work measurement studies in Government offices. Its functions are broadly as follows:-

- a) To review staffing of Government establishments through a programme of studies;
- b) To evolve performance standards and work norms;
- c) To ensure utilization of staff sanctioned for a particular purpose/function for that very purpose/function.
- d) Elimination of clearly redundant and profitless activities and,



- e) Simplification of work/procedures in so far as it will result in direct economies of staff without sacrificing efficiency.

### 1. O&M/ Internal Work Study Units

O&M/Internal Work Study Units are an integral part of the organisation of Ministries/Departments and function under the administrative control of the Ministries/Departments concerned. They are the focal points for evolving and implementing administrative reforms at the unit level in the Ministry/Department to which they are attached. They are responsible both for determining the staffing patterns and designing suitable organisational structure and methods of work.

In the larger Ministires/Departments/PSUs/Autonomous Bodies, these Units should be generally headed by an Under Secretary or Senior Analyst who is assisted by one Section Officer or Junior Analyst and one or more Research Assistants and other complement of secretarial staff. These units have been placed under the charge of Financial Advisers appointed in Ministries/Departments under the Integrated Finance Scheme.

The main functions of O&M/IWSU Units are:-

- a) To study the organisation structure, methods of work and procedure of the Ministry/Department with a view to suggesting reforms and improving the efficiency of the organisation;
- b) To study the staffing of the establishments under the Ministry/Departments with a view to suggest economy in staff consistent with administrative efficiency; and
- c) To evolve standards of performance and norms of work relating to jobs peculiar to the Ministry/Department.

Besides, these units are expected to undertake studies on forms design and control, standardisation of forms of communication and on processing certain types of repetitive work, review of delegation of financial & administrative powers, preparation, records management and office layout and also assist the organisation concerned in keeping a check on delays, carry out O&M Inspections and consolidate orders/instructions.

The Expenditure Reforms Commission in their 10<sup>th</sup> Report on Department of Expenditure had recommended that as IWSUs have not been able to play any significant role in the matter of undertaking work studies or expenditure control, they may be abolished and the SIU be reorganised and strengthened to undertake various establishment expenditure studies. As a result of these recommendations IWSUs have been abolished by a number of Ministries/Departments and only O&M units are functioning.



## 2. Inter-relationship of the Department of Administrative Reforms & Public Grievances, SIU, and O&M/Internal Work Study Units

The Department of Administrative Reforms and Public Grievances offers guidance to O&M/Internal Work Study Units in performance of O&M activities i.e. studies connected with design or organisation structure or devising suitable methods of work and procedure, modernization of government offices through modern office aids (under the Plan Scheme 'Modernisation of Government Offices'), reduction of paper work, minimizing levels of consideration in the transaction of Government business, fixation of time limits, as well as record management.

With regard to work relating to work measurement studies i.e. the studies connected with the staffing of the establishments and evolving standards of performance and norms of work, these Units receive guidance from SIU in the the Ministry of Finance.

The Department of Administrative Reforms and Public Grievances also provides management consultancy services to Central Government Ministries/Organisations by way of conducting management studies covering a wide range of issues relating to the organisational structure and methods as well as procedures prevailing in the Ministries/Departments and other organisations of the Government. The O&M/IWS Units of the respective Ministries/departments provide assistance to the Department during the conduct of these studies.

Wherever, the SIU in the course of their work measurement studies come across procedures and methods, whose revision or modification seems patently necessary and is likely to lead to economy in staff, suitable recommendations are made in the reports. Items requiring detailed methods study are brought to the notice of the Department of Administrative Reforms and Public Grievances by the O&M/ IWS units for further necessary action.

### 10. Conclusion

Improvement of productivity in administration has become an important factor in the economy, social and political growth of the country. The requirement of the situation is that modern management techniques should be applied in a larger measure so that the Administration is enabled to meet the challenges posed by the rapid rate of change in technology and social behaviour. Appropriate application of O&M techniques can help to a great extent in meeting these challenges and providing the people with a larger volume of administrative services of better quality and at a lower cost.



## Chapter 9 CITIZEN'S CHARTER

It has been recognized world over that good governance is essential for sustainable development, both economic and social. The three essential aspects emphasized in good governance are transparency, accountability and responsiveness of the administration. It is with these objectives that Government of India convened a Conference of Chief Secretaries in November, 1996. The national debate on the issue of governance culminated in an Action Plan for effective and responsive Government, which was discussed and adopted at a Conference of Chief Ministers of the States under the Chairmanship of the Prime Minister in May 1997. The three main themes dealt with in the Action Plan were:

- i) accountable and citizen-friendly Government,
- ii) transparency and right to information, and
- iii) improving the performance and integrity of the public services.

One of the major decisions at the Conference was that the Central and State Governments would formulate Citizen's Charters starting with those sectors that have a large public interface. These Charters were required to include standards of services and time limits that the public could reasonably expect; avenues of grievance redress and a provision for independent scrutiny with the involvement of citizen and consumer groups.

The Department of Administrative Reforms and Public Grievances is constantly engaged in the task of coordinating, formulating and operationalising all the Citizen's Charters. As a result of the efforts of the Department, 79 Citizen's Charters have been formulated by the Central Government Ministries, Departments, Organizations and 498 Charters by various agencies of State Governments/ Administrations of Union Territories till March, 2003. Most of the national Charters are posted on the Government's websites and are open to public scrutiny. The organizations with Citizen's Charters are also advised to give publicity to their Charters through such means as print/electronic media and awareness campaigns.



## What is a Citizen's Charter?

It is a document briefly laying down the services an organization provide to the customers / citizens, standards of those services (quality, time frame etc), information required by the customer about the procedure to be followed for availing the services, redressal available if things go wrong and details of the authorities who can be contacted in case of deficient services.

The document should be simple, cohesive and in plain language and should not contain reference to laws, rules or regulations which ordinary citizen cannot understand.

## Key elements of the Charter

The key elements that should be kept in mind while drafting the charter are the following:-

1. **Standard** - Setting, monitoring and publication of explicit standards of the services that the users can reasonably expect.
2. **Information and openness** - Full and accurate information in plain language about the services and the procedure to be adopted for availing the services.
3. **Consultation** - There should be regular system of consultation with the users of the services and their views and priorities should be taken into account in deciding the standards and improving the standards.
4. **Courtesy and Helpfulness** - Courtesy and helpfulness from the public servants who should normally wear name badges. Service should be available equally to all who are entitled to it and run to suit the convenience of the users.
5. **Putting Things Right** - If things go wrong, a swift and effective remedy to be offered. A well published complaint procedure with independent scrutiny and review to be introduced and maintained.

## What should a Charter contain?

- i) **Title** - An appropriate title which will be self revealing regarding the customer groups and services provided.



- ii) **Preamble** – A brief preamble setting out the mission, vision and objectives of the organization.
- iii) **Services provided by the organization** - Services provided by the organization, standards of those services, time frame, quality, etc.,
- iv) **Information about the services** - Information about the services, formalities to be completed and forms to be filled. This could be supplemented by pamphlets, information counter or details of sources from where further information / assistance can be obtained.
- v) **Complaint Procedure** – Complaint procedure to be adopted if things go wrong , whom to contact, name and telephone Nos. of concerned officers and the time frame within which complaints will be redressed.
- vi) **Consultation** – Mechanism for consultation from users / citizens regarding the services provided, standards and suggestions for improving the charter.
- vii) **Obligation of users**, if any. – What the organization expects from users of the services.
- viii) **Non-justiciable** – This must be provided.

#### **Procedure for framing and operationalizing the Charter**

1. Form a task force under a senior officer with representatives from the management, staff, users and experts / resource persons.
2. Draft a Charter.
3. Consult staff and users.
4. Send to Department of Administrative Reforms and Public Grievances for scrutiny and approval by the core group.
5. Implement the Charter.
6. Remove bottlenecks and ensure that what is provided is delivered.
7. Give wide publicity.
8. Periodically review and improve standards based on customer feed back.



## Chapter 10 DESK OFFICER SYSTEM

Organisational structure is only an instrument for achieving the basic aims and objectives of the organisation. It should, therefore, keep pace with the changing objectives. It must respond dynamically to the changing socio-economic conditions and aspirations of the people. Rightly it has been said that "structure follows strategy".

2. The Study Team of the Administrative Reforms Commission on the Machinery of the Government of India and its Procedures of Work had inter alia made the following observations about the conventional structure of the Secretariat:

- a) A Wing of the Secretariat is not organized as an efficient administrative unit;
- b) The administrative power is divided into "decision-making" and "dealing" and administrative staff into 'officers' and 'office', leading to excessive dependence on office and delays in decision-making;
- c) Decision-making is more and more concentrated at the top, even in routine matters;
- d) There are too many levels of handling; two at the dealing stage and four at the decision-making. This results in delay and dispersal of responsibility;
- e) All matters, irrespective of their importance, are processed by the same dilatory method of noting at successive levels.

3. The Administrative Reforms Commission endorsed the views of the Study Team and made the following recommendations on the organizational structure of the Secretariat :

- "(a) There should be only two levels of consideration and decision below the Minister, namely, (i) Under Secretary/Deputy Secretary, (ii) Joint Secretary/Additional Secretary/Secretary. Work should be assigned to each of these two levels on the lines of "Desk-Officer" system. Each level should be required and empowered to dispose of a substantial amount of work on its own, and be given the necessary staff assistance;
- (b) the staffing pattern within a Wing may be flexible to facilitate the employment of officers of various grades;
- (c) the duties and requirements of various jobs in the Secretariat at each of the levels should be defined clearly and in detail on the basis of scientific analysis of work content;



(d) for smooth and effective working of the proposed "Desk Officer" system, the following measures will be necessary: -

- i) introduction of a functional file index;
- ii) maintenance of guard files or card indices which will contain all important precedents;
- iii) adequate provision for "leave" reserves;
- iv) adequate stenographic and clerical aids."

The Government of India accepted the recommendations of the Commission regarding Desk Officer System in January, 1973, subject to the condition that the reorganization is carried out in a phased manner and the surplus staff are suitably adjusted.

#### THE AIMS AND OBJECTIVES OF THE SYSTEM

4. The System seeks to abolish office-officer structure in the Secretariat, resulting in heavy dependence on office and calling for examination of all papers at the level of "dealing hand". Instead, all examination has to start at the level of an officer who is delegated with sufficient powers of disposal. It also aims at reduction of the number of levels by at least two. The System also seeks to minimize noting by laying greater stress on oral discussions and a team-departmental coordination. By delegating greater powers and responsibilities at the level of Section Officer, it is expected to bring about greater participation and commitment to organizational goals on the part of the officer at the base of the Secretariat structure.

#### CRITERION FOR INTRODUCTION OF THE DESK OFFICER SYSTEM

5. Ministries are required to identify Wings which are suitable for conversion to the Desk Officer System of working. Normally, a Wing with two or more divisions/sub-divisions with homogeneous functions should be chosen for conversion. However, in suitable cases, even part of a Wing, such as divisions and individual section can be converted. At least 40 per cent of the total work handled by the Wing should relate to strategic policy-making, planning and problem-solving. The idea is that the new system where officers at higher level initiate matters, should not be introduced in areas where there is preponderance of routine work. In order to ensure that this criterion is fulfilled, a sample study of dak received for a period of six consecutive working days, supported by a systematic sample study of 7-10 per cent files opened during the previous year should be conducted by the Internal Work Study Unit/O&M Unit of the Ministry. This opportunity can also be utilized to transfer out of the Wing, work which should properly be dealt with elsewhere. It is also expected that the work procedure should be simplified and the scope for delegation to lower formations explored in full.

#### COMPOSITION OF DESKS

6. If the results of work study justify the introduction of the Desk Officer System, desks are formed. For the purpose of fixing the strength of the desk, two Assistants in a



conventional section are equated to one Desk Functionary. A UDC handling cases most of the time and a Section Officer who is doing substantial original work are also treated as dealing hands. The conversion formula is to equate 10 dealing hands with 4 Desk Functionaries.

7. The Desk is a team of two officers and can be constituted in any of the following manners:

- 1 Under Secretary and 1 Section Officer
- 1 Section Officer and 1 Section Officer

The level of the Desk Functionary should depend upon the nature and complexity of work. In exceptional cases, the Desk can consist of more than two officers and even officers of higher grades can be posted to Desks.

Each Desk functionary will be assisted by a Stenographer [Grade 'D']. The Section Officers or equivalent officers posted to Desks are known as Desk Officers. There is no change in the designation of Under Secretary working in the Desk.

#### MANNING OF POSTS

8. Under Secretaries to the Government of India [Grade I of the CSS] can be posted as Desk Functionaries. Officers eligible to be appointed as Under Secretaries such as IAS Officers, officers of any Central Services Class I with a minimum of 5 years of service in Class I or State Civil Service Officers with 10 years of service can also be appointed as Desk Functionaries of the level of Under Secretaries. Section Officers of the Central Secretariat Service can be appointed as Desk Officers. The posts of Desk Officers can be filled, if necessary, by certain other specified categories of Central and State Government servants.

9. Panels of officers for appointment to Desks will be prepared by the appropriate Departmental Promotion Committee of the respective Ministries. One representative of Department of Personnel & Training is required to be associated with the panel.

10. In view of additional responsibility shouldered by them, Section Officers appointed to Desks are eligible for a special pay of Rs.150/- per mensem. The necessity for special pay was to be reviewed later. The special pay has since been enhanced to Rs.300/- p.m.

[vide Dept. of Personnel & AR OM No.12/1/74-CS(I) dt. 11.12.75].

#### CHANNEL OF SUBMISSION OF CASES

11. Desk Officers/Desk Attaches will be placed directly under the Divisional Head who may be a Deputy Secretary or Director. Under Secretaries working in the Desks will normally submit cases to the Joint Secretary or higher officer.



## PROCEDURE OF WORK

12. Each Desk is allotted a well-defined area of functioning. The work will be allocated among the Desk Functionaries by the Divisional Heads. Each Desk Functionary will independently function and submit cases to the Divisional Head/Wing Chief, as the case may be. However, in the temporary absence of one Desk Functionary, the other Desk Functionary is expected to look after more urgent work of his co-Desk Functionary. Short-term vacancies exceeding 21 days' duration may be filled in the usual manner.

13. Action on all cases will ordinarily be initiated by the Desk Functionary. Action may, however, be initiated at higher levels also whenever required.

14. With a view to enabling the Desk Officers to function effectively as decision-making levels, the powers mentioned in Annexure III have been delegated to Section Officers appointed as Desk Officers. In particular, the Desk Officers have been delegated powers to authenticate orders and sanctions in the name of the President, and to dispose of cases on their own responsibility as Under Secretaries of the Government of India would normally do. Depending on local circumstances, additional powers can also be delegated to Desk Officers by individual Ministries/Departments.

*Note:* Authentication (Orders and other instruments) Rules 1958 have been generally amended by the Government, authorizing the Desk Officers working in the Ministries, Departments Secretariats and Offices specified in the First Schedule to the Government of India (Allocation of Business) Rules, 1961 to authenticate orders and other instruments executed in the name of the President.

15. When a communication is received, the Desk Officer may send a reply, in simple situations. In other cases, he may submit a draft to his higher officers. In case of doubt, he should have personal discussions with his higher officers and based on such discussions, he may send a reply on his own, or submit a draft reply for approval. He is not ordinarily expected to put up a note in support of the draft.

16. The system lays down a new procedure for tackling standing problems and problems which arise out of daily correspondence or in the shape of suggestions from higher officers. According to this procedure, such a problem should be entrusted to the individual Desk Officer or a Study Team of more than one Desk Officer nominated by the head of the Unit with the direction that all aspects should be studied and a paper prepared. The paper should contain all substantive and operational issues arising out of the problem, including the background of the problem and all relevant facts and figures, an analysis of the data and suggest possible alternatives. It is so prepared that it can go straight to the decision making level.

17. For achieving coordination, intra-Wing, intra-Unit, intra-Ministry or even inter-Ministry, a Study Team approach is adopted. The study team is constituted by Divisional Head/Wing Head in consultation with his counterparts elsewhere. A member at the level



of directing level officer or the Desk Officer of the "Home" Unit becomes the team leader. All differences of opinion among the parties are expected to be sorted out in the team. With a view to achieving this the members of the team are expected to be given the discretion to adopt a "give and take" approach at meetings. If any difference persists in the study team it is brought out in the paper and settled at the decision-making level to which the paper eventually goes.

#### Assistance to Desk Officers

18. A Stenographer is provided to each Desk Functionary. To relieve desk functionaries of routine work and to assist them in development and maintenance of informational aids and records management, an assistant or UDC, depending on his suitability for work, is to be provided to each desk functionary (an Under Secretary or Desk Officer). The Stenographers, Assistants or UDCs attached to the Desk Officers will assist the Desk Officers in the –

- a) collection of information and files;
- b) compilation of data in given forms;
- c) opening of files;
- d) maintenance of current files and internal movements;
- e) sending of routine reminders;
- f) typing work;
- g) maintenance of standing notes, guard files, card indices and other information aids.
- h) Records management.

#### Registry

19. The registry will merely perform the functions of typing and the R&I Section will send dak direct to desk functionaries who will be responsible for maintenance of records etc. assisted by the staff attached to them. Where no separate registry has been set up, the LDCs to be provided on the basis of work measurement study by the Internal Work Study Unit will be attached to the desk functionaries.

#### O&M Returns

20. The Desk Officers will be responsible for preparation of Weekly Arrears Statement, Monthly Statement of Cases pending for over a month and monthly progress report of recording and review of files. Reminder Diary will be maintained by the Stenographer attached to the Desk Functionary.



## Information Aids

21. The success of the Desk Officer System depends on the proper maintenance of information and reference aids. Each desk Functionary should, therefore, maintain not only the basic and general information aids (vide Annexures IV and V) but also develop information aids in his functional area.

## Inspection

22. Inspection of the desks will be conducted by an officer not junior to a Desk Functionary, not directly connected with the work of the Desk and the report will be submitted to the higher officer concerned with a copy to the Desk Functionaries concerned, the O&M Officer and the divisional head.



Powers of the Section Officer functioning in desk officer system.

1. Authentication of sanctions issued in the name of the President.
2. References to other Ministries/Departments seeking advice, information, etc.
3. Addressing officers of the Department for collection of data, factual information, etc. and communication of Government orders, sanctions, etc.
4. Taking and communicating decisions in cases where the principles are clear or where the Ministry of Finance of Ministry of Home Affairs or other Ministries/Departments have concurred in the course of action proposed.
5. Disposal of cases on his own responsibility as an Under Secretary of the Government of India would normally do.



Basic informational aids to be available in every Secretariat Section made available to Desk Officers.

1. Updated basic and general reference records.
2. All reference records like acts, rules, regulations, executive instructions etc., applicable to each functional area (duly updated).
3. All orders/instructions on substantive functions duly consolidated/compiled.
4. Standing guard files/reference folders on important subjects handled in the sections compiled in the manner laid down in the Manual of Office Procedure.
5. Precedent Books duly completed.
6. Comprehensive Standing Notes such as commodities notes, country notes, etc.
7. Details of the reporting system for collection of statistical and other information from outside agencies including format of reports.
8. Card indices.



Acts, rules and instructions of a general nature to be maintained by each section.

1. Constitution of India.
2. Manual of Office Procedure.
3. Government of India (Allocation of Business) Rules.
4. Government of India (Transaction of Business) Rules.
5. Authentication (Orders and other Instruments) Rules.
6. 'Procedure in regard to submission of cases to the Cabinet' issued by the Cabinet Secretariat.
7. Official Language Act and instructions issued thereunder.
8. Rules of Procedure and Conduct of Business in Lok Sabha.
9. Directions by the Speaker under the Rules of Procedure and Conduct of Business in Lok Sabha.
10. Rules of Procedure and Conduct of Business in Rajya Sabha.
11. 'Procedure to be followed by Ministries in connection with Parliamentary work' issued by the Lok Sabha Sectt.
12. Manual for handling of Parliamentary work in Ministries.
13. Departmental Security Instructions issued by the Ministry of Home Affairs.
14. General instructions regarding typewriting, stencil-cutting, carbon manifold etc. issued by the Institute of Secretariat Training and Management.
15. "Channel of communication between the Government of India and State Governments on the one hand and foreign Government or their Missions in India, Heads of India Diplomatic Missions and posts abroad and International organisations, on the other" issued by the Ministry of External Affairs.
16. Schedule of periods of retention for records common to all departments issued by the Department of Administrative Reforms and Public Grievances.
17. Standardised functional file index including its file numbering system relating to establishment, finance, budget and accounts, office supplied and services and other house-keeping jobs common to all departments, issued by the Department of Administrative Reforms and Public Grievances.



# OFFICE LAYOUT AND MECHANICAL AIDS TO OFFICE MANAGEMENT

## (a) OFFICE LAYOUT

The need for making most effective utilisation of the office space has now acquired a significance as never before. Organisations expand and new ones come into being; cost of building is steadily mounting, the demand of staff for "lebensraum" i.e. more space and better environmental conditions is more pronounced and manifest; these and other similar factors go to underline the fact that as a managerial function, space planning stakes its claim for recognition at all levels, and has in fact come to acquire a high degree of specialisation.

Space planning is a continuous type of activity. It arises when-

- (i) a new or modified system or procedure is adopted;
- (ii) an increase or decrease in either work or personnel is made;
- (iii) a change in organisation is made- either adding to or taking away from a unit;
- (iv) complaints from employees are heard about their work areas.

Ineffective use of office space is a recurring liability. It contributes to inefficiency and continues to do so until and improved layout is planned and planted. The individual loss may be small; but the cumulative damage may well be staggering, for office space does represent a definite cost.

Office layout, which should be done scientifically, calls for a knowledge of the flow of work of individual requirements and foresight of what might be required in the future. It is important aspect of any manager's task because a properly planned office.

- Assists in toning up efficiency;
- Leads to economies form proper utilisation of space;
- Facilitates effective supervision;
- Speeds up inter-communication;
- Ensures better use of office equipment and machinery;
- Adds to comfort and boosts up morale of staff;
- Presents a better image and satisfies the aesthetic sense.

2. **Objectives of Office Layout.**- The principal objectives of office layout include the following:-

- (a) **Regular flow of work.**- Work should flow along a straight line. This has the merit of restricting movement of people and of papers to the minimum and makes for maximum speed tempered with



control. Back and forth movements as well as circumlocutory ones should be avoided.

- (b) **Maximum utilisation of space.**- The floor space should be as free as possible from partitions, columns, or other impediments to free movement and observation.
- (c) **Effective and facile supervision.**- Superiors should be able readily to observe what is happening in the office among the staff for whom they are responsible. Desk should be arranged to conform to a standard plan. Not only does this give a better look to the office but when the desks are arranged to face in one direction it renders the task of supervision easier.
- (d) **Staff satisfaction.**- Human resources are the most important that need careful husbanding and tactful handling. A good and pleasing working environment has the potential of a very powerful motivating factor. The importance of providing as good working condition as possible cannot be over-emphasised. Mutual interference between clerks at work should be reduced to the minimum. Those using machinery should be seated away from those whose work demands close concentration. Messengers who are continuously moving in and out of the office should not have to pass the desks of staff whose work they may disturb.

All equipments, including reference files, should be so sited that they are within easy reach of those who have to use them. They should be so placed that their use does not interfere with the movement or work of others. Filing cabinets, for example, are sometimes placed in such a manner that when the drawers are extended, they interfere with the free passage along a gangway. Consideration of ventilation and natural lighting must be studied and adequately taken care of.

- (e) **Inbuilt elasticity.**- The projected expansion of the organisation and its units must be visualised in the years to come. A layout should be so chalked out that it can admit possible changes (even arising out of contraction) without violently disrupting the design.
- (f) **Creation of an appereilling image.**- The business concerns are often proud of their office décor and use it as a good advertisement for themselves. Government organisations on the other hand usually lend themselves to carping criticism for the callous and indifferent upkeep of their offices. Given the will, there is no reason why they too cannot endeavour to catch up with private firms, though there may be certain constraints. This aspect assumes a special significance to those organisations which, in the nature of their work, have much to do with public. Here is an area where a lot can be done to improve the image and increase clientele satisfaction. For instance, provision of adequate waiting



area, with facilities for seating, where necessary, near the appropriate point of contact, locating individuals/units in such a manner that they are easily accessible are some of the steps that can be resorted to.

3. **Designing the Office-Layout.**- the internal office layout is often a compromise between requirements and availabilities.

The following steps will help to facilitate the process of examination of facts and development of a new layout-

- (1) Assess space requirements for each. Add adequate space for files, storage of records and temporary work.
- (2) Utilize one large area in preference to an equivalent area of small parcels. The single large area permits better lighting, ventilation, supervision and communication.
- (3) Use uniform size desks in any one area. This gives better appearance and promotes the feeling of equality among employees.
- (4) Give major preference to the dominant flows of work and communication needs, provide for straight line work flows and avoid backtracking, crisscrossing, and unnecessary movement of papers.
- (5) Place related departments adjacent and keep jobs of a similar nature in close relationship.
- (6) Locate departments which normally have many visitors from the outside near the entrance; or if this is not feasible, make provisions so that this traffic will not disturb other departments.
- (7) Have the work come to the employee, not the employee go to the work. Keep employee movement to a minimum.
- (8) Place all employees so that they face in the same direction. Do not have employees facing one another.
- (9) Arrange desks so that ample natural light comes from the rear and over the left shoulder.
- (10) Avoid private office locations which cut off natural light to the adjacent general office area.
- (11) Use movable partitions for walls, as they are easy to instal and can be quickly rearranged at will. Partway partitions with plain or opaque glass permit good light and ventilation.
- (12) Place units requiring noisy equipment and machines in an isolated area or with sound-proofing to avoid disturbance to others.
- (13) Put files and frequently used equipment near the employees who use them. Abstain from putting all files at dead wall space.
- (14) Place filing cabinet back to back.
- (15) Provide convenient and adequate rest-room facilities.
- (16) Anticipate and provide for future changes. Keep the layout flexible.
- (17) In assigning work space, provide for the peak load rather than for bare minimum requirements.
- (18) Use the past annual increase in the volume of work handled as a basis for planning space requirements for future expansion.
- (19) Group minor activities around major one so that when more space is needed the major functions will be taken care of first.



### **Conclusion:**

Space control and office layout are areas which have long been neglected. A systematic approach and a sincere effort at coming to grips with the issue will certainly go a long way in promoting efficiency, boosting morale and providing a face-lift to office arrangements apart from leading to economies.

### **(b) MECHANICAL AIDS TO OFFICE MANAGEMENT**

Modern office management is concerned with the efficient collection and processing of information into viable decisions and their implementation. For this purpose, it is necessary that the office should be equipped with certain mechanical aids to processing proper work which would contribute to achieving a certain standard of efficiency. In fact, such machines have become a necessity in view of the continuing growth in organisational size, the demand for ensuring greater accuracy and neatness in work, the diversification in the type of records to be kept and the overriding need for economy in administrative expenditure of the Government. However, in our own specific context, the introduction of machines should aim at facilitating and supplementing human endeavour rather than supplanting it. As such, questions which are relevant to the introduction of machines, such as the volume of work, the extent of its repetitiveness and the speed and accuracy of disposal desired should be carefully considered in the context of existing facilities before new machines are introduced in offices. Some of the specific questions which may be asked are:

- (i) Whether the machine available will suit the purpose in view?
- (ii) Whether any of the existing employees can be instantly trained to operate? If not, are trained operators available? How much will such an operator cost?
- (iii) The normal output of the machine and how it compares with the normal requirement may be found out.
- (iv) Does the machine fit in with the general plan of work, or are modifications necessary?
- (v) Whether it will be easy to maintain the machines?
- (vi) Whether spare parts are available for repairs?
- (vii) Whether servicing facilities are easily available and are not very costly?
- (viii) The space that the machine will require.

### **Kinds of Office Machines**

#### **Computer:**

A computer may be used for storing, retrieving and processing of large quantities of information of all types in a fast and accurate manner. It facilitates quick updating of information. Computer can also be used for accessing internet and e-mail which are very efficient modes for collection and communication of information. The most appropriate computing system for a department may be decided in consultation with the National Informatics Centre.

#### **Electronic Typewriter.**



An electronic typewriter can perform all the functions that a word processor is capable of subject to display and memory limitations. It is suitable for offices, where typing load is heavy. With the advent of personal computers Electronic Typewriters are becoming unpopular.

### **Photocopier**

Photocopier facilitate taking copies of documents faster and efficiently.

### **Dictaphone:**

This is a compact machine which enables an officer to record dictation at his convenience without having to wait for his stenographer. The cassette containing the dictated message can be handed over later to the stenographer who will type the matter straightaway without taking it down in long or shorthand first.

### **Microfilming of Records:**

A microfilm is a largely reduced photographic image of a document which can be magnified to any desired degree in order to be read or printed. It is amenable to computer aided retrieval systems. Microfilming of records can bring about nearly 98 per cent savings in the space occupied by original records, besides assuring longevity. It may be used in offices where a large number of records are required to be maintained permanently.

### **Internal Communication Aids:**

Electronic Private Automatic Exchange (EPAX) provides fast and efficient internal communication facility and helps in reducing the frequent movement of persons and files within the office.

### **Miscellaneous Paper Handling Equipment:**

Paper collators, cutting and stitching machines, binding machines and document shredders are some of the devices which save time and labour involved in activities such as set-making, stitching of files and reports and weeding out of unwanted records.

### **Fax machines:**

Fax machines are essential for transaction of documents and messages quickly and efficiently from one place to another using telephone lines.



## Chapter 12

# RECORDS MANAGEMENT

Records refer to the sources of information which have future referral value. Records may be on paper or non-paper medium. In the latter form these are available as floppies, CDs, audio-tapes, micro-films or just in the cyber space. Records are tools for the management to take tactical or operational or strategic decisions. These are the memory of an organization. The quality of the decisions taken by an organization depends to a large extent on the quality and timeliness of the information provided to the decision makers.

**WHAT CONSTITUTES RECORDS?:** In the offices records get created when the office performs its informational role. Records are end product of activities such as collecting, collating, storing, processing and disseminating information. In man's progress from Stone Age to information age the pace of records generation in the governmental and non-governmental sectors has become mind-boggling. In the context of office the information available in the form of files, registers, manuals, maps, reports, correspondence, forms etc. would form the building blocks of official records depending upon their referral value. The creation of records in an organization takes place during the process of its activities and operations. The records are created because of the following factors:-

- a) **External Activities:** This could be in the form of various communications received from outside.
- b) **Internal Activities:** This could be in the form of the analysis of the communications received from outside or the process of decision making on the issues considered by the organization. The communications conveying the final decisions of the organizations would also fall under this category.
- c) **Mini Records:** To facilitate the internal working of the organization especially to meet the informational needs during the process of decision making, organizations create certain aids to processing for various types of cases. These may be running summary of a case, reference folders, standing notes, standing guard files etc.

**WHY IS IT NECESSARY TO RETAIN GOVERNMENT RECORDS:** Some of the reasons for retaining Government records are:-

- I. The Public Records Act 1993 has given a statutory orientation to the need to properly preserve and maintain records as per the Act and the rules framed under it.
- II. The paradigm shift in the relationship between citizens and Government gravitating towards e-governance has been manifested in the Right to Information Act 2005. This has enjoined additional responsibility to have an efficient records management system to ensure the timely availability of information to the public.



- III. To get over the limitations of human memory to meet the informational needs relating to planning and scheduling of governmental activities.
- IV. To ensure continuity in administration in view of the continuous personnel changes.
- V. To meet obligations towards the Audit, Courts, Legislature, Parliamentary Committees and other public authorities.
- VI. To maintain consistency and uniformity in the decision making and its execution.
- VII. To maintain transparency in Government working.
- VIII. For fixing responsibility if the need for that arises.
- IX. For historical and cultural value of records in the history of the nation.
- X. For ensuring financial propriety.
- XI. For providing evidence in the cases of dispute.

**RECORDS MANAGEMENT:** Records management refers to the activities required to be undertaken during the entire life cycle of a record so that records are kept within manageable limits to ensure quick retrieval of the required records at a particular moment. For this a watch would have to be kept over each stage in the life cycle of a record i.e. from its creation to disposition. These stages may be grouped in the following categories: -

- i. Exercising judicious control over the CREATION of records
- ii. After the disposal of the case appropriate CATEGORISATION of the record as per importance of the records
- iii. TRANSFER of the disposed of closed record to the designated custodians
- iv. MAINTENANCE of the records by the custodian
- v. PRESERVATION of the records by the custodian
- vi. REVIEW of the records by the creator on the completion of the initial retention period
- vii. WEEDING out of the records that has outlived its utility
- viii. Retiring the records of lasting value to the ultimate custodian- NATIONAL ARCHIVES OF INDIA

**PRINCIPLES OF EFFECTIVE RECORDS MANAGEMENT:-** Keeping in view the acid test of records management that is quick retrieval and considering the activities mentioned above, principles of efficient records management would be as enumerated below:

- I. There should be control over the creation of record since its inception till its final disposition. *Only relevant papers may be kept in the file. Papers of secondary importance and of transitory nature should not be allowed to clutter the file.*
- II. Elaborate record retention schedules should be available in the organization. These schedules should correspond to the approved filing system being followed in the organization. The schedule should provide for uniform and systematic



schedule for retention and disposal of records. These schedules themselves are reviewed periodically say after every five years or so.

The closed records should be regularly and periodically reviewed by the creating agency for their intrinsic and informational value after the expiry of the initial retention period.

There should be a constant weeding of the records that have outlived its utility. It would keep the cost of maintenance of the records minimum.

The records should be stored in such a manner that they are accessible to the agencies that need to utilize them.

The storage of records should also help in speedy retrieval of records.

The maintenance and preservation of records should not be unnecessarily expensive. Economy should be observed by ensuring that a) records occupy minimum space, b) cost of storage equipments is low. c) cost of retrieving information is low.

**CATAGORIZATION OF RECORDS:-** The government records at the time of their segregation as closed records are categorized in accordance with their importance. There are three such categories:-

I. **CATEGORY 'A'.** At the time of recording of such files these are endorsed as 'KEEP and MICROFILM'. These categories of files are kept for at the most 25 years with the creator. Thereafter a joint review is undertaken with the NAI. If the file clears that review it is taken over by the NAI. Files which fall in this category are:-

i. Files which qualify for permanent preservation for administrative purposes and which have to be microfilmed because they contain:

a) A document so precious that its original must be preserved intact and access to it in the original form must be restricted to the barest minimum; or

b) Material likely to be required for frequent references by various agencies.

ii. Files of historical importance

Central Secretariat Manual of Office Procedure brought by the Department of Administrative Reforms and Public Grievances gives an illustrative list of Category 'A' and Category 'B' cases at Appendix No. 25.

II. **CATEGORY 'B':** At the time of recording of such files these are endorsed as 'KEEP but DO NOT MICROFILM'. This category of files cover files required for permanent preservation for administrative purposes, but not containing material of the kind mentioned in paragraph i (a) and (b) given above.



III. CATEGORY 'C': This category includes those files which are required to be preserved for specified period only. These are the files of secondary value having reference value for a limited period not exceeding 10 years.

**RECORD RETENTION SCHEDULES:** - Records should neither be destroyed prematurely nor should they be kept after they have out-lived their utility. There should be a reasonable ratio between the creation and destruction of records. One of the essential components of an efficient records management system is the availability of elaborate record retention schedules. There are four types of record retention schedules:

<b>TYPE OF RECORDS</b>	<b>RETENTION SCHEDULE</b>
Records pertaining to Accounts	Appendix 13 of General Financial Rules
Records relating to subjects common to all Departments such as Establishment, Vigilance, Common Office Services	Records retention schedule on such subjects issued by the Department of Administrative Reforms & Public Grievances
Records referred in the C.S. Manual of Office Procedure	Appendix 28 of the C.S. Manual of Office Procedure
Record retention schedule pertaining to the substantive items of work of a Department	The retention schedule prescribed by the Department concerned. It also covers the items of work handled by the Attached and Subordinate offices under the Department. This schedule is drafted by the Department and vetted by the NAI. It is reviewed after every five years.

**PROCEDURE FOR RECORDING:-** Files should be recorded after the issues considered thereon have been completed. However, files of purely ephemeral nature containing papers of little reference value or research value may be destroyed after one year even without formally recording.

After action on the issues considered on the file have been completed, the dealing hand /initiating officer, in consultation with his supervisory officer should close and record the file in the manner prescribed below;

- i. Remove from file all superfluous papers such as reminders, acknowledgements routine slips working sheets, rough drafts, surplus copies, etc. and destroy them.
- ii. Indicate the appropriate categorization of record and in the case of class 'C' also specify the retention period and the year of destruction on the file cover.
- iii. Where necessary revise the title of the file so that it describes adequately the contents at that stage or that the title of the file is the mirror image of the contents of the file.
- iv. Get category 'A' and 'B' files indexed.
- v. Take extract from the file copies of important decisions documents etc. as are considered useful for future reference and add them to the standing guard file, precedent book.



- v. Complete all references in the file and also write previous and later references on the file cover.
- vi. Complete entries in the file register. If need be revise the entries relating to the title of the file also.
- vii. Complete entries in the register for watching progress of recording.
- viii. Write the word recorded prominently in red ink across the entries in the file movement register.
- ix. If required re -page- number the file. Write page numbers in ink.
- x. Prepare fresh file covers, where necessary, with all the entries already made thereon.
- xi. Repair the damaged papers and get the file stitched.

**INDEXING OF FILES:-** Some of the files are required to be indexed at the time of their recording. Files of category 'A' and 'B' will only be indexed.

- i. Ensure that the title of the file adequately represents the contents of the file
- ii. From the title of the file identify the catchwords which will naturally occur to any one searching for the file later. Here a foresight is needed to visualize situation as it would be in the future. Where conventional filing system is followed first such catchwords can be identified from the standard heads, and from the standard sub heads. These are known as 'index heads' and 'index sub-heads'.
- iii. These catch words are approved by the supervisory officer
- iv. Take the index cards double the number the catchwords so identified. These cards are similar to the catalogue cards used in the library.
- v. Indicate on top of cards all the catchwords one below the other. Distinguish the index heads and index sub-heads by typing the former in capital letters.
- vi. Allot a pair of cards to each catch word by scoring out entries relating to the others
- vii. Arrange the index card in two sets in alphabetical order of catch words. Keep one set in the Section. Send the other set to the compiler of Departmental index.
- viii. For the Section keep the set of cards on year-wise basis.
- ix. Complete the entries relating to indexing on the file cover of the recorded file.
- x. Where the functional filing system is followed files need not be indexed under the basic, primary, secondary, and tertiary heads. The functional filing scheme itself will provide the master index. However, these files will have to be indexed under the catch words used in the 'content' part of the title, which falls outside the standardized headings.

**TRANSFER OF RECORDED FILES:-** Now once the closed files have been recorded, it is necessary that these must be taken away from the case-processor, so that the primary



function of the case-processor relating to processing of live issues is carried on unhampered. For this, recorded files are removed to the first custodian of recorded files - the Daftry or Peon of the Section. He keeps recorded files under his charge for the period of one year. Thereafter the recorded files are transferred by following the prescribed process to the Departmental Records Room (DRR). The recorded files retained in the DRR at the most for **24 more years**. Files which survive this period are then reviewed in consultation with NAI. Files which survive this review are taken over by the next custodian - the NAI for permanent preservation. The only exceptions are the **Pay Bill Registers** which have the prescribed retention period of **35 years** and so remain in for 34 years. All the custodians of records are expected to take adequate steps for the maintenance and preservation of records placed in their custody.

**RETRIEVAL OF RECORDS:-** It is an important activity in the area of records management. If a preserved record cannot be retrieved at the required moment it is as good as destroyed. The records required to be retrieved is properly identified i.e. the exact file number etc. with the help of aids to retrieve records such as: -

- a) Organizational History
- b) Printed Index Heads
- c) Induction Note
- d) Index Cards
- e) File Registers
- f) Alphabetical List of Important Files
- g) Precedent Books
- h) Standing Guard File
- i) Standing Note
- j) Reference Folder

Thereafter a formal request is made for requisitioning the record to the custodian of the record. Due procedure is followed to keep track of the movement of the requisitioned records by the requisitioner as well as the custodian of records to ensure that the requisitioned record does not get lost. For this purpose every custodian of records issues the requisitioned record only against a conspicuously colored requisitioning card or paper. The requisitioning agency is also required to indicate the purpose for which the particular record is being requisitioned. It is mandatory to indicate the identity i.e. the file number, diary number etc. of the current record with which the requisitioned record is to be linked. This helps in tracing the movement of the requisitioned record. When record is issued the requisition is kept in place of the issued record. If a requisitioned file initially obtained for being put up in one case, is subsequently put up with another file, a fresh requisition should be given to the custodian of the records.

Files obtained from DRR are normally returned within **three months**. Files obtained from NAI are not normally retained for more than **six months** except with their specific knowledge and consent. The DRR as well as the NAI keep note of the records issued by them and follow this up by periodical reminders.



**REVIEW OF RECORDS:** - Reviewing is the activity for determining the future of the past records that have completed the initially prescribed retention period. The objective is to ascertain how much of the records stored have lost their relevance and utility at the end of the prescribed retention period. This exercise helps in determining the current and future administrative, legal fiscal use of the records as well as their evidential and informational value. The review also looks into the intrinsic value of the records which may be due to some unique factors such as age, circumstances of creation, signatures, seals etc.

Review should be undertaken in a systematic and regular manner. It should be entrusted to those who are conversant with the subject matter.

The records categorized as Category "C" records are reviewed after the completion of the indicated calendar years from the year of closure. For example, if a file has been recorded as C-3, on 15.06.2005 it would be reviewed any time after completion of the years 2006, 2007 and 2008. The Category 'A' and Category 'B' recorded files are reviewed after the completion of **25 years from the year of opening of files.**

To undertake the review exercise systematically the DRR at the beginning of the year takes stock of the files that are mature for review. In respect of the files to be reviewed by the Sections, these are sent in almost equal numbers spread over the entire year.

**DISPOSITION OF RECORDS:** - When after review it is found that some of the records have outlived its utility, it is weeded out. Here, before such records are confined to incinerator or shredder for destruction a 'Certificate of Destruction' is prepared in the format prescribed as 'Form-6' in the Public Records Rules, 1997.

**STATUTORY OBLIGATION:** - The management, administration and preservation of public records of the Central Government, Union Territory Administrations, Public Sector Undertakings, Statutory Bodies, and Corporations, Commissions and Committees constituted by the Central government or a Union Territory administration, is regulated in accordance with the Public Records Act, 1993 and the Rules framed under the Act. As per provisions of this Act, every record – creating agency is required to designate one of its officers as 'Departmental Records Officer' [DRO] under intimation to the NAI, which is the apex body for managing Government records. The Act elaborately enumerates the functions to be performed by the DRO. There is linkage in the functions of the DRO and NAI through the submission of periodic reports to the NAI.



Chapter 13  
**RETRIEVAL SYSTEM**

The word 'Retrieve' means 'find and bring in', 'recover by investigation', regain possession of. In the official work, Retrieval system means, devices which help in locating and identifying files which have bearing on cases under consideration. The question of retrieval, therefore, assumes importance right from the stage of creation of a file. During its active life, the file has periods of activity as well as rest. When it is active, it may be moving up and down or horizontally within the organisation or even moving out of the organisation. During periods of temporary rest, the file is in the custody of the dealing hand. The retrieval, at this stage, is facilitated by the movement and diary registers maintained in the section. Besides the movement and diary registers, other aids which help in retrieval are the following:-

1. Printed index of the records of Ministry;
2. Standing Guard File;
3. Standing Note;
4. Precedent Book;
5. Reference Folder;
6. Induction Note;
7. Alphabetical list of important files; and
8. Other Information Aids.

(1) ***Index of the records of Ministry*** - An index helps an individual in tracing previous papers on a particular subject. An index assists a searcher to locate the information he needs and an index of the records of a Ministry provides a means of tracing previous papers on a particular subject. Indexing is necessary corollary to filing. 'Indexing' means the arrangement of record and documents in such a fashion that it is possible to locate them without delay. An efficient system of indexing would help the management to carry out the day-to-day transactions without loss of time. This is an efficient instrument through which the 'management control' is properly exercised. Without a scientific indexing the work of the Government is exercised only in a haphazard manner like a boat sailing in the deep sea without any helm.

The procedure for Indexing and its maintenance is contained in paragraph 100-103 and Appendix 26 of the Manual of Office Procedure.

(2) ***Standing Guard File*** - Standing Guard file on a particular subject is useful to officers and staff because :—

- (i) it gives a background of the policy and procedure on the relevant subject to new officers;
- (ii) it enables quick submission and disposal of cases;
- (iii) it takes the place of voluminous old files put up for reference and is capable of being put up at short notice; and



- (iv) it helps the office in locating the previous papers having a bearing on the subject.

Standing Guard Files are prepared on 'type' subjects dealt in a Section and is a compilation consisting of the following three parts:-

- (a) A running summary of the principles and policy relating to the subject with number and relevant decisions or orders quoted in margin against each;
- (b) Copies of the decisions or orders referred to arranged in chronological order; and
- (c) Model forms of communications to be used at different stages.

The relevant number of file quoted in portion (a) and copies of orders etc., placed in part (b) of the Standing Guard File help in immediate location of the previous papers on the subject.

(3) **Standing Note.**- Standing Note is helpful in retrieval of important files on the subject to which Standing Note pertains as it contains reference to important previous files concerning the subject. By referring to Standing Note one can easily have access to important files on the subject and locate them without any delay.

Standing Note is a continuous note explaining, among other things, the history and development of policy of particular subject. It is designed to serve as:-

- (a) Complete background material for review of the existing policy and procedure;
- (b) A brief for preparing replies to Parliament Questions; and
- (c) Induction or training material for new incumbents.

As and when there is change in policy or procedure, the Standing Note should be brought up-to-date by incorporating relevant changes. The main points of difference between Standing Note and Standing Guard File are as follows:-

Standing Guard File	Standing Note
(i) It is in three parts	(i) It is in one part only.
(ii) It contains (a) extracts of notes and correspondence from earlier papers; and (b) model forms in which orders are to be communicated.	(ii) It is more comprehensive as it contains the background history, statistics and development of the policy and procedure and contains all available material for answering Parliament Questions on the subject. It is more or less a comprehensive 'brief' on the subject.
(iii) It is prepared on the 'type subject'	(iii) It is prepared on any item which may be difficult, complicated required for day-to-day reference or has historical importance.



(4) **Precedent Book**-This is a valuable tool for quick retrieval of past papers on the subject under consideration. By referring to it, it is possible to locate files on the subject immediately.

The Precedent Book is designed for keeping a note of important rulings/decisions having a precedent value for ready reference. Entries in this register are to be made at the time of taking decision and, in any case, at the stage of recording the file. No rigid view need be taken that the entries in this book should be only 'Decision' 'Precedents' or only 'recorded files'. It can contain entries relating to current files, discussions leading to no decision, non-precedents also. The only criterion is whether such a file is likely to be called up for reference in the near or distant future. Entries in this Book should also contain reference to decision taken on the subject by other sections as well as other Ministries. The form of the Book is as follows:-

**PRECEDENT BOOK**

Heading .....

Decision or ruling in brief	File No.

**Instructions**

1. Entries in this book should be made under the appropriate standard heads and sub-heads arranged in alphabetical order. Where the functional filing system is followed, entries will be made under the appropriate basic, primary and secondary heads.
2. The pages of the Book will be numbered serially and a few pages allotted to each standardised heading under which entries are to be made Vide 1 above. At the beginning of the Book will be pasted or written a list of such headings and pages allotted to each.

(5) **Reference Folder** - It is another device which helps in retrieving previous papers on the subject quickly. It consists of folder containing copies of relevant rules, orders, instructions etc., on a particular subject issued by various authorities arranged in chronological order. By referring to it, it becomes possible to collect important previous files on the subject which are helpful in the disposal of the case.

(6) **Induction Note** —In order to help new officers in understanding the working of various sections under their control an induction note explaining the working of the Division is prepared. It consists of the following:-

- (i) Subjects dealt with in the Division together with brief and to-the-point history of each subject, present policy relating to it and rules and



regulations necessary for the disposal of cases relating to them. It also contains list of –

- (a) Reference Books and Guard Files kept in the Section;
- (b) Important current and recorded files pertaining to each subject;
- (ii) Organisational Chart showing the Line and Staff arrangement;
- (iii) Allocation of work amongst different sections of the Division;
- (iv) List of attached and subordinate offices with designation of corresponding officers with whom the officer(s) are likely to come across in official dealings; and
- (v) Names of Ministries and designation of officers with whom the officers are likely to have official dealings.

The induction material is to be brought up-to-date in the month of January each year.

(7) **Alphabetical list of important files** - This is yet another device which is very helpful in retrieving relevant papers quickly. The Section Officer can maintain list of important files in alphabetical diary pertaining not only to his section but also in respect of files pertaining to other sections and Ministries which have bearing on the subject dealt with in the section. This can also contain the nominal index (index of names) in respect of -

- (a) persons whose cases may quite often be called up by higher officers;
- (b) persons against whom some action is pending;
- (c) persistent 'representationists'; and
- (d) subordinates to whom different assignments

It can also contain some statistical data or the number and dates of important orders issued by other Ministries which the Section officer may have to quote in his notes and correspondence or quote in answer to telephone queries as it might be difficult to remember the exact number and date. This is in the nature of a mini-index and can be utilised for locating relevant papers immediately.

(8) **Other Information Aids** - These are helpful in quick disposal of cases. A specimen list of information aids in different functional areas is at Annexure IV and V of Chapter XI. The various aids explained above are illustrative of the different means of keeping the information pool up-to-date and effective. Their very nature demands that they should be reviewed continuously so that they are capable of producing relevant and accurate information of the right quality and quantity.



## FORMS, REPORTS AND RETURNS

### 1. FORMS DESIGN AND CONTROL

A Form is a standardised medium of collecting, analysing, transmitting and recording information. It makes clear what information should be collected and transmitted and in what manner, (e.g. An application form for Earned Leave). It standardises the procedure of communication of decisions (e.g. the order imposing a penalty under the CCS (CCA) Rules). It facilitates the filing of information for future reference (e.g., the individual running ledger accounts in case of Defence Personnel). Forms are devised for simplifying internal office work, e.g., accounting forms. Forms are thus an important aid in the conduct of Government business. But they will serve the purpose only if they are properly designed. On the other hand, an ill-designed form can lead to delay and errors. It can also make processing difficult and costly. A badly designed form has an adverse sociological reaction and gives a poor image of the organisation. Forms are the ambassadors of an organisation outside and a good workman inside.

2. Sufficient attention needs to be paid to the designing of forms. However, before undertaking the task, it should be first carefully examined as to what is the purpose for which the form is required, whether the form is to be designed for collecting and analysing certain information or for standardising the method or procedure of handling a particular type of work. It is also necessary to examine the nature of work which requires collection of information or the procedure which is to be standardised. Such an examination may sometimes reveal that instead of devising a new form, the same or similar information can be obtained through a form already in use, perhaps after a little modification. Similarly in the case of standardisation, a check list already in use for examination of a particular personnel matter (e.g., sanction of advances from Provident Fund) can be used for examination of a case of withdrawal from the same fund.

3. So far as collection, analysis and transmission of information is concerned, the following points should be borne in mind:-

- a) The source from which information is to be collected. That will determine the periodicity and frequency of use, the language to be used as well as the shape of the form. (Single copy or multiple copy).
- b) Method and equipments which will be used for processing, recording and storing the information collected through the form, e.g. manual processing and automatic or electronic data processing methods or computerisation will require different types of forms. A form designed for manual processing of information may not be suitable for EDP computer and vice-versa. Similarly equipments used such as type-writers, accounting machines, file drawers, collators etc. will require designing of different types of forms.



4. A thorough examination of the above information will help determine the content of the form, that is, the different entries to be made in it, the manner in which the entry should be made, the language to be used, the material to be used, e.g., paper or card, thin or thick paper, coloured or white paper etc. And size and shape of the form e.g. whether single copy or a multiple copy form.

Finally it is essential to keep in view the cost factors in designing the form viz. Cost of production, processing, distribution and storage.

#### *Guidelines for forms design*

Basic requirements in forms design for information handling are that a form is easy to fill up, interpret and process and pleasing in appearance. The following guidelines which are only illustrative and not exhaustive, will be useful in designing a form:

- (i) Give the form a title, sufficiency indicative of its purpose, and a number to facilitate identification.
- (ii) The style and tone of the wording should be appropriate to its purpose and as simple, courteous and pleasant as possible within the bounds imposed by official requirements. Loose wording is to be avoided as it will not fetch the right information.
- (iii) Departmental jargons should be avoided since these may not be easily understood by outsiders.
- (iv) The size, quality and colour of paper should be standardised to reduce cost of re-production and to avoid confusion.
- (v) A good layout of the form will require:
  - a logical sequence.
  - flow of writing to be continuous from left to right and from top to bottom.
  - box design to give scope for variable answers to a particular question and facilitate compilation of such variable data.
  - When the entries are to be compiled or processed through a machine, the layout should suit the particular requirement of the machine.
  - Sufficient space to be provided for making entries by writing, and/or typing.
  - Adequate instructions for completing the form to be provided, including statutory requirements for filling it up or the number of copies to be filled up; the language of the instructions to be such as to produce the right response from the person filling it up. Wherever considered desirable, specimen entries to be indicated for guidance.



When the form is to obtain information from the public, it can be so designed that it can be folded and used as an envelope or the form should have a predetermined space for writing the mailing address so that it fits into a window envelope.

### *Control on Forms*

A large number of forms are in use and being introduced in Government offices, and unless some control is exercised, it will be difficult to keep their number in manageable proportions. Hence the control on forms should be centralised under one agency like the O&M unit or IWSU or a forms control committee consisting of various user Departments. The main functions of this unit/committee can be to –

- (i) maintain folders of forms already in use in the Department, function-wise/number-wise.
- (ii) Design new forms, classify and codify them for easy identification, storage and distribution.
- (iii) Re-design the existing forms, eliminate obsolete forms and avoid duplication of forms; in other words, constantly carry out a review of forms.
- (iv) Examine the possibility of developing multi-purpose forms.

New forms should not be introduced without consulting this Unit/Committee.

## **2. REPORTS AND RETURNS**

In the administrative process, two types of functions have to be performed by the management, namely, planning and control. Planning is to lay out a course of action for the future. This requires clarification of objectives, development of policies, design of programmes, and design of systems and methods. Controlling is guiding the operations in accordance with the plans and ensuring that desired results are achieved.

The two directional characteristics of information flow is, that flows from the management and that flows to the management. The information which flows to the management is the basis for decisions made. The information that flows from the management is the basis for reporting results achieved, i.e., performance against targets/standards laid down. The return flow of information is just as important as the initial flow. As a matter of fact, it is the feedback which enables management to adjust the plans; also it develops a sense of responsibility in the person who reports on his performance. The information that flows to the management from the various levels in the organisation is generally in the form of reports and returns. The necessity for reports and returns has grown more because of the following factors:-

- (i) The increase and complexity of activities of organisations and the organisational distance between the top and the lower managements.



- (ii) Decentralisation and consequent delegation of authority require ways of measuring executive performance.
- (iii) It is in the interest of the lower officials to send reports to the higher ones as it will help the former to seek solutions to problems which they are not able to find at their own level. Besides, it will help them in getting promotions, advancements, etc. based on an indication of achievements of results. Of course, there has to be a selectivity in reporting the information to the appropriate level.

Here, it will be desirable to differentiate between a report and a return. A report is generally in the narrative form with proper headings and sub-headings; there is scope for elaboration and expressing personal opinion. Returns, on the other hand, are in a tabular form, the format being prescribed by the demanding authority and there is very little scope for expressing personal opinion. However, both reports and returns can be for planning and control purposes.

The various types of reports and returns are as follows:-

- (i) *Performance Report and Return*:- It is for the purpose of exercising control by higher officers. It gives indication about achievement of targets, production of goods, collection of revenues, construction of roads, sales, etc. These are submitted periodically and the frequency is high. The source for preparation of this report is internal.
- (ii) *Monitoring Return and Report*:- It is similar to the above; the only difference being that it places emphasis on progress or otherwise in certain important areas only, like industrial relations, public complaints, research and development activities, etc. It is also submitted periodically and the frequency is fairly high.
- (iii) *Exception Report*: It is for the purpose of control. The purpose is to signal significant deviations from fixed schedules or shortfalls in targets or to report unusual features. The objectives of exception reporting are three: eliminate unnecessary details, inform higher management of deviations or any unanticipated trends, and call attention of higher management to those situations which cannot be remedied at lower levels. If all details of direct operation were reported to top management, little time will be left with them for planning. These reports are submitted occasionally and the frequency is low. The source of information is internal.
- (iv) *Demand Report*: It is both for planning and control. These are specially demanded either suo-motu or sometimes to obtain additional information about points arising from the reports mentioned above. Their frequency is variable and the source of information is internal.
- (v) *Planning Report*: This report is mainly for the purpose of strategic planning. It helps in forecasting trends, evaluating investment opportunities, planning future activities taking into account the political and economic climate, fiscal policies, activities of competitors etc. The



nature of information content is mostly unstructured and hence generally decided by the sender. It is a periodical report, frequency is low but often pre-determined, e.g., half yearly or annually. The source of information is both internal and external.

In order to be a good report/return, the factors of accuracy, timeliness, relevancy, uniformity of scales should be ensured. Further the format and style should be correct. The periodicity should be such that the next report should be sent/received only after action on the earlier one has been taken. The reports should be in pyramidal form, i.e. as the reports go up to higher levels, the content should be more condensed.

A large number of reports and returns have been prescribed in Government offices, some of which have outlived their utility. It is, therefore, essential that an inventory of the existing reports and returns should be made in the form of a master report control schedule as under:-

Sl. No.	Name of report/return	Brief description	No. of copies prepared	Source from whom received	How prepared (various agencies involved in its preparation/ submission)
1	2	3	4	5	6

Sent to whom	Purpose of circulation	Retention period	Frequency	Cost if possible of preparation and circulation
7	8	9	10	11

After preparing the above list, the following questions should be put to each report/return to justify its continuance or otherwise:-

- (i) What is the purpose of this report? What type of information is it supposed to convey? Is the title alright?



- (ii) Can it be eliminated or combined with other reports?
- (iii) Does it contain unnecessary or irrelevant data?
- (iv) Does it contain all the relevant data required?
- (v) Does it contain too much details?
- (vi) Is the format correct and convenient from the point of view of both sender and the receiver?
- (vii) Can the data be easily interpreted, quantified and/or encoded for computerisation purposes, if necessary?
- (viii) Should the frequency be reduced?
- (ix) Is it coming from the right source?
- (x) Is it actually referred to and used in making effective decisions by the persons for whom it is meant?
- (xi) Is it necessary to reduce or increase its distribution? Is the despatch to the addressees justified?

Only through a planned system of report inventory, can the system of reports and returns be maintained at optimum effectiveness. Responsibility for such reviews can be entrusted either to an Information Cell or IWSU under the supervision of a high level officer who has sufficient authority to influence organisational planning and development.



## HUMAN BEHAVIOUR IN ORGANISATION

### Individual's Behaviour at Workplace

Why do individuals behave the way they do and perform well or poorly in the workplace? The dynamics can be understood through a basic model of individual behaviour (called the MARS model) outlining the main types of individual behaviour in Organisational settings. The model highlights four factors that directly influence an employee's voluntary behaviour and resulting performance – *motivation, ability, role perceptions, and situational factors*. These four factors are represented by the acronym "MARS" in the model's name.

The MARS model shows that these four factors have a combined effect on individual performance. If any factor weakens, employee performance will decrease. For example, enthusiastic salespeople (motivation) who understand their job duties (role perceptions) and have sufficient resources (situational factors) will not perform their jobs as well if they lack sufficient knowledge and sales skill (ability).

**Motivation** represents the forces within a person that affect his or her *direction, intensity, and persistence* of voluntary behaviour. *Direction* refers to the fact that motivation is goal oriented, not random. People are motivated to arrive at work on time, finish a project a few hours early, or aim for many other targets. *Intensity* is the amount of effort allocated to the goal. For example, two employees might be motivated to finish their project a few hours early (direction), but only one of them puts forth enough effort (intensity) to achieve this goal. Finally, motivation involves varying levels of *persistence*, that is, continuing the effort for a certain amount of time. Employees sustain their effort until they reach their goal or give up beforehand.

Employee's abilities also make a difference in behaviour and task performance. **Ability** includes both the natural aptitudes and learned capabilities required to successfully complete a task. *Aptitudes* are the natural talents that help employees learn specific tasks more quickly and perform them better. For example some cannot learn finger dexterity; rather, some people have a more natural ability than other to manipulate small objects with their fingers. There are many different physical and mental aptitudes, and our ability to acquire skills is affected by these aptitudes. Learned capabilities refer to the skills and knowledge that one has actually acquired. This includes the physical and mental skills we possess as well as the knowledge we acquire and store for later use.

**Employee Competencies** -Skills, knowledge, aptitudes, and other personal characteristics that lead to superior performance are typically bunched together into the concept of *competencies*. Competencies are generic, meaning that they are relevant for a wide variety of jobs.

**Role perception** refers to a person's beliefs about the specific tasks assigned to them, their relative importance, and the preferred behaviours to accomplish those tasks.



How do organisations develop clarity in role perception? One strategy is to ensure that employees understand their required responsibilities and how these goals relate to organisational goals. Employees also clarify their role perceptions as they work together over time and receive frequent and meaningful performance feedback. To apply these practices, every supervisor should conduct performance reviews that focus on goals and role perceptions.

In addition to the employee's motivation, ability, and role perceptions, the situation in which the person works also influences his or her behaviour and job performance. Situational factors include conditions beyond the employee's immediate control that constrain or facilitate his or her behaviour and performance. Some situational characteristics – such as consumer preferences and economic conditions – originate from the external environment and, consequently, are beyond the employee's and organisation's control. However, some situational factors – such as time, people, budget, and physical work facilities – are controlled by others in the organization. Heads of departments need to carefully arrange these conditions so employees can achieve their performance potential.

### **Work Place Values and Ethics**

**Values** represent stable, long-lasting beliefs about what is important in a variety of situations that guide our decisions and actions. They are evaluative standards that help us define what is right or wrong, good or bad, in the world. Values dictate our priorities, our preferences, and our desires. They influence our motivation and decisions. Once it is internalized it becomes, consciously or unconsciously, a standard or criterion for guiding action, for developing and maintaining attitudes towards relevant objects and situations, for justifying one's own and other's actions and attitudes, for morally judging oneself and others, and for comparing oneself with others.

*Importance of Values in the Workplace:* Values are not new to organisational behaviour; but the popularity of this concept has increased noticeably in recent years. One reason is that Organisations are looking for better ways to guide employee decisions and behaviour. Today's increasingly educated and independent workforce resents the traditional "command-and control" supervision, and financial rewards are far from perfect. Values represent a potentially powerful way to keep employees' decisions and actions aligned with organisational goals. Values represent the unseen magnet that pulls employees in the same direction. They foster a common bond and help to ensure that everyone in the organization—regardless of job or rank – has aligned goals.

A second reason for the recent interest in values is that globalization has raised our awareness of and sensitivity to differences in values across cultures. Global Organisations face the challenge of ensuring that employees make consistent decisions and actions around the world even though they may have diverse cultural values. Reinforcing a common organisational culture isn't easy, because some organisational values may conflict with some individual and societal values.



**Ethics** refers to the study of moral principles or values that determine whether actions are right or wrong and outcomes are good or bad. We rely on our ethical values to determine “the right thing to do.” Ethical behaviour is driven by the moral principles we use to make decisions. These moral principles represent fundamental values.

To better understand the ethical dilemmas facing organisations, we need to consider the various ethical principles that people rely on to make decisions. Philosophers and other scholars have identified several ethical principles incorporating different values and logical foundations, but most of these can be condensed down to four basic groups- utilitarianism, individual rights, distributive justice, and care. You might prefer one principle over the others based on your personal values. However, all four principles should be actively considered to put important ethical issues to the test.

- *Utilitarianism* – Utilitarianism advises us to seek the greatest good for the greatest number of people. In other words, we should choose the option providing the highest degree of satisfaction to those affected. This is sometimes known as a consequential principle because it focuses on the consequences of our actions, not on how we achieve those consequences. One problem with utilitarianism is that it is almost impossible to evaluate the benefits or costs of many decisions, particularly when many stakeholders have wide-ranging needs and values. Another problem is that most of us are uncomfortable engaging in behaviours that seem, well unethical, to attain results that are ethical.
- *Individual rights* - The individual rights principle reflects the belief that everyone has entitlements that let them act in a certain way. Some of the most widely cited rights are freedom of movement, physical security, freedom of speech, fair trial, and freedom from torture. The individual rights principle includes more than legal rights; it also includes human rights that everyone is granted as a moral norm of society. For example, access to education and knowledge is not a legal requirement everywhere, but most of us believe that it is a human right. One problem with individual rights is that certain individual rights may conflict with that of others. The shareholders’ right to be informed about corporate activities may ultimately conflict with an executive’s right to privacy, for example.
- *Distributive justice* - The distributive justice principle suggests that people who are similar in relevant ways should receive similar benefits and burdens; those who are dissimilar should receive different benefits and burdens in proportion to their dissimilarity. For example, we expect that two employees who contribute equally in their work should receive similar rewards, whereas those who make a lesser contribution should receive less. A variation of this principle says that inequalities are acceptable where they benefit the least well off in society. Thus, employees in risky jobs should be paid more if this benefits others who are less well off. One problem with the distributive justice principle is that it is difficult to agree on who is “similar” and what factors are “relevant”. Most of us agree that race and gender should not be relevant when distributing paychecks. But



should rewards be determined purely by an employee's performance, or should effort, seniority, and other factors also be taken into account?

- *Care* - The care principle states that the morally correct action is one that expresses care in protecting the special relationships that individuals have with each other. Whereas distributive justice emphasizes impartiality, the care principle emphasizes partiality-favoring those with whom we have special relationships. The idea behind the ethics of care is that our self-perception is based on relationship with others. Consequently, our self-esteem and self-worth are influenced by how well we support and nurture those relationships. The challenge of the care principle is that it can degenerate into unjust favoritism such as the "old boys" network. This, in effect, conflicts with both distributive justice and utilitarianism.

## ATTITUDE

Attitude is "an enduring organization of motivational, emotional, perceptive and cognitive processes with respect to some aspect of the individual's world." An attitude is an orientation of mind towards persons, objects, places and things in the light of certain values, which people consider desirable or undesirable. This orientation determines the actual and potential response of the individual in a given situation.

An attitude has definite direction, positive or negative. It has an emotional aspect about it as it is accompanied by feelings and tension. It is deep-rooted and relatively stable. Positive attitude is a positive orientation to values like kindness, courtesy, helpfulness and considerateness. It is accompanied by positive feelings of warmth, regard and respect. It is sufficiently ingrained so that it can stand the stresses and strains of life. An attitude, to be sufficiently positive and enduring, must also be free from ambivalence.

### *How attitudes develop*

People develop particular attitudes as a result of their past experience. Cultural and social factors also contribute to this process. Attitudes are developed by encouragement (reinforcements) given by significant persons like parents, teachers and friends. Negative attitudes should be discouraged at the earliest and positive attitudes must be encouraged with positive reinforcements. Otherwise they may languish for lack of encouragement.

### *Importance of attitude*

Acquisition of knowledge and development of skills would be of little advantage in the absence of a correct, balanced and positive attitudes towards work, seniors, juniors and colleagues. The importance of a correct attitude can hardly be overemphasized as it not only improves one's effectiveness in the organization, but also contributes to mental and physical well-being.



### *Attitude in general*

Work must be done with a sense of pleasure and never looked upon as an unwanted burden. One must identify oneself with work. Its accomplishment should give one a sense of satisfaction and pleasure. Work, apart from earning livelihood, has other purposes too, perhaps more important, though not so well recognized. Work is a biological, social and psychological necessity. It is essential for both physical and mental health. Work, therefore, means "the art of living" and not merely livelihood.

Persons working in an office should be thought of as a team of people working jointly to achieve a common objective in which the individual's due share of toil would contribute to the final accomplishment of the assigned tasks.

### *Attitude towards seniors*

The boss is an individual and may have his own notions to the manner or methods in which work may be accomplished. Generally, these notions may be unobjectionable as these are off shoots of the difference in approaches of every individual. To carry out the business according to his plan will not, therefore, present any difficulty but where an alternative work plan seems better, it would be prudent to discuss with the boss the relative advantages and disadvantages and arrive at some conclusions.

It is possible that the boss may not state in so many words what he expects of his subordinates. No doubt it is his duty to communicate sufficiently and lucidly to the persons from whom he has to take work. The juniors, if they are intelligent enough, can also anticipate his wishes, which facilitates the timely and correct accomplishment of the tasks.

### *Attitudes towards colleagues*

The one thing that is important is that mutual jealousies, intrigues and backbiting should be avoided like plague. One must be straightforward in his dealings and should never do things underhand or adopt questionable means. One should keep one's communication channel to the boss clear and open and consult him when a colleague says that the boss is displeased with him. One must be loyal and truthful to his colleagues. Honesty is the best policy not only because our scriptures teach it, but it pays in the long run. Colleagues in office should be viewed as members of a team where each one has his place and job and should have love and regard for the others.

### *Attitude towards juniors*



Ability to handle the juniors (including Group 'D' employees) in a proper way so as to get their maximum cooperation is a prerequisite for every successful functionary. This aspect has, of late, assumed considerable importance due to many factors.

Subordinates should always be treated with respect and dignity and nothing should be done or said which hurts their feelings or sense of honour. Every person has an ego and it should not be hurt with indiscreet remarks given off either collectively or individually to him or her. Indeed, even if the behaviour of a subordinate may be offending, the senior must maintain his cool-and balance of mind, because loss of temper may end in a serious misunderstanding.

A senior must not only be fair to his subordinates, but also appear to be so. An attitude of partiality or bias is sure to lead to demoralization in the rank and file and prompt them to disobedience, frustration and backbiting and generate mutual suspicion and distrust. Further, the senior must present a shining example for his subordinates to emulate in the matter of team spirit and camaraderie.

Employees should be occasionally praised for their real good work. This will boost their morale and tempt them to do better. However, if any body has to be criticized or even admonished, it should be done only in private. While doing so, the instances of good work by the erring official should also be mentioned so that he gets a whole picture of his self-image in the eyes of the boss.

The junior should never be encouraged to backbite. In fact, if the senior officer rebukes such backbite, the evil will be nipped in the bud. Similarly, no junior should be played against the other. This trick will explode one day with grave consequences to the detriment of task, whole team and individuals. A senior officer must above all, be human and listen to the genuine difficulties of the staff. He should give them a feeling of security that he is always available to advise on the problems not only pertaining to office but also to their homes. They should be backed up before higher levels whenever they are in trouble so that they feel they have a tower of strength in their boss.

### *Good manners*

Good manners are an asset to any individual. A pleasant 'Namaste' or 'good Morning' is a good start of a day. Similarly, while leaving office in the evening, a 'good Night' or 'Please' are always appreciated. What is most important is the fact that these manners do not cost anything but earn tremendous amount of good-will and build sound team-spirit and public relations.

In the office, one must not disturb others by talking loudly. Discussions must be done in subdued voice. Reading newspapers or dozing in one's seat is another bad habit, which creates unfavourable opinion especially in the minds of the members of public who come to that office. The need for clearliness is all too well known. Suffice it to say that a neat and clean office room not only speaks of the aesthetic sense of the concerned



persons; it also indicates a methodical approach to work which has a direct relation to their efficiency. It leaves a pleasant image in everybody's mind.

### **Motivation at Workplace**

Motivation, simply stated, is why people do what they do. Understanding motivation is an important key to managing people. A manager who knows why he or she and other people behave as they do will be more able to solve problems. The individual will also be able to predict what will happen when a decision is made or when something changes in the organization.

Over the years, two basic approaches to motivation have evolved. Both are based on the very general statement, people do what they do because something pushes them. The difference between the two is essentially the origin of the push. One position holds that the push comes from outside the person. The other says it comes from inside.

Even though people over the ages have speculated that motivation comes from outside the person, the biological and psychological evidence favours the position that people do what they do because of needs and wants inside themselves.

The needs, wants or desires which exist within an individual make up his internal motivation. These forces influence him by determining his thought, which in turn lead to his behaviour in particular situation. A person's specific needs, wants and desires are uniquely his or hers. Other persons may attempt to influence him, but in the end the decision concerning what he himself wants or needs rests with him alone.

Despite each individual's unique qualities and differing needs and wants, certain needs and desires are similar enough to enable people to use and form common organizations to achieve satisfaction. Several theories exist which identify needs common to all individuals. By being aware of these common needs, managements can attempt to motivate their employees to act to the benefit of the organization despite the uniqueness of the individual workers and their needs. An understanding of the commonality of needs also will allow employees or other members to fulfill their needs within the organization structure. Both the organization and its members may benefit from successful need fulfillment.

### *Need Theory*

Need theory is considered a type of internal motivation because an individual's wants and needs exist within herself or himself. His or her motivation to act is derived from forces which exist within himself or herself. He or she is consciously aware of some of his or her needs but not conscious about others.

One of the earliest and best-known needs based theories are needs hierarchy theory. Developed by psychologist Abraham Maslow, this theory condenses the numerous needs that scholars have identified into a hierarchy of five basic categories. At the bottom are *physiological* needs, which include the need to satisfy biological requirements for food, air, water, and shelter. Next is *safety* needs- the need for a secure and stable environment and the absence of pain, threat, or illness. *Belongingness* includes the need for love, affection, and interaction with other people. *Esteem* includes



self-esteem through personal achievement as well as social esteem through recognition and respect from others. At the top of the hierarchy is *self-actualisation*, which represents the need for self-fulfillment -- a sense that the person's potential has been realized.

Maslow recognized that we are motivated simultaneously by several needs, but behaviour is mostly motivated by the lowest unsatisfied need at the time. As the person satisfies a lower level need, the next higher need in the hierarchy becomes the primary motivator. This is known as the **satisfaction-progression** process. Even if a person is unable to satisfy a higher need, he or she will be motivated by it until it is eventually satisfied. Physiological needs are initially the most important and people are motivated to satisfy them first. As they become gratified, safety needs emerges as the strongest motivator. As safety needs are satisfied, belongingness needs become most important, and so forth. The exception to the satisfaction-progression process is self-actualization; as people experience self-actualization, they desire more rather than less of this need.

All need theories are based on certain assumptions, some of which are as under:-

- (i) No need can ever be completely satisfied, hence, only partial fulfillment of a need is required before another need is allowed to appear.
- (ii) Needs are constantly changing within an individual, and they are often hidden from one's consciousness.
- (iii) Since needs are often group related, they are often interdependent. How a person satisfies his or her biological need for food often depends on his or her social needs as determined by his socio-economic status.

Man will aspire for a place in his own group and will strive to achieve it. Attaining such a place will become the most important thing in the world to him. In spite of knowing of these needs, managers often incorrectly assume that these needs and the resulting informal organizations present a threat to the objectives of the formal organization. Some leaders attempt to direct and control employees' relationships in ways that frustrate the natural groupings of their employees. These employees may then react by being resistant, antagonistic and uncooperative.

*Motivation Hygiene theory.* -- Dr. Frederik Herzberg has developed a theory called 'Motivation - Hygiene theory'. It was based on the assumption that as the people mature, the needs like esteem and self-actualisation become more important. In this theory Herzberg came to the conclusion that man has two different independent categories of needs which influence the behaviour. Government Rules, Policies, Working conditions, supervision, interpersonal relations, status and security are considered to be hygiene factors, as these are not related directly to the job itself, but to the job environment. On the other hand, achievements, professional growth, recognition etc. which can be experienced in the job directly are considered to be motivators, as they have direct effect on the job satisfaction. It can be seen that the job content is related to needs higher up in Maslow's pyramid (esteem, self-fulfillment) and the job environment is related to needs lower in the pyramid (physiological, safety, social). It is thus clear that



for employees who usually have their lower level needs satisfied to a reasonable extent, these lower level needs are not active motivators.

### How would you motivate your juniors ?

Although supervisors are expected to motivate the employees, as stated earlier, the motivation is by and large an internal factor, which emanates from within the employees. This differs from individual to individual. It is for the manager to clearly understand what is the motivational factors and what is not, and go ahead with his task. In doing so, he should take into account the following:-

- (i) To avoid loss of time and to see that his employee does the assigned job well, he should not start only when someone is closely observing him. This develops out of manager's belief that is inherent in employees to avoid responsibility.
- (ii) He should also think that money is not the motivating factor in all cases. Money is only one of the various aspects of man's interest in doing the work. So is the case with unreasonable rewards.
- (iii) Punishments, or even threats of punishments are negative motivation and should be used sparingly and carefully.

Certain general guidelines which have proved successful in modifying internal motivation of employees by outside influences are :-

1. Belief in oneself and in other people .- Effective motivation starts with a genuine belief both in oneself and in the subordinates. The Superior must sincerely believe that he can motivate and must want to plan better, exercise authority better and do their work better and will also give them the opportunity to do so.
2. Setting a good example.- The Supervisor should demonstrate by his actions the kind of effort he would like the subordinates to exert. Subordinates tend to copy the work habits, attitude and performance of the Supervisor. The Supervisor should keep everyone busy by meaningful work to do, because if people have more time at their hands, they have more time for grievances and disputes.
3. Placement of employees in proper jobs. The Supervisor should place employees in those jobs in which they are likely to give their best. Job rotation is one way of motivating people.
4. Stress on participation.- The Supervisor should have regular informal meetings so that the subordinates participate in planning, organizing, scheduling and decision making. Every subordinate wants to say something about his work, the conditions affecting him and he wants to be asked his opinion about factors involving



his work. He appreciates an "audience". This gives him the feeling that his Supervisor is interested in him and that he is not treated as a piece of furniture or machinery.

5. Keeping employees informed.- It is a natural tendency for the subordinates to want to know what is going on about organizational changes or changes in their condition of service. If kept informed they have a sense of belonging to the Organisation and of being a part of the office. Effective communication is a "must", otherwise there is an atmosphere of diffidence, suspicion and mistrust and a tendency to believe rumours and "grapevine" or indulge in gossip.
6. Giving adequate incentive and rewards.- In the present conditions in Government offices, the scope is very limited. But it can be tried through verbal and written commendations separately or on files (in addition to mention in the CR) and through sanction of honorarium, etc.
7. Recognising achievements of subordinates.- People want to feel useful. They want recognition. Credit where credit is due and a sincere expression of satisfaction from the employer for a job well done are effective motivating factors. The Supervisor should hold periodic talks in private with subordinates. In this way, the worker gets recognized.
8. Developing team spirit. Motivation is greatly assisted by developing team spirit. In this respect, various employee recreational activities can be used to good advantage.
9. Giving information about the job itself.- For motivation, each worker must believe his work is wholesome and important. He should have an attitude of pride in performing his job well.
10. Providing an opportunity for job security.- Nobody wants to be sacked specially in these days of unemployment. Giving job security, including pension, medical relief etc. are substantial motivating factors.
11. Employing fear judiciously.- Fear is a negative force, but when properly used, it is a strong motivator. The apprehension of not wanting certain happening to take place can cause a person to put in unusually strong efforts in the direction away from the unwanted event. In case of laggards, non-cooperators, trouble-instigators etc., this is a very potent weapon.
12. Exercising strong leadership.- A subordinate is motivated by a competent leader i.e., who knows what he is doing, who can speak authoritatively, who never makes promises which he cannot keep and who builds confidence.

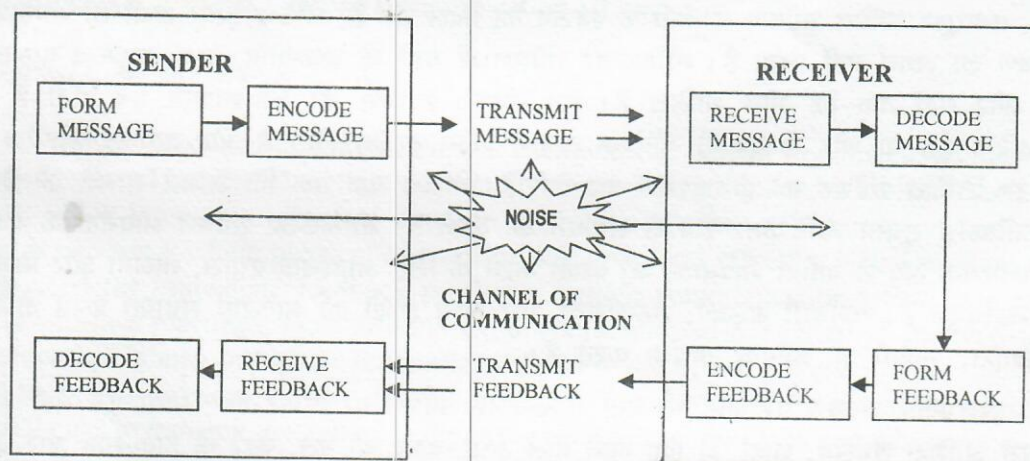


## Communication in Organisation

Effective communication is vital to all Organisations because it coordinates employees, fulfills employee needs, supports knowledge management, and improves decision-making. First organization depends on the ability of people to coordinate their individual work effort toward a common goal. Information exchange is an essential part of the coordination process, allowing employees to develop common mental models that synchronize their work. Second, communication is the glue that holds people together. It helps people satisfy their drive to bond and, as part of the dynamics of social support, eases work-related stress. Communication is also a key driver in knowledge management. It brings knowledge into the organization and distributes it to employees who require that information. As such, it minimizes the "silos of knowledge" problem that undermines an organisation's potential.

Individuals rarely have enough information alone to make decisions on the complex matters facing businesses today. Instead, problem solvers require information from co-workers, subordinates, and anyone else with relevant knowledge. In other words, effective decision makers need to communicate. By improving decision making, knowledge management, employee needs, and coordination, workplace communication has a significant effect on organisational performance.

The communication model provides a useful "conduit" metaphor for thinking about the communication process. According to this model, communication flows through channels between the sender and receiver. The sender forms a message and encodes it into words, gestures, voice intonations, and other symbols or signs. Next, the encoded message is transmitted to the intended receiver through one or more communication channels (media). The receiver senses the incoming message and decodes it into something meaningful. Ideally, the decoded meaning is what the sender had intended.



In most situations, the sender looks for evidence that the other person received and understood the transmitted message. This feedback may be a formal acknowledgement, such as "Yes, I know what you mean", or indirect evidence from the receiver's subsequent actions. Notice that feedback repeats the communication process.



Intended feedback is encoded, transmitted, received and decoded from the receiver to the sender of the original message.

This model recognizes that communication is not a free flowing conduit. Rather, the transmission of meaning from one person to another is hampered by *noise* – the psychological, social and structural barriers that distort and obscure the sender's intended message. If any part of the communication process is distorted or broken, the sender and receiver will not have a common understanding of the message.

### **Communication Channels**

A critical part of the communication model is the channel through which information is transmitted. There are two main types of channels: verbal and nonverbal. Verbal communication includes any oral or written means of transmitting meaning through words. Nonverbal communication, which we will discuss later, is any part of communication that does not use words.

#### ***Verbal Communication***

Different forms of verbal communication should be used in different situations. Face to face interaction is usually better than written methods for transmitting emotions and persuading the receiver. This is because nonverbal cues accompany oral communications, such as voice intonations and use of silence. Moreover, in face-to-face settings, the sender receives immediate feedback from the receiver and can adjust the emotional tone of the message accordingly.

Written communication is more appropriate for recording and presenting technical details. This is because ideas are easier to follow when written down than when communicated orally. Traditionally, written communication has been slow to develop and transmit, but electronic mail and other computer mediated communication channels have significantly improved written communication efficiency.

#### ***Non-verbal Communication***

Computer mediated communication is changing the face of organisations, but it hasn't yet replaced nonverbal communication. Nonverbal communication includes facial gestures, voice intonation, physical distance, and even silence. This communication channel is necessary where physical distance or noise prevents effective verbal exchange and the need for immediate feedback precludes written communication. But even in close face-to-face meetings, most information is communicated nonverbally. Nonverbal communication is also important in emotional labor – the effort, planning, and control needed to express organizationally desired emotions. Employees make extensive use of nonverbal cues to transmit prescribed feelings to customers, co-workers and others.

As such, no discussion on communication would be complete without consideration of nonverbal communication, which includes body movements, the



intonations or emphasis we give to words, facial expressions, and the physical distance between the sender and receiver. The academic study of body motions has been labeled kinestics. It refers to gestures, facial configurations, and other movements of the body. But it is a relatively young field, and it has been subject to far more conjecture and popularizing than the research finding support. Hence while we acknowledge that body movement is an important segment of the study of communication and behaviour, conclusions must, of necessity, be guarded. Recognising this qualification, let us briefly consider the ways body motions convey meaning.

It can be argued that every body movement has a meaning and that no movement is accidental. For example, through body language we say, "Help me, I'm lonely"; "Take me, I'm available"; "Leave me alone, I'm depressed". And rarely do we send our messages consciously. We act out our state of being with nonverbal body language. We lift one eyebrow for disbelief. We rub our nose for puzzlement. We clasp our arms to isolate ourselves or to protect ourselves. We shrug our shoulders for indifference, wink one eye for intimacy, tap our fingers for impatience, slap our forehead for forgetfulness.

We may disagree with the specific meanings of the movements just described, but we can't deny that body language adds to, and often complicates, verbal communication. A body position or movement does not by itself have a precise or universal meaning, but when it is linked with spoken language, it gives fuller meaning to a sender's message.

If you read the verbatim minutes of the meeting, you wouldn't grasp the impact of what was said in the same way you would if you had been there or saw the meeting on video. Why? There is no record of nonverbal communication. The emphasis given to words or phrases is missing. To illustrate how intonations can change the meaning of a message, consider the student in class who asks the instructor a question. The instructor replies, "What do you mean by that?" The student's reaction will be different depending on the tone of the instructor's response. A soft, smooth tone creates a different meaning from an intonation that is abrasive with strong emphasis placed on the last word.

The facial expression of the instructor in the previous illustration also conveys meaning. A snarling face says something different from a smile. Facial expression along with intonations, can show arrogance, aggressiveness, fear, shyness and other characteristics that would never be communicated if you read a transcript of what had been said.

The way individuals space themselves in terms of physical distance also has meaning. What is considered proper spacing is largely dependent on cultural norms. For example, what is considered a businesslike distance in some European countries would be viewed as intimate in many parts of North America. If someone stands closer to you than is considered appropriate, it may indicate aggressiveness or sexual interest; if farther away than usual, it may mean disinterest or displeasure with what is being said.



It is important for the receiver to be alert to these nonverbal aspects of communication. You should look for nonverbal cues as well as listen to the literal meaning of a sender's words. You should look for nonverbal cues as well as listen to the literal meaning of a sender's words. You should particularly be aware of contradictions between the messages. Your boss may say she is free to talk to you about a pressing budget problem, but you may see nonverbal signals suggesting that this not the time to discuss the subject. Regardless of what is being said, an individual who frequently glances at her wristwatch is giving the message that she would prefer to terminate the conversation. We misinform others when we express one message verbally, such as trust, but nonverbally communicate a contradictory message that reads, "I don't have confidence in you". These contradictions often suggest that "actions speak louder (and more accurately) than words."

## **BARRIERS TO EFFECTIVE COMMUNICATION**

A number of barriers can retard or distort effective communication. In this section, we highlight the more important of these barriers.

### **Filtering**

Filtering refers to a sender's purposely manipulating information so it will be seen more favorably by the receiver. For example, when a manager tells his boss what he feels his boss wants to hear, he is filtering information.

The major determinant of filtering is the number of levels in an organization's structure. The more vertical levels in the organization's hierarchy, the more opportunities there are for filtering. But you can expect some filtering to occur wherever there are status differences. Factors such as fear of conveying bad news and the desire to please one's boss often lead employees to tell their superiors what they think those superiors want to hear, thus distorting upward communications.

### **Selective Perception**

The receiver, in the communication process, sees and hears things in a selective way, based on his needs, motivations, experience, background, and other personal characteristics. The receiver also projects his interests and expectations into communications as he decodes them. The employment interviewer who expects a female job candidate to put family before career is likely to see that priority in female candidates, regardless of whether the candidates feel that way or not.

### **Information Overload**

Individuals have a finite capacity for processing data. When the information we have to work with exceeds our processing capacity, the result is information overload. And with e-mails, phone calls, faxes, meetings, and the need to keep current in one's field, more and more managers and professionals are complaining that they are suffering from information overload.



What happens when individuals have more information than they can sort and use? They tend to weed out, ignore, pass over, or forget information. Or they may put off further processing until the overload situation is over. Regardless, the result is lost information and less effective communication.

### **Emotions**

How the receiver feels at the time of receiving a communication message will influence how he or she interprets it. The same message received when you're angry or distraught is often interpreted differently from when you're happy. Extreme emotions such as jubilation or depression are most likely to hinder effective communication. In such instances, we are most prone to disregard our rational and objective thinking processes and substitute emotional judgements.

### **Language**

Words mean different things to different people. Age, education, and cultural background are three of the more obvious variables that influence the language a person uses and the definitions he or she gives to words.

In an organization, employees usually come from diverse backgrounds. Further, the grouping of employees into departments creates specialists who develop their own jargon or technical language. In large organisations, members are also frequently widely dispersed geographically – even operating in different countries-and individuals in each locale will use terms and phrases that are unique to their area. The existence of vertical levels can also cause language problems. For instance, differences in meaning with regard to words such as incentives and quotas have been found at different levels in management. Top managers often speak about the need for incentives and quotas, yet these terms imply manipulation and create resentment among many lower managers.

The point is that, although you and I probably speak a common language – English- our usage of that language is far from uniform. If we knew how each of us modified the language, communication difficulties would be minimized. The problem is that members in an organization usually don't know how those with whom they interact have modified the language. Senders tend to assume that the words and terms they use mean the same to the receiver as they do to them. This assumption is often incorrect.

## **OVERCOMING THE BARRIERS TO COMMUNICATION**

Given the barriers to communication, what can managers do to minimize problems and attempt to overcome those barriers? The following suggestions should be helpful in making communication more effective.



## **Use Multiple Channels**

When you use multiple channels to convey a message, you improve the likelihood of clarity for two reasons. First, you stimulate a number of the receiver's senses. An e-mail and a phone call, for example, provide sight and sound. Repeating a message by using a different channel acts to reinforce it and decreases the likelihood of distortions. Second, people have different abilities to absorb information. Some understand best when a message is in writing. Others, however, prefer oral communications. The latter tend to rely on nonverbal cues to provide them with enhanced insights that words alone don't convey.

## **Use Feedback**

Many communication problems can be attributed directly to misunderstandings and inaccuracies. These are less likely to occur if the manager ensures that the feedback loop is utilized in the communication process. This feedback can be verbal written, or nonverbal.

If a manager asks a receiver, "Did you understand what I said?", the response represents feedback. But the "yes" or "no" type of feedback can definitely be improved upon. The manager can ask a set of questions relating to a message in order to determine whether the message was received as intended. Better yet, the manager can ask the receiver to restate the message, in his or her own words. If the manager then hears what was intended, understanding and accuracy should be enhanced. Feedback can also be more subtle than the direct asking of question or the summarizing of the message by the receiver. General comments can give the manager a sense of a receiver's reaction to a message. In addition, performance appraisals, salary reviews and promotion decisions represent important, but more subtle, forms of feedback.

Feedback, of course does not have to be conveyed in words. Actions can speak louder than words. For instance, a sales manager sends out a directive to her staff describing a new monthly sales report that all sales personnel will need to complete. Failure of some of the sales people to turn in the new report is a type of feedback. It should suggest to her that she needs to clarify further her initial directive. Similarly, when you give a speech to a group of people, you can tell by their eye movements and other nonverbal clues whether the group members are getting your message. This benefit of feedback may explain why television performers on situation comedy shows prefer to tape their programs in front of a live audience. Immediate laughter and applause, or their absence, convey to the performers whether they are getting their message across.

## **Simplify Language**

Because language can be a barrier, a manager should seek to structure messages in ways that will make them clear and understandable. Words should be chosen carefully. The manager needs to simplify his or her language and consider the audience



to whom a message is directed, so that the language will be compatible with the receiver. Remember, effective communication is achieved when a message is both received and understood. Understanding is improved by simplifying the language used in relation to the audience intended. This means, for example, that a hospital administrator should always try to communicate in clear and easily understood terms and that the language used for conveying messages to the surgical staff should be purposely different from that used with employees in the admissions office. Jargon can facilitate understanding when it is used with other group members who speak that language, but it can cause innumerable problems when used outside that group.

### **Listen Actively**

When someone talks, we hear. But too often, we don't listen. Listening is an active search for meaning, whereas hearing is passive. When you listen, two people, the receiver and the sender, are thinking.

Many of us are poor listeners. Why? Because it is difficult and because it is usually more satisfying to talk. Listening, in fact, is often more tiring than talking. It demands intellectual effort. Unlike hearing, active listening demands total concentration. The average person speaks at a rate of about 150 words per minute, whereas we have the capacity to listen at the rate of over 1,000 per minute. The difference obviously leaves idle brain time and opportunities for the mind to wander.

Active listening is enhanced when the receiver develops empathy with the sender, that is, when the receiver tries to place himself in the sender's position. Because senders differ in attitudes, interests, needs, and expectations, empathy makes it easier to understand the actual content of a message. An empathetic listener reserves judgement on the message's content and carefully listens to what is being said. The goal is to improve one's ability to receive the full meaning of a communication, without having it distorted by premature judgment or interpretations.

### **Constrain Emotions**

It would be naïve to assume that a manager always communicates in a fully rational manner. Yet we know that emotions can severely cloud and distort the transference of meaning. If we're emotionally upset over an issue, we're likely to misconstrue incoming messages, and we may fail to express clearly and accurately our outgoing messages. What can the manager do? The best approach is to defer further communication until composure is regained.

### **Use the Grapevine**

You can't eliminate the grapevine. What managers should do, therefore, is use it and make it work for them. Managers can use the grapevine to transmit information rapidly, to test the reaction to various decisions before their final consummation, and as a valuable source of feedback when the managers themselves are grapevine members. Of



course, the grapevine can carry damaging rumors that reduce the effectiveness of formal communication. To lessen this potentially destructive force, managers should make good use of formal channels by ensuring that they regularly carry the relevant and accurate information that employees seek.

### **Leadership Style and Communication**

As a leader or manager, you try to get things done through other people. This means you manage people and the resources you require to get the task done. The management of people can be called leadership, and all of us have our own preferred leadership styles which affect the ways in which we communicate with others, especially our staff.

There is however, no one magic style, which will make us effective leaders. We have to work at it, to develop different styles, which are most appropriate to the three elements in every leadership situation:

- You, the leader
- Your staff
- The task to be done

Only by understanding and analyzing these three elements can you choose the right style for any given situation. There are four basic leadership styles:

1. Directing
2. Coaching
3. Supporting
4. Delegating

Each of these is appropriate, IN THE RIGHT SITUATION (but we all have our preferred style and often find it difficult to change that style even when we need to).

Directing is most appropriate when a complex task has to be performed and your staff are not experienced or motivated to do it, or when you are under time pressure for completion. You explain what needs to be done, and tell them what to do. In such a situation, you can fall into the trap of over-communicating: excessive explanation can confuse and waste time.

Coaching is appropriate when your people are more motivated and are becoming more experienced in coping with the task. Here you would explain in more detail and help them to understand by spending time building up a good relationship with them.

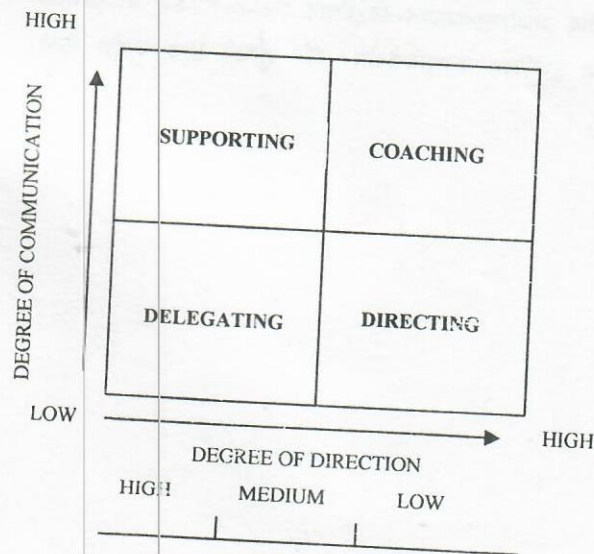
Supporting works when people are familiar with the techniques required and have further developed their relationship with you. You take time to talk to them, to involve them more in work decisions, to listen to their suggestions for improving performance.



Delegating is right when your staff are thoroughly conversant and efficient in the performance of the task, and you can simply let them get on with it. People of experience do not take kindly to a manager sitting on their shoulders and interfering with every aspect of their work. However, you still need to keep an eye on their performance to ensure that your required standards are maintained.

If you combine the four basic leadership styles with the characteristics and the experience of the people you are managing, you can identify which is the most appropriate style of leadership in a particular situation:

1. Analytical skills: to assess the degree of experience and motivation your subordinates bring to the achievement of the task.
2. Flexibility skills: to vary your style of leadership to the most appropriate one based on your analysis of the situation.
3. Communication skills: to explain why you are varying your leadership style in different situations to the individual subordinates concerned. Each person's experience and motivation to perform certain tasks will be different. People whom you might usually manage in a delegating style would react adversely to a directing style if you were not capable of communicating effectively to them that the reason you are using a different style is that the task you are asking them to perform is of a nature which is completely unfamiliar to them.



JOB EXPERIENCE & MOTIVATION

### Situational Leadership

Most people whom you manage are likely to fall into the medium experience, medium motivation categories. So the two styles - supporting, and coaching - will work for you most of the time. But, if you stick to these styles, to paraphrase Abraham Lincoln, 'You can manage 80% of your people effectively for 100% of the



time, or 100% of your people for 80% of the time, but you can't manage 100% of your people effectively for 100% of the time!

You will need to use all four styles at some time or another, and so you will need to develop the following communication skills:

1. How to explain clearly, and concisely, the nature of the task.
2. How to tell people what to do and how to do it.
3. How to encourage people when work is well done.
4. How to build relationships with your staff.
5. How to share problems with them, and listen to their ideas and feelings.
6. How to delegate effectively, so that there is a clear understanding of what problems people should bring to you.
7. How to explain why you are behaving differently as a leader in a particular situation – why, in effect, you are being consistent in your inconsistency!

[Extracts from: (1) *Organizational Behaviour 3e* by Steven L. McShane & Mary Ann Von Glinow, (2) *Essentials of Organizational Behaviour* by Stephen P Robbins, (3) *The essence of effective Communication*, Ron Ludlow & Fergus Pantou]

