

OFFICE

MANUAL

(Second Edition)

GOVERNMENT OF HIMACHAL PRADESH  
DEPARTMENT OF PERSONNEL  
(ADMINISTRATIVE REFORMS)

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## FOREWORD

The prescriptions of laws, rule and procedures are, in the nature of things, general, Human ingenuity invariably renders it difficult to make into law, provision for all conceivable eventualities. Fluidity of norms and lack of precision makes the lot of even the most diligent and conscientious public servant difficult. The public servant must be flexible so as to be effective. However, flexibility turns out to be double edged weapon, and has often served as an excuse for abuse of authority. Strict adherence to the letter of the law on the other hand invites understandable criticism of rigidity, unresponsiveness, even heartlessness.

In these circumstances, limits and safeguards have to be provided enabling implementation of policies and programmes with sufficient creativity but without too much scope for misjudgments, doubts and suspicion. What is required perhaps is the framing of rules and procedures with a far greater attention to detail, seeing that laws and rules are often also interpreted and implemented by comparatively low-skilled public servants.

Of course, the accountability of the supervisory and senior levels of the administration is the guarantor of the limits and safeguards. The mere prescription of rules and procedure, however detailed, does not mean that they will be followed. It is the proper enforcement of the rules and it is the ability of the system to change, modify or add to the rules and procedures to keep up with the passage of time, that will ensure flexibility within reasonable limits and safeguards.

I am therefore, pleased that the Department of Administrative Reforms has revised the Office Manual and brought it up –to-date. I hope that it will be a useful guide to all government servants making them effective in their day to day work and to the supervisory and senior officers in ensuring that there is adequate accountability at all levels in administration.

**A.N. VIDYARTHI**  
Chief Secretary to the  
Govt. of Himachal Pradesh.

January, 1997

## PREFACE

A Draft Manual of Office Procedure was prepared in 1960 when Himachal Pradesh was a Union Territory. Although not given a final shape, it was nevertheless made applicable in the offices of the Himachal Pradesh Administration. That Draft Manual was however mainly applicable to the Secretariat because the Heads of Departments were also ex-officio Secretaries to the Government and offices of heads departments were not separate from that of the Secretariat. This position ended in January, 1969, when the system of ex-officio Secretaries was abolished by the Himachal Pradesh Government. Himachal Pradesh was later on declared a full fledged State on the 25<sup>th</sup> January, 1971 and this also brought considerable changes in the organizational and administrative set up. In the period from 1960 to 1971, a number of modifications of office procedures occurred which the Draft manual did not cover. It was, therefore, decided to prepare a new manual of Office procedure to serve as a guide to all offices and not only the Secretariat. The Office Manual was brought out in November, 1973 and then reissued in November, 1980 with slight modifications.

In the 15 years that have elapsed, major changes have taken place-in the role of the government, in the size and extent of the administrative machinery. For instance, while in 1980 there were 35 Departments, in 1996 there are 43 Departments, not to mention Corporations and boards. Accordingly it was decided to completely rewrite the Office Manual. In the process, the existing Chapters have been comprehensively revised, and new material has been added especially in the following Chapters:-

- The State Legislature and government
- Office Security
- Conduct of government Servant
- Duties of Supervisory Officers
- Role and Functions of ministerial Staff
- Court cases- institution and Defence
- Computerisation

The Draft was considered in detail by the Committee of Secretaries and the many valuable suggestions made have been incorporated.

The entire drafting work which was completed over the space of about a year was mainly the dedicated effort of Shri H.R. Vashist, ret'd. Joint Secretary to the Government of H.P. who was engaged as Consultant for the purpose. Thanks are also due to Shri Ram Rattan Sharma, Personal Assistant of H.P. Secretariat, and S/Shri Suman Rattan, Pankaj Bisht and Naresh Thakur of HIPA who did the word processing work, and to S/Shri Sant Ram Sharma Assistant and P.K. Gupta Sr. Scale Stenographer of the office Divisional Commissioner Shimla for the painstaking proof reading done by them.

Sound and well laid out procedures are an essential prerequisite to good administration. Government servants are accountable for their official actions and it is essential to set out this accountability in advance so that the responsibility at different levels is known and freedom of action is also established within well defined limits. Decision making in government has to be logical, reasonable, dispassionate and just and for this reason also, uniform and reasonably transparent procedures have to be devised. A good Office Manual has to rise to this challenge.

At the same time the procedures have to keep up with the times. Every organized system has its own method of information generation, transmission and processing. Well managed systems are able to handle larger volumes of information, more quickly and more effectively and it is obvious therefore that the Office Manual should recognize the need for changes based on technological and other qualitative improvements and devise appropriate new procedures. It is holed that the revised manual meets these requirements.

The office procedure laid down in some cases in this Manual may appear to be somewhat elaborate but where speed has been sacrificed it is only to provide for the proper record of all papers received, the decisions taken and how these are arrived at. Moreover sound decisions can be taken only if the principle of four P's- **“PUC”, “ Previous Papers”, “Precedent”, and “Policy”**, is carefully followed in the disposal of all cases.

The Manual is expected to be of utility at all levels in the State Government. State Public Sector Undertakings may also find some portions of the Manual of value. Suggestions for improvements may be addressed to the Administrative Reforms Department.

S.VIJAY KUMAR  
Commissioner-cum-Secretary.  
to the Govt.of Himachal Pradesh.

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## CHAPTER-1

### INTRODUCTION AND DEFINITIONS

#### 1.1 INTRODUCTION

Government functioning is regulated by various provisions of the Constitution of India and Acts and Rules framed there under. Public servants, including govt. servants are accountable for their official actions. Of course there are different levels of accountability dischargeable at different levels. In the administrative hierarchy, it is essential to set out in advance this accountability so that the responsibility at different levels is known and reasonable discretion and freedom of action is also established within well defined limits. The Office manual is a basic document setting procedures and standards of office working in order to establish accountability at all levels.

#### 1.2 DEFINITIONS

Some of the terms used in this Manual have special or specific meaning as given below:-

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

(2) "Appendix to notes" means a statement containing detailed information concerning certain aspects about the question/matter discussed in the notes, incorporation of which in the main note is likely to obscure the main point or make the note unnecessarily lengthy.

(3) "Branch Officer" means the officer who takes the work directly from the section. This term also includes the middle-level officers in Directors/ Collectorates /Divisional or Regional offices such as additional, Joint ,Deputy Directors/Registrars; Additional Deputy Commissioners; Additional District magistrates; Assistant Commissioners; Establishment Officers, Administrative officers, Registrars etc.

(4) "Case" means a current file on which either an independent proposal is processed or a receipt called Paper Under Consideration (PUC) dealing with a particular issue is dealt with. It includes all inter-connected correspondence or fresh Receipts (FRs) relating to the PUC.

(5) "Central Registry" means a unit/section charged with the responsibility of receiving registering and distributing dak meant for the Secretariat/ Directorate/Collectorate etc.

(6) "Correspondence portion" in relation to a file means the portion containing receipts and office copies of letters/communications issued including self contained inter-department notes but excluding those recorded on the notes portion of the file.

(7) "C.R.No" means the serial number assigned to a communication in the receipt register of the Central Registry preceded by the code letter identifying the register.

(8) "Dak" means every type of written communication including letter, telegram, savingram , telex, fax, inter departmental note, file, which is received, whether by post or otherwise, in the Secretariat/ Directorate/ Collectorate or other office for its consideration.

(9) "Dealing Assistant or Assistant" means any functionary such as Clerk, Junior Assistant and Senior Assistant or Senior Assistant (Accounts) entrusted with initial examination and noting upon cases, wherever required.

(10) "Department" means any of the departments mentioned in the schedule to the business of the government of Himachal Pradesh (Allocation) Rules, 1971 as amended from time to time

(11) "Diarist" means a clerk within a section/office charged with the responsibility interalia of maintaining the Section diary.

(12) "Diarising" means registering of receipts in the central Registry or Section Diary or office diary.

(13) "Diary Number" means the serial number assigned to a receipt in the Section/Branch/Office diary register followed by code letters identifying the name of department and section. For example a letter diarised in Home-b Section at S.No.502 of the diary register is to contain the Dairy No. As under;-

502-H-B/95

Here the figures "502" denote annual serial number of the section's diary number, letters indicate the departments and section's identity through the word "H-B" and the last digits give the year.

(14) "Docketing" means making of entries in the notes portion of a file about serial number, diary number (for receipts) and page No. assigned to each item of correspondence (whether receipt or issue) for its identification.

(15) "File" means a collection of papers on a specific subject matter assigned to a file number and consisting of one or more of the following parts:-

- (a) Correspondence.
- (b) Notes.
- (c) Appendix to correspondence.
- (d) Appendix to notes.

(16) "Final disposal" in relation to a case under consideration means completion of all action thereon culminating, where necessary, in the issue of final orders or final reply to the issues raised by the person/party/office from which the original communication emanated.

(17) "Fresh receipt (FR)" means any subsequent receipt on a case which brings in additional information to assist and aid the disposal of a paper under consideration.

(18) "Issue" or " Issue of draft" including all steps of action after the approval of a draft ending with despatch of the signed communication to the addressee e.g. fair typing, comparing, attaching enclosures, signatures, preparing covers, making entries in the despatch registers/messenger or peon books, affixing stamps and posting in the letter box or delivery through dak messengers/peons.

(19) "Messenger Book or Peon BOOK" means a record maintained in a standard Book/register on the prescribed form containing particulars of non-postal communications and their receipt by the addressee.

(20) "Note" means the remarks recorded on a case to facilitate its disposal and includes a précis of previous papers, a statement or an analyses of questions requiring decision, suggestions regarding the course of action and final orders passed thereon.

(21) "Notes or Noting portion" in relation to a file means the portion containing notes or minutes recorded on a case.

- (22) "Ordinary postal Dak" means postal dak for which no specific acknowledgment is obtained by the posts and Telegraphs Department.
- (23) "Paper Under Consideration (PUC) means a receipt on a case, the consideration of which is the subject matter of the case.
- (24) "Personal Staff" means any staff appointed/posted to assist a functionary and includes Senior Special Private Secretary, or Special Private Secretary or Senior Private Secretary, Personal Assistant, Stenographer, and Steno typist. An Assistant or clerk or any other clerical staff posted in the officers of the Chief Minister, Ministers or Officers, when performing the duties expected of the personal staff is also covered under this term.
- (25) "Postal dak" means all dak received through the Posts and Telegraphs Department.
- (26) "Receipt" means any dak after it has been received by the concerned officer/section.
- (27) "Recording" means the process of closing a file after action on all the issues considered thereon has been completed and includes actions like referencing, paging and linking the part/loose files of the same number with the main file, removing routine papers, revising the file title, changing the file cover, if need be, and stitching the file.
- (28) "Routine Note" means notes recorded outside the file on point or points of secondary importance intended to facilitate consideration and decision on a case by higher authorities.
- (29) "Section" means the basic work unit within a Department of the Secretariat/ Directorate/ Collectorate /other office, responsible for attending to items of work allotted to it. It is generally headed by a Section Officer/ Superintendent Grade I/Superintendent Grade-II and in some offices, senior Assistant, and includes "cells", "units" and other like terms.
- (30) "Standing guard file" on a subject means a compilation consisting of :-
- (a) a running summary of the principles and policy relating to a subject with number and date of relevant decisions or orders quoted in margin against each; and
  - (b) copies of the decisions or orders arranged in chronological order.
- (31) "Urgent/Important/immediate dak" means dak marked as "urgent", "important", "immediate" or "Priority" and includes telegrams, savingrams, wireless messages, telex or fax messages.

## CHAPTER-II

### NATIONAL FLAG AND NATIONAL ANTHEM

#### 2.1 The National Flag

2.1.1 The National flag is flown at different places on various occasions. To ensure that the correct usage regarding the display of the National Flag is well understood the instructions issued from time to time on the subject have been embodied here for general guidance.

On all occasions for official display, only the Flag conforming to specifications lay down by the Indian Standards Institution and bearing their standard mark shall be used. On other occasions also it is desirable that only such flags of appropriate size should be flown.

2.1.2 The standard sizes of the National flag are given below:-

Flag Size No.	Dimensions in mm	Flag size No.	Dimensions in mm
(1)	6300 x 4200	(5)	1350 x 900
(2)	3600 x 2400	(6)	900 x 900
(3)	2700 x 1800	(7)	225 x 150
(4)	1800 x 1200		

The appropriate size should be chosen for display. The smallest size is intended for motor cars.

#### 2.2 Correct display

2.2.1 Wherever the National Flag is flown, it should occupy the position of honour and be distinctly placed. The flag shall always be hoisted briskly and lowered slowly and ceremoniously. When the hoisting and the lowering of the Flag is accompanied by appropriate bugle calls, the hoisting and lowering should be simultaneous with the bugle calls. When the Flag is flown on public buildings, it should be displayed on all days including Sundays and holidays from sunrise to sunset irrespective of weather conditions. The Flag may be flown on such buildings at night also but this should be only on very special occasions.

2.2.2 When the Flag is displayed from a staff projecting horizontally or at an angle from a window-sill, balcony, or front of a building, the saffron side shall be at the farther end of the staff. When the flag is displayed in a manner otherwise than by being flown from a staff, the saffron band must be upper-most when it is displayed flat and horizontal on a wall; when displayed vertically, the saffron should be to the right with reference to the Flag i.e., it should be to the left of a person standing facing it .

When displayed over the middle of a street, running east-west or north-south, the Flag shall be suspended vertically with the saffron to the north, or to the east as the case may be.

2.2.3 If flown on a speaker's platform, the Flag shall be on the speaker's right. If otherwise displayed, the Flag shall be above and behind the speaker. When used on occasions like the unveiling of a statue, the Flag shall be displayed distinctly and separately. The Flag shall not be used as a covering for the statue or monument. When the Flag is carried in a procession or a parade, it shall be either on the marching right, that is the flag's own right, or if there is a line of other Flags, in front of the centre of the line.

2.2.4 When the Flag is displayed on a motor car, it shall be flown from a staff should be affixed firmly to the car, in the front.

### **2.3 Incorrect Display**

A damaged or disheveled Flag shall not be displayed. The Flag shall not be dipped in salute to any person or thing. No other flag or bunting shall be placed higher or above or, except as hereinafter provided, side by side with the National Flag nor shall any object including flowers or garlands or emblem be placed on or above the Flag-mast from which the National Flag is flown. The Flag shall not be used as festoon, rosette or bunting or in any other manner for decoration; nor shall other coloured pieces of cloth be so arranged as to give the appearance of the National Flag. The Flag shall not be used cover a speaker's desk nor shall it be draped over a speaker's platform. It shall not be displayed with the 'saffron' down or be allowed to touch the ground or the floor or trail in water or be displayed or fastened in any manner as may damage it.

### **2.4 Misuse**

**2.1.1** The Flag shall not be used as a drapery in any form whatsoever except in State /Military funerals hereinafter provided. The Flag shall not be draped over the hood, top, sides or back of a vehicle or a train or a boat nor shall it be used or stored in such a manner as may damage or soil it. The Flag shall not be used as a covering for a building or as a portion of a costume or uniform of any description. It shall not be embroidered upon cushions or handkerchiefs or printed on napkins or boxes. Lettering of by kind shall not be put upon the Flag. The Flag shall not be used in any form of advertisement nor as an advertising sign fastened to the pole from which the Flag is flown. The Flag shall not be used as a receptacle for receiving, holding or carrying anything.

2.4.2 When the Flag is in a damaged or soiled condition, it may not be cast aside or disrespectfully disposed off but shall be destroyed as a whole in private, preferable by burning or by any other method consistent with the dignity of the Flag.

### **2.5 Display on National Day or on Special Occasions**

2.5.1 The display of the National flag shall be unrestricted on the following occasions. However, even on such occasions, the normal precisions regarding the display of National Flag on motor-cars shall not be relaxed.

- (i) Republic Day-during the period from the commencement to the close of the celebrations;
- (ii) National week-6<sup>th</sup> April to 13<sup>th</sup> April-in Memory of the martyrs of Jallianwala Bagh;
- (iii) Independence Day;
- (iv) Mahatma Gandhi's Birthday;
- (v) and any other particular day of national rejoicing.

2.5.2 It may be added that, in a State of emergency, the rules for the display of the National Flag may be relaxed on special occasions such as functions organized in connection with the national defence.

### **2.6 Salute**

2.6.1.1 During the ceremony of hoisting or lowering the flag or when the Flag is passing in a parade or in a review, all persons present should face the Flag and stand at attention. Those present uniform should render the appropriate salute. When the Flag is in a moving column, persons present will stand at attention or salute as the Flag passes them. A dignitary may take the salute without a headdress.

## **2.7 Display with Flags of other National and of U.N.**

2.7.1 When displayed in a straight line with Flags of other countries, the National Flag shall be on the extreme right, i.e. if an observer were to stand in the centre of the row of the flags facing the audience, the National Flag should be to his extremes right. Flags of foreign countries shall proceed as from the National Flag in alphabetical order on the basis of English versions of the names of the countries concerned. It would be permissible in such a case to begin and also to end the row of Flag with the National Flag and also to include the National Flag in the normal country-wise alphabetical order. The National Flag shall be hoisted first and lowered last. When flown with other flags, the flag masts shall be of equal sizes irrespective of the number of other foreign flags besides the National Flag. International usage forbids the display of the flag of one nation above that of another nation in times of peace. The National flag shall not be flown from a single masthead simultaneously with any other flag or flags. There shall be separate mast-heads for different flags.

2.7.2 In case Flags are to be flown in an open circle i.e., an arc or a semi-circle, the same procedure shall be adopted, as is indicated in para.2.7.1 above. In case Flags are to be flown in a closed i.e., complete circle, the National Flag shall mark the beginning of the circle and the Flags of other countries should proceed in a clockwise manner until the last flag is placed next to the National Flag. It is not necessary to use separate National Flags to mark the beginning and the end of the circle of Flags. The National Flag shall also be included, In alphabetical order in such a closed circle.

2.7.3 When the Flag is displayed against a wall with another Flag from crossed staffs, it shall be on the right i.e., the Flag's own right, and its staff shall be in front of the staff of the other Flag.

2.7.4 With the permission of the government the National Flag and the Flags of other countries may be displayed on occasions such as cultural shows, exhibitions, musical concerts, film festivals, etc., sponsored by the Diplomatic or Consular representatives of the foreign Governments. On occasions specified by the Government, such as a visit of a foreign dignitary, the general public may wave paper National Flags and the paper flags of the other country. After use, they shall be disposed off in a proper manner.

2.7.5 When the U.N. flag is flown along with the National Flag, it can be displayed on either side of the National Flag. The practice is that the national Flag is displayed on the extreme right with reference to the direction which it is facing i.e. extreme left of an observer facing the masts flying the Flags.

## **2.8 Rule for Display of National Flag on Motor-cars**

2.8.1 The privilege of flying the Flag on motor-cars will be limited to-

- (i) The President and the Vice President.
- (ii) Governors and lieutenant Governors when inside their States.
- (iii) Heads of Indian Missions abroad in the countries to which they are accredited.
- (iv) Ministers, who may fly the National Flag on their cars on occasions of national importance only and also while on tour when it may be helpful in passing through crowded localities.

2.8.2 When a foreign dignitary is seated in a motor-car alongwith a dignitary entitled to fly the National Flag, the Flag of the foreign V.I.P. will be flown on the left side of the car and the National Flag will be flown on the right side.

## **2.9 Display of National and Distinctive Flags and Red Lights on Motor-Cars.**

As per State Government's present orders, the following dignitaries/officers of the State Government are entitled to fly National Flag/Distinctive Flags and use Red Lights on motor-cars:-

### **2.9.1 Dignitaries entitled to fly National Flag on Motor Cars:-**

- (i) Governor.
- (ii) Chief Minister.
- (iii) Cabinet Ministers, Ministers of State and deputy Ministers.
- (iv) Speaker and Deputy Speaker.
- (v) Chief justice of the High Court.
- (vi) Chief Parliamentary Secretary.
- (vii) Parliamentary Secretaries.

### **2.9.2 Dignitaries authorized by the State Govt. to fly Distinctive Flags.**

- (i) Lokayukta.
- (ii) Chairman and Members H.P. Administrative Tribunal.
- (iii) Former Chief Ministers.
- (iv) Chairman/Vice Chairman of Boards/Corporations with Minister's rank.
- (v) Judge of the High Court.

### **2.9.3 Officers of the State Govt. authorized to fly Distinctive Flags.**

- (i) Chief Secretary.
- (ii) Addl. Chief Secretary.
- (iii) Financial Commissioners.
- (iv) Director General of Police/Addl.DG (Police).
- (v) Divisional Commissioners (within their Division).
- (vi) Inspector General of Police.
- (vii) Commandant General (Home Guards).
- (viii) Deputy Commissioners (Within their district).
- (ix) Deputy Inspectors General of Police (Within their range).
- (x) District Supdts. of Police (within their district).

## **2.10 Half Mastng**

2.10.1 The National Flag shall not be flown at half-mast except when specially directed by the Government. By half-mast is meant hauling down the flag to one-half the distance between the top and the guy-line and in the absence of the guy-line, half of the staff.

2.10.2 When flown at half-mast, the flag shall be hoisted to the peak for an instant, then lowered to the half-mast position; but before lowering the flag for the day, it shall be raised again to the peak.

2.10.3 In the event of a "half-mast day" coinciding with the day on which flags are to be flown without restriction viz., Republic Day Independence Day, Mahatma Gandhi's Birthday, the flags shall not be flown at half-mast except over the building where the body of the deceased is lying until such time as it has been removed. The flag shall thereafter be raised to the full-mast position. If mourning were to be observed in a parsed or procession where a flag is carried, two streamers of black crepe shall be attached to the spear-head, allowing the streamers to fall naturally. The use of black crepe in such a manner shall be only by order of Government.

2.10.4 On occasions of State and Military funerals, the flag shall be draped over the bier or coffin with the saffron towards the head of the bier or coffin. The flag shall not be lowered into the grave or burnt in the pyre.

## 2.11 The National Anthem

2.11.1 The composition consisting of the words and music of the first stanza of the late poet Rabindra Nath Tagore's song known as 'Jana Gana Mana' is the National Anthem of India. It reads as follows:-

Jana-gana-mana-adhinayaka, Jaya he	जन-गण- मन-अधिनायक, जय हे
Bharata-bhagya-vidhata.	भारत-भाग्य- विधाता
Punjabia Sindhu-Gujarata –Maratha	पंजाव सिन्धु गुजरात मिराठा
Dravida-Utkala-Banga	द्रविड उत्कल बंग
Vindhya-Himachal-Yamuna-Ganga	विन्ध्य हिमाचल यमुना गंगा
Uchhala-jaladhi-tranga	उच्छल जलधि-तरंगे
Tava subha names Jage,	तव शुभ नामे जागे
Tava subha asisa mage,	तव –शुभ आशिष मागे,
Gahe tava jaya-gatha	गाहे तव जय गाथा ।
Jans-gsna-mangala-dayaka Jaya he,	जन- गण- मंगलदायक जय हे
Bharata-bhagya-gatha	भारत-भाग्य- विधाता ।
Jaya he, Jayahe, Jaya he,	जय हे, जय हे, जय हे
Jaya jaya jaya jaya he.	जय जय जय जय हे ।

The above is the full version of the Anthem and its playing time is approximately 52 second..

2.11.2 A short version consisting of the first and last lines of the National Anthem is also played on certain occasions. It reads as follows:-

Jana-gana-mana –adhinayaka jaya he  
Bharata-bhagya-vidhata  
Jaya hew, jaya he, Jaya he,  
Jaya jaya jaya he,

Playing time of the short version is above 20seconds. The short version of the Anthem shall be played when drinking toasts in Messes.

## 2.12 Playing of the Anthem

The full version of the Anthem shall be played on the following occasions:-

- For the National Salute ( which means the Command “Rashtriya Salute-“Salami Shastr” to the accompaniment of the national Anthem ) which is given to the president on all ceremonial occasions and to the Governors on all ceremonial occasions within their respective States.
- During parades or ceremonial functions-irrespective of whether any of the dignitaries referred to in (a) above is present or not-on August 15<sup>th</sup> and January 26<sup>th</sup>. On these occasions the Anthem shall be played when the national Flag is unfurled and shall be treated as a salute to the Flag and not to the dignitary unfurling it.
- On all occasions when the President is present in person (including broadcasts by the President).

- (d) On all occasions (including social functions, e.g. mess functions and sports meets )when governor is present in person within his respective State;
- (e) When the National flag is brought on Parade;
- (f) When regimental colours are presented;
- (g) For hoisting of the Colours in the Navy.
- (h) Any other occasion for which special orders have been issued by the Government of India.

Normally the Anthem shall not be played for the Prime Minister, though there may be special occasions when it may be played.

### 2.13 Singing of the Anthem

The Anthem may be sung on occasions which, although not strictly ceremonial, are nevertheless invested with significance because of the presence of Ministers, etc. The singing of the Anthem on such occasions (with or without the accompaniment of an instrument) is desirable. It is not possible to give an exhaustive list of occasions on which the singing (as distinct from playing )of the Anthem can be permitted. But there is no objection to the singing of the Anthem so long as it is done with due respect as salutation to the Motherland and proper decorum is maintained. On all occasions when the National Anthem is sung, the full version shall be recited, In all teaching institutions the day's work should begin with community singing of the Anthem. Authorities should make adequate provision in their programmes for popularizing the singing of the Anthem and promoting respect for the National Flag in all occasions.

### 2.13 The National Song

All official functions presided over by the Chief Minister and Ministers should start with the singing of the National song "Vande Masdtaram" and end with the singing of the National Anthem accompanied by mass singing. The first stanza of the composition " Vande mataram" reads as follows:-

Vande Mataram!	वन्दे मातरम् ।
Sujalam,suphalam, malayaja-shitalam,	सुजलां सुफलां मलयजशीतलाम्
Shasyashyamalam, Mataram !	शस्यश्यामलां मातरम् ।
Vande Mataram !	वन्दे मातरम्
Shubhrajyotsna, pulakitayaminim,	शुभ्रजयोत्सना पुलकितयामिनीम्
Phullakusumita-drumadals-shobhinim,	पुल्लकुसुमिति द्रुमदल शोभिनीम्
Suhasinim, sumadhura- bhashinim,	सुहासिनी सुमधुर भाषिणीम्
Sukhadam, varadam, Mataram !	सुखदां वरदां मातरम् ।
Vande Mataram !	वन्दे मातरम् ।

## CHAPTER-III

### CONSTITUTIONAL PROVISIONS FOR STATES

#### 3.1 Provisions

The Constitution of India provides for three organs of State, namely

The Executive headed by the Governor;  
The State legislature consisting of the Governor and the Legislative Assembly; and  
The high Court of the State.

#### 3.2 The Executive

The Constitution of India, **Article 153** provides for there being a Governor for each State. As per **Article 154(1)** the executive power of the state vests in the Governor and is exercised by him either directly or through officers subordinate to him in accordance with the provisions of the Constitution. the Legislature of a State can confer by law functions on any authority subordinate to the Governor under **Article 154(2)**. Under **Article 162**, the executive power of a State extends to the matters with respect to which the Legislature of a State has power to make laws, but in any matter with respect to which the Legislature of a State and parliament have power to make laws, the executive power of the State is subject to, and limited by executive power expressly conferred by the Constitution or by any law made by Parliament or the legislature of a State. **Article 163(1)** provides that there shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions, except in so far he is by or under the Constitution required to exercise his functions in his discretion. **Article 164 (2) provides** that the council of Ministers shall be collectively responsible to the Legislative Assembly of the State.

**Article 166(2) provides** for rules to be made by the Governor for authentication of orders and instruments made and executed in the name of the Governor. **Article 166(3)** provides for the Governor shall make rules for the more convenient transaction of the business of the Government of the State and for the allocation of the business amongst the Ministers insofar as it is not business with respect to which the Governor is by or under the Constitution required to act in his discretion.

#### 3.3 Rules under Article 166 of the Constitution

The business of the Govt. is transacted in accordance with the rules made by the Governor under **clauses (2) and (3) of Article 166** of the Constitution. Accordingly the following rules have been framed under **Article (2) and (3)** of the Constitution for the conduct of business of the Himachal Pradesh Government:-

- i) The Rules of Business of the Govt. of Himachal Pradesh, 1971, as amended from time to time; and
- ii) The Business of the Govt. of Himachal Pradesh (allocation) Rules, 1971 as amended from time to time.

The allocation of business amongst the Ministers is made separately under clause (3) of article 166 of the Constitution. The entire business/ working of the Government is regulated under the aforesaid provisions of the Rules and the orders issued there under.

### 3.4 The Rules of Business

Rule 2 of the Business of the Govt. of Himachal Pradesh (Allocation) Rules, 1971 provides that entire Business of the Government shall be transacted in the Departments of Himachal Pradesh, specified in the Schedule and shall be classified and distributed between those Departments as laid down therein. Further rule 4 of these Rules provides that there shall be a Secretary for each Department who shall be the official Head of the Department.

The Rules of Business provide for a permanent Secretariat divided into Departments, each with the designated set of activities and clearly defined procedure. This Secretariat is primarily meant to provide support to the Council of Ministers in discharging its constitutional obligations and in taking various decisions concerning the welfare of the State and its people. The actual implementation of programmes is done by field staff of the various Departments and these activities and the staff are controlled from the day to day functioning point of view by and overall implementation. The Directorates in addition to executing programmes also act as agencies to collect and interpret data and provide appropriate information to the Secretariat Departments in framing, reviewing and analyzing policy.

Some of the provisions of the Rules of Business are given below in brief:-

- (1) Rule 9 provides for all Departments consulting the Finance Department in all matters having a financial bearing unless the matter is covered under delegation. The procedure for consulting the finance Deptt., for making rules governing financial procedure in general in all departments and to regulate the business of the Finance deptt. etc. is contained in Rules 34-38. It is noteworthy that:-
  - (i) The Personnel Department functions a Finance Department in all respect of the matters relating to the Finance Department (Proviso below Rule 9(1) refers)
  - (ii) In case where there is a difference of opinion between the finance Secretary and the Minister Incharge, the matter is required to be referred to the Chief Minister (Rule 58(xvii) refers).
  - (iii) In cases where the Finance Deptt. does not concur in the proposal, the matter is required to placed before the Council of Ministers (S.Nos. 11 &12 of the Schedule refer).
- (2) All types of cases indicated in Rule 55 are required ton be submitted by the Chief Minister to the Governor.
- (3) All matters indicated in the Schedule to the Rules of business are required to be placed before the Council of Ministers. Rule 14 and 15 specify the method for placing a matter before the Council of Ministers. Rule 16 provides for consideration of a case by the Council to Ministers through circulation. All proposals required to be placed before the council of Ministers are required to be submitted to the Chief Minister through the Chief Secretary;
- (4) All type of matters referred to in Rule 58 are required to be submitted to the Chief Minister; these include-
  - (j) all cases raising questions of policy or of administrative importance,
  - (ii) proposal for appointment, posting and transfers of senior officers,
  - (iii) prosecution, dismissal, removal or compulsory retirement of Gazetted Officers,
  - (iv) case where the successor Minister wishes to modify the orders of his predecessor-in-office,
  - (v) sale, grant, lease or alienation of government property above a designated value,

- (vi) any proposal for the institution of a prosecution by Government against the advice tendered by the law Department,
  - (vii) all policy case regarding reservation of appointments and posts for the Scheduled castes, Scheduled Tribes and Backward Classes,
  - (viii) cases relating to Committees of Legislature,
  - (ix) cases which affect or are likely to affect the rights and privileges of any Ruler as provided in Article 362.
- (5) Rules 26 and 27 provide for the formulation of **Standing Orders** by each Department as to which matters are required to be submitted to the Minister Incharge and which matters shall be disposed off at the level of the Secretary or lower authorities. In pursuance of the provisions of these rules all Department have to frame **Standing Orders** for disposal of work/business in the Deptt. and the work is carried out accordingly;
- (6) Rules 39 to 54 prescribe the procedure and matters on which law Department is required to be consulted.
- (7) Rule 28-A requires submission of a statement by the Secretary on every Monday to the Minister Incharge about all important cases disposed off in the Department by the Minister Incharge and the Secretary . A copy of this statement is also required to be submitted to the Chief Minister and the Governor through the Chief Secretary;
- (8) Rule29 provides that a Secretary may requisition the papers in any department other than the Finance Department, Department of personnel, Appointment and Vigilance if the papers are required for the disposal of a case in his department. Such a request is to be dealt with under the general or special orders of the Minister-in-charge. Rule 30 provides that the Chief Secretary may ask to see papers relating to any case in any department and any such request shall be complied with by the Secretary. Rule31 provides that a Minister may call for papers from any department and all such papers are to be sent only under the orders of the Minister-in-charge;
- (9) Rule 59, provides that all communications received from the Government of India (including those from the Prime minister and other Ministers of the union and the Chief Ministers of other States) other than those of routine or unimportant character, shall, as soon as possible after receipt, be submitted by the Secretary to the Chief Secretary, Minister-in-charge, Chief Minister and the governor for information.
- (10) Rule 60 stipulates that reports of occurrences of the nature mentioned below shall, as soon as possible after their receipt, be submitted by the Secretary to the Chief Secretary, the Minister-in-charge, the Chief Minister and the governor for information:-
- (i) natural calamities such as floods, earthquakes and fires of large magnitude which have caused serious or large scale damage to life and property;
  - (ii) riots which involve serious breaches of the public peace;
  - (iii) outrages which have a political aspect;
  - (iv) events which have Statewide political or administrative implications;
  - (v) all unusual and important happenings.

Rule11 of the Rules of business of the Government of Himachal Pradesh, 1971 provides for authentication of every order or instrument of the Government by a Secretary, an Additional Secretary, a Joint Secretary, a Deputy Secretary and Under Secretary to the Government of the State or such other officers as may be specifically empowered in that behalf and such signatures shall be deemed to be the proper instruments.

### 3.5 The State Legislature

**Article 168 (1)** of the constitution of India provides that for every State there shall be a legislature which shall consist of the Governor and a House. The Legislative Assembly of a State, unless sooner dissolved, continues for five years, as per **Article 172 (1)** of the Constitution. Provisions regarding sessions of the State Legislature, right of the Governor to address and send messages to the House, special address by the Governor etc. are contained in **Articles 174 et-seq.**

The main function of the legislature is to enact laws for appropriation of money from the Consolidated Fund of the State. The Legislature also oversees the executive functioning of the State by virtue of the provisions of Article 164(2) which makes the Council of Ministers collectively responsible to the Legislature. The State Legislature passes laws presented in the form of Bills, which after receiving the Assent of the Governor (or the President of India, if it is reserved for his consideration and receives his assent) is notified and takes the form of an Act.

### 3.6 Legislative powers of the State Legislature

**Article 245 to 255** of the Constitution deal with the Legislative power of Parliament and State Legislatures. Under **Article 245**, subject to the provisions of the Constitution, the Legislature of a State make laws for the whole or any part of the State. **Article 246** precisely defines jurisdiction of Parliament and the State Legislature. The **Seventh Schedule** to the Constitution contains three lists, known as:-

- a) Union List
- b) concurrent list
- c) State List

As per **Article 246** of the constitution, the Parliament has exclusive jurisdiction to enact on the matters enumerated in "Union list" and the State Legislature has exclusive jurisdiction to enact on matters enumerated in the "State List". In regard to the matters enumerated in the "Concurrent list," both the parliament and the State Legislature have power to make laws. **Article 249** also empowers the parliament to enact even in respect of matters included in the "State List" in the national interest and also when a Proclamation of Emergency is in operation under **Article 250**.

If any provision of a law enacted by the State Legislature is repugnant to any provision of a law made by parliament with respect to matters enumerated in the concurrent list or under Article 249 and 250, the law made by the Parliament shall prevail, and the law made by the State Legislature shall to the extent of repugnancy be inoperative, so long as the law made by the Parliament continues to have effect (**Article 251 and 254**). However, clause (2) of **Article 254** provides that if a provision of a law made by the State by the state Legislature with respect to a matter enumerated in the concurrent List is repugnant to the provisions of an earlier law made by the parliament or an existing law with regard to that matter, then the law so made by the State Legislature shall prevail in that State, if it has been reserved for the consideration of the President and has received his assent. This position will prevail so long as the Parliament does not enact a law with respect to the same matter adding to, amending, varying or repealing the law so made by the legislature of a State.

### 3.7 Legislative Procedure

Certain important constitutional provisions regarding legislative Procedure are given in brief as under:-

- (i) According to Article 207 of the Constitution, a Bill or amendment relating to any of the financial matters as referred to in Sub-Clauses (a) to (f) of Clause (1) of Article 199 cannot be introduced or moved except on the recommendation of the Governor;

- (ii) A Bill pending in the Legislature of a State does not lapse by reason of the prorogation of the Legislative Assembly (**Article 196 (3)**). However, a bill pending in Legislative Assembly lapses on dissolution of the Assembly (**Article 196 (5)**);
- (iii) **Article 200** of the Constitution prescribes the procedure for assent to a Bill by the Governor or reserving the bill for the consideration of the President;
- (iv) **Article 201** of the Constitution deals with the procedure with regard to the Bills reserved for the consideration of the President;
- (v) According to Article 202 of the constitution, the Governor shall in respect of every financial year cause to be laid before the House of the Legislature a statement of the estimated receipts and expenditure of the State known as the "Annual Financial Statement;" showing separately (a) the expenditure charged upon the consolidated Fund of the State and (b) the other expenditure to be made from the Consolidated Fund of the State.

**As per clause (3) of article 202** of the constitution, the following expenditure shall be expenditure charged on the Consolidated Fund of the State :-

- (a) the emoluments and allowances of the Governor and other expenditure relating to his office;
  - (b) the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly and, in the case of a State having a Legislative Council, also of the Chairman and the Deputy Chairman of the legislative Council;
  - (c) debt charges for which the State is liable including interest, sinking fund charges and redemption charges, another expenditure, relating to the raising of loans and the service and redemption of debt;
  - (d) expenditure in respect of the salaries and allowances of Judges of the High Court;
  - (e) any sums required to satisfy any judgment, decree, or award of any court or arbitral tribunal;
  - (f) any other expenditure declared by the constitution, or by the Legislature of the State by law, to be so charged.
- (vi) As per **Article 203** of the constitution, or Estimates relating to expenditure charged upon the consolidated Fund of the State are not submitted to vote of the legislative Assembly, though the Legislature can hold a discussion. Estimates relating to other expenditure are submitted in the form of demands for grants to the Legislative Assembly and the legislative Assembly has power to assent or refuse to assent to any demand or to assent to any demand subject to reduction of the amount specified therein. No demand for grant can be made except on the recommendation of the Governor;
  - (vii) **Article 204** of the Constitution provides that as soon as may be after the grants have been made by the Assembly under **Article 203**, a Bill shall be introduced to provide for the appropriation out of the Consolidated Fund of the State of all moneys required to meet the grants so made by the Assembly and the expenditure charged on the consolidated Fund of the State (but not exceeding the amount shown in the statement previously laid before the House). No amendment can be proposed to any such Bill in the House. Further, subject to the provisions relating to supplementary, additional or excess grants (**Article 205**) and grant in advance, unexpected and exceptional grant (**Article 206**), no money can be withdrawn from the Consolidate Fund of the State except under appropriation made by law passed in accordance with the provisions of **Article 204**.

- (viii) **Article 208** provides for the house of Legislature of a State to make rules for regulating its procedure and conduct of its business. The Rules framed by our Legislative Assembly are called the "Rule of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1973". These Rules which govern the procedure and Conduct of Business of the legislative Assembly and also contain working of the various committees of the House, are given in brief in Chapter IV.

### 3.7 Legislative power of the Governor

**Article 213** of the Constitution provides that if at any time, except when the legislative Assembly is in session, the Governor is satisfied that circumstances exist which render it necessary to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require. The Governor cannot, however, without instructions from the President, promulgate and ordinance if :-

- a) a Bill containing the same provisions would under the Constitution have required the previous sanction of the president for the introduction thereof in the Legislature;
- b) he would have deemed it necessary to reserve a Bill containing the same provisions for the consideration of the President;
- c) an Act of the Legislature of the State containing the same provisions would under the Constitution have been invalid unless, having been reserved for the consideration of the President, it had received the assent of the President.

An Ordinance has the same force and effect as an Act of the Legislature of the State assented to by the Governor. An Ordinance is required to be laid before the Legislative Assembly and ceases to operate at the expiration of six weeks from the re-assembly of the legislature, or if before the expiration of that period it is either withdrawn by the Governor or a resolution disapproving it is passed by the Legislative Assembly.

An Ordinance relating to matters enumerated in the concurrent list and containing provisions repugnant to Act of parliament is deemed to be an Act of the State legislature if the same has been reserved for the consideration of the President and has been assented to by him.

### 3.8 The High Court of the State

**Article 214** of the Constitution provides that there shall be a High Court for each State and as per **Article 215**, the High Court is a court of record having all powers of such a court including the power to punish for contempt of itself. As per **Article 217** a Judge of a High Court is appointed by the President of India by warrant under his hand and seal after consultations with the Chief Justice of India, the Governor of the State, and, in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of the High Court.

**Under Article 226** of the Constitution, a High Court has the power throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases any Government, within those territories directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo-warranto and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III (Fundamental Rights) and for any other purpose.

**Article 227** provides that a High Court shall have superintendence over all Courts and tribunals throughout the territories in relation to which it exercises jurisdiction and may call for returns, make general rules and prescribe forms for regulation the practice and proceedings of such Courts etc. **Article 228** of the Constitution empowers the High Court to transfer certain cases of subordinate courts to the High Court. Under **Article 235** of the constitution, the control over District Courts subordinates thereto including the posting and promotion of,

and the grant of leave to, persons belonging to the judicial service of a State and holding any post inferior to the post of district judge vests in the High Court.

### **3.10. The Administrative Tribunal**

With the Constitution 42<sup>nd</sup> (Amendment) Act 1976, Article 323-A was inserted providing for the Parliament to make laws for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or any State or of any local or other authority within India or under the control of the Government of India or of any Corporation owned or controlled by the Government. This Article also enables the Parliament to provide in the Act, the jurisdiction and powers of Administrative Tribunals and exclusion of jurisdiction of all courts excepting the Supreme Court with regard to the above disputes or complaints. Further the provisions of this Article shall have effect notwithstanding anything in any other provision of the Constitution or any other law for the time being in force.

Under the provisions of this Article the Parliament enacted the Administrative Tribunals Act, 1985. With the setting up of the Central Administrative Tribunal all service matters concerning recruitment to All India Services or to any civil service of the union or a civil post under the union or to a post connected with defence or in the defence service etc. Pertaining to the member, person, or civilian in connection with the affairs of the Union have been brought under the jurisdiction of the Central Administrative Tribunal. Section 4 (2) of the Administrative Tribunals Act, 1985 provides for the setting up of the State Administrative tribunals by the Central Government for the State Governments as well, on the request of the State Govt. concerned. In pursuance of this provision of the Act, the Himachal Pradesh State Government requested the Central Govt. for the setting up of an Administrative Tribunal and H.P. Administrative Tribunal was established with effect from 1<sup>st</sup> September, 1986.

With the setting up of Himachal Pradesh Administrative Tribunal, the Administrative Tribunal exercises jurisdiction, powers and authority exercisable by all courts (except the Supreme Court) in relation to recruitment to any civil service of the State or to any civil post under the State and all service matters concerning a person appointed to any civil service/post in connection with the affairs of the State or of any local or other authority under the control of the State Government or of any Corporation or Society owned or controlled by the State Government. Further by virtue of the provision of Section 15(2) of the Administrative tribunals Act, 1985, the Himachal Pradesh Government issued a notification to the effect that the H.P. Administrative Tribunal shall have jurisdiction in regard to the recruitment and matters concerning recruitment to any service or post in connection with the affairs of local or other authority or corporation or Society and all service matters concerning a person appointed to any service or post in connection with the affairs of such local or other authority or corporation or Society. Accordingly the recruitment and service matters (conditions of service) of the employees of the local or other authority or corporation or society are now under the jurisdiction of the Himachal Pradesh Administrative Tribunal.

The Administrative Tribunal is a substitute of the High Court. It has also been held that the Administrative Tribunal is competent to exercise all powers which the respective Courts had, including declarations as to constitutionality of relevant laws. Further jurisdiction of the Tribunal is not supplementary but is a complete substitute for the High Court and the Civil courts.

## CHAPTER IV

### THE STATE LEGISLATIVE AND GOVERNMENT

Legislative functions and procedure as provided in the Constitution have been given in brief in Chapter III. In this Chapter, detailed legislative procedures and Rules and Conduct of Business of the Legislative Assembly in so far they relate to the functioning of the Government are given.

#### **4.1 Procedure for introduction of Bills etc.**

Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1973, as framed under Article 208 of the Constitution contain provisions as to the procedure and conduct of business of the assembly. Under Rule 330 and other rules of the aforesaid Rules and under inherent powers, the Speaker has issued directions from time to time for regulating certain matters not specifically provided for in the rules which have been published by the Vidhan Sabha. Certain procedures are required to be followed with regard to introduction etc. of Bills according to the Directions of the Speaker as stated above, which are given in brief as under:-

##### **(a) Notice of motion for leave to introduce Government bills**

A Minister desiring to move for leave to introduce a Bill shall give notice in writing of his intention to do so. The period of notice of a motion for leave to introduce a Bill is seven days unless the Speaker allows the motion to be made at a shorter notice.

##### **(b) Inclusion in the List of Business of motion for leave to introduce Bill**

No Bill shall be included for introduction in the list of Business for the day until after copies thereof have been made available for the use for members for at least two days before the day on which the Bill is proposed to be introduced.

Provided that Appropriation Bills, Finance bills and such secret Bills as are not put down in the list of business may be introduced without prior circulation of copies to the members.

Provided further that in other cases, where the Minister desires that the bill may be introduced earlier than two days after the circulation of copies or even without prior circulation he shall give full reasons in a memorandum for the consideration to the Speaker explaining why the bill is sought to be introduced without making available to members copies thereof in advance, and if the Speaker gives permission the Bill shall be included in the list of business for the day on which the Bill is desired to be introduced.

##### **(C) Withdrawal of Government Bills**

When a bill pending in the Assembly is sought to be withdrawn by Government, a statement containing the reason for which the Bill is being withdrawn shall be circulated to members by the department concerned sufficiently in advance of the date on which the motion for withdrawal is sought to be made.

#### **4.2 Rules of procedure and conduct of Business of the legislative Assembly**

Some of the provisions of the Rules of Procedure and conduct of Business of the Himachal Pradesh Legislative Assembly, 1973 and the directions issued by the Speaker in so far as they impinge on the functioning of the Government are given in brief as under:-

(1) **Assembly Questions**

Rules 35-55 of the aforesaid Rules contain detailed procedure for Assembly Questions, which are of three types as follow:-

- (i) **Short-notice questions** relate to a matter of urgent public importance, It is distinguished by placing two asterisks. Supplementary questions arising out the answer can be put with the permission of the speaker;
- (ii) **Starred questions** are questions on which supplementary questions arising out of the answer given can be put with the permission of the Speaker. It is distinguished by placing one asterisk; and
- (iii) **Unstarred questions** are such questions where written replies are given to the member concerned and on which no supplementary question is permissible.

Chapter-III, Paras 17 to 19 of the Directions by the speaker provide the procedure for correcting answers to questions or statements made by Ministers on the floor of the House. According to these directions:-

(a) When a Minister wishes to correct any inaccuracy in the information which he has given in answer to a Starred/ Short Notice Question or a Supplementary Question or in the debate, the following procedure shall be followed, namely:-

- (i) The Minister shall give to the Secretary H.P. Vidhan Sabha notice of his intention to make a statement; the notice shall be accompanied by a copy of the statement proposed to be made by the Minister.
- (ii) When the House is in session, the Secretary shall include the item in the list of business on and appropriate day; and the Minister shall, when called upon by the Speaker, make the statement in the House.  
After the statement has been made, the Speaker may permit member to ask supplementary questions which are strictly relevant of the subject matter of the correction made by the Minister.
- (iii) When the House is not in session, the Secretary shall consider whether the statement shall be made by the Minister during the next session in which case the orders of the speaker shall be taken, If the matter cannot wait till the next session, the statement shall be included in the official report of the proceedings of the house and a footnote given in the proceedings in the following manner:-

“The original reply or statement by the Minister reads as follows;-  
(Text of the original reply/statement). The reply as printed above  
was sent by the Minister in substitution of the original reply”

**Note:-** in case where it is not considered desirable to publish the original answer the revised answer only shall be printed with a suitable footnote.

- (iv) The Minister shall ordinarily intimate to the Secretary his intention to correct his answer of statement within three days thereof provided that the Speaker may on being satisfied with the reasons given, waive this requirement.
- (v) The Speaker shall determine in each case whether the statement on the correction may be reported to the House by the Minister or laid on the table of the House.

(b) When a Minister wishes to correct any inaccuracy in the information which he has given in reply to an Unstarred question, the following procedure shall be followed, namely:-

- (i) The Minister shall give to the Secretary notice of his intention to correct the reply given to an Unstarred Question. The notice shall be accompanied by a copy of the statement proposed to be laid by the Minister.
- (ii) When the House is in session, the Secretary shall include the item in the list of questions for written answers on the appropriate date in the following manner:-

“The.....Minister to lay a statement correcting the reply given on the.....19, to Unstarred Question No.....by Shri.....regarding.....”.

- (iii) The statement so laid by the Minister shall be included in the official report of the proceedings of the House for the day at the end of answers to all Unstarred Question.
- (iv) When the House is not in session, the procedure as stated in direction as (a) (iii) above shall apply.

**(2) Half-an-hour discussion**

Rule 56 contains a provision that the speaker may allot half an hour for discussion on a matter of sufficient public importance which has been the subject of a question and answer in the House. There is no formal motion before the House for voting. The member who has previously intimated the Speaker may be permitted to ask a question for the purpose of further elucidating any matter of fact.

**(3) Calling attention to matters of urgent public importance**

Rule 57 prescribes the procedure for a member desiring to call the attention of a Minister to any matter of urgent public importance and if the speaker gives his consent for the matter being raised, it is so done after the questions and before the list of business is entered upon. The Minister may make a brief statement or ask for time to make a statement at a later hour or date. There shall be no debate on such statement, but any member may with the permission of the speaker ask a question for the purpose of further elucidating any matter of fact.

**(4) Discussion on matters of urgent importance**

Rule 58 to 61 regulate the procedure of discussion on matters of urgent public importance. Any member desirous of raising discussion on a matter of urgent public importance can give notice specifying clearly and precisely the matter to be raised and the Speaker after calling for such information from the Member and the Minister as he may consider necessary, may admit the notice and fix the date and time for taking up the discussion for a period not exceeding two and a half hours. There is no formal motion before the House for voting. The Member who has given the notice may make a short statement and the Minister shall reply briefly. Any other member may be permitted to take part in the discussion.

**(5) Motion for adjournment on a matter of urgent public importance**

Rule 62 to 69 regulate motions for adjournment on a matter of urgent public importance. Rules 64 to 65 contain details of restrictions as to the matters on which such motions cannot be moved only with prior notice and with the permission of the Speaker or the House. The motion that the House do now adjourn shall be taken up an hour before the time fixed for the usual termination of the business for the day or earlier if the speaker so directs

**(6) Breach of Privilege and Contempts**

**Rule 70 to 95** deal with all issues to Breach of Privilege and contempt's.

**(7) Resolution**

A *private* member wishing to move a resolution has to give not less than ten days notice with a copy of the resolution and in case the Government desires to move a resolution it shall give seven days notice along with a copy of the resolution. The Speaker can allow a shorter notice. The resolution should relate to a matter of general public interest. The detailed procedure for notice, admissibility, restrictions, withdrawal, amendment, speeches etc. is given in Rules 96 to 112.

As per Directions by the Speaker under the Rules of Procedure and conduct of Business in Himachal Pradesh legislative Assembly, a copy of every Government Resolution which has been passed by the House shall be forwarded to the Minister concerned and the concerned Minister shall ensure within three months time action by the Government on the Resolution passed by the House.

**(8) Motions**

Rules 113 to 125 contain provisions regarding motions relating to matters of recent occurrence or definite issues of general public interest.

**(9) No. of copies of papers, documents etc. for circulation to Member**

Each department /Board/Corporation or other Institution shall submit a minimum of 100 copies of each document/ paper, which is meant for circulation amongst Members and others. In case of replies to all categories of questions, 80 copies and for replies to notice under Rule 57 and 311, 60 copies shall be made available to the Vidhan Sabha Secretariat.

**4.3 Processing of Assembly Questions by Government Departments**

The following preliminary action should be taken on receipt of copy of an Assembly Question:-

- (i) If a question is wrongly addressed to a Minister, the Department to which the advance copy has been sent should immediately contact the Department concerned and obtain its concurrence to the transfer to it of the Question. The former should then immediately transfer the question to the Department concerned and inform the Vidhan Sabha Secretariat that the question has been transferred to the other Department with the latter's concurrence. A copy of this communication should invariably be endorsed to the Private Secretaries of the Ministers concerned.
- (ii) If there is no unanimity on the question as to which Department the question relates, then the department in which the question is initially received will immediately seek clarification from the General Administrative Department and further action will be taken in accordance with the decision of the General Administrative Department. It is clarified that if for preparing reply to a question information is to be collected from a number of Departments, the Department concerned should call for the information and the question should not be passed on the General Administration Department solely on that ground. Similarly in case a matter affects more than one Department, the question will be dealt by that Department to whom the first part of the subject matter relates, and it will, if need be, call for information from all concerned.
- (iii) The advance copy of the Question should immediately on receipt, be submitted to the Secretary of the Department for information and such instructions as he may wish to give, in case it has not already been seen by him

- (iv) The advance copy of the Question should then be examined in the Department from the following points of view:-
- (a) whether the question or any of its parts repeat in substance questions already answered or questions to which an answer has been refused;
  - (b) whether the information asked for has been supplied previously to the House either in the form of statements placed on the Table or otherwise in the course of debates;
  - (c) whether the preparation of an answer to the question will involve too much time and labour;
  - (d) whether it would be against the public interest to disclose the information asked for;
  - (e) whether it asks for information on a matter which is under adjudication by a Court of law having jurisdiction in any part of India;
  - (f) whether the information asked for could be obtained from accessible documents or ordinary work of reference; and
  - (g) Whether it seems to violate any of the conditions of admissibility laid down in the Rules of procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly.
- (v) After such examination, relevant facts should, if considered necessary, be communicated promptly to the Vidhan Sabha Secretariat for the consideration of the Speaker in deciding the admissibility of the question. This should be done at the latest within a week of the receipt of the advance notice in the case of starred and un-starred questions, within two days of the receipt of a reference in the case of short notice Questions, and within 24 hours in regard to other matters.
- (vi) While forwarding the facts of the case in regard to questions relating to the Statutory Corporations and Private Limited Companies, the Department may state whether the question relates to the day to day administrative detail about which normally no information is supplied to the Department in the ordinary course of administration of the Statutory Corporation.
- (vii) Where it is proposed to suggest disallowance of a question on the ground that disclosure of information asked for will not be in the public interest, concurrence of the Minister-in-Charge should be obtained and it should be clearly stated in the communication to the Vidhan Sabha Secretariat that the view contained therein has the concurrence of the Minister.
- (viii) When information of a confidential nature is communicated in support of disallowance of a question, it should be marked as such and the Vidhan Sabha Secretariat advised that in the event of its disallowance the information should not be disclosed to the member given notice of the question.
- (ix) Intimation of the disallowance or withdrawal of a question should be communicated to the minister and the officers concerned for information as soon as it is received.

#### **4.3 Replies to questions**

- (i) Unless otherwise directed by the Branch Officer or higher officers, action to collect material required for replying a question should be initiated immediately on receipt of the advance copy of the question. The preparation of a tentative draft reply should be undertaken in such cases in anticipation of the admission of the question. For that purpose, an officer in each department should be made responsible who should personally examine the question and decide on what points information is required to be collected from the Directorates/Collectorates/Divisional and the subordinate offices.

While collecting the data or information necessary for drafting a reply to a question, or preparing the material for the possible supplementaries thereto, careful attention should be given to the nature of the information to be collected and the authorities who should be addressed for the purpose. As far as possible a format for collecting uniform information should be devised and approved by the Branch Officer. Circular letter forwarding advance copies of questions and asking for such information should not be endorsed to the various authorities as a matter of routine. Only the information which is not available with the department dealing with the question should be collected from the other authorities. Further, only those authorities which are in the best position to furnish the information should be addresses. If a part of the information is available with one authority and a part with another, communications asking for information should state in precise terms the nature of the information called for from the respective authorities so there is no avoidable duplication of efforts.

(ii) In preparing a draft reply, parts of the question should be reproduced and draft replies set out in parallel columns for easy reference. Except in the case of unstarred question a "Note for Supplementaries" should be added furnishing such information as may be required for answering supplementary questions likely to be asked. The Draft reply should be as precise, unambiguous and complete as possible, and particular care should be exercised in using expressions which are liable to be construed as evasive or which imply an undertaking to furnish further information unless it is clearly intended to make such a promise. The draft reply so prepared should be reviewed on receipt on the printed list of admitted questions and, if necessary, revised so that it conforms to the admitted form of the question.

(iii) Where a "Starred" question call for an elaborate reply or detailed figures, the reading of which is likely to take some time, a statement giving the information required should be prepared for being placed on the table of the House. The draft reply itself should contain a reference to the statement to be so placed. In the case of an unstarred question, such a statement should be attached to the reply and the reply should contain a reference to the statement so placed.

(iv) If any information is available in a document, whether published under the authority of Government or otherwise, that should be utilized in the first instance. When a reply to question refers to such a document copies of such document should invariably be placed in the Vidhan Shaba Secretariat library before the answer is given or laid on the table of the house along with the reply.

(v) Where a question calls for factual or statistical information which it is not possible to collect in time the advisability of requesting the Vidhan Sabha Secretariat to put down the question for reply on a later date during the Session than originally intimated may be considered in order to have more time for preparing the reply. Where this is not feasible, and interim reply may be given stating that the information is being collected and will be placed on the table of the House as early as possible. But such interim replies should be given only when information called for is expected, with a reasonable degree of certainty, to be available and there will be no objection to disclosing it.

(vi) Interim replies should be the exception and not the rule.

(vii) Expensive methods of collecting information from outstation sources such as by elaborate telegrams and telephone trunk calls and fax messages should be avoided as far as possible.

(vi) The draft reply together with the file should be submitted so as to reach the Minister whose approval is required at least 48 hours before the question is due for answer. After its approval, the necessary number of fair copies, as prescribed by the Vidhan Sabha Secretariat from time to time, [ see para 4.2(9)], should be sent to that Secretariat not later than 5 P.M. on the working day preceding the date on which the question is due for reply.

(ix) When for any reason the reply to a question is arranged to be given by the Minister or State Minister not in charge of the Department concerned, the name of the person who will answer the question should be communicated to the Vidhan Sabha Secretariat by 3 P.M. on the working day preceding the date of reply.

(x) When departure is made from the written text by the minister concerned while actually delivering the answer, the Secretary, Vidhan Sabha should be informed.

(xi) In order to avoid confusion resulting from the use of a number of slips when putting up files to Ministers, only the following slips should be used:-

- (a) Slip marked "Q" alongwith the question number to be attached to the assembly Question.
- (b) While slip marked "Dr." be attached to draft reply, slip marked "R" alongwith the number of the question should be pinned to the reply after the draft has been approved.
- (c) Slip marked "Sp" to be painned to material for answering the Supplementary questions. No other slips or flags should be used.

(xi) Only such copies of replies to Assembly Questions should be submitted to the Chief Minister and other Ministers concerned as are easily readable. No. mutilated carbon copies or original copies typed with a faint ribbon should be submitted. Considerable time and effort is saved if the answers are typed on a computer.

(xiii) In the case of short notice questions, according to the Rules of Procedure and Conduct of business of the Himachal Pradesh Legislative Assembly, after the orders of the Speaker have been obtained by the Vidhan Sabha Secretariat, a copy of the question is required to be sent to the Minister concerned asking him to inform as to whether he agrees to answer to question as a short notice question . If the Minister agrees to answer the question at short notice, it is placed immediately on the agenda or so soon thereafter as the Speaker may direct. In such cases the Administrative Secretaries to Government should see that replies to such questions are sent promptly.

(xiv) Keeping in view the urgency and importance of the Assembly Questions, a separate register of all the questions received in an Office/Section should be maintained and shown to the Branch Officer daily during each Vidhan Sabha session. The form of the register is given in Para 13.1.7 of Chapter XIII.

#### **4.5 Assurances**

(i) Assurances given by a Minister to the House in course of replies to questions, discussion on Bills, resolutions, motions etc. will be communicated by the Assembly Secretariat to the Departments concerned. This, however, is in addition to the responsibility of the Department concerned to make a note of the assurances and take timely action.

(ii) All interim replies to questions will be treated as "assurance".

(iii) Each section will maintain a Register of Assurance given in the Assembly by the Minister-in-Charge in respect of subjects dealt with by it. The assurances will be recorded in it session-wise. The form of the register is given in Para 13.1.8 of Chapter XIII.

(iv) The register of Assurance will be reviewed by the Section-in-charge once a week for follow-up action and put up once a fortnight when the Assembly is in session and once a month otherwise, to the Branch Officer. The Minister should be kept informed of the progress made in implementation of this assurance. Every effort should be made to implement an assurance within two months, Cases in which there is likely to be any delay inn implementation of an assurance should be particularly brought to the notice of the Minister.

(v) Information on implementation of an assurance should be sent, separately for each assurance, to the Assembly Secretariat with a copy to the Parliamentary Affairs Section of the General Administration Department in the prescribed Performa, with a note on reasons for delay if the period of implementation exceeds two months. In addition, the Parliamentary Affairs Section will prepare a consolidated statement on the basis of information supplies by the Department, and send it to the assembly Secretariat.

#### **4.6 Committees of Legislature**

Chapter XVII (Rules 193 to 271 –C ) of the rules of procedure and conduct of Business of the Himachal Pradesh legislative Assembly,1973 contains detailed provisions regarding the constitution, function and procedure for Committees. Rule 193 provides that at the commencement of the first session after each general election and for thereafter before the commencement of each financial year or from time to time when the occasion otherwise arises, different Committee for specific or general purposes Shall either be elected or constituted by the House or nominated by the Speaker. No member can be appointed to a Committee if he is not willing to serve on it and further a member of the in the event of his appointment as a Minister ceases to be a member of the committee from the date of such appointment. The Chairman of each Committee is appointed by the Speaker from amongst the members of the Committee, but if the Deputy Speaker is a member of any Committee of which the speaker is not the Chairman, the Deputy Speaker shall be the ex-officio Chairman of such Committee.

Any Committee may appoint one or more sub-Committees, each having the power of the undivided Committee to examine any matter that may be referred to it and the reports of such Committees are deemed to be reports of the whole Committee if they are approved by the whole Committee in a sitting (Rule200). The meetings of the Committee are to be held in the precincts of the House and if it becomes necessary to change the venue to an outside place, the matter shall be referred to the Speaker whose decision shall be final (Rule203). The detailed procedure to take evidence, to call for papers, records, documents and presentation of reports etc. is contained in Rules 204 to 215. As per Rule 216, Secretary Vidhan Sabha is the ex-officio Secretary of all Committees.

#### **4.7 Directions of the Speaker relating to Committees of the Legislature.**

Some of the directions issued by the speaker under the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly relating to the Committees of the Legislative Assembly are given below:-

##### **(a) Evidence of Government officials before a Committee.**

(i) Where a Department or Undertaking is required to give evidence before a Committee on any matter the Department or Undertaking shall be represented by the Secretary or the Head of the Department or Undertaking as the case may be; provided that the Chairman of the Committee may, on a request being made to him, permit any other senior officer to represent the Department or Undertaking before the Committee.

(ii) The Committee may require the Department or Undertaking to furnish to the Vidhan Sabha Secretariat a sufficient number of copies of any memorandum containing its views on the matter under discussion for circulation to members of the Committee in advance of the date on which the representative of the department or Undertaking has to give evidence before the Committee.

(iii) A resume of the evidence given by the representative of the Department or Undertaking may be embodied in or appended to the minutes of the sittings.

(iv) Every paper or document submitted to the Committee for consideration shall invariably be duly authenticated by the Secretary of the Department concerned. In case of 'Action Taken Report', which are to be laid on the Table of the House, The concerned Minister shall have to authenticate them.

**(b) Communication on matters pending before a Committee to be addressed to the Secretary**

All communications from Departments and all suggestions, memoranda and representations etc. in respect of matters pending before a Committee which are received from individuals, associations and public bodies shall be addressed to the Secretary, Vidhan Sabha.

**(c) Procedure for presenting view of Departments to the Speaker**

If any Department wishes to present its views to the Speaker on any matter which has been considered by, or is pending before, a Committee, it shall forward to the Vidhan Sabha Secretariat a written statement formulating precisely the points on which the decision of the Speaker is desired. The statement, together with the relevant papers showing the view of the Committee, shall then be submitted to the Speaker, who may, if necessary, discuss the matter with the minister concerned and/or with the Chairman of the Committee before arriving at a decision.

**(d) Verbatim proceedings**

(i) The verbatim proceedings of a Committee, if taken, shall be treated as confidential and shall not be made available to any one without the order of the Speaker.

(ii) Relevant portions of the verbatim proceeding of the sitting at which evidence has been tendered shall be forwarded to the witnesses and members concerned for confirmation and return by a date fixed by the Vidhan Sabha Secretariat. If corrected copies of the proceedings are not received back by the specific date, the reporters copy may be treated as authentic.

(iii) Correction in the verbatim proceedings, if any, shall be made neatly and legibly by the witness or the member, as the case may be, in ink in his own handwriting and shall be confined to correction of inaccuracies which may have occurred in the process of reporting and not for the purpose of improving their literary form or altering their substance by additions and deletions.

**© Implementation of the recommendations make by the House Committees.**

(i) Government shall, after the presentation of the Report of the House Committee to the House within a period of three months, furnish a statement showing action taken on the recommendations contained therein duly approved and authenticated by the Minister concerned. The statement shall contain the views of the Government on all the recommendations including those which are accepted by the Government.

(ii) As early as possible after the receipt of the replies, the Committee shall consider them and finalise their views as to whether the replies are acceptable to them or not. In respect of the replies to recommendations which are not accepted by Government the Committee may express their own views, in case they do not accept the replies of the Government. Thereafter, the Committee shall lay a statement on the Table of the House in order to inform the House of the action taken on the original recommendations made by the Committee.

**(e) Rules regarding conduct and etiquette to be observed by witnesses appearing before the Committees and Sub-Committees.**

(h) Due respect to the Chairman and the Committee/Sub-Committee should be shown by the witness by bowing before taking his seat. The witness should take the seat earmarked for him opposite to the seat of the Chairman.

(ii) The witness should take the oath or make affirmation, if so asked by the Chairman. The oath or affirmation will be administered by the Secretary. The witness will take the oath or make affirmation standing in his place and bow to the Chair just before taking the oath or making the affirmation and immediately afterwards.

(iii) The witness should answer specific questions put to him either by the Chairman or by a Member of the Committee or by any other person authorized 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.

(iv) All the submissions to the Chair and the Committee should be couched in courteous and polite language. When the evidence is completed and the witness is asked to withdraw, he should while leaving, bow to the Chair. The witness should not smoke or chew anything when he is seated before the Committee.

(v) The following acts shall constitute breach of privilege and contempt of the Committee:-

- (a) Refusal to answer question, unless it be on the ground that the disclosure of the information sought for would be prejudicial to the safety or interests of the State.
- (b) Prevarication or willfully giving false evidence or suppressing the truth or misleading the Committee or Sub-Committee.
- (c) Trifling with the Committee, returning insulting answers, destroying or damaging a document relating to the enquiry.

#### **4.8 Constitution and functions of Committees of Legislature**

Some of the provisions about the Committees of legislature and Directions of the Speaker relating to these Committees have been given in the proceeding paras. Precisions regarding the constitution and function of some of the Committees are given as under:-

##### **(1) *Business Advisory Committee***

It consists of not more than 7 members including the Speaker and the Deputy Speaker relate. The Speaker shall be Chairman of this Committee. It recommends the time that should be allocated for the discussion of the stage or stages of such Government bills or other business that the Speaker may refer to the Committee. Such other functions relating to the business of the houses can be assigned to the Committee, as the speaker may, from time to time, decide.

##### **(2) *Committee on Public Accounts.***

It consists of not more than eleven members elected by the House from amongst the members according to the principle of proportionate representation by mess of a single transferable vote. The Committee examines the reports of the Comptroller and Auditor General of India relating to the Appropriation accounts of the State, the annual financial accounts of the State or such other accounts or financial matters as are laid before the House or referred to the Committee by the House or the Speaker or which the Committee with the prior approval of the Speaker deems necessary to scrutinize.

In scrutinizing the appropriation accounts of the State, it is the duty of the Committee to satisfy itself that:-

- (a) The monies shown as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged;
- (b) The expenditure conforms to the authority which governs it; and

- © Every re-appropriation has been made in accordance with the rules prescribed by the competent authority.

It is also the duty of this Committee to examine the statement of accounts showing the income and expenditure of State Corporations, together with the balance sheets and the statement of profit and loss account and the report of the Comptroller and Auditor General of India thereon. It is also the duty of this Committee to examine the accounts of income and expenditure of autonomous or semi-autonomous bodies the audit of which may be conducted by the Comptroller and Auditor General of India. This Committee cannot exercise its functions in relation to such Public Undertakings as are allotted to the Committee on Public Undertakings by the Rules or by the Speaker.

Some of the provisions of the Rules of Procedure regarding the Committee on Public Accounts, as given in Part II of the Directions by the Speaker under the Rules of Procedure and Conduct of Business of H.P. legislative Assembly are given below:-

**(a) Procedure relating to Appropriation Accounts (Excesses)**

(i) As soon as appropriation Accounts relating to the financial year are finalised, the accountant General would inform the Department concerned of the cases in which excesses occurred, under intimation to the Finance Department.

(ii) The concerned Department should submit notes explaining the excesses to the Finance Department within a period of 3 weeks of the receipt of intimation from the Account General's office.

(iii) These notes would be examined in the Finance Department and forwarded within two weeks with its comments to the Accountant General for vetting.

(iv) The Finance Department would submit the vetted notes to the committee by the 31<sup>st</sup> May or immediately after the presentation of the appropriation Accounts of the year concerned to the Legislature.

(v) The Finance Department while submitting notes to the Committee should invariably supply the following information:-

- (a) the date on which excesses over grants etc. were reported to the Department concerned by the Accountant general;
- (b) the date on which the note in retard to the excess was submitted by the Department concerned to the Finance Department;
- (c) the date on which the Finance Department completed its examination of the Departmental notes and passed them on to the Accountant General for vetting;
- (d) delays if any, involved at any stage and explanation in respect thereof.

(vi) Failure of the Departments in submitting the note, as aforesaid to the Finance Department should be viewed seriously and dealt with accordingly. The departmental head shall invariably be held personally responsible for exceeding the budget grant where it could not be justified by the facts and circumstances, and for defaults in submitting the requisite note for an excess within the prescribed time and strict action should be taken.

**(b) Departmental Action after presentation of Audit Report**

(j) As soon as the Audit Report is presented to the House the Departments concerned would initiate action at their level without waiting for the formal questionnaire from the Public Accounts Committee and report to the Committee action taken by them on each such para within a period of three months from the presentation of report except those in sub-para (iii). The Secretary Finance will watch the action being taken by the respective Departments on the paras included in the Audit Report.

(ii) The secretary Finance shall collect and furnish to the Committee, the information regarding misappropriation, defalcation, pending inspection reports and paras, uncollected revenue and utilization certificates as eared in the Audit Report presented to the House within six months of its presentation:

(iii) The Questionnaire on important paras selected by the Committee shall be sent to the department concerned with a copy to Finance Department immediately.

**( C ) Questionnaire foe the Department**

(i) The members after going through the Accounts and Audit Report referred to in (a) above and memorandum of important points prepared by the Accountant General and by the Vidhan Sabha Secretariat may frame questions on which further information is required by them.

(ii) The list of points shall be submitted to the Chairman for his approval, where after it shall be sent to the concerned department, which shall furnish to the Vidhan Sabha Secretariat twenty five sets of replies thereto within one month.

(iii) The written replies to the lists of points received from the concerned department shall be circulated to the members of the Committee.

(iv) The material circulated to the Committee/Sub-Committee shall be treated as confidential and the contents thereof shall not be divulged to any one nor shall any reference be made to such information, outside the Committee/Sub-Committee at any time before the report on the subject has been presented to the House. Thereafter reference may be made only to such information as available in the documents on records laid on the Table.

(v) No document submitted to the Committee shall be withdrawn or altered without the knowledge and approval of the Committee.

(vi) Five copies of each paper, memoranda, document etc. shall be forwarded to the Accountant General by the concerned Department.

**(d) Procedure when taking oral evidence**

The Chairman shall put questions one-by-one to the witness. If a member desires to put a question the shall do so with the permission of the Chairman. In case the witness is not a position to elucidate any point immediately he may be permitted by the Chairman to furnish a reply to the secretariat in writing within a period of one month or as the Chairman may direct.

The witness shall note down the points on which further information is required buy the Committee during evidence and submit the replies in writing within a period of one month or as the Chairman may direct.

**(e) Production of documents**

(i) The Committee may send for persons, papers and records required in connection with -

examination of the Department in terms of Rule-205 of the Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1973. In the case of secret documents required for the Committee, such papers may be made available by the Department confidentially to the Chairman in the first instance unless it is certified by the Minister concerned that the disclosure would be prejudicial to the safety or interest of the State.

(ii) The Chairman may give due consideration to the wishes of the Department before making any secret documents available to the members of the Committee. Any difference of opinion between the Department and the Chairman may be settled by discussion and if no satisfactory arrangement is arrived at, the matter shall then be placed before the Speaker for his decision, which shall be final.

**(f) Supply of advance copies of the report**

(i) The advance copies of the report as adopted by the Committee shall be marked as secret and may be sent to the Department concerned for advance action. It shall be the duty of the Department to treat the contents of the Report as secret until the Report is presented to the house.

(ii) The Chairman may make such factual changes in the draft report as he may think fit, before the report is presented to the House.

**(g) Action Taken Report**

(i) While forwarding the report to the Government, the Department concerned shall be asked to furnish a statement showing the action taken by them on recommendations contained in the Report of the Committee within three months from the date of the supply/presentation of the Report.

(ii) No extension beyond three months shall ordinarily be granted except in very exceptional circumstances upto another period of two months with the approval of the Chairman, In case no reply is received during this extended period, the matter shall be placed before the Committee for orders.

(iii) As early as possible after the receipt of the replies, the Committee shall consider them and finalise their views as to whether the replies are acceptable to them or not. In respect of the replies to recommendations which are not accepted by the Government the Committee may express their own views, in case they do not accept the replies of the Government. Thereafter, the Committee shall lay a statement on the Table of the house in order to inform the House of the action taken on the original recommendations made by the Committee

**(2) Committee on Estimates**

It consists of not more than eleven elected by the House from amongst the members according to the principle of proportional representation by means of the single transferable vote. This Committee is to examine such of the estimates as may be deemed fit by the Committee or are specifically referred to it by the House or the Speaker. The function of the Committee are:-

- (a) to report what economies, improvements in organizational efficiency or administrative reforms consistent with the policy underlying the estimates, may be effected;
- (b) to suggest alternative policies in order to bring about efficiency or administrative
- (c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and
- (d) to suggested the form in which the estimates shall be presented to the House.

This committee shall not exercise its functions in relation to such Public Undertakings as are allotted to the Committee on public Undertakings by the Rules or by the Speaker.

These functions are as per Rule 228 of the Rules of procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1973. The Directions of the Speaker under these Rules clarify the term "Policy" as referred to in (a) and (b) above as under vide para 98 of the Directions of the Speaker:-

“Examination of matters of policy by Committee on Estimates:-

(1) The term “policy” referred to in clause (a) of rules 228 relates only to policies laid down by the Vidhan Sabha either by means of statutes or by specific resolutions passed by it from time to time.

(2) It shall be open to the Committee to examine any matter which may have been settled as a matter of policy by the Government in the discharge of its executive functions.

(3) With regards to clause (b) of Rule 228 the Committee shall not go against policy approved by the Vidhan Sabha, but where it is established on evidence that a particular policy is not leading to the expected or desired results or is leading to waste, it is the duty of the Committee to bring to the notice to the house that a change in policy is called for. The fundamental objectives of the Committee are economy, efficiency in Administration and ensuring that the money is well laid out; but if on close examination, it is revealed that large sums are going waste because a certain policy is followed, the Committee may point out the defects and give reasons for the change in the policy for the consideration of the House.”

Some of the Rules of procedure for the internal working of the Committee on Estimates as given in part-II of the Directions of the Speaker under the Rules of Procedure and Conduct of Business in the H.P. Legislative Assembly are given as under:-

**(a) Material to be furnished to the Committee**

(i) The Department /Departments/Statutory and Government Organizations concerned with the estimates of the subject to be examined by the Committee/Sub-Committee may be requested in writing by the Secretary of the Legislative Assembly to furnish twenty five sets of the necessary material in support of the estimates for the use of the members of the Committee within a period of one month.

(ii) The preliminary material to be furnished to the Committee in respect of a Department/Statutory Organisation may generally be on the performs given in the book of the Directions by the Speaker.

**(b) Circulation of material to Members**

(i) The material as soon as possible after its receipt in the Vidhan Sabha Secretariat shall be circulated to the members of the Committee/Sub-Committee.

(ii) The material circulated to the Committee /Sub-Committee shall be treated as confidential and the contents thereof shall not be divulged to anyone nor shall any reference be made to such information, outside the Committee/Sub-Committee at any time before the report on the subject has been presented to the House. Thereafter, reference may be made only to such information as is available in the documents or records laid on the Table.

(iii) No document submitted to the Committee shall be withdrawn or altered without the knowledge and approval of the Committee.

**(c) Questionnaire for the Department**

(i) The points suggested by members after going through the material, together with other relevant points prepared by the Vidhan Sabha Secretariat concerning the subject under examination shall be consolidated in the form of a questionnaire for written information, which after approval by the Chairman shall be sent to the concerned Department /Statutory Organisation. The Department (s) /Statutory Organisation shall furnish to the Vidhan Sabha Secretariat twenty five sets of replies to the Questionnaire by a date to be specified by the Chairman.

(ii) The written replies to the lists of the points received from the concerned Department/Statutory Organisation shall be circulated to the members of the Committee/Sub-Committee.

**(d) Production of documents**

The procedure for sending for persons, papers and records required in connection with the examination of the estimates of the department/Statutory Organisation in terms of rules 205 of the Rules for Procedure is almost the same as for Committee on Public Accounts.

**(e) Procedure when taking oral evidence and verbatim record of proceedings**

The procedure for taking oral evidence and verbatim record of proceedings is almost the same as for Committee on Public Accounts.

**(f) Supply of advance copies of report to Department for factual verification**

(i) If the Committee so decides, advance copies of the report as adopted by the Sub-Committee shall be marked as secret and sent to the concerned Departments for factual verification within a prescribed period. It shall be enjoined upon them to treat the contents of the report as secret until the report is presented to the House.

(ii) The Chairman may make such factual changes in the draft reports as he may think fit on the basis of the changes intimated by the Department concerned, before the reports are presented to the House.

**(g) Action Taken Report**

The procedure for processing the Action Taken Report is the same as for Committee on Public accounts.

**(4) Committee on Public Undertaking**

It consists of not more than nine members nominated by the Speaker. This Committee examines the working of the Public Undertakings specified in Schedule III of the Rules of Procedure and Conduct of Business of the H.P. Assembly, 1973 or such other Public Undertakings as may be referred to it by the Speaker. It examines the reports and accounts of the Public Undertaking and reports of the Comptroller and Auditor General on Public undertakings. It also examines, in the context of autonomy and efficiency of the Public Undertakings, whether their affairs are being managed in accordance with sound business principles and prudent commercial practices. This Committee cannot, however, examine and investigate matters of major Govt. policy or day-to-day administration and matters for which machinery is established by any special statute under which a particular public Undertaking is established.

Rules of Procedure for internal working of the Committee on public Undertakings as contained in the Directions of the Speaker under the Rules of Procedure and Conduct of Business in the Himachal Pradesh Legislative Assembly are on the same lines as for the "Committee on Estimates" as given in (3) above.

**(5) Committee on Privileges.**

It consists of seven members, including the Deputy Speaker, nominated by the Speaker. This Committee examines every question referred to it and determines with reference to the facts whether a breach of privilege is involved, and if so, the nature of the breach, and the circumstances leading to it and makes such recommendations as it may deem fit.

**(6) Committee on Government Assurances**

It consists of not more than nine members nominated by the Speaker. It scrutinizes the assurances, promises, undertakings etc. given by Ministers from time to time on the floor of the House and reports the extent to which such assurances, promises, undertakings etc. have been implemented and whether the implementation has taken place within the minimum time necessary for the purpose.

Following a recommendation of the Rules Committee of the House, the Vidhan Sabha has, in 1994, constituted seven Departmental Committees and has wound up the Committee on Government Assurance. The Departmental Committees have been entrusted with this task.

**(7) Committee on papers laid on the Table.**

It consists of not more than seven members nominated by the Speaker. It examines all papers laid or to be laid on the Table and reports to the House whether there has been compliance of the provisions of the Constitution, Act or regulations under which the papers have been laid; whether there has been any unreasonable delay in laying the paper, and whether a statement explaining the delay is laid on the Table of the House and the reasons are satisfactory. It also examines whether any paper due to be laid on the table is overdue.

**(8) Committee on Subordinate Legislation**

It consists of not more than nine members nominated by the Speaker. This Committee scrutinizes and reports to the House whether the powers to make regulations, rules, and sub-rules, bye-laws etc. conferred by the Constitution or delegated by any lawful authority are being properly exercised within such delegation. This Committee, in particular considers whether the delegated legislation is in accordance with the general objects of the Constitution or the Act in pursuant to which it is made; whether it contains matter which in the opinion of the Committee should more appropriately be dealt with in an Act of Legislature; whether it imposes any tax; whether it directly or indirectly bars the jurisdiction of the Courts; etc..

Following a recommendation the Rules Committee of the House, the Vidhan Sabha, in 1994 constituted Seven Departmental Committees and has wound up the Committee on Subordinate Legislation. The Departmental Committees have been entrusted with this task.

**(9) Committee on the Welfare of Scheduled Castes and Scheduled Tribes.**

It consists of not more than nine members nominated by the Speaker. It examines the measures taken by the Government to secure due representation of the Schedule Castes and Scheduled Tribes in services and posts under the State including the public undertakings, statutory and Semi-Government bodies, having regard to the provisions of **Article 335** of the Constitution. It also reviews the progress of implementation of welfare programmes and other ameliorative measures as also constitutional safe-guards for Scheduled Casts and Scheduled Tribes. It also considers the recommendations contained in the report of the Commissioner for Scheduled Castes and Scheduled Tribes under **Article 338(2)** of the Constitution and reports as to the measures that should be taken in respect of matters within three purview of the State Government.

This Committee also functions as a departmental Committee in respect of demand No. 19(Social Security and welfare including Nutrition) and 31 (Tribal Development) and exercises functions as indicated in respect of Standing Departmental Committees under (11) below.

**(10) Other Committees**

There are other Committees of the House such as:-

- a) Rules Committee;
- b) Select Committee;
- c) Committee on Petitions;
- d) library Committee;
- e) Members Amenities Committee.

**(11) Standing Departmental Committee relating to various Departments of Himachal Pradesh Government.**

On the recommendations of the Rules Committee of the House and approval of the Vidhan Sabha, three Committees viz. Committee on Govt. assurance, Committee on Subordinate Legislation and Committee on Language Implementation have been abolished and the following departmental Committee have been constituted.

<b>Demand No.</b>	<b>Department</b>
<b>(i) Committee on Agriculture and Horticulture</b>	
11	Agriculture, Horticulture
14	Animal Husbandry and Dairy Development
15	Fishers
22	Food and Warehousing
<b>(ii) Committee on Tourism</b>	
26	Tourism and Hospitality
25	Roads , Water Transport and Civil Aviation
10	Public works
17	Road and Bridges
<b>(iii) Committee on Forest</b>	
16	Forests and Wild Life
06	Excise and Taxation
17	Supplies, industries and Minerals
<b>(iv) Committee on Land Revenue</b>	
01	Electronics
05	Land Revenue
21	Cooperation
24	Stationery and Printing
27	Labour and Employment
<b>(v) Committee on General Administration</b>	
2	Governor and Council of Ministers
03	Administration of Justice
04	General Administration
07	Police and Allied Organisations
12	Irrigation and Food Control
13	soil and Water Conservation
<b>(vi) Committee on Education</b>	
07	Education, Sports, Arts and Culture
23	Water and Power Development
29	Finance
30	Loans to Government servants.

**(vii) Committee on Health and Welfare**

08	Health and family Welfare
20	Rural development
28	Water Supply, Sanitation, housing and Urban Development.

**(viii) Committee on Scheduled Castes and Scheduled Tribes**

19	Social Security and Welfare (including Nutrition)
31	Tribal development

Demand Nos. 19 and 31 will be looked after by Committee on Welfare of Scheduled Castes and Scheduled Tribes, as mentioned in (9) above.

**Functions of the committees**

The main functions of the Standing Departmental /committees will be as under:-

- (i) to consider the Demands for Grants. The following procedure shall be observed in this behalf:-
  - a) after the general discussion on the budget in the House, the House shall be adjourned for a fixed period;
  - b) the Committees shall consider the Demands for Grants during this period, and make their separate reports on the Demands for Grants of each Department; and
  - c) the Demands for Grants shall be considered by the House in the light of the reports of the Committees;
- (ii) to consider annual reports of the departments;
- (iii) to consider policy documents or other important matter presented/raised in the House, if referred to the Committee by the Speaker and to report thereon;
- (iv) to suggest alternative policies to bring about efficiency and economy in administration; to examine whether the money is well laid out within the limits of the policy applied in the estimates and to examine such other matters are specifically referred to it by the House or the Speaker.
- (v) to scrutinize assurances, promises, undertakings etc. given by the Ministers on the floor of the House and the extent to which such assurance promises, undertakings have been implemented within the minimum time necessary for the purpose;
- (vi) to examine Bills relating to concerned Departments and to scrutinise and report to the House whether the powers to make regulations, rules, sub-rules, bye-laws etc. conferred by the Constitution or delegated by lawful authority are being properly exercised;
- (vii) to ensure hundred percent work in Hindi in the departments and to suggest ways to boost the same;
- (viii) the annual plan allocation in respect of such Departments as proposed by the Planning Department shall be sent for the consideration of the Standing Committees before taking up the matter with the Central Government. The Committees shall give their suggestions to the Government within seven days of the receipt of plan documents and also prepare a brief report for information and consideration of the House during budget session.

In order to enable the Committee to carry out these functions, each Department is required to send periodical reports on achievements and financial expenditure on performatives prescribed for the purpose.

## CHAPTER-V ORGANISATIONAL SET UP OF GOVERNMENT OFFICES

### 5.1 organizational set up of Government

In broad terms, Government is provided into three levels as under:-

- i) The Secretariat;
- ii) The Directorates; and
- iii) The Collectorates and field offices.

There is a clear and distinct division of functions between the Secretariat, the Directorate and the Collectorate/field offices. Whereas the Secretariat has to assist and provide support to the Council of Ministers in discharging its constitutional obligations and in taking policy decisions concerning the welfare of the State and its people, the actual implementation of policies and programmes is executed by the field staff of the various Departments controlled by the Directorates. In the Directorates as also the field offices, day to day functioning is governed by the policies, programmes and management instructions issued by the Secretariat from time to time. For monitoring, analyzing and reviewing the progress of programmes/policies, the Departments of the Secretariat need appropriate information/data as to the expenditure incurred and progress achieved, which has to be compiled, processed and supplied by the Directorates after collection from the field offices.

### 5.2 The Secretariat and its Departments

In the official hierarchy, Secretariat is the premier office of the Government in which all Govt. policies, programmes, plans, Rules and instructions of uniform application are framed, approved and finally issued for implementation. This is so because of the provisions of the Constitution and the Rules made there under as discussed in paras 3.3 to 3.4 of Chapter III. For convenient and expeditious transaction of business, the Secretariat is divided into Departments. The Chief Secretary to the Government controls the over-all functioning of the Secretariat. He presides over the meetings of the Secretaries Committee which considers important policy matters. Inter-department matters, policy issues with wider implications etc. are also coordinated by him. He is also the Secretary to the Council of Ministers.

According to Rule 2© of the Rules of Business of the Government of Himachal Pradesh, "Department" means a Department specified in Himachal Pradesh Government Business (Allocation) Rules, 1971. Further Rule 2 of Allocation Rules, 1971 provides that the entire business of the Government shall be transacted in the Departments of Himachal Pradesh as specified and shall be classified and distributed between those Departments as laid down therein. The Schedule to the Allocation Rules, 1971 contains names of all Departments of the Govt. as also the distribution of subjects amongst the Departments. Under Rule 4 of Allocation Rules, 1971, there has to be a Secretary for each Department who is the official Head of the Department. The Rules of Business also empower the officers of the Secretariat of the designation of Under Secretary and above to authenticate orders and instruments made or executed in the name of the Governor.

Each Department is responsible for formulation of policy, programmes, plans, rules etc. and for their proper and effective implementation. Rule 26 of the Rules of Business of the Government of Himachal Pradesh provides that cases shall ordinarily be disposed off by or under the authority of the Minister-in-charge who may by means of **Standing Orders** give such directions as he thinks fit of disposal of cases in the Department. Further, Rule 27 of the same Rules provides that each Minister shall by means of Standing Orders arrange with the Secretary of the Department what matters or classes of cases are to be brought to his notice. Accordingly all Departments have to frame Standing Orders for determining levels at which the different cases are to be disposed off. The following types of cases are required to be submitted to the Minister-in-charge by all Departments:-

- I) All matters required to be placed before the Council of Ministers, as per Schedule to the Rules of Business.
- II) All matters required to be submitted to the governor under Rule 55 and to the Chief Minister under Rule 58 of the Rules of the Business;
- III) All Legislative proposals, all proposals for new schemes/programmes;
- IV) All Vidhan Sabha matters etc. etc.

A list of all Departments of the Government is at Annexure 9-A to Chapter IX.

All decisions whether approved by the Council of Ministers, Minister-in-charge, the Secretary or below under the provisions of the Rules of Business of the Government of Himachal Pradesh, 1971 are required to be expressed to be made in the name of the Governor.

### **5.3 Basic functions at Section level**

The Departments of the Secretariat consist of one or more Sections for organizational convenience. Each section is headed by a Section Officer and supervised by a Branch Officer. The primary function of the section is to efficiently procure, maintain and process information necessary for the smooth and efficient functioning of the Government machinery. Accordingly, the sections perform the following essential functions:-

- i) Financial Planning and Budgeting;
- ii) Regulation through Legislation, Acts and Rules;
- iii) Over-all Programme Management through formulation of schemes, setting of goals and monitoring of performance; and
- iv) Personnel Management.

The main task of the staff in the section is to assist in decision making at the Government level by making available processed information required for decision making. The utility of the section lies firstly in anticipating the various kinds of information required, secondly in procuring and maintaining in a compiled form accurate information that can be readily used whenever required and thirdly in making available the information to the decision making authorities. For the purpose of procuring information, it is the duty of each section (specially the Section Officer and Branch Officer) to be fully aware of the information necessary for the management of various schemes/programmes etc. and to arrange with quarters concerned (including the Directorates, Collectorates etc.) periodical receipt of accurate and relevant information. For this purpose each section is required to maintain various kinds of records (including files) and registers.

### **5.4 The Directorates and field offices**

The Directorates are the essential links between the Secretariat and the Collectorates/District offices, as they have the role of devising ways and means for implementing Government policies/programmes through the field offices. The Directorates are headed by Directors, sometimes designated as Registrars/Commissioners/Advisors who are the Heads of Departments declared as such under the Budget Manual (as distinguished from official Heads of Departments who are the Secretariats to the Govt.) The Heads of the Directorates exercise financial powers Heads of the Departments, and the powers of appointing, disciplinary and appellate authorities under the provisions of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 and the C.C.S. (Conduct) Rules, 1964 in respect of class III and IV services. They are responsible for execution and implementation of policies, programmes, plans, Acts, Rules etc. laid down by the govt. besides providing technical advice to the Administrative Departments.

The Directorates the field offices below them are responsible for:-

- i) Framing of initial budget estimates;
- ii) Drafting of schemes, legislation etc.
- iii) Implementing the Acts, Rules and approved schemes so as to discharge the welfare, developmental or other responsibility of the Government towards its citizens including regulatory and developmental activities stipulated in the schemes (or provided in the legislation for the purpose) and managing the financial allocations and personnel efficiently to that end;
- iv) Collecting, compiling and maintaining data and information relevant to the work of the Department through the field offices and analyzing this from time to time to provide information to the higher levels and to the Government with regard to the various programmes of the Government (schemes, legislation etc.) for framing, reviewing and analyzing policies and programmes;
- v) Acting as an interface between the public and the Government especially to ascertain, evaluate and where necessary, helping inform and influence public opinion;
- vi) Seeking public cooperation wherever required for implementing schemes/programmes;
- vii) Enquiring into all complaints against wrong/irregular implementation of policies /programmes and taking remedial measures; and
- viii) Exercising administrative checks to prevent and remedy irregularities and suggesting modification/improvements relating to the policies/programmes;

#### **5.5 The Collectorates, Regional, Divisional and Zonal Offices**

a) Each District has an office of the Deputy Commissioner, (Who is also the District Collector) known as the Collectorate. The Deputy Commissioner has directly under him the Additional Deputy Commissioner, who supervises rural development, the Additional District Magistrate who is generally responsible for regulatory matters, Sub-Divisional Officers (Civil), assistant Commissioners, the Distt. Revenue Officer, the Tehsildars, the Naib Tehsildars and other Revenue officers, each of whom exercises revenue and executive powers within his defined jurisdiction.

The Deputy Commissioner is the Head of the district administration and is responsible for the law and order besides all round developmental activities and elections. The role of Deputy Commissioner and his Collectorate includes:-

- (i) Overall control of the magistracy and the police for law and order and regulation of activities in relation to law and order;
- (ii) Conduct of elections;
- (iii) Rural Development and Employment programme administration
- (iv) Administration of Relief from natural calamities;
- (v) Land administration including land records, resolution of land disputes, acquisition and management of lands, implementation of land reforms etc.
- (vi) Regulation of activities involving the public good such as transport, food and supplies etc.
- (vii) Coordination in all of the above matters with various District Officers, and in respect of all matter generally involving the Govt. at the district level which is not purely the subject matter of one department.

- (b) Some Departments have their Regional/divisional/Zonal level offices, which are above the District level offices and below the Heads of Department. They co-ordinate the activities of the Region/Division/Zone level of the Department and exercise control over the officers/officials employed within the Districts under their jurisdiction.
- (c) Most Departments have their District level offices with field offices/institutions as well. They are the Heads of Offices and/or Drawing and Disbursing Officers. Actual execution and implementation of the policies, programmes, laws, rules etc. is basically done at this level. These offices also exercise checks or conduct inspections about the execution and implementation of policies, programmes, plans, rules etc. They are responsible for monitoring progress in terms of financial as well as quantitative and qualitative aspects of the policies, programmes, plans, schemes etc. These offices are also responsible for maintaining statistical data for submission to the Government through their Regional/Divisional/Zonal officers or direct to the Directorates/collectorates. They may also suggest modifications/alternations in policies, programmes, plans, schemes etc. based on their field experience to the Government through their respective Directorates. At the same time these are the offices which have direct public contact and represent the government in apprising the public about the various schemes, plans, programmes etc. of the Government.

## CHAPTER-VI

### SETTING UP OF NEW OFFICES

#### 6.1 Preparation of detailed proposal

The Government functioning is generally organized in a three tier system viz. (i) the Departments of the Government at Secretariat level (ii) the Directorates and the Divisional, Regional or Circle offices, and (iii) the collectorates the District level offices and field offices.as and when any new office is proposed to be set up, a detailed proposal/scheme should be prepared as a "Really New Scheme" by the concerned Directorate/Department. The detailed scheme should include, amongst other things, the following aspects:-

- (i) The basic objectives of the proposed office and the rule to be performed by the office, indicating whether there already exist such offices and if so, why the proposed assignment cannot be undertaken by the existing offices;
- (ii) Statutory proposed functions of the office, as distinct from purely administrative functions;
- (iii) Overall staff requirement with detailed pay scales, staff already positioned and additional requirement, together with detailed functioning and distribution of duties;
- (iv) Position as to availability of trained manpower, material, machinery etc;
- (v) Location of office with justification for proposed location from the point of services required to be rendered by the office, means of transport and communication, availability of raw material, manpower, technical assistance etc;
- (vi) Availability of accommodation both for office and residence, land and other facilities, and how the same are proposed to be arranged;
- (vii) Reporting system , i.e. whether the proposed office/Unit will be directly under the Secretariat Department, or Directorate or Regional/Divisional/Zonal Office or District level office;
- (viii) Whether any office/Unit with similar functions etc. has been set up in the State by any other Department;
- (ix) Over-all estimate of expenditure involved during the entire period for which the office is likely to function with year-wise annual break up of expenditure;
- (x) Estimated Revenue receipts;
- (xi) How the estimated expenditure is proposed to be met;
- (xii) Special features of the office if any.

The detailed scheme so prepared is to be submitted to the Finance Department by the Administrative Department for concurrence for inclusion in the Budget Estimates as a "Really New Scheme".

After the concurrence of the Finance Department, the Administrative Department has to obtain administrative approval, before making provisions in the budget estimates. As soon as the Budget is passed by the Legislative Assembly, the Administrative Department should convey sanction for the setting up of the office to the concerned Head of the Department for implementation for the scheme. Simultaneously, other action required to be taken by the

Administrative Department, like creation of posts, financial sanctions etc. should be taken up without waiting for reference from the Head of the Department.

## **6.2 Further Action for setting up of office**

Immediately after the receipt of the Government sanction, the concerned Administrative Department and the Head of the Department should take the following steps for the setting up of the office:-

- (i) Accommodation, Location having been already decided at proposal and Government approval stage, accommodation for the office should be located in the approved location in consultation with the District Administration and the Public Works Department for housing the office. The accommodation should be based on norms notified by the Government and preferably Government accommodation should be located. In case Government accommodation is not available, then private accommodation should be hired after giving public notice through the press in consultation with the Public Relations Department and the District Administration and following the procedure laid by the Government regarding fixation of rent. At the same time, steps should be taken for constructing Government accommodation in consultation with the District Administrative and though Public Works Department provided the office is likely to be in existence permanently. (Norms for hiring accommodation are at Annexure-A).
- (ii) Circulation/notification of the setting up of the new office to Government Departments through press note etc.
- (iii) Creation of new posts and transfer of existing posts from other offices/units etc. for determination of staffing requirements the Administrative Reforms Organization may be consulted in case there is no approved pattern of staffing for this kind of office.
- (iv) Formulation of Recruitment and Promotion Rules for the newly created posts in consultation with concerned Departments and with the proper approval of the competent authority. After publication of the Recruitment and Promotion Rules, copies thereof are to be sent to the Himachal Pradesh Legislative Assembly for being laid on the Table of the House;
- (v) Filling up of posts on real "need basis" in accordance with the Recruitment and Promotion Rules and the procedures prescribed by the Government;
- (vi) Financial sanction for purchase of furniture, fixtures, equipment etc. as per norms notified by the Government. ( Norms for the purpose are at Annexure 4-b)
- (vii) Declaration of Head of Department or Head of office and Drawing and disbursing Officer (s) and their special financial and administrative powers, if any;
- (viii) Declaration of appointing authority, disciplinary authority and appellate authority for officers and staff;
- (ix) Making security arrangements for office premises, Government property and stores (such as regulating entry of persons, appointment of chowkidars, fixing of steel grills on windows and ventilators and other arrangements for physical security, installation of fire fighting equipment etc.);
- (x) Booking of new telephone(s) and registration of telegraphic address;
- (xi) Other financial matters such as:-
  - (a) Sanctioning of Permanent Advance for all concerned Drawing and Disbursing Officers;

- (b) Communicating to the Treasury/Sub-Treasury/Bank/Accounts Officers the names, designation and specimen signatures of Disbursing Officers as also controlling Officers for Travelling Allowance/Medical reimbursement claims.
- (c) Declaring the Head of Department as non-paying and direct indenting officer for the supply of Stationery articles and for getting stationery printed through the Controller of Printing and Stationery for the new office.
- (d) Declaring an officer as the Direct Demanding Officer for purchase of items covered by Rate/Running Contracts concluded by Store Purchase Department.
- (e) Defining the "Sphere of duty" of officers and staff.
- (f) Completion of preliminaries for the timely drawal of salaries by officers and staff in the new office.
- (g) Procuring for the new office necessary stocks for typewriters, stationery, forms, service books, furniture etc. according to scale design to be determined before-hand and other office equipment (e.g telephones, duplicators, cash-box, Steel Safe almirahs, technical equipment, clocks etc.) before it starts functioning.
- (h) Making arrangements for liveries for Class IV staff.
- (i) Reference Books-Making available to the new office complete set of Rules, Regulations and other reference books likely to be required.

**(xii) Recruitment and training**

- (a) Estimation of the vacancies likely to be filled through the Public Service Commission and communicating it to the Public Service Commission and sending formal requisitions for recruitment in case recruitment is to be made through the Commission.
  - (b) Notifying other vacancies to the Employment Exchanges and making selection from amongst candidates recommended by it as per prescribed procedure.
  - (c) Taking suitable amount of security from staff handling cash, stationery, or other stores, where necessary.
  - (d) Training of staff where necessary, for new duties.
- (xiii) Residential accommodation-Applications in the prescribed forms to be obtained from officers and staff and sent to the Estate Office/District Administration/P.W.D, where necessary.
- (xiv) Provision of canteen and other amenities for the staff.
- (xv) Setting the mechanism for evaluation of working, inspections, viability of commercial unit, etc. as the case may be.

**6.3 Information to be collected and supplied for creation of new posts**

Sometimes proposals are received in Administrative Departments from the attached and subordinate offices for creation of posts with insufficient data, necessitating their return to these offices for additional information. To eliminate delays, a check list covering information required for the creation of posts has been prepared and is given below:-

1. Name of organization
  - (i) The Organization for which additional posts are required.
  - (ii) Status of the Organization (i.e. temporary and permanent).
2.
  - (i) The number and nature of additional posts required.
  - (ii) Scale of pay.
  - (iii) Classification.
- (iv) Ministerial or non-ministerial.

- (v) Gazetted or non-gazetted.
3. Whether the posts are required on a temporary basis or on a permanent basis, and if the former, the period for which they are required.
  4.
    - (i) Justification for the additional posts required. (In case these are required in connection with a plan scheme, brief details of the schemes to be given)
    - (ii) Why the work for which the posts are required cannot be done by existing personnel or by re-adjustment?
  5. What is the strength and distribution of existing similar posts in the Organization?
  6. What will be the distribution of the additional posts?
  7.
    - (i) Are there any instructions regulating staff composition and work standards? If so give details supported by necessary copies of the instructions/guidelines.
    - (ii) Do the present proposals entail a departure from the above instructions and if so, in what respects and on what ground?
  8. What will be the financial implications of the proposals?
  9.
    - (i) How is the expenditure proposed to be met, that is:
      - (a) by valid appropriation; or
      - (b) by reappropriation; (and if so, the sub-head which funds will be reappropriated; or
      - © by asking for supplementary grants.
    - (ii) Is permanent recurring saving available ( in the case of permanent posts only)?
  10. Has the proposal been examined by the Department of Personnel Administration Reforms Organisation); if so, a copy of their report to be attached.

**NORMS FOR HIRING OF PRIVATE ACCOMODATION**

<b>Category of Officers</b>	<b>Revised entitlement (in carpet area)</b>
I. Class-I Officers	
a. Heads of Departments/ DCs/SPs.	250 Sq. ft.
b. Other Class-I Officers	180 Sq.ft.
II. Class-II Officers	
a. Heads of offices	140 Sq.ft.
b. Other Class-II Officers	120 Sq.ft.
c. Supdt. Grade-I	120 Sq.ft.
III. Class-III Officials	
a. Draftsman/Tracer	55 Sq.ft.
b. Supdt. Grade-II	55 Sq.ft.
c. Assistant	35 Sq.ft.
d. Clerk	35 Sq.ft.
e. Restorer/Daftry	35 Sq.ft.
IV a. For Record	10%
b. For Circulation	30%
V. Deviation on total area	25%

Note:- For general record room and stores the Departments will get their norms fixed and approved from the finance Department.

(Issued by Finance Department vide O.M. no. fin E-C (3)-1/95 dated 22-03-96)

## NORMS FOR PURCHASE OF FURNITURE

Category of Officers	Designation of Furniture	Qty.
1. Secretaries/Spl. Secy./Addl. Secretaries/HODs/DCs/SPs/ Selection Grade and above Officers AIS, S.Es in Circle.	Table, Chair for the Officer, Chairs for visitors, Sofa-Sets, Centre-table Cup-boards, Clocks, Curtains/Blinds Side Rack.	As considered necessary
	Floor covering	Material as Considered necessary.
II. Jt. Secretaries/Dy. Secretaries/ And other Class-I Officers.	<ol style="list-style-type: none"> <li>1. Officer's table</li> <li>2. Chair for Officer</li> <li>3. Chairs for visitors (with arms)</li> <li>4. Side Rack</li> <li>5. Steel Almirah (small)</li> <li>6. Floor Covering-matting/Durrie/ Synthetic Carpet/Drugget.</li> <li>7. Waste paper basket</li> <li>8. Heater and/or Fan</li> <li>9. Wall Clock</li> <li>10. Foot Rest (Wooden)</li> <li>11. Sofa-Set (3 pec.)</li> <li>12. Centre Table</li> <li>13. Curtains/Blinds</li> </ol>	<ol style="list-style-type: none"> <li>1</li> <li>1</li> <li>4</li> <li>1</li> <li>1</li> <li>Size Norm as Per space Entitlement</li> <li>1</li> <li>1</li> <li>1</li> <li>1</li> <li>1</li> <li>1</li> <li>as per requirement.</li> </ol>
III. Heads of Offices-Class-II	<ol style="list-style-type: none"> <li>1. Officer's Table</li> <li>2. Chair for Officer</li> <li>3. Side Rack</li> <li>4. Steel Almirah (small)</li> <li>5. Floor Covering-matting/Durrie/ Synthetic Carpet.</li> <li>6. Chairs for Visitors</li> <li>7. Foot Rest (Wooden)</li> <li>8. Curtains/Blinds</li> <li>9. Heater and/or Fan</li> </ol>	<ol style="list-style-type: none"> <li>1</li> <li>1</li> <li>1</li> <li>1</li> <li>Size Norm as space entitlement.</li> <li>4</li> <li>1</li> <li>as per requirement.</li> <li>1</li> </ol>
IV. Other Class-II Officers	<ol style="list-style-type: none"> <li>1. Officer Table (Sunmica Top)</li> <li>2. Arm Chair</li> <li>3. Chairs for Visitors (ordinary)</li> <li>4. Steel Almirah (small)</li> <li>5. Waste Paper Basket</li> </ol>	<ol style="list-style-type: none"> <li>1</li> <li>1</li> <li>2</li> <li>1</li> <li>1</li> </ol>

6.	Wall Clock	1
7.	Foot Rest (Wooden)	1
8.	Side Rack	1
9.	Curtains/Blinds	as per requirement.

V. Class-III Officials-Sudt/PA/Asstt.	1. Sunmica top Table (4x3x2 1/2)	1
	2. Chair ordinary with arms	1
	3. Steel Almirah (big) for confidential record in one or two sections	to be shared by 2 Asstts.
	4. Steel Rack (big)	1
	5. Waste paper basket	1
	6. Wooden Rack	1

VI. Class-IV Officials

(a) Gestetner/Daftri/Resorer/Jamadars in Process Service Offices.	1. Table (small)	1
	2. Chair (ordinary) with arm	1
	3. Waste paper basket	1
	4. Wooden Rack	1
(b) Office Peon	1. Stool	1

(Issued vide No. Fin-EC (3) 2/95 Dated 22-3-96)

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CHAPTER-VII  
OFFICE SECURITY

**7.1 Safety**

The Heads of Offices/Institutions and Heads of Departments have to periodically review, both at the time of formal inspection and through informal visits etc., the locational and structural safety of the offices, stores, godowns etc. in their jurisdiction. Prompt action must be taken to shift the office, institution, store, godown etc. to a safe place/building if danger to the building is anticipated or if the building is declared unsafe by appropriate authority of the Public Works Department. Similar action should be taken in case of residential buildings. All this is essential in the interest of protection of human lives, stocks, stores, cash and official records.

In urgent situations of danger to a building, the Head of the Office should not remain content with only sending reports to the Head of department, but should make direct contacts with the local authorities of the Public Works Department, and bring the matter to the notice of the District Administration i.e. the Deputy Commissioner and take all possible steps to avoid loss of human and ensure protection of all records, stocks, stores etc.

**7.2 Security**

It is essential that proper security arrangements are made in all Government buildings. The following measures should be taken to guard against breaches of security and unauthorized access to the building :

- (i) Entry of outsiders to offices/institutions where free access is not desirable in the public interest should be restricted through passes coupled with checking by gate-keepers. The Head of the Department should decide whether or not access is to be restricted and this should be periodically reviewed with regard to whether the office needs to be allowed free access or not.
- (ii) Approaches to office/institutions should be restricted through one or two main gates. Secure fencing should be provided around the perimeter with appropriate lighting depending on the degree of security required.
- (iii) Proper procedures for entry of outsiders depending upon the needs of each office/institution and the extent of public contact should be evolved and intimated to the next higher authority and, if need be, made known to the public through notice boards displayed prominently at the entrance or reception area. In certain cases, registers may need to be opened and entry made by visitors, giving their names and addresses, the official whom they wish to meet, purpose of their visit and the time. Where security is of great importance, visitors passes may need to be issued.
- (iv) Watch and ward staff including chowkidars should be provided in all Government and hired buildings, the number depending upon the actual needs;
- (v) In very important buildings such as the Secretariat, Vidhan Sabha, High Court etc. security procedures should be devised in consultation with the local police, who will advise on installation of metal detectors, custody of objects brought or left by visitors, alarm system, security drills etc.
- (vi) In bigger offices/institutions/stores etc. it might be essential to post chowkidars, sometimes round the clock. For this purpose proper duty roster should be drawn and copies thereof should be kept on record. A particular incumbent on duty for particular hours should leave the place of his duty only when his reliever reports for duty. For this purpose an attendance register is also required to be maintained and regular checking needs to be done to ensure that the security staff is on duty.
- (vii) The chowkidars should lock all rooms after the working hours. Before locking the rooms it will be their duty to see that the sweepers/frashes have cleaned the rooms/furniture articles and to ensure that :-

- (a) all lights have been switched off, where possible from the main switches.
- (b) all open fires have been completely extinguished. In winter particular attention needs to be paid to 'angithies' and 'bukharis' which generally contain burning embers.
- (c) all electric appliances have been switched off and plugs removed from sockets.
- (d) all ashtrays/containers have been cleared and no lighted cigarettes/biris are lying about.
- (e) all doors, windows and ventilators etc. are securely closed.
- (f) there is no waste material lying about in the rooms.

(viii) In larger or more important offices, one of the officers should be appointed/designated as Chief Security Officer with one or two security officers depending on the need. The Chief Security Officer/Security Officers will be responsible for all security arrangements. They will be responsible for proper deployment of watch and ward staff including chowkidars and they will explain duties of the watch and ward to them and also responsible to ensure that the staff perform their duties promptly, diligently and honestly. They must inspect the security arrangements periodically, carry out security drills and liaise with the local police in all security matters.

The Chief Security Officer/Security Officers should conduct surprise checking during off hours to ensure that the watch and ward staff actually remain on duty and further that they are performing all the duties entrusted to them.

The above measures are only illustrative in nature. The Heads of Offices/Heads of Department have the direct responsibility for proper security of the Government buildings and must take such other measures as are considered expedient in the exigencies of the public interest and safety.

### **7.3 Measures against Fire Risks**

Fires can cause loss to human life, property and records. Human lives are most precious, but the Government records and property are also important. It is, therefore, essential that comprehensive safety and precautionary measures for preventing fires are taken by all concerned as a matter of personal responsibility, especially the Heads of offices/institutions. Some of the measures against fire risks required to be taken by all departments/offices are detailed below :-

- (i) Each department/office should designate one of its officers as Fire Safety Officer, who should be given basic training by the Fire Service Department, Himachal Pradesh and will be responsible for all fire prevention work in the department. The Chief Security Officer/Security Officer where there is such an officer may be declared as the Fire Safety Officer.
- (ii) A copy of the Fire Standing Order, as framed by the Chief Fire Officer, Himachal Pradesh is placed at *Annexure* to this chapter, the contents of which should be adhered to.
- (iii) In each office, a duty roster should be maintained in which a fairly senior officer, appointed from amongst the existing officers of the Deptt./Office by the Head of the Office/Deptt. either on daily routine basis or for a week, should record a certificate that he has personally satisfied himself that no *angithis/stove* or heater was on, as the hour of close of office on that day. Surprise checks be carried out by Gazetted Officers to ensure that the instructions are strictly enforced.
- (iv) Special attention is required for institutions like Hospitals and Schools where fire accidents could lead to greater losses of human lives.
- (v) A proper check be exercised upon the night duty chowkidars. A chowkidar on new appointment should be imparted in-service training so that he knows as to which authorities are to be contacted and what to do in the case of fire etc.
- (vi) The PWD (Electrical Wing) should be required to carry out periodic inspections and replace old wiring wherever necessary. It should also be checked that proper fuses are being used to avoid

electrical short circuit fires. After the first checking, half yearly checking in the months of January and July every year should also be carried out and a certificate of such checking should be sent to prescribed quarters. The Departments/Offices using private buildings should also request the PWD (Electrical Wing) to carry out similar inspection of all private buildings, being used for Govt. office(s) and in the event of any defect in the wiring etc. the owner should be asked for the concerned office / department to get the same replaced immediately. The advice of the PWD (Electrical Wing) should also be obtained regarding electrical appliances etc. All electric wiring installations must be periodically checked to ensure that there is no leakage. The inspection should include insulation, conduit pipes, earth lines, meter-boards, switches and these should be installed in buildings where this provision does not exist to provide a conical coverage of 500 near the lightening conductors.

(vii) All lightning conductors should also be periodically checked and proper earthing provided.

(viii) Fire extinguishers of a proper type and classification should be installed. In buildings where these arrangements do not exist at present, fire extinguishers may be provided immediately. Furniture etc. may be painted with fire retardant paints to make it fire resistant.

(iv) Fire places and chimneys must be periodically swept clean. The spot in chimneys is a fire hazard and it must be periodically cleaned. This job can be entrusted to the Public Works Department for all Government buildings and respective Municipal Committees/Corporation for private buildings as the case may be.

(x) For emergencies, water reservoirs may be constructed at suitable places and water storage tanks installed in the basement of each important buildings for initial and immediate requirements. Automatic water sprinkler systems need to be installed particularly in buildings being used as ware-houses.

(xi) Fire escape stairs should be provided in all multistoreyed buildings, and while approving design for such buildings, departments must ensure that this facility is included.

(xii) Regular periodical fire-fighting drill should take place where staff in the various categories, especially the night day chowkidars as employed. This is essential because changes in the incumbents take place from time to time. Where no such exercises have taken place, these should promptly be organized. Fire fighting exercises may be conducted and it may be ensured that at least one exercise per month is organized and conducted under the supervision of the local Fire Officer of the Fire Service Department.

Annexure to Chapter VII  
**FIRE STANDING ORDERS**  
(Referred to in para 7.3 (iii))

**INTRODUCTION**

The first endeavour should be to eliminate all causes that could possibly lead to an outbreak of fire i.e. all possible prevention measures should be strictly observed. Secondly there should be adequate provision for first aid, fire fighting equipment and training to the staff for dealing with accidental fires on the spot. In the following paragraphs the Fire Defence Organisation has been worked out under the two headings viz Fire Prevention Arrangements and Fire Fighting Arrangements.

**PART-I : FIRE PREVENTION ARRANGEMENTS**

Most of the fires are the result of carelessness and can be avoided by common sense and good discipline. Some of the more common causes of fire and recommended measures to avoid these are given below :

**SMOKING**

Careless throwing of burning cigarette ends and matches has been the cause of many fires and should be avoided. Great care should be taken to ensure that all burning cigarette ends are deposited in ash trays or suitable containers (containing water/sand) and are never thrown about indiscriminately.

As a general rule smoking should not be allowed in the following places :

- (a) Corridors/passes and varandahs.
- (b) Record Rooms.
- (c) Store Rooms.
- (d) Laboratories where inflammable liquids are in use.
- (e) Operation theatres.
- (f) X-Ray Rooms.
- (g) Library (except in a separate enclosures provided with suitable ash trays/containers).
- (h) Any other places which the officer incharge may declare from time to time as a no-smoking area.

In all places where smoking is allowed, a sufficient number of ash trays/containers should be provided. "No Smoking" notices should be prominently displayed at places where smoking is prohibited and smoking restrictions should be strictly enforced by periodical check.

**Smoking has been banned by the Governments in all offices, institutions, hospitals, buses, Rest Houses/Circuit Houses etc.**

**ELECTRICAL WIRIN AND FITTINGS**

The second major cause of fire is due to defective electrical appliances or their improper use. The following general precautions in this regard may be observed. :-

- (a) All electric wirings and fittings should be of standard size and make and should be capable of carrying the required load. For heavy loads, the wiring should be carried in conduit pipes properly earthed.
- (b) All alterations to wirings and fittings should be carried out by authorized persons (qualified electricians) and no one else should be allowed to tamper with them in any way. Whenever any defect in electric wiring or connection is observed the current should immediately be switched off from the mains and must not be used till the electrician has checked and removed the defect.

- (c) All fuses should be of the correct size and periodically examined. Whenever blown they must be replaced by the correct size and only by the authorized persons (electricians). Use of copper and other wires instead of the regular lead fuses should never be allowed. Magnetic Circuit Breakers (MCBs) are now available and can be conveniently used instead of wire fuses. M.C.Bs. of the right capacity should be used and it should be ensured that they are not tampered with.
- (d) All plugs and sockets should be periodically examined to ensure that they are in good condition and are not broken or cracked. Each plug point should be provided with a separate switch which must be in off position while inserting or removing the plug from the socket. Use of naked wires in the absence of plugs should never be allowed.
- (e) Special care must be taken in the use of all flexible wires. Such wires should not be run under linoleum, mats, durries, carpets, etc. or taken through doors/windows where they are likely to be crushed. Flexible wires must be frequently examined and if worn or damaged, immediately replaced.
- (f) Heave electrical appliances like heaters, stoves, irons etc. should never be left in the ON position if they are not being attended or if they are no longer required. Special care should be taken to switch off all such appliances whenever the electric supply fails. At closing each day special check should be carried out that all appliances have been disconnected.
- (g) It will be a very useful practice to switch off electric supply from the main switch at closing hours to all premises which are not required to be used during the night. This may not be possible for the wards, operation theatre etc. but the offices, out patient departments, laboratories, store rooms, library etc. can be covered by placing them on separate circuits.
- (h) All staff members should know the location and the method of operation of the main switch controlling the electric supply in the area of their work so that in case of any fire or accident the current can be immediately disconnected.
- (i) No inflammable/combustible material (including paper, cloth, wooden racks almirahs etc.) should be stores or kept within two feet of any electric fittings such as switch boards plug points etc. and such material should not be kept resting or touching any electric wiring.
- (j) All staff should be instructed to periodically examine the electric wiring and fittings in their places of work and immediately report any defect observed by them. In addition a responsible officer of the Public Works Department (Electrical Wing) should inspect all wiring and fittings at least once every six months to ensure that all such wiring and fittings are in good condition. The officer incharge should monitor the holding of these inspection to ensure that such inspections are carried out, that a report is received by him, and that action on the report is initiated.

#### OPEN FIREPLACES, OIL BURNING STOVES, LAMPS ETC.

Open fire always present great fire hazards and their use in different departments should be controlled by some responsible officer. These should normally be allowed only at places which are meant for such purposes. The following general precautions should be observed :-

- (a) Hearths should be made of concrete or brick work and surrounded by suitable fenders or raised curbs. Hearths and chimneys should be periodically cleaned and kept in good repair.
- (b) The use of improvised heating stoves (angithis and bukharis) should be avoided as far as possible but if they have to be installed, they should be fixed to an incombustible base or placed in metal trays of suitable dimensions. Flue pipes of such stoves should as far as possible be connected to regular chimneys. If they have to be taken through walls ,windows etc. precautions should be taken to protect combustible material by use of insulation. Air.

space should always be provided round the pipes where they have to pass through walls or roofs of combustible material.

(c) Oil burning stoves, lamps candles etc. should be placed in secure positions so that they can not be knocked over or endanger any combustible material. Filling of oil etc. should always be done in the open away from any naked fire. These appliances should not be filled to the overflow point but sufficient air space left above the oil. They should never be filled while burning.

d) Open fires in any form should never be left un-attended and should always be completely extinguished after the purpose for which they were it has been completed. They must be completely extinguished before the premises are closed.

#### **STORAGE AND USE OF INFLAMMABLE LIQUIDS**

(a) The storage of inflammable liquids like petrol, spirit, kerosene, other solvents, oils, paints, varnish etc. should as far as possible be in separate buildings away from living and other accommodation. They should under no circumstances be stored along with other combustible material like paper, textile, cotton etc.

(b) Buildings used as inflammable liquid stores should be made of concrete, brick work, stone etc. and use of wood avoided as far as possible. Ample means of ventilation should be provided in such rooms at ground as well as roof level. The floor may be of concrete with drain and sump of sufficient capacity to hold any minor leakage that may occur.

© Every such store must be fully equipped with foam extinguishes which must be easily accessible and maintained in good working order. In addition, dry sand may be kept in suitable containers adjacent to the store.

(d) No naked lights should be allowed within a distance of 30 feet of such stores. Smoking in or near such stores should be strictly forbidden and "No Smoking" notices prominently displayed.

(e) Inflammable liquid stores should always be kept securely locked and opened only in the presence of the incharge of that store. Issues of stores should be personally supervised by a responsible officer and as far as possible no such issues be made during the night when the use of naked lights may be required.

(f) Only a limited quantity of inflammable liquids required for use in laboratories, test rooms, wards, operation theatres etc. should be kept there, the main stocks being securely kept in fully protected stores away from the main buildings.

(g) Similarly, storage of large quantity of petrol for use in vehicles should not be allowed. However if storage of small quantities in garages for use in emergency cannot be avoided, it must be ensured that standard petrol containers (Jerry cans) are used. There should be no leakage of petrol or petrol vapour from these containers. The cans may be neatly stored in one corner of the garage on a sand bed suitably enclosed by bricks/stone.

(h) Filling of petrol in vehicles should always be carried out in the open at a safe distance from any buildings and steps should be taken to ensure that there are no naked fires in the vicinity. Engines and lights of vehicles should be switched off before filling begins.

(i) Tanks of vehicles should not be overfilled and care be taken to avoid spillage. Any spillage should be wiped off at once or absorbed by sand or earth before the vehicle is started.

(j) Electric generators using petrol or diesel oil should as far as possible be located in separate building and only a limited quantity of petrol/diesel oil that is required for daily use should be kept in the generator room. Diesel oil is not readily inflammable but once involved in a fire can be a great source of fire spread. If a huge quantity is involved, this can even lead to the collapse of the buildings.

### **GENERAL CLEANLINESS**

Untidiness, congestion and storage of various odds and ends under almirahs, in verandahs, corridors, enclosed space under the stairs, other small cabins, store rooms, record rooms, etc. is one of the greatest sources of fire and fire spread. It is, therefore of utmost importance that special care is paid to these aspects. In an effort to give a clean look to wards, offices, laboratories and so on, cleaning staff often use odd corners for dumping various kind of rubbish and it is mostly at these places that the fires originate. All waste material i.e. gunny bags, packing cases, straw, cotton, waste paper, oily rags etc. should be cleared away from the main buildings and disposed off or destroyed by burning at a safe place at the end of each day's work. However, if some packing material is likely to be required for further use it should be kept in separate store rooms/sheds away from the main buildings or stacked in the open and suitably covered by tarpauline/ tin sheets for protection from the weather. The storage of such material in any part of the main building should not be allowed under any circumstance.

### **CHECKING**

(a) The various fire prevention measures listed above should be kept in view and checked at the time of normal inspections of the office by the Officer Incharge.

(b) For all offices, laboratories, stores, outpatient wards etc. and premises which function only during certain hours, it will be very useful if their closing is supervised by a responsible official of the place concerned. The following should be checked before closing:-

- (i) All lights have been switched off, where possible from the main switch.
- (ii) All open fires have been completely extinguished.
- (iii) All electric appliances have been switched off and plugs removed from sockets.
- (iv) All ashtrays/containers have been cleared and no lighted cigarettes /biris are lying about.
- (v) All doors windows and ventilators etc. are securely closed.
- (vi) There is no waste material lying about in the rooms.

### **PART-II: FIRE FIGHTING ARRANGEMENTS**

The importance of first-aid fire fighting need not be stressed. Most fires have small beginnings and at this stage can be easily dealt with by the aid of first-aid fire fighting equipment by well trained and well-disciplined staff. If not tackled at this stage, fires can cause enormous loss and become difficult to control, even with the best fire fighting resources. It is, therefore, very important that adequate first aid fire fighting equipment is provided to cover different risks and the staff is fully trained in its use.

#### **FIRST-AID FIRE FIGHTING EQUIPMENT**

For the purpose of first aid fire fighting the fires that are likely to occur in the offices can be broadly divided into the following three categories:-

(a) Class A Fires:- Fires involving ordinary combustible material such as wood, paper, textiles etc. where the cooling effect of water is essential for extinguishing the fire.

(b) Class B Fires: - Fires inflammable liquids like oil, petrol, spirit, solvents, paints etc. where a blanketing effect is essential.

© Class C Fires:- Fires involving electrical equipments where the electrical non-conducting of the extinguisher media is of first importance and the fire involves delicate machinery e.g. motor vehicles, machinery run by electric power, electric motors, transformers and generators etc.

The first –aid equipment to be provided for different parts of the building will depend on the nature of risk in each part. The following type of extinguishing media is considered suitable for different risks explained above.

- (a) Class A Fires:- Fire appliances expelling water e.g. water tanks, water buckets, water type soda Acid extinguishers of sufficient litre capacity and Stirrup pumps.
- (b) Class B Fires:- foam Extinguishers and sand buckets
- © Class C Fires:- Fire Extinguishers discharging carbon tetrachloride/Carbon Dioxide dry powder.

In rooms or places where more than one class of fire risk is encountered, the required number of portable appliances will be determined by providing a combination of appliances or the risks to be covered. No hard and fast rule can be laid down regarding the scale and location of the premises. The guiding principle is that it should be easily accessible to all staff and they should not have travel a long distance in search of it.

The requirement and location of first aid fire fighting appliances in the premises may be worked out in consultation with nearest Fire Station from time to time.

The first aid fire fighting is very useful in controlling the fires in their incipient stages and at this stage, time is of utmost importance. Therefore, the first aid fire fighting equipment has to be maintained periodically so that it is always in a fit condition for immediate use. A responsible officer should be detailed to do the regular checking and maintenance. Any assistance required in this regard can be provided by the local fire brigade.

### **TRAINING STAFF IN FIRE FIGHTING**

All members of the staff working in Offices/Schools/Hostels should fully understand the Fire prevention Measures explained in Part I and should know the location and the correct use of first and aid fire fighting equipment. If desired a series of short courses for different categories of staff can be arranged by the Chief Fire officer/Officer-in-Charge Fire Brigade.

### **FIRE ALARM ARRANGEMENTS**

It is very important that in case of fire all members of the staff working in different parts of the office are immediately warned so that they can save themselves and other as well as assist in fighting the fire. There should be some arrangements to warn even the off duty staff who are available in the vicinity of the office. Normally fire alarm arrangements consist of blowing of sirens of fire gongs suitably located. However, in the case of hospitals the use of these general means of alarm have to be avoided as they likely to cause panic and confusion amongst the patients. To avoid this, visual low sounding alarms or red lights can be fitted in the staff rooms of different wards and staff quarters. This question may be examined by the Superintendent of each Hospital and clear orders issued regarding the sounding of alarms and informing various members of the staff.

Immediately action should be taken to inform the Fire Brigade in case of any fire however small it may be. It will be very useful if small notices are hung up or placed near each telephone with the caption "IN CASE OF FIRE RING FIRE BRIGADE NO.....".

## **EVACUATION PLAN FOR PERSONNEL**

One of the major problems in case of any serious fire in premises will be that of the evacuation of the personnel (specially in Hospitals, of patients who are unable to move by themselves). It will, therefore, be very useful if an evacuation plan is worked out and periodically rehearsed by the staff under the supervision of some responsible officer.

The following action is recommended to be taken by different persons immediately after the fire is discovered:-

- \* The person discovering the fire:- should immediately attempt to extinguish the fire with help of first-aid fire fighting equipment provided in the area and summon help from the neighboring staff members.
- \* The person next arriving on the scene:- should help to put out the fire, raise the fire alarm, inform the duty officer and close all doors and windows to prevent outside air from getting into the building/room.
- \* The officer in charge of the affected area/ward etc:- should inform the Duty Officer, Fire Brigade and take control of the fire fighting operations till relieved by the senior officer.
- \* The Officer-in-charge of the neighbouring area:- Control the personnel etc. in their care, be on the look out for the fire spread in their area, close all doors and windows, take any action for evacuation of personnel as directed by the Officer-in-charge of the fighting operations.
- \* Other members of Staff:- All other members of the staff should assemble at a central place in the open and help in fire fighting or evacuation of the patient as detailed by their senior officers. No one should crowd at the scene of fire unless detailed for specific duty.
- \* Officer-in-Charge Fire Fighting Operations:- The senior most officer present will take charge of the various operations required for fire fighting, evacuation etc. and it is very useful that all action be taken under his directions. He will hand over the charge to the next senior officer as soon as he is available. After arrival of the fire brigade, the fire fighting work will be mainly taken over by them but there should be close co-ordination between the senior most officer and the in charge of the Fire Brigade so that evacuation etc. can be planned and necessary assistance made available to the fire brigade for rescue.
- \* Cordon Party:- At the time of fires it is the general tendency of the staff and members of the public to rush to the scene of the fire and be of some assistance. This is normally done with good intentions, to be useful in emergencies, but generally this has quite the reverse effect. It is therefore, of most importance that the staff should be trained to assemble at a central place away from the scene of the fire and should come into action only when specifically ordered. Some responsible officer and members of the staff/Police can be usefully employed in cordoning the area of occurrence and allowing only those persons who are required for fire fighting or evacuation etc.

## CHAPTER VIII

### CONDUCT OF GOVERNMENT SERVANTS

#### 8.1 Constitutional position

**Article 19 (1)** of the Constitution of India provides that all citizens shall have the right to freedom of speech and expression; to assemble peaceably and without arms; to form associations or unions; to move freely throughout the territory of India; to reside and settle in any part of the territory of India; and to practice any profession or to carry on any profession, trade or business. Clauses (2) to (6) of Articles 19, however, provide for the operation of existing laws and empower the State Government to make any law imposing reasonable restrictions in the interest of sovereignty and integrity of India or public order or morality etc. on the exercise of these rights. The term "Law" as per Article 13 (3) of the Constitution includes any ordinance, order, bye-law, rule, regulation, notification, custom or usage having the force of law. The rights of Government servants as citizens of India are thus subject to reasonable restrictions as may be imposed by the Government from time to time.

The proviso to Article 309 of the Constitution provides for rules regulating the recruitment and conditions of service of persons appointed to Govt. services and posts. Accordingly the rights provided in Article 19 (1) of the Constitution are also subject to reasonable restrictions, if any, imposed under the rules framed under proviso to Article 309 of the Constitution, in so far as the Govt. servants are concerned. Various rules have been framed under proviso to Article 309 and some of the provisions of such rules which impose reasonable restrictions are given below.

##### 8.1.1 Fundamental Rules

(1) Fundamental Rule 11 provides that unless in any case it be otherwise distinctly provided, the whole time of a Government servant is at the disposal of the Government which pays him and he may be employed in any manner required by proper authority without claim for additional remuneration. This Rule further provides that the services required of a Government servant can be such as would ordinarily be remunerated from general revenues, from a local fund or from the funds of a body incorporated or not, which is wholly or substantially owned or controlled by the Government.

(2) Proviso under Fundamental Rule 17 (1) provides that an officer who is absent from duty without any authority shall not be entitled to any pay and allowances during the period of such absence. Further, Fundamental Rule 17-A provides that a period of unauthorized absence:-

- (i) In the case of employees working in industrial establishments, during a strike which has been declared illegal under the provisions of Industrial Disputes Act, 1947, or any other law for the time being in force;
- (ii) In the case of other employees as a result of acting in combination or in concerted manner, such as during a strike without any authority from , or valid reason to the satisfaction of , the competent authority; and
- (iii) In the case of an individual employee, remaining absent unauthorized or deserting the post;

Shall be deemed to cause an interruption or break in service of the employee, unless otherwise decided by the competent authority for the purpose of leave travel concession, quasi-permanency and eligibility for appearing in departmental examinations for which a minimum period of continuous service is required.

##### 8.1.2 C.C.S. (Conduct) Rules

The Central Civil Services (Conduct) Rules, 1964 impose various restrictions on the rights conferred by Article 19 (1) of the Constitution in so far as the Government servants are concerned. Important provisions of the

Central Civil Service (Conduct) Rules, 1964 which impose such reasonable restrictions are as given below for guidance:

(1) Under Rules 5, a Govt. servant shall neither be a member of, nor be otherwise associated with any political Organisation or any Organisation which takes part in politics nor take part in, subscribe in aid of, or assist in any manner any political movement or activity. Further this Rule also provides that no Govt. servant shall canvass or otherwise interfere with, or use his influence in connection with or take part in, an election to any legislature or local authority.

Publication of an appeal or statement by any govt. servant in the newspapers supporting or opposing any political party or individual candidate in election to the Legislature or local authority is a violation of provisions of Rule 5 and the Govt, servant becomes liable for disciplinary action.

(2) Rule 6 forbids Govt. servants from joining, or continuing to be a member of, an association the object or activities of which are prejudicial to the invest of the sovereignty and integrity of India, or public order or morality;

(3) Rule 7 provides that no Govt. servant shall engage himself or participate in any demonstration which is prejudicial to the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign State, public order, decency or morality or which involves contempt of court, defamation or incitement to an offence. Further no Govt. servant can resort to or in any way abet any form of strike or coercion or physical duress in connection with any matter pertaining to his service of any other Govt. servant. As per explanation below F.R. 17-A, "strike" includes a general, token, sympathetic or any similar strike and also participation in a Bundh or in similar activities. Accordingly, the right to form associations/unions as contained in the Constituting does not empower Govt. servants to resort to strike or to other activities which are forbidden by the Conduct Rules

(4) Rules 9 provides that no Govt. servant shall in any radio broadcast or in ably document published in his own name or anonymously, pseudonymously or in the name of any other person or in any communication to the press or in any public utterance, make any statement of fact or opinion-

- (i) which has the effect of adverse criticism of any current policy or action of the Central/State Govt.;or
- (ii) which is capable of embarrassing the relations between the Central and the State Govt.

(5) Under Rule 10, even in cases where govt. sanction for giving evidence is given, a Govt. servant while giving evidence shall not criticize the policy or any action of the State Govt.

(6) Rule 11 prohibits a Govt. servant from communicating directly or indirectly any official document or information to any Govt. servant or other person to whom he is not authorized to communicate such document or information. Quotation in his representation from any letter, office memorandum or notes on files to which he does not have access or which he is nor required to keep in his personal custody or for personal use amounts to unauthorised communication;

(7) Under Rule 15, no Govt. servant shall, except with the previous sanction of the Govt. and excepting works of social or charitable nature or literary, artistic or amateur nature, engage directly or indirectly in any trade or business or negotiate for or undertake any other employment; or take part in registration, promotion or management of any bank or other company or Co-operative Society. Canvassing by a Govt. servant in support of the business of insurance agency, commission agency etc. owned or managed by his wife or any other member of his family is deemed to be a breach of this Rule. Further, this Rule also provides that a Govt. servant should report to the govt. if any member of his family is engaged in trade or business or owns or manages an insurance agency or Commission agency;

(8) Rule 16 places restrictions on investment, leading and borrowing by a Govt. servant or permitting any member of his family in making investments which are likely to embarrass or influence him in the discharge of his official duties.

(9) Rule 3 provides that every Government servant shall at all times:-

- a) maintain absolute integrity;
- b) maintain devotion to duty; and
- c) do nothing which is unbecoming of a Government servant.

Rule 3(2) provides that every Govt. servant holding a supervisory post is required to take all possible steps to ensure the integrity and devotion to duty of all Government servants under his control and authority. This rule also requires that no Government servant shall in the performance of his official duties or in the exercise of powers conferred on him, act, otherwise than in his best judgment except when he is acting under the directions of his official superior and further that a Govt. servant receiving the oral directions from his official superior shall seek confirmation of the same in writing as early as possible. At the same time, a Govt. servant will not evade his responsibility by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

(10) Rule 4 provides that no Govt. servant shall use his position or influence directly or indirectly to secure employment for any member of his family in any company or firm. This rule also provides that no Govt. servant shall in the discharge of his official duties deal with any matter or give or sanction any contract to any company or firm or any other person if any member of his family is employed in that company or firm or under that person or if he or any other member of his family is interested in such matter or contract in any other manner. The Govt. servant shall refer every such matter to the official superior.

(11) Rule 13 places restrictions on acceptance of gifts by the Government servant himself and on his permitting any member of his family to accept gifts, accept gifts on specified occasions and that too up to the monetary value prescribed in the rule. Likewise Rule 13-A provides that no Govt. servant shall give or take or abet the giving or taking of dory directly or indirectly from the parents or guardians of the bride or bridegroom.

(12) Rule 18 and 18-A require submission of return of assets and liabilities on first appointment and return of movable and immovable and valuable property at such intervals as may be prescribed by the Government. The procedure for acquiring movable and immovable property during the service period is also prescribed in these rules;

(13) Rule 20 forbids a Government servant from bringing or attempting to bring any political or other outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government.

It is clarified that bringing political or other pressure even for matters relating to transfers attracts provisions of this Rule.

(14) Rule 21 requires that no Government servant shall, having a spouse living, enter into a second marriage or enter into a marriage with a person having a spouse living. The Govt. may permit a Government servant to enter into any such marriage if it is satisfied that such marriage is admissible under the personal law applicable to the Government servant and the other party to the marriage and there are adequate grounds for such marriage. Any Government servant marrying a person other than of Indian nationality shall forthwith intimate this fact to the Government;

(15) Rule 22 places restrictions on the consumption of drinks and drugs and provide that Government servant shall:-

- (a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;

- (b) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;
- (c) refrain from consuming any intoxicating drink or drug in a public place;
- (d) not appear in a public place in a state of intoxication; and
- (e) not use any intoxicating drink or drug in excess.

## **8.2 Consequences of violation of Conduct Rules**

The rights under **Article 19(1)** being subject to reasonable restrictions as per provisions or **clauses (2) to (6) of Article 19** of the Constitution, any Government servant who violates the restrictions imposed by general laws becomes liable for punishment as prescribed under the relevant Laws, and in addition, if the provisions of the C.C.S. (Conduct) Rules are also simultaneously violated the becomes liable to disciplinary action as well.

The disciplinary action is taken under the [provisions of the Central Civil service (Classification, Control and Appeal) Rules, 1965 and the penalties which can be imposed upon a Govt. servant, as detailed in Rule 11 are as under:-

### **Minor Penalties**

- (i) censure;
- (ii) withholding of promotion;
- (iii) recovery from pay of the whole or part of any pecuniary loss caused to the Govt. by negligence or breach orders;
- (iii)(a) reduction to lower stage in the time scale of pay for a period not exceeding 3 years, without cumulative effect;
- (iv) withholding or increments of pay;

### **Major Penalties**

- (v) reduction to the lower stage in the time scale of pay for a specified periods
- (vi) reduction to lower time scale of pay, grade, post or service.
- (vii) Compulsory retirement ;
- (viii) removal from service which shall not be a disqualification for future employment under the Government;
- (ix) dismissal from service which shall ordinarily be a disqualification for future employment under the Government.

The matters which do not constitute a penalty within the meaning of Rule 11 are specified in explanation below this Rule.

## **8.3 Divulging information- including unauthorised use of official documents**

### **8.3.1 Official information is confidential**

Official information acquired by the staff in their capacity as employees of the Government must be considered and treated as strictly confidential. No. member of staff, except in so far as may be necessary in the discharge of his official duties, may take a spare copy of any writing on any official document which comes before him in his official capacity, or to which he is allowed to have access.

### **8.3.2 Use of unpublished documents**

No member of the staff may make use of any unpunished record or letter for communication to the press, or to unauthorised persons, whether official or not.

### **8.3.3 Treatment of Office Record**

Office notes must be considered to be strictly confidential documents, and not be removed from the office or be used by anyone outside the office on any pretext whatsoever. If any dealing hand of a Branch/Section wants to take any file or files to home for study, the Branch/Section-in-charge can allow him to do so but he should keep a note of the file so removed from the office and should ensure that it is brought back to the office by the dealing hand on the following morning in complete form. The office files taken home by the dealing hand should be carefully guarded by him and not shown to anyone.

### **8.3.4 Representations/applications-Procedure for submission**

#### **8.4.1 Submission of applications or representations**

(i) No member of the staff shall submit on any subject connected with the office his application for leave or his representation direct to the governor/Chief minister/ Minister/Chief Secretary/Secretary/Special Secretary/Additional Secretary/Joint Secretary/Deputy Secretary/Under Secretary or Head of the Department/office. Such Commissions should be sent through proper channel i.e. the Branch/Section Incharge to which the petitioner belongs, and the Branch/Section Incharge will submit them to the next superior authority for further submission to the appropriate authority in the ordinary course. Failure to observe this will be considered as an act unbecoming of a Govt. servant and must be severely dealt with.

(ii) Representations should not be made jointly. In no case should office forms or Government papers be used for making personal representation or requests. Such use will render the concerned official liable to disciplinary action and recovery of the cost of the Government stationery.

(iii) In making applications, representations, appeals or petitions the language used should not be improper or offences. Failure to observe this by the person concerned will be suitably dealt with.

#### **8.4.2 Applications for outside posts**

Applications for outside posts will ordinarily be forwarded at the discretion of the Secretary/Head of the Department Head of Office as the case may be. Such applications should be submitted through the Branch/Section-in-charge.

### **8.5 Attendance**

#### **8.5.1 Hours of Attendance**

Office hours unless otherwise specified are from 10.A.M. to 5 P.M . with a half-an –hour lunch break from 1.30.P.M. to 2 P.M. .Any member of the staff may, however, be required to work beyond office hours or on holidays (except Independence Day and the Republic Day), if his work is not up-to-date or the business of the Department demands. The Branch/Section-in-charge is authorised to require him to do so on such occasions.

#### **8.5.2 Attendance register**

An attendance register will be kept in each Branch/Section. On arrival in office every ministerial official will mark his attendance in this register. It will be removed from the office and placed before the Branch Officer at 10.10 A.M. Any member of the staff arriving after 10.10 A.M. will report himself to the Branch officer and give the reasons for his late attendance verbally or in writing. For late attendance or short leave, the following deductions should be made from the casual leave account of the official:-

Upto 2 hours	1/3 <sup>rd</sup> of a day
Upto 3-1/2 hours	½ of a day

The deductions should be carried out at the end of each month from the casual leave account.

### **8.5.3 Checking of attendance**

(i) In the Secretariat, the Secretariat Administration Department will conduct surprise checks at the entrance gates to check late coming. Similar checking is to be conducted in the Directorates/Collectorates etc. by the administrative sections. Reports of late comers are to be sent to the Secretariat Administration Department/Administrative Sections for further action.

(ii) Surprise checks of all sections are to be conducted by the Officers/Officials deputed by the Secretariat Administration Department in the Secretariat and by officers/officials deputed by the administrative sections of the directorates/Collectorates etc.

(iii) The Branch officers will conduct surprise checks of their sections once a week for ensuring that officials come to office in time and also remain present in the sections during working hours.

### **8.5.4 Leave not to be presumed**

Absence without leave is an infringement of discipline, which, unless satisfactory explanation is submitted, will be severely dealt with. Leave must be applied for and sanctioned before it is taken, and it is only in cases of sudden and serious illness, or other exceptional circumstances to be proved to the satisfaction of the officer concerned, that the rule can be relaxed.

Private Secretaries, Personal Assistants Stenographers and peons attached to officers should not leave office or proceed on leave without personally informing the officer concerned.

### **8.5.5 Casual Leave**

- (i) The maximum amount of casual leave allowed during the calendar year must not exceed the admissible limit.
- (ii) Casual leave will not ordinarily be granted for more than eight days at a time.
- (iii) Casual leave shall not be combined with any other kind of leave,. This may, however, be combined with restricted holidays, or gazetted holidays.
- (iv) Casual Leave on medical grounds for more than two days will not be allowed without a medical certificate.
- (v) Special casual leave for participating in National Sports Events etc. may be given as per orders by the Government.
- (vi) Casual leave shall not be applied for from home except on medical grounds.
- (vii) If any government servant avails himself of causal leave when it is not admissible, he will do so at his own risk and ordinarily will be treated as absent on leave without pay.
- (viii) Prior permission for casual leave on account of anticipated causes will be taken. Absence in anticipation of sanction will be condoned only if the necessity for the leave could not have been foreseen. In such cases, the nature of sudden emergency should be stated in the application.
- (ix) A member of the establishment applying for casual leave on account of temporary indisposition may, if considered necessary by the leave sanctioned authority, be required to produce a medical certificate or hospital ticket.

- (x) An application for casual leave submitted from the residence of an applicant should contain his residential address. If he proposes to leave the headquarters during the leave period, permission to leave the headquarters should be taken and the leave address should also be given.

An abstract statement showing casual leave taken and late attendance will be exhibited in the last column of the attendance register and consolidated by the Section-in-charge immediately after a month is over.

#### **8.5.6 Holidays**

- (i) The holidays admissible in public offices are notified yearly in the Himachal Pradesh Rajpatra.
- (ii) The Head of a Department may order in the interest of work that the whole or part of the office shall remain open on any holiday.
- (iii) On holidays, on which the office is closed, one or more members of the office staff may if necessary, be called by the Branch/Section officer/Superintendent Grade-I to attend office to deal with work of urgency. For this purpose, a list of residential addresses with nearest telephone number or all staff members should be maintained in the Section/Office.

## CHAPTER-IX

### FILING SYSTEM

#### 9.1 Introduction

Decision making in Government is sometimes a complex process. The Government functions for the public good and therefore has to be in a position to justify every action in the light of public interest. It uses public funds and is therefore accountable to the public through its elected representatives for its proper expenditure. And because Government consists of individuals who have their own individual interests, mechanisms have to be devised to ensure that the individual interest is separated from the public interest and can be shown to be so at all times. Unlike individuals, Government cannot be arbitrary. Its decision making has to be logical, uniform, dispassionate and just. All of this imposes a large number of restrictions on the decision making process as is apparent from the following:-

- Government is accountable to the Legislature. It must accordingly maintain appropriate records of transactions of Government business to discharge its accountability.
- Government is accountable for the expenditure of public funds. It must, therefore, maintain accounts and records justifying the expenditure for audit purpose.
- Government decision making has to be just and uniform and open to the scrutiny of judicial courts. It must accordingly frame rules and regulations on all aspects of decision-making so that decision-making is not subjective and dependent on the personal views of the decision maker.
- The decision making must be logical and based on objective criteria. Government, therefore, needs to be in a position to marshal facts and figures in support of a case whenever a decision is to be taken.

All this implies an elaborate and detailed system of record maintenance including recording the process of decision making etc. so that there is reasonable transparency in decision-making. This has led to the evolution over a period of time, of the system of maintaining files wherein the facts and figures are available in the form of information received through correspondence, duly authenticated by those authorised to collect and transmit such information. Decision –making is recorded in the form of notes by the decision makers at various levels, marshalling facts and arguments in favour of a particular course of action. The file, therefore, is of utmost importance in the Government. Proper constitution, maintenance and processing of files has to be done with utmost care. The following paragraphs of this Chapter and subsequent chapters elaborate on the subject.

#### 9.2 Constituents of a file.

A file consists of one or more of the following:-

- a) Correspondence;
- b) Notes or Noting portion;
- c) appendix to correspondence; and
- d) Appendix to Notes.

The correspondence part consists of all receipts relevant to the subject of the file and drafts and office copies of all communications issued from the file bearing the same number as that of the file. The Notes or Noting portion part of the file contains notes or minutes recorded at different levels of scrutiny of the issues involved in a case and the final decisions recorded by the competent authorities. The terms “Appendix to correspondent” and “Appendix to Notes” have been defined in paras 1.2(1) and 1.2(2) of Chapter 1 of this Manual.

### **9.3 Filling of papers**

(1) Papers required to be placed in any part of the file are to be punched on the left hand top corner to the correct gauge (2cm.from either side) and tagged on to the appropriate part of the file in chronological order, from left to right, the latest being at the bottom.

(2) Normally each part of the file is to be placed in a separate file cover. Where, however, “notes” and “correspondence” are not bulky, both may be placed in a single file cover by tagging the correspondence portion on to the right side of the cover and the notes portion on to the left side of the same cover , Similarly, both the appendix to notes and appendix to correspondence may be filed in a single file cover if they are not bulky.

(3) Notes of casual discussion of points of secondary importance, routine correspondence like reminders/acknowledgements and routine receipts i.e. communications not required to be diarised are not to be placed in the correspondence portion since they clutter up the file but should be placed in a separate cover (Appendix to correspondence) below the file.

(4) When either the “notice” or the “correspondence” portion of a file becomes bulky (i.e. exceeds 200 pages) it will be closed and got stitched and marked as ‘Volume I’. Further papers relating to the same subject will be placed in the new file marked as “Volume11” and so on.

(5) Unofficial references which are to be returned in original will not be brought on to a file. A copy or a summary of the unofficial reference, together with a copy of the note recorded on the unofficial reference/file of the originating department will be retained, when necessary and placed in the “Notes” part of the file. Other unofficial references will be retained on the relevant files and properly filed together with the unofficial reply.

### **9.4 Arrangement of papers in a case**

While submitting a case, the papers will be arranged in the following order from top downwards:-

- (1) reference books;
- (2) notes portion of the current file ending with the last note for consideration;
- (3) running summary of the facts, if added;
- (4) draft for approval, if added;
- (5) correspondence portion of the current file ending with the latest communication dealt with (i.e. receipt or issue) as the case may be;
- (6) appendix to notes and appendix to correspondence;
- (7) standing guard file or precedent register, if added;
- (8) other papers, if any, referred to e.g. extracts of notes or correspondence from other files, routine notes, copies of orders, gazettes etc. arranged in chronological order;
- (9) Recorded files, if any, arranged in chronological order.

### **9.5 Paging and Referencing**

Referencing is the process of putting up and referring to connected records, precedents, rules, regulations, books or any other paper having a bearing on a case. The following are the guide-lines for paging and referencing:-

(1) Every page in each part of the file (viz. notes, correspondence, appendix to notes, and appendix to correspondence) are to be consecutively numbered in separate series in ink. The page numbering is to be done at the to right hand corner of the pages. Blank intervening pages, if any, are not to be numbered. The page number once allotted to either part of the file will not be changed without the orders of the section-in-charge taken in the notes portion of the file.

(2) On the top of the note-sheet the page number of the note-sheet and the file number should be recorded. This helps in linking of note-sheets in the proper sequence.

(3) Each item of correspondence in a file, whether receipt or issue, is to be assigned a consecutive serial number which is to be displayed prominently in red ink on the right top corner of the first page of the receipt or issue. Thus the first receipt will be marked R(1); the first issue will be marked I(1) and so on. While entering the receipt or the issue in the notes portion the serial number of the receipt or issue as the case may be will be written in red ink.

(4) The paper under consideration on file (which is the original reference and the initiation of the matter) is to be flagged 'PUC'. A fresh receipt other than the PUC will generally be a reply to an earlier reference and is to be flagged as "FR". In no circumstances should any other flag, except the "PUC" and/or "FR", be attached to any paper in a current file. If there are more than one "PUC" or "FR" being dealt with, then they should be flagged separately as ""PUC-I", "PUC-II" or "FR-I", "FR-II" and so on.

(5) While referring in the notes to the papers flagged "PUC" or "FR", their relevant page numbers are to be quoted. Other pages in a current file are to be referred to by their page numbers only.

(6) Recorded files and other papers to be put up with the current file are to be flagged with alphabetical slips for quick reference. Only one alphabetical slip is to be attached to one recorded file. If two or more papers contained in the same file are to be referred to, then they should be identified by relevant page number with the same alphabetical slip. For example, if Note No.38 of noting portion and page No.60 of the correspondence portion of a recorded file are to be referred to, then the same flagged as 'A' /38-N ( 'A' standing for recorded file's identification, "38-N" for Note No. 38.) and ""A' / 60.c" ('A' standing for recorded file's identification, "60.c" for page 60 of the correspondence portion).

(7) While making reference to the page No. of the recorded files on the notes, the file number is invariably required to be mentioned in the notes. The relevant alphabetical slips attached to the recorded files are to be indicated in the margin. This will facilitate identification references to papers even after the removal of slips.

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

(9) Acts, Rules, Regulation or 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 to be submitted. But the balance of convenience is always in favour of putting up such compilations, unless the provisions being quoted are likely to be so well known as not to be required to be referred to. The fact of such Acts, Rules, regulations or compilations having not been put up is to be indicated in the margin of the notes in the margin of the notes in pencil.

## **9.6 Linking of file**

(1) If the issues raised in two or more current files are so inter-connected that they need be dealt with together simultaneously, then the files are to be linked in such a way that the strings of the file board of the lower file ( but not its flaps) are to be tied round the upper file and the upper file's file board strings tied underneath it in a bow out of the way so that each file is intact with all connected papers arranged on its file board and the flap. Similar linking might also be required to be made if papers on current file are required for reference in dealing with another current file unless copies of the papers from the other current file can be conveniently placed on the file to be submitted.

(2) When two files are linked as described above, a file label is to be attached to the left hand flap of each of the two files stating that the file is linked with another file (number to be mentioned). This will ensure that the two files are not inadvertently delinked .

(3) Linked current files will be flagged LF (LF-I,LF-II and so on if there are more than one) and referred to as such in the notes, after mentioning the file numbers of all the linked files in the margin of the note.

(4) On receipt back of the files after completion of action, the linked files are to be immediately de-linked after taking relevant extracts and placing them on the linked files wherever necessary. The delinking of the files will be mentioned in the margin of the note sheets in pencil.

### **9.7 Use of urgency labels**

(1) Normally one of the two urgency labels is to be used when required on cases viz. "Priority" or "Immediate". The other labels required to be used where relevant are "Vidhan Sabha Question", "Motion", "Bills" or "Lok/Rajya Sabha Question", or "Secret" or "Confidential".

(2) In cases where Vidhan Sabha/Lok Sabha/Rajya Sabha labels are used, other labels such as "Priority" "Immediate" etc. should not be used.

(3) The label "Priority" is used for cases requiring disposal in precedence to all other cases. The label "Immediate" is used only in cases requiring prompt attention.

(4) The other labels as indicated in sub para (1) above are to be invariably used for all relevant cases for either prompt attention and disposal or maintaining secrecy.

(5) The urgency labels assigned to a case are to be reviewed by all concerned at all different stages of progress of the case and where necessary the urgency label can be revised. This is especially necessary for cases proposed to be referred to other Departments, or where there has been a change in the time factor.

(6) Files marked 'secret' or 'Confidential' should not be allowed to move in routine but should be sent 'by hand' or 'in a sealed cover.' While marking the file, the words 'by hand' or 'in cover' should be added next to the designation of the officer to whom the file has been marked. It should be ensured that files with urgency labels reach the next level as soon as it is possible and should not be sent in routine.

### **9.8 Title of file**

The subject given to a file is called its "Title." It should be as brief as possible but it should give, at a glance, sufficient indication of the contents of the file so as to serve as an aid to its identification. The "Title" will be divided into a) "Head"; (b) "sub-Head", and (c) "Contents" in the following manner:-

(a) Head: The single important word that is placed first in the title after the name of the Department is called the "Head". It indicates the main subject heading and helps in locating the files in the index to the File Register. The "Head" must be a word and should be identifiable by a single letter.

(b) Sub-Head: The "Head" and "Sub-Head" will be followed by "Sub-Head", which should be more indicative of the precise clarification of the file than the "Head". In selecting Sub-Head the consideration to be borne in mind should be the same as in selecting in the "Head", viz., that the word or words selected should be such as are likely to strike anyone in need of the papers contained in the file.

(c) Contents: After the "Head" and "Sub-Head" will come the "Contents". This must be brief and clearly indicative of the question or issue in relation to the standard head and sub-head and where necessary, the specific institution, person, place or thing involved, rather like a newspaper headline. A 'contents' worded in general terms is of little practical use, for, if it does not distinguish a file from others relating to closely similar but not identical subjects, time may be wasted in taking and examining several files.

If more than one aspect of a question are dealt with in the same file and they are inter-connected two or more complete title may be applicable. The criterion for selection of the title is its appropriateness and facility of location. A title which is less general should, therefore, be selected.

### **9.9 Separate file for each distinct subject**

There should be a separate file for each distinct subject. If the subject of a file is too wide or too general, there will be a tendency to place in it receipts dealing with different aspects of the matter which, apart from making the file unwieldy will impede business. If the issues raised in a receipt or in the notes or in the orders are beyond the original subject, relevant extracts should be taken and dealt with separately in new files.

Note :- See paras 9.11 and 9.13 below for selecting standard “Head” , “sub-Head” and “wording of letter”.

### **9.10 Opening of a new file**

A new file with a fresh file number will be opened in a section with the orders of the Section-in-charge. Its title will be given by the Section-in-charge. The file number consists of (a) initials/letters used for identifying the office/department, (b) the section identification and its sub-head, (c) subject, (d) the serial number of the file in the file register and (e) the year in which the file is opened.

A list indicating the letters allotted to each department (and its subordinate organisations) and to each district is appended at Annexure 9-A to this Chapter. The general principles followed in allotting initial letters to departments are as under:-

- (a) The initial letters allotted to departments are limited to three.
- (b) Where the Department is composed of a number of wings, each wing is allotted two or three initial letters, for proper identification.
- (c) As each Department or Organisation will have its regional and district level office, it is necessary to allot some identifying letters to each district as are given at the end of Annexure 9-A.
- (d) Sections in a Department or an office are to be identified by means of distinct alphabetic letters.

Note :- See para 9.12 below for precise method of opening files.

### **9.11 Standard “Head and “Sub-Head”**

Consistency is essential in the selection of both Heads and Sub-Heads. This can be secured by maintaining a list of Standard Heads and Sub-Heads for recurring subjects and adhering to them. A list of Standard Heads and Sub-Heads is given at Annexure 9-B to this Chapter and is to be adopted uniformly in all the departments. The following points should be noted in their usage:-

- (i) the number of Standard Heads has been limited to seven only but these cover all aspects of departmental activities.
- (ii) Similarly, the list of Sub-Head under each Head has been reduced to the minimum possible.
- (iii) It is not possible to have a uniformity in the list of standard Sub-Heads under the Head Programmes /Activities of the departments. These activities will vary from Department to Department. The Departments should, therefore, frame their own Sub-Heads under this Head for each related group of subjects. These should, however, be added after the Sub-Heads indicated under this Head.

### **9.12 Method of opening files**

While opening the files, and allotting them numbers, the file number will be arranged in the order given below:-

“initials allotted to the department/Office of Origin, Section No., Standard Head, Sub-Head within brackets, File No. in the Index register and Year in which opened”.

For this purpose:-

- (i) This initial letters given to each Department are indicated in Annexure –“A” of this Chapter.
- (ii) For identifying the office of origin, in respect of the Secretariat Departments, no identifying letter should be used and the section number in alphabetical order is to follow the name of the department without brackets. Absence of code for office of origin will itself indicate that the file belongs to the Secretariat. Capital “H” will be used for the Headquarters office (Directorate), and initials allotted to the districts for the district level offices. Where the department has Zonal or Divisional offices, the word “Z” or “D” may be used for Zonal/Divisional Offices. Within brackets, the section number should be then given in alphabetical order eg., H(A) for Headquarters A section. For the Secretariat A section will be indicated simply by “A”.
- (iii) This should be followed by the letter allotted to the standard Head; within brackets the number of the Sub-head, then the file number as given in the File Register and lastly the year in which it is opened.

To illustrate, if a file under the Standard Head “Establishment” is to be opened in 1996 in the Department of Education for “Recruitment “ and it comes at serial number 20 in the File Register, using the initials for department/office, section, the list of the Head and Sub-Head as given in Annexure 9-A and 9-B, the file will have the following numbers:-

1. EDN-A-B(2)-20/96 (For the secretariat Department-Section A)
2. EDN-H(A)-B(2)-20/96 (For the Headquarters office-Section A)
3. EDN-Z1(A)-B(2)-20/96 (For the Zonal-1,Section A)
4. EDN-KNR(A)-B(2)-20/96 (For the district office at Kinnaur-Section A)

It is to be noted that the number once given to a file should not be changed. Only the year of the Volume will be given whenever another Volume is started, after noting this in the index register/file opening register. For the sake of uniformity and standardization and because this will help computerize the system of filing and record keeping, it is essential that file numbers be given as provided in this Manual.

### 9.13 Wording and Articulation of Title

The whole title-“Head”, “Sub-Head” and “Contents” will consist mainly of substantives, adjectives ( where necessary) and participles. Minor parts of speech will be excluded as far as possible to make alphabetical arrangement practicable. The title should be articulated or broken up into members each consisting of as few words as possible, and each expressing an element in the subject matter. Each will begin with a capital letter separated from the preceding one by a bold dash.

#### Examples of Titles

A few examples of “Title’ are given below:-

Subject dealt with	Title prepared
(i) Question whether merit should be regarded as the sole criterion in making promotions.	ESTABLISHMENT- <b>Recruitment</b> -Whether merit sole criterion for promotions.

- (ii) Enquiry whether it is necessary to communicate adverse remarks in the confidential report to person concerned in certain circumstance. **ESTABLISHMENT-Confidential Reports.**  
-Circumstances in which adverse remarks need communication.

In the above "Titles" the words in block letters are "Head", those in bold are "Sub-Heads" and the rest "Title" is Contents".

#### **9.14 Part file**

A part file may be opened only when the main file is not likely to be available for some time or when it is desired to consult simultaneously other sections or offices and it is necessary for them to see the "Paper Under Consideration" and other connected papers.

A part file will normally consist of:-

- (a) the original "Paper Under Consideration" or its copy and other essential papers on the "Correspondence" side; and
- (b) the notes on the "Paper Under Consideration" or their copy on the "Notes" side.

The references, if any, and page numbers in a part file will be given in pencil. The part file will be amalgamated with the main file as soon as the latter becomes available. On amalgamation, the references will be revised and the serial numbers and page numbers will be given in ink, both on the correspondence part and the noting portion.

When more than one part file is opened, each one of them should be given a distinct serial number and all part will be amalgamated in the above manner with the main file as soon as it becomes available.

#### **9.15 File Opening Register**

A record of files opened during the calendar year will be kept in an Index Register or File Opening Register which should be maintained "Head-wise" A group of pages will be allotted to each Head. For each such Head, a separate page or pages should be allotted to each Sub-Head. The first few pages, will contain the index to the register. They will be thumb-indexed down the side with the letter allotted to each major "Head". The File Opening Register should be on proforma as given in para 13.1.4. of Chapter XIII.

The key-words in the index must be carefully selected. Sufficient pages in this form for entering the main and supplementary titles of files likely to be opened in the course of the year, should be provided for.

#### **9.16 Movement of Files**

All movements of files will be entered in a register kept separate from the main diary registers. For this purpose, all files will be routed through the Diarist and he will record the movement with dates of all such files. Date-wise. The register will be maintained as per proforma given in para 13.1.5 of Chapter XIII.

On receipt of a file, the dealing hand or officer receiving it will note the date and if necessary, the time of receipt also, in the margin of the note-sheet opposite the last note. In case no discrepancy in marking of dates is brought to notice immediately on receipt of the file and noted in the above manner, the responsibility for the delay will rest with the dealing hand or the officer concerned.

### **9.17 Register of files received/sent un-officially**

Files received/sent un-officially from or to other Departments or offices will be entered respectively in the register of Files received/sent unofficially in the prescribed form as given in para 13.1.6 of Chapter XIII. The diarist will diaries the files received un-officially in the register of files received un-officially. Similarly, the diarist will, before sending a file to another department make entries in the register of files sent un-officially and also note the movement of the file in the File Movement Register, It will be the responsibility of the Assistants to check this register and put up timely, reminders for the return of files which are out for over 14 days. The Section-in-charge will examine this register at regular weekly intervals on the first working day of the week to satisfy himself that return of files received is not delayed. Reminders for return of these files sent will be issued by the Section-in-charge.

### **9.18 Removal of papers from a file**

If at any time, it is found necessary to remove some pages from a file , either from the correspondence or the notes part, it should be done under the specific written orders of the Branch Officer. A sheet indicating the fact and purpose of removal together either the name of the department/Office/Officer to whom the same are sent with letter number /U.O. number either which the same were sent, duly attested by the Section-in-charge, should be inserted at the relevant place. When the papers are received back the same should be replaced properly and the sheet removed.

The insertion of the sheet is also necessary for purposed of issuing of reminders for the return of the papers so removed.

## LETTERS TO REPRESENT NAMES OF DEPARTMENTS OF HIMACHAL PRADESH GOVERNMENT

(Referred to in paras 5.2.9.10 and 9.12)

Sr. No.	Department	Letters allotted
1.	Agriculture	AGR
2.	Animal Husbandry	AHY
3.	Antodya	ATY
4.	Ayurveda	AYR
5.	Co-operation	COP
6.	Economics and Statistic	ECS
7.	Education	EDN
	(a) Primary	EDN(PE)
	(b) Higher	EDN (HE)
8.	Election	ELN
9.	Excise and Taxation	EXN
10.	Finance	
	(a) Finance	FIN
	(b) Local Audit	FIN(LA)
	(c) Treasuries	FIN(TR)
	(d) Lotteries	FIN(LTR)
11.	Fisheries	FSH
12.	Food and Supplies	FDS
13.	Forest Farming and Conservation	FFE
14.	General Administration:	GAD
	(a) General, Political and Miscellaneous	GAD(GI)
	(b) Confidential and Cabinet	GAD(CC)
	(c) Parliamentary Affairs	GAD(PA)
	(d) Legislative Assembly	GAD(LA)
	(e) Hospitality & Protocol	GAD(HP)
	(f) Rajya Sainik Board	GAD(EX)
	(g) Mountaineering Institute	GAD(MI)
15.	Health	
	(a) Health and Family Welfare	HFW
	(b) Medical Education	HFW(ME)
16.	Horticulture	HTC
17.	Home:	HOM
	(a) Police	HOM(PL)
	(b) Advocate-General	HOM(AG)
	© Home Guars and Civil Defence	HOM(HC)
	(d) Vigilance	HOM(VIG)
	(e) Prisons	HOM(PR)
	(f) Enforcement	HOM(ENF)
18.	Housing	HSG
19.	Industries	IND
20.	Irrigation and Public Health	PBW(PH)
21.	Labour, Employment and Training	LET
	(a) Labour	LET(LB)
	(b) Employment and Training	LET(ET)
22.	Law and legal Remembrance's Office	LLR
23.	Local Self Government	LSG

24.	Language and Culture Department	LCD
	(a) Language and Culture	LCD(LC)
	(b) Museums	LCD(MM)
	(c ) Archaeology	LCD(ACH)
25.	M.P.P. and Power	MPP
26.	Personnel:	PER
	(a) Appointment	PER(AP)
	(b) Secretariat Administration	PER(SA)
	(C) Administrative Reforms	PER(AR)
	(d) Vigilance	PER(VIG)
	(e) Training & Foreign Assignment	PER(TRG)
27.	Planning	
	(a) Planning	PLG
	(b) 20 Point Programme	PLG(TPP)
28.	Panchayat	PCN
29.	Printing and Stationery	P&S
30.	Public Relations	PUB
31.	Public Works	PBW
32.	Rural Integrated development	RDD
33.	Revenue:	REV
	(a) Land Revenue	REV(LD)
	(b) Land Records	REV(LR)
	(C ) District Gazetteer	REV(DG)
	(d) Consolidation of Holdings	REV(CH)
	(e) Colonisation	REV(CN)
	(f) Relief and Rehabilitation	REV(RR)
	(g) Land Reforms	REV(LF)
	(h) Natural Calamities	REV(NC)
34.	Science and Technology	STE
35.	Technical Education	EDN(TE)
36.	Tourism	TSM
37.	Transport	TPT
38.	Tribal Development	TBD
39.	Social and Women's Welfare	WLF
40.	Town and Country Planning	TCP
41.	Youth Services and Sports	YSS

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#### LETTERS ALLOTTED TO DISTRICTS

1.	Bilaspur	BLS
2.	Chamba	CHM
3.	Hamirpur	HMR
4.	Kangra	KGR
5.	Kinnaur	KNR
6.	Kullu	KLU
7.	Lahaul and Spiti	LSP
8.	Mandi	MND
9.	Shimla	SML
10.	Sirmaur	SRM
11.	Solan	SLN
12.	Una	UNA

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**LIST OF MAJOR AND SUB HEADS**  
(Referred to in para 9.11)

Head	Sub-Heads
(A): Organisation	1. Creation/abolition of offices/ institutions/organisations including re-organisation of the existing set-up.
	2. Delegations-administrative, financial and others.
	3. Acts, Codes, Manuals, Rules (including Service Rules), and Regulations.
	4. Committees/Commissions/Councils/Boards/Corporations and Conferences.
	5. Inspections / Vigilance
	6. Administrative Reforms - Methods, procedures, staff norms, etc.
	7. Information and publicity, including guidance, counselling and publications.
	8. Statistics, Reports and Return s, including Annual Reports.
	9. Miscellaneous (Protocol, Liaison, Secrecy, etc.)
(B): Establishment	1. Classification, creation of posts and services.
	2. Recruitment (including suitability of candidates, requisitions to employment exchanges and Public service Commission, verification of antecedents, medical examinations, and oaths of allegiance, etc.)
	3. Personal files of gazetted staff.
	4. Personal files of non-gazetted staff.
	5. Personal files of Class IV staff.
	6. Posting and transfers
	7. Salaries (including pay and allowances).
	8. Leave
	9. Confirmations.
	10. Pensions
	11. Confidential Reports
	12. Training /Examinations.
	13. Service Records
	14. Punishment and Appeals
	15. Miscellaneous
(C): Budget, Cash, Accounts etc.	1. Budget estimates
	2. Budget (appropriation and reappropriation).
	3. Expenditure statements and re-conciliation.
	4. Receipts/Income
	5. Expenditure and Payments
	6. Bills
	7. Funds (including PLAs.)
	8. Investments
	9. Taxation
	10. Grants including financial assistance and subsidies.
	11. Advances
	12. Loans and Credit
	13. Recoveries
	14. Economy measures
	15. Audit
	16. Reports and Returns
	17. Miscellaneous

- |   |  |  |
|---|--|--|
| (D): Assembly and<br>Parliament<br>Business | 1.<br>2.<br>3.<br>4.<br>5.<br>6.<br>7.                               | Starred Questions<br>Unstarred Question<br>Resolutions/Adjournment and Cut Motions etc.<br>Assurances<br>Committees of Vidhan Sabha and Parliament.<br>Legislation.<br>General (Instructions and circulars, Governor's Address, etc.)  |
| (E): Legal matters                          | 1<br>2.<br>3.<br>4.<br>5.  | Notices<br>Institution of Suits.<br>Defence of Suits.<br>Legislation.<br>Miscellaneous (Advice, production of documents, execution of decrees and instructions, etc.)  |
| (F): Programmes and<br>activities           | 1.<br>2.<br>3.<br><br>4.<br>5.<br>6.<br>7.<br>8.<br>9.<br>10.<br>11. | Policy<br>Planning including surveys, formulation of schemes and projects.<br>Five year and annual Plans. The departmental activities should be classified into some broad groups, and each of the group taken as a minor head. The following classification can be applied in most of the departments:-<br>Social / Welfare activities.<br>Developmental activities<br>Commercial activities<br>Technical programmes<br>Research/Extension programmes<br>Preventive and other schemes<br>Miscellaneous<br>Reports and Returns |
| (G): Office Services                        | 1.<br>2.<br>3.<br>4.<br>5.<br>6.                                     | Accommodation<br>Stores/Stationery<br>Furniture and fixture, equipment including vehicles<br>Library<br>Caretaking services (security, fire-fighting etc.)<br>Miscellaneous  |

Note: Letters after G may be used for Major Heads other than those described.

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## CHAPTER X TREATMENT OF SECRET AND CONFIDENTIAL DOCUMENTS

### 10.1 Restrictions on Communication

Government servants are prohibited by law from communicating any information to which access is obtained by them in the course of their official duties to any one without the requisite authority. Any dereliction of duty in this respect is an offence under the Indian Official Secrets Act, 1923. Only Ministers, Secretaries or any officer specially authorised by them may give information to the Press and media. Section 5, sub-section (d) of the above mentioned Act applies equally to indiscreet conversation, correspondence or communication within or outside the office, in connection with official secrets. It cannot be over-emphasized that any infringement of Act's provisions must be dealt with severely.

### 10.2 General Instructions

The following instructions should be particularly observed:-

(i) Secret and confidential papers should pass through as few hands as possible in the office. They should be dealt with only by selected and responsible officials and special arrangements should be made for their typing and despatch and safe custody after disposal.

(ii) The personnel who deal with "Secret" or "Confidential" papers should be thoroughly reliable from security point of view and should, as far as possible, be segregated from the rest of the office. Other officials should not have access to the secret and confidential files and papers.

(iii) In all sections, the Section-in-charge should himself deal with confidential cases. They should not be sent to clerks for putting up papers, but the Assistants or dealing hands may be required to deal with such papers.

(iv) Confidential Register-For the purpose of registering and making separate files of confidential correspondence, a separate register will be maintained in each section in the prescribed form (Annexure 10-A to this Chapter). The pages of the Register should be numbered and a full or half page should be allotted to each case according to whether it is likely to consist of few or several papers. The register should be prefaced with a rough abstract or index of its contents, and this should invariably be posted up immediately a fresh case is entered. The register may run on from year to year until it is filled up, a proper break being observed at the end of each year.

(v) **Orders to be taken before registering confidential papers in doubtful cases**-When a Section-in-charge thinks that a paper marked "Confidential" is not of a sufficiently confidential character to merit special treatment, he should ask for orders of the Branch Officer before bringing it on the register. If it is decided to register the papers in the office diary, the official who is to deal with it should himself make the entry in the diary, noting the subject merely by the word "confidential". For purpose of diary marking, a slip should be sent to the Diarist to mark off the file number on which dealt with and designation of the officers addressed. With a view to preventing a large accumulation of confidential papers in the several sections of the office, orders should be taken at the end of each year as to whether some of the papers may not be placed with the recorded cases to which they relate.

(vi) Paging of papers placed in sealed covers by officers-If a case is so confidential that an officer sends it in a sealed cover not to be opened in the office, that officer should himself see to the arrangement and numbering of the pages of the papers. He should also note the last diary number on the cover.

(vii) Typing of confidential letters -When a confidential or secret letter is to be issued, it is incumbent on the in-charge or the Assistant concerned, unless directed by an officer to copy it himself, to have it typed and dispatched under his personal supervision. The Section-in-charge or the Assistant should in every case examine.

the work himself. Only the work to be typed i.e. without the main file) should be given to the Steno/Typist and if it is not finished by the time the office closes, it should be taken back and locked up for the night. The Steno/Typist should be cautioned against talking about the work in hand and his name should invariably be noted on the manuscript or on the typed copy of the draft if the manuscripts to be destroyed. When confidential letters, which have issued, are reprinted, and the original papers are to be destroyed, care should be taken to note on the file the name of the Typist who originally typed the letter.

(viii) Dispatching of Confidential and Secret Correspondence-When a despatch is asked for from the Despatch Section, the only information to be given to that section is the word "Confidential".

(ix) Duplication of "Top Secret" and "Secret" Papers-The number of copies made should be carefully recorded and each copy serially numbered and identified by number in the distribution or despatch list. Spare copies should be strictly limited and held in the custody of the official Incharge of the section dealing with the case. All drafts and rough notes and other routine papers of secret nature must invariably be destroyed as soon as the fair copies of the letter, note etc. has been prepared.

(x) Used Stencils of Secret and Confidential letters-Used stencils of secret and confidential letters whose retention for further use is considered necessary, must be kept separate from the file, and in the personal custody of the section in-charge of the Section concerned. He will be responsible for checking and weeding out his stock of used stencils regularly and at frequent intervals. All used stencils marked for weeding out should be destroyed by burning.

(xi) Short-hand note Books-

- (a) Short-hand note books should be numbered and dated before issue. Stenographers should keep them under lock and key. The books should be burnt after six months in the presence of an officer. The Storekeeper should maintain a register showing the receipt and issue of note books from time to time.
- (b) Stenographers and typists should use old carbon papers for typing confidential matter.
- (c) Confidential matters not required should be got burnt by the officials concerned in their presence, and not put in the waste paper baskets.

(xii) Disposal of Waste Papers-Great care should be taken both in officers' and section rooms in disposing of waste papers of all kinds. 'Top Secret' papers must be destroyed by burning them in the presence of the officer responsible for dealing with them. Rolled up papers burn quicker than small pieces and, therefore, when burning papers, these should not be torn into pieces but rolled up.

(xiii) Custody of Confidential Registers and Confidential Files- the Confidential Register and all Secret and Confidential papers should be kept under lock and key. For this purpose, each section-in-charge should keep an almirah or box, as circumstances may require. The key (a duplicate to be with the Branch Officer in case papers are required in the absence of the Section-in-charge) should be kept in the personal custody of the Section-in-charge who should allow no one but himself to have access of the confidential almirah or box in his charge. Section-in-charge ordinarily keep in their almirahs the disposed off Confidential off confidential cases for three years. Confidential cases of order date will be made over to the General Records to be kept confidentially with the same precautions .

(xiv) Removal of files from the Office-Secret papers must not, in any circumstances, be removed by any official.

(xv) A "Confidential", "Secret" or "Top Secret" slip depending on the nature of secrecy of the case, should be fixed on every case as also its cover.

### **10.3 Movement of Confidential and Secret cases**

In their passage from the office to officers and vice versa, confidential and secret papers should either be passed direct from hand to hand, or be submitted and returned under sealed cover. It should be ensured that .

- (i) When a case is sent in a closed cover, the date on which it is sent and the diary number of the case should be inserted on the cover or on the economy label.
- (ii) The officer who sends out the file or papers in a sealed cover should write his initials or signatures on the economy slip in such a way that part of the signatures or initials is on the portion of the slip attached to the flap of the envelope and the rest on the remaining portion of the slip. This will enable detection of efforts to open or tamper with the cover.
- (iii) Where confidential papers have to be sent to officers their residences, they should invariably be sent in a sealed cover. The peon taking the cover to the officers residence should be instructed to obtain the signature of the officer to whom the papers are addressed if he is present, and if not, he may obtain the signature of any person of the household in token of having received them.

### **10.4 Confidential reference to outside offices**

When it is required to consult another outside department, in connection with a confidential case, only the papers that are absolutely necessary for the purpose of the reference should be sent with the file, and a list of the papers so sent should be kept on the retained portion.

### **10.5 Treatment of covers marked 'Secret' or 'Confidential'**

Covers received, which are marked with the word 'Secret' or 'Confidential' should be sent unopened to the officer to whom they are addressed. Covers marked with the word 'Secret' or 'Confidential' only and without the name or designation of any officer on either the inner or outer cover, should be submitted unopened to the Head of Office/Department. Papers received from the Government of India or other States and marked 'Top Secret' will be dealt with by Secretary or Deputy Secretary or Under Secretary concerned and will remain in his custody after disposal; on no account must such papers be allowed to be seen by an official lower in status than that of a Section-in-charge.

### **10.6 Security Do's and Dont's**

Every official/officer should ensure that the instructions given in annexure 10-B, are complied with.

**Annexure 10-A**

(Referred to the para 10.2(iv) )

Confidential Register.....Section

S.No	No. & Date of Receipt	From whom	Subject	When Submitted and to whom with date	File No.	Remarks indicating final action
(1)	(2)	(3)	(4)	(5)	(6)	(7)

**Note-** Each time a case leaves the Branch and entry should be made in column 6. The previous entry at the same time should be scored out.

**Annexure 10-B**

(Referred to the para 10.6)

**SECURITY DO'S AND DONT'S**

1. If you observe any breach of security, report it at once.
2. Don't leave your room with your secret papers lying on your desk. Look up all secret papers even if you leave your room for a short while.
3. Don't sign receipts for secret papers without careful scrutiny. Look through the entries, check up the contents and see that you sign for the correct papers,
4. Don't throw crumpled or torn classified papers in the waste paper basket. They should be burnt.
5. Don't typed or cyclostyle or Photostat more than the minimum number of copies actual required. Give a serial number to every copy of a secret paper e.g. . "Copy No.2" etc. and keep a note of the serial numbers of the copies of issued to different officers.
6. Don't keep spare secret papers unless you actually require them. Destroy all drafts, rough notes, spare copies, carbons, stencils, notebooks, as soon as possible.
7. Don't send secret papers open through peons. Send them in locked boxes or sealed covers.
8. Don't handle graded papers without a security classification. Stamp the correct security classification.
9. Don't make notes on 'security Subjects' in your diary. If you must, destroy the notes as soon as you have finished with it
10. Don't discuss secret subjects on the telephone. It is not safe.
11. Don't transmit secret papers by Fax or E-mail unless access at the receiving end is properly restricted.
12. Don't display your knowledge of secret information. It will not impress anyone who counts, and it might land you in trouble.

## CHAPTER XI

### RECEIPT AND DISTRIBUTION OF DAK

#### 11-1 Central Registry

The Secretariat, Collectorates, Directorates and other offices generally have a Cell or a Section which is Incharge of receiving and distributing all dak. This Cell or Section may be large, comprising of a number of clerks and a Supervisor/Supervisory Officer, or small consisting of one or two hands supervised by an officer who may be discharging this duty in addition to some other duties. This Cell or Section is called Central Dak Section or Central Registry.

The Central registry receives all communications of the secretariat / Collectorates /Directorates and other offices addressed to the Chief Minister /Ministers/Officers of the Secretariat, and officers of Collectorates, Directorates and other offices, except inter-departmental references and dak delivered directly to the offices of Chief Minister, Ministers or to the Officers or Sections. The central registry should as far as possible ,be centrally located so that it may serve the entire office with equal speed and efficiency. A counter may be provided if the dak is received from a number of sources and throughout the day.

#### 11.2 Access to the Central Registry

In order to facilitate work, shelves with compartments should be provided in the Central registry in which the fresh dak/cases are arranged Minister-wise ,Officer-wise and Section-wise. Access inside the Central Registry by outsiders is prohibited. Members of the staff working in the central registry or other Sections may, on official grounds, consult the concerned clerks/ Circulating Assistants though they cannot be allowed to se files or any papers in the Central Registry which does not pertain to them in their official capacity.

#### 11.3 Receipt of Dak

##### 11.3.1 Receipt

During office hours, the entire dak for all the departments of the Secretariat, Directorates, Collectorates and other offices including that addressed to the Chief Minister, Ministers or officers by name is to be received in the Central Registry. However, urgent/immediate/important/secret/confidential dak addressed to the Chief Minister/ Ministers /officers by name is sent through special messengers directly to the addressees to be received by them or their personal staff.

Outside office hours, the dak will be received by the Resident Assistant or by the Night Duty Clerk, in case there is such an arrangement. However, the immediate/ Important/. Secret/confidential dak will be received by the addressee himself or his personal staff at his residence, and in case the dak has been received by the Resident Assistant or the Night Duty Clerk, he shall arrange to have the dak delivered at the residence immediately after informing the addressee over the telephone where necessary.

##### 11.3.2 Acknowledgement

Except ordinary dak, all registered letters/ parcels/files received in the Central Registry will be acknowledged by the recipient signing his name in full and in ink with date and designation.

#### 11.4 Registration of dak

- (a) All covers, except those addressed to the Chief Minister/Ministers/officers by name, and classified dak will be opened by the central Registry.
- (b) All registered letters, etc. parcels addressed to the Ministers/officers by name, received in the Central Registry will no be opened in the Central Registry but will immediately be sent to the addressee after entry in the register in the following format:-

Dairy No	Classification (Registered letter or parcel etc.)	Registration No. and date with name of Post Office	Name of the Sender	No.and date (if recorded on the cover)	Signature of the official receiving the letter/percel with designation
1	2	3	4	5	6

Note:- (1) The Dairy no. is calendar year-wise beginning from first day of January and ending on the last day of December.

- (2) Date of receipt is to be written every day before beginning the entries for the day, in red ink.
- (3) The Dairy No. of the Central Registry will be entered on the cover with stamp as per details given in (f) below.
- (c) All other un-registered communications addressed to the Chief minister/Ministers/officers/officials by name as are received in the Central Registry will be sent to the addressees direct;
- (d) After opening the covers, excepting those mentioned in (b) and (c) above, the Central Registry is required to check the enclosures and make a note of missing enclosures in the letter itself;
- (e) Urgent dak is to be separated from other dak and is to be dealt with first;
- (f) All opened dak will be sorted out Department-wise/Chief Minister/Ministers/Officer-wise and diarised in the Central Registry diary. In the margin of the top left side of the letter, a Rubber stamp containing the following particulars will be affixed on which the Diary No. and date will be recorded;

Himachal Pradesh Government  
Secretariat/Directorate of /Collectorate of ---etc.  
(as the case may be)

C.R.Dairy No. \_\_\_\_\_  
date \_\_\_\_\_

The Central Dairy register has to be in the following format:-

#### Particulars of dak

Dy.No.-----	Letter No.	Date	Subject	Name & address of Sender	To whom addressed	Remarks
1	2	3	4	5	6	7

**Note:-**(1) The Diary No. is calendar year-wise beginning from first day of January and ending on last day of December.

(2) Date of receipt is to be written every day before beginning the entries for the day, in red ink.

(g) The following categories of dak as received in the central registry, will also be diarised in the Central registry in the same Central Diary Register as in sub Para (f) above:-

- (1) Telegrams, savingsrams, wireless. Telex, E-mail and fax messages;
- (2) Inter-departmental files received in the Central Registry;
- (3) Court summons;
- (4) Receipts/Letters enclosing valuable documents, e.g. service books agreements, memorandum of understanding, Articles of association, Bye laws etc.
- (5) Parliament/ Assembly Questions, Resolutions, cut motion and communications seeking information relating to them;
- (6) Communications, relating to committees of Vidhan Sabha;
- (7) Unopened inner covers containing classified dak;
- (8) Letters from Central Ministers, Members of Parliament, Members of Legislative Assembly, Govt. of India and Other State Government.
- (9) Any other communications specified.

(h) The following types of communications will not be diarised in the Central /sectional diary:-

- (1) Receipts which, as a class, are adequately taken care of by a register specially devised for the purpose (e.g. telephone bills which are entered in telephone bills register, other bills required to be entered in separate reregisters etc.);
- (2) Communications received from V.I.P. Ps. for which a separate register is maintained for watching their disposal vide Para 13.1.2.
- (3) Post copies of telegrams unless the endorsement contains a message in addition to that contained in the telegrams;
- (4) Routine acknowledgements;
- (5) Casual leave applications;
- (6) Copies of miscellaneous circulars, office memoranda, extracts, etc. circulated for general information, e.g. orders of general application, telephone lists, notices of holidays, tour programmes, etc.
- (7) Any other types of receipts which under departmental instructions are not required to be diarised;
- (8) Unsigned communications on which no instructions have been recorded by an officer and on which no action is called for;
- (9) Extra copies of the same representation by a person addressed to the same or different authority.

(i) The Central Registry is to maintain one or more Central Diary Registries as may be found convenient. One Register will be operated upon by one clerk. In case more than one central Dairy Register is maintained, it would be appropriate to identify each register with an alphabetical code letter 'A', 'B', 'C' etc.

(ii) Computerization of Central Registry:- In a computerized Central registry there is considerable economy of time and effort. The register is replaced by a computer screen and only brief data of the letter need be entered. The rest of the data is entered in the Section computer terminal when the letter reaches the section. If the Section continues to use the C.R.Dy.No. in the section also, more time and effort is saved, Tracing of papers also becomes much easier. The written record, i.e. the Central dairy register, is printed by the computer on the basis of the days entries at the end of each day. These printed pages are then filed together to form the Central Dairy register.

## 11.5 Distribution of Dak

After diarizing the dak, the process of distribution of dak begins and this has to be completed in the following manner:-

(a) In the Central Registry Section, Chief Minister/ Minister/Officer/ department /Section-wise separate shelves with compartments exist. The entire diarised dak after sorting is placed in the appropriate compartments alongwith and invoice. The invoice has to be in the following format:-

### “Central Registry invoice for distribution of dak”

Dak for Section/Office_____		Date_____	Time_____	
C.R.Nos.	Total Nos. of receipts(total of column 1)	Other non-diarised receipts(total No. only)	Signature of C.R. Clerk with date and time	Signature of receiving official with date and time
(1)	(2)	(3)	(4)	(5)

The dak alongwith invoice is sent to the concerned addressee and acknowledged by the personal staff in the case of Chief Minister, Ministers and officers and by the diarist in the case of the Department s/Sections. The invoice duly signed is then received back in the Central Registry, where it is filed date-wise in the office/Deptt/ Section-wise files to be opened and maintained for the purpose.

(b) As an alternative to the above, the dak may be distributed and acknowledgement obtained in messenger books (peon books) or Registers to be maintained Office/Department/Section-wise. In case the Central Registry is computerized, the procedure is further simplified, as the C.R. invoices are automatically printed out addressee-wise and no separate entries have to be made in the peon books.

(c) Urgent /immediate dak including telegrams, savingsrams, wireless /Fax, Telex, E-mail messages will be distributed as and when received. Other dak will be distributed at suitable intervals) e.g.11-00 AM, 2-00 Pm and 4-00PM). Such part of the ordinary dak as is received too late to be included in the last round will be kept ready for distribution early next day. The Incharge of the Central Registry will ensure that:-

- (1) the entire dak including urgent/immediate telegrams, savingsrams, wireless, Fax, Tele and E-mail messages are delivered to all concerned by the peons/dak messengers provided to the Central Registry;
- (2) As far as possible sorting, diarizing, invoicing and dispatch of entire dak is completed on the day of its receipt; and
- (3) Urgent/important/immediate dak, if received in the Central Registry outside office hours is sent to the concerned authorities immediately by the staff on duty.

(d) Letter forwarding cash, cheques, drafts, postal orders or postage stamps on account of Government fees/dues should, before being passed onto the officer/section concerned, be brought personally by the circulating assistant/clerk to the head of the office who will make over the cash, cheques etc. to the cashier and obtain his signature on the letter in token of receipt of the cash, cheque etc.

(e) If any document received by post or otherwise bears court fee stamps then the court fee stamps should be defaced by the circulating assistant/clerk.

## **11.6 Registration and perusal of dak in Departments**

### **11.6.1 Opening of dak in Departments**

Covers) received in ordinary Post or by hand) addressed to an officer by name and received in the Department will be sent unopened forthwith to him or in his absence to the officer liking after his work.

Covers bearing security marking if not addressed to an officer by name will be opened by the Section-in-charge and will be dealt with by him.

All other dak will be received in the Section and will be opened by the Diarist.

### **11.6.2 Receipt of Dak by the Diarist**

On opening the dak, the diarist will:-

- (a) check the enclosures, and in case of any enclosure being found missing, make a not of the fact on the body of the receipt; and
- (b) pass on the entire dak to the Section-in-charge for his perusal.

### **11.6.3 Perusal of Dak by Branch Officer**

The Section-in-charge will put the entire dak in the pd and pass on the same to the Branch Officer for his perusal at the dak stage. The Branch Officer, at the dak stage, will give directions for prompt disposal of urgent/immediate receipts. At this stage the Branch Officer will:-

- (a) keep receipts which he himself can dispose off or on which the desires specific instructions to be given to the office.
- (b) forward important receipts to the higher officers which in his opinion should be seen by them at the dak stage; and
- (c) indicate the course of action on important receipts. He may call the Section-in-charge of the dealing hands and give them directions for disposal of such types of receipts or make a brief note on the face of the receipt itself.

Every officer going on tour or on casual leave will make arrangements for the receipt and disposal dak addressed to him during his absence. In the absence of such an arrangement the next below officer will, ordinary, be responsible for this.

As officer through whom the dak passes will initial every receipt in token of having seen it. He may initiate priority markings, if necessary. The dak will then be sent to the Section-in-charge and higher officers without diarising

### **11.6.4 Perusal of Dak by Section-in-charge**

The Section-in-charge will go through the dak immediately on its receipt from the Branch Officer and will :-

- (a) Sort-out important and priority receipts. He will determine priority for action on receipts and mark the priority in ink in the receipt itself. He will further sort-out receipts not to be diarised. The types of receipts as mentioned in Para 11.4 (h) of this Chapter are not to be entered in the diary registries.
- (b) Sort-out receipts, if any which are missent to the department or the subject matter of which does not relate to it and arrange for their transfer to the department concerned.
- (c) Mark all other receipts to the dealing hands according to the subjects allotted to each.
- (d) Hand over the dak to the diarist for diarisation.

The receipts kept and dealt by the Branch Officer/Section Incharge himself will be got diarised in the section concerned at personal level for record and entering disposal in the Section diary.

#### **11.6.5 Diarising of receipts**

(a) The general diary register (Register of ordinary references) of the Department/Section will be in the form the given in para 13.1.1 of Chapter XIII.

(b) In order to enable the Section-in-charge and Branch Officer to keep a check on immediate, time-bound and other important letters received and lying un disposal, a separate register of such reference (Register of immediate references ) should be maintained in every branch in the form give in para 13.1.2 of Chapter-XIII. This register is to be separate from the general diary register.

(c) The dates of final disposal in column 7 in both the registers will be indicated by the dealing hands to the diarist and the entries duly initialed by them, after action on the receipts has been completed. A reference put up for interim information or an interim reply to it will not be its final disposal. It will be considered to be finally disposed off after action on all the issues contained therein has been completed and orders of the Section-in-charge obtained to this effect. Till such time it will figure in the Section Dairy and in the Assistant Diary as pending final disposal.

#### **11.6.6 Categorisation of letter by Section-in-charge**

The Section-in-charge may, mark letters as 'important' or 'Time bound' (as the cases may be), in addition to Categorisation as immediate, Urgent and Ordinary, on the basis of such factor as the following:-

(a) (i) In case of 'Time bound' references a certain time-limit or a dead-line is fixed by the higher authority for getting a reply. The inclusion of these time-bound references in the separate register as mentioned in 11.6.5(b) will enable the Section-in-charge to keep a track of all such cases so that it can be ensured that a reply is issued by the due date.

(ii) 'Immediate' receipts are of extra-ordinary urgency which requires instant attention of the person to whom these are addressed or marked. 'Urgent' receipts require attention without delay. The remaining will fall under the head 'Ordinary'.

(b) The classification of the receipts as 'Immediate' 'Urgent' and Ordinary should be done properly. In this, the Section-in-charge will be well advised to form their own judgment rather than to go by the wording or the references. The label 'Immediate' should be used very sparingly.

(c) 'Important' refers to the contents of the reference without relation to the time factor. Such references will include communications involving matters of policy, cases involving decisions having far reaching implications or wide applicability, law suits, amendment or rules etc. The inclusion of such references in the special register will enable the section-in-charge and the Branch Officer to ensure that these important communications are receiving proper attention. all letters received from the Government of India requiring action should be treated as of 'Important' nature and accordingly entered in the separate register. However, such receipts will also have to be classified as 'Immediate', 'Urgent' in the same manner as in respect of 'Time-bound' references.

#### **11.6.7 Diarising of Receipts and Distribution.**

(a) The Section-in-charge will classify all the letters on receipt of dak, for diarising either in the general diary register or immediate/Important receipts. The diarist will, thereafter diarise all the receipts according to this classification and enter them in the respective registers. When diarising he will comply with the following:-

- (j) Receipts bearing priority marking will be separated from the other dak and attended to first and diarised in Register of 'Immediate References' and others in the Register of 'Ordinary References'.
  - (ii) Receipts missent to the department will not be diarised but returned promptly to the department concerned.
  - (iii) Communications from the Government of India will be entered in the register in red ink.
- (b) After diarising, the Diarist will distribute the receipts to the dealing hands concerned. The diarising and distribution of dak should be done on the same day the dak is received by the diarist.

#### **11.6.8 Types of receipts which should be diarised**

The following types of receipts should also be entered in the diary register, besides and receipts indicated in para 11.4 (g)

- (a) all communications received from outside the department including un-official reference received from other departments of the Secretariat, Heads of Departments and other offices;
- (b) all independent notes received from any Minister or office;
- (c) extracts from notes retained from the files, or from the minutes of the meetings, tour notes, inspection reports etc. on which action is necessary.

#### **11.6.9 Receipt of Inter-Departmental references**

Papers received un-officially from other departments/offices and to be returned in original and all files received from outside will be submitted in dak to the officer concerned as in the case of other dak. These are to be diarised in a separate register called 'Register of files received unofficially' as per form given in para 13.1.6 of chapter-XIII.

Likewise all files sent to other Departments are to be entered in a Register called "Register of files issued unofficially" as per form given in para 13.1.6 of chapter XIII.

#### **11.6.10 Note Book for important receipts**

- (a) dealing hands, Section-in-charge and higher officers, will keep a note in their engagement lists or in a similar note book, of important receipts requiring prompt action or on which action is required to be completed by a specified date.
- (b) If the Minister or higher officer has indicated action on a receipt by a specific date, the subordinate officers, Section-in-charge and the dealing hands will ensure that the action is taken by that date and intimation sent to the quarter concerned.

#### **11.7 Scrutiny of the Diary Registers**

- (a) The diarist will be responsible for the proper maintenance of the diary registers. The Section-in-charge will scrutinize the general diary register at least once a week to see that it is properly maintained and the distribution and the issue of the receipts is done promptly. the section-in-charge will initial the diary register with date, after the scrutiny.
- (b) The register maintained for 'Immediate' Important' receipts, will be put up by the Diarist to the Section-in-charge, daily. The Section-in-charge will ensure that all such cases have been duly put up by the dealing hands in time. In case where the files have not been received back from the higher authorities by due dates, a note should be sent to their personal staff listing the file number and date of submission of the pending cases.

(c) It would be primarily the responsibility of the Section-in-charge of the branch concerned to keep track of the disposal of all receipts whether 'Immediate', 'Urgent' or 'Ordinary', in order to ensure that all the receipts have been disposed off by the dealing hands within the time-limits fixed. The Branch Officer is responsible for ensuring that this task is regularly and effectively performed. Any negligence or carelessness on the part of the Section-in-charge in discharging this responsibility should be viewed seriously.

## Chapter XII

### DEALING OF RECEIPTS, NOTING AND DRAFTING

#### 12.1 Instruction

Every organized system has its own method of information generation, transmission and processing. Well managed systems are able to handle larger volumes of data more quickly and more effectively and this enables the generation of better and better information. In Government, the methods of information generation, transmission and processing are changing slowly but correspondence through letters still remains the most utilized form of transmission of information. In this Chapter the method of processing papers in Government offices, and various forms of correspondence are elaborated.

#### 12.2 Preliminary action on a receipt

As soon as a dealing assistant receives the dak (receipts) duly diarised, he is required to take the following preliminary steps before actually processing the papers:-

(1) Go through the receipts and to check that:-

(a) all receipts given to him actually pertain to the work assigned to him. If any receipt has been erroneously marked to him and does not pertain to his seat, he will bring the matter to the notice of the Section Officer/Superintendent for marking to the concerned dealing assistant to whom the receipt will be passed on through the section diarist;

(b) all enclosures to the receipts are there and if any enclosure is missing, steps should be taken to ask for it from the sender; and in case the sender is in the same station, he should be contacted telephonically as well;

(c) the communications are duly signed and if any letter is unsigned, it should be sent to the sender for proper signatures; and

(d) all the communications and their enclosures are legible and in case any page is illegible, then a legible copy of the page should be sent for immediately.

(2) after action as at 1) above is completed, the dealing assistant will enter all receipts in the Assistant's Diary Register (For format see para 13.1.3 of Chapter XIII).

(3) Separate the Immediate/Urgent receipts from the ordinary receipts for being dealt with in accordance with the priority assigned to them.

(4) Bring the receipt on to the current file on the subject if one already exists and if not, open a new file in the file opening register (see para 13.1.4. of Chapter XIII for format) with the approval of the Section Officer. Due care has to be exercised to ensure that new files are not opened unnecessarily. At the same time the practice of dealing all kinds of receipts on 'miscellaneous' files must be avoided.

(5) See whether any other section of the same Deptt. or a different department is concerned with any part or aspect of a receipt. a copy or relevant extract is to be immediately sent to the concerned Section/Deptt. for necessary action through a U.O. reference under signatures of the Section Officer/Branch Officer

(6) Place in the current/new file the receipts in accordance with the procedure prescribed in para 9.3 of Chapter IX. All receipts will be placed inside the file cover.

(7) Assign the receipt numbers and page numbers to the receipts in the current/new file in accordance with para 9.5 of Chapter IX. While doing so he should check and ensure that the page numbering and serial numbers of earlier receipts are complete and proper referencing has been done.

- (8) Mark all relevant references (including the page number of the original letter to which this may be a reply) referred to in the receipt. He will also, in case the receipt is in reply to an earlier letter issued from the section, write on that earliest letter's reply received of date \_\_\_\_\_ at p. \_\_\_\_\_/c.' This cross referencing will facilitate the linking of the various items of correspondence relating to the case.
- (9) Trace and locate all other relevant files required to deal with the receipt, whether current or recorded, with the help of the file opening register (para 13.1.4) and register of recorded files (para 13.1.20 of Chapter XIII).
- (10) Collect all relevant reference books, Acts, Rules, Regulations and instructions required for dealing with the receipt.
- (11) Finally, arrange, reference and flag the papers in accordance with paras 9.4 to 9.6 and attach label of urgency as per para 9.7 of Chapter IX, wherever required.

### **12.3 Compilation of data for dealing a receipt**

(1) In all cases where some data, statistical or otherwise is required for dealing with a receipt, the dealing assistant will compile all necessary data if already available with him or in the section. In case the relevant data is not available, then the dealing assistant will immediately take steps to send for the data from the concerned Department by making a reference. While sending a communication asking for data, it should be ensured that a format is devised for the desired information so that correct and uniform information is received and compiled. He should at this stage also consider whether this information is likely to be required periodically and regularly and frame the communication accordingly for the approval of the higher authorities. The information should be compiled immediately of receipt so that finalization of action on the receipt is not delayed.

At the same time the practice of repeatedly asking for the same data from the Directorates / Subordinate offices every time it is required should be avoided and data/information should be located from the records maintained in the section. For preservation of essential data/statistics, computers may be made use of by the sections where this facility has been provided.

(2) For dealing certain receipts, detailed history of the facts might be required to be prepared for proper appraisal. In such cases, the entire relevant facts i.e. background of the case, issues involved, provisions of the Acts, Rules, Manuals, instructions, precedents etc., which will facilitate a decision of the receipt should be outlined in chronological order in the form of an Appendix to be linked with notes and to be termed as "Appendix to Notes". The Appendix should always be kept upto-date by adding subsequent decisions/events as a ready reference for dealing future case. Now that computers are being introduced in offices, it is suggested that the 'Appendix to Notes' be kept in the computer and updated from time to time by the dealing hand under the supervision of the Superintendent/Section Officer. This can save a lot of time in preparing notes afresh, especially in complicated and lengthy cases.

(3) The Acts, Rules, Regulations, Manuals, Standing Guard Files, Precedent registers and instructions required to be referred to should be thoroughly studied and it should be ensured that only relevant and to the point provisions are referred to.

### **12.4 General Instruction regarding noting**

#### **12.4.1 Where applicable**

The procedure of submitting the receipts with notes is prevalent in the Secretariat, Directorates, Commissioner's offices and Collectorate. In the other field offices the procedure of submitting cases with notes is generally not applicable, but in certain cases this method of submitting receipts with notes is usefully applied, especially in complicated cases requiring detailed consideration with reference to the cases of the cases, relevant provisions of the Acts, Rules, Manuals and instructions etc.

### **12.4.2 Utility of noting**

Noting on any receipt/case facilitates quick and reasoned decision making. The Noting covers all aspects of the case, issues involved, statutory provisions, suggestions etc. and all these points enable the competent authorities to arrive at a decision after due consideration. In the Secretariat, before taking a final decision it might be necessary to consult the Finance, Personnel and Law Departments and the noting make such consultations easy. Final decisions after all codal/procedural formalities are also taken on the noting portion of the files. The noting portion of the file is thus a record of the 'thinking process' involved in taking decisions, and reveals the reasons for a decision or the background to a decision which may not be apparent from a bare reading of the communication of the decision itself.

### **12.4.3 Types of Noting**

#### **(a) Simple Notes**

In the following cases detailed notes are not required to be written by the dealing hands while submitting receipts:-

- (i) Where certain information is to be collected for preparing data for the submission of a complete case;
- (ii) The receipt is only of informatory nature;
- (iii) Where certain copies of documents/letters have been asked for and are proposed to be sent or any reply in this regard is proposed to be sent;
- (iv) Where no policy decision is involved and the position is sought to be clarified in regard to any matter for which clear provision exists in the Act, Rules, Manual or instructions etc;
- (v) Where certain documents/instructions/Rules issued by any Deptt. of the State Govt. or any Ministry of the Central Govt. are proposed to be further circulated;
- (vi) Where an signed communication has been received or enclosures have not been received and the same is to be sent for signatures of enclosures;
- (vii) Where any factual position or data is to be sent and no issues are involved;
- (viii) Where a regular return/statement of facts is to be sent and the attention of higher authorities is not required to be drawn to any specific item of the return / statement;
- (ix) Issue of reminders;
- (x) Submission of minutes of a meeting; Mere acknowledgement of a communication;

#### **(b) Detailed notes**

The dealing assistant is required to write detailed noting in the following cases:-

- (i) All cases requiring new policy decision;
- (ii) All cases requiring formulation of new Acts, Rules, Manuals, instructions etc.; or amendments/modifications thereof;
- (iii) All cases seeking amplification or clarification about Acts, Rules, Manuals or instructions, where the existing provisions are not sufficiently clear;
- (iv) Cases seeking relaxation of the provisions of the Acts, Rules, Manuals, instructions;
- (v) All complicated cases (including establishment matters, financial matters and schemes and programmes);
- (vi) All cases requiring decision /orders of the competent authorities especially where such decisions/orders depend on the facts of the individual case;
- (vii) Cases requiring consultation with the Finance, Personnel and Law Departments.

The method for writing detailed notes is expanded in the following paragraphs.

#### 12.4.4 Initiation of noting

(a) Before initiating any note it has to be ensured by the dealing assistant that the filing of papers, arrangement of papers in a case, referencing and linking of files is in order as per paras 9.3 to 9.6 of Chapter IX. After this action is completed, the dealing hand will write all particulars of a receipt on the noting portion in the following format in red ink:-

S.No. \_\_\_\_\_ (R) Dy.No. \_\_\_\_\_ Date \_\_\_\_\_ Page Nos. \_\_\_\_\_ P.U.C./F.R  
Letter No. \_\_\_\_\_ dated \_\_\_\_\_ from \_\_\_\_\_

S.No. and pages Nos. are to be as per placement of the PUC /F.R in the correspondence portion of the file. In case more than one receipt is to be submitted at a time, then the P.U.C./F.R. number should be indicated as P.U.C.-I, P.U.C.-II or F.R. -II etc.

(b) If the Governor, Chief Minister/Minister/any officer has made any observations on the receipt at dak stage, these should be copied out on the note-sheet with designation and date, while initiating the note.

(c) In cases where submission of receipt has been inordinately delayed, the dealing assistant should, while initiating the note, provide an explanation for the delay.

#### 12.4.5 The Noting

(a) In cases where detailed noting is not required to be written [see para 12.4 (3) (a)], the dealing assistant will write a very brief note of a line or two about the receipt and add the draft wherever required. If the receipt is self explanatory and no policy, precedent, or new decisions/orders are needed, the dealing hand will simply state,

“The receipt (P.U.C. /F.R.) is self explanatory. Draft reply is added”.

In cases where a receipt requires collection of certain information / data, the dealing hand will simply write:-

“Draft asking for certain information/data is added”.

In cases where certain circular/copy of rules/instructions is to be circulated, the dealing assistant will write:-

“Draft for circulating the receipt to all concerned is added” etc.etc.

(b) While writing notes, it has to be assumed by the dealing assistant that the paper Under Consideration/Fresh Receipt and the previous notes and references will be read by all concerned superior authorities. Accordingly the dealing assistant only need refer to the para number of the P.U.C./F.R. or the serial number of the previous notes. Reproduction of extracts of the P.U.C./F.R. or earlier notes on the noting portion is unnecessary.

(c) In all cases where the old history or facts are required to be referred to, the dealing assistant will ensure that detailed history/facts of the case in the form of a running summary duly referenced is compiled in the form of an Appendix to Notes and while writing the note, reference should be made only to the Appendix to notes. This practice will save time in preparing notes, as well as make available a concise summary of history/facts to superior officers at all times at short notice. (However also see f (xi) below)

(d) The note should always be concise and to the point. Repetition of factual position or verbatim reproduction of extracts of the receipt or any other –part of the correspondence or earlier notes is to be avoided, though summarized facts of the issues involved may have to be stated.

(e) In matters requiring new policy decisions, formulation of Acts, Rules, Manuals or instructions or amendments thereof or complicated cases requiring decisions/orders of the competent authorities or requiring consultation with the Finance, Personnel or Law Department, the note should consist of the following:-

- (i) Brief back-ground of the case on the noting portion itself or in the form of an Appendix to Notes, but duly referred to in the note;
- (ii) Factual position;
- (iii) Issues involved or points for consideration;
- (iv) Factual position about the issues/points with reference to Acts, Rules, Manuals and instructions;
- (v) All possible alternative solutions;
- (vi) What solution seems to be most appropriate with reasons for such a choice with reference to reasons for rejection of other alternatives;
- (vii) The suggested course of action for the proposed solution and the method /procedure required to be followed for finalization of the said course of action.

(f) While writing notes, the following points should be kept in view and strictly adhered to:-

- (i) All paragraphs in the note-sheet should be numbered consecutively in ink in the margin
- (ii) In the margin, nothing except the Note No. and the identification of flags should be written. Two centimeters of space should be left on the top and at the bottom of the note sheet. A note continued on to a new leaf/side should mention 'continued on page\_\_\_\_\_/overleaf on the previous leaf/side, and "continued from page\_\_\_\_\_ /overleaf " on to the new leaf/side, as the case may be, so that the continuity of the note is not lost.
- (iii) The notes should be properly referenced. The number and date of every communication referred to in the notes should be quoted in the notes with file No. and page No. The flags in the linked file(s) should be indicated in the margin in pencil.
- (iv) Relevant lengthy extracts of a rule or instruction should be added on the file and attention to it drawn in the note rather than reproducing the relevant provisions in the note.
- (v) If a paper under consideration raises several points requiring detailed examination and separate respective orders, then each point of group of related points should be noted upon separately in the note of the dealing assistant so that clear orders are passed on each point or group of points.
- (vi) All notes should be written in the third person.
- (vii) The language in the note should always be temperate, polite and courteous. It should be free from personal remarks. In case any contradiction, error or mis-statement is to be pointed out, care should be taken to couch the observations in a respectful manner.
- (viii) The use of abbreviations which are un-common should be avoided. In case such and abbreviations has to be used because it occurs several times in a note, the expanded form should be given the first time with the abbreviation in brackets.
- (ix) a simple or short word should be preferred to a long phrase or difficult word. For instance instead of writing the words " make the assessment" we can better use the words " assess" and instead of the words " make enquire" use the word " enquire" and instead of the words "Building purpose" use the words "for building" etc. etc.
- (x) Short sentences should be preferred to long ones.
- (xi) In all cases where it is anticipated that the file will reach the level of the Secretary or Minister of higher, the note should always be self contained

avoiding as far as possible references to previous notes or correspondence. In case the previous notes or correspondence is to be referred to, then a summary of the matter should be given for taking a clear and quick decision .

- (xii) At the concluding portion of the note the dealing assistant should summaries his suggestions and also states the level to which the file is to be submitted in accordance with the provisions of the Rules of Business of the Govt. of Himachal Pradesh, 1971 and the standing Orders issued under Rules 26 and 27 thereof.
- (xiii) The concluding portion of the note should not end at the bottom of the note sheet. If the dealing assistant apprehends such a situation, then he should take over the last line to the next page, so that there is sufficient space left for the Supervisory Officers to write their notes etc.
- (xiv) At the end of the note, the dealing assistant is required to sign the note on the extreme left part near the margin. The signatures have to be in full and not merely with initials. The date is also to be recorded below the signatures.
- (xv) Two extra blank note-sheets should be added to the noting portion after completing the note.
- (xvi) After the dealing hand has completed the note in the above manner, he has to mark the case to the next higher level authority on the left hand side just below his signature.
- (xvii) Lastly, the noting portion should be covered in the file cover of Notes and the entire file alongwith the correspondence portion, Appendix to Notes, Appendix to correspondence, standing guard files, precedent register, Acts, Rules, Manuals and recorded files etc. should be added with the case in the manner indicated in para 9.4 of chapter IX and case sent to the higher level authority, as per marking.

## **12.5 Drafting**

### **12.5.1 Meaning**

Drafting is the process of formulation of decisions and orders in written form for commutation to those concerned. When a case comes back from the authorities with decision/orders passed upon the notes, then the next step is to convert the decision/orders into the form of an official communication. This is known as drafting. The importance of drafting lies in the fact that while noting is an internal process of a Department (and thus not so open to outside scrutiny) the final draft which issued is generally a document conveying to others, a decision , views or orders. As such it must be clear and unambiguous. It must faithfully convey the letter and spirit of the decision taken through the noting process. And finally, since the decision or order may have to stand the examination of the Court as well as the legislature (or its Committees), the drafting must be in language not capable of misconstruction.

### **12.5.2 Stage of preparing /adding a Draft**

(a) in certain cases where the final result, offers or decision is normally anticipatable or the action to be taken is obvious, a draft may be put up by the dealing assistant initially while submitting the case. Accordingly in case where the dealing hand thinks that the action proposed by him is clear and no new decision is necessitated, he may add the draft alongwith his note to facilitate expeditious disposal. Further in cases of a routine nature such as sanctioning of leave, General Provident Funds, reminders etc, where standard forms of communication are to be used, the dealing assistant may add the fair copies of the communications for expediting action.

(c) In cases where the final outcome i.e. the decision/orders is not precisely known, then a draft has to be added immediately after the case is received back with decision/orders. The draft in all such cases should conform to the decision/orders of the competent authority. The dealing assistant has to ensure timely re-submission

of the case with the draft. The draft will be initialed by the dealing assistant below the designation of the authority under whose signatures the draft is to issue. On approval of the draft, with or without changes, fair draft will be put up for signatures. The use of computers for preparing drafts can save time and labour.

(c) For sending periodical statements /information, drafts may initially be added in fair. In cases where a draft is of importance, a type written draft will be submitted by the dealing assistant where possible.

(d) The officer approving the draft for issue has to append his initials with date on the draft. The enclosures to the draft also need be initialed by the officer approving the draft.

(e) The draft approved by the officer is to be retained on file alongwith the office copy of the fair communication.

### **12.5.3 Time allowed for drafting**

Ordinarily not more than two days are allowed for preparing the draft and resubmitting the case file for approval of the draft. This time period is to be reckoned with reference to date of receipt back of the file in the Section and receipt of file with draft by the officer competent to approval the draft. In urgent and immediate cases, however, only one day is allowed, and in time-bound matters, the draft is required to be prepared immediately on receipt back of the file.

### **12.5.4 Fixing of a time limit for a reply**

If a communication to be sent to an office requires a reply, a time-limit for the reply should ordinarily be specified in the draft. The time allowed will depend largely on the nature of the communication, the nature of the information sought for and the target-date for supply of the information to the concerned quarters. Unless there is pressing need for collection and submission of the information sought for, the time limit should be allowed generously keeping in view the minimum time required by the concerned office to collect information from the field offices etc. , if involved , in the process of collection necessary data etc.

### **12.5.5 Flagging, referencing and placement of drafts**

(a) The draft when complete is to be flagged at the top with “draft for approval” or “D.F.A.” flag with a pin. Printed flags, if available, may be used, otherwise flags of normal size can be prepared and “D.F.A.” typed on it,

(b) All communications/ references referred to in the draft are to be referenced in the draft in ink indicating clearly the page number of the current file or the close files. The page number of current file is to be indicated by the letter “C”. For example, if page 50 of the current file has to be referred in the draft then the words “50/c” are to be used. In the case of closed or other linked files, the page No. and file No. are both to be clearly stated.

(c) The draft duly prepared, flagged and referenced is to be placed on top of the file cover containing the correspondence portion and on the noting portion brief note saying “D.F.A. added/ placed below” is to be recorded and file submitted to the section Officer/Superintendent for further submission of the case to the Branch Officer. After issue of the fair draft the office copy together with the draft are to be placed inside the current file and serial number (consecutive number) and page number (consecutive number) should be given in red ink on the office copy of the draft. Then on the note sheet cross reference should be made by writing S. No.\_\_\_\_(1) Page Nos.\_\_\_\_ issued on \_\_\_\_.

(d) As and when a reply is received, a note below the letter to which it is the reply should be recorded as ‘reply received on (date)\_\_\_\_\_ at P \_\_\_\_\_/c’. By cross referencing in this manner, it is easy to trace out replies to letters issued from the file.

### 12.5.6 General instructions for drafting

While preparing the drafts, the following guidelines should generally be kept in view:-

- (i) In simple and straight-forward cases or those of repetitive nature, standard forms of communication should be got approved and used rather than attempting a draft in each case. Such cases may be submitted to the appropriate officer with fair copies of the communication for signature;
- (ii) A draft should carry the message sought to be conveyed in a language which should be clear, concise and incapable of misconstruction;
- (iii) A draft should contain simple sentences in simple language. It should be broken up into paragraphs wherever required for easy reading, and the paragraphs should be numbered;
- (iv) Lengthy sentences, abruptness, redundancy, circumlocution, superlatives and repetition of whether words, or observations or ideas should be avoided ;
- (v) Use of slovenly or colloquial words in the draft is strictly forbidden. The language of the draft should be courteous, temperate, polite and free from personal remarks or insinuations;
- (vi) As far as possible, the subject should be mentioned in communications at the top in a manner to give the reader an immediate idea of the content of the letter;
- (vii) Official communications emanating from a Department of the Govt. and purporting to convey the views or orders of the Govt. must specifically be expressed to have been written under the directions of Government. Examples of such communications are "I am directed to say ----" or "The undersigned is directed to say/convey ---". This requirement does not; however imply that each communication should start with such phrases which have the effect of distancing the communicator from the reader at the very outset. For instance, a variation of the phrase can be added to the operative part of the letter towards the end as under:-

“:---I have the pleasure to inform you that the Government, on re-consideration of the matter, has decided to sanction an additional grant of ---”

OR

“--- In the light of the above developments Government convey its inability to accede to the proposal”.

- (viii) Communications of some length or complexity should generally conclude with a summary and /or one or two examples. Such communication should invariably be broken up into convenient paragraphs each dealing with one point of the issue;
- (ix) The number and date of the last communication in the series and if this is not from the addressee, his last communication on the subject should always be referred to. This is essential so that the addressed can locate the case file easily. Where it is necessary to refer to more than one communication or a series of communications, this should be done in the margin of the draft;
- (x) in many offices, in addition to giving the subject at the top of the reply letter, the reference e.g.'Ref: Your letter No. \_\_\_\_\_ dated \_\_\_\_\_' is also given at the top, just below the subject. This makes it easy for all concerned and should be adopted where possible;
- (xi) In the case of the Govt. Orders, Resolutions, Notifications or communications containing policy directions taken in continuation of or in supersession of an earlier similar communication, to ensure that no link in the chain of such communications is missing and that the addressees are aware of all previous letters on the subject, it is preferable to write in the margin below the main letter, the reference of all such communications by writing "In this context also read the earlier communications as under:-

- (i) Ref. No. \_\_\_\_\_ dated \_\_\_\_\_
- (ii) Ref. No. \_\_\_\_\_ dated \_\_\_\_\_ etc.”

- (xii) All draft to be put up on a file should bear the file number which will ultimately be the number of the communication followed by dispatch number of the Section;
- (xiii) The draft should clearly indicate the enclosures which are to accompany the fair copy. Short oblique lines should be drawn in the margin at appropriate places of the draft where the enclosures are referred to be sent with the communication. This serves as guidance to the typed and the comparer who will also mark short oblique on the fair copy so that the dispatcher does not omit to send the enclosures. The number of enclosures is also to be indicated at the end of the draft on the bottom left of the page as for example "Encl.-3";
- (xiv) If copies of the enclosures referred to in the draft are available and are, therefore, not to be typed, an indication to that effect should be given in the margin of the draft below the relevant oblique line;
- (xv) The nature of urgency such as "Urgent", "immediate", "Priority", "Assembly Business" is to be indicated in the draft at the top right, duly underlined;
- (xvi) If the communication to be sent by post is important (e.g. a notice canceling the license or withdrawing an existing facility or a valuable document such as an agreement, service book or a cheque) then instructions as to whether it should be sent through registered post or in an insured cover or under a certificate of posting should be given on the draft on the top right below the urgency marking, if any, duly underlined;
- (xvii) All urgent communications meant for offices located in areas which are cut off during winter should be sent through E-mail, wireless or tales if such facility is available there;
- (xviii) The name, designation and telephone/PBX number of the officer, over whose signature the communications to issue, should invariably be indicated in the draft, below the designation of the officer signing the communication;
- (xix) While writing or typing a draft, sufficient space should be left in the margin and between successive lines to facilitate corrections/additions or interpolation of words, if any, by superior authorities;
- (xx) The draft should be as brief as is consistent with clearness and completeness. As a rule, the notes will show the outline of the reply and to what extent it is intended that a detailed discussion of reasons or of the history of the case should be embodied in the draft. Where such details are given, the draft should adhere, as far as possible, to the actual wording of the note, but while preparing the draft, extracts as such, of the notes leading to a decision are not to be reproduced in the draft;
- (xxi) Wherever sums of money are mentioned in draft, the amount should be indicated in both figures and words, and works, the words following the figures within bracket as for example; Rs.5,000./.- (Rupees five thousand only);
- (xxii) All orders and other instructions made and executed in the name of the Governor should be made in his name in the drafts. Care should also be taken that such orders and other instruments are signed by an officer having regular or ex-officio Secretariat status of or above the rank of Under Secretary or other officer specifically authorised to authenticate such orders and instruments under Rule 11 of the Rules of Business of the Government of Himachal Pradesh, 1971;
- (xxiii) Where the power to make Orders, Rules, Notifications, instructions etc. is conferred by a statute on the State Government, such Orders, Rules, Notifications, instructions are to be expressed to be made/issued in the name of the State Government, while preparing drafts; and
- (xxiv) The draft is to be approved by the authority competent and authorised to issue the draft under his signatures and in token of his approval the concerned officer has to append his date initials on the draft.

## **12.6 Issue and Action thereafter**

### **12.6.1 Issue**

The term "Issue" as defined in para 1.2 (18) of chapter 1 is used to signify the different stages of action after approval of a drafts ending with dispatch of signed communication to the addressee namely, typing of a fair copy the examination of the typed material, attaching enclosures, submission of the fair copy for signatures and the despatch of the communication to the addressee. The procedure given in this para relates only to the issue of files and papers other than those bearing security markings.

In every Department /Office there is usually a Cell for typing and despatch of letters. is called the "the issue Cell or Section" In many Departments typists have been provided in the Sections itself with a separate Cell for despatch only called Despatch Section, as in the Secretariat.

### **12.6.2 Marking of files for issue.**

- (1) After ad draft has been approved, the section-in-charge will mark it for 'Issue' and return the file along with the draft to the dealing hand through the Diarist. Except when it is necessary to send the whole file for preparing copies of the enclosures, etc, the dealing Assistant will remove the draft and send it to the typist without the file.
- (2) Before marking a draft for issued, the section-in-charge will see that the draft is ready for issued and any instructions issued by the higher officer for completing or modifying the draft have been carried out.
- (3) When a draft has been extensively altered or is otherwise not very legible, it is necessary to keep a typed copy as an office copy. The Section-in-charge will give directions to this effect on the draft. He will also indicated the number of spare copies required, if any. When a typed office copy is retained, all references will be given on it, as in the case of a draft.
- (4) If any paper is to be issued under registered post or insured cover or Under Postal Certificate or as Express Delivery, instructions will be given to the issue Cell. Legal documents, negotiable instruments, other original documents cheques, bills, agreements, service books, notices, orders etc., delay in the receipt of which is likely to cause embarrassment or loss to Government or any other valuable documents, should be sent under registered post acknowledgement due and where necessary, under an insured cover.
- (5) In the case of a communication sent by registered post acknowledgement due, the number and date of communication will be written on the acknowledgement card to facilitate its prompt filing on receipt back from the addressee.

### **12.6.3 Distribution of work among typists**

- (1) The In-charge will distribute work among typists as evenly as possible. The details of the work allotted to each typist in the form of letter No. and pages will be entered by the In-charge in a register. Each typist will maintain a daily log book where he will enter details of work allotted to him and completed by him. At the end of each day the typist will report to the In-charge about the work with priority marking pending with him.
- (2) The standard of output for a typist is 25 pages, each of 300 words per day. This should be strictly adhered to.
- (3) Typing of Draft with priority marking will be taken up first.
- (4) Fair copies of all communications will be typed in the appropriate prescribed form of suitable size leaving proper margins. Printed forms will be used as far as available and suitable. Both sides of the forms or papers will be used. Half-sized forms will be used for small letters.
- (5) Fair copies will generally be typed with single spacing.
- (6) A stencil may be put, typed, when more than two impressions of a communication are required or the communication is so lengthy that it will be very arduous to type more than one impression.
- (7) The typist should typed, his initials with date at the left hand bottom corner of a fair copy.

#### **12.6.4 Comparison**

As soon as the typist has finished typing, he should pass on the draft to the dealing hand (through the In-charge of the type-section) who will, if necessary with the help of another hand, compare it with the draft. The dealing hand will initial (with date) the draft just below the typed designation of the officer as a token of his having checked the fair copies. He will then attach enclosures, if any.

The work of comparison will be performed by the comparers, wherever these posts have been provided, otherwise the dealing assistants will do comparison work themselves.

#### **12.6.5 Submission of fair copies for signatures**

- (1) The dealing hand will send the fair copies complete with enclosures together with the office copy of the approved draft placed on top of the file in signature pad to the officer concerned for his signatures. Officers will give the signature pads the highest priority. Private Secretaries, personal Assistants and Stenographers will treat the pads moving up and down as "Immediate". In order to cut short the delay in un-necessary vertical movement of the files in routine matters where the draft has already been approved by a senior officer and is to go to a lower level, the fair copy may be issued by the section-in-charge under his own designation and signatures below the following stamp affixed at the end of the letter when should contain the words "Sd/-" above the designation of the officer who has approved the draft:-

"Authorised to issue"

- (2) The office signing a financial sanction should be careful to sign in ink the copies to be forwarded to the Accountant General. Ball pen signatures or cyclostyled signatures is not acceptable to the Audit. Similarly, the copies of notifications of appointments, leave, transfer, etc, communicated to the Account General or Controller/ Joint Controller/Deputy Controller /Account Officer, Finance & Accounts posted in the Departments which serve as the basis for issue of pay-slips should be signed in ink.
- (3) On return of the signature pad, the dealing Assistant will see that the fair copies have been duly signed by the office and that corrections, if any, made by the officer while signing are carried out in all the copies ( including the spare copies). He will date both the fair copy and the draft office copy on the day on which they are actually issued. If the fair copy already bears a date on which it could not issued, the date should be corrected by scouring out the earlier date, and recording the date of its actual despatch. He will then pass on the signed fair copies, to the Diarist and will replace the office copy in the file.

#### **12.6.6 Despatch by the Section**

- (1) On receipt of the fair copies for issue, the diarist will separate the communications to be dispatched through the Despatch Section from those to be delivered by hand through peons of the Department. The communications to be sent by post or to the addressees accommodated away from office will be sent to the dispatcher. Urgent communications to the local addressees may, however, be delivered direct to avoid delay.
- (2) The communications to be despatch through the Despatch Section will be entered in the Peon Book in the form given in para 13.1.15 of Chapter XIII and sent to the Despatch Section.
- (3) The letters which are required to be issued urgently through the Despatch Section should bear the slip "URGENY" or "IMMEDIATE" or "OUT-TODAT" so that the Despatch Section can distinguish between ordinary and urgent letters.

- (4) To help expeditious issue of authorities, etc. by the Accountant General, the sanctions should be flagged or marked as "Authority Involved" so that such sanctions can be separated from other letters for immediate action.
- (5) Standing mailing lists will be maintained for different types of circulars for general interest.
- (6) When an enclosure is to be sent separately, a note to that effect will be made on the communication (both fair and office copy). The enclosure will contain a slip indicating the number and date of the communication to which it relates.

#### **12.6.7 Issue of files un-officially**

- (1) When a departmental file is to be sent outside, the Diarist will make an entry in the File Movement Register as well as the Register of Files Issued Un-officially. For form see paras 13.1.5 and 13.1.6 of Chapter XIII.
- (2) The Diarist will enter the files in a Peon Book and arrange their despatch in the same manner as for despatch of local dak.
- (3) In the case of files belonging to other Departments the Diarist will mark the date of return in the Register of Files Received Unofficially; For form see para 13.1.6 of Chapter XIII.

#### **12.6.8 Issue of dak by officers**

To expedite issue of urgent dak, the officer may issue it direct to the Ministers, Officers and Departments concerned through a Peon Book. It is important, however, that whenever such direct issue by the officer is made, a proper record is maintained so that the movement of the dak can be traced out easily. The record of such issue should be maintained in a Peon Book.

#### **12.6.9 Action after Issue**

After the fair copies are made over to the Diarist for despatch, the dealing hand will replace the draft on the file in the appropriate place i.e. , end of the correspondence part of the file and assign it serial number and page numbers. The dealing assistant will record the following entry in the noting portion:-

"S.No \_\_\_\_\_ (1) page (s) \_\_\_\_\_ issued on \_\_\_\_\_."

The dealing assistant will thereafter take the following action as appropriate:-

- (a) If the communication issued constitutes final disposal of the "Paper Under Consideration", the file will be marked for record in accordance with the procedure laid down in para 18.7.3 (b) of Chapter XVIII. For correct understanding of the term "final disposal". Para 1.2 (16) of Chapter 1 may be perused.
- (b) Cases which should be seen by higher officers for information or for confirmation of the action taken will be sent to them.
- (c) Cases on which further action is necessary in continuation of the action (for example, on side issues etc. ) will be resubmitted to the officer concerned.
- (d) Cases in which replies are expected to the communications issued or in which action be taken after a certain period will be arranged in the racks or almirahs at one place marked "Suspense".
- (e) The receipts for acknowledgement due will be filed in properly.
- (f) When a communication is required to be printed in the gazette or in a newspaper, the printed copy indicating the date and number of issue in which it has been printed will be paced on the file with proper referencing on the office copy of the communication.

#### **12.6.10 Despatch by the issue Section:**

(1) As far as possible, a Despatcher will issue the papers on the same day. In no case will he detain any outgoing communication for more than a day without prior permission.

(2) He will separate the communications to be sent by post from those to be delivered by hand. The communications which are to be sent by post will be entered in the Despatch Register.

(3) He will further ensure that:

- (a) ordinarily covers are not used for inters-departmental communications unless they are to be dispatched by post or are marked "Secret" or are addressed to an officer by name;
- (b) as far as possible, all communications intended for the same addressee are placed in a single cover;
- (c) covers of suitable size only are used;
- (d) economy slips are used for all covers containing non-confidential communications except when the contents are bulky or when it is proposed to send the cover insured (these slips should not be used for covers addressed to members of the public or private bodies);
- (e) the number and date of the communications are written on each cover;
- (f) obsolete forms and discarded one-side printed or duplicating paper etc., may as far as possible be utilized for making envelopes.

(4) **Despatch by post**

- (a) Each Department will maintain a Despatch Register in the form given in para 13.1.16 of Chapter XIII. Communications to be sent by post will be entered in it after giving the despatch number.
- (b) Telegrams will be entered in red ink and the time of despatch noted against each entry below serial number.
- (c) Department dispatching a large number of registered items (i.e. exceeding daily average of 10, prescribed by the postal authorities for the purpose ) should obtain blank postal registration books from the postal authorities and make them available to the Despatcher concerned in the Despatch Section who enter the outgoing registered communications in that book instead of in the Despatch register and get the entries in respect of each registered article stamped by the Post office in token of receipt.
- (d) Receipt for telegrams and registered and insured letter will be checked carefully by the Despatcher and kept with him properly arranged for future checking. Receipts for acknowledgement due letters will be returned to the Branch concerned.

(5) **Despatch of local dak by hand**

- (a) Peon books in the form given in para 13.1.15 of Chapter XIII will be numbered serially and adequate number of pages/ books allotted for each department/office or a group of departments/ offices. The Supervisor, if any, will mark the communications to the Despatcher according to the group of Departments / offices allotted to each Despatcher. The Despatcher will enter the communications in the peon book according to their address.
- (b) After the dak has been delivered, the Despatcher will examine to peon books to see that all the communications entered there have been duly acknowledged by the addressees with their dated signatures.

(6) **Despatch of priority dak**

- (a) In respect of communications bearing priority markings, the Despatcher will also note in the peon book the time of despatch against the relevant entry. Such communications received by the Despatcher during office hours will be sent to the addressees as and when received.

- (b) If a file or a communication is of such urgency that it should reach the addressee that day itself even after office hours, an officer will record specific instructions to that effect. In the absence of such instructions, the Despatcher will not send any papers to the residence of officers after office hours.

(7) Despatch of “Non-Priority” dak

Non-priority dak will be dispatched by post by the Despatch Section at least three a day. The local non-priority dak will be cleared at least twice a day. Communications received after the despatch of the last batch will be held over till the next working day.

(8) Despatch of secret papers

Secret papers addressed to an officer are to be opened by the addressee only and should be sealed in such a way that there is no fear of leakage of information at any stage. In the despatch of such papers, the system of using double covers should be used. The inner cover or envelope containing the document should be properly sealed with the security marking or seal of the Department and this marking should be affixed on the original document. The number and date of the letter should also be indicated on the inner cover. The inner cover should then be placed in another cover (outer cover) on which only the name and address of the officer to whom it is being sent should be indicated. It should then again be sealed before despatch.

(9) Despatch of Circulars

All departments should ensure that a sufficient number of spare copies of circulars and instructions issued by them are supplied to all other departments at the initial stages for circulation to the subordinate offices/ institutions. Besides saving labour and stationery, it also ensures quick transmission of information.

(10) Postal Account

The Despatcher should keep an accurate account of the postage stamps used in the despatch of letters. Stamps of higher denomination should be used in preference to those of smaller value in all cases where stamps of higher value are to be affixed.

(11) Time allowed for issue of drafts

Immediate drafts received in the units of the branch from the officers before 3 P.M. must be typed and dispatched on the day of receipt while those received after 3 P.M. must be typed and dispatched before 12 noon next day. Urgent drafts must be typed and dispatched by the end of next day. Ordinary drafts should be typed and dispatched within 72 hours. If because of length of any particular draft or for any other reasons, it appears likely that a letter cannot be dispatched within three days of its receipt, the fact should be brought to the notice of the Section officer concerned who will take such steps as may be necessary to have the work done.

## 12.7 Despatch Numbers

No communication should be issued /dispatched unless it has been allotted a Despatch number and entered in the Section Despatch Register. The despatch number shall be entered in the blank space to be left the file number.

## 12.8 Types of communications

Different forms of written communication are used by a department for different modes of correspondence. Each form has a use and in some cases, a phraseology of its own. The different forms of correspondence are as under;

- (1) letter
- (2) Office Memorandum
- (3) Demi-Official letter
- (4) Un-Official Memorandum/ Note
- (5) Memorandum
- (6) Office Order
- (7) Order
- (8) Notification
- (9) Resolution
- (10) Press communiqué/Note
- (11) Endorsement
- (12) Telegram
- (13) Telex message/E-mail
- (14) Express letter/Savingram
- (15) Wireless message
- (16) fax message
- (17) Telephonic Communications.

Specimens of some of the important types of communications are given in Annexure 12-A. These forms may be used with due changes depending upon whether the communication is to be issued by the government at Secretariat level or the Directorates or Collectorates or the field offices.

## 12.9 Use of different forms of communications

Different forms of communications are to be used for correspondence with different offices/ organisations etc. as detailed below:-

### (1) Letter

This form is used for correspondence with Foreign Governments, Govt. of India, other State Governments, and Public Service Commission, Directorates, and Collectorates, field offices, Public Enterprises, Statutory Authorities, Public Bodies and members of the public generally. A letter begins with the salutation “Sir”, “Sirs” or “Dear Sir (s)” as may be appropriate and ends with “Yours faithfully”. If the letter contains any policy decision/directions in continuation of or in super session of earlier similar communication (s), it is essential to write in the margin below the main letter the reference of all such communications by **writing—**

“In this context also read/refer to the earlier communications as under:-

- (i) Reference No. \_\_\_\_\_ Dated \_\_\_\_\_
- (ii) Reference No. \_\_\_\_\_ Dated \_\_\_\_\_

### (2) Office Memorandum

This form is generally used for correspondence with other Departments or in calling for information from or conveying information to its employees. It may also be used in corresponding with subordinate offices. This also used in communicating Government instructions /decisions in certain cases to all Departments, Directorates, Collectorates and field offices. It is written in the third person and bears no salutation except the name and designation of the officer signing it.

If the Office Memorandum conveys any policy decision in continuation of or in suppression of an earlier similar communication, then it is essential to mention in the margin below the main Office Memorandum the reference of all such communications by writing:-

“In this context also read/refer to the earlier communications as under:-

- (i) Reference No. \_\_\_\_\_ Dated \_\_\_\_\_
- (ii) Reference No. \_\_\_\_\_ Dated \_\_\_\_\_ etc”.

**(3) Demi-Official Letter**

(a) This form is generally used in correspondence between government officers to supplement or explain matter which has been referred officially or is proposed to be referred officially. Demi-official correspondence may also be used not merely to supplement, but in place of official correspondence, in cases of extreme secrecy, where it is considered necessary to run no risk and in certain classes of personal questions, and occasionally in cases of urgency or importance for inviting the personal attention of the officer concerned;

(b) It is to be written in the first person in a personal and friendly tone and it should be addressed by and officer of the Department who is ordinarily not more than one or two levels below the officer to whom such communication is addressed;

(c) Where it is considered that a final reply to a demi-official letter cannot be sent speedily, it should at least be acknowledged promptly within seven days of the date or receipt of the letter by sending an interim reply to the effect that the matter is engaging attention or the matter is being examined and a final reply will be sent shortly or is likely to take some time which should be specified;

(d) When instruction, which should be on record have been given in the first instance demi-officially, they should be supplemented by an official letter. Similarly when a demi-official letter has been used instead of an official letter because of urgency, a supplementary official communication should be sent if the information ought to be an official record. This procedure must invariably be complied with.

(e) Demi-official correspondence should not be quoted in official communications or be noticed officially in any way;

(f) No demi-official letter or demi-official telegram to, or from the Govt. of India or a State Government should be quoted in any official paper or publication without previous reference to the Govt. of India or the State Government, as the case may be. It should be understood that such demi-official communications, unless they have been brought on record, cannot be considered as being official orders of the Government.

**(4) Un-Official Memorandum/Note**

This form is generally used for obtaining advice, views, concurrence or comments of other Departments on a proposal or in seeking clarification of the existing rules, instructions etc. It may also be used by a Department for consulting its Directorates or subordinate offices and vice-versa. This form can be used in either of the following ways:-

- (a) by sending the file itself to a Department/office with a note recorded thereon; or
- (b) by sending a self-contained note or memorandum.

**(5) Memorandum**

This is used for conveying information, calling for explanation etc. not amounting to an order to subordinate authorities. This system is particularly applicable to urgent cases. Where the information conveyed is in continuation/supersession of earlier information, such previous Memoranda may be referred to in the margin under the heading, "In this context also read the earlier communications as under:-

- (i) Reference No. \_\_\_\_\_ Dated \_\_\_\_\_
- (ii) Reference No. \_\_\_\_\_ Dated \_\_\_\_\_ etc."

This will ensure that these earlier communications are also read if required, by those concerned.

**(6) Office Order**

This form is normally used for issuing instructions meant for internal administration, e.g., grant of regular leave, distribution of work among officers and sections, holidays and other orders of general nature.

**(7) Order**

This form is generally used for issuing certain types of financial sanctions and for communicating Government Orders in disciplinary cases, etc. , to the officials concerned.

**(8) Notification**

This form is mostly used in notifying the promulgation of statutory Rules and Orders, appointments and promotions of Gazetted officers, etc., through publication in the State Gazette (Rajpatra). A legible and signed copy of the Notification should be sent to the Controller, Printing and Stationery for publication. Where the notification is in continuation/supersession of an earlier communication the subject, especially statutory Rules and Orders, reference should be made to all earlier relevant Rules/Orders giving their number and date in the margin. This will ensure that these earlier communications are also referred to by those concerned. This reference can be in the margin under the title, "In this context also read the earlier Notification(s) as under:-

- (i) Reference No. \_\_\_\_\_ Dated \_\_\_\_\_
- (ii) Reference No. \_\_\_\_\_ Dated \_\_\_\_\_ etc."

**(9) Resolution**

This form of communications is used for making public announcements of decisions of the Government in important matters of policy, e.g. the policy of industrial licensing, appointment of committees or commissions of enquiry and the results of review of important reports of such bodies. Resolutions are also usually published in the State Gazette (Rajpatra). Where the resolution is in continuation of earlier Resolution(s), these should be referred to just below the Resolution (s) and in the margin under the heading "In this context also read the earlier Resolution(s) as under:-

- (i) Reference No. \_\_\_\_\_ Dated \_\_\_\_\_
- (ii) Reference No. \_\_\_\_\_ Dated \_\_\_\_\_ etc."

**(10) Press communiqué/note.**

This form is used when it is proposed to give wide publicity to a decision of the Government. A Press communiqué is more formal in character than a Press note and is expected to be reproduced intact by the Press. A press note, on the other hand, is intended to serve as a hand-out to the Press which may edit, compress or enlarge it, as deemed fit.

**(11) Endorsement**

(a) This form is made use of when a paper is returned in original to the sender or is referred to another department or subordinate office for information, remarks or disposal, or where a copy of a communication is to be forwarded to others in addition to the original addressee.

(b) Copies of financial sanctions issued by Administrative Departments where required to be communicated to the audit authorities through the Finance Department, are also sent by means of an endorsement.

(c) This form should not, however, be used in communicating copies to other Government which should generally be done in the form of a letter.

**(12) Telegram**

This form is used for communicating with our-station offices / parties in matters of urgency demanding prompt attention. As fast air-mail, speed post, Telex and E-mail services exist, no telegram should be sent when a letter with appropriate urgency marking can serve the purpose. Where only telegrams, can serve the purpose. Text of the telegram should be as brief as possible. While drafting telegrams, un-necessary use of articles and punctuation marks like “(?)” and “(.)” should be avoid. If marks like “stop” are to be used the words “stop” be used instead of “(.)”.

Grading or urgency in telegrams should also be used carefully. Only in cases of exceptional urgency should. “Immediate” and “Most Immediate” telegrams be sent. In all cases post-copy of the telegram duly signed by the sender should be sent by post.

**13 Telex message/E-mail**

Departments having teleprinter/telex facilities may send a telex message instead of a telegram in communicating with out-station parties.

Similarly E-mail may be sent to parties having electronic mail facilities e.g., a computer connected to the NICMAIL system. This system is very cost effective and like telex, reaches almost immediately.

**(11) Express letter/ Savingram**

This form is used in communicating with out-station offices and parties in matters warranting urgent attention at the receiving end but not justifying the expense of a telegram. It is worded exactly like a telegram but transmitted through a post office instead of a telegraph office.

**(12) Wireless message**

It is used for transmitting very urgent messages to out stations. The Central Wireless Network is used for transmitting messages outside the State and for message within the State the Police Wireless Network is used. This mode of communication is beneficial for communication is beneficial for communicating with offices located in difficult areas where telegraphic/telephonic facilities are either not available or get disrupted during rains/snow. Only urgent matters such as law and order, natural calamities, VIP security arrangements and other very urgent and impotent matters should be transmitted through wireless.

Wireless message are to be drafted with utmost economy of words like a telegram

**(13) Fax Message**

This mode of communication is used when copy of the signed communication is required to be sent so urgently that it cannot await postal service. This facility is available only for addresses who have fax facilities and it enables transmission of the letter/ communication like a photo-copy at the other end. It is particularly useful in conveying drawings, diagrams etc. or where in individual's writing or signatures needs to be transmitted. It is also now increasingly being used in order to reduce the typing work involved in telex/ E-mail but this should not be encouraged when Telex or E-mail is possible as fax to outstation locations uses STD lines and is a comparatively expensive mode of communication.

**(17) Telephonic Communication**

(a) Appropriate use of telephone facilities may be made by departments for intra and inter departmental consultation and for communication of information between offices, and parties situated locally.

(b) In matters of urgency, department may communicate with out-station offices/Organisation also over the telephone.

(c) Telephonic communications, where-ever necessary, may be followed by written communications by way of confirmation.

(d) Resort to STD and trunk calls should be restricted and has to be regulated by the instructions issued by the Government from time to time. Where there is no overriding urgency, booking a call should be preferred to dialing STD.

**12.10 Consultation with other Departments****12.10.1 Need for consultation**

In financial matters, including cases involving financial aspects required to be placed before the Council of Ministers, all Departments are required to consult the Finance Department as per rules 9, 14 and 34 of the Rules of Business of the Govt. of Himachal Pradesh. Likewise in legal and legislative matters, all departments have to consult the Law department vide Rules 39 to 54 of the aforesaid rules and in matters relating to personnel policies of vigilance cases, the departments have to consult the Personnel or Vigilance department. In the same manner, in respect of specific matters/ subjects/issues assigned to a particular Department under the Business of the Government of Himachal Pradesh (Allocation) Rules, 1971, all Department have to consult the Departments concerned to whom the matter/subject has been allotted.

**12.10.2 Methods of consultation**

The consultation with the concerned Department can be by either of two methods:-

- (i) By referring the case file; or
- (ii) By making a self-contained U.O. (Un-Official) reference with all connected papers.

The first method is the common one and is generally followed in most of the cases, as it is simple because all relevant papers are usually available in the case file. Moreover this method does not require much layout, time and energy whereas in the second alternative more labour, time and energy is involved for making the reference

self-contained by making out copies of all relevant documents and placing them with the reference. Still, in cases where more than one Department is required to be consulted, the second method may be made use of to save time by making out copies of all relevant communications and transmitting the same with the U.O. reference to all the Departments concerned simultaneously.

### **12.10.3 Procedure for consultation.**

The following guidelines are required to be kept in view while consulting different Departments:-

- (1) The file /self-contained reference should be complete in all respects;
- (2) The referred papers should contain all connected and relevant papers, Acts, Rules, Manuals and instructions properly arranged and referenced;
- (3) The Notes on the file or the self contained reference must contain the following:-
  - (a) Brief history and sequence of events;
  - (b) Points at issue requiring advice, concurrence or opinion; and how the issues arise;
  - (c) Factual position and the position with reference to the statutory provisions/instructions;
  - (d) Clear views or options of the Department on the issues/points with detailed justification for the proposed view/option and reasons for not suggesting the other alternatives for acceptance;
  - (e) What effects the proposed action/view will have in the Department itself and, to the extent possible to visualise, in other Departments;
  - (f) In case involving financial implications, the total expenditure involved with itemwise and yearwise breakup and actual position as to the budget provision. In case budget provision does not exist, how the expenditure will be met;
  - (g) In case of personnel matters it has to be stated whether the proposed action will or will not involve any change in the existing policy and if so to what extent and its effect;
  - (h) In legal/court matters, the Department must state its views whether it proposes filing an appeal/review and if so on what considerations; and how it is likely to affect existing/pending cases of a similar nature;
  - (i) In cases where consultation with other Departments is also involved it should be stated whether the other concerned Departments have been consulted and if so their opinion should be indicated;
- (4) Draft orders/sanctions are to be put up with the cases/references appropriate to the suggested course of action;
- (5) In date-bound cases, the note on the file/self-contained reference should clearly indicate the date by which action is to be finalised and the date by which the advice /opinion/concurrence should be conveyed back to the Department; and
- (6) In all important matters the case should receive prior approval of the Secretary of the Department before being referred to the advisory Department.

### **12.11 Notes on files received from other Department**

- (a) If a reference/file seeks the opinion, concurrence or ruling of the receiving Department, then the Department in which such a reference/file is received shall examine the reference/file in a separate (receiving Department's.) Departmental file in case of a self contained U.O. reference and through "Routine Notes" in the case of matters referred on files.

of matters referred on files. The receiving Department has to maintain subject-wise and Department-wise files and Routine Notes for detailed examination of all such files. After consideration/examination of each file in the receiving Department and passing of final orders by the competent authority on the Department file/Routine Notes, the final opinion, concurrence or ruling is to be conveyed through U.O. reference by the department in the case of U.O. reference or recorded on the file of the Department concerned and copy thereof retained on the Routine notes in case of a file received from the Department. The endorsement of opinion/concurrence/ruling is to be signed by the competent authority.

- (b) For dealing files of other Department the receiving Department has to open each year subject-wise and department-wise Routine Notes bearing precise numbers as in the case of opening of new files.
- (c) Before dealing any file of the other Deptt. the receiving Deptt. will enter the following particulars on the Routine Notes:-

Department's /Section's Dy.No. \_\_\_\_\_ date \_\_\_\_\_  
File No. \_\_\_\_\_ of \_\_\_\_\_ Department  
Subject \_\_\_\_\_

This will facilitate reference to the earlier case in connection with advice/opinion required at a later date in another case of a similar nature.

(d) The files received from other Departments have to be dealt with in the same method as described in para 12.4(5) above, except that detailed noting may not be required in cases where some information of factual nature is required, or advice is proposed on the basis of clear provisions of the Rules/Manuals. Instructions/precedents etc. In such cases, the brief note indicating the point raised by the Department and provisions of the relevant Rules, Manual and instructions on the basis of which advice is proposed should be indicated on the "Routine note".

(e) Where advice/concurrence/ruling is recorded on the file of a Department by the receiving Department after obtaining orders of the officer higher than the one signing the advice, the fact that the views expressed therein have the approval of such higher officer should specifically be mentioned at the end of the advice.

(e) If any important policy decision /amendment to Rules/ instructions is approved to be circulated to all Departments while considering a case received on the file of other Department, then photo-stat/typed copies of the decision taken on Routine Notes shall be prepared and placed on the relevant file of the advising Department and policy decision /amendment to Rules/ instructions shall be issued on the said file by the advisory Department. The file of the Department will be returned under proper endorsement saying that the policy decision/ amendment to Rules/ instructions is either being issued separately or has been issued in which case copy thereof should be placed on the file.

## **12.12 Cabinet Memorandum**

### **12.12.1 General**

As per Rule 14 of the Rules of Business of the Government of Himachal Pradesh 1971, all cases referred to in the schedule to the said rules are required to be brought before the Council of Ministers and such cases as are desired by the Chief Minister or the Governor under Article 167 ( C) of the constitution are also required to be brought before the Council of Ministers. Rule 15 of the aforesaid rules also provides that all cases mentioned in the schedule are to be submit to the Chief Minister after consideration by the Minister Incharge by the Secretary of the Department through the Secretary of the Council for obtaining orders of the Chief Minister for circulation of the case under rule 16 or for consideration at a meeting of the Council.

### **12.12.2 Form and Content of the Memorandum**

For placing any matter before the Council of Ministers, a memorandum is required to be prepared. The Memorandum, besides other things should contain:-

- (j) A subject heading, to be selected carefully so as to indicate clearly the matter discussed therein;
- (ii) facts of the case, indicating points at issue in serial order, necessity for the proposal, previous decisions, position of the Rules, similar practice in other Departments/ Governments, implications, advantages and disadvantages of the proposal and alternatives available and the recommendations of the Administrative Department on each point;
- (iii) Comments of other Departments required to be consulted under the Rules of Business to be given either verbatim in the Memorandum or annexed to the Memorandum in case the same are lengthy ones;
- (iv) Statement to the effect that approval of the Chief Minister has been obtained for placing the matter before the Council of Ministers. In case it is proposed to obtain approval by circulation, the fact that the Chief Minister's orders in this regard have been obtained should also be specifically mentioned.
- (v) Points or points for consideration on which decision is required;

The memorandum has to be signed by the Secretary of the Department and in his absence by the next senior officer not below the rank of Deputy Secretary.

### **12.12.3 General guidelines for preparation of Memorandum**

The following guidelines are required to be kept in view while preparing a Cabinet Memorandum:-

- (i) It has to be ensured that approval of the Chief Minister through the Chief Secretary for placing the matter before the Cabinet has been obtained as required under Rule 15 of the Rules of Business;
- (ii) In all matters involving financial aspects it has to be ensured that Finance Department has been consulted as required under Rules 9,14,and 34 of the Rules of Business;
- (iii) In the case of proposal for creation of new posts, the existing level of efficiency, number of institutions served, periodicity of inspections, checking etc. is to be indicated and wherever possible, quantified indication of improvements sought to be achieved with the creation of posts also indicated. (After the creation of the posts an evaluation report is also required to be submitted to the Cabinet after 6 months);
- (iv) The Law Department has been consulted in matters as required under Rules 39 to 54 of the Rules of Business and the opinion of the Law Department incorporated in the Memorandum either in verbatim form or annexed in case of a lengthy note and the fact of such annexure is indicated in the Memorandum;
- (v) Brief facts of the case, need for the proposal, practice obtaining in other Departments/Governments, effect/repercussions in other Departments/service, alternative solution/suggestions and proposed solution/ suggestions needing decision by the Council with reasons therefore have been indicated in detail in the body of the Memorandum
- (vi) The Memorandum has been signed by the Administrative Secretary concerned and in his absence by the next senior officer not below the rank of the Deputy Secretary;

(vii) The Memorandum has been typed out in both Hindi and English in double space leaving a margin towards the edges of the paper and especially an adequate margin on the left hand side as the memoranda are to be placed in pads for the meetings. It may also be ensured that only one side of the paper has been used;

(viii) The Memorandum has been typed out neatly, clearly on whit paper. Cutting and over-writing are to be avoided. The copies of the Memorandum are to be prepared on Photostat paper and not on cyclostyling and type papers;

(ix) The Memorandum has been thoroughly read and compared and it should be ensured that it does not contain any mistake. It has also to be ensured that the Memorandum is page numbered.

Other points, mentioned in the checklist at 12.12.5 below are also to be kept in view. The format of the Memorandum will be as follows:-

**Confidential**

File No. \_\_\_\_\_

**MEMORANDUM FOR THE COUNCIL OF MINISTERS**

Minister-in-charge \*\_\_\_\_\_

Secretary-in-charge \*\*\_\_\_\_\_

Subject: \_\_\_\_\_  
\_\_\_\_\_

Factual position of the case giving:

- (1) Facts of the case as at para 12.12 (2) (ii) above
- (2) Issues for consideration
- (3) Comments/advice of other Departments.
- (4) Points for consideration and orders

- (i) \_\_\_\_\_  
(ii) \_\_\_\_\_  
(iii) \_\_\_\_\_

Shimla  
Dated:

(Signed)  
Secretary ( ) to the  
Govt. of Himachal Pradesh

---

\*(Give the official designation of the minister like Chief Minister, Forest Minister, Name should not be given).

\*\* (Give the official designation of the secretary like Secretary (Personnel). Name should not be given)

#### **12.12.4 Submission of Memorandum and other procedures**

The following procedure is required to be followed for submission of the Memorandum:-

(i) The Cabinet Memorandum is a secret matter and should be sent to the General Administration Department (Cabinet Section) on the Department file in a sealed cover. It has to be ensured that the copies of the Cabinet Memorandum or files containing Cabinet Memorandum are not sent in a routine way through a peon or through the Central Registry. It has also to be ensured that copies of the Cabinet Memorandum for decision are not circulated to any office and only the decisions are circulated;

(ii) 20 copies of the Memorandum are required to be sent to the General Administration Department (Cabinet Section);

(iv) As per Rule 22(1) of the Rules of Business, cases required to be placed before the Council of Ministers are to be forwarded to the General Administration Deptt. sufficiently in advance and in no case less than 3 clear working days before the date of the meeting. This time schedule should be adhered to;

(v) While sending a case for being placed before the Council of Ministers, the Administrative Department is required to send a copy of the Memorandum to the Finance Department in case it involves financial implications indicating clearly that Finance Department has been consulted. F.D.'s U.O. number through which it was consulted should be indicated in the letter.

#### **12.12.5 Checklist and certificate**

While sending copies of the memorandum to the General Administration Department, the Administrative Department has to record a separate certificate saying that all points as laid down in the check list contained in letter No. GAD (CC0 -1(A)-7/90 dated 31.5.1994 have been kept in view and complied with. This certificate has to be either on the file itself with which the case is to be sent to the General Administration Department or in the form of a certificate in a separate paper. The points laid down in the check list are as under:-

- a. The memorandum has been neatly typed in double space on white paper. The photo stated matter is clear on each page and wide enough margin has been kept on each page;
- b. The memorandum has been composed with proper care and it does not contain any mistake (cutting and corrections made in ink should be avoided);
- c. "Confidential" and file number has been indicated at the top right hand corner;
- d. Designations of the Minister and Administrative Secretary have been given properly;
- e. The Cabinet memorandum clearly indicates the subject matter in the briefest form;
- f. Background of the case, indicating the previous precedents/decisions, if any, and instructions/Rule have been given in the memorandum with proper precision;
- g. Reasons/Rules requiring the matter to be submitted for consideration and decision of the Council of Ministers have been indicated in the memorandum;
- h. Justification for adoption of a new policy or revision of the existing one has been incorporated in the memorandum;
- i. In the case of purchase of a new vehicle, proposal for the sanction of the post of a Driver has been incorporated in the Memorandum;
- j. Financial implications, both recurring and non-recurring and for the balance part of the concurrent year as well as for a full financial year, indicating the head of account availability of funds to meet the expenditure involved in the proposal have been included in the memorandum;
- k. Views/advice tendered by the Finance Department /Law Department/Personnel/Department and points justified in case of disagreement have been included in the memorandum. (In case the views/ advice tendered by any Department is a lengthy one, then such views/advice may be annexed in the memorandum as annexure and fact so stated in the Memorandum);

- l. If the proposal involves more than one Department and the concerned Departments are in disagreement, the fact of channels discussion tried and exhausted and all efforts to settle the issue outside the Cabinet has been mentioned in the memorandum. Suitable brief narration to this effect has been mentioned in the memorandum;
- m. No material/information relevant for the memorandum has been left out or concealed;
- n. Sequence of actual information has been properly maintained and put under an independent para for each point of information;
- o. Point(s) for consideration and decision have been clearly identified and properly serialised;
- p. Prior approval of the Chief minister through the Chief Secretary for placing the matter before the Council of Ministers has been obtained;
- q. Memorandum has been photo stated/typed out under the personal supervision of the section Officer.
- r. Instructions herein set forth and those issued from time to time relating to various aspects of the preparation and submission of the Cabinet memorandum have been gone through and kept invite while processing the memorandum;
- s. The memorandum has been signed by the Administrative Secretary;
- t. Date of signatures has been indicated.

**SPECIMEN FORMS OF COMMUNICATIONS**  
(Referred to in para 12.8)

**(1) Letter (with endorsement)**

**No**(File No.) (Despatch No.)  
Government of Himachal Pradesh  
Department of \_\_\_\_\_  
From

Under Secretary to the  
Government of Himachal Pradesh  
\_\_\_\_\_ Department.

To

-----  
-----

Dated Shimla-2, the        January 199 .

Subject:-----

Sir,

\*With reference to your letter No-----dated----- on the subject cited above, I am directed or I am to say that-----.

Yours faithfully,

@ Sd/-  
(ABC)  
Under Secretary to the Govt. of  
Himachal Pradesh  
Tele: No.-----

No. (File No. ) (Despatch No.) dated \_\_\_\_\_

Copy forwarded for information / necessary action to:

- (1)
- (2)

(ABC)  
Under Secretary to the Govt. of  
Himachal Pradesh  
Tele: No.-----

---

\* Other alternative forms of the introductory phases commonly used are:-

- (i) In continuation of this Department's letter No. \_\_\_\_\_
- (ii) With reference to the correspondence resting/ending, with your/this Department's letter No \_\_\_\_\_ dated \_\_\_\_ @ To typed on copies intended for(1) and (2) referred to in the endorsement.

**(2) Office Memorandum**

- **No**(File No.) (Despatch No.)  
Government of Himachal Pradesh  
Department of \_\_\_\_\_

Dated Shimla-2, the

**OFFICE MEMORANDUM**

Subject:- \_\_\_\_\_

Reference is invited to this Department O.M. No. \_\_\_\_\_ dated \_\_\_\_\_

2. Certain department have sought clarification with regard to the applicability of the instructions contained in the above O.M. The points raised and the Govt. decision taken thereon are given as under:-

Points raised -----	Govt decisions -----
------------------------	-------------------------

1

2

Margin  
-----

**In this behalf also see the following**

- (i) O.M. No. \_\_\_\_\_ dated \_\_\_\_\_
- (ii) O.M. No. \_\_\_\_\_ date \_\_\_\_\_

(ABC)  
Under Secretary to the Govt. of  
Himachal Pradesh  
Tele: No.-----

**To**

- (i) All Secretaries to the Govt. of H.P.
- (ii) All Heads of Department in H.P.
- (iii) All Deputy Commissioner in H.P.
- (iv) All M.Ds. of Corporation/Boards H.P.

-----

**(3) Demi-official Letter**

**XYZ**  
**Deputy Secretary**  
**Tele: No.**

**D.O.No.** \_\_\_\_\_  
**Government of Himachal Pradesh**  
**Department of** \_\_\_\_\_  
**Shimla-2 the**

Subject:- \_\_\_\_\_

My dear/Dear Shri \_\_\_\_\_

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

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

With regards,

Yours sincerely

(XYZ)

A.B.C. ,  
Deputy Secretary to the  
Government of Himachal Pradesh,  
Department of \_\_\_\_\_.  
Shimla-2

**(4) U.O. memorandum/note**

Government of Himachal Pradesh  
Department of \_\_\_\_\_

Subject :\_ \_\_\_\_\_

The present rules regulating the issue of identity cards provide inter alia that \_\_\_\_\_

2. A question has now arisen whether \_\_\_\_\_

- (i)
- (ii)

3. This Department will be grateful for the advice of the Department of Legal Affairs on the issue raised in para 2 above.

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

Department of Law, h.P. Govt., Shimla -2  
U.O.No \_\_\_\_\_ dated \_\_\_\_\_

**(5) Office Order**

**(Specimen-1)**

No(File No.) (Despatch No.)  
Government of Himachal Pradesh  
Department of \_\_\_\_\_

Dated Shimla-2, the

**OFFICE ORDER**

Shri X,Y,Z, a permanent lower division clerk in this department, is granted earned leave for ---days from---to---, with permission to prefix ---- a public holiday, to the leave.

2. It is certificate that Shri X.Y.Z. is likely, on the expiry of this leave, to return to duty at the station from which he proceeded on leave.

(ABC)  
Under Secretary to the Govt. of  
Himachal Pradesh  
Tele: No.-----

Copy to:-

1. Office order file
2. Cashier
3. Section concerned
4. Shri XYZ

(Specimen –II)

**No**(File No.) (Despatch No.)  
Government of Himachal Pradesh  
Department of \_\_\_\_\_

Dated Shimla-2, the

**OFFICE ORDER**

It has been decided to transfer the work relating to \_\_\_\_\_ from \_\_\_\_\_ section to \_\_\_\_\_ section.

(ABC)  
Under Secretary to the Govt. of  
Himachal Pradesh  
Tele: No.-----

Copy to

- 1.
- 2.
- 3.
- 4.

**(6) Order (Specimen-I)**

No(File No.) (Despatch No.)  
Government of Himachal Pradesh  
Department of \_\_\_\_\_

Dated Shimla-2, the

**ORDER**

Sanction of the Governor, Himachal Pradesh is accorded under Rule---- of the H.P. Financial Rules, to writing off/of irrecoverable loss of Rs. 200.00 (Rupees two hundred only) being the value of the following articles belonging to this Department:-

- (1)
- (2)

ABC)  
Under Secretary to the Govt. of  
Himachal Pradesh  
Tele: No.-----

Copy forwarded to :

- 1. The A.G. H.P. & Chandigarh, Shimla-3
- 2. Finance Department
- 3 Cash Section

**(Specimen –II)**

No(File No.) (Despatch No.)  
Government of Himachal Pradesh  
Department of \_\_\_\_\_

Dated Shimla-2, the

**ORDER**

Shri---- , a senior clerk in the Department of -----, is hereby informed that it is proposed to take action against him under rule----of----

- 2. Shri -----, is hereby given an opportunity to make such representation as he may wish to make against the proposal.
- 3.
- 4.

ABC)  
Under Secretary to the Govt. of  
Himachal Pradesh  
Tele: No.-----

To  
Shri-----

(I) Notification

(Specimen-I)

(To be published in the Gazette of Himachal Pradesh)

Government of Himachal Pradesh  
Department \_\_\_\_\_

**NOTIFICATION**

NO-----

Dated: Shimla-2, the \_\_\_\_\_

Shri XYZ < Under Secretary in the Department of \_\_\_\_\_ is appointed to officiate as deputy Secretary in the same Department vice Shri \_\_\_\_\_ transferred to the Department of \_\_\_\_\_

(ABC)  
Under Secretary to the Govt. of  
Himachal Pradesh  
Tele: No.-----

No \_\_\_\_\_ Shimla-2 the

Copy forwarded for information to:

(1)

(2)

(3) The Controllere, Printing and Stationery, H.P. Shimla-5 for publication in H.P.

Rajpatra.

(ABC)  
Under Secretary to the Govt. of  
Himachal Pradesh

(Specimen-II)

(To be published in the Gazette of Himachal Pradesh)

Government of Himachal Pradesh  
Department \_\_\_\_\_

**NOTIFICATION**

NO-----

Dated: Shimla-2, the \_\_\_\_\_

Subject:- Schedule of maximum prices under XYZ Act.

No. S.O. \_\_\_\_\_ In exercise of the powers conferred by Section----- of XYZ Act, the H.P. Govt. hereby fixes the following schedule of maximum price:-

1.

2.

(ABC)  
Under Secretary to the Govt. of  
Himachal Pradesh  
Tell.No. ....

**Margin**

In this behalf also see the  
Following earlier Notification:-

- (i) Notification No.-----Dated-----
- (j) Notification No.-----Dated-----

To

The Controller Printing & Stationery  
Government of Himachal Pradesh Shimla-5.

**(8) Resolution**

(To be published in the Gazette of Himachal Pradesh)

No.....  
Government of Himachal Pradesh  
Department of .....

Shimla-2, the 19.....

**RESOLUTION**

**Subject:- Constitution of H.P. Revenue Service.**

The Government of Himachal Pradesh have had under consideration the question of further improving the efficiency of the departments and service concerned with the collection of revenue. As a step in that direction, the Governor of Himachal Pradesh has been pleased, under the powers vested in him by proviso to Article 309 of the Constitution of India, to decide that a Class 1 H.P. Revenue Service to be known as 'H.P. Revenue Service' should be constituted with effect from.....

(ABC)  
Secretary to the Govt. of  
Himachal Pradesh.

ORDER

ORDERED that a copy of the resolution be communicated to .....  
ORDERED also that the resolution be published in the Gazette of Himachal Pradesh, for general information.

(ABC)  
Under Secretary to the Govt. of  
Himachal Pradesh

**Margin**

In this behalf also see the  
following:-

- (i) Resolution No.....Dated.....
- (ii) Resolution No.....Dated.....

To

The Controller Printing & Stationery.  
Government of Himachal Pradesh Shimla -5

**(9) Press Communiqué/note**

(Not to be published or broadcast before.....a.m./p.m. on.....day, the.....19 )

PRESS COMMUNIQUE/NOTE

In response to public demand, the government of Himachal Pradesh have appointed a Commission to go into the problem of.....and make suitable recommendations to the Government.

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

- i.
- ii.
- iii.

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

- (a)
- (b)
- ©

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

Department of.....  
Shimla-2, the 19 .

No.....

Forwarded to the Director of Public Relations, Himachal Pradesh, Shimla-2 for issuing the communiqué and giving it wide publicity.

ABC)  
Joint Secretary to the Govt. of  
Himachal Pradesh  
Tele: No.....

**(10) Endorsement**

No.....  
Government of Himachal Pradesh  
Department of .....

Shimla-2, the 19.....

A copy each of the undermentioned papers is forwarded to .....information and necessary action.

ABC)  
Under Secretary to the Govt. of  
Himachal Pradesh  
Tele: No.....

List of papers forwarded

- (1)
- (2)
- (3)

**(11) En Clair Telegram**

TELEGRAM STATE \*EXPRESS  
# DECOMMER CHAMBA

NO....REOLET/RELET JULY TENTH STOP EXEDITE  
BUDGET PROPOSALS STOP FINANCE PRESING HARS

#CHIEFSEC

NOT TO BE TELEGRAPHED

(ABC)  
Under Secretary to the Govt. of  
Himachal Pradesh

No.....  
Copy by post in confirmation to the Deputy Commissioner, Chamba, District Chamba.

Shimla-2, 19

(XYZ)  
For Under Secretary to the  
Govt.of Himachal Pradesh

# Telegraphic address of addressee/sender.  
\* Where necessary.

**(12) Express letter**

No.....  
Government of Himachal Pradesh  
Department of .....

Shimla-2, the 19.....

**To**

The.....  
.....

Subject: Adhoc appointment

REFERENCE THIS DEPATMET NUMBER .....DATED.....AS MATTER HAS TO BE  
REFERRED TO H.P. PUBLIC SERVICE COMMISSION FRO CONCUREENCE BEFORE THE  
END OF CURRENT MONTH, PLEASE EXPEDITE REPLY.

(ABC)  
Under Secretary to the Govt. of  
Himachal Pradesh

CHAPTER –XIII  
REGISTERS, REPORTS AND RETURNS

**13.1 Registers**

In the provision chapters reference has been made to the opening of various registers for systematic maintenance of data. Certain common registers are required to be maintained in almost all sections/offices. Details of such registers indicating the purpose for which the same are maintained, method of maintaining, and the prescribed forms for the same are given in the succeeding paras.

**13.1.1 Dairy register:**

Each section has to maintain a diary register in which all communications received in the section are required to-be diarised as soon as the papers are marked by the Section Incharge to the dealing assistants. It has to be maintained by the Diarist (Clerk) of the section and has to be on the following format:-

Continuous Dairy No.	Letter No. and date	Source of receipt (i.e. from whom received)	Subject	Dealing Asstt. to whom marked	File No. & date on which dealt	Date of final disposal
1	2	3	4	5	6	7

Note 1:-

- (i) the diary number begins from SL. No. 1 from 1<sup>st</sup> of January every year and ends on the last day of the calendar year.
- (ii) Each day the date is to be entered across the page in red ink before making any entry.
- (iii) No gap blanks are to be left. The handwriting should be neat and legible.
- (iv) The subject should be brief but to the point, extracted from the subject heading of the letter itself where available.
- (v) Col. Nos. 6 and 7 should be completed in all cases as the case is finally disposed off. Final disposal means completion of all actions on a receipt culminating, where necessary in the issue of final orders/reply to the issue raised by a person/party /officer/ Directorate/Collectorate etc. from which the original communication was received. Information in these two columns is to be filled in on the basis of entry in the Assistants Dairies. For this purposes, the Section-in- charge will arrange that the Assistants Dairies are made available to the Diarist each week on the last working day so that entries can be made.
- (vi) Circulars of purely informatory nature are not to be diarised. {See para 11.4 (h) of Chapter XI.
- (vii) Weekly totals of receipts and final disposals are to be worked out at the end of every week in the Diary Register in red ink in the same format as used for preparing the weekly arrears statement.

Note 2:- In certain circumstances the Diarist may maintain a common Diary for than one Section of a Department if this is conducive to greater efficiency, say because of the use of computerised diary system. Generally in such cases computerisation includes other registers given below such as file opening register, file movement register etc. Much time and effort is saved because entries made in one place need not be repeated in other places. Locating information is also much easier in a computerised system.

**13.1.2 Diary Register for receipt of important and time bound communications and D.O. letters;**

Each section is required to maintain register for diarising and indicating disposal of immediate and all important communications and D.O. letters including those received from VIPs. This register is to be maintained by the Diarist and has to be in the following format:-

Date: \_\_\_\_\_

S.No.	Letter No. & date	From whom received	Subject	Dealing Asstt. to whom marked	Final disposal File No.	date
1	2	3	4	5	6	7

It has to be ensured that final disposal is invariably recorded after the matter is decided. Final disposal has the same meaning as given in note 1(v) below para 13.1.1 of this chapter.

**13.1.3 Assistant’s diary register:**

Every dealing hand is required to maintain an individual “Assistant’s Diary Register” which is an account of all papers/cases received and dealt by him. This register enables the dealing hands to which the processing of receipts/cases. The register is to be in the following form:-

**“Assistant’s Diary”**

Name and dealing hand \_\_\_\_\_

Section \_\_\_\_\_

Department.....

Sr. No.	Diary No. Unit of work	Subject / Assignment	File No.	Date of submission	Date of disposal
1	2	3	4	5	6

The date of receipt is to be entered every day across the columns in red ink. At the end of the week i.e., on the last working day of the week, details of weekly receipts, disposals and pendency is to be worked out at the end of the page of the register and details of receipts/cases pending over one week are to be shown with diary No. and date of receipt.

It is essential that dates of final disposal are invariably given against every receipt/case since it will be difficult otherwise to work out details of cases pending over three months or one week etc. It is note worthy that dispatch of an interim reply to a receipt or asking additional data/information does not mean final disposal and such receipts are to be shown as pending. Final disposal means completion of all action culminating, where necessary in the issue of final orders or final reply to the issues raised by a person/party/officer/Directorate/Collectorate from which the original communication emanated (See para 1.2 (16) of Chapter 1).

The assistant’s diary is part of the record of the section and should be handed over at the time of transfer, duly completed, to the successor, if there is one or to the Section Incharge.

Para 18.9 of Chapter XVIII may also be seen for maintenance and scrutiny of this register.

### 13.1.4 File Opening Register

A year-wise register for files opened in a Deptt./Section is required to be maintained. This register contains details of all the files opened during the course of the year. Separate pages are allotted for each minor head of main head. Abbreviation of name of Deptt., lists of Head and Sub-Heads for opening files are given in Chapter IX.

It is important that the Head-wise, Minor Head-wise codes are followed strictly so that locating a file does not become difficult, especially where the system is computerised. In the beginning of the register an index is prepared. Each page is page numbered and certificate of pages the register contains is receded on the first page duly signed by the Section Officer/Superintendent/Section Incharge concerned. The file opening Register has to be in the following form:

#### File Opening Register

Department \_\_\_\_\_ Section \_\_\_\_\_

Head \_\_\_\_\_ Minor Head \_\_\_\_\_

Sr. No.	File no.	Title of The file	Date of Starting the file	Name of dealing hand	Signature of the Section Officer
1	2	3	4	5	6

An example of opening file in the year 1993 in the Education Department (Section-A) relating to Establishment Head and dealing with the creation of posts of assistant Directors when opened at S.No.5 under the minor Head classification, 'creation n of posts and service' is as under:-

#### At the top of the page

Head; Establishment-B Minor head:(1) Classification, creation of posts and services

Sr. No.	File No.	Title of File	Date of Starting the file	Name of dealing hand	Signature of the Section Officer
1	2	3	4	5	6

1					
2					
3					
4					
5	EDN-A-B (1) -5/96	Creation of posts of Asst. Directors.	5-1-1996	A.N.Verma	

Hear EDN words stand for Education Deptt.; A for Section; B for Establishment Head; (1) for minor head classification, creation of posts and services; 5 for serial No. of file under head/minor head and 96 the year of opening the file.

Para 9.12 and 9.15 of Chapter IX may also be seen for more details for maintaining the register.

### 13.1.5 File Movement Register

Each section has to maintain a file movement registers for recording, movement of the files of the section. This register which is opened with one page (or more for files frequently required) for each file, listed in the order in which the file are opened in the file opening register. This is to be maintained by the Diarist of the section and in this register entry has to be made as and when the file is sent either from one dealing hand to the other or from one section to the other or to the Branch Officer etc. Entry is also to be made in this register as soon as the file is received back in the section. For more details of recording file movement, see para 9.16.of Chapter -IX. Each page of this register has to be in the following format:-

File No. \_\_\_\_\_ Subject (Title) \_\_\_\_\_

S. No.	To whom sent	Date	Date of receipt back
1	2	3	4

### 13.1.6 Register of files received/sent un-officially from/to other Department

There is frequent movement of file from one deptt. to another. Finance, Personnel and Law Deptts. especially, receive files from other Departments. All Departments receiving files un-officially from other Departments are required to maintain a register for all such files in the following format:-

#### Register of Files received un-officially

Consecutive No. (Calendar Year-wise)	Date of receipt	From whom received	File No.	Title of the file	To whom return	Date of return
1	2	3	4	5	6	7

Similarly a register for files sent un-officially to the other Department is also required to be maintained by all deptts. In following format:-

Consecutive No. (Calendar Year-wise)	File No.	Title of the file	To whom Sent	Date on Which File sent	Date of Receipt Back of the file
1	2	3	4	5	6

These registers are to be maintained by the Diarist of the Section /Department. All such files will be routed through the Diarist for entry of movement. Para 9.17 of Chapter IX may also be seen for maintaining these registers.

### 13.1.7 Register of Assembly Questions, Short Notice Questions and other matters

Every section is required to maintain a register counting details of all Assembly Questions, Short Notice Questions and other similar Vidhan Sabha matters. This register is to be maintained by the Diarist or some other Clerk/ Assistant of the section. All Assembly Questions, Short Notice Questions etc. are to be entered in this register as soon as they are received. Final entries as to date of reply are to be invariably entered in this register. This register has to be in the following format:-

Vidhan Sabha Session from \_\_\_\_\_ to \_\_\_\_\_

Sr. No.	Vidhan Sabha Dy. No. or Provisional No.	Assembly Question No.	Name of MLA	Details of Vidhan Sabha Question /Short Notice Question	Dealing Assistant to whom marked	File No.	Date of reply	Has any assurance been given if so Details
1	2	3	4	5	6	7	8	9

### 13.1.8 Assurance Register

Any interim reply to an Assembly Question or understanding given during reply or supplementaries becomes an assurance and is to be properly attended to. For this purpose a Register of Assurances is required to be maintained in each section in the following format:-

Sr. No.	Assembly Question/ Short Notice Question NO.	Date of original reply	Summary of question and reply	Brief details of Assurance	Date of receipt of Assurance	File No.	Date on which final reply sent
1	2	3	4	5	6	7	8

### 13.1.9 Casual Leave and Compensatory Leave Account leave

The diarist or some other clerk of the Section is assigned to work of maintaining casual leave account of the staff posted in the Section. This register has to be in the following format:-

Sr. No.	Name of the Employee	Dates on which casual leave availed with initials of the S.O./Superintendent /Branch Incharge.												Date of availing Restricted leave	
		1	2	3	4	5	6	7	8	9	10	11	12	1	2
1.	A	-----												-----	
2	B	-----												-----	
3	c	-----												-----	

As soon as any official avail any casual leave, entry indicating date on which casual leave is availed will be made in Col. No. starting from S.No. 1 onwards. The Section Incharge will initial each entry and for this purpose some space should be left in between the two names. For example if Mr. 'A' avails two casual leaves on 18-4-95 and 20-5-1995, the entries in Col. No. 3 will be made against S.No. 1 and 2 indicating there under 18-4-95 and 20-5-95. The casual leave account is to be maintained calendar year-wise. The quantum of leave not availed upto 31<sup>st</sup> December of the year lapses.

If any incumbent after getting the leave sanctioned does not avail the same the entries will be deleted under proper attestation by the Section Incharge.

Compensatory leave is allowed for each day on which an incumbent is officially asked to attend office. This compensatory leave is immediately required to be availed and in no case can more than 3 compensatory leaves be allowed to accumulate, excepting that earned in December which can be carried forward to the next year. The compensatory leave account is to be maintained individual-wise on separate sheets. Date-wise entries are to be made when compensatory leave is earned or availed. The following format is to be used for this purpose:-

**Compensatory Leave Account for the year**

In respect of \_\_\_\_\_ Deptt. (Section)

Name of the official \_\_\_\_\_

Opening balance Of compensatory Leave	Date(s) on which detail on duty	No. of Compensatory leave earned	Total of compensatory leave at credit restricted to three	Date on which Compen- satory leave availed	Balance
1	2	3	4	5	6

**13.1.10 Telephone Register for Trunk-calls**

Each section has normally been provided with PBX telephone and facility of trunk calls through the PBX Telephone Exchange is available or a direct telephone has been provided. Accordingly each section is required to maintain a telephone register for trunk-call and as and when the Section Officer, Superintendent or any official of the section with the permission of the Section Incharge books a trunk-call, an entry has to be made in the Telephone register. After the maturity of the trunk call entry is again to be made in the register. The telephone register has to be in the following format:-

Sl. No.	Date & name of time of section booking telephone the No..&P.P Trunk call	Whether private or Official	If official give purpose of the trunk Call	Whether matured, if so, time of maturity	Amount of trunk Call Bill	Date of verification official bill or date of payment for Private calls	
1	2	3	4	5	6	7	8

### 13.1.11 Register of Establishment

Each section dealing with establishment is required to maintain two separate registers for permanent and temporary sanctioned post to check appointments / postings of incumbents and conversion of temporary posts into permanent ones. These registers are to be in the following forms.

#### (a) Register of permanent posts

Designation of post:\_\_\_\_\_ pay Scale\_\_\_\_\_

Sr. No.	Letter No. & date vide Which created on permanent Basis or converted into Permanent	Name of unit office for which sanctioned/ converted	No. of posts sanctioned converted in to permanent	Progressive total
1	2	3	4	5

#### (b) Register of temporary sanctioned posts

Designation of post:\_\_\_\_\_ pay Scale\_\_\_\_\_

S.No.	Name of office/ Unit for which Sanctioned	letter No.& date vide which created	No.of posts sanctioned	Period for which created	Further Conti- nuance	Letter No.& date	Period	No. of posts
1	2	3	4	5	6	7	8	9

### 13.1.12 Register of Members of the Cadre

Each section dealing with establishment is required to maintain a register of members of the cadre which contains detailed particulars of each incumbent of the cadre. This has to be in the following form:-

Sl. No.	Name with Educational Qualification Home address	Date of birth	Date of joining the post also give name of post	Date of confirmation	Promotion(s) ..... post (a)	Date of promotion (b)	Remarks
1	2	3	4	5	6	7	7

### 13.1.13 Index Cards

Each section dealing with establishment matters has to maintain individual wise index cards which contain records as to biodata, qualifications, posting history, and training of each incumbent etc. This is made use of while formulating transfer proposals. Format of the index card is given in Transfer and Posting Policy in Chapter 21 of the Hand book of Personnel matter Vol.II 2<sup>nd</sup> Edition.

### 13.1.14 Register of Annual Confidential Reports

Annual confidential reports are the most important documents for the service career of a Government servant. Timely completion of the annual confidential reports is of utmost importance and as such those responsible for maintenance of annual confidential reports should ensure timely completion of the reports by maintaining a register in the following format:-

Sl. No.	Name of Official	Date of acceptance of annual confidential report	Year _____ Post/Designation _____	
			Date of Communication of adverse remarks, if any	Signatures of officer in whose custody ACRs are maintained
1	2	3	4	5

(The names of the officials may be entered as per seniority list and entry in col,3 etc. made on receipt of the ACR.)

### 13.1.15 Peon or Messenger Book

Each section is required to keep a Peon Messenger Book which will remain with the diarist of the Section. All communications to be sent from one Department /Section to the other or to other local addressees which are required to be delivered by the Section/Department itself through the peon are entered in it and are delivered to the concerned Department/Section/addressee against proper receipt. A peon book is required to be maintained by the Central Despatch Section for the same purpose. The peon Book has to be in the following form:-

Continuous Sr. No. (Calendar year-wise)	Name of the addressee	Letter No. and date	Name of the peon delivering the letter	Signatures of addressee with date and time
1	2	3	4	5

### 13.1.16 Despatch Register

Each office has to maintain a Despatch Register which has to be kept in the custody of the Diarist/Dispatcher. In large Directorates and in the Secretariat, in addition to a Central Despatch section, each section separately maintains a despatch register. For Secret/Confidential communications, a double cover is prepared in the section itself and sealed by the section Diarist who writes to letter no. date on the top of the envelop. The section and Central Despatch registers are to be maintained in the following format.

#### Despatch Register for Section

(in case there is a separate register for each section)

Continuous S.No. Calendar year-wise	Date	Letter No. and date	Brief subject	Addressee to whom sent	Signature of despatcher of Central Despatch
1	2	3	4	5	6

### Despatch Register for Central Despatch Section

(In case there is a separate section. This registers is also to be used by the Despatch clerk of the office if there is no separate register to each section.)

Continuous Calendar year-wise	S.No.	Date	Address of the Deptt./ Sender	Letter No. and date	Brief subject	Name & Address of addressee to whom sent	Date of actual despatch	Amount of stamps affixed
1	2	3	4	5	6	7	8	

#### 13.1.17 Register of Disciplinary Cases

All Departments/Sections dealing with Personnel /Establishment matters are required to regularly monitor progress of disciplinary case to ensure timely finalisation of such cases. The dealing Assistants are accordingly required to maintain a register of disciplinary cases in the format given below and they are also required to complete each column of the register and ensure that timely reminders for expeditious disposal are sent to the concerned quarters:

Sr. No.	Name & Designation Of the officer/Official	Date of Suspension If any	Date of revocation of suspension order	Date on which charge-sheet served	Charges in brief
1	2	3	4	5	6
7	8	9	10	11	
11		12	13		

#### 13.1.18 Register of Court Cases

All Department /Section dealing with Court, Tribunal and Arbitration cases are required to monitor progress of such cases. The dealing Assistants are accordingly required to maintain a register of court cases in the format given below. They are also required to complete each column of the register and also to take steps for finalisation of the case:-

Sl. No.	Name of the Court/ Administrative Tribunal	Case No.	Parties	Brief contents of the case	Date of instit- ution of the case	Date of receipt of notice
1	2	3	4	5	6	7
	Brief mention of interim Orders/stay, if any	Date of filing of reply	Date of admission	Date of filing reply to rejoinder, if any	Date of hearing with progress of the case	
8		9	10	11	12	
	Date of final Decision	If no appeal is to be filed or stay order not Obtained, date of imple- mentation of judgment	Date of filing appeal	if appeal is filed, date of obtaining stay order	Date of hearing appeal	Date of final decision
13		14	15	16	17	18

### 13.1.19 Register of vigilance cases and vigilance complaints

All Departments /Sections dealing with personnel/establishment matters are required to maintain a register of all vigilance complaints received against Government servants and also details of all vigilance cases noticed/registered against the Government servants. The register has always to be kept up-dated by recording every important event or stage of the case in the register. The register has to be in the following format:-

S.No	Name and Designation Of the Officer/Official Against whom vigilance Complaint/case recorded	Date of receipt of the complaint/case	Name, address of the complainant or the person registering vigilance case	Whether complaint is anonymous/pseudo- onymous or received through a genuine Person	
1	2	3	4	5	
	Brief contents of the complaint/ vigilance case	Date, Name and designation of the officer to whom the complaint/vigilance case is sent for enquiry	Date of receipt of enquiry report and contents of enquiry	Further action with details	Date of final disposal with mode of disposal
6		7	8	9	10

### 13.1.20 Register of files sent to Record Room

All files/registers which are not required for daily use are to be recorded (closed) properly and sent to the record section after classifying the same into 5 classes as specified in para 19.2 of Chapter-XIX.

All files/registers after classification with reference to the period of retention are to be sent to the Record Room duly entered in a register in the following format:-

**Register of files/registers etc. to be consigned to the Record Room**

Sr. No.	Section	File No.	Subject	Notes (no of pages)	Correspondence (no of pages)	Class of record	Remarks
1	2	3	4	5	6	7	8

When any file/register consigned to the record section is needed for reference in the section, the same can be requisitioned from the record section by ending a requisition in the following format:-

**Form of requisition of files etc. from Record Room**

1. Section or office to which the file belong \_\_\_\_\_
2. Name of the section or office demanding the file \_\_\_\_\_
3. Subject of the file \_\_\_\_\_
4. No. of file \_\_\_\_\_
5. Year of file \_\_\_\_\_
6. Purpose for which file is required \_\_\_\_\_
7. To be put up with Dy. No. \_\_\_\_\_ dated \_\_\_\_\_  
or with file No. \_\_\_\_\_
8. Signature of Section Incharge \_\_\_\_\_
9. Signatures of official receiving file with  
Designation \_\_\_\_\_

**13.2 Reports and Returns**

All sections are required to send or receive various reports or returns to /from other departments. Details of some of the reports /returns of common nature are given below

**13.2.1 Calendar of Reports and Returns**

Each section is required to maintain a calendar of all reports and returns due from and to it, a copy of which is hung up in the section as also supplied to all dealing assistants. A copy thereof is also kept by the Branch Officer. This calendar facilitates timely submission or receipt of all reports and returns. It has to be in the following format:-

Sr. No.	Name of the Report or Return	For reports to be sent		For reports to be received		Name of D.A.
		To whom to Be sent	Last date for submission Periodicity	From whom due	Date on which due/periodicity	
1	2	4	4	5	6	7

This calendar to be perused at regular intervals and material for submission or reports/returns collected in time. Reminders need be set in time in the case of non-supply of Reports/Returns which are to be received in the section.

### 13.2.2 Weekly Arrears Statement

Each section is required to prepare a weekly arrears statement showing the dealing hand –wise weekly receipts, disposal and pendency of cases. This statement is to be prepared by the diarist of the section to whom the dealing hand will intimate details of disposal during week as per the Assistant's Diary. The statement has to be in the following format:-

Sr.No.	Name of Dealing Hand	last balance	No. of received during the week	No. of dealt with during the week	Pending (give diary nos.of references pending over 7 days)				Signatures of dealing hand
					Less than 7days	7-14 days	15-30 days	over 30 days	
1	2	3	4	5	6	7	8	9	10

Countersignatures of Branch Officer

Signatures of Section Incharge  
Name of the Section\_\_\_\_\_

It has to be ensured that this statement is prepared correctly and the Section Officer/Superintendent checks the accuracy of this statement. The Branch Officer should also see that the statement is submitted in time and exhibits the correct position . A copy of the weekly arrear statementt together with reasons for cases pending over 7 days is to be sent to the Administrative Reforms Section of the Department if Personal with copy to the Secretary of the Department concerned and the Branch Officer in the case of Secretariat and to the Branch Officer and Head of Department /Deputy Commissioner in the case of Directorates/Collectorates.

### 13.2.3 Statements of pending receipts

A statement showing details of receipts which remains pending over 7 days is to be attached with the weekly arrears statement. This statement has to be in following format:-

Name of the Dealing Assistant \_\_\_\_\_ Section \_\_\_\_\_

Statement of pendency of receipts for the week \_\_\_\_\_ to \_\_\_\_\_

S. No.	Dy. .No.	Date of receipt	Subject	Reasons for pendency
1	2	3	4	5

Para 18.6 Chapter XVIII may be seen for, more details for preparation of this statement.

### 13.2.4 Monthly statement of cases pending finalisation for over 3 months

Each Department/Section is required to prepare, with the approval of the Administrative Secretary a monthly statement of cases pending finalisation over 3 months, which is to be compiled for all the Department by the Administrative Reforms Department and submitted to the Chief Minister through the Chief Secretary. It has to be ensured that all cases pending finalisation over 3 months with reasons for remaining pending are included in this statement. In the case of Directorates and Collectorates, this statement should have the approval of Head of Departments or Deputy Commissioners and the statement should be sent to the Administrative Department with a

copy to the Administrative Reforms Section of the personal Department.  
The statement has to be in the following format:-

Monthly statement of cases pending finalisation for over 3 months as on \_\_\_\_\_ -  
Name of Department \_\_\_\_\_ Name of Section \_\_\_\_\_

*new S. No	**old S.No. (Previous Months' new S.No.)	Diary No.	Date of Diary	Subject in brief	File No which dealt	Date of commen- cement of action	Leave at which held	Since when	Reason
1	2	3	4	5	6	7	8	9	10

- No serial number is to be given for scored out cases.
- Score out cases which have been finally disposed off during the previous month, giving 'finally disposed off in Column-8, date of disposal in Column-9 and method of disposal in Column-10.

**Note 1 :** The word "case", as used in these sub-paras has the same meaning as in para1.2(4) and, a case is considered to be finally disposed off only when all action thereon are completed and final action circulated/communicated. Till then a case is considered as pending.

**Note 2:** Para, 18.7 of Chapter XVIII may be seen for detailed procedure for preparing this statement.

### 13.2.5 Weekly statement of important cases disposed off by the Minister Incharge and Secretary of the Department (only for Secretariat)

Under rule 28-A of the Rules of Business of Government of Himachal Pradesh, every Monday, the Secretary of the Department is required to submit to the Minister-in-charge a statement showing particulars of cases disposed off by the Minister which he considers important, and of cases disposed off by the Secretary himself during the preceding week. A copy each of this statement is to be submitted to the chief Minister and to the Governor through the Chief Secretary. This statement is to be prepared by the Diarist or a clerk/dealing hand of the section under directions of the Section Officer and has to be in the following format:-

**Statement of important cases disposed of by the Minister-in-Charge/Secretary in respect of \_\_\_\_\_ Department (Section \_\_\_\_\_) for the week \_\_\_\_\_ to \_\_\_\_\_ -**

Sr. No.	File No.	Brief details of the decision	Date of decision	Remarks
1	2	3	4	5

(Signature of Branch Officer)

The statement for decisions taken by the Minister-in-Charge and Secretary are to be prepared on separate forms and submitted separately. The statement is to be signed by the Branch Officer.

Also see para 18.5 of Chapter XVIII of this Manual for details.

**CHAPTER –XIV  
DUTIES AND FUNCTIONS OF SUPERVISORY OFFICERS**

**14.1 Classification of Supervisory Officers**

The term “Supervisory Officers” normally includes:-

- (i) Branch Officer in the Secretariat i.e. Under Secretaries, Deputy Secretaries, Joint Secretaries and Additional Secretaries in certain cases where they receive files directly from the Sections:
- (ii) Middle level Officers in Directorates, Collectorates, Regional, Divisional or District level offices such as Additional/Joint/Deputy/Assistant Directors; Controllers, Registrar; Administrative Officers/Registrars or Establishment Officers; Additional Deputy Commissioners, Adl. District Magistrates, Assistant Commissioners, District Revenue Officers etc.;
- (iii) Section Officers/Superintendents Grade-I in the Secretariat, Directorates, Collectorates, Divisional or Regional Office who supervise the work of a section of the Department or Directorate or Collectorate or Divisional or Regional Office;
- (iv) Superintendents Grade-II or senior Assistants working in any office who do supervisory work and submit the cases to the Branch Officers either directly or through the Section Officers/Superintendents Grade-I.

**14.2 Role of Supervisory Officers: an overview**

The supervisory officers play a pivotal role in Government functioning. They are the intermediary channels between the Sections (or Branches or cells or whatever the name given to the lowest structural unit of the organization) and the authorities competent to take final decisions on important matters. Thus the supervisory officers have to perform multifarious duties and functions, but their main role in brief is as under:-

- (i) To assist the authorities in decision making and formulation of plans, schemes and programmes:
- (ii) To present all cases, matters and schemes to the higher authorities in a precise manner with all possible solutions and suggestions.
- (iii) To take effectively measures for building up and maintaining all essential records:
- (iv) To effectively supervise the work and conduct of all functionaries under them and be a source of guidance to ,lower functionaries in all official matters;
- (v) To discharge responsibilities delegated by superior officers so as to leave them free from day to day minor issues in order to devote attention to more important matters.
- (vi) To issue orders in accordance with the decisions of the competent authorities and under proper authentication;
- (vii) To take effective steps for organising the implementation of Government decisions, policies and programmes and to identify bottlenecks or impediments in their implementation in liaison and coordination with all concerned agencies.

- (viii) To make arrangements to monitor and evaluate progress of implementation of Government decisions, plans, programmes and schemes and suggest changes , if needed;
- (ix) To represent the Department or office concerned and watch Govt. Interest/departmental interest in meetings etc, according to directions of the superior authorities.

The Supervisory Officers though not required to handle routine work, which is normally dealt with by dealing hands, yet must familiarize themselves with the general work at that level to ensure effective and purposeful control.

#### **14.3 Duties of Branch Officers and Middle-Level Officers**

The Branch Officer or Middle level officer has generally to perform the following duties and functions:-

- (i) To go through (and initial with date) the dak received by him and mark the papers to the concerned section and also to give directions for its disposal whenever possible at the dak stage to enable speedy processing;
- (ii) To submit important communications to the superior officer at the dak stage for perusal and directions in case the same has not been seen by the officer;
- (iii) To dispose off receipts of secret /confidential or urgent nature after getting such receipts diarised in the concerned section for further reference;
- (iv) To deal with the receipts retained by him and to scrutinize cases received from the section and either finally dispose off the same at his level if powers stand vested in him under the statutory or standing orders or submit the cases to the higher authorities in complete form and in the manner described in Chapter XII.
- (v) To devise from time measures necessary for expeditious disposal of business/work in a section; prepare the Annual Action Plan and to monitor and review the progress at regular intervals.
- (vi) To keep a watch over timely submission/receipt of returns/statements and to send the same to quarter concerned duly checked/scrutinized and ensure that all relevant statistical data/information relating to establishment, budget, expenditure, schemes, plans etc. relating to his section/department and his particular assignment is always kept up-to-date. Also to ensure that all relevant Acts. Rules. Manuals, instructions, Guard files, precedent registers of the Department are kept update.
- (vii) To maintain liaison with other departments with regard to various activities , schemes programmes of the department and attend meetings to represent the department as and when directed by the superior authorities and to preset the view point of the department as per directions of superiors. After attending the meetings the Branch officer or Middle level officer is required to submit a resume of the deliberations of the meeting.
- (viii) To monitor and inspect the ongoing schemes and suggest ways and means for improvements, if any; prepare ,analyse and suggest new schemes, new innovations, improvements in the field of his particular assignment or for the department;
- (ix) To allocate subjects to different sections under his charge; allocate work of a section amongst various dealing hands in consultation with the Section Officer/Superintendent Grade- I

- (x) To train and guide the staff working under him and to point out their short comings and deficiencies if any, for remedial action.
- (xi) To keep himself acquainted with the morale, conduct and discipline of the staff posted in sections under his charge; ensure punctuality in attendance by the staff posted in the sections under his charge; make surprise visits to the sections under his charge to check attendance; to look to the difficulties of the staff; see observance of other instructions by the staff; and carry out periodical inspections of the sections as per provisions of this Manual or directions of the authorities and to send inspection reports to the next higher authority and /or authorities as directed;
- (xii) To see that the Section Officers/Superintendents Grade-I and Grade-II or Senior Assistants working under him hand over /take –over the charge in the manner prescribed in para 15.2.4 of Chapter XV.

The above duties are only of an illustrative nature and the Branch Officer or Middle level officer can be assigned any other duty commensurate with his status and exigencies of public service.

#### **14.4 Duties of Section Officers/ Superintendents Grade-I**

The Section Officer/Superintendent Grade-I is normally incharge of one section and has generally to perform the following duties and functions:-

- (i) To go through the dak as received by him and take the following steps:-
  - (a) Mark the missent receipts to the concerned sections;
  - (b) Submit the important communications for perusal of the higher authorities through Branch Officer, at dak stage, in case any such communication has not been seen by the said authorities;
  - (c) Retain receipts of secret/confidential or urgent nature which he may like to deal himself in which case the said receipts will be got diarised from the diarist by the Section Officer/Supdt. Grade- I for further reference;
  - (d) Mark the remaining receipts to the concerned dealing hands with dated initials indicating the urgency and also giving directions, if any, for disposal and to hand over the same to the diarist of the section for diarizing and handing over to the concerned dealing hands; and
  - (e) Keep a note in the diary about important receipts for watching proper and timely disposal.
- (II) To himself deal on relevant files, secret, confidential, urgent or complex receipts retained by him and also to scrutinise cases received from the dealing hands and further to dispose off the cases at his own level if so empowered under the standing orders or to submit the same to the Branch Officer or Middle level officer in the manner as stated in Chapters IX to XIII with his own remarks or suggestions, if any;
- (III) To see that the concerned dealing hands collect, compile and keep updated, statistical data/information relating to the establishment, budget, expenditure ,scheme, plans etc. relevant to his section of posting;
- (iv) To see that the concerned dealing hands monitor, analyse and maintain data as to the achievement or targets of various on-going schemes both in terms of budget provision /expenditure and actual progress and also to suggest ways and means for improvements in the ongoing schemes; and assist the Branch Officer in preparation of new schemes/programmes, new innovations etc.

- (v) To ensure that returns/statements are submitted in time and the returns/statements to be received in the section are received in time;
- (vi) To see that all dealing hands and the diarist maintain all required register sand keep the same updated. He should also check these registers at regular intervals;
- (vii) To see that all routine duties including maintenance and updating of various registers are carried out promptly and thoroughly;
- (viii) To keep a careful watch on any holdup in the movement of dak and files between the section and higher officers; ensure timely submission of fixed date cases, other important cases and papers required by officers and to keep a watch on progress of action; devise from time to time measures necessary for expeditious disposal of work in the section; to make arrangements for disposal of work of officials of the section on leave, training etc.
- (ix) To prepare papers and compile data for meetings and ensure timely submission.
- (x) To be well acquainted with the office procedures and Acts, Rules, Manuals and instructions of a general nature relating to Finance, Personnel and General Administration Department and specifically applicable in the deptt./Section where posted; see that all Manuals, Acts, Rules, instructions, Guard files and Precedent Registers of the section are kept upto-date by inserting correction-slips or getting new editions printed;
- (xi) To maintain liaison between the staff and the Branch Officer or Middle-level officer in various matters; train and guide the staff posted in the section and to point out their shortcomings and deficiencies, if any, for remedial action keep himself well acquainted with the, morale, conduct and discipline of the staff and also to ensure that the staff compile with Government instructions issued from time to time.
- (xii) To allocate evenly, work of the section to the staff posted in the section with the approval of the Branch Officer or Middle-level officer and to maintain an updated distribution list of work amongst the dealing hands in the section;
- (xiii) To ensue punctuality in attendance in the section and to advise the staff on matters of conduct and discipline. For ensuring availability of staff posted under him on holidays or early or late hours, he should maintain local addresses with phone Nos. if any, of the entire staff with him.
- (xiv) To see that the section is kept neat and tidy and that the files, papers etc. are arranged in an orderly manner; and the recorded files are sent to the record room; and that ephemeral record is periodically destroyed.
- (xv) To ensure that the dealing hands maintain their Assistant's Diaries regularly and note the particulars of initial submission of cases and also record final disposal of receipts at appropriate stage of final disposal of thee case. He is also required to see that the interim processing of receipts leading to collection/compilation of data/information is not marked as final disposal in the Assistant's Diaries. For this purpose he should ensure that the dealing assistants indicate in their notes whether the submission of a case at a particular stage is interim or final disposal. Weekly checking of the Assistant's Diaries is also one of his important functions.
- (xvi) On transfer from one Department /Section to another, to hand over the charge and prepare list of important/complicated matters requiring immediate attention of the successor in accordance with the procedure prescribed in para 14.9 below ; and to see that the officials transferred to or out of the section and over/take over the charge in the manner prescribed in para10.4 of the Hand book for Assistants and para 15.2.4 of Chapter XV of this Manual.

- (xvii) If it comes to the notice of the officer next below the authority who has passed the orders that such authority was not competent to take a decision, it will be his responsibility to bring it to the notice of such authority through the Branch Officer/Middle-level officer in writing before complying with those orders.

The above duties are of illustrative nature and the Section Officer/Superintendent Grade-I can be assigned any other duty commensurate with his status and exigencies of public service.

#### **14.5 Duties, responsibilities and functions of Superintendent Grade-II and Senior Assistants.**

Superintendent Grade-II working in the Secretariat supervise work of some of the dealing hands posted in a section and submit their cases through the Section Officers, but while posted in an independent Cell, they may supervise the working of the entire Cell and submit cases direct to the Branch Officer. Accordingly such Superintendents Grade-II of the Secretariat have virtually to perform all the duties and functions of Section Officers given in para 14.4 excepting that the Superintendent Grade-II when posted in a Section has not to perform duties as indicated in S.Nos. (i),(xii), (xiii) and (xvii), when the Section Officer is there and has to submit the cases through the Section Officer and he can neither finally dispose off any case at his level nor issue any communication under his signatures.

The Superintendent Grade-II and senior Assistants working in the Directorates, Collectorates, Regional, Divisional and district Officers normally supervise the work of a Section or Cell independently and submit the cases directly to the Branch Officers/Middle level officers and as such their duties, responsibilities and functions are the same as indicated for Superintendent Grade-I, excepting that they cannot dispose off any matter at their level and all communications to be sent out are to issue under the signatures of Branch Officers/Middle Level Officers.

#### **14.6 Scrutiny of cases by Supervisory Officers**

##### **14.6.1 Scrutiny by Section Officer/Superintendent**

(a) Excepting cases of secret, confidential or urgent nature which the Supervisory Officer (i.e. Section Officer or Superintendent Grade-I or Grade-II or in some cases Senior Assistant) may like to deal himself, all other cases are processed initially by the dealing hands and submitted to the Supervisory Officer and as such the scrutiny/consideration at this level is of utmost importance. On receiving the file, the Supervisory Officer (Section Officer/Superintendent Grade-I etc.,) is basically required to go through the contents of the receipts, all communications referred to therein and all other linked papers, Acts, Rules, Manuals and instructions added with the case. Thereafter the Supervisory Officer has to ensure that:-

- (i) The dealing assistant has taken all preliminary steps on the receipt as detailed in para 12.2 of Chapter XII, completed the short-comings and placed the receipt(s) in the correct and relevant file and extracts of relevant paras requiring action by other section/dealing hand have been given to the concerned section /dealing hand for further action;
- (ii) The receipt has been duly diarised, placed at proper place duly serial numbered and page numbered and all communications' referred to in the receipt have been referenced and flagged as per para 9.5; and the other relevant files, if any, have been linked in the manner as per para 9.6 of Chapter IX;
- (iii) All data/information required for proper submission of the case has been collected as per para 12.3 of Chapter XII;

- (iv) In all case where lengthy back- history/facts of the case are required to be submitted, the same has been prepared as an "Appendix to Notes" and placed in a separate cover, as per para 12.4(5) (c ) of Chapter XII;
- (v) Lengthy enclosures to a receipt which are likely to make the correspondence portion of the file unwieldy have been kept in an "Index to Correspondence" and placed in a separate cover as per para 9.2 read with para 1.2 (1) of Chapter IX and I respectively;
- (vi) The file (Correspondence portion or the noting portion) has not become unwieldy i.e., exceeded 200 pages and if so next volume is started;
- (vii) Relevant Acts/Rules/Manuals/Regulations or instructions have been added with the case or relevant extracts of the same are added duly flagged;
- (viii) The note prepared by the dealing hand is in accordance with the instructions as in para 12.4 of Chapter XII; the draft has been added in fair or in draft form wherever considered proper ; the note contains all essential features of the case i.e. the issues involved, factual position supported with essential data/ information, provisions of Acts/Rules/Manuals/instructions, all viable solutions/suggestions practicable and the best possible course of action/solution with reasons and the procedure for adoption of the same; the notes have been written strictly observing the procedure and language as indicated in para 12.4(5) (f) of Chapter XII and the concluding portion contains complete particulars of the authority whose approval/orders area solicited;
- (ix) In cases where consultation with any other Department is essential, the note contains complete information as per para 12.10.3 of Chapter XII.
- (x) The dealing hand has put his signatures in full with date on the left side at the end of the note leaving the margin blank;
- (xi) The noting portion is page-numbered, all paragraphs in the noting are serially numbered and all the communications referred to in the note are properly referenced as required under para 12.4(5) (f) (iii) of Chapter XII;

(b) The Section Officer/Superintendent Grade-I etc. after checking the above aspects and finding the case to be in order in accordance with the statutory Rules, Laws, instructions and past precedents should sign in full with date and mark the case /file to the Branch Officer of Middle-level Officer. The marking to the Branch Officer or Middle level officer has to be on the left had side below the signatures of the Supervisory Officer, leaving the margin blank. The signatures of the Supervisory Officer after the note and signatures of the dealing had imply his complete agreement with the view point and suggestions of the dealing hand. It is unnecessary for the Supervisory Officer to give a gist or summary of the case with proposed suggestions in case the note of dealing hand is self explanatory and nothing new is to be added.

(c) In cases where the Supervisory Officer finds that the note of the dealing hand on a case is incomplete or wanting in certain aspects or the suggestion of the dealing hand is not in order and he has different ideas/proposals/suggestions to make, then the Supervisory Officer may either call the dealing assistant for discussion and preparing a fresh note, or may write his own detailed note below the dealing hand's note, justifying his views. At the end of the note the Supervisory Officer has to submit alternative solutions with his particular suggestion for the best course of action and also indicate the level to the authority whose approval/orders are solicited. The Supervisory Officer has then to affix his signatures in full with date at the end of the note, leaving the margin blank. The designation of the Branch Officer or Middle level officer to whom the case is to be submitted is to be indicated on the left hand side of the note-sheet below the signatures of the Supervisory Officer.

(d) After the Supervisory Officer has seen and signed the case in accordance with (b) or ( c) above, he has to affix the urgency label on the case in accordance with the procedure laid sown in para 9.7 of Chapter IX and then send the file to the diarist for entry both in the diary register as also the file movement register so that the dealing of the receipt on a particular file as well as the movement of the file are recorded. The Supervisory Officer has to ensure that the file is promptly sent to the Branch Officer or Middle –level Officer by the diarist. The Supervisory Officer has to send the files of secret/confidential nature to the Branch Officer or middle-level Officer

in a sealed cover and in all such cases the Supervisory Officer is required to inform the diarist to make the entry in the diary and file movement registers.

(e) Secret/confidential/urgent matters desired to be handled by the Supervisory Officer himself are to be processed, dealt with and submitted to the Branch Officer in the same manner as above on the relevant files, duly referenced, flagged, properly arranged with detailed /sort notes as the case may be, with signatures and marking to the Branch Officer or Middle-level Officer.

(f) The Supervisory Officers has also to see that the type of cases for which powers have been delegated to him are finally disposed off by him at his own level, unless he considers that the matter is of such nature as should be brought to the notice of the Branch Officer/Middle-level Officer.

#### **14.6.2 Scrutiny and submission of cases by the Branch Officer.**

##### **(a) Basic consideration**

The Branch Officer/Middle level Officer too is supposed to go through the receipt(s) , all communications referred to therein relevant files, ACRs/Rules/Manuals/Regulations and instructions as are added with the case received by him. Normally the cases are received by the Branch Officer/Middle-level Officer duly processed by the dealing hand and scrutinised by the Section Officer/Superintendent. At the level of the Branch Officer/ Middle-level Officer, the cases need consideration from the following angles:-

- (i) Whether the case has been presented in its complete form with all connected papers, files, reference books duly referenced and flagged and whether all the issues involved have been discussed;
- (ii) Whether of the various alternative courses of action the best one has been suggested conforming to the previous precedents and prevalent circumstances and the line of action is in order;
- (iii) Repercussions of the suggested course of action in the Department itself and other Departments;
- (iv) In case the proposed course of action/solution is to the best one, keeping in view the legal position or the Govt. decisions or the likely repercussions, what in his opinion is the best course of action, with detailed justification.

##### **(b) Action by the Branch Officer/Middle-level Officer**

After scrutiny /consideration of the case from the above angles, the Branch Officer/Middle-level Officer has to take the following action:

- (i) If the case is complete in all respects and the suggested course of action is also in order, then the Branch Officer should either approve the action and send down the file with his dated signatures thereon provided he is duly empowered under the statutory rules or Standing Orders to dispose off that case at his level or endorse the proposed course of action by affixing his dated signatures and mark the file to the next higher authorities whose approval/orders are to be obtained. In either case the Branch Officer/Middle-level Officer has to sign the noting portion towards the right hand side of the page and mark the file downwards or upwards on the extreme left hand of the note, after cutting the marking to him and writing the designation of the lower or higher authority. The margin is, however, to be left blank.
- (ii) If the Branch Officer./Middle-level Officer finds certain deficiencies or inconsistencies in the case or suggestions, he can either point out the same with directions to resubmit the

case after removing the deficiencies/inconsistencies or discuss the matter with the section Officer/Superintendent and ask him to resubmit the case after supplying the missing material or removing the deficiencies/inconsistencies. On receipt-back of this case the Branch Officer/Middle-level Officer has to take action as at (i) above. In case he feels that the course of action suggested is not proper and a different course of action is more appropriate, then he may either discuss the proposed course of action with the Supervisory Officer and ask him to write the proposed suggestion on the note or alternatively write his note giving reasons for taking a different view. The Branch Officer/Middle –level Officer will cross the marking to him and dictate or write his note, marking it down to the Superintendent /Section Officer in case he is authorized to decide the case, or to mark the file to the next higher authorities whose approval/orders are to be obtained.

- (iii) In case before writing his note he finds useful to discuss the matter with the branch officer of another Department, he should do so. All points emerging from discussion between two or more officers and the conclusion reached should be recorded on the file by the officer authorizing action where necessary confirmed by the other participants.
- (iv) Where a file is being submitted on the basis of verbal orders or directions given by an officer, such directions confirmed where necessary, should be recorded on the file and in important matters.
- (v) Before submitting the case upwards the Branch Officer/Middle-level Officer is also required to check the urgency labels or add the labels, if not found in the file. He has also to ensure that the arrangement of papers in the case is in the same manner as indicated in para 9.4 of Chapter IX especially if additional papers have been referred to his own note.
- (vi) The Branch Officer/Middle –level Officer while dealing secret/ confidential or urgent cases himself is required to follow the same procedure as is followed for dealing files/cases by the sections. Without disclosing contents of the receipt, the Branch Officer/ Middle –level Officer should get the receipt diarised in the concerned section and the papers should be dealt with on the relevant files by sending for the same from the section, as far as possible.

### **14.6.3 Approval of Drafts.**

On receipt back to the file with decision/orders of the competent authority, the draft is to be added by the dealing hands, unless the Branch Officer or Middle-level Officer/Supervisory Officer chooses to add the draft at his level. For preparation of drafts, detailed procedure as given in para 12.5 of Chapter XII has to be kept in view. The file is again to be submitted with draft to the Branch Officer /Middle-level Officer or higher authorities. The supervisory officer after going through the draft carefully and making corrections, if any, has to send the file to the Branch Officer/Middle–level Officer with signatures and marking in the same manner as stated above. The Branch Officer/Middle-level Officer is required to go through the draft very minutely for ensuring that the decisions/orders are being correctly conveyed. The drafts are normally to be approved by the Branch Officer/Middle-level Officer by affixing his dated initials on the draft and signatures on the noting portion, except cases of very important nature where it is considered desirable that the communication should essentially issue under the signatures of a higher authority or where there is statutory requirement of approval by the higher authority.

After the draft has been approved by the Branch officer/Middle-level Officer or the higher authority, the file is received back in the section for typing fair copies of the draft. The fair copies duly compared and initialed by the official comparing the same are to be placed on the top of the file and the file sent to the appropriate authority for signatures on the fair copies. At this stage no note is required to be written on the noting portion.

If it comes to the notice of the officer next below the authority who has passed the order that the authority was not competent to take a decision, it will be his responsibility to bring it to the notice of such authority in writing before complying with these orders.

#### **14.7 Delegation of certain powers to the Supervisory Officers.**

In order to enable the Supervisory Officers to discharge their multifarious duties, functions and responsibilities, the following powers/delegations are generally exercised by them:-

##### **(a) Branch Officer and Middle level Officer**

- (1) To grant casual leave, restricted leave, compensatory leave to the fullest extent admissible to the entire staff posted under him;
- (2) To recommend grant of earned leave, commuted leave, half pay leave, disability leave etc. to the competent authority in respect of the entire staff posted under him;
- (3) To dispose off cases at his level to the extent of delegation of specific powers under Standing Orders;
- (4) To approve drafts and sign communications in respect of matters for which specific orders/decisions have been given by the competent authority, unless there is some statutory requirement of signatures of the said competent authority;
- (5) To sign on bills, draw money, maintain cash book, bill registers etc. While functioning as drawing and disbursing office or Head of office; and
- (6) To issue appointment, transfer/posting orders, suspension order, orders in disciplinary matters if such powers have been delegated to him.

##### **(B) Section Officer/Superintendent Grade-I.**

- (1) To grant short-leave, casual leave to the subordinate staff posted in the section not exceeding a spell of 4(four) days at a time; and to grant station leave.
- (2) To acknowledge receipts of letters; and send interim replies;
- (3) To issue ordinary reminders;
- (4) To send replies to routine queries in respect of decisions already taken; supply factual information; and call for preliminary information in incomplete cases before submission of cases to the officers.

#### **14.8 Maintenance of discipline**

Supervisory Officers are directly responsible for the maintenance of discipline in the sections, branches, cells or organizational units under their control. It is their duty to ensure that discipline is enforced in work and conduct. It is their responsibility to ensure attendance, grant leave, regulate the section's work, maintain secrecy and prevent un-authorised access. It is also their duty to ensure that officials under their control diligently discharge their responsibilities in maintaining records and processing cases. Supervisory Officers have to ensure that discipline is maintained so that the work does not suffer. This requires considerable tact so that the officials do not see the Supervisory Officer merely as a punishing authority always ready to apply conduct rules or issue charge-sheets. At the same time the Supervisory Officer must show sufficient firmness so that the officials under his control are well aware that there can be no compromise on efficiency. It may be necessary, therefore, for the Supervisory Officer to keep track of breaches of discipline and endeavour to correct them initially by friendly advice but if it is found that breaches of discipline frequently and willfully occur, the Supervisory Officer must be quit ready to make a formal complaint or start disciplinary proceedings or take other appropriate corrective action. Failure to do so will erode his authority, reduce efficiency of the Section and leave the impression of weakness and dis-organisation.

#### **14.9 Transfer and postings of supervisory officers**

The Supervisory Officers in their transfer/posting from one Department/Section/Cell to the other should not simply leave the departure report and join in the new place of posting. They are required to hand over charge of the files, documents, etc. to either their successor or the next junior as may be directed by the competent authority. Accordingly the Supervisory Officers when posted out should:-

- (i) prepare lists of files, Guard files and important documents in their custody, in triplicate;
- (ii) hand over the files, guard files and documents to their successors under proper signatures of both the relieved and relieving officer/official on the lists as prepared at (i) above. Both the relieved and relieving officer should retain one copy of the list and add one copy of the same with the joining/departure report to be submitted to the next higher/superior officer; and
- (iii) prepare a summary of all important and complicated matters requiring immediate attention to the successor and hand over the same to the successor and submit a copy of the same to the next higher/superior officer.

#### **14.10 Special responsibilities and tasks of Supervisory Officers**

The supervisory officer's duty is not only to deal with routine work of dealing with files, as submitted to them by the dealing hands or handled by themselves but they are a crucial and specific role to play in ensuring efficiency, checking delays, and displaying drive and initiative to make systemic changes. Some of the specific responsibilities of Supervisory Officers in this regard are given below.

##### **14.10.1 Annual Action Plan-Preparation and Review**

For proper and systematic conceptualization and implementation of programmes and tasks, each Directorate/Department is required to prepare an Annual Action Plan for all departmental programmes/schemes/projects in advance, in the month of January or February every year, with month-wise or quarter-wise break-up of such targets in respect of each activity to be performed during the ensuing financial year. These action plans are to be drafted by the supervisory officers in respect of the subjects assigned to the section/wing being supervised by them. The Branch/Middle level Officers are required to submit two copies of the Annual Action Plan to the Directors/Secretaries concerned by the end of February every year so that the Directors/Secretaries can finalise the Annual Action Plan by the end of March every year. Essentially the plan should include the following:

- (a) Goals and objectives set to be accomplished.
- (b) Policy initiatives to be taken.
- (c) Legislation, Rule and Regulations to be finalised
- (d) Administrative and Economic reforms to be initiated.
- (e) Major Programmes and Schemes with targets, achievements, budget, expenditure and main activities.
- (f) Progress under 20-Point Programme
- (g) Highlights of activities of Public Sector Undertakings (details of these will be available in the Undertaking's own Annual Report and therefore need not be reproduced).

- (h) Matters of inter-departmental coordination, meetings of important Committees, processing of their reports etc.
- (i) State level, National or International Conferences.
- (j) Long term administrative measures including strengthening of organization, staff morale and motivation.
- (k) Economy measures.

The plan should be reviewed monthly at the Supervisory Officers level and quarterly at Head of Department/Administrative Secretary level. Detailed procedure for preparation and review of Annual Action Plan is given in the Guidelines for preparation and review of Annual Action Plan issued by the Administrative Reforms Organisation separately.

#### **14.10.2 Enforcing efficiency and reducing delays**

Effective implementation of Government policies programmes largely depends upon efficient and speedy disposal of work. It is thus essential that there is promptness and efficiency in the disposal of routine work at all levels and delays are checked. The supervisory officers are required to check delays in disposal of work at every step and ensure efficiency of administration. It is preferable to encourage and implement computerization of activities which help, monitor disposal of papers. The Supervisory Officers are thus required to ensure that:-

- (i) All references/cases received in the section(s) under their charge are submitted and finally disposed off efficiently and within the maximum time limits indicated in paras 18.2 and 18.3 of Chapter XVIII.
- (ii) Public grievances are redressed with utmost promptness. The Branch Officers and Middle-level Officers should assist the decision-making authorities by monitoring action, interacting with other Departments, Directorates and field offices for ensuring timely action on all grievances and prompt and proper disposal of complaints.
- (iii) The weekly arrear statements are submitted in time and cases pending for over one week are got processed promptly.

In addition, the Supervisory Officers are required to critically examine and scrutinise the following:-

#### **(a) Weekly arrear Statement.**

(1) The Section Officer/Superintendent should:

- (i) Check the individual-wise and consolidated statement for its correctness, completeness and accuracy with reference to the Assistant's diary
- (ii) Scrutinise receipts which are more than one week old and verify the correctness of the reasons for delay in their submission;
- (iii) Guide and advise the dealing hands for immediate disposal of cases pending for over one week;
- (iv) Give his observations about the reasons for pendency over one week and the steps taken by him to clear this pendency. He may also give instructions to the dealing hands in this statement;

The Section Officer/Superintendent should ensure preparation and scrutiny of the statement in the manner given in detail in para 18.6 of Chapter XVIII.

#### **(2) The Branch Officer/ Middle Level Officer has to:**

- (i) Ensure that the Section Officer/Superintendent has scrutinised the statement in the above manner especially from the angle of final disposal instructions and has indicated steps taken/to be taken for clearing the pendency;

- (ii) See that the pendency is not accumulating on any one seat because of uneven distribution of work;
- (iii) Give precise direction for disposal of pendency of cases over one week old; discuss important pending receipts with the Section Officer/Superintendent and ensure that they are processed without further delay;

Para 18.6 of Chapter XVIII may also be seen regarding procedure for preparation of this statement.

**(b) Monthly statement of cases pending finalisation over three months.**

The monthly statement of cases pending over three months is required to be submitted on the first working day of the following month and the Supervisory Officers have to ensure correctness, completeness, accuracy and timely submission of this statement in the same manner as the weekly arrear statement. The hold up of the cases submitted by the Sections and awaiting final disposal need special attention and section by the Branch Officers/Middle-level Officers. They should bring such cases to the notice of the higher authorities so that the pendency is cleared. The instructions given in paras 18.7 of Chapter XVIII should be strictly adhered to.

**(c) Register of receipts of important communications.**

The diarist of the section/unit is required to maintain and submit a register receipts of important communications to the Section Officer/Superintendent daily who has to ensure that:-

- (i) All communications of important nature and those received from the V.I.Ps have been duly diarised in the register. For this purpose he should keep a note of all important communications in his diary while marking the dak;
- (ii) All such communications have been duly put up by the dealing hands in time and in case any receipt is yet to be put up, reasons therefore should be ascertained and looked into;
- (iii) The final disposal of these communications is watched. In case any file is held up at any level, he should bring it to the notice of the higher authorities.

**(d) Register of Assembly Questions, Assurances and Court Cases.**

Each section is required to maintain a register each for Assembly Questions, Assurances and Court cases as per proforma given in Chapter XIII. The Section officers /Superintendents should peruse these register daily to ensure that no date-bound matter remains un-attended and advance action in all matters is taken. The Branch Officer/Middle-level officer too should call for these registers once a week preferably on Monday to see that timely action is being taken in all date-bound cases. Both the Branch /Middle level Officers and Section Officers/Superintendents should themselves too keep a note of ass Vidhan Sabha, Legislative Business and Court cases so that they can ask the dealing hands for timely action and no matter is delayed.

**(e) Movement of files/papers**

- (i) The Branch Officers /Middle-level Officers have to ensure that the files/ papers are received from the Sections and the files/papers disposed of by them reach the Sections or are sent to higher levels immediately.
- (ii) The Section Officers/Superintendents/other supervisory officers are supposed to ensure that;
  - (1) All dak received by them is marked immediately to the dealing hands and the diarist diarises all receipts the same day and further delivers them to the dealing hands on the same day.
  - (2) If the diarist happens to be on leave, his duties are invariably entrusted to some other clerk as the work of the diarist is of utmost importance and cannot be postponed;

- (3) The cases/files marked to the branch Officers/Middle-level Officers/ other Departments or the dealing hands are promptly passed on and no file/case should remain on the table of the diarist/ Section Officer/Superintendent.
- (4) The work of any dealing had on leave/tour etc. is arranged to be looked after promptly by mutual internal arrangement.

**(g) Registers/Maintenance of statistical data, information, standing Guard files and precedent registers.**

It is the primary duty of the Section Officers/Superintendent /other supervisors to see that all registers, statistical data and information relating to their sections are maintained and always kept updated. The Branch Officers/Middle-Level Officers should also check maintenance of registers, statistical data and information at regular intervals to ensure that the same are kept updated. The Section-in-charges as also the Branch Officers/Middle-level Officers have also to see that the sections under them maintain the Guard Files and Precedent Registers as prescribed in para 18.11 and 18.12 of Chapter XVIII.

**14.10.3 Reports and Returns – Periodic Review.**

The Branch Officers/Middle level officers should undertake periodic reviews of all reports /returns being received in their respective departments /offices with reference to the following:-

- (a) Whether the relevant report/return is really essential from the point of view of usefulness and utility the Department/Office.
- (b) In case it is felt that report/return is not being made use of in any manner, the basis for calling forth report/return at the relevant initial time need be looked into to ascertain the aims and objects of calling for the report/return still exit and if so the data received though reports/returns should be compiled and tabulated for further use for the purpose for which the same was really intended;
- (c) In case the data/information being received through some returns/reports is no longer required with reference to the scrutiny as and (a) and (b) above, then the question of discontinuing such returns/reports should be seriously considered and to orders of the competent authority obtained for discontinuance of the returns/report(s);
- (d) The question of redesigning or combining two or more such reports/returns which do not provide information/data in usable form and revising the frequency in relation to the need with due regard to constraint of time required for collection of information/data should also be considered;
- (e) There may be some types of returns/ reports, which if maintained at both Secretariat and Directorate level may simply lead to duplication or which can be better maintained at a lower level. It should thus be considered as to at which levels should such data. Information is maintained so that the same can easily be made available at short-notice.
- (f) The essential data/ information received through various reports/returns should be compiled, tabulated and processed in computers wherever available so that the same is readily available whenever required.

#### **14.10.4 Office Inspections**

The purpose of inspections is to:-

- (i) check whether essential records of an office are being correctly maintained and updated from time to time;
- (II) find out the overall state of affairs in each unit and to devise ways and means for improvement;
- (III) see whether the prescribed procedure and instructions are understood properly and followed intelligently;
- (IV) Find out whether proper attention is being paid to quality of performance by officers and staff during the discharge of their duties; and
- (V) Test the intrinsic soundness and utility of the procedures and to get reliable data for planning improvements.

The primary responsibility for inspections rests with the Head of the Department/Organisation, but since they cannot inspect all the offices/institutions under them themselves, inspections have also to be carried out by the Branch Officers or the Middle level Officers.

The inspection should be a detailed one and the report should cover all the points mentioned at the beginning of this paragraph to the extent possible and practicable. An inspection note should invariably be prepared and the officer conducting the detailed inspection should not only point out short comings, but also guide the staff from remedying the defects. Proper procedure should also be explained wherever necessary. The procedure for carrying out inspections is explained in detail in Chapter XVIII.

#### **14.10.5 Up-dating of Acts/Rules /Manuals**

The Acts/ Rules/Regulations, instructions and orders are amended by the Government from time to time to suit the changing situations and needs. All amendments /changes /new instructions /orders are required to be incorporated and properly linked with the relevant provisions of Acts/Rules/Regulations, Manuals etc. promptly, so that the same are always kept updated and no matter is unnecessarily delayed or wrongly decided because of non-updating of these Acts/Rules/Manuals etc. The work needs the special attention of the Supervisory Officers, especially the Branch Officers/Middle-level Officers.

As regards the instructions/orders issued by the Govt. from time to time, the same are required to be compiled, consolidated and codified in the form of a Handbook or a Manual. The following general guidelines need be kept in view while codifying the instructions:-

- (1) The consolidated latest instructions/orders should be subject wise and self contained and unequivocal. The text of the Handbook /Manual should be as per latest instructions/ orders in vogue on the subject. Earlier instructions on a subject if still likely to be relevant should be motioned in detail only in the Annexure.
- (2) The instructions/orders should be arranged and presented topic-wise as far as possible in a logical form giving reference of relevant Government instructions/orders at the end of each topic I brackets. The relevant instructions/forms etc. may be added at the end of the Handbook/Manual or at the end of each chapter as Annexure;

The Branch Officers have the responsibility for ensuring that updated copies of the Acts/Rules/Regulations administered by the Department where they are posted are available not only in the sections under them, but also in all other offices using the same. Likewise they are also required to ensure compilation and codification of all Government instructions/orders in the form of Handbook /Manuals subject-wise and ensure their periodical review.

#### **14.10.6 Co-ordination and Accountability in decision making**

Every Department is required to prepare an Annual Administration Report for each calendar year describing the main activities of the Department. Copies of the Annual Administration Report are to be sent to the Vidhan Sabha at the commencement of the Budget Session and the reports are also required to be placed before the Departmental Standing Committees constituted by the Vidhan Sabha. The Branch Officers /Middle level Officers of Departments/Directorates have the responsibility of drafting the Annual Administration Report, to have it approved by the Secretary of the Department and to forward the same to the Vidhan Sabha Secretariat. The Branch /Middle level officers must pay special attention to the following aspects while drafting the report.

- (h) The objective of the Annual Administration Report is to describe in factual and statistical terms the achievements of the department. Where there are significant shortfalls or over achievements these should be highlighted with an explanation or reason where possible.
- (i) The Report is expected to reflect the programmes of the Department as a whole. Accordingly while the facts and figures may be taken from the Directorate and even the initial drafting can be done in the Directorate, the Report must be finalised in the Secretariat and must include important matters or policies etc. which are the primary responsibilities of the Secretariat Department.
- (j) In order to ensure that the Report is prepared systematically, it can be prepared on the basis of the targets and achievements under the Annual Action Plan.
- (k) The Annual Administration Report is a document for performance appraisal. It can help identify problems and bottle-necks. The conclusions of the report in this regard largely help preparation of the next year's Annual Action Plan and also in taking steps to remove these problems and bottle-necks.

Details on the preparation of the Annual Administration Report are given in Chapter XVIII.

#### **14.10.7 Co-ordination and Accountability in decision making**

Almost all files of a section pass through the Supervisory Officer, who therefore is aware of all decision making going on as recorded in the files. The Supervisory Officer, in his co-ordination capacity also informally discusses many aspects of pending cases with other his counterparts in other Offices/Departments in so far as it relates to them. To ensure that decisions take into account all relevant information, all points emerging from discussions between two or more officers and conclusions reached should be recorded on the file by the officer authorizing action and where necessary, confirmed by the other participants. Similarly, all verbal orders or instructions given by an officer and, where necessary, the circumstances leading to such orders or instructions, should be recorded on this file and in important matters should be confirmed.

If it comes to the notice of the officer next below to the authority who has passed the order that the authority was not competent to take a decision, it will be his responsibility to bring it to the notice of such authority in writing before complying with those orders.

## CHAPTER XV

### DUTIES AND FUNCTIONS OF MINISTERIAL STAFF

#### 15.1 Ministerial Staff

Ministerial staff comprising personal staff, assistants, clerks and Class IV employees contributes in one form or the other in implementation of various schemes, plans and programmes of the Government. The role, duties functions and responsibilities of these functionaries are given in the succeeding paras.

#### 15.2 Assistants

##### 15.2.1 Role:

The term "Assistants" includes "Senior Assistants", Senior Assistants (Account)" and" Junior Assistants "who deal with receipts and submit cases to the Section Officers or Superintendents. The Assistants are required to compile data, statistics or information and deal with matters so as to present complete cases with all relevant data, and information with past precedents and viable/feasible solutions to facilitate the authorities to arrive at a definite decision. The Assistants are thus basic to the administrative machinery.

##### 15.2.2 Duties, functions and responsibilities

Department upon urgency, need and public interest, the assistants can be asked to undertake any job/assignment, but generally, the main functions and responsibilities of the Assistants involve handling of the work relating to:-

- (1) Receipts, diary-dispatch typing, record maintenance.
- (2) Various duties in reception and varied assignments in offices of Ministers and senior officers.
- (3) Opening and maintenance of files referencing, dealing cases including noting and drafting, recording of files, maintenance and updating of various types of data, statistics and information and maintenance of various registers.
- (4) Acquisition, maintenance and up-keep of stores, stocks, stationery articles, accounts and registers,
- (5) Preparation of all types of bills such as pay, travelling allowance, medical reimbursement. Contingencies, contractor, suppliers and advances etc.etc. and handling of cash, maintenance of cash book and connected accounts/bills registers etc.
- (6) Personnel /service/establishment matters, including recruitment and promotion rules, conditions of service, posting, transfers, maintenance of service books, index cards, service records, preparation of leave accounts, pension papers, disciplinary matters, personal files etc.etc.
- (7) Budget preparation including appropriation, re-appropriation, supplementary demands for grants, additional grants, contingency fund, all matters relating to Public Account Committee, Estimates Committee, audit paras, economy in expenditure etc.etc.
- (8) Assisting in planning and monitoring of developmental social and welfare schemes;
- (9) Regulatory matters such as issue of licenses, permits, various types of certificates etc;

In order to discharge these functions, the Assistants are generally required to maintain the following registers and ensure submission of returns/statements.

- (a) diary register;
- (b) File opening register;
- (c) File movement register;
- (d) Register for receipt of important communications;

- (e) Register of Assembly Questions, Short Notice Questions, etc.
- (f) Assurances Register;
- (g) Register of files received/sent unofficially from/to other Departments /Sections;
- (h) Register of Establishment ;
- (i) Register of members of the cadre;
- (j) Index cards;
- (k) Register of Annual Confidential Reports;
- (l) Register of Disciplinary cases;
- (m) Register of Court cases;
- (n) Register of Vigilance cases and Vigilance complaints
- (o) Despatch register;
- (p) Register of files sent to the record room;
- (q) Casual leave ad Compensatory account register;
- (r) Telephone Register;
- (s) Assistant Diary register;
- (t) Reminder diary/register;
- (u) Weekly area statement;
- (v) Calendar of reports and returns;
- (w) Weekly statement of important cases disposed off by the Minister Incharge and the Secretary of the Department (applicable for Secretariat only);
- (x) Monthly statement of cases pending finalisation over three months etc.

Formats of these registers/returns and the procedure and details thereof are given in Chapter XIII.

### **15.2.3 Procedures for dealing receipts and maintenance of files**

The dealing assistants are required to maintain files and present cases on files and present cases on files in the manner given in Chapter IX. They are required to deal receipts, prepare drafts and despatch communications in the manner prescribed in Chapter XII.

### **15.2.4 Handing over Charge on transfer**

The Assistants on their transfer from one section or office to another cannot just leave the section or office and join in the new section or new office of a posting. They are required to first properly hand over the pending receipts, all registers and files, besides preparing a list of important and time bound papers/matters so that the records remain in proper custody at all times and no important and time bound case remains unattended or delayed.

With the above end in view the following procedure is required to be observed when assistants are transferred to or out of section or from one station to the other.

(i) The official transferred out of the section/cell or from an office will prepare three lists, consisting respectively of :-

- (a) all undealt receipts remaining with him. The undealt receipts will be tallied with the entries in the assistant's diary.
- (b) Registers and records and Assistant's diary maintained by him ;and
- (c) All files including guard files in his history.

In addition to this, he will also separately prepare a list of receipts./files/matters of urgent nature, court cases, Vidhan Sabha matters and other important matters which need to be attended to without delay by his successor;

(ii) in case, at the time of his transfer his replacement/successor has been posted and has joined, he will hand over the undealt receipts/ all registers and records including assistant's diary and file according to the three lists prepared as at (i) above under proper signatures of the relieved and relieving official. A copy of each of the three lists will be retained by both the officials and the three copy will be handed over to though Section Officer/Superintendent Grade I /Superintendent Grade II or Senior Assistant supervising the work;

(ii) Where an official is transferred out without his replacement /successor having been posted, the official transferred out shall, before leaving for his new posting, prepares the three lists of receipts, registers and files as at (i) above and hand over the same together with the receipts/files/registers to the Section Officer/Superintendent Grade I /Superintendent Grade II or Sr. Assistant supervising his work. He will also prepare another list indicting the receipts of urgent nature, court cases, Vidhan Sabha matters and other important matters needing attention without delay and hand over the same to the supervisory officer supervising his work, so that he assigns such receipts/matters to some other dealing hand as and interim measure. As and when the replacement/successor joins, he shall take over the undealt receipts, files and registers by signing the lists' and tallying the undealt receipts with the entries in the assistant diary and the reregisters and files with the lists thereof;

(iii) Where an official posted in a Section/wing or an office is not able to take over the charge because of his predecessor being on leave etc. at the time of his joining , the official shall prepare lists of pending receipts, registers(including assistant's diary) and current files (including guard files) ad hand over a copy of all these lists to the Section's Supervisor (Section Officer, Superintendent Grade/Grade -II or senior Assistant as the case may be) pointing out the important pending receipts left unattended so that the Section's supervisor may initiate measures for their immediate disposal and if necessary inform the Branch Officer of the position. As and when the official posted out rejoins duty in the office, he should be asked by the supervisor of the section to verify the entries in the lists and sign the lists.

It is the personal responsibility of the official transferred to or from the section/office to prepare the lists in the above manner and to hand over the same to the Supervisor of the Section/Office personally. A copy of these lists is to be attached with the joining /departure reports by the supervisor while forwarding the joining departure reports to the next superior/higher authority without which the joining /departure reports will not be deemed to be complete.

The Section Officer/Superintendent Grade I /Superintendent Grade II /Senior Assistant supervising the work of the official concerned will bring to the notice of the Branch Officer in writing both any deviation from this procedure as well as details of important papers and cases left unattended or likely to remain unattended and ensure issue of orders for their prompt disposal. Any lapse in this behalf is the personal responsibility of the supervisor of the Section.

### **15.3 Personal Staff**

#### **15.3.1 Role**

The term personal staff includes senior functionaries such as Senior Special Private Secretaries, Special Private Secretaries, Senior Private Secretaries, and Personal Assistants, Senior Scale Stenographers, Junior Scale stenographers and steno typists working in the Secretariat, Directorates, Collectorates, Regional, Divisional and District-level offices. The general function of all these functionaries is to aid and assist the Ministers, Secretaries and other officers in their day to day disposal or work and carry out such duties as are officially assigned to them. The senior functionaries in addition supervise the working of the entire staff posted in the offices of the Ministers/Secretaries and their role is to maintain discipline and order in these offices by guiding the entire staff in the performance of their duties. The lower-level functionaries work either under the direct directions of the Ministers/Officers or under the directions of the senior functionaries.

### 15.3.2 Duties and responsibilities

The personal staff have to handle files/ records of confidential or secret nature and as such they have to retain the faith reposed in them by maintaining secrecy. The confidential reports, in majority of cases are processed and retained in the custody of the personal staff and they have to properly maintain them. They are also supposed to be fully equipped with knowledge of both Hindi and English shorthand and type-writing to assist the authorities in quick decision-making through dictation and typing.

Being members of the personal staff, they can be asked by the Ministers/Officers with whom they are attached to attend to any appropriate official work on their behalf. The main duties, functions and responsibilities of the personal staff are, in brief, as under :-

- (1) Receipt and Despatch of Dak
  - (i) to receive the entire dak including files meant for the Minister/Officer and issue /give receipts therefore:-
  - (ii) to dairies the entire dak in the diary register to be maintained forth purpose;
  - (iii) to arrange the dak in order of priority, immediate, urgent and ordinary categories and to submit the same in dak-pad or in the form of files to the Minister/Officer immediately on receipt, but after diarizing the same;
  - (iv) to mark the dak to the concerned officers/officials after perusal by the Minister/Officer and note the marking in the diary register;
  - (v) to send the dak to the concerned officers/ officials a per marking through the despatch register /peon book immediately after perusal by the Minister/Officer; and
  - (vi) to maintain despatch register, prepare the envelopes wherever required.

a. Preparation of notes or drafts

To write notes or drafts for approval of the Minister/Officer or as per his directions and after approval to fair out the same for signatures. After signatures to send to notes/communications to the conce5ned quarters;

- (3) Dictation/Type work
  - (i) to take dictation in both English and Hindi stenography, to transcribe the dame on English/Hindi typewriters and to present the transcribed dictation work to the Minister/Officer for approval and signatures;
  - (ii) to type demi-official letters, secret, confidential and important letters with enclosures; and to compare the same before submitting for signatures of the Minister/ officer; and
  - (iii) to do other type of work as and when assigned by the Minister/Officer or by the Controlling Department in consultation with the Minister/Officer.
- (4) Attendance of telephones:
  - (i) to ensure that the telephones installed in the offices. residence of Minister/Officer are in working order and to lodge complaint and to pursue the same if there is any defect in any telephone;
  - (ii) to attend to the office telephones courteously and politely and to connect the outside calls with the Minister/Officer keeping in view the engagement of the Minister /Officer and his directions;
  - (iii) To attend to the residential telephone of the Minister in the same way as per official telephone as and when desired by the Minister;

- (iv) to arrange telephonic talk of the Minister/Officer with other authorities as per directions of the Minister/Officer through local, STD facility or trunk booking;
  - (v) to maintain registers of trunk-calls of all official/residential telephones for the Minister/Officer and residence of the personal staff and to verify the official calls and also to ensure deposit of amount of private calls;
  - (vi) to keep always official directories updated and to maintain telephone numbers of concerned Ministers/Offices of the Central Government/State Governments; and
  - (vii) to take tactful effective measures against misuse of official telephone by outsiders.
- (5) Maintenance of engagement diary
- (i) to maintain engagement diary of the Minister/ Officer and also to prepare and keep a separate list of day's engagements in the room of the minister/Officer with a copy with the personal staff for ensuring fulfillment of engagements;
  - (ii) to fix date and time of meetings/other engagements with the approval of the Minister/Officer and to convey the same to the concerned authorities;
  - (iii) to timely remind the minister /Officer about the meetings/other engagements for ensuring timely participation therein by the Minister/Officer;
  - (iv) to ensure that files, briefing notes or other information required for the meeting are got prepared well in time by the concerned Department/Section;
  - (v) to inform the Reception about the visitors who have to call on the Minister/Officer and also particulars of the officers/officials/other functionaries who have to attend meetings fixed for the day in the chamber of the Minister/Officer. This is essential for the personal staff of the Secretariat as it will enable the reception to issue passes promptly and will also avoid inconvenience to the visitors/officer /officials.
  - (vi) to receive all the visitors/officers/officials courteously and politely and make arrangement for their seating in the chamber of Minister/Officer or in the room of the personal staff if at the relevant time the Minister/Officer is busy with some other engagement.
  - (vii) to arrange for refreshments etc. as per Govt. orders for the visitors/officials in the meetings to be held in the Chamber of the Minister/Officer as per directions of the Minister /Officer.
- (6) Legislative Matters
- (i) Before the commencement and during the Assembly Session to collect copies of :-
    - (a) Starred/Unstarred/Postponed Assembly questions
    - (b) Short-notice questions or other material as fixed for the day;
    - (c) Daily list of business of the House
    - (d) Replies to all questions etc. to be replied to by the Minister concerned; and
    - (e) Papers to be laid on the table of the House.
  - (ii) to arrange systematically the entire business of the next day and ensure that the pad of Assembly Business reaches the Minister/Officer well in time and at least the previous night;
  - (iii) to ensure that the Assembly Business is got approved urgently from the Minister/Officer and the papers/files concerning the Assembly Business are sent to the department for preparing fair replies;
  - (iv) In Directorates/Collectorates/Divisional/Regional/District offices, the personal staff have to maintain a Register of Assembly Questions etc. for monitoring the submission of required data/information to the Government; and
  - (v) to report to the Minister /Officer cases where the efforts of the personal staff to collect necessary material from the Department /Office for the Assembly Business well in time fail

- (7) Furnishing of Officers/Residences of Ministers/Officers
- (i) to arrange furniture, fixture, stationery, Crockery etc. for the offices and residences of Ministers and offices of the Officers and to arrange replacement of articles which become un-serviceable;
  - (ii) to arrange regular cleanliness of the Curtains, Carpets, furniture etc. and to monitor cleanliness of office premises daily.
- (8) Control over Vehicle /Driver
- (i) to arrange a vehicle for local and touring by the Minister/Officer as per entitlement and to ensure that the vehicle remains always in a fit condition for being plied at any time and to arrange for timely repairs according to Government instructions;
  - (ii) make entries in the log book of the vehicle and to sign the same;
  - (iii) in the case of vehicles attached with officers, to ensure that regular deduction for attached vehicle is made from the pay bill of the officer and the private journeys are regulated in accordance with the instructions of the Government.
  - (iv) To verify bills for petrol/repairs and to see that the driver renders complete account of the advance;
  - (v) To arrange the flag for the vehicle wherever required; and
  - (vi) For tours, to ensure that the driver has obtained sufficient advance to meet expenses for the entire journey.
- (9) Arrangements for tours/pay etc.
- (i) to frame tour programme as per directions of the Minister/Officer. In the case of personal staff of officers, they are required to send the proposed tour programme for approval of the appropriate competent authority;
  - (ii) To circulate the tour programme to all concerned and to inform the concerned district-level officers over the telephone as well, if considered proper;
  - (iii) To arrange accommodation in the Circuit House/Rest House etc. for the stay of the Minister/Officer during tour;
  - (iv) To collect all relevant papers/material for the tour and to depute personal staff/orderly or peon and a security man for the tour of the Minister;
  - (v) to arrange Air/Train tickets and booking of seats by Air/Train;
  - (vi) to arrange advance for the tour if needed by the Minister/Officer;
  - (vii) to accompany the Minister/Officer as per directions, on tour;
  - (viii) to prepare tour diary /travelling allowance bill after the completion to the journey and to see that the pay and other bills are timely prepared;
  - (ix) to make arrangements for sending dak /files in case of long tours and to keep a note as to where the Minister/Officer can be contacted while in station or on tour.
- (10) Maintenance of I data /information/statistics
- (i) to maintain all data/information/statistics relating to the Departments under the control of the Minister/Officer. This should include information about the instructions, schemes, programmes, annual budget provision, targets and any other data frequently required by the Minister/Officer.
  - (ii) To update the data /information/statistics annually as often as required; and
  - (iii) To present press cuttings relating to the Department or other important news.

- (11) Stationery articles, heating, lighting and cooling arrangements
- (i) to procure stationery articles for use by the personal staff and the Minister/Officer from the Stationery Incharge Section;
  - (ii) to see that proper lighting, heating and cooling arrangements for the office and residence of the Ministers exist and are maintained properly;
  - (iii) to look after proper lighting, heating and cooling arrangements' in the offices of the officers; and
  - (iv) to make alternative arrangements for light in the event of electric failure in offices so that maximum office working is maintained.
- (12) Leave/Transfer
- (i) The Private Secretaries to sanction casual leave to the staff to the extent and on the conditions as per delegation to the Section Officers, the Senior Private Secretaries /Special Private Secretaries /Senior Special Secretaries as per branch officers powers with the prior approval of the Minister/Officer.
  - (ii) To maintain casual leave and compensatory leave account of the entire personal staff.
  - (iii) to recommend grant of regular leave to the staff posted with the Minister/Officer, to the administrative section with the prior approval of the minister/officer and to make leave arrangements in consultation with the administrative section .
- (13) Maintenance of record
- (i) to keep up to-date reference books such as administrative directories, Acts, Rules, Statutes, Manuals Regulations, Instructions etc.
  - (ii) to open new files, maintain the same in accordance with the procedure laid down in Chapter IX of this Manual;
  - (iii) to maintain records of orders passed by the Ministers/Officers in the relevant files; and
  - (iv) In the event of closing down of the office of the Minister/Officer it will be the personal responsibility of the senior-most member of the personal staff to ensure that-
    - (a) the files/registers opened in the office of the Minister/Officer are properly recorded (closed)and handed over to appropriate authority or record room as may be directed by the administrative section by preparing detailed lists in triplicate and obtaining proper receipt of the official to whom such record is handed over. A list of handing over the record will be sent of the administrative section while one each will be retained by the officials handing over and taking over the charge;
    - (b) to obtain orders of the administrative section for handing over the charge in case no orders are received by the senior-most member of the personal staff;
    - (c) to hand over the furniture, fixture and other store/stock articles to the Store-in-Charge against proper receipt;
    - (d) to return the files of the departments to the officer from whom the same were received against proper receipts;
    - (e) to hand over the secret /confidential record to the concerned officer of the department against proper receipt; and
    - (f) to send the casual /compensatory leave account of the staff to the administrative section.

### **15.3.3 Handing over of custody of record on transfer:**

At the time of transfer/posting, the incumbents are required to hand over proper charge in accordance with the procedure discussed in para 15.2.4 applies to personal staff as well.

## **15.4 Clerks**

### **15.4.1 Role**

In Directorates, Collectorates/Regional/Divisional or District/Field Officers, the Clerks have to handle more important work of the offices because of the staffing pattern and location of offices. In small offices, where one or two clerks are provided, they may have to undertake the entire ministerial work independently, whereas in bigger offices the work under the supervision /guidance of Assistants and senior supervisory offers, and help in maintaining records, compilation work etc.

### **15.4.2 Duties, Functions and Responsibilities**

Clerks posted in different sections have to perform duties and functions as assigned to them by the Section Officer/Superintendent. In small offices they have to perform all the duties as are required according to the requirements of those offices. General duties of clerks when posted in various sections are as under:-

- (1) Receipt and miscellaneous work in a Section
  - (i) to receive dak from the Central Registry, other sources, give acknowledgement for the same and submit the entire dak to the Section Officer/Superintendent for marking;
  - (ii) to diarise all dak in the diary register of the Section. The Branch's diary number and date is to be indicated in the place provided for the purpose in the rubber stamp affixed on the receipt in the Central Registry (See para 11.4 (f) of Chapter XI). Separate rubber stamp is to be used for the communications received directly in the departments/sections. Communication of the type/categories as mentioned in para 11.4(h) of Chapter XI are not to be diarised;
  - (iii) to see that Inter-Department notes, telegrams, savingsrams, Telex messages sought to be distinguished from the category of receipts are entered in red ink and the communications from V.I.Ps, Assembly/Parliament Questions are entered in separate registers as well;
  - (iv) To distribute all dak after diarising to the dealing hands as per marking by the Section Officer/Superintendent against proper receipts of the dealing hands;
  - (v) To circle in red ink, diary numbers of communications bearing despatch ,more than 15 days earlier than date of receipt;
  - (vi) To see that papers referred to another department are diarised each time they are received back. Those communications, papers which are diarised twice or more, will, however, be properly referenced by linking the previous and later entries in the diary register by giving the earlier and the later diary number against each entry;
  - (vii) To maintain attendance register;
  - (viii) To procure stationery articles for the Section and to distribute the same;
  - (ix) To do type work of the section, neatly, cleanly and accurately. In many offices now, computers are being introduced. Clerks should learn word processing work as it saves a lot of time specially in column work or in retyping fair drafts or making corrections and additions to drafts;
  - (x) Comparison of letters and other communications typed in the Section;
  - (xi) To maintain casual leave account of the entire staff posted in the section in the form given in para 13.1.9 of Chapter XIII and to forward applications for other type of leave to the administrative section of the Department/Directorate /Collectorates/Office;

- (xii) To open file in the manner stated in Chapter IX and do page numbering of the papers to be placed in correspondence part and noting part separately, numbering of each para of the noting portion and adding extra blank note sheets etc. at the end of notes;
  - (xiii) Referencing and flagging of Papers Under Consideration (P.U.C.) and Fresh Receipts (F.Rs.) with reference to all the communications referred to in the P.U.C. or F.R. and the serial No. and page No. thereof in the current or closed file(s) ; locating and adding files, papers, reference books and their extracts to files to enable the dealing hand to process cases in the manner prescribed in Chapter IX;
  - (xiv) Maintain reminder register and to put up reminders on due dates; and
  - (xv) Properly maintain record and files as required in the Section/Office of posting and to maintain all registers, prepare returns as stated in Chapter XIII.
- (2) Type Section/and Comparison Section
- (i) to type neatly and in systematic manner, leaving appropriate margins;
  - (ii) to compare all typed material with the original and remove mistakes;
  - (iii) to maintain proper record of the files received for typing in a register indicating file No. and number of pages to be typed and marking to concerned clerks for typing;
  - (iv) to maintain a register showing individual-wise daily output;
  - (v) to return all typed drafts with files to the Deptt./Section expeditiously; and
  - (vi) to take proper care and arrange, repair and maintenance of type-writing machines.
- (3) Record Section
- (i) to receive files from the sections/departments for preservation in record room and issue receipts thereof;
  - (ii) to properly classify the files according to classification of periodicity for retention;
  - (iii) to issue files from the record section when requisitioned for reference by the section department against proper receipt and to ensure return thereof to record section from the section/department;
  - (iv) to make proper arrangements for the up-keep of the files/other record received in the record room;
  - (v) to properly preserve the files/records required to be retained for long periods or permanently; and
  - (vi) to weed out /destroy the files/records after the expiry of the period of preservation in accordance with the prescribed guide-lines.
- (4) Control Room/Emergency Services.
- (i) to receive all messages and give proper receipt;
  - (ii) to enter the messages in the registers as maintained;
  - (iii) to communicate the messages on priority basis to the concerned officers;
  - (iv) to receive and communicate messages on Telex, Fax and E-mail;
  - (v) to compile information and submit the same on priority basis to the concerned authorities.

(5) Despatch Section

- (i) to receive letter /other communications for despatch to various destinations, including local dak;
- (ii) to enter the letters/other communications in the despatch register and place the same in the respective Department-wise /address-wise compartments;
- (iii) to prepare envelopes, write neat, clean and legible addresses thereon or in case standard mailing lists are prepared, to keep updated lists and stick the labels on the envelopes;
- (iv) to place the letters/communications in the envelopes ensuring that the correct papers with all enclosers are placed, close the envelopes and affix stamps thereon of proper value after weighment, if required;
- (v) To ensure that, as far as possible, all communications excepting secret /confidential or Demi-official letters meant for one office. officer/addressee are placed in one envelopes to economies the use of envelopes and stamps;
- (vi) To procure stamps of required denominations and to see that proper account of stamps is maintained in the stamps register, working out daily expenses and striking balances;
- (vii) To see that all communications received in the section are despatched daily; and
- (viii) To see that secret /confidential communications are despatched in sealed covers.

(6) Other Specific Sections

In other sections, the clerks have to perform duties of general nature as per (1) above and in addition they have to perform such other duties a per requirement of the section. Further they have also to maintain such records, registers, returns etc, as are specifically required by the section. For instance, when posted in Accounts and Cash Sections, they have to prepare all types of bills, maintain Cash Book, Bills Register etc. and in Store Section maintain all records relating to stores etc.etc. At the same time the Clerk have also to help the Assistants of the section in preparing and maintaining proper records and submission of cases, besides performing such other official duties as are specifically assigned by the Section Officer/Superintendent or Branch Officer.

(7) In Directorates, Collectorates, Regional/Divisional and District or Field level offices, the clerks may have to perform all duties as prescribed for Assistants in para 15.2 above. This is because of the set-up quantum of work and thee staffing pattern of these offices.

**15.4.3 Handing over custody of record on transfer:**

The procedure for handing over charge/records on transfer to another section/office/place s discussed in para 15.2.4 applies to Clerks as well.

**15.4 Security, Watch & Ward and Allied Staff**

**15.5.1 Role**

In the Secretariat, Directorates and Collectorates separate staff is provided for various duties related to security watch & ward etc. In smaller offices the duties may be rearranged so that a smaller number of staff discharge essentially the same functions.

**15.5.2 Duties, Functions and Responsibilities**

Various categories of class III and class IV staff are provided in bigger offices with different designations and they have to perform duties and functions and shoulder responsibilities as detailed below:-

(1) Caretaker

He is a Class III employee and his main duties are:-

- (i) to distribute work amongst the Frashes, Malis, Sweepers, and Chowkidars with the approval of the Officer-in charge and ensure proper performance of duties by such staff;
- (ii) to supervise the daily work of these Class IV employees, mark their attendance and keep a record of their casual leave etc;
- (iii) to ensure that there is no trespassing, encroachment or un authorised work within the precincts of the Office Compound and to ensure that the annual and casual repairs of the building are properly carried out;
- (iv) to look after the security of the buildings and Government property including the firefighting arrangements and all precautionary measures relating to the incidence of fire or damage to the Government property;
- (v) to ensure cleanliness of halls, rooms, corridors, verandahs staircases and doors/windows and arrange regular cleaning of toilets, bath rooms.

(2) Gate keeper

He is a Class III employee and his duties and responsibilities are:-

- (i) to check entry of individuals into the office premises at the gate and allow entrance of Ministers/Officers, regular members of the staff (on the basis of identity cards if issued) and other visitors on the basis of gate-pass issued by the Reception;
- (ii) to ensure that no unauthorized person is allowed to enter in the office on holidays and before and after office hours;
- (iii) To check belongings of officials/visitors at the entry point and not to allow – passage of any un-authorized material into the office premises;
- (iv) To check the belongings/material of officials /visitors at the time of their exit from the building for ensuring that no official record, store or stock-article or stationery is taken out of the building except on specific written directions of the Section Officer/Supdt. of the controlling administrative branch.

(3) Gestetner Operator /Photostat Machine Operator

- (i) to operate the Gestetner/Photostat Machine and make out desired number of copies;
- (ii) to procure paper, ink, toner etc. for ensuring proper operation of machines;
- (iii) to maintain proper account in a register with requisition slips for paper used and consumption of ink/toner etc. and
- (iv) to arrange timely repair of machines

(4) Daftri

- (i) to mend trim, stitch, bind etc. old records, files etc. in Record Room and in the sections;
- (ii) to paste correction slips in the official reference books of various officers and those of the braches/sections;
- (iii) to affix service postage stamps on envelopes, maintain their accounts, prepare envelopes/packets and parcels, despatch dak and telegrams and help the despatcher in the circulation of all printed matter etc. and
- (iv) to sort-out and properly keep the record in the record section.

- (5) Jamadar
- (i) to attend to the calls of Minister/Officer with whom posted;
  - (ii) to ensure the cleanliness and the general up-keep of the room and the furniture, fixture and equipment; and
  - (iii) to carry and distribute the office files/dak
- (6) Peon
- (i) to carry and deliver dak within and outside the office (maximum weight to be carried outside the office not to exceed 10 kg.);
  - (ii) to ensure the cleanliness and general up-keep of the section/office wherein posted and of the furniture, fixture and equipment;
  - (iii) to perform miscellaneous and odd jobs for officers/officials;
  - (iv) to attend to any other work that may be assigned; and
  - (v) to attend to officers at headquarter and while on tour.
- (7) Frash
- (i) to close and open the rooms daily;
  - (ii) to dust and clean the furniture, articles, files, doors, windows etc; and
  - (iii) to remove, shift and replace the articles of furniture, fixture an equipment.
- (8) Chowkidar
- (i) to keep watch and ward during and after office hours; and
  - (ii) to take precautionary measures relating to prevention of fire and damage to Government property.
- (9) Mali
- To perform the duties of a Mali such as preparation and maintenance of flower beds and flower pots, for beautifying office compound and corridors, etc.
- (10) Sweeper
- (i) To sweep, clean and mop the rooms, corridors, verandahs and compound;
  - (ii) to clean the lavatories, urinals, baths, wash basins etc. daily and properly;
  - (iii) to light the stoves/ angithies and to perform the allied work relating to this job; and
  - (iv) to collect and dispose of all waste in the office.

The list of duties indicated above is merely illustrative. An official can be assigned such other work in addition to the above as may be considered necessary by the Incharge of the Section or the Branch Officer, in the public interest.

## CHAPTER XVI

### COURT CASES- INSTITUTION AND DEFENCE

#### 16.1 General Principles

Over the years government activities has become so vast and diverse that there is hardly any area where the common man does not come into contact with Government. The contact may be direct, in the form of Government services, Government tax and revenue collection or Government's land administration system or it may be indirect, in the form of rules and Acts which regulate transactions even between private citizens or organizations. It is natural there fore that resolution of disputes arising from various transactions tend to involve the Government either Central, State or local Government and in fact, Government is the biggest litigant,. In this Chapter various aspects of court cases before the Judicial Courts and the Administrative Tribunal are discussed,. Criminal cases where the Government is the prosecutor are not included, since the procedures and agencies concerning this are quite separate and other Government departments are not directly responsible for the prosecution of criminal cases.

When the government is required to initiate court action in any case, the decision to do so has to be taken at appropriate level in accordance with standing orders of the Government or delegations made in this behalf.

#### 16.2 Institution of suits on behalf of Government

The following principles should be adhered to before or while instituting suits on behalf of Government

(i) No suit is to be brought on behalf of the Government except as the last resort, when all other means of obtaining satisfaction have failed.

(ii) The institution of a suit on behalf of the Government is not to be recommended or authorised until the proposed defendant has had ample opportunity of stating his view of the case and all efforts of coming to some agreement for the settlement of the Government claim out of court have failed. While it is the duty of officers of the Government to enforce the just rights of the Government and to protect its interest, the legal course should not be resorted to until all reasonable efforts have been made to effect an amicable adjustment,, and the case for the Government has been inquired into departmentally and evidence secured on all points which are likely to be contested.

(iii) No suit on behalf of the Government or a public officer as such shall be instituted without the previous sanction of the proper controlling authority.

(iv) Any officer who considers that a suit should be instituted on behalf of the Government shall submit a clear and detailed report showing:-

- (a) The circumstances which, in his opinion, render the institution of the suit necessary, and precisely when and where each of them occurred.
- (b) The subject of the claim and the relief sought, and whether all the claims against the party have been included in the proposed suit.
- (c) The steps which have been taken to obtain satisfaction of the claim without bringing a suit.
- (d) The pleas or objections (if any) which have been urged by the proposed defendant against the claim.
- (e) The evidence, both oral and documentary, which is believed to be obtainable and which it is proposed to adduce in support of the claim.
- (f) Whether the documents (if any), referred to in (e) above, are registered or not.

- (g) Whether are not the circumstances of the person against whom it is proposed to institute the suit are such as to render it likely that execution will be obtained of any decree that may be given against him.
- (h) The evidence, both oral and documentary, which so far as is known, the proposed defendant will be able and is likely to adduce in his defence.
- (i) Whether the documents (if any referred to in (h) above) are registered or not.
- (j) Any other facts which the officer considers material, e.g. whether there are any special reasons for the institution of the suit apart from the amount actually claimed; whether other similar claims will hinge upon its decision or the like.

(v) Copies of all documents, all correspondences and written proceedings, whether in English or in the Vernacular (together in the latter case, with translations), connected with the proposed suit, should accompany the reports, withiest of such documents, wherever this is reasonably possible. If these copies cannot be supplied for any reason, the original should be submitted. The controlling authority will, thereupon, consult the Legal Remembrance and decide upon the course to be adopted. If legal action is decided on, the controlling authority will ordinarily communicate his decision to the Collector of the District or Head of the Department concerned who will institute the suit within the time limit and take all essential steps to protect the interests of the Govt. and for success of the suit.

If it appears advisable to the Collector of a District or to the Head of the Department, on the representation of any subordinate officer or otherwise, to intervene in any suit to which the Government has not been made a party, an application for a postponement of the case shall, if necessary, be made to the Court, by or through the Collector of the district in which the Court has jurisdiction. The Collector or other officer concerned shall then submit a full report to the controlling authority, showing clearly his reasons for considering such intervention necessary and, in particular stating how the decision of the suit is likely, in his opinion, to affect the interest of Government.

The controlling authority will decide whether the Government shall intervene or not, and if so, will arrange as to the person by whom the necessary action shall be taken. If the controlling authority decides that it necessary to intervene and the Government be made a party to the suit, so far as may be, these instructions be is deemed applicable to the case.

**Note:** For the purpose of this para "Controlling authority" means the Administrative Department which will obtain orders of the appropriate authority in accordance with the Standing Orders issued under the Rules of Business of the Government of Himachal Pradesh 1971.

### **16.3 Action on notice for suits against the Government**

#### **16.3.1 Receipt of Notice**

No person having a just claim against the Government should be compelled to resort to litigation to enforce it.

When any person gives notice of bringing a suit against the Government, it is incumbent on the departmental officers concerned and controlling authorities to satisfy themselves without delay, of the justice or otherwise of the whole and every part of the claim made, all reasonable efforts being made to bring about an amicable adjustment, without an appeal to the law, so far as this cab be done without sacrificing the just rights of the Government.

The object of the notice provided in Section 80 of the Code of Civil Procedure, is to allow ample time to the Government to enquire in to the justice or otherwise of all claims and to effect a settlement of all just claims before a suit is brought, and the best use should be made of the opportunity thus given by the law towards equitably and amicably adjusting claims.

The sanction of the authority empowered to sanction the institution of a suit of any kind shall be obtained for the defence of a suit of such kind if it is intended to defend the suit. Procedure prescribed in para 16.3.2 shall, however, be observed in all cases.

### 16.3.2 Procedure on Receipt of Notice

When notice of an intended suit is given, under the provisions of Sections 80 of the Code of Civil Procedure, the officer to whom it is delivered or the head of the office at which it is left, shall forthwith endorse, or cause to be endorsed on the notice:-

- (a) the date of receipt
  - (b) the manner of delivery,
  - (c) the date of endorsement, and
  - (d) the signature of the officer making the endorsement.
- (ii) When the notice is served upon a Secretary to Government or an officer other than an officer specified in Section 80 of the Civil Procedure Code, that officer shall forthwith transmit it, in original, to the Collector of the District or Head of the Department concerned, as the case may be with the endorsement as above, In every case in which the officer on whom a notice is served transmits the notice in original to any other officer, he shall retain a certified copy of the notice and of the endorsement made there on, and place the same on record.
- (iii) If the notice is served on or forwarded to the Collector of the District, that officer shall-
- (a) if the subject-matter of the proposed suit is connected with district administration and within his control, or is unconnected with any particular department, proceed in the manner hereinafter; provided ;
  - (b) if the subject-matter of the proposed suit is connected with a Department not within his control forward the notice, in original, to the Head of the Department concerned, in order that he may so proceed.
- (iv) The district or departmental officer concerned shall, immediately on receiving any notice of an intended suit, proceed to enquire into the matter and to consider the claim put forward and to decide, or move the proper authority to decide, whether any and, if so, what steps should be taken to adjust the claim (whether in whole or in part) or the claimant should be left to take such legal action as he may deem proper. If the officer is in doubt, at this stage, as to any legal point, he should submit the case in detail to the Legal Remembrancer for opinion. If according to the legal advice, there is legal infirmities in any Government action; immediate action should be taken to remove the legal infirmities. In such cases, there should be no hesitation in cancelling the order /decision proposed to be assailed and immediate action should be initiated to remedy the legal infirmities.
- (v) When notice of the intention of any person to sue the Government or public officer has been given, under section 80 of the code of Civil Procedure, no communication should ordinarily be made to such person otherwise than under the advice of the Legal Remembrancer or other designated Law Officer of the Government. When, after receiving any such notice and enquiring into the matter, the controlling authority proposes to tender any amount admitted to be due to the claimant or offer terms of adjustment or suggest reference to arbitration, the legal Remembrancer should ordinarily be consulted as to the form or terms of the proposed tender, adjustment or reference, as the case may be, before they communicated to the opposite party. Once the suit has been instituted, no sum should be tendered, terms of adjustment offered or reference to arbitration suggested, otherwise than through the Officer-in-charge of the case and after consultation with the Legal Remembrancer.

(vi) When the department authority, having power to deal with the case, is clearly of the opinion that the whole or any part of the claim put forward is justly due, he should (if the controlling authority has accorded sanction thereto) proceed to endeavour to effect a settlement accordingly.

#### **16.4 Procedure for institution and defence on behalf of Government**

##### **16.4.1 Acceptance of notice by Advocate General or Government Pleader on Behalf of Government**

The Advocate General of the State is appointed under **Article 165(1)** of the Constitution. Clause (2) of article 165 provides as under :-

“**165(2)** It shall be the duty of the Advocate General to give advice to the Government of the State upon such legal matters, and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the Governor, and to discharge the functions conferred on him by or under this Constitution or any other law for the time being in force”.

The Advocate General as per orders of the Government conducts all Government cases in the High Court/ Administrative Tribunal either himself or through the Additional/ Deputy/ Assistant Advocates General. The District Attorney, Additional/Assistant District Attorney appears on behalf of the Government in all cases before the Court of District Judge and subordinate Courts. Government may also appoint Government pleaders for particular cases.

Section 27 of the Code of Civil Procedure provides that where a suit has been duly instituted, a summons may be issued to the defendant to appear and answer the claim and may be served in the manner prescribed. Further Sub-Section (2) of Section 80 of the Code of Civil Procedure provides that a suit to obtain an urgent or immediate relief against Government or any public officer in respect of any act purporting to be done by such public officer in his official capacity, may be instituted, with the leave of the court, without serving any notice as required under sub-section (1); but the court shall not grant relief in the suit, whether interim or otherwise, except after giving to the Government or public officer, as the case may be, a reasonable opportunity of showing cause in respect of the relief prayed for in the suit provided that the Court shall, if it is satisfied, after hearing the parties, that an urgent or immediate relief need be granted on the suit, return the plaint for presentation to it after complying with the requirements of sub-section (1).

Similarly Section 24 of the Administrative Tribunals Act, 1985 provides that notwithstanding anything contained in any other provision of the said Act or in any other law for the time being in force, no interim order (whether by way of injunction or stay or any other manner) shall be made on. Or in any proceeding relating to, an application unless-

- (a) Copies of such application and of all documents in support of the plea for such interim order are furnished to the party against whom such applications made or proposed to be made; and
- (b) Opportunity is given to such party to be heard in the matter;

The provision under this section provides that a Tribunal may dispense with the requirements of Clause (a) and (b) and make an interim order as an exceptional measure if it is satisfied, for reasons to be recorded in writing, that it is necessary so to do for preventing any loss being caused to the applicant which can not be adequately compensated in money but such interim order shall if it is not sooner vacated, cease to have effect on the expiry of a period of fourteen days from the date on which it is made unless the said requirements have been complied with before the expiry of that period and the Tribunal has continued the operation of the interim order. In view of these provisions of the Administrative Tribunals Act, 1985, excepting cases covered under proviso to section 24, copies of applications filed before the Administrative Tribunal are required to be sent to the Department concerned and opportunity given to the Department to be heard in the matter before interim orders are passed.

The Advocate General /Additional Advocate General appearing in the Administrative Tribunal receives notices/ applications on behalf of the Government and should immediately send a copy thereof to the concerned Department. The concerned Department should thereafter contact the Advocate General /Additional Advocate General for opposing the interim orders if any prayed in the application on specific grounds and seek time for filing reply when the case is listed for admission /orders.

In cases where copy of the application with connected documents has not been supplied to the Advocate General/ Additional Advocate General in advance, the Advocate General/ Additional Advocate General should not waive service of notice on behalf of the Government and in case the service has to be accepted at the time of hearing, the Advocate General /Additional Advocate General should ask for time to get instructions from the Government to file reply and insist that in the meanwhile no interim orders be passed in view of the provision of Section 24 of the Administrative Tribunal Act 1985.

#### **16.4.2 Filing of Suit /applications**

In all cases where it is proposed that the Government should institute a case including appeal /review /revision in the Court or Administrative Tribunal the following procedure should be following:-

- (i) Decision to file the case /application should be taken at the appropriate level in accordance with the provisions of the Rules of Business and the Standing Orders issued there under;
- (ii) The Law department should be consulted with all available fact and evidence before taking a final decision to file the case/ application;
- (iii) All connected record should be shown to the law Department for deciding filing of the case/application and should also be shown to the Advocate General while getting the draft vetted from him. All essential papers on which the case is based should be filed with the case /application;
- (iv) A knowledgeable officer of appropriate status should be entrusted with the case to follow up action at all stages including drafting, vetting and filing of the suit/application. The officer should be made responsible for day to day monitoring of progress and reporting to the authorities in no circumstances should it be left to be dealt in routine at the clerical level;
- (v) On receipt of reply of the respondent, the question of filing rejoinder should be considered expeditiously and should be filed well within the prescribed time limit;
- (vi) It should be ensured that complete case/application with affidavit of the authorised officer is filed and only such officer who is authorised to file the case /application, swears the affidavit and files the case/application;
- (vii) In cases where there has been delay in filing the case/application, the reasons for delay should be explained in detail in the plaint/application and request also separately made for condonation of delay in keeping with the provisions of Indian Limitation Act; and
- (viii) Any other miscellaneous application as required under the provisions of any Act/Rule should also be filed in time.

#### **16.4.3 Filing of replies/rejoinders**

Where a suit or application as been filed against the Government, the following action is required to be taken:-

- (i) The summons /notice should be received by the officer authorised under his dated signatures and the copy of the summons/notice should be returned to the Court/Administrative Tribunal;
- (ii) It should be checked that legible copies of the suit /plaint /application along with all enclosures complete in all respects are received with the notice and if not, the officer must make an endorsement to that effect immediately on the other copy of the notice/summons while acknowledging receipt;

- (iii) After going through the suit/plaint/application it should be checked up whether any prayer for interim orders has been made. If so, the Advocate General should be approached for filing the reply to the application for interim orders or for opposing the interim orders as and when the case is listed. In case the Court/Administrative Tribunal has passed an interim order, it should be urgently examined whether an application should be made in the public interest etc to get that order vacated or set aside;
- (iv) Draft reply to the suit /plaint/application should be prepared urgently keeping in view the entire connected record;
- (v) While preparing reply it should be ensured that specific replies are given to all paras /pleadings as vague replies or omission on any particular issue may lead to drawing of adverse conclusions during the course of hearing as facts not specifically denied are presumed to have been admitted;
- (vi) A knowledgeable officer of suitable status should be entrusted with the case who should personally get the draft reply vetted from the Advocate General after showing him the entire record;
- (vii) The reply should be filed within the time limit allowed by the Court/Administrative Tribunal while admitting the case;
- (viii) The rejoinder, if any, filed by the petitioner should be studied particularly with a view to see that no new plea has been taken and for considering filing of further reply to the rejoinder. If any reply is to be filed the same should be filed immediately, Replies to miscellaneous applications should also be filed within the time allowed;
- (ix) Liaison with the Advocate General should be maintained by the departmental officer who has been entrusted with the case for watching further progress of the case and also ensuring that the Govt's view point is properly placed before the Court /Tribunal at the time of hearing. Where necessary the officer entrusted with the case should attend the court; and
- (x) For suits by or against Government servants in their official capacity, the provisions contained in Order XXVII CPC should be followed.

#### **16.4.4 Monitoring progress of Court/ Tribunal proceedings**

Every office is required to maintain a register of court cases in the form as given in para 13.1.18 of Chapter XIII of this Office Manual. The register contains all essential columns as to details of interim orders/stay etc. , final decision, date of implementation of judgment or date of filing appeal etc. This register should always be kept updated and should be regularly perused to ensure that all orders, directions or judgments of the Courts are either implemented without delay or in case review /revision or appeal is to be filed, action is taken immediately and stay orders obtained from the competent court with regard to the orders, directions or judgment against which review/revision or appeal has been filed. Needless to add, failure to speedily implement orders and judgments of Courts and Tribunal may invite proceedings for Contempt of Court.

#### **16.4.5 Filing of Affidavits**

All complaints, suits, applications or rejoinders or miscellaneous applications etc. to be filed in the Courts/ Administrative Tribunal are required to be accompanied by an affidavit of the officer empowered to file affidavit on behalf of the Government in cases where Government is either the petitioner or the respondent. For filing affidavits the following points should be kept in view:-

- (i) The Affidavit has to be filed by the same officer who has signed the complaint or suit or application or reply or rejoinder etc;
- (ii) The Affidavit and reply on behalf of the Government should be filed by a sufficiently senior officer not below the rank of Deputy Secretary. In Departments which do not have a Deputy or Joint Secretary, the affidavit and reply may be filed by an Under Secretary;
- (iii) In all cases where prior approval of the Secretary or Minister-in-charge is required under the Standing Orders, the same should be obtained before filing the reply;

- (iv) In cases where the Deputy Commissioner and/ or the Head of the Department or other officer has been impleaded as a respondent, the affidavit and reply etc. is required to be filed by the Deputy Commissioner and/or the Head of the Department or other officer as the case may be.
- (v) The affidavit it should clearly indicate as to which of the paras of the plaint, suit, application or reply or rejoinder are based on personal knowledge and belief and which one are based on official record or information received. It may be noted that the officer who files the affidavit is personally responsible about the correctness of the fact stated in the accompanying plaint, suit, application, reply etc.
- (vi) The affidavit should be got vetted from the Advocate General or Law Department as the case may be.
- (vii) The affidavit is to be attested by the Oath Commissioner or other authorised authority before being filed with the plaint, suit, application, reply etc.

#### **16.4.6 Advice by the Law Department and consultation with the Advocate General**

In accordance with the provisions of Rule 39 of the Rules of Business of the Government of Himachal Pradesh all Administrative Departments shall consult the law departments on the defence or institution of any suit or proceedings, filed against or by the government. Further the Advocate General has to conduct all cases on behalf of the Government in High Court/Administrative Tribunal either himself or by entrusting specific case to the Additional / Deputy/ Assistant Advocate General, unless the Government engages private counsel in a specific case. Thus in all Court / Administrative Tribunal cases, the Departments are required to follow the following procedure for consultation with the Advocate General:-

- (i) The plaint /suit/application decided to be filed by the Government after initial drafting by the concerned department should be taken to the Advocate General for vetting. The entire record of the case should be shown to the Advocate General;
- (ii) Like-wise, in the case of plaints/suits/applications moved against the Government, the draft reply thereto should be prepared immediately on receipt of the notice/summons and after having taken a decision whether to admit or defend the claim) the draft reply together with the entire connected record should be taken to the Advocate General for vetting of the draft reply;
- (iii) A senior officer not below the rank of Section officer/Superintendent Grade-I should take the draft suit/ application/plaint or reply or rejoinder or any other miscellaneous application etc. to the Advocate General together with the entire connected record of vetting;
- (iv) In a case where any officer /official by name has been impleaded as a respondent the question of deleting his name as respondent should be discussed with the Advocate General and appropriate application moved through the Advocate General;
- (v) The observations of the Advocate General, if any, in connection with the case requiring consideration by the Government/Head of Department etc should be immediately brought to the notice of the authorities for appropriate action;
- (vi) The plaint, suit, application, reply, rejoinder or affidavit etc. after vetting by the Advocate General should be neatly typed and verified, signed and attested and then filed in the Court/Administrative Tribunal through the Advocate General;
- (vii) In all cases where the Advocate General desires consultation/discussion, a senior officer not below the rank of Deputy Secretary should discuss the matter with the Advocate General. In departments which do not have a Deputy Secretary or a Joint Secretary, the Under Secretary may discuss the matter with the Advocate General;

- (viii) On the day fixed, before the hearing, an officer well conversant with the case should visit the office of the Advocate General to be able to brief the Advocate General /Additional Advocate General or Deputy or Assistant Advocate General on any points that may arise. At the time of hearing of the case, the official should be present in the court to assist the Advocate General and show any file/documents required by the Advocate General;
- (ix) In a case where the Advocate General requires the presence of some senior officer during a hearing for making any commitment etc. on behalf of the government, the senior officer with the requisite brief should ensure his presence in the Court on the date and time desired by the Advocate General ; and
- (x) The questions relating to claiming privilege of certain documents/ records should also be discussed with the Advocate General.

#### **16.4.6 Observance of time limits**

The following action should be taken for adhering to the time limits in various matters:-

- (i) Suits/ plaints/ applications required to be initiated should be filed within the time limits to avoid the Government claim becoming time barred. If a case has become time barred, detailed justification for delay should be given in the plaint /suit/application with a precise prayer for condonation of delay;
- (ii) If there has been delay in filing a suit /plaint/application against the Government, the question of laches and delay should be properly highlighted as a preliminary objection in the reply and should be properly contested;
- (iii) Interim orders should be processed with utmost urgency and implemented unless it is proposed to file an appeal there against and the appeal should be filed and stay orders obtained within the time limit, if any, allowed for implementation of the interim orders. and
- (iv) The final decision of the Court/Administrative Tribunal should be implemented at the earliest and in case it is proposed to file an appeal in the higher Court/Supreme Court, the same should be filed at the earliest possible time and in any case within the prescribed time limits. In such cases it is essential to apply for and obtain stay orders of the decision of the lower Court/ Administrative Tribunal;

#### **16.4.7 Briefings of Counsel for arguments**

The Advocate General is required to intimate the concerned Department a day in advance of the date of hearing of a case. As soon as intimation about the hearing of a case is received by the Department, it should depute a senior functionary of the department not below the rank of Section officer/ Superintendent Grade-I along with the dealing assistant with all connected record for discussion with and briefing of the Advocate General. This discussion and briefing should take place at least a day before the case is to be taken up by the Court Administrative Tribunal. All connected documents should be shown to the Advocate General. Other senior level officer should also discuss the case with the Advocate General if the latter so desires.

At the time of the conclusion of the oral hearing/argument, the question of making request for filing written arguments should be seriously considered as it is always expedient to place written arguments on the record . Once a requests is made and accepted by the Court/Administrative Tribunal, the Department is required to file written arguments in consultation with the advocate General within the time limit allowed by the Court/Administrative Tribunal.

#### **16.4.7 Conciliation proceedings in Judicial Courts**

In certain cases the Courts after a preliminary hearing ask the parties to attempt settlement of the dispute outside the Court and come out with an agreed solution. In such cases the conciliation proceedings should be conducted by an officer of suitable status with a proper brief from the Government. No writer or oral commitment capable of embarrassing the position of the Government in the event failure of conciliation proceedings should be made. An agreed settlement consistent with the general policy/procedures/precedents should be welcomed and agreed to in such proceedings.

Conciliation proceedings should not be avoided and should be held in a cordial manner with a view to settle the dispute, of course keeping in view the general policy/ procedures/ precedents/ rules etc. In case any settlement is reached in conciliation proceedings then the same should be recorded and brought to the notice of the Court for final disposal of the case.

#### **16.4.8 Stay Orders**

In certain cases the Courts/Administrative Tribunal pass interim orders either before admission or simultaneous with the admission of the plaint /suit/application staying the operation of certain specific orders. In all such cases, where any order issued by the Government or Head of the Department etc. is stayed, it is essential to take the following steps:-

- (i) The interim stay order should be examined as to whether the same had not earlier been cancelled or modified and if not whether implementation thereof is feasible. If for reasons of administrative exigencies or heavy financial expenditure or other reasons of public interest, it is felt that the stay order needs to be modified, steps should be taken to get the interim orders of the Court/Administrative Tribunal, vacated or modified. In case the order stayed already stands executed, the complete facts and circumstances should be brought to the notice of the Court/Tribunal.
- (ii) In cases copy of the interim orders is communicated to the Head of the Department/ Head of office etc. by the plaintiff/ applicant, then the said authority should not refuse to receive the copy of the orders. Such an authority should immediately send a copy of the orders to the Government for further action if order stayed by the Court. Administrative Tribunal was issued by the Government.
- (iii) In all other cases, action should be initiated as soon as possible to implement the interim orders. The mere filing of an application or appeal against the stay order does not justify non-implementation of the order within the time limit granted by the Court/ Tribunal. Non-compliance of the Court/Administrative Tribunal orders is a serious matter and can invite proceedings for contempt of court.

#### **16.4.9 Sub-judice**

“Sub-judice” is a Latin word, which means “before a judge or Court; pending decision of a competent court” The matter being before a judge or a court or pending decision of a competent court does not by itself mean stay of further process or action by the competent authority. Further process of any matter in a sub-judice case is, therefore, not barred and the normal process should continue until orders to the contrary are passed by the Court/Administrative Tribunal. However, the point in issue which is sub-judice must not be decided by the administrative authorities till it is finally decided by the Court.

#### **16.4.12 Implementation of Orders/Judgement-Revision and Review**

The Courts/Administrative Tribunal takes exception to the delay in implementation or non implementation action of the orders /judgments of the Court/ Administrative Tribunal. Delayed implementation or non- implementation of judgment /orders cause hardship to the parties and loss in terms of interest and damages that may be required to be paid. It also causes embarrassment to the Government when either a contempt petition or other Miscellaneous application etc. is presented in Courts/ Administrative Tribunal. In certain cases contempt petitions are filed against an officer by name, which again is a very serious matter. It is thus essential that judgments/orders to the Court /Administrative Tribunal are given utmost priority by all concerned and are implemented at once unless an appeal is preferred against any judgment / order and an application for stay is moved and granted by the appellate Court or alternatively the Court which rendered the decision grants an interim stay of the decision pending preferment of an appeal and grant of stay by the appellate Court.

In cases where it is not possible to implement the judgment /orders of the Court/ Administrative Tribunal within the given time limit because of administrative difficulties such as collection of record /data/information or finalisation or seniority lists or holding of meetings of the Departmental Promotion Committees etc. then the concerned administrative authority should file an application in the Court/ Administrative Tribunal which rendered the judgment /orders seeking extension of time limit for implementation of the judgment/ orders and obtain its orders. The application should set out the reasons why difficulty is being experienced in implementing the orders of the Court within the stipulated time limit and the approximate time required for the purpose. However, till such time as the Court /Tribunal extends the time limits, the Department is bound to implement the order within the time given earlier by the Court/ Tribunal and the asked for extension cannot be taken for granted.

In all cases where the judgment/orders of the Court warrant any change or seem to be against the existing policy, principles, procedure or certain patent facts or Apex Court's decisions having not been taken note of, then the question of filing revision / review petition/ application should be considered urgently on priority basis. The advice of the Law Department and the Advocate General should be sought immediately indicating the points to be raised in the revision/review application/petition. After seeking advice of the Law Department and the Advocate General, approval of the competent authority to file revision /review/should be sought and revision/review petition / application filed within the time limit. Stay of the earlier judgment/orders should also be applied for and obtained pending final decision on revision/review petition/ application.

#### **16.4.10 Appeal Advisability and Procedures**

Appeals against the judgments/orders of the High Court and the Administrative Tribunal, unless revision/review or Letters Patent Appeal is filed, lie to the Supreme Court under Articles 133,134 and 136 of the Constitution of India. The question of filing an appeal in the Supreme Court should be considered in the light of all relevant facts, some of which are given below:-

- (i) Whether the judgment/order is against the Law established by the Apex court?
- (ii) Whether there seem to be an inadequate appraisal of vital facts/evidence or possible error of judgment in the interpretation of construction of words of the Act, Rules, Regulations or instructions read with the aims and objects of the statutes?
- (iii) Whether the judgment /order has vital implications/ repercussions and implementation thereof will adversely affect the public interest or security etc.?
- (iv) Whether the judgment/order is against any provision of the Constitution or an Act relevant provision of which has not been set aside by the Court?

Keeping in view the above and all other relevant factors, the question of filing an appeal in the Supreme Court should be considered in consultation with the Law Department and the Advocate General. In matters relating to finances of the State, the Finance Department should be consulted and in personnel policies, the Personnel

Department should be consulted. All these consultations should be done simultaneously and on priority basis, Government's decision in accordance with the provisions of the Rules of Business of the Government of Himachal Pradesh should be obtained within the shortest possible period so that sufficient time is left for filing an appeal and obtaining stay orders.

The procedure for filing an appeal in the Supreme Court slightly different from that of the High Court. Firstly the appeal (called Special Leave Petition S.L.P) is drafted on behalf of the appellant by an Advocate on Record; then the same is vetted by the Senior Counsel. Complete papers together with a copy of the original petition and reply thereto and of the judgement /order appealed against are to be filed with S.L.P. though the Advocate on record The government of Himachal Pradesh has approved a list of Advocates on Record, one of whom is to be engaged by the Department on the advise of the Law department. In cases of greater importance efforts are to be made to obtain interim orders by getting the SLP listed at the earliest. For this purpose the Advocate on Record has to make a mention in the Supreme Court about the SLP and the case is listed for mention. At this stage only the Advocate on Record can appear. After mention, the Senior Counsel can appear for admission, stay orders and subsequent arguments etc.

The SLP after admission is called a "Civil Appeal" and assigned a number distinct from the number of SLP.

In case where senior counsel is to be engaged, approval of the Government should be obtained after consulting the Law Department.

A department representative should be present at the time of mention, admission, arguments etc, withal connected records. The Law officer of the State Government posted in the Resident Commissioner's Office should be associated in all important cases and should be contacted to obtain the status and latest developments in such cases.

## **16.5 Contempt of Court- Procedure**

### **16.5.1 Definition and meaning**

Section 2(b) and (c ) of the Contempt of Courts Act, 1971 defines "Civil Contempt" and Criminal Contempt" as under:-

"Civil Contempt" means willful disobedience to any judgment, decree, direction, order, writ or other process of a court or willful breach of an undertaking given to a Court"

Criminal Contempt" means the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any at whatsoever which-

- (i) scandalises or tends to scandalise or lower or tends to lower the authority of any court; or
- (ii) prejudices or interferes or tends to interfere with, the due course of any judicial proceeding; or
- (iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner;

Apart from the "Contempt of Courts Act 1971", there are certain specific provisions made in statutes to punish certain types of contempt. They are as follows:-

- (1) Sections 344,345,346, 349, 350 of the Criminal Procedure Code, 1973;
- (2) Sections 228, 172 to 190 of the Indian Penal Code, (Act XLV of 1860);
- (3) Order XXXIX and XVI of Code of Civil Procedure, (Act V of 1908 ); and
- (4) Articles 129 and 215 of the Constitution of India.

These are special provisions and have effect apart from the provisions of the general law under the Contempt of Courts Act, 1971

#### **16.5.2 Need for prompt action on Court/Tribunal Orders**

- (i) Considerable delay in carrying out an order to the court after notice may constitute contempt of Court. Orders of the courts have therefore to be implemented with all possible promptitude and if necessary communicated to the subordinates concerned by special and speedy means.
- (ii) The senior level functions especially the Administrative Secretaries and Heads of the Departments should personally review the timely implementation of the orders /instructions or judgments of the Courts. They should ensure that opinion, advice from whatever quarter required is obtained in time. No. case relating to orders /instructions or judgment of the Court should be allowed to be processed in a routine manner at any level.
- (iii) Where a time limit is fixed for implementation of the order/direction and it is felt that it may take time to implement the orders/instructions or judgments of the Court and because of consultation with various departments etc. , the appropriate course will be to approach the court which passed the orders or judgments and seeking or extension of time limit for implementation of the orders or judgments and its orders obtained before the date fixed by the Court/Tribunal.
- (iv) In implementing orders /directions or judgment of the court it should also be ensured that complete compliance of the orders/directions is made. Partial compliance might be considered as incomplete compliance.

#### **16.5.2 Action on receipt of notice for contempt of Court**

If action on orders of courts is taken in time or extension of time limit is duly sought, there will generally be no occasion for facing a notice for contempt. But in a rare case where the order or judgment of a Court is not implemented in time, the affected person might file a petition claiming contempt of court. In all such cases the following action should be taken:-

- (i) The case file should be thoroughly looked into and if any part or whole of the orders/instructions or judgment remain to be implemented, the matter should be expeditiously processed and order complied with without delay. The Court will have to be convinced of the reasons for non-implementation or delay in implementation of the order in such a case.
- (ii) Immediate action should be taken by the officer cited for Contempt of Court to engage counsel for his defence with the approval of the Government for bearing reasonable expenses of counsel fee. The counsel fee should be settled and got approved from the Government in consultation with the Law Department or as per norms approved. The Counsel fee will be reimbursed by the Government if the contempt notice was for an act done by the officer in the discharge of his official duties and in the public interest and there had been no intentional disobedience on his part of the Court's orders;
- (iii) Reply to the Contempt petition should be prepared and got vetted from the counsel and filed in the court;

## **16.6 Engaging private Counsel**

### **16.6.1 General procedure for defence of Government Cases**

Normally in Court cases before the lower courts, the District Attorney or the Assistant District Attorney represent the Government. Likewise in the cases before the High Court and Administrative Tribunal, the Advocate General or the Additional /Deputy or Assistant Advocate General as authorised by the Advocate General represent the Government. For cases in the Supreme Court, the Government have an approved panel of Advocates to defend the Government and the opinion of the Law Department may be sought as to which of the Advocates is to be engaged in the Supreme Court.

### **16.6.2 Special Procedures in certain cases**

In certain important cases, however, private counsel might have to be engaged for case before the lower courts, the High Court and to Administrative tribunal. Further in the cases before the Supreme Court, the Government may have to engage eminent senior counsel. The importance of the case and decision to engage private counsel or senior counsel is to be taken by the Department concerned in consultation with the law Department and with the approval of the Government. While seeking such approval, the need for engaging a particular private counsel or Senior counsel and the importance of the matter is to be indicated by the Department concerned.

### **16.6.3 Settlement of fees**

Before engaging private counsel in a Government case, the terms of engagement viz., Counsel fee, Clerkage, consultation fee or conference fee etc. should be obtained from the private counsel or settled by a senior functionary and thereafter got concurred in by the Law Department and approved from the Government in the Administrative Department concerned. After Government approval, acceptance of the terms and conditions of engagement should be communicated to the private counsel and the Advocate General with a copy to the Home Department. It should be ensured that the fees or other charges are abnormally high in comparison with similar other cases.

### **16.6.4 Payment of fees of private counsel**

The bills of private counsel are to be received in the Administrative Department concerned, which has to verify the charges with the actual time/sittings of consultations or conferences and actual day of appearances in the Court. The bills are to be processed by the Administrative Department concerned for verification and thereafter sent to the Advocate General (after retaining Photostat copy in Administrative Department) for making payment. The payment of bills of private counsel in the case of matters before the High Court and Administrative Tribunal is to be made by the Advocate General, whereas in the cases before lower Courts the payment to private counsel is to be made by the respective departments.

The bills of private counsel fee and other charges for cases in the Supreme Court are received in the Administrative Departments who have to thoroughly verify and send the bills to the Law Department for payment. For the purpose of their record the Administrative Department should retain Photostat copies of all bills sent to the Law Department.

## **16.7 Cases remanded by Administrative Tribunal for decision by the Administrative Departments**

Section 20(1) of the Administrative Tribunals Act, 1985 provides that the Administrative Tribunal shall not ordinarily entertain an application unless the applicant had availed all the remedies available to him under the relevant service rules as to redressal of grievances. Certain Government servants file applications in the Administrative Tribunal without exhausting the available channels for redressal of their grievances. In certain cases the Government servant approach the Administrative Tribunal though ----

their representations /appeals are pending consideration of the appropriate authorities and this fact is either indicated by the Government servants in their complaints/applications or pointed out by the Government in reply. In most of such cases the Administrative Tribunal either does not entertain the complaints/ applications or the Tribunal finally disposes off such cases by ordering that the same may be treated as representations or appeals and decided within a specified period. The plaintiff is given liberty to approach to Tribunal thereafter, if need be.

In such cases the departments have to take appropriate steps as under:-

- (i) Normally the Advocate General /Additional Advocate General appearing on behalf of the Government supplies a certified copy of the orders of the Tribunal to the concerned Department immediately. The Department however, should not wait for the copy but should cause the Advocate General to obtain and send a copy of the order without loss of time.
- (ii) Pending receipt of certified copy of the orders, the officer/ official incharge of the case and present in the Tribunal should submit a brief resume of the orders of the Tribunal to the Secretary/ Head of the Department concerned in writing so that preliminary action is initiated;
- (iii) Immediately on being informed about the orders, of the Tribunal as at (ii) above or (i), the officer competent to decide the matter or so directed by the Tribunal shall call for the entire case with the factual position;
- (iv) The concerned section will submit the entire case to Secretary/Head of the Department or officer concerned with detailed position as to the grievances of the Government servant, grounds/ justifications advanced by him, action if any taken on any representation made by him, position about rules/ Government instructions, repercussions etc etc, for consideration and the decision of the competent authority ;
- (v) The Secretary /Head of the Department or officer concerned will study the case in detail, consult other Departments, if need be, on priority basis and fix a date for giving a personal hearing to the government servant. The date, time and place of personal hearing will be intimated to the Government servant well in advance under intimation to the Head of the Office, making it clear that he will to be allowed any travelling allowance /daily allowance for the same;
- (vi) The Secretary / Head of the Department or other officer, as the case may be depending on the orders of the Tribunal will hear the Government servant in person on the fixed date and time and place and make queries from the government servant of the purpose of clarification or elaboration of any point, if any. The Secretary/ Head of the Department may receive a written brief if the Government servant so desires;
- (vii) After the personal hearing, the Secretary/Head of the Department will decide the representation / appeal and pass a self-contained speaking order touching all the issues raised, pleadings and his final decisions on all issues. It is to be noted that a short order merely rejecting or accepting the representation/ appeal should not be issued as such an order is liable to be challenged again in the Tribunal; and
- (viii) A copy of the final order is to be officially supplied to the Government servant concerned and the decision should be made within the time limit prescribed by the Tribunal. In any case in which it is anticipated that it will not be possible to take a final decision within the prescribed time limit, extension of time limit should be applied for and obtained from the Tribunal well in time.

## **16.8 Other Guidelines**

### **16.8.1 Presence of Officers**

As stated in para 16.9 every Department is required to nominate an officer as officer-in Charge for all Court cases. Such officer has to ensure his presence in the process of all Court case in the following events.

- (a) Consultation with the Advocate General or the Additional /Deputy/Assistant Advocate General when any case is lilted for admission /orders for stay etc., when formal notice has not been received;
- (b) Consultation with Advocate General or the Additional /Deputy/Assistant Advocate General with the draft suit /rejoinders or draft replies to suits/ applications with all connected records for vetting of the draft;
- (c) Discussion with the Advocate General or the Additional /Deputy/Assistant Advocate General on the day previous to the date of admission and hearing for briefing and to remain present in the Court/ Tribunal at the time when case is taken up.

When the Court /Tribunal requires the presence of any particular officer or summons a particular officer, then that officer should ensure his presence in the Court/Tribunal at 10.30 AM sharp or the other fixed time if any on the date of hearing.

Detailed guidelines in this behalf are given in paras 16.4.6 and 16.4.8.

### **16.8.2 Evidence by Government servants in a Court- Production of Official records**

- (i) The law relating to the production of unpublished official records as evidence in courts is contained in Section 123,124 and 162 of the Indian Evidence Act, 1872 (Act I of 1872). Section 123 and 124 respectively state that:-

“No one shall be permitted ot give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the Officer at the Head of the Department concerned, who shall give or withhold such permission as he thinks fit.  
“(Section123)

“No public officer shall be compelled to disclose communication made to him in official confidence when he considers that the public interest would suffer by the disclosure”.  
(Section 124)

There is a distinction between the provisions of Sec. 123 and Sec. 124 of the Evidence Act. If the document comes within Sec. 123, the court cannot inspect it, though it can take the evidence to determine the character attributed to the document. Of course, it is for the Court to ultimately determine whether the document in respect of which the privilege s claimed is a state document within the meaning of Sec. 123 of the Evidence Act. If a document falls within the ambit of Sec. 124 of the Evidence Act, the Court can inspect the document to determine the claim of privilege.

Section 162 states that:-

“A witness summoned to produce a document shall, if it is in his possession or power, bring it to court notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the Court.

The Court, if it thinks fit, may inspect the document unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

If for such a purpose it is necessary to cause any document to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence; and, if the interpreter disobeys such direction, he shall be held to have committed an offence under Section 166 of the Indian Penal Code.”

For the purpose of this Section of the aforesaid Act the expression "Officer at the Head of the Department concerned" may be held to mean the officer who is in control of the Department and in whose charge records of the department remain. Ordinarily such an officer would be the Secretary to the State Government, but in case of attached offices like Directorate of Industries, or Directorate of Agriculture etc, the Director concerned may be regarded as the "Head of the Department" for these purpose. Only such an officer should be treated as the authority to withhold or give the necessary permission for the production of official documents in evidence.

In respect of documents (i) emanating from a higher authority i.e. the Government of India, or the State Government which have formed the subject of correspondence with such higher authority , or (ii) emanating from other Government, whether foreign or member of the common-wealth, the Head of the Department should obtain the consent of the Government of India or of the State Government , as the case may be, through the usual official channels before giving permission to produce the documents in court or giving evidence based on them unless the papers are intended for publication or are of a purely formal or routine nature, when reference to higher authority may be dispensed with.

In the case of documents other than those specified in the paragraph above, production of documents should be withheld only when the public interest would, by their disclosure be injured, or where disclosure would be injurious to national defence, or to good diplomatic relations or where the practice of keeping a class of documents secret is necessary for the proper functioning of the public service. Privilege is not to be claimed on the mere ground that the documents are state documents or are official or are marked confidential or, if produced, would result in Parliamentary discussion or public criticism or would expose want of efficiency in the administration or tend to lay particular Department of Government open to a claim for compensation. The mere fact that the Head of the Department does not wish the documents to be produced is not an adequate justification for objecting to their production. The Court have also observed that refusal to produce documents relating to affairs of State implies that their production will be prejudicial to public interest. Consequently, the reason therefore should be given in an affidavit in form as at Annexure 16-A.

In a case of doubt, the Head of the Department should invariably refer the matter to the higher authority for orders. These instructions apply equally to cases, in which Government is a party to the suit. In such cases, much will depend on the legal advice as to the value of the documents, but before they are produced in Court, the considerations stated above must be borne in mind, and reference to higher authority made, when necessary.

The Government servant who is to attend a Court as a witness with official documents should, where permission under Section 123 has been withheld be given an affidavit in form as at Annexure 16-B duly signed by the Head of the Department . He should produce it when he is called upon to give his evidence, and should explain that he is not at liberty to produce the documents before to Court, or to give any evidence derived from them. He should, however, take with him the papers which he has been summoned to produce.

The Government servant who is summoned to produce documents in respect of which privilege under section 124 has to be claimed, will make an affidavit in the accompanying Form as at Annexure 16-B when he is not attending the Court himself to give evidence, he shall have it sent to the court along with the documents. The person through whom the documents are sent to the Court should submit the affidavit to the Court, when called upon to produce the documents but should not hand them over to the Court unless the Court, directs to do so. The documents or copies should not be shown to the opposite party.

The Head of the Department should abstain from entering into correspondence with the presiding officer of the Court concerned in regard to the grounds on which the documents have been called for. He should obey the Courts orders and should appear personally or arrange for the appearance of another officer in the Court concerned, with the documents and fact as indicated in paragraph above, and produce the necessary affidavit, if he claims privilege.

### **16.8.3 Claim to privilege when justified**

When any cases is posted for admission or hearing, the Advocate General intimates the concerned Department and also asks the Department to send the relevant record through a responsible officer. It should be ensured that an officer of the rank of Section Officer/Superintendent Grade -I conversant with the case takes the record for discussion with the Advocate General. Wherever certain assurances are to be given during the course of a hearing, a senior level officer competent to give assurance should be present with the Advocate General.

In certain cases the opposite party may seek production of certain official documents and the Courts might require production of the same. In all such cases the competent authority as indicated para 16.8.2 above should thoroughly peruse the relevant record sought to be produced in the Court for determining whether any document is to be claimed a privileged. The provision of sections 123,124, and 162 of the Indian evidence Act, 1872 (Act I of 1872) relating to production of unpublished official records and claim of privileges etc. are given in para 16.8.2 above. The concerned officer has to take decision keeping in view these provisions and in case document is to be claimed as privileged, then the competent authority has to file an affidavit in Annexure 16-A or 16-B as the case may be. The documents claimed as privileged are to be taken to the Court or sent to the Court through a senior responsible officer with the aforesaid affidavit and when called upon to produce the privileged documents, the officer has to submit the affidavit through the Advocate General. It may be made clear that the validity of any claim of privilege is to be decided by the Court as per Section 162 of the Indian Evidence Act, 1872.

There are a number of court decisions relating to the claim of privilege, which include the following:-

- (i) Section 123 is a recognition of the principle that interest of all subjects of the State is superior to the interest of any one of them, but at the same time, the State must show that the claim or privilege strictly falls within the four corners of the provisions of law which tends to deprive the subject of evidence on matters directly in issue.
- (ii) If after having considered the document the counsel tells the Court that the document is one relating to affairs of State and that its disclosure will be injurious to public safety, the Court ordinarily would accept his statement, if made on oath. But the statement must not be of vague or indefinite character. He must not only indicate the nature of the document but he must also state what injury to public interest he contemplates would result from the disclosure of the document.
- (iii) There may be another class of documents which would claim the said privilege not by reason of their contents as such but by reason of the fact that, if the said documents were disclosed, they would materially affect the freedom and candour to expression of opinion in the determination and execution of public policies. In this class may legitimately be included notes and minutes made by the respective officers on the relevant files, opinions expressed, or reports made, and gist of official decisions reached in the course of the determination of the said questions of policy.
- (iv) The affidavit should show that each document in respect of which the claim is made has been carefully read and considered and the person making the affidavit is bonafied satisfied that its disclosure should lead to public injury.

However, privilege cannot be claimed on the ground that the disclosure of document in question may defeat the defence raised by the State.

### **16.8.4 Need for corrective action in certain cases**

Suits/writ petitions/ applications (including for contempt of Court) before Courts and the Tribunal against the Government are often filed due to inaction at some level on the claims of the plaintiffs/ applicants. Therefore,

After the final decision on the suit /case if it appears prima-facie that litigation was due to such a reason, responsibility needs to be fixed for the purpose or taking appropriate disciplinary action and recovery of the loss caused to the Government on account of the litigation.

#### **16.9 Monitoring of progress of cases- Nomination of Officers –in –charge – Registers and proforma**

All departments are required to constantly monitor the progress of Court/Tribunal cases at all stages. For proper monitoring of progress each department is required to maintain a Register of Court cases in the form as given in para 13.1.18 of Chapter XIII of this Office Manual. This register should always be kept updated by making entries therein after each day of hearing or when the case is listed for orders etc.

Every department should nominate an officer, not below the rank of Section Officer or Superintendent Grade-I, as Officer-in-charge who shall be responsible for monitoring the Court cases at all levels and at all stages. The Officer-in-charge shall be responsible for:-

- (i) Arranging pre-admission briefing of the Counsel
- (ii) Preparing or getting prepared the draft suits/ applications or replies /rejoinders and getting the same vetted from to Counsel and for timely filing of the same in the Court /Tribunal
- (iii) Being present in the Court/Tribunal on each day when the case is listed for orders/admission or hearing etc.
- (iv) Arranging to brief the counsel on the day previous to the date of listing of the case for orders/admission or hearing and to take all connected records to the counsel;
- (v) Bringing to the notice of the authorities day to day progress, orders/instructions passed by the Court/Tribunal immediately in person and in writing;
- (vi) Ensuring compliance of the Court/Tribunal orders/instructions./judgements within the prescribed time limits or to obtain decision for filing Review /Revision/LPA or appeal in the Supreme Court etc. and thereafter to file Review/Revision/LPA or appeal within the prescribed time limit and further to obtain stay orders for the decision against which Review /Revision/LPA has been filed;
- (vii) Ensuring maintenance of the Register of Court Cases and submission of the same to the Branch Officer/Middle-level Officer at least once a month;
- (viii) Taking any action in the interest of the Govt. in any Court Case as provided in this Chapter.

The Secretaries of the Departments and the Heads of the Departments should also devote their personal attention to the Court/Tribunal cases and ensure proper monitoring and processing of the cases, thus avoiding the possibility of inadvertently committing Contempt of Court. They should also see that the Register of Court cases is complete and is submitted to them at regular intervals. They also need watch the functioning of the Officer-in-charge of the cases through their Branch Officers/Middle-level Offices etc.

[Referred to in paras 16.8.2 and 16.8.3]

In the Court of

Suit No.

of 19

I-----hereby solemnly affirm and state as follows:-

A summons bearing No.-----dated-----issued by the Court of -----suit No.-----of 19 (-----versus-----) has been received in the Department of -----on -----19 requiring production in the said Court On----- 19 of documents stated below. I, as the Head of the Department of -----am in control of, and incharge of, its records. I have carefully considered the relevant Documents and have come to the conclusion that they are unpublished official records relating to affairs of State and their disclosure will be prejudicial ot public interest for the following reasons:-

LIST OF DOCUMENTS SUMMOED

REASONS

I do not, therefore, give permission to any one under section 123 of the Indian Evidence Act, 1872, to produce the said documents or to give any evidence

Solemnly at----- this-----day of-----19

Name and designation of the Officer at the Head of the Department

Sworn before me.

[Referred to in paras 16.8.2 and 16.8.3]

In the Court of-----

Suit No. -----

of 19

I,-----do hereby solemnly affirm and state as follows:-

A summons bearing No.-----dated-----issued by the Court of -----in suit No.-----of 19 (-----V/S-----) has been served on me on-----19-----, requiring production in the said Court on -----19 , of the documents stated below. I have carefully considered them and have come to the conclusion that they contain communications made in official confidence and I consider that the public interest would suffer by their disclosure for the following reasons:-

LIST OF DOCUMENTS SUMMOED

REASONS

I, therefore, claim privilege under Section 124 of the Indian Evidence Act, 1872

Solemnly affirmed at -----day of -----19\_\_\_\_\_,.

(here write name and designation of the officer making the affidavit)

## CHAPTER XVII

### ERADICATION OF CORRUPTION AND DEPARTMENTAL INQUIRIES

#### 17.1 Authorities responsible for eradication of Corruption

All Government functionaries are expected to assist the Government in eradication of corruption and the Government expects the public too to assist in this field as without public cooperation it is not practicable to completely eradicate corruption. The official responsibility for rooting out corruption in Government offices primarily rests with the Heads of Offices/Departments. Necessary assistance and guidance in this behalf is provided to the Heads of Departments by the Directorate of Vigilance. In order to enable the Heads of Departments to perform this important function, Government have sanctioned posts of Vigilance Officers in some of the Departments and in remaining departments, the Heads of Departments have been directed to appoint ex-officio Vigilance Officers out of the existing strength to help them in exercising vigilance and in eradicating corruption . The names of all such whole time or ex-officio (part time) Vigilance Officers are to be intimated to the Vigilance Department.

#### 17.2 The Vigilance Organisation- Powers and jurisdiction : Procedures etc.

17.2.1 The Vigilance Department of Himachal Pradesh Government, and Vigilance Units in all Departments and in offices of the Deputy Commissioners are responsible for implementation of anti-corruption measures of Himachal Pradesh Government and maintenance of integrity in the services.

The Vigilance Department can enquire into :-

- (a) any transaction in which a public servant is suspected or alleged to have acted for an improper purpose or in a corrupt manner;
- (b) any complaint that a public servant had exercised or refrained from exercising his powers with an improper or corrupt motive ;
- (c) any complaint of mis-conduct or lack of integrity or of any malpractice or mis-demeanour on the part of the public servant.

17.2.2 The power and jurisdiction of Vigilance Department extends to Public Sector Undertakings, Corporate Bodies, Statutory Corporations in the proper administration of which State Government is concerned, particularly from the financial point of view, with the agreement of the concerned bodies.

17.2.3 The Heads of Departments are taken into confidence in respect of all cases against gazetted and non-gazetted officers as soon as enquiries are registered either for preliminary enquiry or for regular investigation.

17.2.4 The position as to different wings of Vigilance Department ; procedure for preliminary enquiry, investigation, inquiring and prosecution; functions of Heads of Departments and Vigilance Officers of Departments; issue of Vigilance Clearance Certificate; maintenance of registers; submission of returns and forms therefor; facilities and cooperation to be extended to Anti-Corruption Unit; suspension of Government servants etc. etc. has been given in detail in the Vigilance Manual published by the Government of Himachal Pradesh Department of Personnel (Vigilance) in 1975.

#### 17.3 Procedure regarding consultation with Vigilance Department

The Vigilance Department is to be consulted by the Administrative Departments regarding Vigilance cases/vigilance complaints at the following stages :-

(1) *At Complaint stage-* All complaints/audit inspections/Departmental inspections/ source reports containing allegations of corruption, embezzlement or improper motive against officials received by the Administrative Departments are required to be forwarded to the Vigilance Department for advice. The Vigilance

Department after examination of the case decides whether to entrust the complaint/audit inspection/Departmental inspection/source report to the Anti-Corruption Unit or to the department concerned for a fact finding enquiry. All anonymous complaints are required normally to be filed by the departments without taking any action on them as enquiries into such complaints have adverse effect on the morale of the services. Pseudonymous complaints should also be treated similarly unless they contain allegations that can be prima facie verified by enquiry from the signatory of the complaint whether it has actually been sent by him. If he cannot be contacted at the address given in the complaint or if no reply is received from him within a reasonable time it should be presumed that the complaint is pseudonymous and should be filed. (Paras 2.1.1. and 2.1.2 of Chapter II of Vigilance Manual)

(2) *After fact finding inquiry*

(a) In cases where the fact-finding inquiry is entrusted to the Administrative Department, the inquiry report has to be forwarded to the Vigilance Department for advice as to further course of action to be taken on the inquiry report.

(b) In cases where the inquiry is entrusted to the Anti-Corruption Unit of the Vigilance Department, the inquiry report is sent by the Anti-Corruption Unit to the Vigilance Department which advises the Administrative Department as to the further course of action to be taken.

(c) In cases where the Vigilance Department advises the Administrative Department to institute departmental proceedings for imposition of a major penalty, then the oral inquiry is required to be entrusted to the Commissioner for Departmental Enquiries in respect of the gazetted officers and to the Director of Departmental Enquiries in respect of non-gazetted officials. In cases where the Vigilance Department advises institution of departmental proceedings for imposition of minor penalty and if the disciplinary authority proceeds under Rule 16(1)(b) of the Central Civil Services (Classification Control and Appeal) Rules, 1965 or provisions of Rule 16(1-A) of these Rules are attracted then in that case also the inquiry will be entrusted to the Commissioner for Departmental Enquiries or the Director of Departmental Enquiries, as the case may be. However, if special circumstances so justify, it is open to the Administrative Department to approach the Vigilance Department for entrusting the oral inquiry to one of the departmental officers. The Vigilance Department will consider the request of the Administrative Department and give its final advice which is required to be accepted by the Administrative Department.

(d) In cases in which the preliminary inquiries are conducted by the Anti-Corruption Unit, if a prima facie criminal offence is made out, the Anti-Corruption Unit registers the case for regular investigation in consultation with the Vigilance Department.

(3) *After completion of regular investigation* - In cases in which regular investigation discloses that sufficient material by way of oral or documentary evidence is not available to put up the case for trial in a Court of law, the Anti-Corruption Unit is required to forward the case file to the Vigilance Department for examining the desirability of instituting departmental proceedings against the delinquent officer. In such cases the Vigilance Department would then advise the Department concerned as to the further course of action.

(4) *After completion of oral inquiry* - The oral inquiry reports are required to be sent to the Vigilance Department by the enquiring authorities and the Vigilance Department, after examining the inquiry reports, advises the Administrative Department as to the further course of action to be taken.

#### 17.4 **Difference of opinion between Vigilance Department and Administrative Department -Procedure Regarding**

If at any stage there is a difference of opinion between the Vigilance Department and an Administrative Department regarding the implementation of the advice given by the former in any Vigilance case, the latter may record in writing the reasons for its inability to accept the advice of the Vigilance Department and return the case for reconsideration of the Vigilance Department. If on consideration, the Vigilance Department still adheres to its

Original views its advice will be acted upon by the Administrative department or else the latter may submit the matter for the consideration of the Chief secretary in respect of Non-gazetted Officers and to the Chief minister in respect of Gazetted Officers .The orders of the Chief Secretary and the Chief Minister; as the case may be, should be treated as final

## **17.5 Prosecution Sanction**

### **17.51 Provisions of the Act**

Under Section 19 of the Prevention of Corruption Act, 1988, it is necessary for the prosecuting authority to have the previous sanction of the appropriate administrative authority for launching prosecution against a public servant. For ready reference the text of section is reproduced below :-

*“19. Previous Sanction necessary for Prosecution .*

(1) No court shall take cognizance of an offence punishable under Section 7,10,11,13, and 15 alleged to have been committed by a public servant, except with the previous sanction:-

(a) in the case of a person who is employed in connection with the affairs of the Union and is not removable from his office save by or with the sanction of the Central Government ,of that Government;

(b) in the case of person who is employed in connection with the affairs of a state and is not removable from his office save by or with the sanction of the State Government , of that state Government;

(c) in the case of any other person ,of the authority competent to remove him from his office.

(2) Where for any reason whatsoever any doubt arises whether the previous sanction as required under sub-section (1) should be given by the Central Government or State Government or any other authority , such sanction shall be given by the Government or authority which would have been competent to remove the public servant from his office at the time when the offence was alleged to have been committed."

### **17.5.2 Need for Sanction**

The requirement of previous sanction is intended to afford a reasonable protection to a public servant, who in the course of strict and impartial discharge of his duties may offend persons and create enemies, from frivolous, malicious or vexatious prosecution and to save him from unnecessary harassment or undue hardship which may result from inadequate appreciation by police authorities of the technicalities of the working of the Department. The prosecution of a Government servant for an offence challenging his honesty and integrity has also a bearing on the morale of the public services. The administrative authority alone is in a position to assess and weigh the accusation on the basis of the background of their own intimate knowledge of the work and conduct of the public servant and the overall administrative interest of the State.

The sanctioning authority has an absolute discretion to grant or to withhold sanction after satisfying itself whether the material placed before it discloses a prima facie case against the person sought to be prosecuted. The sanctioning authority is the sole judge of the material that is placed before it. If the facts placed before it are not sufficient to enable it to exercise its discretion properly, it may ask for more particulars.

However, a public servant who is alleged to have committed an offence should be allowed to be proceeded against in a Court of law, unless on the basis of facts placed before it the sanctioning authority considers that there is no case for launching a prosecution.

No sanction is required in respect of former Govt. servant who is no longer in service.

### **17.5.3 Form of Sanction**

No form or set of words have been prescribed in the Prevention of Corruption Act, 1947 for sanction to prosecution. The sanction, however, represents a deliberate decision of the competent sanctioning authority. The Courts expect that a sanction should ex-facie indicate that the sanctioning authority had before it all relevant facts on the basis of which prosecution was proposed to be launched and had applied its mind independently to all the facts and circumstances of the case before according its sanction.

It is though permissible to prove by evidence that the competent authority had applied its mind to the facts of the case, yet to avoid delays and expense and for the sake of convenience and uniformity of practice, two standard forms are given in Appendix-II of the Vigilance Manual, which may be used with due changes.

### **17.6 Duties of Vigilance Officers of Departments**

The Vigilance Officers in the departments shall give necessary assistance to the Heads of Departments in the performance of their following duties

(i) Preventive action by way of-

(a) plugging loopholes for corruption in various departmental rules and regulation;  
and

(b) formulating proposals for retirement and transfer to a post of lesser responsibility etc., of officers against whom there is sufficient material to justify the belief that their integrity is doubtful.

(ii) Ensuring that all complaints relating to corruption are looked into promptly by an appropriate agency.

(iii) Ensuring compliance with the code of conduct for these officers .

(iv) Ensuring compliance with other directives issued by Government .

(v) Careful scrutiny of property returns of staff and entrusting cases where assets seem to be disproportionate to income to an appropriate investigating agency .

(vi) Ensuring that departmental enquiries and vigilance cases are completed expeditiously and punishments are adequate.

(vii) Maintaining liaison with the Anti-Corruption Unit and helping it in getting the records required in connection with the investigation of cases, rendering the required technical assistance wherever necessary, and removing the administrative difficulties experienced by the staff of the Anti-Corruption Unit.

(viii) Arranging surprise checks/raids with the help of Anti-Corruption Unit in areas/cells where corruption is suspected, and taking necessary effective steps in rooting out corruption.

### **17.7 Reports and Returns**

For the purpose of keeping the Government informed about the latest position of all the vigilance case / complaints the Head of Department have to submit the following statistical returns to the Director of Vigilance in the prescribed proforma:-

- (a) Quarterly Statistical return of all complaints and vigilance case both against Gazetted and Non Gazetted employees.
- (b) Quarterly return of prosecution case both against Gazetted and Non-Gazetted employees.
- (c) Quarterly Statistical return of public servants under suspension.
- (d) Six monthly progress report on all Vigilance cases both against Gazetted and Non-Gazetted employees.

The proforma of these report are given as Performa V .1 to V.5 in Appendix -II of the Vigilance Manual of the Govt.of Himachal Pradesh.

17.8 points to be kept in view in dealing with complaints and holding Department Inquiries against Government servants

The finalisation of department inquiries against delinquent officers sometimes take years. Besides harassment to the Government servant, it defeats the very object of the proceedings as there is a possibility of the evidence being tampered with or the witnesses won over. Sometimes, a technical flaw in a proceeding vitiates the entire action. Effective steps should, therefore, be taken to eliminate all avoidable delays in departmental inquiries while at the same time ensuring that constitutional and statutory provisions in regard to such inquiries are meticulously followed.

The following procedure should be followed while dealing with case of complaints and holding departmental inquiries:-

(1) *Preliminary Stage* - On receipt of complaint against a Government servant it is necessary to examine the nature of allegations contained therein in order to find out whether these are specific and worth enquiring into. If further inquiry is called for, steps should be taken to get the complaint properly and carefully investigated. All complaints involving any aspect of Vigilance should be referred to the Vigilance Organisation for advice or necessary action, the moment these are received. Should such an investigation reveal that the allegations, or any of them, are prima facie sustainable, formal departmental proceedings under the rules particularly applicable to the Government servant concerned should be initiated in cases serious enough to impose major penalties.

(2) *Issue of statements of charges and allegations* - The grounds on which it is proposed to initiate formal departmental proceedings should be reduced to the form of a definite charge or charges. These should be communicated in writing to the Government servant charged together with a statement of allegations on which each charge is based. The Government servant charged should be required to submit in writing his explanation, if any within a reasonable time and also to state whether he desires to be heard in person.

(3) *Examination of explanation* - The explanation should be scrutinized with utmost care. An Inquiry Officer should be appointed to hold a regular departmental inquiry in respect of charges for which satisfactory explanation is not forthcoming. The Inquiry Officer must be an impartial officer. In Vigilance cases, if the Department proposes to appoint the Inquiry Officer from within the Department, prior approval of the Vigilance Organisation is necessary.

(4) *Procedure*- The Inquiry Officer shall consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The inquiry shall be held in accordance with the principles of natural justice. In case, the prosecution engages a lawyer as presenting officer which includes a District/Asstt. District Attorney, the charged official will also have the right to engage a lawyer. The Government servant charged shall be entitled to inspect the record, to cross-examine witnesses produced by the presenting officer and to give evidence in person. The person presenting the case in support of the charges shall be required to produce

relevant documents through prosecution witnesses and will be entitled to cross-examine the Government servant as his own witness and the witnesses examined in his defence. If the Inquiry Officer declines to examine any witnesses on the ground that his evidence is not relevant or material, he shall record his reasons in writing. At the conclusion of the inquiry, the Inquiry Officer shall prepare a report recoding his findings on each of the charges together with reasons therefor. The record of the inquiry shall include :-

- (a) the statements of charges/allegations framed against the Government servant.
- (b) his explanation, if any ;
- (c) the oral evidence and documents produced in support of the charges ;
- (d) the oral evidence led in defence and documents produced:
- (e) the documentary evidence exhibited and considered in the course of the inquiry;
- (f) the orders, made by the Inquiry Officer at the various stages of the inquiry; and
- (g) the report of the Inquiry Officer setting out the findings on each charge together with reasons therefor.

#### **17.9 Consideration of the Report of the Inquiry Officer**

The report of the Inquiry Officer should be carefully examined by the disciplinary authority together with the comments of the Presenting Officer. Though great weight is attached to the findings of the Inquiry Officer yet they lack authoritativeness unlike judicial pronouncements. It is for the disciplinary authority to take a decision after applying its mind to the material placed on record in the inquiry proceedings, the findings of the Inquiry Officer and representations and submissions made by the Government servant in the manner given in para 17.10 below. If the disciplinary authority holds that the charges, or any of them, against the Government servant proceeded against have been substantiated, it will arrive at a provisional conclusion in regard to the penalty to be imposed on him after duly taking into account the past service of the official.

#### **17.10 Supply of the Copy of the Inquiry Report**

In all cases where an inquiry has been held in accordance with the provisions of Rule 14 of the Central Civil Services (Classification Control and Appeal) Rules 1965, the disciplinary authority, if it is different from the inquiry authority shall, before making a final order in the cases, forward a copy of the inquiry report to the Government servant concerned with the following endorsement:-

*“The report of the Inquiry Officer is enclosed. The Disciplinary Authority will take a suitable decision after considering the report, If you wish to make any representation or submission, you may do so in writing to the Disciplinary Authority within 15 days of the receipt of this letter”.*

#### **17.11 Show Cause Notice against proposed penalty in certain cases**

If the penalty proposed is proposed is dismissal, removal or reduction in rank, the Government servant concerned shall be supplied with a copy of the report of the Inquiry Officer and he shall be called upon by written notice to show cause within a reasonable time, not ordinarily exceeding one month, against the particular penalty proposed to be inflicted on him; provided that if the disciplinary authority disagrees with any part or whole of the findings of the Inquiry Officer, the point or points of such disagreement together with a brief statement of the grounds therefor, shall also be supplied to the Government servant. Any representation submitted by the Government servant in reply to the show cause notice shall be taken into consideration before final orders are passed.

#### **17.12 Consultation with Public Service Commission**

In every case in which it is necessary to consult the Commission, the record of the inquiry together with a copy of the inquiry report, show cause notice and the representation, if any, made in response to such notice, shall be forwarded by the disciplinary authority to the Commission for its advice. On receipt of the advice of the Commission, the disciplinary authority shall consider the aforesaid representation, if any, and the advice given by the Commission and determine what penalty, if any, should be imposed on the Government servant and pass appropriate orders on the case.

### **17.13 Minor Punishments**

After consideration of the Investigation Report i.e. preliminary inquiry report if the disciplinary authority comes to a tentative decision that the lapses are such that merit infliction of any of the minor punishments, a notice containing the tentative decision together with a statement of allegations should be served upon the Government servant concerned and he should be asked to submit his explanation, if any, within fifteen days of the receipt of the notice. The explanation should be considered by the disciplinary authority and if found unsatisfactory the formal orders inflicting the permissible penalty should be issued but in case withholding of increments is likely to affect adversely the amount of pension payable to the Government servant or increments are to be withheld for a period exceeding 3 years or increment is to be withheld with cumulative effect for any period, inquiry in accordance with Rule 14 of C.C.S (C.C.A.) Rules, 1965 shall be held. In case the matter is referable to the Public Service Commission, its advice should be taken before inflicting the punishment.

### **17.14 Expeditious disposal of cases of Government Servant under suspension etc.**

The number of Government servants under suspension continues to be very large and many of them remain under suspension for a very long time, thereby causing great loss to Government on account of the payment of subsistence allowance, besides hardship, mental torture and anxiety to suspended Government servants. Generally suspension should only be resorted to in the following circumstances:-

- a. where a disciplinary proceeding against a Government servant is contemplated or is pending;
- b. where in the opinion of the competent authority a Government servant has engaged himself in activities prejudicial to the interest of the security of the State;
- c. Where a case against a Government servant in respect of any criminal offence is under investigation, inquiry or trial.

An order of suspension should not be made in a perfunctory or in a routine and casual manner without proper regard to the guiding principles and where no public interest is likely to be served. Suspension should not be resorted to for petty offences unrelated to morality or official duties. Whenever a Government servant continues to remain absent from duty or overstays leave without permission and his movements are not known, he should not be mechanically placed under suspension, as this would entail payment of subsistence allowance, as against treating the period of absence as dies none. But when an official who is under suspension disappears and cannot be contacted at his last known address, the suspension order should be lifted and proceedings initiated for his removal in absentia.

While public interest is to be the guiding factor in deciding to place a Government servant under suspension, the competent authority should take all factors into account and exercise his discretion with due care while taking such action even when the matter is under investigation and before a prima facie case is established. The following circumstances may be considered appropriate to place a Government servant under suspension:-

- (i) where his continuance in office will prejudice investigation, trial or any inquiry (e.g. , apprehended tampering with witnesses or documents);
- (ii) where his continuance in office is likely to seriously subvert discipline in the office in which he is working;
- (iii) where his continuance in office will be against the wider public interest, if there is a public scandal and it is considered necessary to place the Government servant under suspension to demonstrate the policy of the Government to deal with officers involved in such scandals, particularly corruption;

- (iv) where a preliminary inquiry revealed a prima facie case justifying criminal or departmental proceedings, which are likely to lead to his conviction and /or dismissal, removal or compulsory retirement from service; and
- (v) Where he is suspected to have engaged himself in activities prejudicial to the interest of the security of the State.

Certain types of misdemeanour where suspension may be desirable in the circumstances mentioned above are indicated below:

- (i) an offence or conduct involving moral turpitude;
- (ii) corruption, embezzlement or misappropriation of Government money, possession of disproportionate assets, misuse of official powers for personal gain;
- (iii) serious negligence and dereliction of duty resulting in considerable loss to Government;
- (iv) desertion of duty; and
- (v) refusal or deliberate failure to carry out written orders of superior officers.

A Government servant is, however, deemed to have been placed under suspension from the date of his detention if detained in custody for a period exceeding forty eight hours or from the date of conviction if sentenced to a term exceeding forty eight hours. The Government have decided that disciplinary cases of Government officers/officials should be finally decided within a period of six months from the date the officer/official was placed under suspension.

#### **17.15 Time Schedule for conduct of Departmental Inquiries**

In all Departmental Inquiries, the following schedule should be adhered to:-

- (a) The Articles of charges should be handed over to the charged Government servant within 15 days from the date of taking the decision to start formal proceedings.

At the same time, a decision should be taken whether the Government servant should be placed under suspension, pending inquiry.

- (b) The charged Government servant's written statement of defence should ordinarily be required to be submitted within a period of a fortnight and in no case should a period of more than a month be allowed for the purpose.
- (c) The question of appointing Inquiry Officer/Presenting Officer, inspection of record /documents etc. should be decided within a maximum period of 1 month from the date of serving the charge sheet.

Once appointment of the Inquiry Officer/ Presenting Officer is made, the entire listed records relied upon in Annexure III should be made available by the disciplinary authority to the Presenting Officer in original within 7 days, together with one set to the Inquiry Officer and one set to the charged officer/official.

In case the charged officer wants copies of official records for his defence, copies of such records should be made available within 7 days, unless it is proposed to deny access/copy of the record on the grounds of public interest or that the documents are not relevant.

- (d) The inquiry including oral examination of the witnesses should be completed within 3 months of the date of appointment of Inquiry Officer.
- (e) The Inquiry Officer where he is not himself the Disciplinary Authority should submit the inquiry report within a fortnight of the date of closing of the inquiry

- (f) When the Disciplinary Authority is different from the Inquiry Officer, the said Disciplinary Authority should pass final orders without delay, ensuring that the case is finally decided within six months, as far as possible.

The following time schedule is laid down for various stages to be gone through before the passing of the final orders:-

- (i) Calling upon the Government servant concerned to show cause against the proposed punishment where necessary---- One week from the date of receipt of the Inquiring Officers report.
- (ii) Time to be allowed to the Government servant to file a reply--- 15 days.
- (iii) Final orders:-
  - (a) Where reference to the Public Service Commission is necessary –Six week from the date of the receipt of the final explanation of the Government servant
  - (b) Where no such reference is necessary-A fortnight from the date of receipt of the final explanation of the Government servant concerned.

## Chapter XVIII

### Efficiency

#### 18.1 Need for Speedy disposal of work

The previous Chapters describe procedures and methods for the disposal of work. But the purpose for which these have been evolved would be defeated if these procedures are reduced to mere red-tape and delays occur in the disposal of business. Sometimes the references received in the branches or offices are delayed and are not dealt with expeditiously or with as much sense of urgency as is required. It should be realised that the administrative delays are a source of discontent and delay breeds corruption, and effective implementation of Government policies and programmes largely depends upon an efficient and speedy disposal of work. Accordingly, this Chapter discusses matters relating to efficient disposal of work, monitoring of disposal, identification of delays and remedial action, The Chapter is divided into three sections, dealing respectively with disposal of references, systematic decision making and 'inspections'.

#### 1 DISPOSAL OF REFERENCES

##### 18.2 Time limit for disposal of references

**18.2.1** The work of Government at all levels involves processing of papers containing information, instructions or decisions. Their quick and efficient processing is therefore the first step towards improving office efficiency. According to their nature and importance all fresh receipts are generally divisible into three categories viz, 'Immediate', 'Urgent', and 'Ordinary'. The time limits for the disposal of references in each of these three categories at various level are as follows:-

Nature of reference.	Time allowed for dealing	Time allowed for disposal at the level of the Section Incharge and Branch Officer
1	2	3.
Immediate	2 days	1 day at each level
Urgent	4 days	2 days at each level
Ordinary	6 days	3 days at each level

18.2.2 A reference that remains undisposed off at the end of the above time limits will be considered as delayed. The time allowed to the dealing hand includes the time for which the papers are held up by the reference clerk, if any attached to the dealing hand and the time required for tracing/opening file, referencing and linking etc.

18.2.3 Government have also decided that the time limit for the disposal of the cases at the level of officers higher than the Branch Officer, including the Heads of Departments and the Administrative Secretaries will be one week from the date of receipt of a reference/case by them.

##### 18.3 Final disposal

**18.3.1** At present, there is no check on the final disposal of references. It is possible that in many cases back references may have to be made from time to time delaying the final action in a case. It is essential that whatever information is wanting in a case should be asked for in the first back reference and there should normally be no need to make further back reference. To check this tendency of repeated back references and to ensure prompt disposal of references, the Government have laid down the time limits for final disposal of references. These time –limits for the three categories of references are as follows:-

Immediate	-----	1 month
Urgent	-----	2 months
Ordinary	-----	3 months

These time limits are to be reckoned from the date of receipt of the first or original reference. It is made clear that the final disposal does not mean disposal by interim replies etc. and final disposal means disposal off the case by finally deciding on the issues raised in the original reference and sending reply/clarification/orders etc. Till then the receipt is to be shown as pending and this pendency has to be mentioned the statements of cases pending over three months from the month that the receipt of the original reference has become over three months old.

18.3.2 The above periods are the maximum limits within which the cases should be finally disposed of by the Departments. However, every effort should be made to finalise the cases in the shortest time possible.

#### **18.4 Disposal of immediate /important receipts**

A Register will be separately maintained for immediate/important receipts (See para 13.1.2 of Chapter XIII) and will be put up by the Diarist to the Section Incharge daily. The Section Incharge will ensure that all such cases have been duly put up by the dealing hands in time. In case where the files have not been received back from the higher authorities by due dates, the officers or their personal staff should be reminded by him to expedite action.

#### **18.5 Weekly statement of disposal of important cases**

As required under Rule 28-A of the Rules of Business every Monday, each Secretary will submit to the Minister-in-charge separate statements showing particulars of cases, other than routine and unimportant cases disposed off in the Department by the Minister and Secretary respectively, during the preceding week. The statement has to be in the form given in para 13.2.5 of Chapter XIII. A copy of this statement shall be simultaneously submitted to the Chief Minister and to the Governor through the Chief Secretary.

#### **18.6 Weekly Arrears Statement**

The weekly Arrears Statement is intended to give a statistical picture of the number of receipts and cases received and dealt with by each dealing hand posted in an office during a particular week. This Statement also exhibits a detailed analysis of undisposed references pending with the dealing hand. It enables the Incharge of Office to keep a watch on the progress or work of each dealing hand and to take suitable remedial measures by giving of proper guidance for disposal of pending papers and preventing accumulation of arrears. The format for the weekly arrear statements is given in paras 13.2.2 and 13.2.3 of Chapter XIII.

This statement will be prepared on the last working day of every week in the form given in para 13.2.2 and 13.2.3. This statement is to be compiled by the diarist on the basis of information supplied by each dealing hand and each dealing hand should put his initials in token of his having verified the factual position in respect of out standings against him. Detailed information in respect of receipts or cases in hand for over seven days should be given by each dealing hand in the annexure to the form. The period of pendency with any dealing hand shall commence from the date the reference/case was received by him. The statement duly completed shall be submitted to the Section Incharge who in turn after scrutiny in the manner prescribed in para 14.10.2(a) of Chapter XIV shall put it up to the Branch Officer on every Monday or on the next working day if Monday happens to be a closed day.

#### **18.7 Monthly statement of Cases Pending Finalisation over 3 months**

**18.7.1** It is intended to bring to the notice of the Chief Minister, cases/references which have not been finally disposed off within three months of the date on which the statement is to be submitted. This statement is to be prepared in form given in para 13.2.4 of Chapter XIII and it has to be submitted on the first working day of each month to the Administrative Secretary by the Branch Officer or the Head of the Department as the case may be for information of the Minister – in-charge, with a copy to the Administrative Reforms Organisation.

The Administrative Reforms Organisation will bring the Statements to the notice of the Chief Minister through the Chief Secretary. All cases which have not been finally disposed off in the manner stated in para 18.3.1 above have to be shown as pending.

18.7.2 This statement is to be prepared by each dealing hand by entering all diary numbers whose date of diary is more than three months old and in respect of which final disposal as explained in para 18.3.1 above has not taken place. Practically this will mean (a) deleting from the previous month's list all those diary numbers which have been finally disposed off during the month and recorded as such in the Assistant's diary; and (b) adding all such diary numbers which have not yet been finally disposed off and have become more than three months old during the last month. Columns (1) to (7) of the statement of cases pending over 3 months (proforma in para 13.2.4 of Chapter XIII) can be filled in from the Assistants Diary (see para 18.9 below), whereas columns (8) and (9) need be filled in on the basis of entries in the File Movement Register of the Section/Officer's personal staff.

18.7.3 The following action in this behalf has to be taken for ensuring correct preparation of this statement.

- (a) Final disposal should be correctly recorded in the Assistant's Diary Registers. Date of final disposal should be recorded only after all the issues raised in the original reference have been finally settled and communication conveying the decision is issued. Till then the matter has to be shown pending and after three months this pendency has to be shown in the "statement of cases pending over three months".
- (b) The dealing hand has to obtain orders of the Section Officer/Superintendent Grade I on the relevant subject file before recording final disposal of receipt. For this purpose the dealing hand will record a note on the noting portion of the file stating that letters /orders/notifications etc. , as the case may be, have been issued (indicating Serial number, page number and date) and that final disposal of the receipt has taken place and may be recorded as such . In case of informatory receipts, orders regarding recording of final disposal may be sought while initially putting up the file;
- (c) Cases which have been sent to the advisory departments such as Personnel, Law, Finance, etc., and are pending in advisory departments are also to be included in the statement, as the receipts remain undisposed. The registers of files sent to other departments (para 13.1.6 of chapter XIII) need be consulted for making entries in column numbers (8) and (9) of the statement;
- (d) The advisory departments like Finance, Personnel, Law etc are also required to maintain a register of files received from other departments and files are required to be entered in this register as soon as they are received. The weekly arrears reports and monthly statement of cases pending over three months prepared and sent by the advisory departments should essentially include the files (cases) of the departments pending with them for correct reconciliation of pendency;
- (e) The statement prepared dealing hand wise and further consolidated for the Branch as a whole should be put up to the Branch Office /Head of Department along with Assistant's Diary Registers on the last working day of each month. The statement, thereafter, is to be sent to the Administrative Secretary for bringing the same to the notice of the Minister Incharge, with a copy to the Administrative Reforms Organisation of the Department of Personnel on the first working day of the next month;

- (f) In the case of Directorates the statements should be sent to the Administrative Department/Administrative Reforms Section of Deptt. of Personnel only after the same has been seen by the Head of the Department, while in the case of Secretariat Branches, the statement should be sent to the Administrative Secretary and the Administrative Reforms Section; and
- (g) On receipt of the statement from the Directorate, the concerned Secretariat Branch should scrutinise and verify the statement with regard to the cases shown pending in the Secretariat and make suitable corrections in its own statement, if need be, or intimate corrections to be made in the Directorate's statement if that is required.

### **18.8 Arrears clearance campaign.**

It has been observed that despite the best of efforts, sometimes arrears in the Department tend to accumulate. Accordingly, It is necessary to organize Arrears Clearance Campaigns to liquidate all pending cases by passing final orders, the word 'Final' meaning final decision by the authority competent to pass final orders. Whenever such campaigns are organized, it is essential that one nodal officer is designated for the purpose, who should be responsible for:

- (i) taking a stock of all pending undecided work
- (i) gearing up the machinery for the execution of the programme and for this purpose organising meetings at periodical intervals to identify and remove bottleneck and procedural problems;
- (ii) issuing detailed directions to the field units and all the concerned staff; prescribing a method for the disposal of cases;
- (iii) personal daily check of disposal by all concerned and specially by the officers in charge;
- (iv) drawing up a well planned calendar of operation for attending to old cases on priority basis, without letting the urgent current cases to suffer; and
- (v) monitoring progress and reporting to the Head of the Department/office.

These are not rigid guidelines and the Departments can amplify or add to these of guidelines depending upon their own peculiar circumstances by keeping in view the objective to be achieved. It must, however, be kept in view that final disposal of cases is a joint responsibility and has to be shared all along the line. The main responsibility will, however, rest with the decision taking authority and it will be for him to pass final orders in each case within the shortest possible time before the end of such campaign.

### **18.9 Assistants Dairy**

18.9.1 After a case has left the section, sometimes it remains undisposed off at higher levels and it becomes necessary to pursue it personally. This can be done if up-to-date movement of the cases is known to the dealing officials. Every Assistant or dealing hand is therefore required to maintain a running record of the papers received and dealt with by him in the Assistant's Dairy Register in the form given in para 13.1.3 of Chapter XIII. Besides the fresh receipts, the cases coming back for re-examination or further action must also be noted in the register. The proper maintenance of this register will help the dealing hands in keeping a track of all cases besides helping in the completion of the registers of the ordinary and important references. Final disposal of receipts should be recorded against every receipt and for this purpose contents of paras 18.3.1, and 18.7.2 and 18.7.3 should be kept in view, and the entry made only after obtaining the orders of the Section-in charge.

18.9.2 The dealing hand should submit the Assistant Dairy for inspection of the Branch Officer through the Section Incharge, on the first working day of every week alongwith the arrears statement. The Branch Officer should record, briefly, his remarks on the Assistant's Dairy in token of his inspection and in evaluating quantitative out-put of work. For proper checking the Branch Officer should also occasionally glance through the files claimed to have been dealt in the diary on particular dates.

The branch officer should go through the Assistant's Diary in detail while verifying the correctness of the monthly statement of cases pending over three months to ensure (a) that all cases not finally disposed off find mention on the statement and (b) that no case has wrongly been shown as finally disposed off.

### **18.10 Reminder Diary**

18.10.1 Every dealing hand will maintain a Reminder Diary in which he will enter date-wise:-

- (a) all cases which have been marked for re-submission on a particular date;
- (b) cases on which reminders are to be issued on specified dates; and
- (c) cases which have been referred un-officially to other departments and the return of which is awaited.

18.10.2 The dealing hand will examine the Reminder Diary every morning and will take necessary action in the relevant file. If a file is not available, the dealing hand will consider whether he can send a reminder or take any other action without the file or with the orders of the Branch Officers mark the file to be brought forward to a subsequent date.

18.10.3 The Section Incharge will check the reminder diaries from time to time to ensure that timely action is taken by the dealing hand. In important cases, he will himself keep a note in his reminder diary.

18.10.4 A Reminder Diary in a suitable form will also be maintained by every officer to make a note of important cases required to be submitted by or to him on a particular date

## **II SYSTEMATIC DECISION MAKING.**

Systematic decision making involves systematic maintenance of information required for the decision making. As explained in Chapter VII, the Filing System is organised for that purpose. However, often information required may not be easily accessible from files. Accordingly, additional devices are required, some of which are explained below.

### **18.11 Standing Guard files**

**18.11.1** A Standing Guard File consists of all decision on a particular subject collected at one place. In order to prepare such files, whenever an important decision is taken, a copy should be endorsed to a Guard File on that subject. The Guard File will be prepared in each sections/branch and will be maintained in different parts subject-wise. The subjects which will be included for the purpose of preparation of Standing Guard Files will be determined by the Branch Officer or higher officer. Each part of the Guard File on a given subject will consist of three sections, namely:-

- Section I : An Index containing sub-head wise name of subject of the file and to date and number of decisions or orders.
- Section II : Full copies of the decision or orders referred to be placed in chronological order
- Section III : Model forms to be used in the issue of orders, notifications, etc..

18.11.2 Whenever any new decision is taken on the subject it will be suitably incorporated in the relevant section of the Guard File by the Section Incharge, or under his direction by the Dealing Assistant. The Branch Officer or Section Incharge will indicate the circulars and decisions to be placed in the Guard File by giving initials "GF" on it. This applies both to the decisions taken within the Department and by the Government in other Departments.

18.11.3 Whenever an important decision is to be taken on a subject, it is advisable to consult the Guard File on the subject to ensure that the decision is in conformity with earlier decisions and departure if contemplated, is a conscious one. As soon as a new officer joins a Department, it will be the duty of the Section Incharge to bring the Standing Guard File of the Department to the notice of the officer concerned, so that he is properly apprised of the history of decisions on the subject. This will ensure that decision making is quick and logical.

### **18.12 Precedent Register**

A Precedent Register will be maintained in every section. A note of all important decisions and rulings made in the section will be made in it. The Precedent Register is a guide to find out important decisions taken in the past in the department, especially where the decision is not issued as a formal communication and therefore does not find place in a Guard File. A decision which is not recorded in the Precedent Register can also be quoted as precedent. The Branch Officer or the Section Incharge will mark the words "P.R." on the file or receipt if the decision taken in it is to be incorporated in the Precedent Register. The register will be maintained by the Section Incharge or by an Assistant under his directions. The register is an absolute must in all advisory and regulatory sections to ensure continuity and consistency of decision making. The following should be kept in view for maintaining the Precedent Register:

- (i) The register should start with an index containing subject-wise details of decisions forming precedents;
- (ii) The decision should be classified by identifying one or more 'key words' which describe the decision and its context;
- (iii) The key-word is the most important word that is placed first in the title of the subject and on it primarily depends the possibility of finding a file on the subject. This must be a word or words which will normally occur to anyone who is in search of the decision. Sometimes it may be necessary to enter a decision under two or three key-words for facility of search;
- (iv) The subject should be filled up in alphabetical order of the key-words where more than one key-word is used;
- (v) The Section Officer/Superintendent will ensure that an entry in the Precedent Register is made correctly soon after an important decision is taken; and
- (vi) The register should not be relegated to the position of a file Register by entering each and every case, nor should it be made a compendium of decisions by entering the decisions made in the other sections/ branches /departments.

### **18.13 Reports, Returns and their Analysis**

18.13.1 Correct decision making depends on the accuracy of the information on which the decision is based. Accordingly it is important to identify the information that is often required, the sources and the frequency with which the information must be updated. For this purpose reports and returns are specified with performatives giving the specification of each item of data. Systematic decision-making is possible only if the reports and returns are properly specified, they are obtained or sent as required, and are compiled and interpreted efficiently.

18.13.2 To monitor this, each section should maintain a printed calendar of all reports and returns due from, and to it, in the form given in para 13.2.1 of Chapter XIII. Copies should be hung up in the rooms of administrative officers of branches and of section incharge and, a copy supplied to each dealing hand. Section incharge and dealing hands should study their calendars and, before a report or return is due, submit for approval a reminder calling the attention of the officer concerned to the fact that the report is due on a particular date. If the report is not received by the date fixed, the matter should be brought to the notice of the Branch officer/Middle-level officer by submitting a draft reminder for approval. The dealing hand should start compilation of the report /return immediately on receipt in case the same is to be received from several offices. Where possible, compilation of statistical reports/returns should be computerized for easy compilation and retrieval.

18.13.3 In every case where a report is received or return is prepared, a periodic analysis of the compiled data should be carried out on file, interpreting the data, drawing conclusion and taking remedial action or initiating policy changes, as the case may be. The periodicity of the analysis should be specified in respect of each report/return.

#### **18.14 Review of Periodical Returns and Reports**

The existence of unnecessary reports and returns not only causes in fructuous work at all levels but also diverts the time and energy of staff from more important items of work. Reports which have outlived their utility need to be eliminated and other returns rationalised and simplified. In the process it may also be necessary to redesign the existing forms or introduce new ones so as to make the reports more purposeful and adequate as aids to policy making and evaluation.

A periodical review of reports and returns should, therefore, be conducted and for this purpose a time bound programme should be drawn up. In the first instance, an inventory of all daily, weekly ,fortnightly, monthly, quarterly, half yearly and yearly reports and returns should be drawn up by each Department and thereafter the review should be carried out in accordance with the procedure laid down in para 14.10.3 of Chapter XIV.

This review should be conducted by the Branch Officers/Middle –level Officer and final orders in review should be obtained from the competent authorities.

#### **18.15 Codification of Acts/Rules/Manuals, Instructions and Orders**

Government orders and instructions are frequently amended to suit the changing situations and needs. This, in some cases contributes to the existence of a plethora of Government and Departmental instructions and orders which become bulky ad it takes considerable time to extract the correct orders or instructions of the Government. It has also been noticed that sometimes instructions issued at different intervals may convey different meanings. Occasionally, instructions issued are even not readily available at the various levels. Retrieving of relevant instructions is very often a difficult task. All these contribute to delay in decision making as well as in taking proper action at the field levels. It is necessary that all instructions, orders rules and manuals etc, issued from time to time by the Department be scrutinised, consolidated and brought up-to date in the form of a Manual or Handbook. This will also enable proper utilization of delegated powers, reduce the volume of noting and ensure systematic decision making. The following guide-lines will be helpful in preparing Manuals and Handbooks :

- (1) Orders/Instructions should be arranged and presented in a logical and subject/topic-wise from with appendices wherever necessary, e.g. forms to be used and so on;
- (2) The consolidated orders should be fully self-contained and un-equivocal and should avoid references to the previous orders if not in vogue. Full efforts should be made to see that orders/instructions are in supersession of all previous orders/instructions on that subject;
- (3) These compiled instructions/orders after issue of handbook /manual should be placed in a folder in such a way that future instructions/orders on each item could easily be added;
- (4) It should be ensured that while issuing any fresh instructions/orders, the State Government or the Head of the Department should specifically mention separately weather the instructions have to placed in the principal folder. This will make the task of the dealing hands easier;
- (5) In each office, one person or group of persons should be made responsible to see that all instructions/orders issued by the Government or senior field functionaries are received and placed in the principal folders;
- (6) Efforts to consolidate orders would be futile unless this is coupled with the sustained discipline in reviewing those orders periodically and incorporating amendments promptly, particularly at the field levels. It is, therefore, necessary that the agency which is issuing instructions/orders should review their own orders/ instructions once a year; and
- (7) These instructions will also apply to all rules, regulations and Manuals issued by the Departments.

In the case of Acts/ Rules/Regulations the updating work can be done by issuing correction slips in case no major changes/ amendments have been made during the preceding year(s) and the latest edition is available. On the other hand in case substantial changes have been made, the question of having the next edition of the Act/Rules/Regulations incorporating the latest changes should be seriously considered by the concerned Branch Officers.

#### **18.16 Annual Action Plan**

For proper and systematic conceptualization and implementation of Programmes and tasks, each Collectorate / Directorate/Department is required to prepare an Annual Action Plan for all Departmental Programmes /schemes /projects. The procedure for preparation and review of Annual Action Plan is given in Chapter XIV of this Manual. The importance of these plans for systematic decision-making cannot be over emphasised.

#### **18.17 Annual Administration Report**

Every Department is supposed to prepare , in the nature of a performance appraisal, an Annual Administration Report for each calendar year describing the main activities of the Department. Copies of the Annual Administration Report are to be sent to the Vidhan Sabha at the commencement of the Budget Session and the reports are also required to be placed before the Departmental Standing Committees constituted by the Vidhan Sabha. The Supervisory Officers/Middle level Officers of the Departments/directorates have the responsibility to draft the Annual Report. It is to be approved by the Secretary of the Department and forwarded to the Vidhan Sabha Secretariat. The following points may be kept in view while preparing the Annual Report.

(i) The objective of the Annual Administration Report is to describe in factual and statistical terms the achievements of the Department. The document is in the nature of a performance appraisal and should therefore concentrate on bringing out the various indicators of performance, comparing them with previous years' trends or trends in other organisations etc. Where there are significant shortfalls or over achievements these should be highlighted with an explanation or reason where possible;

(ii) The report is expected to reflect the programmes of the Department as a whole. Accordingly while the facts and figures may be taken from the Directorate and even the initial drafting can be done in the Directorate, the report must be finalised in the Secretariat and must include important matters or policies etc. which are the primary responsibilities of the Secretariat Department. Needless to add, the document has to be authenticated by the Secretary of the Department before it is sent to the Vidhan Sabha;

(iii) The report is to be prepared systematically and may be prepared on the basis of achievements under the Annual Action Plan. The Annual Action Plan describes the goals and proposed activities while the Annual Administration Report describes the actual achievements. As such to structure of the report, corresponding to the Annual Action Plan, may consist of the following:

- (a) Goals and objectives set and accomplished; Administrative and Economic reforms initiated.
- (b) Policy initiatives taken. Legislation, Rules and Regulations finalised.
- (c) Major Programmes and Schemes with targets, achievements, budget, expenditure and main activities.
- (d) Highlights of activities of Public Sector Undertakings (details of these will be available in the Undertaking's own Annual Report).
- (e) Matters of inter departmental coordination, meetings of important Committees and Conferences etc.
- (f) Long term administrative measures including strengthening of Organisation, staff morale and motivation etc.

- (i) The Report should be comprehensive and easy to read so as to give an overview of the functioning of the Department as a whole. Accordingly an introductory chapter giving the objectives, organisational structure and staffing of the Department would be useful. The main report itself should not be cluttered up too much with statistical tables and graphs. These may be given in the Annexure and the body of the Reports may mention the important items of data and their interpretation; and
- (ii) The Annual Administration report is a document for performance appraisal. It can help identify problems and bottle-necks. The conclusions of the report should be taken into account while preparing the next year's Annual Action Plan so as to take steps to remove these problems and bottle-necks.

### **18.18 Secretaries Committee on Administrative Reforms**

There is a Secretaries Committee which meets each month under the Chairmanship of the Chief Secretary. This Committee functions as a management instrument at the highest level of the bureaucracy so as to achieve strategic coordination and pooling of ideas and experiences and it operates as a feedback and analysis mechanism to help in policy formulation and inter-departmental policy coordination. The functions of the Committee include:-

- (a) Review of progress of implementation of such of the Cabinet decisions and Chief Minister's directions which are to be monitored in the Committee;
- (b) Discussion of Policies/Strategies which affect, or have implications for , more than one department, including personnel policies ;
- (c) Administrative and economic reforms.
- (d) Matters arising out of Vidhan Sabha discussions, including legal, personnel and financial matters affecting more than one department;
- (e) Matters of inter-department coordination.

The coordination of matters by this committee and recommendations are of advisory nature and final decisions on the recommendations of the Committee are to be taken in the respective Departments in accordance with the provisions of the Rules of Business of the Government of Himachal Pradesh.

## **III INSPECTIONS**

### **18.19 Office Inspections**

#### **18.19.1 Purpose**

The purpose of the inspection is:-

- (i) to check whether essential records of an office are being correctly maintained and up-dated from time to time.
- (ii) To find out overall state of affairs in each unit and to devise ways and means for improvement;
- (iii) To see whether the prescribed procedure and instructions are understood properly and followed intelligently;
- (iv) To find out whether proper attention is being paid to quality of performance by officers and staff during the discharge of their duties; and
- (v) To test the intrinsic soundness and utility of the procedures and to get reliable data for planning improvements.

The basic responsibility for inspections of various offices/institutions of the Govt. is that of the Head of Departments/Organisations as detailed below:-

- |       |  |  |
|-------|--|--|
| (i)   | Secretariat Department -----   | Secretary Personnel –(Sectt. Administration)                         |
| (ii)  | Directorates and offices -----<br>under their control                      | Respective Heads of Departments.                                     |
| (iii) | Collectorates and offices -----<br>under their control                     | Deputy Commissioners   |
| (iv)  | Offices/Units under -----<br>Regional/Divisional/<br>Circle Level offices. | The Officer heading the Regional/Divisional/Circle<br>Level offices. |

The Department of Administrative Reforms has the role of overall coordination and lays down general guidelines etc. besides monitoring and evaluation at the State level.

Though the primary responsibility for inspections rests with the Heads as stated above, since the Heads cannot inspect all the offices/institutions themselves, the inspections may also be carried out by Branch Officers or Middle level officers under the directions of the Head of Departments.

### **18.19.2 Procedure**

The following procedure has been prescribed for inspections of offices at various levels:-

(i) *Secretariat*

Regular inspections of the Secretariat Sections and offices will be organised by the Secretariat Administration Department to be conducted by the Branch Officers. A copy of the report will be sent to the Secretariat Administration Department and also to the Administrative Reforms Organisation alongwith comments.

(ii) *Directorates*

The Directorates will be inspected by the Heads of Departments personally. A copy of these reports will be sent to the Administrative Department under intimation to the Administrative Reforms Organisations and action taken report will be sent to the Administrative Department within one month.

(iii) *Commissionerates and Collectorates etc.*

Divisional Commissioners, D.I.G. (Ranges), Deputy Commissioner and Superintendent of Police will inspect their own offices personally once a year.

(iv) *Subordinate Offices.*

*For Subordinate Offices and District level Offices, the Head of the Department/Divisional Commissioner /Deputy Commissioner/Deputy Inspector General of Police /Superintendent of Police as the case may be will draw up a calendar and either inspect the offices himself or depute an officer to inspect the office as per the time frame prescribed in the calendar. A copy of all such inspection reports will be sent to the Head of the Department/Divisional Commissioner/Deputy Commissioner/ Deputy Inspector General of Police / Superintendent of Police as the case may be and compliance reports thereon shall also be forwarded to the same officer.*

Holding of periodical inspections must be monitored through the Annual Action Plan.

### **18.19.3 Proforma for inspection and periodicity of Inspection**

Proforma of inspection for different level offices has been prescribed and is added as Annexure to this Chapter. The Financial Commissioner has also issued Standing Orders regarding inspection of Collectorates and revenue offices.

Excepting Secretariat and Directorates where quarterly inspection is desirable, annual inspection of all other offices is essential.

Inspection notes are to be prepared on the prescribed forms. The inspecting officer has to take up analytical case studies. He may pick out any half a dozen or so file and critically examine the course of action revealed by those files. This should be given special attention. The original inspection note will be prepared in a register of inspection notes to be maintained by the incharge of the section, who will also be responsible for complying with the orders passed on the points raised in the note and also for removal of defects/ shortcomings in the working of the section.

In addition separate inspections might also be conducted in accordance with the orders of the competent authorities who may, if need be, specify separate forms of inspection. It would be advantageous to conduct surprise inspections too at least once or twice a year. It will be of considerable advantage if the Secretaries and Heads of Departments also make it a point to visit the offices/units under their control atleast once a year an check up their working. It will not be necessary for them to prepare detailed notes in the form of inspection notes but they may record their general impression about the efficiency and general performance of the offices/units. They may in particular see how far points raised or orders passed in previous inspection notes have been attended to.

### **18.19.4 Methodology of Inspection**

While insisting on such inspections, another aspect has also to be stressed. The aim of good administration is not only speedy disposal of work but also to develop a team of responsible workers. Responsibility cannot be improved by mere inspections or by fear of punishment; the administration has also to take adequate steps for proper motivation and counseling of its personnel. It will be very useful if once in a while during the course of inspection the Secretaries, Heads of Departments, the Deputy Commissioners and the district level offices, make it a point to meet all staff to understand their problems, handicaps and fears as well as to instill in them an increased sense of duty and integrity.

Sometimes the inspections even when prescribed for a particular authority under an Act., Rules and Regulations there under, are conducted not by the authorities themselves, but by their subordinates. This is not desirable at all as it defeats the very purpose of specifying a particular authority for conducting these inspections. It takes away the importance and sanctity of inspections and makes them a mere routine . It should be ensured that subordinates are never deputed and the inspections are duly conducted by the authorities entrusted with this function.

### **18.19.5 Programme of inspection.**

In order to avoid dislocation of work, a programme of inspection of offices/sections should be drawn up in advance every year after taking into count the fact that such inspections are not arranged during the period of seasonal rush of work. The programme of inspections by Branch Officers should be framed by the calendar year. For the sake of uniformity, the quarterly inspections should preferably be completed by the 10<sup>th</sup> of the month next to the ending quarter. Thus for the quarter ending December, the inspection should be completed by the 10<sup>th</sup> of the January and so on . The quarterly inspection in January will also facilitate the review of the preceding year.

### 18.19.6 Inspection by Administrative Reforms Organisation.

(1) Under the Rules of Allocation of Business, the Administrative Reforms Organisation is required to conduct test inspections and checks to ensure the correct observance of Government instructions, rules and procedures. The Organisation will, in particular direct its attention to the following;-

- (a) due observance of all instructions issued for the conduct of work;
- (b) simplification and reduction of labour, improvements in methods of work etc;
- (c) Information management including review of reports and returns and efficacy of analysis of data;
- (d) Economy and rationalisation ; and
- (e) Delegation and Decentralisation of powers and authority.

(2) The Organisation will prepare a yearly programme of inspections and inform the Heads of Departments and the Heads of Offices concerned at least one month before the date of inspection, of the intended visit.

a. The defects noted during the course of inspections will be pointed out to the Heads of Departments/Offices for remedial action. This should be checked on the next visit.

(4) All suggestions for improvement suggested by the Organisation will be implemented with the consent of the respective Heads of Departments. In case of difference of opinion, orders of Chief Secretary will be obtained in the matter before asking the Heads of Departments to implement the recommendations.

ANNEXURE 18

### INSPECTION PROFORMA

(Referred to in para 18.19.3)

#### **Part-I General**

Name of Branch /Office \_\_\_\_\_

Date of last inspection and period of inspection \_\_\_\_\_

Date of present inspection and period of inspection \_\_\_\_\_

Action taken on last inspection \_\_\_\_\_  
(Please specify item wise)

#### 1. STAFF

- (1) Sanctioned strength --
- (2) Existing strength
- (3) Vacant or unfilled posts --
- (4) Reasons for (3) --

2. ATTENDANCE

- (1) Is the attendance register being maintained properly?
- (2) Is it being submitted to officers punctually in the morning?
- (3) Attendance on the day of inspection (expressed as percentage)
- (4) Details of persons found absent:

Name	Whether Authorised or unauthorised absence	Nature and Duration of leave
1.	2.	3.

- (5) Is the casual leave register maintained and is up –to-date?
- (6) Is the short leave including late arrival accounted for in this register?

3. RECEIPTS

- (1) Are the registers of ordinary and important /immediate cases
  - (i) Being maintained properly?
  - (ii) Up –to-date?
- (2) Are Assistant’s Diaries
  - (i) Maintained by every dealing hand in proper form?
  - (ii) Up-to-date? (to be test checked)
  - (iii) Properly maintained and entries regarding final disposal of receipts made? (Please test check)
- (3) Intake of receipts for the last three months

Name of dealing hand	Month	No of receipts
1.		
2.		
3.		
<hr/>		
Total		

- (4) Is Reminder diary regularly maintained?
- (5) Is file movement register maintained?
- (6) Is register of U.O. references maintained?
- (7) Are despatch Register and Peon Book properly maintained ?

4. ARREARS REPORTS

- (1) Are these being prepared in the form prescribed?
- (2) Being submitted to officers on the first working day of every week? If not, reasons thereof?

- (3) What is the state of arrears on the day of inspection?
- (4) Reasons for heavy arrears, if any?
- (5) Steps taken by the Section Officer to clear the arrears;
- (6) Latest arrears report to be test checked and result recorded;
- (7) Suggestions for preventing future accumulation of arrears;

5. RETURNS/STATEMENTS

- (1) Is a chart available in the office indicating returns/statements to be received in the Section?
- (2) Is a similar chart available in respect of returns /statements to be submitted by the office?
- (3) Does the sample check disclose that the statements have been received or sent on the due dates? If not what is the amount of delay and reason therefore (for Sectt. only) .Is weekly statement of important cases disposed off at Secretary/Minister level being sent as per Rule 28-A of Rules of Business?
- (4) Any suggestion for improvement?

6. OPENING OF FILES AND RECORDS

- (1) Is list of standard heads maintained?
- (2) Are Heads well –chosen and appropriate?
- (3) Are files opened under appropriate standard heads? (to be test checked)
- (4) Are titles of files precise and expressive of the subject matter dealt with ? ( to be test checked )
- (5) Is file opening register maintained properly ?
- (6) Are the records in the Section properly arranged and referenced?
- (7) Any records requiring weeding still lying in the Section?

7. STANDING GUARD FILES/REFERENCE BOOK /ACT AND RULES

- (1) Number of standing guard files prepared during the preceding quarter? (Please specify the subjects).
- (2) Number still to be prepared. (Please give subjects)
- (3) One of the guard files to be test checked and results recorded;
- (4) Are all necessary reference books available?
- (5) Maintained up-to-date?
- (6) Whether copies of Acts/ Rules administered by the Department are maintained up-to-date with amendment slips pasted? (Please specify Acts/Rules)

8. ACCOUNT AND FINANCIAL PROCEDURE (IF APPLICABLE)

The following may be subjected to test checks and results given in the relevant column with details of test checks done:-

- (1) Budget Register
- (2) Pay bills and record of increments, recoveries, deductions etc.

- (3) TA/LTC check register
- (4) Medical claims register
- (5) Have the procedures of financial orders and sanctions been followed?
- (6) Are copies of sanction orders sent to Audit office and currency of sanctions observed?
- (7) Have the terms and conditions of grants-in-aid been followed?
- (8) Pendency with regard to;

- (a) Audit Paras
- (b) CAG Reports
- (c) PAC Paras
- (d) Estimate Committee Paras
- (e) Vidhan Sabha Standing Committee Paras.

- (9) Has the Pay fixation and TA Rules been followed? (Test check 3 cases).
- (10) Has proper control over accounts as per HPFR been maintained) (Test check).

9. ESTABLISHMENT MATTERS (IF APPLICABLE)

- (1) Have the entries in the service books been updated? (Please test check).
- (2) Are pension cases prepared in time? (Please test check 3 cases).
- (3) Is there a sanctioned strength register opened with prescribed columns?
- (4) Have the seniority lists been issued for each cadre? Date of issue cadre-wise be mentioned.
- (5) Have proficiency increments/senior scales etc. been granted on time?
- (6) Have the DPCs for various posts been held regularly? (Please give date of last DPC for each cadre)
- (7) Reservation rosters whether properly maintained?
- (8) Has the order for conversion of temporary posts into permanent been processed and issued ?
- (9) Has the sanction of continuation of temporary posts issued?
- (10) Have the vacant posts been filled up on regular basis or on adhoc basis, both by way of appointment and promotion?
- (11) Have the temporary Government servants who are working against permanent posts been confirmed?
- (12) Have the ACRs been written as per schedule? (Please specify in how many cases in each cadre, ACRs for the last 2-4 years are not yet complete)
- (13) Have the R&P Rules for various posts been updated? (Please specify date of last notification of Rules/amendments cadre-wise)

- (14) Have the index cards of all officers/officials been prepared ?(Please specify total strength and number of cards prepared cadre-wise)
- (15) Have GPF passbooks/accounts, record of advances and recoveries been maintained?
- (16) Is departmental enquiries register maintained?
- (17) Is Vigilance cases register maintained?
- (18) Are six monthly review of suspension cases taking place? (Please specify number of cases, date of suspension and date of last review)

10. RECORD MANAGEMENT

- (1) Are the instructions of classification /retention/protection of records being followed?
- (2) Is the record being regularly eliminated/weeded out at regular intervals ? When was the last weeding done?
- (3) Is the room provided with adequate racks etc.?
- (4) No. of records

- (a) Consigned
- (b) Weeded out

During the last two years may be specified

11. COURT CASES

(i) Establishment /Personnel Matters

- (1) How many establishment matters are pending in Courts/Tribunal?
- (2) What are the stages of cases (classify) ?
- (3) Three cases may be test checked and comments given on adequacy of processing?

(ii) Civil cases

- (1) How many Civil cases are pending in various Civil Courts?
- (2) What are the stage of cases (classify) ?
- (3) Three cases may be test checked and comments given on adequacy of processing?

- (iii) Is there a register of cases pending in Court/HPAT? Is it up-to-date? (Please test check).

12. COMPUTERISATION

- (1) What is the Computer hardware available? How well is it being used ?
- (2) Which are the software's packages available? To what extent are they use?

- (3) How many officials use computers?
- (4) Is a maintenance contract in force?

13. OTHER IMPORTANT MATTERS

- (1) Whether register of Assembly Questions maintained?
- (2) Whether register of pending Assurances maintained?
- (3) Whether register for implementation of Cabinet decisions maintained?

(PARA 14 ADDITIONAL FOR DIRECTORATES/SUBORDINATE OFFICES ONLY)

13 STORE AND STOCK (IF APPLICABLE)

- (1) Have the instructions of Stores as in HPFR been followed?
- (2) Have the instructions of disposal of surplus and unserviceable stores as per HPFR been followed?
- (3) Has the policy of purchase of store as per HPFR been followed?
- (4) Has the proper record of store and disposal of stored as per HPFR been maintained?
- (5) Has the procedure if all losses as per HPFR been followed?
- (6) Has the procedure of receipt and issue of stores as per HPFR been followed?
- (7) Has the procedure of transfer of charge of stores as per HPFR been followed?
- (8) Has the procedure of safe custody been followed particularly protecting the Store from loss, damage and deterioration?
- (9) Has suitable accommodation been provided to valuable and combustible stores?
- (10) Has the inventory of stores /accounts/correct returns been maintained so as to prevent losses from theft, accident, fraud and to check actual balances with book balances and payments made to suppliers?
- (11) Has separate stock accounts and inventory been kept in respect of:-
  - (a) "Dead Stock" such as plant, machinery, furniture, equipment and fixture and
  - (b) "Other Stores" consisting of consumable and perishable articles;
- (12) Has physical verification been conducted? if so state the results ? Date of last inspection be mentioned.

15. GENERAL

- (1) Accommodation and seating arrangement;
- (2) Condition of furniture and equipment;
- (3) Cleanliness etc.
- (4) Fire fighting arrangement;
- (5) Telephone Registers.

**PART II**  
**Quality Control**

16. Is distribution of work among dealing persons fairly even?
16. (i) Are dealing persons rotated to different items of work or employed on the same work year after year?
- (ii) Any dealing person doing the same work for more than 3 years; if so
- (a) Reasons
- (b) Remarks of Inspecting Officer
18. (i) Types of receipts/cases, if any, dealt with by Section Officer/Superintendent himself;
- (ii) Other items of work, if any, which can more usefully be done by Section Officer/Superintendent himself instead of by dealing persons;
19. (i) Classes of cases disposed off by Section Officer/Superintendent finally;
- (ii) Any suggestions for further delegation;
20. Make a study of a few recently closed and representative cases and give your comments on the following points:-
- (i) Are acknowledgement or interim replies sent where necessary?
- (ii) Have you come across any instances in which action could have been expedited by suitable directions by the Branch or Higher Officer at the dak stage?
- (iii) Quality of noting /examination of cases
- (a) Any instances of unnecessary or repetitive noting or paraphrasing of earlier notes or P.U.C.
- (b) Any occasions when files were returned by an officer for pervious papers or precedents or for further information on obvious points overlooked ;
- (c) Any instances of fruitless noting which could have been avoided by personal discussions between officers;

- (i) Any instances of delays in inter-departmental consultations;
- (ii) Any comments about undue holdup at any stage;
- (iii) Any comments about reluctance to accept responsibility by appropriate officer and submitting cases to Higher level instead.
- (iv) Any other remarks;

**PART III**  
**Checks on delay**

21. Average time taken in:
- (i) Issuing of financial sanctions etc.
  - (ii) Processing of various types of cases (Please specify according to types of office inspected)
22. Whether monthly statement of pending cases being prepared? (Please test check accuracy of latest statement)

**PART IV**  
**Summing up**

23. Brief recapitulation of defects or shortcomings noticed and any other suggestions which the Inspecting Officer may have to make;
24. Suggestions for improvement from the staff of the Section including views of the Inspecting Officer thereon;
25. A general assessment of the performance of the section with particular reference to the picture revealed during last inspection;
26. Any points which require the attention of the Department of Personnel (Administrative Reforms).

Signature of Inspecting Officer  
Designation \_\_\_\_\_  
Date \_\_\_\_\_

## CHAPTER XIX

### RECORDS

Records constitute an important part of any office and it is, therefore, essential that they are retained and properly cared for. Records that have outlived their utility should be destroyed, relieving pressure on costly storage space which is more urgently required for the staff and new record.

#### 19.1 Record Management

The term Record Management is very wide and includes interalia principles, practices and skill needed for achieving the most effective creation, use, maintenance, retention, protection, preservation and weeding/ elimination of record.

The main purposes of Record Management are:-

- (i) To speed up the location of and reference to record as a means of speeding up disposal of business.
- (ii) To effect savings in cost of creating, locating, using, maintaining, retaining, preserving and eliminating record.
- (iii) A scrupulous avoidance of creation of unnecessary record in all offices, it is the foremost duty of all offices and officers to see that only that record is created in the Department as is essential.
- (iv) To retain only the necessary active and required record.
- (v) Audit of Record creation which requires consistent vigilance on the part of officers to ensure that Reports, Returns, Statements and Registers etc. prepared or maintained in various offices under their control are the minimum required for the efficient functioning of the Department.

#### 19.2 Recording

- (i) Recording is the process of closing of a file after action on all the issues under consideration thereon has been completed.
- (ii) When the dealing hand is satisfied that no further action is required to be taken on a file, he will put it up to the Section Incharge for his approval to the file being recorded under one of the following classes:-

Class I	..	to be retained for 1 year.
Class II	..	to be retained for 3 year.
ClassIII	..	to be retained for 8 year.
ClassIV	..	to be retained for 15 year.
Class V	..	to be retained for permanently.

Note:-

(a) The period prescribed for retention should invariably be taken to run from the date of final order on the file

(b) All important files or notes containing orders for future guidance or established precedents will be retained permanently.

(c ) Cases in which the conduct of officers has been noticed and entries made in the character rolls maintained by the department will be retained so long as the officer affected remains in the service of the Government

(iii) Subject to the instructions contained in Notes (b) and (c) above, section incharge of the department/section will exercise their discretion as to the period of retention of files in one or the other of the five classes given above according to the importance of the subject dealt within the files, It may not be possible to compile an exhaustive list for this purpose but the following examples are given by way of illustration

- (a) Class I- should include cases such as forecasts, applications for copies of papers, petitions of a petty nature, statements, and returns of temporary interest, ordinary accident reports, casual leave etc.
- (b) Class II- should include cases such as suits by or against Government, entertainment of temporary establishment, audit and inspection reports finally settled, retention or retirement of officers, answers to questions asked in the legislature, results of departmental examination, leave, posting, resignation and transfers of officers-other than those which form part of the personal file of the officers maintained by the appointing authority.
- (c) Class III- should include cases such as appeals against disciplinary action, corrections and amendments in manuals and service rules, census reports, sale of movable or immovable property, probate, returns, compassionate gratuity, appointment of permanent establishment and annual reports.
- (d) Class IV-should include cases such as revision of the settlement of district other than rent rate, alteration in the dates of birth of officers, special reports relating to the conduct and work of officers, petitions against capital sentence and acquisitions of lands.
- (e) Class V-should include all cases of importance such as construction of Government buildings, opinion of Government on proposed legislation, rules framed under laws, delegation of powers, changes in the names of districts, sub-divisions or tehsils or villages, grant of land and assignment of land revenue, settlement/ consolidation of land and boundary disputes and other files and documents of historical importance.

### 19.3 Retention periods recommended

A statements showing the retention period recommended for records of common interest to Departments is placed at Annexure 19-A of this Chapter. The Heads of Offices and Departments should follow these recommendations unless there are special reasons in particular cases.

Care should be taken to see that files containing papers which are important or likely to become important in future, however indirectly, as sources of information on any aspect of history whether political, military, social economic, etc., or which are, or may in future prove to be, of biographical or antiquarian interest are not destroyed. However, files containing papers of the following type, which have a definite historical value, should invariably be preserved:-

- (a) Original papers containing discussions of important principles and questions of policy.
- (b) Original papers relating to legislation.

#### 19.4 Preparing a file for record

After a file has been marked for record, it will be arranged properly for recording. This would involve the following action in the department:-

- a. amendment or revision of the title of the file, where necessary, so that it describes adequately its contents;

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- b. completing references, that is removing alphabetical slips and giving permanent identification marks to the references quoted in the notes and correspondence.
- c. Preparing a fresh cover for the file with the revised title;
- d. Marking numbers of previous or later files or volumes on the subject, on the cover of the file;
- e. Removing from the file, routine notes and papers, which may have to be weeded out;
- f. marking the approved classification on the cover of the file;
- g. noting in the File Register the date of recording and classification (and the year of destruction in due course).

After action as above is completed, the files classified in categories III, IV and V will be entered in the Register of Files for Record in the form given in para 13.1.20 of chapter XIII and will be sent to the Record Section along with the register.

Files classified in categories I and II will also be entered in the Register of Files for Record in the form given in 13.1.20 of the Chapter XIII and will be sent to the Record Room along with the register. The form for the Register of Closed Files for all classes is the same, but due to the short preservation period of first two categories and the larger volume of entries likely in categories I and II, the two registers will be maintained separately.

#### 19.5 Record Room

Every Head of Department/Collectorate will maintain a Record Room at the headquarter for record of the head office as well as the record of the subordinate offices.

Whenever necessary, a sub-record room may be maintained for a subordinate office under the orders of the departmental head. In such cases, the order will clearly indicate what type of record will be kept in the sub-record room.

All record which is required to be retained permanently, must be consigned to the departmental Record Room.

At the end of each month all cases which have been finally disposed off shall be consigned to the Record Room. The record will be accompanied by lists, in duplicate, containing the particulars of record viz. serial number, file number under each subject head, date of disposal and total number of files pertaining to each category of files. These lists will be prepared in proforma given in para 13.1.20 of Chapter XIII and verified by the Section Incharge. The lists will be in order of date of disposal under each category of subject head.

On being received in the Record Room, the list will be compared with the files received and the duplicate list returned to the office or section concerned under the signatures of the Record Keeper.

In the Record Room, the record will be kept arranged subject-wise in order of date of disposal as indicated in the forwarding list. Such lists will be kept bound together in annual bundles for reference.

#### 19.6 Procedure for consigning of files to Record Room

The following instructions should be observed for consignment of files etc.,

(i) The Section-Incharge should see that from every file sent to the Record Room, the following papers are removed:-

- (a) Un-necessary brown covers.
- (b) Reminders and explanations for delay if the required answer has been received or sent, if they do not bear the serial numbers,
- (c) Rough copies of faired drafts.
- (d) Proofs of finally printed papers.
- (e) Office slips.

(ii) Before sending files to the Record Room they should be sorted out and arranged year and number-wise. Files of the same year should be arranged and entered in the list serially and according to the ascending order of their file numbers.

(iii) Old files and new files should be entered in separate lists, in duplicate. Old files are those which were once requisitioned from the Record Room for reference purposes and new files are those which are consigned to the Record Room for the first time.

(iv) List sent to the Record Room should be prepared correctly headwise in serial numbers and legibly to avoid mistakes and consequent back references to the department or office concerned.

(v) Files should be sent to the Record Room only after they have been finally closed.

(vi) Where the note portion is separate, it should be stitched at the end of the correspondence portion of the file. The order for recording the file should be the last proceeding on the note portion. The Section-in-charge will sign the order for recording the file.

(vii) Files that are to be retained permanently should not be mixed up with other files in the same list nor should the files that are returned from the Record Room for correction be sent back to the Record Room entered in the same list under which new files are consigned. The files should be returned to the Record Room within a week after necessary corrections, through the list under which they were sent by the Record Room.

(viii) While closing the files care should be taken to see that all the papers dealt with on the files are available on them and are duly paged (in ink or ball pen) and that note portion also bears consecutive paragraph and page numbers. If by chance any paper has been returned in original or sent to some other section or office, a note to that effect may be made in the proper place under proper place under proper attestation by the section-in-charge.

(ix) The Incharge of the section should see that no action ordered or suggested has been overlooked, that the papers in the recorded files are complete and they include no irrelevant and extraneous papers of another file.

(x) Similar files opened on the same subject in the same year through an oversight or for dealing urgent papers in the event of main file being under action/submission should be amalgamated into one file before consigning to the Record Room.

(xi) No loose papers etc., will be accepted in the Record Room until they are made into files and given a regular file number.

(xii) Before files are consigned to the Record Room the threads should be given a double knot and the remaining portions of both the ends of the threads should be clipped so that the recorded files cannot be re-opened.

(xiii) If the files are not received in accordance with the above procedure the Incharge, of the Record Room, should not accept them.

#### 19.7 Requisition of Records

No file or paper in file should be removed from the Record Room without leaving in its place a requisition slip in the form given in para 13.1.20 of Chapter XIII signed by the person making the requisition and setting forth the purpose for which the file or volume is required. Any neglect of these instructions should be brought promptly to the notice of the Head of Department or office through the Incharge or the Record Room by the person responsible for the custody of the records, who should refuse to comply with requisitions from officers and clerks,

etc. which are note in the prescribed form. A similar trace should be left in respect of papers removed from one current file to another. When a paper taken out is restored to its place, the requisition slip for it should be destroyed.

The departments/sections requisitioning the old files from record room shall see that:-

- (i) The old files which are requisitioned and returned to the Record Room in which no alteration in the period of retention is made should be restored to their proper places after these have been checked.
- (ii) Departments or offices should return the files obtained on requisitions to the Record Room immediately after their purpose has been served.
- (iii) Recorded files, requisitioned from the Record Room for reference purpose, should never be re-opened to deal with fresh receipts. When the files are consigned to the Record Room and fresh receipts on the same subject are received they should be dealt with in new files to be opened. Both the new and recorded files should be countermarked (linked) on the file covers by giving necessary reference.

#### 19.8 Weeding of Record

The Incharge of the Record Room shall see that the work of checking and weeding of files is done regularly. The broad principle to be followed in weeding and destruction of records is that no papers which are important or are likely to become important in future, however indirectly, as sources of information on any aspect of history, whether political, military, social, economic, etc., or which may in future prove to be of biographical or antiquarian interest, should be destroyed. In cases of doubt, the matter may be referred to the head of department or office who may at his discretion direct the retention for longer period or permanently of any paper which he may consider likely to be useful in the future. The following should be the procedure:-

- (i) The period prescribed for destruction should invariably be taken to run from the date of final order on the file.
- (ii) Immediately after a new non-permanent file is accepted in the Record Room an entry in regard to it will be made in the Elimination or Destruction Register (to be maintained in form at Annexure 19-B of this chapter) under the year in which the file is to be weeded out.
- (iii) Entries in columns 1 to 6 of the register will be made as soon as the file concerned is accepted in the Record Room. Entries in columns 7 to 9 will be made when the file is destroyed or eliminated. Entries in the 'Remarks' column can be made whenever necessary e.g., when the classification of a file is changed resulting in the transfer of it to another period for elimination or destruction etc.
- (iv) The destruction or elimination of files so marked for each year should be taken in hand by the Incharge of the Record Room immediately after the commencement of the year and completed before its close. The Incharge of the Record Room will keep a strict watch over the progress of the work and ensure that the destruction work does not fall in arrears.
- (v) The weeder should take out from the file racks in convenient lots, the files due for destruction. For the sake of convenience the files should be taken out in the order in which they have been entered in the destruction register. The weeder will carefully examine the classification marked on the left hand top corner of each file and check that each of the files is due for destruction. He will also look through the file to satisfy himself that the file has lost its utility. He will then make the entries in column 7 of the destruction register and authenticate them in column 8. He will also distinctly mark under his signature in the file register and other register the dates on which the files are physically destroyed. The files and the registers will then be put up to the Incharge, Record Room.
- (vi) The Incharge Record Room, will check and authenticate the entries in the Destruction register. He will also glance through some of the files to satisfy himself that the files to be destroyed are no longer useful.
- (vii) If the Incharge, Record Room, feels that any of the files is not ripe for destruction, he will send the file to the section or office concerned for reconsideration of its classification. On return, the file will be entered for destruction in the year indicated if it is reclassified otherwise it will be destroyed.
- (viii) If the section or office concerned, at any time before the actual weeding out of a file, feels that it should be reclassified, the file should be requisitioned from the Record Room and necessary corrections made accordingly under the signatures of the section incharge concerned. Necessary entries will then be made in the destruction register also.
- (ix) Files of confidential nature will be burnt after they are weeded out. Other files will be torn into small bits and burnt.
- (x) All weeded out files and documents should be torn in small bits or shredded in shredding machine so that there may not be any danger of anybody knowing the contents. The small pieces of papers so made should be mixed up with pieces of papers torn from the published material, i.e. reports, gazettes, etc., which are no more required, and the ordinary sweepings from the office rooms. The whole lot may then be burnt. File boards, covers and laces etc., should be removed and used again.

**STATEMENT SHOWING THE RETENTION PERIOD  
RECOMMENDED FOR RECORD OF COMMON INTEREST TO  
DEPARTMENTS**

(Referred to in para 19.3)

Sl. No. Subject Period recommended Remarks

**I-Organisation**

1.	Creation/abolition of offices	Permanent
2.	Reorganisation and redistribution of functions.	Permanent in the in the case of issuing orders regarding reallocation; other offices need preserve only standing orders, the rest being weeded out as and when they become obsolete.
3.	Bills, Acts, Rules, Regulations, Manuals, Codes, executive instructions, procedural instructions, etc. (evolution, amendment, interpretation etc.).	Permanent for Department administering the relevant rules/subject. In other cases standing orders only to be preserved, others being weeded out as and when they become obsolete.
4.	Permanent advice (Imprest)	Permanent
5.	Delegation of powers:	Permanent in the in the case of offices issuing the orders; other offices need only keep the standing orders, superseded orders being weeded out as and when they become obsolete.
	(a) Evolution of pattern of delegation of subordinate authorities.	Permanent
	(b) Declaration of officers as Head of Departments/Offices, Controlling, Drawing, Disbursing Officers.	Permanent
	(c) Orders of superior authorities when received by subordinate authorities.	Permanent
		Standing orders only need be kept permanently others being weeded out as and when they become obsolete.

6.	Appointment of “Committees, Commissions of Enquiry (Including their reports.).	Permanent in the case of important Committees and Commissions set up under Government Resolution; in other cases, the period should be determined ad hoc according to its importance.	
7.	Delegation to international organisations, Committees and Conferences.	8 years	These should generally be kept for this period for answering possible Assembly/Parliament Questions on the subject.
8.	departmental promotion Committees:		
	(a) Constitution	3 years after the Departmental promotion Committee has been reconstituted	Since the actual appointment orders would have been issued from the appropriate files, there is no need to retain the proceedings for a longer period.
	(b) Proceedings	10 years	
9.	Vigilance meetings, reports and returns.	Not exceeding 5 years depending upon the nature of the case.	
10.	Recognition of associations of Government servants.	3 years	

## II-Establishment

11.	Creation of posts (including extension of the terms of temporary posts and conversion of temporary posts into permanent ones).	10 years	Since particulars of sanction to the creation of posts are recorded in the Sanction register, or the Establishment Register, and original single copies addressed to audit kept by the latter, it is unlikely that the original proceedings leading to the issue of sanctions will be needed for reference either by the administrative departments or by audit, after a lapse of 10 years
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12.	Establishment Register or sanction Register.	5 years	Wherever possible two separate registers, one for permanent posts and the other for temporary posts should be maintained. If, for want of space, or any other reasons, it become necessary to re-write the register relating to temporary posts, the particulars of the latest sanctions only should be written down in the new register.
13.	Recruitment Rules	Permanent for department administering the relevant rules; in other cases standing rules to be preserved, others being weeded out as and when they become obsolete.	
14.	Requisition for recruitment: (a) Through Employment Exchange (b) Through public Service Commission	5 years	
15.	Special representation in services: (a) Rosters for special representation in services. (b) Annual returns	5 years	
16.	Selection of personnel;	5 years	
	(a) Constitution of selection Committee.	3 years	
	(b) Proceedings	3 years after the committee has been reconstituted. 10 years	
17.	Verification of character and antecedents	3 years	Since the actual appointment orders would have been issued from appropriate files there is no need to retain the proceeding for a longer period.
			In view of the fact that character and

		antecedents, having been verified, are generally recorded in the character roll/ service books, there is no need for preserving these files any longer.
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18.	Medical examination	3 years	Medical certificates of fitness are kept by audit on their records. Entries are also made in the service record of Government servant concerned. There is, therefore, no need to retain the files containing correspondence with the medical authorities etc. for longer period. Before actual destruction, however, it should be ensured that pension/provident fund cases have been finalised.
19.	Service books (including leave account)	10 years after death or 5 years after retirement.	
20.	Personal files	10 years after death or 5 years after retirement.	
21.	Oath/affirmation of allegiance to the constitution:		
(a)	Register	35 years after it has ceased to be current.	
(b)	Correspondence		
22.	History of Services, Civil Lists, Gradation Lists, etc.	1 year. 5 years after it has ceased to be current (in the case of departments issuing them).	
23.	Correspondence regarding Civil Lists, History of Services.	Other departments need keep the latest copy only.	
24.	Annual Statement of appointments made without consulting the P.S.C.	3 years	
25.	Sponsoring of employees for training		
26.	Arbitration and litigation cases	3 years	
27.	Notices under section 80 C.P.C.	5 years	

		3 years after the 'final judgement' under the normal course of law. (a) If not followed up by a Civil suit-1 year.	
28.	Results of departmental tests.	(b) If followed up by a Civil suit -3 years after the 'final judgement' under the normal course of law.	Entries regarding these events will already have been made in the appropriate service records, e.g., service books or history sheets. In any case, authenticated copies of such orders would be available on the personal files which are proposed to be retained for longer period.
29.	Appointment of invigilators for examination.	5 years	
30.	Recruitment, appointment, promotion, reversion and confirmation	Not exceeding 3 years	
31.	Individual representations on above.	8 years	
32.	Review of Probationer's cases	3-5 years depending upon the nature of each case.	
33.	Training of officers and staff	8 years	
34.	Posting and transfers (other than transfers on foreign service) of officers and staff.	Not exceeding 3 years depending upon the nature of the case.	
35.	Transfer on Foreign Service.	Not exceeding 3 years depending upon the nature of the case.	
36.	Deputation	3 years from the final recovery of pension and leave salary contributions from the foreign employers.	
37.	Verification of age and educational qualifications.	3 years after the completion of the period of deputation.	
38.	Change in date of birth.		
39.	Relaxation of age and educational qualification.		

40.	Collateral evidence in respect of service matters.		These papers should actually go to the personal files.
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41.	Fixation of seniority	4 years	Condonation of break in service should, as far as possible, be dealt with on personal files. Alternatively and authenticated copy of the order may be kept in personal file for possible reference at the pension stage.
42.	Representation regarding seniority	Not exceeding 5 years depending upon the nature of the case; 5 years if the representation results in the seniority being revised.	
43.	Quasi-permanency: (a) Issue of certificates	1 year after confirmation	
44.	(b) Progress reports regarding. Verification of service.	3 years	
45.	Condonation of break in service	5 years subject to a suitable record being kept somewhere e.g. in service book or history sheet.	
46.	Confidential Reports/Character Rolls	--do--	
47.	Confidential Reports/Character Rolls-Correspondence regarding.		
48.	Conduct Rules: (a) Declarations, reports and returns	3 years after death/ retirement.	
49.	(b) Permission and sanctions Leave Roster	Not exceeding 3 years	

50.	Grant of leave (other than casual leave) including leave travel concession.	1 year	<p>These papers should actually go to the personal files so that the question of prescribing separate retention periods for these categories of papers does not arise.</p> <p>These papers should be appropriately filed in the personal files so that the question of prescribing separate retention periods for these type of papers does not arise. Entries regarding leave travel concession availed should be made in the service books.</p>
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51. Grant of casual leave (including casual leave account).	1 year	Since the casual leave due at the end of a particular year is not carried forward to the subsequent year, proposed period of one year would do.
52 Requests for; No Objection' Certificate for the purposes of registration with the Employment Exchange.		!
53 Application for appointment outside the parent office.	5 years	These papers could appropriately go to the personal files.
54 Permission for higher studies/training		!
55 Permission to join territorial Army, Auxiliary Air Force, Naval Reserve.		!
56 Fixation of pay allowances	4 Years	!
57 Increment Register, Increment List and other papers relating to grant of increment.	5 years	Necessary entries should invariable be made in service Books/History sheets
58 Crossing of Efficiency Bar	5 years	!
59 Grant of allowances like house rent, compensatory.	5 years	Should preferably be dealt with on personal files which are to be retained for 10 years

		after death or 5 years after retirement . Alternatively an authenticated copy may be placed on personal files.
60 Grant of personal allowances to officers and staff.	5 years	Necessary entries should invariably be made in service books/history sheets.
61 Grant of honorarium or fee	3 years ! ! !> ! !	Should preferably be dealt with on personal files which are to be retained for 10 years after death or 5 years after retirement
62 Claims for reimbursement of medical charges	3 years !	
63 Reimbursement of legal expenses	3 years	Alternatively an authenticated copy of final orders may be placed on personal files.

64. Air Travel: (a) Sanction (b) Booking etc.	1 year ! 1 year > !	The original sanction available of the audit records would suffice.
65. Advances: i. Festival advance ii. Advance of pay on transfer iii. Grant of advance of T.A. iv. Conveyance advance v. House building advances vi. G.P.Fund advances vii. Miscellaneous advances	3 years 3 years 3 years 3years after final recovery 3years after final recovery 3years after final recovery 3years after final recovery	
66. G.P. Fund: (a) Admission to  (b) Adjustment of missing credits (c ) Financing of insurance policies	1 year  2 years	A complete list of subscribers should be maintained in each disbursing office As financing of insurance policies is not permissible under the revised rules, no fresh case of this type will henceforth arise. The old cases, however, should be treated as follows: (i) original papers, i.e., the request and the sanctions should be kept on the personal files; and (ii) bills may be retained as long as bills relating to other claims are retained i.e. 35

<p>(d) Final withdrawal e.g. , for house building, higher technical education of children, etc.</p> <p>67. Vigilance and discipline; (a) Vigilance and disciplinary cases resulting in:</p> <p>(i) Imposition of major penalties</p>	<p>3 years after final payment of provident fund.</p> <p>15 years record to be retained should include in particular:-</p> <p>(i) Charge Sheet (ii) Written Statement (iii) Inquiry Officer's Report (iv) Show Cause notice (v) Reply to the show cause Notice</p>	<p>years.</p> <p>The records are likely to be required for determining whether the service rendered by a Government servant is wholly satisfactory for the grant of pensionary and other benefits.</p>
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<p>(ii) Imposition of minor penalties</p> <p>(iii)(a) Exoneration of the Government servant.</p> <p>(b) Complaints</p> <p>(c) Appeals, memorials and petitions</p>	<p>(vi) Advice of the P.S.C., if any (vii) Final orders. (viii) Final orders on appeal or review petitions</p> <p>Till Government is in service. Records to be retained should include in particular:-</p> <p>(i) Memorandum issued under rules (ii) The explanation of the delinquent Govt. servant. (iii) Advice of the P.S.C., if any (iv) Final orders (v) Final orders on appeal, memorial or review petition</p> <p>Not exceeding 3 years depending upon the nature of the case</p> <p>Not exceeding 5 years depending upon the nature of the case</p> <p>5 years</p>	<p>The record are likely to be required for determining whether the service rendered by a Government servant is wholly satisfactory for the grant of pensionary and other benefits.</p>
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68 Resignation	5 years	These papers should appropriately be filed in the personal files, so that the question of prescribing separate retention period for this type of papers will not arise.
69. Retention in service after the age of retirement	5 years after retirement or 10 years after death	
70 Extension	5 years after retirement	
71 Re-employment	5 years after the termination of the term of re-employment.	

### III-Budget, Cash, Accounts and Audit

72. Budget Estimates	5 years	It should not be necessary to keep the Budget Estimates in the offices for more than 3 years.
73. Counterfoil of receipts, issued	5 years	
74. Administrative approval and technical sanctions to new Works	5 years after the sanctions have ceased to be current.	
75. Expenditure sanctions (including sanctions to grant-in-aid).		
76. Pay bills (and acquaintance rolls where they are kept separately)	35 years	
77 Income-tax Returns	1 year	
78. P.L..I. Insurance	3 year	
79. Rent Demand Statement	1 year	

80 Recovery of Electric and Water Charges (Bills and correspondence regarding).	3 years	Files should be closed only after the recoveries have been effected.
81 Muster Roll	Such period as may be prescribed in the departmental regulations, subject to a minimum of 3 account years excluding the year of payment	
82 T.A. (including leave travel concession) Bills and acquaintance rolls.	3 years	
83. Overtime allowance claim (Register and lists received from sections, etc.)	5 years	
84. Contingent Bills and Register of contingent Expenditure.	5 years	

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85. Vouchers of petty value not furnished to Audit.	-do-	
86. Appropriation accounts	-do-	
87. Audit objections, notes, reports	-do-	

#### IV- Supplies and Services

88. Accommodation:	
(i) Office accommodation;	
a. acquisition	Permanent
b. purchase	
(c) hiring	5 years after expiry of the lease or the period prescribed in the contract.
(d) allotment	5 years
(ii) Arrangement of accommodation for official visitors:	
a. where visitors are treated as State Guests and the expenditure incurred on the accommodation is borne by Government,	5 years
b. where charges have to be	

<p>paid by the visitors themselves.</p> <p>(iii) Government residential accommodation:</p> <p>a. Allotment of residential accommodation to Government servants</p> <p>b. Applications for permission of sharing accommodation.</p> <p>c. Applications for change/mutual exchange of accommodation</p> <p>d. Applications for table fans, refrigerators, etc.</p>	<p>1 year</p> <p>3 years</p> <p>-do-</p> <p>-do-</p> <p>-do-</p>
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<p>89. Whether comforts:</p> <p>(a) Hiring of fans, khas khas coolers, desert coolers, table fans, etc.</p> <p>(b) Recruitment of watermen</p> <p>(c ) Repairs of table fans, table lamps, heaters, etc.</p> <p>90. Tele-phones, call bells, clocks shifting, transfer, payment of bills.</p> <p>91. Staff Cars, Scooters and Motor Cycles:</p> <p>a. Purchase</p> <p>(b) Repairs and maintenance</p> <p>(c ) Log Book</p> <p>(d) Requests for private use, permission and payment,</p> <p>92. Furniture, bicycles, typewriters, duplicating machines and other office equipment:</p> <p>(a) Purchase</p> <p>(b) hiring</p> <p>(c ) Maintenance/repair</p> <p>(d) Stock Register</p> <p>93. Miscellaneous stores like</p>	<p>5 years</p> <p>-do-</p> <p>-do-</p> <p>-do-</p> <p>10 years</p> <p>5 years</p> <p>5 years</p> <p>1 year</p> <p>5 years</p>	
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glass tumblers, locks, etc.	5 years	The proposed period of one year would suffice particularly as a complete account of receipts and issues of stationery articles will be maintained in the Stock Register, which is proposed to be preserved for 5 years.
94. Stationery: (a) Indents on stationery Office	1 years	
(b) Local purchase	5 years	This period necessary to facilitate audit of local purchase transactions, during the course of local audit.

( c ) Stock Register	5 years	Since the register will also include the stocks purchased locally and since Audit must satisfy itself that the local purchases made have, in fact, been brought to the stock register, the register must be maintained for 5 years (counted from the date of the last entry) which is generally the maximum interval between two successive local audits of an Organisation.
95. Forms: (a) Indents on Forms Stores (b) Stock Register	1 year 3 years	When a stock register is closed and a new one opened entries regarding closing balances should be carried forward to the new register.
96. Books and Periodical Purchase of (a) Purchase (b) Lending and issue (c) Inventory (catalogue)	5 years 1 year 5 years after it has ceased to be current.	
97. Disposal of surplus, obsolete and un-serviceable stores	5 years	
98. write off of losses	5 years	
99. Identity Cards		

(correspondence regarding issue, surrender, renewal, etc.)	1 year	When a stock register is closed and a new one opened, entries regarding closing balances should be carried forward to the new register.
100. Liveries : (a) Issue, renewal surrender and withdrawal (correspondence regarding). (b) Stock Register	5 years	
	5 years	
101. Hiring of taxies, tents shamayanas, etc.	5 years	

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102. Arrangements for serving refreshments at the meetings conferences and seminars.	1 year	
103. Requisitions for printing and binding	3 years	
104. Diary Registers	10 years	
105. Despatch Register	15 years	

Annexure 19-B

**ELIMINATION OR DESTRUCTION REGISTER**

(Referred to para 19.9. (ii) }

Sr. No.	Number of Pages			Signature of clerk	Date of destruction	Signature of weeder	Signature of incharge record room	Remarks
1	File No.	Correspondance	Notes	5	6	7	8	9
	2	3	4					

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**CHAPTER XX**

**COMPUTERISATION IN OFFICES**

**20.1 Introduction**

This chapter deals with the practical aspects of computerisation in offices. As computers play an increasingly more important role in offices in maintaining and retrieving information, producing reports, and even in simple word processing, it is necessary to understand and systematise the processes involved in computerisation e.g. selecting the area for computerization, planning a computerised system, systems designing, software development, selecting, procuring setting up and operating computers etc.

**20.2 Selection of areas for computerisation**

Selection of items or areas for computerisation and fixing the priority is most important. Various systems in a department or office can broadly be categorised into two categories, viz Office Automation Systems and Management Information Systems.

Office Automation Systems are simple routine office activities which can be computerised using standard computer softwares, for bringing in the efficiency in performing related tasks. These activities include Word Processing, Electronic Spreadsheets, Scheduling of Appointments, Electronic Mailing etc.

Management Information Systems (MIS) are those systems which would deal with an organised set of procedures to capture, classify, store, maintain, update, retrieve and process data bases for providing information to support operations and decision making in the department or office. These systems include Budgeting, Accounting, Payroll, Inventory, Personnel, References Monitoring, and statistical Records etc. There may be many possible items; some may be easy to computerise, others not so easy. To ensure a successful start and to introduce the “culture” associated with computerisation it is preferable to computerise initially those areas where (a) data is easily available ;(b) the volume of processing involved is quite large so that the labour saved due to computerisation is easily apparent ; and (c) the result is beneficial to the entire office i.e. it does not result in more work elsewhere in the office. Also Additional useful

outputs should be capable of being generated which may enable better programme or office management.

After the preliminary identification is done, the list of such items should be discussed with the office staff responsible for the subject to elicit their views of the problems likely to arise and to ascertain the likely benefit of computerisation. The existing manual system and associated records should be scrutinised so that the issues involved are also identified.

Once the items have been identified, they need to be given a priority based on the importance of the item as well as the potential ease with which computerisation can be done. Computerisation of some items may be linked to computerisation of certain other items and the phasing will obviously reflect their linkage. Practical experience shows that in reality the identification of items is seldom comprehensive; but that is only to be expected. As computerisation actually takes place, new requirements will crop up. Sometimes the computerisation itself gives a better insight into the manual processing in some other connected area, enabling its computerisation as well. It is important therefore that the items selected for computerisation be periodically reviewed to add new items to the list. The phasing will need to be revised accordingly and reflect in the systems design wherever required (See paragraph 20.4). What is important is that the major items should be initially identified so that the hardware specification can be worked out.

### **20.3.1 Planning a computerised system**

Whatever the purpose, while planning to computerise a system in the department or office, decisions will have to be made regarding;

- viii. What softwares will be needed to be purchased and what programs should be custom-prepared specially for a particular use;
- ix. What will be the computer (or hardware) needed; and
- x. How the computerised system will be operationalised i.e. to what extent existing staff should receive training to operate the computers and what additional staff with specialised knowledge will need to be recruited.

Before deciding on these three issues i.e. software, hardware and personnel, the first step is to decide on the items to be computerised over a specified time frame, to estimate the volume of data likely to be collected and stored as a result. The second step is to decide the location of the computers (i.e. whether it should be centrally located or whether separate computers will be needed at different locations in a building or even in different buildings or in different stations). The location will partly have to be decided keeping in view the facilities available there (assured electricity, communication links etc.) and partly on the basis of data generation and use (i.e. whether data is generated at that location or the data processed in the computer will be used at that location etc.) Once the above issues have been resolved, technical advice should be taken as to:

- (a) What Softwares will be required i.e.
  - (i) what standard software should be purchased e.g. Operating System, Supporting Systems Software, Standard Application Software e.g. word Processing, Spreadsheet and Database Management etc. for various use which are ready made and available commercially.
  - (ii) what application (or customised ) software has to be developed for specific MIS purposes e.g. for Payroll Processing , Personnel Information etc.

- (b) What Hardware configuration will be required i.e.
  - (i) Configuration of Main Computer System i.e. Main Memory, Hard Disk, Devices etc. depending on the software to be used and the volume of the data required to be stored etc.
  - (ii) Number of terminals – depending on the number of users, their location etc.
  - (i) Peripherals i.e. the number and kind of printers e.g. dot matrix printers for normal use, line printers for certain uses like billing etc. in large volumes or laser printers for high quality printing etc; and
- (c) What will be Personnel requirements i.e.
  - (i) the role of the existing staff in data entry in the computers and generation of reports, the training required to be imparted to them etc. In addition in the case of large or sophisticated computer systems, specialist personnel will need to be recruited for maintenance of the hardware, preparation and up gradation of the software and training of the personnel etc.

#### **20.4 Systems analysis and designing**

While developing the customized software for Computer-Based MIS (CBMIS) a detailed analysis and designing of the proposed system in a systematic manner is very essential. These tasks are performed jointly by the department/ office and the specialists (called Systems Analysts), and can broadly be classified into following five categories,

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- (i) **SYSTEMS ANALYSIS**
  - (a) Systems Analysis involves team work and involvement of the ultimate user of the CBMIS is very crucial at this stage itself, so that the acceptance of CBMIS at the time of implementation is relatively easy. The first step is to provide a broad statement of objectives for the proposed CBMIS, and a detailed study of the existing manual system to identify the flow of information between different levels.
  - (b) The next step is a detailed examination of the proposed system, to identify alternative approaches to meet the stated objectives, and finally choose the “most appropriate” alternative, and then to examine the feasibility of the proposed system. This involves evaluating the costs and benefits of the system. Costs include costs of design, development, implementation and maintenance of the system. Benefits may be realised from the timely and accurate generation of required information to meet the stated objectives.
- (ii) **LOGICAL SYSTEMS DESIGN**
  - (a) Once the feasibility study is approved by the user department/office, the Systems Analyst details out further in order to prepare “System Specifications Report”. This includes identifying report contents (outputs, frequency of reports and presentation or reports, identifying Data requirements (inputs) for the purpose i.e. identifying data sources, the nature and typed of data that is available, and data gaps.
 

Preliminary identification of the outputs and the associated inputs have to be done by the office/Department (called user), since they alone know what information they need and how useful it is likely to be. They will also be able to link outputs with the raw data. After this identification, discussions should be held with the Systems Analyst in order to identify additional useful outputs possible from the same inputs as a result of computerisation.
  - (b) The next step is designing the Database i.e. suggesting a logical organisation of data in the computer. This is the most important component in the Logical System Design. It is to be realised that a database created for a particular

CBMIS application usually serves other applications as well to a certain extent. For example, a data base for Personnel Information System can be used for applications such as Payroll Processing, Provident Fund Accounting etc. These aspects should also be kept under consideration while designing databases.

- (c) Finally Data Processing Analysis is done to establish logical procedures for validation of the input data and to produce the desired outputs from the available inputs.

(iii) PHYSICAL SYSTEMS DESIGN

1. A physical design involves transaction of the logical design into the physical components of the CBMIS . Upgrading the existing Hardware and / or acquiring a new computer system, if required to meet the processing requirements, is undertaken at this stage. Subsequently, file organisation details are worked out and appropriate methods established for storing and processing data.
2. Codification of certain data items, depending on the Database design and output requirements, and designing the input formats facilitating easy data collection and feeding, are also very important components of the Physical Systems Design.

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(iv) SYSTEMS IMPLEMENTATION

This activity includes; Program Development; Debugging of program i.e. spotting and correcting errors in programming; testing individual program modules on sample data; Implementing the entire system on the computer ; getting acceptance of the CBMIS; from its users ;providing User Training ; and preparing User Manuals and Documentation.

This is the most time consuming activity in the life cycle of a CBMIS; and is also the activity where the interaction between computer specialists and users is most intense. Users have a tendency to lose interest during this phase because to the level of detail to which they have to analyse their operations. However this is necessary if the computerised system is to serve the needs of the user adequately.

(v) SYSTEMS MAINTENANCE

Maintenance follows a successful implementation of the CBMIS. As users develop faith in a CBMIS, their demands on the system grow. The system design should be flexible enough to accommodate future requests, refinements, modifications, and changes to suit users' requirements. Well documented logical and physical designs of a CBMIS will facilitate its maintenance considerably.

## 20.5 Organising the office

**Generally** computerisation of a Govt. Office comprises replacement of system of data compilation by individual with a system of data compilation by computers. Unless the computerised system has radically changed the way the office is organised or the way the data is prepared of compilation, the individuals who were doing the manual data processing should be the persons who should take over the task of feeding the data into the computers. Successful computerisation involves change in the office functioning in some ways and the following points are relevant:

(i) An officer, preferably one with aptitude for computerisation or whose subject is predominantly the subject of computerisation, should be made incharge of all aspects of computerisation and should report directly to the Head of the office /Department for this purpose. Since software development can take some time, after the officers /officials assisting the system designers have been identified and assigned tasks, they should not be transferred till the software development and systems implementation is complete.

(ii) The workload and responsibilities of office personnel may change. To the extent possible the existing staff should be trained to operate computers and new staff should not be brought in for the purpose i.e. those doing the manual processing remain responsible for computerised processing. Since the software are generally very easy to operate, only minimal training, of a few hours in simple software to a few days in more sophisticated software, should suffice, and where the software is specially written, training of the staff is part of the software rationalization/ systems implementation

While there will be reduction in the over all workload because of the use of the computer, some individuals in an office may get more benefit than others. As such reallocation of work and responsibility should be done in relation to the computerised system. The staff showing particular aptitude should be identified and their aptitude recorded in their confidential reports and work assessments.

(iii) Periodical formal and informal reviews involving all personnel concerned should be organised. This ensures that all personnel are aware of the process of operating the system. It also provides information to the officer-in-charge of computerisation of problems which need attention. These problems can relate to hardware maintenance, environmental problems like dust, fluctuating power, software errors (bugs), data deficiencies, consumables like printer ribbons or stationery or staff comfort etc. Reviews also enable improvements in the system and identification

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of additional outputs etc, It is also essential that the officer-in-charge personally visit the computer facility frequently to get first hand information.

(iv) The room where the Computers are located will need to be suitably furnished. Depending on the need, technical advice should be taken whether there should be a separate room only for the computers or whether the computer terminals should be available in the offices just like other office equipment. Generally if the data entry is voluminous and a number of terminals are required and separate staff is being earmarked only for data entry, a separate room is preferable. If however the computer terminal is being used for a number of miscellaneous applications and throe doing data entry and printing/ viewing outputs are doing so in addition to other work, It is best that the terminals be provided their place of work itself. Whichever the case in the room where the terminals are kept, and in particular where the Central Processing Unit is kept, it should be ensured that:

- (a) The electric supply is properly regulated either through a Constant Voltage Transformer ( CVT )or Un-interrupted Power Supply (UPS) equipment of the appropriate capacity so that constant voltage is supplied. The Earthing in the electricity supply should also particularly be within the specified limits only i.e. Earth-neutral voltage to be maximum 3V, as otherwise the circuitry inside the commuturs and peripherals may get damaged.
- (b) The atmosphere, especially where the CPU is kept should be dust free. Similarly rooms where computer terminals with Floppy Disk/Cartridge Tape drives are situated should be kept dust free as dust on a floppy diskette can cause the read/write head of the disk drive to "crash". To ensure dust free atmosphere, the flooring should preferably be of vinyl/linoleum /tiles. The windows should be sealed in case the atmosphere outside is likely to be dusty and humidity and temperature should be controlled within the limits specified by the manufacturer, if necessary using airconditioners. Personnel entering the room should remove the dust from their shoes etc. before entering the room and the room should be regularly cleaned with a vacuum cleaner (not swept, as that raises dust).

- (c) Proper planning of sitting of terminals should be done keeping in view the convenience of the personnel using them and electric sockets (with fuses or MCB) provided near the terminals to avoid long leads on the floor which may be an impediment, and may be pulled accidentally, causing damage to hardware . Where there are many terminals connected to a CPU, cabling work has also to be done for the purpose.
  - (d) Good quality furniture should be provided to staff especially where a person spends considerable time at the terminal. The computer table should be at the right height so that the Visual Display Unit/Screen is at eye level and there is support for the wrists. This will avoid strain on neck, shoulders and wrists. A good chair with reinforced support for the lumber region of the back and arm rests, and a foot rest should be provided to avoid strain to the back . The room lighting should also be properly controlled to reduce the eye strain of computer operators who need to view the computer screen for long periods.
- (v) After the system has been made operationalised, the responsibility for ensuring that manual processes are replaced by the computerised process is squarely that of the user department which must ensure the following:
- (a) That the required data is being regularly received and importantly, fed into the computer.
  - (b) That the requisite reports are being generated and used.
  - (c) That the manual system of maintaining data is quickly discontinued so that firstly the extra work is cut out and secondly by being dependent on the computerised system, the process becomes irreversible.

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- (d) That the personnel trained for the purpose do not get diverted to other jobs leaving the system without a trained operator.
- (vi) In larger and more sophisticated computerised systems, there will be a constant requirement for software modification. As such, specialised personnel may be required. This will mainly be Programmers (where the requirements are mainly minor improvements in simple software packages ) but Systems Analysts may be needed for large complex systems since modification or enhancement has implications for the original systems design itself. In case the requirement can be made by contracting out the work, this should preferred.

## **20.6 Procurement of computer hardware**

- (i) The hardware requirements are identifies during the Physical Designing phase of the Systems Analysis & Designing. However, procuring the hardware should be postponed until;
  - (a) Phasing of proposed computerisation and Systems Specifications for the proposed systems are finalised.
  - (b) Development/Acquisition of software for the first phase is well advanced.
  - (c) The data required for operating the software has been orgained; in case initial data entry is very voluminous, this should also be got completed, if necessary on contract basis.
  - (d) In case recruitment of trained personnel is required, this has been completed, and in case training of existing personnel is required, arrangements have been completed to take this up at short notice.

The reason is that the time taken to purchase the system (once the administrative and financial decision has been taken) is a relatively quick procedure taking not more than a few weeks generally, while the process of development of software and collection of data is often a long process. Unless the latter is complete, the computer will not be particularly useful. Since the rate at which technical improvements take place in computers is increasing and computer prices

are generally falling, premature purchase of computers, when the software or data is not likely to be ready, should be avoided.

(ii) Computerisation involves a long term commitment. It also requires financial and human resource investments which though cost effective if successful, may be expensive if not done properly. Accordingly while computerising and in particular, while purchasing computer hardware, the following should be kept in mind:

- (a) Before purchasing computers, an estimation of the hardware requirements over a period of time should be done after taking competent technical advice. The technical advice will include phase wise requirements and upgradation needs and the specifications which the hardware must fulfill. These specifications will need to be used while inviting tenders or rates at the relevant phase.
- (b) At any time only that hardware should be purchased for which software and supporting facilities are available or likely to be available shortly.
- (c) Provision should be kept for upgradation or expansion of hardware as per the phasing and the hardware specifications should be such that the upgradation/expansion should be possible and economical.
- (d) Hardware should be purchased from reputed manufacturers and their authorised agents (vendors) only. Though a little costlier, such computers are likely to be more reliable and less likely to require repair and maintenance.
- (e) While purchasing hardware, the terms and conditions of initial warranty and of maintenance should be settled and Annual (or periodical/life time) maintenance contracts decided. While short listing companies or scrutinising rates, the reputation and local infrastructure of the company for maintenance should be kept prominently in view. Contracts should be entered into with actual manufacturer (vendor) or authorised agent only.

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- (f) At the time of purchasing hardware certain standard software is also generally purchased. Sometimes some software come preinstalled. Only such software should be purchased which are likely to be of actual use. Licensed software only should be purchased, which though more expensive will ensure that (a) all the features of the software are available error free, (b) there are no viruses, (c) a user manual is provided to enable best use of all the features of the software, and (d) when the software is improved, upgradation will be possible. Needless to add, purchase of unlicensed software is a criminal offence.

Accordingly, when evaluating rates the above points should be kept in view at the time of preparing comparative statements or analysing offers. Before making a decision the prospective vendors may be asked to do 'Branch Marking' i.e. demonstrate the features of their machines with the standard software, or the vendor may be asked to supply a Bench Marking report.

(iii) After the hardware (i.e. Computer, Peripherals and supporting Systems Software) has been purchased, the hardware is to be "installed" in the office location prepared for the purpose and the software to be "loaded". Generally installation of the hardware at location is apart of the purchase agreement with the vendor, and therefore the site preparation must be complete by the time the computer is received from the vendor.

(iv) The loading of the software is normally the responsibility of the software vendor. Where readymade commercial licensed software is concerned this is not usually a problem provided the hardware specifications were properly framed. However, where customized/application software has been prepared, it is the responsibility of the vendor/software development agency to load the software, operate it, ensure that it is error free, and train the office personnel in its use before handing over. This process can take upto several months and while minor modifications or improvements are acceptable as part of the process of operationalisation of the software, no major changes should be made in the software at this stage.

## **20.7 Maintenance of computer hardware**

Annual Maintenance Contracts (AMC) should be entered into with the vendors i.e. computer manufactures or authorised agents only to ensure that the servicing etc. is of the requisite quality and only genuine parts are used. The terms of the contract may vary from case to case but the following points should be specifically included:

- (i) Description of systems and peripherals, and configuration and their location should be specified.
- (ii) Scheduled preventive maintenance should be at least once in three months. Call sheets or preventive maintenance reports must be invariably sent by the engineer after the visit indicating the operations carried out.
- (iii) Unscheduled on-call corrective and remedial maintenance should be available including replacement of unserviceable parts. The maximum 'down-time' permissible should ne specified with monetary penalties for each day that the equipment is down beyond that period. In case of intermittent failures and repetitive problems due to improper diagnosis or repair, the system should be treated as continuously down.
- (iv) Penalty clause for not completing repairs within maximum permissible down time should indicate penalty per working day for each piece of equipment e.g. CPU, Terminals, Printer etc.
- (v) The annual maintenance charge should also normally be specified equipment wise. Payment terms should preferably be quarter –wise and the maintenance contracts should present the maintenance charges bill along with downtime statement so that penalty charges are deducted quarter to quarter.

- (vi) The modalities for recording calls ( i.e. complaints) and of calls (i.e. repairs) should be specified stating the designation of the persons authorised to certify that repairs have been satisfactorily carried out.
- (vii) An arbitration clause may be included for settlement of disputes.

To keep a record of maintenance and to check the down time statement provided by the maintenance contractor register should be maintained as per the following columns:

Description of Failure		Complaint booking		Attended	Repaired	Down time	Remarks
Sr	Item	Date	Time	Date	Time	Date	Time
No.							(excluding sign of engineer holidays)
			Comp. No.				

## 20.8 Administration of the computer operation

For systematic and trouble free operation of the Computer System, attention has to be paid to the following aspects:

- (i) **ACCESS:** Access to computers should be controlled to ensure that the system is not tampered with or mishandled. For this purpose User codes and passwords should be given to the regular operators and the software should incorporate checks to prevent unauthorized access to data and to prevent unauthorized changes in data. Usually in custom built software these checks are placed by the systems designers in consultation with the user. In other cases the checks may be put in place on technical advice.
- (ii) **DATA SECURITY;** While restriction on access is one of the essentials to ensure security, protection against accidental loss of data has to be ensured. In order to ensure this "backup" copies of all important computer files should be taken out periodically (weekly or daily depending on the nature of data and frequency of its updation) so that in case data in the main

system is accidentally lost, backup data is atleast available. Backups should preferably be taken on Cartridge Tapes, being a more reliable media than floppy diskettes. To reduce the possibility of accidental loss of data due to virus, suitable software to detect and deactivate viruses, commercially available, should be installed. These software should be periodically upgraded to be able to deal with the newly evolving viruses. Use of floppy diskettes (which may be contaminated) should be prohibited or controlled centrally.

(iii) PROTECTION AGAINST FIRE AND OTHER RISKS: All electrical wiring in the computer rooms should be secure and Miniature Circuit Breakers (MCB) provided to prevent electrical fires due to short circuiting etc

(iv) PURCHASE OF STORES AND CONSUMABLES: Computers during their operation require stationery for printing reports etc. Inked ribbon or toner cartridges are required for the dot matrix and laser printer respectively. Other consumables are also required from time to time. To ensure that operations are not held up for lack of these consumables or because of their poor quality, the following should be ensured:-

- (a) Preprinted computer stationery where require should be indented keeping in view monthly/quarterly consumption and fresh indent should be placed well before stocks are exhausted since supply can take time.
- (b) Inked ribbons and toner cartridges should be purchased only from reputed manufactures. relinked ribbons should never be used as it can spoil the printing operation.
- (c) Floppy Diskettes/Cartridge Tapes should also be purchased from reputed manufacturers only.

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- (d) In large computer systems where specialized personnel are available for routine maintenance, it may be advantageous to keep a small inventory of commonly required store items like dot matrix printer heads, connectors, keyboards etc.

(v) ENSURING ECONOMY: Unless economy is stringently enforced, computerisation can lead to a large expenditures on consumables. To avoid this, the following should be ensured:

- (a) To reduce expenditure on toner carriages, laser printers should only be used to take out the final fair copy. Drafts should be printed on dot matrix printers. Where multiple copies are required, photo copying is more economical than laser printing each identical copy.
- (b) Dot matrix printers too should be used economically. Drafts should be printed in the "draft" rather than "NLQ" or "LQ" option. Where multiple copies are required and quality is not a consideration, e.g. multiple copies of reports for internal use etc. carbon paper should be used separately for each copy . Similarly, where a number of copies are required, photo copying is the better option as in addition to reducing use of the ribbons; it saves wear and tear on to the printer head. After adjusting the setting of the printer head, the dot matrix printer can also be used to type out stencils where large number of copies are required.
- (c) Blank multiple-part continuous stationery should ordinarily be avoided unless most of the printing requires multiple copies.

(vi) RECORD KEEPING: The following documents/materials must be kept in order to ensure systematic operation:-

(a) Register of Hardware: - The register, like a stock register contains details of hardware purchased form time to time. A separate page is to be kept for each hardware item and details of parts and their replacements are entered here, The Proforma may consist of following columns:

Item name \_\_\_\_\_ --- Date of AMC \_\_\_\_\_

Sr. No.	No. of Part	Brief Description	Source of Purchase and name of Vendor	Date of Cost Purchase	Remarks
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(b) Register of Software :- A similar register keeps details of Software;-

Sr. No.	Name of Software and brief Description	Mode of Acquisition/ Purchase	Date of Installation/ Operation	Computers in which loaded	Whether detailed documentation and user Manual available	Remarks
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( C) Register of Consumables:- Computers will need certain consumables like continuous stationery, ribbons, toner etc. It is necessary to keep track of stock and issue. This also enables reordering of stock timely. The Proforma should be as follows item wise, covering the two opposite pages of the register;-

Item Name \_\_\_\_\_

Receipt				Issue			
S. No	Date	Qty	Source Cost	S. No	Date	Qty Issued to	Remarks
-----	-----	-----	-----	-----	-----	-----	-----