

**DEPARTMENTAL DISPOSAL OF
BUSINESS
A – General**

- Rule 22 -- Except as otherwise provided by any other Rule,
- cases shall ordinarily be disposed of by or under the authority of the Minister-in-charge of the Department who may, by means of standing orders, give such directions as he think fit for the disposal of cases in the Department,
- copies of such standing orders shall be sent to the Governor and the Chief Minister.

- Rule 23 -- Whenever any other Department is consulted such reference shall be accompanied by the statement of the facts of the case and the point or points on which the decision of the Department is desired.
- Rule 24(1) -- A Secretary shall consult other Departments where such consultation is required under the Rules or the Secretary considers it desirable to do so in the interest of co-ordination of policy.

- Rule 24(2) -- If such a matter is placed before the Minister, the views of the Departments consulted shall be brought specifically to the notice of the Minister.
- Rule 24(3) -- In case where the Secretary has taken the orders of his Minister before consulting the other Departments,
- the advice of the other Departments shall be brought to the notice of the Minister before finalization of the orders,
- if the advice is not in conformity with the orders of the Minister.

- Rule 25 --When the subject of a case concerns more than one department, no order shall be issued nor shall the case be laid before the Cabinet until it has been considered by all the Departments concerned unless the case is one of extreme urgency.
- Rule 26 -- If the Department concerned are not in agreement regarding the case dealt with under Rule 16,
- the Minister-in-charge of the Department may, if he wishes to proceed with the case, direct that the case be submitted to the Chief Minister for laying the case before the Cabinet.

- Rule 27(1) - A Secretary may ask to see the papers in any Department other than the Finance Department and Departments under the Chief Secretary, if such papers are required for the disposal of a case in his Department.
- Provided that for the Department under the Chief Secretary, the latter may consider the request of the Secretary, and may allow the papers to be seen by a Secretary.
- Provided also that if a Department feels that a case should not be shown to other Departments, the matter will plead before the Chief Secretary for orders.
- Rule 27(2) -- Such request shall be dealt with under the orders of the Minister.

- Rule 27(5) -- No paper under disposal shall be sent to any Minister until had been seen by the Minister-in-charge of the Department to which it belongs.
- Rule 27(6)(a) --The Secretary may, on the orders of the Chief Minister or of any Minister or of his own motion, ask to see papers relating to any case in any Department and any such request by him shall be complied with by the Secretary of the Department concerned.
- Rule 27(6)(b) -- The Chief Secretary may, after examination of the case, submit it for orders of the Minister-in-charge or of the Chief Minister through the Minister-in-charge.

- Rule 28 – (1) The Chief Minister may call for records of any case relating to any Department.
- (2) The Chief Minister may, in consultation with the Minister-in-charge of the Department, pass such orders in any case as he considers necessary or may direct that the matter shall be placed before the Cabinet.
- (3) The Chief Minister may pass orders in a case relating to any Department when the case is referred to him by the Minister-in-charge of the Department.
- (4) The Chief Minister, in the absence of the Minister-in-charge of Department may, in a matter of urgent public importance relating to any Department, pass such orders as he considers necessary or expedient.

- Rule 29 -- If a question arises as to the Department to which a case properly belongs, the matter shall be referred for the decision of the Chief Secretary who will, if necessary, obtain the orders of the Chief Minister.
- Rule 30 --All communications received from the Government of India (including those from the Prime Minister and other Ministers of the Union other than those of routine or unimportant character, shall, as soon as possible after receipt, be submitted by the Secretary to the Minister-in-charge and to the Chief Minister and the Governor for information.

- Rule 31 --Any matter likely to bring the State Government into controversy with the Government of India or with any other State Government or the Government of Bangladesh shall as soon as the possibility of such a controversy is seen, be brought to the notice of the Governor, the Chief Minister and the Minister-in-charge.

- Rule 32(1) -- The following classes of cases shall be submitted to the Chief Minister before the issue of orders :-
- (i) Proposals for the grant of pardons, reprieves, respites or remissions of punishment or for the suspension, remission or commutation of a sentence in pursuance of Article 161;
- (ii) Cases raising question of major policy and cases of administrative importance not already covered by the Second Schedule;
- (iii) Cases which affect or are likely to affect the peace and tranquility of the State;
- (iv) Important cases which affect or are likely to affect the interest of Scheduled Castes, Scheduled Tribes and Other Backward Classes;

- (v) Cases which affect the relation of the State Government with the Government of India; any other State Government, the Government of Bangladesh, the Supreme Court or the High Court;
- (vi) Constitution of an Advisory Board under Article 22 (4) (a) for the detention of persons without trial;
- (vii) Appointment of the Chief Secretary "and other Apex Scale Posts",
- (viii) Proposals for the appointment and posting of the Government officers.

- (ix) appointment of the non-official members of the District Selection Committees;
- (x) any communication from the Election Commission especially with reference to its requirements as to staff and action proposed to be taken thereon;
- (xi) any proposal for the institution or withdrawal of a prosecution by Government against the advice tendered by the Law Department;
- (xii) any departure from these Rules which comes to the notice of the Chief Secretary or the Secretary of any Department;

- (xiii) cases pertaining to the Governor's personal establishment and Government House matters;
- (xiv) proposals for the appointment of Chairman and Members of the State Public Service Commission;
- (xv) (a) proposals for the constitution of Autonomous Regions in Autonomous Districts;
- (b) proposals for the alteration of the areas of an Autonomous District;

- (c) proposals for the union of two or more Autonomous District or parts thereof with a view to form one Autonomous District and for the creation of new Autonomous Districts;
- (d) proposals for the constitution of District and Regional Council and the framing of rules to govern the conduct of business in these bodies;
- (e) cases relating to any dispute regarding the payment of share of royalty accruing from mines and minerals to the District Councils;
- (f) cases relating to the application of Acts of Parliament or of the State Legislature to Autonomous Districts and Autonomous Regions;

- (g) proposals for the appointment of a Commission to enquire into and report on the administration of Autonomous District and Autonomous Regions;
- (h) cases relating to action to be taken on the report of Commissions referred to in (g)
- (i) proposals for the annulment or suspension of any acts and resolutions of the District and Regional Councils;
- (j) proposals for the dissolution of a District or Regional Council;

- (k) proposals for the exclusion of any areas from Autonomous District for the purpose of forming constituencies for election to the State Assembly;
- (l) proposals for entrustment to the District Council or to its officers functions in relation to Agriculture, Animal Husbandry, Community Projects, Co-operative Societies, Social Welfare, Village Planning or any other matter to which the executive power of the State extends;
- (m) cases relating to the issue of regulations for the administration of Autonomous Districts and Regions pending the constitution of District and Regional Councils;
- (n) proposals for any amendments to the Sixth Schedule;
- (o) any other matter of importance concerning affairs of District and Regional Councils.

- (2) The following classes of cases shall be submitted by the Secretary to the Department concerned, with the approval of the Chief Minister, to the Governor before the issue of orders:-
 - (i) proposal for pardon or commutation of capital sentence;
 - (ii) Important cases raising questions of major policy;
 - (iii) cases which affect or are likely to affect the peace and tranquility of the State;

- (iv) cases which affect or are likely to affect interests of Scheduled Castes, Scheduled Tribes (in the plains) and backward Classes;
- (v) cases which affect the relations of the State Government with the Government of India any other State Government, the Supreme Court or High Court;
- (vi) appointment, resignation and removal of the Advocate General;
- (vii) summoning, prorogation or dissolution of the State Assembly;

- (viii) disqualification of Members of the State Assembly;
- (ix) proposals for the appointment of Chairman and Members of the State Public Service Commission;
- (x) (a) cases relating to any dispute regarding the payment of a share of royalty accruing from mines and minerals to the District Councils;
- (b) cases relating to the application of Acts of Parliament or of the State Legislature to Autonomous Districts and Autonomous Regions;

- (c) proposal for the appointment of a Commission to enquire into and report on the administration of Autonomous Districts and Autonomous Regions;
- (d) cases relating to action to be taken on the report of commission referred to in (c);
- (e) proposals for the dissolution of District or Regional Council;
- (f) cases relating to the issue of regulations for the administration of Autonomous Districts and Regions during the transitional period pending the constitution of District and Regional Councils;

- (g) proposals for any amendments to the Sixth Schedule; and
- (h) any other matter of importance relating to the Sixth Schedule of the Constitution as the Chief Minister may consider necessary;
- (xi) any departure from these Rules which comes to the notice of the Chief Secretary of any Departments;
- (xii) cases pertaining to Governor's personal establishment and Raj Bhavan matters;
- (xiii) such other cases of administrative importance as the Chief Minister may consider necessary.

- Rule 33 -- The Chief Minister shall -
- (a) cause to be furnished to the Governor such information relating to the administration of the affairs of the State and proposals for legislation as the Governor may call for; and
- (b) if Governor so requires, submit for the consideration of the Cabinet any matter on which a decision has been taken by a Minister but which has not been considered by the Cabinet.

- Rule 33 A -- The following classes of cases should be submitted to the Governor –
- (i) Appointment and resignation of the Chief Minister and other Ministers of the State;
- (ii) Governor's Address and Message to the State Legislative Assembly;
- (iii) Bills passed by the Assembly;
- (iv) Recommendations of the Governor to the State Legislative Assembly under Articles 202,204,205 and 207;
- (v) cases regarding promulgation and withdrawal of ordinances.

B – CHIEF SECRETARY

- Rule 34(1) - The Chief Secretary as the Secretary to the Cabinet shall be kept apprised of all important decision by various Departments. A weekly list of cases shall be submitted to the Chief Secretary for his information and for information to the Chief Minister.
- (2) – All important matters relating to all departments and in particular Personnel, Home(Political) and Urban Affairs Departments shall be put up by the Secretary to the Chief Secretary.

- Rule 35 - The Chief Secretary is the head of the administrative machinery and his mediation shall be sought as far as practicable in all cases where there is a difference of opinion between the Secretaries.
- Rule 36 – All memorials presented by Government servants to the Governor shall be sent with the comments of the Administrative Department, to the Chief Secretary, who will submit them to orders to the Chief Secretary.

THANK YOU