

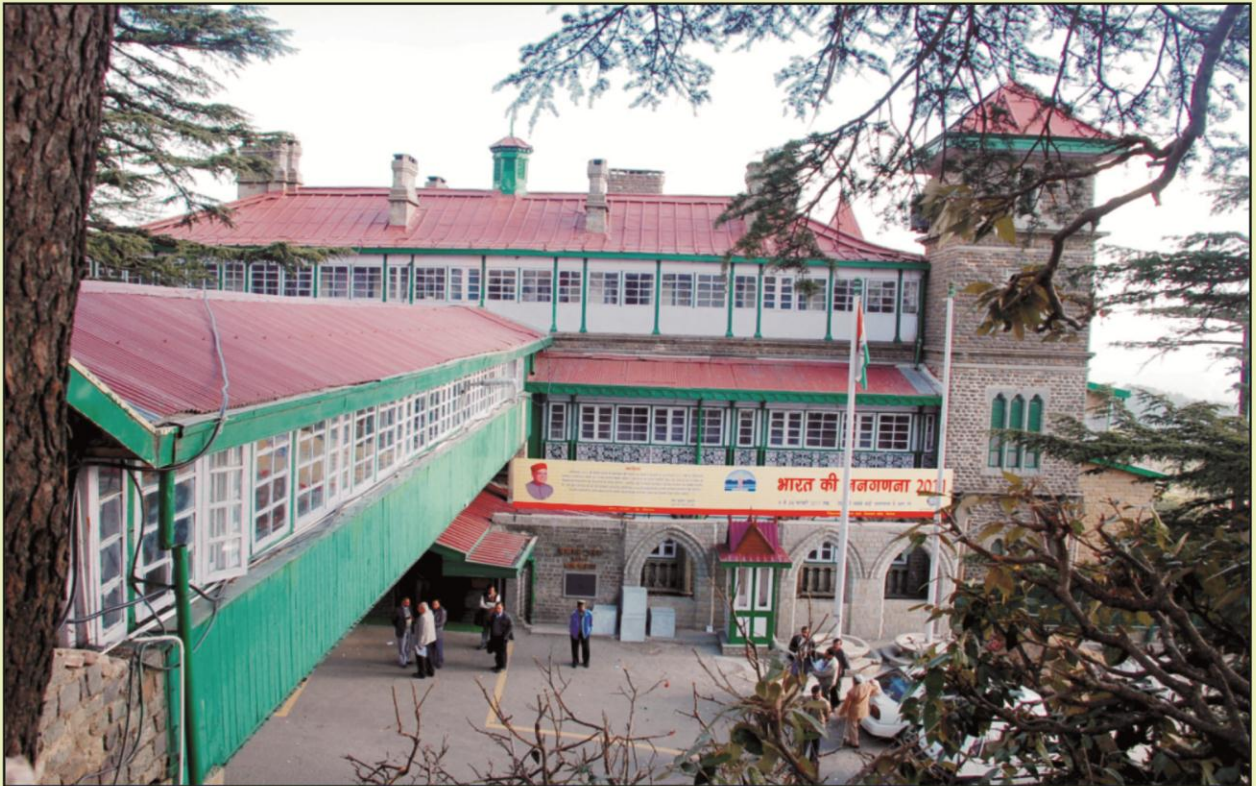


GOVERNMENT OF HIMACHAL PRADESH

OFFICE MANUAL

(Third Edition)

April 2011



**DEPARTMENT OF PERSONNEL
(ADMINISTRATIVE REFORMS)**

(Website: www.himachal.nic.in/ar)

Price : ₹ 100/-



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FOREWORD

The earlier edition of Office Manual was published in January 1997. Prior to that the Office Manual was brought out in 1973 and re-issued in November 1980. In the fourteen years between 1997 and now, there have been major technological advancements, changing the way people and businesses interact with governments with a higher expectation on better service delivery. It is therefore, essential to update the Manual for factoring these advances for meeting such challenges. With the enactment of the Right to Information Act, the requirement of Public Authorities to maintain records in a transparent and easily retrievable manner has become essential.

In line with the above events the Government of HP has renewed its efforts towards adopting e-Governance tools across its offices. This has enabled deployment of major applications like PMIS, REFNIC, e-Procurement, e-Samadhan, e-Sameeksha to name a few, which facilitate transparency and ease of retrieval of regularly used data by officials.

I expect that the Department of Administrative Reforms to periodically update the Office Manual to include changes that occur in future on account of wider adoption of IT tools which aim to reduce paper/repetitive work and enhance the productivity of the employees.

I am confident that this publication will be of use to all employees.

April, 2011

Mrs. Rajwant Sandhu
Chief Secretary to the
Government of Himachal Pradesh.

ACKNOWLEDGEMENT

Shri. T. G. Negi, Principal Secretary (Transport) had initiated this task of revising the manual and I record my sincere appreciation and thanks for his efforts in putting together the initial draft. I would like to thank Shri. Rajneesh, Director IT and Shri. Rajesh Bhadur, S.I.O NIC and their teams for their valuable contribution.

I place on record my thanks to Shri. Abhay Pant, Retired Special Secretary who was engaged as a consultant. Thanks are also due to Shri. Ram Rattan Sharma and Basant Kumar Bhat, Private Secretaries, Shri. Kuldeep Singh, Jr. Scale Stenographer and Shri. Seemesh Chand Varma for their efforts in this revision.

I am extremely grateful to Mrs. Rajwant Sandhu, Chief Secretary for her constant guidance and for insisting on aligning this revised Manual to be in tune with the times. I am grateful to all the Secretaries for their inputs in this revision.

While all efforts were taken to ensure that no inconsistencies/mistakes exist, however if any are noticed it would be appreciated if these are brought to our notice for rectification to arsecy-hp@nic.in along with suggestions if any.

April, 2011

Mr. K. Sanjay Murthy
Secretary (Administrative Reforms)
to the Government of Himachal Pradesh.

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CHAPTER I

INTRODUCTION AND DEFINITIONS

1.1 INTRODUCTION

1.1.1 Government functioning is regulated by various provisions of the Constitution of India and Acts and Rules framed there under. Public servants are accountable for their official actions. 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 lays down the essential procedures for efficient paperwork management, i.e. processing, handling and control of official papers, in the Government offices.

1.1.2 To provide for sufficient flexibility, the manual suggests the issue of departmental instructions which could supplement or vary, within broad limits, the prescribed procedures to suit special conditions and requirements.

1.1.3 The emphasis of the Government now is to optimally utilize and constantly shift to e-Governance mode for bringing efficiency, transparency and enhancing the effectiveness of the employees. The use of REFNIC, e-Mail\ SMS getaway and other applications like e-Kosh, e-Samadhan, PMIS, e-Procurement, e-Gazette, e-Sameeksha etc. has to be adopted for enabling quick and instantaneous transmission of letters, seeking approvals for drafts and obtaining information on real time basis reducing repetitive work and enhancing the quality of decision making.

1.1.4 Should there be any deviation from any of the mode/policy mentioned in this manual, suitable departmental instruction to be approved at Government level shall have to be issued.

1.2 DEFINITIONS

- (1) Appendix to correspondence in relation to file-Lengthy enclosures to a communication (whether receipt or issue) on the file, inclusion of which in the correspondence portion is likely to obstruct smooth reading of the correspondence or make the correspondence portion unwieldy.
- (2) Appendix to notes in relation to file-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.
“Branch”- The Unit of a Department and may comprise of couple of Sections/Units/Cells.
- (3) Branch Officer-The officer who takes the work directly from the section. This term also includes the middle-level officers in Directorates/ Collectorates /Divisional or Regional offices such as Additional, Joint, Deputy /Assistant Directors/Registrars; Additional Deputy Commissioners; Additional District Magistrates; Assistant Commissioners; Establishment Officers, Administrative officers, Registrars etc. In case of Secretariat, Branch officer means Under Secretary and above who takes work from the Branch.
- (4) Case -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) Classified Dak - Dak bearing a security grading.
- (6) Citizen's/Client's Charter - Document which represents a systematic effort to focus on the commitment of the Organization towards Citizens/Clients in respect of Standard of Services, Information, Choice and Consultation, Non-discrimination and Accessibility, Grievances Redress, Courtesy and Value for Money. This also includes expectations of the Organization from the Citizen/Client for fulfilling the commitment of the Organization.
- (7) Come-back case - Case received back for further action such as re-examination or preparing a draft or a summary of the case.
- (8) Central Registry-A Unit/Section charged with the responsibility of receiving registering and distributing dak meant for the Secretariat/ Directorate/Collectorate etc.
- (9) Correspondence portion in relation to a file -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.
- (10) C.R.No-The serial number assigned to a communication in the receipt register or REFNIC number of the Central Registry preceded by the code letter identifying the register.
- (11) Dak-Every type of written communication including letter, telegram, savingram, telex, fax, e-Mail, wireless message, inter departmental note, file, which is received, whether by post or otherwise, in the Secretariat/ Directorate/Collectorate or other office for its consideration.
- (12) Dealing Assistant or Assistant-Any functionary such as Clerk, Junior Assistant and Senior Assistant or any other official entrusted with initial examination and noting upon cases.
- (13) Department-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.
- (14) Departmental instructions - Instructions issued by a department to supplement or vary the provisions of the Manual of Office Procedure.
- (15) Departmental Record Officer (DRO)- The officer nominated by the records creating agency under the Public Records Act, 1993 and rules made thereunder.
- (16) Diarist-An official within a section/office charged with the responsibility, *inter-alia*, of maintaining the Section diary.
- (17) Diarising-Registering of receipts in the central Registry or Section Diary or office diary.
- (18) Diary Number-The serial number assigned to a receipt by the REFNIC application or by the Section/Branch/Office diary register followed by code letters identifying the name of department and section.
- (19) Docketing -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.

- (20) Electronic mode-Includes modern electronic means of communications like e-mail, video-conferencing, fax, SMS etc.
- (21) File-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.
- (22) Final disposal in relation to a case under consideration-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.
- (23) Fresh receipt (FR)-Any subsequent receipt on a case which brings in additional information to assist and aid the disposal of a paper under consideration.
- (24) Indexing' of a file-Indicating its title under appropriate catchwords arranged in their alphabetical order followed by the File Number to facilitate its retrieval.
- (25) 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.
- (26) Messenger Book or Peon Book-A record maintained in a standard Book/register on the prescribed form containing particulars of non-postal communications and their receipt by the addressee.
- (27) Night Duty Clerk - A clerk on duty outside office hours who performs the functions of the central receipt and issue section during such hours. The term includes resident clerk also.
- (28) Note-The remark recorded on a case to facilitate its disposal and includes a précis of previous papers, a statement or analyses of questions requiring decision, suggestions regarding the course of action and final orders passed thereon.
- (29) Notes or Noting portion” in relation to a file-The portion containing notes or minutes recorded on a case.
- (30) Nodal Department- One which is primarily responsible for specifying matters and interacts with all other Departments to ensure uniformity in handling.
- (31) Ordinary postal Dak-The postal dak for which no specific acknowledgment is obtained by the Posts and Telegraphs Department.
- (32) Paper Under Consideration (PUC)-A receipt on a case, the consideration of which is the subject matter of the case.
- (33) Personal Staff-Any staff appointed/posted to assist a functionary and includes Principal Private Secretary, Senior Special Private Secretary, or Special Private Secretary or Senior Private Secretary, Private Secretary, Personal Assistant, Stenographer, and Steno typist. An

Assistant or clerk or any other clerical staff posted in the offices of the Chief Minister, Ministers or Officers, when performing the duties expected of the personal staff is also covered under this term.

- (34) Postal dak-All dak received through the Posts and Telegraphs Department.
- (35) Receipt-Any dak after it has been received by the concerned office/section.
- (36) Record - Information preserved in a physical medium / something set down in writing or other permanent form for future reference.
- (37) 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.
- (38) Reference folder on a particular subject - A folder containing copies of relevant rules, orders, instructions, etc., arranged in chronological order for ready reference.
- (39) Routine note means a note of a temporary value or ephemeral importance recorded outside the file, e.g., a record of casual discussion or a note on a point of secondary importance intended to facilitate consideration of the case by higher officers.
- (40) Secretariat Offices - Offices responsible for formulation of the policies of the government and also for the execution, monitoring and review of those policies.
- (41) 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, clerks, Assistants, senior Assistant, and includes “cells”, “units” and other like terms.
- (42) Security grading means security marking of classified documents as Confidential, Secret, Top Secret or Restricted.
- (43) Standing guard file on a subject means a compilation consisting of the following three parts:
 - a. A running summary of the principles and policy relating to the subject with number and date of relevant decisions or orders quoted in margin against each;
 - b. Copies of the decisions or orders referred to, arranged in chronological order; and
 - c. Model forms of communications to be used at different stages.
- (44) Urgent/Important/immediate dak etc. means dak marked as urgent, important, immediate or Priority etc. and includes telegrams, savingrams, wireless messages, telex or fax messages, SMS Gateway, e-mail etc.

CHAPTER II

CONSTITUTIONAL PROVISIONS FOR STATES

2.1 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.

2.2 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 subordinates 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.

2.3 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 166 (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.

2.4 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.

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 Finance Department cannot act as Finance Department for itself, so the Personnel Department functions as the FD for 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 Department does not concur in the proposal, the matter is required to be 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 to 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:—
 - (i) 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) Rule 29 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. Rule 31 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 nature, 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.

Rule 11 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.

2.5 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**.

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.

2.6 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 any provision of a law made 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.

2.7 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 the 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 and are given in brief in Chapter IV.

2.8 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 cases to operate at the expiry 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.

2.9 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 Court 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 is 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.

2.10 Composition of Council of Ministers

The Constitution (Ninety-First Amendment) Act, 2003 has amended **Article 164** of the Constitution to include, *inter-alia*, fixing the total numbers of the Council of Ministers. The total number of Ministers including Chief Minister shall be twelve for Himachal Pradesh.

2.11 Appointment of Chief Parliamentary Secretary/Parliamentary Secretary

The appointment, power and function, privilege and amenities, oath, salaries and allowances etc. are governed by the Himachal Pradesh Parliamentary Secretaries Act, 2006.

CHAPTER III

NATIONAL FLAG AND NATIONAL ANTHEM

3.1 The National Flag

3.1.1 The National Flag is being regulated by Flag Code of India. 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.

The National Flag shall be a tri-colour panel made up of three rectangular panels or sub-panels of equal widths. The colour of the top panel shall be India saffron (Kesari) and that of the bottom panel shall be India green. The middle panel shall be white, bearing at its centre the design of Ashoka Chakra in navy blue colour with 24 equally spaced spokes. The Ashoka Chakra shall preferably be screen printed or otherwise printed or stenciled or suitably embroidered and shall be completely visible on both sides of the Flag in the centre of the white panel.

The National Flag of India shall be made of hand spun and hand woven wool/cotton/silk khadi bunting. The National Flag shall be rectangular in shape. The ratio of the length to the height (width) of the Flag shall be 3:2.

3.1.2 **HOISTING/DISPLAY/USE OF NATIONAL FLAG BY MEMBERS OF PUBLIC, PRIVATE ORGANISATIONS, EDUCATIONAL INSTITUTIONS, ETC.**

There shall be no restriction on the display of the National Flag by members of general public, private organizations, educational institutions, etc., except to the extent provided in the Emblems and Names (Prevention of Improper Use) Act, 1950 and the Prevention of Insults to National Honour Act, 1971 and any other law enacted on the subject. Keeping in view the provisions of the aforementioned Acts—

- (i) the Flag shall not be used for commercial purposes in violation of the Emblem and Names (Prevention of Improper Use) Act, 1950;
- (ii) the Flag shall not be dipped in salute to any person or thing;
- (iii) the Flag shall not be flown at half-mast except on occasions on which the Flag is flown at half-mast on public buildings in accordance with the instructions issued by the Government;

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.

3.1.3 The standard sizes(in mm) of the National flag are given below:-

Flag Size No.	Dimensions in mm	Flag size No.	Dimensions in mm
(1)	6300 x 4200	(6)	900 x 600
(2)	3600 x 2400	(7)	450x300
(3)	2700 x 1800	(8)	225 x 150
(4)	1800 x 1200	(9)	150x100
(5)	1350 x 900		

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

3.2 Correct Display

3.2.1 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.

3.2.2 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.

3.2.3 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.

3.2.4 When the Flag is displayed on a motor car, it shall be flown from a staff affixed either on the middle front of bonnet or to the front right side of the car.

3.3 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.

3.4 Misuse

3.4.1 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 any 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.

3.4.2 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.

3.5 Display on National Day or on Special Occasions

3.5.1 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-6th April to 13th 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.

3.5.2 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.

3.6 Salute

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 in 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 head dress.

3.7 Display with Flags of other Nations and of U.N.

3.7.1 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.

3.7.2 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.

3.7.3 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.

3.7.4 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.

3.8 Display of National Flag on motor cars

The privilege of flying the National Flag on motor cars is limited to the:—

- (1) President;
- (2) Vice-President;
- (3) Governors and Lieutenant Governors;
- (4) Heads of Indian Missions/Posts abroad in the countries to which they are accredited;
- (5) Prime Minister and other Cabinet Ministers;
Ministers of State and Deputy Ministers of the Union;
Chief Minister and other Cabinet Ministers of a State or Union Territory;
Ministers of State and Deputy Ministers of a State or Union Territory;
- (6) Speaker of the Lok Sabha;
Deputy Chairman of the Rajya Sabha;
Deputy Speaker of the Lok Sabha;
Chairmen of Legislative Councils in States;
Speakers of Legislative Assemblies in States and Union territories;
Deputy Chairmen of Legislative Councils in States;
Deputy Speakers of Legislative Assemblies in States and Union territories;
- (7) Chief Justice of India;
Judges of Supreme Court;
Chief Justice of High Courts;
Judges of High Courts.

When a foreign dignitary is seated in a motor-car along with 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.

3.9 Half Mast

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.

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

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, National Week (6th to 13th April) in Memory of the martyrs of Jallianwala Bagh; the flag 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 parade 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.

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.

3.10 The State Emblem of India (Regulation of Use) Amendment Rules, 2010

Govt. agencies who are authorized to use the State Emblem of India and Emblem of State of Himachal Pradesh for various official purposes should depict the complete picture of the ‘State Emblem’ together with the motto “Satyameva Jayate” in Devanagri script-inscript below the profile of Lion Capital and ensure that it is not omitted from the State Emblem.

3.11 The National Anthem

3.11.1 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
Punjaba Sindhu-Gujarata –Maratha	पंजाब सिन्धु गुजरात मराठा
Dravida-Utkala-Banga	द्रविड उत्कल बंगा
Vindhya-Himachal-Yamuna-Ganga	विन्ध्यहिमाचल यमुना गंगा
Uchhala-jaladhi-taranga	उच्छल जलधि-तरंगा
Tava subha name Jage,	तव शुभ नामे जागे
Tava subha asisa mage,	तव-शुभ आशिष मांगे,
Gahe tava jaya-gatha	गाहे तव जय गाथा ।
Jana-gana-mangala-dayaka Jaya he,	जन-गण-मंगलदायक जय हे
Bharata-bhagya-vidhata	भारत-भाग्य-विधाता ।
Jaya he, Jaya he, 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 seconds.

3.11.2 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 he, 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.

3.12 Playing of the Anthem

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

- a. 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.
- b. During parades or ceremonial functions-irrespective of whether any of the dignitaries referred to in (a) above is present or not-on August 15th and January 26th. 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.
- c. 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. 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.

3.13 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.

3.14 The National Song

All official functions presided over by the Chief Minister and Ministers should start with the singing of the National song “Vande Mataram” 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!
Sujalam,suphalam, malayaja-shitalam,
Shasyashyamalam, Mataram !
Vande Mataram !
Shubhrajyotsna, pulakitayaminim,
Phullakusumita-drumadala-shobhinim,
Suhasinim, sumadhura- bhashinim,
Sukhadam, varadam, Mataram !
Vande Mataram !

वन्दे मातरम् ।
सुजलां सुफलां मलयजशीतलाम्
शस्य श्यामलां मातरम्।
वन्दे मातरम्
शुभ्रजयोत्सना पुलकितयामिनीम्,
पुलकसुमित द्रुमदल शोभिनीम्
सुहासिनी सुमधुर भाषिणीम्
सुखदां वरदां मातरम् ।
वन्दे मातरम् ।

CHAPTER IV

THE STATE LEGISLATURE AND GOVERNMENT

Legislative functions and procedure as provided in the Constitution have been given in brief in Chapter II. 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 346 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 37-60 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-IV, 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.....20, 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 Questions.

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 61 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 62 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 63 to 66 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 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 67 to 74 regulate motions for adjournment on a matter of urgent public importance. Rules 69 to 70 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 Contempt

Rule 75 to 100 deal with all issues to Breach of Privilege and Contempt.

(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 101 to 116. 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 117 to 130 contain provisions regarding motions relating to matters of recent occurrence or definite issues or general public interest.

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

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, 120 copies and for replies to notice under Rule 62, 20 copies and under Rule -324, 80 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 Questions:-

- (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 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;
 - (h) 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 question, 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;
 - (i) 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;
 - (j) 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;
 - (k) when information of a confidential nature is communicated in support of disallowance of question, it should be marked as such and the Vidhan Sabha Secretariat advising that in the event of its disallowance the information should not be disclosed to the member who has given notice of the question;
 - (l) 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.

4.4 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 the 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.
- (viii) 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" along with the question number to be attached to the assembly Question.
 - (b) While slip marked "Dr." be attached to draft reply, slip marked "R" along with the number of the question should be pinned to the reply after the draft has been approved.
 - (c) Slip marked "Sp" to be pinned to material for answering the Supplementary questions. No other slips or flags should be used.
- (xii) 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 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 Chapter XIII.
- (iv) The register of Assurance will be reviewed by the Section-in-charge once a week for followup 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 in 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 XVIII (Rules 209 to 273) 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 209 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 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 (Rule 217). 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 (Rule 221). The detailed procedure to take evidence, to call for papers, records, documents and presentation of reports etc. is contained in Rules 223 to 237. As per Rule 238, 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.

(e) Implementation of the recommendations made 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 obtained 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.

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

- (i) 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. Provision 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. 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 *House* 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 nominated by the Speaker from amongst the members. 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 money shown as having been disbursed was 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
- (c) 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 were 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 Accountant 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 31st 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:-
- (vi) The date on which excesses over grants etc. were reported to the Department concerned by the Accountant general;
- (vii) The date on which the note in regard to the excess was submitted by the Department concerned to the Finance Department;
- (viii) The date on which the Finance Department completed its examination of the Departmental notes and passed them on to the Accountant General for vetting;
- (ix) Delays if any, involved at any stage and explanation in respect thereof;
- (x) 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

- (i) As soon as the Audit Report is presented to the House the Departments concerned would suo motu 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 appeared 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 for 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 he 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 *by* 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-223 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. 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.

(3) Committee on Estimates

It consists of not more than eleven nominated by the Speaker from amongst the members. 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 economy in administration;
- (c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and
- (d) to suggest 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 or department related standing Committees as are allotted to the Committee on public Undertakings by the Rules or by the Speaker. These functions are as per Rule 248 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.

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

- (1) The term "policy" referred to in clause (a) of Rules 248(B) 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 248(B) 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 of 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 performa given in the book 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 223 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.
- (iii) 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 eleven members nominated by the Speaker. This Committee examines the working of the Public Undertakings specified in Schedule II 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 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.

(7) Committee on Welfare

It consists of not more than eleven members nominated by the Speaker. It examines the measures taken by the Government to secure due representation of the Scheduled 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 Castes and Scheduled Tribes. It also considers the recommendations contained in the report of the Commissioner for Scheduled Castes and Scheduled Tribes under Article 338(5) (D) of the Constitution and reports as to the measures that should be taken in respect of matters within in the purview of the State Government. This Committee also functions as a departmental Committee in respect of demand No. 19(Social justice and Empowerment, 31 (Tribal Development) and 32 (Scheduled Caste Sub-Plan) exercises functions as indicated in respect of Standing Departmental Committees under (10) below.

(8) Other Committees

There are other Committees of the House such as:-

- a) Rules Committee;
- b) Select Committee;
- c) Ethics Committee;
- d) Library and Members Amenities Committee.

(9) 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, four departmental Committees have been constituted and entrusted with the following task:-

(i) Public Administration Committee

Demand No. -	Department
02	Governor and Council of Ministers
03	Administration of Justice
04	General Administration
05	Land Revenue and District Administration
06	Excise and Taxation
07	Police and Allied Organizations
21	Co-operation
22	Food & Civil Supplies.

(ii) Human Development Committee

08	Education
09	Health & Family Welfare
15	Planning and Backward area sub-plan
24	Printing and Stationary
27	Labour Employment and Training
29	Finance
30	Miscellaneous General Services

(iii) General Development Committee

10	Public Works-Roads, Bridges and Buildings
13	Irrigation, Water Supply and Sanitation
17	Election
23	Power Development

- 25 Road and Water Transport
- 26 Tourism and Civil Aviation
- 28 Urban Development and Town & Country Planning and Housing.

(iv) Rural Planning Committee

- 11 Agriculture
- 12 Horticulture
- 14 Animal Husbandry, Dairy Development and Fisheries
- 16 Forest and Wild Life
- 18 Industries, Minerals, Supplies and Information Technology
- 20 Rural Development

10. Functions of the Committees

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

- (i) to consider the Demands for Grants of the department. 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 *as* 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;
- (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 proforma prescribed for the purpose.

CHAPTER V

ORGANISATIONAL SET UP OF GOVERNMENT OFFICE

5.1 Organizational set up of Government

There is a clear and distinct division of functions between the Secretariat, the Directorate and the Collectorate/field offices. 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. The Secretariate, the Directorate, Collectorate and Zonal Offices are expected to use applications being brought out like eKosh, PMIS, eGazette, eSameeksha etc. which facilitate quick and accurate information retrieval required for decision making and inturn reduce routine repetitive work. eKosh and budget processing MIS,

5.2 The Secretariat and its Departments

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 official hierarchy, Secretariat is the premier office of the Government in which all Government policies, programmers, plans, rules and instructions of uniform application are framed, approved and finally issued for implementation. 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. The Chief Secretary is also the Secretary to the Council of Ministers.

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. The Schedule to the Allocation Rules, 1971 contains names of all Departments of the Govt. as also the distribution of subjects amongst the Departments. 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.

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 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. Therefore for clarity all Departments have to frame Standing Orders to determine levels at which the different cases are to be disposed off. Rule 55 and 58 provide for the matters required to be submitted to the Governor / Chief Minister respectively.

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

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 essential functions like Financial Planning and Budgeting; Regulation through Legislation, Acts and Rules. Over-all Programme Management through formulation of schemes, setting of goals and monitoring of performance; and 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 receipt of accurate and relevant information.

5.4 The Directorates and field offices

The Directorates are the essential links between the Secretariat and the 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, who are the Heads of Departments declared as such under the Budget Manual. 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 framing of initial budget estimates, drafting of schemes, legislation etc., implementing the Acts, Rules and approved schemes. Acting as an interface between the public and the Government especially to ascertain, evaluate and where necessary, helping inform and influence public opinion, seeking public cooperation wherever required for implementing schemes/programmes, enquiring into all complaints against wrong/irregular implementation of policies /programmes and taking remedial measures; and 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

Each District has an office of the Deputy Commissioner, who is also the District Collector/District Magistrate known as the Collectorate. The Deputy Commissioner has directly under him the Additional Deputy Commissioner, who supervises development departments, 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 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. The role of Deputy Commissioner and his Collectorate includes Maintenance of law and order, Conduct of elections, Rural Development

and Employment Generation programme, administration of relief from natural calamities land administration including land records, resolution of land disputes, acquisition and management of lands, implementation of land reforms etc., regulation of activities involving the public good such as transport, food and supplies etc., 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 and such other items entrusted from time to time by appropriate authorities.

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.

CHAPTER VI

SETTING UP OF NEW OFFICES

6.1 Preparation of detailed proposal

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 scheme should include the following aspects:-

- (i) The basic objective and the role to be performed by the office, indicating whether such offices already exist;
- (ii) Overall staff requirement with pay scales, staff already positioned and additional requirement, together with functioning and distribution of duties;
- (iii) Availability of trained manpower, material, machinery etc;
- (iv) Availability of accommodation for office and residences, land and other facilities.
- (v) Over-all estimate of expenditure involved during the entire period for which the office is likely to function with year-wise break up of expenditure;
- (vi) Estimated Revenue receipts;
- (vii) How the estimated expenditure is proposed to be met;
- (viii) Special features of the office, if any.

The proposal is to be approved at the competent level in the Administrative Department and submitted to the Finance Department for concurrence and for inclusion in the Budget Estimates as a “Really New Scheme”.

6.2 Further action for setting up of office

After the receipt of the Government sanction, the following steps for the setting up of the office:-

- (i) Effort should be made to optimize office space by adopting modular office layouts. Large halls permit optimal use of space and facilitate easy deployment of computers and associated network connectivity. Office should be located 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. 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, the District Administration and following the procedure laid by the Government regarding fixation of rent. Norms for space and furniture entitlement of various classes of employees shall be as notified by the Finance Department from time to time. Vide letter No. Fin-F-(A)-(11)-2/2004 dated 16th January, 2008 the “Rent Reasonability Certificate(s)” issued by the Executive Engineer(s), H.P. Public Works Department of the area concerned must be verified/recommended by the Deputy Commissioner(s) of the said District(s) by evolving an appropriate mechanism in this regard in order to ensure their genuineness/factuality. In no case, it should be more than the market rate/rent prevailing in the said locality.
- (ii) 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.

- (iii) Formulation of Recruitment and Promotion Rules for the newly created posts in consultation with concerned Departments and with the approval of the competent authority;
- (iv) Declaration of Head of office and Drawing and disbursing Officer (s) and their financial and administrative powers, if any;
- (v) Declaration of appointing authority, disciplinary authority and appellate authority for officers and staff;
- (vi) Making security arrangements for office premises, land and other property and stores;
- (vii) Recruitment and training
 - (a) Estimation of the vacancies likely to be filled through the Public Service Commission/Subordinate Service Board and communicating it to the Public Service Commission/ Subordinate Service Board and sending formal requisitions for recruitment in case recruitment is to be made through the Commission/Board.
 - (b) Notifying other vacancies to the Employment Exchanges and News papers: 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- induction and in service training as per training policy of the government.

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 or 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.
 - (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 or from surplus staff.
4. What is the strength and distribution of existing similar posts in the Organization?
 5. What will be the distribution of the additional posts?
 6.
 - (i) Are there any instructions regulating staff composition and work standards? If so give details supported by necessary copies of the instructions/guidelines.
 - (iii) Do the present proposals entail a departure from the above instructions and if so, in what respects and on what ground?
 7. What will be the financial implications of the proposals?
 8. 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
 - (c) by asking for supplementary grants.
 9. Has the proposal been examined by the Department of Personnel/ Administration Reforms Organisation; if so, a copy of their report to be attached.

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 location and structural safety of the offices, stores, godowns, land, buildings, office equipment, and machinery 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. All Government property particularly land belonging to Departments must be got demarcated and fenced properly to avoid encroachments.

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 the District Administration; and take all possible steps to avoid loss of human life 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, land and other property:-

- (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.
- (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 Raj Bhawan, 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, heaters, electrical and electronic equipments have been switched off and plugs removed from the sockets other than the server room.
 - (b) all doors, windows and ventilators etc. are securely closed.
 - (c) there is no waste material lying in the rooms.

- (viii) In larger or more important offices, one of the officers should be appointed/designated as Chief Security Officer along with 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, conduct surprise checks, carry out security drills and liaise with the local police and Fire Department in all security matters.

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 of 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) 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 stove or heater was on, at 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.

- (iii) Special attention is required for institutions like Hospitals and Schools where fire accidents could lead to greater loss of human lives.

- (iv) 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.

- (v) 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.
- (vi) All lightning conductors should also be periodically checked and proper earthing provided.
- (vii) 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 in consultation with local Fire Officers. Furniture etc. may be painted with fire retardant paints to make it fire resistant.
- (viii) For emergencies, water reservoirs may be constructed at suitable places and water storage tanks installed in the basement of each important building for initial and immediate requirements. Automatic water sprinkler systems need to be installed particularly in buildings being used as ware-houses.
- (ix) Fire escape stairs should be provided in all multistoried buildings, and while approving design for such buildings, departments must ensure that this facility is included.
- (x) 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 every three months is organized and conducted under the supervision of the local Fire Officer of the Fire Service Department.

For detailed instructions regarding fire safety the Fire Standing Orders issued by the Fire Department should be referred to.

CHAPTER VIII

CONDUCT OF GOVERNMENT SERVANTS

8.1 Constitutional position

The fundamental rights of Government servants as citizens of India are 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.

8.2 Adoption of Central Government Rules by Government of Himachal Pradesh.

The Government vide notification No.FD-2-4/74 Finance (Regulation)-II dated 30.3.1974 has adopted the following Central Civil Services Rules w.e.f. 1-1-1972:-

1. Fundamental Rules and Supplementary Rules;
2. Pension Chapter of Civil Service Regulations;
3. Liberalized Pension Rules/Central Civil Services (Pension) Rules, 1972;
4. Family Pension Schemes for Central Government employees, 1964;
5. General Provident Fund (Central Services) Rules, 1960;
6. Civil Pension Commutation Rules;
7. Contributory Provident Fund (India) Rules, 1960;
8. Study Leave Rules, 1962;
9. Revised Leave Rules, 1933/Central Civil Services (Leave) Rules, 1972;
10. Central Civil Services (Temporary Service) Rules, 1965;
11. Central Civil Services (Classification, Control and Appeal) Rules, 1965;
12. Central Civil Services (Conduct) Rules, 1964; and
13. Leave Travel Concession Scheme of the Central Government;

Any amendment in these rules is *epso facto* applicable as the State has adopted the mother rules unless the State does a counter amendment. The State can also amend to vary provisions of these rules to suit its requirements.

8.3 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.

8.4 C.C.S. (Conduct) Rules

In consonance with the Right to Information Act, 2005 (22 of 2005) and rules made there under, Rule 11 of Conduct Rules has been substituted which reads as under:-

Rule 11- Communication of official information. Every Government servant shall, in performance of his duties in good faith, communicate information to a person in accordance with the Right to Information Act, 2005 (22 of 2005) and the rules made thereunder:

Provided that no Government servant shall, except in accordance with any general or special order of the Government or in performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or classified information to any Government servant or any other person to whom he is not authorized to communicate such document or classified information.

Besides rule 4-A has been added to include:

Rule 4-A- No Government servant shall encroach upon Government land himself or through/by his family members.

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 interest 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 Constitution does not empower Govt. servants to resort to strike or to other activities which are forbidden by the Conduct Rules
- (4) Rule 9 provides that no Govt. servant shall in any radio broadcast or in any 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 Government.
- (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) 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;
- (7) Rule 16 places restrictions on investment, lending 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.
- (8) 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.

- (9) 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.
- (10) 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 dowry directly or indirectly from the parents or guardians of the bride or bridegroom.
- (11) 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;
- (12) 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.

- (13) 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;
- (14) Rule 22 places restrictions on the consumption of drinks and drugs and provides 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.

8.4.1 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 he 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 his promotion;
- (iii) recovery from his pay of the whole or part of any pecuniary loss caused to the Government by negligence or breach of orders;
- (iii)(a) reduction to lower stage in the time scale of pay by one stage for a period not exceeding 3 years, without cumulative effect and not adversely affecting his pension;
- (iv) withholding of increments of pay;

Major Penalties

- (v) reduction to a lower stage in the time scale of pay for a specified period
- (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.

8.5 Representations/Applications-Procedure for submission

8.5.1 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 communications 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 offensive. Failure to observe this by the person concerned will be suitably dealt with.

8.5.2 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.

8.6 Attendance

8.6.1 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.

8.6.2 Biometric Attendance

Guidelines on account of introduction of attendance of the Officers/officials on the Biometric machines in the H.P. Secretariat have been issued by Department of Personnel-Secretariat Administration Services-I, No. Per (SAS-I) A (5)-9/2010 Date 26.05.2010. Marking of attendance in the Biometric machines which have been installed in the H.P. Secretariat is compulsory for all the officers/officials.

It is the policy of the State Government to install biometric attendance system in all the Directorates, Collectorates, Regional and Zonal offices and other large office/ organizations in a time bound manner.

8.6.3 Attendance register

Till Biometric attendance system is put in place, employees attendance register will be kept in each Branch/Unit. On arrival in office all employees will mark their 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 rd 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.

Checking of attendance

In the Secretariat, apart from the Administrative Department, Secretariat Administration Department will conduct surprise checks in sections, branches, units etc. Similar checking is to be conducted in the Directorates/Collectorates etc. by the administrative sections. Appropriate action against late comers and absentees is to be taken by the Departments.

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. 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.

Personal Staff and Peons attached to officers should not leave office or proceed on leave without the prior permission of concerned Officer.

8.6.4 Casual Leave

The maximum amount of casual leave allowed during the calendar year must not exceed the admissible limit. Casual leave will not ordinarily be granted for more than eight days at a time. Casual leave shall not be combined with any other kind of leave. This may, however, be combined with restricted holidays, or gazetted holidays. Casual Leave on medical grounds for more than two days will not be allowed without a medical certificate. Special casual leave for participating in National Sports Events etc. may be given as per orders by the Government. Casual leave shall not be applied for from home except on medical grounds. Casual leave can also be applied through e-mail.

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. The personal staff of an officer shall maintain a register of casual leave in respect of the officers under the controlling officer.

8.6.5 Holidays

- (i) The holidays admissible in public offices are notified yearly in the Himachal Pradesh Rajpatra.
- (ii) The Head of a Department/Office, Section Officer and Superintendent may order in the interest of work that the whole or part of the office shall remain open on any holiday.
- (iii) A list of residential addresses with telephone number/mobile/e-mail address of all staff members should be maintained in the Section/Office at a conspicuous place as well as their website.

CHAPTER IX

REFNIC, RECEIPT AND DISTRIBUTION OF DAK

9.1 Duties of Officers/Officials under REFNIC.

9.1.1 Reference Monitoring System (REFNIC) is a system of tracking file movement through Electronic mode using computers, where in the registration of dak, movement of files, pendency and disposal are handled in role based workflow manner thereby making it easier for users to know the status of the PUC at any given time.

9.1.2 REFNIC has been in use in the H.P. Secretariat since 2004 and also in some of the Directorates. The use of REFNIC in the Central Registry has done away with manual entries in the registers. Instructions regarding its implementation are available at www.himachal.nic.in/ar

9.1.3 Facilities in REFNIC System:

The functionalities of the software are discussed in the following paragraphs:-

- 1. Diarising of Receipts-** Each fresh receipt will be diarised through the computer either by the Central Registry or by the personal staff of officers resulting in a unique diary number which will then be recorded on the body of the receipt.
- 2. Movement of Receipts-** The diarised receipt movement will have to be recorded electronically by the relevant official receiving it be it the Central Registry, the section handling the receipt, or the personal staff of the officer, to facilitate its subsequent tracking.
- 3. Updating Receipt status as and when it changes-** The status of the receipt will need to be constantly updated and electronically recorded by each official handling it at every stage.
- 4. Linking the Receipt to a file-** When the receipt reaches the dealing hand in the section it will be ascertained whether a file on the subject already exists. If so, the receipt will be placed in the relevant file. If not, a fresh file will be opened and the receipt placed in it.
- 5. Recording Movement of Files-** Whenever a file travels physically, whether within the Department or to/from another Department, its movement will be recorded electronically to reflect its current status.
- 6. Final Disposal of PUC-** Once action on a PUC is complete, the PUC will be marked as closed or disposed off. At the time of disposal if PUC is dealt on temporary file, then it may be linked with original file.
- 7. Review and Monitoring the pending Files/ Receipts-** The system incorporates a mechanism for review and monitoring by the officers concerned of the status of disposal of a receipt or a file. Therefore it is an essential duty of Secretaries/HODs and Branch Officers ensure that their Personal staff enters into the REFNIC their remarks, original comments on the dak seen by them. This will enable them to take these references on priority as well as enable them to monitor such references. The officers should then periodically check the status of these references through web based interface REFNIC available at <http://himachal.nic.in> In order to monitor the progress in REFNIC to cut down the un-disposed pendency at section level, dealing assistant wise weekly arrear reports of, 'Not Dealt' and 'Dealt but not disposed cases' may be reviewed and the

P.U.Cs which have actually been disposed off but not entered in REFNIC may be entered. The REFNIC software automatically sends reports of 'Dealt but not disposed cases' section wise on Saturday evening. Similarly cases not dealt report through mail is sent on Tuesday evening. This review and monitoring will be undertaken weekly preferably on each Monday, by the Secretaries and other supervisory officers on Saturday, so that follow-up action could be taken.

8. Timely Disposal of Files/Receipts- As far as possible the time limits laid down for disposal of cases will be ensured. Any case exceeding the time limits will be treated as priority and all efforts will be made for its early disposal. Time bound reminders can also be generated automatically.

9. Despatching the letters/files through Central Registry or directly- Before despatch, any letter or file will need to be diarised electronically whether at the Central Registry, the Section, or by the personal staff of the officer. The despatch details will also be electronically recorded.

10. Retrieval of information through self-query- The electronic query system allows for the easy retrieval of information whenever required and incorporates a range of standard queries.

11. Automatic generation of Reports- The Pendency Reviews and Queried Information are available in a Report Form and generated electronically. If necessary hard copies of these Reports can also be taken for record.

12. Overall Records Management- In the electronic system complete data will be available for further analysis and records management. Indexing procedure is simple and a free text search on all the textual fields (name, subject, letter reference number etc) facilitates ease of operation.

9.2 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 cell 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.

9.3 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 see files or any papers in the Central Registry which does not pertain to them in their official capacity.

9.4 Receipt of Dak

9.4.1 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.

9.4.2 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.

9.4.3 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 not be opened in the Central Registry but will immediately be sent to the addressee after entry in the register.
- (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 after entry in the register.
- (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 Regd./un-regd.
1	2	3	4	5	6
-----	-----	-----	-----	-----	-----

- Note:-**(1) This register is generated through REFNIC as elaborated in Chapter XIII.
(2) The Diary No. is calendar year-wise beginning from first day of January and ending on last day of December.

(g) The following categories of dak as received in the Central Registry, will also be diarised in the same Central Diary Register:-

- (1) Wireless 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, Committees of the Vidhan Sabha and communications seeking information relating to them;
- (6) Unopened inner covers containing classified dak;
- (7) Letters from Central Ministers, Members of Parliament, Members of Legislative Assembly, Govt. of India and Other State Government.
- (8) 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) Post copies of communications unless the endorsement contains a message in addition to that contained in the communication;
- (3) Routine acknowledgements;
- (4) Casual leave applications;
- (5) 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.
- (6) Any other types of receipts which under departmental instructions are not required to be diarised;

- (7) Unsigned communications on which no instructions have been recorded by an officer and on which no action is called for;
- (8) Extra copies of the same representation by a person addressed to the same or different authority.

9.4.4 Distribution of Dak

(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. The dak 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 wireless,/Fax and 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 4.00 PM). 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 the entire dak including urgent/immediate are delivered to all concerned by the peons/dak messengers. As far as possible sorting, diarizing, invoicing and Despatch of entire dak is completed on the day of its receipt and 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.

9.5 Registration and perusal of dak in Departments

9.5.1 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 looking 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.

9.5.2 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 note of the fact on the body of the receipt; and
- (b) pass on the entire dak to the Section-in-charge for his perusal.

9.5.3 Perusal of Dak by Branch Officer

The Section-in-charge will put the entire dak in the pad 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 keep receipts which he himself can dispose off or on which he desires specific instructions to be given to the office, forward important receipts to the higher officers which in his opinion should be seen by them at the dak stage; and indicate the course of action on important receipts. He may call the Section-in-charge and the dealing hands and give them directions for disposal of receipt 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 of dak addressed to him during his absence. In the absence of such an arrangement the next below officer will ordinarily be responsible for this.

The 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

9.5.4 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 9.4.3 (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.

9.5.5 Diarising of receipts

- (a) The general diary register (Register of ordinary references) of the Department/Section will be in the form given in 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 for disposal, a

separate register of such reference (Register of immediate references) should be maintained in every branch in the form given in Chapter-XIII and is generated automatically by REFNIC.

- (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.

9.5.6 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 factors 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 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.
- (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.

9.5.7 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:-
- (b) 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'.

- (c) Receipts missent to the department will not be diarised but returned promptly to the department concerned.
- (d) Communications from the Government of India will be entered in the register in red ink.
- (e) 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.

Types of receipts which should be diarised

The following types of receipts should also be entered in the diary register:

- (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.

Note Book for important receipts

- (a) dealing hands, Section-in-charge and higher officers, will keep a note in their engagement lists or computer lists, 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.

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 preformed. Any negligence or carelessness on the part of the Section-in-charge in discharging this responsibility should be viewed seriously.

CHAPTER X

FILING SYSTEM

10.1 Introduction

Decision making in Government is sometimes a complex process. The Government functions for the public good. Therefore it 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 have to be done with utmost care. The following paragraphs of this Chapter and subsequent Chapters elaborate on the subject.

10.2 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 Correspondence” and “Appendix to Notes” have been defined in Chapter 1 of this Manual.

10.3 Filing 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 “noting” 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.

10.4 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.

10.5 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 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 neatly 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 pencil.

10.6 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 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 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.

10.7 Use of urgency labels

- (1) Normally urgency labels are to be used when required on cases viz. "Top Priority", "Priority", "Most Immediate", "Immediate" "Time Bound". The other labels required to be used where relevant are "Vidhan Sabha Question", "Motion", "Bills" or "Lok/Rajya Sabha Question", "Court Case" or "Top Secret" "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 'Top Secret' '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.

10.8 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" 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.

If more than one aspect of a question is dealt within the same file and if 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.

10.9 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 10.11 and 10.13 below for selecting standard "Head" , "sub-Head" and "wording of letter".

10.10 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 X-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 -A.
- (d) Sections in a Department or an office are to be identified by means of distinct alphabetic letters.

Note: - See para 10.12 below for precise method of opening files.

10.11 Standard “Heads and “Sub-Heads”

Consistency is essential in the selection of both Heads and Sub-Heads. This can be secured by maintaining a list of a Standard Heads and Sub-Heads for recurring subjects and adhering to them. A list of Standard Heads and Sub-Heads is given at Annexure -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 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.

10.12 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 –“X-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 e.g., 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 -A and B, the file will have the following numbers:-

- | | |
|--------------------------|------------------------------------------------|
| 1. EDN-A-B(2)-20/11 | (For the secretariat Department-Section A) |
| 2. EDN-H(A)-B(2)-20/11 | (For the Headquarters office-Section A) |
| 3. EDN-Z1(A)-B(2)-20/11 | (For the Zonal-1,Section A) |
| 4. EDN-KNR(A)-B(2)-20/11 | (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.

10.13 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-Recruitment-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 of the “Title” is “Contents”.

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.

10.14 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 Sub-Head separate pages should be allotted. 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 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.

10.15 Movement of Files

All movements of files will be entered in REFNIC/Register (as the case may be) 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 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.

The office shall endeavour to structure/distribute the work of the Department/Section in such away that the files passes through the minimum levels for optimal use of human resources, higher efficiency and flattening of the organisation.

10.16 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 the purpose of issuing reminders for the return of the papers so removed.

LETTERS TO REPRESENT NAMES OF DEPARTMENTS OF HIMACHAL PRADESH GOVERNMENT (word "Department" is to be suffixed)

Sr. No.	Department	Letters allotted
1.	Agriculture	AGR
2.	Animal Husbandry	AHY
3.	Ayurveda	AYR
4.	Co-operation	COP
5.	Excise and Taxation	EXN
6.	Election	ELN
6-A.	Elementary Education	EDN(EE)
7.	Finance	FIN
	(a) Finance	FIN
	(b) Local Audit	FIN(LA)
	(c) Treasuries	FIN(TR)
8.	Fisheries	FSH
9.	Food, Civil Supplies and Consumer Affairs	FDS
10.	Forest	FFE
11.	General Administration:	GAD
	(a) General, Political and Miscellaneous	GAD(GI)
	(b) Confidential and Cabinet	GAD(CC)
	(c) Hospitality & Protocol	GAD(HP)
12.	Health and Family Welfare	HFW
13.	Higher Education	EE(HE)
14.	Horticulture	HTC
15.	Home:	HOM
	(a) Police	HOM(PL)
	(b) Advocate-General	HOM(AG)
	(c) Home Guards and Civil Defence	HOM(HC)
	(d) Vigilance	HOM(VIG)
	(e) Prisons	HOM(PR)
	(f) Enforcement	HOM(ENF)
16.	Housing	HSG
17.	Industries	IND
18.	Irrigation and Public Health	PBW(PH)
19.	Labour, Employment and Training	LET
	(a) Labour	LET(LB)
	(b) Employment and Training	LET(ET)
20.	Law and legal Remembrance's	LLR
21.	Language and Culture Department	LCD
	(a) Language and Culture	LCD(LC)
	(b) Museums	LCD(MM)
	(c) Archaeology	LCD(ACH)
22.	Urban Development Department	UD
23.	Medical Education Department	HFW(ME)
24.	M.P.P. and Power	MPP
25.	Non Conventional Energy Sources	NES
26.	Parliamentary Affairs	PA
27.	Panchayat Raj	PCN

28.	Personnel:	PER
	(a) Appointment	PER(AP)
	(b) Secretariat Administration	PER(SA)
	(c) Administrative Reforms	PER(AR)
	(d) Training	PER(TRG)
	(e) Administrative Planning and Evaluation	PER (APE)
29.	Planning	PLG
	(a) Planning	PLG
	(b) Economics and Statistics	PLG (ES)
	(c) 20 Point Programme	PLG(TPP)
30.	Environment ,Science and Technology	STE
31.	Printing and Stationery	P&S
32.	Public Works Department	PWD
33.	Information & Public Relations Department	I&PR
34.	Redressal of Public Grievances Department	RPG
35.	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, Rehabilitation Disaster Management	REV(RR)
	(g) Land Reforms	REV(LF)
	(h) Natural Calamities	REV(NC)
36.	Rural development Department	RDD
37.	Information Technology Department	IT
38.	Sainik Welfare Department	SW
39.	Social Justice & Empowerment Department	SJE
40.	Technical Education, Vocational and Industrial Training Department	EDN(TE)
41.	Tourism and Civil Aviation Department	TSM
42.	Town and Country Planning	TCP
43.	Transport	TPT
44.	Tribal Development	TBD
45.	Youth Services and Sports	YSS

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

LIST OF MAJOR AND SUB HEADS

Head	Sub-Heads
(A): Organisation	<ol style="list-style-type: none"> 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	<ol style="list-style-type: none"> 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.	<ol style="list-style-type: none"> 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 Parliament Business
1. Starred Questions
 2. Unstarred Question
 3. Resolutions/Adjournment and Cut Motions etc.
 4. Assurances
 5. Committees of Vidhan Sabha and Parliament.
 6. Legislation.
 7. General (Instructions and circulars, Governor's Address, etc.)
- (E): Legal matters
1. Notices
 2. Institution of Suits.
 3. Defence of Suits.
 4. Legislation.
 5. Miscellaneous (Advice, production of documents, execution of decrees and instructions, etc.)
- (F): Programmes and activities
1. Policy
 2. Planning including surveys, formulation of schemes and projects.
 3. 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:-
 4. Social / Welfare activities.
 5. Developmental activities
 6. Commercial activities
 7. Technical programmes
 8. Research/Extension programmes
 9. Preventive and other schemes
 10. Miscellaneous
 11. Reports and Returns
- (G): Office Services
1. Accommodation
 2. Stores/Stationery
 3. Furniture and fixture, equipment including vehicles
 4. Library
 5. Caretaking services (security, fire-fighting etc.)
 6. Miscellaneous

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

CHAPTER XI

DEALING OF RECEIPTS, NOTING AND DRAFTING

11.1 Introduction

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 enables the generation of usable information. In Government, traditionally the use of mail (postal system) has been the central mode of communications. With the evolution of IT and faster modes of communications, the office communications can now be processed more efficiently and effectively using electronic and telecommunication means. The use of e-mails, electronic processing and despatch is essential for reducing paperwork and minimizing transaction delays associated with office communications.

The processing of office communication in government can be broadly classified in the following sequential workflow:

- Receipt of Dak [Elaborated in Section 11.2]
- Noting [Elaborated in Section 11.3]
- Drafting [Elaborated in Section 11.4]
- Issue [Elaborated in Section 11.5]
- Despatch [Elaborated in Section 11.6]

This Chapter delineates the methods and procedures for inducing greater use of electronic means of communications, especially e-mails, REFNIC, electronic processing and e-despatch within the framework of office communications. All offices must extensively communicate via emails and adhere to *e-Mail Protocol* prescribed at section 11.8 (1) of this chapter.

11.2 Receipt of Dak

11.2.1. Use of IT to streamline processes for Receipt of Dak

All government offices must ensure the following to evolve a streamlined process flow for management of dak receipt:

- The Receipt section shall be computerized to eliminate manual processing
- REFNIC software be used for computerizing the receipt work flows. The procedure to deal receipts using REFNIC are detailed in Chapter-IX
- Dairy Registers be maintained electronically as per the standard format available in the REFNIC software.
- No manual dairy registers should be maintained.
- A separate diary register shall be maintained electronically for important and time bound communications and D.O. letters as per the format prescribed in Chapter XIII. No manual entries shall be made and only a print of electronic register shall be printed for the purposes of office record.
- A nodal employee (diarist) of the section shall be responsible for signing and authenticating the dairy register sheet that is printed daily for maintaining the dairy register.

- Similarly, the dealing assistant of the concerned branch shall maintain Assistant's Dairy Register in electronic format as provided in Chapter XIII. He shall be responsible for taking daily prints and sign the electronic dairy sheet for the record.
- Regular training shall be provided to the staff for the purpose so that there is enough capacity within the office to use electronic means for this purpose, in the event the diarist is on leave or is transferred to other section.

11.2.2. Receipt of Dak in non-IT environment

However, in offices where REFNIC is not yet in operation or due to non-availability of requisite IT infrastructure, as soon as the dealing hand receives the dak (receipts), he is required to take the following steps:-

- (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.

After action as at (1) above is completed, the dealing assistant will enter all receipts in the Assistant's Dairy Register (For format see Chapter XIII). Separate the Immediate/Urgent receipts from the ordinary receipts for being dealt with accordance to the priority assigned to them.

(2) 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 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.

(3) 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.

(4) Place in the current/new file the receipts in accordance with the procedure prescribed in Chapter X. All receipts will be placed inside the file cover.

(5) Assign the receipt numbers and page numbers to the receipts in the current/new file in accordance with Chapter X. 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.

(6) 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 and

earlier letter issued from the section, write on that earliest letter' reply received of date _____ at p _____/c.' This cross referencing will facilitate the linking of the various items of correspondence relating to the case.

(7) Trace and locate all other relevant files required to dealing the receipt, whether current or recorded, with the help of the file opening register and register of recorded files (See Chapter XIII).

(8) Collect all relevant reference books, Acts, Rules, Regulations and instructions required for dealing the receipt.

(9) Finally, arrange, reference and flag the papers and attach label of urgency as per Chapter X, wherever required.

11.2.3 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 complied. 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. Applications like e-Kosh, e-Sameeksha & PMIS etc. facilitate such retrieval and analysis.

(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.

11.3 Instructions regarding Noting

11.3.1 Use of IT in preparing Notes

All government offices must ensure the following to incorporate greater use of IT in preparing notes while dealing with official communications:

- IT tools must be used to add value to the notes while dealing with office communications.
- Manual handwritten noting must be dispensed with. All notes shall be computer typed using a standardized format [Paper Size → Legal; Margins → Left Margin 2.1”, Right Margin 1”, Top Margin 1” and Bottom Margin 2”; Pages → Mirror Margins] with line spacing of 1.5 and font size of 12 in Times New Roman or Calibri.
- The symbol of ` must be used for Indian Currency and the denominations for amount be used in singular as Lakh/Crore etc. [not Lakhs/Crores]
- Endeavour must be made to make a transition to electronic filing by using the e-Files software of the Department of IT. This will facilitate electronic noting and processing via the software itself.
- However, till the time the adequate capacity is built for using e-Files software, the use of computer typed notes must be enforced. Preference must be given to submitting notes via email, wherever feasible, along with electronic attachments.
- Regular IT trainings and capacity building of staff be carried out in MS Office, MS Excel etc. so that the dealing hands are proficient in handling data electronically and are able to prepare charts, diagrams, tables etc.

11.3.2 Prevalence of Noting methodology

The procedure of submitting the receipts with notes is prevalent in the Secretariat, Directorates, Commissioner’s offices and Collectorates. 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.

11.3.3 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.

11.3.4 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.

11.3.5 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 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:-

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.-1, 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.

11.3.6 The noting

(a) In cases where detailed noting is not required to be written, 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”

(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 needs to 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 an abbreviation have 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 summarise 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 along with 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 Chapter IX and case sent to the higher level authority, as per marking.

11.4 Instructions regarding Drafting

11.4.1 Use of IT in preparing Drafts

All government offices must ensure the following to promote use of IT in preparing drafts while dealing with official communications:

- IT tools like, MS Office, Open Office etc, must be used in preparing draft letters/ reports/ status notes while dealing with office communications.
- The drafts, as far as possible, must be sent using e-Mail to the higher authorities for approval instead of taking printouts and sending the same along with file. The draft document should be attached in editable format i.e. Ms Word, PowerPoint, Excel etc. However, the final document should be sent in a non-editable format i.e. pdf. The *e-Mail Protocol* to be adhered to while exchanging office communication is presented at Section 11.8 of this Chapter.
- The final outcome of the draft letter/ reports/ status notes, sent via e-Mail, may be printed and kept on record for all purposes. The hard copy must be taken in duplex and economy mode to reduce paper usage as well as cost. Necessary instructions in this regard are available vide IT Department's letter no. DIT-F(10)-6/2009 dated March, 2009.
- Manual handwritten drafts must be dispensed with. All drafts shall be computer typed using a standardized format [Paper Size → Letter/ A4; Margins → Left Margin 1", Right Margin 1", Top Margin 1" and Bottom Margin 1"; Printing → Duplex Mode] with line spacing of 1.5 and font size of 12 in Times New Roman or Calibri.
- Unicode fonts, like Mangal with font size 12 and line spacing 1.5, must be used while preparing documents in Hindi so as to have uniformity across departments.
- Draft must be saved in electronic formats. While editing drafts, the use of *track changes* option can be used in MS Word which provides the features to see the editing made electronically on the original draft.

- Separate files and folders be created, depending upon the subject matter and work relevance. All related documents be kept in the appropriate folder to ensure continuity of data storage. This is also important in event of the transfer of the incumbent employee, so that the successor can retrieve the documents from the concerned folder.
- Regular purging of redundant documents be done to avoid proliferation and efficient management of electronic files and documents.
- Regular IT trainings and capacity building of staff be carried out in MS Office, MS Excel and Desktop Publishing Tools etc.

11.4.2 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 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.

Stage of preparing /adding a draft

- (a) Wherever feasible a draft shall be sent through e-mail for correction/approval and if possible the final communication should also be despatched electronically. However, a hard copy of the final communication should be retained in the concerned file. To save time in drafting a standard template should be used;
- (b) 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 along with his note, or send via email wherever feasible, 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, or send via email wherever feasible, 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;
- (d) For sending periodical statements /information, drafts may initially be added in fair. In cases where a draft is of importance, a computer typed draft will be submitted by the dealing assistant where possible;

- (e) 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;
- (f) The draft approved by the officer is to be retained on file along with the office copy of the fair communication.

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 approve 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.

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.

11.4.3 Flagging, referencing and placement of drafts

- (a) Wherever feasible, a computer typed draft may be sent via email for approval. Otherwise, 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 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.

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 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 despatch 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 despatcher 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 cancelling 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 a 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.

11.5 Issue and Action thereafter

11.5.1 Use of IT while issuing Letters/Notifications etc.

All government offices *inter alia* must use the following IT tools while issuing letters:

- The draft document once finalized must be converted into non-editable format i.e. pdf.
- As far as possible, approved drafts be sent by email to the issuing personnel. All communications exchanged via e-mail shall be deemed as official communications. The details contained in *e-Mail Protocol* at Section 11.8 may be referred to.
- While sending emails for issue, the SMS gateway may also be used to alert the concerned personnel receiving the mail. For registering mobile numbers of employees on SMS gateway or in order to create a group SMS facility, the services of Department of IT can be sought by sending an email request to ddit-hp@nic.in.

11.5.2.1 Issue

The term “Issue” as defined in Chapter I is used to signify the different stages of action after approval of a drafts ending with despatch 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.

11.5.2.2 Marking of files for issue

- (1) After the 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 issue, the section-in-charge will see that the draft is ready for issue 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 indicate 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.

11.5.3 Submission of fair copies for signatures

- (1) The dealing hand after comparison with the approved draft 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. The personal staff of the officer can also fair and issue drafts through e-mail.

“Authorized 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. 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.

11.6 Despatch

11.6.1 Electronic Despatch

All government offices must ensure the following to promote use of IT while despatching letters/office communication in electronic mode:

- All government offices must computerize the despatch section and use electronic means of despatch, i.e., e-Despatch software, in their head offices and field offices to minimize delivery time, reduce paper work and postage cost. The Department of IT can be requested to provide access to e-Despatch software by sending an email request at ddit-hp@nic.in
- The maintenance of manual Despatch Register must be dispensed with in offices. The Despatch Registers, as prescribed in Chapter XIII, must be maintained in electronic format, preferably through e-Despatch Software. In the case of connectivity or capacity constraints where offices are not immediately able to use e-despatch software, they should still extensively use electronic modes of despatch e.g. email.

- For meeting notices or routine administrative circulars, the SMS gateway must be used.
- The despatch section must perform following activities using e-Despatch (a web based software):
 - Receive letters from branches through this software for despatch
 - Generate auto letter number to the letter before despatching
 - Assign subject to the letter for the future reference
 - Assign letters to concerned address(es)
 - Scan the physically signed letter & convert it into 'pdf' format
 - Despatches letter through Fax/ Email and store online in the e-Space portal which ensures all the letters sent by the department to a concerned field office are available online for all the time. Unless required otherwise, the documents should only be despatched by email.
 - The receiver/receiving office can either receive letter through Fax/ official Email/ download from e-Space portal
 - SMS can also be sent to the field offices to check their Email/ e-Space portal for new letter(s)
- The government offices must effectively use e-Despatch software to derive the following benefits:
 - Faster delivery and instant receipt of letters
 - Removal of reliance on the postal service
 - Reduction in Stationery and printer consumable costs
 - Reducing postage costs
 - Reducing labour cost
 - Elimination of Human Errors
 - Reduce storage costs as all letters would be available in central database i.e. in e-Space.
 - Letter sent through e-Despatch can be delivered far more quickly than their manual counterparts, thus the turnaround time from despatch to delivery can be reduced.
 - Batches of electronic letters are usually sequentially numbered; therefore missing letters can easily be identified, not causing department to wade through piles of paper
 - Easy retrievability as document stored in e-Space are available on 24x7 basis.
- A nodal officer must be designated in every government office to supervise the staff of the despatch section to ensure maximizing the use of electronic modes of despatch.
- Regular IT trainings and capacity building of staff be carried out in e-Despatch software so that the personnel in Despatch Section are proficient in electronically despatching the documents.

11.6.2 Despatch–Non-electronic mode

In case, due to connectivity constraint or due to non-availability of Information & Communication infrastructure, despatch of letters/ office communications through electronic mode is not feasible, the departments must adhere to the following the procedures:

- (1) On receipt of the fair copies for issue, the diarist will separate the communications to be despatched 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 despatcher. 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 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 "URGENCY" or "IMMEDIATE" or "OUT-TODAY" 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.

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 of dak 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 dak should be maintained in a Peon Book.

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 Chapter XVIII. For correct understanding of the term "final disposal". Chapter I 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.

Despatch by the issue Section

- (1) As far as practicable standard template should be used and communication should be transmitted electronically. When a communication is sent by email it is not to be despatched from the despatch section. Instructions at para 11.6.1 of this Chapter should be complied with, which will minimize issuance of communications by post.

- (2) Where the communications are to be sent by post these will be separated 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) ordinary covers are not to be used for inter-departmental communications unless they are to be despatched 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) the number and date of the communications are written on each cover;
 - (d) 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 Chapter XIII. Communications to be sent by post will be entered in it after giving the despatch number.
 - (b) Issue of registered and insured letters will be checked carefully by the Despatcher and receipt 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 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 the 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 despatched by post by the Despatch Section at least three times 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

Circulars/transfer orders/ letters etc should normally be sent through e-mail after converting the original into PDF format. Besides saving labour and stationery, it also ensures quick transmission of information. Circulars which the department feels should be sent in physical form should be sent through the despatch section.

(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 despatched on the day of receipt while those received after 3 P.M. must be typed and despatched before 12 noon next day. Urgent drafts must be typed and despatched by the end of next day. Ordinary drafts should be typed and despatched within 72 hours. If because of length of any particular draft or for any other reasons, it appears likely that a letter cannot be despatched 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.

Despatch Numbers

No communication should be issued /despatched 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 the left of the file number.

11.7 Types of communications

Different forms of written communication are used by a department for different modes of correspondence. E-mail must be used most extensively. However, each form has a use and in some cases, a phraseology of its own. The different forms of correspondence are as under;

- (1) E-mail
- (2) Letter
- (3) Office Memorandum
- (4) Demi-Official letter
- (5) Un-Official Memorandum/ Note
- (6) Memorandum

- (7) Office Order
- (8) Order
- (9) Notification
- (10) Resolution
- (11) Press communiqué/Note
- (12) Endorsement
- (13) Fax message
- (14) Telephonic Communications.
- (15) SMS Gateway

Specimens of some of the important types of communications are given in Annexure 13-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.

11.8 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) E-mail

E-mail is the most convenient and effective form of communication. There is an enormous scope of use of electronic exchange of communications in government offices. Use of email not only results in cost savings, less paperwork etc. but it is also instrumental in reducing transaction delays. Use of emails facilitates instantaneous exchange of information which can be harnessed to increase efficiency in official transactions.

E-mail Protocol: The following e-mail protocol must be adhered to while making official communications:

- All official communications exchanged through e-mail shall be deemed as official correspondence. All instructions conveyed, approvals sought and granted shall be valid office orders. Maximize use of emails to avoid snail mails and reduce paperwork.
- All official correspondence via e-mail must be done using the official e-mail address provided by the State IT Department or NIC. The e-mail address under domain name @hp.gov.in or @nic.in must be used. Use of private domain names e.g. gmail.com, hotmail.com, yahoo.co.in, yahoo.com etc. is prohibited for making any official communications.
- The official e-mails must be sent by using the e-mail account created by designation of the officer/employee and not via e-mail account created in the name of the officer/employee. Use of designation specific e-mail is a must to ensure continuity of the office record because designation specific e-mail can be accessed by the successor officers/employees in event of transfer or retirement of the incumbent officer/employee. For example, the Secretary(Law) must use lawsecy-hp@nic.in and Secretary (Health) must use healthsecy-hp@nic.in
- The official emails on personal email ID are prohibited. Similarly, personal emails on official emails ID are disallowed.

- It is not necessary to print all emails and its attachments. Depending upon the nature of email correspondence, only those e-mail messages and attached documents be printed which are necessary.
- Basic e-mail etiquettes for sending messages to Single/Multiple recipients:
 - To → [Recipient's e-mail Address Space] Users must fill in the valid e-mail address of the recipient.
 - Cc → [Carbon Copy] This section must be used if exact copy of the e-mail is intended to be sent to multiple recipients. For entering multiple e-mail addresses of the recipients use semi-colon (;) to separate each email address. For example, if an email is to be simultaneously sent to Secretary (PWD) and Secretary (IPH), then the Cc section must be filled as:
pwdsecy-hp@nic.in ; iphsecy-hp@nic.in
 Be careful about who you mark in the 'Cc', especially if you are sending out some sensitive information. Send a 'Cc' only to those who need it and not everyone on your mailing list.
 - Bcc → [Blind Carbon Copy] This option too is for sending e-mail to multiple recipients. Under the Bcc option, the e-mail is delivered individually to all the recipients whereas under Cc option, the email is delivered to all the recipients as a group. In other words, the recipients will get to know the email address of the other recipients of the email if Cc option is used, whereas an email sent using Bcc will deliver e-mail individually to each recipient thereby protecting the identity of other recipients of the email. Generally people expect that their email identity not to be shared without permission, in such cases use of Bcc over Cc is recommended.
 - Subject → [Title Subject of email message] Every email must contain the subject relevant to the message. Never leave the Subject field blank.
 - Message Area → [This is space meant for the actual email message] The content of the message should be crisp and to the point. Avoid terms like, 'To whomsoever it may concern', 'Kind Attention', 'Attached herewith', etc. Do not use unnecessary abbreviations in official e-mails. Avoid any symbols, images, icons, etc for official e-mails. Also avoid any fancy or animated signature. Use correct grammar, punctuations and be careful of sentence construction. The message must start and end with salutation marks as is being done in the manual system.
- Attaching a file: Use the “Attachments” tab to attach an electronic file. While attaching a document, ensure that the file is named correctly. For example, avoid attaching a file called 'Copy_ABC_[1]' in the e-mail. Ideally, assign name to the file on the basis of matter contained in the file including your branch name and date of creation. Do a virus scan of the attachment before sending. Most importantly, make sure you don't send the wrong file as an attachment.
- Only necessary attachments should be sent in the email. Draft document should be attached in editable format i.e. Ms Word, PowerPoint, Excel etc. However, the final document should be sent in a non-editable format i.e. pdf format etc.
- Forwarding an email: In case the email message is to be forwarded, use the “Forward” tab and write the email address of the recipient to whom the message is to be forwarded.
- Only official language should be used and emails should be read prior to sending for ensuring the accuracy (grammatical/ typographical / punctuation mistakes etc) of the content. Do not use the chat mode, SMS language or short forms of any kind in official emails.

- Email should be concise and precise about the messages being communicated
- The sender must mention his full name, designation, department name and contact number. Appropriate salutation should be used to address the recipient in the main message.
- Answer all questions, and pre-empt further questions and avoid using abbreviations (ASAP for as soon as possible) and emoticons (Smiley etc)
- Use proper structure & layout so that email can be readable and understood in the context it is sent. Do not send any email text in capital letters.
- While replying an email, the “Reply All” option should be used in case the reply is actually meant to be communicated to all the recipients. Otherwise, send reply only to the selected recipient(s).
- Maintain the 'thread of the conversation', that is, if someone has mailed about a specific issue, use 'Reply' tab instead of 'Compose'. This will help in maintaining the flow of conversation.
- If several questions or points are to be answered, reply by answering each question or point by mentioning the corresponding question number or point number as this would be easy for the recipient to understand the reply.
- Reply to the sender immediately after receiving an e-mail so the recipient would know that the email has been received. If email cannot be replied immediately, send an interim reply stating the time by which a detailed response would be sent.
- High priority option should be used in case of urgent matters only .
- Don't forward virus hoaxes and chain letters. Immediately delete such messages.
- Don't reply to spam. Replying to spam or by unsubscribing, you are confirming that your email address is 'live'. Confirming this will only generate even more spam. Immediately delete the email or use email software to remove spam automatically.
- The password must be regularly updated at least once in two months. Also regularly update the virus protection software on the computer.
- Do not use group emails for discussing confidential matters.
- Secret and confidential office communication must be avoided over emails unless there is surety that the recipient will handle the message herself/himself.
- Do not share the password of official email with personal or subordinate staff.
- If email is configured on outlook express always use the option of leaving a copy on the server, otherwise in case of virus attack all email messages will be corrupted and may not be retrieved.
- For any further queries please send an email to dirit-hp@nic.in

(2) 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 _____

(3) 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”.

(4) 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 an 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 latter 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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."

(10) 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.”

(11) 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.

(12) Endorsement

Uncalled for endorsement of communications are to be strictly avoided. Endorsement of a communication should only be done in case there is an actionable point for whom the endorsement is being sent.

(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.

(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 addressees who have fax facilities.

(14) Telephonic Communication

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.

11.9 Consultation with other Departments

11.9.1 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.

11.9.2 **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.

11.9.3 **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 filling 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.

11.10 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, 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.
- (f) 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 in the file.

11.11 Cabinet Memorandum

11.11.1 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.

11.11.2 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:-

- (i) 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.

11.11.3 Cabinet Memorandum 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 submitted to the Chief Minister after consideration by the Minister-in-charge, 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.

11.11.4 General Guidelines for preparation of Memorandum

The Memorandum has been typed out neatly, clearly on *white* 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;

11.11.5 Submission of Memorandum and other procedure

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 the 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 decision is circulated;
- (ii) 20 copies of the Memorandum are required to be sent to the General Administration Department (Cabinet Section);
- (iii) 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;
- (iv) 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.

11.11.6 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(CC)-I(A)-7/90-III, dated 26-7-2007* 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 photos 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/Rules 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 current year as well as for a full financial year, indicating the head of account *and* availability of funds to meet the expenditure involved in the proposal have been included in the Memorandum; 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,
- k. 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 *factual* 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 Branch/Section Officer concerned;
- 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.
- u. Memorandum has to be in Hindi language.

Format of Cabinet Memorandum

Secret

File No. _____

Memorandum for the consideration of the Council of Ministers.

Minister-in-charge _____

(Give the official designation of the Minister like I & PH Minister, Transport Minister etc., Name should not be given).

Secretary-in-charge _____

(Give the official designation of Secretary like Pr. Secretary (GAD), Name should not be Given).

Subject:- _____

(Factual position of the case)

POINTS FOR CONSIDERATION AND ORDERS

Place: Shimla.

Date:

Administrative Secretary to the
Government of Himachal Pradesh.

Certificate

(File No. _____)

Subject:- _____

It is certified that the instructions contained in General Administration Department (Confidential & Cabinet) letter No. GAD-(CC)-1(A)-7/90-III dated 26th July, 2007 have been kept in view while preparing/submitting the Cabinet Memorandum for the consideration of the Council of Ministers.

Place: Shimla

Date:

Administrative Secretary to the
Government of Himachal Pradesh.

SPECIMEN FORMS OF COMMUNICATIONS
(Referred to in para 13.8)

(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 20 .

Subject:- -----

Madam/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. decisions taken thereon are given as under:-

Points raised

1

2

Margin

Govt decisions

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 Law 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. 20000.00 (Rupees twenty thousand 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

(7) 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.-----Copy

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
Tele: No.-----Copy

(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
Tele: No.-----

---Copy

Margin

In this behalf also see the
Following earlier Notification:-

- (a) Notification No.-----Dated-----
- (b) Notification No.-----Dated-----

To

The Controller Printing & Stationery
Government of Himachal Pradesh Shimla-5.

(8) 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)
- (c)

4. The Commission will submit its report to the Government by.....

Department of.....
Shimla-2, the 20 .

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.....

(9) Endorsement

No.....
Government of Himachal Pradesh
Department of

Shimla-2, the 20.....

A copy each of the under mentioned papers is forwarded toinformation and necessary action.

(ABC)
Under Secretary to the
Govt. of Himachal Pradesh
Tele: No.....

List of papers forwarded

- (1)
- (2)
- (3)

CHAPTER XII

TREATMENT OF SECRET AND CONFIDENTIAL DOCUMENTS

12.1 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.

12.1.1 However, after Right to Information Act has come into operation, Rule 11 of Conduct Rules has been substituted as under:-

“Rule 11- Communication of official information. Every Government servant shall, in performance of his duties in good faith, communicate information to a person in accordance with the Right to Information Act, 2005 (22 of 2005) and the rules made thereunder:

Provided that no Government servant shall, except in accordance with any general or special order of the Government or in performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or classified information to any Government servant or any other person to whom he is not authorized to communicate such document or classified information”.

12.2 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. The Secretary/Branch Officer and Section Officer should review the procedures for ensuring confidentiality of such documents and their handling.
- (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 XII-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) 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) Despatching 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”.
- (vii) 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.
- (viii) 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 using paper shredders in the presence of the officer responsible for dealing with them.
- (ix) 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 cases for three years. Confidential cases of older date will be handed over to the General Records to be kept confidentially with the same precautions.
- (x) Removal of files from the Office-Secret papers must not, in any circumstances, be removed by any official.
- (xi) 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.
- (xii) 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.
- (xiii) 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.
- (xiv) Where confidential papers have to be sent to officers at their residences, they should invariably be sent in a sealed cover. The peon taking the cover to the officer’s residence should be instructed to obtain the signature of the officer to whom the papers are addressed.
- (xv) 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.

12.3 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 upto 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.

12.4 Security Do's and Don'ts

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

Annexure XII-A

(Referred to the para 12.2(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 XII-B

(Referred to the para 12.4)

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 shredded.
5. Don't type or cyclostyle or Photostat more than the minimum number of copies actually 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 XIII

REGISTERS, REPORTS AND RETURNS

13.1 Registers

In the previous chapters reference has been made to the procedures to be adopted for dealing with receipts. 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 these are given in the earlier edition of the Office Manual are not reproduced in this edition. This chapter captures and focuses on the formats available under the REFNIC/PMIS application and the reports that can be generated in the following electronic formats requiring no extra effort on the part of the official generating them. As all offices are progressively adopting these applications, sample reports/registers are illustrated.

13.1.1 Diary register

REFNIC provides for diary register to be printed through the software. The format of the register is as shown below:

Central Diary Register
Dated: <DD/MM/YYYY>

Sr.	Comp. No.	Letter No/Date/Subject	Sender	Address to	Entered in Section

Note:— The above diary register may be taken daily. However there is option to take this diary register between date range (from and to) also.

Similarly, if a Section wants to print its own Diary Register, same is also readily available with the following format:

Section Diary Register
Dated: <DD/MM/YYYY>Section : <Section Name>

Sr.	Comp. No.	Section Diary date	Letter/ File	Letter No. / Date	Sender	Subject	File No. (On Dealt)	Dealing Assistant	Disposal Date

13.1.2 Diary Register for receipt of important and time bound communications and D.O. letters

REFNIC software can automatically generate format for these categories of letters in the following format:

Print Date: <DD/MM/YYYY> Category: <Category Name> Section: <Section Name>

Sr.	Comp. No.	Section Diary date	Letter/ File date	Subject	File No (On Dealt)	Dealing Asstt.	Pending since Date
1.							
2.							

13.1.3 Assistant's diary register

REFNIC can print the Assistant Diary in the following format:

Assistant Diary Register
Dated: <DD/MM/YYYY>

Dealing Hand: <Dealing Hand Name>

Section: <Section Name>

Sr.	Comp. No.	Received in section	Subject	File No (On Dealt)	Recv. Date By Asstt.	Date of Submission	Disposal Date

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 Heads and Sub-Heads for opening files are given in Chapter X.

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 in the register is recorded 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 2011 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) -5/11	Creation of posts of Asstt. Directors.	5-1-2011	A.N.Verma	

Here EDN word stands 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.

13.1.5 File Movement Register

REFNIC can generate the File Movement Register in the following format:

File Movement Register
Dated: <DD/MM/YYYY>

Name & Designation: <Name & Designation of Dealing Official> Section: <Name Section>

Sr.	File No.	Comp. No.	Subject	Received/ Sent date	From Whom Received / Sent to whom.
Incoming Files / Letters (Received)					
1.					
2.					
Out Going Files / Letters (Sent)					
1.					
2.					

The above reports shows the files sent by an official to others i.e. outgoing as well as files received by the official from other officials i.e. incoming.

13.1.6 Register of Assembly Questions, Short Notice Questions and other matters

In REFNIC while entering the Assembly Question, if category 'Vidhan Sabha Question' is selected, report in the following format is generated:

Print Date: <DD/MM/YYYY> Category: <Category Name> Section: <Section Name>

Sr.	Comp. No.	Section Diary date	Letter/ File date	Subject	File No (On Dealt)	Dealing Asstt.	Pending since Date
1.							
2.							

Note-1: While entering the Assembly Question/Assurance related details, the question number and Name of MLA may be entered in the subject field besides categorising it as Vidhan Sabha Question.

Note-2: Similarly there are many other categories available in REFNIC which may be used for proper identification and tracking of such category letters/files. Few of the categories made available in the REFNIC are as follows:

Cabinet Decision	Court Case	Compliant
Development Schemes Related	Enquiry Report	General
Transfer Related VIP Reference	GOI	Grievance Related
Immediate Reply	Meeting	Reminder
Service Matter	Source Report from CID	Vidhan Sabha Question
Vigilance Enquiry	VIP-MP	VIP-MLA
General VIP Reference		

However, it may be noted that the above list is not exhaustive and any important category which is not shown above, can also be created. While entering the details related to any Category, it may be ensured that some relevant details may also be entered in the subject field.

13.1.7 Human Resources Management.

Personnel MIS (PMIS) is a generic web-based and work flow system for management of Human Resources. Using the system, electronic service books of employees are created. Online transactions can be performed for making entries in the e-Service Books and facilitates employee to view online his service book. There is also a provision for issuing transfer/promotion orders which updates the database automatically. The system also provides for advance planning of Human Resources by capturing retirement details of future. The Personnel MIS can generate several reports and a few are listed below:

Register of Establishment	E-Service Book (earlier known as index card)
Employee Identity Cards	Employee Posting Detail
Department wise retirement detail in advance	Category wise Annual Return
APAR Submission Report	Generation of Transfer orders
Generation of Promotion orders	Vacancy Position
Employee Leave Statement	Register of Disciplinary Cases

13.1.8 E-Service Book

Personnel Management Information System (PMIS) enables effective monitoring of employees service book with complete details. Using PMIS Departments can easily retrieve all desired information for their decision making. Sample formats of routine queries are given below:

Employee Personal Information

Employee PMIS Code and Name: <Employee PMIS code - Employee Name>

Sr	Father/Mother/Husband Name	LTC Home Town	Home State	Personal Identification Mark	Height (in cm)	Marital Status	Blood Group	Religion	Category	Caste	Gender
1											
2											
3											

Employee Family Detail

Employee PMIS Code and Name: <Employee PMIS code - Employee Name>

Sr.	Member Name	Member Relation
1		
2		
3		

Employee Nominee Detail

Employee PMIS Code and Name: <Employee PMIS code - Employee Name>

Sr.	Member Name	Member Relation	Share Type	% age	Address
1					
2					
3					

Employee Education Detail

Employee PMIS Code and Name: <Employee PMIS code - Employee Name>

Sr.	Education Qualification	Institution	Year	Marks (%age)
1				
2				
3				

Employee Training Detail

Employee PMIS Code and Name: <Employee PMIS code - Employee Name>

Sr.	Training Type	Topic	Institute	Sponsored by	From Date	To Date
1						
2						
3						

13.1.9 Employee Identity Card

Identity Cards are required to be issued to the employees and PMIS provides for generation of such Identity cards with complete details of an employee.

13.1.10 Employee Posting Detail

Department : <Department Name>

Office : <Office Name>

Sr.	PMIS Code & Name	Designation	Posting Office	From Date	To Date	Total Period in months	Area type
1							
2							

13.1.11 Department wise retirement detail in advance

The system provides for advance planning of human resource by capturing retirement details. PMIS can generate several reports some of these are listed below:

Designation wise Monthly Retirement Statement

Sr.	Designation	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
		←-----Number of Employees-----→												
1	Clerk	1	0	0	0	4	0	0	0	0	2	0	0	7
2														

Designation wise 5-Year Retirement Statement

Sr.	Designation	2011	2012	2013	2014	2015	Total
		←-----Number of Employees-----→					
1	Clerk	1	0	0	0	4	5
2							

13.1.12 Annual Return

Employee Category wise Appointment Detail
During particular period
Period From Dated: <DD/MM/YYYY> To Dated: <DD/MM/YYYY>

Sr	Designation	Adhoc	Contract	Daily	Part time	Regular	Permanent	Temporary	Whole Time	Tenure	Total
		←-----Number of Employees-----→									
1	Clerk	1	0	0	0	4	0	0	0	0	7
2											

Category wise Annual Return

Establishment Office :<Office Name>

Sr.	Designation	General	SC	ST	OBC	Ex-Service	Freedom Fighter	Handicap	Total
		←-----Number of Employees-----→							
1	Clerk	1	1	2	0	4	0	0	8
2									

13.1.13 APAR Submission Report

Annual Performance Appraisal Report is critical for timely promotion and important for employee. The position of these reports can be generated using PMIS.

Establishment Office :<Office Name>

Sr.	PMIS Code	Designation	Present Posting	APAR of Last 5 Years				
				2010	2009	2008	2007	2006
1								
2								

13.1.14 Generation of Promotion Orders

Promotion orders can be generated through PMIS.

Department :<Department Name>

Establishment Office :<Office Name>

Sr.	PMIS Code & Name	From Office	To Office	Promoted From Post	Promoted To Post	Seniority No. of previous post	Seniority No. of New Post	Remarks
1								
2								

13.1.15 Generation of Transfer Orders

PMIS provides for generation of transfer orders.

Department :<Department Name>

Establishment Office :<Office Name>

Sr.	PMIS Code & Name	From Office	To Office	From Designation	To Designation	With/Without TTA	With/Without Joining Time	Remarks
1								
2								

13.1.16 Vacancy Position Details

Office :<Office Name>

Sr.	Designation	Available Strength	Sanctioned Strength	Number of Vacant Post
1				
2				

13.1.17 Employee Leave Statement

Office :<Office Name>

Sr	PMIS Code	Period From	Period To	Leave Type	Number of Days	Credit/Debit
1						
2						

13.1.18 Register of Disciplinary Cases/Vigilance Cases

A separate data entry form is available in the PMIS Software to capture details of the departmental proceedings/vigilance cases against employees and report can be generated department wise.

13.1.19 Peon or Messenger Book

REFNIC can generate the Peon/Messenger Book which can be printed in the following format:

Peon Book

Dated: <DD/MM/YYYY>

Addressed to: <Name of Official>

Sr.	Comp. No.	Letter No./ Date /Subject	Sender	Marked Section	Signature
1					
2					

Note: The Peon Book can be had between a date range as well as it will be sorted by Section to which marked so that Peon/Messenger is able to deliver the Dak to official concerned in one instance.

13.1.20 Despatch Register

The Despatch Register in the following format is available in e-Despatch software:

Despatch Register

Dated: <DD/MM/YYYY>

Despatch Number	Date	Sender, File Number, Subject	Status(Despatched / Pending)	Despatched By	Despatched To
1					
2					

13.1.21 Register of Court Cases

All Department/Section dealing with Court 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	Case No.	Parties	Brief contents of the case	Date of institution 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 implementation 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

The Departments must automate the Court Case monitoring system and use **Litigation Monitoring System (LMS)** software, as mentioned in CHAPTER XX, to keep track of all the ongoing court cases at departmental level. The above mentioned register can be generated automatically using this software.

13.1.22 Register of files sent to Record Room

All files/register 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 Chapter-XIX.

All files/register 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/register 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	3	4	5	6	7

This calendar to be perused at regular intervals and material for submission of 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

REFNIC can generate the Arrear Report Section wise in the following format:

Weekly Arrear Report
Arrear of Un-disposed Cases
Week <DD-MM-YYYY> to <DD-MM-YYYY>

Section: <Name Section>

Section	At Start of Week	During Week		Pending at the end of week			
		Received	Disposed	I Week	7-15 days	15-30 days	>30 days
Dealing Assistant	Pendency						
Section (Total)							
Name Dealing Assistant 1							
Name Dealing Assistant 2 and so on							

All dealing Assistant in the Section/Branch will be shown along with the details of pendency with him/her.

Weekly Arrear Report
Arrear of Dealt but Not Disposed Cases
Week <DD-MM-YYYY> to <DD-MM-YYYY>

Another variant of the report showing Dealing Hand Wise ‘Dealt but not disposed of’ cases’ is also available in the following format:

Section: <Name Section>

Section	At Start of Week	During Week		Pending at the end of week			
		Recv.	Dispose	I Week	7-15 days	15-30 days	>30 days
Dealing Assistant	Pendency						
Section (Total)							
Name Dealing Assistant 1							
Name Dealing Assistant 2 and so on							

Weekly Arrear Reports branch wise is sent through email automatically twice a week in two variants to the e-mail Id of all the Principal Secretaries/Secretaries as per the details below:

1.	Delayed References- Not Dealt	Saturday	Diarized in Central Diary but no action has been done by the branch / officer concerned.
2.	Delayed References - Not Disposed	Tuesday	Dealt in the section but no disposal has taken place.

Concerned officers should review the status report on Monday for all not dealt references and on Wednesday they may review the status report for Not Disposed references for the Branches/Sections under them and take corrective measures to do away the pendency.

In order to view the details of other important REFNIC reports please visit <http://himachal.nic.in> under heading e-Services and the reports can be viewed online by entering login/password.

13.2.3 Statements of pending receipts

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 for over 3 months should record the reasons for pendencies 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. This is statement can be generated through REFNIC.

Important References Delay in dealing over 30/90 days

Section: Horticulture

Diary No & date	Letter No /date	Subject	Remarks	DA	Reason for Delay

Reasons of the Delay will have to be mentioned by the Dealing Assistant. This report will then be given to DA who will have to mention the Reasons of the Delay.

13.2.4 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 can be generated in REFNIC

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.

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 are Under Secretaries, Deputy Secretaries, Joint Secretaries, Additional Secretaries and Sepecial Secretaries 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, Addl. 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 Collrectorate 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. In view of their critical role it is essential that a link officer for each Supervisory Officer should be designated. The link officer will perform all the functions and duties of the Supervisory Officers during his absence. 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 effective 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;
- (x) To act as an quasi-judicial authority.

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 XI.
- (v) To devise from time to 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 uptodate.
- (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 present 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 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 through REFNIC or otherwise 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 registers and 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 comply 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 ensure 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 the 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 para 10.4 of the Hand book for Assistants and 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 Chapter XI, 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 10.5; and the other relevant files, if any, have been linked in the manner as per Chapter X;
- (iii) All data/information required for proper submission of the case has been collected as per Chapter XI;
- (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 Chapter XI;
- (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 Chapter X 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 Chapter XI; 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 Chapter XI 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 Chapter XI.
- (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 Chapter XI;

(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 hand 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 down in Chapter X 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 Chapter X 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 his 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

As far as practicable the drafts should be put up to higher authorities for approval through e-mail. The drafts so put up should also be corrected/approved and sent back through e-mail. And if possible the final communication should also go through e-mail. However, a hard copy of the final communication should be retained in the relevant file.

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 Chapter XI 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 is 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 not 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 if 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 Officers and Middle level Officers

- (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 officer 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-authorized 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 branches 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 quite 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.
- (l) Initiative on e-Governance

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 sections under their charge are submitted and finally disposed off efficiently and within the maximum time limits indicated in 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 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 ad 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 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;

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 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 as 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 diaries 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.

(f) 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 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 to 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 objective of calling for the report/return still exit and if so the data received through 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 at (a) and (b) above, then the question of discontinuing such returns/reports should be seriously considered and 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 for 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 undated and no matter is unnecessarily delayed or wrongly decided because of non-updating of these Acts/Rules/Manuals et. 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:-

- (i) 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 mentioned in detail only in the Annexure.
- (ii) 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 Reporter 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.

- (a) 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.
- (b) The Report is expected to reflect the programmes of the Department as a whole. Accordingly while the fact 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.
- (c) 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.

- (d) 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 his other 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 two 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 office 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”, “Junior Assistants”, “Clerks” or any other “official” 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 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:-

- (a) Receipts, diary-Despatch typing, record maintenance;
- (b) Various duties in reception and varied assignments in offices of Ministers and senior officers;
- (c) 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;
- (d) Acquisition, maintenance and up-keep of stores, stocks, stationery articles, accounts and registers;
- (e) 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.;
- (f) 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.;
- (g) 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. ;
- (h) Assisting in planning and monitoring of developmental, social and welfare schemes;
- (i) 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 X. They are required to deal receipts, prepare drafts and despatch communications in the manner prescribed in Chapter XI.

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 custody.

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 copies will be handed over to though Section Officer/Superintendent Grade I /Superintendent Grade II or Senior Assistant supervising the work;
- (iii) 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;
- (iv) 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) and 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 I 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 Principal Private Secretary, Senior Special Private Secretaries. Special Private Secretaries, Senior Private Secretaries, Private Secretaries, Personal Assistants and 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 has 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 dairise the entire dak using REFNIC software and assign diary number automatically generated by REFNIC software. Also generate various reports through this software like diary register;
- (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.

(2) 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 concerned quarters. The whole activity should be done using desktop publishing tools, like Microsoft Office, Lotus etc in the Computers;

(3) Dictation/Type work

- (i) to take dictation in both English and Hindi stenography, to transcribe the same on English/Hindi using typewriters/Computers 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.
- (iv) To make use of Computers, e-Mails for editing/ approving the draft documents. As mentioned in Point 11.8 of CHAPTER XI, all official communications exchanged through e-mail shall be deemed as official correspondence. All instructions conveyed, approvals sought and granted shall be valid office orders. The final outcome of the matter, sent via e-Mail, may be printed and kept on record for all purposes. The hard copy must be taken in duplex mode to reduce paper usage as well as cost as detailed in CHAPTER XX.

(4) Attendance of telephones

- (i) 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;
- (ii) to attend to the residential telephone of the Minister in the same way as per official telephone as and when desired by the Minister;
- (iii) to arrange telephonic talk of the Minister/Officer with other authorities as per directions of the Minister/Officer; and
- (iv) 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) use of Computers and Calendar application (like calendar option in Microsoft Outlook) must be used for better management

(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) 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;

(8) 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 prepare tour diary /travelling allowance bill after the completion to the journey and to see that the pay and other bills are timely prepared;
- (vi) 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.

(9) Maintenance of 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.

- (iv) use of computer will help in managing data efficiently and monitoring will become easy and for this purpose standard software applications or desktop publishing tools must be used. The details of the same are given in CHAPTER XX.

(10) 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.

(11) Leave/Transfer

- (i) The Private Secretaries and above to sanction casual leave to the staff.
- (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 .

(12) Maintenance of record

- (i) to keep up to-date reference books such as administrative directories, Acts, Rules, Statutes, Manuals Regulations, Instructions etc.
- (ii) to maintain records of orders passed by the Ministers/Officers in the relevant files; and
- (iii) 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/Unit

- (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 Chapter IX). Separate rubber stamp is to be used for the communications received directly in the departments/sections. Communication of the type/categories as mentioned in Chapter IX are not to be diarised;
- (iii) 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;
- (iv) to maintain attendance register;
- (v) to procure stationery articles for the Section and to distribute the same;
- (vi) 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;
- (vii) Comparison of letters and other communications typed in the Section;
- (viii) To maintain casual leave account of the entire staff posted in the section in the form given in Chapter XIII and to forward applications for other type of leave to the administrative section of the Department/Directorate /Collectorates/Office;
- (ix) To open file in the manner stated in Chapter-X 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;
- (x) 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 X;
- (xi) Maintain reminder register and to put up reminders on due dates; and

- (xii) 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) 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.

(3) 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.

(4) 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 envelope to economise 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.
- (ix) all the departments must computerise the despatch section and shall endeavour to use electronic means of despatch, i.e., e-Despatch software as mentioned in CHAPTER XI, in their head offices and field offices to minimise delivery time, reduce paper work and postage cost.

(5) 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 as 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.

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 as discussed in para 15.2.4 applies to Clerks as well.

15.5 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, fixtures and equipments.

(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.

Department should consider outsourcing functions like watch and ward, cleanliness to name a few for meeting their requirements.

CHAPTER XVI

COURT CASES- INSTITUTION AND DEFENCE

16.1 HP STATE LITIGATION POLICY [www.himachal.gov.in/home]

16.1.1 Introduction

Litigation is generally believed to be an unproductive investment both in time and money. Government has to conserve the resources, determine priorities of expenditure by a judicious approach so that unproductive litigation does not eat away a large chunk of the scarce resources. In the absence of any effective grievance-resolution mechanism, the employees of the Government and its instrumentalities freely resort to litigation. The officer who initiates litigation is so much involved into it that his work as an employee suffers. A lack of credibility about the actions taken by the Government and its instrumentalities also contributes to the litigation explosion. Existence of wide discretionary power opens up a potential area either of its likely abuse or misuse. The only limitation is that its exercise be controlled by effective regulatory and control machinery. Till today, no concerted effort has been made to devise and lay down a litigation policy. The dictum should be “don’t litigate, if necessary, arbitrate.” An attempt needs to be made to find any alternative method for resolution of disputes involving Government and its agencies. Choosing this very sentiment, State Litigation Policy pointed out that the State is no ordinary party for the States interest is to meet honest claims, vindicate a substantial defence and not to score a technical victory, to avoid just liability or take an unfair advantage. Avoidable litigation pursued relentlessly, discloses managerial failure. A litigation policy for the State should aim at settlement of governmental disputes with parties/citizens in a sense of conciliation rather than in a conflict mode.

16.1.2 Objective

The Policy outlines the broad guidelines on litigation strategies to be followed by the State Government or its agencies with a view to reduce litigation, saving avoidable costs on unproductive litigation, reducing avoidable load on judiciary with respect to government induced litigation and thus realising the promise of Article 39A of the Constitution, which obligates the State to promote equal justice and provide free legal aid.

16.1.3 Applicability

This Policy shall apply to any claim and litigation involving the State or its agencies including litigation before courts, tribunals, inquiries and in arbitration and other alternative dispute resolution processes.

16.1.4 Obligation under the Policy

The obligation shall require the State and its agencies, to act honestly and fairly in handling claims and litigation by:-

- a) dealing with claims promptly and not causing unnecessary delay in the handling of claims;
- b) paying legitimate claims without litigation, including making partial settlements of claims or interim payments, where it is clearly established that at least part of the claim is payable;
- c) acting consistently in the handling of claims and litigation;

- d) endeavouring to avoid litigation, wherever possible;
- e) where it is not possible to avoid litigation, keeping the costs of litigation to minimum, including by:
 - (i) not requiring the other party to prove a matter which the State or an agency knows to be true; and
 - (ii) not contesting clearly established liability if the State or an agency knows that the dispute is really about quantum;
- f) not taking advantage of a claimant who lacks the resources to agitate a legitimate claim before any competent Court;
- g) not relying on technical defences unless the interests of the State or a State agency would be prejudiced adversely;
- h) not to file/ continue appeals /revisions etc unless the State or an agency believes that it has reasonable prospects for success or the appeal is otherwise justified in the public interest, provided that a decision to file/continue the appeal is made as soon as practicable and to file second appeals only on substantial questions of law. In particular, the obligation shall not prevent the State or an agency from:-
 - a) enforcing costs orders or seeking to recover costs
 - b) relying on claims of legal professional privilege or other forms of privilege and claims for public interest immunity
 - c) pleading limitation periods
 - d) seeking security for costs
 - e) opposing unreasonable or oppressive claims
 - f) requiring opposing litigants to comply with procedural obligations

16.1.5 The Stakeholders

Departmental Litigation Monitoring Committee

- Departmental Litigation Monitoring Committee shall be headed by Secretary and shall include such members as may be decided by the Chairperson provided the Head of Department shall always be a member of this Committee. Each Department shall also nominate one officer not below the rank of Dy. Director to be the Nodal Officer and this nodal officer shall also be the Member Secretary of the Departmental Litigation Monitoring Committee.
- Said officers shall have a crucial and important role to play in the overall and specific implementation in consultation with the Head of the Department, of this Policy including but not limited to the references made hereinafter. They must be in a position to pro-actively manage litigation. While making such appointments, care must be taken to see that there is continuity in the incumbents holding office. Frequent changes in persons holding the position must be avoided. Issues relating to compliance or non-compliance with this Policy are to be referred to the Nodal Officer of the Department concerned. The Nodal Officer of Department may issue guidelines relating to the interpretation and implementation of this Policy.
- There shall be a State Empowered Committee at the State level to monitor the implementation of this Policy and accountability. The Nodal Officers and the Heads of Department will ensure that all relevant data is sent to the Empowered Committee. Said Committee shall be chaired by the Chief Secretary of the State and such other members not exceeding six in number, as may be nominated by the Chief Secretary in consultation with Home Department with one of them to function as the Member

Secretary. It shall be the responsibility of the Empowered Committee to receive and deal with suggestions from Government Departments and Departmental Litigation Monitoring Committee's and take appropriate measures in connection therewith.

- Advocate General HP shall be a special invitee to all meetings of the Committee.
- Lack of accountability in the officer in whom the power vests to determine whether to initiate litigation or perpetuate the same by preferring appeals, is largely responsible for mounting litigation. Accountability shall be at various levels; at the level of officers in charge of litigation, those responsible for defending cases, all the lawyers concerned and Nodal Officers. As part of accountability, there must be critical appreciation on the conduct of case and any officer sanctioning or initiating litigation contrary to the State Litigation Policy shall be accountable for the pending litigation.
- Policy of selecting law officers needs to be streamlined. In addition to be initial induction of regular Law Officers/Public Prosecutors, regular in service training and periodic monitoring of the performance of the PP's shall be ensured by the Director, Prosecution / District Magistrates/ Departmental Heads. In the matter of selection of lawyers for appearing on behalf of the Boards, Corporations' etc. panel should be drawn up with fixed fees, case wise and only those should be empanelled who are prepared to accept it on the prescribed terms.
- In addition, all Government lawyers, whether in-house or private, are to be made aware of this Policy and its obligations.

16.1.6 Litigation strategies

Undernoted strategies also need to be put in practice to achieve the objective of the Policy:-.

- (i) Intention behind service of notice contemplated by section 80 CPC should be realised consciously, which gives to the concerned Government and public officers an opportunity to reconsider the legal position and to make amends or settle the claim, if so advised, without litigation, thus preventing public money and time from being wasted on unnecessary and avoidable litigation .
- (ii) A mediator, by whatever name called, can be appointed/ nominated by the government departments having large amount of litigation, to whom such disputes can be referred for amicable settlement, if possible. It is expected of all the departments, whenever such mediator is nominated to give due weightage to the recommendations / suggestions of the mediator.
- (iii) Litigation between government departments/agencies is to be avoided at all costs. For amicable settlement of disputes between departments, a suitable mechanism for resolution will be established under the Chairpersonship of the Chief Secretary who will settle these inter departmental issues/ disputes after hearing the concerned departments/agencies.
- (iv) Employees Grievance Redressal Mechanism with respect to grievances of the employees will be set up in every department which ensures that employees do not have to resort to litigation, as far as possible.
The decisions of this mechanism shall be binding upon the government in so far as individual grievances, not having a larger implication for other employees of the department / other departments, are concerned.
- (v) To vigorously promote the use of alternative dispute resolution (ADR) methods under section 89 of the CPC wherein judge can direct parties in civil proceedings to resort to methods such as arbitration, conciliation, mediation and negotiation under

circumstances where it is perceived that the dispute can be resolved in a cooperative and non-adversarial manner.

- (vi) To determine if there is a possibility of arriving at a settlement/compromise in a pending civil case by resorting to the provisions of Order 23 CPC.
- (vii) Provision of 'plea-bargaining' under Cr.P.C should be put to optimum use and wide publicity of this provision shall be made, which allows persons accused of certain offences to avoid the ordeal associated with lengthy criminal trial proceedings. In respect of minor offences, it gives the parties a chance to avoid adversarial litigation altogether. All accused in criminal cases will be informed of this provision of law and the public prosecutor will be under an obligation to appraise every person accused of such offences. Similarly, withdrawal from prosecution in the administration of justice shall also help in reducing pendency of criminal litigation.
- (viii) A speedy trial is an integral part of the fundamental right of life, personal liberty, as envisaged in Article 21 of the Constitution. Therefore, government and all its agencies/ agents will ensure that the litigation process is not delayed by way of seeking adjournments or not producing evidence/ witnesses in time at first available opportunity. Frequent adjournments at the request of opposite party should also be discouraged/ opposed by government lawyers in order to expedite trial/ disposal of cases.
- (ix) E-filing and video-conferencing by dispensing with physical appearance to save precious time and resources, making justice more easily accessible and less expensive option shall be promoted in consultation with the Hon'ble High Court.
- (x) Ensuring effective functioning of Legal Aid Clinics to provide counseling and guidance to people living in rural areas especially as rural litigation forms a major part of instituted court cases.
- (xi) State shall actually promote and support holding of Lok Adalats and for this purpose shall strive to engage Civil Society Organisations/ Associations of Lawyers/ Bar etc. in this cause.
- (xii) Steps will be initiated for promotion of legal literacy, especially among the School/College children. Towards this end introduction of suitable content in curriculum shall be considered by the concerned agencies/ departments.
- (xiii) State shall strive to promote penetration of Information Technology in the Justice Administration System and shall provide suitable funding for this purpose to all departments and also the Judiciary.
- (xiv) The State Government shall ensure that whenever any proposed legislation or amendment of any existing law is proposed, its likely impart extra burden upon the Courts arising out of provisions of such laws shall be assessed and taken into consideration before the proposal for such legislation is taken forward.

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, with list 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 can 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.

The Hon’ble Supreme Court Salem Advocate Bar Association Vs. Union of India decided by the Hon’ble Supreme Court on 2-8-2005 has given certain directions to the State Governments in paras 40, 41 and 75 of the judgment referred above and asked for a report to the Court within four months. Paragraphs 40, 41 and 75 of the judgment are reproduced as under:—

Section 80(1) of the Code requires prior notice of two months to be served on the Government as a condition for filing a suit except when there is urgency for interim order in which case the Court may not insist on the rigid rule of prior notice. The two months period has been provided for so that the Government shall examine the claim put up in the notice and has sufficient time to send a suitable reply. The underlying object is to curtail the area of dispute and controversy. Similar provisions also exist in various other legislations as well. Wherever the statutory provision requires service of notice as a condition precedent for filing of suit and prescribed period therefore, it is not only necessary for the Governments or departments or other statutory bodies to send a reply to such a notice but it is further necessary to properly deal with all material points and issues raised in the notice. The Governments, Government departments or statutory authorities are defendants in large number of suits pending in various Courts in the country. Judicial notice can be taken of the fact that in large number of cases either the notice is not replied or in few cases where reply is sent, it is generally vague and evasive. The result is that the object underline section 80 of the Code and similar provisions gets defeated. It not only gives rise to avoidable litigation but also results in heavy expense and cost to the ex-chequer as well. Proper reply can result in reduction in litigation between State and citizen. In case proper reply is sent either the claim in the notice may be admitted on area of controversy curtailed or the citizen may be satisfied on knowing stand of the State. There is no accountability in the Government, Central or State or the statutory authorities in violating the spirit and object of section 80.

These provisions cast an implied duty on all concerned Governments and States and statutory authorities to send appropriate reply to such notices. Having regard to the existing state of affairs, we direct all concerned Governments, Central or State or other authorities, whenever any statute requires service of notice as a condition precedent for filing of suit or other proceeding against it, to nominate, within a period of three months, an officer who shall be made responsible to ensure that replies to notice under section 80 or similar provisions are sent within the period stipulated in a particular legislation. The replies shall be sent after due application of mind, the Court shall ordinarily award heavy cost against the Government and direct it to take appropriate action against the Government and direct it to take appropriate action against the concerned Officer including recovery of cost from him.

In view of the above directions of the Hon'ble Apex Court a nodal officer may be nominated for department who shall be made responsible to ensure that replies to notices under section 80 of the Code of Civil Procedure or similar provisions are sent within the period stipulated in a particular legislation including all other important notices issued by the various courts in the States. It is further clarified that the replies of all other important notices issued by the various Courts be also similarly dealt with on priority to avoid any embarrassment to the Government failing which the defaulting Officer/ Official shall also be amenable to the disciplinary action in addition to the recovery of cost awarded by the Courts. The replies shall be sent after due application of mind. If the Court finds that either the notice has not been replied or reply is evasive and vague and has been sent without proper application of mind the Court may award heavy cost against the Government and direct it to take appropriate action against the concerned officer including recovery of cost from him. The directions given by the Hon'ble Apex Court in paragraphs referred to above, be followed strictly and any violation thereof shall be viewed seriously.

16.3.2 Procedure on Receipt of Notice

- (i) 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 office 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 wit 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, same 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 to 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 endeavor 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 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 summon 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 or 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).

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 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;

- (ii) It should be checked that legible copies of the suit /plaint /application along with all enclosures compete 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 a 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 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 the 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 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 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 proceedings

Every office is required to maintain a register of court cases in the form as given in 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 may invite proceedings for Contempt of Court (Annexure XVI-C).

The Departments must automate the Court Case monitoring system and use **Litigation Monitoring System (LMS)** software, as mentioned in CHAPTER XX (Point 20.6), to keep track of all the ongoing court cases at departmental level. The above mentioned register can be generated automatically using this software

16.4.5 Filing of Affidavits

All complaints, suits, applications or rejoinders or miscellaneous applications etc. to be filed in the Courts 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-incharge 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 complaint, 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 complaint, 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 complaint, 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 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 cases, the Departments are required to follow the following procedure for consultation with the Advocate General:-

- (i) The complaint /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 complaints/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/complaint 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 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 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.

16.4.7 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 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;

16.4.8 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. 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 request is made and accepted by the Court the Department is required to file written arguments in consultation with the advocate General within the time limit allowed by the Court.

16.4.9 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.

Keeping in view the new legislative policy to minimise the cases in the Courts and ensuring that the litigation comes to an end by way of an amicable settlement of the dispute, the government has decided to constitute District and State Level Committees with powers to settle the dispute amicably on behalf of the State in the Conciliation Courts and in the Lok Adalats. The constitution and function of such committees shall be as under:—

The District level committee shall consist of the following members:—

- | | |
|--------------------------------------------------------|-------------------|
| 1. Deputy Commissioner | Chairman |
| 2. District Attorney/Assistant District Attorney. | Member |
| 3. District level Officer of the concerned department. | Member |
| 4. Assistant Commissioner to Deputy Commissioner. | Member Secretary. |

FUNCTION AND POWERS OF THE DISTRICT LEVEL COMMITTEE:

This Committee will identify the cases pending in any court in the District in which the State of Himachal Pradesh or any department of the State or any Public Officer of the State in his official capacity is a party to the proceedings. It will assess the feasibility of the cases or

proceedings or matter for the purpose of conciliation. It shall be the duty of the District Level Officer of the concerned department involved in such litigation to bring such matter to the notice of the Member Secretary who shall as soon as possible place the matter for consideration of the District Level Committee. The District Level Committee shall also consult the opposite party to ascertain his terms of settlement and if both the parties agree on a certain proposal then the same will be referred to the State Level Committee. In case the opposite party does not participate despite of notice District Committee will consider all aspects keeping in view the merit of the case and will consider the proposal made either by the opposite party to the suit or proceeding or by the court where such suit or proceedings is pending and then shall frame its opinion on the proposal. It shall also keep in mind the law, equity and merits of the case or proceedings and submits recommendations to the State Level Committee along with the relevant record for the decision of the case by way of conciliation or natural settlement through its Member Secretary.

The State Level Committee will consist of the following members:—

- | | |
|--------------------------------------|-------------------|
| 1. Chief Secretary | Chairman |
| 2. Secretary (Finance) | Member |
| 3. Secretary of the concerned Deptt. | Member |
| 4. Secretary (Law) | Member Secretary. |

FUNCTION AND POWERS OF THE STATE LEVEL COMMITTEE:

- (i) The State Level Committee shall consider the proposal for settlement as recommended by the District Level Committee. Secretary of this Committee shall convene a meeting of the State Level Committee in consultation with the Chairman as soon as possible on receipt of the recommendations and record from the District Level Committee. Thereafter the Committee will take decision on such recommendation and submit a clear cut recommendation for the final approval of the Minister concerned. The decision so approved by the Minister concerned shall be communicated to the District Level Committee through its Member Secretary with a copy to the District Level Officer of the concerned department, who shall then communicates the decision of the State Level Committee to the Court concerned, either personally or through Advocate engaged by the State to defend its interest or through any other Law Officer representing the State.
- (ii) The State Level Committee shall also look into the proposal either from the party or the Court concerned for conciliation or settlement by mutual consent of the case or proceeding pending in the State High Court or F.C. (Appeals) or any State Forum or Body. The highest Officer of the concerned department will bring such matter to the notice of Secretary, State Level Committee, who shall then convene meeting of the State Level Committee in consultation with the Chairman to consider the proposal for the settlement and submit a clear cut recommendation for the final approval of the Minister concerned. The decision so approved by the Minister concerned shall be communicated to the Head of the concerned department who shall then communicate the decision to the Court concerned. The State Level Committee shall while taking its decision also be guided by the principles of equity, natural justice and merit of the case.

The decision(s) so taken by the State Level Committee with the final approval of the Minister concerned either on recommendation of the District Level Committee or on its motion shall be a decision of the State Government and the Collector of the District, District Attorney, Deputy District Attorney and Assistant District Attorney shall be entitled to give statement on behalf of the State regarding the composition on such terms as may be conveyed to him and such statement shall be binding upon the State.

These Committees shall consider the possibility of conciliation of Civil and Revenue Cases in general though the priority shall be given to the civil suits/cases. It shall be responsibility of the concerned Secretary to ensure strict compliance of the decision of the State Government. (Refer Law Department Hand Book and Manual, 2005 available on office website of the State Government).

In compliance of the decision passed by the Hon'ble Supreme Court of India in Civil Appeal No. 8580/1994 between Chief Conservator of Forests, Government of Andhra Pradesh Versus Collector and others (with Civil Appeal No. 9097 of 1995) , a Committee has also been constituted to resolve the controversy arising between various Departments State owned Boards. Corporations/Universities and Public Enterprises. (Circulated vide Notification No. GAB-5(F) 4-1/93 dated 24.7.2003)

16.4.10 Stay Orders

In certain cases the Courts 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, vacated or modified. In case the order stayed already stand executed, the complete facts and circumstances should be brought to the notice of the Court.
- (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 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. Non-compliance of the Court orders is a serious matter and can invite proceedings for contempt of court.

16.4.11 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 bared and the normal process should continue until orders to the contrary are passed by the Court. 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/Judgment-Revision and Review

The Courts takes exception to the delay in implementation or non implementation action of the orders/judgments of the Court. 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. 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 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 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 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 extends the time limits, the Department is bound to implement the order within the time given earlier by the Court 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.

16.4.13 Appeal Advisability and Procedures

Appeals against the judgments/orders of the High Court 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 judgment/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, with all 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 beach 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) scandalise 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 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 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 tension of line limit for implementation of the orders or judgments and its orders obtained before the date fixed by the Court.
- (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.

16.5.3 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 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 Advocate on Record, Penal Advocates and Senior Advocates to defend the Government cases 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. 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. The terms and conditions of private Advocates should be finalized prior to their engagement.

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 in accordance with the terms and conditions of fee settled

with the concerned Advocate. 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 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 Home (Prosecution) Department for payment. For the purpose of their record the Administrative Department should retain Photostat copies of all bills sent to the Home (Prosecution) Department.

16.7 Other Guidelines

16.7.1 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 at the time when case is taken up.

When the Court requires the presence of any particular officer or summons a particular officer, then that officer should ensure his presence in the Court 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.

16.7.2 Evidence by Government servants in a Court- Production of Official records

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 to 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.

“(Section 123) “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 is 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 commonwealth, 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.

16.7.3 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.

16.7.4 Need for corrective action in certain cases

Suits/writ petitions/ applications (including for contempt of Court) before Courts 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.

16.8 Monitoring of progress of cases- Nomination of Officers-in-charge-Registers and proforma

All departments are required to constantly monitor the progress of Court 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 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. (Annexure XVI-D gives the format for the follow up).

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;
- (iii) Being present in the Court 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 immediately in person and in writing;
- (vi) Ensuring compliance of the Court orders/instructions/judgments 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 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 para 16.7.3]

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 SUMMONED

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 para 16.7.3]

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 SUMMONED

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)

Annexure -XVI-C

[Referred to in para 16.4.4]

Sl. No.	Petition / OA No. with date	Name of Court / Bench of CAT	Major issues involved	Date on which Counter Affidavit was filed	Date of filing subsequent affidavits, if any	Present Status of the case
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.						

Annexure -XVI-D

[Referred to in para 16.8]

Sl.No.	Petition / OA No. with date	Name of Court / Bench of CAT	Date of Judgement	Time-frame, if any, given by Court for implementation	Major issues involved	Whether the appeal/ review application against the judgement has been filed by Government / Individual, if so, the date thereof	Status of the appeal/ review application	If no appeal etc. has been filed, present status of action taken to implement the judgement	Reasons for delay in implementing the judgement	Whether any contempt petition has been filed for delay in implementation or against the manner of implementation of the judgement
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

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 appointment of an Ex-officio Vigilance Officer (EVO) is required to be made with the prior concurrence of the Vigilance Deptt. The integrity of the EVO should be unquestionable. The EVOs of the Deptts are required to give necessary assistance to the Heads of Deptts. In the performance of their important duties.[letter No. Home (Vig.)A(8)-8/2006(EOVCC)-I Government of Himachal Pradesh, Department of Home(Vigilance]

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 Organization- 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 misdemeanor 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 there for; facilities and cooperation to be extended to Anti-Corruption Unit; suspension of Government servants 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 State Vigilance Bureau 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 State Vigilance Bureau, the inquiry report is sent by the Bureau 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/Report in Writing

17.5.1 Provisions of the Act

Under Section 36 of the HP Prevention of Specific Corrupt Practices Act 1983, it is necessary for the prosecuting authority to have the report in writing from the competent authority before prosecution a govt. official. In the administrative Deptts. concerned, the officers not below the rank of Under Secretary shall be the respective authorities competent to report in writing to the court for taking cognizance. (Notification no. Per(Vig)-D(6)-1/83-loose dtd. 11-4-01)

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:-

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 cases 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 finalization of department inquiries against delinquent officers sometimes takes 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 Organization 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 Organization 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 therefore.

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 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.

17.12 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.

17.13 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 misdemeanor 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 has 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.

17.14 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

CHECKS ON DELAYS

18.1 Need for Speedy disposal of work

The emphasis has now shifted from the conventional manual working to electronic mode like use of REFNIC, e-mail, e-samiksha etc. Therefore the section officer, the branch officer and the secretaries all must make maximum use of the new electronic facilities for fast retrieval and analysis of the data and reports which can be easily be generated from the data available in the electronic facilities. They should devise appropriate formats to monitor the pace of disposal of the cases.

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 or work. Accordingly, this Chapter discusses matters relating to efficient disposal or 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'.

I. 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 levels 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 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 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 either generated by REFNIC or manually 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 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 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 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 Chapter XIII) can be filled in from the Assistants Diary (see para 19.9 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 (Chapter XIII) need to 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 Arrear 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
- (ii) gearing up the machinery for the execution of the programme and for this purpose organizing meetings at periodical intervals to identify and remove bottleneck and procedural problems;
- (iii) issuing detailed directions to the field units and all the concerned staff; prescribing a method for the disposal of cases;
- (iv) personal daily check of disposal by all concerned and specially by the officers in charge;
- (v) 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
- (vi) 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 Diary

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 Diary Register in the form given in 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 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 output 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.

18.10.1 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.

18.10.2 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.

18.10.3 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 Hence forth, wherever facilities exist, Standing Guard Files will have to be available and stored in Computers. Periodical update shall have to be incorporated in the computers. These should be stored in a systematic manner in files and folders. 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 ad 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 performa 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 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 infructuous 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 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 and 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 whether 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.

(1) Formulation - In order that the programmes and projects undertaken by a Department are implemented in a systematic manner, each Department will formulate an Annual Action Plan in the month of January. The Action Plan will reflect the manner and time-frame of action with month-wise break-up of targets to be achieved in respect of each of the activities to be performed during the ensuing financial year.

(2) Accountability - The action plan will identify the levels of accountability, both direct and supervisory, for implementation of each action point. Achievement of action plan targets will form an important element of performance appraisal of each employee.

(3) Review - Each officer will review the progress made against action points pertaining to his charge every week and take appropriate steps for effective and timely implementation of the tasks assigned. Secretary of the Department will review the performance of the Department as a whole in respect of the Action Plan items in a monthly meeting with senior officers

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.
- (g) 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
- (h) 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.
- (i) As per Government instructions Annual General Administrative Report will also contain information on 17 Points of section 4(1)(B) of Right to Information Act.

18.18 Secretaries Committee on Administrative Reforms

Procedure regarding preparation and submission of papers for consideration of the Committee of Secretaries

Instructions have been issued from time to time by the ARO regarding the procedures to be followed in the preparations and submission of papers for consideration of the Committee of Secretaries (COS). The instructions have been revised wherever necessary in the light of past experience and are indicated below in consolidated form for the guidance of and compliance by all concerned.

General and Attendance

1. **Purpose of COS Meetings:** The COS generally meets in the Secretariat to discuss important issues referred to by the Departments.
2. **Who is to attend Meetings of COS:** Since the meetings of COS are fixed generally in advance, the Secretaries are expected to attend them in person and not with or through their representatives. In case Secretary is not in a position to attend the meeting on account of unforeseen circumstances and for compelling reasons, he may depute a senior representative (not below the rank of Joint Secretary) of his Department, after prior approval of the Chief Secretary. In such cases, the officer attending the meeting should be fully briefed and authorized to enter into necessary commitments on behalf of the Secretary.
3. It may be necessary, in rare cases, for Secretary to be accompanied by another officer to assist him. In such cases also Chief Secretary should be kept informed in advance by the Secretary.

Types of cases that can be brought before COS

- a. All cases of the nature specified below can be brought before the COS:-
- b. Cases pursuant to a specific direction of Chief Minister/Cabinet/Cabinet Committee/Cabinet-Sub Committee.
- c. Cases specifically referred to COS for discussion.
- d. Cases where there is/are irreconciled difference(s) opinion between the sponsoring Department and the Departments consulted at official level and where discussion in COS would be of help in resolving or narrowing down the differences.
- e. Cases of very urgent nature requiring direction on policy or course of action within a prescribed time limit regarding which a consensus among the Departments concerned is considered necessary.
- f. Cases where decisions taken in a particular Department could have repercussions on matters dealt with in other Departments concerned and a discussions in COS for evolving a coordinated approach is necessary;
- g. Cases in which a Secretary of a Department desires advice of COS on a subject assigned to his charge; and
- h. Cases of new policy initiatives or change in policy where discussions in COS concerned may be helpful.

Preparation of Notes for COS

- a. The essential procedural requirements which should be compiled for the preparation and submission of Notes for COS are as under:-
- b. The notes should bear the name of the Department at the top. It must also carry File Number and date. The words "Note for the Committee of Secretaries" should appear below the name of the Department;
- c. The note must be Security Graded (Secret or Top Secret as the case may be), and the copies of the notes be serially numbered. The Security Grading must appear on all page of the note;
- d. A brief subject heading indicative of the proposals contained in the paper be given in all cases;
- e. All the pages of the note, including the Annexes, should carry continuous page numbers on the bottom extreme right hand corner of the pages, simultaneously indicating total number of pages in the manner "Page x of y", where "x" is the running serial number of the page and "y" is the total number of pages in the note.

Contents of the COS Notes

The following may be observed while preparing notes for COS:-

- a. The notes should be self-contained. They should not be unnecessarily long and, in any case should not exceed 2-3 pages. Other relevant material should be relegated to its annexes/appendices or;
- b. The last para of the note must indicate that the note has the approval of the Secretary of the sponsoring Department;
- c. The note must be signed by an officer of the rank of Deputy Secretary/Director or above;
- d. The last but one para of the note should contain the points on which decisions/recommendations of the COS are sought, together with the view of the sponsoring Department;

- e. In all cases, the Departments concerned must be consulted before hand and their views or comments be included in the COS note;
- f. Paragraphs of the note must be numbered;
- g. Notes should be sent well in advance so that there is sufficient time to read; and
- h. The notes must be typed on both sides of the paper in double space with sufficient space (not less than 1.5") on the left edge of the obverse side of the paper and on the right edge on the reverse of the paper.
- i. All the papers pertaining to COS are classified documents and the Departmental Security Instructions must be followed scrupulously in regard to their handing and safe custody.
- j. These instructions may be strictly followed /adhered to by all concerned.

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 polices ;
- (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 –(Sectt. Administration)
- (ii) Directorates and offices ----- Respective Heads of Departments.
under their control
- (iii) Collectorates and offices ----- Deputy Commissioners
under their control
- (iv) Offices/Units under ----- The Officer heading the Regional/Divisional/Circle
Regional/Divisional/ Level offices.
Circle 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 files 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 and 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 10th of the month next to the ending quarter. Thus for the quarter ending December, the inspection should be completed by the 10th 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.
 - (3) 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.

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.		

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 – choosen and appropriate?
- (3) Are files opened under appropriate standard heads? (to be test checked)
- (4) Are titles of files precise and expressive of he 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 thee Section?

7. STANDING GUARD FILES/RETERENCE MOOK /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 used?
- (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)

14. 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?
17. (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.

The Himachal Pradesh Public Record Act, 2006 has been enacted to regulate the management, administration and preservation of public records of the State Government, Public Sector Undertakings, Statutory Bodies and Corporations, Commissions and Committees constituted by the State Government and matters connected therewith or incidental thereto. Before destroying the records, the provision of this Act/Rules 2008 must be kept in view.

Use of Compactors should be encouraged for neat and efficient record management wherein records remain neat and clean.

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 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 misconduct 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 XIX-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;
- 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 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 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 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 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 over-sight 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 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 not 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 XIX-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.

19.9

Annexure-XIX-A
STATEMENT SHOWING THE RETENTION PERIOD RECOMMENDED FOR
RECORD OF COMMON INTEREST TO DEPARTMENTS
(Referred to in para 19.3)

I. 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 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.	
5)	Delegation of powers:		
	Evolution of pattern of delegation of subordinate authorities.	Permanent	
	Declaration of officers as Head of Departments/Offices, Controlling, Drawing, Disbursing Officers.	Permanent	
	Orders of superior authorities when received by subordinate authorities.	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 | |
| (b) Proceedings | 10 years | 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. |
| 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. |
| 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 5 years
- (b) Through public Service Commission 5 years

15) Special representation in services:

- (a) Rosters for special representation in services. 5 years
- (b) Annual returns 3 years

16) Selection of personnel;

- (a) Constitution of selection Committee. 3 years after the committee has been reconstituted.
- (b) Proceedings 10 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.

17) Verification of character and antecedents 3 years

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.

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.

- | | | |
|-------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| 19) Service books (including leave account) | 10 years after death or 5 years after retirement. | Before actual destruction, however, it should be ensured that pension/provident fund cases have been finalised. |
| 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 | 1 year. | |
| 22) History of Services, Civil Lists, Gradation Lists, etc. | 5 years after it has ceased to be current (in the case of departments issuing them). Other departments need keep the latest copy only. | |
| 23) Correspondence regarding Civil Lists, History of Services. | 3 years | |
| 24) Annual Statement of appointments made without consulting the P.S.C. | 3 years | |
| 25) Sponsoring of employees for training | 5 years | |
| 26) Arbitration and litigation cases | 3 years after the 'final judgement' under the normal course of law. | |
| 27) Notices under section 80 C.P.C. | (a) If not followed up by a Civil suit-1 year.

(b) If followed up by a Civil suit-3 years after the 'final judgement' under the normal course of law. | |
| 28) Results of departmental tests. | 5 years | |

- | | | |
|--------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 29) Appointment of invigilators for examination. | Not exceeding 3 years | |
| 30) Recruitment, appointment, promotion, reversion and confirmation | 8 years | 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. |
| 31) Individual representations on above. | 3-5 years depending upon the nature of each case. | |
| 32) Review of Probationer's cases | 8 years | |
| 33) Training of officers and staff | Not exceeding 3 years depending upon the nature of the case. | |
| 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. | 3 years from the final recovery of pension and leave salary contributions from the foreign employers. | |
| 36) Deputation | 3 years after the completion of the period of deputation. | |
| 37) Verification of age and educational qualifications. | } | These papers should actually go to the personal files. |
| | } | |
| 38) Change in date of birth. | } | |
| | } | |
| 39) Relaxation of age and educational qualification. | } | |
| 40) Collateral evidence in respect of service matters. | } | |
| 41) Fixation of seniority | 5years | |
| 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:
Issue of certificates 1 year after confirmation
3 years
- 44) Progress reports regarding.
Verification of service. 5 years subject to a suitable record being kept somewhere e.g. in service book or history sheet.
- 45) Condonation of break in service -do-
Condonation of break in service should, as far as possible, be dealt with on personal files. Alternatively an authenticated copy of the order may be kept in personal file for possible reference at the pension stage.
- 46) Confidential Reports/Character Rolls 3 years after death/ retirement.
- 47) Confidential Reports/Character Rolls-Correspondence regarding. Not exceeding 3 years
- 48) Conduct Rules:
(a) Declarations, reports and returns
(b) Permission and sanctions
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.
- 49) Leave Roster 1 year
- 50) Grant of leave (other than casual leave) including leave travel concession.
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.
- 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	5Years	!	
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	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 of final orders may be placed on personal files.
62)	Claims for reimbursement of medical charges	3 years	!	
63)	Reimbursement of legal expenses	3 years	!	
64)	Air Travel:	1 year	!	The original sanction available of the audit records would suffice.
	(a) Sanction	1 year	>	
	(b) Booking etc.		!	

65) Advances:	3 years	
a) Festival advance	3 years	
b) Advance of pay on transfer	3 years	
c) Grant of advance of T.A.	3years after final recovery	
d) Conveyance advance	3years after final recovery	
e) House building advances	3years after final recovery	
f) G.P.Fund advances	3years after final recovery	
g) Miscellaneous advances	1 year	
66) G.P. Fund:		
a) Admission to		A complete list of subscribers should be maintained in each disbursing office
b) Adjustment of missing credits	2 years	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:
c) Financing of insurance policies		(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 years.
(d) Final withdrawal e.g., for house building, higher technical education of children, etc.	3 years after final payment of provident fund.	
67) Vigilance and discipline;		
(a) Vigilance and disciplinary cases resulting in:	15 years record to be retained should include in particular:-	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.
(i) Imposition of major penalties	(i) Charge Sheet (ii) Written Statement (iii) Inquiry Officer's Report (iv) Show Cause notice (v) Reply to the show cause Notice (vi) Advice of the P.S.C., if any (vii) Final orders. (viii) Final orders on appeal or review petitions	
(ii) Imposition of minor penalties	Till Government is in service. Records to be retained should	The records are likely to be required for

	include in particular:-	determining whether the
	(i) Memorandum issued under rules	service rendered by a Government servant is wholly satisfactory for the grant of pensionary and other benefits.
	(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	
(iii) (a) Exoneration of the Government servant.	Not exceeding 3 years depending upon the nature of the case	
(b) Complaints	Not exceeding 5 years depending upon the nature of the case	
(c) Appeals, memorials and petitions	5 years	
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).	--do--	
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	The proposed period of 1 year should suffice as the Estates Organisation maintains a complete record of the rent due from, and paid, in respect of each allottee. Files should be closed only after recoveries have been effected.
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	
	3 years	
82) T.A. (including leave travel concession) Bills and acquaintance rolls.	5 years	
83) Overtime allowance claim (Register and lists received from sections, etc.)		
	5 years	
84) Contingent Bills and Register of contingent Expenditure.		
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	
(b) purchase	Permanent
(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 paid by the visitors themselves. 1 year
- (iii) Government residential accommodation:
 - (a) Allotment of residential accommodation to Government servants 3 years
 - (b) Applications for permission of sharing accommodation. -do-
 - (c) Applications for change/mutual exchange of accommodation -do-
 - (d) Applications for table fans, refrigerators, etc. -do-
- 89) Weather comforts:
 - (a) Hiring of fans, desert coolers, table fans, etc. 5 years
 - (b) Recruitment of watermen -do-
 - (c) Repairs of table fans, table lamps, heaters, etc. -do-
- 90) Tele-phones, call bells, clocks shifting, transfer, payment of bills. -do-
- 91) Staff Cars, Scooters and Motor Cycles:
 - (a) Purchase 10 years
 - (b) Repairs and maintenance 5 years
 - (c) Log Book 5 years
 - (d) Requests for private use, permission and payment, 1 year

1 year
- 92. Furniture, bicycles, typewriters, duplicating machines and other office equipment:
 - (a) Purchase
 - (b) hiring 5 years
 - (c) Maintenance/repair
 - (d) Stock Register

93) Miscellaneous stores like glass tumblers, locks, etc. 5 years

94) Stationery:

(a) Indents on stationery Office 1 years

(b) Local purchase 5 years

(c) Stock Register 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.

This period necessary to facilitate audit of local purchase transactions, during the course of local audit.

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 1 year
(b) Stock Register 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 5 years
(b) Lending and issue 1 year
(c) Inventory (catalogue) 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
- 100) Liveries :
- (a) Issue, renewal surrender and withdrawal (correspondence regarding). 5 years
- (b) Stock Register 5 years
- 101) Hiring of taxies, tents shamayanas, etc. 5 years
- 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

When a stock register is closed and a new one opened, entries regarding closing balances should be carried forward to the new register.

ANNEXURE XIX-B

ELIMINATION OR DESTRUCTION REGISTER

(Referred to para 19.8)

Sr. No.	Number of Pages			Signature of clerk	Date of destruction	Signature of weeder	Signature of incharge record room	Remarks
	File No.	Correspondance	Notes					
1	2	3	4	5	6	7	8	9

CHAPTER XX

COMPUTERISATION OF OFFICES

20.1 Introduction

Computerisation in government offices is *sine quo non* for promoting e-Governance and improving efficiency and effectiveness of public service delivery. Computerisation is not an ‘end’ in itself but it is a ‘tool’ to attain the goal of improved service delivery in public domain. The use of computers and Information and Communication Technology (ICT) tools must be structured with an objective of making government services accessible to the common man by ensuring efficiency, transparency and reliability of such services. IT infrastructure and back-end computerisation not only helps in automation but also leads to creation of efficient information systems. It facilitates faster electronic communications and processing, thereby reducing the paper work and transaction delays. Front-end computerisation provides an ICT platform for government to citizen (G2C) service delivery. Therefore, computerisation in government offices is critical for providing an efficient public service transaction system.

As computer technology has advanced, the range of associated ICT vulnerabilities and threats have emerged as imminent challenge. Government organisations must develop IT Systems taking into account the ICT vulnerabilities and threats.

The intent of this chapter is to outline procedures, standards and guiding principles for government departments and offices to use ICT tools to bring effectiveness and efficiency in their functioning.

20.2 Objectives of Computerization in Government Departments/ Offices

The following are the main objectives of computerisation in public offices:

- To promote e-Governance and m-Governance for bringing effectiveness, efficiency, transparency and accountability in public offices
- To improve Government to Citizen (G2C) interface
- To facilitate public service delivery
- To reduce transaction delays
- To reduce repetitive work for employees thereby enabling them to utilize their time for other analytical work.

20.3 Roles and Responsibilities of the Departments

Every Department must promote e-Governance and bring efficiency and transparency in the functioning of its offices. In order to attain this goal, every Department:

- i. Must have a **web-presence** through a dedicated departmental website which must be hosted in 'gov.in' or 'nic.in' or 'ernet.in' domain, exclusively allotted and restricted to Government/Educational Institution websites. Hosting public websites at the servers of private companies or outside the country is prohibited.
- ii. Must develop and implement **application software** to automate the departmental activities and to enable online transaction of G2C services.
- iii. Must follow **e-Governance standards** while developing the IT-solutions so that the data can be shared among various e-Governance modules without any interoperability issues.
- iv. Must adhere to the **Policies/ Guidelines** framed by State IT Department or Government of India from time to time.
- v. Must adhere to the Government of India guidelines for dealing with **cyber attacks and cyber terrorism**.
- vi. Must use and share **common IT infrastructure facilities**, such as HIMSWAN, SDC, CSC, SSDG, SMS Gateway, Payment Gateway, instead of creating its own.
- vii. Must procure **hardware** only as per the requirement of the software applications, by following the prescribed procedures.
- viii. Must **network all computers** in office for optimal utilization of resources and sharing of assets. The offices of the departments must be connected across the State using HIMSWAN.
- ix. Must **build capacities** within the department for the use of IT, by training personnel.
- x. Must devise methods to **reduce e-Waste** by adopting a 'buy-back mechanism' instead of buying new hardware and dumping the obsolete/ old hardware as waste.

Must constitute a Project e-Mission Team (PeMT) of 2 to 3 committed officers of the Department in accordance with the National E-Governance Plan (NeGP). The team members must be re-skilled and empowered appropriately for Information Technology. The PeMT would be primarily responsible for conceptualizing IT Project and monitoring its day-to-day implementation. The PeMT must be designated and entrusted with the responsibilities to:

Interact with IT Department/ NIC/ Third Party Agency with reference to the computerisation of the department
Ensure timely updation of departmental websites

The following sections describe the guiding principles for effectively implementing the mandate of roles and responsibilities entrusted to departments and offices:

20.4 Creating a Departmental Website

The content of a Department's website is its soul, as the citizens rely heavily upon public websites to access authentic and up-to-date information. Every department and public office, while creating its website, must follow the Guidelines for Indian Government Websites prescribed by the Ministry of Communications and Information Technology, Government of India. These guidelines can be accessed at <http://egovstandards.gov.in>. Accordingly, the websites must have the following structure of contents:

- **State Government Identity**
 - All websites and portals belonging to the State Government Domain must prominently display a strong State Identity and ownership. The State Emblem must be displayed on the Homepage of the websites of departments of the State Emblem. The Public Sector organizations and autonomous bodies should display their official logo on the Homepage.
- **Primary Content**
 - Primary content of a website must constitute the core information sought by target audience e.g. citizens, organizations, institutions etc. It must include Profile, Mission/ vision Statement, History/ Background, Administrative Structure, Roles and Responsibilities, Who's Who, Programmes & Schemes, Services, Acts/ Rules, Circulars/ Notifications, Citizen Charter, Contact information etc of the department/ office. It must necessarily comply with the 17 point disclosure under section 4(1)(b) of RTI Act 2005.
- **Secondary Content**
 - Secondary content of the website must provide information on Events and Announcements, Interest Group Corner, Related Links, Spotlight etc.
- **Tertiary Content**
 - This must constitute sections like About the Site, Online Help, Terms and Conditions and Frequently Asked Questions (FAQ) etc for target audience.
- **Information to Avoid**
 - Commercial banners, advertisements etc. should be avoided on Government websites. Banner and advertisements that promote and link to other Government agencies as well as social messages are permissible.
 - Any information in text, visual or any other media which may offend/harm the National sentiments, religious communities as well as security and integrity of the country MUST NOT be displayed on the websites.
 - Government Information which is confidential or only for restricted use must be avoided on a website meant for the public.

Note:—The above mentioned contents of website components are only indicative. For an exhaustive list of guidelines on Government Identifiers, Content Copyrights, Terms & Conditions, Scope of Content, Quality, Design parameters, Development Standards including application security, website hosting, promotion, management etc., the departments must comply with the Guidelines on 'Indian Government Websites'. Departments must also check for any revision in these guidelines at <http://egovstandards.gov.in> and follow the latest available version.

20.5 Development of Application Software

The State IT Department has framed an e-Governance Roadmap which was adopted on 15th July, 2009. The E-Governance Roadmap contains the prioritized list of initiatives for the identified departments of the State which can be implemented in next five years time. The roadmap is available at <http://himachalnit.gov.in>. The departments must refer to and comply with this document before developing any application software.

IT Projects require a planned approach. It ensures the projects are executed efficiently with desired objectives without any time or cost overruns. Therefore, the departments must ensure that IT Projects:

- Are conceptualized, planned and implemented in an integrated manner.
- Are designed within the constraints of available resources and government procedures.
- Cover all aspects of the departmental activities with optimal utilisation of the technologies.
- Are managed in a consistent manner to maximize benefits and minimise development and maintenance costs.
- Are completed within a stipulated time frame.
- Meet the administrative, financial and audit control requirements of the State Government.
- Have adequate security features to maintain system integrity.

Computerisation in government departments and offices may not only include development of application software but also business process re-engineering, enhancement/ upgradation/ customization of existing software. Successful implementation of e-governance projects requires that the Project Management Life Cycle (PLC) must be adhered to. The Project Proposal (PP) must be followed by Project Management Plan (PMP). PMP is followed with System Requirement Specifications (SRS), Software Design Document (SDD), Development, Pilot Testing, Training and Rollout in all the Offices. The detailed guidelines in this regard are available at <http://himachalnit.gov.in> with the title 'Project Management Guidelines'. The e-Governance Projects must be implemented in the following phases:

- **Project Planning Phase**
- **Project Development Phase**
- **Project Implementation Phase**
- **Post Implementation Phase**

a. Project Planning Phase: This phase constitutes of two parts. The first part consists of information collection, compilation and preparation of activities to be computerised by the departments. The second part deals with feasibility study, which may be conducted through an expert agency, i.e., Department of IT or NIC or a Consultant. However, private consultancy must only be procured through an open tender process.

- i. **Information Collection:** This activity is to be performed by the department itself and involves the following activities:
 - Basic information of the Department, i.e., History, Functions, Mission and Objectives of the Department
 - AS-IS scenario of the Department, i.e., present status of automation/ data processing and flow-chart of activities being performed.
 - TO-BE scenario of the Department, i.e., the department need to identify the key areas and critical processes which need to be automated first for the purpose of improving internal efficiency and/or improving G2C or G2B interfaces. The

department must hold internal meetings and finalize the priority areas for computerization and get the same drafted, clearly mentioning the activities of the departments at all the levels, i.e., State HQ, District HQ, Subdivision/ Block/ Tehsil/Panchayat level.

- Gap Analysis of processes: The departments need to identify existing gaps and prepare a project plan, including timelines, for the proposed project along with strategies to be adopted for the implementation of the project and information flow in the proposed system.

ii. **Feasibility study:**

- In the absence of technical manpower within the department, an expert agency must be engaged for the feasibility study. This step is mandatory to uncover whether a specific need exists, identify the exact need and determine whether the proposed project can feasibly deliver the expected results. The feasibility report must contain 'Return over Investment' (ROI) study in order to determine costs and benefits of the project.
- Based upon the outcome of the feasibility study, a **Detailed Project Report (DPR)** must be prepared and forwarded to the State IT Department for obtaining technical sanction.

The Department may explore the possibility of funding from sources e.g. Department of IT/concerned Ministry in the Government of India or other agencies.

b. **Project Development Phase:**

- i. Once the funding for the project is secured, then comes the development phase which starts with **System Requirement Specifications (SRS), Software Design Document (SDD), Development, Pilot Testing, Training and Rollout** in all the offices. Departments must follow the relevant guidelines for the purpose as per the 'Project Management Guidelines' provided with the CD-ROM.
- ii. In case the project is to be executed under Public Private Partnership mode, then appropriate service level conditions must be identified for all activities to ensure quality service. Payment should be linked with **Service Level Agreements (SLAs)** and adequate monitoring mechanism should be in place for implementation of SLA

c. **Project Implementation Phase:** A critical component for the success of project is data entry. Data collection, entry and validation must be done within timeframe. Depending upon the nature of the project, historic data will also be required to be entered. The departments must take due care to decide the period for which historic data entry is required. This activity should be planned in advance so that the data entry is efficiently done. Otherwise, data entry will drag-on and result in project delays. Before the project is finally rolled-out, 'software testing' with real data and 'user acceptance testing' must be performed.

d. **Post Implementation Phase:** The post implementation monitoring of project is essential. The software must have the necessary provisions to monitor the project implementation status. It is reiterated that in the case of **PPP model**, the payment should be linked with **Service Level Agreement (SLA)** and adequate monitoring mechanism should be put in place.

e. **Important Points to Remember:**

- i. The Departments must adhere to the e-Governance standards (e.g. Metadata and Data Standards, Biometric Standards, Quality & Documentation Standards etc.) while

- developing e-Governance Applications and strictly follow other security aspects as prescribed by the State IT Department or by the Ministry of Communications and Information Technology, Government of India from time to time.
- ii. Wherever possible, software applications should be replicated within the government departments and offices. There are some common soft wares which Departments can implement and use without any customising, like PMIS, e-Samadhan, e-Salary, e-Vitran, REFNIC, e-Procurement etc.
 - iii. There must be synchronization of software/application development, network installation and hardware procurement to minimize the project rollout time.
 - iv. The role and responsibility of each official associated with the computerization/IT project must be clearly defined in the workflow, so that the software application can be tailored accordingly.
 - v. A security audit must be regularly done of all the departmental applications/ websites. The security must also be done every time there is any amendment/modification in the application.

20.6 E-Governance Standards

All the Departments must follow the **e-Governance Standards** of the Ministry of Communications and Information Technology, Department of Information Technology, Government of India and adhere to the Policies/Guidelines framed by State IT Department. A set of e-Governance Standards, Policies/ Guidelines are available at “<http://egovstandards.gov.in>”. A broad list of components of these standards is given below for reference:

1.	Guidelines for Usage of Digital Signatures in e-Governance
2.	Biometric Standards <ul style="list-style-type: none"> • Notification of Biometric Standards • Face Image Data Standard • Fingerprint Image and Minutiae Data Standard
3.	Open Standards <ul style="list-style-type: none"> • Notification of Policy on Open Standards • Policy on Open Standards for e-Governance
4.	Quality Assurance Framework (QAF) <ul style="list-style-type: none"> • Presentation on Overview of Quality Assurance Framework (QAF) • Quality Assurance Framework (QAF) for e-Governance Applications
5.	Conformity Assessment Requirements(CARE) <ul style="list-style-type: none"> • Presentation on Overview of Conformity Assessment Requirements(CARE) • Conformity Assessment Requirements (CARE) for e-Governance Applications
6.	Guidelines for Indian Government Web Sites
7.	Information Security Standards Framework and Guidelines <ul style="list-style-type: none"> • An overview of Information Security Standards Framework and Guidelines • Information Security Assessment Framework • GD100 Guidelines for Security Categorization of e-Governance Information Systems • GD200 Catalogue of Security Controls • GD201 Baseline Security Controls For Low Impact Information Systems • GD202 Baseline Security Controls For Medium Impact Information Systems • GD203 Baseline Security Controls For High Impact Information Systems • GD300 Guidelines for Information Security Risk Assessment and

	Management
8.	Interoperability Guidelines for Digital Signature Certificate issued under Information Technology Act
9.	Metadata and Data Standards <ul style="list-style-type: none"> • Notification for Metadata & Data Standards for Person identification and Land Region Codification • Metadata and Data standards for person Identification and Land region codification
10.	Standards for e-Governance Applications-Character Encoding Standard document
11.	Standards for e-Governance Applications - Font Standard
12.	Institutional Mechanism for Standards formulation

Note:—The above mentioned set of e-governance standards is only indicative. For an exhaustive list of guidelines on e-Governance Standards, the departments must visit <http://egovstandards.gov.in> and follow the latest available versions.

Policies/ Guidelines of State Government

The departments and offices must adhere to the policies/ guidelines issued by the State IT Department and the Ministry of Communications and Information Technology, Government of India from time to time. The Policies/ Guidelines currently applicable are:

- IT Act 2000
- IT (Amendment) Act 2008
- Rules for the Information Technology Act 2000
- Policy for .IN Internet Domain Registration

The above mentioned Policies/Guidelines are available at <http://www.mit.gov.in/content/acts-policies> and at <http://himachalmit.gov.in>.

Cyber Security Guidelines

The departments must adhere to the IT Security norms prescribed by the State IT Department and “Information Security Standards Framework and Guidelines” issued by the Ministry of Communications and Information Technology, Government of India from time to time. All the departments must get the security audit conducted of all the applications/websites being used by them. The security audit needs to be done not only once while implementing the software, it must be done every time there is any amendment/ modification in the application. The ‘security audit’ of the departmental websites/applications must only be done through agencies empanelled by the Indian Computer Emergency Response Team (ICERT), DIT, Government of India. The list of Information Security Auditing Organizations (valid up to April 30, 2012) currently empanelled by ICERT is available at <http://cert-in.org.in/PDF/emprog.pdf>. Since the list of empanelled agencies changes every year, departments must visit the website at <http://www.cert-in.org.in> to ascertain the list of such agencies.

Use of Common Infrastructure ¹

¹ **Note:** Common IT Infrastructure may increase in future; this list has been prepared keeping in view the contemporary facilities available.

All departments and offices MUST use common IT Infrastructure created by the State IT Department. The detail of the common IT Infrastructure is given below:

- **State Data Centre (SDC):** The Departments must host their software applications/database etc. at the servers available in SDC or can co-locate their servers in the SDC, in consultation with DIT HP. The departments must avoid replicating such infrastructure available at SDC. This will check proliferation of need to hire technical manpower for operation, administration and maintenance at departments and field offices.
- **State Wide Area Network (HIMSWAN):** The connectivity in offices across the must be secured through HIMSWAN. The detailed guidelines in this regard have already been issued by the State IT Department vide letter no. DIT(SWAN-SITEG)21/2005 dated March 9, 2007. In case it is found that HIMSWAN connection is not feasible at any particular location, the Department of Information Technology will issue No Objection Certificate (NOC) to the concerned department/office so that non-HIMSWAN alternatives for connectivity can be explored.
- **Common Service Centre (CSC)** scheme, in Himachal Pradesh known as Lokmitra Kendra (LMK) project, aims to provide one-stop-shop for G2C services at panchayat level. The departments and offices must dovetail their IT initiatives to roll-out G2C services through LMK. Besides this, LMKs may be used for data entry in the e-Governance applications in an outsourced mode. The Departments may refer to IT Department letter no. DIT-F(2)1/2007 dated 1st April, 2009 for promoting CSC.
- **State Services Delivery Gateway (SSDG)** will act as a common standard portal for all government departments to provide citizen services electronically in a seamless manner. The list of 42 services identified to be covered under SSDG is at **Annexure A**. All government departments must provide these G2C services through SSDG instead of creating their own separate web-based service delivery channels.
- **State Electronic Payment Gateway:** The State e-Payment Gateway acts as a common portal for web-based electronic payment of government dues. This facility must be utilized by government departments instead of creating their own e-payment mechanism. This facility will not only be available to government departments but also to various Boards/Corporations having government equity. The departments must identify services e.g. collection of utility bills, fees, charges etc and take steps to integrate it with the e-Payment gateway. All departments must use State e-Payment Gateway, instead of creating their own payment gateways.
- **SMS Gateway:** All departments MUST use this facility for sending instant messages to the individual applicant or sending bulk messages like meeting notices, information etc. to group of people and communicate with sub-ordinate/ field offices. There are three types of facilities available for sending the SMSs. These facilities will be as under:
 - i. Facility to send bulk messages to group of users (citizens or Government Employees) in one step. This facility can be utilized for sending notices for the meeting and information to general public.
 - ii. Facility to send SMSs regarding the specific service to individual users (citizens or Government Employees) as per requirement. The Departments must use this for sending SMSs regarding status of the service when the same is ready for delivery or there is some deficiency in the documents submitted by the citizen.
 - iii. Facility for the citizen where they can get automatic information out of the database of the department (if available) by sending SMS using a pre-determined

code on 56300. The departments may use this facility, through Department of IT, to conceive and develop sms-gateway based modules for declaration of result of examinations, information about Government services etc.

- **Crisis Management Plan for countering Cyber Attacks and Cyber Terrorism:** The Department of Information Technology, Government of India has developed a **Crisis Management Plan** for countering cyber attacks and cyber terrorism. The Crisis Management Plan is being finalized at the State level. All the Government departments **MUST** follow procedures and guidelines mentioned in Crisis Management Plan to countering cyber attacks and cyber terrorism effectively.
- **REFNIC (Reference Monitoring System)** is a system of tracking file movement through Electronic mode. All the departments must use this facility to automate the file movement activity in their department and filed offices.
- **E-Samadhan** is an online Public Grievance Monitoring System to handle public grievances. It is a single integrated web-enabled system for all the departments. Any individual can register his grievance/complaint on this portal pertaining to any government department. The Head of Departments/Administrative Secretaries must ensure that the grievances entered into the system pertaining to their department are monitored on regular basis and ensure timely redressal of grievances. The e-Samadhan Portal has been integrated with SMS Gateway. The complainant receives SMS on his mobile as and when his/her complaint/demand is registered in the e-Samadhan, thereafter when any action is made online by the concerned department in respect of his/her grievance/demand a message is automatically generated to the complainant. All the departments must ensure that e-Samadhan portal is used effectively and all the grievances registered in the portal are redressed efficiently.
- **E-Despatch**
All the departments must computerise the diary and despatch section and shall endeavour to use electronic means of despatch, i.e., e-Despatch software, in their head offices and field offices to minimise delivery time, reduce paper work and postage cost.
- **Litigation Monitoring System (LMS)** is an application to keep track of all the ongoing cases, in various courts, at departmental level. Monitoring of court cases at departmental level is a big challenge. Using LMS software, Secretaries/ HoDs can easily monitor the status of the court cases pertaining to their department with regard to the pendency of the court cases, timely filing of reply, present status of a case, if personal presence required in any case etc. All the departments must use the Litigation Monitoring Software keep track of all the pending cases and to file timely reply in the courts.
- **Use of E-mails** for day to day communication and reducing use of papers in the offices. All the departments must use email facility being provided by State IT Department (using <http://hpmail.gov.in> mail server with email ID as username@hp.gov.in) or by NIC (using <http://mail.nic.in> mail server with email ID as username@nic.in) to send routine matters through mail like tour programmes, leave applications, draft letters/ proposals. All departments and offices may refer to e-mail protocol mentioned at para 11.8 under the heading e-mail. All communications sent via e-Mails shall be deemed as official communication. Therefore all public offices must use e-Mails, to the maximum extent possible, to enable faster communication and reduce communication costs. The protocols to be followed while sending official e-Mails are given at **Section 11.8 of CHAPTER XI** for reference.

20.7 Procurement of IT Hardware

IT sector is driven by rapidly changing technology. As a result, computer hardware of different specifications is available in the market and it becomes difficult for the user departments to assess the right specifications of computer hardware/ peripherals for their use. Many a times, departments end up buying high end computers even for plain word processing or for simple data-base applications. This leads to wastage of public money and under-utilization of the equipment. It is, therefore, advised that procurement of hardware/software should be done based on the technical requirements of the software/application with the user agency. The hardware MUST be procured either through HP State Electronic Development Corporation (HPSEDC) or through open tender process by conforming to the prescribed codal formalities. The following points must be noted for the procurement of computer hardware²:

Personal Computer (PC)

- i. Configuration of hardware depends upon the activity to be performed. Computers required for using high end graphic applications like AutoCAD, GIS etc should have high end processor, more RAM, more Hard Disk, large monitors (e.g. Intel Core i-3/ i-5/ i-7 based processors, 4 GB DDR3 RAM, 500 GB HDD).
- ii. Computers for using web based applications and desktop publishing tools e.g. internet, MS Office, Open Office etc., should be of midsize configuration. A high end PC with 1-5 thin clients can be procured (e.g. Intel Core2 Duo based processors, 3 GB DDR3 RAM, 300 GB HDD) to serve the purpose, instead of purchasing 6 high end PCs.
- iii. Computers to be deployed for front-end operations may have low end configuration or thin clients can be procured (e.g. Intel Dual Core/ Atom based processors, 1 GB DDR3 RAM, 250 GB HDD) depending upon the technology available in the market.

Printers

- i. Printers must be used on sharing basis. All PCs in an office must be networked and Printers must be shared among various users, instead of having an individual printer for each PC.
- ii. The duplex printing (printing on both sides of the paper) must be used to avoid wastage of papers and to economise printing cost. The drafts must be taken after setting the printer in 'economy mode'. Necessary instructions in this regard are available vide IT Department's letter no. DIT-F(10)-6/2009 dated 5th March, 2009.

Uninterrupted Power Supply (UPS)

- i. A Centralised UPS for all PCs is recommended over standalone UPS with every PC. Standalone UPS works in offline mode i.e. the UPS will shift to battery mode only when there is power failure. Sometimes during power failure, it takes time to switch to the battery mode. In the meantime, the Computer gets rebooted. Also, any surge in the input may cause damage to the computer. Whereas, centralised UPSs work in online mode. That means the UPS always works in battery mode. Therefore, there is no direct loss to the computers during voltage surge or in the event of power failure. However, the departments need to get the electric cabling done for all Computers and other devices to be connected through centralised UPS. The UPS must be chosen based upon the following criterion:

² The hardware specifications described are based on currently available product technology. In view of rapid technological advancements in IT, better specifications will be available in future. Departments must make hardware procurement decisions based upon the technologies and specifications available in the market.

- a. Offline UPSs should be procured when the criticality of the activities to be performed is less or number of PCs at one location are less than 5 or PCs are sparsely located within the office campus
- b. Online UPSs should be used when the criticality of the activities to be performed is high and the acceptable downtime of the computerized system is less than half an hour Or if the number of PCs in the office is more than 10.
- ii. The methodology to determine the requirement of Capacity and the Backup Time for UPS is available at <http://himachalmit.gov.in> with the title ‘Calculation of UPS Capacity and Backup Time’.

Note:—Departments may obtain Technical Advice from the Department of IT which has been notified as Nodal Agency, vide notification no. Fin-F-(A)-(11)-4/2004 dated May 7, 2007, for facilitating IT initiatives in the government departments/ boards/corporations/universities.

Backup and Recovery

- i. The Departments and offices MUST define ‘data backup protocol’ for data storage and backup, depending upon the nature of activities performed in the organization. The ‘data backup protocol’ must define the ‘frequency’ at which backup is to be taken, the ‘format’ of storage along with ‘location’. Critical system data and server software must have incremental backups taken daily.
- ii. The Departments MUST have a clear-cut Backup Policy, with regard to historic data, stating clearly the length of time for which data shall be preserved before it is permanently purged.
- iii. The Departments must appoint a Nodal Officer responsible for data storage and maintenance of a register for proper accounting of removable storage media. Responsibilities for media library management and protection, too, shall be clearly defined and assigned.
- iv. All storage media containing sensitive data shall be stored in a locked room or cabinets, which must be fire resistant and free of toxic chemicals.
- v. Access to the storage media shall be restricted to the authorized persons only. A list of personnel authorised to access the library shall be maintained.
- vi. Proper records of all movements of computer tapes/disks between on-site and off-site media library must be maintained.
- vii. The detailed guidelines are available at <http://himachalmit.gov.in> with the title ‘Project Management Guidelines’.

After Sales Support

- i. HPSEDC is corporation which is an agency to supply Hardware/ software to Government Departments. HPSEDC conducts rate contracts with reputed computer manufacturers along with service level agreement. However, departments are free to procure hardware from open market provided they get better specifications on same price Or lower price on same specifications, with similar or better service level agreement, than HPSEDC.
- ii. Department of IT has developed a Web-based application for registering complaints regarding the hardware & support procured through HPSEDC. One can log on to the website at <http://hp.gov.in/ccms> and use this facility.

Measures to Handle Computer Virus

- i. A Nodal Officer must be appointed in every office to ensure that all servers, PC and IT equipment are equipped with up-to-date virus protection/detection software.

- ii. The Antivirus software installed in the systems must be programmed for weekly scan. However, for departments where critical/sensitive information is stored e.g. employees' database, financial transactions or other departmental application the systems must be scanned on alternative days.
- iii. All diskettes and software must be screened by virus detection software before being loaded onto the computer system. No magnetic media like tape cartridge, floppies, pen drives, CDs, DVDs etc. brought from outside shall be used on the data, file, PKI or computer server or personal computer on Intranet and Internet without proper screening and verification by virus detection software.

Maintenance of Computer Hardware

Annual Maintenance Contracts (AMC) should be entered into with the vendors the original equipment manufactures or their authorized 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. Detailed description of systems, peripherals etc. along with configuration and location.
- 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 be specified with monetary penalties for each day that the equipment is down beyond the prescribed timeframe. In case of intermittent failures and repetitive problems, such as improper diagnosis or repair by the contracted agency, the system should be treated as continuously down.
- iv. Penalty clause for not completing repairs within the permissible down time limit must indicate penalty per working day for each piece of equipment e.g. CPU, Terminals, and 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 authorized to certify that repairs have been satisfactorily carried out.
- vii. An arbitration clause may be included for settlement of disputes.
- viii. 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		Downtime Remarks (Exclude Holidays)
Sr	Item	Date & Time	Date & Time	Complaint No.	Date & Time	Date & Time	Sign of Engineer	

- ix. **Record Keeping:** The following documents/materials must be kept in order to ensure systematic operation:-
 - Register of Hardware

- Register of Software
 - Register of Consumables
- x. **Register of Hardware:** The register, like a stock register contains details of hardware purchased from 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 Performa may consist of following columns:

Item name_____			Date of AMC_____			
Running No.	Sr. No. No. of Part	Brief Description	Source of Purchase & name of Vendor	Date of Purchase	Cost	Remarks

- xi. **Register of Software:** A similar register keeps details of Software;-

Sr. No.	Software Name	Mode of Acquisition/ Purchase	Installation/ Date of Operation	Loaded on Computers	Users Manual Available	Remarks

- xii. **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 Performa should be as follows item wise, covering the two opposite pages of the register:

Item Name_____									
Receipt					Issue				
Sr. No.	Date	Qty	Source	Cost	Sr.	Date	Qty	Issued to	Remarks

20.8 Establishment of LAN/ WAN connectivity in the offices

The Departments should setup LAN (Local Area Network) to interconnect IT equipment available in the office. It is also advised that undue buying of large number of PCs within the same premises of an organisation without any networking must be avoided. Networking results in sharing of resources e.g. data, printers etc. thereby leading to higher efficiency and cost savings in the organization. There is no need to buy printers/ CDROM/ DVDROM/ CD Writers with all the PCs (one Printer can be shared by many PCs depending on locational constraints). For connectivity with the field offices, HIMSWAN established by the Department of IT must be used. The procedure to obtain HIMSWAN connectivity is specified vide letter no. DIT(SWAN-SITEG)21/2005 dated March 9, 2007 of the Department of IT, Government of Himachal Pradesh.

20.9 Capacity Building

All departments must develop a Capacity Building Plan and Annual IT Training Calendar to promote capacity within the organization for IT penetration in the offices. The departments must train & re-skill employees in computer operations, application operations & management information systems. The following guidelines are recommended for this purpose:

- a. Assess and **estimate the need of trained manpower** required for new software application and also keep provision for the same in the project budget. It is also important that the **funds requirement pertaining to capacity building and training may be included** either in the project or in the departmental budget.
- b. Identify the training needs of department and prepare training calendar for the same.

- c. Appoint Nodal Officer for coordinating the training activities of the concerned department.
- d. Regular trainings for department employees on standard computer software applications (includes Word Processing, Electronic Spreadsheets, Scheduling of Appointments, Electronic Mailing etc). The IT department has established two training centres at DC Office Dharamshala and DC Office Mandi which can be utilized for the training of employees. However, for specific training needs the departments may approach the IT department of the State, to coordinate such training with the national/regional or state level agencies.
- e. Employees interested in additional responsibilities/ initiatives in the IT related activities should be identified and their aptitude recorded in their confidential reports and work assessments.

20.10 Reduce e-Waste

All the departments must resort to 'Buy Back Mechanism' while procuring new hardware so that old/ obsolete hardware does not get dumped in the stores. The best practice to get rid of obsolete computer hardware/peripherals in the departments is to make procurement of new hardware conditional to buy back of the obsolete equipment. The hardware must be procured only as per the requirement of application software to be used. Procurement of excess hardware must be avoided by designing a network to share the hardware.

ANNEXURE-A

List of 42 services identified to be covered under SSDG:

Departments	Service
Election	<ol style="list-style-type: none"> 1. Addition of name in voter list 2. Deletion of names from voter list 3. Transposition of names from voter list 4. Modification of details in voter list
Forest	<ol style="list-style-type: none"> 1. Application for timber distribution 2. Export permit for forest product 3. Wildlife compensation
Himachal Pradesh State Electricity Board	<ol style="list-style-type: none"> 1. Application for New Connection 2. Application for No Dues Certificate 3. Application for Power Availability Certificate
Revenue	<ol style="list-style-type: none"> 1. Issue of Copy of Nakal 2. Issue of OBC Certificate 3. Issue of Caste Certificate 4. Issue of Income Certificate 5. Application for State Bonafide residents
Panchayati Raj	<ol style="list-style-type: none"> 1. Application for Birth Certificate 2. Application for Death Certificate 3. Application for Marriage Certificate
Rural Development	<ol style="list-style-type: none"> 1. Application for NREGS and I-Card for NREGS

	2. Issuance of BPL Certificate
Social Welfare	1. Application for Disability Card 2. Application for Senior Citizen Card
Food and Civil Supplies	1. Application for issuance of ration card 2. Application for renewal of ration card 3. Application for duplicate copy of ration card 4. Application for food licenses
Labour and Employment	1. Application for Contract Labor Registration 2. Application for Migrant Worker and Principal Employer Registration 3. Application for Trade Union Registration 4. Application for Motor Transport Worker Registration 5. Application for Online Registration/ Renewal including Shops and Commercial Establishments 6. Online Registration of Employment
Agriculture	1. Crop disease and technical information 2. Soil testing
Animal Husbandry	1. Application for Poultry farms 2. Application for ram centre/ sheep breeding
Horticulture	1. Application for Procurement License
Fisheries	1. Application for License for Fishing
Sainik Welfare Board	1. Application for Pension to Non-Pensioners (Above 60 years) 2. Application for Gallantry Award Winners Pension 3. Application for Bus Pass for Award Winners and War Widows 4. Application for Employment of Ex-Servicemen

CHAPTER XXI

GRIEVANCE REDRESSAL MECHANISM

21.1 Introduction

Grievance Redress Mechanism for citizens at large and also for government employees is part and parcel of the machinery of any administration. No Government can claim to be citizenfriendly unless it has established an efficient and effective grievance redressal mechanism. In fact, the grievance redressal mechanism of a Government is the gauge to measure its efficiency and effectiveness as it provides important feedback on the working of the administration.

To handle public grievances, a separate Department of Redressal of Public Grievances is functioning directly under the Chief Minister.

21.2 E-Samadhan

The e-Samadhan system is a web based online grievance redressal and monitoring system and is being used since 2009.

- (i) Any individual/complainant can register his grievance/complaint on the H.P. Govt. website from any place where internet facility is available, any cyber cafe, Sugam Kendra/e-governance centres in DC offices or other offices. The complaints so

entered are required to be attended to by the respective departments. The system is self sustaining, automatic and does not call for any interference by any other departments.

- (ii) The Head of Departments/Administrative Secretaries concerned are responsible to ensure that the grievances entered in to the system pertaining to their department are monitored on regular basis.
- (iii) The role of the Department of Redressal of Public Grievances is that of a co-ordinator and facilitator. In addition to this, the State Govt. has authorised Lok Mitra Kendra's (3366 Nos.) to register public grievances/demand online in e-Samadhan web portal, at nominal cost. Thereafter, the individual who has got registered his grievance/demand through Lok Mitra Kendra can view the status of his grievance/demand from the concerned Lok Mitra Kendra till the disposal of his grievance/demand without paying any further charges.
- (iv) The Department of Redressal of Public Grievances has taken-up with all the Departments requesting them to prepare a master data including the details of the type of grievances being received or likely to be received in their department, the normal time frame within which such type of grievances can be disposed off and the level of the officers at which such type of grievances are disposed off in their departments.
- (v) The State Government has also integrated this with the SMS Gateway. This service is available as and when his/her complaint/demand is registered in the e-Samadhan. After any action is made online by the concerned department in respect of his/her grievance/demand the information is provided to him by SMS
- (vi) The training workshop for the concerned officers are being organised through NIC and the master data so received was got uploaded on the system. All details regarding type of grievances, timeframe and level of officer's stand entered in the Govt. website.
- (vii) The position of entry of grievances and their disposal is automatically updated in the system and even the individual complainant can ascertain the status of his grievance from the system. The departmental authorities can also monitor the process of disposal.
- (viii) Many complaints are being received through the offices of President of India and Prime Minister of India and other channels also. Such complaints are also being entered on the system besides sending the same to the concerned departments with forwarding letter alongwith photocopies.
- (ix) The role of Redressal of Public Grievances Department is that of a co-ordinator, facilitator, monitoring and ensuring timely disposal of grievances; issue necessary directions where delay has been found.

21.3 Prashasan Janata Ke Dwar Par

The Grievances Redressal Committees already exist at the State, District and Sub Divisional levels. At the State level, the Grievances committee is headed by the Chief Minister with all

Ministers as members, Certain MLAs, MPs and nominated non-officials and all Secretaries to Government as members. At the District level, the Committees are headed by the Ministers of the District with MLAs/MPs of the district and other non-officials as members, Deputy Commissioner and all district heads of officers also as members. The Sub Divisional level Committees are headed by SDMs with other local officers as members and other non-official members. No specific terms of reference have been laid down for the Committees and members raise issues related to grievances where larger public interest is involved. By their very nature of being State/District/Sub-Division level and the fact that they only meet periodically, obviously individual grievances cannot be dealt with through these committees.

The Government has also decided to designate ADC or ADM or AC as District level Grievance Redressal officers for every District to monitor the registration of Grievances/Demands on e-Samadhan.

The Government has also delegated powers to the Sub-Divisional Officers of respective Sub-Divisional to dispose of the time bound cases with regard to public grievances, suggestion and their demands and to meeting and obtain certain reports in this regard from the respective head of Departments under e-Samadhan of the Pradesh.

21.4 Time bound service delivery

State Government has decided that all departments must notify services and their availability to the public within reasonable time. The departments are required to review, monitor and update the time frame so notified.

21.5 Decisions on representations of Govt. employees regarding service matters

For resolution of the Service related matters of employees, appropriate grievance Redressal mechanism has been established at different levels. The representations relating to service matters of employees has to be disposed of on priority and must be decided finally within a period of two months. The Government has framed and notified grievance Redressal mechanism at all levels of the Govt., i.e., at the level of Secretary, Head of Department, Zonal, Divisional, District and Sub-divisional level, where the representations of Govt. employees on service matters will be processed on priority and decided finally within 2 months by passing a speaking and reasoned orders by the authorities competent to decide such matters as per relevant rules/instructions

Mechanism has been put in place to scrutinized complaint against the Secretaries in the Government by a committee headed by the Chief Secretary. This Committee is to scrutinize all complaints including pseudonymous complaints and take appropriate decision.

21.6 Joint Consultative Committee

Joint Consultative Committee meetings between employee's representative and senior Government officers to resolve grievances of the employees have been proved at State and District Level which are presided by the Chief Secretary at the State Level and the Deputy Commissioner at the District Level.

CHAPTER-XXII

MISCELLANEOUS

22.1 Right to Information

The Right to Information Act was passed by the Parliament on 15th June, 2005. All its provisions were made effective from 12th October, 2005. The main aim of the Right to Information Act, 2005 is to have an informed citizenry for democracy and to serve access to information under the control of Public Authorities for promoting transparency, accountability and to contain corruption. This Act aims to harmonise conflicting interests of maintaining confidentiality of sensitive information and revelation of information to the citizens. Under the Act all Public Authorities (all Government Departments, Statutory Bodies, Corporations are Public Authorities) are required to designate State Assistant Public Information Officer, State Public Information Officer and Appellate Authorities under Section 5 and 19 of the Act. Every Public Authority shall have to implement Section 4 of the Act.

This Act casts duty on the State Government to constitute State Information Commission and appoint State Chief Information Commissioner and State Information Commissioners. The State Information Commission has been constituted on 4.2.2006. Pursuant to the provision of the Act, HP RTI Rules 2006 were notified on 21st January, 2006.

The State Government has power to notify the intelligence and security organization to be exempt from the purview of the Act. Every Department is under obligation in relation to the Public Authorities within their jurisdiction to collect and provide such information to the State Information Commissioner as it requires to prepare the annual report. The State Government has to lay before the Vidhan Sabha the annual report of State Information Commission under Section 25.

State Government has a duty under Section 26 to, inter-alia, prepare programmes enabling the public to exercise the rights under the Act, training of State Public Information Officer, to update and publish the guidelines for Assistant Public Information Officer, Public Information Officer, Appellate Authorities and General Public.

Under the Right to Information Rules two registers have been prescribed which are mandatory for Public Information Officers to maintain. Similarly all Appellate Authorities are required to maintain a register which is given in Annexure XXII-A.

22.2 Efficient use of energy and its conservation

The Government has ordered use of Compact Fluorescent Lamps (CFLs), T-5 (28 Watt) Tube Lights and Light Emitting Diode (LED) in all offices in the State/Centre Government offices and Public Sector Undertakings. These Organisations has to replace conventional bulbs and tube lights with CFLs/ Light Emitting Diode (LED) lamps/T-5 (28 Watt) Tube lights at their own cost in a time bound manner for insuring energy conservation.

Besides all new buildings to be constructed in Government/Government aided sectors have to incorporate energy efficient building design concepts from 1st April, 2010.

These mandatory aspects have to be strictly adhered to.

22.3 State Training Policy 2009

The State Government has notified H.P. State Training Policy 2009. The Training Policy, inter-alia, focuses on training concerns, Training for all, Training Coverage, Training Objectives, Training Frame work, Training Plan, Training Manager, Training Methodology, Budget and Thrust areas.

The following actionable point's needs to be attended to on priority by all Departments:-

- Ensure training at the time of induction and at least once in 5 years or before promotion.
- It covers Class IV to Class-I and also includes public representatives in ULB, PRI and Legislatures.
- Each Department will formulate a Training Plan based on a training need analysis conducted, covering the training needs for different categories of employees.
- Each Department to designate one of its officers as Training Manager to be responsible for review and monitoring of the training plan.
- The Government has approved an ear-marking upto 1% of Salaries allocated to each Department under Training Head. Where no Training Head exists, the Department is required to create a Training Head.
- The State Level Empowered Committee headed by the Chief Secretary will review Annual Action Plan for training of employees. Every Department shall constitute a Training Review Committee under the chairmanship of concerned Secretary which shall meet at least once in every quarter to monitor and review the progress in this regard.

22.4 Chief Minister's Review of Departments

The Chief Minister has been reviewing the functioning of the Departments.

Items/points for departmental review by Hon'ble Chief Minister

1. Action taken on the previous Review Meeting.
2. Position of Implementation of :
 - i. Budget Announcements.
 - ii. Various announcements made by the Hon'ble Chief Minister.
 - iii. Election Manifesto of Party adopted as Policy Document.
3. Budget Allocation for the current year:
 - i. Salary
 - ii. Establishment
 - iii. Development Schemes
4. Detail of various Departmental schemes of the Department.
5. Achievements:-
 - i. Physical (Quarter-wise)
 - ii. Financial (Quarter-wise)
6. Detail of Centrally Sponsored Schemes(CSS)
7. Inspection Schedule prepared for different level Officers.
8. Actual Inspections done.
9. Job Chart.
10. Grievances Redressal Monitoring System- e-Samadhan:
 - i. Position of disposal of grievances (till date).
 - ii. Pendency position of cases as on date and reasons there for.
11. Action taken on e-mails sent from C.M.Office.
12. Major Initiatives take by the Department in the recent past.
13. Future plans of the Department.
14. Position of pendency of court cases:-

(Break up of cases pending more than 1 year, 2year and 3 years in various Tribunals/Courts up to Supreme Court):

 - i. Relating to service matters.
 - ii. Others.
15. Position of Pendency of Audit/CAG/PAC Paras/HP Vidhan Sabha Committees:
 - i. Suo-motto replies and ATR on audit paras
 - ii. Further Action taken, if any.
16. Position of Government dues pending for recovery & steps taken by the department.

17. Position of Computerization and future plans.
18. Services being given through Sugam Centers or Lok Mitra Kendra.
19. Compliance to Section 4 of RTI Act 2005.
20. Any other item.

22.5 AWARDS SCHEMES FOR EMPLOYEES

22.5.1 H.P. STATE SCHEME OF INCENTIVES FOR DESERVING GOVERNMENT EMPLOYEES 2008

The Government has decided to reward an employee for exceptional performance setting high standards of service. A Unit or a group of employees will be given preference over an individual if that exceptional work has been achieved by the joint efforts of a group of employees. There will be maximum of 5 awards in a year. The award will be given by the Chief Minister on the Civil Service Day i.e. birthday of Sardar Patel. State Level Committee will be headed by the Chief Secretary and other members being Pr. Secretary to CM, Pr. Secretary (Finance), Pr. Secretary/Secretary (Personnel), one non-official member who is eminent citizen or retired civil servant and Pr. Secretary (AR) as member Secretary. At the District level, a Committee under the chairmanship of the DC with ADC/ADM as Member secretary and officer of concerned department as member will decide the proposal for award. Similarly HODs and Secretaries can send proposals for their respective departments. Incentives for such excellence will be given in the shape of cash awards of Rs. 51000/- to an individual and maximum of Rs. 2,50,000/- to a group, but not exceeding Rs. 50,000/- for an individual. In addition to it there would be a certificate and a medal/momento.

22.5.2 PRIME MINISTER'S AWARDS FOR EXCELLENCE IN PUBLIC ADMINISTRATION

The Government of India has instituted "Prime Minister's Awards for Excellence in Public Administration" to acknowledge, recognize and reward the extraordinary and innovative work done by officers of the Central and State Governments. All officers of Central & State Governments individually or as a group or as organizations are eligible for consideration

Nominations of civil servants are invited from Central Government Ministries/ Departments/State Governments/Non-Governmental Organizations and other stakeholders and has to reach Department of AR, GOI, usually by August of previous year. <http://darpg.nic.in>

22.6 Citizen's/Client's Charter

The basic objective of the Citizens Charter is to empower the citizen in relation to public service delivery. Citizen's/Client's Charter is a document which represents a systematic effort to focus on the commitment of the Organisation towards it's Citizens/Clients in respect of Standard of Services, Information, Choice and Consultation, Non-discrimination and Accessibility, Grievances Redress, Courtesy and Value for Money. This also includes expectations of the Organisation from the Citizen/Client for fulfilling the commitment of the Organisation.

A Charter comprises of the following components –

- (i) Vision and Mission statement;
- (ii) Details of Business transacted by the Organisation;
- (iii) Details of Customers/Clients;
- (iv) Statement of services provided to each citizen/client group

- Separately;
- (v) Details of Grievances Redress Mechanism and how to access the same; and
 - (vi) Expectation from the citizen/client.
Activities relating to the Charters as detailed below will be included in the Annual Report of the Department.
 - (vii) Action taken to formulate the Charter for the Department and its subordinate formations;
 - (viii) Action taken to implement the Charter;
 - (ix) Details of Training Programmes, Workshops, etc. held for proper implementation of Charter;
 - (x) Details of publicity efforts made and awareness campaigns organised on Charter for the citizens/Clients;
 - (xi) Details of internal and external evaluation of implementation of Charter in the Organisation and assessment of the level of satisfaction among Citizen/Clients; and
 - (xii) Details of revisions made in Charter on the basis of internal and external review.

ANNEXURE XXII-A

FIRST APPEAL REGISTER
UNDER THE RIGHT TO INFORMATION ACT, 2005.
(See Rule 6(7))

Sr. No	Name and address of the appellant	Name, address of PIO against whom appeal is preferred	Order No. date against which appeal is preferred	Date of receipt of appeal	Date(s) of hearing	Date of decision	Whether appeal accepted or rejected. Brief grounds of order.	Signature of Appellate Authority.
1	2	3	4	5	6	7	8	9

राजकीय मुद्रणालय, हि० प्र०, शिमला-183-कार्मिक विभाग/2011-14-05-2011-1,000.