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# WEST BENGAL SECRETARIAT MANUAL 2019



GOVERNMENT OF WEST BENGAL



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### *Preface*

'Secretariat Instructions' of the then Government of Bengal were first published in 1912 as a part of the Rules of Business. The genesis of Secretariat Manual lied in the felt need of having a compilation of the instructions to be followed by the Secretariat Departments and the name Secretariat Manual appeared for the first time in 1941 edition. It has undergone revisions with the passage of time and the last revision was done in 2005.

Since 2005, there have been many changes in the functioning of the Government requiring modification in Secretarial Procedure. Over time, governance has witnessed a number of reforms. Introduction of e-Office in particular and IT enabled services in general has inculcated changes in office procedure. New Departments have been created and old Departments reorganised with the resultant effect of covering many new and unexplored fields under the fold of transaction of business of the Government. Therefore, there remained an imperative for a further revision of the Secretariat Manual.

This Manual codifies in a convenient form the present procedure of transaction of business of this Government, regard being given to the relevant rules and orders in force. An attempt has been made to make the manual more users friendly. It will be available online in a searchable PDF format, with a detailed table of contents and convenient navigation links. The instructions contained in the Manual are to be followed by the Secretariat Departments.

A six member committee was constituted headed by Sri Nirmalya Ghoshal, IAS, Commissioner (Home & Hill Affairs Department) to prepare the first draft of the Manual. The committee held intensive discussions with different stakeholders. Thereafter the feedback has been duly incorporated before giving the Manual a final shape.

The Personnel and Administrative Reforms (PAR) Department has taken up the responsibility of updating the Manual. Reference may be made to the PAR Department whenever a need arises for updating any provision.

*Malay Kumar De*  
Chief Secretary



## A brief history of the West Bengal Secretariat Manual

The origin of the West Bengal Secretariat Manual may be traced back to September 11, 1912 when 'Secretariat Instructions' were published for the first time as 'PART III' of the 'RULES OF BUSINESS AND SECRETARIAT INSTRUCTIONS OF THE BENGAL SECRETARIAT, THIRD EDITION'. The first two editions of the Rules of Business were published in 1891 and 1900 respectively.

In the edition of 1912, a distinction was made for the first time between the Rules of Business and the Secretariat Instructions. The Secretariat Instructions as comprised in Part III of the book contained, 514 paragraphs spread over 15 chapters.

'Secretariat Instructions' were published as a separate book, independent of the Rules of Business, for the first time in 1921. It contained 506 paragraphs spread over 15 chapters, several forms and a Schedule. The Schedule contained detailed arrangement of the Secretariat similar to First Schedule to the current West Bengal Rules of Business.

In 1924, another edition of the 'Secretariat Instructions' was published which had 507 paragraphs spread over 16 chapters and two appendices.

In the 1941 edition, the name 'Secretariat Manual' was used for the first time. The book contained two Schedules (one similar to the First Schedule to the current Rules of Business and the other containing a List of Acts, Regulations and Orders administered by various Departments), 24 chapters and Forms.

In independent India, the manual was published for the first time in 1968. It was called 'West Bengal Secretariat Manual'. It is mentioned in the preface that the manual is issued under Rule 54 of the West Bengal Rules of Business. It contained two Schedules similar to the 1941 edition, 23 chapters and Forms.

The Secretariat Manual was updated in 2005. The 2005 edition contained 23 chapters, appendices and Forms. The Schedules included in the previous two editions were omitted.



# Table of Contents

<b><u>A brief history of the West Bengal Secretariat Manual</u></b> .....	i
<b>Definitions</b> .....	1
<b>CHAPTER – 1</b>	
<b><u>Structure and Organisation of the Government</u></b> .....	<b>3</b>
1.1 <u>The Governor</u> .....	3
1.3 <u>West Bengal Rules of Business</u> .....	3
1.4 <u>Council of Ministers</u> .....	3
1.5 <u>Department</u> .....	3
1.6 <u>Secretary</u> .....	3
1.8 <u>Secretariat</u> .....	3
1.11 <u>Standing Order</u> .....	4
1.14 <u>Functions of the Secretariat</u> .....	4
<b>CHAPTER – 2</b>	
<b><u>Organisation of the Secretariat</u></b> .....	<b>7</b>
2.1 <u>General responsibility</u> .....	7
2.3 <u>Duties of a Secretary</u> .....	7
2.5 <u>Allocation of duties</u> .....	8
2.6 <u>Financial Advisor</u> .....	8
2.7 <u>Law Officer</u> .....	8
2.8 <u>Drawing and Disbursing Officer</u> .....	8
2.9 <u>Registrar</u> .....	9
2.12 <u>Power to authenticate</u> .....	10
2.13 <u>Section Officer and Head Assistant</u> .....	10
2.14 <u>Allocation of duties among Assistants</u> .....	10
2.16 <u>Duties of Section Officer/ Head Assistant</u> .....	11
2.17 <u>Upper and Lower Division Assistants</u> .....	11
2.19 <u>Cadres of personnel of the Secretariat</u> .....	12
2.21 <u>Functions of Personal Secretaries</u> .....	13
2.22.1 <u>Duties of Duftry</u> .....	13
2.22.2 <u>Duties of the Record Supplier</u> .....	13
2.22.3 <u>Duties of Group D staff</u> .....	14
2.23 <u>Inspection</u> .....	14
2.24 <u>Compensatory casual leave</u> .....	14
2.25 <u>Sanction of leave and permission to leave headquarters</u> .....	14
2.26 <u>Insolvency or indebtedness</u> .....	14
2.27 <u>Restriction on use of records</u> .....	14
2.28 <u>Confidentiality of notes</u> .....	14
2.29 <u>Application through proper channel</u> .....	15
2.30 <u>Restriction on application for job</u> .....	15

2.31	<u>Performance report</u> .....	15
2.32	<u>Restriction on issue of certificates</u> .....	15
2.33	<u>Penalty for disobedience</u> .....	15
2.34	<u>Administrative Calendar</u> .....	15
2.35	<u>Preparation of Administrative Calendar</u> .....	15
2.37	<u>Priority List</u> .....	15
2.39	<u>Precedent Book</u> .....	16
2.40	<u>Compendium</u> .....	16
2.41	<u>Protocol</u> .....	16

### **CHAPTER – 3**

	<b><u>General Procedure in dealing with cases</u></b> .....	<b>19</b>
3.1	<u>General principles and exigencies</u> .....	19
3.3	<u>Registers</u> .....	19
3.3.1	<u>Diary of Receipts</u> .....	19
3.3.2	<u>Detailed Index of Current Files</u> .....	19
3.3.3	<u>File Register</u> .....	19
3.3.4	<u>Inter Departmental (Inward and Outward) Registers</u> .....	19
3.3.5	<u>Issue Register</u> .....	19
3.3.6	<u>Notification Register</u> .....	19
3.3.7	<u>Press Register</u> .....	19
3.3.8	<u>Peon Book</u> .....	19
3.3.9	<u>Reminder Register</u> .....	20
3.4	<u>Receipt of Dak</u> .....	20
3.5	<u>Scanning and diarisation of Dak</u> .....	20
3.6	<u>Receipt of cheque etc.</u> .....	20
3.7	<u>Diarisation of electronic Dak</u> .....	20
3.9	<u>Action on physical Dak after diarisation</u> .....	20
3.10	<u>Earmarked officer for allocation of receipts</u> .....	20
3.11	<u>Action by officer on receipts</u> .....	21
3.12	<u>Action by Section in charge on receipts</u> .....	21
3.13	<u>Action by Dealing Assistant on receipts</u> .....	21
3.14	<u>Case Book:</u> .....	22
3.15	<u>Physical files</u> .....	22
3.15.4	<u>Priority slips</u> .....	22
3.17	<u>Note</u> .....	23
3.18	<u>Notes to record the entire process of decision making</u> .....	23
3.20	<u>Procedure to deal with references from other Departments</u> .....	24
3.23	<u>Time allowed for noting</u> .....	24
3.24	<u>List of pending cases</u> .....	24
3.25	<u>Action by Section in charge on the notes</u> .....	24
3.27	<u>Decision making authority</u> .....	25



3.28	<u>Cases for the Governor</u> .....	25
3.29	<u>Exceptions in case of urgency</u> .....	25
3.30	<u>Draft</u> .....	25
3.34	<u>Communications</u> .....	26
3.40	<u>Forms of communication</u> .....	27
3.53	<u>Modification or withdrawal of decision</u> .....	29
3.57	<u>Despatch of communications</u> .....	29
3.64	<u>Action after despatch</u> .....	30
3.70	<u>Web Based File Tracking System</u> .....	31

## CHAPTER – 4

<b>Secret Cases</b> .....	<b>35</b>
4.1 <u>Classification</u> .....	35
4.3 <u>Secret Section</u> .....	35
4.4 <u>Register</u> .....	35
4.5 <u>Despatch of secret papers</u> .....	35
4.7 <u>Custodian of secret papers</u> .....	35
4.10 <u>Recording of secret papers</u> .....	36
4.13 <u>Electronic Communications</u> .....	36

## CHAPTER - 5

<b><u>Inter-Departmental Consultations</u></b> .....	<b>37</b>
5.1 <u>Forms of consultation</u> .....	37
5.2 <u>Inter-departmental references</u> .....	37
5.4 <u>Difference of opinion among Departments</u> .....	38
5.9 <u>No order to be issued from a file of another Department</u> .....	38
5.10 <u>Taking over of cases</u> .....	38
5.11 <u>Transfer of cases</u> .....	39
5.13 <u>Correspondence with Central Government</u> .....	39
5.16 <u>Dealing with a reference from another Department</u> .....	39
5.21 <u>Creation of Police Stations</u> .....	40
5.22 <u>Change of boundary of subdivisions etc.</u> .....	40
5.23 <u>Incidents to be reported to the Home and Hill Affairs Department</u> .....	40
5.27 <u>District Magistrate to be informed</u> .....	40
5.29 <u>References to the Information and Cultural Affairs Department</u> .....	40
5.35 <u>Reference to the Finance Department</u> .....	42
5.39 <u>Reference to the Land and Land Reforms and Refugee Relief and Rehabilitation Department</u> .....	43
5.41 <u>Reference to the Law Department</u> .....	43
5.45 <u>Reference to the Legal Remembrancer</u> .....	44
5.47 <u>Reference to the Advocate General</u> .....	44
5.50 <u>Reference to the State Archives</u> .....	45

## CHAPTER –6

<b>Cabinet Procedure</b> .....	47
6.1 Cases for Cabinet .....	47
6.3 Order of the Chief Minister for placing before Cabinet.....	47
6.4 Cabinet Memorandum.....	47
6.8 Agenda for Cabinet meeting.....	48
6.10 Cases to be circulated to Ministers.....	49
6.13 Proceedings of the meetings of the Cabinet.....	49
6.14 Cabinet Sub-Committee.....	50
6.16 Standing Committees of the Cabinet.....	50
6.17 Power of such Standing Committees.....	50
6.21 Group of Ministers.....	51
6.22 Cases for mention in Cabinet.....	51
6.23 Emergent matters to be mentioned.....	51
6.24 Cases outside the agenda.....	51
6.25 Chief Secretary to be present.....	51
6.26 Approval of the Cabinet to be mentioned in the Order.....	51

## CHAPTER –7

<b>Budget Procedure</b> .....	55
7.1 General.....	55
7.3 Revenue Accounts.....	55
7.4 Capital Accounts.....	55
7.5 Debt Heads.....	55
7.6 Contingency Fund of the State.....	55
7.7 Public Account of the State.....	55
7.8 Form in which the Budget is to be presented to the Legislature.....	55
7.9 Responsibility for the preparation of the Budget.....	56
7.10 Dates of submission of Budget.....	56
7.11 Form of the Estimates to be prepared by the Budgeting Officers.....	56
7.12 Revised Estimates of Revenue and Receipts.....	56
7.13 Reasons to be furnished for adoption of Estimates of Revenue.....	56
7.14 Estimates of Expenditure.....	57
7.15 Sanctioned Budget Estimate is no guide to the Revised Estimate.....	57
7.16 Purpose of Revised Estimate.....	57
7.17 Revised Estimates to be based on the actuals of earlier months.....	57
7.18 Budget Estimates Revenue and Receipts.....	57
7.19 Reasons to be furnished for adoption of Estimates of Expenditure.....	57
7.20 Purpose of Budget Estimates.....	57
7.22 Preparation of Estimates of Expenditure.....	58
7.24 Estimates of Ordinary Charges.....	58

7.25	<u>Details in respect of ‘Salaries’</u> .....	58
7.26	<u>Estimates of Variable Charges</u> .....	58
7.27	<u>Submission of estimates to the Finance Department</u> .....	58
7.28	<u>Preparation of Finance Minister’s Speech</u> .....	58
7.30	<u>Moving of demands for grants</u> .....	59
7.32	<u>Standing Committees to Scrutinise the demands for grants</u> .....	59
7.34	<u>Motions for reduction of demand</u> .....	60
7.36	<u>Opening of new Heads of Account</u> .....	60
7.37	<u>Drawal of advance from the Contingency Fund</u> .....	60

## **CHAPTER –8**

<b>Audit Procedure</b> .....	<b>63</b>
8.1 <u>Comptroller and Auditor General of India</u> .....	63
8.2 <u>Report of the CAG to be laid before the Assembly</u> .....	63
8.3 <u>Process of Audit</u> .....	63
8.4 <u>Audit Query</u> .....	63
8.5 <u>Inspection Report</u> .....	63
8.6 <u>Action on receipt of Inspection Report</u> .....	63
8.8 <u>Draft CAG Paragraph</u> .....	64
8.9 <u>Action on receipt of draft CAG Paragraph</u> .....	64
8.11 <u>Departmental Audit Committee</u> .....	64
8.12 <u>High Level Audit Committee</u> .....	64
8.13 <u>Public Accounts Committee</u> .....	64
8.14 <u>Action on receipt of Recommendations of the PAC</u> .....	65

## **CHAPTER - 9**

<b>Legislature and the Executive</b> .....	<b>67</b>
9.1 <u>Governor’s Address</u> .....	67
9.5 <u>Channels of communication</u> .....	67
9.7 <u>Nodal Department</u> .....	67
9.9 <u>Method of Correspondence</u> .....	68
9.13 <u>Assurances</u> .....	68
9.14 <u>Assembly Questions</u> .....	69
9.19 <u>Procedure for dealing with Resolutions</u> .....	70
9.20 <u>Action on resolution passed</u> .....	71
9.21 <u>Procedure for dealing with motions</u> .....	71
9.24 <u>Procedure for dealing with Calling Attention</u> .....	71
9.25 <u>Procedure for dealing with matters of urgent public importance</u> .....	71

## **CHAPTER –10**

<b>Legislative Procedure</b> .....	<b>73</b>
10.1 <u>Proposals for legislation</u> .....	73
10.2 <u>Initiation of legislation</u> .....	73

10.3	<u>Transmission to Law Department for drafting of Bill</u> .....	73
10.4	<u>Tentative Draft Bill and comments of Law Department</u> .....	74
10.5	<u>Examination of the tentative Draft Bill</u> .....	74
10.7	<u>Final Draft Bill and comments of the Law Department</u> .....	74
10.8	<u>Previous sanction of President</u> .....	74
10.9	<u>Recommendation of the Governor</u> .....	75
10.12	<u>Statement of Objects and Reasons and Notes on clauses</u> .....	75
10.13	<u>Publication before Introduction</u> .....	75
10.14	<u>Notice of Motion for Introduction</u> .....	75
10.15	<u>Codification and consolidation of existing enactments and formal Bills</u> .....	76
10.18	<u>Amendments affecting principles of Bill or finances of State</u> .....	76
10.19	<u>Government Amendments</u> .....	76
10.20	<u>Private Members' amendments</u> .....	76
10.22	<u>Private Members' Bill- previous publication</u> .....	77
10.23	<u>Notice of Private Members' Bill</u> .....	77
10.24	<u>Scrutiny of Private Members' Bill</u> .....	77
10.28	<u>Action in the administrative Department</u> .....	77
10.29	<u>List of individuals and Associations to be consulted</u> .....	77
10.30	<u>Date and time for Select Committee meeting</u> .....	78
10.31	<u>Legislation affecting Scheduled Tribes</u> .....	78
10.32	<u>Legislation in Concurrent List</u> .....	78
10.36	<u>Assent</u> .....	78
10.46	<u>Publication of Assent</u> .....	79
10.47	<u>Custody of original assented copy of Bill</u> .....	79
10.48	<u>Publication of Act</u> .....	80
10.49	<u>Ordinances</u> .....	80
10.55	<u>Commencement of an Act</u> .....	80
10.56	<u>Lists of Projects of Law</u> .....	81
10.57	<u>Printing of Bills</u> .....	81
10.59	<u>Collection of opinions on Bills introduced in the Parliament</u> .....	81
10.60	<u>Translation of Bills, Acts and Ordinances</u> .....	81
	<u>Passing of a Bill at a glance</u> .....	83

## **CHAPTER –11**

	<b><u>Correspondence with Government of India</u></b> .....	<b>85</b>
11.1	<u>Channels of communication</u> .....	85

## **CHAPTER –12**

	<b><u>Disposal of Addresses presented to the Governor</u></b> .....	<b>87</b>
12.1	<u>Consultation with local officers</u> .....	87
12.2	<u>Reference to the Department concerned</u> .....	87

## CHAPTER –13

<b>Reference to the Public Service Commission</b> .....	<b>89</b>
13.1 <u>Secretary to decide on reference to be made</u> .....	89
13.2 <u>Reference to be in the form of official letters only</u> .....	89
13.3 <u>Prior consultation with Finance Department</u> .....	89
13.4 <u>Reduction of Pension</u> .....	89
13.7 <u>Commission to be informed</u> .....	89
13.8 <u>Difference of opinion with the Commission</u> .....	89
13.9 <u>Assembly question regarding the Commission</u> .....	90
13.14 <u>Annual Report of the Commission</u> .....	90

## CHAPTER –14

### **Right to Information, Public Grievance and Assistance**

<b>Right to Public Services</b> .....	<b>93</b>
14.1 <u>State Public Information Officer</u> .....	93
14.2 <u>Uploading of statutory information in departmental website</u> .....	93
14.3 <u>Updating of departmental website</u> .....	93
14.4 <u>Time bound dealing</u> .....	93
14.5 <u>Register of RTI applications</u> .....	93
14.6 <u>First examination of an application</u> .....	93
14.8 <u>Some information exempted from disclosure</u> .....	93
14.11 <u>Cost of copies to be realized</u> .....	94
14.12 <u>Appellate Authority</u> .....	94
14.13 <u>Public Grievance and Assistance Office</u> .....	94
14.14 <u>Director of Grievances</u> .....	94
14.16 <u>Special Colour for Correspondence</u> .....	95
14.18 <u>Complaint Box and Suggestion Box</u> .....	95
14.19 <u>Grievance Register</u> .....	95
14.20 <u>Suggestion Register</u> .....	95
14.23 <u>Inquiring Officer</u> .....	95
14.28 <u>Grievance Column of Newspapers</u> .....	96
14.31 <u>Monthly Report of PGO</u> .....	96
14.35 <u>Integration of grievance redressal system into the decision making process</u> .....	96
14.36 <u>Monitoring of Programme Implementation and Grievance Cell</u> .....	97
14.37 <u>Right to Public Services</u> .....	97

## CHAPTER – 15

<b>Record Management</b> .....	<b>99</b>
15.3 <u>Uploading in Departmental website</u> .....	99
15.4 <u>Process of recording</u> .....	99
15.5 <u>Classification</u> .....	99

15.16	<u>Precautions before destruction</u> .....	102
15.17	<u>Transfer of files</u> .....	102
15.19	<u>Record review register</u> .....	102
15.20	<u>Transfer to State Archives</u> .....	102
15.21	<u>Transfer of Deeds etc.</u> .....	103
15.24	<u>Record rooms</u> .....	103
15.27	<u>Weeding of records</u> .....	103
15.29	<u>Requisitioning of records</u> .....	103

## **CHAPTER - 16**

	<b><u>Human Resources Management System</u></b> .....	<b>105</b>
16.1	<u>Integrated Financial Management System</u> .....	105
16.2	<u>Human Resources Management System</u> .....	105
16.3	<u>Nodal Officer</u> .....	105
16.4	<u>Comprehensive Database</u> .....	105
16.5	<u>Payment of salary etc. through HRMS</u> .....	105
16.6	<u>Leave and leave account</u> .....	105
16.7	<u>Self Appraisal Report</u> .....	105
16.8	<u>Maintenance of Service Book</u> .....	105
16.9	<u>Streamlining of processing cases of promotion/ transfer</u> .....	106
16.10	<u>Pay Fixation</u> .....	106
16.11	<u>Exit Management</u> .....	106
16.12	<u>Hierarchy Mapping and updating</u> .....	106
16.13	<u>Unique Identity for each employee</u> .....	106
16.14	<u>e-Services for the employees</u> .....	106

## **CHAPTER –17**

### **Human Resources**

	<b><u>Capacity Building</u></b> .....	<b>107</b>
17.1	<u>General</u> .....	107
17.2	<u>Capacity building is essential at every level</u> .....	107
17.3	<u>Departmental Training Supervisor</u> .....	107
17.4	<u>Administrative Training Institute</u> .....	107
17.5	<u>Initial Training of an LDA</u> .....	107
17.6	<u>Contents of Initial Training programme</u> .....	107
17.7	<u>Induction Training of LDAs</u> .....	108
17.9	<u>Cadre Planning- training through periodic reshuffling</u> .....	109
17.10	<u>Capacity Building is a continuous process</u> .....	109
17.11	<u>Re-orientation programme for Officers from outside the Secretariat</u> .....	109
17.12	<u>Master Trainer</u> .....	110
17.13	<u>Induction Training at the Level of Section Officer and above</u> .....	110

## CHAPTER –18

<b>West Bengal Secretariat Library .....</b>	<b>111</b>
18.1 <u>Charge of the Library .....</u>	111
18.2 <u>Use of the Library.....</u>	111
18.3 <u>Supply of books to the Library .....</u>	111
18.4 <u>Treatment of books.....</u>	111
18.5 <u>Cataloguing .....</u>	111
18.6 <u>Keeping copies of books .....</u>	111
18.7 <u>Scanning and maintaining soft copies of books.....</u>	111
18.8 <u>Surplus Copies of books.....</u>	111
18.9 <u>Keeping of periodicals.....</u>	111
18.10 <u>Disposal of surplus books.....</u>	111
18.11 <u>Register of books .....</u>	111
18.12 <u>Register of books issued .....</u>	112
18.13 <u>Requisitions for books.....</u>	112
18.14 <u>Responsibility for loss of and damage to books .....</u>	112
18.15 <u>Stock taking of books .....</u>	112
18.16 <u>Preservation of newspapers, periodicals etc.....</u>	112
18.17 <u>Necessary instructions by Department.....</u>	112

## CHAPTER – 19

<b>Miscellaneous.....</b>	<b>113</b>
19.1 <u>Maintenance of Files showing Records of Services .....</u>	113
19.2 <u>Register of Services of Officers .....</u>	113
19.3 <u>Guide to the Laws and Orders in force in West Bengal .....</u>	113
19.4 <u>Preservation of Newspapers.....</u>	113
19.5 <u>Submission of Indents.....</u>	113
19.6 <u>Supplementary and Emergent Indents.....</u>	113
19.7 <u>Receipt of Supplies.....</u>	114
19.8 <u>Stock Book.....</u>	114
19.9 <u>Verification of Stock Book.....</u>	114
19.10 <u>Requisitions for the supply of Stationeries.....</u>	114
19.12 <u>Quarterly Verification of Stock .....</u>	114
19.13 <u>Preservation of Requisitions .....</u>	114
19.14 <u>Durable Articles.....</u>	114
19.15 <u>Charge of Forms.....</u>	114
19.16 <u>New supplies of Forms.....</u>	114
19.17 <u>Classification of Forms.....</u>	114
19.18 <u>Addition to standard Forms .....</u>	115
19.19 <u>Procedure for introduction of New Forms .....</u>	115
19.20 <u>Office Furniture.....</u>	115
19.21 <u>Stock Book of Office Furniture.....</u>	115

19.22	<u>Verification of stock</u> .....	115
19.23	<u>Conveyance Hire</u> .....	115
19.24	<u>Authority to pass orders</u> .....	115
19.25	<u>Rate of Conveyance hire</u> .....	116
19.26	<u>Payment of Conveyance Hire at higher rate in special case</u> .....	116
<b>APPENDIX – 1</b>		
	<u>Guidelines on procedure for preparing a Cabinet Memorandum</u> .....	117
<b>APPENDIX – 2</b>		
	<u>Guidelines on Public Grievance and Assistance Office</u> .....	121
<b>APPENDIX – 3</b>		
	<u>Monitoring of Programme Implementation &amp; Grievance Cell</u> .....	129
<b>APPENDIX – 4</b>		
	<b>Official dealings between the Administration and Members of Parliament and State Legislatures</b> .....	130



## **Definitions**

### **In this Manual unless the context otherwise requires:**

- i.** 'Article' means an article in the Constitution of India;
- ii.** 'Assembly' means the West Bengal Legislative Assembly;
- iii.** 'CAG' means Comptroller and Auditor General of India;
- iv.** 'Constitution' means the Constitution of India;
- v.** 'Dak' means every type of written communication such as letter, telegram , inter departmental note, file, fax, email, whether by post or otherwise, received in any Department for its consideration;
- vi.** 'DDO' means Drawing and Disbursing Officer;
- vii.** 'Dealing Assistant' means an Upper Division Assistant or equivalent or a Lower Division Assistant or equivalent;
- viii.** 'Department' means a department of the Government of West Bengal specified in the First Schedule to the West Bengal Rules of Business;
- ix.** 'Docketing' means making of entries in the notes portion of a file about the serial number assigned to each item of correspondence (whether receipt or issue) for its identification;
- x.** 'Drafts' means any mode of written communication of a decision proposed by any functionary but yet to be finally approved;
- xi.** 'DRO' means Departmental Records Officer;
- xii.** 'e-file' means a file in the e-Office system;
- xiii.** 'e-Office' means a system adopted by the State Government for transaction of official business online;
- xiv.** 'File' means a collection of papers on a specific subject matter assigned a unique number and consisting of one or more of the following parts;
  - xiv.a** correspondence;
  - xiv.b** notes;
  - xiv.c** appendix to correspondence;
  - xiv.d** appendix to notes;
- xv.** 'Government' means the Government of West Bengal;
- xvi.** 'HRMS' means Human Resources Management System;
- xvii.** 'Hyperlink' means a link created at a position (a word, phrase or image) of a e-file to another particular position/page of the same for convenient referencing;
- xviii.** 'IFMS' means Integrated Financial Management System;
- xix.** 'Metadata' means structure, concept and meaning in respect of a e-file or receipt;
- xx.** 'MIS' means Management Information System;

- xxi.** 'Note' means the remarks recorded on a case to facilitate its disposal including final orders passed on the case;
- xxii.** 'NIC' means National Informatics Centre;
- xxiii.** 'PAG' means Principal Accountant General (A&E), West Bengal;
- xxiv.** 'Public Service Commission' means Public Service Commission, West Bengal;
- xxv.** 'Receipt' means Dak after it has been received and diarised;
- xxvi.** 'RoB' means the West Bengal Rules of Business;
- xxvii.** 'Rules of Procedure of the Assembly' means Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly;
- xxviii.** 'SAR' means Self Appraisal Report;
- xxix.** 'Secretary' means a Secretary to the Government of West Bengal who is in overall charge of a Department and includes an Additional Chief Secretary or a Principal Secretary;
- xxx.** 'Section in charge' means a Special Officer, a Registrar, an Officer on Special Duty, a Liaison Officer, a Law Officer, a Section Officer or equivalent or a Head Assistant in charge of a Section or Cell;
- xxxi.** 'Standing Order' means an order of the Minister-in-Charge of a Department in terms of rules 19 and/ or 20 of the RoB;
- xxxii.** 'Department of P&AR' means Department of Personnel and Administrative Reforms;

## CHAPTER – 1

### Structure and Organisation of the Government

- 1.1 The Governor:** The executive power of the State is vested in the Governor<sup>1</sup>. All executive action of the Government is expressed to be taken in the name of the Governor<sup>2</sup>.
- 1.2** Orders and other instruments made and executed in the name of the Governor are authenticated in the manner laid down in the Rule laid down under Article 166(2) of the Constitution.
- 1.3 West Bengal Rules of Business:** The Governor has laid down rules for transaction of the business of the Government of the State<sup>3</sup>. These rules are called the West Bengal Rules of Business.
- 1.4 Council of Ministers:** In exercise of his powers, the Governor is aided and advised by a Council of Ministers headed by the Chief Minister<sup>4</sup>. Cabinet is a Committee of the Council of Ministers consisting of Ministers-in-Charge<sup>5</sup>. The Council of Ministers is collectively responsible for all advice tendered to the Governor and all orders issued in his name<sup>6</sup>.
- 1.5 Department:** In the West Bengal Rules of Business, it has been laid down that the business of the Government shall be transacted in Departments as per allocation specified in the First Schedule thereto<sup>7</sup>. If a question arises as to which Department a particular case belongs to, the matter will be referred to the Chief Secretary for decision. He may obtain orders of the Chief Minister, if deemed fit<sup>8</sup>.
- 1.6 Secretary:** Secretary is the official Head of the Department. Each Department is assigned to the charge of a Minister or Ministers and consists of Secretary, other Group-A officers and subordinate staff. The work of a Department may be divided between two or more Secretaries or may be allotted to an Additional Secretary or a Commissioner in the Department or a Special Secretary or a Joint Secretary. With respect to matters committed to his charge, an Additional Secretary or a Commissioner in the Department or a Special Secretary or a Joint Secretary discharges the functions of Secretary.
- 1.7** The Secretary or Additional Secretary/Commissioner in the Department/ Special Secretary/ Joint Secretary, as the case may be, as Head of the Department remains in general charge of the Department and is responsible for its smooth working. He performs duties in accordance with policy set forth by the Government.
- 1.8 Secretariat:** A Department may have a number of offices at multiple tiers. The office headed by the Secretary of a Department is usually termed as Secretariat. However, even if the Head of any office is accorded the status of an *ex-officio* Secretary, such office does not become a Secretariat. Only offices of the Secretaries in overall charge

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<sup>1</sup> Article 154(1).

<sup>2</sup> Article 166(1).

<sup>3</sup> Article 166(3).

<sup>4</sup> Article 166(1).

<sup>5</sup> Rule 11 the RoB.

<sup>6</sup> Rule 7 the RoB.

<sup>7</sup> Rule 4 the RoB.

<sup>8</sup> Rule 26 the RoB.

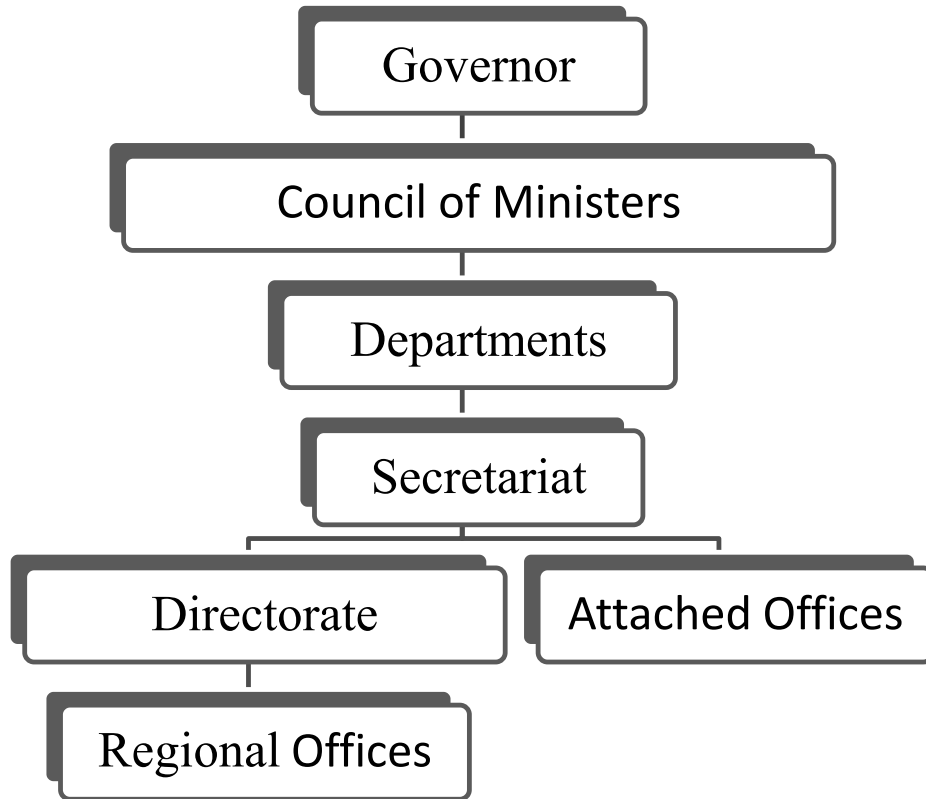
of Departments of the State Government are called Secretariat. Again some Secretariats like the Governor's Secretariat, West Bengal Legislative Assembly Secretariat etc. are independent of the Government and are not part of any Department.

- 1.9** Besides the above, a Department may have one or many Directorates, Regional Offices and attached offices.
- 1.10** Some posts of officers are common in the office of the Secretary in most of the Departments. The Secretary is assisted by officers in the rank of Additional Secretary, Commissioner in the Department, Special Secretary, Joint Secretary, Financial Advisor, Deputy Secretary, Assistant Secretary, Registrar, Special Officer, Officer on Special Duty and Section Officer. Besides the above, there are certain other officers in some Departments based on the requirement of that particular Department.
- 1.11** **Standing Order:** Each Minister lays down the matters that are to be brought to his personal notice in a Standing Order<sup>9</sup>. Residual matters are disposed of by the Secretary.
- 1.12** An Additional Secretary/ a Commissioner in the Department/ a Special Secretary/ a Joint Secretary/ a Deputy Secretary/ an Assistant Secretary/ a Special Officer/ an Officer on Special Duty disposes of the cases assigned and allotted to them under rules 19 & 20 of the Rules of Business. All cases, on return from the Minister, must pass through the Secretary.
- 1.13** All officers shall take over and make over charge indicating the Confidential, Secret, Important Files, Bonds, Deeds, Valuables, Money etc. received or transferred. At every stage, the officers shall maintain records of transfer of these papers etc. and other files, papers etc. received in course of discharge of duties. The Joint Secretary or the Deputy Secretary in charge of establishment shall act as the custodian of all such documents, files, valuables etc. An officer designated as custodian shall take orders of the Secretary before transfer of charge or relinquishing charge or proceeding on long leave. The Secretary, shall, however have the right to keep all or some of such documents under his personal custody, keeping due record of the same.
- 1.14** **Functions of the Secretariat:** The Secretariat is mainly concerned with framing of policies, approval of plans, programs and activities for the overall development of the State, the work connected with legislation, laying down rules and procedure, financial control, general direction and monitoring and evaluating the work done by the subordinate offices and implementing agencies. Generally orders and instruments in the name of the Governor can be authenticated only by the officers of the Secretariat as specified in the Rule under Article 166(2). Officers of other tiers of the Government may authenticate such orders or instruments when specially empowered in this behalf <sup>10</sup>. Matters relating to interaction with other State Governments, the Government of India, a foreign Government or an international agency are dealt with in the Secretariat only, unless specifically delegated to any other tier of the Government for day to day liaison.
- 1.15** For efficient disposal of business, a Department may be divided into Branches, Groups, Wings, Sections and Cells based on functions. An order containing the Branch, Groups, Wings, Sections and Cells etc., in each Department together with the subjects dealt with therein will be issued by the Department every time when a change is made.

<sup>9</sup> Rule 20 of the RoB

<sup>10</sup> Notification No. 261-A.R. dated 05.02.1959.

**1.16** Each such unit may be allotted such number of Section Officers, Head Assistants, Upper Division Assistants, Lower Division Assistants, Typists, Record Suppliers and Group-'D' staff as the volume of work warrants.





## **CHAPTER – 2**

### **Organisation of the Secretariat**

- 2.1 General responsibility:** The Secretary is responsible to the Minister for completion of all the assigned work within the specified time frame. For this purpose he may require his officers to work beyond office hours. For expeditious disposal of work, the Secretary may delegate the powers enjoyed by him as Secretary and Head of the Department, to his subordinates of suitable rank in accordance with the provisions of the Acts, Rules, Regulations and Delegation of Financial Power Rules. The Secretary shall review the progress of work in regard to his Department, Directorate/ organisations under the Department at regular intervals.
- 2.2** Within powers delegated, the Secretary/ Additional Secretary/ Commissioner in the Department/ Special Secretary/ Joint Secretary/ Deputy Secretary/ Assistant Secretary will dispose of work in his charge. On the basis of the importance of the case, each of them may decide whether such cases shall be placed before the higher authority or disposed of by him. In taking a decision, an officer may consider the views of the subordinates or may decide otherwise. In the later cases, approval of his senior officer should be obtained.
- 2.3 Duties of a Secretary:** Secretary or Additional Secretary or Commissioner in the Department or Special Secretary or Joint Secretary in charge of the Department shall see that:
- 2.3.1** the Department prepares, receipts and payments accounts and submits the same to Principal Accountant General (A & E), West Bengal;
  - 2.3.2** audit Reports, Audit queries, Draft paragraphs of the Comptroller and Auditor General are attended to promptly and replied to;
  - 2.3.3** annual accounts of the undertakings and organisations are submitted to the Principal Accountant General (A & E), West Bengal;
  - 2.3.4** annual action plans are finalised in time obtaining reports from all local offices and implementing agencies. Budgeting forecasts in respect of the Department are sent to the Finance Department in time;
  - 2.3.5** economy in expenditure is ensured;
  - 2.3.6** the controlling officers place funds to the DDOs sufficiently in advance and ensure that there is no lapse of the grant;
  - 2.3.7** regular and punctual attendance of subordinates is ensured;
  - 2.3.8** complete record of funds, investments, valuables, land and properties of the Government which are at the disposal of the Department, the Directorate, subordinate offices/organisations receiving grants or assistance or loans above Rs. 50 Lakh in a year are prepared and updated quarterly;
  - 2.3.9** a system of preventive and punitive vigilance is put in place and followed;
  - 2.3.10** records of the Department including Service Books, leave Accounts etc. are maintained properly;

- 2.3.11 cash in the departmental chest is verified on the first working day of each month. During inspection of offices, this should be looked into;
  - 2.3.12 Parliamentary and Assembly Questions, Motions etc. are attended to promptly;
  - 2.3.13 court cases involving the Government are pursued diligently and monitored to avoid contempt of court;
  - 2.3.14 decision on recommendations of statutory Commissions are taken without delay;
  - 2.3.15 letters from MPs and MLAs are promptly acknowledged and acted upon;
  - 2.3.16 prompt action is taken on grievances of the public;
  - 2.3.17 periodic visits to the Branch/ Wing and Directorate headquarters are undertaken every month;
  - 2.3.18 rational distribution of work among all categories of officers and staff is ensured to avoid inadequate work load on any officer or staff.
- 2.4 For the purpose of para 2.3, the Secretary will assign specific responsibilities to officers to effect periodical test checks of the work to his satisfaction. The Secretary will also ensure monthly reconciliation and review of expenses on the feedback received from the Finance Department on the monthly accounts received from the office of the PAG. The Secretary is to ensure the regular meeting of the Departmental Audit Committee.
- 2.5 **Allocation of duties:** The Secretary or the officer in charge of the Department shall allocate duties among the Additional Secretary, Commissioner in the Department, Special Secretary, Joint Secretary, Deputy Secretary, Assistant Secretary, Financial Advisor or other officers of any other designation for smooth running of the business allocated to the Department. The order of such allocation of duties will clearly indicate the nature of cases which the concerned officer shall have the power to dispose of on his own and the cases where he will obtain approval of his superior. In any case, an officer may obtain approval of his superior if he considers the case to be important or sensitive in nature.
- 2.6 **Financial Advisor:** Each Department will have a Financial Advisor or a Financial Advisor may be appointed to advise a number of Departments. The Secretary shall consult the Financial Advisor of the Department on all matters which involve financial implication. The Financial Advisor may be assisted by one or more Deputy Financial Advisors, Assistant Financial Advisors and such other staff as may be necessary. Functions of the Financial Advisor will be guided by instructions issued by the Finance Department from time to time.
- 2.7 **Law Officer:** The Law Officer of the Department will monitor all court cases and will be consulted on matters which require legal opinion. Files to be referred to the Legal Remembrancer or the Advocate General will be shown to him and he will ensure that the same has been properly prepared and all documents likely to be required by the Legal Remembrancer or the Advocate General, as the case may be, have been placed in the file and properly referenced.
- 2.8 **Drawing and Disbursing Officer:** Previously, most of the Departments had a common Drawing and Disbursing Officer (DDO) for the Secretariat being the West Bengal



Secretariat Accounts under the Finance Department. The functions of the erstwhile West Bengal Secretariat Accounts have been decentralised and presently most of the Departments have their own DDO. The DDO is assisted by such other officers and staff as may be required judging by the volume of work in each Department. The functions of the DDO are guided by statutory rules like the West Bengal Financial Rules, West Bengal Treasury Rules etc. and instructions issued by the Finance Department from time to time.

**2.9 Registrar:** The Registrar is responsible for maintenance of efficiency and discipline of the office and for the prompt disposal of work. His duties are -

- 2.9.1** to see that the provisions of the Secretariat Manual are properly observed and to ensure that no departure from the Secretariat Manual is made without the sanction of the Assistant Secretary;
- 2.9.2** subject to orders issued by the Finance Department regarding ensuring timely attendance from time to time and para 2.3.7, to maintain account of attendance, either from the Attendance Register or biometric attendance system, and to see that each Assistant arrives in office punctually, commences work promptly and does not leave before due time without permission of the concerned Section Officer or the Head Assistant as the case may be, or, if his work is not up to date, until permission is granted by the concerned Section Officer or the Head Assistant. He should ensure observance of Government orders regarding attendance and discipline issued, from time to time;
- 2.9.3** to supervise the work in the office and to inspect the work once in every alternate day, to see that there is no delay in the disposal of cases, in copying and despatching, in referencing and in recording, etc.; that no case from another Department is unduly delayed in the Department, that no case of the Department is unduly delayed in another Department; that the work is properly arranged and distributed; and to advise in cases of difficulty;
- 2.9.4** to see that books of reference and manuals used regularly are kept up to date, and to arrange for the supply of newspapers and magazines for the official use of officers;
- 2.9.5** to inspect the table of each Assistant to see that no case is lying unattended beyond a reasonable period;
- 2.9.6** to ensure that Annual Performance Reports of the Assistants, Typists, etc. are regularly prepared and forwarded to the Cadre Controlling Authority;
- 2.9.7** to initiate files dealing with appointments, promotions, leave, cases regarding departmental proceedings including suspension in respect of Assistants and Typists, etc.;
- 2.9.8** to arrange and supervise the training programme of the office staff, particularly new recruits, and to satisfy himself that this training is being properly imparted;
- 2.9.9** to deal with the cases for appointment, leave and promotion of members of the Group-'D' staff;
- 2.9.10** to attend to the needs of the office in respect of forms, stationary, and articles of furniture including electronic devices like computers and accessories and

- to check the stock of stationary etc. quarterly to see that there is no misuse of any article;
- 2.9.11** to see that all books received by the Department from the library are duly returned. All books issued from the library for office use should be through the Registrar;
- 2.9.12** to dispose of such routine correspondence as he may be empowered under the written orders of the Secretary;
- 2.9.13** to reply to Departmental references appertaining to his duties as defined above, and to request for information of a routine and non-technical nature;
- 2.9.14** to arrange purchase of Air/Railway tickets for officers proceeding on official tour;
- 2.9.15** to perform duties of liaison officer where there is no Liaison Officer;
- 2.9.16** to ensure that declaration of assets is submitted timely by all concerned;
- 2.9.17** to maintain stock and ensure regular maintenance of office equipments;
- 2.9.18** to attend to any other duty as may be assigned to him.
- 2.10** In the Departments where there is no Registrar, his duties as laid down above should be distributed amongst Officers on Special Duty, Special Officers, Liaison Officer and Section Officers by an order of the Secretary of the Department.
- 2.11** For administrative reasons the Officers on Special Duty or the Special Officers attached to a Department may be asked to perform any or all of the duties of the Registrar for such period as may be decided under the written order of the Secretary of the Department.
- 2.12** **Power to authenticate:** Registrars, Officers on Special Duty and Special Officers are not authorised to sign an order<sup>11</sup> in the name of the Governor. They are not competent to enter into a contract on behalf of the Governor. They may dispose of such other works as may be entrusted to them by the Secretary of the Department. They can make routine correspondence with the Departments/Offices if so approved by the Secretary. They may endorse a Government Order signed by a competent officer. The notes, approved by the Secretary or other officers, may be endorsed to other Departments and offices by them as and when required. Section Officers may also endorse extracts of notes, approved by the Secretary or other officers, to other Departments and offices.
- 2.13** **Section Officer and Head Assistant:** Each Section or Cell shall be in charge of an Officer on Special Duty, Special Officer, Section Officer or of a Head Assistant who is responsible for its efficient and smooth working. Where there are two or more Section Officers in a Section or Cell, one of them will be in overall charge, but the work of the Section or Cell may be divided between the Section Officers and Head Assistants. A Section or Cell may also be under the charge of the Registrar.
- 2.14** **Allocation of duties among Assistants:** Any transfer of work from one Branch/ Group/ Wing/ Section/ Cell to another requires the orders of an officer not below the rank of an Assistant Secretary. The distribution of work among the Assistants of a Section or Cell is left to the discretion of the Section Officer or the Head Assistant who is in charge of the same.

<sup>11</sup> No. 261-A.R. dated 05.02.1959

- 2.15** Every Assistant shall, when the necessity arises, undertake any other work, which may be assigned to him by the Section Officer or the Head Assistant. There shall be an order for leave substitutes for all staff and officers. Whenever any Assistant is absent, it would be the duty of the Section Officer or Head Assistant in-charge of the Section or Cell to assign the work to another Assistant. He will dispose of urgent cases either himself or with the assistance of any other Assistant. In case the Assistant continues to be absent for a prolonged period, arrangement should be made by the Section Officer or the Head Assistant to transfer cases to other Assistants.
- 2.16 Duties of Section Officer/ Head Assistant:** The main duties of a Section Officer or Head Assistant are:
- 2.16.1** to inspect and supervise the work of all Assistants working under him;
  - 2.16.2** to distribute work among Assistants; and ensure provision of leave substitutes;
  - 2.16.3** to devote proper attention to the training programme of new entrants in the Section/ Cell;
  - 2.16.4** to see that the provisions of the Secretariat Manual are properly observed and followed;
  - 2.16.5** to check cases dealt with by the Assistants and to see that the papers are properly arranged and the references are correctly given;
  - 2.16.6** to see that no case is kept pending by any Assistant without sufficient reason;
  - 2.16.7** to see that drafts on orders are promptly put up and issued;
  - 2.16.8** to monitor, or deal personally, important and emergent cases;
  - 2.16.9** to register and personally deal with confidential cases;
  - 2.16.10** to see that various registers are properly maintained by the Section/ Cell;
  - 2.16.11** to go through the "Kolkata Gazette" to see that matters sent to press have been duly published;
  - 2.16.12** to notify the office well in advance of the need, if any, to extend the term of engagement on contractual or reemployment basis, with regard to any staff in the Section or Cell;
  - 2.16.13** to monitor disposal of cases of Disciplinary Proceedings or Suspension with regard to any staff in the Section or Cell;
  - 2.16.14** to keep the attendance register, where there is a separate attendance register for a Section. He should encourage punctual attendance and attention to duty during the prescribed working hours laid down so that the Assistants may complete their work and leave office at due time;
  - 2.16.15** to keep the Guard-file up to date;
  - 2.16.16** to scrutinize and pass the Tiffin bills of Group 'D' Staff up to Rs.10.00 in each case by the Section Officer, and
  - 2.16.17** to attend to any other duty that may be assigned to him.
- 2.17 Upper and Lower Division Assistants:** All duties considered as clerical in nature are to be performed by the Upper Division Assistant or the Lower Division Assistant. Normally, cases of routine nature may be allotted to a Lower Division Assistant.

- 2.18** Subject to the overall supervision of the Secretary, the entire clerical establishment in each Department is under the control of a Joint Secretary or a Deputy Secretary or an Assistant Secretary, as the case may be.
- 2.19** **Cadres of personnel of the Secretariat:** Officers and staff of the Secretariat belong to various Cadres<sup>12</sup>. The entire clerical Cadre of the Secretariat is borne in the Secretariat Common Cadre controlled by the P & AR Department. Filling up of vacancy in a post borne in a certain Cadre is done by the Cadre Controlling Authority. Normally, posts belonging to Group – ‘D’ and posts which are filled up by promotion from Group – ‘D’, except Lower Division Assistants, are borne in a Cadre which is under direct control of the Department.
- 2.20** An illustrative table showing the posts common to all or most Departments and the Cadre they belong to as well as the Cadre Controlling Authority is given below:

Post	Cadre	Cadre Controlling Authority
Additional Chief Secretary/ Principal Secretary/ Secretary	IAS	P & AR Department
Additional Secretary/ Commissioner in the Department/ Joint Secretary/ Under Secretary/ Officer on Special Duty	IAS	P & AR Department
Special Secretary/ Joint Secretary/ Deputy Secretary/ Assistant Secretary/ Financial Advisor	WBCS (Exe.)	P & AR Department
Financial Advisor/ Special Secretary/ Joint Secretary/ Deputy Financial Advisor/ Assistant Financial Advisor/ Accounts Officer	WBA & AS	Finance Department
Senior Law Officer/ Law Officer	WBHJS/ WBJS	Judicial Department
Joint Secretary/ Deputy Secretary/ Assistant Secretary/ Special Officer/ Officer on Special Duty/ Registrar	WBSS	P & AR Department
Special Law Officer/ Law Officer	WBLS	Law Department
Section Officer/ Head Assistant/ Cashier/ Treasurer/ Law Assistant/ Head Reference Clerk/ Upper Division Assistant/ Lower Division Assistant	Secretariat Common Cadre	P & AR Department
Senior Supervisory Grade Typist/ Supervisory Grade Typist/ Typist Grade – I/ Typist Basic Grade	Secretariat Common Cadre of Typists	P & AR Department
Senior Principal Personal Secretary/ Principal Personal Secretary/ Senior Personal Secretary Grade - I/Senior Personal Secretary Grade – II/ Personal Secretary/ Senior Personal Assistant /Personal Assistant	Schedule – ‘A’ Stenographers	Finance Department

<sup>12</sup> Rule 5(6) of W.B.S.R Part - I

Bengali Stenographer	Secretariat pool of Bengali Stenographers	Finance Department
Cash Assistant/ Cash Sarkar/ Copyist/ Muharrior Grade – I/ Muharrior Grade – II/ Record Supplier	Departmental Cadres	Respective Department
Jamadar/ Peon Grade-I, Duftry/ Basic Grade Peon/ Farash/ Karmabandhu/ Karmasathi	Departmental Cadres	Respective Department

**2.21 Functions of Personal Secretaries:** Personal Secretaries of the Secretariat, having various designations, play a vital role in assisting senior officers to dispose of their responsibilities. He is expected to maintain confidentiality of the highest degree. Some of the functions of Personal Secretaries are as below:

- 2.21.1 taking dictation and typing various notes and letters;
- 2.21.2 fixing appointment, meetings etc.;
- 2.21.3 recording minutes of confidential meetings held in the chamber of the concerned officer;
- 2.21.4 attending to telephone calls and handling visitors;
- 2.21.5 filing important documents;
- 2.21.6 recording movement of letters and files dealt with by the officer concerned;
- 2.21.7 maintaining and handling of confidential files and reports;
- 2.21.8 any other duty as may be assigned to him.

**2.22** There are various other levels of staff in the Secretariat. Some of the functions performed by them are detailed below:

- 2.22.1 **Duties of Duftry:** Duties of Duftry will be:
  - 2.22.1.1 to handle stationery articles used in the office;
  - 2.22.1.2 to repair records as per requirement;
  - 2.22.1.3 to bind registers/ records for use of office;
  - 2.22.1.4 to prepare close covers/ sealed covers as per despatch requirement;
  - 2.22.1.5 to perform any other duty as may be assigned by the Registrar.
- 2.22.2 **Duties of the Record Supplier:** Duties of Record Supplier will be:
  - 2.22.2.1 to supply records from the reference section;
  - 2.22.2.2 to trace records from the tables of DA, HA, SO etc.;
  - 2.22.2.3 to put up files from Takid Bundle and to keep files in the TB serially;
  - 2.22.2.4 to keep copies of orders/ circulars issued by the Department and to supply them on requisition;
  - 2.22.2.5 to supply files to the recorder for action on recording;
  - 2.22.2.6 to send files to the Record Room;

- 2.22.2.7 to obtain records from the record room as per requisition;
- 2.22.2.8 to perform any other duty as may be assigned by the Registrar.
- 2.22.3 Duties of Group D staff:** Duties of Group D staff will be :-
- 2.22.3.1 to carry files, letters, books, etc to places as per direction;
- 2.22.3.2 to keep tables, chairs, other furniture and the surroundings clean and dust free (for Farash);
- 2.22.3.3 to attend to post office work;
- 2.22.3.4 to attend to the treasury work;
- 2.22.3.5 to perform the work of night guard, if ordered, and
- 2.22.3.6 to perform any other duty as may be assigned by the Registrar.
- 2.23 Inspection:** Ensuring punctuality in attendance and maintenance of office discipline as per general orders for the time being in force, should be given due priority. The Secretary shall satisfy himself by such periodic inspections as he considers necessary that punctuality is being observed and all orders of the State Government are being followed both by officers and staff in all tiers of the Department including Directorates, Regional Offices and statutory bodies under the administrative control of the Department.
- 2.24 Compensatory casual leave:** The entire office may be kept open or a certain section of officers and staff may be asked to attend office on weekly holidays or other notified holidays in public interest. Compensatory casual leave as per extant Government orders may be allowed to such employees, other than Group- 'A' officers, in lieu of such duty<sup>13</sup>.
- 2.25 Sanction of leave and permission to leave headquarters:** Leave must be applied for and sanction obtained before it is availed. Applications for permission to leave headquarters must also be applied for, well in advance, so that such permission is invariably obtained before leaving headquarters. Only in unforeseen and exceptional circumstances, the Head of Office may allow relaxation subject to his satisfaction of the justification furnished. If a member of the staff is forced by circumstances to remain absent without permission, he should inform the Registrar or the Head of Office of the same, in the forenoon of the first day of absence, by any available means including telephone.
- 2.26 Insolvency or indebtedness:** The Registrar or, where there is no Registrar, the Assistant Secretary is responsible for bringing to the notice of the Appointing Authority any case of insolvency and indebtedness of any staff in the office for such action as may be deemed necessary under the existing rules.
- 2.27 Restriction on use of records:** No member of the staff may take a copy of any writing in any official document which comes before him in his official capacity, or to which he is allowed to have access, or may make use of any unpublished record or letter for communication to the public, press, or to any unauthorised person, whether officials or not, without previous express permission of the Head of Department.
- 2.28 Confidentiality of notes:** Office notes must be considered to be strictly confidential documents, and must not be removed from the office or be used by any of the member

<sup>13</sup> Notification No. 3781-F dated 23.07.1964 of the Finance (Audit) Deptt.

of the staff outside the office on any pretext whatsoever. This does not however, prohibit Assistants from taking work home with the permission of an officer not below the rank of Assistant Secretary.

- 2.29 Application through proper channel:** Any representation by any staff should always be submitted through proper channel. Applications for leave, loan, advance etc. should be submitted online.
- 2.30 Restriction on application for job:** No member of the staff shall apply for a job outside his office without prior permission of his Appointing Authority<sup>14</sup>.
- 2.31 Performance report:** Preparation, preservation and onward transmission of performance report or appraisal report, as applicable to any particular Group, should be done strictly adhering to the existing rules. The Registrar and where there is no Registrar, the Assistant Secretary, should supervise the procedure and maintain record thereof.
- 2.32 Restriction on issue of certificates:** No Certificate of any description may be given to any member of the office establishments unless it is signed by an officer of the Department not below the rank of Registrar of the Department.
- 2.33 Penalty for disobedience:** Disobedience of the provisions of Secretariat Manual shall be construed as a breach of discipline. Cases of breach of discipline will be dealt with under the provisions of WBS (CCA) Rules, 1971.
- 2.34 Administrative Calendar:** Every Department will identify the major schemes and activities undertaken by it for inclusion of the same in the Administrative Calendar of the State Government. The Secretary shall ensure periodic review of the progress of such schemes and activities to attain the targets envisaged in the Administrative Calendar.
- 2.35 Preparation of Administrative Calendar:** Every Branch/ Group/ Wing/ Section/ Cell or Directorate under the Department shall identify all schemes or activities under its domain by the month of October each year for realistic projection of the stages of implementation of the same during the next calendar year. Once included in the Administrative Calendar of the State Government, all efforts should be made to achieve the month-wise targets.
- 2.36** The Secretary with the assistance of the senior officers of the Department will compile the Departmental proposal for inclusion in the Administrative Calendar of the State Government for the following year. After obtaining approval of the Minister in charge of the Department, the Departmental proposal should be forwarded to the Personnel and Administrative Reforms Department within such date as may be fixed by that Department.
- 2.37 Priority List:** While each and every case is important and should be dealt expeditiously, yet the cases relating to litigations, the Parliament and Legislative Assembly, Election matters, references from the President of India or the Governor of the State, references/directions or advisories from the Government of India, references from people's representatives, applications under RTI Act, 2005 etc. are to be disposed of on priority basis. This list of priority is illustrative only.

<sup>14</sup> note 2 below rule 19 of WBSR Part I

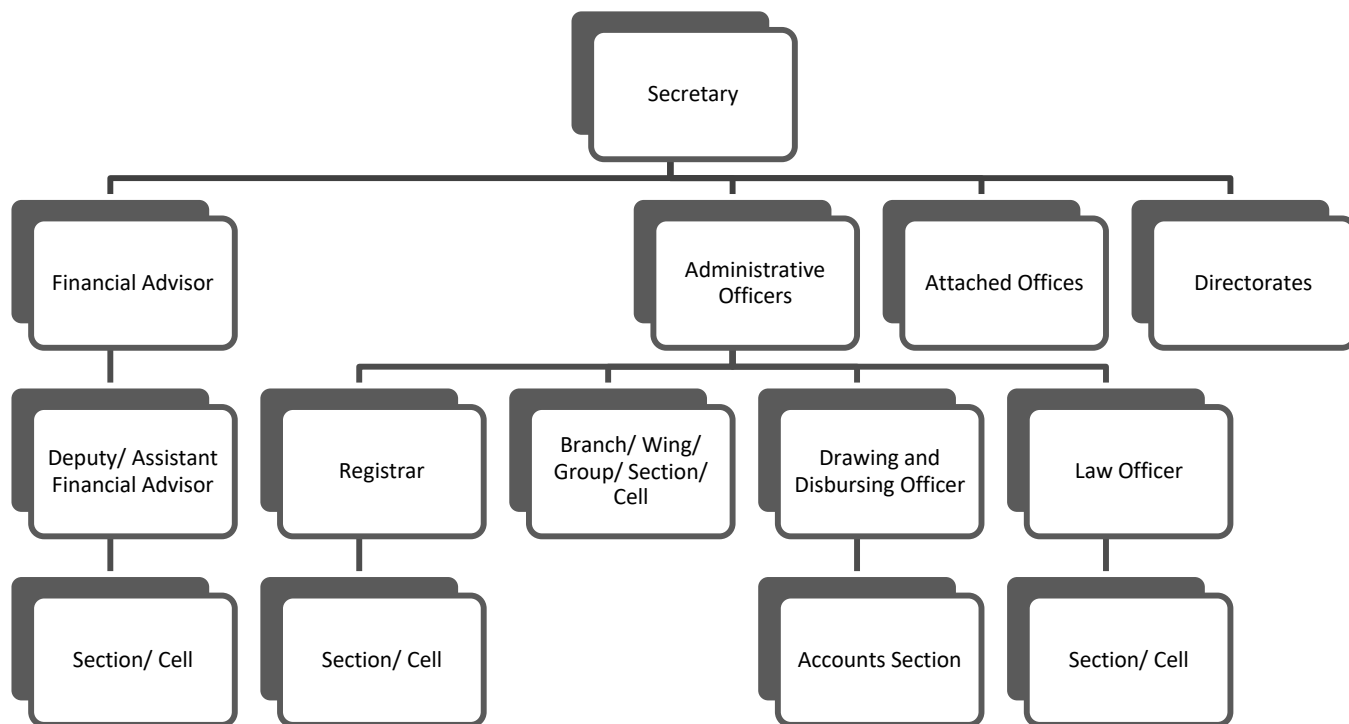
- 2.38** Certain cases like preparation of Administrative Calendar and Budget, closing of Accounts at the end of a Financial Year, preparation of certain reports or matters required in connection with Administrative Meetings etc. may usually be accorded priority at a certain time of the year. The Head of Department shall maintain a separate list of such priority cases which are to be disposed of in a time-bound manner and monitor progress of the same. Each officer shall maintain his own priority list and ensure that such cases are disposed of promptly.
- 2.39** **Precedent Book:** Every Section Officer/ Head Assistant shall maintain a record of important decisions which have no precedents. Cases which are decided as a special case in relaxation of normal rules on the basis of extraordinary circumstances or on the basis of ground reality may be recorded in the Precedent Book for the purpose of referencing in future under similar circumstances. The list should contain reference to the file number, date of decision, decision making authority, order number, if any, special circumstances in the case and the relaxation allowed or concession granted.
- 2.40** **Compendium:** Business of the Government is transacted in observance of rules, Government orders including Memoranda, Notifications framed or issued following the directions of the Constitution or a law and sometimes based on precedents/ conventions ensuring natural justice. As the statutes are dynamic in nature, the laws and rules are sometimes amended as per necessity or ground reality and new Government orders are issued in substitution of previous ones, from time to time. Every Department should periodically bring out a Compendium of orders issued by it and amendments in laws and rules relevant to the Department for smooth disposal of cases.
- 2.41** **Protocol:** The Chief Minister is the Minister-in-Charge of Protocol. The Chief Secretary is the Chief Protocol Officer. The Under Secretary, Home and Hill Affairs Department, is the State Protocol Officer<sup>15</sup>. The Protocol Branch of the Home and Hill Affairs Department is in charge of all matters relating to foreign diplomatic offices situated in West Bengal. The Information and Cultural Affairs Department shall make arrangement for State functions and ceremonies and reception, boarding and lodging, transport, courtesies etc. in consultation with the Protocol Branch of the Home and Hill Affairs Department. Transport Department provides transport for visiting State Guests. Each Department should have an officer to whom protocol duties are assigned. He is responsible for making all arrangements relating to visits of dignitaries concerned with the Department<sup>16</sup>.
- 2.42** An illustrative flowchart is given below indicating the assignment of duties which is common in most of the Departments.

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<sup>15</sup> Manual of Protocol and Ceremonials

<sup>16</sup> Memo No. 810-Prot. dated 23.05.1975





N.B. Administrative Officer means and includes Additional Secretary, Commissioner in the Department, Special Secretary, Joint Secretary, Deputy Secretary and Assistant Secretary.



## **CHAPTER – 3**

### **General Procedure in dealing with cases**

- 3.1 General principles and exigencies:** All processes described below will normally be attempted to be completed within office hours, however, in case of urgency, it may be taken up even beyond office hours. Any process or step described below may be bypassed to meet exigencies; however the same should be recorded in the notesheet with justification.
- 3.2** All cases will be dealt with in the e-Office system, as a matter of principle, in every Department. However some exceptional cases may have to be dealt with in a physical file. A physical file will not be opened or a physical Dak will not be diarised, other than in the e-Office system after being scanned, without the specific order from an officer not below the rank of a Deputy Secretary.
- 3.3 Registers:** For the purpose of dealing with such exceptional cases in a physical file every Department or a Wing or Branch, in case of large Departments, shall maintain the following registers:
- 3.3.1 Diary of Receipts:** every physical Dak which has been ordered not to be dealt with in the e-Office system will be diarised in this register as per Form [3.1](#) set out below;
- 3.3.2 Detailed Index of Current Files:** a register showing subject matter and number of each physical file currently being dealt with in the Department as per [Form 3.2](#) set out below. Each Department will decide whether to classify the physical files according to the subject for convenient indexing; judging the number of such files after introduction of the e-Office system;
- 3.3.3 File Register:** all correspondences which have been placed or issued from a particular physical file are recorded in this register as per Form [3.3](#) set out below;
- 3.3.4 Inter Departmental (Inward and Outward) Registers:** physical files received from or sent to other Departments are recorded in these registers as per Form [3.4.1](#) and Form [3.4.2](#) respectively, set out below;
- 3.3.5 Issue Register:** all correspondences other than inter departmental unofficial note will bear an official issue number. This register will maintain record of all correspondences issued by the Department in a year as per Form [3.5](#) set out below;
- 3.3.6 Notification Register:** a copy of each notification issued by the Department in a year will be preserved in this register as per Form [3.6](#) set out below;
- 3.3.7 Press Register:** every stage of publishing any books, booklets, leaflets or a notification in the official gazette is recorded in this register to monitor and ensure that it has been duly published. The register will be maintained as per Form [3.7](#) set out below;
- 3.3.8 Peon Book:** despatch of a correspondence by hand and receipt of the same by the addressee is recorded in the Peon Book as per Form [3.8](#) set out below;

- 3.3.9 Reminder Register:** the expected date of receipt of reply to a communication or the date of resubmission of a physical file is entered in the Reminder Register as per Form 3.9 set out below.
- The Diary of Receipts, Index of Current Files, File Register, Issue Register and Notification Register should be renewed annually.
- 3.4 Receipt of Dak:** During office hours the entire paper/ physical Dak of the Department, including that addressed by name will be received in the Receiving Section of the Department or a Branch or Group as the case may be provided that covers or parcels addressed by name to Ministers or an officer will be received by the respective Personal Assistants. In case of urgency a Dak may be received directly by any officer or any Assistant for expeditious disposal of the same. Similarly, a Dak may be received by a Personal Assistant or any other personal staff of a Minister or an officer beyond office hours. A Dak may be received by an officer even at his residence in view of extreme urgency of the matter.
- 3.5 Scanning and diarisation of Dak:** All physical Dak will be sent to the Receiving Section, if received elsewhere, to scan and diarise it in the e-Office system, including the enclosures, if any, unless it is a cover marked "Secret" or "Confidential". If any of the enclosures is missing or if the enclosure is a voluminous book, report etc. the sender may be requested telephonically or electronically to send the missing enclosure or send the soft copy or indicate a website link from where the book etc. can be downloaded, as the case may be. In case of a book received as an enclosure, only the cover page and the first page may be scanned with the Dak.
- 3.6 Receipt of cheque etc.:** Cheque, Bank Draft, Money Order or Postal Order received with any Dak will be taken personally to the Departmental Drawing and Disbursing Officer (DDO) with a note giving details of the remittance. The Treasurer or Cashier will receive the same against a receipt for the cash, cheque or draft, as the case may be. The DDO shall ensure credit of the sum to Government exchequer under intimation to the Department.
- 3.7 Diarisation of electronic Dak:** In case of Dak received in electronic form, the same will be diarised by the functionary or the officer who receives the same.
- 3.8** All Dak received either electronically or in physical form will normally be diarised in the e-Office system as described above, provided that physical Dak, which are not scanned and diarised in e-Office system under specific order of an officer not below the rank of a Deputy Secretary, will be diarised in the Diary of Receipts. The system will automatically generate a diary number for each new entry. The diary number will be seriatim for the entire Department. At the time of diarisation, the system will allow the user to categorise the receipts. Also the scanning of Dak may be as per the priority markings on the Dak, if any.
- 3.9 Action on physical Dak after diarisation:** After the diarisation, the physical Dak will be retained by the Receiving Section in a folder. e-Office system generated diary number will be recorded on it. All such letters will be kept chronologically. At periodic intervals such folders will be stitched and kept in the record room.
- 3.10 Earmarked officer for allocation of receipts:** The Receiving Section will forward all receipts to one or more officers, not below the rank of Assistant Secretary, specially

earmarked for the purpose. He will then forward the receipt to the addressee or the officer to whom the subject matter relates, as per the order for allocation of duties as mentioned in para 2.5.

- 3.11 Action by officer on receipts:** Every officer or Assistant shall check the system as often as possible to see whether there is any receipt in his inbox. An officer will:
- 3.11.1** go through the receipts and ensure urgent cases are dealt with on priority basis;
  - 3.11.2** check enclosures or attachments and initiate action to obtain electronic copy of any missing attachment from the original sender;
  - 3.11.3** see whether the subject matter of the receipt concerns any other officer instead of himself and if so, forward the receipt to such officer. In case any part or aspect of a receipt concerns any other officer, a copy of the same will be forwarded to such officer for necessary action;
  - 3.11.4** mark to a higher officer to bring it to his notice if considered to be of such importance;
  - 3.11.5** initiate action himself on important receipts keeping priority requirement in view. Other routine receipts will be sent to the concerned Section in charge for examination and disposal;
  - 3.11.6** the same procedure should be followed in case of physical Dak. However, if he considers the same to be of such nature as to require processing in a physical file, he will indicate such instruction thereon.
- 3.12 Action by Section in charge on receipts:** On receipt, the Section in charge will:
- 3.12.1** go through the receipts and forward misdirected receipts to the concerned Section;
  - 3.12.2** initiate action himself on important receipts keeping priority requirement in view. Other receipts will be sent to the concerned Dealing Assistant for examination and disposal with direction regarding line of action, if any;
  - 3.12.3** submit the case to the officer who last dealt with it, if it is the one returned by another Department;
  - 3.12.4** the same procedure should be followed in case of physical Dak.
- 3.13 Action by Dealing Assistant on receipts:** The Dealing Assistant will in turn:
- 3.13.1** go through the receipts and ensure that the receipts, with urgency grading, are dealt with first;
  - 3.13.2** check enclosures/attachments and if any found missing, initiate action to obtain electronic copy of all such enclosures/attachments;
  - 3.13.3** see whether any other Section/ Cell is concerned with any part or aspect of a receipt and if so, send the same to such Section/ Cell for necessary action;
    - 3.13.3.1** add the receipt to an existing e-file, if an e-file exists for the receipt, else he will create an e-file in the system;
    - 3.13.3.2** docket the receipt in the e-file and create a hyperlink in the notes portion of the e-file;

- 3.13.3.3** if there are multiple receipts in the same file, those should be docketed in order of serial number of the same in the CP side.
- 3.13.4** reproduce remarks, if any, made by an officer on the receipts, on the notes portion of the e-file. He will also record any instruction or direction given to him verbally by any of his superiors regarding line of action regarding the receipt;
- 3.13.5** search and link other e-files and documents, if any, referred to in the receipt or having a bearing on the issues involved;
- 3.13.6** put up a note and a draft where necessary. He will consult the Section in charge if required;
- 3.13.7** submit the case to the Section in charge after adding metadata, if any, such as due date, priority etc. If the Section in charge is absent and the Dealing Assistant considers the case to be urgent or time bound he may submit the case to the next higher officer noting the reason for such hierarchy jumping;
- 3.13.8** the same procedure should be followed in case of physical files as well with necessary modifications.
- 3.14 Case Book:** All cases dealt with in a physical file and all letters received physically will be recorded in a Case Book. All officers and Assistants will maintain a Case Book in Form [3.10](#) set out below.
- 3.15 Physical files:** Physical files are opened centrally in the Reference Section of a Department or a Branch or Wing;
- 3.15.1** a physical file may be opened, only in exceptional cases on the basis either of a fresh letter (receipt) or of a note. Miscellaneous correspondence of routine nature should not be filed separately but these should be kept in a miscellaneous correspondence file. Section in charge will determine whether a new file should be started. Standing files by subjects may be opened for periodical returns or routine correspondence;
- 3.15.2** 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 Branches or Departments. A part file should be incorporated with the main file as soon as the latter becomes available. When more than one part file is opened each one of them should be given a distinct number (such as \*/1). Opening of part file with their number and date shall be recorded in the file register. So also date of incorporation of the part file in the main file shall be recorded in the file register. If the nature and importance of a part file has become such as being dealt with separately, it should be made into a separate file with a new number;
- 3.15.3** if any paper of any current file is required for reference in any other current file, photocopies of the required papers from the former may be made and placed in the later. If that does not serve the required purpose, the file may be linked keeping a note in the File Register;
- 3.15.4 Priority slips:** Printed or coloured slips may be placed on files or receipts in order to indicate their relative urgency;



- 3.19** In a physical file, every Assistant and Head Assistant will sign the notes at the bottom of the note on the left side. Every officer will sign at the bottom of his note or if he agrees with the preceding note entirely at the bottom of the preceding note, on the right side.
- 3.20 Procedure to deal with references from other Departments:** If a reference is received from another Department in a file, seeking the opinion or concurrence of the receiving Department and requires detailed examination, such examination may be done separately through routine notes on a separate e-file (buff sheets which will be created by the receiving Department). Only the final result will be recorded on the received file by the officer responsible for commenting upon the reference. The officer of the receiving Department, to whom such a note is submitted will either accept that note or record a note of his own. In the former case, he may direct that the note in question or a specified portion thereof may be reproduced on the main file for communication to the originating Department.
- 3.21** Where the reference requires information of a factual nature or other action based on a clear precedent or practice, the dealing hand in the receiving Department may note on the received file straightway.
- 3.22** Where a note is recorded by an officer after obtaining the orders of a higher officer, the fact that the views expressed therein have the approval of the latter should be specifically mentioned in the note to be recorded on the file of the originating Department.
- 3.23 Time allowed for noting:** Reasonable time will be allowed for the dealing Assistant to submit a case with a note complete in every respect. The Section in charge will guide him to enable him to submit the case properly within a reasonable time. Normally every case should be submitted to the decision making authority within seven days from the date of receipt in the Section.
- 3.24 List of pending cases:** A review should be held every week of the cases pending in a Section for more than a week. A list of pending cases will be prepared for the purpose. Cases that require guidance of senior officers for disposal will be submitted for such guidance. An officer may call for any case pending for disposal for necessary action. Such cases may be put up with or without noting. However, materials required by such officer for dealing with the case will be provided to him.
- 3.25 Action by Section in charge on the notes:** The Section in charge will go through the note put up by the Dealing Assistant. He should ensure that all documents and e-files referred to in the note are properly hyperlinked (flagged in case of physical files). If he agrees with the proposal of the Dealing Assistant, he will submit the same to the next higher officer who deals with the subject matter of the case as per order of allocation of duties in the Department (see para 2.5). If there is a draft put up by the Dealing Assistant, he will check the same and make corrections, if required, which will be saved by the system as another version.
- 3.26** He may, if necessary, add his note if there is something substantial to add or to summarise and highlight the points of decision. He may also put up a draft. He may return the file to the Dealing Assistant with necessary directions if he considers the notes to be totally inadequate or needs rethinking or further information. He may also ask the Dealing Assistant to resubmit the file with a draft. The Section in charge will submit the file to the officer to whom the power has been delegated to decide on the subject matter of



the case. The concerned officer shall dispose of the same in the manner described in para 2.2 and 2.5.

- 3.27 Decision making authority:** Certain decisions and actions may require approval of the departmental Minister as per Standing Order<sup>18</sup> or of the Chief Minister<sup>19</sup> or the Cabinet<sup>20</sup> or the Governor<sup>21</sup> or prior consultation with another<sup>22</sup> Department. In such cases approval of all concerned authority will be taken before taking the proposed action. Besides the above, if the Secretary considers any proposed action involves a major change in policy or may cause unrest or may have major fallout in public life, he may seek the approval of the departmental Minister or the Chief Secretary before proceeding on the same.
- 3.28 Cases for the Governor:** Cases for the Governor are submitted through the Secretary to the Governor. The Department concerned will prepare and place in the file either a précis in typed script indicating with sufficient precision the salient points of the case and the points on which Governor's orders are required or a self-contained note to the same effect. When the Governor has passed orders, these cases will be returned by the Secretary to the Governor direct to the Secretaries concerned. Secretaries will keep their own record of files sent to the Secretary to the Governor. When cases are received back with orders or remarks by the Governor, the departmental Minister will be informed at once.
- 3.29 Exceptions in case of urgency:** In very urgent or important cases a special responsibility rests on the Section in charge to see that no delay occurs at any stage either in office or outside the office. In such cases the ordinary channel for submission of files may, when necessary, be dispensed with. When an "Immediate" case has been submitted and has not been returned to the Section/ Cell before the office closes, the Section in charge/ Dealing Assistant will take orders as to how he should act. To facilitate the rapid processing of the cases, full use will be made of personal communication between officers.
- 3.30 Draft:** A draft should be put up in anticipation of approval when the line of action on a receipt is fairly obvious. Otherwise a draft of the communication to be sent out will be put up by the Dealing Assistant when necessary order has been passed by the competent officer. In dealing with important cases, any officer may himself prepare a draft and authorise its issue or submit to the next higher officer for approval.
- 3.31** A draft should convey the exact intention of the orders passed. The language used should be clear, concise and incapable of misconstruction. The drafts of all communications to the Central Government, except routine matters, may issue with the approval of the departmental Minister or of the Chief Minister, as deemed fit by the Secretary.
- 3.32** When placing a draft in a physical file, sufficient margin, paper and space between successive lines should be left for inserting corrections, if necessary.
- 3.33** The following may be ensured in a draft:

<sup>18</sup> Rule 19 and 20 of the RoB

<sup>19</sup> Rule 29 of and Second and Third Schedule to the RoB or some general or specific order

<sup>20</sup> Second Schedule to the RoB

<sup>21</sup> Rule 29(2) and 30 of the RoB and where approval, recommendation or assent of the Governor is required

<sup>22</sup> Rule 10 or 23 of the the RoB

- 3.33.1 the draft should bear the number of the file. The subject should be mentioned invariably in all communications including reminders;
  - 3.33.2 when more than one draft is proposed, a separate serial number should be used for each;
  - 3.33.3 the number and the date of the communication replied to or of the last communication on the same subject should always be referred to. Where reference to more than one communication or a series of communications is necessary, the number and the date of each such communication should be given in a table;
  - 3.33.4 communications affecting other Departments or subordinate offices will be endorsed to the concerned Department or subordinate offices unless orders to the contrary are given. Copies of official communications should not be endorsed to non-official bodies or individuals. Separate communications may be issued to them giving necessary information;
  - 3.33.5 the details of enclosures/ attachments should be clearly indicated for convenience in despatch;
  - 3.33.6 reference to demi-official letters in official communication may be given where it is unavoidable;
  - 3.33.7 paragraphs in a communication should be numbered serially;
  - 3.33.8 care should be taken to return original papers when their return is specifically asked for. A paragraph should be entered in the draft notifying the return of such papers;
  - 3.33.9 it is desirable that the name, designation, telephone number, fax number and e-mail address of the sender is indicated on the draft.
- 3.34 Communications:** Generally all communications, other than a D.O. letter, should be addressed to the departmental Secretary or the head of Department including Commissioners of Divisions by designation. However, in case of urgency, a copy may be endorsed by name to the particular officer in another Department who deals with the subject or the local officer concerned, if considered necessary.
- 3.35** In case any communication is made to a subordinate or local officer, a copy will be forwarded simultaneously to the concerned head of Department. Correspondence with subordinate or local officers on routine matters, will ordinarily be made in the form of a memorandum or U.O. note.
- 3.36** Request for information necessary for the preparation of a reply to a confidential letter or circular of the Central Government will not disclose the purpose for which the information is required.
- 3.37** A subordinate/ attached office under an administrative Department will correspond in respect of matters involving intervention/ approval of another Department in the form of a note to their administrative Department.
- 3.38** Head of an autonomous body under an administrative Department will write in respect of matters involving intervention/ approval of another Department to the Secretary of the administrative Department in the form of a letter or in the form of a proposal in

a file. In both the cases, the administrative Department, if required, will take up the matter with the concerned Department.

- 3.39** Replies will be sent to all letters from private persons and non-official bodies not under Government unless they are in reply to communication from the Department and call for no further action. If there is likely to be any delay in disposing of such letters, an interim reply may be sent. Objections received from private persons or non-official bodies to proposed rules under Acts of Legislature will be answered to the effect that they “**will be duly considered**”.
- 3.40** **Forms of communication:** Government decisions and orders or a request for some information or an intimation may be communicated in one or the other of the following forms:
- 3.40.1** Letter;
  - 3.40.2** Memorandum;
  - 3.40.3** Demi-official Letter;
  - 3.40.4** Un-official Note;
  - 3.40.5** Endorsement;
  - 3.40.6** Circular;
  - 3.40.7** Notification;
  - 3.40.8** Resolution;
  - 3.40.9** Telegram / e-mail/Fax/Wireless Message;
  - 3.40.10** A personal message to an officer by Short Message Service (sms) or other similar electronic message in case of urgency; and
  - 3.40.11** Press-Note.
- 3.41** The above forms of communication are used for different purposes. A particular decision may be communicated using two or more forms. The officer issuing the communication should decide which form serves the purpose most appropriately.
- 3.42** Letter is written generally in correspondence with the Central Government, other State Governments, the High Court, Public Service Commission, local and public bodies, non-official persons, firms, institutions, associations, etc. It may also be used in other cases under the direction of the officers writing the letter. A letter is composed of the following parts:
- 3.42.1** letterhead bearing the name of the Government of West Bengal and of the Department;
  - 3.42.2** number and date of communication;
  - 3.42.3** name and/or designation of the sender;
  - 3.42.4** name and/or designation of the addressee;
  - 3.42.5** subject;
  - 3.42.6** salutation;
  - 3.42.7** text of the letter; and

**3.42.8** signature and designation of the sender.

The letter form will usually begin with "I am directed to" and terminate with the words "Yours faithfully".

**3.43** Memorandum form may be used in addressing the Commissioners of Divisions, Heads of Departments, District and Sub-divisional officers, Police officers and all other officers under the State Government. This form may also be used when a communication is issued to a Government officer in his individual capacity and in acknowledging the receipt of petitions, applications, etc. A Memorandum is composed of the following parts :-

**3.43.1** letterhead bearing the name of the Government of West Bengal and of the Department;

**3.43.2** number and date of communication;

**3.43.3** name and/or designation of the sender;

**3.43.4** name and/or designation of the addressee;

**3.43.5** subject;

**3.43.6** text of the memorandum; and

**3.43.7** signature and designation of the sender.

The memorandum form will usually begin with the words "The undersigned is directed to...".

**3.44** Demi-official letter may be used for correspondence between Government officers when it is desired that the matter should receive the personal attention of the individual addressed. A demi-official communication is addressed personally to an officer by name. It is written in the first person singular and begins with the salutation "My dear..." or "Dear..." and terminates with "Yours sincerely", It is signed by the officer without mentioning his designation. The designation of the officer is given at the left hand top of the letter along with his name. The extant colour code regarding printing of the National Emblem on the demi-official letter should be strictly observed.

**3.45** Un-official references to other Departments can be made in two different ways, namely (i) by sending the file itself with a note or (ii) by sending a self-contained note.

**3.46** The endorsement form will be used when transmitting copies of original documents for information or with brief instructions but will not be used in addressing non-official persons or bodies.

**3.47** The 'circular' differs from the ordinary letter or memorandum in that it is addressed to several Departments or persons simultaneously. The circular form should be used whenever the substance of the communication does not warrant the formality of the proceedings form or the letter form.

**3.48** Notification is used for publication in the Gazette, the promulgation of rules and orders, delegation of powers, appointments, leave and transfer of Group "A" officers, etc.

**3.49** Resolution is used for making public announcements of decisions of Government on important matters of policy, appointment of Committees or Commissions of Enquiry and of the results of the review of important reports of such bodies.

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- 3.50** A Wireless Message or e-mail or Fax will be as brief as possible. Post copies of those shall be sent to the addressees.
- 3.51** A personal message to an officer by Short Message Service (sms) or other similar electronic message in case of urgency when the addressee is personally known to the sender. This should be used only in rare cases and this form should be used after an e-mail or Fax has been sent.
- 3.52** A Press-Note is issued for disseminating information to the public or for giving wide publicity to a decision of Government.
- 3.53** **Modification or withdrawal of decision:** Where a final decision, already communicated, is found later on to have been given on a mistaken ground or wrong facts or wrong interpretation of rules due to misunderstanding, may be withdrawn only after the approval of an officer, higher than the one who took the original decision. The cause of such reversal or modification will have to be recorded in the notes. The Ld. Legal Remembrancer will be consulted before such withdrawal, wherever necessary, to avoid legal complications.
- 3.54** When the officer who passed the draft is not available, the fair copy may be signed by an officer not below the rank of an Assistant Secretary. Letters on important matters addressed to the Central Government or other State Governments, the High Courts or any body-corporate, association or company conveying commendation or censure or communicating the rejection of the recommendation of a head of a Department (including the Commissioner of a Division), resolutions, notifications, etc., will be signed by an officer not below the rank of Deputy Secretary.
- 3.55** After the draft has been approved by the competent authority, the e-file will be sent to the officer competent who has to sign the fair communication. He will sign the letter digitally (where Digital Signature has been made available) & then pass on the e-file to the officer / section concerned for issuing the communication.
- 3.56** The Section in charge will ensure that the fair copy of the communication, bearing a distinguishable number with date and signature of the sender is issued together with enclosures, if any. The e-Office system provides for generation of issue number automatically. For physical files, the issue number will be obtained from the Issue Register. A Department may, however, decide to issue all communications, other than inter departmental notes, bearing a number from the Issue Register. In such case, no issue number from the e-Office system should be generated.
- 3.57** **Despatch of communications:** For Departments which are inter-connected on the e-Office system, the communication will be sent through the system. In other cases, the fair copy of the communication alongwith its enclosures, if any, will be sent to the Despatch Section.
- 3.58** Despatch Section will make arrangement for despatch of the communication in any of the following manners:
- 3.58.1** through the CDO;
- 3.58.2** directly through the post office. Electronic Franking Machines may be used for quick stamping of letters. The letters may be sent by Speed Post where required under orders of the Deputy Secretary;

- 3.58.3** through a messenger. Acknowledgement of receipt of the communication will have to be obtained on a Peon Book;
- 3.58.4** through Fax or Radiogram or email services. A postal copy of the same will be sent subsequently;
- 3.58.5** the manner of despatch should be recorded in column 6 of the Issue register. Value of stamp used and the time of sending Fax etc. should also be recorded there in case of the second and fourth options respectively.
- 3.59** All valuable documents and secret papers should be sent by registered post or speed post with "acknowledgement" card. All envelopes and parcels must bear a stamp of the sender office. The name and/ or designation of the addressee with full postal address including PIN code should be clearly printed or written in legible handwriting.
- 3.60** After the communication has been sent, the despatch section will indicate the date of despatch on the draft in a physical file and note the official issue number and date at an appropriate place on the notesheet where the draft was approved. If sent by Fax, the confirmation slip will be placed in file.
- 3.61** When a matter is sent to the press for printing, every stage of the same will be monitored through the Press Register. Proof of the material to be printed will be carefully checked by the concerned Section. After the material is published or a Notification appears in the official gazette, a copy of the same will be placed in the file and a copy will be pasted in the Notification Register. A copy should also be placed in the Guard File.
- 3.62** In case of a physical file, after despatch of the communication, the file will be sent to the Reference Section for making entry in the File Register details of the last communication. Reference Section will thereafter return the file to Dealing Assistant.
- 3.63** The Dealing Assistant will scan and place the fair copy of the communication, if not issued from the system, in the CP side as a receipt, docket the following information of the communication on the notesheet of the e-file; (a) serial number (issue number), (b) date, (c) details of addressee(s) and (d) page number on CP side and hyperlink the same.
- 3.64** **Action after despatch:** He will resubmit the file to the Section in charge, if there is an instruction for resubmission or if necessary or if called for. Otherwise he will send the same to await stand (physical file) or park (e-file) indicating a date for resubmission.
- 3.65** A file may also be closed and steps for recording may be taken, however, it is advisable that no file should be recorded before one year.
- 3.66** If a reply to the communication is awaited, an expected date for receipt of such reply should be entered in the Reminder Register. If no reply is received before such date, the file will be put up for issue of a reminder with a draft. If no reply is received within a reasonable time even after a reminder, the file will be resubmitted seeking orders on further action.
- 3.67** Reminders addressed to the Central Government and the High Court are issued only under orders of the Secretary.
- 3.68** When a file has been sent to another Department and has not been returned within a fortnight, the Section in charge will contact the other Department to pursue the matter,

in the first instance and report the result to the Administrative officer concerned. A reminder may be sent in such cases from an officer of Appropriate level as deemed fit.

**3.69** Depending upon the urgency and importance of the matter, an officer may take up the matter personally with his counterpart in another Department from which the reply is awaited or he may seek attention of the head of Department. The head of the Department may consider writing a demi-official (D.O.) letter to his counterpart, if deemed fit.

**3.70 Web Based File Tracking System:** All physical files and letters shall be entered in the Web Based File Tracking System (WBFTS) and all movements of such files and letters must be entered in the system by every Assistant and officer to ensure convenience in locating any file at any point of time.

### Diary of Receipts

Form 3.1

([Para 3.3.1](#))

Sl. No.	Document received		From whom received	File No.	Remarks
	No.	Date			
1	2a	2b	3	4	5

### Detailed Index of Current Files

Form 3.2

([Para 3.3.2](#))

Index heading and file subject	File No.
1	2

### File Register

Form 3.3

([Para 3.3.3](#))

File No.	From or to	No. and date	Purport of letter	Sl. No. In file	Proceedings number when recorded	Date on which sent to Record Room	Previous papers	Remarks
1	2	3	4	5	6	7	8	9

**Inter Departmental Register (Inwards)**

Form 3.4.1

(Para 3.3.4)

Sl. No.	Date of receipt	From whom received	File No.	Subject	Date on which returned	Remarks
1	2	3	4	5	6	7

**Inter Departmental Register (Outwards)**

Form 3.4.2

(Para 3.3.4)

Sl. No.	Date on which sent	To whom	File No.	Subject	Date on which received back	Remarks
1	2	3	4	5	6	7

**Issue Register**

Form 3.5

(Para 3.3.5)

Sl. No.	File No.	Date of letter	To whom	Date of despatch	Remarks
1	2	3	4	5	6

**Notification Register**

Form 3.6

(Para 3.3.6)

Notification No.	Date	File No.	Subject
1	2	3	4



**Press Register**

Form 3.7

(Para 3.3.7)

File No.	File No. and subject	Date of sending to press	Date of receipt of proof	Date of return of proof to press	Date of receipt of finally printed copies	Remarks
1	2	3	4	5	6	7

**Peon Book**

Form 3.8

(Para 3.3.8)

Number and date or other Description	To whom	Signature of Recipient
1	2	3

**Reminder Register**

Form 3.9

(Para 3.3.9)

Branch and File No.	No. and date of letter, if any, issued	Brief subject of letter or of case	Date of reminder to issue or action to be taken	Remarks
1	2	3	4	5

**Case Book**

Form 3.10

(Para 3.14)

Sl. No.	Branch and File No.	For note or draft etc.	Subject	Date of receipt of letters etc. in office	Date of receipt by Assistant	Date of submission	Remarks
1	2	3	4	5	6	7	8



## **CHAPTER – 4**

### **Secret Cases**

- 4.1 Classification:** All files, office notes and papers requiring special secrecy which is marked as “Top Secret” or “Secret” are required to be handled with maximum care. A cover marked as “Top Secret”, “Secret” or “Personal” should not be opened by any one, except the officer named on the cover. Covers Marked “Secret” but not addressed to any officer by name will not be opened by any officer below the rank of Registrar. The marking “Confidential” may be used in communications to the members of the Public or to the Foreign Governments or to their Consulates, Trade Missions or Embassies in India. Care should be exercised in deciding whether a particular paper is to be classed as “Top Secret” or “Secret”.
- 4.2** In the treatment of such papers the essential points are that they should pass through as few hands as possible in the office, they should be dealt with only by selected and responsible officials and that special arrangements should be made for their custody and disposal.
- 4.3 Secret Section:** Sections which deal primarily, or to any extent, with secret papers should be designated “Secret Section”; which should be segregated from other sections of the Department and that Section should have its own receiving, issue and despatch mechanism under the supervision of an earmarked officer.
- 4.4 Register:** In Departments or Branches of Departments which do not have to deal with many secret cases, a single register should be maintained for the registration of the secret papers received. The registers will be kept in the personal custody of an Assistant Secretary especially designated for this purpose by the Secretary of the Department, who will always keep them up to date.
- 4.5 Despatch of secret papers:** “Top Secret” and “Secret” papers when sent by post must invariably be closed in double covers, the inner cover being sealed and marked “Top Secret” or “Secret”, as the case may be, and addressed to the officer for whom they are intended. While, in case of “Secret” covers, the outer cover will bear the usual official address, in case of “Top Secret” papers, the outer cover will also be sealed and must invariably be addressed by name to the officer for whom they are intended. All such secret papers when sent by post, should invariably be sent by registered post with “Acknowledgment Due”.
- 4.6** Upon the receipt of a file, letter or other papers marked “Secret”, the officer receiving it may put up the same to the Secretary of the Department and take action in accordance with his order. Every movement of the secret paper may be kept in the case-book of the officers and the file register as far as possible.
- 4.7 Custodian of secret papers:** If there is a Secret Section, the custodian of the secret papers, files etc will be the Section in charge. Posting of personnel in the Secret Section will be made after due consideration of papers to be handled in the section.
- 4.8** Covers marked “Top Secret” or “Secret” should be used for papers of the relevant category contained in them. If any secret paper is put up with a non-secret file, the file will be treated as secret until the secret papers are removed and a jacket marked “Secret” will be placed over the file.

- 4.9** All secret and confidential cases submitted to the Governor will be sent in sealed covers addressed to the Secretary to the Governor by name. When it is required to consult another Department in connection with a secret case, only the papers, which are absolutely necessary for the purpose of the reference, will be sent with the file. A secret case will not be sent or circulated to any officer of non- Secretariat office without the orders of the Secretary.
- 4.10** **Recording of secret papers:** Secret papers will be separately recorded. Important cases, other than those of especially secret nature, may be printed but the number of printed copies will be as few as possible and the disposal of each copy should be accounted for. The cover of printed collections of confidential papers should be of a specific colour so that the said cover can be separated from the others.
- 4.11** Secret papers will be kept under locked almirah with a set of duplicate keys being retained by the custodian. The other key of the almirah shall be kept in the custody of the Head of the Department. Proper record should be maintained whenever a secret paper is kept inside or taken outside the almirah.
- 4.12** The Assistant Secretary/Registrar will examine the papers in the secret almirah once a year and take steps, after obtaining the orders of the Secretary, for the destruction of those papers which are no longer required to be preserved, under his personal supervision.
- 4.13** **Electronic Communications:** All electronic communications from and to the Secret Section should be handled by the officer duly authorized by the Secretary of the Department and the "Password" for opening mailbox should be disclosed only to such officer. The electronic mail received should be deleted after its print has been taken and similarly the electronic mail sent from the Secret Section should be deleted after taking its printout. Such printouts should be preserved only by the officer duly authorized by the Secretary.
- 4.14** In addition to what has been stated in this Chapter, instructions which may be issued by the Government from time to time on the subject of treatment of Secret cases should be strictly complied with.

## CHAPTER - 5

### Inter-Departmental Consultations

- 5.1 Forms of consultation:** Inter-Departmental consultation may take place in the form of inter-Departmental notes, emails, inter-Departmental meetings which may include physical meetings where the concerned officers are present in person or video conferencing or oral discussions.
- 5.2** An inter-departmental note, which is unofficial reference, may be transmitted through an e-file or a physical file to another Department for information or for opinion or for concurrence on any matter, where necessary, before an order in that matter is issued. Unofficial references are made by endorsements in the margin of the notesheets of physical files. Such references are often made to officers by name or by designation for the purpose of soliciting/ sending opinion of the Department on a priority basis.
- 5.2 Inter-departmental references:** In making written inter-Departmental references, the following points should be observed:
- 5.2.1** inter-Departmental references will normally be made under the directions of an officer not below the rank of Deputy Secretary or as may be provided by the Departmental instructions;
  - 5.2.2** the points on which the opinion of other Departments is sought for or the points which are desired to be brought to their notice should be clearly stated;
  - 5.2.3** where possible, the drafts of the orders proposed to be issued may also be shown to the Departments sought to be consulted;
  - 5.2.4** when it is necessary to consult more than one Department on a case, such consultation may be effected simultaneously by self-contained inter-Departmental notes unless the need for consulting the second Department arises only after the views of the first have become available;
  - 5.2.5** where simultaneous references are made to more than one Department, communication with those Departments may be made by a memorandum or in a Part File containing copies of relevant papers. In the case of formulation of schemes or projects, the inter-departmental reference, where necessary, will be made at the earliest possible stage;
  - 5.2.6** the originating Department should indicate a desired date for comments or concurrence from the other Department(s);
  - 5.2.7** in case any of the Departments, to be consulted, is not in a position to send its comments/concurrence within such desired date, it should write back promptly and indicate the additional time they will require for furnishing their final reply;
  - 5.2.8** in case the file is not received back within a reasonable time, para [3.69](#) will be followed;
  - 5.2.9** if the file is not received back despite reminders and if it is not mandatory under any rule to obtain concurrence of the other Department, the initiating Department may decide to proceed further on the proposal on its own;

- 5.2.10** the initiating Department should always be at liberty to recall its file/ e- file from another Department, to which such a reference has been made, if such a course is required to be adopted for expediting the process of decision making in the case. Such a decision to recall a file should be taken at a level not lower than the officer who made the original reference.
- 5.3** The Secretary of a Department or his subordinate officers may also write an official letter or a demi-official letter to their counterparts in another Department to have the views or concurrence of the other Department. In case of urgency, personal interaction may be made by the concerned officials to obtain relevant advice or concurrence.
- 5.4** **Difference of opinion among Departments:** In case of differences of opinion between two Departments, personal discussions between officers to clear doubts may be preferred to further notes.
- 5.5** If the difference of opinion between the Departments is not removed even after inter-departmental discussions and if the Minister concerned desires to press the case, it will be submitted to the Chief Minister for orders either for laying the case before the Cabinet or otherwise. In case it is decided to lay the case before the Cabinet, the Cabinet Memorandum should clearly indicate the differences in opinion of the two Departments<sup>23</sup>.
- 5.6** A copy of any orders passed in consultation with other Departments will be communicated officially to the Departments concerned.
- 5.7** When a note by the Governor or the Chief Minister or a decision of the Cabinet in any case, concerns more than one Department of the Secretariat, the Department receiving the note or to which the case belongs will communicate relevant extracts from the notes or the decision, as the case may be, to the other Departments concerned.
- 5.8** Unless especially ordered in a particular case or otherwise required by rule, communications with other Departments of the Government will be unofficial; but when papers are sent to another Department for record those will be transmitted officially by endorsement or memorandum and whenever convenient the same procedure will also be followed when papers are sent to another Department for further action.
- 5.9** **No order to be issued from a file of another Department:** When a letter or other communication is received in one Department and referred by it unofficially to another Department for consideration, the Department to which such unofficial reference is made will not, as a rule, issue orders in the case, but will return the file with a record of its views together with any intermediate correspondence that may have taken place with other Departments.
- 5.10** **Taking over of cases:** When a Department initiates a proposal for an addition or amendment in any rule or order for which another Department is responsible, and the latter Department agrees that such an addition or amendment is necessary, the case will be taken over by the latter Department and will cease to be a case of the Department initiating it, and the initiating Department will be informed at once that the case has been so taken over. The Department taking over the file will simultaneously give it a number of its own.

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<sup>23</sup> Rule 16 the RoB

- 5.11 Transfer of cases:** Cases which belong to another Department will be transferred to it for disposal, **but ordinarily the consent of the Department concerned will be obtained informally before such transfer.** The original papers or notes in such cases will be transferred with the file after copies or relevant extracts being retained for record, if necessary, in the Department transferring the case.
- 5.12** Letters which have been wrongly addressed or delivered to a Department will be transferred to the appropriate Department immediately on receipt. It is not necessary to obtain the previous consent of the Department for such transfer; but those letters will be sent with a note on a routine note-sheet on which receipt will be acknowledged or objection to the transfer noted.
- 5.13 Correspondence with Central Government:** When the subject matter of any correspondence with the Central Government concerns two or more Departments, the Department dealing with the case will consult other Departments concerned with a draft of the letter to the Central Government.
- 5.14** Provided that prior consultation may be dispensed with and endorsement of a copy of the letter to the Central Government, to the other Departments concerned after issue, will be sufficient if -
- 5.14.1** the correspondence embodies or conforms with a Cabinet decision; or
- 5.14.2** for any other reason, the Secretary decides that in the circumstances of the case, it is inexpedient or unnecessary to consult them before issue.
- 5.15** Papers for reference or information may be obtained and supplied unofficially. A list will be kept of records supplied or obtained in this manner, and care will be taken that they are duly returned and their receipt acknowledged.
- 5.16 Dealing with a reference from another Department:** Cases received from other Departments for consideration will be submitted in accordance with para 3.20 to 3.22 and dealt with as expeditiously as possible. If the papers are complete, the points for consideration have been fully stated and discussed, and no remarks or suggestions appear to be called for; the case will be submitted immediately with a short note.
- 5.17** If an office note is necessary, it will not repeat anything specifically stated in the notes of the Department of origin and will be dealt in a Departmental file or a buff sheet pointing out any inaccuracies or objection, requirement of any additional information, and suggesting the advice or reply to be given or the action to be taken on the case. If such a note includes comments not intended for, or not likely to be of any interest to the Department referring the case or if there be no alternative suggestions for consideration by the receiving Department, the same will not be endorsed/ recorded on the main note-sheets in the file for further course of action of the referring Department.
- 5.18** When, however, a case is referred unofficially to a particular officer in another Department by name, and not by designation, the case will be submitted immediately to the officer without any note.
- 5.19** Reminders received from other Departments for the return of their files or papers will be submitted with a note explaining the reasons for the delay.
- 5.20** Orders and requests for information received from another Department, which have to be conveyed to subordinate officers, will ordinarily be communicated *verbatim*, no

alteration of substance being ordinarily made without consulting the Department from which the orders or requests emanated.

- 5.21 Creation of Police Stations:** The Judicial Department, Panchayat and Rural Development Department, Land and Land Reforms and Refugee Relief and Rehabilitation Department will have to be consulted on any proposal for creation, amalgamation, abolition or change of name of any police station.
- 5.22 Change of boundary of subdivisions etc.:** All Departments will have to be consulted on any proposal for change of boundary of a Subdivision, District or Division except when such change is consequential to a change in terms of para 5.21 above.
- 5.23 Incidents to be reported to the Home and Hill Affairs Department:** When a local officer sends preliminary reports to the Home and Hill Affairs Department relating to any matter of political or administrative importance to enable the latter to take appropriate measures including apprising, when appropriate, the Central Government, the latter Department will also send intimation to the Department which ordinarily deals with the matter of the kind reported.
- 5.24** The preliminary report will be followed up by local officers with a detailed report and will be addressed by them directly to the Department concerned with a copy to the Home and Hill Affairs Department.
- 5.25** If the preliminary report is received in any Department other than the Home and Hill Affairs Department, the receiving Department will at once send it to the Home and Hill Affairs Department for necessary action on the lines indicated above.
- 5.26** If, however, the detailed report is received in any Department other than the Home and Hill Affairs Department, and if the Department receiving it is not concerned with the subject matter of the report, it will at once transfer the papers to the appropriate Department with a copy to the Home and Hill Affairs Department for taking appropriate action.
- 5.27 District Magistrate to be informed:** The District Magistrate should be kept informed of all the important problems, activities and developments in connection with the administration of every Department of Government, so that he has an accurate overall idea of the current Government activities in every sphere of the life. All Departments should issue necessary instructions to their sub-ordinate Departmental officers at district level requiring them to keep the District Magistrate informed regarding all such matters. The District Magistrate should, if necessary, be consulted by the departmental officers whenever important directions are received from a Department and also whenever important proposals or reports are sent to the Government by them.
- 5.28** Whenever any Department proposes to print or standardise a form the Government controlled presses will have to be consulted.
- 5.29 References to the Information and Cultural Affairs Department:** The Information & Cultural Affairs Department is normally the official nodal agency of all Government activities in relation to the publicity. The Information and Cultural Affairs Department is the sole channel of communication between the Government and the electronic and print media.



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- 5.30** Officers, authorised by the Secretary, may make direct communication to any media in exceptional cases, only when it is not practicable to do so through the Information and Cultural Affairs Department and will apprise the Information and Cultural Affairs Department of any such communication at the earliest opportunity. No Departmental officer below the rank of a Joint Secretary may be authorised on this behalf. All media personnel must be referred to the Information and Cultural Affairs Department if they request for any information.
- 5.31** The Information & Cultural Affairs Department will also apprise in confidence the Government/ administrative authorities, if any possibilities or occurrences of public resentment is noticed by them which are worthy of taking cognizance of by the administration in order to prevent social destabilization.
- 5.32** The Information and Cultural Affairs Department is responsible for-
- 5.32.1** the preparation of summaries of Departmental reports, resolutions, etc. for publicity purposes;
  - 5.32.2** securing the distribution of and appropriate publicity and suitable reception for communiqués, press-notes, etc. and
  - 5.32.3** the preparation in suitable form and, with the concurrence of the administrative Department concerned, the issue of contradictions to false, incorrect, misleading or prejudicial statements appearing in the print or electronic media.
- 5.33** In order that the Information and Cultural Affairs Department, may discharge its responsibilities under the preceding paragraph the following procedure may be followed:-
- 5.33.1** all departmental authorities are required to treat the officers/personnel hailing from the Information & Cultural Affairs Department at par with accredited professional journalists, to allow appointment to them at the earliest convenience on their requests and to invite the I & CA Department personnel in all State functions;
  - 5.33.2** for the purpose of para 5.32.3, the Information and Cultural Affairs Department, in the absence of necessary information, may request for a report together with a copy/ extract of the news appearing in the media from the Department concerned;
  - 5.33.3** the authority in the different Departments will decide as to what is to be brought out for publicity while the Information and Cultural Affairs Department will decide how it is to be brought out. A Department with the approval of the Departmental Minister shall pass on to the Information & Cultural Affairs Department-
    - 5.33.3.1** draft pamphlets, leaflets, etc., and
    - 5.33.3.2** ideas for posters, videos etc.
  - 5.33.4** when the Information and Cultural Affairs Department will shape these drafts and ideas in the manner they think most suitable for presentation. The final drafts and designs will be shown to the Department's Minister concerned for final approval. The Information and Cultural Affairs Department will undertake the printing and distribution of the material. In the process of

distribution the local officers of the Departments concerned will also be utilised and the distribution list will be prepared in consultation with the Department concerned.

- 5.34** The Departments concerned will furnish to the Information and Cultural Affairs Department with the following :-
- 5.34.1** Copies, in advance, wherever possible, of departmental reports, resolutions etc. Highlighting the portions calling for special attention;
  - 5.34.2** approved copies of communiqués, press-notes, etc., prepared by the Department and intended for publication;
  - 5.34.3** details of the facts from which contradictions or rejoinders to false, inaccurate, objectionable, tendentious or exaggerated statements appearing in the media can be prepared and issued in a suitable form by the Information and Cultural Affairs Department;
  - 5.34.4** advance copies of speeches to be delivered by the Governor, Ministers, Secretaries to the Government etc.;
  - 5.34.5** advance copies of notes or memoranda or minutes intended for circulation to members of the Legislature or of the public;
  - 5.34.6** advance intimation of any conference and any important official function which any Department may organise;
  - 5.34.7** copies, simultaneously with their despatch to the press, of all notifications issued by Departments excepting those dealing with routine matters;
  - 5.34.8** statistical reports or any information which the Information and Cultural Affairs Department can use for the purpose of preparation of matter intended for publication in the form considered most suitable, e.g., as “news stories”, etc. In every case such material will be furnished at the earliest possible stage;
  - 5.34.9** draft leaflets, pamphlets, etc., and designs for posters proposed to be prepared and distributed.
- 5.35** **Reference to the Finance Department:** The Finance Department will have to be consulted on all matters falling under Rule 10 of West Bengal Rules of Business, Financial Rules, Treasury Rules, Departmental Accounts Rules, Delegation of Financial Power Rules or Service Rules including pay rules, unless the Finance Department, on any matter, has categorically delegated power under a special or general order in favour of the Department(s).
- 5.36** If the Finance Department does not concur with any proposal which requires its concurrence, the same can only be given effect to with the approval of the Cabinet. Detailed procedure has been discussed in the chapter on Cabinet procedure.
- 5.37** All administrative Departments will consult the Finance Department in arriving at decisions on audit reports and draft paragraphs for incorporation in the Appropriation accounts submitted by the Accountant-General, West Bengal, and on any serious financial irregularities brought to notice through audit reports or otherwise, and will note the fact that such decisions have the concurrence of the Finance Department when communicating the same to the Accountant-General. A copy of the communication to

the Accountant-General, West Bengal, would be forwarded to the Finance Department for information.

- 5.38** All orders issued with the concurrence of the Finance Department shall quote the unofficial number of the observation of the Finance Department.
- 5.39 Reference to the Land and Land Reforms and Refugee Relief and Rehabilitation Department:** All Departments shall consult the Land and Land Reforms and Refugee Relief and Rehabilitation Department on any proposal that involves:
- 5.39.1** acquisition of land;
  - 5.39.2** change of purpose of use of land;
  - 5.39.3** relinquishment of land;
  - 5.39.4** proposal to transfer land to any third party;
  - 5.39.5** settlement of land in favour of any semi-Government body;
  - 5.39.6** long term lease;
  - 5.39.7** concessional rates of salami and rent;
  - 5.39.8** requisition of immovable property for temporary use;
  - 5.39.9** transfer of land between the Central and the State Government.
- 5.40** All Departments shall maintain an inventory of lands received by them from L&LR Department by transfer of land on compulsory acquisition of the same, update the same regularly and supply a soft copy of the updated inventory annually to L&LR Department.
- 5.41 Reference to the Law Department:** The administrative Departments will consult the Law Department for the following purposes:-
- 5.41.1** on proposals for legislation as to –
    - 5.41.1.1** the need for the proposed legislation from a legal point of view;
    - 5.41.1.2** the competence of the State legislature to enact the measure proposed;
    - 5.41.1.3** the requirements of the Constitution of India as to obtaining previous sanction of the President thereto; and
    - 5.41.1.4** the consistency of the proposed measure with the provisions of the Constitution and, in particular, with those relating to fundamental rights.
  - 5.41.2** for the following actions regarding drafting of Bills, Ordinances and amendments to Bills –
    - 5.41.2.1** drafting of Government Bills and Ordinances;
    - 5.41.2.2** revision of Government Bills and Ordinances, indicating the sanctions or previous instructions, if any, required under the Constitution;
    - 5.41.2.3** settlement of Statements of Objects and Reasons of Bills and preparation of notes on clauses of Bills, whenever necessary;
    - 5.41.2.4** scrutiny of private member's Bills with reference to the provisions of the Constitution and re-drafting of such Bills;

- 5.41.2.5** Examination of amendments to Bills proposed for consideration in the legislature and at Select Committees thereof, with reference to the provisions of the Constitution, and drafting of new amendments.
- 5.41.3** examination of Bills as passed by the Legislature, and submission of report in regard to the grant of the Governor's assent to or the return to the Legislature for further consideration of any such Bill or in regard to the necessity of reserving the same for the consideration of the President;
- 5.41.4** settlement and advice as to the legality of Statutory notifications, rules, orders, regulations and by-laws.
- 5.42** When an administrative Department sends a draft to the Law Department for settlement, it will send with the file three spare copies of the draft and a copy of the draft in electronic form, if possible.
- 5.43** The administrative Department will forward to the Law Department within seven days from the date of issue, ten printed copies of each notification settled by them.
- 5.44** The Law Department will not ordinarily be asked to advise on :-
- 5.44.1** the construction of Statutes;
- 5.44.2** questions of any general legal principle arising out of any case;
- 5.44.3** cases which are connected with legal proceedings commenced or impending, or which are likely to involve any claim against the Government;
- 5.44.4** questions connected with the practice and procedure of the courts;
- 5.44.5** cases in which the Advocate General of West Bengal has advised; or
- 5.44.6** cases in which the Advocate General, the Standing Counsel, the Legal Remembrancer or the Government Pleader could advise in the ordinary course of his duties, and as to which there is no special reason for referring to the Law Department.
- 5.45** **Reference to the Legal Remembrancer:** The matter on which any Department requires advice on questions relating to law or legal practice, will as a general rule be referred to the Legal Remembrancer for opinion. Such references will be made directly by the Secretary and will be accompanied by a précis of the case together with a clear statement of precise points of law or practice upon which the opinion of the Legal Remembrancer is sought for.
- 5.46** The Legal Remembrancer may consult the Advocate General when he considers it necessary to do so or when asked to do so by the Government.
- Note.*-Such advice is readily accorded and consultations are frequent. But the Legal Remembrancer's duties in this respect are not merely mechanical. The cases frequently need preparation; further information may have to be called for and, unless all that is necessary is apparent in the file, a note has to be prepared for the assistance of the Advocate General.
- 5.47** **Reference to the Advocate General:** A Minister may also refer a case to the Advocate General for his opinion or advice. While referring a case to the Advocate General, all relevant material should be available in the file which should be prepared in accordance with para 5.45.

- 5.48** Files in which the Advocate General has expressed opinions on important questions of law shall be sent to the Law Department for perusal and return and, if in any case the file itself cannot conveniently be sent, a copy of the opinion recorded therein shall be sent.
- 5.49** No opinion of the Legal Advisers of Government will be communicated to any private party without special reasons. When such an opinion forms the basis of the decision of Government upon an application or reference from a private person, the terms of the opinion may be adopted in the orders. But in referring to advice given, the expression "Government are advised" will be used without mention of name or designation, of the particular officer consulted.
- 5.50** **Reference to the State Archives:** The administrative Department will consult the State Archives for any information relating to pre-1857 records. For post-1857 records, the Departments will trace out the papers from the printed indexes available in the Departments, but when they fail to do so, reference should be made to the State Archives. Proceedings volumes and indexes which have no duplicate copies in the Department may be consulted in the State Archives.



## CHAPTER –6

### Cabinet Procedure

- 6.1 Cases for Cabinet:** Decision on every case falling within the purview of the Second Schedule to the RoB is taken with the approval of the Cabinet.
- 6.2** Before a case reaches the stage of consideration by the Cabinet, the administrative Department must:-
- 6.2.1** prepare matured proposals with conclusions as regards the departmental policy, if a question of policy is involved, and work out in detail the administrative aspects of the proposals explaining precisely the objects of the proposals and the probable consequences and implications of cost;
  - 6.2.2** consult all other Departments of Government which may be administratively affected by the proposals, and (in particular) the Finance Department if such consultation becomes necessary within the meaning of rule 10(1) of the RoB;
  - 6.2.3** modify the proposals in accordance with the views of the Departments so consulted, in so far as such views are acceptable to the administrative Department, or if such modification is not practicable, reduce the outstanding differences to a minimum, the reasons for such differences being clearly defined.
- 6.3 Order of the Chief Minister for placing before Cabinet:** After the completion of the processes described in the preceding paras, the administrative Department will obtain the orders of the Chief Minister either for circulation for opinion of Ministers<sup>24</sup> or for placing the case for discussion in a meeting of the Cabinet <sup>25</sup> , as the case may be, and when orders are received for taking the case to the Cabinet, the administrative Department will send a notice to the Cabinet Secretary in Form 6.1 indicating the meeting of the Cabinet at which it is desired that the case should be taken up.
- 6.4 Cabinet Memorandum:** The administrative Department will also send immediately to the Cabinet Secretary 55 copies (4 copies with original signature and 51 photocopies) of the Cabinet Memorandum in Form 6.2 embodying the result of the examination of the case on the lines indicated in para 6.2 and indicating with sufficient precision the salient facts of the case, the proposals and the Department's recommendations thereon with all relevant papers that may be necessary for proper understanding of the case. Where other Departments (including the Finance Department) have been consulted, their views should also be stated verbatim with the administrative Department's comments thereon, if any.
- 6.5** Where the Finance Department has not concurred with the administrative Department<sup>26</sup> the observation of the Finance Department must be quoted verbatim in the Cabinet memorandum prepared by the administrative Department. In such a case the administrative Department may incorporate in the same Cabinet Memo further justifications to meet the objections of the Finance Department. But in that

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<sup>24</sup> Rule 13 of the RoB

<sup>25</sup> Rule 15 of the RoB

<sup>26</sup> Rule 10(2) of the RoB

event, the Cabinet Memo should be sent to the Secretary, Finance Department, as far as practicable, at least three clear working days before the date of the next Cabinet meeting.

**6.6** An illustration of the headings under which the Cabinet memorandum should be drawn up as given below, but the headings are only suggestive and not exhaustive:

- 6.6.1** subject for discussion- numbered serially, if more than one;
- 6.6.2** salient facts of the case and the Department's proposals with the financial implications of both recurring and non-recurring expenditure with head of account from which it will be met;
- 6.6.3** views of other Departments, if any (to be quoted verbatim) and the administrative Department's comments thereon, if any;
- 6.6.4** views of the Finance Department, if any (to be quoted verbatim) and the administrative Department's comments thereon, if any;
- 6.6.5** proposal of the Department for which approval is sought (this should be a self contained proposal without reference to the preceding paras);
- 6.6.6** a time schedule for implementation of the Cabinet decision;
- 6.6.7** a Press Note should be separately given.

**6.7** For the purpose of supplying to the Cabinet Secretary and preservation in the office of the administrative Department, the following number of copies of the Cabinet memorandum will be prepared:

For each Minister - 1 copy;

for Minister of State, if any, of the administrative Department submitting the memorandum - 1 copy;

for Secretary to the Governor – 2 copies;

for Chief Secretary - 1 copy;

for Cabinet Secretary – 2 copies;

for Secretary, Finance Department - 1 copy;

for Department's use - 5 copies (minimum).

The required number of copies of the Cabinet memorandum which is now 55 should be sent to the Cabinet Secretary with a forwarding notice in Form 6.2 so as to reach him at least three working days before the meeting of the Cabinet at which it is desired that the subject be taken up. The cabinet memo shall be treated as secret paper at least for the period the decision of cabinet is not made.

*Note:* Cabinet Secretariat order No. 19-Cab. Sectt. dated 31.03.2017

(Appendix 1) may be followed. The file relating to the case may be forwarded to the Cabinet Secretariat alongwith the Cabinet Memo, the Press Note and the forwarding notice.

**6.8** **Agenda for Cabinet meeting:** Out of the subjects of which notices have been received by the Cabinet Secretary from the administrative Departments, he will obtain the orders of the Chief Minister as to which subjects should be entered in the agenda for



the next meeting. On receipt of such orders he will take steps immediately for the preparation of the agenda in accordance with such orders and for the circulation of copies thereof to all Ministers, the Secretary to the Governor and all Secretaries of the Departments concerned. Simultaneously, or as soon thereafter as may be, he will send the related Cabinet papers received from the administrative Departments to all Ministers, the Minister of State, if any, of the administrative Departments concerned, the Chief Secretary and the Secretary to the Governor and, if the case is one which comes within the purview of rule 10(2) of the Rules of Business, also to the Finance Secretary.

- 6.9** This procedure will be normally followed in the case of all business coming before the Cabinet but any urgent or emergent matter may be included in the agenda on special instructions of the Chief Minister which must be obtained by the Department concerned and reported to the Cabinet Secretary for necessary action.

*Note:* Ordinarily the agenda and the connected papers will be circulated on the third day before the day fixed for such meeting, so that the papers reach the Ministers and others concerned at least two clear days before the date of such meeting as required under rule 17(2) of the RoB. It is only in the case of urgency that the Chief Minister can curtail the said period.

- 6.10** **Cases to be circulated to Ministers:** A case which has been ordered by the Chief Minister to be circulated to Ministers under rule 13(1) of the RoB must be dealt with as expeditiously as possible at all stages. All papers to be read in that connection should be prepared as laid down in para 6.2 and should be accompanied by the Departmental file, properly arranged and referenced, before circulation. At the same time the administrative Department will take orders from the Chief Minister as to the order in which the case should be circulated to the Ministers in turn.

- 6.11** A copy of Form 6.3, duly filled in, must be placed at the top of the file circulated to all Ministers under rule 13(1) of The RoB.

- 6.12** When the circulation has been completed and the Chief Minister thinks that a discussion at a meeting of the Cabinet is necessary, the administrative Department will thereafter follow the procedure laid down in the foregoing paragraphs for taking a case to the Cabinet.

- 6.13** **Proceedings of the meetings of the Cabinet:** The following procedure will be followed in recording the proceedings of the meetings of the Cabinet and the decision of the Cabinet in individual cases:-

**6.13.1** The Cabinet Secretary shall be present at each meeting and present the agenda for discussion with the permission of the Chief Minister or the Presiding Minister, as the case may be. The Special /Joint Secretary-in-charge shall also be present at each meeting and suitably record the decisions reached with brief explanatory notes wherever necessary.

**6.13.2** A typed draft of the decisions so recorded will be prepared and placed before the Cabinet Secretary for necessary corrections. The Cabinet Secretary shall then place the decisions duly signed by him to the Chief Minister (or the Presiding Minister, as the case may be) for further corrections and signature. Thereafter, one copy of the decisions prepared afresh and authenticated by

the Chief Minister or the Presiding Minister as the case may be, in Form 6.4, will be issued by the Cabinet Secretary to the Departments concerned. Two copies of the full proceedings will also be prepared by the Cabinet Secretary for authentication by the Chief Minister. While one authenticated copy of the full proceedings of the meeting will be forwarded by the Cabinet Secretary to the Governor for his information and for record in the Governor's Secretariat, the other copy of the full proceedings signed by the Chief Minister shall be retained in the Cabinet Secretariat for record.

- 6.13.3** In the case of a decision of the Cabinet taken on a case coming within the purview of rule 10(2) of the RoB, an authenticated copy of the decision of the Cabinet will also be forwarded by the Cabinet Secretary to the Secretary, Finance Department.
- 6.13.4** Where any decision is subsequently modified under rule 18(1) of the RoB, the Cabinet Secretary will cause the papers received from the administrative Department to be filed with the memorandum of the case kept in the Cabinet Secretariat. The administrative Department will also take steps to have the modification mentioned before the Cabinet at the earliest opportunity thereafter.
- 6.14 Cabinet Sub-Committee:** The Cabinet may refer any case to a Sub-Committee consisting of such Ministers as the Cabinet may decide. When any matter is referred by the Cabinet to a Sub-Committee of the Cabinet the Departmental Secretary concerned (or any officer nominated by him not below the rank of a Deputy Secretary) will take steps to summon, in consultation with the members of the Sub-Committee, one or more meetings of the sub-Committee for the consideration of the matter. He will also prepare a report after the members of the Sub-Committee have concluded their consideration of the subject. When the report, subject to any alterations as may be made therein has been finally agreed upon, it will be signed by the members of the Sub-Committee and will thereafter be dealt with in the same way as an original Cabinet memorandum, in accordance with the procedure laid down in para 6.4 and subsequent paras. The term of office of such Sub-Committees shall be coterminous with that of the Cabinet.
- 6.15** Where a matter has been referred to a Cabinet Sub-Committee for disposal without any direction to report to the Cabinet again, the Department will take necessary action on the Sub-Committee's report straightway but a copy of the report will be sent to the Cabinet Secretary for information and for completing the records of the case in his Secretariat.
- 6.16 Standing Committees of the Cabinet:** The Chief Minister may form Standing Committees of the Cabinet<sup>27</sup> with specific functions assigned to them from time to time. Such Standing Committees shall consist of such Ministers as the Chief Minister may specify and will have term coterminous with the term of the Cabinet.
- 6.17 Power of such Standing Committees:** Such a Standing Committee may decide on matters falling within its purview notwithstanding anything contained in rule 12 of The RoB<sup>28</sup>, either *suo-motu*, or on a reference by the Minister concerned or the Chief

<sup>27</sup> Rule 18A(1) of the RoB

<sup>28</sup> Rule 18A(3) of the RoB

Minister. Decisions taken by the Standing Committee shall be placed before the Cabinet for information at the earliest opportunity. Provided, however, that if the Standing Committee or the Chief Minister so directs, a case may be submitted before the Cabinet for decision.

- 6.18** On any case where concurrence of the Finance Department is necessary and the Finance Department has not concurred to it, the Standing Committee shall not take any decision without giving an opportunity to the Finance Department to submit their views in a meeting of the Standing Committee<sup>29</sup>.
- 6.19** Any decision taken by the Standing Committee may be reviewed by the Cabinet<sup>30</sup>.
- 6.20** Provisions regarding functioning of a Cabinet Sub-Committee shall apply *mutatis mutandis* with regard to the convening meetings of a Standing Committee and arriving at a decision by a Standing Committee of the Cabinet.
- 6.21** **Group of Ministers:** The Chief Minister may form a Group of Ministers with such Ministers as he may specify and entrust to it a case or a class of cases for thorough examination and submission of a report. Provisions regarding functioning of a Cabinet Sub-Committee will apply *mutatis mutandis* with regard to the functioning of a Group of Ministers. The term of office of such Group of Ministers will be coterminous with the term of the Cabinet.
- 6.22** **Cases for mention in Cabinet:** When the administrative Department, instead of bringing forward a substantial question for decision by the Cabinet, desires to have any matter brought to the notice of the Cabinet for information and to have it mentioned at any meeting of the Cabinet within its term of office, the procedure laid down in the preceding paragraphs on cases for discussion in a Cabinet meeting will also apply *mutatis mutandis*. The salient facts of the case desired to be brought to the notice of the Cabinet will be recorded with sufficient precision in the Cabinet Memo.
- 6.23** **Emergent matters to be mentioned:** When there is no sufficient time to wait for the next meeting of the Cabinet for any decision on any emergent matter, including a matter falling within the scope of the Second Schedule to the RoB, the Chief Minister may approve the proposal with a direction to mention the case in a meeting of the Cabinet at the earliest opportunity after the emergent action is taken<sup>31</sup>.
- 6.24** **Cases outside the agenda:** When any matter is raised for the first time by the Chief Minister or any other Minister at any meeting of the Cabinet without any memorandum and other papers being previously circulated and a decision is reached there on, the procedure laid in para 6.13 will apply in respect of the subsequent disposal of the matter.
- 6.25** **Chief Secretary to be present:** Except when the Chief Secretary is himself the Cabinet Secretary, he will be present at all meetings of the Cabinet unless otherwise directed by the Chief Minister or the Presiding Minister.
- 6.26** **Approval of the Cabinet to be mentioned in the Order:** Any order issued in terms of any decision of the Cabinet or of a Standing Committee of the Cabinet will mention the fact that the same has the approval of the Cabinet or of the Standing Committee as the case may be.

<sup>29</sup> Rule 18A(4) of the RoB

<sup>30</sup> Rule 18A(5) of the RoB

<sup>31</sup> Rule 53 of the RoB

**FORM 6.1**

(see para 6.3)

Government of West Bengal

----- Department

**No.****Date:****NOTICE****List of cases for discussion/ mention in the Cabinet**

Serial No. :

File No. :

Subject :

Date desired :

Remarks :

Secretary to the Government of West Bengal

**FORM 6.2**

(see para 6.4)

Government of West Bengal

----- Department

**No.****Date:****MEMORANDUM**

The undermentioned case of the ----- Department with a spare set of papers (in both English and Bengali) is forwarded herewith for discussion / mention at a meeting of the Cabinet to be held on -----/ the next meeting of the Cabinet.

Secretary to the Government of West Bengal

Subject:-----

(details of the Cabinet Memorandum)-----

**FORM 6.3**

(see para 6.11)

Government of West Bengal

----- Department

**No.**

**Date:**

**FOR CIRCULATION**

To

Shri/ Smt.

Shri/ Smt.

Shri/ Smt.

Shri/ Smt.

Shri/ Smt.

Note- When a Minister is unable to attend to business or is absent from headquarters, the case shall not be held up until his return to duty or to be sent away from headquarters. Views of the Minister will be obtained when he returns to headquarters or resumes duty before submission of the case to the Chief Minister.

**FORM 6.4**

(see para 6.13.2)

Decision in Cabinet

held on -----

Agenda item No.

Department:

Subject: -----

Decision: -----

Chief Minister/ Presiding Minister



## CHAPTER –7

### Budget Procedure

- 7.1 General:** Under Article 202(1) of the Constitution of India a statement of the estimated receipts and expenditure of the State for each financial year has to be laid before both the Houses of the State Legislature. This statement is known as the “Annual Financial Statement” and is hereafter referred to as the Budget. The Budget consists of three parts, namely-
- 7.1.1** Part I - Consolidated Fund of the State [vide Article 266(1) of the Constitution];
  - 7.1.2** Part II - Contingency Fund of the State [vide Article 267(2) of the Constitution]; and
  - 7.1.3** Part III - Public Account of the State [vide Article 266(2) of the Constitution].
- 7.2** In Part I (Consolidated Fund of The State) there are three main divisions, namely-
- 7.2.1** Revenue Accounts;
  - 7.2.2** Capital Accounts; and
  - 7.2.3** Debt Heads (comprising Public Debts, loans and Advances by the State Government, etc.).
- 7.3 Revenue Accounts:** Proceeds of taxation and other receipts classed as revenue and the expenditure met therefrom are reflected in the Revenue Accounts. The net difference of revenue receipts and revenue expenditure represents the revenue surplus or deficit for the year.
- 7.4 Capital Accounts:** The Capital Accounts deal with expenditure met usually from borrowed funds with the object either of increasing assets of a material character or of reducing recurring liabilities.
- 7.5 Debt Heads:** This division comprises loans raised by Government, i.e., loans of a purely temporary nature classed as “Floating Debt” (such as treasury Bills and Ways and Means Advances), as well as other loans and “Loans and Advances made by Government”. These include repayments of the loans raised by Government and recoveries of the loans and advances made by Government.
- 7.6 Contingency Fund of the State:** Part II of the Budget exhibits the transactions connected with the Contingency Fund setup by Government under Article 267(2) of the Constitution.
- 7.7 Public Account of the State:** In Part III (Public Account of the State), there are five main divisions, namely- (i) Small Savings, Provident Fund etc., (ii) Reserve Fund, (iii) Deposits and Advances, (iv) Suspense and Miscellaneous and (v) Remittances.
- 7.8 Form in which the Budget is to be presented to the Legislature:** The Budget of the State to be presented to the Legislature should show in detail the receipts and expenditure of the State in separate columns-
- 7.8.1** the actuals of the past year;
  - 7.8.2** the budget estimates of the current year;

7.8.3 the revised estimates of the current year; and

7.8.4 the budget estimates of the ensuing year.

- 7.9 **Responsibility for the preparation of the Budget:** The Finance Department is responsible for the preparation of the Budget and its presentation to the Legislature and for this purpose is authorised to require other Departments of the Government to furnish materials on which to base the estimates. The Departments of the Secretariat depend for these materials on estimates framed by heads of Departments. They in their turn depend on materials furnished by local officers who collect the revenue or incur expenditure. Detailed procedure relating to the compilation and submission of estimates and the preparation of the revised and budget estimates are given below.
- 7.10 **Dates of submission of Budget:** Budget estimates from the local officers shall reach the Administrative Department by the 15<sup>th</sup> of September. The Department will finalise their estimates by the 15<sup>th</sup> of October each year. For proper examination of estimates and their inclusion in Budget, the time schedule shall be strictly adhered to.
- 7.11 **Form of the Estimates to be prepared by the Budgeting Officers:** Each budgeting authority will be responsible for the correct preparation of the estimates (both for revised and budget) in respect of the receipts and expenditure with which he is concerned. The forms in which these estimates are to be prepared will be supplied by the Finance Department on such dates as may be fixed.
- 7.12 **Revised Estimates of Revenue and Receipts:** The revised estimates are forecasts, as accurate as it is possible to make, of what the actual receipts and expenditure of the rest of the current year will be. In regard to revenue and receipts the most important guide to the preparation of revised estimates will ordinarily be finding the actual receipts of those months of the current year, which have already elapsed. If an officer observes that the actual receipts from a particular source of revenue reveal a growth or a diminution compared with those of the corresponding period of the previous year, he will, unless there are definite reasons to the contrary, be justified in assuming a continuity of the growth or decline at the same rate during the remaining months of the current year. The proportionate estimate based on this assumption should, however, be corrected by a consideration of the other materials which are available for the formation of a sound forecast. The progress of collection of revenue, for instance or the anticipation of agricultural or commercial depression may suggest that the rate of growth or decline will be retarded or accelerated, and the proportionate estimate should, only be used by estimating officer as one among a number of factors which influence his decision. It is rarely suitable for use in estimating land revenue and other receipts for which the demand is fixed, or income, such as that from the sale of land and houses, which necessarily fluctuates widely from year to year.
- 7.13 **Reasons to be furnished for adoption of Estimates of Revenue:** In all cases and especially in dealing with important revenue estimates the reasons, which have led to the adoption of the figures proposed for the revised estimate, should be briefly but clearly explained. This explanation should recount the particular circumstances, which have, in the opinion of the budgeting officers, led to a recorded increase or decrease in the revenue of the earlier months, and the grounds on which they expect to obtain the balance of the estimates in the latter part of the year; it should not be



merely mechanical. A statement for instance that the revised estimate is based on the income to date plus that anticipated during the remaining months of the year is merely an arithmetical explanation and is of no assistance to Finance Department in deciding whether the estimate is reasonable.

- 7.14 Estimates of Expenditure:** In regard to expenditure heads the following more important points should be borne in mind in framing the revised estimates :-
- 7.14.1** under the heads "salaries" the revised estimates are to be based on the actuals of the past few months at the current year plus the probable requirements for the remaining months of the year calculated with reference to the pay charges of incumbents likely to be on duty during the remaining months and leave salary likely to be drawn.
- 7.14.2** for fluctuating items of expenditure, neither the actuals of the previous year, nor the progress of actuals of the current year should be used as only guide, but due consideration should be given to exceptional circumstances of the previous years and special features of the current year. Every attempt should be made to make the estimates accurate as possible. The reasons, which have led to the adoption of the figures proposed for the revised estimates should be briefly but clearly explained.
- 7.15 Sanctioned Budget Estimate is no guide to the Revised Estimate:** The Sanctioned budget estimate should not be used in the place of past actuals as a guide to the revised estimate; a comparison of two guesses of which the first is out of date, is rarely a profitable proposition.
- 7.16 Purpose of Revised Estimate:** The revised estimates of expenditure are merely forecasts based on later information, of what the actual outlay of the year will be. They do not operate either to increase or to reduce the grants, which have been placed at the disposal of officers in the sanctioned budget.
- 7.17 Revised Estimates to be based on the actuals of earlier months:** There should ordinarily be little difficulty in arriving at an accurate estimate of the expenditure of the year, when the experience of the earlier months is available as a guide; and as in the case of the revenue reasons to the contrary, that any increase or decrease exhibited by the actuals of the months which have elapsed, compared with those of the corresponding period of the previous year, will continue proportionately throughout the year.
- 7.18 Budget Estimates Revenue and Receipts:** The actuals of the previous years and the revised estimates of the current year ordinarily afford the best guide in framing the budget estimates of the ensuing year and a continuance of any growth or the decline in income indicated by them may, in the absence of definite reasons to the contrary, properly be assumed in all cases in which the proportionate estimate can be usefully employed.
- 7.19 Reasons to be furnished for adoption of Estimates of Expenditure:** The reasons, which have led to the adoption of the figures proposed for the budget estimates of ordinary expenditure, should be briefly and clearly explained.
- 7.20 Purpose of Budget Estimates:** budget estimates serve two purposes:-
- 7.20.1** Their primary purpose is to forecast the expenditure of the ensuing year, and

thus to enable Government to make the necessary arrangements for financing the charges which it will be called upon to meet.

- 7.20.2** As finally passed, they fix the allotments at the disposal of officers for expenditure in the ensuing year.
- 7.21** An overestimate of expenditure reduces the amount which can be treated as available for new schemes, while an under-estimate of expenditure or the omission of items of outlay which are likely to be incurred, can only be remedied by the postponement of other schemes for which provision has been made. It is consequently of great importance that expenditure estimates should be accurately framed, that programs involving new expenditure should be carefully worked out before the budget estimates are forwarded and that no charges which are likely to be incurred, should be omitted.
- 7.22 Preparation of Estimates of Expenditure:** The budget estimates of expenditure, to be prepared in district and departmental offices, must be rigidly confined to ordinary charges and to charges which, although not yet incurred, have been finally sanctioned for being incurred in the ensuing financial year. They may not include provision for any new unsanctioned schemes, which it is desired to introduce in the ensuing financial year.
- 7.23** Proposals for new expenditure on schemes, which it is desired to introduce in the ensuing financial year, should be separately submitted by the administrative Departments to the Finance Department.
- 7.24 Estimates of Ordinary Charges:** Provision is made in the estimates of ordinary charges only for sanctioned charges, including those for which direct budget provision has been authorised by the Finance Department.
- 7.25 Details in respect of 'Salaries':** In justification of the estimates under "Salary" full details of the number of officers/staff and their pay should be separately supplied with the estimates.
- 7.26 Estimates of Variable Charges:** The budget estimate of charges, such as travelling allowance or the diet money of witnesses, the amount of which tends to vary from year to year, should be based on the actuals of previous years and the revised estimate. In absence of reasons to the contrary, it is ordinarily advisable to assume a continuance of any growth or decline which is revealed by these figures.
- 7.27 Submission of estimates to the Finance Department:** The revised estimates for a financial year and budget estimates of the subsequent financial year are to be transmitted to the Finance Department online within such time and in such manner as the Finance Department may communicate from time to time. At the same time a detailed note may be forwarded to the Finance Department on the reasons and the salient factors, which have led to the adoption of the figures proposed for the estimates.
- 7.28 Preparation of Finance Minister's Speech:** The Finance Minister normally delivers a Budget speech in the Legislative Assembly in the Budget session while presenting the "Annual Financial Statement" in the House<sup>32</sup>. The speech contains achievements of the Government across all sectors during the previous year and announcement on major initiatives. The speech also contains proposals on taxation. For the purpose of

<sup>32</sup> Art 202(1) of the Constitution.

preparation of the speech, the Finance Department sends a request to all Departments to send a write up on major achievements of the Department.

- 7.29** Every Department should prepare a brief write up on major achievements of the Department during the previous year, major initiatives undertaken, comparative statistics of achievements during recent past with reference to a period in the past etc. or any other matter that they consider may be included in the Finance Minister's speech. The write up should be sent to the Finance Department within such time as the Finance Department may specify. Preparation of the Finance Minister's speech as well as the "Annual Financial Statement" is to be dealt with maintaining utmost secrecy until the documents are presented in the House.
- 7.30** **Moving of demands for grants**<sup>33</sup> : While the Finance Department prepares the speech of the Finance Minister and the "Annual Financial Statement", each Department is responsible for preparation of the speech of the departmental Minister for moving the Demand for Grants in respect of the Grant related to the Department. The speeches of Ministers moving the demands for grants are to be finalised after the Budget is placed to the Assembly so that budget figures may be incorporated in the speech. Normally, four hundred fifty numbers of printed copies of the speech, both in English and Bengali versions have to be deposited in the Assembly Secretariat within three days of presentation of the "Annual Financial Statement" in the House or such time as the Assembly may specify.
- 7.31** For the purpose of preparation of the speech of the departmental Minister, every Department will obtain information on achievement during the previous year as well as progress on important schemes etc. from various branches, Directorates, regional offices and statutory bodies under administrative control of the Department. Based on the information and any other material deemed necessary to be included in the speech, a draft speech will be prepared and placed before the Minister for approval well in advance. The Minister may make some corrections, additions and deletions or may suggest rephrasing some parts of or the entire draft speech. The final draft after incorporation of all changes made by the Minister will be put up for his approval. The work of translation of the speech into Bengali if the original draft is prepared in English or *vice versa* will be taken up simultaneously keeping in mind that it is a time bound job. It is desirable that the translation is done in house utilising the expertise of departmental staff and officers. If however, the draft is sent to the Home and Hill Affairs Department or the Information and Cultural Affairs Department for translation, it should be sent with sufficient time in hand and after prior consultation.
- 7.32** **Standing Committees to Scrutinise the demands for grants:** At the conclusion of the general discussion on the Budget<sup>34</sup>, the demands for grants will stand referred to the respective Standing Committees of the Assembly for scrutiny and report<sup>35</sup>. For the purpose of such pre voting scrutiny, the Standing Committees may call for such information in such format as they may specify from the respective Department. The Standing Committee may also require the departmental officers to be present in its meeting and give evidence on queries of the Members.

<sup>33</sup> Rule 207 Rules of Procedure and Conduct of Business in the Assembly

<sup>34</sup> Rule 208 of Rules *ibid*

<sup>35</sup> Rule 208A of Rules *ibid*

- 7.33** For the purpose of such pre voting budget scrutiny by the Standing Committee, the Department must prepare the information sought for by the Standing Committee in the format sought for and forward them to the Assembly within such time as specified by the Assembly. The Secretary of the Department or, in case he is preoccupied or out of town, an officer nominated by him will attend the meeting of the Standing Committee with such other officer as considered necessary for replying to the impromptu queries of the Members of the Committee.
- 7.34 Motions for reduction of demand<sup>36</sup>:** A member of the Assembly may move a motion for reduction of a grant. Such a motion may be of one of the following kinds:
- 7.34.1** for reduction of the amount of demand to Re. 1; it is known as Disapproval of Policy Cut;
- 7.34.2** for reduction of the demand by a specific amount; it is known as Economy Cut and is moved to discuss how economy can be effected;
- 7.34.3** for reduction of the amount of demand by Rs. 100; it is known as Token Cut and is moved to ventilate a specific grievance;
- 7.35** On receipt of a Notice of motion for reduction of demand from the Assembly Secretariat, the Department should prepare materials for use by the Minister during discussion on the motion. The materials should be prepared on the basis of the nature of the Cut Motion. For example, if the motion is on disapproval of policy, the materials should highlight effectiveness of Government policies in the sector. If the motion is to ventilate some specific grievance, the materials should highlight action taken to redress the grievance.
- 7.36 Opening of new Heads of Account:** When it is felt necessary to open a new Head of Account to meet expenditure on some new scheme or on account of some unforeseen situation, the Administrative Department should prepare a detail note on the circumstances necessitating the opening of the new Head of Account and forward the same to the Finance (Budget) Department. If agreed, the Finance (Budget) Department may indicate necessity to consult the Office of the Principal Accountant General (A&E), West Bengal. In such case, the Administrative Department will move the Office of the Principal Accountant General (A&E), West Bengal with copy of the concurrence of the Finance (Budget) Department for their approval towards the proposal. After obtaining approval of the Office of the Principal Accountant General (A&E), West Bengal, an order will be issued by the administrative Department for opening of the new Head of Account copies of which will be forwarded to the PAG, the Finance (Budget) Department and others concerned.
- 7.37 Drawal of advance from the Contingency Fund:** Drawal of advance from the Contingency Fund is regulated by Contingency Fund of West Bengal Rules<sup>37</sup>. If any Department considers that it has become necessary to draw an advance from the Contingency Fund to meet any unavoidable expenditure which cannot be deferred, the Department will send a file containing a detailed note and an application to the Secretary, Finance Department. The application should contain the following:
- 7.37.1** brief particulars of the additional expenditure involved;

<sup>36</sup> Rule 210 of the Rules of Procedure and Conduct of Business in the Assembly

<sup>37</sup> Notification No. 18703-FB dated 07.10.1955

- 7.37.2** the circumstances in which necessary provision could not be included in the Budget;
  - 7.37.3** why its postponement is not possible,
  - 7.37.4** the amount required to be advanced from the Contingency Fund with full cost of the proposal for the year or part of the year as the case may be; and
  - 7.37.5** the grant or appropriation under which supplementary provision will eventually have to be obtained.
- 7.38** On approval by the Finance Department the administrative Department will issue necessary order and incur the expenditure. As soon as the Assembly authorizes the additional expenditure by including it any subsequent supplementary Appropriation Act, the advance drawn should be repaid to the Fund.



## CHAPTER –8

### Audit Procedure

- 8.1 Comptroller and Auditor General of India:** The Comptroller and Auditor General of India (CAG) is appointed by the President of India<sup>38</sup>. The powers and duties of the CAG include among others the responsibility to audit<sup>39</sup> all expenditure from the Consolidated Funds and transactions relating to the Contingency Fund and the Public Accounts of the Union and the States.
- 8.2 Report of the CAG to be laid before the Assembly:** The CAG submits his report on the accounts of the State to the Governor who causes it to be laid before the Assembly<sup>40</sup>.
- 8.3 Process of Audit:** An Audit Team from the office of the Principal Accountant General (A&E), West Bengal visits an office to conduct audit of the books of accounts and processes. The Audit Team inspects the books of accounts, records relating to sanctions, authority to incur expenditure, Service Books, relevant registers and any other record that may be required in connection with the purpose of the audit.
- 8.4 Audit Query:** During the process of inspection, the Audit Team may raise certain queries and ask the officer whose books are being audited to furnish replies during the course of such inspection. Every effort should be made to reply to these Audit Queries before completion of the inspection.
- 8.5 Inspection Report:** On completion of the inspection, the Audit Team prepares an Inspection Report. The Inspection Report contains, among others, observations of the Audit Team on perceived deficiencies/ irregularities noted by the Audit Team in the books, records and processes in the office. On receipt of the Inspection Report, clarification on every observation in the Inspection Report should be prepared and promptly submitted to the audit authorities.
- 8.6 Action on receipt of Inspection Report:** When an Audit Team conducts inspection in the office of the Secretary of a Department, the Inspection Report is to be dealt with in the Secretariat. A register is to be maintained in the Form 8.1. On receipt of the Inspection Report, necessary entries will be made in the register. Extracts of observations of the report will be forwarded to the concerned Branch/ Wing/ Section for furnishing explanations or comments thereon. Necessary entry should be made in the register of such forwarding.
- 8.7** The concerned Section should meticulously examine every observation in the report. If the observations reveal any defective process, not amounting to irregularity, being followed in the office, appropriate decision will have to be taken for corrective action. Such decision is to be communicated to the audit authorities with the comment “noted for future guidance.” If the observations reveal *prima facie* some irregularity having taken place, the case will be put up to the Secretary for necessary orders. Decision of the Government or clarifications, as the case may be, will have to be communicated to the audit authorities. If on the other hand, it is found that the transactions or processes,

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<sup>38</sup> Article 148(1) of the Constitution

<sup>39</sup> Section 13 of the CAG (Duties, Powers and Conditions of Service) Act, 1971

<sup>40</sup> Article 151(2) of the Constitution

which are subject of the observations, are justified and in accordance with procedure for the time being in force, the stand of the Department will be communicated. Stand of the Department on the entire Inspection Report, paragraph wise, will be communicated from a single point. Necessary entry will be made in the register at all stages so that status of any outstanding Inspection Report can be monitored at any time.

- 8.8 Draft CAG Paragraph:** The Office of the Principal Accountant General (A&E), West Bengal prepares draft paragraphs for inclusion in a Report of the Comptroller and Auditor General of India and forwards the same to the Secretary of the concerned Department of the State Government. Reply to the draft paragraphs in broadsheet form are to be furnished under the signature of the Secretary of the Department within six weeks from the receipt of the draft paragraph.
- 8.9 Action on receipt of draft CAG Paragraph:** A register in Form 8.2 will be maintained to monitor progress of dealing with draft paragraphs. Every draft paragraph will be placed in a separate file and necessary entry will be made in the register. The draft paragraph will be forwarded to the head of the concerned Branch/ Directorate/ Regional Office (which are directly under control of the Secretariat)/ Statutory Body. On receipt of reply/ clarification from them, draft departmental reply in broadsheet form will be prepared. The broadsheet reply should contain reference to the number of the draft paragraph, subject in brief, detail paragraph and proposed reply of the Department. If during preparation of the departmental reply, it appears that further clarifications are required, such clarifications are to be sought for. After preparation of the draft departmental reply the same will be placed before the Secretary for approval. The Secretary may obtain orders of the Minister if he thinks fit. Every stage of dealing with a draft paragraph will be recorded in the register. The register should be reviewed regularly so that reminders may be sent to subordinate offices/ bodies for replies to any outstanding paragraph.
- 8.10** Based on the replies to the draft paragraphs and further clarification, if any, and/ or discussions, the draft paragraphs may be dropped or modified before inclusion in the report of the CAG.
- 8.11 Departmental Audit Committee:** Departmental Audit Committee consists of senior officers of the concerned Department, office of the Principal Accountant General (A&E), West Bengal and the Finance Department. All pending Inspection Reports and replies thereto are tabled during the meetings of the Departmental Audit Committee. Every effort should be made to ensure that replies to all outstanding Inspection Reports and draft paragraphs are replied to before a scheduled meeting of the Committee. Discussions in such meetings may be helpful for the auditors in deciding to drop a number of paragraphs in the Inspection Reports.
- 8.12 High Level Audit Committee:** Such Committees consist of senior officers of the office of the Principal Accountant General (A&E), West Bengal and of the State Government. Every effort should be made to send replies to all outstanding draft paragraphs before meetings of such committees. Such meetings may be utilised to present the stand of the State Government in respect of each paragraph.
- 8.13 Public Accounts Committee<sup>41</sup>:** The Accounts of the State and the reports of the CAG and any other accounts and reports of the CAG on being laid in the Assembly, are

<sup>41</sup> Rule 302 of the Rules of Procedure and Conduct of Business in the Assembly



referred to the Public Accounts Committee<sup>42</sup> (PAC). A register in Form 8.3 is to be maintained in respect of the paragraphs relating to the Department which are included in the report of the CAG. The PAC calls for replies from the concerned Department on selected paragraphs. Explanation for each such paragraph of the report of the CAG is to be prepared in broadsheet form. The PAC may require officers of the State Government to attend its meetings to give evidence or to clarify any point to the satisfaction of the PAC.

- 8.14 Action on receipt of Recommendations of the PAC:** The PAC submits its report containing observations and recommendations on the report of the CAG to the WBLA. Thereafter, an action taken note (ATN) will be prepared and after approval of the Minister, will be forwarded to the PAC with copies to the office of the Principal Accountant General (A&E), West Bengal. Necessary entry will be made in the register in Form 8.3 regarding such action being taken.
- 8.15** A senior officer should be given charge of dealing with matters relating to audit. In many Departments a dedicated Audit Cell deals with audit matters.

### Register of Inspection Reports

#### Form 8.1

#### (Para 8.6)

Sl. No.	I.R. No.	Brief subject	Letter No.	Letter Date	Sent to	Letter No.	Letter Date	Reply received on	Reply of the Department letter No.	Letter date	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

<sup>42</sup> Rule 221 of the rules *ibid*



## CHAPTER - 9

### Legislature and the Executive

- 9.1 Governor's Address:** At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Governor shall address the Legislative Assembly<sup>43</sup>.
- 9.2** Such address may contain achievements of the Government during the preceding year and a statement of intent for the future. The Home and Hill Affairs Department prepares the address based on information furnished by all Departments. All Departments will forward a brief write-up of the salient activities and achievements of the Department during the previous year and major initiatives undertaken for the coming year, to the Home and Hill Affairs Department by such date as specified by the latter Department.
- 9.3** The Home and Hill Affairs Department will prepare a draft address based on the information furnished by other Departments and publications of the Government. The draft address will be placed before the Chief Minister for approval. The draft address, as approved by the Chief Minister, will be sent to the Secretary to the Governor for perusal of the Governor.
- 9.4** The address will be printed, in both English and Bengali, in sufficient numbers and sent to the Legislative Assembly well before the date of the first day of the session. Ten copies of the address in both versions will be sent to the Governor's Secretariat in advance alongwith a ribbon bound copy printed in large font which will be read out by the Governor in the Legislative Assembly.
- 9.5 Channels of communication:** All communications, which involve action to be taken by the Governor, should be addressed by the Secretary to the West Bengal Legislative Assembly. The reply to such communications will be given by the Secretary to the Governor or the Secretary of the appropriate Department of Government, as the Governor may in any particular case, direct.
- 9.6** In the case of Bills or amendments requiring the previous sanction of the President, the channel of communication will be from the Secretary to the Assembly through the Secretary to the Governor.
- 9.7 Nodal Department:** In regard to all administrative and financial matters concerning the State Legislature, including matters relating to the service conditions of the superior and subordinate staff of the West Bengal Legislative Assembly Secretariat, all proposals and schemes requiring prior consultation with Government, and in regard to all matters involving questions of policy, the Parliamentary Affairs Department shall be the nodal Department between the legislative Assembly and the Government. Communications will be addressed by the Secretary to the Assembly to the Government in the Parliamentary Affairs Department, by whom the reply of the Government will in due course be communicated.
- 9.8** In regard to other matters, the Secretary to the Assembly will address the Secretary to Government in the Department concerned and the latter will also communicate with him directly.

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<sup>43</sup> Article 176(1) of the Constitution

Illustration :-

- 9.8.1** The Secretary to the Assembly may address the Finance Department or the Public Works Department directly on matters which do not involve any question of policy or any expenditure beyond the latter's power of sanction, e.g., may address the Finance Department in regard to the details of the budget or the Public Works Department in regard to technical matters relating to the maintenance of the Legislative Buildings.
- 9.8.2** The Secretary to the Assembly will correspond with the Department concerned in regard to questions, resolutions, motions or Bills in respect of which notices are received from the private members of the Assembly.
- 9.9** **Method of Correspondence:** The method of correspondence between the West Bengal Legislative Assembly and the Governor's Secretariat or a Department of Government will be through a letter or a memorandum, and not through transmission of files.
- 9.10** Communications addressed by the Secretary to the West Bengal Legislative Assembly to the Secretary to the Governor directly involving action to be taken by the Governor in his capacity as the Head of the State Executive will be forwarded by the Secretary to the Governor to the appropriate Department of Government for disposal and the Departments concerned will send their replies directly to the Secretary to the West Bengal Legislative Assembly.
- 9.11** In dealing with communications regarding the previous sanction of the President to the Bills of private members of the Legislature, the Secretary to the Governor will obtain the views of the administrative Department concerned and of the Law Department as to the desirability or otherwise of the previous sanction of the President being accorded to the introduction of the Bill. As a matter of procedure, the Secretary to the Governor will send his file, in original, to the administrative Department, and the latter will submit it through the Law Department after recording its opinion purely from a technical point of view, without going into the question of the policy of Government towards the Bill during its passage through the Legislature or other aspects of the Bill which should be considered separately when a copy of the Bill is received in the Department under the Rules of Procedure of the Assembly concerned. The Law Department should avoid placing in the file routine or purely intermediate notes. The file should be treated as immediate in both the Departments.
- 9.12** Every Department will allocate the responsibility of dealing with Assembly and Parliamentary matters like questions, motions etc., to a Section or Cell as its sole function or otherwise depending upon the average volume of such cases in the past. The Section in charge will maintain a register in Form 9.1 to monitor progress of disposal any case relating to the Assembly or the Parliament, from the date of its receipt till action subsequent to the reply being given in the House concerned. The Register will be reviewed daily by the administrative officer concerned when the assembly is in session and fortnightly during other times.
- 9.13** **Assurances:** Similarly, each Department will maintain a register in Form 9.2 to monitor progress regarding action to be taken on any undertaking or assurance given by the Minister in the Assembly. Each such undertaking or assurance will be entered in the said register which will be reviewed every month.

- 9.14 Assembly Questions:** The following procedure will be observed in dealing with an Assembly Question which does not wholly or partly refer to a matter or matters falling within the portfolio of the Minister to whom it is addressed:-
- 9.14.1** if the subject matter of the question does not concern the receiving Department, it will be transferred at once to the appropriate Department for necessary action with an intimation to the Assembly Secretariat;
  - 9.14.2** if only a part of the subject matter of the question concerns the receiving Department, an answer will be furnished in respect of the portion concerning that Department and the remainder will be transferred to the Department concerned for necessary action with intimation to the Assembly Secretariat;
  - 9.14.3** if the question or part thereof does not concern the receiving Department and the receiving Department is not in a position to indicate the Department or Departments to which the question or part thereof relates, it will be returned to the Assembly Secretariat for necessary action;
- 9.15** For any question or part thereof which relates to the Department, an answer will be prepared subject to the following general directions:-
- 9.15.1** questions on receipt will be submitted directly to the Secretary. Reply to a Starred question will be given orally by the Minister. Reply to all questions is to be sent within the time specified by the Speaker;
  - 9.15.2** if the reply to a question cannot be prepared within the time allowed, a prayer stating the reasons for allowing such further time as may be required, will be sent to the Assembly under the signature of the Minister as soon as the inability is foreseen;
  - 9.15.3** questions involving disproportionate labour and expense will be disposed of at once with the approval of the Minister and a stereotyped answer will be prepared;
  - 9.15.4** in cases other than those referred to in para 9.15.3, the Secretary will give immediate directions as to the nature of the enquiries to be made or materials to be collected;
  - 9.15.5** when the preparation of an answer involves the collection of information from other Departments, heads of Department or local officers, the letter form will be used. The letter will be rubber-stamped "Assembly Question due for answer on (date)" and the envelop will be rubber-stamped "Assembly Question due for answer on (date). To be opened immediately by the senior officer present in the absence of the addressee". The envelope should be addressed to the head of the Department, office etc., by name;
  - 9.15.6** draft replies will be submitted to the Chief Minister for approval in respect of such questions:-
    - 9.15.6.1** concerning any matter in which the responsibility of another State Government is involved; or
    - 9.15.6.2** concerning the matters which under any statutory provision is required to be submitted to the Governor or to the Chief Minister;

- 9.15.7** replies to other questions will be disposed of by the departmental Minister. Only such questions as he may direct, will be brought to the notice of the Chief Minister;
- 9.15.8** replies to Assembly questions should be submitted directly to the Secretary to the Legislative Assembly before the expiry of the period of notice laid down under the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly;
- 9.15.9** as soon as the answer has been finally approved by the appropriate authority, five typed copies of the question alongwith the reply thereto will be forwarded to the Assembly. The administrative Department will distinctly state the question number, name of the Department and that of the Minister replying in each copy of answers sent to the House for delivery;
- 9.15.10** before an answer to a question for oral reply is due for delivery in the House, a draft note furnishing necessary materials relating to possible supplementary questions that may be put after the delivery of the answer on the floor of the House should be prepared containing the reply to such possible supplementary questions. Copies of possible supplementary questions and answers should be furnished to the Minister well in advance for his preparation;
- 9.15.11** copies of replies actually delivered in the House will be forwarded to such officers as considered necessary by the administrative Department, in order to ensure that action may be taken which is either directly or indirectly necessary to give effect to the reply given, or for future guidance or information. Copies of supplementary questions and replies should be similarly forwarded if considered necessary.
- 9.16** In answering questions asked in the Assembly in relation to the Public Service Commission, the procedure laid down in [Chapter 13](#) will be followed.
- 9.17** Replies to questions when delivered by a Minister will ordinarily be in the first person singular and the term "Government" will be used only in reference to a decision of Government as a whole.
- 9.18** According to sub-rule (1) of rule 57 of the Rules of Procedure of the Assembly, the consent of the Minister concerned is required to a short notice question. If short notice is refused by the Minister, the question does not lapse. It should be treated as an ordinary question, in which case an answer must be given by the due date in normal course. Discussion on a matter of public importance arising out of an answer to a question, oral or written, may take place for half an hour under Rule 58(1) of the said Rules.
- 9.19** **Procedure for dealing with Resolutions:** The following procedure will be adopted for dealing with Resolutions:-
- 9.19.1** every resolution on receipt from the Assembly Secretariat will be examined by the administrative Department, to see whether the whole or any part thereof is liable to objection under sub-rule (1) of rule 167 of the Rules of Procedure of the Assembly;

- 9.19.2** direction of the Minister will be obtained as to whether a reply will be prepared considering chances of the Resolution being discussed in the House and the line of such reply, if any;
- 9.19.3** after a resolution has been examined in the administrative Department and the proposed line of reply been duly considered by the Minister, it shall be submitted to the Chief Minister with a view to obtaining his orders for bringing it up for consideration at a meeting of the Cabinet<sup>44</sup>. When there is no sufficient time to place the matter before the cabinet the Chief Minister's order will be taken as to the stand, the Government should adopt in the Legislature in relation to that resolution;
- 9.19.4** procedure described in para 9.14 will be followed in dealing with a Resolution which does not wholly or partly refer to a matter or matters falling within the portfolio of the Minister to whom it is addressed;
- 9.19.5** the Department primarily concerned with the subject-matter of the resolution will take the necessary action described at para 9.19.3.
- 9.20 Action on resolution passed:** When intimation is received that a resolution has been passed by a House, the administrative Department will obtain the orders of the Minister as to the action to be taken thereon.
- 9.21 Procedure for dealing with motions:** Apart from motions in connection with a Bill, there are the following classes of motions:-
- 9.21.1** a motion under rule 185 of the Rules of Procedure of the Assembly;
- 9.21.2** a motion for an adjournment of the business of the Assembly under rule 59 of the Rules of Procedure of the Assembly;
- 9.21.3** a motion for appropriation or reduction of demands for grants under rule 210 of the Rules of Procedure of the Assembly.
- 9.22** The procedure relating to Resolutions shall be followed *mutatis mutandis* in dealing with motions.
- 9.23** Special motions for moving which the consent of the Minister is required will be submitted to the Minister, immediately upon receipt for orders whether the consent will be given or refused and his decision will be communicated to the Assembly with the least possible delay. If consent is given, the case will be re-submitted to the Minister for decision as to the line of reply.
- 9.24 Procedure for dealing with Calling Attention:** Any urgent matter may be raised in the Assembly as Calling Attention<sup>45</sup> for discussion. If the concerned Minister agrees and the Speaker directs, the date for reply to the matter shall be fixed. The Department concerned will prepare reply with the approval of the Minister.
- 9.25 Procedure for dealing with matters of urgent public importance:** In case any member in the House gives notice to raise a discussion on a matter of urgent public importance<sup>46</sup>, the concerned Minister shall prepare a reply with the assistance of the Department.

<sup>44</sup> Item 13 of Second Schedule to the RoB

<sup>45</sup> Rule 198(1) of Rules of Procedure of the Assembly

<sup>46</sup> Rule 194 of Rules of Procedure of the Assembly





## **CHAPTER –10**

### **Legislative Procedure**

**10.1 Proposals for legislation:** Proposal for legislation shall be initiated, and the necessity for legislation and all matters of substance to be included in the proposed measure shall be discussed –

**10.1.1** in case of measures designed solely to codify and consolidate existing enactments and legislation of a formal character, such as, Repealing and Amending and Short Title Bills, in the Law Department; and

**10.1.2** in all other cases, in the Department which is concerned, in its administrative capacity, with the subject matter of the proposed legislation.

**10.2 Initiation of legislation:** Except in cases referred to in para 10.1.1, every proposal for legislation shall after consideration by the Minister concerned, be submitted to the Chief Minister to obtain his orders for discussion or mention, as the case may be, in the Cabinet<sup>47</sup>, provided that before such submission of the case to the Chief Minister, the law Department shall be consulted as to-

**10.2.1** the need for the proposed law from the legal point of view;

**10.2.2** the competence of the State Legislature to enact the measure proposed and the competence of the administrative Department with the subject matter of the proposed legislation *vis-a-vis* the West Bengal Rules of Business;

**10.2.3** the requirements of the Constitution as to obtaining the previous sanction of the President thereto;

**10.2.4** the consistency of the proposed measure with the provisions of the Constitution, and in particular those relating to the Fundamental Rights; and

**10.2.5** whether any proposal or any part of any proposal for legislation is *ultra vires* of any provision of the Constitution.

However, the Law Department shall not at this stage be required to proceed with the drafting to the proposed legislation.

Note: in case of urgency, the Law Department may be requested to draft the Bill at this stage. Approval of Cabinet may be obtained at a later stage.

**10.3 Transmission to Law Department for drafting of Bill:** If proposal for legislation is decided upon, the administrative Department concerned will, where the legislation involves expenditure from the Consolidated Fund of the State, prepare, in consultation with the Finance Department, a financial memorandum. The Administrative Department will send the case to the Law Department requesting it to draft a Bill. Such request shall be accompanied by supporting papers such as:-

**10.3.1** the précis circulated to the cabinet;

**10.3.2** a separate memorandum indicating with sufficient precision along which legislation has been approved and setting out clearly in detail all matters of substance which are to be included in the Bill;

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<sup>47</sup> Item 12 of Second Schedule to the RoB

- 10.3.3** if the legislation involves expenditure from the Consolidated Fund of the State, a financial memorandum prepared in consultation with the Finance Department.
- 10.4 Tentative Draft Bill and comments of Law Department:** On receipt of a request to draft a Bill, the Law Department shall prepare a tentative Draft Bill and send it to the administrative Department concerned with requisite comments as deemed fit. In particular the Law Department shall:-
- 10.4.1** draw the attention of the administrative Department to any provision of the draft Bill which attracts the provisions of clause (2) of Article 254 of the Constitution;
- 10.4.2** draw the attention of the administrative Department to any provision of the draft Bill which appears to require the previous sanction of the President or the recommendation of the Governor; and
- 10.4.3** raise the question of including a clause enabling the Bill as a whole or particular provisions of the Bill when passed, to be brought into force by notification on a specified date or dates throughout West Bengal or particular areas and draw the attention of the administrative Department specifically to this question.
- 10.5 Examination of the tentative Draft Bill:** The tentative draft Bill will then be examined by the administrative Department which will satisfy itself that the draft Bill correctly represents the legislative proposals outlined in the memorandum of instructions and will also obtain the opinion of such officers and bodies as it appears necessary on the tentative draft Bill and submit the opinion received with a copy of the tentative draft Bill to the Minister-in-Charge. When the tentative draft Bill is approved by the Minister-in-Charge, it shall be circulated to other Ministers and a copy thereof shall be supplied to the Governor and unless the Chief Minister directs otherwise, the said draft Bill shall be brought before a meeting of the Cabinet.
- 10.6** If it is decided to proceed with the Bill with or without amendments, the administrative Department shall send the case to the Law Department requesting it to prepare a final draft of the Bill. Such request shall, where any changes in the draft Bill are considered necessary, be accompanied by the comments, suggestions or further instructions for modification of the draft Bill.
- 10.7 Final Draft Bill and comments of the Law Department:** The Law Department will then finalise the draft of the Bill and send the draft Bill to the administrative Department concerned indicating the provisions, if any, in respect of which the previous sanction of the President or the recommendation of the Governor is necessary or in respect of which a doubt arises whether such sanction or recommendation is necessary. If any provisions in the Bill involving expenditure from the Consolidated Fund of the State are modified in the finalised draft, the administrative Department will send the finalised draft Bill to the Finance Department for its revision, if necessary. The revised financial memorandum, if any, should be sent to the Law Department.
- 10.8 Previous sanction of President:** If the draft Bill as finally settled, contains provisions in respect of which the previous sanction of the President is required under the

Constitution or in respect of any doubt arising out of such sanction, the administrative Department concerned will move the appropriate Ministry of the Government of India for such sanction, and on its receipt, communicate such sanction to the West Bengal Legislative Assembly and the Law Department.

- 10.9 Recommendation of the Governor:** If any provision of the Bill requires the recommendation of the Governor under Article 207(1) or Article 207(3) of the Constitution, the administrative Department concerned will approach the Minister-in-Charge for his consent to such recommendation being given, and the Minister-in-Charge may thereupon give his consent. The file will then be sent to the Secretary to the Governor for placing before the Governor for his recommendation.
- 10.10** When the recommendation of the Governor under Article 207(1) of the Constitution is necessary and has been obtained, it will be communicated to the House in which the Bill is to be introduced, in the notice of the motion for leave to introduce the Bill or, where no such motion is necessary, before the date on which the Bill is introduced.
- 10.11** When the recommendation of the Governor under Article 207(3) of the Constitution is necessary, it will be obtained and communicated to the House concerned at any time before the conclusion of discussion on the Bill and before the Bill is passed by such House.
- 10.12 Statement of Objects and Reasons and Notes on clauses:** After completing action under the preceding paras, the administrative Department, in consultation with the Law Department, will prepare a Statement of Objects and Reasons and such notes on the clauses of the Bill as may be considered desirable for publication. Such note will comprise explanations of the substance and origin of the clauses of the Bill.
- 10.13 Publication before Introduction:** The administrative Department will then obtain the orders of the Minister-in-Charge in regard to the publication of the Bill before introduction in the House. If the Minister-in-Charge orders publication, the administrative Department will request the Law Department to publish the Bill in the *Kolkata Gazette*. The Law Department will arrange to publish the Bill together with the Statement of Objects and Reasons and the notes on the clauses of the Bill, if any, accordingly and to obtain from the Press the copies required for departmental use as well as those required for supply to the Members of the House. The administrative Department will send over the signature of the Minister-in-Charge to the Secretary of the House, a notice of the motion proposed to be made in regard to the Bill together with one copy of the Bill and will cause 600 copies of the Bill, to be sent on its behalf by the Law Department to the said Secretary with the request that these copies may be supplied to Members of the House.
- 10.14 Notice of Motion for Introduction:** If it is decided by the Minister-in-Charge that the Bill should not be published before introduction in the House, the administrative Department, without further reference to the Law Department, will send over the signature of the Minister to the Secretary of the House, notice of the motion proposed to be made in regard to the Bill together with six copies of the Bill containing the Statement of Objects and Reasons. A copy of the notice together with a copy of the Bill shall be endorsed to the Law Department at the same time.

- 10.15 Codification and consolidation of existing enactments and formal Bills:** In cases referred to in para [10.1.1](#), the Law Department shall prepare a tentative draft Bill and send a copy thereof to the Department which is concerned, with the subject matter of the Bill. The Department to which the tentative draft Bill is so sent, shall forthwith make such enquiries as it thinks fit and shall send to the Law Department its opinion on the Bill, together with a copy of every communication received by the concerned Department on the issue.
- 10.16** Thereupon the draft Bill shall, if necessary, be modified by the Law Department in the light of the opinion and communications received by it, and shall, after being approved by the Minister-in-Charge, be circulated to other Ministers and a copy thereof shall be supplied to the Governor and unless the Chief Minister otherwise directs the said draft Bill shall be brought before a meeting of the Cabinet.
- 10.17** If it is decided to proceed with the Bill with or without amendment, the Law Department which shall also be the administrative Department in respect of the Bill, shall prepare a final draft of the Bill and shall also prepare a Statement of Objects and Reasons of the Bill. Thereupon the provisions of paras [10.13](#) and [10.14](#) shall apply *mutatis mutandis*.
- 10.18 Amendments affecting principles of Bill or finances of State:** When, after a Bill has been introduced in the House, any amendment is contemplated therein which affects, or appears likely to affect, either the principles of the Bill or the finances of the State, the Minister-in-Charge of the Bill, before committing himself to the acceptance of such amendment, either in the House or in a Select Committee thereof, will have such amendment examined in the administrative Department concerned and also in the Law Department, and seek the concurrence of the Cabinet, or where there is no time for placing the matter before the Cabinet, obtain the consent of the Chief Minister.
- 10.19 Government Amendments:** All amendments to Bills which are to be proposed on behalf of Government will be framed by the administrative Department concerned in consultation with the Law Department and necessary notices for such amendments will be issued by the former. If such an amendment requires the previous sanction of the President or recommendation of the Governor, the necessary orders in respect of such sanction or recommendation will be obtained in the manner provided for in paras [10.8](#) or [10.9](#), as the case may be, and will be communicated to the House concerned by the Administrative Department.
- 10.20 Private Members' amendments:** Copies of amendments proposed to be moved by private Members of the House will be supplied to the administrative Department concerned and to the Law Department by the Secretary to the House. The Law Department will scrutinise the amendments and forward the same with its comments thereon to the administrative Department, drawing attention to any provision which appears to require the previous sanction of the President/ recommendation of the Governor, or to contravene provision of the Constitution. The administrative Department will examine and submit the amendments to the Minister-in-Charge with its observations, if any, on the comments of the Law Department and ensure with a report whether intimation has been received that any previous sanction or recommendation is necessary in respect of the amendments, has been communicated to the House. If the administrative Department proposes to accept any of the amendments in principle, it will request the Law Department to recast the amendments.

- 10.21** If an amendment is proposed by a private Member on the floor of the House, and is admitted by the Presiding Officer of the House, the Minister-in-Charge will insist on postponement of the consideration of the amendment to a later date and the Law Department will be consulted on the amendment before it is considered by the House.
- 10.22 Private Members' Bill- previous publication:** A private Member's Bill cannot be published before introduction without the sanction of the Governor which is communicated to the House through the Parliamentary Affairs Department.
- 10.23 Notice of Private Members' Bill:** When a Private Member of the Assembly gives notice of his intention to move for leave to introduce a Bill, the Secretary to the House will forward a copy of the Bill with the Statement of Objects and Reasons to the administrative Department concerned and three other copies to the Law Department so as to enable that Department to forward a copy each to the Chief Minister and to the administrative Department concerned.
- 10.24 Scrutiny of Private Members' Bill:** The Law Department will scrutinise the Bill and forward its comments thereon to the Chief Minister and to the administrative Department concerned drawing attention to any provision in the Bill, which appears to require the previous sanction of the President or the recommendation of the Governor or to contravene any provision of the Constitution.
- 10.25** Where the previous sanction of the President is necessary, the Administrative Department will ascertain from the Secretary to the Governor whether such sanction has been accorded and communicated to the House concerned.
- 10.26** Where the recommendation of the Governor under Article 207(1) of the Constitution is necessary, the administrative Department will proceed as in para 10.10 and will then inform the Parliamentary Affairs Department of the decision of the Governor. The Parliamentary Affairs Department will in turn communicate the decision to the House.
- 10.27** Where the recommendation of the Governor under Article 207(3) of the Constitution is necessary, the decision of the Governor will be communicated to the House through the Parliamentary Affairs Department after the conclusion of the consideration of the Bill, clause by clause and before the Bill is passed by the House. If, however, Government is of opinion that the provisions of a Bill as intended to be introduced are such that even with modifications, its consideration could not be recommended, intimation to this effect will, in the interest of economy of time, be given to the House before the date fixed for its introduction, and similar action may be taken at any intervening stage of the Bill for similar reasons.
- 10.28 Action in the administrative Department:** The administrative Department will after receiving the comments of the Law Department on a Private Member's Bill, examine the Bill and submit it with its observations and the comments of the Law Department to the Minister-in-Charge, who will decide on the policy to be adopted with the approval of the Cabinet.
- 10.29 List of individuals and Associations to be consulted:** When a motion is carried for circulation of a Government Bill or a Private Member's Bill for the purpose of eliciting opinion thereon, the administrative Department will supply, on request, to the House after consultation with the Government Chief Whip, a list of individuals, associations and public bodies whose opinion should be invited.

- 10.30 Date and time for Select Committee meeting:** When a Government Bill or a Private Member's Bill is referred to a Select Committee, the administrative Department concerned will ascertain from the Secretariat of the House, the date and time fixed for the meetings of the Select Committee and will keep the Minister-in-Charge informed.
- 10.31 Legislation affecting Scheduled Tribes:** When the consideration of a Government Bill or a Private Member's Bill is taken up in the House, the administrative Department concerned will draw the attention of the Tribal Development Department to any of the provisions of the Bill or any amendments thereto which affect or are likely to affect the Scheduled Tribes. The administrative Department concerned will also furnish the Tribal Development Department with copies of all Bills in this regard.
- 10.32 Legislation in Concurrent List:** All Departments are required to consult the appropriate Ministry of the Government of India before the introduction in the State Legislature of a Government Bill seeking to legislate on any subject included in the Concurrent List<sup>48</sup>.
- 10.33** Copies of Private Members' Bills on such subjects will be forwarded to the appropriate Ministry of the Government of India by the administrative Department concerned for opinion as soon as a motion for circulation of the bill for eliciting opinion thereon or for reference of the Bill to a Select Committee is carried by the State Legislature. Thereafter, the Government of India will be consulted, at the appropriate time, on such of these Private Members' Bills containing all important amendments, as would appear likely to be taken into consideration.
- 10.34** In order to enable the various Departments to take the action prescribed above, the Law Department will draw the attention of the administrative Department concerned to any provision in a Government Bill or a Private Member's Bill circulated for eliciting opinion thereon or referred to a Select Committee, the subject matter of which is included within any item of the Concurrent List.
- 10.35** All Departments are also required to keep the Government of India informed regularly of any difficulties encountered in the working of laws on subjects included within the Concurrent List and to undertake legislation on such subjects, as possible, only after consultation with the Government of India. The method of such consultation will be either by correspondence or conference according to the importance or urgency of the legislation.
- 10.36 Assent:** As soon as a Bill is passed by the State Legislature, copies thereof will be prepared by the Secretary to the West Bengal Legislative Assembly. The Speaker, will record upon one of the copies so prepared, an endorsement to the effect that the Bill has been passed by West Bengal Legislature, and in the case of a Money Bill, will also add a certificate to the effect that it is a Money Bill within the meaning of Article 199 of the Constitution.
- 10.37** The Secretary to the House will then send to the Secretary to the Governor the copy of the Bill so endorsed, together with fifteen spare copies thereof (ten of which shall be certified by him to be true copies of the copies authenticated by the Speaker) and twelve copies of each of the following papers relating to the Bill:-
- 10.37.1** the Statement of Objects and Reasons;

<sup>48</sup> List III in Seventh Schedule to the Constitution

- 10.37.2** the Report of any Select Committee to which the Bill may have been referred; and
- 10.37.3** the complete official reports of the debates upon the Bill in the House including English translation of speeches, which are not delivered in English.
- 10.38** In order to ensure that the papers referred to in para 10.37 are ready immediately after passing of the Bill in the House, the Secretary to the West Bengal Legislative Assembly may commence the preparation and collection thereof as soon as the Bill is introduced.
- 10.39** Under this procedure all the necessary papers should be kept ready so that those may be sent with the copies of the Bill as passed by the House, except possibly the reports of the debates in the final stages of the Bill. In such case, advanced proof copies of the official reports of such debates may be sent.
- 10.40** The administrative Department concerned will receive two copies of the Bill from the Secretary to the Governor, and the Law Department will receive one copy.
- 10.41** The administrative Department will, without delay, record either the statement that it has no submission to make or any submission which it may intend to make in respect of the Bill and will forward the same to the Law Department, together with a report of the Secretary of the administrative Department concerned citing reasons, if any, as to why the Governor should not give assent to the Bill.
- 10.42** The Law Department will forthwith send to the Secretary to the Governor the papers so forwarded by the administrative Department, together with their technical report indicating, *inter alia*, the reasons, if any, why the Governor's assent should not be given or the Bill should be reserved for consideration of the President.
- Note.*-Whenever there have been any important changes in a Bill in its passage through the Legislature, the administrative Department when making its submission in respect of the Bill, will explain the reasons for such changes.
- 10.43** The action to be taken under para 10.41 and 10.42 above, will be treated as immediate in both the administrative and the Law Department. The administrative Department will be responsible for watching the passage through the Legislature of Bills which concern them, so as to be in a position to make their submissions, if any, on a Bill immediately upon receipt of the copies thereof from the Secretary to the Governor.
- 10.44** The Speaker, the Department of Parliamentary Affairs, Law Department and the administrative Department concerned will receive from the Secretary to the Governor intimation that the Governor has assented to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President, or that he would return the Bill to the Legislature with a message, as the case may be.
- 10.45** Where the Governor directs that the Bill should be reserved for the consideration of the President or returned to the Legislature with a message thereof, necessary action shall be taken by the Secretary to the Governor, in consultation with the Secretary of the administrative Department and the Secretary of the Law Department.
- 10.46** **Publication of Assent:** If the Bill is assented to, a notification issued by the Secretary to the Governor will be published in the *Kolkata Gazette*.
- 10.47** **Custody of original assented copy of Bill:** The original assented copy of a Bill, will be retained in the custody of the Secretary to the Governor, and a copy thereof

authenticated by him, will be sent to the West Bengal Legislative Assembly. Two copies so authenticated will likewise be sent to the Law Department.

- 10.48 Publication of Act:** The Law Department will thereupon arrange for the publication of the Bill as an Act of the West Bengal Legislature in the same issue of the Kolkata Gazette in which the assent thereto is proposed to be published under para 10.46 and for the printing and distribution of octavo copies of the Act.
- 10.49 Ordinances:** In the case of a proposal for promulgation of an Ordinance<sup>49</sup>, the provisions of paras [10.2](#) and [10.3](#) shall *mutatis mutandis* apply:
- Provided that in an urgent case, the Law Department may forthwith be requested to prepare a draft of the Ordinance while approval of the Cabinet may be obtained at a later stage. Such request will be accompanied by:-
- 10.49.1** all the papers connected with the proposal;
- 10.49.2** a separate memorandum indicating with sufficient precision along which the promulgation of the Ordinance has been approved and setting out clearly in detail all matters of substance which are to be included in the Ordinance; and
- 10.49.3** if the proposed Ordinance involves expenditure from the Consolidated Fund of the State, a financial memorandum is to be prepared in consultation with the Finance Department.
- 10.50** The Law Department will then prepare an Ordinance and send it to the administrative Department concerned with such comments as it may consider necessary, especially whether any of the proposed provisions requires instructions of the President under the proviso to clause (a) of Article 213 (1) of the Constitution.
- 10.51** The draft Ordinance will then be examined by the administrative Department which will satisfy itself that the draft meets its requirements. If the administrative Department concerned considers that any changes are necessary, the Law Department will be communicated to make necessary alterations in the draft Ordinance for which the administrative Department will give precise instructions.
- 10.52** When the draft Ordinance has been finally approved, the administrative Department will ordinarily send all the papers relating to the Ordinance to the Law Department and the Law Department will print the draft Ordinance and submit the papers sent by the Administrative Department together with seven copies of the printed draft to the Governor.
- 10.53** If for unavoidable reasons it is not possible to send the papers to the Law Department for the purpose of printing the draft Ordinance, the administrative Department will send the papers with seven copies of the draft Ordinance typed on thick papers to the Secretary to the Governor for its submission to the Governor.
- 10.54** The provision of paras [10.47](#) and [10.48](#) shall *mutatis mutandis* apply to Ordinances which are promulgated by the Governor.
- 10.55 Commencement of an Act:** The administrative Department will publish necessary Notification in the official Gazette appointing a day on which an Act comes into or

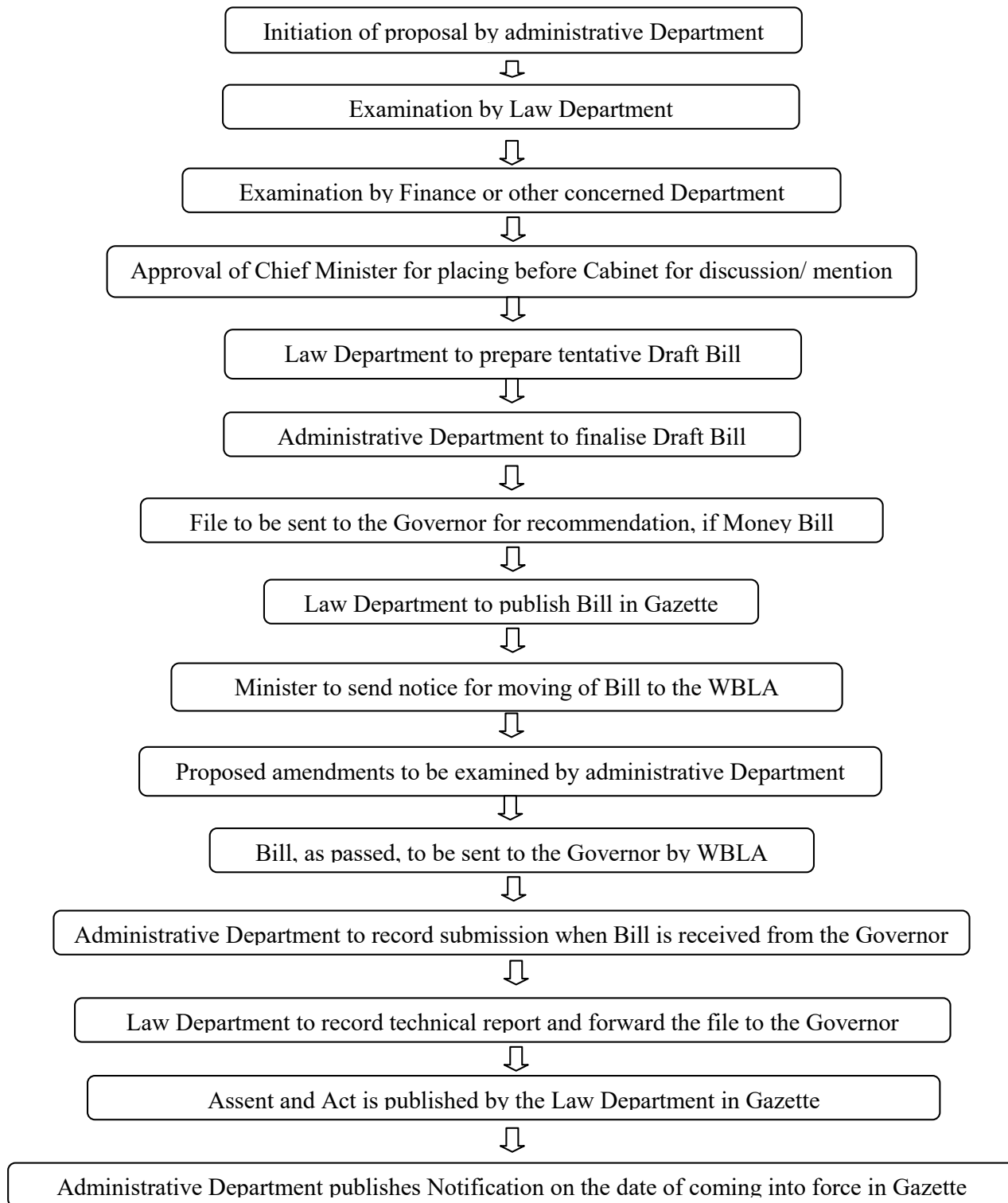
<sup>49</sup> Article 213 of the Constitution



deemed to have come into force, if it is so provided in the commencement clause of the said Act.

- 10.56 Lists of Projects of Law:** The Law Department will send to each administrative Department within seven (7) days from the date of notification of commencement of the West Bengal Legislative Assembly, the lists of projects of law intended to be brought before the West Bengal Legislative Assembly.
- 10.57 Printing of Bills:** When it is required to print a Government Bill at any stage before its introduction in the Legislature, the instructions to the Press will issue through the Law Department, and any administrative Department requiring copies of an official Bill, will send its requisition to the Law Department and not to the press.
- 10.58** All requisitions for copies of a Private Member's Bill after its introduction in the Legislature should be addressed to the Secretary to the Assembly.
- 10.59 Collection of opinions on Bills introduced in the Parliament:** The following instructions laid down by the Government of India should be observed in the collection and transmission of opinions on Bills introduced in Parliament:-
- 10.59.1** when a bill which has been circulated for opinion by the direction of Parliament is published in the *Kolkata Gazette*, it should be made clear in the gazette that any person or public body desiring to submit an opinion on the Bill, should do so through the administrative Department concerned of the State Government only. Any opinion thereon submitted direct to any Ministry of the Government of India or to any other Department of the State Government will not be accepted;
- 10.59.2** the State Government is free to consult as many officers and persons as it thinks fit, but discrimination should be exercised in this connection. No opinion so elicited should be transmitted to the Government of India, unless the State Government agrees with it or unless it contains some useful comment or criticism deemed by the State Government to be worthy of notice and consideration.
- The reply of an officer or civilian person who states that he has no remarks to offer on the Bill, will not be forwarded by the State Government.
  - Where a person consulted indicates approval on the Bill in general terms, such facts shall simply be reported in the letter of the State Government to the Government of India without any copy of the communication to that effect being forwarded therewith.
- 10.60 Translation of Bills, Acts and Ordinances:** No Bill will be translated unless translation is directed-
- 10.60.1** in the case of a Bill of Parliament affecting West Bengal, by Parliament, or the Government of India, or the appropriate administrative Department; or
- 10.60.2** in the case of a Bill of the State Legislature, by the appropriate administrative Department of the State Government.
- 10.61** No Act of Parliament affecting West Bengal or of the West Bengal Legislature will be translated unless translation is directed by the appropriate administrative Department of the State Government.

- 10.62** It is the duty of the Law Department expressly to ask the appropriate administrative Department to consider in the case of each Bill and Act, referred to in paras 10.60.1 and 10.60.2, whether a translation should be made.
- 10.63** The provisions of paras 10.61 and 10.62 will also apply to Ordinances promulgated by the President affecting West Bengal and to Ordinances promulgated by the Governor.
- 10.64** Translations will ordinarily be made into Bengali only.
- 10.65** With each translation of a Bill, there will be published a notice specifying a date on or after which the Bill will be taken into consideration and intimating that objections and suggestions with respect to the Bill which may be received before that date, will be considered.
- 10.66** Translations of Bills, Acts and Ordinances will be sent for publication to one or more Bengali or other vernacular newspapers if the administrative Department so desires. The same may also be uploaded in the official website of the Department for information of the public in general.
- 10.67** Publications of translations of Bills, Acts and Ordinances in newspapers will be arranged by the I&CA Department on instructions communicated by the Law Department in consultation with the administrative Department.

**Passing of a Bill at a glance**



## **CHAPTER –11**

### **Correspondence with Government of India**

- 11.1 Channels of communication:** Correspondence between the Governor and the President may be issued by the Secretary to the Governor or by a Secretary to the Government and may be sent to a Secretary to the Government of India or to the Secretary to the President. The question which of these channels of communication should be followed will be governed by the following general principles:-
- 11.1.1** All correspondence, upon matters falling within the sphere of executive responsibility of the State Government, will be made by a Secretary to the Government of the State.
  - 11.1.2** In cases where communications are to be sent to the President, a Secretary to Government will address the Secretary of the appropriate Ministry of the Government of India.
  - 11.1.3** The Secretary to the Governor, and not a Secretary to the Government, will conduct correspondence of an essentially personal character with which he would deal in any event upon matters in which the Governor is concerned in some capacity distinct from that of the Head of the State Government.
- 11.2** Where doubt arises as to which is the appropriate channel of communication, a reference should be made (unofficially) to the Chief Secretary.



## **CHAPTER –12**

### **Disposal of Addresses presented to the Governor**

- 12.1 Consultation with local officers:** Reply to any memorandum or address to the Governor is dealt with by the Secretary to the Governor in consultation with the local officers or at the Headquarters of Government. Where necessary the body desiring to present an address, may be consulted by the Secretary to the Governor.
- 12.2 Reference to the Department concerned:** The Secretary to the Governor will arrange to obtain information and advice from Departments upon all matters in the finally approved address for which they are responsible, and, in so doing, will send to each Department not less than five printed copies of any address and specify a date by which the reply to his reference is required. If any difficulty is anticipated in supplying the reply by the date specified, the fact should be brought to the notice of the Secretary to the Governor as early as possible. When the request is for information only, the reply of the Department should be submitted through the Minister.
- 12.3** If an address contains a request for assistance, the Secretary of the Department should include in his note information regarding the policy of Government in such cases and should submit through the Departmental Minister a statement as to the specific intentions of the Department. If the assistance is recommended, he should state the nature of such assistance.
- 12.4** Immediately after receipt of the papers, the Secretary in each Department will cause notes to be prepared paragraph by paragraph upon any point or points raised in address with which his Department is concerned and will forward the same to the Secretary to the Governor with a summary embodying his suggestions with regard to the appropriate line of reply. A clean typed copy of the notes and summary should be placed in the file and will be abstracted by the Secretary to the Governor.
- 12.5** After a reply has been given to an address, the Secretary to the Governor will forward not less than five printed copies of the reply to each of the Secretaries of the Departments and draw attention to any point or points on which departmental action has to be taken to implement any assurances or undertakings given by the Governor. The Secretary of a Department concerned will forthwith proceed to take action accordingly and he will apprise the final decision in each case to the Secretary to the Governor





## **CHAPTER –13**

### **Reference to the Public Service Commission**

- 13.1 Secretary to decide on reference to be made:** Subject to provisions of the West Bengal Public Service Commission (Exemption from Consultation) Regulations, 2008, the Secretary or any other officer in charge of a Department will decide whether a reference to the Public Service Commission shall be made.
- 13.2 Reference to be in the form of official letters only:** Such reference shall be made direct by the Department concerned in the form of an official letter enclosing relevant papers. Notes of Secretariat file shall not be sent to the Public Service Commission.
- 13.3 Prior consultation with Finance Department:** Reference to the Commission on condition of services of the employees in general shall be made only in consultation with the Finance Department.
- 13.4 Reduction of Pension:** Reduction of pension in respect of officers appointed on the recommendation of the Public Service Commission shall be made only in consultation with the Public Service Commission and also observing provisions of the West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971, the West Bengal Services (Classification, Control and Appeal) Rules, 1971 and other relevant rules.
- 13.5** In making such references to the Public Service Commission, Secretary must be satisfied that the procedure as in the aforesaid rules and other provisions in any relevant order and the Constitution of India have been observed.
- 13.6** When a Department, other than the Finance Department, has received the recommendations of the Commission, and has reached its own conclusions as to the orders which should issue on the case, it will, before the issue of orders, consult the Finance Department or other Departments concerned where any general question of principle arises.
- 13.7 Commission to be informed:** All subsequent action on the case will be taken by the originating Department. The Commission will be informed of the action taken on their recommendations in all cases that have been or may be referred to them.
- 13.8 Difference of opinion with the Commission:** Where the Public Service Commission have been consulted in regard to any matter, the recommendation made by the Commission should not be departed from. However, if in the opinion of the Minister concerned there exists an exceptional circumstance which requires such a departure in the public interest, the reasons for holding such an opinion should be communicated to the Commission by the Department concerned and the Commission given an opportunity of justifying their recommendation. The further views of the Commission should normally reach the Department concerned within a fortnight of the receipt by them of the Department's communication. On receipt of the observations of the Commission, if any, their recommendation should be considered afresh by the Department concerned. If even after such reconsideration or after a fortnight has elapsed and no further observations have been received from the Commission and the Minister is still of the opinion that the recommendation made by the Commission should not be accepted, the case should be referred with a self-contained summary

to the Chief Minister for placing the matter before the Cabinet. Final orders should be issued by the Department concerned in accordance with the decision reached by the Cabinet. The action taken on the recommendation of the Commission will be communicated to the Commission in due course by the Department concerned.

Provided that nothing in this para shall be construed to be in derogation of the provisions of any Act or Rules for the time being in force.

- 13.9 Assembly question regarding the Commission:** Questions in the Legislature relating to the commission or information to be obtained from it will be dealt with by the Finance Department. But any question relating to the action taken by a Department on a recommendation of the Commission will be dealt with by the Department concerned.
- 13.10** The Commission will be consulted in respect of any criticism of its action proposed for inclusion in an answer to a question.
- 13.11** An answer furnishing information obtained from the Commission will be in the following form:-  
 "...By courtesy of the Public Service Commission, I am able to supply the information asked for by the Hon'ble Member."
- 13.12** It is the duty of the Finance Department to see that the Commission is given an opportunity of expressing its views on any proposal to amend the regulations applicable to it.
- 13.13** When it is proposed to relax the provision of any rule or regulation relating to any matter with regard to which consultation with the Commission is obligatory, the Department concerned will consult the commission beforehand.  
 Note:-This para refers to those regulations or rules which provide for relaxation of their own provisions.
- 13.14 Annual Report of the Commission:** Annual Report of the Public Service Commission, as received, should be laid before the Legislature together with a Memorandum with explaining/ citing reasons as to the advice of the Commission was not accepted. Each Department should prepare a Memorandum containing the statement of the cases, if any, where the recommendations of the Public Service Commission were not accepted during the year under report giving the reasons for such non-acceptance in each case and send the Memorandum to the Finance Department by the 30<sup>th</sup> of April following the close of the financial year under report. The Finance Department should take steps for presenting a consolidated exploratory Memorandum before the Legislature together with the report of the working of the Public Service Commission.
- 13.15** A quarterly statement of appointments required to be made in consultation with the Commission but actually made without such consultation should be sent to the Commission by each Department.
- 13.16** When a post is filled up by a specialist engaged on contract on the recommendations of a Selection Committee for a period not exceeding five years without consulting the Public Service Commission under the provisions of the Public Service commission Regulations, each Department should forward to the Finance Department the particulars in Form [13.1](#) as soon as possible.





## **CHAPTER –14**

### **Right to Information, Public Grievance and Assistance Right to Public Services**

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- 14.1 State Public Information Officer:** Every Department shall designate a senior officer as State Public Information Officer (SPIO) for the purpose of the Right to Information Act, 2005. Another Officer of the Department, senior in rank to the SPIO, shall be appointed as the Appellate Authority under provisions of the said Act. The Notifications for their appointment should be published in the official gazette and be uploaded in the departmental website.
- 14.2 Uploading of statutory information in departmental website:** every Department shall publish/ upload statutory information as required under the Right to Information Act, 2005 (RTI Act) in the departmental website.
- 14.3 Updating of departmental website:** An officer of each department will be entrusted the task of updating of the departmental website and forwarding of information to the authorities responsible for maintenance of the official website of the State Government. Any decision of the Department, which the general public may have a legitimate interest in, will be endorsed to the officer in charge of the Departmental website for uploading therein.
- 14.4 Time bound dealing:** Every valid application for information under the RTI Act needs to be replied to within such time as specified in the said Act. It is, therefore, of utmost importance that every such application is dealt with in a time bound manner.
- 14.5 Register of RTI applications:** as soon as an application is received, it should be recorded in a Register. Every stage of dealing with an application will be recorded therein to monitor the progress to ensure time bound reply. Developing a MIS for personal monitoring by the SPIO may be helpful.
- 14.6 First examination of an application:** After placing the application in a file it will be examined whether the same is a valid application as per the said Act and rules made thereunder. If not, the applicant will be informed accordingly. If it is a valid application, it will be examined whether the information sought for pertains to the Department or not. If it transpires that the same or part of it relates to some other Department, the application will be forwarded to the SPIO of that Department within such time as is allowed under the RTI Act. The applicant will be simultaneously informed of such transfer and necessary entry will be made in Register.
- 14.7** If the application or any part thereof pertains to the Department, a copy of the same will immediately be forwarded to the officer concerned for supply of the information with necessary entry being made in the Register. If the information sought for is likely to be available in more than one subordinate office, copies of the application will be forwarded to such offices for supply of information. If the entire information falls within the purview of another SPIO, the application will be transferred to such SPIO. The applicant will be informed accordingly and necessary entry made in the Register.
- 14.8 Some information exempted from disclosure:** The concerned Branch or Section of the Department to which the application has been forwarded by the SPIO for supply

of information, will first examine whether the information sought for, falls within the purview of exempted classes of information as per the RTI Act. If so or if there is confusion whether the information should be disclosed or not on any of the grounds laid down in the Act, order of highest authority in the Department will be obtained before supply of information. Legal opinion may be obtained, if considered necessary, at this stage.

- 14.9** If there is no bar on supply of the information and if the information is readily available or it can be presented in the form sought for with a little effort, the same will be prepared on urgent basis and forwarded to the SPIO. The Section in charge will personally supervise and ensure that accurate information is supplied within the time specified by the SPIO.
- 14.10** If the information is not available or if collection of data and presenting the information in the form sought for, is found to involve an unjustifiable amount of labour and expenses or will entail utilizing a large amount of resources within and outside the Department, order of the Head of the Department will be obtained before proceeding further. Final decision in the matter will however be communicated to the applicant.
- 14.11 Cost of copies to be realized:** The SPIO will determine the cost to be realised on account of cost of copying of records to be supplied as admissible in terms of the rules made under the RTI Act. Such cost is to be realised before supply of the copies as asked for.
- 14.12 Appellate Authority:** If the applicant is not satisfied with the information supplied by the SPIO or if the SPIO refuses to disclose certain information or if the SPIO fails to supply the information sought for within the scheduled time, the applicant may file an appeal before the Appellate Authority notified by the Department. On receipt of such an appeal the Appellate Authority will ask the SPIO to explain the reasons therefor. The Appellate Authority will consult the records of the case, apply his mind and consider the case *de novo*. He will then pass such orders as deemed fit.
- 14.13 Public Grievance and Assistance Office:** Every Department, Directorate, Undertaking and Field Office shall have a Public Grievance & Assistance Office (PGAO) under a Public Grievance and Assistance Officer to deal with requests, Complaints, Petitions and Suggestions received from members of the public in respect of the work of the Department, Directorate, Undertaking and Field office. Detailed guidelines regarding setting up of PGAO, conducting enquiries, receipt and acknowledgement of complaints/ Petitions maintenance of Public Grievance Register, records of suggestions and action taken on complaints published in local newspapers as specified in [Appendix 2](#) shall be followed.
- 14.14 Director of Grievances:** An Officer of the rank of Joint Secretary shall be earmarked in each Department as Grievance & Assistance Officer and designated as Director of Grievances. The job chart, the powers, duties and the staffing pattern for the Director of Grievances are prescribed in Appendix 2.
- 14.15** In order to ensure that its functioning is effective and is continually improved, the Public Grievances & Assistance Office of every Department and its Directorate (s) shall be regularly inspected twice a year by the Secretary of the Department and a report of such inspection shall be submitted to the Chief Secretary by the end of September and March.

- 14.16 Special Colour for Correspondence:** All correspondence regarding this system shall invariably be on Pink coloured paper so that immediate attention of all concerned is attracted to the request, grievance or suggestion.
- 14.17** Supervisory Officers and staff shall pay particular attention to ensure that all correspondence with the public is done in the language of the request, grievance or suggestion, so far as practicable. Services of the Translators of the Home and Hill Affairs Department and the Information and Broadcasting Department should be availed, if necessary.
- 14.18 Complaint Box and Suggestion Box:** A Public Grievance & Assistance Office shall be set up and manned by two officials and a *Complaint Box* and a *Suggestion Box* shall be kept prominently displayed there. Every morning the officials manning this office shall open these boxes and record the substance of the papers found therein in the Registers maintained for this purpose.
- 14.19 Grievance Register:** A Register shall be maintained to record each request or grievance and the action taken thereon. Details of the applicant, brief description of the grievance, interim action and final action taken thereon shall be recorded therein. A separate Grievance Register shall be maintained for peoples' representatives.
- 14.20 Suggestion Register:** A Suggestions Register shall be maintained in similar form to record innovative and workable suggestions for improving the quality of public service, ensure involvement of employees at all levels and make Government's functioning more accessible and friendly to the public. The areas in which suggestions are particularly welcome are: bringing about savings in expenditure, reducing time taken in providing services by procedural improvements, reduced commuting, less paper work etc.
- 14.21** Whenever any letter, petition, complaint, grievance or suggestion is received from any member of the public, this must be acknowledged immediately. This will be facilitated if the PGO is computerised so that a printed acknowledgement can immediately be handed over to the complainant in person. If a complaint is received by post, a written acknowledgement must be mailed to the complainant keeping a note regarding this in the concerned Register. The PGO shall have pre-printed forms available for this.
- 14.22** As a rule, there shall be an inquiry into every petition, complaint or grievance by gathering information by the directorate or the district administration concerned even where the complaints are anonymous or pseudonymous, unless they are so vague or general in nature that they cannot be acted upon.
- 14.23 Inquiring Officer:** The inquiring Officer shall not be one against whom the complaint itself is directed or against whom the complainant has brought a charge of bias and/ or inaction or inordinate delay.
- 14.24** Whenever practicable, a final reply, embodying the result of enquiry, shall be sent to the complainant.
- 14.25** Where the complaint or allegation is not of a serious or complicated nature, or when the complaint or grievance relates to work in the very office to which the petition or complaint is addressed, every effort shall be made to send the reply within 2 (two) weeks of the date of receipt of the complaint.

- 14.26** Whenever a petition or complaint is address by a representative body or office, it is desirable that a reply should go to the representative body or office within 6 (six) weeks.
- 14.27** The reply given to the complainant/ petitioner should contain only the findings of the inquiry and not any reasoned arguments forming the basis of such findings. The reply should be so framed as **not to invite litigation**.
- 14.28** **Grievance Column of Newspapers:** The Grievances Column and the Letters to the Editor section of the newspapers should be regularly examined by each Department for cases concerning them. Prompt action should be taken for attending to these grievances on a time bound basis and for considering innovative and workable suggestions.
- 14.29** The complainant/petitioner should be promptly informed of the remedial action taken, where redressal is possible, within a month's time. Where redressal is likely to take longer time, an interim reply should be sent to the complainant explaining the steps taken and indicating that further action is being taken as required. Care must be taken to ensure that no complaint or petition or useful suggestion is lost sight of without being attended to.
- 14.30** A quarterly review of grievances received through the newspapers and action taken for their redressal shall be made by the Head of the Department. Such a course of action will go a long way towards establishing public confidence in the effectiveness of the grievance redressal machinery of the Government.
- 14.31** **Monthly Report of PGO:** The Public Grievance & Assistance Office will develop an MIS aimed at disposal of petitions within a stipulated timeframe. A report shall be put up to the Director of Grievances every Monday by the PGO in the following format:
1. No. of petitions pending at the end of previous week;
  2. No. of petitions received during the week;
  3. Total of (1) and (2);
  4. No. of petitions disposed during the week;
  5. No. of petitions pending [ (3) - (4) ];
  6. No. of petitions pending for more than 6 weeks and reason thereof.
- 14.32** A similar monthly statement shall be prepared and submitted by each departmental field office to the head of the Directorate, who shall pay specific attention to the petitions pending for more than 6 weeks.
- 14.33** Cases, where action is found necessary to be taken against officers or staff as a result of the findings of the Director of Grievances, shall immediately be reported to the appropriate authority.
- 14.34** Officials at each level should deal with every matter in a fair, objective, just and courteous manner. They shall pay proper attention to cases brought or referred by elected functionaries. A separate register for such matters that are referred by peoples' representatives shall be maintained and regularly scrutinised by the supervisory officers to ensure that they are promptly attended to.
- 14.35** **Integration of grievance redressal system into the decision making process:** Grievances can be classified into two categories:



**14.35.1** Individual grievances arising out of the delay in decisions or faulty implementation of any policy; and

**14.35.2** Systemic grievances arising out of the policy itself, requiring modification of the policy.

A careful analysis and appreciation of the grievances and suggestions should, therefore, not only lead to identifying problem areas but also enable integration of the redressal of the grievances into the process of decision-making and policy formulation.

**14.36 Monitoring of Programme Implementation and Grievance Cell:** A Cell has been set up under the Chief Minister's Office for monitoring of programme implementation and redressal of public grievances. A grievance reported by a member of the public to the Cell is forwarded to the concerned Department, District Magistrate or Police Authorities for immediate action thereon. Utmost priority should be accorded to the public grievances communicated electronically by the said Cell of the Chief Minister's Office. The status of each such grievance should be personally reviewed by the Secretary and a status report should be sent only by electronic mode to the CMO within seven (7) days. [Appendix 3](#) may be referred to.

**14.37 Right to Public Services:** In terms of the provisions of Right to Public Services Act, 2013, every Department shall publish a Notification in the official gazette, on the 'Notified Services' rendered by them to an 'eligible person' and the maximum time required for rendering such services and upload the same in the departmental website.

**14.38** Such Notification shall earmark the Designated Officer, Appellate Officer and Reviewing Officer and the maximum time each of them may take to render a 'Notified Service', disposal of an appeal or a second appeal respectively.

**14.39** Every Department shall furnish periodic statutory returns to the State Commission in due time.

**14.40** There is provision for imposition of penalty and disciplinary action against the Designated Officer or the Appellate Officer in the case of failure to provide the 'Notified Service' or causing delay in providing the same. Utmost care should be taken to ensure that 'Notified Services' are delivered within stipulated time.



## **CHAPTER – 15**

### **Record Management**

- 15.1** Records management covers the activities concerning recording, retention, retrieval and weeding out. Each record creating agency (Department, Branch or Wing) will nominate, a Departmental Records Officer (DRO) who is not below the level of a Section Officer for overall records management.
- 15.2** Files (including e-files) should be recorded after action on the issues considered thereon has been completed. However, files of a purely ephemeral nature (such as casual leave records or records or circulars of temporary nature) containing papers of little reference or no research value may be destroyed (deleted if e-file) after four years without being formally recorded.
- 15.3** **Uploading in Departmental website:** Before the action to record a file is initiated by the dealing Assistant, he shall necessarily upload the gist of the important decisions contained in that file, on the website of the Department/Office in order to comply with the provisions of the RTI Act, 2005, if this has not been already done.
- 15.4** **Process of recording:** After action on the issue(s) considered on the file has been completed, the dealing Assistant, in consultation with his Section in charge, should close and record the file in the manner prescribed below:-
- 15.4.1** indicate the appropriate category of records and in the case of Category II, also specify the retention period and the year of destruction on the file cover;
  - 15.4.2** where necessary, revise the title of the file (including e-file) so that it describes adequately the contents at that stage;
  - 15.4.3** get the file indexed (as described below);
  - 15.4.4** extract from the file, copies of important decisions, documents, etc., as are considered useful for future reference and add them to the standing guard file/ precedent book;
  - 15.4.5** in the case of physical files, remove from the file all superfluous papers such as reminders, acknowledgements, routine slips, working- sheets, rough drafts, surplus copies, etc., and destroy them;
  - 15.4.6** complete all reference and, in particular, mark previous and later reference on the subject on the file cover;
  - 15.4.7** pass on the file to the Record Room;
- 15.5** **Classification:** There will only be 2 categories of recorded files i.e. Category I & II. Category I will contain such files which qualify for permanent preservation for administrative purposes or which are of historical importance such as:
- 15.5.1** files containing evidence of rights or obligations of or against the government, e.g., title to property, claims for compensation not subject to a time limit, formal instruments such as awards, schemes, orders, sanctions;
  - 15.5.2** files relating to major policy decisions, including those relating to the preparation of legislation;

- 15.5.3** files regarding constitution, functions and working of important committees, working groups, etc.;
- 15.5.4** files providing lasting precedents for important procedures, e.g. administrative memoranda, historical reports and summaries, legal opinions on important matters;
- 15.5.5** files concerning rules, regulations, Departmental guides or instructions of general application;
- 15.5.6** files relating to salient features of organization and staff pattern of Government Departments and offices;
- 15.5.7** files relating to important litigation or 'causes celebres' in which the administration was involved;
- 15.5.8** files relating to the creation of a Department or agency of Government; how it was organized, how it functioned and (if defunct) how and why it was dissolved;
- 15.5.9** data about what the Department/agency accomplished. (Samples by way of illustration may be enough; but the need for such samples may be dispensed with where published annual reports are available);
- 15.5.10** files relating to a change of policy. This is not always easy to recognize, but watch should be kept for (a) summary for a Minister, (b) the appointment of a Departmental or inter-Departmental committee or working group, and (c) note for the Cabinet or a Cabinet Committee. Generally there should be a conscious effort to preserve all such papers, including those reflecting conflicting points of view. In the case of inter-Departmental committees, however, it is important that a complete set of papers be kept only by the Departments mainly concerned - usually the one providing secretariat assistance;
- 15.5.11** files relating to the implementation of a change of policy, including a complete set of instructions to executing agencies etc., and relevant forms;
- 15.5.12** files relating to a well-known public or international event or cause celebre, or to other events which gave rise to interest or controversy;
- 15.5.13** files containing direct reference to trends or developments in political, social, economic or other fields, particularly if they contain unpublished statistical or financial data covering a long period or a wide area;
- 15.5.14** files cited in or noted as consulted in connection with, official publications;
- 15.5.15** files relating to the more important aspects of scientific or technical research and development;
- 15.5.16** files containing matters of local interest of which it is unreasonable to expect that evidence will be available locally, or comprising synopsis of such information covering the whole country or State or a wide area;
- 15.5.17** files relating to obsolete activities or investigations, or to aborted scheme in important fields;

- 15.5.18** any other specific category of records which, according to the Departmental instructions issued in consultation with the State Archives, have to be treated as genuine source of information on any aspect of history-political, social, economic, etc., or of special interest.
- 15.6** Category II will include files of secondary importance and having reference value for a limited period not exceeding 20 years. In exceptional cases, if the record is required to be retained beyond 20 years it will be upgraded to Category I.
- 15.7** Files relating to employees such as their personal files, leave files and files relating to sanction of loans and advances will be preserved till one year after their retirement. Service Books and pension files are to be preserved till death of the pensioner and all family members who are likely to become eligible for grant of family pension.
- 15.8** In case of physical files falling under Category I, all contents including the covers are to be scanned for digital preservation. Whenever any content therein is needed for reference in future, a copy of the same from the digital version will be supplied.
- 15.9** In the Record Room entry will be made in the File Register and the Index of Current Files regarding recording of the file with date. An entry will be made in a register to be maintained to monitor progress of recording and review of files. The date of review will also be mentioned therein.
- 15.10** Torn or mutilated papers and covers in the file will be repaired. "Recorded" will be written on the file cover. Then it will be placed in shelves in order of the date of review.
- 15.11** All Category I files will be reviewed after expiry of 20 years to consider whether to retain the same further or to downgrade to Category II and weed out by an officer not below the rank of Joint Secretary. It may be retained for a further period of 5 years in the Departmental Record Room, beyond which it should be reviewed again in consultation with the State Archives and transferred to them for preservation, if so decided.
- 15.12** Category II files will be reviewed after the period specified at the time of recording by the Section-in-Charge whether to retain the same for any further period, not beyond 20 years from the original date of recording. If it is to be retained beyond 20 years, it should be upgraded to Category I. The decision to upgrade or to weed out will be taken by an officer not below the rank of Joint Secretary.
- 15.13** The DRO will ensure that all files which become due for review are sent to the concerned section. A Section may also requisition a file from the record room for further action thereon, if it becomes necessary or for referencing. Whenever a file is sent to the Section either for review or on requisition, necessary noting will be made in the record review register, file register and the index of current files. When a file, sent to a Section for review, has not been returned within two months with a decision thereon, the DRO will remind the concerned Section-in-Charge for the same.
- 15.14** Every section shall return all files to the Departmental Record Room after review with a decision to retain, transfer to the State Archives or destroy the same.
- 15.15** Files containing records relating to any departmental enquiry, Commission of Enquiry, Court proceedings or which may be required in future in connection with implementation of orders/ judgements of a Court of law, will not be destroyed, even if, such files/ documents have completed their prescribed life as per the Record Retention Schedule.

- 15.16 Precautions before destruction:** To ensure that files are neither prematurely destroyed, nor kept for periods longer than necessary, every department will:
- 15.16.1** in respect of records connected with accounts, observe the instructions contained in Financial Rules;
  - 15.16.2** in respect of records, relating to establishment, personnel and housekeeping matters common to all Departments, follow the 'Record Retention Schedule' in respect of Records Common to All Departments', issued by the Department of Personnel and Administrative Reforms;
  - 15.16.3** in respect of records prescribed in this Manual, observe the retention periods specified;
  - 15.16.4** in respect of records connected with its substantive functions, issue a departmental retention schedule prescribing the periods for which files dealing with specified subjects should be preserved, in consultation with the State Archives;
  - 15.16.5** in respect of files relating to employees such as their personal files, leave files and files relating to sanction of loans and advances, preserve till one year after grant of pension. Service Books and pension files are to be preserved till death of the pensioner and all family members who are likely to become eligible for grant of family pension;
  - 15.16.6** in respect of records relating to disciplinary proceedings, preserve till the final closure of the proceedings, appeals under relevant rules, any possible subsequent court cases and appeals thereon;
  - 15.16.7** in respect of other records, consider whether the same is likely to be required in connection with any litigation, Commission of Inquiry, Public Accounts Committee or any other Committee of the Assembly or the Parliament.
- 15.17 Transfer of files:** In the event of transfer of work from one section to another, the relevant files also will be transferred, after being listed in duplicate. One copy of this list will be retained by the section taking over the files for its record and the other acknowledged and returned to the Section by transferring them.
- 15.18** Files transferred by a section to the Departmental Record Room will be accompanied by a list of files in duplicate. The Departmental Record Room will verify that all the files mentioned in the list have been received, retain one copy of the list and return the other, duly signed, to the Section concerned. In the record room, these lists will be kept Section-wise in separate file covers.
- 15.19 Record review register:** The Departmental Record Room will maintain a record review register in which a few pages will be allotted for each future year. Recorded files marked for review in a particular year will be entered in the pages earmarked for that year in the register.
- 15.20 Transfer to State Archives:** Files surviving the review undertaken on their attaining the 25<sup>th</sup> year of life will be stamped prominently as "transferred to the State Archives" and will be transferred to the State Archives accompanied by a list (in triplicate), one copy of which will be returned by the State Archives, duly signed, to the Departmental Record Room.

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- 15.21 Transfer of Deeds etc.:** Deeds relating to right, title or interest of the State Government or any registered agreement to which the State Government is a party will be transferred to the Inspector General of Registration for safe custody. The same process in para 15.20 will be followed.
- 15.22** All title deeds, conveyances and similar other legal documents belonging to the Government of West Bengal should be deposited with the Inspector- General of Registration, West Bengal.
- 15.23** In the event of transfer of work from one Section to another or to another Department or to the State Archive, the relevant e-files will be transferred and a report will be generated in the form available in the e-Office system.
- 15.24 Record rooms:** Record Rooms will be properly ventilated, with adequate lighting and fire-safety equipment and avoid exposure to moisture. The records will be arranged serially Section-wise and will be regularly dusted. For proper preservation the records will be periodically fumigated and moth-balls will be used.
- 15.25** In a computerized environment, it would be useful to maintain a list of records in electronic form, in the Departmental Record Room.
- 15.26** The archiving of digital records i.e. disposed/closed e-files and correspondences has to be taken at regular intervals. Two copies of the archived digital records has to be maintained - one with the Data Center / Digital Record Room to be set up as part of e-Office and the other at the location of Disaster Recovery Site. This will be responsibility of NIC / any other agency designated by the Government.
- 15.27 Weeding of records:** The following method of Weeding/Destruction of records will be adopted:-
- 15.27.1** Routine files/ records will be manually torn into small pieces and disposed.
- 15.27.2** Classified files/records will be destroyed by use of shredder, and
- 15.27.3** Secret files/ records will also be incinerated after being shredded.
- 15.28** Each Department may issue departmental instruction to regulate the review and weeding out of records maintained by officers and their personal staff.
- 15.29 Requisitioning of records:** For process of requisitioning of records will be as below:
- 15.29.1** No records file will be issued from the Sectional, Departmental or Archival records except against a signed requisition.
- 15.29.2** Requisition for files belonging to another Department and in the custody of the State Archives will be got endorsed by the Department concerned before they are sent to the Archives. If the requisitioned file happens to be a confidential one, the Archives will not supply the file direct to the requisitioning Department but route it through the Department to which it belongs.
- 15.29.3** The requisition will be kept in the place of the file issued.
- 15.29.4** If the requisitioned file is one that has been scanned, copy and not the original will be issued to the requisitioning Department.
- 15.29.5** If a requisitioned file initially obtained for being put up in one case, is subsequently put up on another, a fresh requisition should be given to

the Section duftory or sent to the Departmental Record Room or the State Archives, as the case may be, for replacing the original requisition which will be returned to the office concerned. In the case of records obtained from the State Archives, the fresh requisition slip will be prominently marked 'change slip'.

- 15.29.6** On return, the requisitioned file will be restored to its place and the requisition returned to the Section/ official concerned.
  - 15.29.7** Files obtained by a Section from the Departmental Record Room will normally be returned within 3 months. If they are not received back within this period, the Departmental Record Room will remind the Section concerned. For this purpose, the record room will maintain a simple register for keeping a record of the files issued to the various sections each month. A similar register will be maintained by each section as a record of files borrowed from it by other sections.
  - 15.29.8** Files obtained by a Department from the State Archives will not normally be retained for more than 6 months except with the latter's specific knowledge and consent.
- 15.30** Considering the urgency to reduce the volume of records now being retained without any significant need for their retention, the following measures may be taken in the Departments:-
- 15.30.1** A special drive may be launched every 6 months to record/ review all old files and to weed out those no longer needed. The results of such special drives will be sent to the Head of the Department
  - 15.30.2** Each Joint/ Deputy Secretary may review every quarter the state of indexing/ recording review/weeding out of files in his wing and allot time bound tasks towards this to the members of the staff;
  - 15.30.3** Inspecting officers may be asked to pay special attention to the stage of Records Management in the sections as well as the Departmental Record Rooms during their inspections.



## CHAPTER - 16

### Human Resources Management System

- 16.1 Integrated Financial Management System:** Integrated Financial Management System (IFMS) was introduced in phases by the State Government commencing from the 1<sup>st</sup> April, 2014. The system provides for management of the entire financial transactions of the State Government. It has many modules like E-Bantan, E-Pradan etc. Management of the Human Resources of the Government is one of the many functions of the IFMS.
- 16.2 Human Resources Management System:** Human Resources Management System (HRMS) is a module within the IFMS. HRMS module has 18 sub-modules. Some of these sub-modules have been made operational. Other sub-modules will become operational in phases.
- 16.3 Nodal Officer:** Every Department should appoint a nodal officer for the purpose of managing the HRMS. He should be responsible for taking necessary action whenever a new sub-module is launched, any change is made in the system, any officer is transferred and arrangement of training of officers and operators from time to time. In addition, another nodal officer is to be designated for the purpose of SAR sub-module.
- 16.4 Comprehensive Database:** The HRMS contains database of all offices of the State Government and parastatals, all sanctioned posts and of all employees. For the purpose of HRMS, each office at every tier and each official have to be mapped with reference to their appointing authority, controlling authority and DDO. Entry of personal details, service details, bank details, contact details, family details and nominations for the purpose of death cum retirement benefits etc. are required to be made into the system. There is also a facility to upload scanned documents in the HRMS where required.
- 16.5 Payment of salary etc. through HRMS:** Payment of salary of all Government employees is done through the HRMS. Other entitlements like Travelling Allowances, Daily Allowances etc. are also claimed and sanctioned through the system. All loans and advances admissible to employees are applied for and sanctioned through the system.
- 16.6 Leave and leave account:** The Account of various kinds of leave admissible to Government employees are maintained in the system. An employee can apply for leave and the same can be allowed or rejected by the appropriate authority.
- 16.7 Self Appraisal Report:** Every Group-A Officers of State Government has to submit a Self Appraisal Report (SAR) through the system within 30<sup>th</sup> April every year. After incorporating his assessments the Reporting Officer forwards the same to the Reviewing Officer, who in turn forwards the same with his own assessment to the Accepting Officer. After incorporating his assessments, the Accepting Officer accepts the SAR and the same is recorded and is available with the Custodian of SAR.
- 16.8 Maintenance of Service Book:** Service Records (e-Service Book) of employees will be maintained in the system. Details relating to entry into Government service, confirmation, promotion, transfer, posting, release, joining, leave availed, pay fixation, deputation, suspension etc. will initially be entered in the system and thereafter when all other sub-modules of the HRMS becomes operational, such entries will automatically be incorporated in the electronic Service Book.

- 16.9 Streamlining of processing cases of promotion/ transfer:** For filling up a particular post by promotion or transfer, the Appointing Authority may lay down certain criteria for selection of eligible candidates. Such criteria may be some special qualification, experience, length of service in the present post etc. Such criteria may be modified from time to time depending on the requirement. Since all service and personal details including qualification of the officials in the feeder post are available in HRMS, the system can shortlist the candidates who fit the criteria. However, the Appointing Authority will have the option to exercise his discretion in selecting a candidate. It will be possible to generate the order of promotion/ transfer, release and joining through the system and all necessary entries in the Electronic Service Book will automatically be recorded.
- 16.10 Pay Fixation:** Fixation of pay of an employee may be necessitated due to various reasons like functional and non-functional promotion, revision of pay and allowances, change of cadre, suspension etc. The pay of an employee will be fixed in the HRMS for all such instances during the career of any employee. Order of fixation and simultaneous updation of the service book will also be done in the system.
- 16.11 Exit Management:** Preparation of Pension papers at the time of superannuation by Pension Sanctioning Authority will also be done in HRMS. Thus, the entire service of a Government employee, from initial appointment till retirement including sanction of terminal benefits will also be possible through the system.
- 16.12 Hierarchy Mapping and updating:** In order to keep the system functioning normally, all the tiers of the Department should be meticulously mapped at appropriate levels. If necessary, the Finance Department should be consulted to clear any doubts. The system contemplates different roles for various authorities. The heads of every level should be allocated appropriate role and they should, in turn allocate role to their subordinate offices and delegate powers to other officers within their offices. With every change of officer at any level such allocation of roles should promptly be updated.
- 16.13 Unique Identity for each employee:** Each employee is allotted a unique ID (HRMS ID) and a password by the system for accessing the same. The HRMS ID is created on initial appointment for each employee by the first DDO which will remain unchanged during the entire career. Each employee is tagged to Head of Office, Appointing Authority and DDO. On transfer, either on promotion or otherwise, the employee is untagged by the existing DDO and Head of Office and tagged with the new DDO and Head of Office. Last Pay Certificate is issued by the existing DDO and payment of salary and other entitlements are commenced by the new DDO.
- 16.14 e-Services for the employees:** By accessing the HRMS each employee can view documents like Payslips, Loan Application Report, Salary Statement/ Income Tax Statement, Arrear Statement, Loan Details etc. He can also apply for loan, leave, station leave, TA/ DA, LTC/ HTC/ TC, Transfer TA etc. He can also enter and update data relating to declaration of members of his family, and file nomination for death *cum* retirement benefits in the system. He can apply for advance from the General Provident Fund, loans and advances, as admissible. He can submit self appraisal report where admissible. He will be able to apply for pensionary benefits. He can view the status of his prayers in the system.

## CHAPTER –17

### **Human Resources** **Capacity Building**

- 17.1 General:** The process of gaining experience by the officers and staff and utilisation of institutional memory within every Department has undergone sea change since introduction of the common cadre system in 1984. Previously, an employee joining as a Lower Division Assistant (LDA), would have retired on superannuation from the same Department after rendering about 30 years of service in various capacities. Therefore, his experience in dealing with matters of the same nature for such a long period would have imparted a degree of expertise in the natural course. However, after introduction of the common cadre system, he is likely to serve in various Departments dealing with a variety of subjects during his career. This necessitates capacity building among the Secretariat staff all the more.
- 17.2 Capacity building is essential at every level:** While new entrants require induction training for efficiently discharging their duties, officers and staff at all levels require some amount of refresher training or updating for optimum utilisation of their potential.
- 17.3 Departmental Training Supervisor:** Every Department should designate a senior officer not below the rank of Joint Secretary, as Departmental Training Supervisor. He should ensure that officers and staff joining the Department acquire the capacity to render the duties expected from them in the shortest possible time.
- 17.4 Administrative Training Institute:** the Administrative Training Institute (ATI) at Bidhannagar is a nationally reputed institute for imparting administrative training to officers and staff at all levels, starting from All India Service officers like the Indian Administrative Service to the newly recruited LDAs. It is an attached office of the P&AR Department. Various training programs are run by the ATI for imparting various kinds of training to the officers and staff of the Secretariat and offices attached to it.
- 17.5 Initial Training of an LDA:** On the joining of all the LDAs of a batch, allotted by the P&AR Department to any particular Department, the Departmental Training Supervisor should draw up a programme for imparting initial training to orient these LDAs within the Department without waiting for the Induction Training Programme of the ATI. Any LDA who joined after the last Initial Training programme will be included in the current batch. Since the Induction Training Programme for LDAs is arranged in small batches at the ATI, it may take quite some time before all the fresh LDAs of the Departments get their opportunity by turn.
- 17.6 Contents of Initial Training programme:** The Initial Training programme may last for one to three days based on the diversity of the business allocated to the Department. For the purpose of this training, resources available within the Department should be utilised. Senior officers and Section in-charges may be asked to take short duration classes on a particular topic. Even a senior Assistant may be asked to take a class on a particular topic of his expertise or the functions allotted to a particular Cell. The Departmental Training Supervisor may like to invite an officer from another Department to deliver a lecture on a certain topic. Power Point presentations, short hand-outs may be used to make the programme more attractive to the participants. Such a programme

will give an opportunity to the senior officers to get acquainted with the new entrants and get a *prima facie* assessment of their individual traits. This will also be helpful in initial allocation of the LDAs among various Branches and Cells. This will also help the LDAs to overcome their initial inertia and get assimilated in the mainstream of the departmental functions. The Initial Training may cover the following topics and any other topic which may be pertinent to that Department:

- 17.6.1** a brief description of the flow of constitutional authority and machinery of Government;
- 17.6.2** role of the Department in such machinery and the business allocated to it;
- 17.6.3** an overview of the functions of the Department with reference to above;
- 17.6.4** functions of the different Branches or Cells of the Department;
- 17.6.5** basic processes and general procedure of dealing with cases;
- 17.6.6** use of the West Bengal Secretariat Manual;
- 17.6.7** some dos and don'ts (brief idea from WBS (DRO) Rules);
- 17.6.8** consequences of delinquency (brief idea from WBS (CCA) Rules).

**17.7 Induction Training of LDAs:** The Induction Training imparted at ATI is to cover many aspects, among which the following may be included:

- 17.7.1** discipline in attendance and completion of the work within the time allotted;
- 17.7.2** work done by each Department with reference to constitutional provisions, Acts, Rules, Regulations and Notifications;
- 17.7.3** work done by District offices and Directorates;
- 17.7.4** receiving of Dak in the office including diarising of letters, files and documents etc. received and submission to designated officers;
- 17.7.5** despatch of letters and keeping of office copies/ record along with enclosures in file;
- 17.7.6** indexing of files;
- 17.7.7** placing of letters and documents in file;
- 17.7.8** maintenance of file register;
- 17.7.9** stock maintenance of stationary and other articles including furniture and store;
- 17.7.10** keeping of files in Takid Bundles (TB) with the assistance of Record Supplier, regular checking of TB;
- 17.7.11** Acting arrangements;
- 17.7.12** Leave Account;
- 17.7.13** maintenance of Service Book or service record;
- 17.7.14** drafting of letters, memo, resolution and notification;
- 17.7.15** amendment of Acts and Rules;
- 17.7.16** Government property- maintaining accounts of property and land - realization of rents;

- 17.7.17 Receipts of Government;
  - 17.7.18 procedure of filling receipted challan (TR Form no. 7);
  - 17.7.19 bills claiming dues from Govt. - how to check such bills;
  - 17.7.20 preparation of salary bill, supplementary bill and arrears bill - Chapter I of DDO's Hand Book;
  - 17.7.21 preparation / checking of office expense bill / other Charges /Grants-in- aid;
  - 17.7.22 preparation/ checking of bill for recoupment of permanent advance or un-disbursed cash;
  - 17.7.23 preparation/ checking of bills for refund of Revenue and Revenue Deposits;
  - 17.7.24 budget procedures- preparation of Budget estimate and Revised estimate;
  - 17.7.25 original grant, supplementary grant and re-appropriation;
  - 17.7.26 conditions to be satisfied for presentation of claims to the Kolkata PAO or a Treasury; DDO's Hand Book- First Chapter;
  - 17.7.27 preservation of office copy of bill, voucher, sub voucher and documents relating to countersignature of bills;
  - 17.7.28 gender sensitization;
  - 17.7.29 maintenance of casebook;
  - 17.7.30 relevant portions of service rules, financial rules and treasury rules.
- 17.8** The duration, course content and schedule of the Induction Training is settled by the P&AR Department in consultation with the ATI. It is desirable that the Induction Training should be made mandatorily residential.
- 17.9 Cadre Planning- training through periodic reshuffling:** Besides their unique functions, every Department has some common activities, like matters relating to establishment, budget etc. Under the present common cadre system, a Secretariat employee serves in various Departments in various capacities during his career. It is desirable that each Assistant should get an opportunity to serve in Sections where the above common matters are dealt with, so that they get acquainted with these common activities and their services can be put to optimum utilisation throughout their career. Regular reshuffling of officers and staff among various Sections of the Department enable the Assistants to acquire necessary expertise in multiple disciplines.
- 17.10 Capacity Building is a continuous process:** Governance being a dynamic process, the rules, procedures and the work environment undergo changes and reforms necessitating updating of the manpower through refresher training courses. Such training courses are arranged by P&AR Department for all categories of officers and staff of the Secretariat. In addition to this, training courses are conducted on specific topics, like vigilance matters or sensitisation on women's issues.
- 17.11 Re-orientation programme for Officers from outside the Secretariat:** Officers from various constituted services other than the West Bengal Secretariat Service render service in the Secretariat. They bring immense field level experience and administrative expertise to the Secretariat. This helps in formulation of pragmatic policies and programs. However, there is some basic difference between the Secretariat and other offices.

While the local offices implement Government policies and programs, such policies are laid down in the Secretariat. Therefore the role of an officer in the Secretariat, as a policy maker, is different from that previously discharged by the same officer at local office(s). Besides the procedures and practises followed in the Secretariat are, to some extent, different from that in the local offices. This requires some re-orientation programme for such officers to enable them to discharge their duties with optimum efficiency.

- 17.12 Master Trainer:** When a new system is introduced or a major reform is adopted it may be necessary to train up a large number of officers and staff of a Department within a deadline to operationalise the new system. In such a situation it may not be possible to impart necessary training to the entire manpower spread in all the Departments at a centralized training facility like ATI. In such cases a few key officers and staff of each Department is imparted thorough training in the upcoming system and they are trained to impart training to others in that system. These Master Trainers, in turn impart training to other officers and staff of the Department and Master Trainers of subordinate tiers of the Government, if necessary. The Departmental Training Supervisor should carefully select the Master Trainers of the Department.
- 17.13 Induction Training at the Level of Section Officer and above:** The role fulfilled by a Secretariat employee undergoes qualitative changes when he is promoted to the post of a Section Officer. The ATI conducts Induction Training for officers of the level of Section Officer and above to enable them to handle multi-faceted issues and management of manpower.

## **CHAPTER –18**

### **West Bengal Secretariat Library**

- 18.1 Charge of the Library:** The West Bengal Secretariat Library is a subordinate office of the Home and Hill Affairs Department and the Librarian is in-charge of the office. The Library remains open from 10:30 a.m. to 5-30 p.m. on all working days. The keys will be kept in the charge of the Librarian. A duplicate set of keys is kept by the caretaker for use in emergencies.
- 18.2 Use of the Library:** The Library may be used by all Government officials during all working days. However, issue of books shall be done only to senior officers and to representatives of offices upon due authority in writing. Private persons intending to use the Library may do so upon signing the relevant register in the Library and upon showing a valid (Government-issued) ID card with photograph.
- 18.3 Supply of books to the Library:** New books and e-books are acquired in the library as per suggestions received from everyone as per recommendation of the West Bengal Secretariat Library Advisory Committee.
- 18.4 Treatment of books:** All books received in the Library shall be entered in the catalogue of books as per prescribed procedure, and relevant entries made on the book itself.
- 18.5 Cataloguing:** Books in the Library will be catalogued and labeled with their proper numbers. Before any books are entered in the Library catalogue suitability for entering them in the Library Catalogue shall be decided.
- 18.6 Keeping copies of books:** Generally not more than two copies of any book will be kept in the Library. No obsolete editions of books of which later editions are in the Library will be kept, except in the case of Government publications of which one copy of the obsolete edition will suffice. The Librarian will use his discretion in the case of keeping books of a specialty valuable nature.
- 18.7 Scanning and maintaining soft copies of books:** In view of immense archival value of the books and historical records in custody of the Library, all books and reports of the Library as are decided are to be scanned and preserved.
- 18.8 Surplus Copies of books:** The Library should not be used as a repository of useless or surplus copies of books. A certificate, signed by the Head Assistant, should accompany books sent to the Library stating that are useful for reference purpose, and that their deposit has been authorised by the Head of the Department or Directorate concerned.
- 18.9 Keeping of periodicals:** Each Department or Directorate should also arrange for the regular supply and also for the supply on the requisition of the Librarian of any missing copies of its departmental reports, rules, orders and other publications, both saleable and non-saleable. Similar publications received from other State Governments should also be sent to the Librarian as soon as they are done with.
- 18.10 Disposal of surplus books:** Useless and surplus copies of books shall be disposed off from time to time as per prescribed procedure.
- 18.11 Register of books:** A register of books, reports, returns, etc., received in the Library will be maintained as per prescribed format.

- 18.12 Register of books issued:** A register of books, reports, etc., issued from the Library will be kept as per prescribed format.
- 18.13 Requisitions for books:** Old and rare books, that have been scanned, shall not be requisitioned, and their scanned copies may be downloaded from the website. Other non-reference books may be issued to senior officers and authorized representatives of government offices on the basis of prescribed requisition format.
- 18.14 Responsibility for loss of and damage to books:** The Department, office or officer concerned will be responsible, for any damage done to books issued to it or him, and for their replacement in case of loss. Library clearance certificate will be issued by the Librarian, West Bengal Secretariat Library, to all the categories of State Government employees at the time of their retirement/resignation. All departments will call for such certificate from the library before finalizing the application from their employees at the time of their retirement/resignation.
- 18.15 Stock taking of books:** Stock taking of books shall be done regularly, and as often as is directed, as per prescribed procedure.
- 18.16 Preservation of newspapers, periodicals etc.:** Preservation of selected newspapers and periodicals shall be done as prescribed.
- 18.17 Necessary instructions by the Government:** The Government in the Home & Hill Affairs Department shall issue necessary instructions as and when required to regulate the affairs of the Library as per best practices. Towards this, the use of latest technology shall be promoted.



## **CHAPTER – 19**

### **Miscellaneous**

- 19.1 Maintenance of Files showing Records of Services:** In Departments which control a large number of appointments of Group-A officers, a separate file may be kept for each such officer, consisting of all gazette notifications affecting his appointment, leave, transfer, confirmation and retirement.
- 19.2 Register of Services of Officers:** In Departments dealing with a small number of appointments, the history and incidents of the services of officers may be registered in a book, all references to notifications being properly quoted. The names of officers will be alphabetically arranged, and two or three pages assigned to each.
- 19.3 Guide to the Laws and Orders in force in West Bengal:** The Judicial Department will be in charge of the Guide to the Laws and Orders in force in West Bengal.  
The corrigenda and addenda will be prepared in and by each administrative Department quarterly from a proceedings in the manner in which they are printed off for insertion in the Guide and submitted to the Secretary. After approval by the Secretary of the Department the said corrigenda and addenda will be placed in a separate file and kept together. By the 30th April every year each administrative Department will send them to the Superintendent, West Bengal Government Press, will promptly supply the Librarian, West Bengal Secretariat Library, with sixty copies of the printed corrigenda and addenda for inclusion in the Guide belonging to the Library and the officers of the Secretariat except those of the Judicial Department and will also distribute copies to the Private Secretaries of the Ministers, officers of the Judicial Department and other recipients of the Guide according to a standard distribution list. For this purpose the list of distribution of the Guide to the Laws and Orders may be used. By the middle of June each year the Librarian will report to the Secretary, Judicial Department, the non-receipt of corrigenda and addenda for previous year from any administrative Department.
- 19.4 Preservation of Newspapers:** Newspapers and gazettes will be kept in the Department to which they belong in charge of the stationery Muharrir. The Muharrir should be careful to collect all the copies regularly and to report to the Registrar or where there is no Registrar to the Section Officer at the end of every week what papers, if any, are wanting in order that due enquiries may be made by the Registrar or the Section Officer. Newspapers and gazettes should be consigned to the Librarian, West Bengal Secretariat library, at the end of each quarter.
- 19.5 Submission of Indents:** Stationery will be supplied to each Department by the Stationery Office upon indents to be submitted by them by the 1st of June of each year. The indent will be prepared in Standard Form Nos. 9, 10 and 11 with reference to the annual price list issued by the Stationery Office. The total value of the indent will not exceed the annual stationery allotment fixed for each Department. The indent will be carefully examined and signed by the Assistant Secretary.
- 19.6 Supplementary and Emergent Indents:** The submission of supplementary and emergent indents will be strictly supervised and such indents will only be submitted in exceptional cases which will be fully explained.

- 19.7 Receipt of Supplies:** Supplies will be opened upon receipt and checked personally by the Registrar or the Section Officer, as the case may be, and placed in a locked almirah, the key of which will remain with an Assistant who will be nominated for this purpose. No articles will be taken out of the almirah, except in the presence of the Assistant named, and after entry in the stock account.
- 19.8 Stock Book:** A stock book in the prescribed form will be maintained by such Assistant, and all supplies will be at once entered upon their receipt, and all articles taken out for use will be noted therein at the time of their distribution.
- 19.9 Verification of Stock Book:** The stock book will be verified by the Assistant in charge on the first day of each month, and a note will be made in the book to that effect.
- 19.10 Requisitions for the supply of Stationeries:** Supply will ordinarily be made to the Ministers and officers upon their signed requisitions, but the Registrar or the Assistant Secretary where there is no Registrar, may order a supply on the verbal requisition or upon the demand of any other person if he be satisfied as to its necessity.
- 19.11** Supply to the staff will be made once a month on written requisition in the indent. A consolidated indent will be prepared for the whole staff of a Cell or Section and countersigned by the Section in charge.
- 19.12 Quarterly Verification of Stock:** The Registrar or the Section Officer of a Department will check the stock account on the first day of each quarter and will submit a certificate to the Assistant Secretary that he has done so, with any remarks as to defects which may have been discovered.
- 19.13 Preservation of Requisitions:** The written requisitions of officers for supplies will be kept until the quarterly verification by the Registrar or the Section officer, after which they will be destroyed. The same officer will check all issues with such requisitions.
- 19.14 Durable Articles:** Receipts for durable articles when supplied to Assistants, will be given by them in a page of the stock book, which will be set apart for the purpose, and each Assistant will be personally responsible for the articles made over to him, and will make good any losses for which he is reasonably responsible. Upon the transfer of an Assistant, the articles should be made over to his successor whose receipt will be taken. Durable articles include items such as rulers, scissors, paper-weights, rubbers and paper-knives etc.
- 19.15 Charge of Forms:** The printed Forms in each Department will be under the general charge of an Assistant named for the purpose. Assistants will take the Forms as they require them, but the Assistant in charge will be responsible for bringing to the notice of the Registrar or Assistant Secretary any unusually large consumption of Forms, so that he may be in a position to stop any improper use of them.
- 19.16 New supplies of Forms:** New supplies should be obtained from the Press under the orders of the Registrar, or the Assistant Secretary, and the Assistant in charge will be responsible for informing the Registrar or the Assistant Secretary when the stock of any Form is running low.
- 19.17 Classification of Forms:** Printed Forms are of two classes:-
- 19.17.1** Standard Forms for use in all Departments of the Secretariat.
  - 19.17.2** Departmental Forms which are in use only in one or two Departments.

- 19.18 Addition to standard Forms:** No additions will be made to the standard Forms without the consent of all Departments. The Superintendent, Government Printing, is responsible for bringing to the notice of the Department of Industry, Commerce and Enterprises any orders for the printing of new Forms which are merely departmental variations of the standard Forms.
- 19.19 Procedure for introduction of New Forms:** No new departmental Form may be printed without the sanction of the Department concerned. Forms not in frequent use will not be printed. When a new Form is proposed, it will be considered whether it would not be useful for all Departments of the Secretariat. In such cases the proposed Form will be circulated, and if all Departments agree it will be placed in the lists of standard Forms.
- 19.20 Office Furniture:** The furniture in each Department of the Secretariat will be under the general charge of a particular Assistant who will be selected for the purpose. No furniture will be taken out of the Department without the permission in writing of the Registrar or the Assistant Secretary.
- 19.21 Stock Book of Office Furniture:** A stock book will be maintained by this Assistant. All supplies will be entered therein upon their receipt, and all furniture taken out for use outside the Department or for sale will be noted therein at the time of its removal or disposal. In respect of the chamber of Minister or the Secretary, Special Secretary, Joint Secretary etc., the stock of furniture will be maintained by the Personal Secretary.
- 19.22 Verification of stock:** The stock will be verified by the Assistant in charge in December each year. The Registrar or the Assistant Secretary will have the stock checked in the first week of the following January and will note in the stock book that he has done so.
- 19.23 Conveyance Hire:** Conveyance hire will be admissible to all non-gazetted officers without restriction of grade. When a staff is despatched on duty to a place at some distance from his office or is summoned to his office by an officer outside the ordinary hours of duty, the expenditure involved may be paid by Government and charged to office expenses, provided-
- 19.23.1** that the head of the office certifies that the expenditure actually incurred was unavoidable and is within the scheduled scale of charges for the conveyance used, and
- 19.23.2** that the Government servant concerned is not entitled to draw travelling allowance under the ordinary rules for the journey, and that he is not granted any compensatory leave and does not and will not otherwise receive any special remuneration for the performance of the duty which necessitated the journey.
- 19.24 Authority to pass orders:** Orders that conveyance hire will be given by Government will be passed by the officer of the highest grade from the Assistant Secretary downwards present in office at the time the officer is summoned. All bills for conveyance hire will be passed by the Assistant Secretary or Registrar or, in the case of the Legislative and Judicial Departments, the Deputy Secretary, who is required to scrutinise the circumstances under which the hire was given in each case.

- 19.25 Rate of Conveyance hire:** Ordinarily fare of Bus or Mini bus will be paid.
- 19.26 Payment of Conveyance Hire at higher rate in special case:** The above directions are not intended to cover the case in which a staff is given a particular message to take to a particular place at once, and is directed to proceed there by hired conveyance. The cost will then be paid under the orders of the officer authorized to despatch the staff.

## **APPENDIX – 1**

### **Guidelines on procedure for preparing a Cabinet Memorandum**

**Government of West Bengal  
Cabinet Secretariat  
Nabanna  
325, Sarat Chatterjee Road  
Howrah - 711 102**

**No. 19-Cab. Sectt./ Cab.Procedure-01/11**

**Dated, the 31st March, 2017**

#### **Memorandum**

The guidelines on procedure for preparing a Cabinet Memo., as detailed under chapter XIII of the Secretariat Manual, has undergone several modifications from time to time suggesting insertion of some necessary as well as important points. The objective of the instant circular is also to bring another significant modification, as noted at paras- 3(a) and 3(b) below, in the existing guidelines.

To ensure that multiple circulars on the issue do not create any confusion, the salient points of all previous circulars are compiled herein under along with the current modification, in supersession of all previous circulars.

- 1.** The essential features of the procedure that must be followed for preparing a Cabinet Memo are reiterated in the following paragraphs :-
  - i)** The subject matter of the case should be explained precisely and clearly. Relevant details and the background / context in which the case has been brought up should be indicated. Adequate justification for the proposal should be furnished.
  - ii)** If the case relates to enactment of a legislation, promulgation of an ordinance or amendment of an existing legislation, salient features of the proposed legislation or ordinance or amendment, as the case may be, should be explained in the Cabinet Memo. In such cases, the draft legislation / ordinance / amendment must be got vetted by the Law Department.
  - iii)** All other departments of Government which may be administratively affected by the proposals should be consulted.
  - iv)** To the extent the views of the departments so consulted are acceptable to the administrative department, the proposal will have to be modified. Where a modification suggested by an administrative department is not accepted, the reasons for non- acceptance will have to be clearly mentioned.
  - v)** Where the case involves a question of law, Law Department/ Legal Remembrancer will have to be consulted. The views of Law Department / Legal Remembrancer will have to be quoted verbatim.
  - vi)** Where consultation with the Finance Department is necessary in terms of rule 10 (1) of the Rules of Business, that department must be consulted and views of

the department will have to be obtained in writing and quoted verbatim in the Cabinet Memo.

- vii) When any case relates to a proposal coming within the purview of rule 10 (2) of the Rules of Business, that is to say, where the Finance Department has not concurred with the administrative department, as well as in cases where the Finance Department has accorded concurrence with some conditions, the observations of the Finance Department will have to be quoted verbatim in the Cabinet Memorandum prepared by the administrative department.
2. An illustration of the heading under which the Cabinet Memorandum should be drawn up is given below. The headings are suggestive:
- i) **Subject** for discussion ;
  - ii) **Salient facts of the case**, and the department's proposals with justification indicating the financial implications of both recurring and non-recurring nature along with also the manner of meeting the related expenditure ;
  - iii) **Views of other departments**, if any (to be quoted verbatim) and the administrative department's comments thereon, if any ;
  - iv) **Views of the Finance Department**, wherever this department is required to be consulted (to be quoted verbatim) and the administrative department's comments thereon;
  - v) Proposal: **The administrative department shall explicitly propose, in an exclusive paragraph, the points on which approval of the Cabinet is sought.**
  - vi) **A time schedule for implementation of the policy/ programme/ scheme** seeking approval of the Cabinet, must be mentioned in a separate paragraph as a part of the Cabinet Memo.; and upon approval by the Cabinet the administrative department will have to send a periodic report on progress of implementation to the Chief Secretary. The Periodicity may be determined by the administrative department and indicated in the Cabinet Memo. An illustrative example as regards implementation schedule is enclosed.
  - vii) **A draft Press note** summarizing the decision sought.
3. **For taking any proposal to the Cabinet, the administrative department will have to obtain the orders of the Chief Minister after completing the due processes of examination and consultation.**
- a) In the cases of Cabinet discussion the existing practice of mentioning in the Cabinet Memo. that prior approval / consent of the Chief Minister for placing the matter before the Cabinet has been obtained, should be discontinued from now on.
  - b) The Cabinet Memo. in respect of the Cases for Cabinet Mention, should invariably mention in the last but one paragraph that the approval/ consent of the Chief Minister has been obtained for their being placed before the Cabinet as a Mention Case.
4. 65 (sixty five) copies in both English and Bengali version together with 2(two) sets in original (ink-signed), being stapled with English version atop the Bengali version, of

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the Cabinet Memoranda should be sent to the Cabinet Secretariat so as to reach the Secretariat at least three days before the meeting of the Cabinet in which it is desired that the subject be taken up.

5. When any matter in respect of which decision has been taken with the approval of the Chief Minister with the direction to mention the same in the Cabinet, is brought up in a meeting of the Cabinet as a Mention Case, the procedure laid down hereinbefore shall be followed with necessary changes.
6. The Additional Chief Secretaries / Principal Secretaries / Secretaries in charge of respective departments will ensure that the instructions contained in this memorandum are properly followed. Cabinet Memo.s without following the instructions as aforesaid will not be accepted for placing before the Cabinet.

**By order of the Governor**

**Sd/-  
Basudeb Banerjee  
Chief Secretary & Cabinet Secretary**

**Enclosure to Memo. No.19-Cab. Sectt./Cab. Procedure-01/2011 dated 31.03.2017****Model 1 : Relating to a Bill.**

(Serial No. of the paragraph) : 'Implementation Schedule':

- a) After approval of the proposed Bill by the Cabinet it would be placed before the Legislative Assembly within \_\_\_\_\_ days/month.
- b) After the passage of the Bill in the Assembly and assent of the Governor, the Act would be notified in the Gazette by \_\_\_\_\_ days/month
- c) Publication of the Rule in the Official Gazette and enforcement notification would be done by \_\_\_\_\_ days/month.
- d) A report on progress of implementation will be sent to the Chief Secretary in every \_\_\_\_\_ months.

**Model 2 : Relating to creation and filling up of posts.**

(Serial No. of the paragraph) : 'Implementation Schedule':

(In cases where recruitment rule has already been framed.)

- a) The vacancy would be notified to PSC/SSC within \_\_\_\_\_ days/months.

(In cases where recruitment rule has not been framed yet.)

- a) The recruitment rules would be framed and placed before the Cabinet for approval within \_\_\_\_\_ months.
- b) The recruitment rules would be published in official Gazette within \_\_\_\_\_ months.
- c) The vacancy would be notified to PSC/SSC within \_\_\_\_\_ months.
- d) A report on progress of implementation will be sent to the Chief Secretary in every \_\_\_\_\_ months.

**Model 3 : Relating to a development scheme.**

(Serial No. of the paragraph) : 'Implementation Schedule':

- a) A detailed guideline containing salient features of the programme for its implementation, be issued by the Department within \_\_\_\_\_ days/months after approval by the Cabinet.
- b) Identification of beneficiaries by the implementing agencies and placement of fund for the purpose, be done by \_\_\_\_\_ months, and \_\_\_\_\_ months respectively after approval by the Cabinet.
- c) Review on progress of implementation be made within \_\_\_\_\_ months after approval by the Cabinet.

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## **APPENDIX – 2**

### **Guidelines on Public Grievance and Assistance Office**

#### **ANNEXURE- A**

##### **Part- I**

The guidelines hereunder may be followed for opening of a **Public Grievance & Assistance Office** in each Department, Undertaking, Field Office, and in other offices of the State Government.

**G.O. 1838 (150)- PAR (AR) dt 23.12.1998 deals with setting up of Public Grievance and Assistance Offices.**

#### **Complaints/ Suggestions/ Petitions**

1. A PUBLIC GRIEVANCE & ASSISTANCE OFFICE shall be set up and manned by two officials and a Complaint Box and a Suggestion Box shall be kept prominently displayed here. Every morning the Information Officers manning this office shall open these boxes and record the substance of the papers found therein in the Registers maintained for this purpose.
2. A GRIEVANCE REGISTER shall be maintained to record :
  - (a) Serial number of the complaint/ petitions;
  - (b) The date & time of receiving the complaint/ petitions;
  - (c) The full name and address of the complainant/ petitioner;
  - (d) The subject of the grievance in brief;
  - (e) The date and time of issue of acknowledgement and its manner (whether handed over or sent under certificate of posting);
  - (f) Action taken on the Complaint/ petition.
3. A separate register shall be maintained to record matters referred by MLAs, MPs and Sabhadhipatis of Zilla Parishads.
4. A Suggestions Register shall be maintained in similar form to record innovative and workable suggestions for improving the quality of public service, ensure involvement of employees at all levels and make Government's functioning more accessible and friendly to the public. The areas in which suggestions are particularly welcome are: bringing about savings in expenditure, reducing time taken in providing services by procedural improvements, reduced commuting, less paper work etc.
5. Whenever any letter, petition, complaint, grievance or suggestion is received from any member of the public, this must be acknowledged immediately. This will be facilitated if the **PGAO** is computerised so that a printed acknowledgement can **immediately** be

handed over to the complainant in person. If a complaint is received by post, a written acknowledgement must be mailed to the complainant keeping a note regarding this in the Grievance Register. The **PGAO** shall have pre-printed forms available for this. As a rule, there shall be an inquiry into the petition, complaint or grievance by gathering information by the directorate or the district administration concerned even where the complaints are anonymous or pseudonymous, unless they are so vague or general in nature that they cannot be acted upon.

6. The inquiring Officer shall not be one against whom the complaint itself is directed or against whom the complainant has brought a charge of bias and/ or inaction or inordinate delay.
7. Whenever practicable, a final reply, embodying the result of enquiry, shall be sent to the complainant.
8. Where the complaint or allegation is not of a serious or complicated nature, or when the complaint or grievance relates to work in the very office to which the petition or complaint is addressed, every effort shall be made to send the reply **within 2 (two) weeks** of the date of receipt of the complaint.
9. Whenever a petition or complaint is addressed by a representative body or office, it is desirable that a reply should go to the representative body or office **within 6 (six) weeks**.
10. The reply given to the complainant/petitioner should contain only the findings of the inquiry and not any reasoned arguments forming the basis of such findings. The reply should be so framed as not to invite litigation.
11. **Grievance Columns**

A number of newspapers and T.V. channels run a Grievances section, or a Letters to the Editor section, in which they publish grievances, petitions and suggestions received from the members of the public on matters arising from their interaction with various Government agencies. Head of Departments, Directorates, Undertakings, Field Offices and others take note of such grievances and suggestions for attending to them. However, it is necessary to assess the effectiveness of these measures and to take further steps to establish an institutional mechanism for attending to public grievances publicised through newspapers. All Departments, Directorates, Undertakings, Field Offices and others may take the following steps;

- (i) The Grievances Column and the Letters to the Editor section of the newspapers should be regularly examined by each Department, agency of Government and for cases concerning them.
- (ii) Prompt action should be taken for attending to these grievances on a time bound basis and for considering innovative and workable suggestions.
- (iii) The complainant/petitioner should be promptly informed of the remedial action taken, where redressal is possible, within a month's time. Where redressal is likely to take longer time, an interim reply should be sent to the complainant explaining the steps taken and indicating that further action is being taken as required. Care must be taken to ensure that no complaint or petition or useful suggestion is lost sight of without being attended to.

- (iv) For scrutinising the newspapers and T.V. channels the services of DICO or SDICO may be gainfully utilised at District and Sub-divisional headquarters (the I & CA Department will advise their Officers accordingly in Kolkata).
  - (v) A quarterly review of grievances received through the newspapers and action taken for their redressal shall be made by the head of each office. Such a course of action will go a long way towards establishing public confidence in the effectiveness of the grievance redressal machinery of the Government.
- 12.** The Public Grievance & Assistance Office [PGAO] at all levels shall be responsible for designing and implementing an MIS aimed at disposal of petitions within a stipulated timeframe. A report shall be put up to the Grievance & Assistance Officer every Monday by the concerned PGAO in the following format:
- (a) No. of petitions pending at the end of previous week.
  - (b) No. of petitions received during the week.
  - (c) Total of (a) and (b)
  - (d) No. of petitions disposed during the week.
  - (e) No. of petitions pending. [ (c) - (b) ]
  - (f) No. of petitions pending for more than 8 weeks and reason thereof.
- 13.** A similar monthly statement shall be prepared and submitted to the Divisional Commissioner by the District Magistrates and by each departmental field office to the head of the Directorate, who shall pay specific attention to the petitions pending for more than 6 weeks.
- 14.** Cases where action is taken against officers or staff as a result of the findings of the Director of Grievances shall immediately be reported to the appropriate authority.
- 15.** The PGAO shall be computerised gradually for easy accessibility of data and for proper monitoring. The existing NIC software already in use may be used with suitable modifications.
- 16.** Supervisory officers and staff shall pay particular attention to ensure that all correspondence with the public is done in the official language, Bengali or Nepali as the case may be. If facilities like typewriters, translators, scanner, photocopier etc. for this purpose are not readily available, these should be brought into operation without delay. Heads of Departments shall ensure that adequate numbers of 'paribhasha' and such other publications for use of the official local language in official correspondence are readily available to the concerned officials in the Public Grievance and Assistance Offices. Where necessary, they may get these printed.

## PART-II

### 1. Meetingless Day

- (i) Every Wednesday of the week may be observed as Meetingless Day in all offices of the State Government. Three hours (10 A.M to 1 P.M) on this day shall be earmarked for Grievance Redressal when all officers of the level of Joint Secretary/ Joint Director and above will remain in their offices to receive and hear public grievances. No inter-departmental meetings should normally be scheduled on

Wednesday. However, meetings which cannot be postponed may be fixed on Wednesday after 1 P.M.

- (ii) These instructions will be invariably observed except in cases where State Legislative Assembly business or Court work requires an Officer to be away from his office on Wednesday between 10 A.M and 1 P.M or in cases where urgent internal meetings cannot be delayed. In case an Officer is required to be away from his office inevitably during these hours, he shall set apart three hours at any other time on Wednesday. The Secretary of the Department or the head of the concerned office, as the case may be, shall be apprised of the change in the schedule as soon as possible. Such changed timings shall be displayed prominently at the Public Grievance & Assistance Office for the information of the public.
- (iii) For field offices, the second half each Wednesday shall be used by District and Sub-divisional level Officers to inspect sub-ordinate offices, ongoing schemes and projects and for undertaking tours to look into public grievances. Such tours can be combined with public hearings where the sub-ordinate officers can be asked to remain present. In addition, quasi-judicial work can also be conducted in the camp- courts on tour, thereby enhancing the purposeful accessibility of decision-making functionaries.

## **2. Integration of grievance redressal system into the decision making process**

- (i) Officials in each office at each level should deal with every matter in a fair, objective, just and courteous manner. They shall pay proper attention to cases brought or referred by elected functionaries. A separate register for such matters that are referred by MLAs, MPs and Sabhadhipatis of Zilla Parishads shall be maintained and regularly scrutinised by the supervisory officers to ensure that they are promptly attended to.
- (ii) The meetingless day has been prescribed to enable each officer to function as a grievance redressal agent.
- (iii) Grievances can be classified into two categories:
  - (a) Individual grievances arising out of the delay in decisions or faulty implementation of any policy; and
  - (b) Systemic grievances arising out of the policy itself requiring modification of the policy.

A careful analysis and appreciation of the grievances should, therefore, not only lead to identifying problem areas but also enable integration of the redressal of the grievances into the process of decision-making and policy formulation.

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**ANNEXURE - B****I. Job chart of the Director of Grievances**

1. Responsible to: Secretary of the Department/ Head of the office.

**2. Main activities:**

- (i) **Decisions:** He shall take decisions on grievances /petitions pending for more than three months. Aggrieved parties dissatisfied with the redressal made available at lower levels can approach the Director of Grievances. The Director of Grievances is empowered to call for all files and papers that he may feel necessary for arriving at a decision. He shall take the decision in such matters after consulting and obtaining the approval of the head of the office or the Secretary of the Department, as the case may be, to whom he is responsible.
- (ii) **MIS:** He shall set up a Management Information System and evolve procedures required for monitoring the redressal of public grievances in that Office/ Department. Through this MIS he should be able to generate meaningful data over a period of time, such as recurring patterns of complaints in the Office/ Department.
- (iii) **Evaluation:** On the basis of the data collected through the MIS, the Director shall identify areas of recurring grievances, analyse underlying causes and suggest commissioning appropriate corrections, including review of procedures and policies which emerge as the source of grievances. He shall regularly inspect the grievance machinery in subordinate offices and undertake random sampling of cases to ascertain the quality of disposal of grievances. In cases where culpable conduct on part of public servants comes to light, he shall immediately place the matter before the head of the Office/Department who shall forthwith initiate appropriate action in terms of the CCA Rules etc.
- (iv) **Annual Report:** He shall submit to the head of the Office/Department an annual report highlighting the responsiveness and accountability achieved at different levels of the Office/Department.

**II. Powers and Duties of Director of Grievances:**

- (A) The Director of Grievances shall be actively involved in the process of dealing with grievances. Each Department, Directorate, Undertaking, etc. may formulate a detailed job chart for the Director of Grievances based upon Annex-B.
- (B) The Secretary of the Department and the head of the concerned office shall ensure that a leave-substitute is invariably provided in case the Director of Grievances is absent.
- (C) The Director of Grievances is empowered to call for files and papers connected with grievances pending for more than three months and to take a decision regarding them with the approval of the Secretary of the Department or head of the office. He may also communicate the final decision to the aggrieved party.

**III. Staffing and control**

- (i) The Director of Grievances shall be provided by the head of the office with staff carefully selected out of the existing staff strength through re-deployment. No new posts shall be created for setting up the Grievances Cell in any Department, Directorate, Undertaking, Field Office, and others.
- (ii) The Director of Grievances shall report direct to the Secretary of the Department or to the head of the concerned office, as the case may be.
- (iii) The performance of the Director of Grievances shall be specifically recorded by the head of the office, giving statistics of the number of grievances/petitions dealt with and resolved. This may be commented upon by the Secretary of the Department while writing the Annual Confidential Report and can form an important criterion in considering the officer for promotion. Further, performance of all officials dealing with complaints/petitions, requests for assistance, suggestions from members of the public may form an important criterion in considering them for promotion and may be included while recording the ACR of each such official. Officials who are negligent in dealing with public complaints and requests for assistance and suggestions may be proceeded against under the CCA Rules by the competent authorities. This will apply mutatis mutandis in the case of supervisory ranks and other recorded in his Service Book by the Secretary of the Department annually, or, where the Officer is transferred out, before he hands over charge of the post.
- (iv) Wherever the Director of Grievances brings to light culpable acts of commission or omission on part of employees of the Office or the Department, the head of the Office/Secretary of the Department may initiate action immediately under the Classification, Conduct and Appeal Rules etc. All such cases shall be reported immediately to the undersigned.

**Sd /-**  
**M. Gupta**  
**Chief Secretary**

**ANNEXURE – C****Proforma for evaluating the Grievance Redressal & Assistance Machinery in an office  
(for use of the Secretary of the Department in the bi-annual inspection)**

- (A) A brief note on the existing grievance redressal machinery describing the procedure for processing of grievances received from public, giving details of the officials and sections responsible for dealing with the complaints.
- (B) The extent to which the local language is being used in dealing with complaints, petitions and requests for assistance etc.
- (C) The system to monitoring the progress of grievance redressal. Details of the register maintained to be given, and of maintenance of separate register for matters referred by MLAs, MPs and sabhadhipatis of zilla parishads.
- (D) Which areas of processing relating to public dealings have been computerised?
- (E) Are public grievances being dealt with through computerised facilities? If not, what plan has been made to computerise the system?
- (F) Total number of public grievances over the last 12 months.
- (G) Number of public grievances disposed of indicating the nature of the disposal [whether resolved or not].
- (H) Number of public grievances carried forward, indicating the period for which they are pending and the deadline for disposal.
- (I) Number of cases of disciplinary proceedings initiated on account of negligence in dealing with requests for assistance and grievances received from the public.
- (J) Suggestions for improving the system of responding to requests and complaints from members of the public and of considering suggestions received from them for improving the functioning of the offices.
- (K) Perception of the Secretary of the Department regarding public complaints/ petitions received during the period under review with particular emphasis on the chronic areas where more complaints are found or assistance is asked for, the quality of officers and staff dealing with areas where there is greater interface with members of the public.
- (L) Whether any policy or procedural changes necessary for removing the causes giving rise to public grievances and what action is proposed to be taken for bringing this about.

**ANNEXURE – D****Quarterly Progress Report on Public Grievances & Assistance****Name of the Department/****Directorate/****Undertaking/****Division/****Government Office**

1. No. of petitions pending at beginning of the quarter
2. No. of petitions received during the quarter pertaining to:
  - (i) Procedural delay
  - (ii) Unresponsive behaviour of staff
  - (iii) Others (specify in brief)
  - (iv) Total
3. No. of petitions disposed of :
  - (v) In favour of complainant
  - (vi) Rejected (specify the reasons for rejection)
  - (vii) Total
4. No. of petitions outstanding at the end of the quarter (with reasons)
  - (viii) No. of petitions Pending of less than 3 months
  - (ix) No. of petitions Pending for more than 3 months but less than 6 months
  - (x) No. of petitions Pending for more than 6 months but less than 12 months
  - (xi) No. of petitions Pending for more than a year
  - (xii) Total

**Reasons for pendency :**

5. No. of suggestions received and action taken thereon (with a brief note of the action).



## **APPENDIX – 3**

### **Monitoring of Programme Implementation & Grievance Cell**

No. 40-CS/ 2019

Dated: 6<sup>th</sup> August, 2019

- To:** 1. The Additional Chief Secretary/ Principal Secretary/ Secretary  
\_\_\_\_\_ Department, Government of West Bengal  
2. District Magistrate (All) District

**Sir/ Madam,**

As you are aware the State Government has set up a Monitoring of Programme Implementation & Grievance Cell at the Chief Minister's Office for effective monitoring of different schemes and programs implemented by the different Departments of the State Government as well as to redress public grievances received from all corners of the State.

Apart from Monitoring of flagship programs as desired by Hon'ble Chief Minister, this Cell at CMO refers public grievances to the concerned Departments, District Magistrates, Commissioners of Police and SPs with the request for speedy redressal and report action taken within 7 days.

Public response to this initiative announced by Hon'ble Chief Minister during last State Administrative Review meeting on 10<sup>th</sup> June 2019 is very encouraging and a large number of grievances are being received by the Cell every day. These are being addressed to the Departments and Districts expeditiously for redressal. As instructed by Hon'ble Chief Minister, all such grievances must be accorded utmost priority by all Departments and Directorates and field offices at all levels and replies on action taken should be communicated electronically to the CMO Cell at the earliest.

You are thus requested to personally review the status on references sent to your Department/ District and update replies against all pending email references within timeline of 7 days.

Further, action taken reports as submitted to CMO must be specific and concise; addressing the issues raised in the grievance and should be conclusive. All ATRs should be sent on electronic mode only. No physical hard copies should be sent. Replies should come to the sender email from the official email to which the grievance was originally forwarded.

Please note that Department and District wise progress and status on disposal of public grievances will be periodically reviewed.

All concerned may be directed suitably.

Yours faithfully,  
Sd/- M. K. De  
Chief Secretary

## **APPENDIX – 4**

### **Official dealings between the Administration and Members of Parliament and State Legislatures**

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No. 11013/2/2000-Estt. (A)  
**GOVERNMENT OF INDIA**  
**MINISTRY OF PERSONNEL, PUBLIC**  
**GRIEVANCES AND PENSIONS**  
**(Department of Personnel & Training)**

**New Delhi; dated the 23rd May, 2000**

#### **OFFICE MEMORANDUM**

**SUBJECT:** *Official dealings between the Administration and Members of Parliament and State Legislatures-Observance of proper Procedure-Reiteration of instructions regarding.*

The undersigned is directed to say that the broad guidelines to govern the official dealings between the Administration and Members of Parliament and State Legislatures were issued vide Personnel & A.R. O.M. No. 25/19/64-Estt. (A) dated 8th November, 1974. Although these guidelines were reiterated from time to time vide Department of Personnel & Training O.Ms. dated 21-12-92 and 29-10-96 yet there are instances where the laid down procedure and protocol has not been observed properly. The Parliamentary Committee during the course of meeting on demands for grants of Ministry of Home Affairs raised a point that there is a need to issue fresh instructions in the matter as the earlier instructions are not available in most of operative offices. The Committee also observed that letters are not replied in some cases by the person who has been addressed by Member of Parliament/Members of Legislative Assembly.

2. As the Members of Parliament and State Legislatures occupy, in our democratic set up, a very important place as accredited representatives of people, they have important functions to perform under the Constitution and they find it necessary to seek information from the Ministries/Departments of the Govt. of India or the State Governments, or make suggestions for their consideration or ask for interviews with the officers in connection with their Parliamentary and allied duties. In this connection, certain well recognised principles and conventions to govern the relations between Members of Parliament and of State Legislatures and Government servants have already been established. The existing instructions emphasise that it should be endeavour of every officer to help Members of Parliament and State Legislatures to the extent possible in the discharge of their functions under the Constitution. The basic principles to be borne in mind by the Govt. servants while interacting with the Members of Parliament and State Legislatures are that:-
  - (i) The Government servants should show courtesy and consideration to Members of Parliament and State Legislatures; and
  - (ii) that while they should consider carefully or listen patiently to what the Members of Parliament and of the State Legislatures may have to say, they should always act according to their own best judgement.

- (iii) Any deviation from an appointment made with a Member must be promptly explained to him to avoid any possible inconvenience. Fresh appointment should be fixed in consultation with him.
  - (iv) An officer should be meticulously correct and courteous and rise to receive and see off a Member visiting him.
  - (v) Members of Parliament/State Legislatures of the area are to be invariably invited to public function organised by a Govt. office. Proper and comfortable seating arrangements at public functions should be made for Members who appear above officers of the rank of Secretaries to Government of India in Warrant of Precedence.
  - (vi) Letters from Members of Parliament and Members of State Legislatures must be promptly acknowledged, and a reply sent at an appropriate level expeditiously. Relevant provisions of the Manual of Office Procedure should be observed in this regard.
  - (vii) Information or statistics relating to matter of local importance must be furnished to M.Ps and M.L.As when asked for. If request is to be refused, instructions from higher authority should be taken.
  - (viii) A Government servant should not approach MPs/MLAs for sponsoring his individual case; and
  - (ix) References from Committees of Parliament must be attended to promptly. A senior officer at the level of Joint Secretary or equivalent should be charged with the responsibility for ensuring this.
  - (x) The officers should not ignore telephonic messages left for them by the Members of Parliament/State Legislatures in their absence and should try to contact at the earliest the concerned Member of Parliament/State Legislature.
3. All Ministries/Departments are requested to ensure that the above basic principles and instructions are followed by all concerned in letter and spirit. It may also be impressed on all concerned that violation of the laid down guidelines will be viewed seriously.

Sd/- SMT. S. BANDOPADHYAY  
Director

To

All Ministries/Departments of Govt. of India

Copy to:-

- (i) C&AG of India.
- (ii) UPSC/SSC/LBSNANISTM/CVC/CBDT.
- (iii) Chief Secretaries of all State Governments and U.T. Admn.
- (iv) Lok Sabha Secretariat/Rajya Sabha Secretariat.

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Sd/- SMT. S. BANDOPADHYAY  
Director

