

## **Government Of India (Transaction Of Business) Rules, 1961**

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## **Government Of India (Transaction Of Business) Rules, 1961**

In exercise of the powers conferred by clause (3) of article 77 of the Constitution and in supersession of all previous rules and orders on the subject, the President hereby makes the following rules for the more convenient transaction of the business of the Government of India: -

### **1. Short Title :-**

These rules may be called the Government of India (Transaction of Business) Rules, 1961.

### **2. Definition :-**

In these rules, "department" means any of the Ministries, Departments, Secretariats and Offices specified in the First Schedule to the Government of India (Allocation of Business) Rules, 1961.

### **3. Disposal of Business by Ministries :-**

Subject to the provisions of these Rules in regard to consultation with other departments and submission of cases to the Prime Minister, the Cabinet and its Committees and the President, all

business allotted to a department under the Government of India (Allocation of Business) Rules, 1961, shall be disposed of by, or under the general or special directions of, the Minister-in-charge.

#### **4. Inter-Departmental Consultations :-**

(1) When the subject of a case concerns more than one department, no decision be taken or order issued until all such departments have concurred, or, failing such concurrence, a decision thereon has been taken by or under the authority of the Cabinet. Explanation- Every case in which a decision, if taken in one Department, is likely to affect the transaction of business allotted to another department, shall be deemed to be a case the subject of which concerns more than one department.

(2) Unless the case is fully covered by powers to sanction expenditure or to appropriate or re-appropriate funds, conferred by any general or special orders made by the Ministry of Finance, no department shall, without the previous concurrence of the Ministry of Finance, issue any orders which may-

(a) involve any abandonment of revenue or involve any expenditure for which no provision has been made in the appropriation act;

(b) involve any grant of land or assignment of revenue or concession, grant, lease or licence of mineral or forest rights or a right to water power or any easement or privilege in respect of such concession;

(c) relate to the number or grade of posts, or to the strength of a service, or to the pay or allowances of Government servants or to any other conditions of their service having financial implications; or

(d) otherwise have a financial bearing whether involving expenditure or not;

Provided that no orders of the nature specified in clause (c) shall be issued in respect of the Ministry of Finance without the previous concurrence of the Department of Personnel and Training.

(3) The Ministry of Law shall be consulted on-

(a) proposals for legislation;

(b) the making of rules and orders of a general character in the exercise of a statutory power conferred on the Government; and

(c) the preparation of important contracts to be entered into by the Government.

(4) Unless the case is fully covered by a decision or advice

previously given by the Department of Personnel and Training that Department shall be consulted on all matters involving-

(a) the determination of the methods of recruitment and conditions of service of general application to Government servants in civil employment; and

(b) the interpretation of the existing orders of general application relating to such recruitment or conditions of service.

(5) Unless the case is fully covered by the instructions issued or advice given by that Ministry, the Ministry of External Affairs shall be consulted on all matters affecting India's external relations.

## **5. Requests for Papers :-**

(1) The Prime Minister may call for papers from any Department.

(2) The Finance Minister may call for papers from any Department in which financial consideration is involved.

(3) Any Minister may ask to see papers in any other Department if they are related to or required for the consideration of any case before him.

## **6. Committees of the Cabinet :-**

(1) There shall be Standing Committees of the Cabinet as set out in the First Schedule to these Rules with the functions specified therein. The Prime Minister may from time to time amend the Schedule by adding to or reducing the numbers of such Committees or by modifying the functions assigned to them.

(2) Each Standing Committee shall consist of such Ministers as the Prime Minister may from time to time specify.

(3) Subject to the provisions of rule 7, each Standing Committee shall have the power to consider and take decisions on matters referred to it by order of the Minister concerned or by the Cabinet.

(4) Ad hoc Committees of Ministers including Group of Ministers may be appointed by the Cabinet, the Standing Committees of the Cabinet or by the Prime Minister for investigating and reporting to the Cabinet on such matters as may be specified, and, if so authorised by the Cabinet, Standing Committees of the Cabinet or the Prime Minister, for taking decisions on such matters.

(5) To the extent, there is a commonality between the cases enumerated in the Second Schedule and the cases set out in the First Schedule, the Standing Committees of the Cabinet, shall be competent to take a final decision in the matter except in cases where the relevant entries in the First Schedule or the Second

Schedule, preclude the Committees from taking such decisions.

(6) Any decision taken by a Standing or Ad hoc Committee may be reviewed by the Cabinet.

(7) No case which concerns more than one Department shall be brought before a Standing or Ad hoc Committee of the Cabinet until all the Departments concerned have been consulted.

## **7. Submission of Cases to the Cabinet :-**

(i) all cases specified in the Second Schedule to these Rules except cases covered by sub-rule(5) of rule 6, shall be brought before the Cabinet :

Provided that no case which concerns more than one Department shall, save in cases of urgency, be brought before the Cabinet until all the Departments concerned have been consulted.

Provided further that no case which falls under entry (h) of the Second Schedule and where specific powers have been delegated to Ministries/ Departments or Public Sector Undertakings under a decision of the Cabinet or a Standing Committee of the Cabinet and duly notified by the concerned Department, shall be brought before the Cabinet .

Provided also that cases pertaining to the implementation of the nuclear doctrine and handling/deployment of the strategic assets, including matters relating to staffing and creation of the assets, shall be brought before the Political Council of the Nuclear Command Authority, headed by the Prime Minister.

(ii) The Prime Minister may from time to time amend the Second Schedule by adding to or reducing the number or class of cases required to be placed before the Cabinet.

## **8. Submission of Cases to the Prime Minister and the President :-**

All cases of the nature specified in the Third Schedule to these Rules shall, before the issue of orders thereon, be submitted to the Prime Minister or to the President or to the Prime Minister and the President, as indicated in that Schedule.

## **9. Submission of Periodical Returns to the Cabinet :-**

Each department shall submit to the Cabinet a monthly summary of its principal activities and such other periodical returns as the Cabinet or the Prime Minister may from time to time require.

## **10. Submission of Certain Papers to the President :-**

The periodical reports and other papers specified in the Fourth Schedule to these Rules shall be submitted to the President for information as early as possible.

## **11. Responsibility of Departmental Secretaries :-**

In each department, the Secretary (which term includes the Special Secretary or Additional Secretary or Joint Secretary in independent charge) shall be the administrative head thereof, and shall be responsible for the proper transaction of business and the careful observance of these rules in that department.

## **12. Departure from Rules :-**

The Prime Minister may, in any case or classes of cases permit or condone a departure from these rules, to the extent he deems necessary