

Rules of Executive Business, (1957)

1957

GOVERNMENT OF BIHAR.

APPOINTMENT DEPARTMENT.

NOTIFICATIONS.

The 25th January 1952.

No. A-933.—In exercise of the power conferred by clause (2) of Article 166 of the Constitution of India, and in supersession of all previous rules made in this behalf, the Governor of Bihar is pleased to make the following rules :—

- (1) All orders or instruments made or executed by or on behalf of the Government of Bihar shall be expressed to be made or executed by or by order of the Governor of Bihar.
- (2) Save in cases where an officer has been specially empowered to sign an order or instrument of the Government of Bihar, every such order or instrument shall be signed by either a Secretary, a Joint Secretary, a Deputy Secretary, an Under-Secretary, an Assistant Secretary or a Budget Officer to the Government of Bihar and such signature shall be deemed to be the proper authentication of such orders or instruments.

Explanation.—In this rule the reference to a Secretary, a Joint Secretary, a Deputy Secretary, an Under-Secretary and an Assistant Secretary shall include respectively references to an Additional Secretary, an Additional Joint Secretary, an Additional Deputy Secretary, an Additional Under-Secretary and an Additional Assistant Secretary.

By order of the Governor of Bihar,

L. P. SINGH,

Chief Secretary to Government.

The 23rd September 1954.

No. I/MI-2029/54-A.—7927.—In exercise of the powers conferred by clause (2) of Article 166 of the Constitution of India and rule (2) of the Rules published with Appointment Department notification no. A-933, dated the 25th January 1952, the Governor of Bihar is pleased to empower the Development Commissioner and his Secretary to sign orders or instruments of the Government of Bihar and their signature shall be deemed to be the proper authentication of such orders or instruments.

By order of the Governor of Bihar,

L. P. SINGH,

Chief Secretary to Government.

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The 5th January 1956.

No. I/MI-10119/55(Pt.)-A.—122.—In exercise of the powers conferred by clause (2) of the Appointment Department notification no. A-933, dated the 25th January 1952, the Governor of Bihar is pleased to empower the Deputy Development Commissioner, Bihar also to sign orders or instruments of Government of the State of Bihar and his signature shall be the proper authentication of such orders or instruments.

By order of the Governor of Bihar,
V. BALASUBRAHMANYAN,
Deputy Secretary to Government.

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GOVERNMENT OF BIHAR.

APPOINTMENT DEPARTMENT.

ORDER.

The 25th January 1952.

No. A-934.—In exercise of the powers conferred by clause (3) of Article 166 of the Constitution of India, and in supersession of all previous rules made in this behalf, the Governor of Bihar is pleased to make the following rules, namely:—

RULES OF EXECUTIVE BUSINESS UNDER ARTICLE 166(3) OF THE CONSTITUTION OF INDIA.

1. These rules may be called the Rules of Executive Business, Bihar.
2. In these rules unless the context otherwise requires—
 - (a) "Article" means an article of the Constitution of India;
 - (b) "Council" means the Council of Ministers constituted under Article 163; and includes a Committee of the Council;
 - (c) "Schedule" means a Schedule appended to these rules.
3. The General Clauses Act, 1897, applies for the interpretation of these rules as it applies for the interpretation of a Central Act.

PART I.—ALLOCATION AND DISPOSAL OF BUSINESS.

4. The business of the Government shall be transacted in the departments specified in the First Schedule, and shall be classified and distributed between those departments as laid down therein.

5. (i) The Governor shall on the advice of the Chief Minister allot among the Ministers the business of the Government by assigning one or more departments to the charge of a Minister:

Provided that nothing in this rule shall prevent the assigning of one department to the charge of more than one Minister.

(ii) The existing allotment of business among Ministers is shown in the Second Schedule to these rules.

5A. (i) The Governor shall on the advice of the Chief Minister assign one or more departments to a Deputy Minister.

(ii) Subject to the provisions of these rules, a Deputy Minister shall dispose of such business of a department assigned to him under sub-rule (i) as may be specified by the Chief Minister or by the Minister Incharge of the department with the approval of the Chief Minister :

Provided that the assignment of any business under this rule shall be subject to such conditions, restrictions or exceptions as may be laid down by the Chief Minister or by the Minister Incharge with the approval of the Chief Minister.

6. Each department of the Secretariat shall, ordinarily, consist of a Secretary to the Government, who shall be the official head of that department, and of such other officers and servants as the State Government may determine :

Provided that—

- (a) more than one department may be placed in charge of the same Secretary;
- (b) the work of a department may be divided between two or more Secretaries; and
- (c) (i) an Additional Secretary shall discharge with respect to matters committed to his charge the functions of a Secretary;
- (ii) a Joint Secretary shall, if so authorised, discharge with respect to matters committed to his charge the functions of a Secretary.

7. The Council shall be collectively responsible for all advice tendered to the Governor and all executive orders issued in the name of the Governor in accordance with these rules, whether such advice is tendered or such orders are authorised by an individual Minister on a matter appertaining to his portfolio or as the result of discussion at a meeting of the Council, or howsoever otherwise.

8. Subject to the orders of the Chief Minister under rule 12, all cases referred to in the Third Schedule to these rules shall be brought before the Council in accordance with the provisions of the rules contained in Part II :

Provided that no case in regard to which the Finance Department is required to be consulted under rule 10 shall, save in exceptional circumstances under the direction of the Chief Minister, be discussed by the Council unless the Finance Minister has had an opportunity for its consideration.

9. Without prejudice to the provisions of rule 7, the Minister in charge of a department shall be primarily responsible for the disposal of the business appertaining to that department.

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10. (1) No department shall without previous consultation with the Finance Department authorise any orders (other than orders pursuant to any general or special delegation made by the Finance Department) which—

(a) either immediately or by their repercussion, will affect the finances of the State, or which, in particular,

(i) 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; or

(ii) in any way involve any relinquishment of revenue; or

(b) relate to the number or grading or cadre of posts or the emoluments or other conditions of service or posts.

(2) No proposal which requires previous consultation with the Finance Department under this rule, but in which the Finance Department has not concurred, may be proceeded with unless a decision to that effect has been taken by the Council.

(3) No re-appropriation shall be made by any department other than the Finance Department, except in accordance with such general or special delegation as the Finance Department may have made.

(4) Except to the extent that power may have been delegated to the departments under rules approved by the Finance Department, every order of an administrative department conveying a sanction to be enforced in audit shall be communicated to the audit authorities through the Finance Department.

(5) Nothing in these rules shall be construed as authorising any department, including the Finance Department, to make re-appropriations, from one grant specified in the Appropriation Act to another such grant.

10A. Notwithstanding anything contained in the above rules, the Development Commissioner and other officers subordinate to him may be vested with such powers and accorded such status as the State Government may, by resolution, direct.

PART II—PROCEDURE OF THE COUNCIL OF MINISTERS.

11. The Chief Secretary, or such other officer as the Chief Minister may appoint, shall be the Secretary to the Council.

12. All cases referred to in the Third Schedule shall be submitted to the Chief Minister through the Secretary to the Council after consideration by the Minister-in-charge, with a view to obtaining his orders for circulation of the case under rule 13 or for bringing it up for consideration at a meeting of the Council.

13. (1) The Chief Minister may direct that any case referred to in the Third Schedule may, instead of being brought up for discussion at a meeting of the Council, be circulated to the Ministers for opinion, and if the Ministers are unanimous and the Chief Minister thinks that a discussion at a meeting of the Council is unnecessary, the case shall be decided without such discussion. If the Ministers are not unanimous or if the Chief Minister thinks that a discussion at a meeting is necessary, the case shall be discussed at a meeting of the Council.

(2) If it is decided to circulate any case to the Ministers, copies of all papers relating to such case which are circulated among the Ministers shall simultaneously be sent to the Governor.

14. (1) In cases which are circulated for opinion under rule 13, the Chief Minister may direct, if the matter be urgent, that, if any Minister fails to communicate his opinion to the Secretary to the Council by a date to be specified by him in the memorandum for circulation, it shall be assumed that he has accepted the recommendations contained therein.

(2) If the Ministers have accepted the recommendations contained in the memorandum for circulation or the date by which they were required to communicate their opinion has expired, the Secretary to the Council shall submit the case to the Chief Minister. If the Chief Minister accepts the recommendations and if he has no observations to make, he shall return the case to the Secretary to the Council who will pass it on to the Secretary of the department concerned who will thereafter take steps to issue the necessary orders.

15. When it has been decided to bring a case before the Council, the department to which the case belongs shall, unless the Chief Minister otherwise directs, prepare a memorandum indicating with sufficient precision the salient facts of the case and the points for decision, stating, except in simple non-controversial cases, the main arguments for and against the particular course advocated, without overstressing the advantages or understressing the disadvantages to suit the view finally recommended.

If the subject matter also concerns a department or departments of the Secretariat other than that submitting the memorandum, it should be stated whether the department or departments concerned had agreed to action being taken on the lines indicated in the memorandum. If the department or departments had raised any objection, it should be stated clearly in the memorandum, and the memorandum shown to the department or departments concerned in draft. An objecting department may put up a supplementary memorandum, which shall be attached to the main memorandum.

In cases in which the State Public Service Commission had been consulted, a copy of the Commission's letter on the subject shall be attached to the memorandum.

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In cases dealing with appointments to services and posts, the memorandum should state fully the qualifications of each of the candidates whose names are mentioned in the memorandum or in the copy of the letter from the State Public Service Commission attached thereto.

If so directed by the Chief Minister any other papers and copies of notes and minutes shall form part of the memorandum.

Twenty-five copies of the memorandum shall be sent to the Secretary to the Council for circulation to the Ministers. A copy of the memorandum shall be sent to the Governor by the Secretary to the Council.

16. In cases which concern more than one Minister, the Ministers shall attempt by previous discussion to arrive at an agreement. If an agreement is reached, the memorandum referred to in rule 14 or 15 shall contain the joint recommendations of the Ministers; and if no agreement is reached, the memorandum shall state the points of difference and the recommendations of each of the Ministers concerned.

17. (1) The Council shall meet at such place and time as the Chief Minister may direct.

(2) After an agenda paper showing the cases to be discussed at a meeting of the Council has been approved by the Chief Minister, copies thereof, together with copies of such memoranda as have not been circulated under rule 15, shall be sent by the Secretary to the Council to the Chief Minister and other Ministers so as to reach them two clear days before the date of such meeting. The Chief Minister may, in the case of emergency, curtail the said period of two days. Copies of the agenda and the memoranda shall at the same time be sent to the Governor.

(3) Except with the permission of the Chief Minister no case shall be placed on the agenda of a meeting unless papers relating thereto have been circulated as required by rule 15.

(4) If any Minister is on tour, the agenda paper shall be forwarded to the Secretary in the department concerned who, if he considers that the discussion of any case should await the return of the Minister, may request the Secretary to the Council to take the orders of the Chief Minister for postponement of the discussion of the case until the return of the Minister.

(5) The Chief Minister or, in his absence, any other Minister nominated by him shall preside at a meeting of the Council.

(6) The Secretary of a department concerned with the case shall be available to be called upon to attend the meeting.

(7) The Secretary to the Council shall attend all meetings of the Council and shall prepare a record of the decisions taken in each case.

with the approval of the Minister who presided at the meeting. He shall then forward a copy of such record to each of the Ministers including the Chief Minister and to the Governor.

PART III—DEPARTMENTAL DISPOSAL OF BUSINESS.

18. Except as otherwise provided by any other rule, cases shall ordinarily be disposed of by or under the authority of the Minister in charge who may by means of standing orders give such directions as he thinks fit for the disposal of cases in the department. Copies of such standing orders shall be sent to the Governor and the Chief Minister.

19. Each Minister shall by means of standing orders arrange with the Secretary of the department concerned what matters or classes of matters are to be brought to his personal notice. Copies of such standing orders shall be sent to the Governor and the Chief Minister.

20. Except as otherwise provided in these rules cases shall be submitted by the Secretary in the department to which the case belongs to the Minister in charge.

21. Each department shall prepare weekly tables of cases disposed of by each gazetted officer and subject to such general or special orders as the Minister in charge may pass, submit them to the Minister through the Secretary before the expiration of the week following that in which the orders were issued. Tables of cases disposed of by Secretaries and Additional Secretaries shall be submitted to the Chief Minister after the Minister concerned has seen them. Weekly tables of cases, which have been disposed of by the Minister in charge, shall be submitted simultaneously to the Chief Minister and to the Governor.

22. When the subject of a case concerns more than one department, no order shall be issued nor shall the case be laid before the Council until it has been considered by all the departments concerned unless the case is one of extreme urgency in which case the orders of the Chief Minister shall be taken before the issue of orders.

23. If the departments concerned are not in agreement regarding the case dealt with under rule 22 the Minister in charge of the department may, if he wishes to proceed with the case, direct that the case be submitted to the Chief Minister for orders for laying the case before the Council.

24. (1) A Secretary may ask to see the papers in any department other than the Finance Department if such papers are required for the disposal of a case in his department.

(2) A Minister may send for any paper from any department for his information provided that if he is of opinion that any further action should be taken on it, he shall communicate his views confidentially to the Minister in charge of the department concerned and, in case of disagreement, may submit the case to the Chief Minister with a request

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that the matter be laid before the Council. No further notes shall be recorded in the case before the papers are so laid before the Council :

Provided that if the paper is of a secret nature, it shall be sent to the Minister only under the orders of the Minister in charge of the department to which it belongs :

Provided further that no paper under disposal shall be sent to any Minister until it has been seen by the Minister in charge of the department to which it belongs.

(3) (a) The Chief Secretary may, on the orders of the Chief Minister or of any Minister or of his own motion, ask to see papers relating to any case in any department and any such request by him shall be complied with by the Secretary of the department concerned.

(b) The Chief Secretary may, after examination of the case, submit it for the orders of the Minister in charge or of the Chief Minister through the Minister in charge.

25. If a question arises as to the department to which a case properly belongs, the matter shall be referred for the decision of the Chief Secretary who will, if necessary, obtain the orders of the Chief Minister.

26. All official communications received from the Government of India (including those from the Prime Minister and other Ministers of the Union), other than those of routine or unimportant character, shall, immediately on receipt, be submitted by the Secretary concerned to the Minister in charge. A copy shall be made out by the Secretary and circulated to all Ministers including the Chief Minister for perusal. A separate copy shall be submitted simultaneously to the Governor for perusal.

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

28. (a) The following cases shall be submitted to the Chief Minister through the Chief Secretary by the Secretary of the department concerned after consideration by the Minister in charge but before the issue of orders :—

- (i) Proposals for the grant of pardons, reprieves, respites or remissions of punishment or for the suspension, remission or commutation of a sentence in pursuance of Article 161.
- (ii) Cases raising questions of policy and cases of administrative importance not covered by the Third Schedule.
- (iii) Cases which affect or are likely to affect the peace and tranquillity of the State.

(iv) Cases which affect or are likely to affect the interests of scheduled castes, scheduled tribes and backward classes.

(v) Cases which affect the relations of the State Government with the Government of India, any other State Government, the Supreme Court or the High Court.

(vi) Constitution of any Advisory Board under Article 22(4)(a) for the detention of persons without trial.

(vii) Proposals which adversely affect the promotion of any officer of the State Service to a post above the time scale of the service to which he belongs, or which relate to his stoppage at an efficiency bar.

(viii) Proposal to communicate, modify or expunge of adverse remarks recorded in the character rolls of officers of the State Services.

(ix) Proposals to suspend either as a punishment or otherwise officers of State Services, or to impose on such officers the penalty of censure, withholding of increments or promotions, or of reduction in rank.

(x) Proposals for the provision of representation to the Anglo-Indian community (Article 333).

(xi) Any communication from the Election Commission, especially with reference to its requirements as to staffs and action proposed to be taken thereon.

(xii) Proposed rules affecting the pay, allowances or pensions payable to or in respect of officers appointed by the Secretary of State or of all-India Services.

(xiii) Annual confidential reports on officers appointed by the Secretary of State or of the all-India Services, before they are placed on the character rolls.

(xiv) Cases pertaining to the Governor's personal establishment and Raj Bhawan matters.

(xv) Cases relating to the application of Acts of Parliament or of the State Legislature to the Scheduled Areas and the making of regulations for the peace and good government of those areas.

(xvi) Any departure from these rules which comes to the notice of the Chief Secretary or the Secretary of any Department.

(b) The following classes of cases shall be submitted by the Chief Minister to the Governor before the issue of orders:—

(i) Proposals for the grant of pardons, reprieves, respites or remissions of punishment or for the suspension, remission or commutation of a sentence in pursuance of Article 161.

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- (ii) Cases which affect or are likely to affect the peace and tranquillity of the State.
- (iii) Cases which affect or are likely to affect the interests of scheduled castes, scheduled tribes and backward classes.
- (iv) Cases which affect the relations of the State Government with the Government of India, any other State Government, the Supreme Court or the High Court.
- (v) Cases pertaining to the Governor's personal establishment and Raj Bhawan matters.
- (vi) Proposals for the appointment of Chairman, Members and Secretary of the State Public Service Commission.
- (vii) Cases relating to the application of Acts of Parliament or of the State Legislature to the Scheduled Areas and the making of regulations for the peace and good government of these areas.
- (viii) Any departure from these rules which comes to the notice of the Chief Minister or the Secretary of any department.
- (ix) Such other cases of administrative importance as the Chief Minister might consider necessary.

29. Where in any case the Governor considers that any further action should be taken or that action should be taken otherwise than in accordance with the orders passed by the Minister in charge, the Governor may require the case to be laid before the Council of Ministers for consideration whereupon the case shall be so laid :

Provided that the notes, minutes or comments of the Governor in any such case shall not be brought on the Secretariat record unless the Governor so directs.

30. The Chief Minister shall—

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

FINANCE DEPARTMENT.

31. The Finance Department shall be consulted before the issue of orders upon all proposals which affect the finances of the State and in particular—

- (a) proposals to add any post or abolish any post from the public service or to vary the emoluments of any posts;

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article 161.

(b) proposals to sanction an allowance or special or personal pay for any post or class of posts or to any servant of the Government of the State; and

(c) proposals involving abandonment of revenue or involving an expenditure for which no provision has been made in the Appropriation Act.

32. The views of the Finance Department shall be brought to the permanent record of the department to which the case belongs and shall form part of the case.

33. The Finance Department may by general or special order prescribe cases in which its assent may be presumed to have been given.

34. (1) The Finance Minister may call for any papers in a case in which any of the matters referred to in rule 10 or rule 31 is involved and the department to whom the request is addressed shall supply the papers.

(2) On receipt of papers called for under sub-rule (1), the Finance Minister may request that the papers with his note on them shall be submitted to the Council.

(3) The Finance Department may make rules to govern financial procedure in general in all departments and to regulate the business of the Finance Department and the dealings of other departments with the Finance Department.

LEGISLATIVE DEPARTMENT.

35. Except as hereinafter provided the Legislative Department is not, in respect of legislation, an originating or initiating department and its proper function is to put into technical shape the projects of legislation of which the policy has been approved; and every proposal to initiate legislation shall be considered in, and if necessary transferred to, the department to which the subject-matter of the legislation relates, and the necessity for legislation and all matters of substance to be embodied in the Bill shall be discussed and, subject to rule 8, settled in such department.

36. Proposals to initiate legislation shall be treated as a case and shall be disposed of accordingly :

Provided that the case shall not be submitted to the Chief Minister until the department concerned has consulted the Legislative Department as to—

(i) the need for the proposed legislation from a legal point of view;

(ii) the competence of the State Legislature to enact the measure proposed;

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(iii) the requirements of the Constitution as to obtaining the previous sanction of the President thereto; and

(iv) the consistency of the proposed measure with the provisions of the Constitution, and in particular those relating to the Fundamental Rights.

37. If legislation is decided upon by the Minister-in-charge, the department will, if the legislation involves expenditure from the Consolidated Fund of the State, prepare in consultation with the Finance Department, a financial memorandum. The papers shall then be sent to the Legislative Department requesting it to draft the Bill accordingly.

38. The Legislative Department shall thereafter prepare a Draft Bill and return the case to the department concerned.

39. The administrative department will obtain the opinions of such officers and bodies as it seems necessary on the Draft Bill and submit the opinion received with a copy of the tentative Draft Bill to the Minister-in-charge.

40. If the tentative Draft Bill is approved by the Minister-in-charge, it shall be circulated to the other Ministers and a copy supplied to the Governor and unless the Chief Minister directs otherwise the tentative Draft Bill shall be brought before a meeting of the Council.

41. If it is decided to proceed with the Bill, with or without amendments, the originating department shall send the case to the Legislative Department requesting it to prepare a final draft of the Bill.

42. The Legislative Department shall then finalise the draft and send a Draft Bill to the originating department indicating at the same time the sanctions, if any, required for the Bill. If any provisions in the Bill involving expenditure from the Consolidated Fund of the State are modified in the finalised draft, the department shall send the finalised Draft Bill to the Finance Department for revising, if necessary, the financial memorandum.

43. The originating department will then transfer the final Draft Bill to the Legislative Department with the instructions of Government thereon, including instructions as to its introduction in the Legislative Council or Legislative Assembly, and with copies of such papers underlying the Bill as should be communicated to the Legislative Council and Legislative Assembly. After such transfer the Bill shall be deemed to belong to the Legislative Department.

44. Notwithstanding anything contained in rule 35, measures designed solely to codify and consolidate existing enactments and

legislation of a formal character such as repealing and amending Bills may be initiated in the Legislative Department.

Provided that the Legislative Department shall send a copy of the Draft Bill to the department which is concerned with the subject-matter, for consideration as an administrative measure and the department to which it is sent shall forthwith make such enquiries as it thinks fit and shall send to the Legislative Department its opinion thereon together with a copy of every communication received by them on the subject.

45. (1) Whenever a private member of the State Legislature gives notice of his intention to move for leave to introduce a Bill, the Legislative Department shall forthwith send a copy of the Bill and the Statement of Objects and Reasons for information to the Chief Minister and to the department to which the case belongs.

(2) The Bill shall be dealt with as a case by the Legislative Department in the first instance, where it shall be considered in its technical aspects, such as need for previous sanction of the President and the competence of the State Legislature to enact the measure and then forwarded with its opinion to the department to which the case belongs.

(3) If any provisions of such Bill involve expenditure from the Consolidated Fund of the State the department shall, before it is circulated, prepare in consultation with the Finance Department a financial memorandum in respect of the Bill.

46. The provisions of rule 45 shall apply as far as may be to amendments of substance recommended by the Select Committee and also to all amendments, notice of which is given by Members of the State Legislature for being moved during the consideration of a Bill in that Legislature.

47. (1) When a Bill has been passed by the Legislature, it shall be examined in the department concerned and the Legislative Department and shall be forwarded to the Governor with—

- (a) a report of the Secretary of the department concerned as to the reasons, if any, why the Governor's assent should not be given; and
- (b) a report of the Legislative Secretary as to the reasons, if any, why the Governor's assent should not be given or the Bill should not be reserved for the consideration of the President.

(2) Where the Governor directs that the Bill should be reserved for the consideration of the President or returned to the Legislature with a message, necessary action in that behalf shall be taken by the Secretary to the Governor in consultation with the Secretary to the administrative department concerned and the Legislative Secretary.

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(3) After obtaining the assent of the Governor or the President, as the case may be, the Legislative Department shall take steps for the publication of the Bill in the Official Gazette as an Act of the State Legislature.

48. Whenever it is proposed in any department other than the Legislative Department—

- (i) to issue a statutory rule, notification or order; or
- (ii) to sanction under a statutory power the issue of any rule, bye-law, notification or order by a subordinate authority; or
- (iii) to submit to the Central Government any draft statutory rule, notification or order for issue by them, the draft shall be referred to the Legislative Department for opinion and for revision where necessary.

JUDICIAL DEPARTMENT.

49. (1) All administrative departments shall consult the Judicial Department (L. R.'s Branch) on—

- (a) the construction of statutes, Acts, regulations and statutory rules, orders and notifications;
- (b) any general legal principles arising out of any case; and
- (c) the institution or withdrawal of any prosecution at the instance of any administrative department.

(2) Every such reference shall be accompanied by an accurate statement of the facts of the case and the point or points on which the advice of the Judicial Department is desired.

PART IV—SUPPLEMENTARY.

50. The Secretary of the department concerned is in each case responsible for the careful observance of these Rules and when he considers that there has been any material departure from them, he shall personally bring the matter to the notice of the Minister-in-charge and the Chief Secretary.

51. These Rules may to such extent as necessary be supplemented by Instructions to be issued by the Governor on the advice of the Chief Minister.

FIRST SCHEDULE.

(See rule 4.)

(Allocation of business among department)

DEPARTMENTS.

- (1) Appointment.
- (2) Political.
- (3) Finance.
- (4) Revenue.
- (5) Excise.
- (6) Labour.
- (7) Law.
- (8) Jails.
- (9) Education.
- (10) Development.
- (11) Local Self-Government.
- (12) Health.
- (13) Irrigation.
- (14) Electricity.
- (15) Public Works.
- (16) Public Health Engineering.
- (17) Welfare—
 - (i) Scheduled Castes.
 - (ii) Scheduled Tribes.
 - (iii) Backward classes.
- (18) Supply and Commerce.
- (19) Relief and Rehabilitation.
- (20) Gram Panchayat.
- (21) Kosi Project.
- (22) Housing.
- (23) Cabinet Secretariat.

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List showing the classification and distribution of business between departments of the Secretariat.

APPOINTMENT DEPARTMENT.

1. Elections to the Parliament.
2. Elections to the State Legislature.
3. The Indian Civil Service and the Indian Administrative Service.
4. The Bihar Civil Service (including judicial officers) and the Subordinate Civil Service.

NOTE.—The immediate control of officers of the services specified in entries 3 and 4 who are employed in branches of the administration controlled by other departments of the Secretariat rests with the department concerned. But the Appointment Department should invariably be consulted on any proposed order inflicting punishment or censure. Action which may terminate in the dismissal, removal or reduction of any member of these services will be taken in the Appointment Department.

5. Appointments of High Court Judges.

6. Administrative charge of residences, other than those at Patna and Ranchi, of officers of the Indian Civil Service or Indian Administrative Service or of officers holding substantively or officiating in posts borne on the cadre of the Indian Civil Service or the Indian Administrative Service.

NOTE.—This does not include the residences of officers of the Indian Civil Service or the Indian Administrative Service in charge of subdivisions.

7. (a) Administrative charge, except allotment, of the Chambers at Patna for members of the Legislature and the quarters at Patna and Ranchi for the members of the Legislature.

(b) Administrative charge of the Legislature building and of buildings of the Public Service Commission.

8. The Civil List.

9. Interpretation of all rules affecting the public service other than those rules which regulate pay, leave, allowances and pensions and other financial matters.

10. Holidays.

11. Departmental Examinations.

12. Government Servants' Conduct Rules.

13. All administrative matters relating to the Legislative Assembly and the Legislative Council.

14. The Rules of Business.

15. The Public Service Commission.

16. Questions relating to the Constitution of India.
17. Secretariat Instructions.
18. Emoluments of the Hon'ble Ministers, Parliamentary Secretaries, Members of the Legislature, the Chairman and Deputy Chairman of the Legislative Council and the Speaker and Deputy Speaker of the Legislative Assembly.
19. Control of Translation Department.
20. Territorial jurisdiction of districts and subdivisions.

POLITICAL DEPARTMENT.

1. All matters connected with military and air forces in India or with any other force raised in India other than military or armed police maintained by the State Government, preventive detention in India and for reasons of State connected with defence or external affairs.
2. Military and air force works; Cantonments.
3. External affairs including naturalization and aliens; pilgrimages beyond India; and passports.
4. Political pensions and other political charges, payable out of central revenues.
5. Arms; firearms, ammunition.
6. Broadcasting.
7. Welfare of and assistance to ex-servicemen of Bihar.
8. Nepal Boundary.
9. General political matters and public order.
10. Territorial changes within the State and declaration of laws in connection therewith (except the territorial jurisdiction of districts and subdivisions).
11. Exemption from personal attendance in civil courts.
12. Police, including railway and village police covering changes in jurisdiction of thanas and outposts.
13. State and political prisoners.
14. Regulation of betting and gambling.
15. Control of poisons and dangerous drugs.
16. Theatres, dramatic performances and cinemas.
17. Control of newspapers, books and printing presses.
18. Rewards for the destruction of wild animals.
19. Control of officers serving in the Police Department.
20. Administrative charge of all buildings occupied by the Police Department.
21. Control of Motor Transport.

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22. Recognition of associations.
23. Recognition of societies for missionary work and issue of certificates to foreign missionaries.
24. Repatriation.
25. Inns and Innkeepers.
26. State Police Wireless.
27. Motor Vehicles Taxation.
28. Information and Publicity and control of Gazetted Officers in that Department.
29. Visits of Hon'ble Ministers of Government of India or of other States and of personages from foreign countries.
30. Observation of ceremonial functions of State.
31. Home Guards.

FINANCE DEPARTMENT

1. Taxes on income.
2. Currency, coinage and legal tender.
3. Public debt of the Union.
4. Stamps.
5. State Government Presses.
6. Audit including audit by Government agency of income and expenditure of local bodies.
7. Borrowing of money and granting of loans by the State Government.
8. Public debt of the State.
9. Preparation and interpretation of financial rules regulating the conditions of service, pay, allowances and pensions of Government servants of all departments.

Note.—Appointment Department shall be consulted before alterations are made in such rules adversely affecting services in general.

10. Preparation of the annual financial statement including supplementary statements of the expenditure on the basis of materials supplied by the departments.
11. Management of the Famine Relief Fund.
12. Appropriation accounts.
13. General delegations made by the Finance Department under rule 10 of the Rules of Executive Business.
14. Stationery.
15. General revisions of clerical and menial establishments originating in causes which affect all departments alike.
16. Treasuries and defalcations.

17. Commutation of pensions and compassionate gratuities.
18. Contract grants.
19. Preparation and interpretation of Financial and Account Codes; interpretation of other questions of a financial nature.
20. Recruitment of assistants to the Lower Division of the Secretariat and attached Offices and their Departmental Examinations, holding of examinations for stenographers, and control of combined cadre of stenographers class I.
21. Liveries, tents and forms.
22. Ranchi rules.
23. The General Provident Fund, the Indian Civil Service and Indian Administrative Service Provident Funds and Contributory Provident Funds.
24. Advances for the purchase of conveyances, for house building and for passages.
25. Grain compensation allowance.
26. Examination of proposals for the increase or reduction of taxation.
27. Agricultural Income-tax, Entertainments Tax, Sales Tax, Electricity Duty and Tax on retail sales of motor spirit.
28. Administrative charge of buildings of the Commercial Taxes Department, except the residential houses of Gazetted officers in the New Capital at Patna.
29. Bihar Finance Service.
30. Central Bureau of Economics and Statistics.
31. Incorporation, regulation and winding up of Trading Corporations, including banking, insurance and Financial Corporations, but not including Co-operative Societies.
32. Banking.
33. Insurance.
34. National Savings Scheme.

REVENUE DEPARTMENT

1. The Survey of India and Geological, Botanical and Zoological surveys.
2. Meteorology.
3. Administration of the Non-ferrous Minerals Act.
4. Gazetteers and Statistical Memoirs relating to Union subjects.
5. Ecclesiastical affairs including European cemeteries.

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6. Archaeological sites and remains.
7. Census.
8. Crop reports and forecasts.
9. Gazetteers and Statistical Memoirs relating to State subjects.
10. Land Revenue Administration as described under the following heads:—

- (a) Assessment and collection of land revenue;
- (b) Maintenance of land records, survey for revenue purposes, record-of-rights;
- (c) Laws regarding land tenures, relations of landlords and tenants, collection of rents;
- (d) Court of wards, encumbered and attached estates;
- (e) Land improvement and agricultural loans;
- (f) Colonization and alienation of land revenue;
- (g) Disposal of lands vested in, or in the possession of, Government of India for the purposes of the State;
- (h) Transfer, alienation and devolution of agricultural land; and
- (i) Management of Government estates.

NOTE.—Includes jurisdictions of revenue officers, partition of estates, collection and assessment of cess (including embankment cess), land registration, administration of the Bihar and Orissa Public Demands Recovery Act, 1914 (B. & O. Act IV of 1914) and petitions against the orders of the Commissioner under the Santal Parganas Regulations.

11. Famine relief.
12. Compulsory acquisition of land; the Land Acquisition (Mines) Act, 1885 (XVIII of 1885).
13. Regulation of mines and oilfields and mineral development.
14. Treasure Trove.
15. Languages and linguistic survey.
16. Mica.
17. Private Irrigation.
18. Ethnology and Ethnography.
19. Burials and burial grounds; cremations and cremation grounds.
20. Control of clerical and menial establishments of the Board of Revenue, Commissioners of Divisions and District and Subdivisional Officers.
21. Control of all officers employed under the Director of Land Records and Surveys, save in so far as the control of officers of the Indian Civil Service, the Indian Administrative Service, Bihar Civil Service and Subordinate Civil Service is allotted to the Appointment Department.

22. Administrative charge of buildings other than residences, in the occupation of the Board of Revenue, Commissioners of Divisions and District and Subdivisional Officers and Dak Bungalows which belong to Government, except buildings in the New Capital at Patna and at Ranchi.

23. Administrative charge of residences, other than those in the New Capital at Patna and at Ranchi of revenue officers except those specified in item 7 under the Appointment Department.

24. Regulation of the supply of Government publications, other than Indian Law Reports series, to the Government of India and other State Governments and to the public.

25. Administrative charge of circuit houses.

26. General administration report.

27. Libraries maintained for official use only, in the Secretariat and in the offices of the Board of Revenue, Commissioners of Divisions, District Officers and Subdivisional Officers.

28. Control of all officers serving in the Registration Department and administrative charge of all buildings occupied by the Registration Department.

29. Registration of deeds and documents.

30. Administration of the Births, Deaths and Marriages Registration Act, 1886 (VI of 1886); the Bengal Muhammadan Marriages and Divorces Registration Act, 1876 (Bengal Act I of 1876); the Kazi's Act, 1880 (XII of 1880); and the Parsi Marriage and Divorce Act, 1936 (III of 1936), and the Indian Christian Marriage Act (XV of 1872).

31. Money-lending and money-lenders.

32. Construction of Bundhs in each predominantly Aboriginal village in Chota Nagpur and Santal Parganas.

33. Land Reforms.

34. Flood Relief.

35. Waste Land Reclamation.

36. Natural Calamities Loans.

37. Certificate.

38. Crop Statistics.

39. Market and Fairs.

FOREST BRANCH.

1. Forests.

2. Protection of wild birds and wild animals.

3. Control of all officers employed in the Forest Department.

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EXCISE DEPARTMENT

1. Intoxicating liquors and narcotic drugs, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors, opium and other narcotic drugs.
2. Duties of excise on the following goods manufactured or produced in the State and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in India—
 - (a) alcoholic liquors for human consumption;
 - (b) opium, Indian hemp and other narcotic drugs and narcotic; non-narcotic drugs;
 - (c) medical and toilet preparations containing alcohol or any substance included in sub-paragraph (b) of this entry.
3. Control of officers serving in the Excise Department.
4. Administrative charge of all buildings occupied by the Excise Department.
5. Molasses Control.
6. Power alcohol.

LABOUR DEPARTMENT.

1. Shipping and navigation on inland waterways declared by the Government.
2. Posts and Telegraphs; Telephones and Wireless (except State Police Wireless).
3. Post Office Savings Bank.
4. Petroleum.
5. Explosives.
6. Regulation of Labour and safety in mines and coalfields.
7. Emigration from and Immigration into Union and interprovincial migration.
8. Wages of Labour.
9. Industrial Statistics under the Industrial Statistics Act.
10. Control of officers serving in the Labour Department and its subordinate offices.
11. Smoke nuisance.
12. Administration of Indian Partnership Act.
13. Trade Unions.
14. Strikes and industrial and labour disputes.

15. Welfare of labour including conditions of work, provident funds, employers' liability, workmen's compensation, invalidity and old age pensions and maternity benefit.

16. Vocational and technical training of labour.

17. Shipping and navigation on inland waterways.

18. Factories.

19. Boilers.

20. Employees State Insurance.

JUDICIAL DEPARTMENT.

1. Criminal Law and Criminal Procedure.

2. Civil Procedure including the law of limitation.

3. Evidence and Oaths; recognition of law, public acts and records and judicial proceedings.

4. Marriage and divorce; infants and minors; adoption.

5. Wills, intestacy, and succession, save as regards agricultural land.

6. Transfer of property other than agricultural land.

7. Trusts and Trustees, other than Religious and Charitable Endowments and Trusts for educational purposes.

8. Contracts, agency, contracts of carriage, and other special forms of contract but not including contracts relating to agricultural land.

9. Arbitration.

10. Bankruptcy and insolvency; Administrators-General and Official Trustees.

11. Administration of justice; constitution, organization, jurisdiction and powers of all courts within the State except the Supreme Court and the High Court; and fees taken therein; procedure in Rent and Revenue Courts; fees taken in all Courts except the Supreme Court.

This subject includes—

(a) Acts—administration and extension of—for judicial purposes.

(b) Appeals against sentences in Lower Courts.

(c) Civil Courts—buildings and establishments.

(d) Court language.

(e) Forms—judicial.

(f) Appointment of Advocate-General and other law officers of Government.

(g) Honorary Magistrates—appointment and removal of.

(h) Intestate property.

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(i) Jurisdiction of judicial officers.

(j) Jurors and assessors.

(k) Law books, law reports, chronological tables.

(l) Legal business—conduct of.

(m) Lunatics, criminal.

(n) Petition for mercy from, and remission or suspension (under section 401 of the Code of Criminal Procedure, 1898) of the sentences of all prisoners except political prisoners.

(o) Release of transported convicts.

(p) Probate and letters of administration granted to persons of European Extraction.

12. State law reports including supply to Government and to the public.

13. Vagrancy.

14. Control of all clerical and menial establishment employed—

(a) in the High Court,

(b) in the offices of, or subordinate to District and Sessions Judges.

15. Offences against law with respect to any of the matters included in Lists II and III in the Seventh Schedule to the Constitution of India.

16. Administrative charge of the High Court buildings at Patna and of all buildings occupied by civil courts.

17. Administrative charge of all residences of Judicial Officers, other than Judges of the High Court and officers of the Indian Civil Administrative Cadre.

18. Sanction to the defence of public servants at the expense of Government in civil and criminal cases.

19. Sanction to the prosecution of public servants under section 197 of the Code of Criminal Procedure, 1898.

20. Appointment of Notaries Public under section 138 of the Negotiable Instruments Act, 1881.

21. Extradition.

JAILS DEPARTMENT.

1. Prisons; arrangement with other States for the use of Prisons.

2. Control of all officers serving in the Jails Department.

3. Administrative charge of all buildings occupied by the Jails Department.

4. Removal from one State to another of prisoners, accused persons and persons subjected to preventive detention.

EDUCATION DEPARTMENT.

1. Education.
2. Reformatories, borstal institutions and other institutions of a like nature and persons detained therein; arrangements with other States for the use of these institutions.
3. Libraries (other than libraries for official use only), museums and other similar institutions.
4. Control of all officers, serving in the Education Department and in reformatories and museums and other institutions of a similar nature.
5. Administrative charge of all buildings occupied by the Education Department and by reformatories and museums and other institutions of a similar nature except hostel buildings for aborigines, backward Muslims and Scheduled castes.
6. Literary and scientific societies.
7. Trusts and charitable endowments for educational purposes.
8. Institutions for orphans and illegitimate children and for handicapped children.
9. Provision of education and training for the mercantile marine and regulations of such education and training provided by States and other agencies.
10. Provision for aeronautical education and training and regulation of such education and training provided by States and other agencies.
11. An educational or scientific institution financed by the Government of India wholly or in part and declared by Parliament by law to be an institution of national importance.
12. The promotion of special studies or research.
13. Co-ordination and determination of standards in institutions for higher education or research and scientific institutions.
14. Ancient and historical monuments and records, and archaeological sites and remains, declared by Parliament by law to be of national importance.
15. National Cadet Corps and Auxiliary Cadet Corps.

DEVELOPMENT DEPARTMENT.

1. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases.
2. Preservation, protection and improvement of stock and prevention of animal diseases, Veterinary training and practice.
3. Fisheries.
4. Co-operative Societies.

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5. Religious and charitable endowments, other than those for educational purposes.

6. Development of industries including industrial research and technical education.

7. Control of all officers serving in the agricultural, civil veterinary, fisheries, co-operative, industries and cane departments.

8. Administrative charge of buildings occupied by the agricultural, civil veterinary, fisheries, co-operative, industries and cane departments.

9. Weights and measures.

10. Administration of Sugar Factories Control Act, 1937 (Bihar Act VII of 1937) and rules made thereunder.

11. Agriculture Marketing and Ware-Housing.

12. Societies for the prevention of cruelty to animals.

LOCAL SELF-GOVERNMENT DEPARTMENT.

1. Local Government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of Local Self Government or village administration, excepting matters relating to Gram Panchayat.

2. Pounds and prevention of cattle trespass.

3. Tramways within municipal areas.

4. Light Railways owned in part by district boards.

5. Ferries.

GRAM PANCHAYAT DEPARTMENT.

1. Conditions, powers and functions of Gram Panchayat.

2. Administration of Gram Panchayat.

3. Control of all officers serving in the Gram Panchayat Department.

4. Administrative charge of buildings occupied by the Gram Panchayat under rule 5 of the Rules of Executive Business allocated as specified in column 3 of the table hereto annexed shall be assigned to and placed in the charge of the Ministers specified in the corresponding entries of column 2 of the table.

HEALTH DEPARTMENT.

1. Hospitals. For Mental Diseases, Kanke.
2. Medical, including hospitals, dispensaries and asylums and provision for medical education, regulation of medical qualification and standards.
3. Public health and sanitation and vital statistics.
4. Pilgrimages within India.
5. Adulteration of food-stuffs and other articles.
6. Regulation of beggars in public places.
7. Registration of births and deaths under the Bengal Births and Deaths Registration Act, 1873 (Bengal Act IV of 1873).
8. Control of officers serving in the Department of Health.
9. Administrative charge of all buildings occupied by the Department of Health.

IRRIGATION DEPARTMENT.

1. Canal and Lift Irrigation, drainage, flood control, embankment (excluding such protective embankment for towns as have been constructed by Public Works Department), water storage and water power.
2. Inland waterways (including National Waterways), their maintenance and conservancy.
3. Construction, maintenance and administrative charge of buildings required solely for the administration of works mentioned in item 1.
4. Control of all officers serving in the Irrigation Department.

ELECTRICITY DEPARTMENT.

1. Electricity including the administration of Government electrical power plants and the supply of electric current therefrom.
2. Control of all officers serving in the Electricity Department.
3. Construction, maintenance and administrative charge of buildings required solely for the administration of works mentioned in item 1.

PUBLIC WORKS DEPARTMENT.

1. Railways other than minor railways.
2. Aircraft and air-navigation; provision, maintenance and organisation of aerodromes; regulation and organisation of air-traffic.
3. Works, lands and buildings vested in or in the possession of the State.

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4. Ancient and historical monuments (not belonging to the Union) including Government owned memorial structures.

5. The disposal of vacant sites, being the property of Government in the New Capital at Patna and elsewhere.

6. The administrative charge of—

(a) residences in the New Capital area at Patna;

(b) residences at Ranchi intended for occupation by the Hon'ble Ministers, the gazetted officers of the Secretariat and the Heads of the Departments (including the Conservator of Forests) and the gazetted officers attached to their offices as well as all other residences at Ranchi intended for occupation by officers of the Indian Civil Service or the Indian Administrative Service or of officers holding substantively or officiatingly the posts borne in the cadre of these services.

(c) Clerks' quarters at Ranchi intended for occupation by the ministerial staff—

(i) accompanying the State Government and Heads of Departments to Ranchi; and

(ii) attached to the office of the Conservator of Forests.

NOTE.—The area of the New Capital at Patna is defined in the map forwarded with the Public Works Department memo. no. 9577-85-A.R., dated the 7th June, 1927, to all departments of Government and includes the residences in the Patna Gaya Road, Chajabagh and near about the race course, Bankipore.

7. The administrative charge of the Secretariat and Council Chambers at Patna and Ranchi.

8. Allotment of buildings mentioned in items 6(a) and 6(b) above and item 7 under Appointment Department.

9. Public Works included under the following heads :—

(a) Construction and maintenance of State buildings save in so far as the work has been assigned by the Governor to the Department using or requiring such buildings.

(b) Protective embankment for towns, roads, bridges, ferries, tunnels, ropeways, causeways and other means of communications.

(c) Minor railways.

(d) National Highways.

10. Control of all officers serving in the Public Works Department.

11. Electrification of Government buildings.

PUBLIC HEALTH ENGINEERING DEPARTMENT.

1. Public Health Engineering (drinking water-supply, sewerage, drainage and other Sanitary Schemes).
2. Control of officers serving in the Public Health Engineering Department.

LEGISLATIVE DEPARTMENT.

1. Advising other departments on the drafting of Statutory Rules, notifications, orders, etc., or of bye-laws to be issued by the administrative departments.
2. Preparation of programmes for the sessions of both the Houses of the State Legislature.
3. The drafting of all official Bills. Ordinances promulgated under Article 213 of the Constitution of India and Regulations made under sub-paragraph (2) of paragraph 5 of Part B of the Fifth Schedule to the Constitution of India, 1949, in accordance with the instructions of the administrative department.
4. Printing of all official Bills before introduction in the State Legislature and distribution of printed copies thereof.
5. Preparation of reports of Select Committees on Bills, amending the Bills in accordance with the recommendations of the committees and printing of the reports and the Bills so amended.
6. Advising in the case of all Bills, official or non-official, whether the previous sanction or recommendation of the Governor or the President is necessary and also whether the Bills passed by the Legislature of the State are required to be reserved for the consideration of the President.
7. Transmission to the Ministry of Law (Government of India) of copies of all Bills introduced in the Legislature of the State or published under the Rules of Business of the Legislature of the State of reports of Select Committees on all Bills and of all Bills passed by the Legislature of the State and assented to by the Governor with extracts from proceedings of the Legislature, where necessary.
8. Publication of the Governor's assent to Bills passed by the Legislature of the State, of the Ordinances promulgated by the Governor and of the Regulations assented to by the President.
9. Initiation and drafting of Bills for the codification and consolidation of the existing law and of formal legislation.
10. Revision of Acts, Codes and Collections of Statutory Rules and Orders—
 - (i) The printing of all Bills assented to, Ordinances promulgated and regulations made by the Governor and the preparation of annual lists showing the effect of such legislation.

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- (ii) The preparation and printing of modified editions of State Acts showing all amendments made.
- (iii) The revision of the Bihar Code.
- (iv) The preparation of annual lists of State Statutory Rules and Orders and Revision of the Collection of local Statutory Rules and Orders.

11. Republication of Bills and Acts of the Parliament, reports of Select Committees on such Bills and Ordinances promulgated by the President in the Local Official Gazette in consultation with the administrative department concerned.

12. Checking and printing of the Hindi translation of all official Bills, reports of Select Committees along with the Bills as amended and Acts and distribution of printed copies thereof.

WELFARE DEPARTMENT

1. Scheduled Tribes Welfare including—

- (a) Opening and construction of hostels for Scheduled Tribes Students.
- (b) Award of stipends and book grants to Scheduled Tribes Students.
- (c) Opening of grain godas in Scheduled Tribes districts.
- (d) Cultural boards of important Scheduled Tribes.
- (e) Aid to educational institutions and societies working for the welfare of the Scheduled Tribes.
- (f) Hand spinning and Khadi production in Scheduled areas.
- (g) Special schemes of Scheduled Tribes uplift.
- (h) Control of officers working for the Scheduled Tribes welfare.
- (i) Loans to members of Scheduled Tribes for development of cottage industries.

2. Scheduled Caste Welfare—

- (a) Award of stipends to Scheduled castes students
- (b) Grant for books and appliances to Scheduled castes students.
- (c) Loans to members of Scheduled castes for development of cottage industries.
- (d) Opening and construction of hostels for Scheduled castes.

- (e) Removal of civil disabilities of Scheduled castes and administration of Bihar Harijan [Removal of Civil Disabilities Act (XIX of 1949).]
 - (f) Administration and rehabilitation of criminal tribes.
 - (g) Organisation of co-operative societies of Scheduled castes working in Municipalities.
 - (h) Grant-in-aid to educational and cultural institutions for the benefit of Scheduled castes.
 - (i) Special schemes of uplift of the Scheduled castes.
 - (j) Control of officers serving for the welfare of Scheduled castes.
 - (k) Grant for construction of quarters for Harijan Sweepers employed in Municipalities and Notified areas.
3. Welfare of Backward classes other than the scheduled castes and the scheduled tribes.

SUPPLY AND COMMERCE DEPARTMENT.

- 1. Food-stuffs.
- 2. Cloth.
- 3. Other miscellaneous supplies.
- 4. The administration of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), and the Bihar Essential Articles Control (Temporary Powers) Act, 1947 (Bihar Act IV of 1947), and the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1947 (Bihar Act III of 1947).
- 5. Rationing (excluding petrol and tyre rationing).
- 6. Price Control, procurement and distribution.
- 7. Railway transport and priorities.
- 8. Customs.
- 9. Patents, inventions and designs.
- 10. Trade marks and merchandise marks.
- 11. Administration of the Central Excise and Salt Act, 1944 (I of 1944).
- 12. Trade and Commerce within the State.
- 13. Stores.

RELIEF AND REHABILITATION DEPARTMENT.

Subjects connected with relief and rehabilitation of displaced persons (i) from Bihar and (ii) in Bihar from Pakistan.

THE CABINET SECRETARIAT.

With the following subjects thereunder :—

- (1) Work relating to the meeting of the Council of Ministers.
- (2) Letters addressed to the Chief Secretary, other than those relating to the Appointment and Political Departments.
- (3) Government assurances given on the floor of the Legislature.
- (4) Reports of monthly activities of the Departments of Government.
- (5) Matter relating to inter-departmental co-ordination at the Secretariat level, other than those dealt with by the Development Commissioner.
- (6) The Secretariat Library.
- (7) Organisation and methods.
- (8) Matters relating to the functions and duties of the Chief Secretary, as laid down in the Rules of Executive Business.

SECOND SCHEDULE.

(See RULE 5.)

Under rule 5 of the Rules of Executive Business the departments of the Secretariat, specified in column 2 of the following table, have been assigned to the charge of Ministers, specified in column 1.

1	2
MINISTERS.	DEPARTMENTS.
1. Dr. Sri Krishna Sinha, Minister.	Chief (1) Appointment. (2) Political (minus Transport and Information).
2. Dr. Anugrah Narayan Sinha	(1) Finance. (2) Labour. (3) Development (Agriculture including Sugarcane Research).
3. Mr. Ramcharitar Singh	(1) Irrigation. (2) Electricity.
4. Mr. Badri Nath Varma	(1) Education.
5. Mr. Krishna Ballabh Sahay	(1) Revenue. (2) Excise.
6. Mr. Dip Narain Sinha	(1) Development (Co-operative Societies including Canegrowers' Co-operative Societies). (2) Veterinary including Societies for the Prevention of Cruelty to Animals. (3) Animal Husbandry Department.
7. Mr. Mahesh Pd. Sinha	(1) Political (Transport and Information). (2) Development (Industries including Cottage Industries).
8. Mr. Shiva Nandan Mandal	(1) Law.
9. Mr. Abdul Qaiyum Ansari	(1) Public Works. (2) P. H. Engineering.
10. Mr. Sah Md. Ozair Munemi	(1) Jails. (2) Relief and Rehabilitation.
11. Mr. Bhola Paswan	(1) L. S.-G. (2) Welfare— Scheduled Castes. Scheduled Tribes. Backward Classes.
12. Mr. Hari Nath Mishra	(1) Supply and Commerce. (2) Health.

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THIRD SCHEDULE.

[See RULES 8, 12, 13 AND 28(a)(ii).]

1. Proposals for the appointment or removal of the Advocate-General or for determining or varying the remuneration payable to him.

2. Proposals to summon and prorogue the Houses or either House of the State Legislature or to dissolve the Legislative Assembly.

3. Proposals for the making or amending of rules regulating the recruitment and the conditions of service of—

(a) persons appointed to the Secretariat staff of the Assembly or the Council [Article 187(3)].

(b) officers and servants of the High Court under proviso to clauses (1) and (2), Article 229;

(c) persons appointed to the public service and posts in connection with the State (proviso to Article 309).

4. Decision on questions arising as to whether a member of any House of the State Legislature has become subject to any disqualification under Article 191 and any proposals to refer such questions for the opinion of the Election Commission; any proposal to recover or to waive recovery of the penalty due under Article 193.

5. The annual financial statements to be laid before the Legislature and demands for supplementary, additional or excess grants.

6. Proposals relating to rules to be made under Article 208, clause (3).

7. Proposals for the making or amending of rules under Article 234.

8. Proposals for the issue of a notification under Article 237.

9. Any proposal to appoint and any proposal involving any action for the dismissal, removal or suspension of a Member of the State Public Service Commission.

10. Proposal for making or amending regulations under Article 318 or under the proviso to clause (3) of Article 320.

11. Report of the State Public Service Commission on its work [Article 323(2)] and any action proposed to be taken with reference thereto.

12. Proposals for legislation including the issue of Ordinance under Article 213 of the Constitution.

13. Cases in which the attitude of the Government to any resolution or a Bill to be moved in the State Legislature is to be determined.

14. Proposals for the imposition of a new tax or any change in the method of assessment or the pitch of any existing tax or land revenue or irrigation rates or for the raising of loans on the security of the Consolidated Fund of the State or for giving of a guarantee by the Government of the State.
15. Any proposal which affects the finances of the State which has not the consent of the Finance Minister.
16. Any proposal for re-appropriation to which the consent of the Finance Minister is required and has been withheld.
17. The annual audit review of the finances of the State and the report of the Public Accounts Committee.
18. Proposals involving any important change of policy or practice.
19. Proposed orders embodying important changes in the administrative system of the State.
20. Any proposal for the institution or withdrawal of a prosecution against the advice tendered by the Judicial Department (Legal Remembrancer's Branch).
21. Proposals for the creation or abolition of any public office, appointments to which are made by Government and the maximum remuneration of which exceeds Rs. 300.
22. Proposals involving any important alteration in the conditions of service of the members of any All-India Service or State Service or in the method of recruitment to a Service or post to which appointment is made by the Government.
23. Proposals to appoint Committees of Inquiry by the Government on its own initiative or in pursuance of a resolution passed by the State Legislature and the Reports of such Committees.
24. Cases required by the Chief Minister to be brought before the Council.
25. Cases which affect or are likely to affect the good Government of Scheduled Areas.
26. Cases which affect or are likely to affect the rights and privileges of any Ruler, as provided under Article 362.
27. Proposals relating to appointments to be made by Government to civil services and posts whether by direct recruitment or by promotion.
28. Proposals relating to dismissal, removal or compulsory retirement of any officer who has been appointed by Government.

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29. Proposals relating to transfers and postings of the following :—

- (a) The Chief Secretary, Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries, Under-Secretaries and Assistant Secretaries to Government;
- (b) Heads of Departments;
- (c) Special Officers (e.g., Food Production and Development Commissioners, Government Architect, etc.);
- (d) District Judges and Additional District Judges otherwise than in accordance with the recommendations of the High Court;
- (e) Deputy Inspector-General of Police;
- (f) Deputy Commissioners or Collectors, Additional District Magistrates, Additional Collectors and Subdivisional Officers;
- (g) Superintendents of Police and Additional Superintendents of Police;
- (h) Superintending Engineers and Executive Engineers;
- (i) Civil Surgeons.

Explanation.—Proposals relating to transfers and postings of other officers of ranks equal to those of the officers mentioned above, in the same departments shall also be placed before the Council.

30. Proposals to nominate members of the Legislative Council under Article 171(3)(e).

31. Proposals to grant special pay.

32. Proposals to authorize an advance exceeding Rs. 20,000 from the Contingency Fund of the State.

33. All cases relating to alienation either temporary or permanent or grant or contract or settlement or lease, of land or any other Government property or assignment of revenue or concession, grant of mineral or forest rights or a right to water power or any easement or privileges in respect of such concession, or grant of licences or permits, in which Government propose to issue original orders, or to give directions to a head of a department or any other subordinate authority to take action in a particular manner unless such proposed orders or directions are in conformity with decisions already taken by the Council.

34. Proposal for grant of extension of service to gazetted officers appointed by Government, such proposals shall be placed before Council after they have been shown to the Finance Department.

ORDER.

The 6th February 1953.

No. A-1125.—In exercise of the powers conferred by sub-rule (i) of rule 5A of the Rules of Executive Business, Bihar, the Governor of Bihar, on the advice of the Chief Minister, is pleased to assign to the Deputy Ministers specified in the second column of the schedule hereto annexed the department or departments specified in the corresponding entries of the third column of the said schedule.

Serial no.	Name of the Deputy Minister.	Departments assigned.
1	2	3
1.	Mr. Nirpada Mukherji	(1) Local Self-Government. (2) Relief and Rehabilitation. (3) Housing Department.
2.	Mr. Birchand Patel	(1) Development (Agriculture) Department. (2) Labour.
3.	Mr. Abdul Ahad Md. Noor	(1) Development (Cottage Industries) Department. (2) Revenue (Minor Irrigation and Waste Land Reclamation).

By order of the Governor of Bihar,

L. P. SINGH,

Chief Secretary to Government.