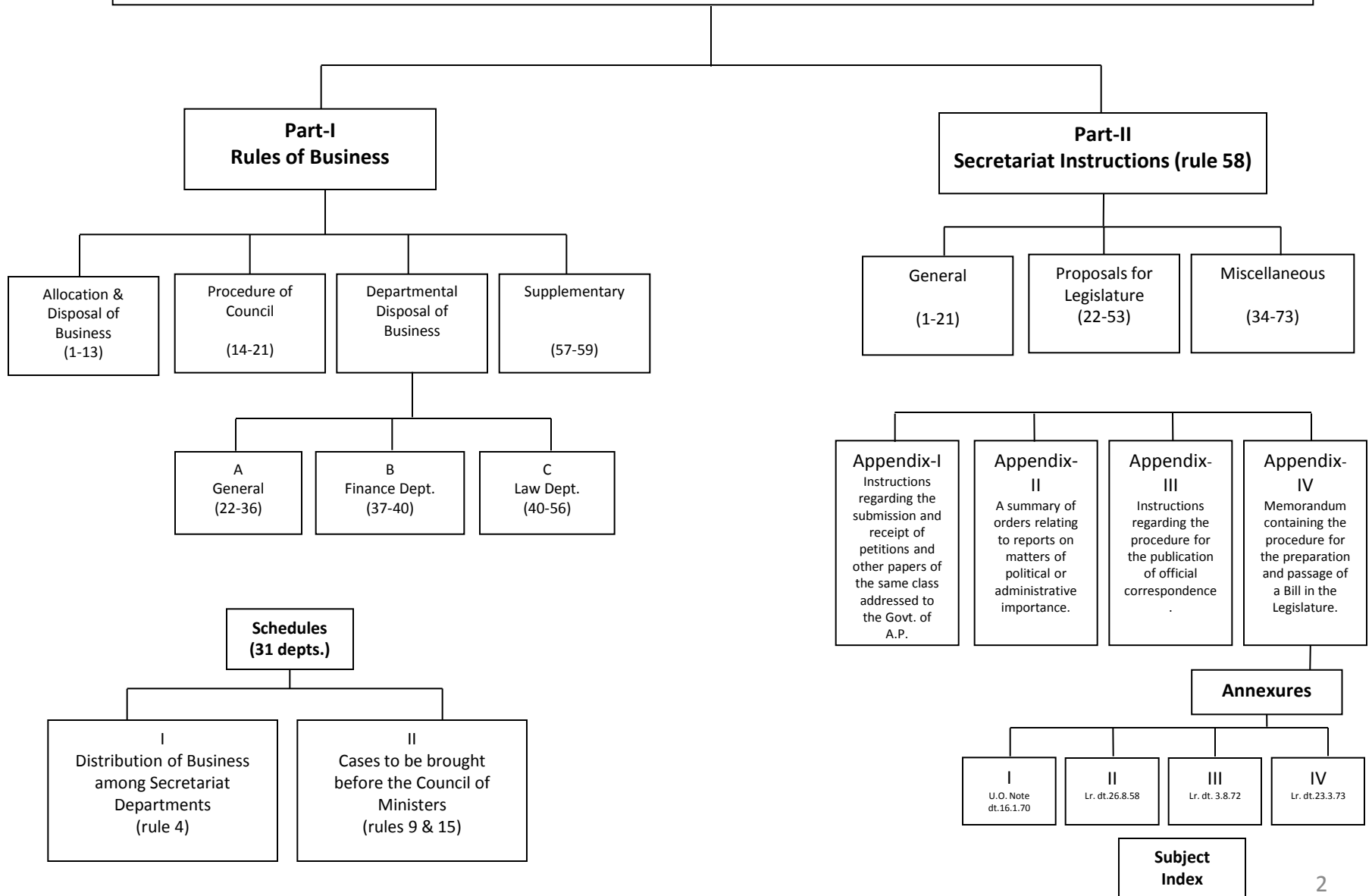


# “The Andhra Pradesh Government Business Rules And Secretariat Instructions”.

Presented by:

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# Andhra Pradesh Government Business Rules and Secretariat Instructions



- 1. Agriculture and Cooperation Department.
- 2. AH, DD & Fisheries Department.
- 3. Backward Classes Welfare Department.
- 4. Education Department.
  - a) Higher Education.
  - b) School Education.
- 5. E, F, S & T Department.
- 6. Energy Department.
- 7. Finance and Planning (FW) Department.
- 8. Fin. & Plg. (Plg. Wing) Department.
- 9. Fin. & Plg. (W & P) Department.
- 10. C.A., Food & Civil Supplies Department.

- 11. G.A. Department.
- 12. HM & FW Department.
- 13. Home Department.
- 14. Housing Department.
- 15. Industries & Commerce Department.
- 16. Department of IT & Communications.
- 17. Infrastructure & Investment Department.
- 18. I & CAD (IW) Department.
- 19. Law Department.
- 20. LET & F Department.
- 21. Legislature Department.

- 22. MA & UD Department.
- 23. Minorities Welfare Department.
- 24. PR & RD Department.
- 25. PE Department.
- 26. RSAD Department.
- 27. Revenue Department.
- 28. Social Welfare Department.
- 29. TR & B Department.
- 30. Department for Women, Children, Disabled & Senior Citizens.
- 31. YAT & C Department.

- Authority to issue these Rules:
- The Governor of AP, under the powers vested under clauses (2) & (3) of Article 166 of Constitution of India.

## *Conduct of Government Business*

### **166. Conduct of business of the Government of a State.—**

(1) All executive action of the Government of a State shall be expressed to be taken in the name of the Governor.

(2) Orders and other instruments made and executed in the name of the Governor shall be authenticated in such manner as may be specified in rules to be made by the Governor, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor.

(3) The Governor shall make rules for the more convenient transaction of the business of the Government of the State, and for the allocation among Ministers of the said business in so far as it is not business with respect to which the Governor is by or under this Constitution required to act in his discretion.

- Rules 1 and 2 deal with the Nomenclature of the rules and the definitions thereunder. (the A.P. Govt. Business Rules & Secretariat Instructions.)



- Authority to amend & supplement these rules:
- Rule 58 specifies that the Governor on the advice of the CM may amend/supplement these rules. Accordingly Secretariat Instructions are issued under part-II. (A.P. Govt. Secretariat Instructions)
- Authority to interpret these rules:
- General Clauses Act, 1897 shall apply for interpretation. (Rule 3)
- Rule 59 specifies that for interpretations the matters shall be referred to the Chief Secretary, who will apply General Clauses Act 1897.

- Allocation and disposal of Business.
- Governor allots Business of Government among Ministers by assigning subjects, all the advice of C.M. (by gazette notification).
- The Business of Government is transacted in departments specified. (No. of depts. 31)
- The subjects of each department are classified. (subject allocation)
  
- Authority to implement rules:
- Secy / Spl.Secy / EO Secy / Prl.Secy / Spl.C.S. of the respective departments.

- Allocation and Disposal of Business:
- Deals with
  - A) Allocation of business by Governor on the advise of CM. (Rule 5)
  - B) Distribution of subjects among Secretaries i.e. Departments. (Rule 7)  
(State subjects, concurrent subjects, union subjects)
  - C) Council is responsible for all G.Os. issued. (Rule 8)
  - D) Responsibility of Minister in all matter of his portfolio. (Rule 10)
  - E) Consultation of Finance. (Rule 11)
  - F) All G.Os. to be issued in the name of Governor. (Rule 12)
  - G) Signature of the Secretary is the authentication of the order. (Rule 13)

- Procedure of the Council:
- C.M. appoints C.S. or any such other officer as Secretary to the Council. (Rule 14)
- The cases to be brought before Council is listed in Second schedule. (Rule 15)
- G.A. (Cabinet) Department deals with the entire subject.
- For taking a decision in a Cabinet the department must move formal Memorandum to C.M. through C.S. and Minister-in-Charge. (Rule 15 (2) & S.I. 18)
- On the cases decided in the Cabinet the Minister concerned shall take action to give effect to the decision. (Rule 21)

- Departmental disposal of Business:
- Cases shall be disposed under the authority of Minister-in-charge, who by means of standing orders give such directions for disposal of cases in the department. Delegation of powers to the Secretary is to be made by Minister through standing orders. (Rule 22 (a))
- Endorsements of Minister on representations are not Government orders. (Rule 23 (a))
- Secretary submits cases to Minister-in-charge. (Rule 24)
- Secretary may ask for papers in other departments if required to dispose a case in his department. (Rule 28 (a))

- Only policy files of a department are to be circulated to Minister through C.S. (Rule 29 (a))
- Any matter likely to bring controversy with Gol or other states shall be brought to notice of Governor, CM and Minister. (Rule 31)
- List of cases to be submitted to CM by Secretary through Minister-in-charge is given in the Rule 32 (1).
- CM may pass orders superseding the orders already passed by Minister-in-charge . (Rule 32 (2))
- List of cases to be submitted to Governor through CM is given in Rule 32 (3).

- Governor may take action or modify the action already taken by directing to place the matter before the Council for consideration, however the notes of Governor shall not be brought on Secretariat Records. (Rule 33)
- CM may nominate CS or such other officer to hear and dispose the cases to give effect to Court orders or to meet exceptional situations. (Rule 35)
- CS may revoke suspension orders issued under CCA Rules without obtaining orders in circulation to Minister or CM to give effect to the direction of Tribunal or Court. (Rule 36)
- The Secretary concerned submits copies of such orders to Minister and CM for information.

- Powers of Governor:
- The Governor is the Constitutional Authority. The entire Business is transacted by the Government under his name. All Acts, Rules and important instructions are issued under his name. (Rule 12)
- He prorogues the State Assembly for transaction of its Business.
- Allots Business to Ministers on the advise of CM. (Rule 5)
- Governor passes orders on the subjects listed in Rule 32 (3).
- Governor may require the cases to be lied before the Council to propose any action or modify action already taken. (Rule 33)



- Powers of Chief Minister:
- Advises Governor on all matters from Constitution of Ministry, allocation of subjects among Ministers, distribution of subjects among departments and transaction of Business and amendment of Business Rules.
- Residuary subjects not allotted to Ministers or deemed to be assigned to CM. (Rule 6 (a))
- When a Minister ceases to hold office, his portfolio stands assigned to CM. (Rule 6(a)pr.)

- When CM or any Minister is absent or unable to attend work, the work may be distributed among the other Ministers as CM thinks fit. (Rule 6 (b))
- May appoint CS or such other officer as Secretary to Council.
- CM decides the date and venue of Council meeting. (Rule 17(a) and 20 (1))
- CM may nominate other Minister in his absence to precede to Council meeting. (Rule 20 (3))
- The decisions taken in Council meeting must be approved by CM. (Rule 21 (2))

- CM decides when there is deviation in the decisions between or among Ministers and it is final. (Rule 28 (2))
- List of cases to be submitted to CM is given in Rule 32 (1).
- CM has power to pass orders to supersede the orders already passed by the Minister-in-charge. (Rule 32 (2))
- CM may nominate CS or any such other officer to hear and dispose of cases to give effect for Court orders or to meet exceptional situations. (Rule 35)
- CM submits papers required by Governor. (Rule 34)

- Responsibility of Council of Ministers:
- As per Rule 8, the Council is collectively responsible for all the executive orders issued in the name of Governor whether such orders are authorized by an individual Minister on a matter pertaining to his portfolio or as the result of the discussion in the Cabinet or otherwise.
- The Cabinet is competent to take decisions on the cases referred to in the second schedule of Business Rules. (Rule 9 and 15)

- Role of Minister-in-charge:
- Business is allocated by Governor on the advise of C.M. It may contain one or more departments or two Ministers may have one department under their charge.(Rule 5 (1))
- The senior most Minister or who deals substantial the more subjects deemed to be in-charge of administration of the department. (Rule 5 (2))
- Minister-in-charge is primarily responsible for the disposal of Business pertaining to the department except in case of Legislative Assembly (the business of Legislative Assembly is covered under Rules of Procedure and Conduct of Business in A.P. Legislative Assembly). (Rule 10)
- Minister-in-charge shall take action to give effect to the decision taken in the Council meeting. (Rule 21)

- He has to give standing orders for disposal of cases at various levels in the department. (Rule 22 (a))
- Whenever new Minister takes charge standing orders must be re-issued. (Rule 22 (b))
- The representations received by Minister can be endorsed to field level officers or HoD or Secretary of the Department as the case may be. But the endorsements are not Government orders. (Rule 23 (a)).
- Secretary concerned shall submit files to Minister-in-charge. (Rule 24)
- All cases to be circulated to CM and Governor shall be circulated through Minister-in-charge. (Rule 33)

- Role of Secretary:
- He is the head of the Secretariat department, more than one department may be placed under his charge or two secretaries may be placed on charge of one department. (Rule 7)
- Every order or instrument of the State Government shall be signed and it shall be deemed to be the proper authentication of such order or instrument. (Rule 13)
- Must act according to standing orders issued under Rule 22 (a).
- Submit files to Minister under Rule 24, read with Secretariat Instructions 3.
- Submit a statement showing important cases disposed during the week to Minister.

- May ask to see the papers of any department if they are required to dispose case in his department. (Rule 28 (1))
- Responsible for observance of Business Rules. (Rule 57)
- He may circulate files to Minister if he feels that it is important. (S.I.3 (2))
- Secretary may differ from the minute of any Minister and in such case he may re-circulate or circulate to CM through the Minister-in-charge. (S.I. 7)
- Secretary in a department is not the Secretary to Minister. It is the duty of Secretary to see that the policy of the department is carried out and may tender advise to the Minister orally or in writing. (S.I. 8 (a))
- When orders of Minister and CM are at variance the orders of CM must be shown to Minister. (S.I. 8 (d))



- Role of Circulating Officer:
- Secretary is the circulating officer unless the otherwise mentioned in Business Rules 22 (a). (S.I.8 (e))
- The Circulating Officer must mention under which Business Rule the file is circulated to Minister and must specifically record his views on the alternative courses of action if any. (S.I. 8 (f & g))

- Advices of other department:
- G.A. (Services) department shall be consulted before issue of orders with regard to matters involving general policy relating to services, framing of and amendments to, service rules, relaxation of rules etc. (S.I. 26 (2))
- The Public Enterprises department shall be consulted in all matter relating to general policy, release of funds and matters in respect of which general guidelines have been issued to public enterprises and also on any proposal specified in item 23 of the Second Schedule. (S.I. 26 (3))

- Finance and Planning (Finance Wing) Department shall be consulted on the subjects mentioned under Rule 37 and further procedure under Rules 38 & 40.
- The Law department shall be consulted and further action has to be taken as specified under Rules 41 to 56.

- Consultation of APPSC:
- On vetting of Rules.
- Quantum of penalty in disciplinary matters.
  
- Consultation of APVC:
- On Vigilance matters by following procedure in Scheme of A.P. Vigilance Commission.
  
- Consultation of A.G., A.P., Hyderabad.
- On legal matters.
- Special advices.
- Appearance in important Court cases.

Thank You

**END**