

# Writing Cabinet notes

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# An Outline of Secretariat procedure

**1. RECEIPTS (DAK)**

**2. REGISTRATION**

**3. PROCESSING FILE**

**4. CIRCULATING FILE TO DEPTS.**

**5. DECISIONS AS PER BR**

**6. COMMUNICATING  
DECISIONS**

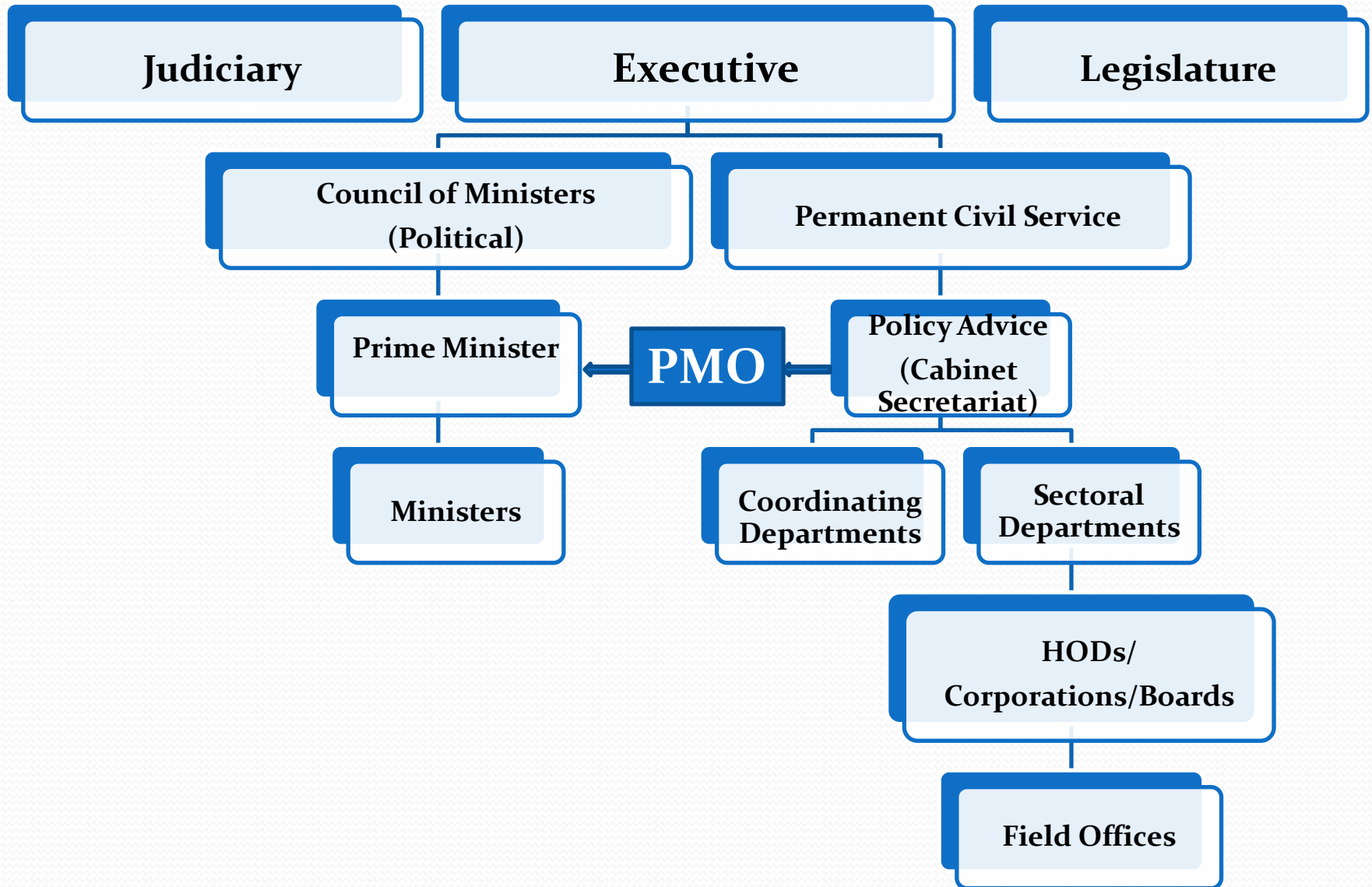
**7. DISPOSALS TO RB**



# Article 77 of Constitution of India (Business Rules)

- 77. Conduct of business of the Government of India:
- **(1) All executive action** of the Government of India shall be expressed to be taken **in the name of the President;**
- **(2) Orders and other instruments made and executed in the name of the President shall be authenticated in such manner as may be specified in rules to be made by the President,** and the validity of an order or instruction 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 President;
- **(3) The President shall make rules** for the more convenient transaction of the business of the Government of India, and for the allocation among Ministers of the said business.

# Machinery of Govt.- Executive



# Secretariat Depts



## Regulatory

- Home, Revenue, Food, Civil Supplies, CA, Labour & employment

## Social services

- Health, Education, RWS
- Welfare-SW, BC, Women, Minority, Youth

## Economic services

- Industries, Energy,
- Agriculture, AH, Fisheries, Dairy

# Coordination/Advisory Depts

- Finance
- Law
- Dept of personnel
- Parliamentary Affairs
- Information Technology

# Allocation & Disposal of Business

- Allocation of Subjects among Departments is specified in Allocation Business Rules
- Allocation of Business among Ministers
- Collective Responsibility
- Minister-in-charge is responsible for disposal of business
- Orders in the name of President
- Competent to authenticate orders

# Decision making process in Govt.

- The Minister-in-charge competent to take decision
- Minister can delegate any subject to Secretary
- The Secy can give his opinion but Minister need not obliged to accept
- If any errors of fact in Minister's note, he shall return
- If PM approves Minister orders, Secy shall implement
- If variance with Minister's orders, orders be shown to Minister
- The Secy shall not talk of these orders in any public form



## Decision making process - more than one Dept.

- Ensure the operational primacy of the PM vis-à-vis the members is cabinet
- Ministries concerned shall be consulted when the case is involved more than one dept
- Finance Ministry – All Financial Transactions
- Law Ministry – All Legal Matters
- Personnel Ministry – All Establishment related issues
- IT Ministry - E-Governance issues
- 8 Standing Cabinet Committees

# Consultation with Law

- To prepare statutes, Acts, Regulations and rules, orders & Notification
- Any general legal principles arising out of any case
- The institution or withdrawal of any prosecution
- Scrutiny of drafts prepared by the administrative dept.
- Every reference shall be accompanied by an accurate statement of facts of the case

# Consultation with Finance

- Proposal which affect the State Finances
  - Release of Grants,giving concessions,license of mineral rights
  - Relinquishment of revenue
- Cases relating to no./grading/cadre of posts/emoluments or other conditions of service
- Cases relating to delegation of financial powers
- Re-appropriation
- Any other matters

# Files to be Circulated to Minister-in-charge

- All Policy issues/New Schemes/Modifications etc.,
- Appointment & promotion of officers
- Imposition of Penalties as per CCA rules
- Posting & transfers vested with the Govt.
- Deputation for Special study outside India
- Condonation of break in service of Officers
- Constitution of committees with non-officials
- All Legislative matters – LSQ, RSQ, Committees, etc,
- Land Acquisition Cases-compensation beyond rules
- Any case in the dept as desired by the Minister

# Powers of Prime Minister

- Business Rules ensure operational primacy of PM
- Residuary subjects not allotted to Ministers or
- When a Minister ceases to hold office, his portfolio stands assigned to PM
- All appointments of statutory/constitutional bodies
- Matters relating to All India Service
- The decisions taken in Cabinet meeting shall be recorded separately and will be approved by PM
- PM submits papers required by President
- All New Schemes/programmes/Policies

# Items in Cabinet Note

- 1) Introduction
- 2) Background
- 3) Proposal
- 4) Justification
- 5) Inter-ministerial consultations
- 6) Financial implications
- 7) Approval paragraph
- 8) Statement of implementation schedule
- 9) Statement of equity, innovation and public accountability
- 10) Statement on major milestones & corresponding target date
- 11) Approval of the minister-in-charge





**Thank you**