

**THE ORISSA GOVERNMENT RULES OF BUSINESS
MADE UNDER ARTICLE 166
OF THE CONSTITUTION OF INDIA**

Bhubaneswar, the 14th December, 1956

No.4192-Gen - 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 Orissa is pleased to make the following rules, namely :

1. These rules may be called the Orissa Government Rules of Business.
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
 - c. "Cabinet" means the Committee of the Council of Ministers specified in Rule 4-A
 - *d. "Secretary" means a Secretary to the Government of Orissa and includes a Principal Secretary, a Special Secretary, an Additional Secretary, a Joint Secretary, a Deputy Secretary and an Under Secretary.
3. The General Clauses Act, 1897 applies for the interpretation of these rules as it applies for the interpretation of a Central Act.
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 and their branches as laid down therein.
- 4-A. There shall be a Committee of the Council of Ministers to be called the Cabinet which shall consist of the Ministers. Except when the Council of Ministers meets on any occasion, all matters referred to the Second Schedule shall ordinarily be considered at a meeting of the Cabinet :

Provided that a Minister of State or a Deputy Minister may attend the meeting of the Cabinet when requested to do so, either when a subject with which he is concerned is under discussion or otherwise :

Provided further that a Minister of State-in-charge of a department where there is no Minister-in-charge of that department, shall attend the meeting of a Cabinet where at a subject with which he is concerned is fixed or taken up for consideration.
5. The Governor shall, on the advice of the Chief Minister allot the business of the Government by assigning one or more departments to the charge of a Minister or of a Minister of State :

Provided that different branches of a department or different subjects under a branch may be assigned to the charge of different Ministers of State :

Provided further that Minister of a State or a Deputy Minister may be in subordinate charge of a department or of specified branches of a department or of specified subjects under a branch, under the Minister-in-charge or Minister of State-in-charge, as the case may be, or may assist the

* Inserted vide Notification No. 28981, dated the 28th December 1993.

Minister-in-charge or the Minister of State-in-charge, as the case may be, in such manner as may be indicated by such Minister-in-charge or Minister of State-in-charge.

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

Provided that more than one department may be placed in charge of the same Secretary :

Provided further that different branches of a department may be placed in charge of different Secretaries.

7. The Council shall be collectively responsible for all executive orders issued in the name of the Governor in accordance with these rules whether such orders are authorised by an individual Minister or Minister of State on a matter appertaining his port-folio or as a result of discussion at a meeting of the Council or of the Cabinet or howsoever otherwise.

8. (1) All cases referred to in the Second Schedule shall be brought before the Cabinet by the direction of
- i. the Chief Minister or
 - ii. the Minister-in-charge or the Minister of State in-charge of the case with the consent of the Chief Minister.

- (2) Cases shall also be brought before the Cabinet by the Chief Minister by the direction of the Governor under clause (c) of Article 167 :

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 Cabinet unless the Finance Minister has had opportunity for its consideration.

*Provided further that the Chief Minister may anticipate approval of the Cabinet in cases of emergency, if the meeting of the Cabinet is likely to be delayed. Such cases shall have to be placed before the next meeting of the Cabinet as and when held.

9. (1) Without prejudice to the provision of Rule 7 the Minister-in-charge or the Minister of State-in-charge of a Department or a branch or branches thereof shall be primarily responsible for the disposal of business appertaining that department or branch.

- (2) Every Minister, every Minister of State, every Deputy Minister and every Secretary shall transmit to the Chief Minister all such information with respect to the business of the Government as the Chief Minister may from time to time require to be transmitted to him.

10. (1) No department shall without previous consultation with the Finance Department authorise any orders (other than orders pursuant to any general delegations made by the Finance Department) which either immediately or by their repercussions will affect the finances of the State or which in particular, either -

- a. relate to the number or grading or cadres of posts or the emoluments or other conditions of service or post; or

* Inserted vide Notification No. 1531-RB-15/86-AIS dated the 4th March 1987.

- 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; or
 - c. in any way involve any relinquishment of revenue
- (2) No proposal which requires previous consultation with the Finance Department under sub-rule (1) of 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 Cabinet.
 - (3) No reappropriation shall be made by any department other than the Finance Department except in accordance with such general delegations 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, should be communicated in the manner as prescribed by the Finance Department from time to time.
 - (5) Nothing in this rule shall be construed as authorising any department including the Finance Department to make reappropriations from one grant specified in the Appropriation Act to another such grant.
11. All orders or instruments made or executed by order or on behalf of the Government of Orissa shall be expressed to be made by or by order of or executed in the name of the Governor of Orissa.
12. Every order or instrument of the Government of the State shall be signed either by a *Principal Secretary, a Secretary, a Special Secretary, a Joint Secretary, a Deputy Secretary or an Under-Secretary or such other officer as may be specially empowered in that behalf and such signature shall be deemed to be the proper authentication of such order or instrument.
- Explanations- In this rule the references to a *Principal Secretary, a Secretary, a Special Secretary, a Joint Secretary, a Deputy Secretary and an Under Secretary shall include references, respectively to an Additional Principal Secretary, an Additional Secretary, an Additional Joint Secretary, an Additional Deputy Secretary and an Additional Under-Secretary.
13. The Secretary of the department or branch concerned is in each case responsible for the proper transaction of business and 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 or the Minister of State-in-charge as the case may be and the Chief Secretary. **The Secretary in each department or branch shall also be responsible for the due execution of sanctioned policy and for the discipline and efficiency of the administrative department or branch in his charge.
14. 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.

* Inserted Vide Notification No. 28981, dated 28.12.93.

** Deleted Vide Notification No. 90211-Gen, dated the 11th May, 1977.

