

**Instructions regarding the Business of the Government
issued under Rule 14 of the Rules
made under Article 166 of the constitution of India.**

In exercise of the powers conferred on him by rule 14 of the Orissa Government Rules of Business made by him under Article 166 of the Constitution of India the Governor of Orissa is pleased to issue the following instructions for the more convenient transaction of the business of the Government of Orissa, namely :

PART- I
Definitions

1. In these instructions, unless the context otherwise requires,
 - (i) "Article" means an article of the Constitution of India.
 - (i-A) "Cabinet" shall have the same meaning as defined in Rule 2 of the Rules of Business.
 - (ii) Case includes the papers under consideration and all previous papers and notes put up in connection therewith to enable the question raised to be disposed of.
 - (iii) "Council" means the Council of Ministers constituted under Article 163.
 - (iv) "Minister-in-charge", "Minister of State-in-charge" or "Deputy Minister-in-charge" means respectively the Minister, the Minister of State or the Deputy Minister appointed by the Governor to be in charge of the Department of the Government or Branch thereof to which the case belongs.
 - (v) "Rules" means the rules made by the Governor under Article 166 of the Constitution.
 - (vi) "Schedule" means a Schedule appended to the Rules.
 - (vii) "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.
2.
 - (i) A case shall be deemed to belong to a department to which under the Schedule to the Rules the subject-matter thereof pertains or is mainly related.
 - (ii) If any question arises regarding the Department to which a case belongs, the decision of the Minister-in-charge of the Departments concerned, if all such departments are in charge of the same Minister shall be final. If such Departments are under different Ministers, who, after discussion, are unable to agree as to the Department to which the case belongs, the Chief Minister shall decide the question.

PART - II

** "Principal Secretary" Inserted Vide Notification No. 28984, dated the 28th December 1993.

General

3. (1) Except as otherwise provided in these Instructions, cases shall ordinarily be disposed of by or under the authority of the Deputy Minister-in-charge or of the Minister of State-in-charge if there is no Deputy Minister-in-charge or of the Minister-in-charge if there is no Deputy Minister-in-charge or Minister of State-in-charge. Provided that all classes of cases which are required to be submitted to the Chief Minister under these instructions and such other cases as Minister in charge may direct, shall be submitted by the Deputy Minister-in-charge to the Minister of State-in-charge or by the Minister of State-in-charge to the Minister-in-charge or by the Deputy Minister-in-charge to the Minister-in-charge if there is no Minister of State-in-charge as the case may be, before issue of orders or submission to the Chief Minister and the case shall be disposed of according to the orders of Minister-in-charge.
 - (2) The Minister-in-charge or the Minister of State-in-charge may, by means of standing order, give such direction as he thinks fit for the disposal of cases in the Department and for submission of cases to him by the Deputy Minister or Minister of State, if there be any, before issue of orders. Copies of such standing orders shall be sent to the Governor and the Chief Minister.
 4. Each Minister and each Minister of State-in-charge, if any shall, by means of standing order, arrange with the Secretary of Department 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 Chief Minister.
 5. Except as otherwise provided in these Instructions, cases shall be submitted by the Secretary in the Department or branch to which the case belongs to the Deputy Minister-in-charge or Minister of State-in-charge or, if a Deputy Minister or a Minister of State is not in charge of the Department or the branch, to the Minister-in-charge.
 6. On the 1st and 16th of every month, the Secretary shall submit to the Deputy Minister, Minister of State and the Minister-in-charge, a statement showing particulars of cases, other than routine cases disposed of in the Department by Secretary, the Deputy Minister, Minister of State and the Minister respectively during the preceding fortnight distinguishing those disposed of after discussion at meeting of the Council. A copy of the said statement shall be simultaneously submitted to the Governor through the Chief Minister.
 - 6-A. Similarly, on the 1st and 16th of every month, the Secretary shall submit to the Deputy Minister, Minister of State and the Minister-in-charge another statement showing particulars of cases, other than routine cases, disposed of in the Department by the Officers below the rank of Secretary during the preceding fortnight, distinguishing those disposed of after discussion in the meeting of the Council.
 7. (1) Subject to the rules and the other provision in these instructions the Deputy Minister-in-charge of the Department or the branch or if a Deputy Minister is not in charge of the Department or the branch, the Minister of State-in-charge or if a Minister of State is not in charge of the department or the branch, the Minister-in-charge may dispose of all cases arising in the department or the branch which he controls.
 - (2) When a difference of opinion arises with respect to any matter between different departments in charge of the same Minister or as the case may be Minister of State, the matter shall be decided
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by him.

8. 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.
 9. (1) If the departments concerned are not in agreement relating to the case dealt with under the Instruction 8, the Minister-in-charge or Minister of State-in-charge as the case may be if he wishes to proceed with the case, shall attempt by previous discussion with the Minister-in-charge or Minister of State-in-charge as the case may be of other departments concerned to arrive at an agreement.
(2) If no such agreement is arrived at, the case shall be submitted to the Chief Minister for a decision and Chief Minister may either decide the case himself or refer the case to the Cabinet.
 10. (1) The Chief Secretary may on the orders of the Chief Minister or of any Minister or of any Minister or any Minister of State-in-charge 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.
(2) 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.
(2-a) The Additional Development Commissioner or Agricultural Production Commissioner may call for papers in respect of the matters assigned to them from time to time from any Department and such request by them shall be complied with by the Secretary of the department concerned.
(2-b) The Additional Development Commissioner or Agricultural Production Commissioner may after examination of the case, submit it for the orders of the Minister-in-charge or Minister of State-in-charge as the case may be:

Provided that matters relating to policy which are considered to be important by the Additional Development Commissioner or Agricultural Production Commissioner shall be submitted to the Minister-in-charge or Minister of State-in-charge through the Chief Secretary.

(3) The Chief Secretary may at the instance of the Chairman of the State Planning Board call for any record of any department including Finance and Planning for examination on any matter relating to the work of the State Planning Board and submit it to the Chief Minister with his notes on matters relevant to advice given in the State Planning Board or matters arising therefrom. Any such request by the Chief Secretary for submission of any record shall be complied with by the Secretary of the department concerned.
 11. Any matter in which a difference of opinion arises or is likely to arise between any department and the Orissa Legislative Assembly Secretariat shall be brought to the notice of the Chief Minister through the Minister-in-charge.
 12. Copies of all important Communications received from the Government of India (including those from the Prime Minister and other Ministers of the Union) or of the first report of an occurrence of the nature
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mentioned below shall, as soon as possible after receipt, be submitted by the Secretary to the Chief Secretary, Minister-in-charge, Chief Minister and the Governor for information:-

- (i) Riots which involve serious breach of public peace;
 - (ii) Outrages which have political aspect;
 - (iii) Calamities, such as, flood and earthquake, which cause serious damage to life and property; and
 - (iv) All other events which have political or administrative importance and all unusual happenings.
- 13.** 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 and the Chief Minister and the Minister-in-charge.
- 14.** *(1) The following classes of cases shall be submitted to the Chief Minister before the issue of orders, namely :
- (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 case of administrative importance not already covered by the Second Schedule to Rules.
 - (iii) Cases which affect or are likely to affect the peace and tranquility of the State or any part thereof.
 - (iv) Cases involving questions of policy which affect or are likely to affect the interest of any minority community, Scheduled Castes or Scheduled Tribes and backward classes.
 - (v) Cases relating to the Orissa Legislative Assembly Secretariat which, in the opinion of the Department dealing with them, are of sufficient importance.
 - (vi) 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.
 - ** (vii) Constitution of the Advisory Board under any Law referred to in sub-clause (a) of clause 4 of article 22 of the Constitution of India.
 - (viii) Proposals for the dismissal, removal or compulsory retirement of any gazetted officer.
 - (ix) Proposals for appointment, posting and promotion of the following officers:-
 - (a) President and Members, Board of Revenue.
 - (b) Secretaries, Special Secretaries, Additional Secretaries, Joint Secretaries and Deputy Secretaries of the Departments of Government.
 - (c) Heads of Departments.
 - (d) District Judge, Additional District Judge, Joint District Judge, Sessions Judge, Additional Sessions Judge and Assistant Sessions Judge.
 - (e) D.I.G. of Police.
 - (f) Collectors or Deputy Commissioners and District Magistrates.

* Substituted Vide Notification No. 23818, dated the 27th December 1995.

** Substituted Vide Notification No. 5192, dated the 26th February 1992.

- (g) Superintendents of Police.
- (h) Superintending Engineers.
- (i) Advocate-General (including proposals for determining or varying the remuneration payable to him).
- (j) Chief Electoral Officer
- (k) Authorities appointed for preparation of electoral rolls for the State Legislature.
- (l) Members of the following services:-
 - (i) I.A.S
 - (ii) I.P.S. (including posts of Commandants of O.M.P. and Deputy Commandants and Assistant Commandants).
 - (iii) Other All-India Services.
- (m)
 - (1) Government Advocate.
 - (2) Standing Counsel.
 - (3) Government Pleaders and Public Prosecutors (in the district and those appointed in special cases).
 - (4) Additional Public Prosecutors or Government Pleaders.
 - (5) Assistant Public Prosecutors.
 - (6) Member, Sales Tax Tribunal.
 - (7) Member, Administrative Tribunal for disciplinary proceedings.
- (n) Special officers equivalent in rank and status to any of the officers mentioned above.
- (x) Any communication from the Election Commission, especially with reference to its requirements as to staff and action proposed to be taken thereon.
- (xi) Any proposal for the institution of a prosecution by Government against the advice tendered by law Department.
- (xii) Any departure from the Rules and these instructions which comes to the notice of the Chief Secretary or the Secretary of any department.
- (xiii) Appointment of the Chief Secretary and Additional Chief Secretary.
- (xiv) []*
- (xv) Cases pertaining to the Governor's personal establishment and Raj Bhaban matters.
- (xvi) Proposals for the appointment of Chairman, Members-Secretary and Assistant Secretary of the State Public Service Commission.

* Deleted Vide Notification No. 32991/Gen, dated the 15th March, 1974.

- (xvii) Cases relating to the application of the Acts of Parliament or the State Legislature to the Scheduled Areas and the making of regulations for the peace and good Government of those areas.
- (xviii) Cases relating to amendments to High Court Rules or orders.
- (xix) Promulgation of statutory rules and amendment to such existing rules whether made by Government or by a subordinate authority.
- + (xx) List of approved candidates for appointment to State Services and all proposals for promotion to Group-A Services.
- (xxi) All postings, transfers or grade promotions which are not strictly in accordance with seniority.
- (xxii) Transfers and postings in the following services and posts to the extent specified.
 - (a) Co-operative Department-Joint and Deputy Registrars of Co- operative Societies.
 - (b) Agriculture Department-Joint Director of Agriculture, Deputy Director of Agriculture, Joint Director of Soil Conservation, Deputy Director of Soil Conservation and other Class 1 posts of Agriculture Engineering and Soil Conservation Wing of the Department.
 - (c) Deputy Director of Marketing.
 - (d) Deputy Director of Animal Husbandry and Veterinary Services.
 - (e) Conservator of Forests.
 - (f) Deputy Director of Fisheries.
 - (g) Chief Inspector of Boilers.
 - (h) Officers of the Orissa Administrative Service of the rank of Subdivisional Officers and Under-Secretaries to Government and above.
 - (i) Orissa Finance Service.
 - * (j) Officers of the Orissa Police Service of the rank of Superintendent of Police and above.
 - (k) Electricity Department-Superintending Engineer and Executive Engineers.
 - (l) Roads & Buildings (Works Department) - Additional Chief Engineer, Superintending Engineers and Executive Engineers, Government Architect.
 - (m) Public Health-Superintending Engineer and Executive Engineers.
 - (n) Deputy Commissioner of Excise.
 - (o) Health Department-Joint Director of Health, Principal, Readers, Professors and Assistant Professors of Medical Colleges, Government Analyst, Deputy Director of Public Health and Chief District Medical Officer.
 - (p) Director, Printing, Stationery & Publication and Deputy Director.

* Substituted Vide Notification No. 8101, dated the 22nd September, 1986 and modified Vide Notification No. RB-2/2001/19255/ Gen., dated 6th June 2002.

+ Substituted vide notification number 29250/G Dt.22.10.2003

- (q) Deputy Director of Public Instruction, Principal of Colleges and Readers and Professors.
- *(r) [Deputy Director of Mines]
- (xxiii) Proposals to lend the service of any officer other than a member of a subordinate services to the Government of India or to any State Government or on foreign service.
- (xxiv) All important cases relating to Defence, External Affairs or Ecclesiastical Affairs.
- (xxv) All Proposals Involving any important change in the strength or distribution of any police force, whether civil or military.
- (xxvi) All proposals for the making or amendment of any rules, regulations or order relating to any police force, whether civil or military.
- (xxvii) All Proposals for imposing on the police forces duties other than those which they are required to perform under the Acts relating to those forces and the rules framed thereunder.
- (xxviii) All Proposals for a substantial increase or diminution of the powers of heads of departments.
- (xxix) All proposals materially affecting the condition of service or the normal promotion of any Government servant.
- (xxx) All cases in which the conduct of officers of the All-India Services and State Services is involved and which the Secretary to Government in the Department concerned considers to be of sufficient importance to be submitted to the Chief Minister.
- (xxxi) []**
- (xxxii) []***
- (xxxiii) All cases in which it is proposed to deviate from the advice tendered by the State Public Service Commission.
- (xxxiv) []****
- (xxxv) Cases relating to Payment out of the Consolidated Fund of State any damages or costs incurred by Public servants in connection with civil suits instituted against them in respect of acts purported to have been done by them in their official capacity.
- (xxxvi) All important cases relating to the development of irrigation and supply of electricity in the State.
- (xxxvii) All cases in which Land Acquisition proceedings are proposed to be dropped.
- (xxxviii) All cases of withdrawal or dropping of police investigation for violation of control orders.
- (xxxix) All cases relating to constitution of special committees by the Orissa Government or by the Government of India and nomination of members thereto and cases relating to filling up of places by the Orissa Government in committees constituted by the Government of India.

* Deleted vide Notification No. 30124-Gen, dated the 28th November, 1981.

** Deleted vide Notification No. 9340, dated the 19th April, 1967.

*** Deleted vide Notification No. 5192, dated 26th February, 1992.

**** Deleted vide Notification No. 3299, dated 15th March, 1974.

- (xi) All Press Communiques and Press Notes
- (xli) All cases relating to summoning prorogation of the Legislature, dissolution of the Legislative Assembly, removal of disqualifications of voters at elections to the Legislature, fixing of dates of elections to the Legislature and other connected matters.
- (xlii) All cases relating to the issue of rules regulating the conditions of service of persons serving in a civil capacity in connection with the affairs of the State and the relaxation of such rules in individual cases.

Note- The following cases need not be submitted to the Chief Minister :

- (a) Cases in which the general principles and object of amendments have already been accepted by the Chief Minister.
 - (b) Cases relating to amendments to existing rules which are of a routine nature.
- (xliii) All cases of appointments (including temporary appointments) to non-technical posts of persons who do not possess the prescribed qualifications.
 - (xliv) All cases relating to the deputation of officers on special duty or training outside the State, unless otherwise directed by the Chief Minister.
 - *(xlv) Cases relating to Schemes of new expenditure which do not require reference to the Council.
 - (a) Schemes treated as "new services" - where the estimated cost exceeds Rs.10,000/- per annum recurring or Rs. 50,000/- non-recurring.
 - (b) Schemes not treated as "new services" - where the estimated cost exceeds Rs.25,000/- per annum recurring or Rs. 1,00,000/- non-recurring.
 - ** (xlvii) Cases relating to Schemes involving abandonment of revenue where the estimated loss of revenue exceeds Rs.10,000/- per annum recurring or Rs.1,00,000/- non-recurring but which do not require reference to the Council.
 - (xlviii) All cases which the Secretary concerned considers to be of major importance or which any Minister may ask to have circulated to the Chief Minister.
 - (xlix) []***
 - (i) Cases relating to the constitution of Municipality, Notified Area Councils and Panchayat Samitis.
 - (ii) Cases relating to the constitution of Municipality of Municipality, Notified Area Councils and Panchayat Samitis.
 - (iii) Cases relating to removal of Chairman of any Municipal Council, Notified Area Council or Panchayat Samiti."
 - (iv) Any other cases or class of cases which the Chief Minister specially directs to be submitted to him.

* Substituted vide Notification No. 5192, dated the 26th February, 1992.

** Substituted vide Notification No. 5192, dated the 26th February, 1992.

*** Deleted vide Notification No. 3299, dated the 15th March, 1974.

- (liii) Proposals for appointment of Chairman and Managing Director/Director-in-charge and for nomination of Members of the Board of Directors of all Public Undertakings, Corporations and Statutory Boards.
 - (liv) Proposal for issue of directives relating to the finances conduct of business and affairs of the Public Undertakings, Corporations and Statutory Boards including proposals to vary for annul such directives.
 - *(lv) Proposals for Government guarantee for loans from institutional lending agencies with the concurrence of the Finance Department and approval of the Minister-in-charge of the Administrative Department.
 - ** (lv) Any case in which the attitude of Government to Resolution or private Bills to be moved in the Legislature is to be determined.
 - *** (lvii) Proposals involving creation or abolition of all posts in Class-I and above.
 - + (lviii) Any proposal for withdrawal of a prosecution by Government against the advice tendered by the Law Department.
 - ++ (lix) i. Grant or recommendation for grant of mineral concessions including PL/ML for major minerals (including Bauxite) in Schedule-1 of the Mines and Minerals (Regulation and Development) Act, 1957.
 - ii. Any exemption from or relaxation of existing rules and practice regarding mineral concession and working of mines.
 - iii. All cases of reservation of land containing major minerals (including Bauxite) in Schedule-1 of the Mines and Minerals (Regulation and Development) Act, 1957 for exploitation through Public Sector Undertakings.
 - iv. Cases for premature termination of M.L. Under Section-4-A(1) of the Mines and Minerals (Regulation and Development) Act, 1957.
 - v. Cases regarding recommendation to Government of India for imposition of special conditions under Rule 27(5) of the Mineral Concession Rules, 1960.
- (2) The following classes of cases shall be submitted by the Chief Minister to the Governor before issue of orders:-
- (i) Proposals for the grant of pardon, reprieve, respite, a remission of punishment or for suspension, remission or commutation of a sentence of any person in pursuance of Article 161;
 - (ii) Such cases as, in the opinion of the Chief Minister involve questions of policy;
 - (iii) Cases which affect, or, are likely to affect the peace and tranquility of the State :
Provided that if owing to extreme urgency previous submission of any such case is, in the opinion of the Chief Minister likely to involve undue delay, such case should be submitted to the Governor after the issue of orders ;

* Deleted vide Notification No. 5192, dated the 26th February, 1992 and Corrigendum No 10348 dated the 16th April, 1992.

** Inserted vide Notification No. 5192, dated the 26th February, 1992 and Corrigendum No 10348 dated the 16th April, 1992.

*** Inserted vide Notification No. 12212, dated the 6th May, 1992.

+ Inserted vide Notification No. 424, dated the 11th December, 1992.

++ Inserted vide Notification No. 31409, dated the 30th October, 1998.

- (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 Bhavan matters;
- (vi) Cases pertaining to promulgation of ordinances;
- (vii) Cases relating to recommendations or sanctions for introducing particular types of legislation;
- (viii) Cases relating to amendments to High Court Rules or orders;
- (ix) Proposals for appointment of Chairman, Members, Secretary and Assistant Secretary of the State Public Service Commission;
- (x) Such other cases of administrative importance as the Chief Minister considers necessary;
- (xi) Cases which affect or are likely to affect the interests of any minority community, Scheduled Caste, Scheduled Tribe or backward class;
- (xii) All cases relating to summoning and prorogation of the Legislature, dissolution of the legislative assembly, removal of disqualification of voters at elections to the Legislature, nomination to the Legislative Council, fixing dates of elections to the legislature and other connected matters ;
- (xiii) Cases relating to the application of Acts of Parliament or of the State Legislature to the scheduled areas and the making of Regulation for the peace and good Government of those areas.
- (xiv) All cases relating to the issue of Rules regulating the recruitment and conditions of service of persons appointed to public services and posts in connection with affairs of the State, made in pursuance of Article 309.

- (3) All cases required to be submitted to the Chief Minister or the Governor under Clauses (1) and (2) of this instruction shall be submitted by the Secretary of the department concerned to the Minister-in-charge and the Chief Minister through the Chief Secretary :

Provided that the Chief Minister may call for or require to be submitted to him, any case or class of cases specified in Clauses (1) and (2) or any other case or class of cases not so specified, at whatever stage of examination they may be in the Department concerned and all such cases shall be directly submitted to him by the Secretary of the Department.

15. (i) 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 cabinet 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.

- (ii) The Chief Minister shall -
 - (a) communicate to the Governor all decisions of the Cabinet relating to the administration of the affairs of the State and proposals of legislation;
 - (b) cause to be furnished to the Governor such papers, records or information relating to the administration of the affairs of the State and proposals for legislation as the Governor may call for; and
 - (c) 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 Cabinet.

Note- All requisitions from the Governor for any such information as referred to in (b) above shall be made to the Chief Minister.

PART III

Procedure of the Cabinet

- 16. The Chief Secretary or such other officer as the Chief Minister may appoint shall be the Secretary to the Cabinet.
 - 17. The Secretary to the Cabinet shall attend every meeting of the Cabinet unless the Chief Minister excuses his attendance from any meeting. The duty of the Secretary to the Cabinet shall be -
 - (i) to communicate a list of business for and the date, time and place of every meeting to the Governor and to each Minister and to each Secretary of the Department concerned, at least three days before the date for the meeting unless, in any case the Chief Minister otherwise directs ;
 - (ii) to record the minutes of the proceedings of Cabinet;
 - (iii) to keep the records of the proceeding of the Cabinets;
 - (iv) to inform the Chief Minister of the pending Cabinet business and to obtain orders about the time and place of meeting of the Cabinet and the business to be taken up;
 - (v) to see that the Governor and the Ministers are provided with copies of relevant papers, beforehand;
 - (vi) to see that the Secretary whose presence may be required in the Cabinet meeting are in attendance; and
 - (vii) to send to the Governor and Ministers, as soon as possible after the end of each meeting, copies of the proceedings.
 - 18. All cases referred to in the Second Schedule to the rules shall be submitted to the Chief Minister after consideration by the Minister-in-charge, with a view to obtaining his orders for circulation of the case under instruction 19 or for bringing it up for consideration at a meeting of the Cabinet.
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19. (1) The Chief Minister may direct that any case referred to in the Second Schedule may, instead of being brought up for discussion at a meeting of the Cabinet be circulated to the Minister for opinion, and if all the Ministers are unanimous and the Chief Minister thinks that a discussion at a meeting of the Cabinet 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 Cabinet.
- (2) If it is decided to circulate any case to the Minister, a memorandum giving a gist of papers relating to such case which is circulated among the Ministers shall simultaneously be sent to the Governor.
- (3) When a case is to be circulated the order of circulation shall be as follows:-
- (i) to the Ministers or Ministers of State, as the case may be; and
 - (ii) to the Chief Minister.
20. (1) In cases which are circulated for opinion under Instructions 19, the Chief Minister may direct if the matter be urgent, that if any Minister fails to communicate his opinion to the Secretary to the Cabinet 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 Cabinet shall submit the case to the Chief Minister. If the Chief Minister accepts the recommendations and if he has no observation to make he shall return the case to the Secretary to the Cabinet who will pass it on to the Secretary concerned who will thereafter take steps to issue necessary orders.
21. (1) When it has been decided to bring a case before the Cabinet, 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. Such memorandum and such other papers as are necessary to enable the case to be disposed of shall be circulated to the Chief Minister, Minister, Minister of State-in-charge of a Department and the Secretary to the Cabinet.
- (2) A memorandum prepared by any department for consideration of the Cabinet shall be drafted after due examination and consultation with all departments concerned including the Finance Department, wherever necessary. The memorandum shall be submitted in draft by the Secretary of the Department together with the papers of the related cases for consideration of the Minister-in-charge or the Minister of State-in-charge as the case may be through the Chief Secretary and thereafter for approval of the Chief Minister:
- Provided that in special circumstances of the case, the Minister or the Minister of State as the case may be may call for the papers without such examination of the Chief Secretary and place them before Chief Minister.
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- 22.** In cases which concern more Ministers than one the Ministers shall attempt by previous discussion to arrive at an agreement. If an agreement is reached the memorandum referred to in Instruction 20 or 21 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.
- 23.** (1) The Cabinet 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 Cabinet has been approved by the Chief Minister, copies thereof together with copies of such memoranda as have not been circulated under Instruction 21 shall be sent by the Secretary to the Cabinet to the Chief Minister and other Ministers or Minister of State as the case may be 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 Instruction 21.
- (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 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 Cabinet.
- (6) The Secretary of a department concerned with the case shall attend the meeting unless his presence is excused by the Chief Minister.
- 24.** (1) When a case is brought before a meeting of the Cabinet the presiding authority will call upon the Minister-in-charge or the Minister of State-in-charge as the case may be to make such observations as he thinks fit on the point or points submitted for discussion. Other Ministers may then speak. Secretaries, except when asked for their opinion, will take no part in the discussions.
- (2) []*
- (3) Relevant extracts from the decision of Government reached at a meeting of the Cabinet shall be supplied by the Secretary of the Cabinet to the Secretaries of the departments concerned.
- 25.** When any matter has been discussed in the Cabinet any Minister who has taken part in the discussion may record a minute on the subject which shall form part of the record of the proceedings.
- **26.** (1) When a case has been decided by the Cabinet after decision at a meeting, the Minister concerned shall take action to give effect to the decision. If however, any deviation is proposed to be made from that decision, the case shall be submitted to the Chief Minister, through the Secretary to the Cabinet and the Minister-in-charge. The Chief Minister may, after considering the objection to the decision of the Cabinet in the matter, either direct that the said decision be carried out or the implementation of the decision be kept in abeyance till the Cabinet re-considers the matter. In every such case the Secretary in the Department concerned shall supply to the Secretary to the Cabinet all necessary documents and informations.

* Deleted vide Notification No. 3299, dated the 15th March, 1974.

** Substituted vide Notification No. 15042/Gen, dated the 7th September, 1974.

- (2) Modification, if any, finally be made in the decision of the Cabinet under clause (1) of this instruction, shall also be communicated to the Governor.
 - (3) The decision of the Cabinet relating to each case may be separately recorded and after approval by the Chief Minister or any other Minister presiding shall be placed with the record of the case. An advance copy of the draft of the decisions and also of the approved draft shall be sent to the Governor.
27. The discussions and recorded proceedings of the Cabinet shall be secret. Save as provided in this Instruction and in Instructions 17 and 24, no proceedings of the Cabinet or extracts therefrom or information relating thereto shall be supplied or disclosed to any person.

PART IV

The Finance Department

28. The Finance Department shall perform the following functions, namely :
- (a) It shall be in charge of the account relating to loans granted by the State Government and shall advise on the financial aspect of all transactions relating to such loans.
 - (b) It shall be responsible for the safety and employment of all funds belonging to vesting in or under the management of the State Government.
 - (c) It shall examine and report on all proposals for the increase, continuance or reduction of taxation.
 - (d) It shall examine and report on all proposals for borrowings by the Government; shall take all steps necessary for the purpose of raising such loans as have been duly authorised; and shall be in-charge of all matters relating to the service of loans.
 - (e) It shall be responsible for all matters relating to financial procedure and application of the principles of sound finance.
 - (f) It shall be responsible for seeing that proper financial rules are framed for the guidance of other departments and that suitable accounts, including commercial accounts, where necessary, are maintained by other departments and establishment subordinate to them.
 - (g) It shall be responsible for all matters relating to budget procedure and to the form and content of the annual financial statement and it shall be responsible during the year for the provision of ways and means and for watching the state of the Government's balances.
 - (h) In connection with the budget and with supplementary estimates -
 - (i) it shall prepare the annual statement of estimated receipts and expenditure for presentation to the Legislative Assembly and any supplementary estimates of expenditure which it may be necessary to present in the course of the year; it shall also prepare the appropriation bills and bills relating to the Consolidated and Contingency Funds of the State;
 - (ii) for the purpose of such preparation, it shall obtain from the departments concerned material on which to base its estimates, and it shall be responsible for the correctness of the estimates framed on the material so supplied;
 - (iii) it shall examine and advise on all schemes of new expenditure for which it is proposed to make provision in the estimates and shall decline to provide in the estimates for any scheme which has not been so examined.

- (i) On receipt of a report from an Audit Officer to the effect that expenditure for which there is no sufficient sanction is being incurred, it shall require steps to be taken to obtain sanction or that the expenditure shall immediately cease.
 - (j) It shall lay the audit report relating to the State Accounts before the Committee on Public Accounts.
 - (k) It shall decide to what extent in particular departments the audits of expenditure should be reinforced by an audit of receipt.
 - (l) It shall advise departments responsible for the collection of revenue regarding methods of collection employed.
- 29.** (1) After grants have been voted by the Legislative Assembly and the Governor has given his assent to the Appropriation Bill in accordance with the provisions of Article 204-
- (a) the Finance Department shall have power to sanction any reappropriation within a grant from on major, minor or subordinate head to another;
 - (b) if any reappropriation within a grant between a head subordinate to a minor head is sanctioned by any department in pursuance of any delegation made by the Finance Department a copy of every order sanctioning the reappropriation shall be communicated to the Finance Department as soon as it is passed.
- (2) The Finance Department shall have power -
- (a) to delegate to the High Commissioner for India in the United Kingdom in respect of any grant and subject to any conditions which it may specify in this behalf, the power of reappropriation conferred by clause (a) of paragraph (1); and
 - (b) to sanction the delegation by an administrative department to any officer or class of officers of the power of reappropriation conferred on such administrative department by clause (b) of the said paragraph.
- (3) Copies of orders sanctioning any reappropriation which does not require the sanction of the Finance Department, shall be communicated to that Department as soon as such orders are passed.
- 30.** Every report made by the Finance Department on any matter on which it is, by statute or rule, required to advise or report, shall be forwarded to the Department concerned.
- 31.** (1) 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 post;
 - (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;
 - (c) proposal involving abandonment of revenue or involving any expenditure for which no provision has been made in the Appropriation Act; and

- (d) proposals to sanction alienation of land of the assignment of land revenue, except when the alienation or assignment is made under ordinary revenue rules of the State, or to sanction a concession, grant or lease of mineral or forest rights or right to waterpower or of right of way or other easement, or any privilege in respect of such rights.
 - (2) 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.
 - (3) The Finance Department may by general or special order prescribe cases in which its assent may be presumed to have been given.
32. The Finance Minister may call for any papers in a case in which any of the matters referred to in rule 10 of the rules or Instruction 31 (1) is involved and the Department to whom the request is addressed shall supply the papers.

PART V

Proposals for Legislation

Law (Legislative) Department

33. Except as otherwise provided by Instruction 37 the Law 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 the provisions of rule 8 of the rules settled in such Department.
34. Proposal 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 Cabinet until the department concerned has consulted the law Department as to -
- (i) the expediency of the proposed legislation from a legal point of view;
 - (ii) the competence of the State Legislature to enact the measure proposed;
 - (iii) the requirements of the Constitution as to obtaining the previous sanction of the President thereto;
 - (iv) the consistency of the proposed measure with the provisions of the Constitution, and in particular those relating to the fundamental rights.
35. (1) If legislation is decided upon by the Minister-in-charge the Department will, if it involves expenditure from the Consolidated Fund of the State prepare in consultation with the Finance Department a Financial Statement. After the Financial Statement is prepared, the Administrative Department shall prepare a self contained summary setting out the facts of the case and the legislative measures proposed and send the same to the Law (Legislative) Department for its comments, if any, before submission to the cabinet for approval.
- (2) The summary so sent shall be revised wherever necessary in the Law Department and returned to the concerned Administrative Department who shall then submit the same to the Cabinet for consideration.

- (3) After the approval of the Cabinet is obtained for any legislative proposal, the Department initiating the same shall prepare an office memorandum indicating with sufficient precision the lines on which it has been decided legislate and request the Law Department in the Legislative Section to take steps for drafting the bill with a view to its introduction in the Legislative Assembly. The Summary of the legislative proposals to the Cabinet is no substitute for the precise instructions required in the memorandum as the former would be more general in character while the latter should be given in greater detail dealing with each of the legislative proposals and acquainting the Law Department with so much of the background of what is proposed, as is relevant.
 - (4) The Law Department will comply with the request and after preparing a draft Bill in consultation with the Advocate- General, if necessary, shall get the approval of the Minister, Law for the same and send the draft Bill to the initiating Department. The said Department will then submit the draft to Government for final approval and after such approval it shall attach to the Bill a Statement of Objects and Reasons relating thereto which will be signed by the Minister-in-charge of the said Bill. The originating department shall take necessary action so that every Bill to be taken up in the next session of the Legislature is approved by Cabinet and sent to the Law Department for drafting the Bill at least 15 days before the date of commencement of the session.
 - (5) If any provisions in the tentative Bill are so modified by the originating Department as to involve expenditure from the Consolidated Fund of the State, the said Department shall prepare or revise, as the case may be in consultation with the Finance Department the Financial Statement. The procedure described in paragraph (4) shall then apply to such Bill.
- 36.** (1) Whenever a Bill falls within any of the categories requiring the previous recommendation of the Government or the sanction of the President, the Department in charge of the Bill shall obtain such recommendation or previous sanction, as the case may be as per the advice given in this behalf by the Law Department. After it is obtained it shall be communicated in writing to the Secretary to the Assembly by the Minister-in- charge along with the copy of the Bill in the following form :
- The President/the Governor having been informed of the proposed Bill, the President accords his previous sanction to the introduction of Bill/the Governor recommends the introduction of the Bill/ or recommends to the House the consideration of the Bill.
- A copy of the communication is also endorsed to the Law Department.
- (2) When all the foregoing formalities are completed, the Bill together with its memoranda and annexures (contents of the Bill and a copy of the provisions sought to be amended) shall be sent to the Law Department who shall send the same to the Government Press for printing. After the proofs are obtained from the Press the Bill shall be scrutinised in the Legislative Section and then be sent to the Assembly Secretary.
 - (3) The Bill from that moment passes to the control of the House and it will be the responsibility of the Assembly Secretariat to get fair copies of the Bill printed and distributed to the members and to take all further steps in connection therewith.
- 37.** (1) 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 Law Department:
- Provided that the Law department shall sent a copy of the draft Bill together with the Statement of Objects and Reasons to the Department which is concerned with the subject-matter for consideration as an administrative measure and shall also if the Bill deals with an Act of Parliament send a copy to the Central Government.

- (2) The department to which a copy of the Bill is sent shall forthwith make such enquiries as it thinks fit and shall send to the Law Department, its opinion thereon together with a copy of every communication received by it on the subject.
 - (3) Thereupon the Law Department shall submit the Bill to the Cabinet for orders and if the cabinet so directs, take steps for its introduction in the Legislative Assembly, as the case may be.
- 38.** A copy of every Bill introduced in the State Legislature shall immediately after its introduction be forwarded by the Secretary of the Legislative Assembly to the Governor, the Chief Minister, the Administrative Department concerned and the Law Department as well as to the Central Government for information.
- 39.**
- (1) Whenever a non-official member of the State Legislature gives notice of his intention to move for leave to introduce a Bill, the Secretary of the Legislative Assembly shall forward two copies of the Bill together with the Statement of Objects and Reasons to the Law Department as well as to the Department to which the subject-matter of the Bill belongs (hereinafter referred to as the Administrative Department).
 - (2) On receipt of a copy of the Bill, the Law Department shall, after examining it from the following aspects, communicate its opinion of the Administrative Department, namely:-
 - (a) the competency of the State Legislature to enact the measure;
 - (b) the consistency of the proposed measure with the provisions of the Constitution, particularly those relating to the fundamental rights;
 - (c) the expediency of the proposed Legislation from the legal point of view; and
 - (d) the requirements of the Constitution as to obtaining -
 - (i) the previous sanction of the President, or
 - (ii) the prior recommendation of the Governor as the case may be.
 - (3) The Administrative Department shall, then examine the Bill from the administrative point of view and place the proposal in the form of a memorandum before the *Chief Minister for his decision as to whether -
 - (a) the Bill should be opposed or supported, or
 - (b) the Governor should be advised to accord recommendation or to refuse the same, or
 - (c) steps for obtaining the sanction of the President should be taken:

Provided that if the provisions of the Bill involve expenditure from the Consolidated Fund of the State, the Administrative Department shall, before submission of the memorandum to the Chief Minister prepared in consultation with the Finance department of financial statement in respect of the Bill and place such statement along with the memorandum before the Chief Minister.
 - (4) The Administrative Department shall, in accordance with the decision of the Chief Minister, take necessary steps for moving the Governor or the President, for obtaining the recommendation or sanction as the case may be.
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- (5) After the recommendation or sanction is obtained or where the recommendation or sanction is refused, the Administrative Department shall communicate in writing such recommendation or sanction or, as the case may be, the order of refusal, to the Secretary of the Legislative Assembly who shall intimate the decision to the Member-in-charge of the Bill
- 40.** Every Bill of the nature referred to in article 199 of the Constitution shall -
- (a) If the Bill does not relate to a subject dealt with in the Finance department, be sent by the Secretary of the Department dealing with the subject to which it relates to the Secretary to the Finance department for his remarks and shall be dealt with in the Department dealing with the said subject. Such Bill shall thereafter be submitted to the Finance Minister and the Governor.
- (b) If the Bill relates to a subject dealt with in the Finance Department, be submitted to the Finance Minister and the Governor.
- 41.** The provisions of Instruction 39 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.
- 42.** In every draft Bill a reference shall be added in the margin of each clause to show whether it is based on any, and, if so, on what provisions of the existing law. Such marginal references may be retained during the progress of the Bill through the State Legislature but shall be removed from the copy submitted in the event of the passing of the measure for the assent of the Governor and also from that assent to the Central Government.
- 43.** (1) (a) When a Bill has been passed by the Assembly, the Secretary of the Legislative Assembly shall scrutinise the Bill and it is open to the said Secretary to point out to the Speaker the mistakes in the Bill, if any relating to printing, spelling, punctuation, numbering of sections or clauses or cross references, marginal headings and other similar matters and correct them with the approval of the Speaker. A copy thereof shall be sent to the Law Department for final checking and making necessary corrections of a formal nature.
- (b) The Bill, after its return from the Law Department, is printed by the Assembly Secretariat with the superscription, "As passed by the Assembly" and two assent copies on thick paper authenticated by the Speaker are, thereafter sent, by that Secretariat to the Law Department.
- (c) On receipt of the authenticated copy of the Bill from the Secretary, to the Legislature by the Law Department the Law Secretary shall give a certificate either that no legal reasons exist why the assent of the Governor to the Bill should not be given, or the same should not be reserved for the consideration of the President. With this certificate the authenticated copies of the Bill, shall be sent to the Administrative Department whose Secretary shall thereon give the necessary administrative certificate thereto. Then the Administrative Department shall forward the Bill to the Governor through the Chief Minister for obtaining the assent to the Bill. The certificates together with the Bill passed by the Assembly and all records relating to it shall be submitted through the Minister-in-charge to the Chief Minister who will then obtain the assent of the Governor or advice such other steps to be taken as he may deem proper and appropriate.
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- (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 Secretary to Government, Law Department.
- (3) After obtaining the assent of the Governor or the President, as the case may be, the Administrative Department shall send the file along with the assented copies to the Law Department who shall take steps for the publication of the Bill in the Official Gazette as an Act of the Legislature.
- 44.** The provisions of Instructions 33, 34 and 35 shall, so far as may be, apply in respect of Ordinances promulgated by the Governor under clause (1) of Article 213 of the Constitution of India, subject to the following :
- (a) After the Ordinance has been approved by the Cabinet, the originating or initiating department shall forthwith submit the Ordinance through the Chief Minister to the Governor for his signature :
Provided that where under the proviso to clause (1) of the said Article 213 previous instructions of the President are necessary for the promulgation of the Ordinance, the Department concerned shall obtain the same through the Secretary to the Governor and then submit the Ordinance to the Governor as aforesaid.
- (b) On receipt of the copy of the Ordinance, signed by the Governor, the Department shall forward the same to the Law Department for publication.
- (c) After the publication of the Ordinance, the Law Department shall forward a copy of the same to the Governor and two copies thereof to the Secretary, Orissa Legislative Assembly for being laid before the Legislative Assembly as required under clause (2) of Article 213 of the Constitution.
- 45.** Whenever it is proposed in any Department other than the Law 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 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 Law Department for opinion and for revision where necessary.
- 46.** (1) All Administrative Departments shall consult the Law Department 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, except in cases which are simple and clear and where no point of law is involved.
- (2) Every such reference shall be accompanied by an accurate statement of the facts of the case and the exact point or points on which the advice of the Law Department is desired.
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PART VI

The Planning & Co-ordination Department

- 47.** The Planning & co-ordination Department shall perform the following functions.
- (1) It shall prepare the five year plan and the long-term development plan for the State.
 - (2) It shall examine the Departmental proposals and prepare the annual plan of the State.
 - (3) It shall review periodically the progress of the plan programmes and bring to the notice of Government all important points requiring action.
 - (4) It shall carry out necessary changes, modification or adjustments in the plans in accordance with policies approved by Government from time to time and in doing so generally ensure that the principles of sound planning are followed in all Departments.
 - (5) It shall be responsible for co-ordinating the activities of all Departments in so far as they are related to planning and execution of plan programmes.
 - (6) It shall be responsible for supplying all information, reports and other assistance as may be required by the State Planning Board from the records of their own department or by obtaining from other departments of Government, if necessary and submit the same to the Planning Board in the form of a note or a memorandum and for ensuring that the advice tendered or recommendations made by the said Board is duly considered or acted upon in the department as expeditiously as possible.
 - (7) It shall advise Government in all matters relating to planning.
- 48.** The State Planning Board, hereinafter referred to as the Board shall consist of such number of members, official and non-official, as may be determined by Government from time to time.
- 49.** The Board may advice to the Government in the following matters -
- (a) Preparation of a long-term of 15 year development plan so as to ensure rapid industrialisation of the State and modernisation of agriculture with the object of opening up employment opportunities both for educated and uneducated man-power of the State and with the object of bringing about all-round economic development of the State.
 - (b) Assessment of the material, capital and human resources of the State, including technical personnel and investigation of possibilities of augmenting such of these resources as are found to be deficient in relation to the State requirements.
 - (c) On determination of priorities, defining the stages in which the plan should be carried out and proposing the allocation of resources for the due completion of each stage.
 - (d) To indicate the factors which are tending to retard economic development; and to determine the conditions with, in view of the current social and political situation, should be established for the successful execution of the plan;
 - (e) To determine the nature of the machinery which will be necessary for securing the successful implementation of each stage of the plan in all its aspects;
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- (f) To appraise from time to time the progress achieved the execution of each stage of the plan and to recommend the adjustments of policy and measures that such appraisal may show to be necessary; and
- (g) To make such interim or ancillary recommendations as appear to it to be appropriate either for facilitating the discharge of the duties assigned to it, or, on a consideration of the prevailing economic conditions, current policies, measures and development programmes or on an examination of such specific problems as may be referred to it for advice by the Government.

50. The following procedure shall be followed in making references to the Board.

- (1) A Department which wishes to have the advice of the Board on any matter within competence of the Board may furnish a memorandum to the Planning & Co-ordination Department clearly setting out the points on which -the Boards advice is sought for and it shall be the responsibility of the Planning & Co- ordination Department to obtain the advice of the Board by circulating the memorandum with their views on the points raised and communicate the same to the Department concerned.
- (2) The Agenda of the meeting will be approved by the Chairman or in the absence of the Chairman by any Member nominated by the Chairman.
- (3) Chief Secretary and Development Commissioner may with the approval of the Chief Minister place before the Board any matter relating to any department falling within the purview of the Board irrespective of the stage at which such matter is being considered in the said Department or any other Department concerned with it.
- (4) []*

51. The Board may frame its own rules of business not inconsistent with these Instructions or any other special instructions that Government may issue from time to time.

- 52.**
- (1) The P & C Department shall be consulted before issue of orders on all matters which affect the Plans of the State and in particular those which-
 - (a) are likely to affect the activities of more than one department in regard to the implementation of the Plan Programmes.
 - (b) involve organisational changes with a bearing on the execution of Plan Programmes.
 - (c) are connected with the implementation of the advice given by the State Planning Board.
 - (d) involve additions, alterations and adjustments to approve schemes.
 - (2) The views of the P. & C. Department shall be brought to the permanent record of the Department to which the case belongs and form part of the case.
 - (3) The P. & C. Department may by general or special order prescribe cases in which its assent may be presumed to have been given.
 - (4) The P. & C. Department may call upon Departments to refer important matters relating to plans to the Board for advice and in all such instance the procedure laid down in instruction 51 shall be followed.

* Deleted vide Notification No. 16198, dated the 9th September, 1971.

PART VII
Miscellaneous

53. Whenever it may be found necessary to make communication to high officers of Government, such as Collectors, Heads of Departments, conveying or employing the dissatisfaction of Government in any degree or indicating how they might more satisfactorily discharge the duties of their office, such communication shall be made in the form of confidential letters or memoranda to be signed by the Chief Secretary and not in the form of Government Resolutions, and draft of such communication shall be submitted to the Minister-in-charge or the Minister of State-in-charge, as the case may be and the Chief Minister for approval.
54. The Secretary to the Department concerned is in each case responsible for the careful observances of these instructions, 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 of the Department and the Chief Secretary.
55. No function of a Secretary falling under rules 9 (2) and 13 of the Rules and Instruction 54 shall be discharged by a Joint, Deputy, Under or Assistant Secretary.
56. In addition to the cases and copies of the proceeding which are required to be sent to the Governor, each Department of the Secretariat shall also forward to the Governor for his information copies of the following :
- (i) important letters and telegrams addressed to the Government of India, important letters and telegrams from and to the State Governments, the High Court and the Orissa Public Service Commission.
 - (ii) all orders embodying important principle or changes of policy in the administration of the State.
57. If any doubt arises as to the interpretation of these Instructions it shall be referred to the Chief Minister whose decision shall be final.
58. If any provision in these instructions is repugnant to any provision in the rules, the provision in the Rules shall prevail and the provision in the instructions shall, to the extent of repugnance, be void.

By order of the Governor

*Sd/
Chief Secretary to Government*