

GOVERNMENT OF
BIHAR AND ORISSA.

1

1913

APPOINTMENT
DEPARTMENT.

APPOINTMENT.

JUNE.

File No. $\frac{2C.}{74}$ of 1912.

Nos. 25 & 26.

Rules of business for the Executive Council of His Honour the Lieutenant-Governor of Bihar and Orissa and the distribution of departments amongst the members.

बिहार सरकार
मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)

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APPOINTMENT DEPARTMENT.

APPOINTMENT.

2C.
File No. — of 1912.
74

Rules of business for the Executive Council of His Honour the Lieutenant-Governor of Bihar and Orissa and the distribution of departments amongst the members.

RANCHI,
The 30th April 1912.

My dear LeMesurier,

His Honour asked me to discuss with Levinge the question of rules of business for Executive Council and distribution of work amongst members. Hence the note below, which you might like to submit to His Honour. The Bihar and Orissa list of subjects dealt with by Secretaries is not nearly so full as the Bengal one, and it may be thought desirable to amplify it.

Yours sincerely,
E. A. GAIT.

My dear Gruning,

I pass this on to you.

Yours sincerely,
L. J. KERSHAW.

My dear LeMesurier,

I return these papers in case you wish to go through them again before we meet to-morrow.

1st May 1912.

Yours sincerely
JOHN F. GRUNING.

His Honour—

As desired by His Honour, Mr. Levinge and I have discussed the question of rules of business for the Executive Council and the distribution of departments amongst the Members.

As regards the rules we think it would be best in the first instance to adopt as they stand those recently sanctioned for Bengal. They can be modified hereafter in the light of actual experience.

In Bengal the departments are distributed as follows:—

His Honour the Lieutenant-Governor—

Appointment Department (List I).

* These heads will be found in the schedule on page 2.

Political Department, Political Branch, except certain minor heads.*

“ First Member—

Revenue Department.

General Department, except Miscellaneous and Registration branches.

Public Works Department.

Second Member—

Appointment Department (except List I).

Political Department (Police, Jails, Miscellaneous and Special Sections and part of Political).

Financial Department (Medical branch).

Judicial Department.

Third Member—

General Department (Miscellaneous and Registration branches).

Municipal Department (Local Self-Government branch).

Municipal Department (Municipal branch).

The terms First, Second and Third Member are no longer used in Bengal. Each Member takes his subjects by name. The same procedure may be followed here. We would suggest that Mr. Levinge should take the subjects described above as those of the First Member, that the Maharaja of Darbhanga should take those of the Third Member, and I those of the Second Member. A few changes might be made as noted below:—

- (1) His Honour has decided to keep that part of the Public Works Department work which relates to the laying out and building of the new capital.
- (2) I may take Education and Mr. Levinge the portions of the Political Department not taken up by His Honour and Jails.
- (3) The Maharaja of Darbhanga might take the Miscellaneous subjects under Judicial.

The arrangement of subjects dealt with by Secretaries in Bengal differs from that now adopted for this province. Allowing for the changes which have been made, the distribution of subjects amongst Members may be as follows:—

His Honour the Lieutenant-Governor—

Appointment Department (List I).

Political Department (Political branch, except minor heads).

Public Works Department (buildings at Bankipore).

Mr. Gait—

Appointment and Judicial Departments (Appointment branch and Judicial branch, head 1 only).

Education Department.

Political Department (Police and Miscellaneous branches).

Financial Department (Financial branch).

Municipal Department (Medical and Sanitation branches).

Mr. Levinge—

*See Bengal list on page 2.

Political Department (Political branch, subjects not taken by His Honour).*

Revenue Department (Branch A and Branch B, heads 1 to 12).

Financial Department (Commercial, Separate Revenue, and Miscellaneous branches).

Public Works Department (except buildings at Bankipore).

Maharaja of Darbhanga—

Appointment and Judicial Department (Judicial branch, except head 1).

Revenue Department (Branch B, heads 13 to 18).

Municipal Department, Local Self-Government branch, Municipalities.

Ditto, District and Local Boards.

Ditto, Jails.

It will be observed that the distribution of work amongst Members does not correspond with that amongst the Secretaries. His Honour however has already said that this is immaterial. The Secretaries should be regarded as Secretaries to the Government, and not to individual Members.

The distribution we have proposed is purely tentative. It is quite possible that it may be necessary to modify it in the light of actual experience. Meanwhile, it might perhaps be examined by the Secretaries in the different departments who may wish to make suggestions in matters of detail. The Bihar and Orissa list is very general, and an examination of the detailed heads in the Bengal one may suggest some changes. For example, it is difficult to trace in our list the General Department, Miscellaneous branch subjects which are taken in Bengal by the Third Member.

E. A. GAIT—30-4-1912.

Taken up. His Honour observes that the Members of the Board have themselves suggested that the Secretary should examine the distribution and make suggestions thereon in matters of detail. His Honour accordingly permits the Secretaries to note at full on the subject. We might consider the terms of the note and whether it should be separate or joint at the meeting on Thursday.

H. LEMESURIER—7-5-1912.

NOTE.

Availing ourselves of the permission granted by His Honour on the suggestion of the Members of the Board, we have discussed the note and beg to make the following suggestions on points of detail.

(a) In the first place we would explain that the list of subjects for Bihar and Orissa differs from that for Bengal largely on a matter of principle, *viz.*, the omission in this province of any "General Department." We found in Eastern Bengal and Assam that there was a tendency to thrust upon the so-called "General Department" all subjects which were not expressly provided for under one or other of the numerous heads, sub-heads and items of a

very full list. And consequently the Revenue Secretary informed us that if he had to do the Board's work in Bihar and Orissa, as well as his own, he must stipulate for a limitation of the subjects put upon him under the head "General". It was decided therefore to rearrange the subjects under broad general heads as far as we could, so that when a new subject came up it might be recognised and allocated on general principles or, if necessary, there should be a discussion between the Secretaries and a definite place assigned to it. We venture to think that a perusal of the Bihar and Orissa lists of subjects will show that the latter is one—

- (i) arranged more logically than the Bengal list;
- (ii) completely covers the same ground;
- (iii) the exclusion of the General Department is justified and explained by the great volume of the Revenue work including under the term Revenue those kindred subjects which must be dealt with by the Revenue Secretary. Thus the Revenue Secretary takes such kindred matters as Registration, Agriculture, Co-operative Societies, Fisheries, Exhibition and fairs, Circuit-Houses and stage bungalows and other matters which occupy the attention of the Collectors and the Commissioners on tour. On the other hand, Archaeology and the allied subjects of Gazetteers, Ethnography and Languages are transferred to the Education Department, which it has been decided should be placed in the Chief Secretary's Department owing to its close connection with the political development of the new province.

2. The subjects classed in Bengal under the "Miscellaneous" subdivision of the General Department, have been distributed amongst all three Secretaries: thus "Books" in Branch B of the Revenue Department, "Buildings advances" with other advances in Financial: "Census" in the Revenue Department; the "Imperial Library Catalogue" is included under "Books"; "Certificates" are divided; in the first case they go to the same head as the branch of the public service concerned, in the last two to "Political". We think that an examination of the various heads, and sub-heads of the "Miscellaneous" subdivision of the General Department of Bengal will show that each has its true place under the wider headings of the List of subjects for Bihar and Orissa.

3. We venture also to deprecate the Bengal system of dividing "Appointments" into two lists. There is no reason why the Appointment Department should dispose of such matters as the appointment of the Inspector-General of Prisons or Civil Hospitals or Sanitary Commissioner or the Commissioner of Excise. We observe that even under the Bengal system it is only in the case of a very few of the "Departmental appointments" that the Appointment Department has any concern. In all other appointments the cases are dealt with by the Member and the Secretary in charge of the particular Department. Where the case is so important as to involve the selection of a Head of a Department obviously, it is one which must go to His Honour and the Member of the Council also, and there seems to be no reason, therefore, why such cases should be taken out of the ordinary line and brought to a Department which is managed by a Secretary and a Member who may not have anything to do with the other work of the Department concerned with the exception of certain Departmental appointments ordinarily held by the members of the Indian Civil Service, in respect of which the Chief Secretary's Department (whether under His Honour or not) is ordinarily consulted because it may be that the officer in question has no previous Departmental record. We consider that the filling up of these appointments should be allocated not according to the rank of the particular officer but by the service to which he belongs, that is to say, that the Chief Secretary's Department (whether working under His Honour direct or under one of the Members of Council) should deal with all cases regarding the Indian, Provincial and Subordinate Civil Services, including judicial officers, that the Financial Secretary should deal with medical officers and the Revenue Department with Revenue officers, and so on.

RANCHI:

The 9th July 1912.

My dear Sir Charles,

I return herewith the file regarding distribution of work. In consultation with Levinge, I have made a few changes in our original proposals, in transfer of Separate Revenue from me to Levinge and of Jails and heads 11-18 of Revenue, Branch B, from Levinge to Darbhanga.

I talked over the matter with Kershaw, who suggests that we should eventually have a new Branch of Revenue—C—to contain heads 11 to 18 of present Branch B, and a few miscellaneous heads from other parts of the list. But this rearrangement cannot be made till it is finally settled what changes will be made owing to the retention of the Board of Revenue.

Yours sincerely,

E. A. GAIT.

To Sir C. S. BAYLEY, K.C.S.I., I.S.O.,

Lieutenant-Governor of Bihar and Orissa.

His Honour—

I brought this before the Secretaries, and we find that it will be necessary to submit draft Rules of Business (*see* the precedent in Appointment, A, Proceedings for December 1910, Nos. 18-L.

267—69, File No. — of 1910).

- A. { It is understood that the question regarding appointments on which the Secretaries noted has been decided, but His Honour's orders have not been received. I am also to ask
 B. { whether orders have been passed on the specific points concerning finance which were raised by the Financial Secretary in an interview with His Honour.

H. LEMESURIER—11-7-1912.

I put the file in regard to A.

B. I have discussed with Financial Secretary. I think it will be better to follow the Bengal rules unless, and until, experience shows them to be defective.

C. S. B[AYLEY]—13-7-1912.

Chief Secretary—

The draft below, which is modelled on the Bengal letter of 10th September 1910, may issue, *vide* His Honour's order above. The draft order in Council will then be checked and submitted in a day or two.

B. A. COLLINS—18-7-1912.

His Honour.

H. LEMESURIER—18-7-1912.

Issue and inform Mr. Wheeler demi-officially at the same time that the rules have been most carefully considered by Messrs. Gait and Levinge as well as by myself.

C. S. B[AYLEY]—14-7-1912.

D.-O. No. 2732A.

RANCHI,

Dated the 20th July 1912.

My dear Wheeler,

Will you please refer to my official letter No. 2840A., of this day's date, with which a set of draft rules and orders for the Executive Council of Bihar and Orissa have been submitted. I am desirous to say that the rules have been most carefully considered by Messrs. Gait and Levinge as well as by Sir Charles Bayley himself.

Yours sincerely,
 H. LEMESURIER.

To H. WHEELER, Esq., C.I.E., I.C.S.,

Secretary to the Government of India, Home Department, Simla.

[No. 25.] Letter to the Government of India, Home Department, No. 2840A., dated the 20th July 1912, and enclosures.

Chief Secretary—

The draft to India has issued and I now put up a draft order in Council. Two or three difficulties have arisen which affect both to a certain extent:—

(1) Lists I and II as they stood in Bengal contained a number of appointments, which are not and cannot ever be in existence in Bihar and Orissa. I therefore cut them out and the lists issued as below. If there is anything wrong, I can send lists to be substituted for them.

(2) I now find on a careful examination of these lists, which I never had an opportunity to make before, that they need further alteration. The first part of List II consists of "Appointments under the Appointment Department". Under the main head is included:—

Jails.

1. Superintendents of Central Jails;
2. Superintendent of Jail Manufactures.

The latter appointment does not, but may subsequently exist. In Bengal these appointments were dealt with in the Appointment Department. Under the system followed here, they will be dealt with in the Jail branch, which is to go to the

The point is for His Honour's orders.
 H. LEMESURIER—26-7-1912.

Maharaja Bahadur of Darbhanga. This sub-head should therefore be removed to appointments under other departments. If approved, telegraphic intimation may be sent to India. Strictly speaking, the same difficulty arises with the police appointments, but

- (1) they are dealt with by Mr. Gait anyhow;
- (2) they were always dealt with in Bengal by the Appointment Department in the same way as the Indian Civil Service and should, I think, continue there, whatever happens.

They may stay where they are.
 C. S. B[AYLEY].

(3) The head suggested for Appointment Department (1) in Mr. Gait's work in the draft order in Council will then be correct.

(4) I have put the heading "His Honour's personal staff" under His Honour's direct work, and I have also included "Frontier Affairs" among his cases. There is no heading of this nature in our Secretariat list, but it existed in Bengal and was under His Honour's control there. So it appears from Messrs. Gait and Levinge's suggestions that I do not think this arises. We have no frontier in this Province. Bengal had Bhutan, Sikkim and Tibet.

H. LEMESURIER—26-7-1912.

Nipal. This may remain with me.

C. S. B[AYLEY].

it should remain in the Lieutenant-Governor's charge.

(5) Another point of difficulty is the mention of the "Legislative Department" in rule 16 of the rules of business. I consulted Legal Remembrancer and Revenue Secretary about altering this to "Legal Remembrancer" and on their advice left the rule as it is. The rule of course was only applied in Bengal, when no precedent existed.

Personally I do not see the difficulty. It is certain that if business of the kind referred to becomes heavy the Legal Remembrancer as Secretary of the Council will require assistance and the Department so formed will be the "Legislative Department." Until this is done, His Honour can direct who is to do the duty.

H. LEMESURIER.

The Legal Remembrancer can do the work of the Legislative Department. At present it is a mere question of name.

C. S. B[AYLEY].

(This note a little mixes up the draft to India and the order in Council, but it is difficult to separate the two and I took the points as convenient.)

B. A. COLLINS—22-7-1912.

His Honour—

I submit the above with some marginal comments. The Chief Secretary, or for that matter the Member in charge of the Police and Indian Civil Services and Provincial Services has no connection with the Superintendents of Jails and their manufactures. The final selection rests

I agree.

C. S. B[AYLEY].

with the Government of India and in my opinion there is no reason for transferring their selection from the Member who is to supervise their work, merely because such selection is an 'appointment.'

I think the draft order in Council may stand.

H. LEMESURIER—26-7-1912.

I think so. Messrs. Gait and Levinge should see.

C. S. B[AYLEY]—26-7-1912.

Under-Secretary—

Please revise and submit to the Hon'ble Messrs. Gait and Levinge.

H. LEMESURIER—26-7-1912.

Hon'ble Mr. Gait—

As directed, I submit a proof of the proposed draft order in Council. So far as I can see under His Honour's orders it does not need revision. But if the appointment of Superintendents of Jails are to be dealt with in Appointments (*vide* His Honour's marginal order), the words "(except of officers mentioned in List II)" should perhaps be added after the word "appointment" in the last line of page 4 of the draft order. His Honour has however also written "I agree" against Chief Secretary's remarks above, and I am not quite sure what should be done.

B. A. COLLINS—29-7-1912.

Seen. The lists seem all right, but is it necessary to set the subjects out in such detail? Might they not be shown as in my notes, dated 30th April 1912, subject to modifications since made. [For the Bengal order see Appointment Proceedings A, August 1911, No. 39, 18L.—42—1.]

E. A. GAIT—30-7-1912.

Chief Secretary—

I put up a fresh draft order for approval as directed by His Honour. A copy each has gone to Messrs. Gait and Levinge.

With reference to the orders to be passed about the Vice-President, I find that Sir Edward Baker, when on tour, used to pass orders for his direct cases to go to the Vice-President. I will try and ascertain, if a Council meeting was ever held in his absence, by to-morrow, but in any case none will, I imagine, be held in this short interval.

B. A. COLLINS—31-7-1912.

His Honour—

Draft order is submitted. Mr. Gait has seen and agreed.

H. LEMESURIER—1-8-1912.

Order in Council.

That the distribution of work be as proposed in the draft order submitted with Chief Secretary's note of August 1st.

CHAS. S. B[AYLEY].

Copies should be sent unofficially to each department of the Secretariat and Public Works Department.

B. A. COLLINS—7-8-1912.

This has been done separately.
Upn—22-2-1916.

D.-O. No. 1597-Public.

SIMLA,

Dated the 30th July 1912.

My dear LeMesurier,

I am desired to inform you that the Governor General in Council has consented to the draft-rules for the conduct of business in the Executive Council which were forwarded with your letter No. 2840A., dated the 20th July. Official orders will issue on the 1st August; under the terms of the Act consent cannot be given formally until the Proclamation constituting the Council has been published.

Yours sincerely,

H. WHEELER.

To H. LEMESURIER, Esq., C.S.I., C.I.E.,

Chief Secretary to the Government of Bihar and Orissa.

The file has been submitted to His Honour. Official orders may be awaited.
Aswini—5-8-1912.

Chief Secretary has seen.
B. A. COLLINS.

Yes. In the absence of Chief Secretary and the file, I think this should be seen by Hon'ble Member (Mr. Gait).

B. A. COLLINS—5-8-1912.

[No. 21.] From the Government of India, Home Department, No 1630, dated the 1st August 1913.

Hon'ble Mr. Gait—

I venture to resubmit this with reference to the latter portion of Hon'ble Member's order, as there appears to be a mistake in the List II attached to the Rules of Business.

These lists were taken from the Bengal lists, omitting the appointments peculiar to Bengal. I have had the Appointment Department file looked up, and it appears that in the final proof passed the four appointments in the old Bengal list under the head "Medical" in List II which were not peculiar to Bengal, viz. :—

Superintendents, Central Lunatic Asylum,
Sanitary Engineer,
Civil Surgeons, and
Deputy Sanitary Commissioners,

were included in our list. For some reasons, however, as yet unascertained, the Press omitted them in the fair copies. The Appointment Department are taking steps to have the list revised, and in the circumstances it may be perhaps assumed that these appointments are in List II and the case submitted to His Honour.

E. L. TANNER—9-10-1912.

Very well.

If the appointment should be in the List II, the case should of course be submitted. I have struck out the latter part of my note.

E. A. GAIT—10-10-1912.

Chief Secretary—

I cannot explain how these four appointments came to be omitted. In the original copy of the Bengal list corrected for the Press by me they are left in. But no intermediate proofs are available. I cannot recollect exactly what happened except that the lists were corrected in a great hurry so that we might get India's orders before the 1st August. I remember examining the proofs carefully and comparing them with the Bengal lists and can only conclude that the head "Medical" fell out before the fair copy was printed off. I have found a number of mistakes nearly as bad in fair copies in other cases, since we came to Ranchi. The question is whether it is worthwhile now going up to India to get this correction made. It would seem better to wait until we have some alteration to propose in the rules of business, provided that it is understood that these four appointments should be treated as though included in List II.

B. A. COLLINS—13-10-1912.

Hon'ble Member—

For orders on A.

H. LEMESURIER—14-10-1912.

We may wait, as Under-Secretary suggests, until we have further changes to make.

E. A. GAIT—15-10-1912.

H. LEMESURIER—15-10-1912.

बिहार सरकार

मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)

Rules of business for the Executive Council of His Honour the Lieutenant-Governor of Bihar and Orissa and the distribution of departments amongst the members.

[No. 25.]

No. 2840A., dated Ranchi, the 20th July 1912.

From—The Hon'ble Mr. H. LeMESURIER, C.S.I., C.I.E., I.C.S., Chief Secretary to the Government of Bihar and Orissa,

To—The Secretary to the Government of India, Home Department, Simla.

I am directed to submit a set of draft rules and orders for the more convenient transaction of business in the Executive Council of Bihar and Orissa. It is desired that, if possible, the rules or orders should issue as soon as the Council is constituted and the Lieutenant-Governor trusts therefore that the draft will be taken into early consideration. The rules and orders are identical with those finally approved by the Governor General in Council in Mr. Butler's letter No. 777, dated the 30th March 1911, which were in force in Bengal before the recent changes and His Honour hopes that they will be accepted as they stand. Sir Charles Bayley understands that no difficulties arose in connection with the Bengal rules.

बिहार सरकार
मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)

10

RULES OF BUSINESS FOR THE EXECUTIVE COUNCIL FOR BIHAR AND ORISSA.

In exercise of the power conferred by section 3, sub-section (3), of the Indian Councils Act, 1909 (9 Edw. 7, c. 4), and with the consent of the Governor-General in Council, I have made the following rules and orders for the more convenient transaction of business in the Executive Council of the Lieutenant-Governor of Bihar and Orissa.

Definition.

1. The expression "Member in charge," as used in these rules and orders, means the Member appointed by the Lieutenant-Governor to be in charge of the Department of the Local Government to which the subject matter of a case belongs.

Definition of
"Member in charge."

Disposal of business.

2. The business of the different Departments shall, for the purposes of the first perusal of papers and the initiation of orders thereon, be allotted to the Lieutenant-Governor and the Members of Council in such manner as the Lieutenant-Governor may, from time to time, direct.

Allotment of business to Lieutenant-Governor and Members.

3. Save as otherwise provided by rules 5 (2) and 8, cases shall ordinarily be submitted by the Secretary in the Department to which the subject belongs, for the purposes of the first perusal of papers and the initiation of orders thereon, to the Member in charge.

Cases ordinarily to be submitted to Member in charge.

4. Cases of minor importance shall ordinarily be disposed of by, or under the authority of, the Member in charge.

Cases of minor importance.

5. (1) The following cases shall be submitted to the Lieutenant-Governor after consideration by the Member in charge, and before the issue of orders, namely:—

Cases of major importance.

(a) all proposed Resolutions on Administration Reports,

(b) all proposed Circulars embodying important principles or changes,

(c) all correspondence with the Government of India, the Calcutta High Court or any public Association recognized by Government, except correspondence on routine matters,

(d) all proposed orders conveying censure or praise to Gazetted Officers,

(e) all proposed orders dismissing officers in receipt of pay in excess of Rs. 100 per mensem,

(f) all proposals for the disposal of the Provincial balances,

(g) all proposed answers to questions to be asked in the Bihar and Orissa Legislative Councils,

(h) all petitions connected with sentences of death passed in criminal cases, and

(i) all cases which the Member in charge considers to be of major importance.

(2) Any case which is of special importance and urgency may be submitted by the Secretary in the Department to which the subject belongs, direct to the Lieutenant-Governor, who may either pass orders on it himself, or send it for disposal to the Member in charge:

Provided that, when a case is so submitted to the Lieutenant-Governor, the Member in charge shall be informed of the fact by the Secretary.

Letters from the Government of India.

6. All letters received from the Government of India (except letters of a routine or unimportant nature) shall, on receipt, be submitted by the Secretary for perusal, to the Lieutenant-Governor, and, on return from him, to the Member in charge, and then to the other Members.

Appointments,

7. (1) Appointments to be made with the concurrence of Council shall be classified in—

List I, comprising appointments to which the Lieutenant-Governor will nominate direct;

List II, comprising appointments to which the Lieutenant-Governor will nominate on the recommendation of the Member in charge.

(2) These lists are subject to modification from time to time by general or special order of the Lieutenant-Governor in Council.

(3) All cases involving the making, either permanently or temporarily, of any appointment shown in either of the said lists, and all cases regarding the grant of leave to any officer holding any such appointment, shall be submitted to the Lieutenant-Governor:

Provided that, if the Lieutenant-Governor has directed, by general or special order, that the Member's recommendation in any case entered in list II need not be submitted to him, the Secretary shall regard the Member's recommendation as a nomination by the Lieutenant-Governor unless he sees fit to submit it to the Lieutenant-Governor after the Member has noted on it.

(4) No nomination to an appointment shown in these lists shall be given effect to without the concurrence of a majority of the Council. Such concurrence shall not be withheld merely on the ground that some other person is deemed to be better fitted for the particular office, but only if specific objections of importance on public grounds, such as unfitness for the said office, are considered to exist to the officer selected.

Proposals to overrule Board, Commissioner, or Head of a Department in a matter of major importance.

8. Where it is proposed in any Department to negative the recommendation, or to overrule the decision, of the Board of Revenue, a Commissioner of a Division or a Head of a Department, in any matter of major importance, the consent of the Lieutenant-Governor shall be obtained before any orders to that effect are issued:

Provided that such consent need not be obtained in either of the following cases, namely:—

(a) where the Government of Bihar and Orissa while differing from a subordinate authority, express their view in the form not of an order but of a suggestion; or

(b) where the proposals of a subordinate authority contravene standing orders or accepted principles, and the reply of the Government of Bihar and Orissa merely refers to such orders or principles (as in cases where the subordinate authority may wish to give retrospective effect to some financial sanction).

9. Any case may, at any stage, if the Secretary in the Department to which the subjects belongs thinks fit, be submitted by him to the Lieutenant-Governor: Submission of any case by Secretary to Lieutenant-Governor.

Provided that, when a case is so submitted to the Lieutenant-Governor, the Member in charge shall be informed of the fact by the Secretary.

10. The Secretary in each Department shall submit to the Lieutenant-Governor a weekly table showing particulars of all cases which have been disposed of by, or under the authority of, the Member in charge. Submission to the Lieutenant-Governor of tables of cases disposed of by, or under the authority of, the Member in charge.

11. (1) Every case, the subject of which concerns another Department shall, unless it is one of extreme urgency, be referred for consideration to such Department before it is circulated to the Members or brought before a meeting of Council, and before any orders are issued. Inter-departmental references and differences.

(2) If all the Departments concerned are not in agreement regarding a case dealt with under this rule, it shall be submitted by the Secretary in the Department to which the subject belongs to the Lieutenant-Governor, for orders as to its being brought before a meeting of Council.

12. No case shall be referred by one Member of Council to another Member personally for opinion, without the previous consent of the Lieutenant-Governor. Personal references by one Member to another.

Explanation.—This rule does not apply to inter-departmental references made under rule 11.

13. (1) Any Member of Council may call for any papers in any Department of the Secretariat other than his own. Powers of Members to call for papers in other Departments.

(2) When papers are so called for they shall be sent under the orders of the Member in charge.

(3) On receipt of any papers called for under this rule, the Member who called for them may request the Lieutenant-Governor to have them either circulated or brought before Council, and the Lieutenant-Governor may, if he thinks fit, comply with that request.

14. Save in cases where an officer has been specially empowered by or under any enactment to sign an order of the Lieutenant-Governor in Council, every order of the Lieutenant-Governor in Council shall be signed by either a Secretary, a Deputy Secretary, and Under-Secretary or an Assistant Secretary to the Government of Bihar and Orissa; and such signature shall be deemed to be the proper authentication of such order. Authentication of orders.

15. No proposal involving—

- (a) an abandonment of revenue for which credit has been taken in the Budget, or
- (b) expenditure which has not been provided for in the Budget, or
- (c) expenditure which has not been specifically sanctioned, although provided for in the Budget,

References to the Financial Department.

shall be brought forward for the consideration of the Lieutenant-Governor in Council, nor shall any orders giving effect to any such proposal be issued, without a previous reference to the Financial Department.

References to the
Legislative Department.

16. Whenever it is proposed in an Executive Department—

- (1) to issue any statutory rule, notification or order, or
- (2) to sanction, under a statutory power, the issue of any rule, by-law, notification or order by a subordinate authority, or
- (3) to submit to the Government of India any statutory rule, notification or order, for issue by them,

a draft of the same shall, except in such cases as the Lieutenant-Governor may, from time to time direct, be referred to the Legislative Department for opinion as to whether it is strictly within the power conferred by the Legislature and is in proper form as regards wording and arrangement, and for revision, if necessary, in these respects.

Bringing of cases before Meetings of Council.

Bringing before
Council cases of
great importance.

17. All cases which the Lieutenant-Governor considers to be of great importance shall be brought before a meeting of Council, after circulation of the papers and before the issue of orders :

Provided that, if the Lieutenant-Governor considers any such case to be so urgent as to necessitate the immediate issue of orders, he may direct the issue of orders at once, and when orders have been issued the papers shall, without any avoidable delay, be circulated and brought before a meeting of Council.

Bringing before
Council cases in
which the Lieutenant
Governor concurs
with the Member in
charge.

18. The Lieutenant-Governor, if he concurs with the Member in charge, will determine whether and when a case shall be brought before a meeting of Council and also whether the papers shall be further circulated before action is taken upon them :

Provided that, if it is proposed to legislate in the Bihar and Orissa Legislative Council, the papers shall, unless the Lieutenant-Governor otherwise directs, be circulated to all the Members and brought before a meeting of Council.

Bringing before
Council cases in
which the Lieutenant-
Governor does not
concur with the
Member in charge.

If, in any case, the Lieutenant-Governor does not concur with the Member in charge, he shall record a note to that effect, and the papers of the case shall either—

- (a) be circulated to all the Members and then be brought before a meeting of Council; or,
- (b) if the Lieutenant-Governor so directs, be at once brought before a meeting of Council :

Provided that it shall not be necessary to bring a case before Council if, on further consideration, the Member in charge accepts the opinion of the Lieutenant-Governor, or *vice versa*.

20. When papers are circulated under rule 13, clause (3), or rule 19, clause (a), and no Member expresses a desire that the case should be brought before a meeting of Council, the case need not be brought before a meeting unless the Lieutenant-Governor so directs, and, if not brought before a meeting, shall be disposed of in accordance with the opinion of the majority.

Disposal of certain cases, after circulation, without bringing them before Council.

21. When a case is to be circulated to all the Members of Council, the order of circulation shall be as follows :—

Order of circulation of papers to Members.

- (1) to the Members (other than the Member in charge) in order of juniority,
- (2) to the Member in charge,
- (3) to the Lieutenant-Governor.

22. (1) When a case is brought before a meeting of Council, the Secretary in the Department to which the subject belongs and, if the case concerns another Department, the Secretary in that Department also, if specially required to do so, shall attend ; and, before the case is taken into consideration, the Secretary in the Department to which the subject belongs, or such other Secretary (if any), shall state briefly the point or points on which a decision is required, and, if he thinks fit, or if the notes on the case have not been seen by all the Members, the complete history of the case, recapitulating in order the substance of the opinion (if any) given thereon by each Member who has examined it.

Submission of cases at meetings of Council, and orders thereat.

(2) The Lieutenant-Governor will then request the Member in charge to make such observations as he thinks fit on the point or points thus submitted for decision.

(3) When a decision upon the point or points under discussion has been arrived at, the Secretary in the Department to which the subject belongs shall take down in writing and read out the order proposed ; and such order shall, after its terms have been finally approved, be initialled by the Lieutenant-Governor and placed with the notes of the case.

Orders, Notes and Minutes by Lieutenant-Governor and Members.

23. Orders and notes by the Lieutenant-Governor and Members shall be initialled only ; and no such order or note shall be entered in the Proceedings of the Government of Bihar and Orissa unless it has first been converted into a Minute.

Orders and notes of Lieutenant-Governor and Members.

24. (1) When any matter has been discussed in Council any Member may record a Minute on the subject.

Recording of Minutes by Members.

(2) The following rules shall be observed with respect to such Minute :—

- (a) Whenever a Member records a Minute, he shall sign it in full, and it shall be printed ; and the proceedings in connection with which the Minute was recorded shall be brought on the A Proceedings of Government.

- (b) Minutes by Members shall be printed *in extenso* in the copies of the A. Proceedings which are sent to the Government of India.
- (c) In the copies of the A. Proceedings which are communicated to other Departments of the Secretariat and to outside officers, minutes by Members shall not be printed *in extenso*, but shall be merely quoted, *e.g.*, "Minute by the Hon'ble Mr. X. Y. Z."
- (d) When a communication (other than one of a merely routine or formal character) is to be made to the Government of India, and a Member records a minute of dissent in connection with the subject of the communication, a copy of the Minute shall be forwarded with the communication; and the Lieutenant-Governor in Council shall decide in each case whether any allusion to such Minute shall be made in such communication.
- (e) Where a Member records a Minute which is not connected with a communication about to be made to the Government of India, the Lieutenant-Governor in Council shall decide whether such Minute shall be forwarded to the Government of India.

Observance of, and Departure from, Rules.

Secretaries responsible for observance of rules.

25. (1) The Secretary in each Department shall be responsible for the careful observance therein of these rules.

(2) Where a Secretary considers that there has been any departure from these rules, he shall personally bring the matter to the notice of the Lieutenant-Governor.

Power of Lieutenant-Governor to permit departure from rules.

26. The Lieutenant-Governor may, from time to time if he thinks fit, permit any departure from these rules.

CHARLES S. BAYLEY,

The 1st August 1912.

Lieutenant-Governor.

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LIST I.

Nominations to be made by the Lieutenant-Governor direct.

APPOINTMENTS.	REMARKS.
1	2
1. Member, Board of Revenue ...	Appointments require the previous sanction of the Government of India.
2. Nominated Members of the Legislative Council.	
3. Commissioners of Divisions.	
4. Civil Secretaries to Government.	
5. Legal Remembrancer.	
6. Inspector-General of Police.	
7. Inspector-General of Prisons.	
8. Inspector-General of Civil Hospitals ...	
9. Sanitary Commissioner.	Appointments made by the Government of India after consultation with this Government.
10. Commissioner of Excise and Salt.	
11. Famine Commissioner or Additional Commissioner of a Division under section 72 of the Famine Code.	
12. Director of Land Records.	
13. Director of Agriculture.	
14. Registrar, Credit Societies.	
15. Inspector-General of Registration.	
16. Civil Under-Secretaries to Government.	
17. Secretary to the Bihar and Orissa Legislative Council.	
18. Assistant Secretary, Bihar and Orissa Legislative Council.	
19. Director of Public Instruction.	
20. Two Chief Engineers and Secretaries to Government.	
21. Commandants, Volunteer Corps ...	
	Appointment made by the Government of India, on the nomination of this Government.
	Army Regulations, India, Volume IX, paragraph 10. Appointments require the sanction of the Commander-in-Chief.

LIST II.

Nominations to be made by the Lieutenant-Governor on the recommendation of the Member in charge.

APPOINTMENTS.	REMARKS.
1	2
APPOINTMENTS UNDER THE APPOINTMENT DEPARTMENT.	
GENERAL ADMINISTRATION.	
1. District officers and Subdivisional officers.	
2. Appointment of officers of the Provincial Civil Service (Executive)—	
(1) To listed posts.	
(2) To non-listed posts, ordinarily reserved for members of the Indian Civil Service.	Appointments for more than three months require the sanction of the Government of India.
3. First appointment of Probationary Deputy and Sub-Deputy Collectors.	
POLITICAL.	
1. Political Agent, Orissa.	
POLICE.	
1. Deputy Inspectors-General of Police.	
2. Superintendents of Police.	
3. Personal Assistant to the Inspector-General of Police.	
4. Principal, Police Training College.	
5. Assistant Superintendents of Police (local recruitment).	
6. Deputy Superintendents of Police (direct appointment).	
JAILS.	
1. Superintendents of Central Jails ...	The Government of India place the services of officers of the Indian Medical Service at the disposal of the Government of Bihar and Orissa.
2. Superintendent of Jail Manufactures.	

The Government of India place the services of officers of the Indian Medical Service at the disposal of the Government of Bihar and Orissa.

APPOINTMENTS.	REMARKS.
1	2
<p style="text-align: center;">JUDICIAL.*</p> <ol style="list-style-type: none"> 1. District Judges and Additional Sessions Judges. 2. Appointment of officer of the Provincial Judicial Service— <ol style="list-style-type: none"> (1) To listed posts of District and Sessions Judge. (2) To non-listed posts of District and Sessions Judge. <p style="text-align: center;">REVENUE.†</p> <ol style="list-style-type: none"> 1. Secretaries to the Board of Revenue. 2. Settlement Officers of major settlements. 3. Civilian Managers of Estates. <p style="text-align: center;">APPOINTMENTS UNDER OTHER DEPARTMENTS.</p> <p style="text-align: center;">REVENUE.</p> <ol style="list-style-type: none"> 1. Appointment of Europeans or Eurasians as Managers of Wards and Encumbered Estates and as Tutors and Guardians. 2. Appointments under the Court of Wards on pay exceeding Rs. 400 a month. 3. Appointment of Military officers or outsiders as charge Superintendents of Famine Relief. <p style="text-align: center;">JUDICIAL.</p> <ol style="list-style-type: none"> 1. Deputy Legal Remembrancer. 2. Senior Government Pleader, High Court. <p style="text-align: center;">EDUCATION.</p> <ol style="list-style-type: none"> 1. Superintendent of Industries. 2. Principal, Patna College. 3. Inspectors of Schools, including the Inspector of European Schools. 4. Principals of Training Colleges—Members of the Indian Educational Service. 5. Assistant Director of Public Instruction. 6. Superintendent of the Hazaribagh Reformatory School. 7. Lady Principal of the Bankipore Training College for female teachers. 	<p>Appointments for more than three months require the sanction of the Government of India.</p>

* Recommendations to be made after consultation with the Judicial Department.

† Recommendations to be made after consultation with the Revenue Department.

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APPOINTMENTS.	REMARKS.
1	2
REGISTRATION.	
1. Sub-Registrars (first appointment).	
PUBLIC WORKS DEPARTMENT.	
1. Assistants to Chief Engineers and Under-Secretaries to Government.	
2. Assistant Secretary to Government.	
3. Superintending Engineers of Public Works Circles.	
4. Consulting Architect to Government.	
Appointments made by the Government of India, on the nomination of this Government.	

बिहार सरकार
मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)

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Under rule 2 of the Rules of Business for the Executive Council for Bihar and Orissa, the Lieutenant-Governor is pleased to direct that the business of the different departments shall be allotted to the Lieutenant-Governor and the Members of Council as follows :—

His Honour the Lieutenant-Governor.

I.—APPOINTMENT DEPARTMENT.

1. Appointments shown in List I mentioned in rule 7 of the Rules of Business for the Executive Council.
2. His Honour's personal staff.

II.—POLITICAL DEPARTMENT.

1. Native States.
2. Questions of a ceremonial nature, *e.g.*, Darbars, Uniforms, Titles, Flags, etc.
3. Frontier affairs.

III.—PUBLIC WORKS DEPARTMENT.

1. Buildings at Bankipur.

The Hon'ble Mr. Gait.

I.—APPOINTMENT DEPARTMENT.

- (a) *Appointment*—All subjects not taken by His Honour and all appointments shown as being under the Appointment Department in List II mentioned in rule 7 of the Rules of Business for the Executive Council.
- (b) *Judicial*—All questions relating to the administration of Civil and Criminal justice.

II.—EDUCATION DEPARTMENT.

The whole.

III.—POLITICAL DEPARTMENT.

- (a) *Police*.
- (b) *Miscellaneous*.

IV.—FINANCIAL DEPARTMENT.

Finance Branch.

V.—MUNICIPAL DEPARTMENT.

- (a) *Medical*.
- (b) *Sanitation*.

The Hon'ble Mr. Levinge.

I.—POLITICAL DEPARTMENT.

Political Branch.—All subjects not taken by His Honour.

II.—REVENUE DEPARTMENT.

(a) *Branch. A*—(the whole).

(b) *Branch. B*—

1. Agriculture.
2. Crop reports, and forecasts.
3. Arboriculture.
4. Meteorology.
5. Co-operative Societies.
6. Fisheries.
7. Exhibitions and Fairs.
8. Famine and Scarcity.
9. Agricultural and Land Improvement Loans.
10. Land Acquisition.
11. Forests.

III.—FINANCIAL DEPARTMENT.

(a) Separate Revenue.

(b) Commercial.

(c) Miscellaneous.

IV.—PUBLIC WORKS DEPARTMENT.

(All subjects except buildings at Bankipur). *निदेशालय*

The Hon'ble Maharaja Bahadur Sir Rameswar Singh of Darbhanga.

I.—APPOINTMENT DEPARTMENT.

Judicial Branch.—Subjects not taken by the Hon'ble Mr. Gait.

II.—REVENUE DEPARTMENT.

Branch. B—

1. Registration.
2. Marriage Registrars and Registrars of Births, Marriages and Deaths.
3. Joint-Stock Companies.
4. Circuit houses and staging bungalows.
5. Books, periodicals and newspapers.
6. Libraries and Secretariat Libraries.
7. Supply of publications.
8. Administration Report and quinquennial reports of Divisional Commissioners.

III.—MUNICIPAL DEPARTMENT.

(a) *Local Self-Government*—

1. Municipal.
2. District Boards.

(b) *Jails.*

[No. 26.]

No. 1630, dated Simla, the 1st August 1912.

From—The Hon'ble MR. H. WHEELER, C.I.E., Secretary to the Government of India,
Home Department,

To—The Chief Secretary to the Government of Bihar and Orissa.

I am directed to convey the consent of the Governor General in Council under section 3 (3) of the Indian Councils Act, 1909, to the draft rules framed by the Lieutenant-Governor for the transaction of business in his Executive Council which were submitted with your letter No. 2840A., dated the 20th July 1912.

बिहार सरकार
मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निर्देशालय)

REFERENCE TO FORMER CASES.

(1) Apptt., A., December 1910, Nos. 267—269 (File ^{18L.} of 1910).
63

(2) „ „ August 1911, No. 39 (File ^{18L.} 1).
42

REFERENCE TO LATER CASES.

Apptt. B July/21 - 55/56 - 2 e 20/21
मन्त्रिभूषण विवेकानंद
(विहार) अप्पि B Sep/21 - 196 - 2 e 21/21
अप्पि B Jan'y/22 no 270/292 2 e 32/21

KEEP-WITH.

(52A.)

Office notes—(printed)
K.-W.—(not printed)