

No.28013/1/87-Est.A
Government of India
Ministry of Personnel, Public Grievances
& Pensions
Department of Personnel & Training
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New Delhi, the May, 1988

OFFICE MEMORANDUM

Subject: Working of Government Machinery - Ex-officio Secretariat status.

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The undersigned is directed to say that instructions on the subject of conferment of ex-officio Secretariat status on officers holding non-Secretariat posts is contained in the Ministry of Home Affairs O.M.No.9/4/48-G.S. dated 20th May, 1948, according to which Secretariat status is necessary for those officers who:

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- (a) sign communications, orders or notifications on behalf of Government; or
 - (b) within the limits of Rules of Business or Secretariat instructions, take decisions on behalf of Government.

These instructions were reiterated last in this Department's O.M.No.28012/1/75-Est.A dated the 22nd December, 1976.

2. Although instructions were available regarding the circumstances in which ex-officio Secretariat status may be conferred on officers holding non-Secretariat posts and the choice of designation appropriate to the circumstances of each case, no instructions were available governing the relationship between holder of the Secretariat post and the holder of ex-officio secretariat status in a non-Secretariat post. Government have, therefore, considered the matter in all its aspects and the following guidelines are laid down in the matter of grant of ex-officio Secretariat status and regulation of relationship between Secretariat officers and heads of non-Secretariat organisations holding ex-officio Secretariat status:

- 1) Normally ex-officio Secretariat status would not be conferred on the Head of any attached or subordinate office. In exceptional cases where, however, such status is conferred or has been conferred in the past for functional purposes on the head of any organisation, that organisation would continue to be responsible to the Ministry under which it functions. Such

an organisation would be free to take decisions only to the extent the powers and functions have been specifically delegated to it.

- 2) As a corollary to Rule 11 of the Transaction of Business Rules, the Secretary of the Department would have the right and opportunity to make his comments rendered to the Minister. Therefore, he would have the right and opportunity to comment on any proposal received from the head of an organisation attached or subordinate to the Ministry even though the latter has ex-officio Secretariat status.
- 3) The intention behind conferment of ex-officio Secretariat status is to improve the effectiveness of the functionary concerned for transacting with other Ministries, international organisations and State Governments. This would, however, be restricted to dealing with purely technical and professional, international bodies on technical/professional/research matters. Matters involving major policy/political implications would continue to be dealt with only by the Secretariat of the Administrative Ministry as at present. Thus, even when ex-officio Secretariat status is conferred, it would not amount to creation of another position of Secretary in the Ministry.

3. The Ministry of Agriculture, etc. are advised that, in the light of the above guidelines, they may review past cases in their Ministries where ex-officio Secretariat status has been granted and where it is considered necessary to withdraw the ex-officio Secretariat status, they may take necessary steps in consultation with this Department. This exercise may be treated as a time bound programme and the various Ministries are requested to immediately initiate action and complete the review latest by the 31st July, 1988. The result of the review, indicating the position in respect of each individual case, may be intimated to this Department immediately on completion of the said review. The various Ministries are also advised that they may keep in view these guidelines in mind if and when any fresh proposals in this regard are to be made.

D. P. Bagchi
16/5/88

(D.P. BAGCHI)

JOINT SECRETARY TO THE GOVERNMENT OF INDIA