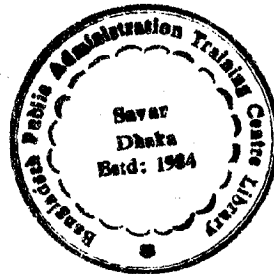




RULES OF BUSINESS 1996

(Revised up to January 2010)



Cabinet Division
Government of the People's Republic of Bangladesh

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CHAPTER IV

PROCEDURE FOR THE MEETING OF THE CABINET

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n) "Wing" means a self-contained subdivision of a Ministry Division for conducting specified duties of a distinct nature and headed by a Joint Secretary or an Additional Secretary.

) All words and expressions used in these Rules, but not defined, have the same meaning as in the Constitution of the People's Republic of Bangladesh.

Allocation of Business.—(i) The Prime Minister may, whenever necessary, create a Ministry consisting of one or more Divisions.

ii) The business of the Government shall be distributed among the Divisions in the manner as indicated in Schedule I to these Rules (published separately).

ii) Each Division shall have a Secretary/Additional Secretary/Joint Secretary to attend and such other officials subordinate to him, as the Prime Minister may determine:

provided that the same person may be Secretary in more than one Division in the Ministry.

v) The Prime Minister may assign a Division or a Ministry or more than one Division or one Ministry to the charge of the Prime Minister, a Minister or a Minister of State.

provided that a Division or Ministry not so assigned shall be in direct charge of the Minister.

) The Secretary shall organize the Division/Ministry into a number of working units to be known as sections:

provided that a unit which does not conform to a section may be organized as a section in consultation with the Ministry of Establishment.

i) The Secretary shall, by means of standing orders, distribute the work of the Division/Ministry among the various sections or other units of the Divisions under his charge.

ii) The Business of the Government other than the business done in the Secretariat or Attached Departments shall be conducted through such agencies and institutions as the Prime Minister may determine from time to time.

1A. (i) Notwithstanding anything contained in these rules, during the period in which the Non-party Care-Taker Government is in office, the Chief Adviser may appoint Special Assistants on such terms and conditions as he may deem expedient in the public interest.

) The Chief Adviser may assign to a Special Assistant one or more Ministries or Divisions which shall be in his direct charge as stated in rule 3(iv), and such Special Assistant shall dispose of such cases or classes of cases as he may, by order, specify.

) A Special Assistant may resign his office by writing under his hand addressed to the Chief Adviser; and the Chief Adviser may, at anytime, terminate the appointment of a Special Assistant.]

RULES OF BUSINESS, 1996

In exercise of the powers conferred by Article 55(6) of the Constitution of People's Republic of Bangladesh and in supersession of all previous rules and orders the subject the President is pleased to make the following rules for allocation & transaction of business of the Government.

CHAPTER I GENERAL

1. Short Title and Commencement.—(i) These Rules may be called the “Rules Business, 1996”.

(ii) They shall come into force at once.

2. Definition.—(i) In these rules, unless there is anything repugnant in the subject or context—

- (a) “Article” means an Article of the Constitution of the People’s Republic Bangladesh.
- (b) “Attached Department” means the department which has direct relation with a Ministry/Division and has been declared as such by the Government.
- (c) “Branch” means sections grouped together and headed by a Deputy Secretary or an Officer of equivalent rank.
- (d) “Business” means all work done by the Government.
- (e) “Case” means a particular matter under consideration and includes all papers relating to it and required to enable the matter to be disposed of, including correspondence, notes and/or any previous papers on the subject or subject covered by it or connected with it.
- (f) “Division” means a self-contained administrative unit responsible for the conduct of business of the Government in a distinct and specified sphere as declared as such by the Government.
- (g) “Ministry” means the Division or a group of Division constituted as Ministry.
- (h) “Subordinate Office” means an office of the Government which has not been declared as Attached Department and normally does not deal directly with any Ministry/Division.
- (i) “Schedule” means schedule to these Rules.
- (j) “Secretary” means the Secretary (including Acting Secretary) to the Government of the People’s Republic of Bangladesh being the administrative head of a Division or a Ministry.
- (k) “Secretariat” means the offices of the Divisions or the Ministries which are referred to collectively.
- (l) “Section” means a basic working unit in a Ministry/Division and headed by an Assistant Secretary/Senior Assistant Secretary.

¹[3B. (i) Notwithstanding anything contained in these rules, the Prime Minister may appoint as many Advisers and Special Assistants on such terms and conditions as he may deem expedient in public interest.

(ii) The Prime Minister may assign to an Adviser or a Special Assistant any subject or subjects to provide advisory services and assistance to him in respect thereof. An Adviser or a Special Assistant shall also dispose of such special tasks as may be assigned to him by the Prime Minister from time to time.

(iii) An Adviser or a Special Assistant may resign his office by writing addressed to the Prime Minister; and the Prime Minister may, at any time, terminate the appointment of the Adviser or the Special Assistant.]

4. Transaction of Business.—(i) Subject to the provisions of these Rules in regard to consultation with other Ministries and Divisions and submission of cases to the President, the Prime Minister, the Cabinet and its Committees, all business allocated to a Ministry/Division under Schedule I of these Rules, shall be disposed of by, or under the general or special directions of the Minister-in-charge.

(ii) No important policy decision shall be taken except with the approval of the Cabinet.

(iii) Where there is a Minister of State/Deputy Minister, the Prime Minister or the Minister-in-charge with approval of the Prime Minister may specify by order, the cases or classes of cases which may be disposed of by the Minister of State/Deputy Minister.

(iv) The Minister shall be responsible for conducting the business of his Ministry/Division in the Parliament unless otherwise directed by the Prime Minister.

(v) The Secretary shall be the Administrative Head of the Ministry/Division. He shall be responsible for its administration and discipline and for proper conduct of business assigned to it. He shall also be responsible for careful observance of these rules in his Ministry/Division, Attached Departments and Subordinate Offices. The Secretary shall keep the Minister-in-charge informed of the working of the Ministry/Division.

²[(vi) The Secretary shall be the Principal Accounting Officer of the Ministry/Division, Attached Departments and Subordinate Offices and shall ensure that the funds allocated to the Ministry/Division, its Attached Departments and Subordinate Offices are spent in accordance with rules/laws for the time being in force :

Provided that in relation to the funds allocated to the Supreme Court of Bangladesh, the Registrar of the Court shall be the Principal Accounting Officer who shall ensure that the said funds are spent in accordance with the rules/laws for the time being in force.]

Note : ¹ Amended vide SRO No 13-Law/2009-CD-4/1/2007-Rule, Dated : 22nd January 2009

²Amended vide Cabinet Division notification No. CD-4/1/99-Rules-59, Dated: 15th May, 2001.

ii) Secretariat Instructions and other instructions on the manner of disposal of business in the Ministries/Divisions and Attached Departments shall be issued by the Secretary of Establishment.

iii) If any doubt arises as to the Ministry to which a particular business pertains, the matter shall be referred to the Cabinet Division for decision.

x) The role of the Ministries/Divisions shall be limited to ;

- (a) policy formulation ;
- (b) planning ;
- (c) evaluation of execution of plans ;
- (d) legislative measures ;
- (e) assisting the Minister in the discharge of his responsibilities to the Parliament ;
- (f) personnel management at the top level, *viz.* (i) officers not below the rank of Member/Director in the cases of public statutory corporations and (ii) officers not below the level of NPS-V in the cases of Attached Departments and Subordinate Offices ;
- (g) such other matter/matters as may be determined by the Prime Minister from time to time.

) Unless otherwise directed, all correspondence with the Government by the respective Corporations shall normally be conducted with the Secretaries of the respective Ministries/Divisions, and all correspondence by the Government with the Chief Secretaries of the respective Corporations.

Orders, instruments, agreements and contracts.—(i) All executive actions of the Government shall be expressed to be taken in the name of the President.

(i) All Ministers, Ministers of State, Deputy Ministers and persons holding such offices and the officers named in Schedule I to these Rules, may authenticate by their signatures, all orders and other instruments made and executed in the name of the President :

Provided that an officer not included in the schedule may be authorized by the President for a particular occasion to authenticate an order or an instrument on behalf of the President.

(ii) The Ministry of Foreign Affairs shall issue necessary instructions regarding the authentication of international agreements and treaties and also of orders and instruments in connection with the representation of Bangladesh in foreign countries or at international conferences, organizations and negotiations.

(iii) Instructions for the making of contracts on behalf of the President and the authentication of such contracts and all assurances of property, shall be issued by Ministry of Justice and Parliamentary Affairs.

CHAPTER-II

REFERENCE TO THE PRESIDENT AND THE PRIME MINISTER

6. Reference to the President directly.—(i) Cases specified in Schedule III these Rules shall be submitted to the President.

(ii) Periodical reports and other papers as indicated in Schedule VI to these ru shall be laid before the President for information.

7. Reference to the Prime Minister and the President.—All cases of the nat specified in Schedule IV to these Rules shall, before issue of orders thereon, be submit to the Prime Minister and the President.

8. Reference to the Prime Minister.—(i) Cases specified in Schedule V to the Rules, shall be submitted to the Prime Minister.

(ii) Periodical reports and other papers as indicated in Schedule VII to these Ru shall be laid before the Prime Minister.

9. Manner of submission of cases to the President, the Prime Minister, t Prime Minister and the President.—A case submitted to the President, the Pri Minister or to the Prime Minister and the President shall include a self-contained, conc and objective summary stating the relevant facts and points for decision. The summa shall include the specific recommendations of the Minister-in-charge and shall accompanied by a draft communication, wherever appropriate.

CHAPTER III

INTER-MINISTERIAL, CONSULTATION

Consultation among Ministries and Divisions.—(1) When the subject of a case is more than one ministry/Division no orders shall issue, nor shall the case be referred to the Prime Minister or the Cabinet until it has been considered by all the Ministries/Divisions concerned and their views are properly recorded. Such consultation shall take place as early as may be practicable with the exact point of reference upon which the opinion is sought for;

Provided that in case of urgency and with the approval of the Prime Minister this requirement may be dispensed with, but the case shall, at the earliest opportunity, be brought to the notice of the Ministry/Division concerned.

If the various Ministries/Divisions concerned cannot reach agreement, and the Prime Minister, after consultation with other Ministers concerned, desires to press the case, it shall be submitted to the Prime Minister :

Provided that where the case concerns a Ministry/Division which is under direct control of the Prime Minister the final views of other Ministry/Division concerned shall be obtained before the case is submitted to the Prime Minister.

When a case is referred by one Ministry/Division to another for consultation the facts and the points necessitating the reference shall be clearly brought out.

Even where consultation is not required, a Ministry/Division may, for purposes of information, pass copies of a communication received or issued by it or show a case, to another Ministry/Division as it considers would be interested in, or would profit by it.

The Prime Minister may call for a case from any Ministry/Division.

A Minister may, with prior information of the Minister concerned, ask to see a case of any other Ministry/Division if it is required for the disposal of a case in his Ministry/Division. Similarly, the Minister for Finance may ask to see a case of any Ministry/Division in which financial considerations are involved. The Minister for Law, and Parliamentary Affairs may ask to see a case of any Ministry/Division in which legal considerations are involved.

If a Minister who has asked to see a case of another Ministry/division desires any action to be taken thereon, he shall consult the minister and action, mutually agreed upon, shall be taken. In the absence of agreement the case shall be submitted to the Prime Minister for decision.

Consultation with Cabinet Division.—No Ministry shall, without previous consultation with the Cabinet Division, issue or otherwise any orders which involves—

- i) interpretation of these rules;
- ii) reorganization of a Ministry/Division involving any change in the Allocation of Business;
- iii) a change in the Allocation of Business among various Ministries and Divisions;
- iv) remuneration and privileges of the President, Prime Minister, Minister, Ministers of State and Deputy Ministers; and
- v) any other matter allocated to this Division under these rules.

12. Consultation with Ministry of Establishment.—No Ministry shall issue or authorize any orders, other than orders, in pursuance of any general or special delegations made by the Ministry of Establishment, which involves :—

- (i) reorganization of a Ministry/Division or an Attached Department involving creation or abolition of any post or a change in the status of an Attached Department.
- (ii) organization of a working unit in a Ministry/Division otherwise than as a section;
- (iii) creation and reorganization of an Attached Department;
- (iv) initial appointment to all posts of NPS-IX and above in the Ministries/Divisions which are outside the purview of the Bangladesh Public Service Commission;
- (v) a change in the terms and conditions of service of officers of all services other than defence and of ministerial servants in the Ministries/ Divisions and Attached Departments subject to modification as may be made by the Government in the structure of services from time to time;
- (vi) posting of Non-Secretariat officers in the Ministries/Divisions or Attached Departments;
- (vii) Expenditure proposals relating to the Ministry of Finance;
- (viii) the interpretation of rules and orders made by the Ministry of Establishment;
- (ix) transfer of personnel of Development Project to Revenue setup after the project is completed;
- (x) rules for recruitment to any post or service including the question of removing a post or service from the purview of the Bangladesh Public Service Commission for the purpose of recruitment.

13. Consultation with Finance Division.—(1) No Ministry shall without previous consultations with Finance Division authorize any orders not covered by the approved budget, which will affect directly or indirectly the finances of the Republic and which particular involves—

- (i) relinquishment, remission or assignment of revenue, actual or potential or grant of guarantee against it;
- (ii) expenditure for which no provision exists in the budget;
- (iii) levy of taxes, duties, cesses or fees;
- (iv) floatation of loan;
- (v) re-appropriation between major heads within budget grants;
- (vi) alteration in the method of compilation of accounts or of the budget estimates;
- (vii) receipt or expenditure of foreign exchange unless already allocated;
- (viii) change in the terms and conditions of service, of Government servants and employees of public corporations which have financial implications and
- (ix) interpretation of rules made by Finance Division.

Case where previous concurrence of Finance Division is required and the same is the proposal shall not be proceeded with. However, if a Ministry/Division desires the proposal, it may submit the case to the Prime Minister along with the views of the Finance Division for decision.

Every order of an administrative Ministry conveying a sanction to be enforced in which is not authorized in the approved budget shall be communicated to the audit department through the Finance Division.

Finance Division shall be consulted on all economic and financial questions arising out of any case and, in particular, in the following cases :—

-) preparation of export programme and import policy;
- i) negotiation of trade and barter agreements;
- ii) determination of tariff policy;
- v) determination of pricing policy;
- y) determination of investment policy; and
- i) determination of labour policy.

Consultation with the Law and Justice Division.—(1) The Law and Justice Division shall be consulted—

-) on all legal questions arising out of any case;
- i) on the interpretation of any law arising out of any proceedings;
- ii) before tendering advice on a mercy petition against an order of death sentence and pardon, reprieve, respite, remission, suspension or commutation of any sentence;
- v) before involving the Government in a criminal or civil proceeding instituted in a Court of Law; and
-) whenever criminal or civil proceedings are instituted against the Government.

No Ministry shall consult the Attorney-General except through the Law and Justice Division and in accordance with the procedure laid down by that Division.

If there is disagreement between the Attorney-General and the Law and Justice Division, the case shall be submitted to the Minister of Law, Justice and Parliamentary Affairs for decision.

14A. Consultation with the Legislative and Parliamentary Affairs Division

(1) The Legislative and Parliamentary Affairs Division shall be consulted—

- (i) on all proposal for legislation;
- (ii) on all legal questions arising out of any legislative proposal;
- (iii) preparation of important contracts, international agreements, international conventions pronouncing and modifying international law;
- (iv) on interpretation of any legislation;
- (v) before the issue of or authorization of the issue of a rule, regulation or by law, etc, in exercise of statutory power.

(2) No Ministry shall consult the Attorney-General except through the Legislative and Parliamentary Affairs Division and in accordance with the procedure laid down by that Division.

(3) If there is disagreement between the Attorney-General and the Legislative and Parliamentary Affairs Division, the case shall be submitted to the Minister of Law, Justice and Parliamentary affairs for decision.]

15. Consultation with Ministry of Foreign Affairs.—No Ministry shall without previous consultation with Ministry of Foreign Affairs dispose of a case which affects the foreign relations of Bangladesh.

CHAPTER IV
PROCEDURE FOR THE MEETING OF THE CABINET

. Cases to be brought before the Cabinet.—The cases enumerated below shall be brought before the Cabinet—

- i)* Cases involving legislation, including the promulgation of Ordinance.
 - ii)* Cases relating to commencement or cessation of a state of war and related matters.
 - iii)* Proposals to appoint public commissions of inquiry of national importance and consideration of the reports of such commissions.
 - iv)* Cases in which a Minister desires a decision or direction of the Cabinet in a matter of importance on a subject assigned to his charge.
 - v)* Any proposal to withdraw otherwise than in accordance with competent legal advice, any prosecution instituted by or at the instance of the Government of the People's Republic of Bangladesh.
 - vi)* Addresses and Messages of the President to Parliament.
 - vii)* Cases relating to proclamation or revocation of Emergency.
 - viii)* Proposal for floatation of loans.
 - x)* Proposals relating to :
 - (a)* creation of new corporations or companies wholly owned by the government or by a public sector undertaking ;
 - (b)* participation by the government or a public sector undertaking in providing share capital to a new corporation/company or any existing corporations or companies;
 - (c)* winding up and or amalgamation of public sector undertakings;
 - (d)* cases in which a difference of opinion arises between two or more Ministers and the decision of the Cabinet is desired;
 - (e)* cases involving vital, political, economic and administrative policies; and
 - (f)* proposals relating to change of any existing policy or Cabinet decision.
- The budget, before the presentation of the annual financial statement.
-)* Cases involving negotiations with foreign countries on treaties and agreements, opening and or closing of Bangladesh mission abroad.
 - i)* Any other cases which the Prime Minister may, by general or special order, require to be brought before the Cabinet.
 - ii)* Any other cases which the President may request the Prime Minister to refer to the Cabinet.

17. **Method of disposal by the Cabinet.**—Cases referred to the Cabinet shall be disposed of—

- (i) by circulation amongst Ministers; or
- (ii) by discussions at a meeting of the Cabinet; or
- (iii) by discussions at a meeting of a Committee of the Cabinet, provided that the decisions of the Committee shall be ratified by the Prime Minister/Cabinet unless the Prime Minister/Cabinet has authorized otherwise.

The Secretary to the Cabinet hereinafter referred to as the "Cabinet Secretary" or the Joint Secretary, Cabinet Division hereinafter referred to as Joint Secretary, Cabinet shall under the general or special orders of the Prime Minister indicate the manner in which each case shall be disposed of,

18. **Committees of the Cabinet.**—(1) The Cabinet/Prime Minister may constitute standing committees of the Cabinet and assign functions to them as may be considered necessary. The composition and functions of such Committees may be amended or modified by the Prime Minister.

(2) The Cabinet/Prime Minister may constitute *Ad-hoc* Cabinet Committees for specific purposes and assign functions to them.

(3) Any decision taken by such Committees which is not required to be ratified by the Cabinet shall have the force of a decision of the Cabinet when approved by the Prime Minister.

(4) The minutes of discussions and decision of Committees of the Cabinet shall be circulated to all members of the Cabinet by the Cabinet Secretary/Joint Secretary, Cabinet or the Secretary providing the secretarial services to the committee.

(5) Committee composed of Secretaries to the Government and such other officials as may be necessary, may be constituted to provide Secretarial and Administrative support to the Committees of the Cabinet and also to co-ordinate activities between Ministries/Divisions at the official level. The Prime Minister shall decide constitution, composition and functions of such Committees.

19. **Manner of submission of cases to the Cabinet.**— (1) In respect of all cases to be submitted to the Cabinet, the Secretary of the Ministry concerned shall transmit to the Cabinet Secretary a concise and clear memorandum of the case, thereafter referred to as the "Summary" giving the background and relevant facts, the points for decision and the recommendations of the Minister-in-charge. The summary shall be self-contained as far as possible, and shall include as appendices such relevant papers as may be necessary for proper appreciation of the case. The number or sets of the summary to be supplied shall be specified by the Cabinet Secretary.

(2) Where a case concerns more than one Ministry/Division the summary shall, in terms of the provision of Rules 10 (1) contain the recommendations of the Ministries; if agreement is reached amongst them, or shall state the points of differences and the recommendations of each Ministry/Division concerned if no agreement is reached.

In case of any proposal involving expenditure or abatement of revenue, the views of the Finance Division shall be obtained and recorded in the Summary. In case of investment expenditure, the views of the Planning Commission should also be obtained and recorded in the Summary.

A case for inclusion in the agenda of a meeting of the Cabinet must reach Cabinet Secretariat at least four clear days in advance of meeting :

Provided that a case received later may be included if it relates to an urgent issue and approval of the Prime Minister is obtained for its inclusion by the Minister-in-

charge. It shall be the duty of the Cabinet Secretary to satisfy himself that the papers submitted by a Secretary are complete and in appropriate form.

Procedure regarding disposal of cases by circulation.—(1) When a case is referred for recording opinion, the Cabinet Secretary shall, under orders of the Prime Minister, specify the time by which opinion should be communicated to him. If a Minister fails to communicate his opinion by that time, it will be presumed that he accepts the recommendations contained in the summary. If a difference of opinion amongst Ministers arises in the course of circulation, the Cabinet Secretary shall submit the case in the next regular meeting of the Cabinet for decision.

Reports made to the Cabinet of action taken on its decision, and other cases referred only for information, shall normally be disposed of by circulation.

Procedure regarding meetings of the Cabinet.—(1) Regular meeting of the Cabinet to discuss ordinary business shall normally be held once a week on a day convenient to the Cabinet :

Provided that the Prime Minister may direct any variation in day and time and may call special meetings of the Cabinet at any time on any day of the weeks to discuss business.

The Cabinet Secretary shall ordinarily issue to the Ministers three days in advance of a meeting a circular showing the cases proposed to be placed on the agenda, with the Summaries relating to such cases. In the case of special meeting the notice may be issued less than three days in advance.

No case shall be discussed unless the Summary relating to it has been circulated :

Provided that the Prime Minister may dispense with the requirement of this sub-rule in the case of the representation of the Minister-in-charge, if he is satisfied that the circumstances are such that the papers could not be supplied.

If a Minister is unable to attend a Cabinet meeting, for reason of absence from office or otherwise the Minister of State/the Deputy Minister concerned, if any, may, if invited by the Prime Minister attend the meeting and express the views of his own on the subjects under consideration. Further, if a Minister desires the presence of the Minister of State while discussing a particular agenda, the Minister of State may, with the permission of the Prime Minister may attend the Cabinet meetings and such discussions.

¹[(4A) During the period in which the Non-party Care-Taker Government is in office, the Chief Adviser may require any Special Assistant appointed under rule 3A to attend any or all the meetings of the Council of Advisers or any Committee Committees thereof.]

²[(4B) The Prime Minister may require any Adviser or Special Assistant appointed under rule 3B to attend any or all the meetings of the Cabinet or any Committee Committees thereof.]

(5) (i) Secretary of the Ministry/Division concerned may, if required by the Minister in-charge, attend the Cabinet meetings during discussions of the subject;

(ii) Other officers may attend the meeting only in special cases, if so allowed by the Prime Minister.

(6) The Cabinet Secretary/Joint Secretary shall attend all meetings and prepare—

(a) a brief record of the discussions, which in the absence of special direction from the Cabinet to the contrary, shall be of an impersonal nature; and

(b) a record of the decisions and shall submit a copy of these records, as early as possible, to the Prime Minister for his approval.

(7) The Cabinet Secretary shall circulate to the Ministers a copy of these records approved by the Prime Minister and shall send to the Minister and the Secretary of Ministry/Division concerned relevant extracts of the decisions for necessary action.

(8) If a Minister considers that there has been a mistake or omission in the minutes, he may point it out to the Cabinet Secretary within three days of the issue of the minutes. The Cabinet Secretary shall obtain the orders of the Prime Minister and, if necessary, issue a corrigendum, and correct the official records in Cabinet Division and advise the Secretary of the Ministry/Division concerned.

22. Procedure regarding meetings of the Committees of the Cabinet.— Meetings of the Committees of the Cabinet shall be convened by the Cabinet Division or the Ministry/Division providing secretarial services under the direction of the Minister designated as convener of the Committee, who shall preside over the meetings. In the absence of a designated convener, the senior-most Minister shall convene and preside over the meeting.

(2) The first meeting of an *ad-hoc* committee shall normally be held within 10 days of the appointment of the Committee, and the Committee shall normally complete deliberations within a total period of one month unless the Cabinet/Prime Minister has specified otherwise.

(3) Officials of the Ministries/Divisions concerned may be associated with the deliberations of the Committees as and when considered necessary.

(4) The provisions of the Rules 19 and 21 shall apply, *mutatis mutandis*, to the manner of submission of cases to, and the procedure for the meetings of the Committees of the Cabinet.

(5) Copies of all records regarding the constitution, meetings, decisions of the Committees of the Cabinet shall be sent to the Cabinet Division for safe custody.

Note: —¹ Amended *vide* S.R.O. No. 17-Law/2008-CD-4/1/2007-Rules, Dated 19-01-08.

² Amended *vide* SRO No 13-Law/2009-CD-4/1/2007-Rule, Dated : 22nd January 2009

Action on Cabinet decisions.—(1) When a case has been decided by the whether after circulation or discussions in a meeting of the Cabinet or Committee of the Cabinet, the Ministry/Division concerned shall take prompt action to give effect to the decision.

The Secretary of the Ministry/Division concerned shall, on receipt of the Cabinet decision, communicate it to the officials concerned, but shall not forward the original decision. The decision shall be formally conveyed as decision of the Government and copies to the Ministers present at the meeting of the Cabinet/Committee of the Cabinet shall not be disclosed.

To ensure implementation of Cabinet decisions, the Secretary of each Ministry/Division shall keep a record of all the decisions conveyed to him and shall monitor the progress of action. It shall be his responsibility, as Secretary of the Ministry/Division sponsoring the Summary, to consult or inform any other Ministry/Division concerned.

The Cabinet Secretary shall watch implementation of Cabinet decisions, and the Secretary of the Ministry/Division concerned shall supply to the Cabinet Secretary such information as the latter may, by general or special request require to enable him to maintain his record of the case.

The Cabinet Secretary shall maintain the record of each case which shall consist of

- a copy of all papers issued under Rule 19;
- a copy of the records prepared under Rule 21(2), (6), (7) and (8) ; and
- all documents received under Rule 22(4).

Custody of Cabinet Papers.—(1) All proceedings of the Cabinet meetings and documents directly relating thereto shall be treated as ¹“secret documents for twenty five years and after such period these records will be treated as A classified documents”.] Documents/papers, noted below in possession of Ministers shall be returned to the Cabinet Secretary.

the paper issued to them for decision by circulation under rule 20(1) immediately after recording their opinion;

the papers circulated to them for decision in a meeting of the Cabinet or Committee of the Cabinet under rule 21(2) or 22(4) immediately after the discussions have taken place;

copies of the records except the extract of decisions circulated by the Cabinet Secretary under rule 21(7) and 22(4) immediately after they have pursued their course; and

reports of action taken on Cabinet decisions or other papers circulated for information immediately after perusal.

(2) The Cabinet Secretary shall maintain a list of papers retained by the Minister under rule 21(8) and a Minister shall, on relinquishing office, return such papers to the Cabinet Secretary.

(3) The Secretaries shall retain the Cabinet decision conveyed to them under rule 21(7) in their custody, and shall make them over to their successors at the time of handing charge.

¹(4) The Cabinet Secretary shall arrange to transfer the records mentioned in sub-rule (1) as A Classified documents, to the National Archives for Permanent preservation according to section 9 of the National Archives Ordinance, 1983 (Ordinance No. XXX of 1983).]

25. Periodical reports of activities of Ministries/Divisions.—(1) There shall be prepared for information of the Cabinet monthly report of activities of each Ministry/Division. Such reports shall be circulated to the Ministers for their information.

(2) There shall be prepared for information of the Cabinet quarterly report on the implementation of Cabinet decision of each Ministry/Division. Such reports may be placed on the agenda of the weekly meetings of the Cabinet or circulated to the Ministers for their information.

(3) There shall be prepared for information of the Cabinet a yearly report covering the financial year from July 1 to June 30, containing comprehensive review of the activities of each Ministry/Division. Such reports shall be discussed at special meeting of the Cabinet to be convened by the Cabinet Secretary under the direction of the Prime Minister.

26. Reports of delegation sent abroad.—(1) All draft agreements and protocols will be submitted to the Cabinet for approval. Briefs of important delegations will be submitted to the Prime Minister for his approval by the sponsoring Ministry/Division.

(2) All national level delegations sent abroad, shall, on their return submit detailed report with an appropriate Summary for the Cabinet to the Cabinet Division. Such reports shall be submitted as early as possible but not later than a fortnight after the return of the delegation.

(3) Responsibility for obtaining the report from the returning delegation shall rest with the Ministry/Division sponsoring the delegation.

(4) Such report may be placed on the agenda of the Cabinet Meeting immediately following receipt of the report unless otherwise directed by the Prime Minister.

27. Reports on negotiation with foreign economic, political and special missions.—(1) Whenever a special mission from a foreign country or agency is hosted, report on negotiations or discussions with them shall be submitted to the Cabinet.

(2) Provisions of rule 26(2), (3), (4) shall apply, mutatis mutandis, in such cases.

¹ Amended *vide* S.R.O. No. 288-Law/2007-CD-4/1/2007-Rule; Dated 10.12.07.

CHAPTER V
MISCELLANEOUS PROVISIONS

Protection and communication of official information.—(1) No information directly or indirectly from official documents or relating to official matters shall be communicated by a Government servant to the press, to non-official or even officials going to other Government offices, unless he has been generally or specially authorized to do so.

(2) Detailed instructions shall be issued by Cabinet Division for treatment and communication of state documents.

(3) Ordinarily all official news and information shall be conveyed to the press and public through Information Ministry or any office subordinate to it. The manner in which it may be done shall be prescribed by general or special orders to be issued by Information Ministry.

Ministers shall act as official spokesmen of the Government in respect of their subjects. Secretaries and such other officers, as may be authorized by the Government, shall act as official spokesmen. No statement involving foreign policy shall normally be made by a person, other than the Prime Minister and the Foreign Minister, without prior consultation with the Ministry of Foreign Affairs.

Channels of communication with foreign government/agencies.—(1) Except as provided in sub-rule (3) below all correspondence made by a Ministry/Division/Department with the Government of a foreign country or a foreign mission in Bangladesh or an international organization shall normally be conducted through the Ministry of Foreign Affairs except in matters relating to the utilization of agreed foreign assistance concerning the Ministry/Division.

Provided that by means of general or special orders to be issued by the Ministry of Foreign Affairs direct correspondence may be allowed under such conditions and circumstances as may be specified from time to time.

For direct contact by Ministries with foreign missions located in Bangladesh, the following points are to be carefully observed :

- (i) Representatives of foreign missions are required to call on officials of the host Government and never *vice versa*;
- (ii) Ministers, Ministers of State and Deputy Ministers should normally receive only Heads of Missions, i.e., Ambassadors/High Commissioners or Charge d' Affairs;
- (iii) Secretaries/Heads of Attached Department/Heads of Autonomous Bodies should receive Heads of Missions, i.e., Ambassadors, High Commissioners or Charge d' Affairs. When the Head of a Mission is not in Dhaka the second official of the Mission in order of hierarchy may be received provided such officials are not below the rank of Counselor or First Secretary, and the business at hand is of urgent nature.
- (iv) Normally contacts with foreign missions should be limited to the level of joint Secretaries who should receive the second official of the mission in order of hierarchy, They may receive the next official in rare cases provided such officials carry the rank of First Secretary.

All requests to a foreign government or an international organization for financial or technical assistance shall be made through the Economic Relation Division or the Information Division, as the case may be, which shall correspond with the foreign government and other international agencies, except in matters relating to the utilization of agreed foreign assistance concerning the Ministry/Division.

30. Correspondence with Defence Headquarters.—All correspondence with Headquarters of Defence, Forces or their subordinate formations shall normally be conducted through the Ministry of Defence/Armed Forces Division as the case may be :

Provided that by means of general or special orders to be issued by the Ministry of Defence/Armed Forces Division concerning them, direct correspondence may be allowed under such conditions and circumstances as may be specified;

Provided further that the provisions of this rule shall not affect normal communications between a Service Commander and Civil authorities or inter-departmental discussions in which service representatives are required to take part.

31. Correspondence by Defence Headquarters with Ministry/Division.—Correspondence from the Defence Headquarters with other Ministry/Division shall be made through the Ministry of Defence/Armed Forces Division.

["**31A. Pre-Publication of draft rule and regulation.**— (1) Where the Government decides to pre-publish draft proposal for making or amending any rule or regulation, such rule or regulation shall be published in the official Gazette as well as on the Website of the concerned Ministry or Division with a notice specifying at least three weeks time for seeking public opinion. The Ministry/Division shall send a notice regarding the pre-publication of the rule or regulation in their Website along with the Website address to at least three Daily Newspapers to print.

(2) Where any opinion is received under this rule, such opinion shall be taken into consideration, and the draft rule or regulation shall be amended or modified, if deemed necessary, upon such consideration."]

32. General.—(1) The Secretary of the Ministry/Division concerned shall be responsible for careful observance of these Rules in his jurisdiction and where he considers that there has been any material departure from them, he shall bring the matter to the notice of the Minister-in-charge and, if necessary, to Cabinet Division.

(2) If any doubt arises as to the interpretation of these Rules it shall be referred to Cabinet Division. Cabinet Division shall obtain orders of the Prime Minister where necessary, and its decision shall be final.

(3) Instruction ancillary to these Rules shall, whenever considered necessary, be issued by the Cabinet Division.

(4) No officer below the rank of a Joint Secretary shall take initiative in approaching a Minister in connection with official business. A Minister may, if he desires, call any officer of his Ministry for oral discussion.

(5) Whenever the Head of an Attached Department, Autonomous Body, Corporation or any officer holds oral discussion with his Minister, he shall communicate the points made during discussion to his Secretary at the first possible opportunity.

33. Departure from Rules.—The Prime Minister may, in any case or classes of cases, permit or condone a departure from these Rules to the extent he deems necessary.

34. Non-Party Care-Taker Government.—During the period in which the Non-Party Care-Taker Government is in office, all references to the 'Prime Minister' or a 'Minister' shall be construed as reference to 'Chief Adviser' and 'Adviser' respectively and these rules shall, mutatis mutandis, apply.

By order of the President

SYED AHMED

Cabinet Secretary.

19 October, 1996

SCHEDULE-I

(Printed separately in the form of a booklet)

SCHEDULE-II*[Rule 5 (ii)]***List of officers authorized to make and execute orders and other instruments in the name of the President**

- (1) Secretary, Additional Secretary, Joint Secretary, Deputy Secretary, Seni Assistant Secretary, Assistant Secretary to the Government of the People Republic of Bangladesh or an officer who is granted one of these ranks e officio, Director-General, Director, Prime Minister's Office/Ministry Foreign Affairs. Director-General/Director/Deputy Director/Assista Director/Research Officer, IMED, Chief, Joint Chief, Deputy Chief, Assista Chief, Research Officer of the Planning Commission or Ministry/Division.
- (2) In respect of the matters within their jurisdiction :
 - (a) Director-General or Additional Director-General, Bangladesh Post Offi Department and Chairman or Member or Chief Engineer, Banglade Telegraph and Telephone Board.
 - (b) Other Officers of Agencies/Departments of the Government as may notified by the Government from time to time.
- (3) Military Secretary to the President or Deputy Secretary or Senior Assista Secretary or Assistant Secretary in the President's Office.
- (4) Any other officer authorized as such by the respective Ministry after d consultation with the Cabinet Division.

SCHEDULE-III*[Rule 6 (i)]***List of cases to be submitted to the President directly**

Nature of Cases	Article of the Constitution
CABINET DIVISION	
Appointment and resignation of the Prime Minister	56(3)/57, 48(3)
MINISTRY OF LAW, JUSTICE AND PARLIAMENTARY AFFAIRS; LAW AND JUSTICE DIVISION]	
Appointment and resignation of the Chief Justice of Bangladesh.	95(1), 48(3)

SCHEDULE-IV*[Rule 7]***List of cases to be submitted to the Prime Minister and the President**

Serial No.	Nature of Cases	Article of the Constitution
PRESIDENT'S OFFICE		
1.	Appointment of secretariat staff of the President (officers only) and appointment of Military Secretary and ADC and other officers in the Office of the Military Secretary to the President.	
CABINET DIVISION		
2.	President's emoluments, allowances, privileges and official residences.	147
3.	Appointment and resignation of Ministers, Ministers of State and Deputy Ministers.	56(1), 56(2)
4.	The President's Addresses and messages to the Parliament.	73
5.	Framing of the Rules for Allocation and Transaction of Business of the Government.	55(6)
6.	Alteration and amendment of the Rules for Allocation and Transaction of Business.	55(6)
7.	Determination alteration and amendment in the Warrant of Precedence.	
8.	Declaration of War.	63(1)
[8A.	Appointment, resignation and determination of conditions of service of the Chief Election Commissioner and other Election Commissioners.	118(1), (5) & (6)
8B.	Removal of the Chief Election Commissioner and Election Commissioners.	118(5) & 96(2)
8C.	Making available to the Election Commission on its request, such staff as may be necessary.]	120 ^a
MINISTRY OF ESTABLISHMENT		
9.	Appointment and resignation of Chairman and members of the Bangladesh Public Service Commission.	138(1) 139(3)
10.	Condition of services of Chairman and Members of Bangladesh Public Service Commission until Parliament by law makes provision for the same.	138(2)
11.	Removal of Chairman and Members of the Bangladesh Public Service Commission.	139(2) & 96(2)
12.	Proposals not to accept any recommendation of the Bangladesh Public Service Commission on matters in respect of which the Commission was consulted as required under Article 140(2) of the Constitution.	140(2)

Nature of Cases	Article of the Constitution
Subject to provisions of any law/regulation reference to the Bangladesh Public Service Commission for advice on any matter on which the commission is required to be consulted under Article 140(2).	140(2)
Annual report and memorandum on the performance and functions of the Bangladesh Public Service Commission.	141
First appointment to any post belonging to any regularly constituted cadre service.	
First appointment to any service or post which under the recruitment rules are required to be submitted for approval of the President.	
Cases of dismissal, removal, compulsory retirement, reduction in rank of officers of whom the President is the appointing authority.	
Making of rules regulating appointments and conditions of service of persons in the service of the Republic until such appointment are regulated by law of the Parliament.	133
To dispense with opportunity of showing cause to persons holding civil posts in the service of the Republic against dismissal, removal or reduction of the rank in the interest of the security of the State.	135(2) (iii)
MINISTRY OF DEFENCE	
Appointment of chiefs of staff of the Defense Services (Army, Navy and Air force) and their salaries and allowances.	62(1)(c)
Grant of Commissions in the Armed Forces and in the Reserves of the Armed Forces, to direct recruits or persons already enlisted.	62(1)(a)(b)
Making of orders in regard to raising and maintaining of the Defense Services of Bangladesh and of their Reserves.	62(1)(a)
Dismissal, otherwise than by sentences of Courts Martial, of Commissioned Officers of the Armed Forces of Bangladesh (other than Junior Commissioned Officers).	
Petitions against sentences of dismissal, cashiering imprisonment or death awarded by Courts Martial to Commissioned Officers of the Armed Forces of Bangladesh (other than Junior Commissioned Officers).	
MINISTRY OF HOME AFFAIRS	
Grant of pardons, reprieves, respites, suspensions, remission or commutation of any sentence passed by any court, tribunal or other authority.	49

Serial No.	Nature of Cases	Article of the Constitution
26.	Proclamation of Emergency and revocation of Emergency.	141A
27.	Suspension of enforcement of Fundamental Rights during Emergency.	141C(1)
MINISTRY OF FOREIGN AFFAIRS		
28.	Appointment and removal of Ambassadors/High Commissioners, Ministers and Charge d' Affairs of Bangladesh to foreign countries.	
29.	Accreditation of Ambassadors/High Commissioners/ Charge d' Affairs of foreign country in Bangladesh.	
30.	Messages to Heads of Foreign Countries.	
31.	Title, honour, award or decoration of Bangladesh nationals by any foreign countries.	30
32.	Accreditation of Ambassadors, High Commissioners and Charge d' Affairs of Bangladesh.	
33.	Grant or refusal of agreement for persons proposed to be accredited as head of foreign Diplomatic Mission/High Commissions and declaring them <i>Persona non-grata</i> .	
FINANCE DIVISION		
34.	¹ [Recommendation of the President for introduction of Money Bill or any Bill which involves expenditure from public moneys, excluding the Money Bill relating to the subjects administered by the internal Resources Division.]	82
35.	Making of rules for custody of public money their payments in to the consolidated fund, etc. until regulated by an Act of Parliament.	85
36.	Recommendation of the President to demand for grant.	89(3)
37.	Authorization of expenditure from the consolidated fund and proposal for causing to be laid before the Parliament a supplementary and/or excess financial statement.	91
38.	Appointment and resignation of the Comptroller and Auditor-General of Bangladesh.	127(1)
39.	Determining conditions of service of the Auditor-General, until Parliament by law makes provision for the same.	127(2)
40.	Making provisions by order for prescribing functions of the Auditor-General, in addition to those specified in Article 128(1) until Parliament by law makes provision for the same.	128(3)

Nature of Cases	Article of the Constitution
Removal of the Comptroller and Auditor-General of Bangladesh.	96(2) & 129(2)
Appointment of acting Comptroller and Auditor-General of Bangladesh.	130
Form and manner of keeping Public Accounts proposed to by prescribed by the Auditor-General.	131
The report of the Comptroller and Auditor-General relation to Public Accounts of the Republic before its submission to the Parliament.	132
¹[BANK AND FINANCIAL INSTITUTIONS DIVISION	
Appointment of Governor, Bangladesh Bank.	
²[INTERNAL RESOURCES DIVISION	
Recommendation of the President for introduction of Money Bill relating to the subjects administered by the Internal Resources Division.]	82
³[LAW AND JUSTICE DIVISION	
Appointment of the Attorney-General for Bangladesh.	64
Assignment of duties of the Attorney-General, determination of his remuneration and termination of his office.	64(2) & (4)
Appointment and resignation of the judges of the Supreme Court of Bangladesh.	95(1)
Removal of the Judges of Supreme Court of Bangladesh.	96(2)
Framing of rules on pay, allowances and privileges of Judges of the Supreme Court until determined by or made under an Act of Parliament.	147
Performance of the duties of the Chief Justice by the next Senior Judge of the Appellate Division of the Supreme Court.	97
Appointment and resignation of Additional Judges of the Supreme Court.	98
Holding of Sessions of High Court Division at places other than the Capital.	100
Obtaining opinion of the Supreme Court on a question of law.	106
Rules made for regulating practices and procedures of each division of the Supreme Court and of any court sub-ordinate to it, subject to any law made by Parliament.	107(1)

d Vide SRO No. 07-Law/2010-CD-4(6)/2009-Rules Dated 05th January 2010

i Vide Cabinet Division Notification No. CD-4/1/98-Rules 132, Dated 17th November, 1999.

d Vide SRO No. 273-Law/2009-CD-4(1)/2009-Rules Dated 23rd December 2009

Serial No	Nature of cases	Article of the Constitution
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**1[BANK AND FINANCIAL INSTITUTION
DIVISION]**

- 13 Appointment to the post of Chairman/Managing Director of State owned banks, Insurance & development financial institutions.

EDUCATION DIVISION

- 14 Appointment to the post of Chairman of Education Boards.

ALL MINISTRIES/DIVISION

- 15 Appointment to the posts of Executive Director/ Member/ Director of statutory bodies by whatever name called. Provided that appointment of Director (Administration), Director (Finance), Secretary of the statutory bodies shall be consulted with Ministry of Establishment.
- 16 Appointment of Head of Attached department.
- 17 All appointments in attached departments and subordinate offices in the NPS-3 and above.
- 18 Cases of suspension of officer holding posts to the scales of NPS-3 and above.
- 19 Delegation to International Assemblies and Conferences.
- 20 Grant of permission on special consideration for treatment abroad, to the members of staff/officers of the Autonomous, Semi-Autonomous and Nationalized Organizations, if expenditure to be incurred for such treatment is borne either fully or partly by the Government of Autonomous Bodies/Organizations concerned.
- 21 Any other matter which the Prime Minister may from time to time by general or special order, specify.

SCHEDULE-VI

[Rule-6(ii)]

[Article-48(5) of the Constitution]

cal Reports and other papers which shall be laid before the President for information.

Nature of cases

Periodical reports of activities of Ministries/Division.

Decisions of the Cabinet meetings.

Agreements and treaties concluded with foreign countries and International Organizations.

Report of the Statutory Commissions and other Committees/ Commissions.

Periodical intelligence reports.

Copies of important communications between Ministry of Foreign Affairs and Bangladesh missions abroad.

SCHEDULE-VII*[Rule-8(ii)]*

Periodical reports and other papers which shall be laid before the Prime Minister.

Serial No	Nature of cases
1	Periodical reports of activities of Ministries/Divisions.
2	Decisions of the Cabinet meetings.
3	Decisions of the Cabinet Committees along with Summaries and other connected papers.
4	Monthly/quarterly summaries and such other periodical reports as are required to be submitted by Ministries/Divisions to the Cabinet.
5	Agreements and treaties concluded with foreign countries and International Organizations.
6	Reports of the Statutory Commissions and other Committees/ Commissions.
7	Daily/weekly and other intelligence summaries from all intelligence agencies.
8	Any other report as considered necessary by the Prime Minister.

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