

ORDER

THE GOVERNMENT OF INDIA (ALLOCATION OF BUSINESS) RULES, 1961

In exercise of the powers conferred by clause (3) of article 77 of the Constitution and in supercession of all previous rules and orders on the subject the President hereby makes the following rules for the allocation of the business of the Government of India.

1. **Short Title** - These rules may be called the Government of India (Allocation of Business) Rules, 1961.
2. **Allocation of Business** - The business of the Government of India shall be transacted in the Ministries, Departments, Secretariats and Offices specified in the First Schedule to these rules (all of which are hereinafter referred to as "departments").
3. **Distribution of Subjects¹** –
 - (1) The distribution of subjects among the departments shall be as specified in the Second Schedule to these Rules and shall include all attached and subordinate offices or other organisations including Public Sector Undertakings concerned with their subjects and Sub-rules (2), (3) and (4) of this Rule.
 - (2) The compiling of the accounts of each Department shall stand allocated to that Department with effect from the date from which the President relieves, by order made under the first proviso to sub-section (1) of Section 10 of the Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971; the Comptroller and Auditor General from the responsibility for compiling the accounts of that Department.
 - (3) Where sanction for the prosecution of any person for any offence is required to be accorded-
 - a) If he is a Government servant, by the Department which is the Cadre Controlling authority for the service of which he is a member, and in any other case, by the Department in which he was working at the time of commission of the alleged offence;
 - b) If he is a public servant other than a Government servant, appointed by the Central Government, by the Department administratively concerned with the organisation in which he was working at the time of commission of the alleged offence; and
 - c) In any other case, by the Department which administers the Act under which the alleged offence is committed;

Provided that where, for offences alleged to have been committed, sanction is required under more than one Act, it shall be competent for the Department which administers any of such Acts to accord sanction under all such Acts.

¹ Substituted vide 116th Amendment dated 29.03.1976, thereafter, sub-para 3(1) substituted and sub-para 3(3) and 3(4) inserted vide 187th Amendment dated 30.09.1986. Further modified vide Amendment series no.271 dated 06.01.2004.

- (4) Notwithstanding anything contained in sub-rule (3), the President may, by general or special order, direct that in any case or class of cases, the sanction shall be by the Department of Personnel and Training.

4. **Allocation of Departments among Ministers¹ –**

- (1) The business of the Government of India allocated to Cabinet Secretariat is and, shall always be deemed to have been, allotted to the Prime Minister. (\$)
- (2) Subject to the provisions of sub-rule (1), the President may, on the advice of the Prime Minister, allocate the business of the Government of India among Ministers by assigning one or more departments to the charge of a Minister.
- (3) Notwithstanding anything contained in sub-rule(1) or sub-rule(2), the President may, on the advice of the Prime Minister -
- (a) associate in relation to the business allotted to a Minister under either of the said sub-rules, another Minister or Deputy Minister to perform such functions as may be assigned to him; or
- (b) entrust the responsibility for specified items of business affecting any one or more than one Department to a Minister who is in charge of any other Department or to a Minister without Portfolio who is not in charge of any Department.

(RAJENDRA PRASAD)
PRESIDENT

¹ Substituted by Amendment series no.87 dated 26.10.1970.