



RULES OF BUSINESS 1996

(Revised up to April 2017)

Cabinet Division

Government of the People's Republic of Bangladesh

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Note : ¹Amended *vide* S.R.O. No. 82-Law/2012, Dated 29 March 2012.

²Amended *vide* S.R.O. No. 273-Law/2009-CD-4(1)/2009-Rules, Dated 23 December 2009.

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Note : ¹Amended *vide* S.R.O. No. 276-Law/2008-CD-19/1/2007-Rules, Dated 30 September 2008.

²Omitted *vide* S.R.O. No. 325-Law/2011, Dated 24 October 2011.

RULES OF BUSINESS, 1996

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

CHAPTER I GENERAL

1. **Short Title and Commencement.**—(i) These Rules may be called the “Rules of 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 of 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, viz. correspondence, notes and/or any previous papers on the subject or subjects 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 and declared as such by the Government.
- (g) “Ministry” means the Division or a group of Division constituted as a 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 when referred to collectively.
- (l) “Section” means a basic working unit in a Ministry/Division and headed by an Assistant Secretary/Senior Assistant Secretary.

- (m) “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.
- (ii) 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.

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

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

(iii) Each Division shall have a Secretary/Additional Secretary/Joint Secretary to Government 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 same Ministry.

(iv) 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 Prime Minister.

(v) 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 otherwise than as a section in consultation with the Ministry of Public Administration.

(vi) 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.

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

¹[3A. *** ** *

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 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 S.R.O. No. 13-Law/2009-CD-4/1/2007-Rules, Dated 22 January 2009.

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

(vii) Secretariat Instructions and other instructions on the manner of disposal of business in the Ministries/Divisions and Attached Departments shall be issued by the Ministry of Public Administration.

(viii) 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.

(ix) 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.

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

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

(ii) All Ministers, Ministers of State, Deputy Ministers and persons holding such status, and the officers named in Schedule II to these Rules, may authenticate by signature, 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 Prime Minister for a particular occasion to authenticate an order or an instrument on behalf of the President.

(iii) The Ministry of Foreign Affairs shall issue necessary instructions regarding the manner of 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.

(iv) Instructions for the making of contracts on behalf of the President and execution of such contracts and all assurances of property shall be issued by Ministry of Law, 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 to these Rules shall be submitted to the President.

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

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

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

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

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

CHAPTER III

INTER-MINISTERIAL CONSULTATION

10. **Consultation among Ministries and Divisions.**—(1) When the subject of a case concerns more than one Ministry/Division no orders shall issue, nor shall the case be submitted 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 whereupon 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 thereafter, be brought to the notice of the Ministry/Division concerned.

(2) If the various Ministries/Divisions concerned cannot reach agreement, and the 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 charge of the Prime Minister the final views of other Ministry/Division concerned shall be obtained before the case is submitted to the Prime Minister.

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

(4) 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 such other Ministry/Division as it considers would be interested in, or would profit by it.

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

(6) 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, Justice and Parliamentary Affairs may ask to see a case of any Ministry/Division in which legal considerations are involved.

(7) If a Minister who has asked to see a case of another Ministry/Division desires any further 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.

11. **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, Ministers, Ministers of State and Deputy Ministers; and
- (v) any other matter allocated to this Division under these rules.

¹[12. **Consultation with Ministry of Public Administration.**]—No Ministry shall issue or authorize any orders, other than orders, in pursuance of any general or special delegation made by the Ministry of Public Administration,] 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 above¹ 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 ¹[Ministry of Public Administration;]
- (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 in 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.

Note : ¹ Amended vide S.R.O. No. 82-Law/2012, Dated 29 March 2012.

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

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

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

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

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

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

(2) 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.

(3) 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.

Note : ¹ Amended vide S.R.O. No. 273-Law/2009-CD-4/1/2009-Rules, Dated 23 December 2009.

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 bye-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

16. **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.
- (ix) 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.
- (x) The budget, before the presentation of the annual financial statement.
- (xi) Cases involving negotiations with foreign countries on treaties and agreements, opening and or closing of Bangladesh mission abroad.
- (xii) Any other cases which the Prime Minister may, by general or special order, require to be brought before the Cabinet.
- (xiii) 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 a 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.

(3) 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 development expenditure, the views of the Planning Commission should also be obtained and recorded in the Summary.

(4) A case for inclusion in the agenda of a meeting of the Cabinet must reach Cabinet Division 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 prior approval of the Prime Minister is obtained for its inclusion by the Minister-in-charge.

(5) 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.

20. Procedure regarding disposal of cases by circulation.—(1) When a case is circulated 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 does not 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 is observed in the course of circulation, the Cabinet Secretary shall submit the case in the next regular meeting of the Cabinet for decision.

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

21. 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 for special meetings of the Cabinet at any time on any day of the weeks to discuss urgent business.

(2) 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, together with the Summaries relating to such cases. In the case of special meeting the circular notice may be issued less than three days in advance.

(3) 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 where on the representation of the Minister-in-charge, he is satisfied that the circumstances are such that the papers could not be supplied.

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

