

No.25/19/64-Estt. (A)
Government of India/Bharat Sarkar
CABINET SECRETARIAT/MANTRIMANDAL SACHIVALAYA
(Department of Personnel & Administrative Reforms*)
(Karmik aur Prashasanik Sudhar Vibhag)

New Delhi, the 8th November, 1974

OFFICE MEMORANDUM

SUBJECT: Official dealings between the Administration and Members of Parliament and State Legislatures—Observance of proper procedure—Instructions regarding* *

The undersigned is directed to state that Members of Parliament and State Legislatures occupy in our democratic set-up a very important place as accredited representatives of the people. They have important functions to perform under the Constitution and they may occasionally find it necessary to seek information from the Ministries/Departments of the Government of India or the State Governments, or make suggestions for their consideration or ask for interviews with officers in connection with their parliamentary and allied public duties. In this connection, certain well recognized principles and conventions to govern the relations between Members of Parliament and of State Legislatures and Government servants have already been established. These principles and conventions were communicated in Ministry of Home Affairs (now Department of Personnel and Administrative Reforms) Office Memorandum No. 25/29/56-Ests (A) dated the 28th August, 1957 and Office Memorandum No. 25/6/68-Ests (A) dated the 27th March, 1968.

However, on a review of the position it has been considered necessary to reiterate, and to spell out in some detail, the principles and practices that should govern the relations between Members of Parliament and of State Legislatures and Government servants. The instructions in this regard are contained in the subsequent paragraphs. The Ministry of Finance etc. are requested to bring the contents of this Office Memorandum to the notice of all concerned for guidance and strict compliance.

- Now under the Ministry of Personnel, P.O. & Pensions-
- These instructions were recirculated on 23.6.1988 and 23.4.1991.

2. The two basic principles to be borne in mind are (i) that Government servants should show courtesy and consideration to Members of Parliament and of State Legislatures and (ii) that while they should consider carefully or listen patiently to what the Members of Parliament and of State Legislatures may have to say, they should always act according to their own best judgement.

3. It should be the endeavour of every Officer to help the Members of Parliament and of State Legislatures to the extent possible in the discharge of their important functions under Constitution. In cases, however, where an officer is unable to accede

to the request or suggestion of a Member, the reasons for his inability to do so should be courteously explained to the Member.

4. It is realised that many officers have very heavy public duties and responsibilities and if they are to function effectively they should be permitted to plan out their day's work with some care and adhere to the plan. An officer should feel free to set apart some hour when he can refuse to meet visitors without being considered guilty of discourtesy, lack of consideration and the like. He should, however, set apart some time every day when anybody can see him and, within these hours and also during other office hours in which he is to meet visitors he must give priority to Members of Parliament and of State Legislatures except when a visitor has come by previous appointment and a Member of Parliament or of a State Legislature has come without an appointment. In such a case he should see the Member of Parliament or of a State Legislature immediately after he has met the visitor who had come by previous appointment. Any deviation from an appointment made with a Member of Parliament or of a State Legislature—or indeed with any other person—must promptly be explained to the Member concerned so that the least possible inconvenience is caused to him and a fresh appointment should be fixed in consultation with him.

5. When a Member of Parliament or of a State Legislature comes to see him, an officer should rise in his seat to receive the Member and to see him off. Small gestures have symbolic value and officers should, therefore, be meticulously correct and courteous in their dealings with Members of Parliament and of State Legislatures.

6. Similarly, seating arrangement at public functions should receive very careful attention at all times and it should be ensured that there is no room for any misunderstanding on this score. The position of Members of Parliament has been clearly brought out in the Warrant of Precedence approved by the President. MPs appear at Article 30* above officers of the rank of full Central or equivalent. Secretaries to the Government of India, etc. The instructions appended to the Warrant of Precedence also lay down that when members of Parliament are invited *en bloc* to major State

*Presently, the MPs are placed at Article 21.

functions, the enclosure reserved for , them should be next to the Governors, Chief Justice, Speaker of the Lok Sabha, Ambassadors, etc. A further provision in the instructions is that the Members of State Legislatures who owing to their presence in Delhi happen to be invited to State functions, should be assigned rank just after Members of Parliament. To avoid inconvenience to Members of Parliament and of State Legislatures who may come late, the block seats meant for them should be kept reserved till the end of the function and should not be occupied by other

persons, even though they may be vacant. The seats provided for them should be at least as comfortable and as prominently placed as those for officials.

7. Letters received from Members of Parliament and of State Legislatures should be acknowledged promptly. All such letters should receive careful consideration and should be responded to at an appropriate level and expeditiously. The officers should furnish to Members of Parliament and of State Legislatures when asked for, such information or statistics relating to matters of local importance as are readily available and are not confidential. In doubtful cases instructions should be taken from a higher authority before refusing request.

8. While the official dealings of Government servants with Members of Parliament and of State Legislatures have to be regulated as stated in the previous paragraphs, it is necessary to invite the attention of Government servants to what is expected of them in their individual capacity in respect of their own grievances in the matter of conditions of service. Under the relevant Conduct Rules governing them, Government servants are prohibited from bringing or attempting to bring any political or other influence to bear upon any superior authority to further their interests in respect of matters pertaining to their service under the Government. Therefore, a Government servant is not expected to approach a Member of Parliament or of a State Legislature for sponsoring his individual case.

Sd/-

(P.S. VANKATESWARAN)

Under Secretary to the Government of India.

To

All Ministries/Departments of the Government of India, etc., with usual number of spare copies.