

No. 11013/7/2001-Estt. (A)
Government of India
Ministry of Personnel, P.G. & Pensions
[Department of Personnel & Training]

New Delhi, dated the 9th July, 2001

OFFICE MEMORANDUM

SUBJECT: Observance of proper procedure in official dealings between the Administration and Members of Parliament and State Legislatures.

The undersigned is directed to say that the Committee of Privileges. Thirteenth Lok Sabha considered the question of privilege given notice of by a Member of Parliament against a District Collector, for having allegedly ordered search of his room in a Hotel where he was staying with a view to maligning his reputation. The Committee felt that two basic questions were involved in this case —

- (i) whether a search was conducted in the Hotel room of the Member of Parliament in his absence; and
- (ii) if a search was conducted, whether it was a bonafide action for ensuring free and fair elections.

2. On the first point the Committee found that the room of the Member of Parliament was searched in his absence by a team of officers led by SDM.

3 On the second point the Committee has felt that the conduct of the Collector in this case cannot be said to be above board. The Committee lamented die fact that the action of the Collector led to besmirching the reputation of the Member of Parliament. The Committee has also found it intriguing that the police authorities look more than two years in completing the investigation on FIR lodged by the Member of Parliament in this case.

4. In its report laid on the Table of the Lok Sabha on 21.3.2001 the Committee has made two recommendations:—

- (i) In view of the unconditional and repeated apologies tendered by the District Collector, no further action need be taken in the matter and it may be dropped;
- (ii) The Union Government should issue appropriate guidelines/instructions to executive functionaries to obviate recurrence of such incidents and ensure strict compliance therewith.

5. The Government of India has recently reiterated [*vide* Department of Personnel & Training OM No. 1 1013/2/2000-Estt. (A) dated 23.5.2000] the guidelines observance of proper procedure during official dealings between the Administration and Members of Parliament and State Legislatures, It has been emphasized in these instructions that as the Member of Parliament and Slate 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. In this

connection certain well recognized principles and conventions to govern the relations between the Members of Parliament and the State Legislatures and the Government servants have already been established. As per the Warrant of Precedence, the position of Members of Parliament is above the officers of the rank of Secretaries to the Government of India. The existing instructions emphasize that it should be the endeavour of every Government officer to help Members of Parliament and State Legislatures to the extent possible in the discharge of their functions under the Constitution. It has been clearly laid down that Government servants should show courtesy and consideration to Members of Parliament.

6. The action taken by the Administration in the case considered by the Privilege Committee cannot be considered to be in accordance with the instructions in the matter. All Ministries/Departments are requested to ensure that the basic principles *and* instructions regarding observance of proper procedure are followed by all concerned in letter and spirit and avoid recurrence of such incidents as reported by the Privilege Committee by careful approach and restraint on such occasions.

Sd/-

(Smt. Pratibha Mohan)

Director

To

All Ministries//Departments of the Government of India.

Copy to:

1. Comptroller and Auditor General of India, New Delhi.
2. Union Public Service Commission. New Delhi,
3. Central Vigilance Commission. New Delhi.
4. Central Bureau of Investigation, New Delhi.
- 5 Chief Secretaries of all State Governments.
6. All Union Territory Administrations.
7. Lok Sabha/Rajya Sabha Secretariat.
 8. All Attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.

Sd/-

(Smt. Pratibha Mohan)

Director