

COMPLAINT OF VIOLATION OF PROTOCOL
NORMS AND CONTEMPTUOUS BEHAVIOUR
OF GOVERNMENT OFFICERS WITH
MEMBERS OF LOK SABHA

Members of Parliament enjoy an exalted position in Indian polity. They are not only legislators but also public representatives. As a public representative, they have to deal with a number of issues which concern the public at large and have to undertake many public welfare works pertaining to their constituents and constituency. To seek the redressal of grievances of the people they have to often interact with government officials. Instructions/guidelines have been laid down by the Government of India from time to time governing the official dealings between the administration and the Members of Parliament. Besides extending due courtesies, the Government officials are expected to observe these guidelines/instructions in letter and spirit while dealing with the Members of Parliament in official dealings. These guidelines/instructions which have been issued by the Government of India from time to time have been consolidated in the booklet 'Instructions/Guidelines issued by the Government of India on Official Dealings between the Administration and Members of Parliament and State Legislatures'. The latest instructions/guidelines have been issued by

the Department of Personnel and Training (DoPT), Ministry of Personnel, Public Grievances and Pensions was on 1 December, 2011.

2. The latest consolidated instructions issued *vide* the DoPT's OM No. 11013/4/2011-Estt.A dated 1 December, 2011 have been circulated to the Chief Secretaries of all States/Union territories and others concerned with a request to circulate these instructions to all State Government officials at the State/Division/District levels and also to periodically review its implementation.

Constitution and functions of the Committee

3. A Committee in Lok Sabha is either set up by the House or by the Speaker, works under the overall supervision of the Speaker and presents its report to the House or to the Speaker as the case may be.

Rule 254 of the Rules of Procedure and Conduct of Business in Lok Sabha deals with the constitution of Parliamentary Committees.

4. Apart from Parliamentary Committees specifically provided for in Rules of Procedure, *ad hoc* Parliamentary Committees, consisting of members of one House or of both Houses, are also constituted by the House or Speaker to consider and report on specific

matters. Such Committees may be appointed by the House or Speaker, either *suo motu* or on the recommendation of a Parliamentary Committee, or in pursuance of the provisions of a statute.

5. Instructions/guidelines have been issued from time to time by the Government of India regarding "Official dealings between the Administration and Members of Parliament and State Legislatures". These instructions/guidelines basically lay down principles and conventions that should govern the relations between Members of Parliament/State Legislatures and Government servants. However, a large number of complaints were being received from Members of Lok Sabha frequently complaining about violation of these guidelines and discourteous behaviour displayed by Government officers against them in official dealings.

As per established practice, the complaints from the members regarding violation of the Government instructions and growing instances of misbehaviour *prima facie* on the part of Government officials does not amount to breach of privilege of the members.

On 10 March, 2012, Hon'ble Speaker gave in principle approval for constituting a separate Committee

to examine complaints given by Members of Lok Sabha regarding protocol violation and discourteous behaviour displayed by Government officers *vis-a-vis* Members of Parliament in official dealings.

6. The Committee on Violation of Protocol Norms and Contemptuous Behaviour of Government Officers with Members of Lok Sabha constituted by Hon'ble Speaker *suo motu* after detailed deliberations in pursuance of the provisions of Rule 254 of the Rules of Procedure and Conduct of Business *vide* Bulletin—Part II No. 4274 dated 2 August, 2012 with following terms of reference:—

- (a) Examine every complaint referred to it by the Speaker relating to—
 - (i) violation of protocol norms laid down from time to time regarding official dealings with Members of Parliament;
 - (ii) violation of instructions or guidelines issued by the Government regarding official dealings between Administration and Members of Parliament; and
 - (iii) discourteous behaviour by Government Servants with a Member during official dealings.

- (b) make such recommendations as it may deem fit.
- (c) The procedure which shall be followed by the Committee for examining complaints referred to it shall be, so far as may be, the same as the procedure for inquiry and determination by the Committee of Privileges, insofar as it relates to any question of breach of privilege of the House or a member.
- (d) The provisions of Rules 315 and 316 of the Rules of Procedure and Conduct of Business in Lok Sabha relating to consideration of report of Committee of Privileges presented to the House and priority for consideration of such reports by House would be applicable *mutatis mutandis* to the reports of the Committee to examine complaints relating to violation of protocol norms in official dealings with members.

Procedure for giving a complaint of Protocol Violation and its Reference to the Committee on Violation of Protocol Norms and Contemptuous Behaviour of Government Officers with Members of Lok Sabha by the Speaker

7. A member aggrieved by any incident of misbehaviour or breach of protocol by the

administration may give a complaint in writing to the Secretary General, Lok Sabha. The complaint should normally be accompanied by a supporting documentary evidence. Before examining the complaint on merits normally, a factual note is called for from the concerned Central/State Government under whom the official is serving. Thereafter, on examination of the complaint, if *prima facie* it appears that a case of violation of protocol norms is made out, the Speaker may refer the matter to the Committee on Violation of Protocol Norms, etc. for investigation, examination and report. In doing so, the Speaker need not bring the matter before the House for consideration and decision as to whether the matter be so referred to the Committee. Reports of the Committee on matters so referred are presented to the Speaker who may direct that the Report be laid on the Table of the House. The Committee as of now follows the same procedure as is followed by the Committee of Privileges for examining a notice of question of privilege.

[The constitution and working of the Committee on Violation of Protocol Norms and Contemptuous Behaviour of Government Officers with Members of Lok Sabha is governed by Rules 254, 315 and 316 of the Rules of Procedure and Conduct of Business in Lok Sabha.]