

**Part—XXIII Relation between officers and the members of Parliament & State Legislature/Arrest/  
Detention of M.Ps./M.L.As/M.L.Cs/Council/ Assembly Questions etc.**

Government of Bihar  
Appointment Department

Memo No. III/I/4-205/53. A 10320/

Patna, the 25 November, 1953.

To

All Departments of Government.

**Subject :—**Travelling allowance of the official staff of Ministers, Deputy Ministers and the Presiding Officers of the Legislature, while going out on private work.

The undersigned is directed to say that Government had under consideration whether it would be in order for a Minister, Deputy Minister or a Presiding Officer of any of the two Houses of the Legislature while going out on private work, to take with him his official staff viz. his orderly peon or Stenographer and whether in such circumstances, the staff concerned would be entitled to draw Travelling Allowance. As a Minister, even if he goes on private work to a place within or outside the State continues to be a Minister, and is entitled to the privileges as a Minister, it would appear that even in such circumstances, he may take with him at Government cost such of his official staff that he may require to deal with visitors etc. or with any State business that he may suddenly be called upon to attend to. Similar is the case with Deputy Ministers or the Presiding Officers of the Legislature and their Deputies. Government have therefore decided that such staff shall be treated as on duty and shall be entitled travelling allowance admissible to them under the Bihar T. A. Rules.

Sd/- R. N. Mitra  
Addl. Under Secretary to Government

Memo No. III/L4—205/53—A. 10320

Patna, the 25 November, 1953.

Copy forwarded to the Accountant General, Bihar/ Legislative Council Secretariat/ Legislative Assembly Secretariat/Secretary to Chief Minister/Private Secretaries to all Ministers/Stenos to Deputy Ministers for information.

Sd/- R. N. Mitra  
Addl. Under Secretary to Government.

No. III/L3-3031/56/A. 5293  
Government of Bihar.  
Appointment Department.

From

V. Balasubrahmanyam, Esq., I. A. S.,  
Addl. Deputy Secretary to Government

To

All Secretaries & Addl. Secretaries to Government.  
Dated, Patna, the 16 May, 1956.

Subject :—Laying of copies of questions and answers on the Table of the Assembly in case the question is not reached.

Sir,

I am directed to say that in rule 91 (4) of the Rules of Procedure and Conduct of Business to the Legislative Assembly, it is laid down that—

“If any question entered in the day's list for oral answer on any day is not reached during the time available for questions and answers on that day, the Minister to whom the question is addressed shall forthwith lay upon the Table of the House a written reply to the question and no oral reply shall be required to such questions and no supplementary shall be asked in respect thereof”.

With a view to compliance with the above rule, it has been decided that an extra copy of the question and answer should be prepared in each case. The extra copy will be sent along with the file to the Private Secretary to the Minister answering the question, with the request that, if the question is not reached, he will place the extra copy on the Table of the House. I am to request that the above procedure may be strictly followed in future.

Yours faithfully,  
Addl. Deputy Secretary to Government.

Memo No. III/L3-30-31/56/A. 5293 Patna, the 16 May, 1956.

Copy forwarded to the Secretary to the Bihar Legislative Assembly for information with reference to his memo no. 2733-LA., dated the 14th March, 1956.

Addl. Deputy Secretary to Government.

Memo No. III/L3-3031/56/A. 5293 Patna, the 16 May, 1956.

Copy forwarded to Private Secretaries to all Ministers for information and necessary action.  
Addl. Deputy Secretary to Government.

Srivastava, 15

A-4204

No. III/L3-502/58

Government of Bihar  
Appointment Department

From

M. S.. Rao, Esqr., I. C. S.,

To

All Secretaries and Addl. Secretaries to Government  
Deputy Secretaries, Political and Appointment Departments.Patna, the 20 Chaitra, 1880 S  
10 April, 1958

Subject :—

Laying of copies of questions and answers on the table of the Assembly in case the question is not reached.

Sir,

I am directed to invite your attention once again to the instructions contained in Appointment Department letters no. 5293A dated 16th May, 1956 and 5816A dated 2nd July, 1957 on the above subject and to say that it has been found that in spite of these instructions, some of the Departments of Government do not place spare copies of answers in the files for being placed on the table of the Assembly in case the question is not reached. The result is that the requirement of Rule 91 (4) of the Rules of Procedure and Conduct of Business in the Legislative Assembly is not being observed. This creates dissatisfaction amongst the Members and puts Government to an embarrassing position. It is, therefore, requested that you will kindly ensure *personally* that whenever a file is sent to a Minister or Deputy Minister for answering a question in the Legislative Assembly, it contains a spare copy.

2. It has further been pointed out that Ministers and Deputy Ministers feel great inconvenience in handling different files for different questions and to pick out spare copies of 'not reached' question to place them on the table of the Assembly after the question hour. I am, therefore, to request that, as soon as you receive an order paper in the Assembly Secretariat, indicating the questions relating to your Department, which are to be answered on a particular day, spare copies of answers to all those questions should be prepared and tagged together to be sent to the Minister

or Deputy Minister concerned, along with relevant files, to enable the Minister or Deputy Minister to answer the questions and to place spare copies of questions not reached on the table of the Assembly just after the question hour is over. These instructions may be followed strictly.

Yours faithfully,  
( M. S. Rao )

Chief Secretary to Government.

Memo No. A 4204

Patna, the 20 Chaitra, 1880S  
10 April, 1958

Copy forwarded to the Legislative Assembly Secretariat for information in continuation of Appointment Department letter No. 5293 dated 16th May, 1956.

Addl. Under Secretary to Government.

Memo No A 4204

Patna, the 20 Chaitra, 1880S  
10 April, 1958

Copy forwarded to Secretary to Chief Minister, Ministers  
All Private Secretaries to Personal Assistants to the Deputy Ministers  
for information and necessary action in continuation of Appointment Department letter No. 5293 dated 16th May, 1956.

Addl. Under Secretary to Government.

No. III/RI-207/57 A-A R 128  
Government of Bihar.  
Appointment Department.

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From

Shri M. S. Rao, I. C. S.,  
Chief Secretary to Government.

To

All District Officers.

Ranchi, the 18th August, 1958.

Sir,

I am directed to address you on the procedure to be followed by District Officers and other field officers in dealing with orders passed direct to them by Ministers.

2. It is generally well understood that any order made by a Minister is communicated to the officer concerned through the Secretariat for compliance. Sometimes, however, particularly during tours, a Minister may make an order or give some instructions direct to an officer in the field. It is well recognised that whether the order is written or verbal, the officer concerned should comply with the order, unless it is contrary to law, prescribed rules and regulations, or any clearly laid down policy of Government; or prior approval is necessary of departments other than those in charge of the Minister; or there are any strong reasons, in the public interest, for re-consideration of the order. As the executing agency, it is the field officer's personal responsibility to decide whether the order is one which should be immediately carried out, or reference should be made to Government in the appropriate Department for orders. Whether the officer complies with the order, or makes a reference, it is his duty immediately to report officially, without fail, the facts to the concerned Department of Government. In those cases where according to his best judgement the officer considers that the order may not be carried out on his own responsibility he should immediately report the facts and the special circumstances to Government through proper channel for orders and send a copy direct to the Government in the administrative Department, so that in emergent cases issue of Government instructions through the Secretariat is not delayed.

3. Except in regard to tour programmes, Collectors and other field officers should not correspond direct with a Minister or his Private Secretary on any subject. They should address Government or the higher authorities as the case may be. In case any communication is received direct from a Minister, the officer's report, along with a copy of the Minister's order on which the report is made, or reply called for, should be sent, as quickly as possible, to the Department of Government concerned. In emergent cases a copy of the report sent may also be submitted direct to the Minister concerned, or in any case, if he asks for it.

Yours faithfully,

M. S. Rao,

Chief Secretary to Government.

Memo No. Apptt. III/RI-207/57A-AR 128. P. O. Hinoo, Ranchi, the 18th Aug. 1958.

Copy forwarded to all Departments of Government / all Heads of Departments / all Commissioners of Divisions. / M. S. Rao, Chief Secretary to Government.  
BSBP (P. & A)-500-6.8.60 G

IMMEDIATE

Government of Bihar  
Cabinet Secretariat,  
PATNA-1.

D. O. No. CS/L2-2077/58. 10062.

The 28 Kartika, 1880  
19 November, 1958.

Subject :—Materials for answering Assembly and Council Questions.

My dear,

I am desired to draw, once again, your personal attention to the instructions conveyed in my letter No. CS/L2-201/58-2979, dated the 26th March, 1958, on the above subject, impressing on you the necessity and urgency of furnishing materials promptly for answering Assembly and Council Questions. In spite of these instructions, it has been noticed that such materials are not being received from the District Officers by different Departments of Government in time. It is a matter of very great regret that in a number of cases, no reply whatsoever has been received from the District Officers in spite of repeated reminders, including telegraphic reminders. This not only causes delay in answering questions in the Legislature, but also puts Government in a very embarrassing position. I am, accordingly, to request you again that as soon as a letter regarding materials for answering Assembly and Council question is received, immediate steps should be taken by you to send a reply without any delay, and every individual handling the letter should be instructed to give it the top most priority. Furnishing materials to questions put in the Legislature should be treated as your personal responsibility, and Government trust that there will be no occasion for such complaints in future.

Yours sincerely

Sd./— M. S. Rao

Chief Secretary to Government.

To

All District Officers,

**Confidential**

No. II/C3-40105/59/7189

Government of Bihar,

Appointments Department

From

Shri S. J. Majumdar, I.C.S.,  
Chief Secretary to Government.

To

All Departments of Government  
All Heads of Department  
All Divisional Commissioners  
All District Officers

Patna, the 30 Vaisakha, 1881 (S)  
20 May, 1959.

**Subject :—Complaint against Government officials M.L.As. and Public men.**

Sir,

I am directed to say that sometimes complaints are made by members of the legislature and other locally influential members of the different political parties against Government servants in general, and officers at the Block and Circle level, in particular. A fair percentage of these complaints are found on enquiry to be baseless. Quite often such baseless complaints are matched by equally eulogistic praise from other groups. All this reveals that officers at the Block or Circle level are subject to severe strain in the discharge of their duties. If this pressure of local political influence should continue, Government apprehend that before long many public officials may, for their peace of mind and convenience, subordinate themselves to the local political pressures, adjusting themselves suitably.

2. In order to arrest these tendencies, Government after careful consideration have decided that the following procedure should be adopted in dealing with complaints against Government servants :—

(i) Where the complaint specifies some gross irregularity or reveals corruption, enquiry should be made quickly and thoroughly and the officer punished if found guilty.

(ii) If on the other hand, the complaint is found to be false or malicious, no concession should be made for the status of the complainant and in each case the complainant should be proceeded against according to law. Government's order should be obtained before starting prosecution in such cases.

(iii) In order that the guilty officers are punished and false complaints are discouraged, it is essential that the enquiry should be conducted in a quick, thorough and impartial manner. Government feel that this alone would be able to inspire confidence and achieve the end in view.

3. I am to request that these instructions may be brought to the notice of the officers subordinate to you and implemented properly.

Yours faithfully,

(S. J. Majumdar)

Chief Secretary to Government.

Memo No. II/C3-40105/59-211 A.R. dated 26.6.59 from S. J. Majumdar, Chief Secretary to Govt. to all Secretaries & Addl. : Secretaries to Govt :

"Before any administrative department of Govt. starts a case in accordance with para 2 (ii) of circular no. 7189 A. dated 20.5.59, the file should be submitted to the Chief Minister for approval through the Chief Secretary."



Government of Bihar  
Appointment Department

Memo No. A 8645

Patna, the 2 Asadh, 1881  
23 June, 1959

To

The Bihar Legislative Assembly Secretariat.

The undersigned is directed to say that an instance has been brought to the notice of the State Government where the Assembly Secretariat, on behalf of the Committee on Estimates had addressed a subordinate officer direct for his opinion on certain schemes. This procedure may lead to confusion and in case the reply of the subordinate officer is not channelled through the appropriate Department of Government, the Committee may not know the correct views of Government. It is, therefore, requested that wherever the Committee seek any information on Schemes or Projects whose estimates they are examining, the Department of Government concerned may be addressed and not any subordinate officer.

- 2 Receipt of this memo may kindly be acknowledged.

( R. B. Lal )  
Under Secretary to Government.

Memo No. A 8645

Patna, the 2 Assadh, 1881  
23 June, 1959

Copy forwarded to All Departments of Government / All Heads of Department  
All Commissioners of Division / All District Officers for information.

2. In case the Committee address any subordinate officer direct, his reply should always be channelled through the Administrative Department concerned.

Under Secretary to Government.

Government of Bihar  
Appointment Department

Memo No. III/L2-104/60A 2726

Patna, the 5 Phalguna, 1881

24 February, 1960

To

All Departments of Government.

Subject : Procedure to deal with an Assembly and a Council question when the subject matter of the question does not concern the Department in which the question was received.

The undersigned is directed to say that if an Assembly or a Council question is received in any department of Government and it is found that the subject matter of the question does not concern that department, the question should not be returned to the Assembly or the Council Secretariat. The procedure that should be adopted is that the relevant file should be put up to the Secretary of the department who will either send it to the department concerned or, if he is unable to decide to which department the question should be referred, to the Chief Secretary. The above procedure may be strictly followed in future.

( M. S. Rao )

Chief Secretary to Government.

Memo No. III/L2-104/60A 2726

Patna, the 5 Phalguna, 1881

24 February, 1960

Copies to the Secretary to Governor, Bihar  
the Secretary to Assembly Secretariat  
Council Secretariat

for information.

( K.A. Ramasubramaniam )

Deputy Secretary to Government.

Government of Bihar  
Appointment Department.

Memo No. III/L2—104/60A 6204

Patna, the 16 Vaisakha, 1882  
6 May, 1960.

To

All Secretaries & Additional Secretaries to Government.

Subject :—Assembly and Council questions not relating to affairs of the State Government.

The undersigned is directed to say that when questions relating to the affairs of independent bodies such as the Damodar Valley Corporation, the Heavy Engineering Corporation, Hindusthan Steel, etc. have been asked either in the Assembly or in the Council, certain Departments have addressed those independent bodies to supply draft replies to the questions. This is obviously quite wrong since according to the Rules of Procedure and Conduct of Business in the State Legislature, a question addressed to a Minister must relate to the public affairs with which he is officially connected or to a matter of administration for which he is responsible.

2. In future when such questions are admitted, the department concerned should examine whether any part of the question can be held to be directly concerned with the affairs of the State Government and if so, an effort should be made to answer that part of the question and for the rest, draft answer should be submitted to the Minister to the effect that the matter is outside the jurisdiction of the State Government. The department concerned should not in any such case enter into correspondence with those independent bodies, without obtaining the orders of the Chief Minister through Chief Secretary.

3. The above instructions may be strictly followed in future.

( M. S. Rao )  
Chief Secretary to Government.

बिहार सरकार  
महोदय सचिवालय

अर्ध-सरकारी पत्र सं०-सी एस०/एल २-१०६/६१ १२९०

पटना  
दिनांक २२ फाल्गुन, १९८२ (ब)  
१३ मार्च, १९६१

विषय :— विधान सभा एवं विधान परिषद् के प्रश्नों के उत्तर में बिलम्ब।

प्रिय

निवेदनानुसार, आपका ध्यान श्री एस० एस० राव, मुख्य सचिव के पत्र संख्या २९७९, दिनांक २६-३-५८ एवं अर्ध-सरकारी पत्र संख्या १००६२, दिनांक १९-११-५८ की ओर आकृष्ट करते हुए, मुझे यह कहना है कि इनमें निहित अनुदेशों के बमबूझ भी विधान सभा एवं विधान परिषद् के प्रश्नों के उत्तर के लिये सचिवालय के विभागों द्वारा विभागाधिकारियों से अभी भी सामग्रियां समय पर नहीं प्राप्त हो रही हैं। फलस्वरूप सदन में सरकार की अनावश्यक अपेक्षाओं का पात्र बनना पड़ता है। अतः यह अत्यावश्यक है कि जब भी सचिवालय के किसी विभाग से विधान सदन के प्रश्नों के उत्तर के लिये आपसे सामग्री मांगी जाय तो आप स्वयं इसकी देखभाल कर जल्द से जल्द सरकार को उत्तर देने की कृपा करें। साथ ही साथ आप अपने यहां के किसी बरीय पदाधिकारी को इसकी विशेष जिम्मेवारी सौंप दें ताकि वे इस पर काबू निगरानी रखें।

१- अगर कार्यालय में किसी स्तर पर या अन्य अधीनस्थ पदाधिकारियों के यहां अनावश्यक बिलम्ब हो तो जिम्मेवारी निर्धारित कर बोधी व्यक्तियों पर कड़ी से कड़ी अनुशासनिक कार्रवाई करें और उसकी सूचना सम्बन्धित विभाग को भी दें।

२- कृपया इसे अधीनस्थ सभी पदाधिकारियों को जना दें।

भवदीय,  
(एस० जे० बजुमवार)  
मुख्य सचिव।

आप से,

श्री.....

आप संख्या सी० एस०/एल २-१०६/६१ १२९० पटना, दिनांक २२ फाल्गुन, १९८२ (ब)  
१३ मार्च, १९६१।

प्रतिनिधि—सभी सचिव / अपर सचिव / उप सचिव, नियुक्ति आरक्षी एवं सामान्य विभाग / प्रशासकीय  
आयुक्त को सूचनाएं अवधारित।

मन्त्र/५३-३

रवि साहू  
अपर सचिव।

IMMEDIATE

No. CS/L2-201/58-2979

Government of Bihar  
Cabinet Secretariat.

From

M. S. Rao, Esq., I. C. S.,  
Chief Secretary to Government.

To

All District Officers.

Patna, the 5 Caitra, 1880  
26 March, 1958

Subject : Materials for answering Assembly and Council questions.

Sir,

I am directed to invite, once again, your attention to the instructions contained in Appointment's letter No. 9760, dated the 7th November, 1953 (copy enclosed for ready reference) on the above subject, and to say that it has been noticed that materials for answering a very large number of Assembly and Council questions asked during the last two sessions of the State Legislature held in the year 1957 have not been received from the District Officers by different Departments of Government with the result that several short notice and starred questions could not be answered on due dates. Since their replies have already been unduly delayed, I am to request you kindly to take personal interest in the matter and to see that materials for preparing answers to the pending questions of the last sessions are sent to the respective Departments without any further delay.

The necessity and urgency of furnishing materials promptly for answering Assembly and Council questions have already been emphasised in Appointment Department's letter referred to above, and I am to request you kindly to take steps to ensure that the instructions contained therein are strictly followed under your personal guidance and also to see that materials for answering Assembly and Council questions are sent to the Departments of Government promptly. The Departments of Governments are being requested that all letters regarding materials for answering Assembly and Council questions, particularly the started and short-notice ones, should be addressed to the District Officers by name. As soon as you receive such a letter, you should kindly take steps to pursue the matter till the materials desired are sent to Government. In your absence from headquarters on tour, etc., the next senior officer should take necessary steps as indicated above.

Yours faithfully,

Sd / M. S. Rao,

Chief Secretary to Government.

Memo no. CS/L2-201/58-2979

Patna, the 5 Caitra, 1880  
26 March, 1958

Copy, with copy of the letter under reference, forwarded to the Commissioner  
for information.

Patna DivisionBhagalpur DivisionTirhut DivisionChotanagpur Division

Sd./-M. S. Rao,

Chief Secretary to Government.

Patna, the 5 Caitra, 1880

26 March, 1958

Memo no. CS/L2-201/58-2979

Copy, with copy of the letter under reference, forwarded to All Departments of Government,  
for information in continuation of Chief Secretary's Demi-official No. 2040, dated the 24th  
February, 1958.

The Departments should address the District Officers by name for materials for Assembly  
and Council Questions.

Sd/- R. L. Sen,

Under Secretary to Government.

No. III/L 5-101/61—5433  
Government of Bihar.  
Appointment Department.

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From

Shri B. K. Dubey,  
Deputy Secretary to Government.

To

All Commissioner of Divisions  
All District Officers.  
All District Judges.  
All Sub-Divisional Officers.

Patna, the 6 Chaitra, 1883 (S)  
26 April, 1961.

Subject : Arrest, detention etc. of Members of Parliament and of the Bihar Legislature.

Sir,

In continuation of Appointment Department letter No. III/L5-102/58A-12172 dated the 13th October, 1958 on the above subject, I am directed to forward for guidance a copy of letter No. F. 12/1/61-P. IV dated the 14th March, 1961 from the Government of India, Ministry of Home Affairs. The instructions contained therein and the procedure set forth in this Department letter under reference, may kindly be strictly followed.

Yours faithfully,

Deputy Secretary to Government.

Memo No. III/L5-101/61A-5433

Patna, the 6 Chaitra, 1883 (S)  
26 April, 1961.

Copy with a copy of enclosure forwarded to All Departments of Government/The Registrar, High Court/ Bihar Legislative Assembly/Bihar Legislative Council for information.

( B. K. Dubey )  
Deputy Secretary to Government.

Girish/21/A

IMMEDIATE.

No. F. 12/1/61-P. IV  
GOVERNMENT OF INDIA  
Ministry of Home Affairs.

Form

Shri R. K. Shastri,  
Under Secretary to the Govt. of India.

To

All State Governments/Administrations.

New Delhi, 11, the 14th March, 1961  
23rd Phalguna, 1882.

Subject : Arrest, detention, release etc. of Members of Parliament-Intimation thereof to the Speaker of Lok Sabha/Chairman of the Rajya Sabha.

Sir,

I am directed to refer to this Ministry's letters No. 35/2/57-P. II, dated 21.5.1958 and No. 35/4/58-P. II, dated 29.8.1958, explaining the procedure to be followed, while intimating to the Speaker of Lok Sabha/Chairman of Rajya Sabha the arrest, detention, release of Members of Parliament.

2. Instances have come to the notice of the Government of India where the authorities concerned in the States have either failed to send immediately intimation of such arrest, detention, release of Members of Parliament to the Speaker/Chairman or the information sent was not in the manner provided in Rules 229 and 230 and the Forms set out in the Third Schedule to the Rules of Procedure and Conduct of Business in the Lok Sabha. Recently, in one of the telegrams addressed to the Speaker of the Lok Sabha informing him about the arrest of a Member of Parliament, the name of the sender was not mentioned. Parliament expressed concern over such irregularities.

3. Since non-compliance with the provisions contained in the Rules results in infringement of the privileges of parliament and its Members, it is requested that necessary instructions may kindly be issued again to all the authorities concerned impressing upon them that telegrams etc. to the Speaker of Lok Sabha/Chairman of Rajya Sabha about the arrest/detention/release of Members of Parliament must be complete in all respects and must give full information on all the points as required in the appropriate forms set out in the Third Schedule to the Rules of Procedure and Conduct of Business in Lok Sabha (Fifth Edition), as also the name/designation and address of the sender. Further, the telegrams should be sent immediately after the arrest/detention/release of the members concerned and should be confirmed by copies sent by post.

4. The receipt of this letter may please be acknowledged.

Yours faithfully,

Sd/—R. K. SHASTRI  
Under Secretary to the Govt. of India.

बिहार सरकार,  
नियुक्ति विभाग।

ज्ञाप संख्या-३/ एल ३-३०१/६३ नि० ४९०३

बटना, दिनांक २६ मई, १९६३ (स)  
१६ अप्रैल, १९६३।

सेवा में,

सरकार के सभी विभाग।

विषय :— विधान-सभा एवं विधान-परिषद् में पूछे गये वे प्रश्न जो राज्य सरकार की सीमा से बाहर हैं।

निदेशानुसार अधोहस्ताक्षरी को उपयुक्त विषय से सम्बन्धित नियुक्ति विभाग की ज्ञाप संख्या ३/एल २-१०४/६० ए-६२०४ दिनांक ६ मई, १९६० (प्रति संलग्न) की ओर ध्यान आकृष्ट करते हुए कहना है कि राज्य सरकार के समक्ष कुछ ऐसे उदाहरण आये हैं जिसमें विधान-सभा एवं विधान-परिषद् के उन प्रश्नों का उत्तर देने के लिये, जो राज्य सरकार की सीमा के बाहर हैं, कुछ विभागों ने स्वतन्त्र संगठनों (Independent Bodies) से प्रारूप तैयार करने के लिये अनुरोध किया था। राज्य सरकार के अधिकार क्षेत्र से बाहर के प्रश्नों का उत्तर देना तथा ऐसे उत्तर को तैयार करने के लिये स्वतन्त्र संगठनों को कष्ट देना उचित नहीं है। अतः, अनुरोध किया जाता है कि कृपया ऐसी व्यवस्था कराएँ ताकि भविष्य में उपर्युक्त आदेश का पूर्ण रूपेण पालन किया जाय।

( बी० एल० दास )

जवर सचिव।



No. A 5888  
Government of Bihar  
Appointment Department

From

Shri B. K. Dubey  
Secretary to Government.

To

All Commissioners of Division.  
District Officers.  
District Judges.

Patna, the 17th Vaishakha 1885 (S)

7th May, 1963.

Subject :—Arrest, detention etc., of Members of Parliament and of  
the Bihar Legislature.

Sir,

1. I am directed to say that Rules 229 and 230 of the Rules of Procedure and Conduct of Business in Lok Sabha, Rules 221 and 220 of the Rules for Procedure and Conduct of Business in the Bihar Legislative Assembly and Rules 248 and 249 of the Rules of Procedure and Conduct of Business in the Bihar Legislative Council, lay down the procedure to be followed in sending information relating to the arrest, detention, conviction or release of Members of Parliament and of the Bihar Legislature. In this connection attention is invited to Shri M. S. Rao's letter no. III/L5-102/58A-12172, dated the 13th October, 1958 in which instructions on the subject had been communicated. For easy reference, these instructions, along with further clarifications, are set forth in the following paragraphs. Extract copies of the relevant rules mentioned above are enclosed.

2. When a Member of the Lok Sabha is arrested on a criminal charge, or for a criminal offence, or is sentenced to imprisonment by a court, or is detained under an executive order, the committing Judge, Magistrate or executive authority, as the case may be must immediately intimate such fact to the Speaker of the Lok Sabha indicating invariably the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the Member, in the form (copy enclosed) prescribed under the rules. When such a Member is transferred from one jail to another, the change in the place of detention or imprisonment should also be intimated to the Speaker of the Lok Sabha, by the authority ordering the transfer.

3. When a Member is arrested and after conviction released on bail pending appeal or, otherwise released on any ground, e. g., on the sentence being set aside on appeal or on the remission of sentence by Government or on completion of the sentence, or on termination of preventive detention, such release must also be invariably intimated to the Speaker of the Lok Sabha by the authority concerned in the form (copy enclosed) prescribed.

4. The Speaker and Members of Parliament always desire to know whether an arrested Member has been released on bail pending prosecution or trial. The authority giving intimation of the arrest of a Member of the Parliament should, therefore, invariably furnish this information as well.

5. When bail is cancelled and the person on bail surrenders, he is "arrested" in the legal sense of the term. If a person while on bail, is elected Member of the Parliament and subsequently, his bail is cancelled and he is taken into custody, information should be sent to Speaker/Chairman as in the other cases mentioned above.

6. If information of arrest or detention is sent by telegram, it is necessary that information on all points mentioned in the appropriate forms should be communicated clearly. Recently in one of the telegrams addressed to the Speaker of the Lok Sabha intimating the arrest of a Member of Parliament, the name of the sender was not mentioned. Parliament expressed concern over this. The authorities concerned, should see that the telegrams are complete in all respects and must give full information on all points as required in the prescribed form. The telegram should be sent immediately, after the arrest/detention/release of the Members concerned and it should be confirmed by copy sent by post.

7. The procedure prescribed above should also be followed in the case of arrest, detention or of Members of the Rajya Sabha and of the Bihar Legislature, the only difference being that the information is to be supplied to the Chairman of the Rajya Sabha or to the Speaker of the Bihar Legislative Assembly or to the Chairman of the Bihar Legislative Council, as the case may be.

8. These instructions may be brought to the notice of all officers subordinate to you, who have the powers to arrest persons, cancel bail or release them.

9. Receipt of this letter may kindly be acknowledged.

Encl. :—As above.

Yours faithfully,

Deputy Secretary to Government

Memo No. A 5888

Patna, the 17 Vaishakha 1885 (S)

7 May, 1963.

Copy forwarded to All Departments of Government/ All Heads of Departments/ The Registrar, High Court, Patna/ The Bihar Legislative Assembly Secretariat/ The Bihar Legislative Council Secretariat/ Inspector General of Police/ All Subdivisional Officers, for information,

Deputy Secretary to Government.

## RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN LOK SABHA (FIFTH EDITION)

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229. When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive order, the committing judge, magistrate or executive authority as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form set out in the Third Schedule.

230. When a member is arrested and after conviction released on bail pending an appeal or otherwise released, such fact shall also be intimated to the Speaker by the authority concerned in the appropriate form set out in the Third Schedule.

## RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE BIHAR LEGISLATIVE ASSEMBLY.

220. Power of Speaker to refer question of privilege to Committee—Notwithstanding anything contained in these rules, the Speaker may refer any question of privilege to the Committee of Privileges for examination, investigation or report.

221. Information to Speaker by the Committing Judge, Magistrate or Executive or other authority, of arrest, detention, etc. of a member :—When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under executive order, the committing judge, magistrate or executive authority or the persons making arrest, as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form set out in the First Schedule.

## RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE LEGISLATIVE COUNCIL

248. Information to Chairman by Magistrate etc. of arrest, detention, etc., of a member :—When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a Court or is detained under executive order, the Committing Judge, Magistrate or authority concerned as the case may be, shall immediately intimate such fact to the Chairman indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form set out in the First Schedule.

249. Intimation to Chairman on release of a member :—When a member is released on bail after arrest or after conviction pending an appeal or is otherwise released, such fact shall also be intimated to the Chairman by the authority concerned in the appropriate form set out in the First Schedule.

**FORM OF COMMUNICATION REGARDING ARREST, DETENTION, CONVICTION  
OR RELEASE, AS THE CASE MAY BE, OF A MEMBER**

Place.....

Date.....

To

The Speaker, Lok Sabha, New Delhi.  
The Chairman, Rajya Sabha, New Delhi.  
The Speaker, Bihar Legislative Assembly, Patna.  
The Chairman, Bihar Legislative Council, Patna.

DEAR Mr. SPEAKER,

A

I have the honour to inform you that I have found it my duty, in the exercise of my powers under section ..... of the ..... (Act), to direct that Shri..... Member of the Lok Sabha/Rajya Sabha/Bihar Legislative Assembly/Bihar Legislative Council/be arrested/detained for..... (reasons for the arrest or detention, as the case may be).

Shri..... M. P., was accordingly arrested/taken into custody at..... (time) on..... (date) and is at present lodged in the..... Jail ..... (place).

B

I have the honour to inform you that Shri..... Member of the Lok Sabha/Rajya Sabha/Bihar Legislative Assembly/ Bihar Legislative Council was tried at the..... Court before me on a charge (or charges) of..... (reasons for the conviction).

On ..... (date) after a trial lasting for ..... days, I found him guilty of ..... and sentenced him to imprisonment for..... (period).

(His application for leave to appeal to..... is pending consideration).

Name of the Court.

C

I have the honour to inform you that Shri..... Member of the Lok Sabha/Rajya Sabha/Bihar Legislative Assembly/ Bihar Legislative Council, who was convicted on..... (date) and imprisoned for..... (period) for..... (reasons for conviction) was released on bail pending appeal (or release on the sentence being set aside on appeal, as the case may be) on the..... (date).

Yours faithfully,  
(Judge, Magistrate or Executive Authority)

No III/L5-101/63A 11469  
Government of Bihar  
Appointment Department

From

Shri B. K. Dubey,  
Deputy Secretary to Government,

To

All Commissioners of Division  
District Officers  
District Judges

Patna, the 25 Bhadra, 1885 (S)  
16 September, 1963.

Subject :—Arrest Detention etc. of Members of Parliament and of the  
State Legislature.

Sir,

I am directed to refer to this Department letter No. III/L5-101/63A-5888 dated 7th May, 1963 in which it has been laid down that intimation about the arrest, detention and release of Members of Parliament / Members of State Legislature should be sent direct by the court / Magistrate concerned to the Speaker, Lok Sabha / Speaker, Bihar Legislative Assembly / Chairman, Bihar Legislative Council only. I am to request that all officers subordinate to you be advised to send intimation of arrest, detention, release and cancellation of bail of a Member of Parliament / Member of State Legislature to the Speaker Lok Sabha / Chairman, Rajya Sabha / Speaker, Bihar Legislative Assembly / Chairman, Bihar Legislative Council under intimation to the Government of India, Ministry of Home Affairs / Political (Special Section) Department as the case may be.

The receipt of the letter may please be acknowledged.

Your's faithfully,

Deputy Secretary to Government

Memo No. III/L5-101/63A 11469

Patna, the 25 Bhadra 1885 (S)  
16 September, 1963

Copy forwarded to All Departments of Government  
All Heads of Department  
The Registrar, High Court, Patna  
The I. G. of Police, Bihar  
All Sub Divisional Officers

for information.

(B. K. Dubey)  
Deputy Secretary to Government

Pd. 16/9

जाप संख्या-३/एल ५-१०१/६३ दि० ११४६९

पटना, दिनांक, २५ भाद्र, १९८५ (स)  
१६ सितम्बर, १९६३।

प्रतिलिपि, बिहार विधान सभा सचिवालय/ बिहार विधान परिषद सचिवालय, को सूचनायें अवसारीत।

२. इस पत्र की प्राप्ति सूचित करने की कृपा करेंगे।

( वसन्त कुमार द्वे, )  
उप सचिव।

No. II/MI-1027/64A 10115  
Government of Bihar  
Appointment Department

From

Shri K. K. Srivastava.,  
Secretary to Government.

To

All Departments of Government  
Heads of Departments  
Commissioners of Divisions  
District Officers.

Patna, the 3 Bhadra 1886 (S)  
25 August 1964.

Subject : Observation of courtesies in dealing with Members of Parliament and State Legislature.

Ref :— Appointment Department letters nos.

- (i) II/C3-2020/52A-3721 dated 2.5.1953
- (ii) II/C3-3045/55A-3 2P dated 24.3.1956
- (iii) II/C3-3045/55A-3125 dated 24.4.1956
- (iv) II/MI-1037/57A-8398 dated 28.6.1957.

Sir,

I am directed to invite a reference to Appointment Department letters referred to above (copies enclosed) in which instructions have been issued regarding the seating arrangements for Members of Parliament and State Legislatures at official functions and business meetings and about relations between officers and members of Parliament and State Legislatures. Government would like to re-emphasise the desirability of according due courtesy and regard to the representatives of the people, in the larger interests of the country. The Members of Legislatures have important functions to perform under the Constitution, and it should be the endeavour of every officer to help them to the extent possible in the discharge of their functions. In cases, however, when officers are unable to accede to the requests or suggestions of Members of the Legislatures, the reasons for the officers' inability to do so should be courteously explained to them. For purposes of interview, Members of the Legislatures should be given preference over other visitors, and in the very rare cases where an officer is unable to see a Member of the Legislature at a time about which he had no previous notice, the position should be politely explained to the Member and another appointment fixed in consultation with him. Care should be taken to ensure that members of the Legislature or the Parliament are enabled to have proper seats while they are waiting for interview with the officer, or actually having the interview.

I am to request that these instructions may be brought to the notice of all officers subordinate to you and the necessity of following the instructions strictly impressed upon them.

BHU/-24.8.

Yours faithfully,

Secretary to Government.

No. II/MI-1037/57A 8396  
Government of Bihar  
Appointment Department

From

K. K. Srivastava, Esqr., I. A. S.  
Addl. Deputy Secretary to Government.

To

All Departments of Government  
Heads of Departments.  
Commissioner of Divisions.  
District Officers.

Patna, the 7th Ashadha, 1879 (S)  
28th June, 1957.

Subject : Seating arrangements for members of Parliament and State Legislature at Official functions and business meetings.

Sir,

I am directed to invite a reference to Mr. L. P. Singh's letter nos. 3721A, dated 2nd May 1953 and 3124A, dated 24th March 1956, on the above subject. In accordance with the instructions conveyed in those letters, whenever members of Parliament or of the State Legislature are invited to an official function or State business meeting, a separate block of seats should be reserved for them and the seats should be kept so reserved till the end of the proceedings. Also seats provided for them should be at least as comfortable and as prominently placed as seats meant for officials. As between members of Parliament and members of the State Legislature, the members of Parliament should be given precedence in the seating arrangements.

2. It is now learnt that at a certain meeting, which was presided over by an official, the officials and his assistants occupied chairs whereas non-officials were made to sit on a carpet spread on the ground. Objection to this was naturally taken. I am, therefore, to say that Government desire that all persons, both officials and non-officials, attending such meetings should be seated on chairs or benches and if such meetings are held at a place where chairs and benches are not available in sufficient number, they should all be seated on carpets spread on the ground. In such cases, it may be necessary to seat the Speaker and a few others on a raised platform. In seating men on the dais, however, no discrimination should be made between official and non-officials.

3. I am to request that this may be brought to the notice of all officers subordinate to you and the necessity of following the instructions strictly impressed upon them.

Yours faithfully,

Sd/-K. K. Srivastava  
Addl. Deputy Secretary to Government.  
28.6.57.

No. II/C3—3045/55. A 3125  
Government of Bihar  
Appointment Department.

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From

L. P. Singh, Esqr., I. C. S.,  
Chief Secretary to Government.

To

All Departments of Government.  
Heads of Departments  
Commissioners of Divisions.  
District Officers.

Patna, the 24 th March, 1 56.

Subject :—Relations between officers and members of Parliament and the State Legislature.

Sir,

I am directed to say that while Government are satisfied that, as a rule, Government servants have been dealing with members of Parliament and the State Legislature with courtesy and consideration, there have been occasional exceptions. I am to emphasise the necessity of Government servants treating members of Parliament and the State Legislature always with courtesy, and consideration, without, of course, sacrificing their independence of judgement or action.

2. I am to request that these instructions may be brought to the notice of all Government servants subordinate to you. I am, further, to request you to explain the importance of these instructions to Government servants under your personally whenever you have an opportunity to do so.

Yours faithfully,

Sd/-L. P. Singh  
Chief Secretary to Government.

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No. II/C3- 054/55A-3124  
Government of Bihar  
Appointment Department

From

L. P. Singh, Esq., I. C. S.,  
Chief Secretary to Government.

To

All Departments of Government  
Heads of Departments  
Commissioners of Divisions  
District Officers.

Dated Patna, the 24th March, 1956.

**Subject : Seating arrangement for members of parliament and State Legislature at official functions.**

Sir,

I am directed to draw your attention to the instructions conveyed in my letter No. II/C3-2020/52A-3721, dated the 2nd May 1953 and to explain that instructions were intended to cover also business meetings to which members of Parliament or/and of the State Legislature were invited.

2. This may be brought to the notice of all officers subordinate to you, and the necessity of following the instructions strictly, impressed upon them once again.

Yours faithfully

Sd/-L. P. Singh  
Chief Secretary to Government.

No. II/C3-2020/52A-3721 of  
Appointment Department  
2nd May, 1953.

**Seating Arrangements for Members of Parliament and of the State Legislature at Official Functions.**

I am directed to say that recently an instance came to the notice of Government in which some Members of Parliament and of the State Legislature, having been invited to an official function, were offered seats on the ground while some officials occupied chairs. In order that such situations might not arise in future, the State Government have been pleased to order that whenever Members of Parliament and/or of the State Legislature are invited to an official function, a separate block of seats should be reserved for them, and the seats should be kept so reserved till the end of the proceedings. The seats provided for them should be, at least, as comfortable and as prominently placed as seats meant for officials. As between Members of Parliament and Members of the State Legislature, the Members of Parliament should be given precedence in the seating arrangements.

2. I am to request that these instructions may be communicated to all concerned.

CONFIDENTIAL

No. III/MI-5022/64—2032. नि०  
GOVERNMENT OF BIHAR.  
APPOINTMENT DEPARTMENT.

FROM

SHRI K. K. SRIVASTAVA.

TO

SECRETARY TO GOVERNMENT,  
ALL SECRETARIES TO GOVERNMENT.  
ALL HEADS OF DEPARTMENTS.  
ALL DISTRICT OFFICERS.

Patna-15, the 22nd Magha, 1888(S)  
11th February, 1967

**SUBJECT :—** Supply of information required by Members of the Legislature and of the Parliament.

Sir,

I am directed to refer to Shri L. P. Singh's confidential letter no. III/MI-50168/53-AR 470, dated 23rd July, 1953 on the above subject and also to subsequent instructions issued on the same subject from time to time (copies enclosed) according to which the heads of Departments and the District Officers were authorised to furnish to the Members of Parliament and of the State Legislature, any information asked for by them, provided such information was not confidential in nature and its collection did not involve much labour. In partial modification of the instructions contained in Shri L. P. Singh's aforesaid confidential letter, Government have now been pleased to order that :—

- (1) The district level officers of various departments of Government may furnish information in writing in respect of a matter concerning their respective department, if a Member of the Legislature/Parliament may ask for the same. If such information can not be given because of the confidential nature of the information to be furnished or because of great labour involved in collecting the same, the Member should be given a polite reply, accordingly.
- (2) Oral enquiries from any Government functionaries if the queries relate to very simple items of information in which no policy or commitment of Government is involved. In giving such information particular care should also be taken for a polite reply.

2. I am to request you to communicate these orders to all officers subordinate to you for their guidance.

Yours faithfully,

K. K. SRIVASTAVA,  
Secretary to Government

संख्या-७०१७ दि०  
बिहार सरकार  
नियुक्ति विभाग।

प्रेषक

श्री सुबेन्द्र ज्योति मजुमदार,  
मुख्य सचिव,

सेवा में,

सरकार के सभी सचिव  
सभी विभागाध्यक्ष  
सभी त्रिला पदाधिकारी।

पटना, दिनांक, २५ अक्टूबर, १९६१ (श०)  
१५ जून, १९६४

विषय—विद्यान-मंडल के सदस्यों द्वारा मांगी गई सूचनाओं की आपूर्ति।

महोदय,

निदेशानुसार उपर्युक्त विषयक अपने पत्र संख्या ३/एम १-५०४७/६२ ए-५१७७, दिनांक २० अप्रैल, १९६३ (प्रति संलग्न) की ओर ध्यान आकृष्ट करते हुए मुझे कहना है कि नियुक्ति विभाग के पत्र संख्या ३/एम १-५०१६८/५३-ए आर ४७०, दिनांक २३ जुलाई, १९५३ द्वारा निर्धारित आदेशों के अनुसार संसद एवं विद्यान-मण्डल के सदस्यों द्वारा बंखित सूचना प्रायः उनके इच्छानुसार देने में कठिनाई हो सकती है। परन्तु किसी भी अवस्था में उनके पत्रों के उत्तर देने का सौजन्य विद्यालाना परम आवश्यक है।

२। अतः मुझे अनुरोध करना है कि आप इस पर ध्यान रखें कि संसद एवं विद्यान-मण्डल में सदस्यों द्वारा स्थानीय पदाधिकारियों को दिये दये पत्रों की प्राप्ति स्वीकृति अवश्य भेजी जाय।

विश्वासभाजन,

सुबेन्द्र ज्योति मजुमदार,  
मुख्य सचिव।

दि० सं० शा० मु० (पो० एण्ड ए०) ६६-२००-८-३-१९६७-न० ३०

IMMEDIATE

No III/MI—5047/62A.—Pt—12912  
GOVERNMENT OF BIHAR,  
Appointment Department.

From

Shri B. K. DUBEY,  
Deputy Secretary to Government.

To

All Secretaries to Government,  
All Heads of Departments,  
All District Officers.

Patna, the 10th September, 1962.

Subject : Supply of information required to Members of the Legislature.

Sir,

I am directed to invite a reference to the instructions of Government contained in the Appointment Department Confidential letter no. III/MI—50168/53A. R—470 dated the 23rd July, 1953, on the above subject (copy enclosed) and to say that the same should be followed strictly. This should again be communicated to all officers subordinate to you for their guidance.

Yours faithfully,

(Sd.) B. K. DUBEY,  
Deputy Secretary to Government.

Confidential letter no III/MI—50168-53A. R. 470, dated Ranchi, the 23rd July 1953, from L. P. Singh Esqr. I. C. S. Chief Secretary, to all Secretaries to Government/all Heads of Departments all District Officers (including the Additional District Magistrate, Saharsa and Additional Deputy Commissioners, Dhanbad and Chaibassa).

Subject : Supply of information required by Members of the Legislature.

I am directed to say that in supersession of the orders contained in my letter no. III/S2—113/52 A—11730, dated the 31st December 1952, on the subject noted above, Government have been pleased to lay down the following procedure in regard to the supply of information required by Members of Parliament or the State Legislature on matters relating to their duties as Members of Parliament or of the State Legislature :—

- (i) A member seeking any information from Government should address the Minister incharge of the department concerned.
- (ii) If a member approaches a District Officer or a Head of Department for any information, the District Officer or Head of Department may furnish such information as he feels he can furnish safely, and without too much labour. Officers are not, however, expected to furnish such information as ought to be treated as confidential.
- (iii) A member is of course, free to elicit information through interpellations in Parliament or the State Legislature.

2. I am to request you to communicate these orders to all officers subordinate to you for their guidance.

BSBP (P. &amp; A.) 67—200—6-3-1967—N.P.

No. III/MI—5047/62—5177  
GOVERNMENT OF BIHAR  
Appointment Department.

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From

Shri S. J. MAJUMDAR,  
Chief Secretary to Government

To

All Secretaries to Government.

All Heads of Departments.

All District Officers.

All Subdivisional Officers.

Patna, the 20th April, 1962.

**Subject :** Supply of information required by Members of the Legislature.

Sir,

I am directed to say that recently the Hon'ble Speaker observed in the Assembly that the number of Assembly questions had grown so large that a majority of them could not be taken up for want of time; he suggested that the Members should try to obtain information from the local officers as far as possible, so that the number of Assembly questions could be reduced. When some Members expressed their difficulties in getting information from the local officers, Chief Minister made a statement in the House that Government had already issued an instruction in 1953 in this regard and that these instructions of Government would be strictly implemented. Attention is invited, in this connection, to instructions contained in Appointment Department letter no. III/MI—50168/53A—470, dated 23rd July, 1953 on the above subject (copy enclosed) which were reiterated in Appointment Department letter no. III/MI—5047/62A. Pt—12912, dated 10th September, 1962.

I am to request you to ensure that the instructions contained in these letters are strictly followed.

Yours faithfully

(Sd.) S. J. MAJUMDAR,  
Chief Secretary to Government.

संख्या-३/एम१-५०३९/६७नि० १४२९९

बिहार सरकार,  
नियुक्ति विभाग।

प्रेषक,

श्री श्रीधर बासुदेव सोहोनी,  
मुख्य सचिव।

सेवा में,

सरकार के सभी विभाग

सभी विभागाध्यक्ष

सभी जिला पदाधिकारी

सभी अनुमण्डलाधिकारी।

पटना-१५, दिनांक ३ अप्रैल, १९८९ (स)

२५ सितम्बर, १९६७।

विषय :- विधान-मण्डल के सदस्यों द्वारा गीनी गई सूचनाओं की आपूर्ति।

महोदय,

निदेशानुसार श्री मजूमदार के पत्र संख्या-३/एम१-५०४७/६२ नि०-५१७७ दिनांक २० अप्रैल, १९६३ (प्रति संलग्न) के प्रसंग में मुझे यह कहना है कि सरकार को यह सूचना मिली है कि उपर्युक्त पत्र के अनुसार जिलाधिकारियों से विधान-मण्डल के सदस्यों को सूचनाएँ नहीं प्राप्त हो रही है जिसके चलते सदस्यों में असंतोष है। सरकार पुनः इस बात पर और देती है कि उपर्युक्त आदेश का अक्षरशः पालन किया जाय ताकि सदस्यों को इस सम्बन्ध में शिकायत का अवसर नहीं मिले।

विश्वासभाजन,

मुख्य सचिव।

पत्र संख्या-सी० एस० / सी० १-७-६८ / ३१९९

बिहार सरकार  
मंत्रिमंडल सचिवालय

प्रेषक,

श्री गिरिजा प्रसाद  
अवर सचिव ।

सेवा में,

सभा प्रमण्डलों के आयुक्त  
सभी जिला दंडाधिकारी  
सभी जिला एवं सत्र न्यायाधीश  
सभी अनुमण्डल पदाधिकारी

पटना-१५, दिनांक १० आषाढ़, १८९० (स) ।

१ जुलाई, १९६८ ।

विषय :— संसद सदस्यों की गिरफ्तारी तथा नजरबन्दी के सम्बन्ध में ।  
महाशय,

निदेशानुसार भारत सरकार गृह मंत्रालय से प्राप्त पत्र संख्या-१२-२-६७-पी ४, दिनांक २१-२-६८ तथा उसके अनुलग्नक की एक प्रति उचित कार्रवाई के लिए अग्रसारित की जाती है ।

२. कृपया पत्र की प्राप्ति स्वीकार करें ।

विश्वासभाजन

( गिरिजा प्रसाद )  
अवर-सचिव ।

ज्ञाप संख्या-सी एस/सी १-१०२८/६८-३१९९

पटना-१५, दिनांक १० आषाढ़, १८९० (स) ।  
१ जुलाई: १९६८ ।

प्रतिलिपि भारत सरकार के पत्र संख्या-१२/२/६७-पी-४, दिनांक २१-२-६८ तथा उसके अनुलग्नक की प्रतिलिपि के साथ, सभी विभागों/सभी विभागाध्यक्षों/निबन्धक, उच्च-न्यायालय, पटना तथा भारतीय न्यायिकीय, बिहार को सूचनाएं प्रेषित ।

२. कृपया पत्र की प्राप्ति स्वीकार करें ।

( गिरिजा प्रसाद )  
अवर-सचिव ।

No. 12/2/67-PIV  
Government of India  
Ministry of Home Affairs.

REGISTERED

To

All State Government and Union Territories.

New Delhi-1, the 21st February, 1968.  
2nd Phalguna, 1889.

Subject :—Arrest and detention of Members of Parliament.

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Sir,

I am directed to forward here with a pamphlet containing instructions to be followed in regard to the service of summons and warrants within the precincts of Parliament House, handcuffing of Members of Parliament and communication of information relating to arrest/detention of Members of Parliament to the Speaker/Chairman, Lok Sabha/Raj Sabha.

It is requested that these instructions may be brought to the notice of all authority concerned in the State.

Sd/ G. S. Kapoor  
Under Secretary to the Government of India

No. 12/2/67-P. IV. Dated the 21st February, 1968

Copy with enclosure forwarded to :—

1. The Lok Sabha Sett., New Delhi.
2. The Rajya Sabha Sectt., New Delhi

The Department of Parliamentary Affairs, New Delhi.

Sd./— G. S. KAPOOR  
Chief Secretary to Government.

Copy to the Parliament Section M. H. A.

G. N. Sinha



Instructions circulated by the Ministry of Home Affairs to all Governments of State/ Union Territories, regarding—

- (1) Seeking the Speaker's permission for service of summons within the precincts of the House;
- (2) Seeking the Speaker's permission for service of warrant within the precincts of the House;
- (3) Hand cuffing of a Member of Parliament under arrest; and
- (4) Intimation to the Speaker of the arrest, detention, etc., and the release of an M. P.

(Note :—In case of Rajya Sabha Members, please read "Chairman" for "Speaker" and the Lok Sabha Rules (briefly referred to as LSR) quoted below apply, mutatis mutandis, in the case of Rajya Sabha Members also.)

Precincts of the House means and includes the Chamber, the Lobbies, the Galleries and such other places as the Speaker may from time to time specify vide the definition in the Rules of Procedure and Conduct of Business in Lok Sabha—Fifth Edition, 1967 (hereinafter briefly referred to as LSR) rule 2(1). The Speaker's Direction No. 124 provides that except for the purpose of rule 374 \*the term precincts of the House/Parliament House\* shall also include the following namely—

- (i) The Central Hall and its Lobbies;
- (ii) Member's Waiting Rooms;
- (iii) Committee Rooms;
- (iv) Parliament Library;
- (v) Member's Refreshment Rooms;
- (vi) Lok Sabha Offices located in Parliament House and the hutments adjoining the Parliament House;
- (vii) Corridors and passages connecting or leading to the various rooms referred to in (i) to (iv) above; and
- (viii) Parliament House Estate and approaches to the Parliament House.

2. \*The permission of the Speaker, Lok Sabha, is required to be obtained for the service of a legal process within the precincts of the House on any person, whether a Member of Lok Sabha or a stranger vide LSR 23. 3. In the case of a Member of the Rajya Sabha, however, permission of the Chairman of the Rajya Sabha, will have to be obtained with simultaneous intimation to the Speaker, Lok Sabha.

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\*Rule 374 is about suspension of Member and his withdrawal from the precincts of the House.

\*presiding 3. It is not a desirable practice to send legal processes for service on the Members officers of Parliament or to attempt to serve such legal processes on them through the \*Lok the Lok Sabha Secretariat/Rajya Sabha secretariat. The appropriate procedure would be to serve such processes direct on the Members concerned outside the precincts of Lok Sabha or Parliament, i.e., at their residence or at some other place. In an exceptional case, if at all through the it becomes necessary to seek the Speaker/Chairman's permission to serve a legal process within the precincts of the House the Speaker/Chairman desires that he should be addressed through the Ministry of Home Affairs and the authority issuing the legal process should send along with it a brief statement containing a well reasoned request setting out the grounds why it has become necessary to serve the process within the precincts of the House.

4. LSR 232 requires that no arrest shall be made within the precincts of the House without obtaining the permission of the Speaker.

5. To enable the Presiding Officer to decide whether he should grant or withhold permission for arrest within the precincts of the House, it is necessary that in making a request for such arrest, the warrant should be accompanied by a brief statement containing a well-reasoned request setting out the grounds therefor and explaining why it is desired that the arrest be made within the precincts of the House and why the matter cannot wait till the House adjourns for the day. In the absence of such a statement, it is often not possible for the Presiding Officer to come to a decision whether permission should be granted or withheld. The authority issuing the warrant or charged with the responsibility of serving the warrant must, therefore, attach with the warrant of arrest a statement containing a well-reasoned request why arrest within the precincts of the House is necessary. The subordinate authorities should not address the Presiding Officer direct in this connection, and any such request must be made through the Ministry of Home Affairs.

6. The Fourth and Fifth combined Reports of the Committee of Privileges (Second Lok Sabha) laid on that table of the House on the 27th September 1958 recommended that the Ministry of Home Affairs may be requested to bring to the notice of the State Governments the instructions already issued by the Home Ministry and contained in Police Rules/Manuals and executive instructions of various State Governments that person in Police custody and prisoners, whether under trial or convicts should not be handcuffed as a matter of routine and that the use of handcuff should be restricted to cases where the prisoner is a desperate character or where there are reasonable grounds to believe that he will use violence or attempt to escape or where there are other similar reasons. The Committee recommended that the Home Ministry may stress the desirability of strictly complying with these instructions, "especially in the case of Members of Parliament, in view of their high status". The Committee also suggested for the consideration of the Home Ministry whether in the interest of uniformity, the State Governments would like to make similar provisions in respect of Members of State Legislatures.

(ii) If a Member of Parliament is arrested and handcuffed, the matter is likely, indeed almost certain, to be raised in Parliament. This by itself should not influence the judgement of the police officer, but the fact that a person arrested is a Member of Parliament has to be borne in mind by the police and by other authorities who have to deal with the arrested Member.

(iii) For any person arrested, handcuffs are used by the police if the person is violent, disorderly obstructive or is likely to attempt to escape or commit suicide, or is charged with certain non-bailable offences. Handcuffs are not used as a matter of routine. Discretion must rest with the police officer who is responsible for effecting the arrest and taking the person in custody of the lock-up.

7. If a Member is arrested/detained/convicted or released, whether on bail or on completion of his term or due to any other reason, or transferred from one place of detention to another, intimation should be sent to the Speaker at the earliest, that is by telegram followed by a formal written communication. Copy of the intimation should be endorsed invariably to the Home ministry. Arrest includes surrender to custody on cancellation of bail or otherwise. The form of intimation is given in LSR Third Schedule and this form should be scrupulously used in the formal written communication; the first intimation by telegram should also contain the essential information, namely, in the case of an arrest, the place of arrest, the law and the section under which the arrest was made, where the Member is lodged, the name and designation of the sender of the intimation and the authority which ordered the arrest.

8. Questions of privilege are raised when a Member of Parliament is arrested. In all matters connected with the arrest, detention, etc., of a Member of Parliament, the concerned authorities should keep this carefully in view. Article 105, clause (3) of the Constitution provides that the privileges of Members of Parliament shall be such as may from time to time be defined by Parliament by law, and until so defined shall be those of the Members of the House of Commons of Parliament of the United Kingdom. Our Parliament has not enacted any law so far. In respect of the privilege of MPS in the United Kingdom, the standard work is May's Parliamentary Practice.

9. A copy of article 105 of the Constitution and a copy 232 of LSR 229, 230, 232, 233 and the Third Schedule are enclosed for ready reference.

## EXTRACTS FROM THE CONSTITUTION OF INDIA

## Powers, Privileges and Immunities of Parliament and its Member.

105. (1) Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament.

Powers privileges etc., of the Houses of Parliament and of the members and committees thereof

(2) No member of Parliament shall be liable to any proceedings in any court in respect of anything, said or any vote given by him in Parliament or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at commencement of this constitution.

(4) The provisions of clauses (1), (2) and (3) shall apply in relation to persons who by virtue of this Constitution have the right to speak in, and otherwise to take part in the proceedings of, a House of Parliament or any committee thereof as they apply in relation to members of Parliament.

## EXTRACTS FROM LSR

229. When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive authority, as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form set out in the Third Schedule.

Intimation to speaker by Magistrate of arrest, detention etc. of a member.

230. When a member is arrested and other conviction released on bail pending an appeal or otherwise released, such fact shall also be intimated to the Speaker by the authority concerned in the appropriate form set out in the Third Schedule.

Intimation to Speaker on release of a member

Arrest within the precincts of House. 231. No arrest shall be made within the precincts of the House without obtaining the permission of the Speaker.

Service of legal process. 232. A legal process, civil or criminal, shall not be served within the precincts of the House without obtaining the permission of the Speaker.

THIRD SCHEDULE  
(See rules 229 and 230)

Form of communication regarding arrest, detention, conviction or release, as the case may be, of a member.

Place.....

Date.....

To

The Speaker,  
Lok Sabha,  
New Delhi.

Dear Mr. Speaker

I have honour to inform you that I have found it my duty, in the exercise of my powers under Section.....of the.....(ACT.) to direct that Shri.....

..... Member of the Lok Sabha be arrested for .....

.....  
detained

(reasons for the arrest or detention, as the case may be). Shri .....

M. P., was accordingly arrested at ..... (time) on .....  
taken into custody

(date) and is at present lodged in the ..... Jail

.....  
(place).

B

I have the honour to inform you that Shri ..... Member

of the Lok Sabha, was tried at the ..... Court before me on a

charge (or charges) of ..... (reasons for the conviction).

on ..... (date) after a trial lasting for ..... days.

I found him guilty of ..... and sentenced him to imprisonment for

..... (period) (His application for leave to appeal to .....

is \*Name of the court.

C

I have the honour to inform you that Shri .....

Member of the Lok Sabha, who was arrested/detained/convicted on ..... (date)

for ..... (reasons for arrest/detention/conviction), was released on

..... (date) on (grounds for release).

Yours faithfully,

(Judge, Magistrate or executive authority).

G. N. Sinha



संख्या-सी एस१/ एन१-१०९/७२ २०५४

बिहार सरकार  
मंत्रिमंडल सचिवालय

प्रेषक,

श्री पी० के० जे० मेनन,  
मुख्य सचिव, बिहार।

सेवा में,

सभी जिला पदाधिकारी।

पटना-१५ दिनांक १० ज्येष्ठ, १८९४ (स)

३० मई, १९७२।

विषय :—विधान मण्डलीय मामलों का समुचित एवं शीघ्र निष्पादन।

महोदय,

विधान मंडलीय मामलों (जैसे प्रश्न, ध्यानाकर्षण सूचना, निवेदन, आश्वासन आदि) का निष्पादन समुचित रूप से यथासमय नहीं हो पा रहा है। इस ओर स्वयं विधान सभा के सदस्य एवं मुख्य मंत्री महोदय ने अपना गम्भीर असंतोष व्यक्त किया है :—

२. प्रश्नोत्तर आदि के लिए समय पर सामग्री प्राप्त नहीं होने के कारण सरकार की ओर से कई बार समय मांगा जाता है जो वांछनीय नहीं है। इस तरह के विलम्ब से प्रशासनिक डीलेपन का बोध होता है। अतः आपसे अनुरोध है कि विधान मंडलीय मामलों के निष्पादन हेतु विशेष ध्यान दें ताकि अपेक्षित सामग्री विस्तृत और पूर्ण रूप से सम्बन्धित विभाग को समय पर प्राप्त हो सके। एकवरीय पदाधिकारी को विधान मंडलीय मामलों के प्रभार में रके। प्रभारी पदाधिकारी इसके लिए तत्पर रहें कि हर मामले में समयोचित कार्रवाई हो और किसी स्तर पर विलम्ब न होने पाए।

३. जहाँ अधीनस्थ पदाधिकारियों से सामग्री मंगवानी हो वहाँ आप संचार के द्रुततम साधन का उपयोग करें तथा आवश्यकतानुसार विशेष दूत भेज कर स्थानीय स्तर से उत्तर की सामग्री समय रहते प्राप्त करें।

४. सभी स्तरों पर समुचित ध्यान देने से पूर्ण उत्तर के लिये अपेक्षित सामग्री समय पर प्राप्त हो जानी चाहिए। फिर भी, यदि विशेष कारणवश किसी मामले में विलम्ब हो ही जाए तो निर्धारित तिथि के पूर्व सरकार के सूचनाय विस्तृत प्रतिवेदन भेजा जाय। इसमें सामग्री प्राप्त करने के लिए किये गये प्रयास, कारण जिसके चलते समय पर सामग्री उपलब्ध नहीं हो सकी तथा अगली तिथि जब सामग्री उपलब्ध हो सकेगी, अवश्य अंकित रहे।

५. यदि किसी स्थानीय पदाधिकारी से उत्तर प्राप्त होने में बराबर विलम्ब होता है, तो उनके विरुद्ध आवश्यक कार्रवाई की जाय।

विश्वासभाजन  
ह०/पी०के०जे० मेनन  
मुख्य सचिव

आप संख्या सी एस १/एल-१०९/७३-२०५४/

पटना-१५, दिनांक १० ज्येष्ठ, १९९४ (स)

२० मई, १९७२।

प्रतिलिपि :- सभी विभागों

सभी विभागाध्यक्षों

प्रमंडलीय आयुक्तों

को सूचनार्थ एवं आवश्यक कार्रवाई के लिये प्रेषित।

उत्तसे अनुरोध है कि वे भी अपने अधीनस्थ सभी क्षेत्रीय पदाधिकारियों के नाम समस्त आदेश निगंत करें।

ह०/पी० के० जे० मेनन

मुख्य सचिव

बिहार सरकार  
कार्मिक विभाग।

आप संख्या का० १०६९६

पटना-१५ दिनांक १० जून, १९७२

प्रतिलिपि कार्मिक विभाग के सभी पदाधिकारियों/सभी सहायकों को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

(ह०)

निबन्धक

रजक,

३-६-७२

संख्या-३/एल ५-१०१/७५ का० ८७०१

बिहार सरकार,

कामिक विभाग।

प्रियक,

श्री सी० आर० बेकटरामन,

सरकार के सचिव।

सेवा में,

सभी विभाग के प्रमुख सचिव/सचिव

सभी विभागाध्यक्ष/ सभी आयुक्त/ सभी जिला पदाधिकारी।

पटना-१५, दिनांक २७ वैशाख, १९९६ (स)

१७ मई, १९७५।

विषय :—प्रशासन तथा संसद और राज्यों के विधानमण्डलों के सदस्यों के बीच सरकारी काम-काज उचित कार्य-विधि के सम्बन्ध में अनुदेश।

महोदय,

निदेशानुसार भारत सरकार, कामिक एवं प्रशासनिक सुधार विभाग से प्राप्त उपर्युक्त विषयक पत्र संख्या-२५/१९/६४-स्थापना (क) दिनांक ८-११-७४ की प्रतिलिपि (अंग्रेजी एवं हिन्दी) आपके सूचनार्थ एवं मार्ग दर्शन के लिये संलग्न की जाती है। अनुरोध है कि भारत सरकार द्वारा दिये गये अनुदेश को मार्ग-दर्शन तथा उसके पूर्ण अनुपालन के लिये कृपया अपने अधीनस्थ सभी सम्बन्धित पदाधिकारियों को जानकारी करा दी जाय।

विश्वासभाजन

सरकार के सचिव।

जाप संख्या-३/एल ५-१०१/७५ का० ८७०१

पटना-१५, दिनांक २७ वैशाख, १९९६ (स)

१७ मई, १९७५।

प्रतिलिपि--अनुलग्नक के साथ कामिक विभाग के सभी पदाधिकारी को पूर्ण अनुपालन के लिये अग्रसारित।

सरकार के सचिव।

हरि ना० १०/

No. 25/19/34—Ests (4)

Government of India/Bharat Sarkar

Cabinet Secretariat/Mantrimandal Sachivalaya

Department of Personnel &amp; Administrative Reforms

(Karmik aur Prashasanik Vibhag)

New Delhi—110001, the 8 November, 74.

## OFFICE MEMORANDUM

Subjects :—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 (copies enclosed as Annexure I and II respectively). 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.

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 the 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 realized 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 ease 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 Members 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 Member of Parliament has been clearly brought out in the warrant of precedence approved by the President. M. Ps. appear at Article 30 above officers of the rank of full General 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 in bloc to major State 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 later, 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 Legislature 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 the request.

8. While the official dealings of Government servant 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.

etc., with usual number of spare copies.

No. 25/29/64-Ests (A), New Delhi-110001, the 8 November, 1974

Copy forwarded for information to :-

All State Governments, etc.

Sd/-P. S. Vankateswaran

Under Secretary to the Govt. of India.

## ANNEXURE-I

Copy of Ministry of Home Affairs (Now Department of personnel and Administrative Reforms) Office Memorandum No. 25/29/56-Ests. (A) dated the 28th August, 1957.

Sub.-Observance of courtesies by officers of the Government of India in their dealings with Members of Parliament.

It has been brought to the notice of the Government by certain Members of Parliament that instances have occurred in which Members of Legislatures have not been accorded by Government officers the consideration and regard which their position in the public life of the country requires. Government of India have no doubt that lapses, if any, in this respect cannot be intentional, and that there is no desire to be discourteous or rude. Nevertheless, Government of India would like to remind all officers that due courtesy and regard to the representatives of the people are desirable in the larger interests of the country. The Members of Parliament have important functions to perform under the Constitution and it should be the endeavour of every officer to help them to the extent possible in the discharge of their functions. In cases, however, when officers are unable to accede to the request or suggestion of Members of Parliament, the reasons for the officer's inability to do so should be courteously explained to them. For purposes of interview, Members of Parliament should be given preference over other visitors, and in the very rare cases where an officer is unable to see a Member of Parliament at a time about which he had no previous notice, the position should be politely explained to the Member and another appointment fixed in consultation with him. The same courtesy and regard should be shown to Members of Legislatures attending public functions where, in particular, seats befitting their position should be reserved for them.

2. Ministry of Finance etc. are requested to bring these instructions to the notice of all concerned.

## ANNEXURE-II

Copy of Ministry of Home Affairs (now Department of Personnel and Administrative Reforms) Office Memorandum No. 25/6/68-Ests (A) dated the 27th March, 1968.

Sub:-Official dealings between the Administration and Members of parliament-Observance of proper procedure-Instructions regarding-

As the Ministry of Finance, etc. are aware, instructions were issued on 28th August, 1957 (vide copy enclosed) emphasising the need for observance of proper courtesies by officers of the Govt. in their dealings with Members of Parliament. In continuation of these instructions, it is further emphasised that where any meeting convened by Government is to be attended by Members of Parliament, special care should be taken to see that notice is given to them in good time regarding the date, time, venue, etc. of the meeting and it should be ensured that there is no slip in any matter of detail, however minor it may be.

2. Ministry of Finance etc. are requested to bring the above instructions to the notice of all concerned.

संख्या २५/१९/६४ स्थापना (क)

भारत सरकार

मंत्रिमंडल सचिवालय

कार्यिक और प्रशासनिक सुधार विभाग

नई दिल्ली—११०००१, दिनांक ८ नवम्बर, १९७४

कार्यालय जापन

**विषय :-** प्रशासन तथा संसद और राज्यों के विधान मंडलों के सदस्यों के बीच सरकारी काम-काज उचित कार्यविधि के अनुपालन के संबंध में अनुदेश।

मुझे यह कहने का निदेश हुआ है कि हमारी लोकतांत्रिक व्यवस्था में संसद तथा राज्यों के विधान मंडलों के सदस्यों का जनता के मान्य प्रतिनिधि होने के नाते एक महत्वपूर्ण स्थान है। संविधान के अधीन उन्हें महत्वपूर्ण कार्य संपादित करने होते हैं और उन्हें कभी-कभी भारत सरकार अथवा राज्य सरकारों के मंत्रालयों/विभागों से सूचना प्राप्त करनी आवश्यक होती है अथवा उनके विचारार्थ सुझाव देने होते हैं या उन्हें अपने संसदीय तथा सम्बद्ध सरकारी कार्यों के संबंध में अधिकारियों से मिलना पड़ता है। इस विषय में संसद तथा राज्य विधान मंडलों के सदस्यों तथा सरकारी कर्मचारियों के बीच सम्बन्धों को शासित करने के सम्बन्ध में कुछ सामान्य सिद्धांत तथा प्रथाएँ पहले ही स्थापित की जा चुकी हैं। ये सिद्धांत तथा प्रथाएँ गृह मंत्रालय (अन्तर कार्यिक और प्रशासनिक सुधार विभाग) के दिनांक २५ अगस्त, १९५७ के कार्यालय जापन संख्या २६/२९/५६-स्थापना (क) तथा दिनांक २७ मार्च, १९६८ के कार्यालय जापन संख्या २५/६/६८-स्थापना (क) (प्रतिवां क्रमशः अनुलग्नक-१ तथा अनुलग्नक-२ के रूप में संलग्न) में सूचित किए गए थे। फिर भी स्थिति की समीक्षा करने पर यह आवश्यक समझा गया है कि इन सिद्धांतों और प्रथाओं को जिनके अनुसार संसद तथा राज्य विधान मंडलों के सदस्यों और सरकारी कर्मचारियों के बीच संबंध शासित होने चाहिए, पुनः दोहराया जाए और उन्हें एक-एक करके धोरेवार रूप में सामने लाया जाए। इस संबंध में अगले पैराग्राफों में अनुदेश दिए गए हैं। मंत्रालय आदि से अनुरोध है कि वे कृपया इस कार्यालय जापन की विषय वस्तु को मार्ग दर्शन तथा उसके पूर्णतः अनुपालन के लिए सभी संबंधित व्यक्तियों की जानकारी में लाएं।

२. जिन दो मूल सिद्धांतों को ध्यान में रखा जाना चाहिए वे इस प्रकार हैं (i) सरकारी कर्मचारियों को संसद तथा राज्य विधान मंडलों के सदस्यों के साथ विनम्रता तथा शिष्टाचार का बर्ताव करना चाहिए तथा (ii) संसद तथा राज्य विधान मंडलों के सदस्यों की बातों को धैर्यपूर्वक सुनना अथवा उन पर ध्यानपूर्वक विचार करना चाहिए, किन्तु उन्हें सदा ही अपने उत्कृष्ट निजी निर्णय के अनुसार कार्य करना चाहिए।

३. प्रत्येक अधिकारी का यह प्रयत्न होना चाहिए कि वह संसद तथा राज्य विधान मंडलों के सदस्यों को उन्हें संविधान के अधीन अपने महत्वपूर्ण कार्यों को निभाने में भरसक सहायता करे। किन्तु यदि कोई अधिकारी किसी सदस्य के अनुरोध अथवा पुसाव को मानने में असमर्थ हो तो उन्हें अपनी असमर्थता के कारणों को सदस्य महोदय को विनम्रता के साथ स्पष्ट कर देना चाहिए।

४. यह अनुभव किया गया है कि बहुत से अधिकारियों के पास बहुत अधिक सरकारी कार्य तथा जिम्मेदारियाँ होती हैं, अतः उन्हें कारगर ढंग से कार्य करने के लिए अपने रोजाना के कार्यों की ध्यानपूर्वक योजना बनाने की जाए और इस योजना के अनुसार कार्य करने दिया जाए। अधिकारियों के पास कुछ समय ऐसा भी होना चाहिए जिसमें वह आगतुकों से मिलने से इनकार कर सके और इसके लिए उसे अशिष्टता बरतने अथवा निरादर का व्यवहार करने आदि के लिए दोषी न माना जाए। फिर भी उसे रोज़ ना कुछ समय ऐसा नियत करना चाहिए जिसमें कोई भी व्यक्ति उससे मिल सके तथा उस समय में भी जबकि उसे आगतुकों से मिलना है, उसे केवल ऐसी स्थिति को छोड़कर, जिसमें कोई आगतुक पहले समय लेकर आया हो, और संसद अथवा राज्य विधान मंडल का कोई सदस्य बिना समय नियत किए हुए आया हो, तो संसद अथवा राज्य विधान

मंडल के सदस्यों को प्राथमिकता देनी चाहिए। संसद अथवा राज्य विधान मंडल के सदस्यों के किसी सदस्य को, किसी अन्य सदस्य को दिए गए समय में फेर-बदल किए जाने के संबंध में तत्परता के साथ स्पष्ट कर दिया जाना चाहिए, जिससे कि उन्हें कम से कम अमुविधा उठानी पड़े। उनसे परामर्श करके उन्हें कोई अन्य समय नियत कर देना चाहिए।

५. जब संसद अथवा राज्य विधान मंडल का कोई सदस्य उनसे मिलने आए तो अधिकारी को खड़ा होकर सदस्य महोदय का स्वागत तथा उनसे विदाई लेनी चाहिए। छोटी-छोटी बातों का प्रतीकात्मक मूल्य होता है, अतः अधिकारियों को संसद तथा राज्य विधान मंडल के सदस्यों के साथ अपने व्यवहार में अत्यधिक सावधान तथा शिष्ट होना चाहिए।

६. इसी प्रकार सार्वजनिक समारोहों में बैठने के लिए, सभी समय काफ़ी ध्यान दिया जाना चाहिए और यह मुनिश्चित किया जाना चाहिए कि इस विषय में किसी प्रकार की गलतफहमी की कोई गुंजाइश न रह जाए। संसद सदस्यों की स्थिति को राष्ट्रपति द्वारा अनुमोदित किए गए पूर्वता-अधिपत (वारंट आक प्रेसिडेन्स) में स्पष्ट रूप से व्यक्त किया गया है। इसके अनुच्छेद ३० में संसद सदस्यों को सचिवों आदि के ऊपर रखा गया है। पूर्वताअधिपत के साथ संलग्न अनुदेशों में भी यह निर्धारित किया गया है कि जब एक साथ बहुत से संसद सदस्य किसी भारी राज्य समारोहों में आमंत्रित किए जाएं तो उनके लिए आरक्षित स्थान राज्यपालों, मुख्य न्यायाधीश, लोक सभा अध्यक्ष, राजदूतों आदि के बाद होने चाहिए। इन अनुदेशों में इसके अतिरिक्त यह व्यवस्था है कि राज्य के विधान मंडलों के जो सदस्य दिल्ली में अपनी उपस्थिति के कारण राजकीय समारोहों में आमंत्रित किए जाएं और उनका स्थान संसद सदस्यों के तुरन्त बाद रखा जाना चाहिए। देर से आनेवाले संसद सदस्य तथा राज्य विधान मंडलों के सदस्यों को कोई अमुविधा न होने पाये इसलिए उनके लिए नियत सीटों की समारोह के अन्त तक आरक्षित रखा जाए और अन्य व्यक्ति को उन पर न बैठने दिए जाए, चाहे वे खाली ही क्यों न रह जाए। उनको दो आने-वाली सीटें कम से कम इतनी आरामदायक और इतने महत्व के स्थान पर अवश्य होनी चाहिए जितनी कि अधिकारियों के लिए नियत की जाए।

७. संसद तथा राज्य के विधान मंडल के सदस्यों में प्राप्त पत्रों की पावती तत्परता से भेज दी जाए। ऐसे सभी पत्रों पर ध्यानपूर्वक विचार किया जाना चाहिए और उनका उत्तर समुचित स्तर पर तथा शीघ्रता के साथ दिया जाना चाहिए। अधिकारियों को ऐसी सूचना अथवा स्थानीय महत्व के मामलों से संबंधित कोई आंकड़े जो तुरंत उपलब्ध हो और गोपनीय न हो, संसद तथा राज्य विधान-मण्डलों के सदस्यों द्वारा मांगे जाने पर उन्हें दे दिए जाने चाहिए। संदिग्ध मामलों में उनके अनुरोध का अस्वीकार करने से पहले किसी उच्च स्तर के प्राधिकारी से अनुदेश प्राप्त कर लेना चाहिए।

८. यद्यपि सरकारी कर्मचारियों को संसद तथा राज्य विधान मंडलों के सदस्यों के साथ सरकारी काम-काज पूर्ववर्ती पैराग्राफों में उल्लिखित ढंग से विनियमित करना होता है, फिर भी यह आवश्यक है कि सरकारी कर्मचारियों का ध्यान, सेवा की बातों के मामले में उनको अपनी शिकायतों के संबंध में उनसे वैयक्तिक हस्तियत से जो कुछ अपेक्षा की जाती है उसको ओर दिया जाय। सरकारी कर्मचारियों को शासित करने वाले संगत आचरण नियमों के अधीन उन्हें सरकार के अधीन अपनी सेवा से सम्बन्धित मामलों को लेकर अपने हितों को बढ़ावा देने के लिए, किसी उचित प्राधिकारी के ऊपर कोई राजनीतिक अथवा अन्य कोई प्रभाव डालने का प्रयत्न करने की मनाही है। इसलिए किसी भी सरकारी कर्मचारी से यह अपेक्षा की जाती है कि वह अपने व्यक्तिगत मामले को लेकर संसद अथवा राज्य विधान मंडल के किसी सदस्य के पास न पहुँचे।

ह०/पी०एस० वेंकटेश्वरन

अवर सचिव, भारत सरकार

सेवा में,

भारत सरकार के सभी मन्त्रालय/विभाग आदि को सामान्य संख्या में अतिरिक्त प्रतियों सहित।