

**COMMITTEE OF PRIVILEGES
(FIFTEENTH LOK SABHA)**

2

SECOND REPORT

ON

- (i) Issue of protocol violation and discourteous behaviour displayed by Government officers *vis a vis* Members of Parliament**
- (ii) Issue of the revision of position of Members of Parliament in the Warrant of Precedence**
- (iii) Issue of inclusion of former Speakers of Lok Sabha in the Warrant of Precedence**



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**LOK SABHA SECRETARIAT
NEW DELHI**

November, 2011/Agrayahana, 1933 (Saka)

CONTENTS

	PAGE
Personnel of the Committee.....	(ii)
Report.....	(1)
*Minutes of sittings of Committee.....	
*Evidence proceedings.....	
Appendices.....	

*** Will be appended at the time of printing**

PERSONNEL OF THE COMMITTEE OF PRIVILEGES
(FIFTEENTH LOK SABHA)

Shri P.C. Chacko — *Chairman*

MEMBERS

2. Shri Hansraj G. Ahir, MP
3. Shri Ananth Kumar, MP
4. Dr. Baliram, MP
5. Shri Kalyan Banerjee, MP
6. Shri Abu Hasem Khan Choudhury, MP
7. Shri Paban Singh Ghatowar, MP*
8. Shri Syed Shahnawaz Hussain, MP
9. Dr. Manda Jagannath, MP
10. Shri Shailendra Kumar, MP
11. Shri Sanjay Nirupam, MP
12. Shri A. Sampath, MP
13. Shri S. Semmalai, MP
14. Shri Rajiv Ranjan Singh *alias* Lalan Singh, MP
15. Dr. Girija Vyas, MP

SECRETARIAT

1. Shri V.R. Ramesh — *Joint Secretary*
2. Shri Ashok Sajwan — *Additional Director*
3. Dr. Rajiv Mani — *Deputy Secretary*
4. Shri Bala Guru G — *Legislative Officer*

* ceased to be a member of Committee w.e.f. 19 August, 2011

**SECOND REPORT OF COMMITTEE OF PRIVILEGES
(FIFTEENTH LOK SABHA)**

I. Introduction

I, the Chairman of the Committee of Privileges, having been authorized by the Committee to submit the Report on their behalf, present their Second Report to the Speaker on the issues of (i) Protocol violation and discourteous behaviour displayed by Government officers *vis a vis* Members of Parliament; (ii) Revision of the position of Members of Parliament in the Warrant of Precedence issued by the President's Secretariat; & (iii) Inclusion of former Speakers of Lok Sabha in the Warrant of Precedence.

2. The Committee held six sittings. The relevant minutes of these sittings form part of the Report and are appended hereto.

3. At their first sitting held on 3 March, 2011, the Committee deliberated on the issues of protocol violation and discourteous behaviour displayed by Government officers *vis a vis* members of Parliament, revision of position of MPs in Warrant of Precedence and inclusion of former Speakers of Lok Sabha in the Warrant of Precedence.

4. At their second sitting held on, 11 May, 2011, the Committee had a briefing meeting with the representatives of the Ministry of Home Affairs,

Cabinet Secretariat and Department of Personnel and Training (DOPT) Ministry of Personnel, PG & Pensions.

5. At their third sitting held on 15 June, 2011, the Committee examined the draft consolidated circular regarding official dealings between the administration and members of Parliament, etc. furnished by the DOPT, Ministry of Personnel, PG & Pensions *vide* their OM dated 7 June 2011.

6. At their fourth sitting held on, 4 August, 2011, the Committee had a briefing from the Secretary, DOPT, Ministry of Personnel, PG & Pensions.

7. At their fifth sitting held on 29 September, 2011, the Committee had a relook at the revised draft consolidated circular furnished by the DOPT and directed that a draft report be prepared by the Secretariat.

8. At their sixth sitting held on 3 November, 2011 the Committee considered the draft report and adopted it.

II. Facts of the case

Brief Background

9. The Committee of Privileges at one of their preliminary sittings after the Committee's constitution, held on 16 February, 2010 *inter alia* took note of increasing incidents of violation of instructions/guidelines issued by the Government of India regarding official dealings between administrative departments and their officials and members of Parliament. The Committee noted that the instructions/guidelines issued by the Government of India to its

officials and others concerned from time to time regarding dealings between the administration and members of Parliament and State Legislatures, are being followed more in their breach rather than in their observance, thereby negating their sanctity and relevance and in the process degrading the role of members as public representatives. Complaints are being received in the Secretariat from the members regarding violation of the Government instructions and growing instances of misbehaviour on the part of Government officials. The Committee felt that it was high time that a revision of these guidelines was undertaken for their strict implementation *inter alia* by examining the concerned officials of the various Ministries of Government of India.

Further, the Committee expressed their displeasure over the placement of members of Parliament at Sl. No. 21 in the Warrant of Precedence, much below their status and lower to persons not holding Constitutional offices and even bureaucrats. The Committee noted that this situation needs to be rectified to give realistic placement to the members of Parliament in the light of onerous responsibility being shouldered by them in their capacity as public representatives. The Committee, however, noted that these matters can be considered by the Committee only when the same are referred to them by Speaker, Lok Sabha. The Committee accordingly authorized the Chairman, Committee of the Privileges to take up the matter with Hon'ble Speaker. The Speaker, Lok Sabha in exercise of her powers under Rule 227 of Rules of Procedure and Conduct of Business in Lok Sabha referred these two matters to the Committee of Privileges on 3 July, 2010 for examination and report.

10. On 13 October, 2010, the Speaker, Lok Sabha, also referred the matter relating to inclusion of former Speakers of Lok Sabha in the Warrant of Precedence to the Committee for examination and report.

III. Existing position with regard to the matters referred to the Committee.

(i) Issue of protocol violation and discourteous behaviour displayed by government officers *vis a vis* Members of Parliament

Circulars issued by Ministries/Departments of Government of India regarding official dealings between administration and members of Parliament and State Legislatures.

11. Instructions/Guidelines have been issued by Government of India regarding official dealings between the administration and Members of Parliament and State Legislatures from time to time. However these guidelines are not being strictly followed. Some of the salient features of the instructions issued from time to time by the various Ministries/Departments are broadly as follows:

Instructions regarding observance of courtesies

The Cabinet Secretariat, (Department of Personnel & Administrative Reforms) Government of India *vide* their OM No. 25/19/64-Estt. (A) dated 8 November, 1974 issued *inter alia* the following Instructions to all the Ministries and Departments of the Government of India :-

- (i) Government servants should show courtesy and consideration to Members of Parliament and of State Legislatures.
- (ii) 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.

Instructions regarding seating arrangements at public functions

Regarding seating arrangements for Members at public functions, the Cabinet Secretariat, (Department of Personnel & Administrative Reforms) Government of India *vide* their OM No. 25/19/64-Estt. (A) dated 8 November, 1974 issued Instructions to all the Ministries and Departments of the Government of India that seating arrangements for Members of Parliament should be made strictly according to their position (currently 21st) in the Warrant of Precedence.

Instructions regarding prompt attention to communications from MPs

Government of India has also issued Instructions to the Government officials regarding prompt attention to communications from MPs. In this regard, the Cabinet Secretariat, (Department of Personnel & Administrative Reforms) Government of India *vide* their OM No. 25/19/64-Estt. (A) dated 8 November, 1974 *inter alia* issued the following Instructions to all the Ministries and Departments of the Government of India:-

Letters received from Members of Parliament and State Legislatures should be acknowledged promptly. All such letters should receive careful consideration and should be responded to at an appropriate level and expeditiously.

Instructions regarding prompt attention to references from Committees of Parliament

Noting that references from Committees of Parliament were not being attended to promptly, DoPT, Ministry of Personnel, PG & Pensions *vide* OM No. 11013/2/92-Estt. (A) dated 21 December, 1992 *inter alia* issued the following Instructions in the matter :-

"It has been decided that all such references should be attended to promptly and should not be passed on routinely down the line; Ministries/Departments should immediately identify a senior officer at the level of Joint Secretary or equivalent who should be charged with responsibility of ensuring that the references are attended to promptly."

Instructions regarding intimation of meetings/functions

The DoPT, Ministry of Personnel, PG & Pensions *vide* OM No. 11013/2/2000-Estt. (A) dated 25 August, 2000 *inter alia* issued the following Instructions :-

(i) Intimations regarding public meetings/functions be sent through speedier communication devices to the Hon'ble Members.

(ii) It may also be ensured that receipt of intimation by the Member is confirmed by the officer/official concerned.

Instructions regarding involvement of MPs/MLAs in planning implementation and monitoring of rural development programmes

Underlining the concern that either the General Body meetings of District Rural Development Agencies (DRDA) were not being held regularly or the MPs/MLAs were not being informed about such meetings well in advance, the then Ministry of Rural Areas and Employment (Department of Rural Employment and Poverty Alleviation) *vide* their letter No.R-20017/7/98-IRD-I dated 13 October, 1998, addressed to the Project Directors of all the DRDAs issued *inter alia* the following Instructions in this regard :

"(a) DRDA Governing Body meeting should be conducted regularly and dates fixed as far as possible when Parliament would not be in session.

(b) It may be ensured that the MPs are invited to attend such meetings by giving sufficient advance notices."

12. A perusal of the instructions/guidelines indicates that the Government of India has felt the need to repeatedly reiterate its previous instructions/guidelines in response to complaints from Members of Parliament

regarding non-observance of these instructions/guidelines by Government officials. The regularity with which the Government has felt the need to reiterate its instructions/guidelines stands testimony to the frequency with which these have been violated.

(ii) Issue of placement of Members of Parliament in the Warrant of Precedence

13. Members of Parliament are currently placed at serial no. 21 in the Warrant of Precedence. The list of persons occupying positions from serial numbers 1 to 21 is as follows:

1. President

2. Vice-President

3. Prime Minister

4. Governors of States **within their respective States**

5. Former Presidents

5A. Deputy Prime Minister

6. Chief Justice of India

Speaker of Lok Sabha

7. Cabinet Ministers of the Union.

Chief Ministers of States **within their respective States**

Deputy Chairman, Planning Commission

Former Prime Ministers

Leaders of Opposition in Rajya Sabha and Lok Sabha

7A. Holders of Bharat Ratna decoration

8. Ambassadors Extraordinary and Plenipotentiary and High Commissioners of countries accredited to India

Chief Ministers of States **outside their respective States**

Governors of States **outside their respective States**

9. Judges of Supreme Court

9A. Chairperson, Union Public Service Commission

Chief Election Commissioner

Comptroller & Auditor General of India

10. Deputy Chairman, Rajya Sabha

Deputy Chief Ministers of States

Deputy Speaker, Lok Sabha

Members of the Planning Commission

Ministers of State of the Union {and any other Minister in the Ministry of Defence for defence matters}.

11. Attorney General of India.

Cabinet Secretary.

Lieutenant Governors **within their respective Union Territories**

12. Chiefs of Staff holding the rank of full General or equivalent rank.

13. Envoys Extraordinary and Ministers Plenipotentiary accredited to India.

14. Chairmen and Speakers of State Legislatures within their respective States.

Chief Justices of High Courts **within their respective jurisdictions**

15. Cabinet Ministers in States **within their respective States**

Chief Ministers of Union Territories and Chief Executive Councilor,

Delhi **within their respective Union Territories**

Deputy Ministers of the Union.

16. Officiating Chiefs of Staff holding the rank of Lieutenant General or equivalent rank.

17. Chairman, Central Administrative Tribunal.

Chairman, Minorities Commission.

Chairperson, National Commission for Scheduled Castes

Chairperson, National Commission for Scheduled Tribes

Chief Justices of High Courts **outside their respective jurisdictions.**

Puisne Judges of High Courts **within their respective jurisdictions.**

18. Cabinet Ministers in States **outside their respective States**

Chairmen and Speakers of State Legislatures outside their respective States.

Chairman, Monopolies and Restrictive Trade Practices Commission.

Deputy Chairman and Deputy Speakers of State Legislatures within their respective States.

Legislatures within their respective States.

Ministers of State in States **within their respective States.**

Ministers of Union Territories and Executive Councilors, Delhi, within their respective Union Territories.

Speakers of Legislative Assemblies in Union Territories and Chairman of Delhi Metropolitan Council within their respective Union Territories.

19. Chief Commissioners of Union Territories not having Councils of Ministers, within their respective Union Territories.

Deputy Ministers in States within their respective States.

Deputy Speakers of Legislative Assemblies in Union Territories and Deputy Chairman of metropolitan Council Delhi, within their respective Union Territories.

20. Deputy Chairmen and Deputy Speakers of State Legislatures, outside their respective states.

Ministers of State in States **outside their respective States.**

Puisne Judges of High Courts **outside their respective jurisdictions.**

21. Members of Parliament.

(iii) Issue of inclusion of former Speakers in the Warrant of Precedence.

14. Currently, the former Speakers of Lok Sabha are not included in the Warrant of Precedence.

IV. Evidence

(i) Issue of protocol violation and discourteous behaviour displayed by Government officers *vis a vis* Members of Parliament

15. During the briefing meeting with the Committee on 11 May 2011, the then Secretary (Coordination), Cabinet Secretariat (Shri Ajit Seth) stated as follows:

“...The other important point hon. Members have raised is regarding the need for courteous behaviour on the part of the officials whether in the Central Government or in the State in their interaction with hon. Members of Parliament. Now in that regard, as you have also indicated there have been instructions and compilation of observations of this hon. Committee.

Otherwise also, the Department of Administrative Reforms has been issuing instructions from time to time at the level of the Secretary and even at the level of the Minister for the need to have prompt compliance for acknowledging and for replying to and corresponding with Members of Parliament in a courteous manner befitting the status of the hon. Members. Also, separately the Department of Personnel and Training has been issuing instructions from time to time about the need for extending all the courtesies to the hon. Members by the Government officials. So, the need for the highest courtesies has been reiterated from time to time. Notwithstanding those instructions, as you have also

mentioned, complaints are received from time to time in the Department of Personnel about instances where the complaint is made that certain officials have not extended those courtesies.

We heard a mention by the hon. Member just now about the State of Uttar Pradesh. Such complaints keep coming in the DoPT in respect of incidents in other States also. Apart from these advisories which are issued to the Government servants not only in the Central Government but also in the States, there is also a specific mention for the need for observing the highest standard of decorous and courteous behaviour vis-à-vis the Members of Parliament.

In the Central Secretariat's manual of office procedure and in the various corresponding manual and instructions and codes which are followed in the various States, these are there. Notwithstanding that, I fully appreciate the need for periodic reiteration of these instructions. You have made a very valuable suggestion that this issue should be also taken up for discussion at a meeting in which the States are there. So, I think a good forum would be in a meeting where the Chief Secretaries come to the Centre and there is a meeting of the Chief Secretaries convened by the Central Government. Certainly, we would like to take up this issue for reiteration and specific mention in the meeting. It can also be taken up in the annual Civil Services Day where again there is a gathering of the Chief Secretaries and some other senior officials not just from the IAS but also from all services because this is a matter which really cuts across any particular service. You know, the instances could come across from officials belonging to any service from any State.

Certainly, we would like to keep that in mind. We would like to take it up appropriately in the meeting with the Chief Secretaries. We will also have the instructions reiterated following this meeting with the hon. Committee. I think the Department of Personnel will be issuing the instructions to the States once again.”

16. On the same issue during the briefing held on 4 August 2011, the Secretary, DoPT, stated as follows:

"..The suggestion about sending information in the soft copy, I think, that is a suggestion we would really like to take up immediately because that is something which can be implemented

straightway. We would incorporate this in our instructions straightway about sending a soft copy of our reply to hon. Members of Parliament should we have their email Ids. One more possibility could be that we could be given by the Parliament Secretariat the email ids of all the hon. Members of Parliament which could be then circulated to all the State Governments and to the Ministries.

...As regards the suggestion about giving powers to the Members of Parliament when they chair the meetings of the Vigilance and Monitoring Committee meetings, possibly that alludes to the Committee set up under the Ministry of Rural Development. I will pass on the request to them and it will be for them to respond because instructions regarding Vigilance and Monitoring Committees relating to rural development programmes are issued by them. I will pass it on to them.

...The first point that you talked about was about names of Members of Parliament in the Invitation Cards printed for Government functions. We would see how best this can be fitted in. I will consult my sister Ministries also and, of course, there could not be really a hard and fast rule, but we would come back to you on this with a formulation as to how best to place it because it could only be a generalised instruction, it cannot be a specific instruction.

...So also is the case about the seating plan because it would depend upon the people who are participating. But how we can put it, you have given us a suggestion. We will try and factor that in and come up with a response. I think that will be satisfactory enough.

...The third suggestion was about how we deal with about cases of violation of protocol. Under the federal structure, in the Department of Personnel and Training, I do receive a lot of complaints from the hon. Members of Parliament primarily relating to District Magistrates, Superintendents of Police or to the Divisional Commissioners and so on in the field. Now, in the federal structure it is really for the State Governments to act against the erring officers. We have given them an advisory, but it is ultimately for the State Governments to act against those

officers. But, by and large, I found that whenever we receive complaints, we have got full facts from the State Governments and send them on to the Parliament Secretariat and possibly we have not heard to the contrary. So we presumed that those explanations are considered adequate. Should there be anything more, we could get back to the State Governments on that. But otherwise, of course, we have, in our draft circular, in the last paragraph we have stated that violations of these guidelines will be viewed seriously. We thought that should be warning enough. But should you feel that we need to make it more specific, we would be guided by you on this.

... Sir, in fact, in the last meeting, there was talk about taking this up in the Chief Secretaries Conference also. We have an annual conference of the Chief Secretaries and we could include this also as an item on their agenda for review and also for getting suggestions on what possible improvements we can make on this also. This could be a standing item in the Chief Secretaries Conference for review.

...Sir, there is one more suggestion that I thought we will incorporate in our instructions also. It is not only wilful disobedience but I think sometimes an officer may not be familiar with the instructions, especially at the initial stages of his or her career. When I was SDM, when I was District Magistrate, I went by my conscience, my gut feeling that there may have been instructions. I did try and see that peoples' representatives were associated, and this is before the days of modern means of modern information systems. I used to say that every work that we take up in a block, all the MLAs and MP concerned must be given a copy of the list of works. I used to address a letter to all these hon. people's representatives and request them, Sir, please do inspect the site. If you find anything wrong with the work, I will be grateful if you tell me. But, of course, now I find that is part of Government's instruction... But, maybe, we should also include this in the training of officers that these are the instructions. This is how we mould the career of an officer at that time when he is starting his service. At that point of time we should also stress that yes, you are an officer, very well. But then there are peoples'

representatives whom you have got to also pay heed to or pay attention to and we will put that in the training module also."

(ii) Issue of revision of the position of Members of Parliament in the Warrant of Precedence

The Ministry of Home Affairs in a note furnished on genesis of Warrant of Precedence has stated the following:

"The Table of Precedence, commonly known as Warrant of Precedence, is an executive order issued by the President of India in his/her prerogative and is intended to regulate the precedence of dignitaries at State and ceremonial functions. It is considered a necessity because in State/ceremonial functions, to which high dignitaries and diplomats are invited, certain protocol has to be necessarily observed.

The Table of Precedence has no direct relation to the Constitution since there is no provision for framing the Table of Precedence in the Constitution of India. It is neither a rule nor a regulation and does not in any manner impinge on any of the laws currently in force. It is the prerogative of the President to issue a Table of Precedence based on conventions, practices and usage. It has been made explicitly clear ... that the Table of Precedence is meant for making seating arrangements on State and ceremonial occasions and has no application in the day-to-day business of the Government."

On the history of Warrant of Precedence as formulated by the Table of Precedence, as it was called initially, the Ministry of Home Affairs explained that :-

"In the history of India, the first Table of Precedence was issued in 1814. This was not done by introducing any Bill in the British Parliament but

by the issue of a King's warrant. That, perhaps, is the reason why it is also known as the Warrant of Precedence. It was revised on several occasions thereafter from time to time. The last Warrant of Precedence before independence was issued in 1937.

The transfer of power in August, 1947, with consequential constitutional and administrative changes, necessitated reformulation of the Warrant of Precedence of 1937 to bring change in the position of certain high ranking officials and the assignment of places to others who had not previously been given a place in the Warrant of Precedence. The revised Warrant of Precedence prepared on these lines was issued on 16th October, 1948 after obtaining the approval of King of Britain as India was still a dominion of UK, the King being represented by the Governor General.

The Table of Precedence issued in 1948 was revised from time to time (1950, 1952, 1956, 1958, 1960, 1963, 1968, 1970 and 1973) whenever the necessity arose, such as inclusion of Princes who were not specifically mentioned earlier, re-organisation of States, changes in the Government's organizational structure, etc. The Table of Precedence, currently in force, was issued by the President's Secretariat on 26th July, 1979. By and large, the Table remains the same, although a few amendments have been made after 26th July, 1979."

On the issue of inclusion of members of Parliament and when the members' name was first included in the Table of Precedence, the Ministry stated as under:-

"In 1950, it was for the first time that the then Prime Minister Pandit Jawaharlal Nehru wrote to the then Home Minister that there was a great deal of feeling among the Members of Parliament about their position in the Warrant. Thus far they had not been mentioned in it. Many countries, including UK, did not include them in the Warrant of Precedence while some like, Australia give them a place. **He suggested that individual MPs might be put between article 14 and 15, that is after the Puisne Judges of High Courts.** However, Members of Parliament were placed in article 29 immediately after Puisne Judges of the High Courts (article 28) *vide* Notification No. 15/14/50-Public dated 5th September, 1950. The Table of Precedence has been revised from time to time, as

mentioned above and subsequently the number of the articles placing Puisne Judges of the High Courts and Members of Parliament also got changed, but their relative position was maintained i.e. Members of Parliament continued to be placed immediately after Puisne Judges of the High Courts. This has been followed in the current Table of Precedence dated 26th July 1979. The Members of Parliament are placed in article 21, which is after Puisne Judges of High Court outside their respective jurisdiction in article 20."

Procedure for formal amendment of Table of Precedence

As regards the procedure for making amendments in the Table of Precedence, the Ministry stated that:-

"Any proposal for making addition/alteration in the Table of Precedence is examined by a Committee of Secretaries on Table (Warrant) of Precedence. The Committee is headed by the Cabinet Secretary and includes Home Secretary, Defence Secretary and Foreign Secretary as its members. The recommendations of the Committee are submitted to the Home Minister, Prime Minister and the President and amendments to the Table are notified in the Gazette of India by the President's Secretariat. Formal amendments to the Table of Precedence were carried out five times i.e. on 3.8.1981, 17.7.1989, 19.4.1991, 31.1.1992 and 8.9.1994. However, the Hon'ble Supreme Court of India, in its judgement dated 14.07.1995. in Writ Petition No. 805 of 1993 (T.N. Seshan Vs. Union of India), 791 of 1993 (Cho Ramaswamy Vs. Union of India), 825 of 1993 (B.K. Rai & Another Vs. Union of India) and 268 of 1994 (Common Cause Vs. Union of India) had, *inter-alia* given the following direction to the Central Government:-

'We would like to impress upon the Government that it should not confer equivalence or interfere with the Warrant of Precedence, if it is likely to affect the position of High Court or Supreme Court Judges, however pressing the demand may be, without first seeking the views of the Chief Justice of India.'"

The Ministry further stated that:-

"No formal amendment to the Table of Precedence has been carried out after the apex Court's aforesaid direction except upgradation of position

of the Chairperson, Union Public Service Commission from Article 17 to 9A along with Comptroller & Auditor General and Chief Election Commission and bifurcation of Scheduled Castes and Scheduled Tribes Commission as separate entity after obtaining the consent of the Chief Justice of India in 2007."

17. The then Home Secretary (Shri G.K. Pillai) during his briefing on the issue of Warrant of Precedence before the Committee on 11 May 2011, stated as follows:

"...first Table of Precedence was issued in 1814.... After the transfer of power in August, 1947, at the instance of the then Prime Minister Shri Jawaharlal Nehru, the matter was considered by a Committee of Secretaries and it was decided that the Table should be confined to persons occupying positions of dignity, responsibility, and public importance. Accordingly, a Table of Precedence, which included the Governor General of India, the Prime Minister and other Ministers, Ambassadors, and foreign diplomatic representatives and high judicial, military and civil officers, was issued on 16th October, 1948. ... The Table of Precedence issued in 1948 did not mention about Members of Parliament because that had not come yet. It was in August 15, 1950 that the then Prime Minister Pandit Jawaharlal Nehru wrote to the then Home Minister that there was a great deal of feeling among Members of Parliament about their position in the Warrant. In his note dated August 15, 1950, he noted and I quote: "As for individual Members of Parliament, I think that they might be put between 14 and 15, that is after the position of Judges of High Court." This was the basis of the placing of Members of Parliament in the Table of Precedence. Accordingly, they were placed in the Table of Precedence issued on September 5, 1950 at Serial No. 29 below the High Court Judges who were placed at Serial No. 28. This status has continued in the later revised version of the Table of Precedence of 1951, 1954, 1956, 1958, 1960, 1968, 1970 and 1973. The present Table of Precedence is the updated version of the Table of Precedence issued on July 26th, 1979. Here also, the Members of Parliament have been placed at Serial No. 21, just below the position of the Judges of High Court....Only six amendments have been made in the Table of Precedence of 26 July, 1979. These include: inclusion of

former Prime Ministers in Article 7; inclusion of the holder of Bharat Ratna in Article 7A; upgradation of the status of Chief Election Commissioner; upgradation of the status of the Comptroller and Auditor General; and inclusion of Chairman, Central Administrative Tribunal in Article 17 and members, CAT in Article 23."

"Proposals for amendments, addition in the existing Table of Precedence such as the inclusion of former Vice Presidents, former Chief Justices of India, former Speakers, Lok Sabha, Central Vigilance Commissioner, etc. were received. However, it was decided with the approval of the Home Minister and the Cabinet Secretary that the Table of Precedence is a very sensitive subject and any attempts to tinker with it would likely open the Pandora's Box and would generate more controversy and discontent than fulfilling any productive purpose. Accordingly, no further formal amendment of the Table of Precedence has been made."

"I would like to bring to the notice of this Committee that the Table of Precedence is just for State and ceremonial occasions and has no application in the day-to-day business of the Government."

"The then Prime Minister, Pandit Jawaharlal Nehru had also stated that non inclusion in the Table of Precedence does not mean any lack of status. Particularly I would like to quote from the Note of the Pandit Jawaharlal Nehru. He says:

'There are a large number of people outside the Warrant of Precedence, who in effect are more important than those people who are in the Warrant of Precedence and who, on occasions, may rank higher than those who are included in the Warrant of Precedence. Thus, many non-officials are not included in the Warrant, but on any particular function they may be given seats much higher than those who are included in the list.'

"It should, therefore, not be thought that non-inclusion in the Warrant of Precedence means any lack of status. That was Shri Jawaharlal Nehru's Note when he had approved the Warrant of Precedence on the file."

"Sir, this is basically the background which I thought I would put before you. Except for these six changes which have been made, there has been a whole series of debates on the file itself as to where the Speaker should be placed; whether the Speaker should be placed above, below, etc., above various officials, and these were debated at the time when the Constitution was framed and enacted, and final approval was taken at the decision of the Union Cabinet in 1950."

"I agree with you that many posts like Central Vigilance Commissioner, former Justices, former Speakers, former Vice Presidents, etc. are still not there. All the requests are now currently pending before the Government, and the Government's thinking as such is: Do not tinker with it. There are too many applications and putting anybody below, up and down would create a particular problem. That is the situation, as it is today."

18. The Home Secretary during the briefing meeting further stated as under:

"...On the Warrant of Precedence, my suggestion would be that the Committee of Privileges can discuss amongst you and give us the suggestion as to where it should be placed. When all other requests come to us, say if it comes from the Chairman of the Minority Commission, they say please put us in 14A, put us in 22A. Wherever it is, if we can get the recommendation of the Committee of Privileges that Members of Parliament should be placed, as the Members mentioned that you should be below the High Court judges, that means you will come at 17 rather than 21. If that is the recommendation, then it becomes something on which we can then process in the Committee of Secretaries. So, if we could get a recommendation of the Committee of Privileges as to where the Members should be placed, that is something that would help us in processing the matter further."

".... The Committee of Secretaries receives the suggestions. It need not unilaterally re-look at the entire Warrant of Precedence. It is a requirement that the decision would have to be taken at the level of the PM to say that the Warrant of Precedence should be completely re-looked at. If that is the recommendation

of the Privileges Committee then we have something to re-look at the whole thing. Otherwise, *suo motu*, it is unlikely that the Government would do it. There are so many issues involved. One person would go up and one would come down. That is why the Government had not touched it for so many years. If we have a recommendation then we can place it on the Committee of Secretaries and then, it could be placed before the PM for a decision, saying that this is there; we can communicate that back, as an action taken report to the Privileges Committee, that this is the final decision of the Government in terms of that. But *suo motu*, it cannot be done."

(iii) Issue of inclusion of former Speakers in the Warrant of Precedence

19. When the Ministry of Home Affairs was asked why the former Speakers have not yet been considered for inclusion in the Warrant of Precedence so far, the Ministry in their note on 'Status of the proposal of inclusion of former Speaker of Lok Sabha in the Table of Precedence' stated the following:

"The proposal of inclusion of former Speaker of the Lok Sabha was also considered by the aforesaid Committee of Secretaries in its meeting held on 21st February, 2007 along with several other proposals. It was decided that a committee under the Chairpersonship of Home Secretary with Secretaries of the Ministries and Departments of Legal Affairs, Defence, Personnel & Training and External Affairs as members will be constituted for an in-depth review of the Table of Precedence. However, subsequently it was decided with the approval of Home Minister and Cabinet Secretary not to tinker with the Table of precedence currently in force, all proposals for formal amendment in the Table of Precedence be kept in abeyance and if at all necessary in any case, the matter be regulated through executive decisions, without taking recourse to formal amendment."

V. Position obtaining in other Countries as to placement of members of Parliament in the Warrant of Precedence

20. The Committee also wanted to know the placement of MPs in the Warrant of Precedence of some Foreign Parliaments. Accordingly, information was called for from 15 Foreign Legislatures. Information received from some of the foreign Parliaments is as follows:-

Sl. No.	Country	Placement in the Warrant of Precedence
1.	Australia (House of Representative and Senate)	Members of the Australian Parliament are placed at serial no. 20 in the order of precedence. The President of the Senate and the Speaker of the House of the Representative are placed at serial no. 5. The Leader of the Opposition is placed at serial no. 10.
2.	France	Deputies and Senators are placed at Sl. No. 11 and 12 of the Table of Precedence which is observed at state functions.
3.	Canada	The Prime Minister is second, the Speaker of the House of Commons is fifth, members of the Canadian Ministry are seventh, the Leader of the opposition is eighth and other members of the House of Commons are 20th. The Protocol Office of the Parliament of Canada uses this table in combination with well-established internal procedures and practices to determine, for example, seating and speaking arrangements for parliamentary events.
4.	Sri Lanka	Member of Parliament are placed at serial no. 14 below Supreme Court Judges and Judges of the Court of appeal.

5.	United Kingdom (House of Commons)	Members of Parliament do not figure in the Table of Precedence.

Similar information was also called for from the different States of the Country. It has been seen that the Warrant of Precedence issued by the State Government's is more or less based on the Warrant of Precedence issued by the President's Secretariat *mutatis mutandis* .

VI . Findings and Conclusions

(i) Issue of protocol violation and discourteous behaviour displayed by Government officers *vis a vis* Members of Parliament

21. The Committee note that there are recurrent instances of protocol violations and discourteous behaviour displayed by Government officers in their official dealings with the Members of Parliament. Due courtesies and regard are not being shown to MPs by Government officers. A large number of complaints received by the Lok Sabha Secretariat from members of Lok Sabha regarding protocol violations is a testimony to this malaise.

22. The Committee felt that there was an urgent need to consolidate circulars issued on different subjects by various Ministries/Departments of Government of India from time to time and reiterate the same once again to bring them to the notice of all Government functionaries.

23. DoPT, Ministry of Personnel, PG & Pensions *vide* their OM dated 7 June, 2011 furnished a consolidated draft circular regarding 'Official dealings between Administration and Members of Legislatures'. The same was perused by the Committee at its sitting held on 15 June, 2011. However, the Committee found some shortcomings in the draft circular furnished by the DoPT and the Committee made some suggestions for incorporation in the draft consolidated circular. In Committee's view:-

- (i) The draft-consolidated circular was silent about the inclusion of names of MPs in the invitation cards printed for Government functions and advertisements in media including newspapers if the function was being held in his/her constituency.
- (ii) The procedure for dealing with issues for protocol violation had not been dealt with and action and nature of penalty/punishment against those found guilty of such violations had not been mentioned.
- (iii) It did not mention clearly about receiving of Members of Parliament when they visit the offices of SP, DM or any other officer of the Government of India/State Government after taking a pre-appointment. (In some cases Members are asked to wait for 10 - 15 minutes at the reception room/common sitting hall even after they had taken prior appointment for meeting the concerned official. The vehicles of members are also not allowed entry into the premises.)
- (iv) The issue of seating arrangements for MPs in public functions and the order of seating arrangement on the dais had also not been addressed in unambiguous terms.

- (v) Though the OM mentioned giving priority and prompt response to letters received from Members of Parliament, it failed to emphasise that the information so supplied should also be specific. Further it did not mention that telephonic messages of MPs and their SMS and e-mails should also be properly replied to.
- (vi) It did not mention that while furnishing information to member, a soft copy should also be invariably sent to the Member's e-mail ID.
- (vii) It did not mention that adequate powers should be conferred upon the MPs when they chair the meetings of the District Level Vigilance and Monitoring Committees.

24. The DOPT, Ministry of Personnel, PG & Pensions were informed about the deficiencies in the draft circular furnished by them and the Secretary in her briefing meeting with the Committee on 4 August, 2011 assured to furnish a revised draft circular incorporating the suggestions of the Committee in the original draft.

25. Also after hearing the submissions made by the Secretary, DOPT, before the Committee on 4 August, 2011, the Committee were of the view that:-

"...That is the circular which is going to be sent from here. If anything more is to be added concretised or made more specific, we will ask the DOPT to do that. We find that some circulars were sent by the Home Ministry and some were sent by the Cabinet Secretariat because in those days the DOPT was not there and this subject was dealt with by the Home Ministry... Now DOPT is the Ministry concerned with sending these communications which are invariably sent to the Chief Secretaries. The Chief Secretary should convene a meeting of the Secretaries, DMs, SPs in the State and discuss the Circular and then report back to Lok Sabha Secretariat...Now this Circular would go to the Chief Secretaries

and they would convene a meeting in their States and they would report back to us..."

26. In compliance with the suggestions of the Committee, the revised consolidated draft circular was furnished by the DOPT *vide* OM dated 21 September, 2011. The revised circular furnished by the DOPT in consultation with the Cabinet Secretariat, made the following changes/modifications in the original draft:

- (i) Members of Parliament of the area should invariably be invited to public functions organized by a Government office. Proper and comfortable seating arrangements at public functions and proper order of seating on the dais should be made for Members keeping in view the fact that they appear above officers of the rank of Secretaries to Government of India in the Warrant of Precedence; The invitation cards and media events, if organized for the function held in the constituency, may include the names of the Members of Parliament of that constituency who have confirmed participation in these functions;
- (ii) All Ministries/Departments are requested to ensure that the above basic principles and instructions are followed by all concerned both in letter and spirit. It may also be impressed upon on all concerned that violation of the guidelines laid down on this subject will be viewed seriously. *Cases of violation of relevant Conduct Rules, which are established after due enquiry will render the Government servants liable for punishments as per rule.*
- (iii) Arrangements may be made to receive the Members when, after taking prior appointment, they visit the officer of the Government of India, State Government or local

Government. Arrangements may also be made to permit entry of vehicles of the Members to these Officers subject to security requirements/restrictions.

- (iv) The officers should not ignore telephonic messages left for them by the Members of Parliament/State Legislatures in their absence and should try to contact at the earliest the concerned Member of Parliament/State Legislature concerned. *The SMS and e-mails received on official mobile telephones should also be replied to promptly and on priority; and*
- (v) Information or statistics relating to matters of local importance must be furnished to the MPs and MLAs when asked for. The information so supplied should be specific in answering the points raised. A soft copy of the information should also be sent to the Member's e-mail ID, if desired.
- (vi) *The powers of Members as Chairpersons/ Members of committees under various centrally sponsored government schemes may be clearly and adequately defined by the Ministries/Departments concerned.*

27. The Committee suggested minor changes in the revised draft and noted that the revised draft circular incorporated almost all of their suggestions. **Further, a penal clause has been inserted in the revised consolidated instructions whereby violation of these instructions would entail departmental inquiry and punishment to the guilty official as per rules.**

(ii) Issue of revision of the position of Members of Parliament in the Warrant of Precedence

28. It may be stated that the Committee of Privileges (11th Lok Sabha) in their Report on Ethics, Standards in Public Life, Privileges Facilities to Members and Other Related Matters had made the following recommendation in this regard:-

“...the Committee are of the view that the existing positioning of members of Parliament in the Warrant of Precedence has to be upgraded to accord the members a better status. As per the present Warrant of Precedence, while the Members of parliament are positioned at serial No. 21, Cabinet Ministers in States, within their respective States, are positioned, among others, at serial No.15. The Cabinet Ministers in the Legislatures represent only one of the many assembly segments which go to form a parliamentary constituency. In order to correct this anomaly the Committee recommend that Members of Parliament may also be positioned at serial No.15 in the order of precedence to accord the status due to them.”

29. Earlier during the briefing with the representatives of the Ministry of Home Affairs and Cabinet Secretariat, the Committee at its sitting held on 11 May, 2011 noted as follows:

" Cabinet Secretary, Attorney General and Lieutenant Governor within their respective jurisdiction – these three categories come at number 11. At number 12, the Chiefs of Staff holding the rank of full General or Equivalent rank. At number 13, Envoys Extraordinary and Ministers Plenipotentiary accredited to India. These all are diplomatic people. Chairman and Speakers of the State Legislatures within their respective States, Chief Justices of High Courts within their respective jurisdiction come at number 14. Then, Cabinet Ministers in States within their respective States, Chief Ministers of Union Territories and Chief Executive Councillors Delhi within their respective Union Territories, then Deputy Ministers, in Government of India ... At number 16 is officiating Chief of Staff holding the rank of Lieutenant General or equivalent rank. So, at these 16, 15, 14, 13, 12 there is no scope to tamper with. These ranks seem to be justified. So, when it comes to 17, there are Chairmen, Central Administrative Tribunals, some of the Chairmen of Administrative Tribunal may be a person who may get defeated in elections also. So, we should not go below 17. Going below 17 means it may, in many ways, affect our status..."

"At serial number 17, there are High Court judges and also three other categories. So, if MPs are also placed at 17, then that Supreme Court order will not come in way as the judges rank is not altered. We may take it up for implementation, but for the time being, we will go to 17 from 21 so that our ranking will be 17 in the Warrant of Precedence instead of 21..."

30. The Committee also note that the present placement of various dignitaries in the Warrant of Precedence seems to be an exercise in *ad-hocism* and does not reflect their correct standing in comparison with their responsibilities. Members have been placed at Sl. No. 21 making them junior to the holders of certain non-constitutional posts such as the Officiating Chiefs of Staff holding

the rank of Lieutenant General or equivalent rank. (Sl. No. 16); Chairmen of various statutory Commissions at Sl. No. 17 (except Chief Justice of High Courts outside their respective jurisdictions and Puisne Judges of High Courts within their respective jurisdictions, who hold Constitutional posts).

The Committee also note that the initial placement of Members of Parliament emerged from the suggestions of the then Prime Minister Pt. Jawaharlal Nehru that "individual MPs might be put after the Puisne Judges of High Courts. Accordingly, MPs were placed at article 29 below the Puisne Judges of High Courts who were placed at article 28 in the Warrant of Precedence notified by the Ministry of Home Affairs on 5.9.1950. At that time there was no distinction between Puisne judges within their respective States and outside their States. (A Puisne Judge is a Judge of a High Court who is other than the Chief Justice).

The Committee also note that a proposal for making addition/alteration in the Table of Precedence is examined by a Committee of Secretaries on Table (Warrant) of Precedence. The Committee is headed by the Cabinet Secretary and includes Home Secretary, Defence Secretary and Foreign Secretary as its members. The recommendations of the Committee are submitted to the Home Minister, Prime Minister and the President and amendments to the Table are notified in the Gazette of India by the President's Secretariat. Formal amendments to the Table of Precedence were carried out five times i.e on 3.8.1981, 17.7.1989, 19.4.1991, 31.1.1992 and 8.9.1994. However, after the Supreme Court's judgement in T.N. Seshan Vs. Union of India, 1995, Cho

Ramaswamy Vs. Union of India and B.K. Rai & Another Vs. Union of India etc it has been now settled that if any variation in the Warrant of Precedence affects the position and placement of Supreme Court and High Courts Judges, the Government has to consult the Chief Justice of India for seeking his views on the same.

The Committee are of the view that placing the MPs at serial no. 17 would perhaps not disturb the present Warrant of Precedence in a significant manner. Further, it may also perhaps not put the government in a difficult position when it seeks the views of the Chief Justice of India on this revision.

The Committee also felt that Chairpersons of Parliamentary Committees also need to be suitably placed along with Members of Parliament. In this regard they need to be placed just above the members at the same serial number.

The revised entry at Serial no. 17 may read as under:-

"17. Chairman, Central Administrative Tribunal.
Chairman, Minorities Commission.
Chairperson, National Commission for Scheduled Castes
Chairperson, National Commission for Scheduled Tribes
Chief Justices of High Courts **outside their respective jurisdictions.**
Puisne Judges of High Courts **within their respective jurisdictions.**
Chairperson of Parliamentary Committees. } **proposed new addition**
Members of Parliament." } **proposed new addition**

(iii) Issue of inclusion of former Speakers of Lok Sabha in the Warrant of Precedence

31. The Warrant of Precedence lists the dignitaries who are extended necessary protocol facilities as per their rank and precedence *inter alia* in Centre/State Government functions. The Speaker, Lok Sabha occupies a very high position in Indian democratic set up. The Constitution of India provides for the office of the Speaker and his/her salary and allowances are charged on the Consolidated Fund of India. The Constitution also confers upon him/her a special position insofar as relations between the two Houses in certain matters are concerned. The Speaker is the custodian of the House and a symbol of our parliamentary system. The authority of the Speaker is absolute within the walls of the House and his/her unvarying impartiality is the characteristic of his high office. In keeping with the high responsibilities, the Warrant of Precedence places the Speaker of the Lok Sabha at Sl. No. 6.

32. A person who has occupied high office of Speaker once needs to be provided with facilities, courtesies and protocol as an honour and as a tribute to the onerous responsibilities shouldered by him/her as a Speaker. However, there is no mention in the Warrant of Precedence about placement of former Speakers. It would be in the fitness of things, if former Speakers are also included therein.

33. As regards position of former Speakers, the Committee further noted that at No. 7, there are five categories, namely, the Cabinet Ministers of the Union, the Chief Ministers of the States within their respective jurisdiction. The Deputy Chairman of the Planning Commission and former Prime

Ministers are also at 7. The Leaders of Opposition in the Lok Sabha and the Rajya Sabha too are at 7. So, former Speakers can also be placed at number 7."

34. As regards, the proposal of inclusion of former Speakers of Lok Sabha in the Table of Precedence, the Committee are of the view that they may be placed at serial no. 7, and the revised entry 7 may read as under :-

"7. Cabinet Ministers of the Union.
Chief Ministers of States within their respective States.
Deputy Chairman, Planning Commission.
Former Prime Ministers.
Leaders of Opposition in Rajya Sabha and Lok Sabha.
Former Speakers of Lok Sabha." } proposed new addition

35. An issue closely connected with the status of members of Parliament besides the protocol issue and Warrant of Precedence is the provision of red light beacon atop the vehicles of MPs. This facility has been provided to members in many States including Uttar Pradesh by issuing notification under section 108(iii) of the Motor Vehicles Act . Since the Motor Vehicles Act is a Central Act, the nodal Ministry being the Ministry of Surface Transport, the Committee feel that a notification issued by the Central Govt. under the above section would have all India applicability and make the facility of use of red light beacon atop the vehicles of members available uniformly across the country. In addition, this would save the members from embarrassment of removing the beacon when they cross inter State borders and also while entering the boundaries of the national capital Delhi. The Committee recommend accordingly.

RECOMMENDATIONS

(i) Issue of protocol violation and discourteous behaviour displayed by Government officers vis a vis Members of Parliament

36. The Committee are happy to note that their suggestion for issuing a consolidated circular reiterating the guidelines issued from time to time was accepted by the DoPT. The DoPT incorporated all the suggestions made by the Committee in a consolidated circular which has since been approved by the Committee and the DoPT has been directed to issue the same to Chief Secretaries of States and UTs.

37. The Committee recommend that the DoPT may intimate the Secretariat about compliance with the above stated recommendation of the Committee and furnish a copy of the consolidated circular issued by them for perusal of the Committee.

38. The Committee recommend that the consolidated circular issued by the DoPT be specifically brought to the notice of the Chief Secretaries of States and Union Territories during the next Chief Secretaries Conference with particular reference to the provision for punishment for violation of guidelines contained in the consolidated circular.

39. The Committee also recommend that the Chief Secretaries should be directed to hold meetings with Secretaries of State Government Departments with a view to ensuring that the guidelines/instructions contained in the consolidated circular are conveyed to all the District level officers for strict observance.

40. The Committee further recommend that DoPT may also incorporate in the curriculum of the existing training courses, for candidates selected for All India Civil Services, the instructions issued by the Government relating to protocol and courteous behavior to be displayed by government officials towards public representatives and the need for its strict compliance. Similarly, DoPT may instruct the State Governments to impart similar training for the officials belonging to Upper Subordinate and Lower Subordinate Services, who come through State Public Service Commissions.

41. The Committee further recommend that the DoPT may obtain feedback in the form of compliance reports from Chief Secretaries of States/UTs in respect of recommendation contained in para 39 above and inform the Committee of Privileges through the Lok Sabha Secretariat.

(ii) Issue of the position of Members of Parliament in the Warrant of Precedence

42. The Committee recommend that MPs should be placed at serial number 17 instead of serial No. 21 in the Warrant of Precedence. Further, Chairpersons of Parliamentary Committees should also be placed at serial no. 17 in the Warrant of Precedence before the Members of Parliament.

(iii) Issue of inclusion of former Speakers of Lok Sabha in the Warrant of Precedence

43. The Committee recommend that former Speakers should be placed at serial No. 7 of the Warrant of Precedence.

44. The Committee recommend that the Ministry of Surface Transport, Government of India should issue a notification under the provisions of the Central Motor Vehicles Act, permitting the use of red light beacons atop the vehicles of MPs.

**(P.C. CHACKO)
Chairman,
Committee of Privileges**

NEW DELHI;

29 November, 2011