

**GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA**

UNSTARRED QUESTION NO:3399
ANSWERED ON:12.02.2014
INFLUENCE ON PUBLIC SERVANTS
Bhagat Shri Sudarshan

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

- (a) whether the Supreme Court has recently given a ruling that Administrative Officers of the Government should desist from political influence while executing their duty;
- (b) if so, the details of the said ruling of the Apex Court;
- (c) whether the Government has issued any guidelines in view of the said ruling of the Supreme Court; and
- (d) if so, the details thereof and the action taken in this regard?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCE AND PENSIONS AND MINISTER OF THE STATE IN THE PRIME MINISTER'S OFFICE (SHRI V. NARAYANASAMY)

(a) & (b) The Hon'ble Supreme Court in paragraph 35 of its judgement dated 31.10.2013 in Writ Petition (Civil) No. 82/2011 (PIL) had directed all the State Governments and Union Territories to issue directions like Rule 3(3) of the All India Services (Conduct) Rules, 1968, in their respective States and Union Territories.

(c) & (d) The Service Rules already contain provisions in this regard. Rule 3[2] [ii] & [iii] of Central Civil Services [Conduct] Rules, 1964 provide as follows:

3[2][ii] No Government servant shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior;

3[2][iii] The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;

Rule 3[3][ii] and [iii] of the All India Services [Conduct] Rules, 1968 contain similar provisions. Paragraph 38 of Central Secretariat Manual of Office Procedure prescribes the procedure to be followed in respect of oral orders on behalf of or from Minister.