

**COMMITTEE ON VIOLATION OF PROTOCOL NORMS AND
CONTEMPTUOUS BEHAVIOUR OF GOVERNMENT OFFICERS WITH
MEMBERS OF LOK SABHA**

(SIXTEENTH LOK SABHA)

8

EIGHTH REPORT

ON

Complaint dated 16 December, 2014 given by Shri Virendra Singh, MP against the District Magistrate, Allahabad for allegedly misbehaving with him on telephone while he wanted to discuss matters of public interest relating to his Constituency.

[Presented to the Speaker, Lok Sabha on 04.12.2018]

[Laid on the Table on 07.01.2019]



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI**

January, 2019 *Pausha (Saka)1940*

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**PERSONNEL OF THE COMMITTEE ON VIOLATION OF PROTOCOL
NORMS AND CONTEMPTUOUS BEHAVIOUR OF GOVERNMENT
OFFICERS WITH MEMBERS OF LOK SABHA
(2017-2018)**

Shri Rayapati Sambasiva Rao - Chairperson

MEMBERS

2. Shri M. Badruddin Ajmal
3. Shri Gaurav Gogoi
4. Shri Choudhury Mohan Jatua
5. Dr. J. Jayavardhan
6. Maj Gen B.C. Khanduri AVSM (Retd.)
7. Dr. Bhagirath Prasad
8. Dr. Shrikant Eknath Shinde
9. Shri Raj Kumar Singh##
10. Shri Pashupati Nath Singh
11. Dr. Kirit Somaiya
12. Prof. Azmeera Seetaram Naik
13. Shri Muzaffar Hussain Baig
14. Shri Dushyant Singh
15. Col (Retd.) Sona Ram Choudhary

Secretariat

- | | | | |
|----|-------------------------|---|---------------------|
| 1. | Shri Ravindra Garimella | - | Joint Secretary |
| 2. | Shri M.K. Madhusudhan | - | Director |
| 3. | Shri Dhiraj Kumar | - | Additional Director |

Shri Raj Kumar Singh, MP appointed as Minister w.e.f.03.09.2017

EIGHTH REPORT OF THE COMMITTEE ON VIOLATION OF PROTOCOL NORMS AND CONTEMPTUOUS BEHAVIOUR OF GOVERNMENT OFFICERS WITH MEMBERS OF LOK SABHA

(SIXTEENTH LOK SABHA)

I. Introduction

I, the Chairperson of the Committee on Violation of Protocol Norms and Contemptuous Behaviour of Government Officers with Members of Lok Sabha, having been authorised by the Committee to submit the Report on their behalf, present this Report to the Speaker, Lok Sabha on the complaint dated 16 December, 2014 given by Shri Virendra Singh, MP against the District Magistrate, Allahabad for allegedly misbehaving with him on telephone while he wanted to discuss matters of public interest relating to his constituency.

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

3. At their first sitting held on 14 July, 2014, the Committee considered the Memorandum on the complaint dated 16 December, 2014 given by Shri Virendra Singh, MP, and decided to take his oral evidence at its next sitting.

4. The Committee at their second sitting held on 02 March, 2016 examined Shri Virendra Singh, MP on oath.

5. The Committee at their third sitting held on 19 April, 2016 examined Shri Bhavnath Singh, the then District Magistrate, Allahabad and Excise Commissioner (Addl. Charge), Government of Uttar Pradesh .

6. The Committee at their fourth sitting held on 21 November, 2017 deliberated on the matter and directed the Secretariat to prepare a draft Report in the matter.

7. The Committee at their fifth sitting held on 02 November, 2018 considered the draft report and after some deliberation adopted it.

II. Facts of the Case

8. Shri Virendra Singh, MP *vide* his complaint dated 16 December, 2014 alleged breach of his privileges against the District Magistrate, Allahabad for misbehaving with him over telephone. Elaborating, the Member stated that while he wanted to discuss matters of public interest relating to his constituency, the District Magistrate, Allahabad allegedly responded that since the Member belonged to an opposition party therefore, his works could not be done through him. The Member took these remarks of the District Magistrate as a violation of his constitutional rights thereby amounting to the breach of his privileges and requested the Hon'ble Speaker for necessary action in the matter.

9. A factual note in the matter was called for from the State Government of Uttar Pradesh through the Ministry of Personnel, Public Grievances and Pensions (DoPT) on 17 December, 2014 followed by several reminders. As there was no reply from the State Government, despite a lapse of a substantial time, a deadline upto 6 April, 2015 was given to the State Government for furnishing the factual note. However, no reply was furnished by the State Government even by this date. As the State Government failed to furnish the requisite factual note despite several reminders and the deadline set in this regard, the notice of complaint given by the member was examined on merits. Since the matter raised by the Member pertained to alleged misbehavior by a Government official with the Member of Parliament in relation to official dealings, it was construed as a breach of guidelines/instructions

issued by the DoPT relating to official dealings between Administration and Members of Parliament dated 1st December, 2011.

10. Accordingly, the Hon'ble Speaker, Lok Sabha referred the matter to the Committee on Violation of Protocol Norms and Contemptuous Behaviour of Government Officers with Members of Lok Sabha on 22 April, 2015 for examination and report.

Subsequently, the Ministry of Personnel, PG & Pensions (DoPT) *vide* their OM dated 17 April, 2015 forwarded the factual comments of the State Government, wherein the then DM, Allahabad *inter alia* refuted the charges of the Member and requested that the proceedings against him may be dropped.

III. Evidence

11. Shri Virendra Singh, MP in his oral evidence tendered before the Committee on 02 March, 2016 categorically stated that he stood by what he had stated in his written complaint against the erring official.

12. When asked whether he would like to add anything over and above the above mentioned submission, the member stated as follows:

“Peoples’ representatives today are facing a very peculiar situation wherein the people manning the Executive have no respect for them, whereas in democracy the role of the Executive, Judiciary and the Legislative are well defined.”

He further added: “As an MP, I would like to request that such matters should be taken up seriously, else the democracy in this country would be in danger.”

13. When the Committee specifically asked the member whether it was a fact that the District Magistrate, Allahabad had made a remark to him that since he belonged to an opposition party his work could not be done by him. In response the MP replied in affirmative and stated that some officers of late have started behaving like that and that recently another DM too had made a similar remark to him. He also added that any party could be in power, rule of one party is subject to change, but an administrative officer cannot decide the priority of work on party lines. A District Magistrate cannot decide that if one belongs to the opposition party he is not responsible towards him, whereas a public representative is responsible to the people. As the role of the Executive is well defined in a democracy and if a District Magistrate who is the head does not perform his duty, I take exception to that and therefore, I had submitted my complaint.

14. The Committee further desired to know whether the MP after this incident had taken up the matter with any senior officer including the Chief Secretary of Uttar Pradesh. In response the MP stated that he had not lodged any formal complaint but had verbally brought this matter to the notice of the Commissioner and the Chief Secretary.

Evidence of Shri Bhavnath Singh, the then DM, District Allahabad, UP

15. Shri Bhavnath Singh, the then DM, Allahabad in his evidence before the Committee on 19.04.2016 has stated as follows:

“At that point of time, I had recently joined as DM, Allahabad. Only a few days had passed when the Hon’ble MP on telephone enquired about works concerning certain lakes which he had entrusted to the previous DM about which he was not aware as to what has been done. I replied that there is nothing in my notice and that the works concerning lakes is undertaken under MNREGA. Generally such works are carried out by Gram Panchayat, Zila Panchayat and Block Panchayat. This is a small matter and in case there are any major works I will get them done through your MPLAD if you permit so.”

16. He further added: “the Hon’ble MP might have got annoyed by this, but, whatever was possible I got it done through the BDO.”

17. The witness further stated that “after this the MP was satisfied and he had met him recently and that he had received a telephone call from the MP in the morning itself. The Hon’ble MP is a very nice person.” He further added that “I don’t know why but there was some misunderstanding initially.”

18. When the Committee specifically asked whether he had told the member that since he belonged to the opposition party you would not undertake his works. In response the witness submitted as follows:

“No Sir, why would I say so. No officer can say like that. I have worked at senior positions and have relations with everyone. I am sorry for the hurt caused to the member. I had personally spoken to the member and clarified to him that such situation should not have arisen and that he felt sorry for the hurt caused to the Hon’ble member.”

IV. Findings & Conclusions

19. The main issue before the Committee is to determine whether the then District Magistrate, Allahabad misbehaved with Shri Virendra Singh, MP and refused to carry out his works on the ground that he belonged to the opposition party.

Protocol guidelines

20. The Committee at the very outset would like to highlight the Ministry of Personnel, PG & Pensions [Department of Personnel and Training (DoPT)] Office Memorandum No. 11013/4/2011-Estt.(A) dated 01 December, 2011 containing guidelines/instructions on 'Official dealings between the Administration and Members of Parliament and State Legislatures-Observance of proper procedure', which *inter-alia* amongst others provide as follows:

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

XXXX

- (ii) While the Government servants should consider carefully or listen patiently to what the Members of Parliament and of the State Legislatures may have to say, the Government servant should always act according to his own best judgement and as per the rules.

21. The Committee note that the main contention of Shri Virendra Singh, MP in his complaint is that the then DM, Allahabad had refused to carry out / implement the works as recommended by him on account of his belonging to the opposition

party. However, Shri Bhavnath singh, the then DM, Allahabad in his deposition had categorically denied having made such utterance. He stated that he merely said that the works the member was referring to *viz*, repair/rehabilitation of lakes were done at the level of District Panchayat and local Panchayat, and the DM has a very limited role to play in their execution. If there are any big works then he can get them done quickly under his MPLAD funds. These words according to DM would have caused hurt to the member and probably led to misunderstanding between them. Shri Bhavnath Singh, nevertheless expressed his regrets, for the same.

22. The Committee are of the considered view that though there does not apparently appear any misbehavior on the part of Shri Bhavnath Singh, the then DM, nevertheless, should have been more circumspect and careful and nuanced, besides tactful while dealing with the members of Parliament and should not give any room for perceived misgivings or neglect by the members of Parliament. The Committee, however keeping in view the regrets expressed by Shri Bhavnath Singh for the hurt caused to the member and given the fact that the DM has also mend fences with the member, are of the opinion that no purpose would be served by proceeding further in the matter and therefore allow the matter to rest.

23. The Committee are , nevertheless, constrained to note that in the instant case, despite several reminders issued by the Committee Secretariat, the State Government of U.P. did not furnish the requisite factual note in the matter within the stipulated timeline. This not only clearly shows the utter disregard to the Parliamentary Committee but also amounts to disobedience to orders of Hon'ble Speaker which may be treated as contempt of the House. *The Committee while expressing their serious displeasure, however, recommend that state Government should streamline their procedures and also evolve a mechanism which ensures timely response to communications received from the Lok Sabha Secretariat.*

Recommendations

24. The Committee based on the facts on record and their findings and conclusions and keeping in view the regrets expressed by Shri Bhavnath Singh, the then DM, Allahabad, U.P., before the Committee felt that the matter may not be proceeded further and it may be allowed to rest.

25. The Committee however, urge upon the Ministry of Personnel, PG & Pensions [Department of Personnel and Training (DoPT)] that the instructions / guidelines regarding Official dealings between Administration and Members of Parliament & State Legislatures contained in the Office Memorandum No. 11013/4/2011-Estt.(A) dated 01 December, 2011 may be reiterated to all the public servants and that they may be advised to strictly

follow the contents of the above mentioned OM both in letter and spirit and show utmost respect to the elected people's representatives. The Committee recommend that instructions may be issued to all the State Governments so as to ensure strict adherence to the time limits specified for submission of factual notes to the Lok Sabha Secretariat so as to enable the Committee to consider and dispose of matters under its consideration without any delay.

**(RAYAPATI SAMBASIVA RAO)
Chairperson,
Committee on Violation of Protocol Norms
and Contemptuous Behaviour of Government
Officers with Members of Lok Sabha**

New Delhi

November, 2018