

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

**(SIXTEENTH LOK SABHA)**

6

**SIXTH REPORT**

**ON**

**Complaint dated 18 December, 2015 given by Shri Rajeev Satav, MP alleging non-inclusion of his name in the list of Guests on the Official Invitation Card for the function organized by National Highways Authority of India (NHAI) in his Constituency.**

*[Presented to the Speaker, Lok Sabha on 05.10.2018]*

*[ Laid on the Table on 07.01.2019 ]*



**LOK SABHA SECRETARIAT  
NEW DELHI**

January, 2019 *Pausha (Saka) 1940*

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NORMS AND CONTEMPTUOUS BEHAVIOUR OF GOVERNMENT  
OFFICERS WITH MEMBERS OF LOK SABHA  
(2018-2019)**

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

**SIXTH REPORT OF THE COMMITTEE ON VIOLATION OF  
PROTOCOL NORMS AND CONTEMPTUOUS BEHAVIOUR OF  
GOVERNMENT OFFICERS WITH MEMBERS OF LOK SABHA  
(SIXTEENTH LOK SABHA)**

**I. 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 authorized by the Committee to submit the Report on their behalf, present this Sixth Report to the Speaker, Lok Sabha on the Complaint dated 18 December, 2015 given by Shri Rajeev Satav, MP alleging non-inclusion of his name in the list of Guests on the official invitation card for the function organized by the National Highways Authority of India (NHAI) in connection with the foundation stone laying ceremony for recarpeting and development of the National Highways falling in his constituency.

2. The Committee in all 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 10 March, 2016, the Committee considered the Memorandum No.10 regarding Complaint dated 18 December, 2015 given by Shri Rajeev Satav, MP alleging non-inclusion of his name in the list of Guests on the official invitation card for the function organized by the National Highways Authority of India (NHAI) in his constituency.

4. The Committee at their second sitting held on 06 April, 2016 examined Shri Rajeev Satav, MP on oath. The Committee then decided to hear the relevant witnesses *i.e.*, the Chairperson and other Officials of the National Highways Authority of India (NHAI).

5. At their third sitting held on 18 October, 2016, the Committee examined on oath, the Chairperson and other officials of the National Highways Authority of India (NHAI). The Committee, thereafter, decided to hear the Secretary and other Officials of the Ministry of Road Transport & Highways also.

6. During their fourth sitting held on 11 November, 2016, the Committee examined on oath the Secretary and other Officials of Ministry of Road Transport & Highways in the matter.

7. At their fifth sitting held on 21 November, 2017, the Committee deliberated upon the matter and directed the Secretariat to prepare a draft Report for their consideration at their next sitting.

8. The Committee at their sixth sitting held on 02 August, 2018, considered the Draft Report and after some deliberations adopted it.

## II. Facts of the case

### Facts of the Case

9. Shri Rajeev Satav, MP in his complaint<sup>1</sup> dated 18 December, 2015 has alleged violation of protocol during a foundation laying ceremony organized by National Highways Authority of India (NHAI) on 25 November, 2015 at Abhyankar Kanya Shala, Yavatmal, Maharashtra. The Member alleged that his name was not published in the list of guests on the official invitation card circulated by the organizing committee during the foundation laying ceremony organized by the NHAI on the above said date. The Member had also stated that the Umarkhed Assembly segment, which comes under Yavtmal district, is a part of Hingoli Parliamentary constituency (represented by Hon'ble M.P). Further, the Member alleged that the names of all local MLAs, MPs from the region were included in the official invitation card. Further, the name of Umarkhed MLA (Shri Rajendra Waman Najardhane) was also printed on the invitation card. In support of his claim, the Member has also enclosed a copy of the invitation card circulated by NHAI.

The Member had sought intervention of Hon'ble Speaker to initiate action against the errant officials of NHAI involved in the grave act of discourtesy and violation of his protocol.

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<sup>1</sup> Appendix -I

10. The Secretary-General on 23 December, 2015 minuted the Orders of Hon'ble Speaker, referring the Member's complaint to the 'Committee on Violation of Protocol Norms and Contemptuous Behaviour of Government Officers with Members of Lok Sabha' for examination and report.

11. Subsequently, the Ministry of Road Transport & Highways *vide* their OM<sup>2</sup> dated 22 January, 2016 have forwarded the factual note in the matter wherein it was stated that "as per existing procedure, courtesy in order of protocol is ensured in extending the invitation to the dignitaries for the function relating to inauguration/Bhoomi Poojan/Foundation Stone Laying/any other ceremony in respect of National Highways works in the following order:-

1. (i) Member of Parliament (Rajya Sabha) representing the spot where function is being held.
  - (ii) Member of Parliament (Lok Sabha) representing the spot where function is being held.
  - (iii) Member of Legislative Assembly representing the sport where function is being held.
2. The function, under reference was in **Yavatmal** City and the following dignitaries were included in the guest list:
- (i) Shri Vijay J Darda, Hon'ble MP(RS)

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<sup>2</sup> Appendix -II

(ii) Smt. Bhavana Gawali, Hon'ble MP(LS), Yavatmal-Washim

(iii). Shri Madan Yerawar, Hon'ble MLA, Yavatmal

3. As the Foundation Stone Laying Ceremony was for Old National Highways Cement Concrete Road, New National Highway and Central Road Fund sanctioned works in Yavatmal City, there appears no case of violation of protocol norms in the instant case”.

### **Evidence**

12. Shri Rajeev Satav, MP during his evidence before the Committee on 06 April, 2016 *inter-alia* stated:

“.....On 25<sup>th</sup> November, 2015, the National Highways Authority of India (NHAI) have organized a foundation-stone laying ceremony at the hands of Hon'ble Minister, Shri Nitin Gadkari Ji. In the invitation card, they have mentioned the names of many roads, most of which were going through my constituency. Everybody's name was there on the invitation card. Even the names of my constituency's MLAs were there, excepting my name. The name of the Zilla Panchayat President was there; the name of the President, Nagar Panchayat was there; the MLCs names were there; the names of the MLAs were there, excepting my name. So, what is the logic behind not printing my name on the invitation card is my point. When I protested, by that

time, the invitation cards were distributed. Of-course, on the foundation-stone, my name was there, but in the invitation cards which were distributed in my constituency, my name was not there. The local MLAs were called; and the Presidents of Nagar Panchayat and the Zilla Parishad were called. I have already submitted the copy of the invitation card which they had published and circulated. My point is that this is a case of complete breach of privilege. It was a national highway road passing through my constituency. Almost Rs. 600 crore worth of work was to be undertaken in my constituency, but they were not calling me for the programme. So, it is a breach of privilege.”

13. When asked as to whether the venue where the function was organised by NHAI falls in his constituency, Shri Rajeev Satav, MP stated as under:

“It was in my own constituency. I will quote the names. The name of Shri Rajendra Waman Najardhane, MLA, Umarkhed was there; and this falls within my Lok Sabha constituency. The names of representatives of my Lok Sabha constituency were there, excepting my name. Why it was not there, I do not know.”

14. When the Committee enquired as to whether he had lodged any complaint in this regard with the Secretary, Ministry of Road Transport and Highways or any other official in the Government of Maharashtra, or with any other senior officer in NHAI, Shri Rajeev Satav, MP replied:-

“Sir, they have sent me a mail. They have not even given me a copy of this invitation. They have circulated it to everybody, excepting me.... They have written to me saying “please be present as a special invitee of the Minister of Road Transport and Highways”. I wrote to them saying, ‘Dear NHAI, Yavatmal, thanks for the invitation. Please let me know in which capacity I should attend this programme’. In reply, they have written, ‘Sir, with respect to your today’s e-mail, it is informed that you are cordially invited for the foundation-stone laying of the national highway/cement/concrete road function scheduled to be held on 25<sup>th</sup> November 2015 as a Special Invitee of Shri Nitin Gadkari, Hon’ble Minister of Road Transport and Highways’.

He further added:

“So, it was a programme in my constituency, but they were asking me to be present there as a Special Invitee of the Hon’ble Minister, Shri Nitin Gadkari. I do not have any problem in being a Special Invitee of Shri Nitin Gadkari Ji. But when it was a programme pertaining to my constituency, without putting my name on the invitation card, they have distributed the invitation cards. That is my point.”

15. When asked as to how many Assembly segments are there in his constituency, Shri Rajeev Satav, MP stated as under:-

“There are six Assembly segments in my constituency. In Yavatmal, in this area, there is only one Assembly segment which falls in my constituency. The MLA’s name, who represent that Assembly segment of my constituency, was there on the card, but my name was not there on the card. Why there was this discrimination, I do not know. The road is passing through my constituency. Almost 100 kilometres of road is passing through my constituency. That is the point.”.

16. On being pointed out that he was invited as a Special Invitee of the Hon’ble Minister and that his name was also there in the foundation stone, Shri Rajeev Satav, MP stated:-

“They had distributed the invitation cards to everybody without including my name. There was a news item published stating that there was no effort from Rajeev Satav and, therefore, Rajeev Satav was not called...There was news; there were comments in the social media, and everything else was there. It is not that they have not put my name and, therefore, I am a little bit upset. They have published like that. In this way it has been carried out for four or five days stating that there was no effort from Rajeev Satav. So, I have raised this question in the Parliament. Even I have met the Minister many a time. Actually, he has given consent for this work and, therefore, it has been included. The point I am making is that the National Highways

Authority of India had not put my name on the invitation card and the message going around was that there was no effort from my side...”

17. He further stated:

“Who is going to go and see the foundation stone? The invitation card is going to everybody’s house. ...The letter has not been given by the NHAI. The letter has been given by Shri Nitin Gadkariji. There is no complaint against Shri Nitin Gadkari. I know that he is the Cabinet Minister. He is representing the Department. Why is the NHAI breaching the protocol? That is my complaint. I am not questioning the authority of the Minister.”

18. When asked about the names of the MPs representing Yavatmal District and the venue of the function, Shri Rajeev Satav, MP replied as under:

“There are three MPs who are representing Yavatmal district. One is Shri Hansraj Ahir who is a Minister, second is Shrimati Bhavana Gawali and third is myself. In every meeting, in every Government function, whether it is State Government or Central Government, three MPs were always invited. It has been a practice for the last 25 years.”

19. To a specific query as to what was the exact spot where the function was held, Shri Rajeev Satav, MP stated as under:

“It is in district headquarter called Yavatmal. “

20. When the Committee wanted to know as to who represents Yavatmal, Shri Satav, MP responded as under:

“Yavatmal is represented by Ms. Bhavana Gawali. “

21. When asked whether the MLA of the Member's Constituency was also invited, Shri Rajeev Satav, MP clarified:

“..... They are calling the MLA of Rajindernagar who is MLA of Umarkhed which comes under my Lok Sabha constituency.”

22. Enquired as to whether his Parliamentary Constituency is part of the district Yavatmal, Shri Rajeev Satav, MP replied:

“My constituency is not only a part of the district, the foundation stone ceremony programme was also of my constituency. It was a NH stretching 200 kilometres and out of that 100 kilometres is of mine.”

23. He further added:

“..... You are not calling me is one part. You are calling my MLAs, MLCs, Zila Panchayat President, Nagar Panchayat President. What is the rule then? You are excluding me only and you are calling everybody...My particular point is against the working of the NHAI. If this is the working of the NHAI, they are not calling the Member of Parliament in whose area that work is going to happen, this is not a good thing.”

**Evidence of Shri Raghav Chandra, Chairperson, National Highways Authority of India (NHAI)**

**24. Shri Raghav Chandra, Chairperson, NHAI during his evidence before the Committee on 18 October, 2016 *inter-alia* stated:**

“Sir, the allegation that has been raised in this matter is that the name of the Hon’ble Member of Parliament, Shri Rajeev Satav was not included in the List of Guests in the official invitation card for the function organized by the NHAI during the foundation stone laying ceremony organized for recarpeting and development of the National Highways falling in his constituency...I want to submit that the constituency of the Hon’ble Member of Parliament is Hingoli and no function was held in Hingoli. The function was held in Yavatmal and all the Members of Parliament of Yavatmal were duly invited. Although, the cards were printed at NHAI expense, however, the names of all those invited and the material was supplied by the office of our Hon’ble Minister. To the best of our understanding and knowledge there was no reason to exclude the name of the Hon’ble Member of Parliament if it needed to be included. This was not a deliberate error on our side. We have no intention of excluding the name of any Member of Parliament. In fact, I would like to show you the instructions of the Ministry.”

25. When the Committee wanted to know as to whether any violation had taken place and whether due protocol was followed regarding extension of invitation to Shri Rajeev Satav, MP and printing his name on the Invitation Card for the said function, Shri Raghav Chandra, Chairperson, NHAI clarified:

“Sir, it was not an error on our side. We had no intention of committing any such error. It has been done as per the existing rules, etc. And if in this course the Hon’ble Member of Parliament is hurt, we are indeed very sorry.”

He further added:

“The instructions that we have before us are issued by the Ministry of Road Transport and Highways. We follow these instructions. If you permit, I would take the liberty of reading the concerned paragraph.

“Due courtesy in order of protocol should be ensured in extending the invitations to the dignitaries in the following order.

- (1) Member of Parliament, Lok Sabha representing the spot where the function is being held.
- (2) Member of Legislative Assembly representing the spot where the function is being held.
- (3) Member of Parliament, Rajya Sabha representing the spot where the function is being held.

(4) Other invitees may be decided by the Ministry.”

26. To a specific query as to whether the Road work in question did not fall under the Parliamentary Constituency of the Member, one of the representatives of NHAI during oral evidence stated:-

“Sir, I want to submit that the Hingoli Parliamentary Constituency consists of Hingoli, Kalamnuri, Basmath, Hadgaon, Umarched and Kinvat. The Yavatmal Constituency consists of Washim, Pusad, Digras, Karanja, Yavatmal and Ralegaon. The hon. Member’s complaint is that Umarched is a part in the Hingoli Constituency which falls under the district boundary of the Yavatmal district. The function was held for the roads which are in the Yavatmal city. The Members of Parliament related to the Yavatmal constituency were called....”.

27. The Chairperson, NHAI added:-

“Sir, the road does not pass through Hingoli constituency”.

28. On being pointed out that when one of the Assembly segment which comes under Yavatmal District is also a part of the Hingoli Parliamentary Constituency represented by the Member, then how the Member was not invited, the Chairperson, NHAI stated:-

“Sir, the road is pertaining to Yavatmal city. The city is different from the constituency. Sir, his constituency is Hingoli and not Yavatmal...”

He further added:-

“Sir, the road belongs to Yavatmal city and his constituency is not in Yavatmal city. The road does not pass his constituency”.

29. When pointed out that the ‘function’ in question was held in Yavatmal City, which is also a part of the Hingoli Parliamentary Constituency which is represented by the Member, the representative of NHAI stated during their deposition before the Committee:-

“Sir, what the hon. Member has said is that the Unmarked Assembly segment which comes under Yavatmal district is part of Hingoli constituency. So, there are two boundaries over there. One is the boundary of the parliamentary constituency and another is the boundary of the district. We have invited Member of Parliament representing that place”.

30. When asked to clarify whether the exact spot where the function was held, as also whether Yavatmal City comes under Shri Rajeev Satav, MP’s Parliamentary Constituency, the Chairperson, NHAI, responded in the negative.

31. When the Committee enquired as to why there was such apparent discrimination when almost all the MPs, MLAs and MLCs of Yavatmal district

except Shri Rajeev Satav, MP were invited and that too when one assembly segment apparently falls in his constituency, the Chairperson, NHAI replied:

“The Hon’ble MLA of Umarkhed was called because he was connected to that place. The rules given to us for inviting the honourable dignitaries are there.”

32. When the Committee pointedly desired to know the spot where the function was held, the representatives of NHAI replied that it was held at Yavatmal City.

33. To a pointed query as to when the MLA of Umarkhed had been invited, then why the Lok Sabha MP under whose constituency Umarkhed falls, was excluded, Shri Raghav Chandra, Chairperson, NHAI replied as under:

“Sir, we have no intention of either discriminating or doing anything which is derogatory or contemptuous. My only submission is, the list of people to be invited is decided by the Minister’s office and we followed these instructions regarding the spot and this was totally inadvertent. In future, we will represent to the Ministry that while giving us the list of invitees, they should also include the MPs names.”

34. When the Committee pointed out as to why MLA of one particular Vidhan Sabha constituency which does not fall under the MP was invited and whereas the MP was not invited, Shri Raghav Chandra replied as under:

**“In future, we will keep that in mind.”**

35. On being enquired whether they got the list of the persons to be invited for the function from the Ministry or whether the Ministry themselves sent it to NHAI, Shri Raghav Chandra clarified as under:

“The Minister’s office deals with it. They send us the list and we follow it.”

**Evidence of Shri Sanjay Mitra, Secretary, Ministry of Road Transport & Highways**

36. Shri Sanjay Mitra, Secretary, Ministry of Road Transport & Highways during his evidence before the Committee, stated under:-

“Sir, we had a circular dated 2011 and our circular said that Member of Parliament, Lok Sabha representing the spot where the function is held, MLA representing the spot where the function is being held, MP, Rajya Sabha representing the spot where the function is held, other invitees as may be decided by MoRTH. Unfortunately, this circular was not fully in consonance with the DOPT circular which came 10 or 15 days after this circular was issued where it was mentioned very clearly that even if an MP whose constituency is spread over one district, then the MP should be invariably invited to all functions in any of the districts which are part of his constituency.”

37. When the Committee desired to know as to why Shri Rajeev Satav, MP was not invited even though the function was held in the District under which one of the assembly segments of his Parliamentary Constituency falls, the Secretary, MoRTH replied as under:

“We had a circular which was older. DOPT circular superseded it. Unfortunately due to an oversight in the Ministry at that time we did not change our circular to match it with the DOPT circular.”

The Secretary, MoRTH further stated:

“Sir, there was an error on our part that we did not inform NHAI and all other organisation regarding this new DOPT circular which clearly said that if an MP’s constituency is spread over more than one district, then he should be invited to any part of his constituency.”

38. When asked to give his comments on the statement made by the Chairperson, NHAI during his deposition before the Committee that he did not receive any communication and that the invitation cards were issued by the Ministry only, the Secretary, MoRTH submitted that he concurs with the statement made by Chairperson, NHAI.

He further stated:

“Sir, I admit that. I admit that there was a mistake on our part in not enforcing the 2011 DOPT circular. I deeply apologise for this error and would like to assure this august Committee that such lapses will not occur in future.”

39. When the Committee enquired as to whether they had contacted the MP later on, for having not included his name in the list of invitees, the Secretary replied in negative.

40. On being specifically asked to explain as to why the Umerkhed MLA's name was included in the invitation card and the name of Shri Rajeev Satav, MP of whose constituency Umerkhed is a part, was excluded in the invitation card, the Secretary, MRoTH submitted as under:

“Sir, I can only say that it was an error and we can say that we are deeply sorry for the error.”

41. In response to an observation made by the Committee that they (the Ministry) had invited a person who was not entitled and not invited a person who was entitled, the Secretary responded as under:-

“Sir, I can only reiterate my position. The earlier MoRTH circular item no. 4 says that `other invitees as will be decided by MoRTH'. So, there was a scope for MoRTH to invite people other than the Members of Parliament from Rajya Sabha and Lok Sabha. The error lay in the fact that we did not follow the circular of DOPT regarding an MP whose constituency falls in more than one district. We are deeply sorry for the error and we assure the House that it will not happen again in future. We have decided to follow the DOPT circular in its letter and spirit. We have issued two advisories before coming to this Committee from NHA I and from the Ministry to ensure that this does not happen again.”

42. On being pointed out as to what was the rationale for including the name of an MLA in the invitation card and excluding the name of a Member of Parliament in the invitation card and as to which DoPT instructions they had followed the decision, the Secretary, MoRTH replied as under:

“Sir, it is a genuine mistake and we apologise for the mistake....”

43. While drawing the attention to the factual note furnished by the NHAI to the Secretariat on 7<sup>th</sup> January, 2016, wherein it has been stated at para 3, that since the Foundation Stone Laying Ceremony was for Old National Highways Cement Concrete Road, New National Highways and Central Road Fund Sanctioned Works in Yavatmal city, therefore, it seems that there is no case of violation of protocol norms in the subject matter, the Committee sought the response of the Ministry in this regard. In response, one of the representatives of the MoRTH submitted as under:

“Sir, this reply of Chairperson, NHAI has to be seen in the context of the Ministry of Road Transport circular on who all can be called. To that extent, the Chairperson, NHAI when he had deposed before the Committee, had spoken.”

The witness further stated as under:

“After the Chairperson had met the Hon’be Committee, they had then reported to us that there is this circular which we have been violating which is

why the correction has happened after the Chairperson's presence and witnessing over here.”

44. In this regard, the Secretary, MoRTH clarified that the Chairperson, NHAI's submission was in perspective of the MoRTH circular. He probably did not take into account the fact that the DoPT circular supersedes the MoRTH circular and it is a later occurrence.

45. When asked to clarify as to whether he had agreed the statement given by the Chairperson, NHAI during his deposition before the Committee on 18 October, 2016, the Secretary, MoRTH clarified as under:

“Sir, there is a discrepancy. It was in the light of a circular which he may or may not have been aware of.”

46. To a pointed query whether they are going to change the definition of their (Ministry of Road Transport & Highways) circular that Member of Parliament, Lok Sabha representing the 'spot' where the function is being held, Member of the Legislative Assembly representing the spot where the function is being held, Shri Sanjay Mitra replied as under:

“We have to abide by the DoPT circular which is subsequent to this date. With humble respect I would like to submit that we are bound by the DoPT circular. The mistake was in not obeying the DoPT circular.”

47. When the Committee desired to know that since the project falls in the constituency of that particularly Member, is it not the duty of the MoRTH to invite the Member or print his name on the invitation card, the Secretary furnished as under:

“No. The old circular said, ‘spot’. Now, this new DoPT circular says – it is no longer the ‘spot’ – if the road passes through his constituency then you have to invite, not necessarily the ‘spot’.”

He stated further:

“I am in no position to modify the new guidelines. The guidelines have been issued by the DoPT which is the nodal body to issue guidelines for interaction of hon. Members and the people’s representatives. At this point in time, I can only reiterate that I will strictly follow the DoPT guidelines in future.”

48. On being pointed out that DoPT orders which were supposed to prevail, were issued in 2014 and as to why the Ministry have not followed the DoPT instructions till date, the Secretary accepted the error on their part and discrepancy noticed in their circular.

He further added:-

“Sir, we intend to blindly follow the DoPT circular. We will follow it hundred per cent. That is my assurance to the Committee.”

#### IV. Findings and Conclusions

**49. The main issue before the Committee is to determine:-**

Whether non-appearance of the name of Shri Rajeev Satav, MP in the Official invitation card printed by the National Highways Authority of India (NHAI) in connection with a function organized by them on 25 November, 2015 at Abhyankar Kanya Shala, Yavatmal, Maharashtra was in violation of the extant guidelines relating to Official dealings between the Administration and Members of Parliament and State Legislatures as brought out by DoPT.

#### **Protocol Guidelines**

50. The Committee at the threshold would like to recapitulate the extant protocol instructions as issued by the Department of Personnel and Training (DoPT), Ministry of Personnel, PG & Pensions *vide* Office Memorandum No. 11013/4/2011-Estt.(A) dated 01 December, 2011 on 'Official dealings between the Administration and Members of Parliament and State Legislatures-Observance of proper procedure'. These consolidated guidelines/instructions *inter-alia* provide as follows:

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

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- (v) 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 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 that constituency who have confirmed participation in these functions.

**It is clarified that if a constituency of any Member of Parliament is spread over more than one District, the MP should invariably be invited to all the functions held in any of the Districts which are part of his/her constituency (emphasis supplied).**

XXXX

- (vi) Where any meeting convened by the 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. It should also be ensured that there is no slip in any

matter of detail, however minor it may be. It should especially be ensured that:-

(a) Intimations regarding public meetings/functions are sent through speedier communication devices to the MPs, so that they reach them well in time; and

(b) That receipt of intimation by the MP is confirmed by the officer/official concerned.

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51. Further, the Ministry of Personnel, Public Grievance and Pensions (DoPT) *vide* their circular dated 19 November, 2014<sup>5</sup> have reiterated the aforementioned guidelines wherein it has been requested that all Ministries/Departments of the Central Government and the Chief Secretaries of all States/UTs to comply with the guidelines/instructions on protocol matters by all officials concerned, both in letter and spirit.

52. The Committee note that Shri Rajeev Satav, MP in his complaint as also in his deposition has contended that there was an omission of his name in the Official invitation card printed/circulated by NHAI in connection with the foundation

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<sup>5</sup> Appendix-IV

laying ceremony organized on 25 November, 2015 at Abhyankar Kanya Shala, Yavatmal, Maharashtra. Elaborating, the Member stated that since the Umarkhed Assembly segment, comes under Yavatmal district and is also part of Hingoli Parliamentary constituency, which is represented by him, his name ought to have been included by NHAI in their invitation card. The Member further contended that except his name, the names of all local MLAs, MLCs, MPs of the area were mentioned in the official invitation card including the name of Umarkhed MLA Shri Rajendra Waman Najardhane. The Member had felt that this act of NHAI was not only a clear discrimination against him but also caused humiliation to him amongst his constituents given the fact that almost 100 kilometers of the road passes through his constituency.

53. The Committee note that Shri Raghav Chandra, the then Chairperson, NHAI, in his deposition has stated that on the basis of instructions contained in the circular issued by the Ministry of Road Transport and Highways, which *inter-alia* states that M.P(LS/RS) representing the spot, where the function is being held should be extended invitation, they had accordingly invited MPs representing Yavatmal District, to the function which was held in Yavatmal. Since the road for which the inauguration function was held, did not pass through the Constituency of the Member, Shri Rajev Satav, he was not invited for the function. It has further been stated that the names of all those invited for the function was supplied by the Office of Hon'ble Minister of Road transport and Highways and they have merely followed the instructions. They have further stated it was not an error on their side

and there was no deliberate intention on their part to commit any such error. What has been done was as per the existing rules. The Chairperson had further stated that they were indeed very sorry if the Hon'ble MP has been hurt.

54. The Committee note that the DoPT guidelines dated 01 December, 2011 regarding 'Official Dealings between the Administration and Members of Parliament and State Legislatures-Observance of Proper Procedure' clearly provides that the Members of Parliament of the area should invariably be invited to public functions organized by a Government office. It is also clarified that if a Constituency of any Member of Parliament is spread over more than one District, the MP should invariably be invited to all the functions held in any of the Districts which are part of his/her constituency. In the instant case, the Committee observe that the Umarkhed Assembly segment, which comes under Yavatmal district, is a part of Hingoli Parliamentary Constituency, which was represented by Shri Rajeev Satav, MP and the NHAI as such, should have followed guidelines on protocol matters as issued by the DoPT while organizing such functions and ought to have invited the Member. The Committee note that NHAI, being a sub-ordinate office had religiously followed the instructions contained in the circular of the Ministry of Road Transport & Highways, and were blissfully unaware of the guidelines on Official dealings between the Administration and Members of Parliament and State Legislatures issued by DoPT. The Committee find that there was no deliberate intention on the part of NHAI in not extending invitation to the Member.

55. The Committee are dismayed to find that despite the fact that DoPT had issued comprehensive instructions/guidelines on 'Official dealings between the Administration and Members of Lok Sabha and State Legislatures' way back on 01 December, 2011 and followed by another consolidated circular on 19 November, 2014, wherein they have time and again reiterated strict enforcement of their guidelines and requested all Ministries/Departments of the Central Government and the Chief Secretaries of all States/UTs to comply with the guidelines/instructions on protocol matters by all officials concerned both in letter and spirit, the Committee are surprised to find that the NHAI/MoRTH were totally ignorant of DoPT guidelines and chose to follow their Department Circular dated 16 December, 2011, which states that names of MPs of Lok Sabha and Rajya Sabha and MLAs representing the spot where the function is being held are to be included in the List of invitees for the inaugural functions. However, during his deposition before the Committee, Shri Sanjay Mitra, Secretary, MoRTH had candidly admitted that their circular was not fully in consonance with the DoPT circular. The Committee express their deep concern over the lackadaisical approach as well as the casual manner in which the DoPT guidelines on Official dealings between the Administration and Members of Parliament were treated by MoRTH. The Committee urge upon MoRTH that requisite changes in their Department Circular be carried out immediately so as to bring it in consonance with DoPT guidelines so that such violation in future, can be obviated.

56. The Committee, however, take on record, the candid admission of their error by the Secretary, MoRTH during his deposition before the Committee that due to their oversight, requisite amendments could not be made in their Circular so as to make it consonant with the DOPT guidelines/instructions. The Committee also took on record the profound unconditional apologies tendered by the Secretary, MoRTH for the lapse on their part, and the assurance given by the Secretary, MoRTH that they will modify their departmental circular and ensure that such violation of protocol norms do not recur in future.

## V. RECOMMENDATION

*57. The Committee, after taking into consideration the totality of the circumstances of the case, which arose due to the discrepancy in the circular issued by the Ministry of Road Transport & Highways which was out of sync with the instructions/guidelines issued by the DoPT on protocol matters and keeping in view the unconditional apology and sincere regrets expressed by the Secretary, Ministry of Road Transport & Highways for the discrepancy in their Circular which had occurred due to their oversight and his further assurance to the Committee that they will modify it in accordance with the DoPT circulars dated 01 December, 2011 and 19 November, 2014 and comply with the instructions/guidelines on Official dealings with Members of Parliament and*

*State Legislatures both in letter and spirit, recommend that the matter may be allowed to rest.*

*58. The Committee, however, urge upon the Ministry of Road Transport & Highways to amend/rectify their Departmental Circular dated 16 December, 2011 in consonance with the extant guidelines issued by the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training (DoPT) at the earliest. The action taken in the matter may be furnished to this Secretariat within a period of three months from the date of laying of this Report on the Table of the House.*

**(Rayapati Sambasiva Rao)**  
**Chairperson,**  
**Committee on Violation of Protocol Norms and**  
**Contemptuous Behaviour of Government Officers**  
**with Members of Lok Sabha**

**NEW DELHI;**

**\_\_\_\_\_ August, 2018**