

No. 11013/4/88-Estt. A
Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)

....

New Delhi, dated 19 April, 88

OFFICE MEMORANDUM

Subject: CCS (Conduct) Rules, 1964 - Role of oral instructions in the transaction of Government business.

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The undersigned is directed to invite attention to the provisions of Rule 3 of the CCS (Conduct) Rules, 1964 and paras 25 to 28-C of Central Secretariat Manual of Office Procedure (extracts enclosed for ready reference) which define the scope and role of oral instructions in the transaction of Government business and also lay down the detailed procedure to be followed whenever it becomes necessary to give oral directions by a higher officer to a subordinate or when a member of the Personal Staff of the Minister communicates an oral order on behalf of the Minister. Instances have come to notice where the above provisions have not been followed.

2. The purpose for keeping a proper written record of policy decisions taken by the various Government functionaries, when action in this regard is to be initiated on the basis of oral instructions given by senior officers, is to ensure proper accountability of the decisions taken on important matters and have a record of the considerations leading to the decision. It is, therefore, reiterated that the procedure prescribed in the Manual of Office Procedure and the provisions of the Conduct Rules referred to above should be scrupulously followed at all levels in order to avoid ambiguity or doubts and to specify responsibility when important decisions are taken. It is clarified that these provisions apply equally to matters, which may be considered sensitive or secret. In such cases of sensitive nature, adequate care should however be taken to accord proper security classification to the relevant papers and to ensure their safe custody as envisaged in the Manual of Departmental Security Instructions.

3. Ministry of Agriculture etc. may please bring the above position to the notice of all administrative authorities under their control.

A. Jayaraman
(A. JAYARAMAN)
DIRECTOR (E)

To All Ministries/Departments of the Government of India.
with usual number of spare copies.

....2/-

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10. All officers and sections of the Ministry of Home Affairs and Ministry of Personnel, PG & Pensions.

A Jayaraman

(A. JAYARAMAN)
DIRECTOR (E)

Extract of Rule 3, of the CCS (Conduct) Rules, 1964.

- Rule 3(2)(ii) A 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.
- (iii) The direction of the official superior shall ordinarily be in writing. Oral directions 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.
- (iv) A Government servant who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

Extract from Manual of Office Procedure.

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Chapter V

5. Oral discussions - (1) All points emerging from discussions between two or more officers of the same department and the conclusions reached will be recorded on the relevant file by the officer authorising action.

(2) All discussions/instructions/decisions which the officer recording them considers to be important enough for the purpose, should be confirmed by all those who have participated in or are responsible for them. This is particularly desirable in cases where the policy of the government is not clear or where some important departure from the prescribed policy is involved or where two or more levels differ on significant issues or the decision itself, though agreed upon by all concerned, is an important one.

25.A. Oral instructions by higher officers - (1) Where an officer is giving direction for taking action in any case in respect of matters on which he or his subordinate has powers to decide, he shall ordinarily do so in writing. If, however, the circumstances of the case are such that there is no time for giving the instructions in writing, he should follow it up by a writing confirmation at his earliest.

(2) An officer shall, in the performance of his official duties, or in the exercise of powers conferred on him, act in his best judgement except when he is acting under instructions of an official superior. In the latter case, he shall obtain the directions in writing wherever practicable before carrying out the instructions, and where it is not possible to do so, he shall obtain written confirmation of the directions as soon thereafter as possible. If the officer giving the instructions is not his immediate superior but one higher to him in the hierarchy, he shall bring such instructions to the notice of his immediate superior at the earliest.

25 B. Oral orders on behalf of or from Minister - (1) Whenever a member of the personal staff of a Minister communicates to any officer an oral order on behalf of the Minister, it shall be confirmed by him in writing immediately thereafter.

(2) If any officer receives oral instructions from the Minister or from his personal staff and the orders are in accordance with the norms, rules, regulations or procedures they should be brought to the notice of the secretary (or the head of the department where the officer concerned is working in or under a non-secretariat organisation).

(3) If any officer receives oral instructions from the Minister or from his personal staff and the orders are not in accordance with the norms, rules, regulations or procedures, he should seek further clear orders from the secretary (or the

head of the department (in case he is working in or under a non-secretariat organisation) about the line of action to be taken, stating clearly that the oral instructions are not in accordance with the rules, regulations, norms or procedures.

25 C. Confirmation of oral instructions-(1) If an officer seeks confirmation of an oral instruction given by his superior, the latter should confirm it in writing whenever such confirmation is sought.

(2) Receipt of communications from junior officers seeking confirmation of oral instructions should be acknowledged by the senior officers or their personal staff, or the personal staff of the Minister, as the case may be.