

No. 11013/12/76-Est. (A)  
Government of India/Bharat Sarkar  
Department of Personnel & A.R.  
Karmik aur Prashasanik Sudhar Vibhag  
Ministry of Home Affairs/Grih Mantralaya  
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New Delhi, the 1<sup>st</sup> Aug., 1976

OFFICE MEMORANDUM

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

The undersigned is directed to say that recently the practice adopted by the senior officials and the personal staff of the Ministers in conveying oral instructions to their subordinates has been brought to the notice of the Department of Personnel & A.R. It has further been suggested to this Department that the role of oral instruction in the transaction of business of the Government has to be defined and definite guidelines set down. The matter has been carefully examined and the Government has taken the decisions contained in the succeeding paragraphs.

2. The role of oral instructions in the transaction of business of Government has already been specified under sub-rule 2(ii) of Rule 3 of the CCS (Conduct) Rules, 1964, which, inter alia, provides as follows:

"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 and shall, where he is acting under such direction, obtain the direction in writing, where-ver practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible."

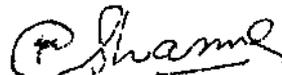
The purport of this rule is that there shall be on record a written direction from the authority under whose orders the relevant decision or action is taken. It follows from this that where action is taken in accordance with the direction of the Minister, it would be the responsibility of the Secretary to obtain such direction in writing before further action is taken or where this is not practicable, to seek confirmation thereof immediately thereafter. Clarificatory instructions were issued vide this Department's O.N.No.11013/18/76-Estt(A), dated 7.2.77 to the effect that it is the duty of the superior official giving the direction to confirm it in writing when such confirmation is sought by his subordinates. It is not open to the superior officer to refuse to confirm in writing the direction given by him orally, just as it is open to him to state immediately that no such direction was given.

4. In the light of the aforesaid provisions of the Conduct Rules, and the instructions issued thereunder, it is impressed upon all Government servants that -

- (i) oral instructions should not, as far as possible, be issued by senior officers to their subordinates;
- (ii) if the oral instructions are issued by any senior officer they should be confirmed by him in writing immediately thereafter;
- (iii) if a junior officer seeks confirmation to the oral instructions given by the senior, the latter should confirm it in writing whenever such confirmation is sought;
- (iv) a junior officer who has received oral orders from his superior officer should seek confirmation in writing as early as practicable;
- (v) whenever a member of the personal staff of a Minister communicates an oral order on behalf of the Minister, it should be confirmed by him in writing immediately thereafter.
- (vi) if a junior 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, as the case may be, for information;
- (vii) if a junior 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, they should seek further clear orders from the Secretary or the Head of the Department, as the case may be, 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.

5. Since the personal staff of Ministers whether belonging to organised services or otherwise are governed by the provisions of the Conduct Rules, 1964, they are also required to observe the orders outlined in the preceding paragraph.

6. Ministry of Finance etc. are requested to give wide publicity to these orders amongst the Government servants working in the main Ministry and their attached, subordinate and field offices.



(K.C. SHARMA)

JOINT SECRETARY TO THE GOVT. OF INDIA.

To

All Ministries/Departments of the Govt. of India, with usual number of spare copies.

...3.

No.11013/12/78-Estt(A), dated the 1<sup>st</sup> Aug., 1978

Copy forwarded to:-

1. The Comptroller and Auditor General of India, New Delhi, with usual number of spare copies.
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5. All Union Territory Administration.
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7. Lok Sabha/Rajya Sabha Secretariat.
8. All Attached and Subordinate Offices of the Department of Personnel & A.R. and the Ministry of Home Affairs.
9. All Sections of the Department of Personnel & A.R. and the Ministry of Home Affairs.
10. Members, Staff Side, National Council (JCM).
11. Ministry of Home Affairs with reference to their file No. VI/11020/45(20)/78-Com.Sec.
12. Information Officer, Ministry of Home Affairs for giving wide publicity to the instructions in the above office memorandum.



(K.C. SHARMA)

JOINT SECRETARY TO THE GOVT. OF INDIA.