DEPARTMENT OF LAW, JUSTICE AND PARLIAMENTARY AFFAIRS

WARRANT OF PRECEDENCE, PROTOCOL, PRIVILEGES & AMENITIES TO THE MEMBERS OF STATE LEGISLATURE

2013
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GOVERNMENT OF JAMMU AND KASHMIR
HOSPITALITY & PROTOCOL DEPARTMENT

Subject:—J&K State Warrant of Precedence.

Reference:—Cabinet Decision No. 110/10 dated 4th of July, 2001


In supersession of the Government Order No. H&P-01 of 1983 dated the 12th January, 1983, it is ordered that the Warrant of Precedence/Order of Precedence forming Annexure to this Order shall be observed at all National and State functions in the Jammu and Kashmir State.


(Sd.)........................

Special Secretary to Government,
Hospitality & Protocol Department.
Annexure to


1. President of India.
2. Vice president of India.
3. Prime Minister of India.
4. Governor
5. Chief Minister.
6. Chief Justice of India.
7. Speaker of Lok Sabha.
8. Former Presidents.
9. Cabinet Ministers of Union.
   Chief Minister of States.
   Deputy Chairman, Planning Commission
   Former Prime Ministers.
   Leader of Opposition in Rajya Sabha and Lok Sabha.
10. Speaker, Legislative Assembly.
    Chairman, Legislative Council.
    Chief Justice.
11. Holders of Bharat Ratan Decoration.
12. State Cabinet Ministers.
    Minister of States.
13. Leader of opposition in Legislative Assembly.
    Leader of opposition in Legislative Council.
14. Ambassadors extraordinary and plenipotentiary and High
    Commissioners of Common Wealth Countries accredited to India.
    Chief Ministers of States outside their respective State.
    Governors of States outside their respective State.
15. Judges of Supreme Court.
    Comptroller and Auditor General of India.
17. Deputy Chairman Rajya Sabha.
    Deputy Chief Ministers of State.
    Deputy Speaker Lok Sabha.
    Members of Planning Commission.
    Minister of State of the Union.
   Ministers of State.
   Deputy Speaker, Legislative Assembly.
   Deputy Chairman, Legislative Council.

19. Attorney General of India.
   Cabinet Secretary.
   Lieutenant Governors within their respective Union Territories.

20. Deputy Ministers Central.
   Governor, Reserve Bank of India.

21. Chief of Staff holding the rank of full General or equivalent rank.

21-A. Member of Parliament.

21-B. Member of Assembly/Council.

22. Chief Secretary.

   Chairman, Public Service Commission.
   Army Commanders.
   Lieutenant Governors outside their respective Union Territories.

24. Envoys extraordinary and Ministers Plenipotentiary accredited to India.

25. Financial Commissioner.
   Director General of Police.
   Lieutenant General.
   Members of Public Service Commission.
   Principal Secretary of Government.
   Additional Secretaries to Government of India.
   Additional Chief Secretary.
   Vice Chancellors.
   Director General Central Bureau of Investigation.
   Director General Border Security Force.
   Director General Central Reserve Police.
   Director General Intelligence Bureau.
   Principal Chief Conservator of Forests.
   Additional Director General.
   Accountant General.

26. Commissioners (Super Time Scale).
   Divisional Commissioners.
   Inspectors General Police.
   Major General.
   Joint Secretaries to the Government of India and officers of equivalent rank.

27. Officers holding Selection Grade in IAS and their equivalents.
   Secretary of Government and other Senior Scale IAS officers.
   Major Heads of Department.
   Deputy Commissioner of the District.
   Officers holding Super Time Scale in IPS/IFS.
   District and Session Judges of the District.
   Brigadiers and their counterparts in Air Force/Navy.
   Deputy Inspectors General of Police other than IPS.
   Senior Scale IPS/IFS Officers.
   Additional Secretaries to Government in KAS Selection Grade.
   District Superintending Engineers.
   Registrar, High Court.

28. Other Heads of Departments.
   Station Director, Radio.
   Station Director, Doordarshan.
   Other Officer in Junior Scale of IAS/IPS/IFS.
   Other Divisional level officers, but other than the Divisional.
   Commissioner and Deputy Inspector General of Police of the Division.
   Other Officer including District Level officers of the District.

(Sd.) ................................
Under Secretary to Government,
Hospitality and Protocol Department.
GOVERNMENT OF JAMMU AND KASHMIR
HOSPITALITY & PROTOCOL DEPARTMENT

Subject:—J&K State Warrant of Precedence.


Dated 05-04-2002.

In partial modification of Government Order No. 13-H&P of 2001 dated the 16th of July, 2001 issued on the subject, it is ordered that after entry 21 of annexure the following entries shall be inserted namely:

"21-A Members of Parliament.
21-B Members of Legislative Assembly and Members of Legislative Council."

Entries 25 and 26 in the said annexure shall be deleted.


(Sd.)........................

Secretary to Government,
Hospitality & Protocol Department.
GOVERNMENT OF JAMMU AND KASHMIR,
GENERAL ADMINISTRATION DEPARTMENT,
(ADMINISTRATION SECTION)
CIVIL SECRETARIAT—SRINAGAR.

Subject :- Privilege/immunities to the Hon'ble Legislators—Joint meeting of the Hon'ble Members of the House Committee on Privileges with the Chief Secretary and other senior officers of the State Administration held on 09-07-2009 in the new Assembly Complex, Srinagar under the Chairmanship of Hon'ble Speaker.

Circular No. 33-GAD of 2009.

Dated 16-07-2009.

The Hon'ble Speaker was pleased to take a joint meeting of the Hon'ble Members of the House Committee and the Committee on Privileges with the Chief Secretary and other senior officers of the State Administration on 09-07-2009 in the Legislative Complex, Srinagar. The issues pertaining to the privileges/immunities of the Hon'ble Legislators were discussed. Based on the discussions held, the following instructions are hereby reiterated/conveyed for information and action by all the concerned:

1. The D. O. letters addressed by the Hon'ble Legislators to the senior officers shall be promptly acknowledged and in due course, the Hon'ble Members informed of the action taken or proposed to be taken by the department on such matters.

2. The Hon'ble Legislators shall be consulted in matters pertaining to the formulation of the District Plans and developmental schemes pertaining to their constituencies. Further, the Hon'ble Legislators shall also be consulted on matters relating to the formulation and implementation of the Centrally Sponsored Schemes like BADP/TSP/SCP in accordance with the guidelines of the Government of India pertaining to such schemes.

3. The Hon'ble Legislators shall be invited to all the major official functions like laying of foundation stones, inauguration of major development projects in their respective constituencies. The Hon'ble Legislators shall also be invited to major official functions of the State and they shall be allotted seats strictly as per the protocol.
4. Due protocol and courtesy shall be extended by the officers to the Hon'ble Legislators during their visit to Government offices. Further, whenever any Hon'ble Legislator indicates his desire to meet an officer for discussing any public related issues, the appointment shall be fixed on the same day, if the officer is at the headquarters but if it is not possible to do so for unavoidable reasons, a meeting shall be arranged at the earliest as per the mutual convenience. Arrangements should be in place with a view to ensuring that no Hon'ble Legislator is put to any inconvenience on this account.

The instructions are brought to the notice of all the Administrative Secretaries, all the Heads of the Departments, all the Deputy Commissioners and the officers of the J&K Police for information and strict compliance.

(Sd.) BASHARAT AHMED DHAR,
Commissioner/Secretary to Government,
General Administration Department.
GOVERNMENT OF JAMMU AND KASHMIR,
GENERAL ADMINISTRATION DEPARTMENT,
(ADMINISTRATION SECTION)
CIVIL SECRETARIAT—SRINAGAR.

Circular No. 26-GAD of 2012.

Dated 30-08-2012.

Attention of all Administrative Secretaries, all Heads of the Departments, all Deputy Commissioners and the Officers of J&K Police is invited to the Circular No. 33-GAD of 2009 dated 16-07-2009 issued by the General Administration Department wherein instructions regarding privileges/amenities of the legislatures have been notified.

It has come to the notice that the instructions issued earlier are not being strictly adhered to.

It is, therefore, enjoined upon all concerned to follow the instructions issued vide Circular No. 33-GAD of 2009 dated 16-07-2009 in letter and spirit.

(Sd.) SHEIKH MUSHTAQ AHMAD, IAS,
Secretary to Government,
General Administration Department.
Subject: —Privilege/Amenities to the Hon’ble Legislators—Meeting of the Committee on Privileges held on 28.08.2012 under the Chairmanship of Shri Harsh Dev Singh, Hon’ble MLA.

Circular No. 29-GAD of 2012

Dated 21-09-2012.

Attention of all Administrative Secretaries, both Divisional Commissioners, all Heads of the Departments, all Deputy Commissioners and the Officers of J&K Police is invited to the Circular No: 33-GAD of 2009 Dated 16.07.2009 and No: 26-GAD of 2012 dated 30.08.2012 wherein detailed instructions regarding privileges/amenities of the Hon’ble legislators have been notified.

The Committee on Privileges in its meeting held on 28.08.2012 under the Chairmanship of Shri Harsh Dev Singh Hon’ble MLA discussed 1st Report of the Committee on Privileges and the issue of the privileges/amenities of the Hon’ble Members. Among other decisions taken in the meeting, it was decided that General Administration Department will reiterate the instructions circulated earlier.

Accordingly, the following instructions are hereby reiterated/conveyed, in continuation to the earlier Circular instructions, for information and strict adherence by all concerned:—

1. Every Officer shall show courtesy and consideration to the Hon’ble Members of the State Legislature by listening patiently to what the members have to say in discharge of their duties as public representatives.

2. Every Officer shall help the members of the State Legislature in discharge of their responsibilities and if any officer is unable to accede to the request, the reason for his inability be explained to the member.

3. During official functions, seating arrangements for the members of the State Legislature should be as per the Warrant of Precedence notified by the
Government. At public functions, the seats meant for members should be blocked and kept reserved till the completion of the function.

4. Members of the State Legislatures shall have the prerogative to inaugurate the developmental schemes and projects in their respective Assembly constituencies and lay foundation stones in absence of respective Ministers. Local Administration shall render all possible assistance and cooperation in organizing these as departmental functions. In case the Hon'ble Minister is to inaugurate a scheme or project, the Hon'ble MLA needs to be informed and actively associated.

5. The information provided to members of the State Legislature in response to letters, queries or in reply to AQs/CQs should be true and correct to the best knowledge and belief of the answering government functionary.

(Sd.) SHEIKH MUSHTAQ AHMAD, IAS
Secretary to Government,
General Administration Department.
GOVERNMENT OF JAMMU AND KASHMIR,
GENERAL ADMINISTRATION DEPARTMENT,
(ADMINISTRATION SECTION)
JAMMU

Subject: — Privilege/Amenities to the Hon'ble Legislatures.

Circular No. 07-GAD of 2013.
Dated 06-03-2013.

Attention of all Administrative Secretaries, both Divisional Commissioners, all Heads of the Departments, all Deputy Commissioners and the Officers of J&K Police is invited to the Circulars No. 33-GAD of 2009 dated 16.07.2009, No. 26-GAD of 2012 dated 30.08.2012 and No. 29-GAD of 2012 dated 21.09.2012 wherein detailed instructions regarding privileges/amenities of the Hon'ble Legislators have been notified.

In furtherance of the above, following instructions are hereby conveyed, for information and strict adherence by all concerned:—

1. Where a communication is addressed to a Minister or a Secretary to the Government, it should as far as practicable, be replied to by the Minister or the Secretary himself as the case may be. Where it is not practicable for the Minister to reply, a reply should normally be issued under the signature of an officer of the rank of Secretary to the Government.

2. Where a communication is addressed to the Head of an attached or subordinate office, Public Sector Undertakings, Financial Institutions (including nationalized banks) Division/Branch in-charge in a Department/Organization, it should be replied to by the addressee himself. In such cases, care may be taken to ensure that wherever policy issues are involved, approval of the competent authority is obtained before a reply is sent. It should, however, be ensured that the minimum level at which such replies are sent to Members of Legislature is that of Under Secretary and that also in a polite letter form only.

3. Information sought by a Member of Parliament/State Legislature should be supplied unless it is of such a nature that it would have been denied to him, if similar information had been sought in the Legislature.
4. While corresponding with Members of Parliament/State Legislature, it should be ensured that the letter is legible. Pre-printed or cyclostyled replies should be scrupulously avoided.

5. In case a reference from an ex-member of State Parliament/Legislature is addressed to a Minister or Secretary, reply to such reference may be sent by the concerned Special/Additional/Deputy Secretary after obtaining approval of the Secretary of the Department.

6. In case the reference is addressed to a lower level officer, reply to such reference could be sent by the officer on his own in non-policy cases and after obtaining approval of the higher authorities in policy cases. Here also, it may be ensured that the minimum level at which a reply is sent is that of an Under Secretary and that too in a polite letter form only.

7. Each communication received from Member of Parliament/State Legislature, a member of the public, a recognized association or a public body will be acknowledged within 15 days followed by a reply within the next 15 days of acknowledgment sent.

8. Where a delay is anticipated in sending a final reply, or where the information has to be obtained from another department or another office, an interim reply may be sent within a month (from the date of receipt of the communication) indicating the possible date by which a final reply can be given.

9. If any such communication is wrongly addressed to a department, it should be transferred promptly (within a week) to the appropriate department under intimation to the party concerned.

10. While the Government servants should consider carefully or listen patiently to what the Members of Parliament/State Legislature may have to say, the Government servant should always act according to his own best judgment and as per the rules.

11. Any deviation from an appointment made with a Member of Parliament/State Legislature must be promptly explained to him to avoid any possible inconvenience. Fresh appointment should be fixed in consultation with him.

12. An officer should be meticulously correct and courteous and rise to receive and see off a Member of Parliament/State Legislature visiting him. Arrangements may be made to receive the Members of Parliament/State Legislature when, after taking prior appointment, they visit the officer of the State Government. Arrangements
may also be made to permit entry of vehicles of the Members of these Offices, subject to security requirement/restrictions.

13. Where any meeting convened by the Government is to be attended by Members of State Legislature, 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 manner of details, 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 Members of State Legislature so that they reach them well in time, and

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

14. Information or statistical relating to matters of local importance must be furnished to the MPs, MLAs and MLCs when asked for. The information so supplied should be specific and answer the points raised.

15. If the information sought by a Member of State Legislature cannot be given and is to be refused, instructions from a higher authority should be taken and the reasons for not furnishing the information should be given in the reply.

16. References from the Committees of State Legislature must be attended to promptly.

17. The officers should not ignore telephonic messages left for them by the Members of Parliament/State Legislature in their absence and should try to contact at the earliest the Member of Parliament/State Legislature concerned.

18. All Departments may ensure that the powers of Members of State Legislature as Chairpersons/Members of Committees under various Centrally Sponsored/ Central Sector government scheme are clearly and adequately defined and

19. A Government servant should not approach MPs, MLAs and MLCs for sponsoring his/her individual case as bringing or attempting to bring political or non official or other outside influence is prohibited under Rule 17 of the J&K Government Employees (Conduct) Rules, 1971.

(Sd.) SHEIKH MUSHTAQ AHMAD, IAS,
Secretary to Government,
General Administration Department.