

COMMITTEE ON SUBORDINATE LEGISLATION
(2017-2018)

(SIXTEENTH LOK SABHA)

TWENTY-EIGHTH REPORT

**The Indian Foreign Service (Recruitment, Cadre, Seniority and Promotion) Rules,
1961 framed under Article 309 of the Constitution**



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI**

July, 2018/Ashadha, 1940 (Saka)

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(PRESENTED TO LOK SABHA ON 24.7.2018)



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COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION
(16th LOK SABHA)
(2017-2018)

Shri Dilipkumar Mansukhlal Gandhi

Chairperson

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2. Shri Idris Ali
3. Shri Birendra Kumar Choudhary
4. Shri S. P. Muddahanumegowda
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12. Adv. Narendra Keshav Sawaikar
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SECRETARIAT

- | | | | |
|----|----------------------|---|----------------------|
| 1. | Smt. Sudesh Luthra | - | Additional Secretary |
| 2. | Shri Ajay Kumar Garg | - | Director |
| 3. | Smt. Jagriti Tewatia | - | Deputy Secretary |

INTRODUCTION

I, the Chairperson, Committee on Subordinate Legislation having been authorised by the Committee to submit the report on their behalf, do present this Twenty-eighth Report.

2. The matters covered by this Report were considered by the Committee on Subordinate Legislation at their sitting held on 24.1.2017 during which oral evidence of the representatives of Ministry of External Affairs were taken.
3. The Committee considered and adopted this Report at their sitting held on 23.4.2018.
4. Minutes of the Seventh Sitting of the Committee (2016-17) held on 24.1.2017 and. Minutes of the Thirteenth Sitting of the Committee (2017-18) held on 23.4.2016 relevant to this Report are included in Appendix-I of the Report.

DILIPKUMAR MANSUKHLAL GANDHI

**Chairperson,
Committee on Subordinate Legislation**

**New Delhi;
23 April, 2018
03 Vaisakha , 1940 (Saka)**

REPORT

PART-I

The Indian Foreign Service (Recruitment, Cadre, Seniority and Promotion) Rules, 1961 framed under Article 309 of the Constitution

Introduction

The Indian Foreign Service was constituted in 1946 through a Cabinet decision to create a dedicated diplomatic service responsible for India's Foreign Policy engagements. In 1948, the first batch of Foreign Service Officers were recruited through the Civil Service Examination of the Union Public Service Commission and this mode of recruitment is prevailing since then. The Indian Foreign Service is an organized Group A service and the Ministry of External Affairs is the Cadre Controlling Authority.

2. The Indian Foreign Service (Recruitment, Cadre, Seniority and Promotion) Rules, 1961 were framed under Article 309 of the Constitution and notified by Ministry of External Affairs in 1961. The Rules came into force w.e.f 1 April, 1962. The promotion rules for Indian Foreign Service Officers have been clearly provided in the Indian Foreign Service (Recruitment, Cadre, Seniority and Promotion) Rules, 1961. The eligibility conditions for promotion of Indian Foreign Service Officers from Grade IV, III and II of IFS to Grade III, II and I respectively are guided by provisions under Rule 12 of Indian Foreign Service (Recruitment, Cadre, Seniority and Promotion) Rules, 1961 [IFS (RCSP) Rules, 1961] which prescribes minimum eligibility conditions for promotion to various grades of IFS in terms of total length of service and service at the grade from which the officer is promoted.

3. In this regard, in a representation received by the Committee in respect of the above recruitment rules, it was alleged that illegalities and irregularities are being practiced by the Ministry of External Affairs in the promotion of officers from Indian Foreign

Service Grade IV (i.e. Director) to Indian Foreign Service Grade III (i.e. Joint Secretary) and the following issues were inter-alia brought to the notice of the Committee:-

"The promotion rules for Indian Foreign Service Officers have been clearly provided in the Indian Foreign Service (Recruitment, Cadre, Seniority, Promotion) Rules, 1961 which have been framed under proviso to Article 309 of the constitution of India and duly notified as such in the Gazette of India. Sub Rule 5 of the Rule 12 of the said Rules states as under as far as promotion to Grade III from Grade IV of IFS is concerned:

"(5) For promotion from Grade IV to Grade III of the Service, minimum eligibility shall be two years of regular service in Grade IV and a total of seventeen years of qualifying service in the Indian Foreign Service.

Apart from the above, no other eligibility conditions or essential requirement has been prescribed under the Rules.

Deviating from the above rules framed under Article 309 of the Constitution and without amending them, the then Foreign Secretary, Shri Shiv Shanker Menon issued a letter on 24 July, 2008 annexing with it certain norms which provided for additional essential requirements/conditions for considering promotion of IFS officer from Grade IV of IFS (Director) to Grade III of IFS (Joint Secretary). The additional conditions provided for the said promotion includes, inter-alia, a requirement for serving for two years abroad in a mission/post at the level of First Secretary/Counsellor and serving for two years at the Head Quarter of the Ministry of External Affairs in New Delhi at the level of Under Secretary/Deputy Secretary/Director. Based on this letter which is essentially an executive instruction, the Ministry of External Affairs has been illegally denying/delaying promotion to officers who have not served for two years abroad in a Mission/Post or in the Head Quarter of the Ministry.

It has been a settled law that promotion is a condition of service Accordingly the Supreme Court declared the executive instructions prescribing addition to the rules already framed under article 309 as void.

That Apart, the additional conditions for promotions of IFS officer provided by the aforesaid letter of 24th July, 2008 of the then Foreign Secretary is also violative of article 14 and 16 of the Constitution of India in as much as the power to post an officer lies with the Ministry itself and it is not in the hand of the officer concerned to decide whether he would serve at the Head Quarter of the Ministry in Delhi or in an Embassy/Mission abroad at a particular level. Thus it is beyond the control of an officer to decide his place of posting at a particular point of time and, therefore, an

officer's legal and fundamental right of promotion cannot be denied to him if the Ministry has not posted him in a particular way at a particular point of time."

4. The Committee, therefore, decided to examine the matter and obtained written replies from the Ministry of External Affairs on the issues raised in the above representation. After examination of the written replies, the Committee took oral evidence of the representatives of the Ministry of External Affairs on 24.01.2017. Thereafter, post-evidence replies of the Ministry of External Affairs were also obtained. The matter was also referred to the Ministry of Personnel, P.G. & Pensions (Department of Personnel and Training) for furnishing their comments and the Department of Personnel and Training (DoPT) furnished their comments vide their OM dated 26 April, 2017. The entire issue has been brought out in the succeeding paragraphs.

Revised Procedure and norms for promotion to Grade III, II & I of Indian Foreign Service

5. As far as promotion to Grade III from Grade IV of IFS is concerned, Sub Rule 5 of Rule 12 of the IFS (RCSP) Rules 1961 states as under:-

"(5) For promotion from Grade IV to Grade III of the Service, minimum eligibility shall be two years of regular service in Grade IV and a total of seventeen years of qualifying service in the Indian Foreign Service."

Apart from the above, no other eligibility conditions or essential requirement has been prescribed under the Rules. However, during examination it was noticed that without amending the aforesaid Rules framed under Article 309 of the Constitution, the then Foreign Secretary issued a letter on 24 July 2008 (Annexure-I) annexing with it certain norms which provided for additional essential requirements/conditions for considering promotion of IFS officer from Grade IV of IFS (Director) to Grade III of IFS (Joint Secretary). The additional conditions provided for the said promotion includes, inter-alia, a requirement for serving for two years abroad in a mission / post at the level of First Secretary/Counsellor and serving for two years at the Head Quarter of the Ministry of

External Affairs in New Delhi at the level of Under Secretary /Deputy Secretary /Director. Based on this letter, which is essentially an executive instruction.

6. The Committee noted that, the then Foreign Secretary vide his D.O.No.6923/FS/08 dated 24.07.2008 circulated approved instructions for the revised benchmarks for promotion to Grades III, II and I of Indian Foreign Service among all officers of the Service, which inter-alia stated as under :-

"....There are some significant changes in the revised benchmarks as compared to the existing norms. In the system prevalent hitherto, the last 5 ACRs were taken into consideration by the DPC. It has now been decided to consider the last 10 ACRs so that the impact of deviation from normal levels of performance of an officer gets minimized. Training has been made an essential condition for consideration after promotion to Grades III and II. Weightage has been assigned for those serving in difficult stations and in other Ministries. Importance has been given to all round experience in both Headquarters and Missions/Posts...."

7. When asked about the genesis behind issuance of letter dated 24.7.2008, the Foreign Secretary, Ministry of External Affairs during the oral evidence before the Committee on 24.1.2016 stated as under :

"In 2005, the Appointments Committee of the Cabinet had directed the Ministry to carefully study, in consultation with DoPT, the upward revision of benchmark for promotion of officers of the Indian Foreign Service. With a view towards ensuring more transparent and objective appraisal system leading to higher morale, greater efficiency and optimum performance, and in line with the directive of ACC, the revised guidelines and norms for promotion to Grade III and above of Indian Foreign Service, were formulated. In accordance with these directives, the Ministry undertook a comprehensive review of the promotion policy for a senior person in the Indian Foreign Service.

The provision for evaluation of 10 years of Annual Performance Appraisal Reports was brought in, to *inter-alia* maintain parity between evaluation criteria followed for promotion of officers of other All India and Central Services and that of IFS.

Essential requirements such as completing a mandatory mid-career training and work experience in terms of service at Headquarters and Missions, Posts abroad were included in the promotion guidelines for IFS. These guidelines were formulated in extensive consultations with Department of Personnel and Training and Cabinet Secretariat over a period of close to three years to ensure the promotion criteria are objective and transparent. Cabinet Secretariat conveyed that the guidelines were approved by the competent authority.

The exercise took into account Reports of various Committees of the Government of India, practices followed in other countries and widespread consultations, which were conducted in the Ministry.

After several rounds of consultations with DoPT and Cabinet Secretariat, and based on the approval of the competent authority as conveyed by Cabinet Secretariat, the new guidelines for promotion to Grade I, Grade II and Grade III of IFS were circulated on July 24, 2008. These guidelines have been implemented in a phased manner so that no officer is adversely affected, and have been followed meticulously in the Ministry for all promotions to Grade III and above since 2008-09. More than 350 officers have been promoted to senior administrative grade, higher administrative grade and apex scale since the guidelines have been implemented in the Ministry in 2008....

..... These guidelines have brought in quality improvement in the service delivery, incentivise the officers to perform with utmost dedication, gain diverse experience that the service has to offer and take up challenging assignments in difficult stations overseas."

8. The Foreign Secretary, Ministry of External Affairs further stated as under :

"..... The key provision is Rule 12 of, what we call, the RCSP Rules, 1961. What it does is, it lays down the minimum eligibility condition for different grades. It does not say, this will be the only condition. It basically addresses some key points. For example, it says that in the case of promotion to Grade III from Grade IV, this will be the number of years of service and you have to do so much in Grade IV. When you go to the next level, again it says. For example, in the case of Grade I, you have to have 30 years of service. Grade I is a Secretary rank; Grade II is an Additional Secretary rank. In the case of Grade II, you need 25 years of service. In the case of Grade III, Joint Secretary, you need 17 years of service. Now, this is laid down as a minimum requirement. It can happen sometimes that – it is not an entitlement – you can have 17 years and if, for example, there are no posts, sometimes there can be a delay in promotion.....

.....people who have experience in working in embassies who also have experience in working in Ministry, who have experience in working in difficult stations, who have experience in working in other Ministries, so, we are trying to get the best out of foreign service, we would like them to be as diversified and as experienced as possible. So, it is our endeavour to set out some additional requirements. Now, there is nothing in RCSP which prevents us from doing so.this is the broad approach which is followed by other services also which is that if you have to put additional detail or introduce additional eligibility conditions to improve or upgrade the quality of services, this is done by other services in other Ministries and that they get approval of DoPT and eventually get the approval of the competent authority and the ACC in that case".

9. In this regard, the Ministry of Personnel, P.G & Pensions (Department of Personnel and Training) with whom the matter was taken up in their written reply submitted as under:-

"As regards genesis of the issue of D.O.No.6923/FS/08 dated 24.07.2008 by the Ministry of External Affairs, in August, 2005, the Appointments Committee of the Cabinet directed the Ministry of External Affairs to carefully study, in consultation with the Department of Personnel and Training (Establishment Division, the need for an upward revision in the benchmark criteria for promotion of officers of the Indian Foreign Service, to Grade I and Grade II level posts in the Service.

In view of the directive of ACC, the Ministry of External Affairs undertook a comprehensive exercise to review the benchmark for promotions to senior posts in the Indian Foreign Service. While consulting the Department of Personnel & Training on their subsequent proposal for revising the benchmark for promotion to Grades III,II and I of the Indian Foreign Service, the Ministry, vide their D.O. No.14462/FS/2006 dated 02.01.2006, had stated that apart from studying the practices that were being followed by Foreign Services of various other countries, the above exercise took into account reports of various Committees to the Government of India on promotions including the Surendranath Committee appointed by the Department of Personnel and Training and Lambah Committee of the Ministry of External Affairs.

After extensive consultations with the DOP&T and the Cabinet Secretariat, the revised procedure and norms for promotion to Grade III, II and I of Indian Foreign Service were concurred by the competent authority, which was conveyed to the Ministry by the Cabinet Secretariat vide its Note No.9-13/2006-CS(A) dated 26.06.2008. Subsequently, the Ministry, vide their D.O.No. SS(AD)-2248/08 dated 28.07.2008, conveyed to the Cabinet Secretariat their decision to implement the

revised benchmark (with modifications of minor nature as approved by the Minister-in-charge) with immediate effect in the meantime, the then Foreign Secretary, vide his D.O. No. 6923/FS/08 dated 24.07.2008, circulated approved instructions for the revised benchmarks for promotion to Grades III, II and I of Indian Foreign Service among all officers of the Service."

The Ministry of Personnel, P.G & Pensions (Department of Personnel and Training) further submitted:-

"The guidelines contain provisions which are aimed at bringing in quality and transparency in promotion to senior level posts in the Foreign Service. As per the guidelines, instead of the last five ACRs being taken into consideration by the DPC, this was extended to last ten ACRs so that the impact of deviation from normal performance could be minimized. Training was also made as essential condition for promotion to Grade III and Grade IV. Weightage was given to those who served in difficult stations and on deputation, in order to incentivize officers to volunteer the benchmark for promotion was revised upwards. These are matters of procedure and are intended to prescribe higher benchmark for promotion to senior levels in the Service commensurate with the job requirements.

It may be noted that the requisite qualifying service prescribed in the Indian Foreign Service Rules, 1961 for promotion to Grades III,II and I of Indian Foreign Service have not been altered by these revised benchmarks issued vide letter dated 24.07.2008. The instructions contained in the letter dated 24.07.2008 have been issued after the Inter-Departmental consultations, and the approval of the Minister-in-charge. Moreover, Secretary, DOP&T has been an integral part of the Committee which considers the officers for promotions.

Thus the instructions contained in the letter dated 24.07.2008 were issued after the Inter-Departmental consultations prescribed under Rule 4(4) of the Government of India (Transaction of Business) Rules, and after the approval of the Minister-in-charge who has been delegated the powers of the President in terms of Rule 3 of the Government of India (Transaction of Business) Rules, had been obtained before issuing the instructions".

10. Further elaborating in detail the functions of Indian Foreign Services and the broad factors that are taken into consideration for evaluating a IFS officer, the Foreign Secretary,

Ministry of External Affairs during the oral evidence held on 24.1.2017 briefed the Committee as under :-

" The Indian Foreign Service was constituted in 1946 through a Cabinet decision as a dedicated diplomatic service responsible for India's Foreign Policy engagements. Since its inception, the Indian Foreign Service has evolved as a professional institution spearheading India's ever-increasing global presence. Indian Foreign Service Officers are posted at senior levels in 184 Missions and Posts abroad and in important positions in the Headquarters of the Ministry, its Subordinate Offices in India and in other Government of India Ministries and Departments with significant international interface.

By its very nature, the Foreign Service is different from other Services, All India or Central Government Services that operate in a domestic environment. In contrast, Foreign Service Officers are expected to learn foreign languages, immerse themselves in foreign cultures and learn to work efficiently in foreign environment. Not just that, they are often given months, if not weeks, to adjust to new surroundings and shoulder major responsibilities.

The Indian Foreign Service is a very field driven service with roughly three-fourths of its human resources deployed abroad. Even the nature of deployment is very different as Heads of Missions and Posts are delegated substantial powers to execute their duties.....

At Headquarters, the basic structure of the Ministry is based on Divisions, Territorial, Functional, Service or Administrative. While the number of Secretaries, who are currently six, supervise their working, these Divisions are the backbone on which the Ministry rests and functions. They are usually headed by Joint Secretaries and staffed by more junior officers and personnel."

11. He further stated as under :-

"There are four broad factors that also need to be taken into account while evaluating the task faced by senior officers of the IFS :-

- 1) India increasingly, as a confident, articulate and rising power, willing to claim its place on the global high table, has come to occupy a new role in the world. India plays prominent role in shaping global debates on issues ranging from global governance reform, climate change, multilateral trade negotiations, internet governance and cyber security and transnational

terrorism. It is, therefore, vital that Foreign Service Officers acquire a broad range of knowledge through requisite exposure to meet these challenges;

- 2) Particularly, under this Government, economic diplomacy has come to acquire greater salience. Every Head of Mission or Post is expected to take personal interest in advancing our economic interest; and every senior official at headquarters in putting them at the centre of our bilateral, regional and multilateral agenda. This approach can only be developed by actual experience in the field and at headquarters working with other Economic Ministries and Organizations as well as with business;
- 3) As Foreign Policy acquired greater visibility, not just internationally but also domestically, the role of MEA in delivery of public services in India as well as Indian citizens abroad, has gained tremendous importance. These include issuance of passports and consular services, arranging pilgrimages etc. For example, last year alone, MEA through the Regional Passport Offices and Missions and Posts abroad, issued 1.2 crore passports. Developing supervisory skills for public services is a very key ingredient in the character of senior officials; and
- 4) With the successful merger of the Ministry of Overseas Indian Affairs with MEA, the Ministry is the nodal point for all engagements with the 25 million strong Indian Diaspora worldwide. Recognizing the importance of overseas population and area where Prime Minister and External Affairs Minister have personally provided the lead, the endeavour is to strengthen the institutional framework for a sustainable and mutually beneficial engagement with the Diaspora, which came across very clearly during the Pravasi Bharatiya Divas that the Ministry organized in Bengaluru last month. Again, this is an area where it is important for senior officials to have exposure and develop deeper understanding."

He further added:-

"Ensuring richness of experience, maturity of judgment and exposure to diversity have been our goals. They consequently become factors in the selection process for appointment to the top management level of the Ministry"

12. When the Committee desired to know under which provision of Indian Foreign Service (Recruitment, Cadre, Seniority, Promotion) Rules, 1961, the then Foreign Secretary, Ministry of External Affairs had issued the letter dated 24 July, 2008 providing for

additional eligibility conditions/requirements for promotion of IFS officer, in response the Ministry in their written submission to the Committee, stated as under :-

"Under a directive from the Appointments Committee of the Cabinet, the norms and procedures for promotions to Grade III, II and I of IFS were formulated and after being duly approved by the Competent authority including at the Department of Personnel and Training and Cabinet Secretariat, these were circulated vide a letter of then Foreign Secretary dated July 24, 2008. These norms and procedures are being followed without exception for last eight years and promotions to Grade I, II and III of IFS have been approved by ACC for all successive IFS batches since 2008".

13. When asked to specify if the Ministry is competent to add additional eligibility conditions by way of an executive instructions for promotions of IFS officers, the Ministry in their written submission dated 4.6.2016 submitted as under :-

"It is established principle of law that statutory rules can be supplemented by administrative instructions. In exercise of executive powers of the Union under Article 73 of the Constitution, the President may regulate matters relating to conditions of service of the Government Servants through executive orders. These instructions must be consistent with the rules. There is no conflict between 'minimum eligibility conditions' prescribed in para 12 of IFS (RCSP) Rules and additional parameters prescribed by ACC".

14. In this regard, the Ministry of Personnel, P.G pensions (Department of Personnel and Training), in their written reply submitted as under:-

"Article 309 empowers the Parliament and the State legislature to regulate the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the Union or of the concerned State respectively. It also provides that the President or such person as he may direct shall be competent to make, in the case of services and posts in connection with the affairs of the Union, rules regulating the recruitment, and prescribing the conditions of service of persons appointed to services and posts under the Union until provision in that behalf is made by or under an Act of the appropriate Legislature under this article, and any rules so made shall have effect subject to the provisions of any such Act.

Apart from the statutory rules made under the proviso, there can be rules, designed purely for the purpose of administrative guidance. While the Government cannot amend or supersede the statutory rules by administrative instructions, if the rules are silent on any particular point, the Government can fill up those gaps and supplement the rules and issue instructions not inconsistent with the rules already framed. In the absence of statutory rules regulating the promotion to selection grade posts, the Government is competent to issue administrative instructions as long as those instructions are not inconsistent with the rules already framed.

Article 77(3) of the Constitution provides that "The President shall make rules for the more convenient transaction of the business of the Government of India, and for the allocation among Ministers of the said business". Government of India (Transaction of Business) Rules made in terms of Article 77(3) of the Constitution provide in its Rule 3 that "Subject to the provisions of these Rules in regard to consultation with other Department and submission of cases to the Prime Minister, the Cabinet and its Committees and the President all business allotted to a Department under the Government of India (Allocation of Business) Rules, 1961, shall be disposed of by, or under the general or special directions of, the Minister-in-charge.

Rule 4(4) of the Government of India (Transaction of Business) Rules prescribes that "Unless the case is fully covered by a decision or advice previously given by the Department of Personnel and Training that Department shall be consulted on all matters involving - (a) the determination of the methods of recruitment or conditions of service of general application to Government servants in civil employment and (b) the interpretation of the existing orders of general application relating to such recruitment or conditions of service".

15. On being enquired about the purpose being achieved by introduction of the new provisions, the Ministry of External Affairs in their written reply stated that :-

"The promotion guidelines issued in July, 2008 supplement and refine the existing criteria for promotion as per Indian Foreign Service (Recruitment, Cadre, Seniority & Promotion) Rules of 1961. The revised guidelines were formulated to ensure an objective and transparent performance appraisal system. Presently, for consideration for promotion to Grade III and above, an officer must fulfill the laid down pre-determined Eligibility Criteria in terms of length of service and Essential Requirements such as service at Headquarters and Missions and completion of mandatory training. Officers have to serve as Heads of Missions for promotion to the

Apex Level. The objective is to bring in standardisation in terms of experience gained by individual officers both at Missions and Headquarters and to give incentives to officers to pursue career goals to be considered for promotion to higher grades in the Service."

The Foreign Secretary while tendering evidence also deposed before the Committee as under:-

".....Its not that it was decided in one day, many discussion took place on the issue. It took full three years to arrive at what is a fair criteria and it was not only just these people. We actually had a Committee called the S.K. Lambah Committee which delivered a report in 2001 and it basically said we have to improve quality, we should not promote everybody, we should make sure that people do difficult stations, so there was a lot of deliberations which went into this process. When this was done, this was done in 2008. None of us were dealing with this issue. I was the Joint Secretary then, we were not even juniors. But having gone through this process ourselves, I would say it has today made the Ministry more fairer Ministry in many ways, people are aspiring for tougher postings and more experience. I would say there is very visible improvement in the quality of the Ministry."

16. When enquired if the Ministry of External Affairs is aware that for providing additional eligibility conditions/requirements for promotions of IFS officers over and above the eligibility conditions prescribed under the Indian Foreign Service (Recruitment, Cadre, Seniority, Promotion) Rules, 1961, it is necessary to amend the said rules and notify such amendments in the Gazette of India, in response the Ministry in its written submission to the Committee, stated as under:-

"the instructions issued on July 24, 2006 regarding promotion to the higher grades of IFS are to supplement rather than amend or contradict the existing criteria for promotion as per Rule 12 (5) of IFS (RCSP) Rules. While the government cannot amend or supersede the statutory rules by administrative instructions, if the rules are silent on any particular point, the Government can fill up gaps and supplement the rules and issue instructions not inconsistent with the rules already framed".

17. On being asked if the IFS (RCSP) Rules, 1961 are silent in prescribing eligibility conditions for promotions, the Ministry in their written reply submitted that IFS (RCSP) Rules prescribes minimum eligibility criteria with no restriction on supplementing it to make promotion process more performance oriented to meet the requirements of the Cadre."

18. Regarding the statutory provision which prescribes for adding additional eligibility conditions to those provided in Rule 12 of the IFS (RCSP) Rules, 1961, the Ministry in their written reply submitted as under:-

"As per Para 3 of IFS (RCSP) Rules, the Ministry of External Affairs is the Cadre Controlling Authority for the Service. The IFS (RCSP) Rules do not impose any restriction on supplementing it to make promotion process more performance oriented to meet the requirements of the Cadre. Hence Cadre Controlling Authority is competent to frame promotion policy for the Service with the approval of Competent Authority, to meet the performance requirements of the posts."

19. When enquired if the Ministry is aware of decision of the Hon'ble Supreme Court of India in the case of State of Haryana vs. Shamsher Jung Bahadur (1973 SCR (1)249) and law laid down by Constitution Bench of Hon'ble Supreme Court in case of Guman Singh Vs. State of Rajasthan (1971 (2) SCC 452), State of Punjab vs. Madan Singh (AIR 1972 SC 1429) or recent judgement in case of State of Jharkhand vs. Jitendra Kumar Srivastava (2013(12) SCC 210) in so far as invalidity of executive instructions is concerned in providing additional eligibility conditions over and above what is provided in relevant rules framed under Article 309 of the Constitution of India, in response the Ministry in their reply submitted as follows:-

"In case of IFS, as in case of all other services, promotions are granted with the recommendation of Departmental Promotion Committees and with approval of Competent Authority which is the Appointments Committee of the Cabinet in case of

posts of Grade III and above of IFS. As per extant instructions of GOI, the Departmental Promotion Committees have discretion to devise their methods and procedures for objective assessment of suitability of a candidate to hold a higher post."

20. When asked if there has been any instance where an officers' promotion has been denied/delayed on the grounds that he did'nt fulfill the revised norms as circulated vide letter dated 24.7.2008. In response the Ministry in their written reply submitted as under :-

"The norms circulated in July 2008 have been followed without any exception in the Ministry since its introduction. Since 2008 officers of more than 24 batches of IFS have been promoted to Grade III and above levels of the Service. The officers who could not meet the promotion criteria due to reasons beyond the officers' control, were given exemption with recommendation of DOPT and approval of ACC."

21. While tendering oral evidence the Foreign Secretary also submitted before the Committee that since the new guidelines have come into being three officers..... have been beneficiaries of relaxation of guidelines. The short point is that the system is neither rigid nor being applied mechanically. He further stated that:-

"...when there is exceptional case, we are not taking up our position that this is something which cannot be changed, we look at it very openly and I would say at least in one of those three cases has happened with me as Foreign Secretary. I have myself sent a file to DoPT with the recommendation that this is a very unusual case, so DoPT and ACC should look at this very differently. Finally, ACC did approve the person promotion as an exceptional case. So, I would say by and large, the rules have been accepted, the rules are meant as additional requirements beyond minimum eligibility conditions, the rules are not ultra vires of any other provision, any other rule or any provision of law. Nobody has challenged it in a court of law. Other services follow similar practices to the best of my understanding. So, this is not a problem limited to the foreign service. This is a general practice in the Government to add additional criteria in order to improve performance and that is the situation. We take a lot of care to ensure that this is fairly applied. So, that is also a point I want the Committee to understand that the purpose of all this is not to deny people promotion or to make victims of people. That is not the intention. Intention is to raise the level of quality."

22. Regarding the procedure being followed by the Ministry of External Affairs for amending rules framed under proviso to Article 309 of the Constitution of India, the Ministry in their written submission dated 4.6.2016 submitted as under :-

"Amendments to the IFS (RCSP) Rules are carried out in consultation with Department of Personnel and Training, Union Public Service Commission and Department of Legal Affairs, as per the extant policy of the Government of India."

23. On being asked to state, if Indian Foreign Service (Recruitment, Cadre, Seniority and Recruitment) Rules, 1961 have ever been amended, the Ministry in their written submission dated 3.3.2017 submitted as under :-

"The Indian Foreign Service (Recruitment, Cadre, Seniority and Recruitment) Rules, 1961 has been amended from time to time following due procedure including consultation with DOPT, UPSC and Department of Legal Affairs and with the approval of External Affairs Minister."

24. On being enquired if Department of Legal Affairs was consulted before revision of norms for promotion of IFS Officers were circulated vide letter dated 24.7.2008, in response the Ministry in their written reply submitted as under:-

"The norms for promotion of IFS officers dated July 24, 2008 was formulated in exercise of the executive powers of the Government and with the approval of the Competent Authority, following consultation spanning over a period of three years with DOPT and the Cabinet Secretariat."

25. When enquired if the Foreign Secretary or any Committee has the power to change rules, in response the Foreign Secretary submitted before the Committee that, normally this power is of Foreign Secretary, but he is not the deciding authority. If there are complaints in his cadre then he will see. If it is felt that rules are to be changed, then first the administration and other Secretaries will discuss and recommend to DOPT. If DOPT agrees then it is taken to Appointments Committee because matters pertaining to Grade III and above go to ACC and final decision is of ACC and they give only recommendation.

PART -II

OBSERVATIONS AND RECOMMENDATIONS

1. The Indian Foreign Service (IFS) was constituted in 1946 through a Cabinet decision to create a dedicated diplomatic service responsible for India's Foreign Policy engagements. In 1948 the first batch of Foreign Service Officers were recruited through the Civil Service Examination of the Union Public Service Commission and this mode of recruitment is prevailing since then. The IFS is an organized Group A service and the Ministry of External Affairs is the Cadre Controlling Authority.
2. The Committee note that the Indian Foreign Service (Recruitment, Cadre, Seniority and Promotion) Rules, 1961 [IFS (RCSP)Rules] were framed under Article 309 of the Constitution and notified by Ministry of External Affairs in 1961 and come into force w.e.f 1 April, 1962. The promotion rules and eligibility conditions for promotion of Indian Foreign Service Officers are guided by provisions under Rule 12 of Indian Foreign Service (Recruitment, Cadre, Seniority and Promotion) Rules, 1961 which prescribes minimum eligibility conditions for promotion to various grades of IFS in terms of total length of service and service at the grade from which officer is promoted.
3. The Committee observe that in the year 2008, the then Foreign Secretary vide his DO No. 6923/FS/08 dated 24 July 2008 issued executive instructions imposing additional 'essential requirements' over and above the eligibility requirements prescribed under Rule 12 of the above mentioned Recruitment Rules, to be mandatorily met by the IFS officers concerned for consideration of their promotions from Grade IV, III and II of IFS to Grade III, II and I of IFS. More particularly, in the

case of promotion of officers from Grade IV (i.e. Director) to Grade III (i.e. Joint Secretary) regarding which a representation was received by the Committee, the additional 'essential requirements' so imposed includes a requirement for serving for two years abroad in a mission / post at the level of First Secretary/Counsellor and serving for two years at the Head Quarter of the Ministry of External Affairs in New Delhi at the level of Under Secretary /Deputy Secretary /Director. Some other significant changes so brought in included taking into consideration last 10 ACRs instead of 5 ACRs by the Departmental Promotion Committee (DPC) so that the impact of deviation from normal levels of performance of an officer gets minimized.

4. In this regard, the Committee note from the justification given by the Ministry of External Affairs that the additional 'essential requirements' were imposed for ensuring more transparent and objective appraisal system leading to higher morale, greater efficiency and optimum performance, and in line with the directive of ACC given in the year 2005 for upward revision of benchmark of officers of IFS. According to the Ministry, these guidelines were formulated in extensive consultations with Department of Personnel and Training (DoPT) and Cabinet Secretariat over a period of three years to ensure that the promotion criteria are objective and transparent. The exercise also took into account reports of various committees of the Government of India, practices followed in other countries and widespread consultations conducted by the Ministry and these guidelines have been followed meticulously in the Ministry for all promotions to Grade III and above since 2008-09. The Ministry have also submitted that the revised criteria have brought in quality improvement in the service delivery, incentivize the officers to perform with utmost dedication, gain diverse experience that the service has to offer and take up challenging assignments in difficult stations overseas.

5. As regards resorting to executive instructions instead of bringing appropriate amendments in the Recruitment Rules for prescribing additional essential requirements, the Committee do not accept the contention of the Ministry of External Affairs that the instructions issued on 24 July, 2008 are to supplement rather than amend or contradict the existing criteria for promotion as per Rule 12(5) of IFS (RCSP) Rules, 1961 and if the rules are silent on any particular point, the Government can fill up gaps and supplement the rules and issue instructions not inconsistent with the rules already framed. The Committee do not agree with the ostensible justification given by the Ministry as it is nowhere mentioned in the Act /Rules that the Ministry can revise benchmark for promotions by way of executive order. A plain reading of the additional essential requirements imposed under the revised procedure reveals that the same titled as 'Essential requirements' are of highly substantive nature as their non-fulfillment render an officer ineligible for promotion even after fulfilling the laid down eligibility criteria in the Recruitment Rules. Moreover the DoPT in response to a specific query of the Committee seeking details of the Ministries /Departments of the Government of India who have issued such kind of executive instructions over and above the prescribed Recruitment Rules to revise the norms for promotion at senior levels, have not been able to furnish any such kind of instance. It can, therefore, be concluded that the approach of the Ministry of External Affairs in imposing essential requirements by executive instructions over and above those prescribed in the Rules for promotion to Grade III of IFS has been an isolated instance. It also appears to the Committee that the Ministry of Law was also not consulted in the matter. In the opinion of the Committee these executive instructions cannot be construed as merely a gap filling measure in the Rules and such kind of substantive provisions can be prescribed only as part and parcel of the statutory rules. Otherwise, there will be no sanctity of framing Rules if the same are overridden by executive instructions in such manner. That is the

precise reason that the Committee have time and again stressed that the administrative instructions/executive orders are no substitute to well framed and notified statutory rules/ regulations. Moreover, as such kind of executive instructions are not laid in the Parliament, they escape the legislative scrutiny and also escape the notice of the Committee. Also keeping in view the various judicial pronouncements, it has been a settled law that over and above the eligibility conditions prescribed in the recruitment rules framed under Article 309 of the Constitution, no new or additional conditions for promotion could be added by way of executive instructions. The Committee, therefore, reaffirm that the Ministry cannot override the statutory rules framed in pursuance of Article 309 of the Constitution by way of executive instructions under the disguise of filling up of the gaps.

6. Now coming to the reasonableness of additional essential requirement, the Committee note that for considering promotion of IFS Officers from Grade IV (Director) to Grade III (Joint Secretary), a requirement of serving for two years abroad in a Mission/Posts at the level First Secretary/Counsellor and serving for two years at the Headquarter of the Ministry of External Affairs at the level of Under Secretary/Deputy Secretary/Director has been imposed. In this regard the Committee fail to understand the rationality and reasonableness of such kind of requirement as it is not in the hand of the officer concerned to decide whether he would serve at the Headquarter of the Ministry in Delhi or in an Embassy/Mission abroad at that particular level required for promotion. In the opinion of the Committee, the issues like posting/ deployment of IFS officers come within the administrative domain of the Ministry of External Affairs and it is beyond the control of an officer to decide his place of posting. Under such circumstances, making posting at a particular level and at a particular place as an essential requirement on the part of the individual officer, there is every likelihood of abuse and misuse of such kind of unbridled executive

discretion. The Committee, therefore, feel that instead of making it an essential requirement on the part of the official concerned, such kind of obligation should have been made a part of the administrative requirement on the part of the Ministry who are the competent authority for deciding the postings and deployment of IFS Officers in such particular manner.

7. While the Committee are not averse to revision of benchmarks for promotion of IFS officers aimed at ensuring more transparent and objective appraisal system, greater efficiency and optimum performance, the Committee do not approve the methodology adopted by the Ministry of External Affairs in implementing the revised norms. The Committee also do not appreciate the stand taken by DoPT on the entire issue who instead of guiding the Ministry of External Affairs in bringing suitable amendments in the relevant Rules have tried to justify implementation of revised benchmark for promotion by means of executive instructions issued by a DO dated 24.07.2008 of the Ministry. The Committee expect the DoPT to play its large nodal role as the formulator of policy and the watch-dog of the Government in ensuring that accepted standards and norms as laid down by it, are scrupulously followed by all the Ministries/Departments in respect of processes like recruitment, regulation of service conditions, posting/transfers of the government personnel. More particularly, there is nothing in the statute which bars the Ministry to implement the revised benchmarks by bringing suitable amendments in relevant Rules. In the opinion of the Committee, bringing out necessary amendments in the Rules/Regulations is an ongoing feature of good governance in ensuring executive accountability to the legislature.

8. In view of the foregoing, the Committee strongly recommend that the revised benchmark for promotion of Grade IV, III, and II to Grade III, II and I of IFS officers issued vide DO dated 24th July 2008 may be incorporated in the Indian Foreign

Service (Recruitment, Cadre, Seniority and Promotion) Rules, 1961, by urgently bringing and notifying the necessary amendments in the relevant Rules. Further, to take care of cases where some kind of relaxation is required to be given to the IFS personnel for considering their promotion, the Committee recommend that the circumstances under which such kind of relaxation can be given alongwith the provision for recording of reasons in writing by the competent authority while granting such relaxation may also be incorporated in the Rules so as to provide a safeguard against arbitrary use of discretionary powers. The Committee would like to be apprised of action taken in the matter within three months after presentation of the Report in Lok Sabha.

DILIPKUMAR MANSUKHLAL GANDHI

New Delhi;
23 April, 2018
03 Vaisakha , 1940 (Saka)

Chairperson,
Committee on Subordinate Legislation

Annexure - I
(Vide Para No. 5 of the Report)



विदेश सचिव

FOREIGN SECRETARY

No. 6923/FS/08



विदेश मंत्रालय, नई दिल्ली-11
MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI-110011
Phone : 2301 2318 Fax : 2301 8781
E-mail : diris@mea.gov.in

24th July, 2008

Dear Colleague,

Following a directive from the ACC two years ago, the Ministry reexamined the benchmarks for promotion to senior levels in the IFS and had kept the IFS Association informed of the proposed revisions taking into account comments from officers to the extent possible. We have now received approval of the competent authority for the revised benchmarks. The revised procedure and norms approved by the competent authority are at Annex-(i). These benchmarks will be implemented with immediate effect.

2. There are some significant changes in the revised benchmarks as compared to the existing norms. In the system prevalent hitherto, the last 5 ACRs were taken into consideration by the DPC. It has now been decided to consider the last 10 ACRs so that the impact of deviation from normal levels of performance of an officer gets minimized. Training has been made an essential condition for consideration after promotion to Grades III and II. Weightage has been assigned for those serving in difficult stations and in other Ministries. Importance has been given to all round experience in both Headquarters and Missions/Posts. The benchmark has also been revised upwards from the current 'Very Good'. The revised procedure, providing for review of ACRs by an officer other than the reporting officer, and for review of sudden variations in performance, would ensure a fairer assessment of an officer's performance.

3. The phasing in of the new requirements has been so scheduled as to give every officer a reasonable opportunity to fulfill these requirements. Similarly, the phasing in of benchmarks has been spread over time so that officers would have sufficient opportunity to meet the revised norms. It is our hope that the revised norms will reward officers who put in sincere and hard work and possess varied experience, while discouraging mediocrity and lackadaisical performance.

Regards,

Yours faithfully,

(S. Menon)

Encl.: As above

All officers of the Indian Foreign Service

ANNEX-1 (i)

Ministry of External Affairs
(Administration Wing)

Promotions to Grades III, II and I of the IFS
(Revised procedure and norms approved by the competent)

Promotion to Grade-III:

Eligibility Criteria

Minimum of 2 years of regular service in Grade IV and a total of 17 years of qualifying service in the India Foreign Service

Essential requirements:

- (i) E-learning course of FSI, including a monograph as part of the course (from the 1991 batch)
- (ii) Service as Under Secretary/Deputy Secretary/ Director or equivalent level for two years (from 1990 batch)
- (iii) Service as First Secretary/ Counsellor for two years (from 1990 batch)

Evaluation Criteria:

ACRs to be considered 10 years

Desirable requirements

- (i) Posting in C/C* station (1% for each posting of normal tenure in C/C* stations)
- (ii) Service at Under Secretary/ Deputy Secretary/ Director level in cadre posts in other Ministries and organizations for a minimum of 2 years (1%)

Benchmark 85% (including % for desirable requirements)

Phasing in period.
82% in the DPC 2008-09
84% in the DPC 2009-10
85% in the DPC 2010-11

Promotion to Grade II

Eligibility Criteria:

A total of 25 years of qualifying service in the Indian Foreign Service and a minimum of two years of regular service in Grade III of IFS.

Essential requirements

- (i) Attendance in training course (from the 1979 batch)
- (ii) Service as Joint Secretary or equivalent level for two years or service as Joint Secretary/ Director or equivalent level for three years including one year as Joint Secretary or equivalent level (from the 1980 batch)

Evaluation Criteria:

ACRs to be considered 10 years

Desirable requirements

- (i) Service as Ambassador/ DCM/ CG (from 1978 batch), when in Grade III (1%)
- (ii) Posting in C/C* station during career - data (from the 1980 batch) (1% for each posting of normal tenure in C/C stations)
- (iii) Service at Joint Secretary level in cadre posts in other Ministries and organisations for a minimum of 2 years (1%)

Benchmark

87% (including additional % for desirable requirements)

Phasing in period

82% in the DPC 2008-09
84% in the DPC 2009-10
86% in the DPC 2010-11
87% in the DPC 2011-12

Promotion to Grade I

Eligibility Criteria:

Minimum of 2 years of regular service in Grade II and a total of 30 years of qualifying service in the Indian Foreign Service failing which nine years of combined service in Grades II and III with at least one year of regular service in Grade II and a total of 30 years of qualifying service in the IFS.

Essential requirements:

Service as HOM (from the 1977 batch)

Evaluation Criteria:

ACRs to be considered	10 years
Benchmark	90%
Phasing in period	82% in the DPC 2008-09 84% in the DPC 2009-10 86% in the DPC 2010-11 88% in the DPC 2011-12 90% in the DPC 2012-13

DPC procedure

(i) The overall grading in the ACRs will be evaluated as follows:

Outstanding	-	10%
Very Good	-	8%
Good	-	6%
Less than Good	-	0%

(ii) The DPC should evaluate the ACRs. Where some ACRs are missing, the ACRs for the last available 120 months will be taken into consideration. To the percentage obtained in ACRs, the additional percentage due to the officer for meeting desirable requirements would be added.

(iii) An officer who is on deputation with the UN or other international organisations for a period of five years or more shall not be considered for promotion unless he/she has served for a period of at least one year in the cadre on return from foreign assignment and has earned ACR for one year.

~~SECRET~~

(iv) The list of officers found fit for promotion by the DPC shall then be prepared by arranging them in the order of their inter-se seniority. Empanelled officers would then be promoted in turn against vacancies.

(v) The cases of such officers who are not included in the merit list in a given batch may be reconsidered when subsequent batches are being considered, subject to an additional ACR being available.

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APPENDIX I

(vide Para 4 of Introduction of the Report)

MINUTES OF THE SEVENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2016-2017)

The Seventh sitting of the Committee (2016-17) was held on Tuesday, the 24th January, 2017 from 1500 to 1645 hours in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

1. Dilipkumar Mansukhlal Gandhi Chairperson

MEMBERS

2. Shri Idris Ali
3. Shri S.P. Muddahanume Gowda
4. Shri Shyama Charan Gupta
5. Shri Alok Sanjar
6. Shri Ram Kumar Sharma

SECRETARIAT

- | | | | |
|----|----------------------|---|----------------------|
| 1 | Shri Devender Singh | - | Additional Secretary |
| 2. | Smt. Sudesh Luthra | - | Joint Secretary |
| 3. | Shri Ajay Kumar Garg | - | Director |
| 4. | Shri Nabin Kumar Jha | - | Addl. Director |
| 5. | Smt. Jagriti Tewatia | - | Deputy Secretary |

WITNESSES

Ministry of External Affairs

- | | | | |
|----|--------------------------|---|----------------------------------|
| 1. | Dr. S. Jaishankar | - | Foreign Secretary |
| 2. | Ms. Mukta D. Tomar | - | Additional Secretary (Admn) |
| 3. | Shri Sibi George | - | Joint Secretary (Administration) |
| 4. | Ms. Nutan Kapoor Mahawar | - | Joint Secretary (Parl & Coord) |
| 5. | Ms. Paulomi Tripathi | - | Deputy Secretary (FSP) |
| 6. | Shri Alok Verma | - | Under Secretary (Parliament) |

2. At the outset, the Chairperson welcomed the Members of the Committee to the sitting of the Committee convened for seeking clarifications from the representatives of the Ministry of External Affairs (MEA) on Indian Foreign Service (Recruitment, Cadre, Seniority and Promotion) Rules, 1961 framed under Article 309 of the Constitution. Thereafter, representatives of the Ministry of External Affairs were called in. The Chairperson welcomed the representatives of the Ministry of External Affairs to the sitting of the Committee and also drew their attention to Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings.

3. The Chairperson while pointing out the failure of the representatives of the MEA to appear before the Committee for their scheduled oral evidence at the two earlier sittings of the Committee held on 26 August & 14 December, 2016 despite due notice and regular reminders sought clarification from the Secretary, MEA in this regard. In response the Foreign Secretary while submitting clarification before the Committee stated, "I take responsibility for that misunderstanding. I tender my apology, I seek the understanding of the Committee, this Ministry and I personally have always been respectful of the Parliament and the Committee. So, I would urge you not to treat this as any sign of disrespect. It was a misunderstanding, a

miscommunication between the Ministry and the Committee and I hope you will take it in that spirit".

4. Thereafter, the Foreign Secretary briefed the Committee about the role and functions of Indian Foreign Service in so far as the Indian Foreign Service (Recruitment, Cadre, Seniority, Promotion) Rules, 1961, were concerned. The Committee were further apprised about the personnel and performance management system, manpower planning, training and career development of the Indian Foreign Service officers and the need to undertake comprehensive review of the promotion policy for senior officers of the service viz. promotion to Grade III and above as implemented w.e.f. July 24, 2008.

5. Thereafter, the Committee raised questions on various issues broadly covering aspects such as rationale behind prescribing additional eligibility conditions/requirements by way of executive instructions for promotion to Grade III onwards of IFS officers over and above the eligibility conditions prescribed under the Indian Foreign Service (Recruitment, Cadre, Seniority, Promotion) Rules, 1961, etc. In response, the Foreign Secretary apprised the Committee that the eligibility conditions for promotion of Indian Foreign Service Officers from Grade IV, III and II of IFS to Grade III, II and I respectively, are guided by provisions under Rule 12 of Indian Foreign Service (Recruitment, Cadre, Seniority and Promotion) Rules, 1961, which prescribes minimum eligibility conditions for promotion to various grades of IFS in terms of total length of service and service at the grade from which officer is promoted. According to this, In 2005, the Appointments Committee of the Cabinet had directed the Ministry to carefully study, in consultation of DoPT, the upward revision of benchmark for promotion of officers of the Indian Foreign Service and after consultations with DoPT and Cabinet Secretariat, and based on the approval of the competent authority as conveyed by Cabinet Secretariat, the new guidelines for promotion to Grade I, Grade II and Grade III of IFS were circulated on July 24, 2008. He submitted that the revised guidelines were formulated to ensure an objective and transparent performance appraisal system.

6. To the query of the Committee as to why the executive instructions which have been issued over and above the prescribed Rules can not be made as part of the Rules, the Foreign Secretary agreed to consider this proposal and submitted that he would also require to consult DOPT in this regard.

7. The representatives of the Ministry also furnished clarifications to other queries raised by the Committee. In respect of points, on which the information was not readily available, with the representatives of the Ministry, the Chairperson asked them to furnish written replies on the same within 15 days to the Lok Sabha Secretariat.

8. The Chairperson then thanked the representatives of the Ministry for presenting their inputs on the subject before the Committee.

9. The witnesses then withdrew.

10. The verbatim proceedings were kept on record.

The Committee then adjourned.

**MINUTES OF THE THIRTEENTH SITTING OF THE COMMITTEE ON SUBORDINATE
LEGISLATION (2017-2018)**

The Thirteenth sitting of the Committee (2017-18) was held on Monday, the 23rd April, 2018 from 1100 hours to 1200 hours in Chairperson's Room No. 146, Parliament House, New Delhi.

PRESENT

Shri Dilipkumar Mansukhlal Gandhi

Chairperson

MEMBERS

2. Shri Shyama Charan Gupta
3. Shri Janardan Mishra
4. Shri Chandulal Sahu
5. Shri Alok Sanjar
6. Adv. Narendra Keshav Sawaikar
7. Shri Nandi Yellaiah

SECRETARIAT

- | | | | |
|----|----------------------|---|----------------------|
| 1. | Smt Sudesh Luthra | - | Additional Secretary |
| 2. | Shri Ajay Kumar Garg | - | Director |
| 3. | Shri Nabin Kumar Jha | - | Additional Director |
| 4. | Smt Jagriti Tewatia | - | Deputy Secretary |

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee. The Committee then considered the following draft Reports:-

- (i) Draft Twenty-eighth Report on the Indian Foreign Service (Recruitment, Cadre, Seniority and Promotion) Rules, 1961 framed under Article 309 of the Constitution.
- (ii) Draft Twenty-ninth Action Taken Report on the Observations / Recommendations contained in the 21st Report of the Committee on Subordinate Legislation (16th Lok Sabha). regarding Rules / Regulations framed under the Real Estate (Regulations and Development) Act, 2016.
- (iii) Draft Thirtieth Action Taken Report on the Observations/ Recommendations contained in the 7th Report of the Committee on Subordinate Legislation (16th Lok Sabha).

3. After deliberations, the Committee adopted the above Reports without any modification. The Committee also authorized the Chairperson to finalize & present the same to the House.

The Committee then adjourned.