

No.A-44011/ 2 /2012-Ad.I  
**Government of India**  
**Ministry of Corporate Affairs**

'A' Wing, 5<sup>th</sup> floor, Shastri Bhavan,  
Dr. Rajendra Prasad Road,  
New Delhi, Dated 16<sup>th</sup> August, 2012

**OFFICE MEMORANDUM**

**Sub:- Interaction by Govt. officers with the Foreign Service Nationals (FSNs)/Embassy officers/staffers of other countries in contravention of laid down rules.**

\*\*\*\*\*

The undersigned is directed to say that the Ministry of Home Affairs has expressed concern on non-observation of rules and guidelines by Government officers while inter-acting with Foreign Service Nationals/Embassy officers/Staffers of other countries.

All the Officers in Ministry of Corporate Affairs are requested to strictly comply with the extant rules and guidelines laid down in the Ministry of Home Affairs O.M. No.15/13/69-Disc. Dated 24<sup>th</sup> January, 1970 and O.M.No.25/34(5)/67-Ests.(A) dated 22<sup>nd</sup> May, 1969 ( copy enclosed) while interacting with the Foreign Service Nationals (FSNs)/Embassy officers/staffers of other countries.

  
(J.S.GUPTA)

Under Secretary to the Govt. of India

**Encl: As above**

1. All officers at the HQ of the Ministry.
2. All RDs/ROCs/OLs
3. CAT/CCI/CLB/IICA/SFIO
4. e-governance Cell for uploading it on MCA website under Employee's Corner( Miscellaneous Head)

## APPENDIX - III

### ORDERS REGARDING CONTACT OF GOVERNMENT SERVANTS WITH FOREIGN NATIONALS, ETC.

Copy of Director-General, P. & T. Circular No. 15/13/69-Disc., dated the 24th January, 1970, read with M.H.A., O.M. No. 25/34 (5)/67-Ests. (A), dated the 22nd May, 1969.

*Subject:*— Contact of Government servants with foreign nationals/members of foreign missions/foreign organizations, etc.

A copy of the instructions relating to contact of Government servants with foreign nationals/members of foreign missions/foreign organizations is reproduced below for information and guidance of all Government servants.

#### 1. Contacts in general

Government servants should exercise the utmost discretion in their contacts with foreign correspondents, members of foreign missions/organizations and other foreign nationals in India. They should scrupulously avoid any conversation likely to reveal, even inadvertently, information on matters of secret nature. They should also avoid over-patronization and indiscriminate and frequent acceptance of hospitality particularly of an informal nature, from foreign nationals or Indian nationals employed by foreign missions. Such excessive hospitality could place the recipient under obligation to the host and may thus impair the impartial and judicious exercise of his functions in the eyes of others. In the Ministry of Home Affairs O.M. No. 25/9/67-Ests. (A), dated the 4th July, 1967 [ Decision No. (4) below Rule 11 ], it had been pointed out that only Ministers, Secretaries or other officers specially authorized by the Minister are permitted to meet representatives of the Press and give information. It was also stated therein that as a further safeguard, as a general rule, any officer (other than Secretaries) specially authorized by the Minister to give information to the Press, who might have a occasion to meet representatives of the Press should immediately submit a gist of the subject discussed to the Secretary of the Ministry/Department in which he is working.

NOTE.—In so far as the officers of the Ministry of External Affairs are concerned, officers below the rank of Joint Secretary/Director should not, without the specific permission of the competent authority, discuss or speak about official matters concerning the Government of India with any foreign Press Correspondents or Journalists.

#### 2. Private Correspondence

Private Correspondence with foreign Embassies/Missions/High Commissions should be avoided. Similarly no private or personal correspondence

on matters of an official nature should be entered into directly with members of foreign missions in India.

### 3. Gifts

In exchange of gifts with foreign nationals/members of foreign missions or acceptance of foreign articles from them, the relevant provisions of the CCS (Conduct) Rules, 1964 (*vide* Rules 13 and 18) should be borne in mind and prior permission taken wherever necessary under the rules. It is to be noted that it would be illegal to bring foreign exchange into this country save as provided for in the Foreign Exchange Regulations. In so far as the officers of the Indian Foreign Service are concerned, the rules on the subject concerning them would continue to apply to them.

### 4. Attendance at formal receptions

- (a) *National Day Receptions.*—It is desirable that National Day Receptions by foreign missions in India should normally be attended by one or more senior officers of such Ministries of the Government of India as have official contacts with the foreign mission. The Secretary of the Ministry should decide which of his officers as have been invited will attend such functions.

In the Ministry of External Affairs, the Secretary in territorial charge of the country concerned will, at his discretion, himself attend such receptions or request one of his colleagues to attend on his behalf. The Chief of Protocol, the Head of the Division and the Desk Officer of the Territorial Branch concerned will also attend. It is, however, not necessary that all officers of the Protocol Division or the Territorial Branch concerned attend such receptions.

- (b) *Army, Air Force Day, etc., Receptions.*—Such receptions, which are normally given by the Service attaches, need not be attended by Secretaries to the Government of India or the Chief of Protocol. The Chiefs of Staff along with one or more of their deputies may attend such receptions. On such occasions, the Military Headquarters concerned should be selectively represented. From the Ministry of External Affairs, an officer of the Territorial Division concerned may also attend such functions. It is generally desirable that attendance at such receptions should be kept to the minimum.
- (c) *Special Receptions by Heads of Missions.*—The Ministry of External Affairs will be represented only by the Secretary concerned or in his absence, one of his colleagues and also by the Head and one other officer of the Territorial Division concerned. In regard to other Ministries which have official contacts with the concerned Mission, the Secretary of the Ministry will decide which of his officers should attend.
- (d) *Special Instructions in regard to specified Foreign Missions in India.*—Government may, as and when necessary, particularly

when diplomatic relations may be strained or otherwise affected, issue special instructions in regard to attendance at receptions and other social functions held by any specified foreign mission in India. Such special instructions should be scrupulously observed by all officers.

### **5. Acceptance of invitation/hospitality**

1. Officers below the rank of Under Secretary or comparable rank are completely debarred from accepting invitations from foreign missions, any exceptions in rare cases should have the prior express approval of the Secretary concerned.

2. Officer should normally accept invitations for formal or informal entertainment offered by foreign diplomats only when the invitations are from an officer of a corresponding or higher diplomatic status. Secretaries to the Government of India/Chiefs of Staff should accept invitations only from the Head of a Diplomatic Mission or the second in command. Joint Secretaries/Deputy Chiefs of Staff should not accept invitations from diplomats lower in rank than a First Secretary.

3. Officers of the ranks of Under Secretary and Deputy Secretary and comparable ranks should not accept any invitation except with the prior and specific approval of the Joint Secretary concerned or the Secretary.

4. These restrictions would not apply to contacts with technical missions with whom the Ministries have official dealings. Here, the Secretary concerned would exercise his discretion about acceptance of invitations by the officers of his Ministry.

### **6. Official and Social calls**

1. Officers shall not initiate action for paying official/social calls on Heads of Missions of other countries or members of the staff.

2. It is normal practice for Foreign Diplomats to call on his opposite number in the Ministries with which he has to conduct business either personally or by sending his visiting card. Such calls are not required to be returned, though officers may at their discretion return the compliment by sending their own visiting cards to the new arrival. For the conduct of official business with foreign missions, it is customary for an officer of the Government of India to request or summon a diplomat of corresponding status from the foreign mission concerned to visit his office for a discussion or talk. An officer of the Government of India is not expected to visit the offices of diplomats or diplomatic missions for the conduct of official business concerning his Ministry or Department. However, this does not preclude official discussions at social functions by a Secretary to Government or with his permission by an officer not below the rank of the Head of Division/Department.

3. Officers should particularly ensure that the contacts with representatives of other countries are limited to their appropriate official level.

### **7. Report of conversation at social functions**

All officers of the rank of Directors and below who accept or are permitted to accept invitations to social functions from foreign diplomats/representatives of foreign missions should report to their senior officers any conversation with diplomats/representatives of foreign missions, on matters of interest and importance to Government on such occasions.

### **8. Return of hospitality accepted from foreign missions**

It is well recognized everywhere that diplomats are specially paid to enable them to entertain local officials and that the local officer's capacity to return their hospitality is limited. There need not, therefore be anything like a quid pro quo basis maintained in the matter of entertainment between diplomats and local officers.

### **9. Supply of information to members of missions and nationals of other countries**

The supply of information to foreign missions or their members or foreign nationals is the responsibility of the Ministry concerned. This should not be done directly or by implication by any officer, on his own. The contacts by junior officers with Personal Assistants and Secretaries in foreign missions should be avoided. Particularly, no officer of the rank of Under Secretary and below should on any account maintain contacts with junior diplomatic or non-diplomatic personnel in foreign missions except with the express approval of his Head of Department/Division/Secretary.

### **10. Putting up or staying with foreign nationals as guests**

- (a) Government servants should not stay as guests with foreign diplomats or foreign nationals in India. They could, however, stay with foreign diplomats or foreign nationals abroad with the permission of the competent authority.
- (b) Government servants should not invite foreign diplomats to stay with them as their guests in India.

### **11. Employment of wives/dependants of Government servants**

A Government servant, whose wife or dependant intends to take up employment under a foreign mission in India or with any foreign organization (including a commercial concern) should apply to the Ministry/Department administratively concerned for permission.

### **12. Acceptance of lifts in aircraft belonging to foreign embassies in India or foreign Governments abroad**

No Government servant should accept or permit his wife or dependants to accept passage money or free air transport from a foreign mission/Government or organization. Exceptional cases where humanitarian or compassionate grounds are involved should be referred to Government for grant of permission.

Relaxation of this rule is permissible only in cases which are covered by specific agreements or memoranda of understanding entered into by the Government of India with foreign Governments or organizations and which

might still be in force. In regard to invitations to visit abroad, which may be accepted only after consultation with the Ministry of External Affairs, the convention in respect of Senior Officers is that while local hospitality offered by foreign Governments may be accepted, the cost of travel is not accepted from the hosts. Also such hospitality is not accepted from non-Government societies, organizations, private parties, etc.

There would, however, be no objection to the acceptance of the cost of passage in case of officials of the Government of India who are invited by foreign Governments and organizations to participate in conferences, seminars, etc., if the invitation is extended to particular official by name with a view to benefiting from the expertise of the officer invited. In other cases, in which participation in conference, etc., is considered desirable in the interests of the officer concerned or the department sponsoring his deputation, the cost of passage should continue to be met by the sponsoring department.

Within the foreign country, a Government servant could accept a free flight in connection with official duties only. When Government servant and his family are in a foreign country as State guests, it would be permissible for them to accept free flights from foreign Governments.

### **13. Disposal of immovable property by lease to foreign nationals**

Under Rule 12 (2) of the CCS (Conduct) Rules, Government servant shall, except with the previous knowledge of prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family, provided that the previous sanction of the competent authority shall be obtained by the Government servant, if any such transaction is with a person having official dealings with the Government servant or otherwise than through a regular or a reputed dealer. The term 'lease' occurring in this rule covers letting out accommodation on rent, either by written or oral agreement, whether for a short period or for a long one. It is clarified that prior permission should be taken or prior intimation given, as the case may be, in regard to all transactions in immovable properties, including 'lease' as explained above with foreign nationals/members of foreign missions/organization controlled by or associated with foreign missions.

### **14. Joining of foreign language classes**

Government servants desirous of joining foreign language classes conducted by foreign Missions and Embassies in India or organization controlled by, or associated with foreign missions or Indo-foreign cultural organizations should seek prior permission from the Ministries/Offices in which they may be working.

### **15. Association of Government servants with Indo-foreign cultural organizations**

Government servants should not be members of, or actively participate in the activities of Indo-foreign cultural organizations without the permission of the Government or Head of Department, as the case may be.