

CHAPTER X

EMPLOYMENT OF HONORARY WORKERS

1. *Basic Principles*

The basic principles to be adopted in the matter of employment of honorary workers in civil posts are :—

(1) Employment of honorary workers in civil posts should be an exceptional procedure to be resorted to only in abnormal circumstances or when suitably paid employees are not available.

(2) Honorary employment should be offered only to such persons as have rendered meritorious services or are eminent in public life and have a striking reputation for integrity.

(3) Services of an honorary worker should be utilised only in an advisory capacity. The work to be entrusted to him should not be such as would involve exercise of executive, administrative or judicial powers as the holder of civil post or exercise of authority in the name, or on behalf of Government. It may not be necessary to enforce the requirements of this clause in the case of persons who have previously held a high office under Government.

[MHA OM No. 25/2/50-Ests, dt. 20-6-1951]

(4) Appointment under Government in an honorary capacity or on a token salary of persons dealing with private industry and those holding liens in private firms or drawing salary from such firms should not be made unless there are very exceptional circumstances justifying a departure from this rule. Such appointments where already made should be reviewed with a view to discontinue the arrangement as early as possible.

[M.H.A. OM No. 54/4/53-Estt(B) dt. 22-11-1955]

(5) In making arrangements for valuation of assets of private bodies, etc., to be acquired by Government, observations of the Public Accounts Committee, namely that employment of an honorary worker on such work should be discouraged, should be given due weight. Where such appointment becomes unavoidable, it is incumbent on Government to scrutinise and test-check the recommendations of honorary workers before accepting them, as also to ensure that the work entrusted to honorary experts was performed by them in as satisfactory a manner as was possible in the circumstances.

[M.H.A. OM No. 9/1/57-Ests(B) dated 10-5-57]

(6) (i) If it is intended that an honorary worker should be governed by the provisions of the Central Civil Services (Conduct) Rules, his appointment should be made to a specific civil service or post, as the Conduct Rules apply to "every person appointed to a civil service or post (including a civilian in Defence Service) in connection with the affairs of the Union" subject to the exceptions mentioned in the said Rules.

(ii) Where non-official members (i.e. all persons other than those who are in active Government service) of Commissions, Committees or Boards of Enquiry set up by Government are particular about maintaining their non-official status and it is also intended that the Conduct Rules should not apply to them, they should not be appointed to any Central Civil Service or post, but should be appointed as Chairman or member of the Commission or Committee, as the case may be, without reference to any civil service or post, on such honoraria as may be considered suitable.

[M.H.A. OM No. 25/39/58-Est(A) dt. 25-10-1958]

2. Salary and Allowances

(1) An honorary worker should be paid a nominal salary of Re. 1 per month in respect of the civil post, the duties of which he is required to perform. This is necessary in order to bring him within the ambit of the Government Servant Conduct Rules and other service rules. An honorary worker need not, however, actually draw such nominal salary and may, by writing to the Accounts Officer concerned, voluntarily surrender it. For the purposes of official records, however, such nominal salary must be fixed and specified in the order of appointment. Besides, a copy of M.H.A. OM No. 25/2/50-Ests dt. 20-6-51 should be communicated to every honorary worker along with the orders of his appointment.

[M.H.A. OM No. 25/2/50-Ests, dt. 20-6-51]

(2) An honorary worker should be employed in the true sense of the term and should not normally be allowed a substantial amount by way of honorarium.

[M.H.A. OM No. 9/2/65-Ests(B), dt. 30-4-1965]

(3) In the case of the employment of Members of Parliament in an honorary capacity it is necessary to ensure that such employment does not amount to holding an office of profit under Article 102(1)(a) of the Constitution. In such cases the requirements of sub-para (3) in paragraph 1 above should be strictly adhered to while the requirements of sub-para (1) above should not be enforced at all. The instructions issued by the Ministry of Law regarding the payment of allowances and fees to Members of Parliament should also be carefully borne in mind.

[M.H.A. OM No. 25/2/50-Est, dt. 20-6-51]

3. Service Rights and Obligations

(1) It should be made clear to honorary workers at the time of their appointment that they would not be entitled to Government residential accommodation or usual concessions allowed to salaried employees of Government. Each such case would be treated on its merits.

(2) All honorary workers should automatically and *proprio vigore* be subject to the provisions of the Indian Official Secrets Act, 1923. They need not be required to sign any declaration in this connection but the position should expressly be made clear to each honorary worker at the time of his appointment.

(3) Honorary workers who are prominent in the public or political life of the country cannot reasonably be expected to sever their life-long association with the political parties to which they belong; as a working arrangement, therefore, the rules 18, 20 and 23 of the Government Servants Conduct Rules ought not to be enforced against such persons in so far as participation in politics is concerned. In all other respects, however, such persons should be governed by the provisions of the Government Servants Conduct Rules.

[M.H.A. OM No. 25/2/50-Ests, dt. 20-6-1951 and 9/2/65-Ests(B) dated 30-4-1965]

(4) Honorary Advisors, Chairmen of Public Corporations etc. who are appointed to any post or office in a Ministry or Department of the Government of India, no nominal salary/honorarium shall not be given or offered a house from the general pool as a part of their terms of appointment, where the grant of housing facilities is considered necessary, such categories of persons may be given a suitable house rent allowance, leaving it to them to make their own arrangements for accommodation. Such categories of persons shall not be eligible for accommodation in the general pool or for retention of general pool accommodation in the case of those who are appointed as Honorary Advisors, Chairmen of Public Corporations, Chairman or Members of Committee etc. on retirement from Government service. If in any individual case it is felt necessary to make any such allotment, then the case should be referred to the Cabinet

Secretariat for orders by the Ministry/Department concerned and the draft note for the Cabinet may also be shown to the Ministry of Works and Housing.

[M. of W.H. & S. OM No. 12017(2)66-POL(II) dated the 12th December, 1968]

(5) Honorary workers should not be required to produce medical certificate of fitness unless in receipt of pay and honorarium exceeding Rs. 5/- p.m. (where an Administrative Ministry has reasons to believe that a person is suffering from any serious ailment communicable or otherwise it will naturally not appoint such persons).

[MHA OM No. 5/12/56-RPS dt. 24-12-56]

4. Entitlement of Leave

Ordinarily, the C.C.S. (Leave) Rules, 1972 would be applicable to the honorary workers appointed on a token salary of Rupee 1 per month, but in case where the application of these rules to such an honorary worker presents practical difficulties, the question of exempting such a worker from the applicability of the Leave Rules, 1972 may be considered by the administrative Ministry/Department in consultation with the Department of Personnel and Training and the Ministry of Finance at the time of prescribing the terms and conditions of employment of the honorary worker. Each such case has to be examined on an individual merit and a decision taken in respect of each case, whether the Leave Rules, 1972 should apply to the honorary workers or not.

[Ministry of Finance (Department of Expenditure) U.O. No. 1283-E.IV(A) Branch/73 dated 16-8-1973]

5. Medical facilities

Gazetted Officers employed under the Government of India in Delhi and New Delhi in an honorary capacity as are entitled to the same medical facilities as admissible to regular officers of corresponding grades should be entitled to the benefits of the Contributory Health Services Scheme and that the Administrative Ministries/Offices concerned pay the contribution on their behalf in view of the fact that they receive only a token pay. The rate of contribution will be according to the minimum of the time-scale of pay of the post held by the Officer in an honorary capacity.

[Ministry of Health OM No. F.6(VI)-4/54-H.II dated 18-9-1956]

6. Procedure

(1) All proposals for the employment of honorary workers in civil posts as well as all proposals for exceptional treatment in cases in which the Ministry concerned consider that the requirements of any of the basic principles laid down should be relaxed, should be referred to the Department of Personnel and Training for prior concurrence.

(M.H.A. OM No. 25/2/50-Ests. dated 20-6-1951)

(2) Having regard to the fact that by their very nature, the appointments of honorary workers in civil posts do not admit of normal process of advertisement and selection, it has been decided in consultation with the U.P.S.C. that such appointments should be excluded from the purview of the Commission provided that they are not made in any "cadre" post or other existing post and in the most exceptional cases they would be confined to obtaining the services of highly qualified persons in clearly advisory posts and not in any "cadre" post or other existing post. All cases of appointment not covered by the exemption will have to be referred to the UPSC, unless they are covered by other provisions of the Union Public Service Commission (Consultation) Regulations.

[MHA OM No. 18/15/54-Ests(B) dated 26-2-1955]

(3) In the case of honorary appointments e.g. appointments on the Boards of Directors of Public Sector Undertakings the maximum age limit may be 65 years, provided that the appointment is really honorary and does not carry any substantial remuneration.

[MHA OM No. 33/22/67-Ests(A) dated 30-11-1967 (para 3 (iii))]