

INDIAN FOREIGN SERVICE

In exercise of the powers conferred by the proviso to Article 309 of the Constitution the President hereby makes the following rules, namely:-

CHAPTER I (GENERAL)

1. Short title and commencement :-

(1) These rules may be called the Indian Foreign Service (Recruitment, Cadre, Seniority and Promotion), Rules, 1961.

(2) They shall come into force with effect from the first day of April, 1962.

2. Definitions :-

In these rules, unless the context otherwise requires :-

(a) "Cadre Post" means a post included in the cadre of the Service and includes a temporary post which forms a temporary addition to the cadre ;

(b) "Commission" means the Union Public Service Commission;

(c) "Probationer" means a person appointed to the Service on probation ;

(d) "Service" means the Indian Foreign Service, Branch 'A'.

(2) All expressions used in these rules and not defined therein shall have same meaning as in the Indian Foreign Service (Pay, Leave, Compensatory Allowances and other conditions of Service) Rules, 1961.

3. Controlling Authority:- The Ministry of External Affairs in the Government of India shall be the Controlling Authority of the Service.

4. Foreign Service Board

(1) There shall be constituted a Board called the Foreign Service Board.

* (2) The Foreign Service Board shall consist of :

(i) All Secretaries to the Government of India in the Ministry of External Affairs;

(ii) The Secretary to the Government of India in the Ministry of Commerce; and

(iii) The Joint Secretary to the Government of India in the Ministry of External Affairs in charge of Administration who shall be Secretary **

(3) Any three members of the Board shall constitute the quorum.

* Amended vide Notification No. 67/GA/72 dated 09.05.72.

** Amended vide Notification No. 36/PA-II/94 dated 7.11.94.

5. Functions of the Foreign Service Board:-

(1) The Functions of the Foreign Service Board shall be to advise the Central Government on the following matters :-

- (i) Postings, transfers, and leave-cum-transfers other than those of Heads of Missions and Heads of Posts;
- \$(ii) All promotions in the Service up to Grade IV;
- \$(iii) Promotions to the Service from the Indian Foreign Service Branch 'B' + (and the Indian Information Services), in Consultation with the Commission;
- (iv) Grant of diplomatic status to officers posted in Indian Missions and posts abroad, whether members of the Service or not;
- (v) Appointment of Charge d' Affairs, Acting High Commissioners and Acting Commissioners.

CHAPTER II

(CADRE, APPOINTMENT AND PROMOTIONS TO CADRE POSTS)

6. Constitution of the Cadre :-

- (1) There shall be constituted a Cadre for the Service.
- (2) The Strength and composition of the Cadre shall be as determined by the Central Government from time to time.
- (3) The Central Government shall at the interval of every two years re-examine the strength and composition of the Cadre and make such alterations therein as it deems fit:
Provided that nothing in this sub-rule shall be deemed to effect the power of the Central Government to alter the strength and composition of the Cadre at any other time.
- (4) The Cadre shall be constituted in the time scales and grades specified in rule 4 of the Indian Foreign Service(Pay, Leave, Compensatory Allowances and other conditions of Service) Rules, 1961.

7. Central Government to make appointments to Cadre posts:- All appointments to the Cadre posts in the Service shall be made by the Central Government in accordance with provisions of this Chapter.

8. Power to abolish posts or hold posts in abeyance:-

(1) The Central Government may abolish or hold in abeyance any permanent Cadre Posts:

Provided that no such post shall be abolished or held in abeyance, if an officer is already confirmed against such a post and the said office is not simultaneously provided with a lien in a similar or higher post.

\$ *Amended vide Notification No.32/GA/73 dated 16.02.73.*

+ *Not applicable vide second proviso to para 13(4), ibid.*

Omitted vide Notification No. 15/PA-II/96 dated 25.6.96.

(2) The Central Government may abolish or hold in abeyance at any time any temporary Cadre post.

9. Appointments to Cadre-Posts- Posts of Heads of Missions, and of Heads of Posts in countries where there are no Heads of Missions may be filled by the Central Government at its discretion by appointment of members of the Service or of other persons.

10. Deputation of members of the Service:-

(1) The Central Government may at any time depute a member of the Service to a post equivalent to or higher than that held by him in the Service in the Indian Administrative Service, the Indian Frontier Administrative Service, the Indian Foreign Service Branch 'B' or any other Central Service Class-I. A member of the Service so deputed shall be held against a post in the deputation reserve :

Provided that :-

- (i) The period of deputation shall not exceed three years in the first instance although the Central Government may extend the same by further periods of upto three year at a time.
- (ii) The Central Government may in consideration of the deputation, appoint, in exchange, against an equivalent Cadre post, an officer from the Service to which the member of the Service has been deputed.

(2) The Central Government may at any time depute a member of the Service to a post equivalent to or higher than that held by him in the Service to serve under an International Organisation or a Foreign Employer. A member of the Service so deputed shall be held against a post in the deputation reserve:

Provided that the period of deputation shall not exceed three years in the first instance, although, the Central Government may extend the same by further periods of up to three years at a time.

(3) The Central Government may, if it is satisfied that no suitable member of the Service or of the Indian Foreign Service Branch 'B' is available to fill a particular cadre post, appoint thereto for a period not exceeding three years, an officer of any of the services mentioned in sub-rules (1) of rule 10, even though no member of the Service is sent, in exchange, on deputation to that service:

Provided that if the Central Government is still satisfied that no suitable member of the Service is available at the end of the above period they may extend the appointment for a further period of up to three years.

11. Cadre Posts to be filled by member of the Service:- Same as provided in rules 9 and 10, every cadre post of the Service shall be filled by a member of the Service.

@12. Appointments and promotions of Super Time scale Posts:-

- (1) Except as provided in rule 9, there shall be no direct recruitment to Grade-IV or any higher Grade of the Service.
- (2) Promotions to Grade I, II and III of the Service shall be made on merit from among members of the Service holding posts in the next lower grade.
- (3) Promotions to Grade IV shall be made by selection on merit from among officers of the Service in the Senior Scale.

Provided that where a member of any other Service is holding a Cadre Post in the Senior Scale of the Service under sub-rule (1) or sub-rule (3) of rule 10, The Central Government may promote the officer to hold a Grade IV Post of the Service.

13. Appointment to Senior Scale Posts:-

(1) There shall be no direct recruitment to a cadre post in the Senior Scale of the Service.

*#(2)(a) Such number of posts in the Senior Scale of the Service as do not exceed 22.5% of the Senior Scale and higher posts in the cadre (excluding one half of the posts of Heads of Missions/Posts, but including deputation reserve, if any) shall be filled in consultation with the Commission by promotion on the basis of merit from among officers of Grade I of the Indian Foreign Service, Branch 'B' who have completed not less than three years of service in that grade:

(b) Appointments under Clause (a) shall be made in consultation with the Union Public Service Commission. The composition of the Departmental Promotion Committee for such appointments shall be as follows:-

- (i) Chairman/Member, Union Public Service Commission: Chairman.
- (ii) Foreign Secretary or a Secretary nominated by the Ministry of External Affairs : Member.
- (iii) Additional Secretary (Administration), Ministry of External Affairs : Member.
- (iv) Joint Secretary (Administration), Ministry of External Affairs : Member.

Note :- The quorum to conduct the meeting of the Departmental Promotion Committee shall be three members, including Chairman.

@ Amended vide Notification No. 32/GA/73 dated 16.2.73.

* Amended vide Notification No. 08/Cad/82 dated 04.10.82.

Amended vide Notification No. 15/PA-II/96 dated 25.6.96.

§(3) All other Posts in the Senior Scale of the Service shall be filled by promotion on the basis of seniority-cum-fitness, from among officers in the Junior Scale of the Service who have been confirmed in that scale, subject only to the provision of Rule 10.

%(4) Notwithstanding the provisions of sub-rule (3) such number of posts in the Senior Scale of the Service as do not exceed six percent of the Senior Scale and higher posts which were existing in the Cadre on the 1st day of January, 1968(excluding one half of the posts of Head of Missions/Posts, but including the leave reserve and deputation reserve, if any) shall be filled in consultation with the Commission by promotion on the basis of merit from among such officers of the Indian Information Service who are not already member of the Indian Foreign Service, Branch 'A' or Branch 'B' and have completed not less than six years of service in any post or posts not lower than that of an Information Officer:

Provided that no such officer shall ordinarily be considered for promotion under this sub-rule if on the 1st day of January of the year in which the meeting of the Departmental Promotion Committee, which is competent to consider such Promotion, is held, he has attained the age of 55 years:

Provided further that no promotion under this sub-rule shall be made after the 1st day of January, 1972.

14. Appointments to Junior Scales posts : Subject to the provisions of rule 10 all recruitment to a cadre post in the Junior Scales of the Service shall be made on the results of an open competitive examination held by the Commission in accordance with such regulations as the Central Government may from time to time make in consultation with the Commission.

CHAPTER III (FIXATION OF SENIORITY)

15. Seniority :-

(1) Officers already appointed to the Service before the commencement of these rules shall retain their seniority as in the Gradation List in force immediately before such commencement.

(2) The year of allotment of an officer recruited to the Service on the results of an open competitive examination held by the Commission, whether before or after such commencement, shall be the year, following the year in which the said examination was held.

(3) The inter se seniority of officers recruited to the Service on any one occasion in accordance with rule 14 shall be in accordance with merit list compiled by the Commission.

§ *Proviso regarding 55 years of age has been deleted vide Notification No. 15/PA-II/91 dated 5.4.91(file Q/PA-II/584/18/89).*

% *No longer applicable.*

(4) When an officer is promoted to the senior scale of the service in accordance with sub-rule 2 or 4 * of rule 13, he shall be given a year of allotment as follows :-

(i) If he is promoted from Grade I of the Indian Foreign Service Branch 'B' one corresponding to a date three years prior to the date from which he was continuously holding a post in Grade I of the Indian Foreign Service Branch 'B' or an equivalent or a higher post;

** (ii) If he is promoted from the Indian Information Service- on corresponding to a date from which he was continuously holding a post in the Indian Information Service in a capacity not lower than that of an Information Officer :

Provided that clauses (i) and (ii) shall not so apply as to make any promoted officer senior to any other officer promoted under sub-rule (2) or sub-rule (4) of rule 13 on an earlier occasion, and in the event that this occurs, the year of allotment shall be increased to that of the lower officer in the Gradation List promoted under sub-rule (2) or as the case may be of sub-rule (4) or rule 13:

Provided further that the year of allotment so determined shall not be earlier than the year, 8 years preceding the date of actual promotion.

(5) As between direct recruits and promotees inter se seniority shall depend on the year of allotment. When the year is the same, it shall depend on the date of appointment in the year on which the year of allotment is based. When the date of appointment is the same, the direct recruit or recruits shall be senior.

CHAPTER IV **(PROBATION AND TRAINING)**

16. Probation and training of direct recruits :-

(1) An officer appointed under the provisions of rule 14 to the Junior Scale of the Service shall be on probation for a period of two years, during which he shall be required to undergo such training and pass such examinations as may be prescribed by the Central Government from time to time.

(2) The Central Government may discharge from the Service forthwith any probationer, who may be found unsatisfactory during the period of probation or who fails to complete satisfactorily the prescribed course of training or to pass the prescribed examinations.

(3) The Central Government may at its discretion, extend the period of probation for such period as it may deem fit.

(4) On satisfactory completion of his probation, an officer may be confirmed in the service.

* *No longer applicable vide second proviso to para 13(4), ibid.*

** *No longer applicable vide second proviso to para 13(4), ibid.*

17. Period of Probation of Promotees :-

(1) An officer promoted to the senior scale of the service under sub-rule (2) or sub-rule(3) or sub-rule(4) of rule13, shall be on probation for a period of two years from the date on which he is so promoted.

(2) At the end of the period of probation, if the Central Government considers that the work of the officer has been satisfactory, he may be permitted to continue to officiate in the senior scale of the Service or be confirmed against a permanent vacancy with effect from the date on which the vacancy arose.

(3) If the Central Government considers that the work of an officer during the period of probation has not been satisfactory it may :-

(i) Revert the officer to Grade I of the Indian Foreign Service Branch 'B' § (or the Indian Information Services as the case may be);
or

(ii) Extend the period of probation for such further period as may be necessary, when clause (i) shall be equally applicable to the extended period.

(4) An officer promoted to any of the grades of the Services shall not be eligible for confirmation in that grade unless he has completed at least one year of service therein.

CHAPTER V
(MISCELLANEOUS)

18. Disqualification:-

(1) No person shall be appointed to the Service unless he is :-

- (a) A citizen of India or
- (b) |
- (c) | Under revision
- (d) |

(2) No person who has more than one wife living or whose remarriage is void by reason of its having taken place during the life-time of his previous spouse, shall be eligible for appointment to the Service.

(3) No woman whose marriage is void by reason of the husband having a wife living at the time of such marriage, or who has married a person who has a wife living at the time of such marriage shall be eligible for appointment to the Service.

§ *No longer applicable vide second proviso to para 13(4), ibid.*

19. Eligibility for Confirmation:-

(1) No officer of Grade I of the General Cadre of the Indian Service Branch 'B' (or of the Indian Information Services) shall be eligible for confirmation in the senior scale of the Service unless he has to the satisfaction of the Central Government, passed the prescribed examination or test in the compulsory language allotted to him.

(2) The Central Government may exempt from the operation of sub-rule (1) any officer who has, prior to the date of promotion to the Service, attained the age of forty five (45) years.

20. Interpretation :- If any question arises relating to the interpretation of these rules, it shall be referred to the Central Government whose decision thereon shall be final.
