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BY REGISTERED POST

Dy No. **3571**/COP/2015

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First Appeal of Mr. Wajih Malik under the RTI Act 2005

Mr. Wajih Malik had sought the following information under RTI Act 2005 from the CPIO:

- (i) Please provide copies of rules governing service conditions of Indian working in Foreign Diplomatic Missions in India as local employees.
- (ii) Please provide copies of guidelines/model contract circulated by MEA to Foreign Diplomatic Missions in India in respect of Indian Nationals working there as local employees.
- (iii) Please indicate the action which can be taken by the Government of India in case Diplomatic Missions violate rules/provisions of (a) and (b) above.
- (iv) Please indicate the provisions of Government of India has made to help Indian nationals working in Diplomatic Missions in case their rights and dues are denied to them by a particular Mission.

2. The following information has been provided the CPIO to the Appellant:

For (i), (ii), (iii) & (iv) : The Ministry has issued a Model Contract Form to all Foreign Missions and UN Missions. The Model Contract Form is only recommendatory in nature and indicate the minimum terms that should be offered to locally recruited staff in Foreign Missions and UN Missions in India.

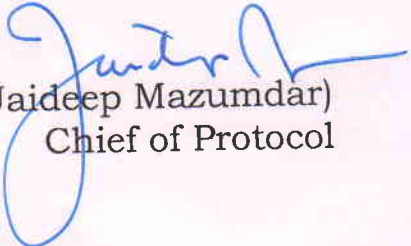
3. The Following has been observed on the response of CPIO:

(i) The Foreign Diplomatic Missions are representatives of sovereign nations working as per their local rules and regulations. They are entitled to immunity under the Vienna Convention on Diplomatic Relations 1961. Local employment in Mission is contractual in nature and terms and conditions are as agreed upon between the employer and the employee.

(ii) The Ministry of External Affairs by way of guidance to Mission circulates a model contract which lays out the terms and conditions of employment so as to avoid disputes at a later stage. The model contract is purely recommendatory in nature.

4. In view of the foregoing, the undersigned is in agreement with the response given by the CPIO to the appellant.

5. The appeal is being disposed off accordingly.


(Jaideep Mazumdar)
Chief of Protocol

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