FOREWORD

Based on the recommendations of the Committee on Prevention of Corruption headed by late Shri K. Santhanam, the Conduct Rules for Government servants were revised with a view to maintaining integrity in public Services and the Central Civil Services (Conduct) Rules, 1964 were notified laying down the Code of Conduct for Central Government employees. A bilingual edition of the Brochure on Central Civil Services (Conduct) Rules, 1964 was published in 1986 and thereafter no further edition has been brought out. In the meantime several provisions of the rules have been amended and a number of clarifications have been issued. Therefore, it has been decided to bring out an up-to-date edition.

The Brochure is, however, intended to serve only as a guide and in so far as the actual application of the Government orders mentioned under various Rules are concerned, the relevant O.M. may be consulted.

Suggestions for improvement and rectification of errors and omissions, if any, are always welcome.

S. CHANDRASEKARAN

JOINT SECRETARY

NOTIFICATION

S.O. 4177- In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely:-

THE CENTRAL CIVIL SERVICES (CONDUCT) RULES, 1964

1. Short title, commencement and application

(1) These rules may be called the Central Civil Services(Conduct) Rules, 1964.

(2) They shall come into force at once.

(3) Save as otherwise provided in these rules and subject to the provisions of the Indian Foreign Service (Conduct and Discipline) Rules, 1961, these rules shall 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:

Provided that nothing in these rules shall apply to any Government servant who is –

(a) (i) a railway servant as defined in Section 3 of the Indian Railways Act, 1890 (9 of 1890);

(ii) a person holding a post in the Railway Board and is subject to the Railway Services (Conduct) Rules;

(iii) holding any post under the administrative control of the Railway Board or of the Financial Commissioner of Railways;

(b) a member of an All India Service;

(c) a holder of any post in respect of which the President has, by a general or special order, directed that these rules shall not apply:

Provided further that Rules 4,6,7,12,14, sub-rule(3) of Rule 15, Rule 16, sub-rules (1), (2) and (3) of Rule 18, Rules 19, 20 and 21 shall not apply to any Government servant who draws a pay which does not exceed Rs.500 per mensem and holds a non-gazetted post in any of the following establishments, owned or managed by the Government, namely:-

(i) ports, docks, wharves or jetties;

(ii) defence installations except training establishments;

(iii) public works establishments, in so far as they relate to work-charged staff;

(iv) irrigation and electric power establishments;

(v) mines as defined in clause (j) of Section 2 of the Mines Act, 1952 (35 of 1952);

(vi) factories as defined in clause (m) of Section 2 of the Factories Act, 1948 (63 of 1948); and

(vii) field units of the Central Tractor Organisation employing workmen governed by labour laws:

Provided further that these rules shall apply to any person temporarily transferred to a service or post specified in clause (a) of the first proviso to whom but for such transfer these rules would have otherwise applied.

EXPLANATION- For the purposes of the second proviso, the expression 'establishment' shall not include any railway establishment or any office mainly concerned with administrative, managerial, supervisory, security or welfare functions.

Government of India Decisions

(1) Employment of Honorary Workers in civil posts –

applicability of the CCS (Conduct) Rules.

Various questions have arisen from time to time in connection with employment of honorary workers in civil posts. After careful consideration it has been decided that the following instructions should be laid down for the guidance of all concerned.

2. The basic principles to be adopted in this matter are :-

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

(ii) 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.

(iii) 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 a civil post or exercise of authority in the name, or on behalf, of Government.

(iv) 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 servants Conduct Rules and other service rules. An honorary worker need not, however, actually draw the nominal salary and may, by writing to the Accounts Officer concerned voluntarily surrender it. For the purpose of official records, however, such nominal salary must be fixed and specified in the order of appointment.

(v) 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. It is realised that strict enforcement of the above principles may present practical difficulties in individual cases. For example, it may not be necessary to enforce the requirements of clause (iii) in paragraph 2 above in the case of persons who have previously held a high office under Government. Again, honorary workers who are prominent in the public or political life of the country cannot reasonably be expected to sever their lifelong association with the political parties to which they belong; as a working arrangement, therefore, rule 18 (now rule 8) (connection with the press), 20 (now rule 9) (criticism of Government) and 23 (now rule 5) (taking part in politics) of the Government Servant's 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 Servant's Conduct Rules.

4. 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 clause (iii) in paragraph 2 above should be strictly adhered to while requirements of clause (iv) should not be enforced at all. The instructions issued vide the Ministry of

Law's Office Memorandum No. F.55(1)/50-C, dated the 6th February, 1951 (not reproduced), regarding the payment of allowances and fees to Members of Parliament should also be carefully borne in mind.

5. 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 considers that the requirements of any of the basic principles laid down in paragraph 2 above, should be relaxed, should be referred to the Ministry of Home Affairs for prior concurrence.

6. It should be made clear to honorary workers at the time of their appointment that there is no obligation on the part of Government to provide them with residential accommodation or any other concessions usually allowed to salaried employees of Government. Each such case would be treated on its merits. Accommodation, furniture, etc. may be made available if justified, and to the extent it can be done without detriment to Government's commitments to salaried employees.

7. A copy of this Office Memorandum should be communicated to every honorary worker alongwith the orders of his appointment.

8. The Ministry of Finance etc. are requested to note these instructions and communicate them to their Attached and Subordinate Offices for guidance. They are also required to examine the cases of any honorary workers at present employed under them or in their Attached or Subordinate offices with a view to ensuring compliance with these instructions.

9. These instructions supersede the orders contained in the late Home Department Office Memorandum No. 50/15/39-Public dated the 24th October, 1950 (not reproduced).

[MHA OM No. 25/2/50-Ests.(A), dated 20.06.1951]

(2) Applicability of the Conduct Rules to employees of public undertakings

A question has been raised whether employees of corporate bodies controlled or financed by the Central Government should be subject to all or any of the conditions imposed in the case of Central Government servants by the Central Civil Services (Conduct) Rules. The extent to which such conditions can be applied to employees of a statutory corporation would naturally depend on the provisions of the statute setting up the Corporation. The statute may provide for suitable rules being made by the Corporation itself or by Government. Where there is no such statutory provision or the body is non-statutory, the conditions of service of employees would be determined by the terms, expressed or implied, of the contract of service. It will then be open to the employer, subject to the relevant labour laws where they apply, to lay down conditions of service which would operate as terms of a contract.

It has been decided that in corporate undertakings entirely financed by the Central Government, i.e. where the whole capital is invested by the State, the activities of the employees should be restricted in the same manner as for those working directly under Government. In such cases action should be taken to extend the provisions of

the Central Civil Services (Conduct) Rules to the employees either by a self-contained set of rules under the specific statutory authority for framing such rules or as terms of the contract.

In regard to employees of corporate undertakings controlled or partly financed by the Central Government also, the provisions of the Central Civil Services (Conduct) Rules should wherever possible, be applied with such modifications as may be necessary.

[MHA OM No. 25/55/53-Estt.(A) dated 14.03.1956]

(2A)

It is laid down in Decision No. (2) above that in the corporate undertakings entirely financed by the Central Government, i.e., where the whole capital is invested by the State, the activities of the employees should be restricted in the same manner as for those directly under Government and in such cases action should be taken to extend the provisions of the Central Civil Services (Conduct) Rules to the employees either by a self-contained set of rules under the specific statutory authority for framing such rules or as terms of the contract. In regard to employees of corporate undertakings controlled or partly financed by the Central Government the Central Civil Services (Conduct) Rules should wherever possible be applied with such modifications as may be necessary.

The Central Civil Services (Conduct) Rules, which have been recently revised – vide Home Ministry's Notification No. 25/4/63-Ests.(A), dated 30th November, 1964, contain certain important provisions such as those relating to integrity, which have been made or modified on the recommendation of the Committee on Prevention of Corruption (Santhanam Committee). It is requested that statutory and other corporate public sector undertakings under the control of the Ministry of Industry and Supply etc., may be advised to bring their Conduct Rules on the lines of the revised CCS (Conduct) Rules, 1964 and to incorporate particularly, the important provisions of the CCS (Conduct) Rules relating to integrity.

[MHA OM No. 7/30/62-Ests.(A) dated 14.06.1965]

(3) Applicability of the Central Civil Services (Conduct) Rules to members of Committees/Commissions appointed by the Government of India

Attention is invited to Decision No. (1) above in which it is laid down that an honorary worker should be paid a nominal salary of Re.1 per mensem so that he may technically be a Government servant governed by the Central Civil Services (Conduct) Rules and other service rules. The Government of India have since been advised that, subject to the exceptions specified in the Central Civil Services (Conduct) Rules, 1955 these rules apply to "all persons appointed to civil services and posts in connection with the affairs of the Union" and that the criterion for deciding whether the rules apply in a particular case is whether the person concerned has been formally appointed to a civil service or post under the Central Government and not merely whether he is in receipt of remuneration from Government. Accordingly where the intention is that the person to be appointed should be governed by the Central Civil Services (Conduct) Rules, the appointment should be made to a specific civil service

or post.

2. Non-official members (i.e. all persons other than those who are in active Government service) of Commissions, Boards and Committees of Enquiry set up by Government, may sometimes attach considerable importance to their non-official status and prefer it to be maintained while accepting membership of such Commissions etc. In such cases, if the intention is that the said rules should not apply, the person concerned 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.

3. The Government of India have also noticed that in several instances the honoraria sanctioned for honorary workers are substantial. In such cases the person concerned is an honorary worker in name only. The Government of India do not consider it proper to fix the amount of honorarium at such a figure that the honorary character of the employment is lost. Moreover, if the person desires to maintain his non-official status and does not wish to be regarded as a Government servant, it follows that the remuneration allowed to him as honorarium should be nominal and not equivalent to what would have been allowed to him as salary if he had been appointed to a regular post.

[MHA OM No. 25/39/58-Ests(A), dated 25.10.1958]

(4) Not applicable to Extra-Departmental Agents

In pursuance of clause (c) of sub-rule (3) of Rule 1 of the Central Civil Services (Conduct) Rules, 1964, the President hereby declares that the said rules shall not apply to any extra departmental Agent in the Posts and Telegraphs Department who does not hold any other post in connection with the affairs of the Union.

[MHA Notification No. F.25/29/57-Ests.(A), dated 25.01.1959]

2. Definitions

In these rules, unless the context otherwise requires-

(a) "The Government" means the Central Government;

(b) "Government servant" means any person appointed by Government to any civil service or post in connection with the affairs of the Union and includes a civilian in a Defence Service;

EXPLANATION- A Government servant whose services are placed at the disposal of a company, corporation, organisation or a local authority by the Government shall, for the purpose of these rules, be deemed to be a Government servant serving under the Government notwithstanding that his salary is drawn from sources other than the Consolidated Fund of India;

(c) "Members of family" in relation to a Government servant includes-

(i) the wife or husband as the case may be, of the Government servant, whether residing with the Government servant or not but does not include a wife or husband, as the case may be, separated from the Government servant by a decree or order of a competent Court;

(ii) son or daughter or step-son or step-daughter of the Government servant and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the Government servant or of whose custody the Government servant has been deprived by or under any law;

(iii) any other person related, whether by blood or marriage to the Government servant or to the Government servant's wife or husband, and wholly dependent on the Government servant.

3. General

(1) Every Government servant shall at all times--

(i) maintain absolute integrity;

(ii) maintain devotion to duty; and

(iii) do nothing which is unbecoming of a Government servant.

(2) (i) Every Government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government servants for the time being under his control and authority;

(ii) No Government servant shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior;

(iii) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;

(iv) A Government servant who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

Explanation I :- A Government servant who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of clause (ii) of sub-rule (1).

Explanation II :- Nothing in clause (ii) of sub-rule (2) shall be construed as empowering a Government servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such

instructions are not necessary under the scheme of distribution of powers and responsibilities.

3A. Promptness and Courtesy

No Government servant shall

(a) in the performance of his official duties, act in a discourteous manner;

(b) in his official dealings with the public or otherwise adopt dilatory tactics or wilfully cause delays in disposal of the work assigned to him.

3B. Observance of Government's policies

Every Government servant shall, at all times-

(i) act in accordance with the Government's policies regarding age of marriage, Preservation of environment,protection of wildlife and cultural heritage;

(ii) observe the Government's policies regarding prevention of crime against women.

3C. Prohibition of sexual harassment of working women

(1) No Government servant shall indulge in any act of sexual harassment of any women at her work place.

(2) Every Government servant who is incharge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation - For the purpose of this rule, "sexual harassment" includes such unwelcome sexually determined behaviour, whether directly or otherwise, as --

(a) physical contact and advances;

(b) demand or request for sexual favours;

(c) sexually coloured remarks;

(d) showing any pornography; or

(e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

Government of India Decisions

(1) Integrity of officers appointed to responsible posts – Reputation regarding honesty

In para 7 of Chapter VI of the First Five Year Plan, the Planning Commission have observed that no officer who does not have a reputation for honesty should be placed in a position in which there is considerable scope for discretion. The Government of India fully agree with this observation. While there is no intention that an officer should be penalized or condemned merely on hearsay evidence, it is necessary that all recommending authorities should, before recommending officers for responsible posts where there is considerable scope for discretion, take into account all relevant factors regarding their integrity and reputation for honesty and impartiality. This is, of course, not an entirely new principle and it has always been expected that the authorities concerned with posting and promotions should observe it in the ordinary course. In view, however, of the importance which both public opinion and Government attach to the maintenance of a high standard of integrity by Government servants, the Ministry of Finance etc. are requested to bring this principle specifically to the notice of such authorities under them.

[MHA OM No. 41/2/55(II)-Ests.(A), dated 23.04.1955]

(1A) Integrity of Government servants holding responsible posts – Independence and impartiality in the discharge of their duties.

Both the All India Services (Conduct) Rules, 1954 and the Central Civil Services (Conduct) Rules, 1955 lay down inter alia that Government servants should, at all times, maintain absolute integrity and devotion to duty. It is, in fact, axiomatic that Government servants especially those holding positions of trust and responsibility, should not only be honest and impartial in the discharge of their official duties but also have the reputation of being so. The Planning Commission have also referred to this matter in Chapter VI of the First Five Year Plan. They have observed that in their social relations and dealings, those holding responsible posts should ensure that there is no ground or occasion to suggest that some individuals have greater access or influence with them than others. Government have no doubt that their officers fully appreciate the need for maintaining a high standard of integrity and impartiality and ensuring as far as it lies in their power that their behaviour gives no room for any possible suggestions to the contrary. It is however, requested that these observations should be specifically brought to the notice of all concerned and steps should be taken to include them in the teaching given at training institutions under the Ministry of Finance etc.

[MHA OM No. 41/2/55, dated 23.04.1955]

(2) Observance of courtesies by Officers in their dealings with Members of Parliament.

Government of India would like to remind all officers that due courtesy and regard to the representatives of the people are desirable in the larger interests of the country. The Members of Parliament have important functions to perform under the Constitution and it should be the endeavor of every officer to help them to the extent possible in the discharge of their functions. In cases, however, when officers are unable to accede to the request or suggestion of Members of Parliament, the reasons for the officer’s inability to do so should be courteously explained to them. For purposes of interview, Members of Parliament should be given preference over other

visitors, and in the very rare cases where an officer is unable to see a Member of Parliament at a time about which he had no previous notice, the position should be politely explained to the Member and another appointment fixed in consultation with him. The same courtesy and regard should be shown to Members of Legislatures attending public functions where, in particular, seats befitting their position should be reserved for them.

[MHA OM No. 25/29/56-Ests.(A), dated 28.08.1957]

(2A)

Instructions were issued on 28.08.1957, [Decision No. (2) above] emphasizing the need for observance of proper courtesies by officers of the Government in their dealings with Members of Parliament. In continuation of these instructions, it is further emphasized that where any meeting convened by Government is to be attended by Members of Parliament, special care should be taken to see that notice is given to them in good time regarding the date, time, venue etc. of the meeting, and it should be ensured that there is no slip in any matter of detail, however, minor it may be.

[MHA OM No. 25/6/68-Ests.(A), dated 27.03.1968]

(3) Official dealings between the Administration and Members of Parliament and State Legislatures – Observance of proper procedure – Instructions regarding.

Members of Parliament and State Legislatures occupy in our democratic set-up a very important place as accredited representatives of the people. They have important functions to perform under the Constitution and they may occasionally find it necessary to seek information from the Ministries/Departments of the Government of India or the State Governments, or make suggestions for their consideration or ask for interviews with officers in connection with their parliamentary and allied public duties. In this connection, certain well recognised principles and conventions to govern the relations between Members of Parliament and of State Legislatures and Government servants have already been established. These principles and conventions were communicated in Ministry of Home Affairs Office Memorandum No. 25/29/56-Ests.(A) dated 28th August, 1957 (decision No. 2) and Office Memorandum No. 25/6/68-Ests.(A), dated the 27th March, 1968 (decision No. 2A). However, on a review of the position it has been considered necessary to reiterate, and to spell out in some detail, the principles and practices that should govern the relations between Members of Parliament and of State Legislatures and Government servants. The instructions in this regard are contained in the subsequent paragraphs. The Ministry of Finance etc. are requested to bring the contents of this Office Memorandum to the notice of all concerned for guidance and strict compliance.

2. The two basic principles to be borne in mind are (i) that Government servants should show courtesy and consideration to Members of Parliament and of State Legislatures and (ii) that while they should consider carefully or listen patiently to what the Members of Parliament and of State Legislatures may have to say, they should always act according to their own best judgment.

3. It should be the endeavour of every officer to help the Members of Parliament and of State Legislatures to the extent possible in the discharge of their important functions under the Constitution. In cases, however, where an officer is unable to accede to the request or suggestion of a Member, the reasons for his inability to do so should be courteously explained to the Member.

4. It is realized that many officers have very heavy public duties and responsibilities and if they are to function effectively, they should be permitted to plan out their day's work with some care and adhere to the plan. An officer should feel free to set apart some hour when he can refuse to meet visitors without being considered guilty of discourtesy, lack of consideration and the like. He should, however, set apart some time every day when anybody can see him and, within these hours and also during other office hours in which he is to meet visitors, he must give priority to Members of Parliament and of State Legislatures except when a visitor has come by previous appointment and a Member of Parliament or of a State Legislature has come without an appointment. In such a case he should see the Member of Parliament or of a State Legislature immediately after he has met the visitor who had come by previous appointment. Any deviation from an appointment made with a Member of Parliament or of a State Legislature – or indeed with any other person – must promptly be explained to the Member concerned so that the least possible inconvenience is caused to him and a fresh appointment should be fixed in consultation with him.

5. When a Member of Parliament or of State Legislature come to see him, an officer should rise in his seat to receive the Member and to see him off. Small gestures have symbolic value and officers should, therefore, be meticulously correct and courteous in their dealings with Members of Parliament and of State Legislatures.

6. Similarly, seating arrangement at public functions should receive very careful attention at all times and it should be ensured that there is no room for any misunderstanding on this score. The position of Members of Parliament has been clearly brought out in the Warrant of Precedence approved by the President. MPs appear at Article 30 above officers of the rank of full General or equivalent, Secretaries to the Government of India, etc. The instructions appended to the Warrant of Precedence also lay down that when Members of Parliament are invited en bloc to major State functions, the enclosure reserved for them should be next to the Governors, Chief Justice, Speaker of the Lok Sabha, Ambassadors, etc. A further provision in the instructions is that the Members of State Legislatures who, owing to their presence in Delhi, happens to be invited to State functions, should be assigned rank just after Members of Parliament. To avoid inconvenience to Members of Parliament and of State Legislatures who may come late, the block seats meant for them should be kept reserved till the end of the function and should not be occupied by other persons, even though they may be vacant. The seats provided for them should be at least as comfortable and as prominently placed as those for officials.

7. Letters received from Members of Parliament and of State Legislatures should be acknowledged promptly. All such letters should receive careful consideration and should be responded to at an appropriate level and expeditiously. The officers should furnish to Members of Parliament and of State Legislatures when asked for, such information or statistics relating to matters of local importance as are readily available and are not confidential. In doubtful cases instructions should be taken from a higher

authority before refusing the request.

8. While the official dealings of Government servants with Members of Parliament and of State Legislatures have to be regulated as stated in the previous paragraphs, it is necessary to invite the attention of Government servants to what is expected of them in their individual capacity in respect of their own grievances in the matter of conditions of service. Under the relevant Conduct Rules governing them, Government servants are prohibited from brining or attempting to bring any political or other influence to bear upon any superior authority to further their interests in respect of matters pertaining to their service under the Government. Therefore, a Government servant is not expected to approach a Member of Parliament or of a State Legislature for sponsoring his individual case.

[DOPT OM No. 25/19/64-Ests.(A), dated 08.11.1974]

(3A) Official dealings between the Administration and Members of Parliament and State Legislatures – Observance of proper procedure – instructions reg.

Attention is invited to Department of Personnel & A.R. OM No. 25/19/64-Estts.(A), dated 8th November, 1974 (decision No. 3) wherein broad guidelines were laid down to govern official dealings between the Administration and the Members of Parliament and State Legislatures. These guidelines were recirculated on 23.06.1988 and again on 23.04.1991 with the request to bring these instructions to the notice of all concerned for strict compliance.

2. It has been noted that of late there have been cases where due and proper courtesy was not shown to MPs/MLAs, thereby inviting adverse comments. There is, therefore, need for ensuring that proper courtesy is always shown to the Members of Parliament/State Legislatures. Therefore, it is once again reiterated that Ministries/Departments should ensure that the guidelines contained in the OM dated 8th November, 1974 are observed strictly at all levels.

3. It has further been noted that references from Committees of Parliament were not being attended to promptly. It has, therefore, been decided that all such references should be attended to promptly and should not be passed on routinely down the line. Ministries/Departments should immediately identify a senior officer at the level of Joint Secretary or equivalent who should be charged with the responsibility of ensuring that the references are attended to promptly.

4. As regards treatment of letters received from members of Parliament/State Legislatures, attention is invited to the following para contained in the instruction issued by the Government of India in 1974 (referred to in para 1 above).

> "7. Letters received from Members of Parliament and of State Legislatures should be acknowledged promptly. All such letters should receive careful consideration and should be responded to at an appropriate level and expeditiously. The Officers should furnish to members of Parliament and of State Legislatures when asked for, such information or statistics relating to matters of

local importance as are readily available and are not confidential. In doubtful cases instructions should be taken from a higher authority before refusing request."

5. It has also been decided that Ministries/Departments should issue instructions to ensure that in a public function organized by any of its offices in any part of the country, the members of Parliament/State Legislatures of the area are invariably invited and entry passes wherever necessary, are sent to them in advance to avoid any inconvenience to them in this regard.

6. Ministries/Departments may also ensure that while addressing communications to the members of Parliament, proper protocol conforming to their position in the Warrant of precendence should be observed. In all official correspondence, where the name of an MP is to appear alongwith others, the name should be listed according to the position assigned to the MPs in the Warrant of Precedence. Care should also be taken to address each of them as Member of Parliament (or MP) and not as Member of Lok Sabha or Member of Rajya Sabha. If it is desired to be more specific about the House to which they belong they may be addressed as Member of Parliament or MP (Lok Sabha)/(Rajya Sabha).

7. With a view to ensuring that these instructions are scrupulously followed by all concerned, it is necessary that these instructions are made available to all the Offices preferably in local languages.

8. It may please be ensured that these instructions are followed by all concerned in letter and spirit. It may also be emphasized on all concerned that a serious note will be taken of any violation of these instructions.

[DOPT OM No. 11013/2/92-Estt.(A), dated 21.12.1992]

(3B) Official dealings between Administration and Members of Parliament and State Legislatures – Instructions regarding.

The sub-committee of the Monitoring Group of All India Whips Conference constituted to examine/scrutinize and suggest administrative measures to implement the recommendations of the Conference, has observed that the officers should not ignore telephonic messages left for them by the Members of Parliament/State Legislatures in their absence and should try to contact at the earliest the concerned Member of Parliament/State Legislature. The Government have decided to accept the above suggestion.

[DOPT OM No. 11013/8/94-Estt.(A), dated 29.12.1995]

(3C) Official dealings between the Administration and Members of Parliament and State Legislatures – Observance of proper procedure – Reiteration of summary of instructions.

The basic principles to be borne in mind by the Government servants while interacting with the Members of Parliament and State Legislatures are that :-

(i) The Government servants should show courtesy and consideration to Members of

Parliament and State Legislatures; and

(ii) that while they should consider carefully or listen patiently to what the Members of Parliament and of the State Legislatures may have to say, they should always act according to their own best judgement.

(iii) Any deviation from an appointment made with a Member must be promptly explained to him to avoid any possible inconvenience. Fresh appointment should be fixed in consultation with him.

(iv) An officer should be meticulously correct and courteous and rise to receive and see off a Member visiting him.

(v) Members of Parliament/State Legislatures of the area to be invariably invited to public function organized by a Government office. Proper and comfortable seating arrangements at public functions to be made for Members who appear above officers of the rank of Secretaries to Government of India in Warrant of Precedence.

(vi) Letters from Members of Parliament and Members of State Legislatures must be promptly acknowledged, and a reply sent at an appropriate level expeditiously. Relevant provisions of the Manual of Office Procedure should be observed in this regard.

(vii) Information or statistics relating to matter of local importance must be furnished to M.Ps and M.L.As when asked for. If request is to be refused, instructions from higher authority should be taken.

(viii) A Government servant should not approach MPs/MLAs for sponsoring his individual case; and

(ix) References from Committees of Parliament must be attended to promptly. A senior officer at the level of Joint Secretary or equivalent should be charged with the responsibility for ensuring this.

(x) The officers should not ignore telephonic messages left for them by the Members of Parliament/State Legislatures in their absence and should try to contact at the earliest the concerned Member of Parliament/State Legislature.

[DOPT OM No. 11013/2/2000-Estt.(A), dated 23.05.2000]

(3D) Official dealings between the Administration and Members of Parliament and State Legislatures – Observance of proper Procedure – Invitation to functions.

Reference is invited to the OM of even No. dated 23rd May, 2000 on the subject mentioned above in which it has been specified that Members of Parliament/State Legislature of the area are to be invariably invited to public functions organized by a Government office and that proper and comfortable seating arrangements at public functions should be made for the Members who appear above the officers of the rank of Secretaries to the Government of India in the Warrant of Precedence. In the context of a notice of question of privilege given by an Hon'ble Member of Parliament

that he was not sent the invitation to a public function in advance, the Hon'ble Speaker, Lok Sabha desired that the requisite instructions/guidelines be reiterated with suitable amendments, in order to ensure that the same are strictly adhered to in the right spirit, by the concerned executive functionaries.

2. Attention of the Ministries/Departments is invited in this connection to Ministry of Home Affair's OM No. 25/6/68-Ests.(A) dated 27.03.1968 (Decision No. (2A) wherein it has been emphasized that where any meeting convened by the Government is to be attended by Members of Parliament, special care should be taken to see that notice is given to them in good time regarding the date, time, venue etc. of the meeting, and it should be ensured that there is no slip in any matter of detail, however, minor it may be. Ministries/Departments are, therefore, requested to ensure that –

(i) intimations regarding public meetings/functions be sent through speedier communication devices to the Hon'ble Members, so that they are received by them well in time.

(ii) It may also be ensured that receipt of intimation by the Member is confirmed by the officer/official concerned.

[DOPT OM No. 11013/2/2000-Estt.(A), dated 25.08.2000]

3E. Official dealings between the Administration and Members of Parliament and State Legislatures - Observance of proper procedure – Invitation to public functions.

Reference is invited to this Department's O.M. No. 11013/2/2000-Estt. (A) dated 25th August, 2000 (Decision 3D above) on the subject mentioned above wherein Ministries/Departments were requested to ensure that Members of Parliament/State Legislatures of the area are invariably invited to public functions organised by a Government office and that proper and comfortable seating arrangements at public functions should be made for the Members. These instructions also provide that intimations/invitations regarding public meetings/functions should be sent through speedier modes or communication and devices to the MPs so that these are received by them well in time. The receipt of the intimation by the Member was required to be confirmed by the officer/official concerned.

2. The Secretary General, Lok Sabha has pointed out that despite these instructions, complaints have been received from the Members of Parliament that they are not invited to the functions held by Government agencies in the MPs' parliamentary constituencies. Hon'ble Speaker has desired the Ministry of Personnel, Public Grievances and Pensions to take up the matter with all the Ministries/Departments/ Government functionaries. It needs to be reiterated that Members of Parliament/State Legislatures of the area should be invariably invited to public functions organised by Government Departments, their Subordinate Offices and Public Undertakings under those Departments and intimation regarding such public meetings/functions should be sent to the Members concerned well in advance. It may also be ensured that receipt of such intimation by the Members is confirmed by the officer/official concerned. Such functions should be held, as far as possible, when

Parliament is not in session.

3. All Ministries/Departments are again requested to ensure that the instructions referred to above are scrupulously followed in letter and spirit by all concerned which should leave no room for complaints by the Members of Parliament in the future.

DOPT OM No. 11013/6/2005-Estt. (A) dated 27th June, 2005.

(3F) Official dealings between the Administration and Members of Parliament and State Legislatures – Observance of proper procedure.

Reference is invited to the guidelines concerning the official dealings between Administration and Members of Parliament and State Legislatures were issued by the Ministry of Personnel and Administrative Reforms in the O.M. No 25/19/64-Estt. (A) dated 08.11.1974 and to say that these guidelines have been reiterated from time to time. More recently, these guidelines were reiterated in the Department of Personnel and Training's O.M. No. 11013/2/2000-Estt. (A) dated 23.05.2000 and 25.08.2000 and O.M. of even number dated 18.04.2006.

2. The Members of Parliament and State Legislatures occupy a very important place in our democratic setup as the accredited representatives of the people. In connection with their parliamentary and allied public duties, they find it necessary to seek information from the Ministries/Departments of the Government of India or the State Governments, or make suggestions for their consideration or ask for interviews with the officers. Certain well-recognized principles and conventions to govern the relations between the Members of Parliament and State Legislatures and Government servants have already been established. In practice, however, it has been observed that there has been some laxity in attention to the communications from the MPs and Members of State Legislatures and also in the treatment accorded to them at public functions sponsored by the Government. The Parliamentary Standing Committee of the Ministry of Personnel, Public Grievances and Pensions has taken serious note of this matter and has observed that the Government servants do not respond to queries of Members of Parliament which are great public importance

3. The basic principles to be borne in mind by the Government servants while interacting with the Members of Parliament and State Legislatures are as follows :-

(i) Government servants should show courtesy and consideration to Members of Parliament and State Legislatures; and

(ii) While the Government servants should consider carefully or listen patiently to what the Members of Parliament and of the State Legislatures may have to say, the Government servant should always act according to their own best judgement and as per the rules.

(iii) Any deviation from an appointment made with a Member must be promptly explained to him to avoid any possible inconvenience. Fresh appointment should be fixed in consultation with him.

(iv) An officer should be meticulously correct and courteous and rise to receive and see off a Member visiting him.

(v) Members of Parliament/State Legislatures of the area should invariably be invited to a public function organized by a Government office. Proper and comfortable seating arrangements at public functions should be made for Members who appear above officers of the rank of Secretaries to Government of India in the Warrant of Precedence.

(vi) Where any meeting convened by the Government is to be attended by Members of Parliament, special care should be taken to see that notice is given to them in good time regarding the date, time, venue etc. of the meeting, and it should be ensured that there is no slip in any matter of detail, however minor it may be. It should be ensured -

(a) that intimations regarding public meetings/functions be sent through speedier communication devices to the Hon'ble Members, so that they are received by them well in time, and

(b) that receipt of intimation by the Member is confirmed by the officer/official concerned.

(vii) Letters from Members of Parliament and Members of State Legislatures must be promptly acknowledged, and a reply sent at an appropriate level expeditiously. Relevant provisions of the Manual of Office Procedure should be observed in this regard (Annexed).

(viii) Information or statistics relating to matters of local importance must be furnished to the M.P.s and M.L.A.s when asked for. If request is to be refused, instructions from a higher authority should be taken.

(ix) A Government servant should not approach MPs/MLAs for sponsoring his individual case; and

(x) References from the Committees of Parliament must be attended to promptly. A senior officer at the level of Joint Secretary or equivalent should be charged with the responsibility for ensuring this.

(xi) The officers should not ignore telephonic messages left for them by the Members of Parliament/State Legislatures in their absence and should try to contact at the earliest the Member of Parliament/State Legislature concerned.

4. All Ministries/Departments are requested to ensure that the above basic principles and instructions are followed by all concerned both in letter and spirit. It may also be impressed on all concerned that violation of the guidelines laid down on this subject will be viewed seriously.

[DOPT O.M. No. 11013/6/2005-Estt. (A) dated 17th August, 2007]

(4) Participation by Government servants in proselytisation – instruction regarding

The question has been raised whether a specific provision should be added to the Central Civil Service (Conduct) Rules to prohibit Government servants from taking

part in proselytizing activities.

2. The Constitution of India is based on the principle of secular state and expressly prohibits any discrimination in favour of or against any person or classes of persons on religious grounds. It follows, that, though servants of the State are entitled in their private lives freely to profess, practise or propagate any religion, they should so conduct themselves in public as to leave no room for an impression to arise that they are likely, in their official dealings, to favour persons belonging to any particular religion. Such an impression is bound to arise in respect of a Government servant who participates in brining about or organizing conversions from one religion to another and such conduct would be even more reprehensible if, in the process, he makes use, directly or indirectly, of his official position or influence.

3. As such cases are not likely to be very frequent, it has been decided that no specific provision need be added to the existing Conduct Rules. Nevertheless participation in proselytizing activities or the direct or indirect use of official position and influence in such activities on the part of a Government servant may be treated as good and sufficient reasons for taking disciplinary action against him under the Central Civil Services (Classification, Control and Appeal) Rules.

[MHA OM No. 25/50/57-Ests.(A), dated 15.01.1958]

(5) Conduct of Government Servant in relation to the proper maintenance of his family

Instances of failure of Government servants to look after the proper maintenance of their families have come to Government's notice. It has been suggested that a provision may be made in the Central Civil Services (Conduct) Rules, 1955, to enable Government to take action against those Government servants who do not look after their families properly.

2. The question has been examined and it has been decided that it will not be possible to make such a provision in the Conduct Rules as it would entail administrative difficulties in implementing and enforcing it. However, a Government servant is expected to maintain a responsible and decent standard of conduct in his private life and not bring discredit to his service by his misdemeanours. In cases where a Government servant is reported to have acted in a manner unbecoming of a Government servant as for instance, by neglecting his wife and family, departmental action can be taken against him on that score without invoking any of the Conduct Rules. In this connection, a reference is invited to Rule 13 of the CCS (CCA) Rules, 1957 (now Rule 11) which specifies the nature of penalties that may, for good and sufficient reasons, be imposed on a Government servant. It has been held that neglect by a Government servant of his wife and family in a manner unbecoming of a Government servant may be regarded as a good and sufficient reason to justify action being taken against him under this rule.

3. It should, however, be noted that in such cases the party affected has a legal right to claim maintenance. If any legal proceedings in this behalf should be pending in a court of law, it would not be correct for Government to take action against the Government servant on this ground as such action may be construed by the court to

amount to contempt.

[MHA OM No. 25/16/59-Ests.(A), dated 01.09.1959]

(6) Government servant's role in the eradication of untouchability

At the meeting of Central Advisory Board for Harijan Welfare held on the 27th April, 1961 the following recommendations were made :-

The Central Government may impress upon all its servants and request State Governments to do likewise :-

(a) That severe notice shall be taken of the practice of untouchability in Government offices and by Government servants; and

(b) That the police and the Magistracy have a special obligation to enforce the provisions of the Untouchability (Offences) Act, 1955, and it is the duty of all Government servants to help them in the enforcement of the Act and in creating the necessary climate to remove untouchability from the mind of the orthodox section of the community.

The Government have accepted these recommendations.

It is specifically brought to the notice of all the Government servants that Article 17 (Part.III-Fundamental Rights) of the Constitution declares that "Untouchability" is abolished and forbids its practice in any form; the practice of untouchability has also been made an offence by the Untouchability (Offences) Act, 1955. If any Government servant is guilty of the practice of untouchability in any form, he will be liable to prosecution and such conduct on his part will constitute a sufficient ground for imposing a suitable penalty prescribed under the appropriate control and discipline rule. Government expects its employees not only to observe strictly the law in force but also to set an example to others in the matters of complete elimination of the practice of untouchability in any form.

A Government servant who is found guilty of the practice of untouchability in any form, will be considered unfit for public service and disciplinary action will be taken against him.

[MHA OM No. F.70/17/61-Ests.(A), dated 08.12.1961 as further clarified by OM No. 25/29/66-Ests.(A), dated 21.01.1967]

(7) Role of Public services – Estimate Committee's recommendation in their 93rd Report on the Public Service.

The Estimates Committee have made the following recommendations in para 20 of their Ninety-third Report (1965-66) regarding the role of Public Services :-

"At the same time, the Committee are constrained to mention the general feeling among the people of lack of spirit of service expected of the members of the public services and also of the dilatory methods and tactics in their dealings with the public. The Committee feel that these lapses on the part of the public services very often

compel the public to seek the intervention of legislators or public men of importance for the disposal of even matters of routine nature. The Committee would like Government to bring home to the services that their first obligation is to render service to, and not merely to exercise authority over, the public. An improvement in the attitude and conduct of services towards the common man is necessary for the people's active cooperation in the stupendous task of building the nation through developmental planning and its implementation; and this improvement in their attitude and conduct should be visible to the common man. The Committee hope that the services would realize the particular obligations of the welfare state undertaking planned development through democratic methods for which voluntary cooperation of the people is essential and which can be enlisted only through courteous behaviour of the public service of all levels.

The Committee, therefore, cannot too strongly stress the need for prompt and courteous service to the public which, in turn, through courteous and helpful attitude, can be educated to act towards the services in a responsible, restrained and courteous manner. The Committee hope that Government would be ever watchful in ensuring that Government machinery as a whole and particularly such segments of it as come in direct contact with the public, are helpful in attitude and quick in disposal of cases and that deterrent and prompt action is taken against discourteous behaviour and dilatory tactics."

2. Government have decided that the above recommendations of the Committee should be brought to the notice of all the Ministries/Departments etc., for information and guidance. If any complaint is received against any Government servant that he has acted in a discourteous manner or adopted dilatory tactics in his dealings with the public and if it is established that he has so acted, deterrent and prompt action should be taken against him.

3. Ministry of Finance etc. may also kindly bring the contents of this Office Memorandum to the notice of all the training institutions for Government employees under their control and direct them to lay special emphasis in their training programmes on the very salutary recommendations made by the Estimates Committee. The recommendations of the Estimates Committee may also be brought to the individual notice of all Government employees.

[MHA OM No. 14/9/66-Ests.(A)-I, dated 03.08.1966]

(8) Observance of proper decorum by Government servants during the lunch-break playing games beyond the prescribed lunch hour and playing cards in the open to be discouraged.

It has been observed that a number of Government employees play cards on lawns outside the office buildings and other open spaces inside the North and South Blocks. These games generally degenerate into gambling and non-Government servants also sometimes participate in such games. The sight of groups of Government servants playing cards around and inside Government offices is not becoming and does not promote discipline and decorum in Government offices.

2. It has also been noticed that a large number of Government employees continue to

move about or play games in the quadrangles and the lawns well beyond the prescribed lunch hour of half an hour. Besides this, the indoor games are continued till very late in the evening, which puts a strain on security arrangements in Government buildings.

3. It has, therefore, been decided that :-

(i) No Government employee should play cards on the lawn and such other places inside and outside office buildings;

(ii) The game of cards should be confined to the recreation rooms or places approved for such purposes;

(iii) No indoor games should be played in office buildings after 7.00 p.m. except on special occasions such as tournaments etc.

4. Persons found violating these instructions will be liable to disciplinary action.

5. It will be appreciated if departmental instructions in regard to the above decision are issued by the Ministries/Departments concerned and a copy endorsed to this Ministry for information.

[MHA DO No. 15/45/67-SSO, dated 11.08.1967]

(8A)

It has come to the notice of the Ministry of Home Affairs that the lunch hour is not strictly observed by some staff and some of them are even found playing cards outside Government offices and buildings after the lunch hour. The Ministry of Finance etc. are, therefore, requested to ensure by periodical surprise checks that the staff under them do not overstay the lunch hour. They may also bring to the notice of the staff the undesirability of their playing cards in lawns, outside Government offices/buildings vide the Ministry of Home Affairs d.o. letter No. F.15/45/67-SSO dated 11th August, 1967, to all the Vigilance Officers (Decision No. 8) above.

[MHA OM No. 46/4/68-Ests.(A), dated 23.04.1968]

(8B)

It has, however, been noticed that inspite of these instructions the staff in some offices are found to be playing card games etc. during lunch break in the lawns and open places outside the office premises as also on the lawns of the traffic islands and roundabouts located in busy thoroughfares close to the various office premises. They have also been seen loitering around even after the lunch break time is over. As all these necessarily create an unfavourable impression on the public the need for strict compliance with the existing instructions is all the more necessary in the context of various dignitaries visiting Delhi on the occasion of CHOGM. The Ministry of Finance, etc. are, therefore requested to bring these instructions once again to the notice of all concerned for strict compliance.

[DP & AR's OM No. 11013/20/83-Estt. (A), dated 21.11.1983]

(9) Disciplinary action for acts done in previous or earlier employment.

It is clarified that the provision of rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 which envisages the imposition of penalties on Government servants for 'good and sufficient reason', is adequate authority for taking action against a Government servant in respect of misconduct committed before his employment if the misconduct was of such a nature as has rational connection with his present employment and renders him unfit and unsuitable for continuing in service. When such action is taken, the charge should specifically state that the misconduct alleged is such that it renders him unfit and unsuitable for continuance in service.

[MHA OM No. 39/1/67-Ests.(A), dated 21.02.1967]

(10) Display of posters and other notices by Government servants/Union Associations on the walls, etc., of Government Offices and buildings

Of late, growing tendency has been noticed among Government servants, acting individually or though their unions/associations, of affixing posters and other notices on the wall, doors, etc., of Government offices and buildings.

2. In this connection attention is invited to the Department of Labour and Employment OM No. 18/21/60-LRI dated the 9th May, 1961 (extract below), which prescribed the nature of posters that can be displayed by the recognized associations/trade unions on notice boards in the office premises with the permission of the competent authority at the places specified for this purpose. The facility so provided to recognized associations/unions does not confer on individual Government servants or their associations/unions any right to display posters or other notices on the walls, doors, etc., of the office premises.

3. The Ministry of Finance, etc., are requested to enlist the cooperation of their employees and the recognized staff associations/unions in the matter for ensuring maintenance of neat and tidy appearance of the office buildings and premises. Government servants who affix or display posters/notices or are responsible for the display of such notices in violation of these instructions would be rendering themselves liable to appropriate action.

[Department of Personnel OM No. 25/17/71-Ests.(A), dated 26.08.1971]

(11) Duty of Supervisory Officers for ensuring the integrity and devotion to duty.

Under Rule 3 (2) (i) of the Central Civil Services (Conduct) Rules, 1964, "every Government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government servants for the time being under his control and authority".

2. The National Council set up under the Machinery for Joint Consultation and Compulsory Arbitration in its meeting held on 28th July, 1972 adopted a recommendation of the committee set up by the Council to consider the item "Amendment of the Central Civil Services (Conduct) Rules, 1964, to the effect that

clarification may be issued that sub-rule (i) of rule 3 (2) is intended to be invoked only in cases where there has been a failure on the part of supervisory officer concerned to take all reasonable and necessary steps to ensure the integrity and devotion to duty of Government servants under his control and authority.

[Cabinet Secretariat, Department of Personnel OM No. 25/2/72-Ests. (A), dated 10.01.1973]

(12) Third Report of the Committee of the National Council (JCM) set up to consider the item 'Amendment of the CCS (Conduct) Rules, 1964.

The committee of the National Council (JCM) has examined some provisions of the Central Civil Services (Conduct) Rules, 1964 relating to (a) general conduct of Government servants and (b) the authorized communication of official information. During discussion in the Committee, the Staff Side urged consideration of the following points in relation to the provisions of rule 3 and 11 and the aforesaid rule :-

(i) The scope of Rule 3 (1) of the Central Civil Services (Conduct) Rules, 1964 is too wide. It is being used to cover all types of cases many of which are of a trivial nature. This tendency is particularly noticeable at lower levels where frivolous complaints are also brought into the ambit of this Rule.

(ii) Where action is taken against a Government servant for violation of clause (iii) of Rule 3 (1) of the Central Civil Services (Conduct) Rules, 1964, the acts of misbehaviour on the basis of which disciplinary action is proposed should be simultaneously intimated to the Government servant.

(iii) Rule 3 (2) (i) of the Central Services (Conduct) Rules, 1964, is not followed in practice by supervisory staff at all levels.

(iv) Rule 3 (2) (ii) of the Central Civil Services (Conduct) Rules, 1964, does not offer any protection when the supervisory officer refuses to give written confirmation of the directions given by him orally.

(v) Rule 11 of the Central Civil Services (Conduct) Rules, 1964 should not be a bar to communicating routine or statistical information on request by recognized unions and associations of Government employees.

(vi) Quotations by a Government servant of the orders in an individual case of a nature similar to his own case should not be prohibited under the Explanation below rule 11 of the aforesaid rules.

2.1 The above points have been examined in detail and the position is clarified below.

2.2 Rule 3 (1) of the Central Civil Services (Conduct) Rules 1964 provides that a Government servant shall at all times maintain absolute integrity and devotion to duty and do nothing unbecoming of a Government servant. This rule serves the specific purpose of covering acts of misconduct not covered by other specific provisions of the Rules. It is, therefore, necessary that disciplinary authorities should first satisfy themselves that alleged acts of misconduct do not attract the provisions of any specific rules before taking recourse to rule 3 (1) ibid. Where action is taken

under rule 3 (1) particularly on grounds of unbecoming conduct, special care should be taken to eliminate cases of a trival nature. Supervisory officers should look into this matter during periodic inspections and ensure that disciplinary proceedings under rule 3 (1) are not initiated on grounds which are unjustified.

2.3 Under rule 14 (3) of the Central Civil Services (CCA) Rules, 1965 the disciplinary authority is required to draw up, or cause to be drawn up, the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge and a statement of the imputations of misconduct or misbehaviour in support of each article of charge containing a statement of all relevant facts. Where it is proposed to impose a minor penalty, rule 16 ibid provides that the Government servant should be informed in writing of the imputation of misconduct or misbehaviour on which action is proposed to be taken against him. It is evident that if these mandatory provisions are followed there can be no complaint that the concerned Government servant has not been adequately informed of the acts of misbehaviour on the basis of which action is proposed to be taken against him.

2.4 Rule 3 (2) (ii) of the Central Civil Services (Conduct) Rules, 1964, provides that when a Government servant acts under the directions of his official superior, he should obtain the direction in writing wherever practicable and where it is not practicable he shall obtain written confirmation of the direction as soon thereafter as possible. Clearly, it is the duty of the superior officer giving a direction to confirm it in writing when such confirmation is sought by his subordinate. It is not open to the superior to refuse to confirm in writing the directions given by him orally, just as it is open to him to state immediately that no such direction was given.

3.1 Rule 11 ibid provides that no Government servant shall, without prior permission, communicate directly or indirectly any information to any other Government servant or any other person to whom he is not authorized to communicate such information.

3.2 When a request is received from recognized Unions and Associations of Government servants for supplying routine or statistical information, the authority having custody of such information should make it available after satisfying itself that the information is actually relevant to the purpose given by the Union or Association. If the required information is not readily available or it will have to be collected involving time and labour not commensurate with the purpose in view, the Association or Union should be informed accordingly.

3.3 The Explanation below rule 11 of the Central Civil Services (Conduct) Rules, 1964, provides that quotation by a Government servant in his representation of or from any letter, circular or memorandum or from the notes from any file to which he is not authorized to have access or he is not authorized to keep in his personal custody or for personal purpose shall amount to unauthorized communication of information.

3.4 This provision will not apply to quotation by a Government servant of any order passed in the case of another Government servant whose case is similar to his own provided that the quotation in such a case is from the final orders passed and not from the notings on the file.

[MHA, Department of Personnel & A.R. OM No. 11013/18/76-Est.(A) dated the 7th February, 1977]

(13) Oral instructions by Superior Officers – to be avoided

That the practice adopted by the senior officials and the personal staff of the Ministers in conveying oral instruction to their subordinates has been brought to the notice of the Department of Personnel and A.R. It has further been suggested to this Department that the role of oral instruction in the transaction of business of the Government has to be defined and definite guidelines set down. The matter has been carefully examined and the Government has taken the decisions contained in the succeeding paragraphs.

2. The role of oral instructions in the transaction of business of Government has already been specified under sub-rule 2 (ii) [now sub-rule (iii) and (iv)] of Rule 3 of the CCS (Conduct) Rules, 1964, which inter alia, provides as follows :-

"No Government servant shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgment except when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the direction in writing, wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible."

3. Clarificatory instructions were issued vide this Department's OM No. 11013/18/76-Estt.(A), dated 07.02.1977 (decision No. 12) to the effect that it is the duty of the superior official giving direction to confirm it in writing when such confirmation is sought by his subordinates. It is not open to the superior officer to refuse to confirm in writing the direction given by him orally, just as it is open to him to state immediately that no such direction was given.

4. In the light of the aforesaid provisions of the Conduct Rules, and the instructions issued thereunder, it is impressed upon all Government servants that :-

(i) Oral instructions should not, as far as possible, be issued by senior officers to their subordinates;

(ii) if the oral instructions are issued by any senior officer they should be confirmed by him in writing immediately thereafter;

(iii) if a junior officer seeks confirmation to the oral instructions given by the senior, the latter should confirm it in writing whenever such confirmation is sought.

(iv) a junior officer who has received oral orders from his superior officer should seek confirmation in writing as early as practicable;

(v) whenever a member of the personal staff of a Minister communicates an oral order on behalf of the Minister, it should be confirmed by him in writing immediately thereafter;

(vi) if a junior officer receives oral instructions from the Minister or from his personal

staff and the orders are in accordance with the norms, rules, regulations or procedures, they should be brought to the notice of the Secretary or the Head of the Department, as the case may be, for information.

(vii) if a junior officer receives oral instructions from the Minister or from his personal staff and the orders are not in accordance with the norms, rules, regulations or procedures, they should seek further clear orders from the Secretary or the Head of the Department, as the case may be, about the line of action to be taken, stating clearly that the oral instructions are not in accordance with the rules, regulations, norms or procedures.

5. Since the personal staff of Minister whether belonging to organized services or otherwise are governed by the provisions of the Conduct Rules, 1964, they are also required to observe the orders outlined in the preceding paragraph.

[MHA, DP&AR OM No. 11013/12/78-Ests.(A), dated 01.08.1978]

(14) Joining of Educational Institution by Government servants outside normal office hours –

Please see decisions Nos. (1) and (2) under Rule15.

(15) Conviction of Government servants - Requirements regarding intimation to department superiors –

Please see decision No. (1) under Rule 19.

(16) Government servants seeking redress in Courts of Law of their grievances arising out of their employment or Conditions of Service –

Please see decision (2) Rule 19.

(17) Participation in shramdan activities Organised by Government departments or Bharat Sevak Samaj – Please see decision No. 3 under Rule 15.

(18) Joining Civil Defence – Permissible –

Please see decision No. (8) under Rule 15.

(19) Incentives to Central Government Servants who are members of St. John Ambulance Brigade –

Please see decision No. (12) under Rule 15.

(20) Role of oral instructions in the transaction of Government business.

Attention is invited to the provisions of Rule 3 of the CCS (Conduct) Rules, 1964 and paras 25 to 25-C of Central Secretariat Manual of Office Procedure (paras 31 to 34 of eleventh edition 1996) which define the scope and role of oral instructions in the transaction of Government business and also lay down the detailed procedure to be followed whenever it becomes necessary to give oral directions by a higher officer to a subordinate or when a member of the Personal Staff of the Minister communicates

an oral order on behalf of the Minister. Instances have come to notice where the above provisions have not been followed.

2. The purpose for keeping a proper written record of policy decisions taken by the various Government functionaries, when action in this regard is to be initiated on the basis of oral instructions given by senior officers, is to ensure proper accountability of the decisions taken on important matters and have a record of the considerations leading to the decision. It is, therefore, reiterated that the procedure prescribed in the Manual of Office Procedure and the provisions of the Conduct Rules referred to above should be scrupulously followed at all levels in order to avoid ambiguity or doubts and to specify responsibility when important decisions are taken. It is clarified that these provisions apply equally to matters, which may be considered sensitive or secret. In such cases of sensitive nature, adequate care should however be taken to accord proper security classification to the relevant papers and to ensure their safe custody as envisaged in the Manual of Departmental Security Instructions.

[DOPT OM No. 11013/4/88-Estt.(A), dated 19.04.1988]

(21) Association of Secretaries to the Government of India with Public Sector Undertakings

Reference is invited to this Department's OM No. 11017/11/93-AIS (III) dated 12th July, 1993 wherein it was conveyed, with the approval of Prime Minister, that as a general policy, Secretaries to Government need not be appointed to the Boards of Public Sector Undertakings or in such companies with which Public Sector Undertakings are intimately involved. It is hereby clarified that the policy referred to above would apply to Secretaries of Departments irrespective of the service to which they belong.

[DOPT OM No. 11013/11/93-Estt.(A), dated 25.10.1993]

(22) Need to maintain independence and impartiality by Government servants in the discharge of their duties

In the Ministry of Home Affairs OM No. 41/2/55(II)-Estt. (A), dated 23rd April, 1955, instructions were issued emphasizing the need for Government servants, especially those holding positions of trust and responsibility, remaining not only honest and impartial in the discharge of their duties but also having the reputation of being so. Despite these instructions, it is not uncommon that complaints of favourtism or illwill shown by officers in supervisory positions towards their subordinates or other members of public are received every now and then.

2. While reiterating the instructions, issued in the Ministry of Home Affairs OM referred to above, it is again stressed that a Government servant must be impartial and must not show undue favour or illwill in his official dealings. If a Government servant is found to misuse his official position or to abet and connive at improper and illegal acts, he would render himself liable for disciplinary action for violation of Rule 3 of the CCS (Conduct) Rules, 1964.

[DOPT OM No. 11013/10/93-Estt.(A), dated 06.10.1993]

(23) Requirement of taking prior permission by Government servants for leaving station/headquarters – clarification regarding

Doubts have been expressed by Ministries/Departments as to whether a Government servant is required to take permission before leaving station/headquarters during leave or otherwise, especially for visits abroad.

2. Attention of the Ministries/Departments is invited in this connection to the provisions of FR 11 which provides that 'unless in any case it be otherwise distinctly provided the whole time of a Government servant is at the disposal of the Government which pays him….' Article 56 of the Civil Service Regulations also provides that 'no officer is entitled to pay and allowance for any time he may spend beyond the limits of his charge without authority.' It is implicit in these provisions that a Government servant is required to take permission for leaving station/headquarters. It is thus clear that such permission is essential before a Government servant leaves his station or headquarters and more so when he proposes to go abroad during such absence, as such visit may have wider implications.

3. However, separate permission may not be necessary where a Government servant has indicated his intention of leaving headquarters/station alongwith leave address while applying for leave. The leave application form prescribed under the CCS (Leave) Rules, 1972 contains necessary columns in this regard. In case the leave applied for the purpose of visiting foreign country is sanctioned, it would imply that permission for going abroad is also granted and therefore leave sanctioning authorities should keep this aspect in mind while granting the leave applied for. In the case of officers who are competent to sanction leave for themselves they should obtain permission for leaving station from their superior authority. Failure to obtain permission of competent authority before leaving station/headquarters especially for foreign visits is to be viewed seriously and may entail disciplinary action.

[DOPT OM No. 11013/7/94-Estt.(A), dated 18.05.1994]

(23A) Requirement of taking prior permission by Government servants for leaving station/headquarters – Clarification regarding.

Reference is invited to Department's OM No. 11013/7/94-Estt. (A) dated 18th May, 1994 (decision No. 23) on the subject mentioned above in which it has inter-alia been clarified that separate permission may not be necessary where a Government servant has indicated his intention of leaving headquarters/station alongwith leave address while applying for leave. It has also been clarified that in case leave applied for the purpose of visiting foreign country is sanctioned, it would imply that permission for going abroad is also granted and, therefore, leave sanctioning authority should keep this aspect in mind while granting the leave applied for.

2. The above instructions have been reviewed and it has been decided that while granting leave the sanctioning authority shall take prior approval, if required, for permitting the officer to go abroad as per the existing instructions.

[DOPT OM No. 11013/8/2000-Estt.(A), dated 07.11.2000]

(23B) Requirement of taking prior permission by Government servants for

leaving station/headquarters – Clarification regarding.

Reference is invited to this Department's O.M. No. 11013/7/94-Estt. (A) dated the 18th May, 1994 in which it has inter alia, been clarified that the Government servant should take permission for leaving station/headquarters especially for private visits abroad. It has also been clarified in O.M. No. 11013/8/2000-Estt. (A) dated the 7th November, 2000 that the leave sanctioning authority while granting leave shall take prior approval, if required, for permitting the officer to go abroad as per the existing instructions. Despite these instructions, instances have come to the notice of the Government where Government servants have left their headquarters without taking prior permission and proceeded abroad.

2. The High Court of Delhi, in its judgment dated the 28th May, 2004 in the Criminal Writ Petition No. 1004/03 (Chandra Kumar Jain Vs. Union of India,) has observed that a Government servant who had visited some foreign countries 161 times on private visits without permission was never questioned and no one in the customs and the other departments suspected why a Government servant was so frequently (161 times) making private visits without permission. The High Court has, therefore, directed the Central Government to frame guidelines on foreign private visits of the Government servants.

3. Keeping in view the observation of the High Court the Ministries/Departments are requested to bring the existing instructions on the subject matter to the notice of all concerned and ensure that Government servants take prior permission before leaving for visits abroad as required under these instructions. When such permissions to visit abroad is sought the Government servant is required to furnish information relating to the proposed and previous private visits as per the **proforma** (enclosed).

PROFORMA

(See O.M. No. 11013/7/2004-Estt.(A) dated 5th October, 2004)

1. Name
2. Designation
3. Pay
4. Ministry/Department (Specify Centre/State/PSU)
5. Passport No.
6. Details of private foreign travel to be undertaken

Period of abroad		Names of Foreign Countries to be visited	Purpose	Estimated Expenditure (Travel; board/ lodging, visa, misc. etc.)	Source of Funds	Remarks
From	To					

7. Details of previous private foreign travel, if any undertaken during the last one year (as under item No. 6)

Name :

Designation :

Date :

[DOPT OM No. 11013/7/2004-Estt.(A), dated 05.10.2004]

(23C) Requirement of taking prior permission by Government servants for leaving station/headquarters – Clarification regarding.

Reference is invited to this Department's O.M. dated 5th October, 2004 (decision No. 23B) under which a proforma has been prescribed for the Government servants to furnish details of the private foreign travel proposed as well as undertaken during the last one year by them. The High Court of Delhi during further hearing in respect of direction given in W.P. (Crl.) No. 1004/2003 (Chandra Kumar Jain Vs. Union of India) observed on 17.11.2004 that it would be advisable for the Department of Personnel & Training, to amend the proforma published with the Office Memorandum dated 5th October, 2004 so as to obtain details of previous private foreign travel, if any, undertaken by the Central Government employees during the last four to five years.

2. The matter has been considered and it has been decided that in the entries against serial number 7 of the proforma prescribed under the O.M. dated 5th October, 2004, the words "last one year" may be substituted by the words "last four years". A revised proforma is enclosed.

3. Ministry of Finance etc. are requested to bring the contents of the Office Memorandum dated 5th October, 2004 as well as this Office Memorandum to the notice of all Government servants serving under their control and ensure that these are strictly followed by all concerned.

PROFORMA

(See O.M. No. 11013/7/2004-Estt.(A) dated 5th Oct, 2004 and dated 15th Dec, 2004)

1. Name
2. Designation
3. Pay
4. Ministry/Department (Specify Centre/State/PSU)
5. Passport No.
6. Details of private foreign travel to be undertaken

Period of abroad		Names of Foreign Countries to be visited	Purpose	Estimated Expenditure (Travel; board/ lodging, visa, misc. etc.)	Source of Funds	Remarks
From	To					

7. Details of previous private foreign travel, if any undertaken during the last four years (as under item No. 6)

Name :

Designation :

Date :

[DOPT OM No. 11013/7/2004-Estt.(A), dated 15.12.2004]"

(24) Implementation of prescribed procedure, rules, orders etc. on service matters.

The Ministry of Personnel, Public Grievances & Pensions and the Ministry of Finance are the nodal Ministries responsible for formulating policies and framing rules and regulations relating to service conditions and other aspects of personnel administration of Government servants. The administrative Ministries/Departments are responsible for considering individual cases of Government servants and issuing appropriate orders thereon in accordance with the rules and instructions on the subject.

2. Complaints have been received in this Department that litigation on service matters is on the increase due to non-implementation or incorrect implementation of laid down policies and rules. Every Government servant is required to maintain at all times devotion to duty. Every Government servant is also required to act in his best judgment in the performance of his official duties or in exercise of powers conferred on him. It is thus enjoined upon all Government servants that they should faithfully implement the laid down policies, rules and regulations, etc. in service matters. If the prescribed policies, rules, orders etc. on service matters are adhered to and implemented properly by administrative authorities etc., litigation on service matters would be considerably reduced.

[DOPT OM No. 11013/6/94-Estt.(A), dated 27.05.1994]

(25) Supreme Court judgment in the case of Vishaka Vs. State of Rajasthan regarding sexual harassment of working women.

In the case of Vishaka and Ors Vs. State of Rajasthan and Ors. (JT 1997 (7) SC 384), the Hon'ble Supreme Court has laid down guidelines and norms to be observed to prevent sexual harassment of working women.

2. It has been laid down in the judgment above-mentioned that it is the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required. For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or implication) as :-

a) physical contact and advances;

b) a demand or request for sexual favours;

c) sexually coloured remarks;

d) showing pornography;

e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

3. Attention in this connection is invited to Rule 3 (1) (iii) of the CCS (Conduct) Rules, 1964, which provides that every Government servant shall at all times do nothing which is unbecoming of a Government servant. Any act of sexual harassment of women employees is definitely unbecoming of a Government servant and amounts to a misconduct. Appropriate disciplinary action should be initiated in such cases against the delinquent Government servant in accordance with the rules.

4. Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the concerned authorities shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

5. In particular, it should be ensured that victims, or witnesses are not victimized or discriminated against while dealing with complaints or sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

6. Complaint Mechanism :- Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in every organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints. Wherever such machineries for redressal of grievance already exist, they may be made more effective and in particular women officers should preferably handle such complaints.

7. Awareness :- Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (copy enclosed) in a

suitable manner.

8. A specific provision is, however, being made in the CCS (Conduct) Rules, 1964, prohibiting sexual harassment of women by Government servants, in compliance of the judgment of the Hon'ble Supreme Court.

GUIDELINES AND NORMS LAID DOWN BY THE HON'BLE SUPREME COURT IN VISHAKA & ORS. V. STATE OF RAJASTHAN & ORS. (JT 1997 (7) SC 384)

HAVING REGARD to the definition of 'human rights' in Section 2 (d) of the Protection of Human Rights Act, 1993, TAKING NOTE of the fact that the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time,

It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women.

1. Duty of the Employer or other responsible persons in work places and other institutions :

It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

2. Definition :

For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as :

a) Physical contact and advances;

b) a demand or request for sexual favours;

c) sexually coloured remarks;

d) showing pornography;

e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Where any of these acts is committed in circumstances where-under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in Government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises

any objection thereto.

3. Preventive Steps :

All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality to this obligation they should take the following steps :-

(a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.

(b) The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.

(c) As regards private employers steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.

(d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

4. Criminal Proceedings :

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the employwer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular, it should ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

5. Disciplinary Action :

Where such conduct amount to misconduct in employment as definded by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

6. Complaint Mechanism :

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer’s organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

7. Complaint Mechanism :

The complaint mechanism referred to in (6) above, should be adequate to provide, where necessary, a Complaints Committee, a special councellor or other support

service, including the maintenance of confidentiality.

The Complaints Committee should be headed by a woman and not less than half of its member should be women. Further to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

8. Workers' Initiative :

Employees should be allowed to raise issues of sexual harassment at workers' meeting and in other appropriate forum and it should be affirmatively discussed in Employer-Employee Meetings.

9. Awareness :

Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

10. Third Party Harassment :

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

11. The Central/State Governments are requested to consider adopting suitable measures including legislation to ensure that the guidelines laid down by this order are also observed by the employers in Private Sector.

12. These guidelines will not prejudice any rights available under the Protection of Human Rights Act, 1993.

[DOPT OM No. 11013/10/97-Estt.(A), dated 13.02.1998]

(25A) Prevention of sexual harassment of working women

The above guidelines (decision No. 25) inter-alia stipulate for the creation of an appropriate complaint mechanism in every organization for re-dressal of the complaints made by the victims. It has come to the notice of this Department that in one of the Central Government Offices, the Committee constituted for the purpose was headed by an official of the rank of Upper Division Clerk. As an official not sufficiently higher in rank may not be able to express views independently/freely especially when the perpetrator is holding an higher position, the arrangement makes mockery of the system. It is, therefore, requested that the Committee constituted for

redressal of the complaints by the victims of sexual harassment should be headed by an officer sufficiently higher in rank, so as to lend credibility to the investigations.

[DOPT OM No. 11013/10/97-Estt.(A), dated 13.07.1999]

(25B) Report of the Complaints Committee constituted for prevention of sexual harassment of women at work places – follow up action

Reference is invited to this Department's OM No. 11013/10/97-Estt. (A) dated 13th February, 1998 under which the guidelines and norms laid down by the Supreme Court in the case of Vishka and others Vs. State of Rajasthan and others (JT 1997 (7) SC 384) for prevention of sexual harassment of women at work places, were circulated to all Ministries/Departments for compliance by all concerned.

2. The guidelines laid down by the Supreme Court provide, inter-alia, for the constitution of a Complaints Committee in the employer's organization for redress of the complaint made by the victim. In this connection, a question has been raised regarding the status of the inquiry held by the Complaints Committee. It is clarified that the findings of the Complaints Committee regarding sexual harassment of the complainant/victim will be binding on the disciplinary authority to initiate disciplinary proceedings against the Government servant(s) concerned under the provisions of the CCS (CCA) Rules, 1965. The report of the Complaints Committee should be treated as a preliminary report against the accused Government servant.

[DOPT OM No. 11013/11/2001-Estt.(A), dated 12.12.2002]

25C. Report of the Complaints Committee constituted for prevention of sexual harassment of women at work places – follow up action.

Reference is invited to this Department's O.M. of even number dated 12th December, 2002 in which it has been clarified that the report of the Complaints Committee should be treated as a preliminary report against the accused Government servant.

2. In the order dated 26.04.2004 in Writ Petition (Crl.) No. 173-177/1999 (Medha Kotwal Lele & Others Vs. Union of India and others) the Supreme Court has directed that "the report of the Complaints Committee shall be deemed to be an inquiry report under the CCS Rules. Thereafter the disciplinary authority will act on the report in accordance with the rules." Sub-rule (2) of rule 14 of the CCS (CCA) Rules, 1965 has accordingly been amended to provide that the Complaints Committee shall be deemed to be the inquiring authority appointed by the disciplinary authority for the purpose of these Rules by the Notification No. 11012/5/2001-Estt. (A) dated 01.07.2004 (GSR 225 dated 10th July, 2004).

3. In view of the said amendment made to the CCS (CCA) Rules, 1965 the instructions contained in the O.M. No. 11013/11/2001-Estt. (A) dated 12th December, 2002 should be treated as modified and the report of the Complaints Committee should be treated as an enquiry report and not a preliminary report.

(25 D) Central Civil Services (Conduct) Rules, 1964 – constitution of a Complaints Committee to enquire into complaints of sexual harassment

made against officers of the level of Secretary and Additional Secretary to the Government of India.

Reference is invited to the Department of Personnel and Training's O.M. No. 11013/10/97-Estt. (A) dated 13.02.1998 on the guidelines and norms to be observed to prevent sexual harassment of women were issued under rule 3 of the Central Civil Services (Conduct) Rules, 1964 in pursuance of the judgment of the Hon'ble Supreme Court in Vishakha & Others vs. State of Rajasthan & Others (JT 1997 (7) SC 384) and to say that para 6 of the Supreme Court's guidelines provides for creation of an appropriate complaint mechanism so as to ensure time-bound treatment of complaints of sexual harassment preferably by women officers. Para 7 thereof stipulates that the Complaints Committee should be headed by a woman and not less than half of its member should be women and that further to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either an NGO or other body who is familiar with the issue of sexual harassment.The various Ministries/Departments were also advised vide DOPT's O.M. No. 11013/10/97-Estt. (A) dated 13.07.1999 to ensure that the Committee constituted for redressal of the complaints by the victims of sexual harassment should be headed by an officer sufficiently higher in rank so as to lend credibility to the investigations. Subsequently, in 2004 a proviso was added to rule 14(2) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 to the effect that the Complaints Committee established in each Ministry or Department or Office for inquiring into complaints of sexual harassment shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority and that the Complaints Committee shall hold, if no separate procedure has not been prescribed for the Complaints Committee for holding the inquiry into such complaints, the inquiry, as far as practicable in accordance with the procedure laid down in the said rules.

2. For inquiring into complaints made against officers of the level of Secretary and Additional Secretary and equivalent level in the Government of India in the Ministries/Departments and Organisations directly under the control of the Central Government (other than the Central PSUs), it has been decided with the approval of the Prime Minister to constitute a Complaints Committee in terms of Cabinet Secretariat's Order No. 1 dated 26.09.2008 (**copy** enclosed). Existing Complaints Committee established in each Ministry or Department or Office will, therefore, inquire into fresh complaints of sexual harassment against only those Government servants who are not covered by the Cabinet Secretariat's Order No. 1 dated 26.09.2008.

3. All Ministries/Departments are requested to bring the foregoing to the notice of all concerned for information and necessary action.

Copy of Cabinet Secretariat's O.M. No. 501/28/1/2008-CA.V dated 26th September, 2008

No. 501/28/1/2008-CA.V

Cabinet Secretariat

Rashtrapati Bhavan

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New Delhi, Dated : 26th September, 2008

Subject : Constitution of a Complaints Committee to enquire into complaints of sexual harassment made against officers of the level of Secretary and Additional Secretary to the Government of India.

With the approval of the Prime Minister, it has been decided to constitute a Complaints Committee to enquire into complaints of sexual harassment made against officers of the level of Secretary and Additional Secretary and equivalent level in Ministries, Departments and organizations directly under the control of the Central Government other than Central PSUs.

2. The Committee will proceed in accordance with guidelines laid down by the Supreme Court in the case of Visakha and Others vs. State of Rajasthan. The composition of the Committee will be as follows :

i. Ms Rathi Vinay Jha, (IAS retired), -Chairperson
Secretary-General,
World Travel and Tourism Council, New Delhi.

ii Ms. Indu Agnihotri,
Senior Fellow, -Member
Centre for Women's Development Studies, New Delhi

iii A senior officer with experience of the sector or department to which the complaint relates (to be nominated for each case separately depending upon the Department/Ministry to which the complaint relates) -Member

3. The Committee will have a tenure of three years from the date of issue of this

order and will be serviced by the Cabinet Secretariat.

(Renuka Viswanathan)

Secretary (Coordination)

[DOPT OM No. 11013/3/2009-Estt. (A) dated 2nd February, 2009]

(25 E) Guidelines regarding prevention of sexual harassment of working women in the workplace.

Department of Personnel and Training's O.M. No. 11013/10/97-Estt. (A) dated 13.02.1998 and 13.07.1999, O.M. No. 11013/11/2001-Estt. (A) dated 12.12.2002 and 04.08.2005 and O.M. No. 11013/3/2009-Estt. (A) dated 02.02.2009 on the abovementioned subject and to say that it is necessary to have in place at all times an effective Complaint Mechanism for dealing with cases of sexual harassment of working women and to create awareness in this regard, particularly amongst working women. The salient features of the Complaint Mechanism and inquiry procedure are as follows :-

(i) Rule 3 C of the CCS (Conduct) Rules, 1964 provides that no Government servant shall indulge in any act of sexual harassment of any women at her work place. Every Government servant who is incharge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place. "Sexual harassment" includes such unwelcome sexually determined behaviour, whether directly or otherwise, as --

(a) physical contact and advances;

(b) demand or request for sexual favours;

(c) sexually coloured remarks;

(d) showing any pornography; or./-

(e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

(ii) Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

(iii) The complaint mechanism should be adequate to provide, where necessary, a Complaints Committee, a special councellor or other support service, including the maintenance of confidentiality.

The Complaints Committee should be headed by a woman and not less than half of its member should be women. Further to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

(iv) The Committee constituted for redressal of the complaints by the victims of sexual harassment should be headed by an officer sufficiently higher in rank so as to lend credibility to the investigations.

(v) The Complaints Committee established in each Ministry or Department or Office for inquiring into complaints of sexual harassment shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority and that the Complaints Committee shall hold, if no separate procedure has not been prescribed for the Complaints Committee for holding the inquiry into such complaints, the inquiry, as far as practicable in accordance with the procedure laid down in the said rules. [In 2004 a proviso was added to rule 14(2) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (**copy enclosed**) to this effect].

(vi) The Complaints Committee in terms of Cabinet Secretariat's Order No. 1 dated 26.09.2008 will inquire into complaints made against officers of the level of Secretary and Additional Secretary and equivalent level in the Government of India in the Ministries/Departments and Organisations directly under the control of the Central Government (other than the Central PSUs). The existing Complaints Committee established in each Ministry or Department or Office will, inquire into complaints of sexual harassment against only those Government servants who are not covered by the Cabinet Secretariat's Order No. 1 dated 26.09.2008.

(vii) It may be ensured that the Complaints Committee shall at all times be in existence and changes in its composition, whenever necessary, should be made promptly and adequately publicized. The composition of the Complaints Committee be also posted on the websites of the concerned Ministries/Departments/Offices concerned.

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PROVISIONS OF Rule 14 (2) of the CENTRAL CIVIL SERVIC (CLASSIFICATION, CONTROL AND APPEAL) RULES, 1965

14 (2) Whenever the disciplinary authority is of the opinion that there are grounds f inquiring into the truth of any imputation of misconduct or misbehaviour against Government servant, it may itself inquire into, or appoint under this rule or under t provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an author to inquire into the truth thereof.

Provided that where there is a complaint of sexual harassment within the meaning of ru 3 C of the Central Civil Services (Conduct) Rules, 1964, the complaints Committ established in each ministry or Department or Office for inquiring into such complain shall be deemed to be the inquiring authority appointed.

[DOP&T O.M. No.11013/3/2009-Estt. (A) Dated the 21st July, 2009]

(25 F) Guidelines regarding prevention of sexual harassment of working women in the workplace.

In continuation of Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Government of India O.M. of even number dated the 21st July, 2009 on the abovementioned subject, the undersigned is directed to say the matter was considered by a Committee of Secretaries and the following decision was taken:-

> **"As regards provisions for protection of women, it was suggested that the complaints committee mechanism provided under Vishakha guidelines relating to sexual harassment should be strictly in accordance with the judgment and steps should be taken to ensure that the committee is effective and functional at all times. It would also be desirable for the Committees to meet once a quarter, even If there is no live case, and review preparedness to fulfill all requirements of the Vishakha judgment in the Department/Ministry/organization concerned. DOPT will issue suitable directions.**

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PROVISIONS OF Rule 14 (2) of the CENTRAL CIVIL SERVIC (CLASSIFICATION, CONTROL AND APPEAL) RULES, 1965

14 (2) Whenever the disciplinary authority is of the opinion that there are grounds f inquiring into the truth of any imputation of misconduct or misbehaviour against Government servant, it may itself inquire into, or appoint under this rule or under t provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an author to inquire into the truth thereof.

Provided that where there is a complaint of sexual harassment within t meaning of rule 3 C of the Central Civil Services (Conduct) Rules, 1964, the complair Committee established in each ministry or Department or Office for inquiring into su complaints, shall be deemed to be the inquiring authority appointed by the disciplina authority for the purpose of these rules and the Complaints Committee shall hold, separate procedure has not been prescribed for the complaints committee for holding t inquiry into the complaints of sexual harassments, the inquiry as far as practicable accordance with the procedure laid down in these rules.

[DOP&T O.M. No. 11013/3/2009-Estt. (A) dated the 3rd August, 2009]

(25 G) Guidelines regarding prevention of sexual harassment of working women in the workplace.

In continuation of the Department of Personnel and Training's O.M. of even number dated the 21st July, 2009 on the abovementioned subject, the undersigned is directed to say that the following may be substituted for the existing instructions in para 1 (v) thereof :-

> "(v) The Complaints Committee established in each Ministry or Department or Office for inquiring into complaints of sexual harassment shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority and the Complaints Committee shall hold, if separate procedure has not been prescribed for the Complaints Committee for holding the inquiry into such complaints, the inquiry, as far as practicable in accordance with the procedure laid down in the Central Civil Services (Classification, Control and Appeal) Rules, 1965 [In 2004 a proviso was added to rule 14(2) of the said rules. (**copy enclosed**) to this effect]."

2. The number of the last para of the O.M. under reference may be read as (2) in place of (3)

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PROVISIONS OF Rule 14 (2) of the CENTRAL CIVIL SERVIC (CLASSIFICATION, CONTROL AND APPEAL) RULES, 1965

14 (2) Whenever the disciplinary authority is of the opinion that there are grounds f inquiring into the truth of any imputation of misconduct or misbehaviour against Government servant, it may itself inquire into, or appoint under this rule or under t provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an author to inquire into the truth thereof.

Provided that where there is a complaint of sexual harassment within t meaning of rule 3 C of the Central Civil Services (Conduct) Rules, 1964, the complair Committee established in each ministry or Department or Office for inquiring into su complaints, shall be deemed to be the inquiring authority appointed by the disciplina authority for the purpose of these rules and the Complaints Committee shall hold, separate procedure has not been prescribed for the complaints committee for holding t inquiry into the complaints of sexual harassments, the inquiry as far as practicable accordance with the procedure laid down in these rules.

[DOP&T O.M. No.11013/3/2009-Estt. (A) dated the 7th August, 2009]

26. Accountability for delay in decision making.

A Core Group on Administrative Reforms (CGAR) has been constituted under the chairmanship of Cabinet Secretary in February, 2003 to formulate specific changes in the systems and procedures in consultation with the ministries/departments concerned and to advise strategies for changing attitudes. The Core Group has decided that the existing provisions about accountability mechanism should be reiterated with a view to bring to everyone's notice that these provisions are adequate for initiating disciplinary proceedings when an officer adopts a dilatory attitude leading to delay in decision-making and/or harassment of the public.

2. In view of the above, the following provisions of CCS (Conduct) Rules, 1964 are brought to the notice of all Ministries/Departments for information and necessary action :-

Rule 3. General

(1) Every Government servant shall at all times--

(i) maintain absolute integrity;

(ii) maintain devotion to duty; and

(iii) do nothing which is unbecoming of a Government servant.

(2) (i) Every Government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government servants for the time being under his control and authority;

(ii) No Government servant shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior;

(iii) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;

(iv) A Government servant who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

Explanation I :- A Government servant who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of clause (ii) of sub-rule (1).

Explanation II :- Nothing in clause (ii) of sub-rule (2) shall be construed as empowering a Government servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and

responsibilities.

3A. Promptness and Courtesy

No Government servant shall

(a) in the performance of his official duties, act in a discourteous manner;

(b) in his official dealings with the public or otherwise adopt dilatory tactics or wilfully cause delays in disposal of the work assigned to him.

3. Rule 11 of the CCS (CCA) Rules, 1965 provides that the penalties (ranging from 'censure' to dismissal') mentioned therein may be imposed on a Government servant 'for good and sufficient reasons'. Thus any Government servant violating the provisions of Conduct Rules can be proceeded against as it will form 'good and sufficient reasons' for imposing the penalties prescribed in Rule 11. In other words, disciplinary proceedings could be initiated if an officer adopts a dilatory attitude, leading to delay in decisions making and/or harassment of the public.

[DOPT OM No. 11013/2/2004-Estt. (A) dated 16.02.2004]

4. Employment of near relatives of Govt. servants in companies or firms

(1) No Government servant shall use his position or influence directly or indirectly to secure employment for any member of his family in any company or firm.

(2) (i) No Group 'A' officer shall, except with the previous sanction of the Government, permit his son,daughter or other dependant, to accept employment in any company or firm with which he has official dealings or in any other company or firm having official dealings with the Government:

Provided that where the acceptance of the employment cannot await prior permission of the Government or is otherwise considered urgent, the matter shall be reported to the Government; and the employment may be accepted provisionally subject to the permission of the Government.

(ii) A Government servant shall, as soon as he becomes aware of the acceptance by a member of his family of an employment in any company or firm, intimate such acceptance to the prescribed authority and shall also intimate whether he has or has had any official dealings with that company or firm:

Provided that no such intimation shall be necessary in the case of a Group A officer if he has already obtained the sanction of, or sent a report to the Government under clause (i).

(3) No Government servant shall in the discharge of his official duties deal with any matter or give or sanction any contract to any company or firm or any other person if any member of his family is employed in that company or firm or under that person or if he or any member of his family is interested in

such matter or contract in any other manner and the Government servant shall refer every such matter or contract to his official superior and the matter or contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

Government of India Decision

(1) Propriety of sons and near relatives of Class I (now Group A) officers seeking employment in private firms which enjoy Government patronage –

The question has been raised of propriety of sons and near relatives of senior officers of Government seeking employment in private firms which enjoy Government patronage. Government have no desire to stand in the way of the sons or near relations of officers getting employment in private firms which they may by qualifications and merit deserve. It is, however, necessary in the public interest to ensure not only that an officer is under no obligation to a private firm with which he has official dealings, but also that even a suspicion of such influence is avoided. The latter is equally important because Government should not be in the embarrassing position of having the bona fides of their senior officers questioned. It has, therefore, been decided that whenever the sons/daughters or dependents of Class I (Group A) officers of the Government wish to accept employment with private firms with which the officers have official dealings, the fact should be reported to Government by the officers concerned and the Government's permission should be obtained to such employment. Where, however, the acceptance of such employment could not await Government's prior permission or the matter is otherwise considered urgent, a report should be made to Government and the employment accepted provisionally subject to Government's permission.

[MHA OM No. 25/43/55-Ests.(A), dated 19.01.1956]

(2) Awarding of contract to a firm in which son/daughter/dependent of an officer is employed.

In continuation of the provision contained in instruction (1) above, it has further been decided that whenever a proposal arises for the award of a contract or exercise of patronage in favour of any firm in which a son, daughter or a dependent of an officer is employed, this fact should be declared by the officer concerned and he should thereafter desist from dealing with the case himself. In such circumstances, a recommendation should be made that the case should be decided by another officer of equivalent or superior standing.

[MHA OM No. 24/43/56-Ests.(A), dated 26.05.1957]

(3) Information regarding close relations to be given at the time of appointment.

It has been decided that all future employees under the Government of India except the Class IV (Group D) employees on first appointment in service, should furnish information in respect of their close relations in the enclosed proforma which should be added to the confidential report dossier of the employee concerned. Any change in the particulars given in the proforma should be furnished by the official at the end of

each year to the Administrative Ministry/Department where is employed. The Administrative Ministry/Department will incorporate the information in the dossier and keep it upto date.

[MHA OM No. F.3/12/(S)/64-Ests.(B), dated 12.10.1965]

FORM TO BE FILLED BY GOVERNMENT EMPLOYEES ON FIRST EMPLOYMENT

1	Close relations who are national of or are domiciled in other countries	Name	Nation-ality	Present Address	Place of Birth	Occupation
	(i) Father (ii) Mother (iii) Wife/Husband (iv) Son(s) (v) Daughter(s) (vi) Brother(s) (vii) Sister(s)					
2	Close relations resident in India, who are of non-Indian origin	Name	Nation-ality	Present Address	Place of Birth	Occupation
	(i) Father (ii) Mother (iii) Wife/Husband (iv) Son(s) (v) Daughter(s) (vi) Brother(s) (vii) Sister(s)					

I certify that the foregoing information is correct and complete to the best of my knowledge and belief.

Signature……..

Designation…….

Date……

NOTE 1. – Supersession of information in this form will be considered a major departmental offence for which the punishment may extend to dismissal from service.

NOTE 2. – Subsequent changes, if any, in the above data should be reported to the head of Office/Department, at the end of each year.

5. Taking part in politics and elections

(1) No Government servant shall be a member of, or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) It shall be the duty of every Government servant to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or

assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive of the Government as by law established and where a Government servant is unable to prevent a member of his family from taking part in, or subscribing in aid of , or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Government.

(3) If any question arises whether a party is a political party or whether any organisation takes part in politics or whether any movement or activity falls within the scope of sub-rule (2), the decision of the Government thereon shall be final.

(4) No Government servant shall canvass or otherwise interfere with, or use his influence in connection with or take part in an election to any legislature or local authority:

Provided that -

(i) a Government servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;

(ii) a Government servant shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

EXPLANATION- The display by a Government servant on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

Government of India Decisions

(1) Participation of Government servants in political activities

Doubts have been raised recently as to the scope of Rule 23 (i) of the Government Servants Conduct Rules (now Rule 5) which lays down that no Government servant shall take part in, subscribe in aid of, or assist in any way, any political movement in India or relating to Indian affairs. According to the Explanation (not in the new rule) to that clause, the expression "political movement" includes any movement or activities tending directly or indirectly to excite disaffection against, or to embarrass, the Government as by law established or to promote feelings of hatred of enemity between classes of His Majesty’s subjects or disturb the public peace. This explanation is only illustrative and is not intended in any sense, to be an exhaustive definition of "political movement". Whether or not the aims and activities of any organization are political is a question of fact which has to be decided on the merits of each case. It is, in the opinion of Government, necessary, however, that the Government servants under the Ministry of Finance etc. should be warned that –

(a) it is the duty of the Government servant who wishes to join, or take part in the activities of any association or organization positively to satisfy himself that its aim

and activities are not of such a nature as are likely to be objectionable under Rule 23 of the Government Servants' Conduct Rules (now rule 5); and

(b) the responsibility for the consequences of his decision and action must rest squarely on his shoulders and that a plea of ignorance or misconception as to Government's attitude towards the association or organization would not be tenable.

It should also be impressed on them that, in cases where the slightest doubt exists as to whether participation in the activities of an association or orgaisation involves as infringement of Rule 23 (now Rule 5), the Government servant would be well advised to consult his official superiors.

[MHA OM No. 25/44/49-Ests (A), dated 17.09.1949]

(2) Attendance by Government servants at political meetings

Attention is invited to the Ministry of Home Affairs Office Memorandum No. 25/44/49-Ests.(A), dated the 17th September (Decision No. 1 above), dealing with the scope of Rule 23 (i) of the Government Servant's Conduct Rules (now Rule 5) which lays down that no Government servant shall take part in, subscribe in aid of, or assist in any way, any political movement in India.

2. Enquiries have been received as to whether attendance by a Government servant at public meetings organized by political parties would amount to participation in a political movement within the meaning of the rule referred to. Even in regard to this narrower question the position must necessarily remain as stated in the Office Memorandum referred to in paragraph 1, viz :-

(i) that whether or not the conduct of any particular nature amounts to participation in a political movement is a question of fact to be decided on merits and in the circumstances of each particular case; and

(ii) that the responsibility for the Government Servant's conduct must rest squarely on his shoulders and that a plea of ignorance or misconception as to Government's attitude would not be tenable.

3. The following observations may, however, be of assistance to Government servants in deciding their own course of action :-

(i) Attendance at meetings organized by a political party would always be contrary to Rule 23 (i) of the Government Servants' Conduct Rules (now Rule 5) unless all the following conditions are satisfied :-

(a) that the meeting is a public meeting and not in any sense a private or restricted meeting;

(b) that the meeting is not held contrary to any prohibitory order or without permission where permission is needed; and

(c) that the Government servant in question does not himself speak at, or take active or prominent part in organizing or conducting, the meeting.

(ii) Even where the said conditions are satisfied, while occasional attendance at such meetings may not be construed as participation a political movement, frequent or regular attendance by a Government Servant at meetings of any particular political party is bound to create the impression that he is a sympathizer of the aims and objects of that party and that in his official capacity he may favour or support the members of that particular party. Conduct which gives cause for such an impression may well be construed as assisting a political movement.

(iii) Government servants have ample facilities through the medium of the press to keep themselves informed regarding the aims, objects and activities of the different political parties and to equip themselves to exercise intelligently their civic rights e.g. the right to vote at elections to Legislature or Local Self Government institutions.

[MHA OM No. 25/44/49-Ests.(A), dated 10.10.1949]

(3) Actions not amounting to contravention of rule 5

The following action by a Government servant does not amount to contravention of Rule 5(4) :-

(i) Making normal arrangement during election tours of Ministers to enable them to carry out their responsibilities as Ministers;

(ii) arrangements by district officers for affording normal courtesies and security to Ministers on their visits connected with election campaign.

[MHA OM No. 25/59/51-Ests, dated 05.09.1951]

(4) Bharat Sewak Samaj – Permission to central Government servants to join

Ministries are aware that the Bharat Sewak Samaj is a nationwide, non-official and non-political organization recently started at the instance of the Planning Commission with the object of enabling individual citizens to contribute, in the form of an organized cooperative effort, to the implementation of the National Development Plan.

2. The Government of India are of the opinion that in view of the non-political and non-sectarian character of the Bharat Sewak Samaj and the nature of work in which it will be engaged, Government servants, should, if they so wish, be encouraged to join the organization and to participate in its activities provided this can be done without detriment to the proper discharge of the normal official duties. Ministries of Finance etc. are, therefore requested to observe the following instructions in this matter :-

(1) Government servants wishing to join the Bharat Sewak Samaj should obtain prior permission from the appropriate Head of Office or Department concerned.

(2) Permission should be freely granted, provided the Head of the Office or Department satisfies himself in each case that participation in the Samaj's activities will not interfere with the due discharge by the Government servant concerned of his official duties. If actual experience in any individual case or class of cases shows that this condition cannot be satisfied, the permission already granted may be revoked.

(3) It should be made clear to all Government servants concerned that permission to participate in the activities of the Bharat Sewak Samaj will not absolve them from the due observance at all times of all the rules and instructions relating to the conduct and behaviour of Government servants, etc.

[MHA OM No. 25/49/52-Ests., dated 11.10.1952]

(5) Elections – role of Government servants and their rights

(1) Attention is invited to rule 5 of the Central Civil Services (Conduct) Rules which lays down that a Government servant should not canvass or otherwise interfere or use his influence in connection with, or take part in, any election to a legislative body. There is however, no bar against a Government servant who is qualified to vote at such election, exercising his right to vote, provided that, if he does so he does not give any indication of the manner in which he proposes to vote or has voted.

The above rule clearly prohibits proposing or seconding by a Government servant of a candidate for election, as such action would constitute "taking part in an election" within the meaning of rule 5 (4), proposing or seconding being an essential preliminary to an election. The Supreme Court decided recently in a case that the mere proposing or seconding by Government servants of nominations of candidates at elections is not forbidden under the Election Law. The question has been raised whether this decision of the Supreme Court implies that Government servants are free to propose or to second the candidature of any one standing for an election. The position is that the Supreme Court has only decided the question whether the election of a candidate whose nomination paper has been proposed and/or seconded by a Government servant can be declared void merely for that reason. They had held that as Government servants are not in the excluded category, it follows that so far as section 123 (8) of the Representation of the People Act, 1951, is concerned they are not disqualified from proposing or seconding a candidate’s nomination. The question before them was whether section 123(8) took away from Government servants that which section 33(2) of the Act had given to them. On a construction of the Act they held that it did not. That decision in no manner affects the obligation of Government servants under rule 5 of the Central Civil Services (Conduct) Rules for which he may be suitably penalized in accordance with the rules.

[MHA Memo No. 25/59/52-Ests dated 30.06.1955]

(6) Reports under Rule 5 (2)

Reports Under Rule 5 (2) should be submitted by a Government servant to him immediate superior who will forward them through the normal channels to the authority competent to remove or dismiss him from service. Except where such authority requires guidance or clarification from a higher authority, it shall consider the report and pass appropriate orders. If it is proposed to impose any penalty the procedure prescribed in the CCS (CCA) Rules, should be followed.

[MHA OM No. 25/40/55-Ests. (A), dated 22.02.1956]

(7) Participation of Government servants in the Indo-Foreign cultural organizations

The Government of India have had under consideration the question whether Government servants should be allowed to participate in the activities of Indian-Foreign Cultural Organisations such as the German-Indian Association, the Indo-Soviet Cultural Society, etc. The matter has been considered in consultation with the Ministry of External Affairs and the conclusion reached is that there is objection in principle to Government servants becoming members or office holders of such organizations despite the fact that their objectives may be praiseworthy and unobjectionable. One of the reasons is that when foreign dignitaries relating to a particular organization come to India, addresses are often presented by these organizations. In some cases it may not be desirable for Government servants to be associated with such addresses, as they are bound to be as members or as office bearers. Some of these cultural organizations may not be very important or influential while others are very active and on occasions take a political stand which may be embarrassing to Government servants. In view of these considerations it has been decided that while such organizations may, in suitable cases, be looked upon with favour and assisted, the association of Government servants with such organizations should be avoided.

[MHA OM No. 25/35/56-Ests.(A), dated 24.01.1957]

(8) Book Clubs run by Foreign Agencies

Please see Government of India decision No. (7) under rule 13.

(9) Moral Re-armament movement – joining of by central Government servants

The Government of India have had under consideration the question whether central Government servants should be permitted to become members and take part in the activities of Moral Rearmament Movement. Government have decided that central Government servants should not associate themselves with my activities of the Moral Re-armament Movement in their official capacity, or with such of the activities as are political or have a political slant, even in their individual capacity. For the rest they are advised to be circumspect and so ensure that even in their individual capacity they do not do anything which may be construed or easily misconstrued as participation in political activities.

2. For associating themselves with the activities of the Moral Re-armament Movement, central Government servants should keep their Head of the Department informed who, having due regard to administrative requirements will be free to ask any Government servant to dissociate himself from the activities of the Movement.

[MHA OM No. 25/10/64-Ests.(A), dated 04.07.1964]

(9A) Participation of Government servants in the activities of Moral Rearmament Movement-Review of instructions

Reference is invited to the Ministry of Home Affairs OM No. 25/10/64-Ests.(A) dated 4th July, 1964 wherein some restrictions have been imposed on the Government servants associating themselves with the activities of Moral Rearmament Movement.

2. These instructions have been reviewed. After careful consideration, it has been decided to withdraw these instructions with immediate effect. It is, however, clarified that while associating with the activities of the Moral Rearmament Movement, the Central Government servants should ensure that they do not do anything which may be construed or easily misconstrued as participation in political activities, keeping in view the provisions of Rule 5 of the CCS (Conduct) Rules, 1964.

[Deptt. Of Pers. & Trg. O.M. No. 11013/13/98-Estt. (A) dated 24th February, 1999]

(10) Sanyukta Sadachar Samiti – Permission to Central Government servants to join

The Government of India have had under consideration the question whether central Government servants should be permitted to become members and take part in the activities of the Sanyukta Sadachar Samiti – the Sanyukta Sadachar Samiti is a non-Official, non-political and non-sectarian organization recently started with the objects mainly of creating a social and moral climate to discourage anti-social and corrupt practices and of developing the will and capacity of the people to fight and eradicate corruption in all forms.

2. In view of the non-political and non-sectarian character of the Sanyukta Sadachar Samiti, it has been decided that Central Government servants should be free to join the Samiti, provided that their association with the Samiti is without detriment to the proper discharge of their normal official duties or infringement of the Government Servants Conduct Rules. Government servants as members of the Samiti should restrict their activities to the improvement of the ethical standards and the moral tone of society only and should not use the forum of the Samiti to lodge information or complaints against Government servants or Government agencies.

3. For becoming members of the Sanyukta Sadachar Samiti, no prior permission of the Government will be necessary, but such membership should be with the knowledge of the Head of the Department concerned.

[MHA OM No. 25/21/64-Estt. (A), dated 15.07.1964]

(11) Foreign language classes conducted by Indo-Foreign cultural organizations – joining of by the Government servants

The question of regulating the participation of Government servants in foreign language classes conducted by Indo-Foreign cultural organizations like the German-Indian Association, Alliance Francaise de Delhi, Indo-Soviet Cultural Society etc. has been considered by Government and it has been decided that Government servants desirous of joining such classes should obtain prior permission from the Ministry or Office in which they are serving

2. * * * *

3. Ministry of Finance etc., are requested to bring the contents of para 1 of this Office Memorandum to the notice of all Government servants under their control, separately. Para 2 is intended for the guidance of administrative authorities only (not reproduced).

[MHA OM No. 25/4/65-Ests.(A), dated 18.05.1966]

(12) R.S.S. and Jamaat-e-Islami – participation by the Government servants in the activities of

The attention of the Ministry of Finance etc., is invited to the provisions of sub-rule (1) of Rule 5 of the Central Civil Services (Conduct) Rules, 1964 under which no Government servant shall be a member of, or be otherwise associated with, any political party or any organization which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

2. As certain doubts have been raised about Government's policy with respect to the membership of any participation in the activities of the Rashtriya Swayam Sewak Sangh and the Jamaat-e-Islami by Government servants, it is clarified that Government have always held the activities of these two organizations to be of such a nature that participation in them by Government servants would attract the provisions of sub-rule (1) of Rule 5 of the Central Civil Services (Conduct) Rule, 1964. Any Government servant, who is a member of or is otherwise associated with the aforesaid organizations or with their activities is liable to disciplinary action.

[MHA OM No. 3/10/(S)/66-Ests.(B), dated 30.11.1966]

(12A)Reference decision (12) above, it is requested that –

(a) the provisions thereof may be brought to the notice of all Government servants again; and

(b) action should invariably be initiated against any Government servant who comes to notice for violation of the instructions referred to above

[MHA OM No. 7/4/70-Est.(B), dated 25.07.1970]

(12B)

Attention of the various Ministries is also drawn to this Ministry's OM No. 3/10/(S)/66-Estt.(B) dated the 30th November, 1966 wherein it was clarified that the Government have always held the activities of both the Rashtriya Swayam Sewak Sangh and the Jammat-e-Islami to be of such a nature that participation in them by Government servants would attract the provision of sub-rule (1) of Rule 5 of the Central Civil Service (Conduct) Rules, 1964 and that, any Government servant, who is a member of or is otherwise associated with the aforesaid organizations or with their activities, is liable to disciplinary action.

2. In the context of the current situation in the country the need to ensure secular outlook on the part of Government servants is all the more important. The need to eradicate communal feelings and communal bias cannot be over-emphasized.

3. No notice should be taken by Government and its officers, local bodies, state-aided institutions of petitions or representations on communal basis, and no patronage whatsoever should be extended to any communal organization.

4. Ministry of Finance etc., are therefore, requested to specially bring once against to the notice of all Government employees, working in or under them, the above-quoted provisions in para 1 on the subject. It is emphasized that any disregard of these instructions should be considered as a serious act of indiscipline and suitable action initiated against the erring employees.

[DP & AR OM No. 15014/3/(S)/80-Estt. (B), dated 28.10.1980]

(13) Participation by the Government Servants in the activities of Anand Marg Movement or any of its organizations

Under sub-rule (3) of Rule 5 of the CCS (Conduct) Rules, 1964, if any question arises whether a party is a political party or any organization takes part in politics, within the meaning of this rule, the Central Government are to decide the issue. In pursuance of this rule, it is clarified that membership of or participation in the activities of the movement known as Anand Marg or any of its organizations by a Government Servant would attract the provisions of sub-rule (1) of Rule 5 of the CCS (Conduct) Rules, 1964. Any Government Servant who is a member of or is otherwise associated with the activities of Anand Marg or any of its organizations is liable to disciplinary action.

[MHA OM No. 6/1/(S)/69-Ests.(B), dated the 8th May, 1969]

(13A) Participation in activities of Anand Marg

It is clarified that membership of or participation in the activities of the movement known as the Anand Marg or any of its organizations by a Government servant would attract the provisions of sub-rule (1) of rule 5 of the Central Civil Services (Conduct) Rules, 1964. Any Government servant, who is a member of or is otherwise associated with the activities of Anand Marg or any of its organizations (see list in Annexure) is liable to disciplinary action.

ANNEXURE

1) VSS (Volunteer Social Service)

2) Amra Bengali

3) The progressive Federation of India

4) The Proutist Forum of India

5) Angika Samaj

6) Pragatisheel Magahi Samaj

7) Nagpuri Samaj

8) Maithili Samaj

9) Pragatisheel Bhojpuri Samaj

10) Awadhi Samaj

11) Braj Samaj

12) Bundeli Samaj

13) Garhwali Samaj

14) Kumaoni Samaj

15) Pragatisheel Haryana Samaj

16) Asi Punjabi

17) Proutist League

18) Education, Relief & Welfare Section

19) Seva Dharma Mission

20) Anand Marg Universal Relief Team

21) Women's Welfare Department

22) Girl Volunteers

23) Spiritual Sports & Adventurers Club

24) Proutist Block of India

25) Proutist Universal

26) Universal Proutist Labour Federation

27) Universal Proutist Youth Federation

28) Universal Proutist Student Federation

29) Universal proutist Intellectual Federation

30) Universal Proutist Farmers Federation

31) Renaissance Artists & Writers Association

32) Renaissance Universal

33) Ek Manav Samaj

34) Bhojpuri Samaj

35) Chhatisgarh Samaj

36) Malwi Samaj

37) Vidarbha Samaj

38) Telangana Samaj

39) Circar Samaj

40) Utkar Samaj

41) Kosal Samaj

42) Navya Malayalam Samaj

43) Konkani Samaj

44) Kannad Samaj

45) Tulu Samaj

46) Dogri Samaj

47) Haryanvi Samaj

48) Pahari Samaj

49) Haroti Samaj

50) Sahyadri Samaj

51) Gujar Samaj (This does not refer to Gujar Samaj formed either in Rajasthan or Haryana

52) Coorgi Samaj

53) Tamil Samaj

54) Rayalaseema Samaj

55) Assam Unnayan Samaj

56) Mewari Samaj

57) Marwari Samaj

58) Kathiawari Samaj

[DP&AR OM No. 15014/6/(S)/80-Estt.(B), dated 31.12.1980, OM No. 15014/6(S)/80-Estt.(B), dated 05.08.1981 & OM No. 15014/6/(S)/80-Estt. (B), dated 18.05.1983]

(14) Political neutrality of Government servants

The Government have reviewed recently the policy in regard to the social, cultural and similar other organizations whose activities may have political aspect. There have been instructions that the activities of certain organizations should be regarded as

political in character. While such instruction are in force, a civil servant would be liable to disciplinary action, if he were to associate himself with any organization mentioned in such instructions. But there are several other organizations in regard to which such instructions have not been issued for purposes of rule 5 of the CCS (Conduct) Rules, 1964. It is essential that Government servants should not only maintain political neutrality but should also appear to do so and they should not participate in the activities of, or associate themselves with any organization in respect of which there is the slightest reason to think that the organization has political aspect.

[MHA OM No. 6/6/69-Ests.(B), dated 18.07.1969]

(15) Position of Government servants in relation to elections.

Extracts are enclosed from the Election Commission's letter No. 62/71, dated the 13th January, 1971 to Chief Secretaries of all States/Union Territories, indicating the principles which should guide the conduct of Government servants in relation to the coming General Elections. These principles should be scrupulously followed by central Government servants. In this connection, attention is also invited to Rule 5 of the CCS (Conduct) Rules, 1964, which inter alia prohibits central Government servants from canvassing or otherwise interfering with, or using their influence in connection with or taking part in, an election to any legislature or local authority subject to the exercise of the right of franchise and assisting in the conduct of an election in the due performance of a duty imposed on them by or under any law for the time being in force. Attention is also invited to OM No. 6/6/69-Ests.(B), dated the 18th July, 1969 (Decision No. 17) in which the need for maintaining political neutrality by Government servants has been emphasized.

Extract from the Election Commission of India letter No. 62/71 dated the 13th January, 1971 to Chief Secretaries of All States/Union Territories.

Subject :- Guidelines for the Conduct of Government Servants in relation to elections

Attention is invited to sections 129 and 134 of the Representation of the People Act, 1951, relating to the conduct of Government servants during elections and to recall that the Government of India and the State Governments had, prior to the last general elections/mid-term elections, issued instructions regarding the conduct of Government servants in relation to those elections. These instructions stressed that all Government employees should maintain an attitude of strict impartiality.

In fact, they were asked not only to be impartial but it was considered important that they should also appear to be impartial in relation to the elections. In short, they were required so to conduct themselves as to inspire confidence in the public in regard to their impartiality so that there might not be any occasion for the people to think that the elections were not going to be held in a free, fair and pure atmosphere. To do so, they were enjoined to avoid giving room for any suspicion that they were favouring any party or any candidate. The other points stressed in these instructions were that a Government servant should take no part in any election campaign or

canvassing and that he should take scrupulous care not to lend his name, official position or authority to assist one group as against any other.

* * * *

It was further emphasized that any disregard of instructions would be considered by the Government as a serious act of indiscipline and that in case of doubt a Government servant should not hesitate to consult his superior officer.

It may be added that the points summarized above are only illustrative and not exhaustive.

The Commission considers it important that their (Government servants) attention should be specifically drawn to the provision which has been made in the Representation of the People Act, 1951 reading as follows :-

> "134A. Penalty for Government servants for acting as election agent, polling agent or counting agent :- If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both."

The Commission has received complaints from various parts of the country that Government employees, especially those appointed for election purposes, such as returning officers, assistant returning officers, presiding and polling officers, are not always as impartial as they ought to be. It has been complained that these officers some times show particular favour to candidates of political parties of their choice even at the time of the actual poll and the counting of votes. Some High Courts also have, in some cases, commented severely on the conduct of some officers appointed on election duty. While the Commission is sure that the number of such officers cannot be large, the Commission would take the opportunity to make an appeal to all Government employees, especially to election officers, to be and also appear to be absolutely impartial, independent and neutral, in the performance of their election duties, whether at the time of acceptance or scrutiny of nomination papers, or at the time of polling in the polling stations, or at the time of counting of votes at the counting places.

[OM No. 25/2/71-Ests.(A), dated 23.01.1971 issued by Deptt. Of Personnel]

(16)

With reference to decision No. 2 a question was raised as to whether participation by a Government servant in a public meeting or demonstration organized by a political party would amount to participation in political movement or activity within the meaning of rule 5 (1).

It is felt that in the light of the existing provisions of the Conduct Rules and the instructions already issued on the subject, taking any active part by a Government servant in a meeting or demonstration organized by a political party might cause an impression which may well be construed as assisting to a political movement. For

example, if a Government servant takes active or prominent part in organizing or conducting such a meeting or demonstration or speaks himself therein, or attends regularly or even frequently any such meetings etc., such action on his part is likely to create an impression that he is taking part in or assisting a political movement or activity. In order, therefore, to avoid any doubts about their political neutrality, it would be in the interest of the Government servants themselves not to participate in such meetings or demonstrations.

[Cabinet Sectt. (Deptt. Of Personnel and Adm. Reforms) OM No. 25/4/73-Estt. (A), dated 17.02.1973]

(17)

Attention of the Ministries/Departments is invited to the Gazette Notification dated the 3rd and 4th July, 1975 (not reproduced) wherein certain organizations including the R.S.S., Jamaat-e-Islami, Anand Marg and CPI (ML) have been banned under the provisions of rule 33 of the Defence and Internal Security of India Rules, 1971. This rule, inter alia, provided that no person shall :-

(a) Manage or assist in managing any organization to which the rule applies;

(b) Promote or assist in promoting a meeting or any member of such an organization, or attend any such meeting in any capacity;

(c) publish any notice or advertisement relating to any such meeting; and

(d) invite persons to support such an organization or otherwise in any way assist the operations of such an organization.

Any person who contravenes any of the provisions of the above rule, shall be punishable with imprisonment for a term which may extend to seven years, or with fine or with both.

2. There is reason to believe, that certain Central Government servants who had earlier been participating in the activities of the Organisations mentioned above, have continued their active association with them, even after they have been banned. It may be recalled that even before the ban orders were issued, there were instructions to the effect that participation of Government servants in the activities of the R.S.S. and Jamaat-e-Islami would attract the provisions of Clause (1) of Rule 5 of CCS (Conduct) Rules, 1964, which relates to prohibition of Government servants from taking part in political activities (decision No. 12). In spite of these instructions cases had come to notice in the past of some Government servants who had been associating themselves with the activities of these organizations. Now that ban has been imposed on all these organization, it is incumbent on all the Ministries/Departments of the Central Government to take due note of such activities of their employees. Such employees who are found to have connection with the banned organizations are liable to be dealt with suitably in departmental proceedings. In appropriate cases action could also be considered against them under proviso (c) of Clause (2) of Article 311 of the Constitution.

[MHA Department of Personnel & A.R. No. 18011/1/(S)/75-Ests.(B), dated the 28th

November, 1975]

(18) Participation by Government servant in banned organization – clarification

Please refer to this Department's Office Memorandum No. 18011/1/(S)/75-Ests.(B) dated the 28th November, 1975, (decision No. 15). Consequent upon the lifting of the ban on organizations such as R.S.S. Jamaat-e-Islami, Anand Marg and CP (ML) etc. the November, 1975 OM referred to above relating to the aforesaid organizations may be treated as deleted. Hereafter, action may be taken against Central Government employees if they come to notice for participation in the activities of the political organizations, under the normal service rules, such as rule 5 of the Central Civil Services (Conduct) Rules, 1964, or corresponding rules governing the service conditions of other categories of the employees.

[MHA Department of Personnel & A.R., OM No. 34013/4/(S)/77-Estt. (B), dated the 23rd April, 1977]

(19) Participation in holding rallies for political parties by arranging for crowds and transport

Instances have come to the notice of the Government in which public servants and public utility facilities were used for arranging crowds for rallies and for arranging transport for bringing those crowds involving violations of laws and rules in regard to the use of such transport. In this connection, attention is invited to rule 5 (1) of the CCS (Conduct) Rules, 1964 which provides that no Government servant shall be a member of, or be otherwise associated with any political party or organization which takes part in politics; nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity. It is also clarified in this Department OM No. 25/4/73-Estt. (A), dated 17.02.1973 (Decision No. 19) that it is advisable for a Government employee not to attend even public meetings or demonstrations organized by a political party or having political aspects. It will not suffice to say that such arrangements were made on the orders of superior officers, as the Explanation below sub-rule (2) of rule 3 of the CCS (Conduct) Rules, 1964 clarifies that nothing in Clause (ii) of the aforesaid sub-rule (2) shall be construed as empowering a Government employee to evade his own responsibilities. It hardly need to be emphasized that Government servants should not only maintain political neutrality but should also appear to do so. Taking active part in holding rallies in support of any political party by arranging for crowds and arranging transport for brining those crowds would, therefore, clearly attract the provisions of the aforesaid rule of the Conduct Rules. Government employees should, therefore, desist from engaging in such activities which may be construed as participation in the activities of a political party.

[MHA, Department of Personnel & A.R. OM No. 28034/5/78-Estt.(A), dated 1st September, 1978]

(20) Participation by Government servants in the activities of Dharma Pracharak Sansthan

As certain doubts have been raised about Government's policy with respect to the membership of and participation in the activities of the Dharma Parcharak Sanstha of Shri Jai Gurudev and Door Darshi Party or their branches or affiliated bodies thereof by Government servants, it is clarified that Government have held the activities of these two organizations to be of such a nature that participation in them by Government servants would attract the provisions of sub-rule (1) of Rule 5 of the Central Civil Services (Conduct) Rules, 1964. Any Government servant, who is a member of or is otherwise associated with the aforesaid organizations or with their activities is liable to disciplinary action.

[DP&AR OM No. 15014/1/81-Estt. (B) dated the 3rd March, 1981]

(21) Association of Central Government servants with socio-religious bodies

Instances have been brought to the notice of this Department where Government servants seek prior permission for becoming members of socio-religious bodies, the objectives of which are claimed to be aimed at social reforms and religious awakening etc.

2. According to Rule 15 of the Central Civil Services (Conduct) Rules, 1964, no previous sanction of the Government is required for a Central Government servant to undertake honorary work of a social or charitable nature but he should discontinue taking part in such activities, if so directed by the Government. Prior permission is essential only if the Government servant seeks to hold an elective office. As regards participation in purely religious activities, the freedom to profess and practice any religion is guaranteed under the Constitution of India itself. Since, however, the Constitution of India is based on the principle of secular state, the Government servants, while they are free to profess and practice any religion in their private lives, should so conduct themselves in public as to leave no room for any impression to arise that they do not subscribe to the secular philosophy of the State.

3. Some of the organizations and movements claiming to aim at social and religious reforms, may have some attributes of sectarian or communal nature. It will, therefore, be desirable on the part of the Government servants to be very cautious in associating themselves with any organization or movement the activities of which are liable to be construed as sectarian or communal in nature. It is not possible to give an exhaustive list of such activities or of the organizations and movements whose aims and objectives may be objectionable. The responsibility for the consequences of the decision to join any organization and participating in its activities will rest with the employee himself. It is, therefore, the duty of the Government employee who wishes to join any organization or association to satisfy himself that its activities and objectives are not of such a nature as are likely to attract action under any of the provisions of the Conduct Rules. In the circumstances, any plea of ignorance or mis-conception as to the Government's attitude regarding participation in the activities of such organizations would not be tenable.

[Deptt. Of Pers. & Trg. O.M. No. 11013/5/88-Estt. (A) dated 11.07.1988]

6. Joining of associations by Government servants

No Government servant shall join or continue to be a member of, an association the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India, or public order or morality.

Government of India Decisions

(1) Objects or activities of Associations -

In the meeting of the Committee of the National Council (JCM) held on 28.01.1977, the Staff Side referred to their request that it should be clearly laid down as to how it should be decided whether the object or activities of an Association attract provisions of rule 6 of the CCS (Conduct) Rules, 1964, as without such clarification, it was possible for any competent authority at any level to proceed against an employee for violation of the aforesaid rule without proper justification. The views of the Staff Side have been considered carefully by Government. As a comprehensive and exhaustive enumeration of various object or activities which would attract rule 6 of the CCS (Conduct) Rules, 1964, is not practicable and as the apprehension of the Staff Side was mainly in regard to the possibly of arbitrary action at lower levels, it has been decided that action for alleged violation of rule 6 of the CCS (Conduct) Rules, 1964 can be taken by a disciplinary authority only when an authority not below the level of a Head of Department has decided that the objects or activities of the Association concerned are such as would attract rule 6 ibid. Where the Head of Department is himself in doubt he shall seek the advice of the Administrative Ministry/Department concerned before action for the alleged violation of rule 6 of CCS (Conduct) Rules, 1964, is initiated.

[MHA, Deptt. Of Personnel & A.R. No. 11013/2/77-Estt. (A), dated the 7th June, 1978]

(2) Display of posters and other notices –

Please see decision No. 10 under Rule 3.

7. Demonstration and strikes

No Government servant shall -

(i) engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the state, friendly relations with foreign States, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence, or

(ii) resort to or in any way abet any form of strike or coercion or physical duress in connection with any matter pertaining to his service or the service of any other Government servant.

Government of India Decisions

(1) Restriction on Government servants who are office-bearers of service associations, in dealing in their official capacity with matters connected with

those associations.

Reference this Ministry's Office Memorandum No. 24/23/57-Ests.(B), dated the 3rd March, 1959, (not reproduced), on the above subject and to say that a point has been raised whether after the promulgation of the Central Civil Services (Recognition of Service Associations) Rules, 1959, the convention that an officer who may be required to deal in a responsible capacity with representations from a service Association, should not be an office-bearer or a member of the Executive Committee of that Association, would continue to be observed. It has been decided that any Government servant who is an office-bearer or a member of the Executive Committee of a Service association should not himself deal in his official capacity with any representation or other matters connected with that Association.

[MHA OM No. 24/1/60-Estt. (B), dated 25.01.1960]

(2) "Strikes" – interpretation of what constitutes a strike under the conduct Rules

Rule 7 (ii) of the Central Civil Services (Conduct) Rules, 1964, provides that no Government servant shall resort to or in any way abet any form of strike in connection with any matter pertaining to his service or the service of any other Government servant. Instances have come to the notice of Government where employees resort to various methods of protests for redress of grievances, some of which are tantamount to strike. References have been received seeking clarification whether certain acts, are covered under the definition of 'strike' and if so, whether action can be taken against such employees for violation of the Conduct Rules. It is, therefore, clarified that 'strike' means refusal to work or stoppage or slowing down of work by a group of employees acting in combination, and includes –

(i) mass absentation from work without permission (which is wrongly described as "mass casual leave");

(ii) refusal to work overtime where such overtime work is necessary in the public interest;

(iii) resort to practices or conduct which is likely to result in, or results in the cessation or substantial retardation of work in any organization. Such practices would include, what are called 'go-slow', 'sit-down', 'pen-down, stay-in', sympathetic" or any other similar strike; as also absence from work for participation in a Bandh or any similar movements.

3. Government servants who resort to action of the above kind violate rule 7 (ii) of the Central Civil Services (Conduct) Rules, 1964 and disciplinary action can be taken against them. It may be noted that the list of activities which are covered under the definition of strike as enumerated above is only illustrative and not exhaustive. It only clarifies the position in respect of practices which are often resorted to at present.

[MHA OM No. 25/23/66-Ests.(A), dated 09.12.1966]

(3) Participation in "GHERAO" by Central Government servants -

Instances have come to the notice of Government in which employees of certain Central Government offices staged which is called "Gherao", involving forcible confinement of public servants within office premises by surrounding their places of duty and have held demonstrations/meetings both within office premises during office hours and also outside the office premises beyond office hours, tending to forcible confinement of public servants within office premises. Such demonstrations/activities are prejudicial to pubic order and also involve criminal offences like wrongful restraint, wrongful confinement, criminal trespass or incitement to commit offences. They are also subversive of discipline and harmful to the public interest, and participation in them by Government servants and would constitute good and sufficient reason within the meaning of Rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. It has, therefore, been decided that a serious view should be taken of such acts of lawlessness and insubordination on the part of public servants. The Central Government Departments are advised to take action on the following lines in such cases :-

(i) Disciplinary action should be taken against the prominent participants in the 'Gherao' for contravention of Rules 3 and 7 of the Central Civil Services (Conduct) Rules, 1964. In the charge-sheet to be served in pursuance of such disciplinary action, it should be specified to the extent that the facts justify, that demonstrations prejudicial to public order and involving criminal offences, namely, wrongful restraint, wrongful confinement, criminal trespass and incitement to such offences, have been held; that such conduct was subversive of discipline and harmful to the public interest; and that the conduct was wholly unbecoming of a Government servant.

(ii) Absence from work on account of participation in 'Gherao', should in all cases be treated as unauthorized absence involving break in service. The absence should not be regularized as leave of any kind.

(iii) Whenever there is a case of 'Gherao', wrongful restraint, wrongful confinement or criminal trespass or of any other cognizable offence, a written report should be made to the Officer-in-charge of the Police Station having jurisdiction, requesting him to register the offence and to take action under the law. The names of the offenders should be included in the written report. Copies of the report should be endorsed to the Police Commissioner/Superintendent of Police and the Home Secretary to the State Government concerned for necessary action according to law.

(iv) If, notwithstanding the mandatory provisions of the Criminal Procedure Code, Police takes no action on such a report, action should be taken promptly to file a complaint before the appropriate Magistrate in respect of the substantive offences under the Indian Penal Code or other law. In certain circumstances a petition could be filed before the High Court for issue of the appropriate writ, but this should be done after taking legal advice.

[OM No. 25/S.11/67-Ests.(A), dated the 13th April, 1967]

(3A)

While taking action to file a complaint before the appropriate Magistrate, the assistance of the Officer of the Central Bureau of Investigation if any, available

locally, may also be taken in drafting the complaints and deciding the manner, in which evidence should be collected and produced.

[M.H.A. OM No. 25/S.11/67-Estt. (A), dated the 15th April, 1967]

(4) Display of posters and other notices –

please See Government of India Decision No. (10) under Rule 3.

(5) Demonstrations in the vicinity/neighbourhood of Government offices

It has been noticed that when some demonstrations organized by political parties were held in or passed through the vicinity of Government offices, the Government employees working in these offices came out to witness the demonstration. In this process the Government employees sometimes got mixed up with the demonstrators and it became difficult to segregate the demonstrators from the Government employee. In order to avoid such situations in future, the Ministry of Finance etc., are requested to impress upon the employees working under them that it is desirable on such occasions that they stay inside their offices and keep away from the demonstrators or the crowd near the place of demonstration.

[D.P. & A.R. No. 25/6/73-Ests.(A), dated 09.03.1973]

8. Connection with press or other media

(1) No Government servant shall, except with the previous sanction of the Government, own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication or electronic media.

(2) Nothing in sub-rule (1) shall apply in case a Government servant in the bonafide discharge of his official duties publishes a book or participates in a public media.

(3) A Government servant publishing a book or participating in a public media shall at all times make it clear that the views expressed by him are his own and not that of Government.

Government of India Instructions

(1) Participation in the A.I.R. Programmes and receiving of honorarium therefor – permission not necessary.

Please see Government of India decision No. 4 under Rule 15.

9. Criticism of Government

No Government servant shall, in any radio broadcast, telecast through any electronic media or in any document published in his own name or anonymously, pseudonymously or in the name of any other person or in any communication to the press or in any public utterance, make any statement

of fact or opinion -

(i) which has the effect of an adverse criticism of any current or recent policy or action of the Central Government or a State Government:

Provided that in the case of any Government servant included in any category of Government servants specified in the second proviso to sub-rule(3) of rule 1, nothing contained in this clause shall apply to bonafide expression of views by him as an office-bearer of a trade union or association of Government servants for the purpose of safeguarding the conditions of service of such Government servants or for securing an improvement thereof; or

(ii) which is capable of embarrassing the relations between the Central Government and the Government of any State; or

(iii) which is capable of embarrassing the relations between the Central Government and the Government of any foreign State;

Provided that nothing in this rule shall apply to any statements made or views expressed by a Government servant in his official capacity or in the due performance of the duties assigned to him.

Government of India Instructions

(1) Government servants visiting foreign countries should not express views on Indian or foreign affairs.

Government servants visiting foreign countries should refrain from giving expression to views on Indian or foreign affairs and in particular, from making any written or oral statements without specific prior approval of the Head of the Indian Missions in the country visited.

(MHA OM No. 25/71/51-Ests., dated the 17.10.1951)

(2) Estimates Committee's recommendation for giving freedom to officers to express their differing views

The Estimates Committee in para 20 of their Ninety-Third Report on public Services have made the following recommendations :-

> "…As regards the obligations of the ruling party towards the permanent services, the Committee can do no better than to quote from a speech delivered by the late Prime Minister Shri Lal Bahadur Shastri during the course of discussion in Lok Sabha (on 01.04.1963) relating to demands for grant to the Ministry of Home Affairs of which he was then the Minister in charge :-
>
> …the services, if their morale has to be kept up, must be given full freedom to express their differing views. It is entirely for the Minister to accept the view of the officers or not. If they are made

to do things, then the morale of the services will go down and the administration will suffer and I personally think that ultimately, the people will also suffer."

While the Committee endorse the forthright view expressed by the then Home Minister regarding the desirability of granting complete freedom to Government officers to express their differing views, they would also like Government to act in their capacity of loco parentis to the public services and shield them against all unjustified attacks from whichever source they are launched. In the opinion of the Committee, nothing can weaken the morale of the public services more than a general feeling that, in a certain set of circumstances, they may be subjected to harassing enquiries with no prospect of any protection from any quarter, for whatever they might have done in good faith.

2. The above recommendations of the Committee are brought to the notice of the Ministry of Finance etc., for information and guidance.

[MHA, OM No. 14/9/66-Ests.(A)-II, dated 03.08.1966]

(3) Tendering of evidence by Government servants before the Administrative Reforms Commission

Government have appointed the Administrative Reforms Commission to examine the public administration of the country and to make recommendations for reform and reorganization, where necessary. The Commission are interviewing senior Officers of Government and Heads of Departments at the Centre and in the States with a view to ascertaining their views on administrative reforms. In such interviews, Government servants will be free to give frank expression to their personal views, vide rule 10(3) of the Central Civil Services (Conduct) Rules, 1964. No permission of Government or of the Head of Department, is required for this purpose. However, the evidence tendered before the Commission should not be given publicity as that would amount to public criticism of Government or unauthorized communication of information vide rules 9 and 11 of the CCS (Conduct) Rules, 1964.

[MHA OM No. 25/8/66-Ests.(A), dated 27.07.1966]

(4) Service associations passing resolutions contravening Rule 9 of the CCS (Conduct) Rules, 1964

Instances have come to the notice of Government of Service Associations (including Federations/Unions) of Government employees passing resolutions, making statements and/or expressing opinion on issues which involve violation by the individual employee of Rule 9 of the Central Civil Services (Conduct) Rules, 1964.

2. The Ministry of Finance etc., are requested to take note of the breaches of this rule and to initiate disciplinary action by calling for explanation from those individuals who are signatories or parties to the resolutions or other activities mentioned in paragraph 1 above, if they are serving Government employees and if they in their individual capacity, as office-bearers of Associations (including Federations/Unions) of Government employees, or editors/publishers/office bearers of journals issued by such Associations (including Federations/Unions), have violated the provisions of the

above-mentioned Conduct Rule.

[MHA OM No. 25/5/68-Ests.(A), dated 17.01.1968]

(4A)

In spite of the instruction given in decision (4) above, certain resolutions passed by service associations/Unions/federations criticizing the action of a State Government in regard to the dismissal of some of their employees have come to the notice of the Government. Without prejudice to the discretion of the disciplinary authority to institute disciplinary action against the employees concerned, should it want to do so, it is requested that the provisions of the above decision No. (4) may be brought to the notice of all the employees in or under the Ministry of Finance etc., for their guidance and it may be reiterated that signatories or parties to resolutions, etc., passed by service associations/unions/federations which violate against the provisions of rule 9 would render themselves liable to disciplinary action.

[Cabinet Secretariat, Department of Personnel No. 25/4/72-Ests.(A), dated 18.02.1972]

10. Evidence before Committee or any other authority

(1) Save as provided in sub-rule (3), no Government servant shall, except with the previous sanction of the Government, give evidence in connection with any enquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-rule (1), no Government servant giving such evidence shall criticise the policy or any action of the Central Government or of a State Government.

(3) Nothing in this rule shall apply to-

(a) evidence given at an enquiry before an authority appointed by the Government, Parliament or a State Legislature; or

(b) evidence given in any judicial enquiry; or

(c) evidence given at any departmental enquiry ordered by authorities subordinate to the Government.

Government of India Instructions

(1) Tendering of evidence before the fourth Central Pay Commission

Among Secretariat officers of the Central Government, Secretaries may, if they so desire give their personal views in the light of their own knowledge and experience. Other Secretariat officers, i.e., Additional, Joint, Deputy or Under Secretaries as well as Heads of Departments may also be permitted by Government to give evidence orally or in writing to the Pay Commission on matters coming within their respective spheres of work. Such officers should, however, obtain the prior permission of Government before they appear before the Commission.

The above procedure will not apply to Government servants who appear before the Pay Commission on behalf of service associations. They may do so without the prior permission of Government, if so authorized by the Service Associations whom they represent.

There is no objection to individual Government servants submitting Memoranda etc. to the Pay Commission, in their individual capacity, provided that individual grievances will not be put to the Commission.

[D.P. & A.R. OM No. 11013/16/83-Estt. (A), dated 16.11.1983]

11. Communication of Official Information.-

Every Government servant shall, in performance of his duties in good faith, communicate information to a person in accordance with the Right to Information Act, 2005 (22 of 2005) and the rules made thereunder :

Provided that no Government servant shall, except in accordance with any general or special order of the Government or in performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or classified information to any Government servant or any other person to whom he is not authorised to communicate such document or classified information."

Government of India Instructions

(1) Confidential Report – Disclosure of identity of superior officers while communicating adverse remarks

Government have had under consideration the question whether the identity of the officer who recorded adverse remarks in the annual confidential report of a Government servant should be disclosed while communicating the adverse remarks to him. Cases have come to the notice of this Ministry where certain offices are reported to have disclosed the identity of the superior officer who made the adverse remarks while communicating them to the Government servant concerned. It is not necessary to disclose the identity of the Officer concerned since, what the Government servant should be interested in, are the defects/short-comings which his superior officers have found in his work and conduct and not the particular superior officer who recorded them in the confidential report and the representations on the remarks, if any, should be objective pertaining of short-comings noticed. Apart from this, disclosure of the identity of the superior officer is also likely to lead to unpleasantness and personal animosity. It is, therefore desirable that while communicating the adverse remarks to the Government servant concerned, the identity of the superior officer making such remarks should not normally be disclosed.

2. If, however, in a particular case, it is considered necessary to disclose the identity of the superior officer, the authority dealing with the representation may at his discretion allow the identity to be communicated.

3. In so far as persons serving in the Indian audit and Accounts Departments are concerned, these orders are issued after consultation with the Comptroller and Auditor General of India.

[MHA OM No. 51/2/64-Ests.(A), dated 30.03.1964]

(2) Leakage through the Press of classified information – Safeguards against – only officers specially authorised should meet the Press.

Instances have come to the notice of Government of leakage of classified information from time to time and their publication in the Press. It is the duty of all Government servants to safeguard the security of all classified information and papers to which they have access in the course of their official duties. In this connection the relevant provisions, in the Manual or Office Procedure and in the Central Civil Services (Conduct) Rules, 1964, are reproduced in the Annexure (not reproduced).

2. It would be observed from paragraph 90 (para 113 in 1996 edition) of the Manual of Office Procedure (reproduced in the Annexure below) that only Ministers, Secretaries and other officers specially authorized by the Minister are permitted to meet representatives of the Press and give information. As a further safeguard, it has been decided that as a general rule, any officer (other than Secretaries) specially authorized by the Minister to give information to the press, who might have occasion to meet representative of the press, should immediately submit a gist of the subject discussed, to the Secretary of the Ministry/Department in which he is working.

3. It is requested that provisions in the Manual of Office Procedure and Conduct Rules, reproduced in the Annexure as well as the decision referred to in the preceding paragraph may be brought to the notice of all concerned.

[MHA OM No. 29/9/67-Ests.(A), dated 04.07.1967]

ANNEXURE

Extracts from Central Secretariat Manual of Office Procedure – 1996 Edition

* * *

113. Communication of information to the Press – (1) Official information to the press and other news media, i.e. radio and television will normally be communicated through the Press Information Bureau.

(2) Only Ministers, Secretaries and other officers specially authorized in this behalf may give information or be accessible to the representatives of the press. Any other official, if approached by a representative of the press, will direct him to the Press Information Bureau.

(3) Whenever it is proposed to release an official information to the press, or to hold a press conference or press briefing, or to give publicity to an official report, resolution or any other publication, the department concerned will consult the accredited information officer in advance. The accredited information officer will meet the authorized officials from time to time to collect information worthy of publicity.

(4) Detailed procedure in respect of matters mentioned in this para, as laid down by the Ministry of Information and Broadcasting, should be followed.

* * * *

(3) Communication of Unauthorised Information

It has been noticed that the Government servants and others, including former Government servants have sometimes quoted or copied in their representations, appeals, etc. Government circulars including those marked secret, notes and other information from files, which they are ordinarily not expected to have seen or to have retained. Communication of such documents, etc. and their retention by, unauthorized persons is not only improper but also involves contravention of Rule 11 of the Central Civil Services (Conduct) Rules and section 5 of the Official Secrets Act, 1923.

Rule 11 of the Central Civil Services (Conduct) Rules, 1964 lays down that a Government servant may not communicate directly to other Government servant or to non-official persons or to press any documents or information which may have come into his possession in the course of his public duties. Retention of such documents or information by a Government servant in his personal custody for use in furtherance of his personal interest, e.g. in making representation to the authorities concerned is not only objectionable but also constitutes an offence under Section 5 of the Official Secrets Act, 1923. A person contravening the provisions of the above Act renders himself liable to prosecution. Contravention of the provisions of the Act and of the Conduct Rules can also be dealt with departmentally under the relevant Discipline Rules, and may well justify the imposition of a suitable penalty with reference to the fact and circumstances of each case.

[MHA OM No. 24/54/58-Ests., dated the 12th April, 1954]

(4) Contact with the Press and airing of views on official matters through the Press

Attention of the Ministry of Finance etc. is invited to Rule 11 of the CCS (Conduct) Rules, 1964 and Rule 9 of the AIS (Conduct) Rules, 1968 which provide that no Government servant shall, except in accordance with any general or special order of the Government or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or information to any Government servant or any other person to whom he is not authorized to communicate such document or information. Similarly paragraphs 110 and 113 of the Manual of Office Procedure lay down the procedure for contacts with the Press.

2. Instances have come to notice that some Government servants have been unathorisedly communicating with the Press either in their own name or in pseudonymous names. Instructions have been issued from time to time restraining all Government servants from communicating with the Press unauthorisedly but it is observed that the provisions of the Conduct Rules are not being followed in letter and spirit. Recently, some cases have come to notice when officers have criticized in the Press the functioning of their own Ministry and there are instances of expression of views which are in direct opposition to the views expressed by the Minister in public resulting in avoidable indiscretion on the part of civil and military officers.

3. The provisions of Rule 11 of the CCS (Conduct) Rules, 1965, and Rule 9 of the AIS (Conduct) Rules, 1968 referred to above and paras 110 and 113 of the Manual of Office Procedure, are once again brought to the notice of all concerned. It is once against reiterated that violation of the provisions of Conduct Rules and other corresponding provisions amounts to a serious misconduct. The concerned cadre controlling authorities are advised to view such misconduct seriously.

[DOPT OM No. 11013/16/98-Estt.(A), dated 10th December,1998]

12. Subscriptions

No Government servant shall, except with the previous sanction of the Government or of the prescribed authority, ask for or accept contributions to, or otherwise associate himself with the raising of, any funds or other collections in cash or in kind in pursuance of any object whatsoever.

Government of India Decisions

(1) Sponsoring of public funds by Government servants

The Government servants Conduct Rules applicable to the late Secretary of State's Services, require that no Government servant should, without obtaining the previous permission of the Government, ask for, or accept or in any way participate in the raising of any subscription or other pecuniary assistance in pursuance of any object whatsoever. A copy of the relevant Rule is given below for ready reference :

> "Except with the previous sanction of the Government, if he is a Commissioner of a Division or a Head of a Department, or of the Commissioner of the Head of his Department in other cases, no Government servant shall ask for or accept, or in any way participate in the raising of any subscription or other pecuniary assistance in pursuance of any object whatsoever".

2. The position under the Conduct Rules applicable to other Government servants is slightly different but it has been decided that the same rule should apply to all central Government servants so far as public funds are concerned.

3. The position may please be explained to all the employees of the Ministry of Finance etc., and their attached and subordinate offices and it may be impressed upon them that they should not sponsor the raising of funds from the public for any purpose whatsoever, without previous permission. It may be added that the mere payment of a subscription to some charitable or benevolent fund would not, by itself, amount to participation in the raising of such fund; and is permissible except in circumstances specified in the Rule 23 (Rule 5 of the CSS (Conduct) Rules, 1964) of the Government Servants Conduct Rules (taking part in politics).

[MHA OM No. 25/4/48-Ests., dated 28.02.1948]

(2) Sponsoring of funds by members of service associations to foster the activities of such unions and associations

Rule 9 of the Central Civil Services (Conduct) Rules, 1955 (now Rule 12) prohibits Government servants from asking for or accepting contributions to or otherwise associating themselves with the raising of any fund in pursuance of any object whatsoever. The question how far the conduct of Government servants who are members of service associations would be in order in sponsoring collections directly and/or indirectly, on behalf of their associations has been considered. Strictly speaking, in sponsoring such collections without prior permission, the Government servants would be contravening the provisions of the Central Civil Services (Conduct) Rules, 1955 (now Rule 12). Neither the constitution of the unions which may envisage collection of funds for the purposes of the unions, nor the fact that unions have been registered as trade unions under the Indian Trade Unions Act, 1926, which permits trade unions to raise funds, gives any immunity to Government servants in the matter. This is the legal position, but in order to assist in the smooth working of the unions, as well as to avoid too many references on the subject, it has been decided to grant general permission in the class of cases mentioned below.

The members of a union can freely collect subscription among themselves for welfare activities of the union. So long as their appeal is confined to the members, no permission need be sought. If any approach to the public is made, whether directly or indirectly, such permission should be necessary. Similarly, in a union where a matter affecting the general interest of the members of the union is in dispute and it is permissible under the rules of the union to spend its funds over such a matter, its members should be free to collect funds, especially for that special purpose, from amongst its members. Where, however, action is taken against a person who happens to be a member of the union, in his personal capacity or on grounds which concern him in particular no funds should be collected from even amongst its members by the Union for his defence.

[MHA OM No. 24/10/55-Ests.(B), dated 10.08.1955]

(3) Flag day collections – Exempted

Under Rule 12 of the Central Civil Service (Conduct) Rules, 1964 no Government servant may except with the previous sanction of the Government or other competent authority, ask for or accept contribution to or otherwise associate himself with the raising of any fund in pursuance of any object whatsoever.

An instance has come to the notice of Government in which the head of an office refused to accept tokens and car flags given to him on Flag Day, for the purpose of raising collections from his office staff for the benefits of ex-service men. The reason given by the official was that the Government Servants Conduct Rules prohibited him from making such collections. The stand taken by the official was no doubt, correct under the rules. But in view of the object under lying the Flag Day Collections, the Government of India have decided to relax the provisions of the above rule for this purpose and to allow Central Government servants to participate in such collections on a voluntary basis.

[MHA, Memo No. 25/33/55-Ests., dated 31st October, 1955]

(4) National Defence Fund – Collection of contributions to

The nation has responded magnificently to the grave emergency facing it. In this period of crises people in all walks of life are anxious to contribute to the limit of their capacity towards the national effort. The National Defence Fund has been constituted to receive monetary contributions for the defence of the country. A copy of the Press Note issued by the Government of India announcing the setting up of the Fund and the manner of contributing to it is attached (not reproduced).

2. Rule No. 9 (now Rule 12) of the CCS (Conduct) Rules/AIS (Conduct) Rules/Railway Services (Conduct) Rules prohibit Government servants, except with the previous sanction of the Government or such authority as may be empowered by it in this behalf, from asking for or accepting contributions to or otherwise associating themselves with, the raising of any fund in pursuance of any object whatsoever. So far as Union Territories and attached and Subordinate Offices under the Home Ministry are concerned sanction is hereby accorded to the level of Sub-Divisional Officers and Head of Departments to associate themselves with the raising of the above fund. Heads of Department and District Magistrates are further empowered under Rule 9 of the AIS (Conduct) Rules/Rule 9 (now Rule 12) of the CCS (Conduct) Rules to accord sanction to such other officers working under them as they consider suitable, to associate themselves with raising contributions etc. to the said Fund.

3. The Ministries of the Government of India may accord sanction to the Heads of Departments to associate themselves with the raising of this Fund. Ministries may also empower Heads of Departments to accord similar sanction to such Government servants working under them as may be required to assist them in this connection.

[MHA OM No. F.25/64/62-Ests.(A) dated 1.11.1962]

(5) Jawaharlal Nehru Memorial Fund – Subscriptions for collection by Government servants not permissible

The Government of India have decided that Government servants should not be allowed to associate themselves with collection of subscriptions for the Jawaharlal Nehru Memorial Fund, though they are free to make their personal contributions to the Fund.

[MHA OM No. 25/33/64-Ests.(A), dated 31.10.1964]

(6) Observance of Flag Day by the National Foundation for Communal Harmony – Participation of Government servants – Permission under Rule 12 of the CCS (Conduct) Rules, 1964.

2. The National Foundation for Communal Harmony has been set up for promoting communal harmony and particularly for the physical and psychological rehabilitation of children rendered orphans and destitutes in communal violence. The Foundation has been engaging in efforts to collect contributions and observes every year a 'Fund Raising Week' and 'Flag Day'. Clarifications have been sought whether Central Government servants could be associated with or involved in the above fund raising efforts of the Foundation.

3. The matter has been examined and keeping in view the objectives of the National Foundation for Communal Harmony, the Government of India has decided to relax the

provisions of Rule 12 to allow Central Government servants to participate in the fund raising efforts of the Foundation on a voluntary basis.

[DOPT OM No. 11013/9/95-Estt.(A), dated 02.11.1995]

13. Gifts

(1) Save as provided in these rules, no Government servant shall accept, or permit any member of his family or any other person acting on his behalf to accept, any gift.

EXPLANATION :- The expression "gift" shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the Government servant.

NOTE (1) - A casual meal, lift or other social hospitality shall not be deemed to be a gift -

NOTE (2) - A Government servant shall avoid accepting lavish hospitality or frequent hospitality from any individual, industrial or commercial firms, organisations, etc., having official dealings with him.

(2) On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gift is in conformity with the prevailing religious and social practice, a Government servant may accept gifts from his near relatives or from his personal friends having no official dealings with him, but shall make a report to the Government, if the value of such gift exceeds -

(i) rupees seven thousand in the case of a Government servant holding any Group 'A' post;

(ii) rupees four thousand in the case of a Government servant holding any Group 'B' post;

(iii) rupees two thousand in the case of a Government servant holding any Group 'C' post; and

(iv) rupees one thousand in the case of a Government servant holding any Group 'D' post.

(3) In any other case, a Government servant shall not accept any gift without the sanction of the Government if the value thereof exceeds-

(i) rupees one thousand five hundred in the case of Government servants holding any Group "A" or Group "B" post; and

(ii) rupees five hundred in the case of Government servants holding any Group "C" or Group "D" post.

(4) Notwithstanding anything contained in sub-rules (2) and (3), a

Government servant, being a member of the Indian delegation or otherwise, may receive and retain gifts from foreign dignitaries if the market value of gifts received on one occasion does not exceed rupees one thousand. In all other cases, the acceptance and retention of such gifts shall be regulated by the instructions issued by the Government in this regard from time to time.

(5) A Government servant shall not accept any gifts from any foreign firm which is either contracting with the Government of India or is one with which the Government servant had, has or is likely to have official dealings. Acceptance of gifts by a Government servant from any other firm shall be subject to the provisions of sub-rule (3).

13-A. Dowry

No Government servant shall-

(i) give or take or abet the giving or taking of dowry; or

(ii) demand directly or indirectly, from the parent or guardian of a bride or bridegroom, as the case may be, any dowry.

Explanation:- For the purposes of this rule, 'dowry' has the same meaning as in the Dowry Prohibition Act, 1961(28 of 1961).

Government of India's Decisions

(1) Manner of disposal of gifts received from foreign dignitaries those of 'trifling' or 'symbolic' value may be retained but others to be deposited in Toshakhana-purchase from Toshakhana on payment of assessed value permissible.

A large number of presents were made to officers of the Central and State Governments by the Soviet leaders, the King of Saudi Arabia and other foreign dignitaries who visited India during the last few months. The manner in which such presents offered by foreign dignitaries should be disposed of has been under consideration and the following decisions have been taken.

2. The presents referred to may be broadly classified into two categories. The first category would include presents which are symbolic in nature and not of any practical use, such as the Sword and the Ceremonial Robe presented by the King of Saudi Arabia. It has been decided that presents of this type may be retained by the recipients.

The second category would be presents which are of trivial value. According to the Central Civil Services (Conduct) Rules, 1955 'trivial value' has been defined as value not exceeding Rs. 20. In the case of presents from foreign dignitaries, it has been decided that the limit should be raised to Rs. 200 and that presents not exceeding this value may be retained by the recipients.

3. The question then arises with regard to the presents which do not come under either of the above categories. It has been suggested that the giving of presents by

foreign dignitaries is not intended to influence the recipients in the discharge of their duties in favour of donor. On the other hand if such presents were to be handed over to Government and Government were to dispose them off by sale or otherwise, the information is likely to get known and the donors are bound to feel seriously offended. As many of the presents may have the names of the donors inscribed on them, their disposal by Government would also cause some embarrassment. At the same time, it is undesirable from the service point of view to allow officers to retain expensive presents which they may happen to get by virtue of their official position. Taking all relevant factors into account, it has been decided that in respect of presents not covered by the two categories referred to earlier, the officers should be asked to deposit them at the Government Toshakhana and the receipients may be given the option to purchase them from the Toshakhana at prices to be fixed by the authorities incharge. The presents which are not so purchased by the recipients will remain at the disposal of Government to be utilized for such purposes as Government may decide. It is possible that some of these presents may be of cultural value, which could very well be handed over to a Museum or a cultural body, while others may be found suitable for being used as counter presents by Government or Government officials. Those which are not disposed of in this manner will be kept on deposit in the Government Toshakhana and may even be sold to persons other than the recipients in suitable cases, though indiscriminate sale should certainly be avoided for reasons already stated.

[M.H.A. D.O. No. 25/49/55-Ests., dated 31.03.1956]

It has been brought to the notice of Government that some foreign countries have adopted the practice of offering cash gifts to visiting guests by way of 'expense money' in addition to paying for transport, hotel bills etc. Government have decided that no cash gift should be accepted by any Government servant visiting a country abroad as a guest of that country. Gifts in kind received by a Government servant should be dealt with the in accordance with the existing instructions on the subject.

2. This may please be brought to the notice of all concerned

[M.E.A. OM No. F.55-TK/56, dated 19.11.1956]

(1A) Procedure for disposal of gifts received from foreign dignitaries.

This Ministry has for some time been considering the question of laying down the procedure for disposal of articles of gifts received by Government servant from foreign dignitaries whether in India or while serving abroad or on a tour abroad.

2. Instructions on the subject were issued to the Indian Missions abroad and to the officers in this Ministry in 1956 vide enclosed copies of Memo No. F.21.TK/56, dated 15.05.1956 and its enclosures and OM No. 20-TK (C.89)/56 dated 13.09.1956 (not reproduced). A meeting between the Ministries of External Affairs, Home Affairs and Finance was held on the 13th March, 1959, to discuss the question of payment of custom duty on presents, auction of Toshakhana articles and other allied matters. A copy of the minutes of the meeting is enclosed for information.

3. According to the decision now arrived at, no customs duty is leviable on the

presents received by Government officials if they are within the ceiling limit of Rs. 200 and are permitted to be retained by the recipients. In granting such permission the Head of the Department should satisfy himself about the value of the articles. In case of doubt the presents may be got valuated by the Cutoms Appraiser, Foreign Post Office, Hardinge Bridge, New Delhi.

4. Presents of a value of more than Rs. 200 should be surrendered to the Toshakhana in this Ministry unless any of the articles is required by the Ministry/Office concerned for official use in which case, the matter should be referred to the Ministry of External Affairs for giving its approval in consultation with the Ministry of Finance. The articles surrendered to the Toshakhana will be disposed of in accordance with the procedure agreed to by the Central Board of Revenue.

5. The Ministries of Home Affairs etc., are requested to issue suitable instructions to all concerned.

[MEA OM No. 15(101) (GA)/59/EA I/60(I)/183, dated 11.10.60]

* Minutes of Meeting held in the Secretary General's Room at 11.30 hrs. on 13.03.1959 to discuss the question of payment of customs duty on presents, auction of Toshakhana articles etc.

The following decisions were taken:-

(i) Customs duty on presents received by Government Official from foreign dignitaries – It was decided that no customs duty is leviable on presents received by Government officials from foreign dignitaries, which are within the ceiling limit of Rs. 200 and are permitted to be retained by the recipients, as laid down in para 2 of the Ministry of Home Affairs D.O. No. 25/49/55-Ests; dated the 31st March, 1956 and further clarified in the Ministry of External Affairs Office Memorandum No. F.20TK/(C).89/56 dated the 13th September, 1956.

(ii) Presents surrendered to Toshakhana – It was decided to continue the present practice of transferring temporarily or permanently, from the Toshakhana articles for use in Rashtrapati Bhawan, New Delhi, Rashtrapati Niwas, Simla, Prime Minister's official residence, New Delhi, museum, Indian embassies abroad and Government Departments, in addition to presents made to charitable institutions.

Gifts remaining in the Toshakhana, which are not covered under the above sub-paragraph should be divided into two categories for the purpose of levying customs duty :-

(a) Those on which customs duties are leviable on advalorem rates; and

(b) Others on which specific rates of duty be leviable. In case of both (a) and (b) customs duties will be charged.

In case of (a) the sale proceeds at the auction will be considered as inclusive of customs duty and the amount of customs duty chargeable will be calculated accordingly. In case of (b) the amount of duty leviable will form the reserve price. In cases where even this reserve price is not realizable at the auction, the case will be

referred to the C.B. R. for advice.

(iii) Auction of Toshakhana articles – The consensus of opinion was to permit members of all Ministries and Departments, including those of the Ministry of External Affairs to bid at the Toshakhana auction. It was accordingly, decided to find suitable neutral agency other than the Ministry of External Affairs to conduct auctions in which members of the Ministry of External Affairs could also participate. The Central Board of Revenue was suggested as a possible agency for this purpose. The Chairman, C.B.R., agreed to examine the question and to advise the Ministry of External Affairs accordingly and action will be taken on the receipt of CBR's advice.

(iv) Reserve prices – It was also decided that the fair prices for articles brought to auction for the first time should be the appraised value plus the customs duty calculated on this appraised value. Articles which were not sold in the first auction and were brought for the second auction, should be sold to the highest bidder, at "free value". (This decision should be referred to the Comptroller and Auditor General for his concurrence before auction in finalized.)

(v) Valuation – For valuation of articles which are to be disposed of through the Toshakhana other than gifts within the ceiling limit of Rs. 200 which are to be retained by recipients a Customs Appraiser will be consulted. The actual mechanics of this consultation will be worked out by the C.B.R. in consultation with the Ministry of External Affairs.

(1B) Do – Clarification

Reference this Ministry's Office Memorandum No. F15(10)GA/59/EA/1/60/1/83, dated 11th October, 1960 (Decision No. 2 above) on the subject mentioned above. It may be clarified that the decisions arrived at in the inter-Ministerial meeting on March 13, 1959, referred to therein do not apply to present received by Government servants from foreign dignitaries abroad. Those decisions are applicable in the case of present received by Government servants from foreign dignitaries in India only. The following further points are also clarified :-

(1) The amount of custom duty is not to be added for fixing the value of gift received by a Government servant from a foreign dignitary abroad.

(2) There is no need to send the article of gift to the Toshakhana from abroad, unless specifically asked to do so by this Ministry. The article if not purchased by the recipient, can be kept in the residence of the Head of Mission/Post as an exhibit piece or as an object of art. The action taken in this regard should, however, be intimated to this Ministry in each case.

[MEA OM No. F.16(11)/GA/60 (EA. 1)/60/1/239, dated 31.12.1960]

(1C) Do – Clarification

In continuation of decisions No. (2) and (3) above, it has since been decided that the Head of a Mission, on the termination of his assignment in a particular country, will be allowed to retain souvenir presents given to him by the Diplomatic Corps, such as a silver salver or cigarette box bearing the signatures of his colleagues, even though

the value of such presents may exceed Rs. 200/-.

It has further been decided that a Government servant who receives a present from a foreign dignitary, whether in India or abroad, the value of which exceeds Rs. 200 will be allowed to retain it by paying the difference of estimated value and Rs. 200/- if he so desires.

[Ministry of E.A. OM No. F. 16(2)GA/61CEAI/61/1/36), dated 16.03.1961]

(1D) Presents received by Government Servants from foreign dignitaries and foreign firms-Instructions regarding.

In suppression all the existing instructions on the above mentioned subject, the following instructions will govern the receipt, retention and disposal of gifts received by Government servants from foreign dignitaries and foreign firms.

2. The presents received from foreign dignitaries will fall into two categories. The first category will include presents which are of symbolic nature, like a ceremonial sword, a ceremonial robe etc. Such gifts of symbolic nature may be retained by the recipients.

3. The second category of gifts would be those which are not of symbolic nature. It has been decided that such gifts may be retained by Government servants, if their value does not exceed Rs. 1,000/-. The following procedure may be followed in regard to such gifts which are marginal or in cases where the value apparently exceeds Rs. 1,000/- or where there is any doubt about their actual value :-

The Government servants shall report the receipt of such gifts to the Ministry/Department administratively concerned, indicating their approximate estimated value. The Ministry/Department concerned shall, in cases of doubt or in marginal cases where the estimated value borders on the prescribed limit Rs. 1,000/- or where the estimated value exceeds Rs. 1,000/- refer the case to the Toshakhana for valuation of gifts and also arrange to get such gifts deposited in the Toshakhana so that it can assess their value. On assessment of the value by Toshakhana, if the value of gift in marginal or doubtful case is found to be within the prescribed limit of Rs. 1,000 the gifts will be returned to the Ministry/Department for being handed over to the recipient. Gifts whose value is found to exceed the prescribed limit of Rs. 1,000 will be retained in the Toshakhana and the recipients of the gifts will have the option to purchase them from the Toshakhana by paying the difference between the value as estimated by the Toshakhana and Rs. 1,000/-.

4. As regards acceptance of gifts by Government servants from foreign firms, no permission is normally granted, save in exceptional circumstances, for acceptance of gifts made by firms, whether foreign or indigenous, with whom the Government servant concerned has had or has or is likely to have official dealings either directly or indirectly by virtue of his official position. Permission is also not normally granted for acceptance of gifts by Government servants from firms which are contracting firms with the Government of India, even if the contract is entered into by a Ministry or Department other than the one in or under which the Government servant concerned is serving. The question of grant of permission for acceptance of gifts from a foreign firm would, therefore, normally arise only in those cases where the foreign firm

concerned is neither a firm contracting with the Government of India nor one with which the Government servant concerned has had, or is likely to have official dealings and there is no reason to doubt the bona-fide of the gifts made by the foreign firm. In such cases, where it is proposed to grant permission for acceptance of the gift made by a foreign firm the procedure indicated in the preceding paragraphs regarding retention of the gifts made by foreign dignitaries should be followed.

[MHA DP & AR No. 11013/4/76-Estt.(A), dated 27.08.1976].

(2) Acceptance of gifts by Government servants on the occasion of their transfer or retirement.

Instances have come to the notice of Government in which senior officers and others were presented, on the occasion of their retirement or transfer, with expensive gifts for the purchase of which the members of the staff contributed. Permission of Government under Rule 10 of the Central Civil Services (Conduct) Rules, 1955, to accept these gifts was sought on the ground that these were a token of the esteem and affection in which the officers concerned were held.

2. While a farewell entertainment of substantially private and informal character may be held in honour of such officers on the eve of retirement or transfer, as permitted under the proviso to Rule 11 of the Central Civil Services (Conduct) Rules, 1955 and gifts of trifling value [as defined in the Explanation to rule 10 (2) of the above rules] presented and accepted on such occasions, it is hardly healthy or desirable to allow the practice of accepting gifts from the staff.

3. The Ministry of Finance etc., are accordingly requested to bring to the notice of all concerned that entertainment or gifts on such occasions should be strictly confined to the limits permitted under the Conduct Rules.

[MHA OM No. 25/40/58-Ests.(A), dated 24.07.1958]

(2A) Do – Clarification

Attention is invited to MHA OM No. 25/40/58-Ests.(A) dated 24.07.1958, (Decision 9 above) in which it has been emphasized that while a farewell entertainment of a substantially private and informal character may be held in honour of officers on the eve of their retirement or transfer as permitted under the proviso to rule 11 of the Central Services (Conduct) Rules, 1955, and gifts of trifling value (as defined in the Explanation to rule 10(2) of the above rules) presented and accepted on such occasions, it is hardly healthy or desirable to allow the practice of accepting gifts from the staff. In spite of these instructions, instances have come to the notice of Government in which Government servant were presented with gifts of more than trifling value on the occasion of their retirement or transfer and the Government servant concerned asked for permission to accept them. It has, therefore, been decided that in future no Government servant should be given permission to accept gifts of more than trifling value at the time of his transfer. There is, however, no objection to his accepting gifts at the time of his retirement from the members of the staff, subject however, to prior permission of Government, wherever such permission is necessary.

[MHA OM No. 25/22/62-Ests.(A), dated 12.11.1962]

(3) Familiarity arising out of private hospitality – recommendation No. 24 of the Committee on Prevention of Corruption.

Recommendation No. 24 contained in paragraph 6.11 of the report of the Committee on prevention of Corruption, has been carefully considered in the light of the comments received from the Ministries/Departments. The following decisions were reached in regard to this recommendation :-

(i) The distinction between Economic Ministries and other Ministries may not serve any useful purpose as officers were liable to transfer and a business house may find it worth-while to invest in an officer even though he were in a non-Economic Ministry, in the hope that this investment would be useful later on.

(ii) It is essential to avoid the familiarity arising out of private hospitality. When in doubt, an officer should abstain from an invitation and he should not accept invitations particularly from person who have cases pending before him.

2. Attention of the Ministries etc. is also invited to the provisions contained in Rule 13 of the Central Civil Services (Conduct) Rules, 1964, issued in Ministry of Home Affairs Notification No. 25/4/63-Ests.(A), dated 30th November, 1964, particularly to Note (2) under the said Rule.

3. A doubt was also expressed whether if a Minister accepts an invitation, it should be incumbent on the official to accept it. It has been decided that in such cases it would not be incumbent on the official to accept the invitation.

[MHA OM No. 43/60/64-AVD, dated 18.01.1965]

(4) Invitations for free "inaugural flights" – acceptance of, by Government servants and members of their families.

The Air India and the Indian Airlines Corporation some times extend invitation to Government servants and members of their families to participate, free of cost in their inaugural flights. Similar invitations may also be received by Government servants and members of their families from foreign air transport Companies operating through India. Such invitations amount to 'gift' vide Explanation below rule 13 (1) of the Central Civil Services (Conduct) Rules, 1964, and acceptance of such gifts will attract the provisions of rule 13 (4) [now rule 13 (3)] ibid.

2. It is, therefore, necessary to regulate the acceptance of the gifts referred to above, so as to ensure that these favours do not place the Government servants, exercising a measure of discretion on behalf of Government, in a position where their impartial judgment would be affected, or would seem to be so affected to an outside observer. The administrative Ministries/Departments should keep this in view while considering requests of individual officers to permit them or the members of their families to accept invitations for free inaugural flights offered by the Air India, the Indian Airlines Corporation or foreign airlines. The Ministry of Civil Aviation should be consulted in all cases before granting or with holding permission.

3. Cases of officers of the All India Services serving under the Government of India should be referred to the All India Services Division of the Ministry of Home Affairs who will decide each individual case in consultation with the Ministry of Civil Aviation.

[MHA OM No. F.25/34/64-Ests.(A), dated 25.05.1965]

(5) Acceptance of dowry by Government servants

It is provided in this Ministry's OM No. 25/8/57-Estt.(A) dated the 25th March, 1957 (not reproduced) that dowry should be regarded as a customary gift which a Government servant may accept without prior sanction and that subject to the provisions of the rules relating to gifts and transactions in immovable and movable property, all such gifts should be reported to the Government or other prescribed authority.

2. The matter has been reviewed in the context of the provisions contained in the Dowry Prohibition Act, 1961. Section 2 of this Act defines dowry as 'any property or valuable security given or agreed to be given directly or indirectly by one party to a marriage to the other party to the marriage or by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person at or before the marriage as consideration for the marriage of the said parties, but does not include dowry or mahar in the case of persons to whom the muslim Personal Law (Shariat) applies'. For removal of doubts. Explanation I below Section 2 declares that 'any presents made at the time of marriage to other party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of the section unless they are made as consideration for the marriage of the said parties'. Persons who are guilty of giving or taking or abetting the giving or taking of dowry, or demanding any dowry, directly or indirectly from the parents or guardian of a bride or bridegroom, as the case may be, are liable to the punishments prescribed in Sections 3 and 4 of the Act. In the circumstances, Government servant should not give or take or abet the giving or taking of dowry; nor should they demand dowry, directly or indirectly, from the parents or guardian of a bride or bridegroom as the case may be. Dowry can, therefore, no longer be treated as 'customary gift' as has been stated in this Ministry's OM of 25.03.1957 referred to in para 1 above (not reproduced). Any violation of the provision of Dowry prohibition Act, 1961 by a Government servant will constitute a good and sufficient reason for institution disciplinary proceedings against him in addition to such legal action as may be taken against him in accordance with the provisions of the Act.

3. Receipt of presents by Government servants at the time of their marriage in the form of cash, ornaments, cloths or other articles, otherwise than as consideration for marriage from relatives and personal friends will be regulated by sub-rules (2) of rule 13 of the Central Civil Services (Conduct) Rules, 1964. The receipt of such presents from persons other than relatives and personal friends, will be regulated by sub-rule (1) of rule 13 ibid read with sub-rule (3) thereof. Purchases of items of movable property for giving presents at the time of marriage will be regulated by rule 18 (3) of the Central Civil Services (Conduct) Rules, 1964, like other transaction in movable property.

4. This Ministry's OM No. 25/8/57-Ests.(A) dated 25.03.1957 (not reproduced) may be treated as cancelled.

[MHA OM No. 25/37/65-Ests.(A), dated 30.08.1965]

(6) Acceptance of passage and hospitality by officers from foreign contracting firms.

Government have had under consideration the question whether an officer may be permitted to accept the cost of passage to a foreign country and hospitality during his stay there by way of free board and lodging, if offered by a foreign firm contracting with the Government either directly or through its agents/representatives in India. The explanation below rule 13 (1) of the Central Civil Services (Conduct) Rules, 1964, provides that 'gift' shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the Government servant. Note 2 below the said rule further provides that a Government servant shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firms, organizations etc. In the circumstances, Government have decided that officers should neither accept, nor be permitted to accept offers of the cost of passage to foreign countries and hospitality by way of free board and lodging there, if such offers are made by foreign firms contracting with Government either directly or through theirs agents/representatives in India. The only exception to this will be in respect of facilities for training abroad offered by foreign firms (who obtain re-imbursement from the foreign Government concerned) as part of aid programmes. *(for as part of an agreement or contract entered into by Government of India or a Public Sector Undertaking with foreign organization.)

[MHA, OM No. F.25/4/67-Ests,(A), dated 03.04.1967 as amended by OM bearing same number dated 06.11.1967]

(7) Arms and ammunitions in the prohibited category should not be accepted as presents.

Gifts offered to the Government officials by foreign institutions, foreign dignitaries, etc., may include arms and ammunitions. The firearms and ammunitions described in category I of Schedule I appended to Arms Rules, 1962 (copy enclosed) are generally not allowed to be imported into the country for private use. It has accordingly been decided that arms and ammunitions in the prohibited category should not be accepted by Government officials. The concerned official may politely decline the present explaining the import restrictions imposed by the Government of India.

Arms Act and Rules

Schedule I

Category	Arms	Ammunition
1	2	3

I(a)	Prohibited arms as defined in Section 2 (1) (i) and such other arms as the Central Government may by notification in the official Gazette, specify to be prohibited arms.	Prohibited ammunition as defined in section 2 (i) (h) and such other article as the Central Government may, by notification in the official Gazette, specify to be prohibited ammunition.
(b)	Semi-automatic fire-arms other than those included in category I (c) and III (a) smooth-bore guns having barrel of less than 20" in length.	Ammunition for amrs of category I (b).
(c)	Bolt action or semi automatic rifles of .303" or 7.62mm bore or any other bore which can chamber and fire service ammunition of .303 or 7.62mm. calibre; musket of .410" bore or any other bore which can fire .410" musket ammunition; pistols, revolvers or carbines of any bore which can chamber and fire .380" or .455" rimmed cartridges or service 9mm. or .45" rimless cartridges.	Ammunition for amrs of category I (c).
(d)	Accessories for any fire arms designed or adapted to diminish the noise or flash caused by the firing thereof.	Nil

[MHA OM No. 25/13/65-Ests.(A) dated 10.12.1969]

(8) Book Clubs run by Foreign Agencies – Acceptance of membership by Government servants

Attention is invited to item 3 of Annexure I of the Ministry of Home Affairs, Office Memorandum No. 25/34(s)/67-Ests.(A), dated the 22nd May, 1969 (extract printed) and to say that a question has been raised whether a Government servant should obtain the permission of the Government for accepting the membership of book club run by a foreign agency. It is clarified that a Government servant should obtain the prior permission of the Government before he becomes a member of such a book club. If membership of the foreign book club entitled the Government servant to receive books, etc., by way of gifts, the question of acceptance of such gifts would be Government by rule 13 of the Central Civil Services (Conduct) Rules, 1964.

[OM No. 25/16/73-Ests.(A), dated 03.07.1973 of Department of Personnel]

Extract from Annexure I to the Ministry of Home Affairs OM No. 25/34(S)/67-Ests.(A), dated 22nd May, 1969.

* * * *

3. Gifts

In the matter of exchange of gifts with foreign nationals, members of foreign missions or acceptance of foreign articles from them the relevant provisions of CCS (Conduct) Rules, 1964 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 Regulation.

(9) Contacts with business firms – Instructions regarding

Note (2) below Rule 13 (1) of the Central Civil Services (Conduct) Rules, 1964, lays down that a Government servant shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firms, organizations etc. Rule 4 (3) of the CCS (Conduct) Rules, 1964 inter-alia envisages that no Government servant shall in the discharge of his official duties deal with any matter concerning any company or firm or any other person if he or any member of his family is interested in such matter in any manner. These instructions have been issued to ensure that Government servants are extremely careful and discreet while coming in contact with businessmen and business firms so as to avoid situations, which might cause embarrassment to the Government or to the Government servants concerned, while dealing with matters relating to those business firms/businessmen in their official capacity.

2. It may sometimes so happen, that a Government servant is required to maintain contact with outsiders to gain information, in the public interest, about the violation of rules, regulations etc. In such cases the Government servant concerned has to exercise adequate care and discretion in making use of such outside contacts so that neither the Government nor the Government servant personally becomes obliged or committed to the said contact in any manner.

[DOPT O.M. No. 11013/1/88-Estt. (A) dated 10.05.1988]

(10) Acceptance of 'Free Companion Ticket' by Government servants and members of their families under the 'Companion Free Scheme' introduced from time to time by various Airlines.

Reference is invited to the Department of Personnel and Training O.M. No. 11013/13/93-Estt. (A) dated 09.12.1993 (not printed) on the above subject. In the light of the representations received from various quarters, and the fact that such a scheme is part of normal sales promotion and is not confined to Government servants alone, the Government have reviewed these instructions. It has been decided to withdraw these instructions with immediate effect. Accordingly, the Government servants may be permitted to accept the Free Companion Tickets or variations thereof, provided that such benefits are restricted to travel by the national carriers (Indian Airlines and Air India).

[DOPT OM No. 11013/2/97-Estt.(A), dated 05.03.1997]

(10A) Do – Clarification

Attention is invited to this Department's OM of even number dated 5th March, 1997 (decision No. 16 above) on the subject mentioned above wherein it was provided that Government servants may be permitted to accept the Free Companion Tickets or variations thereof provided that such benefits are restricted to travel by the national carriers (Indian Airlines and Air India). References have been received seeking clarification whether Government servant may be permitted to accept the 'Free Tickets' earned under the 'Flying Returns' schemes of Air India/Indian Airlines. It is

clarified that since the OM dated 05.03.1997 permits acceptance of Free Companion Tickets or variations thereof, there would be no objection to Government servants accepting the free tickets earned by them under Flying Returns schemes of Air India/Indian Airlines.

[DOPT OM No. 11013/2/97-Estt.(A), dated 19.08.1997]

(10B) Do – Clarification

It has been clarified that there would be no objection to Government servants accepting the free tickets earned by them under "Flying Return Scheme" of Air India/Indian Airlines. References have been received seeking permission to avail such "Frequent Flier/Flying Return Programmes" of other Airlines including foreign airlines.

2. The matter has been considered in this Department and it has been decided that there would be no objection to Government servants availing of the benefit of such "Frequent Flier Programme" or the "Flying Return Programmes" of other Airlines also. In so far as the "Free Companion Scheme" is concerned, the availing of this facility should remain confined to National Carriers only.

[DOPT OM No. 11013/2/97-Estt.(A), dated 15.09.1998]

(10C) Permission to avail of mileage points earned by Government servants on tickets purchased for official travel.

Reference is invited to the instructions issued by the Department of Personnel and Training vide O.M. 11013/2/97-Estt. (A) dated 05.03.1997, O.M. No. 11013/2/97-Estt. (A) dated 19.08.1997 and O.M. No. 11013/2/97-Estt. (A) dated 15.09.1999 on acceptance of Free Companion Tickets by Government servants and their families under the schemes introduced by the various airlines and to say that in pursuance of a recommendation of the Sixth Central Pay Commission, the Travelling Allowance Rules have been amended by the Ministry of Finance (Department of Expenditure) as follows :-

"Henceforth, all mileage points earned by Government employees on tickets purchased for official travel shall be utilized by the concerned department for other official travel by their officers. Any usage of these mileage points for purposes of private travel by an officer will attract departmental action. This is to ensure that the benefits out of official travel which is funded by the Government, should accrue to the Government."

2. In view of the aforementioned amendment to the TA Rules, the DOPT's instructions contained in the abovementioned Office Memoranda dated 05.03.1997, 19.08.1997 and 15.09.1999 shall stand modified to the extent that the mileage points earned on account of travel for official tours/visits shall not be used for purposes of private travel in the form of free companion tickets or other variations thereof by a Government servant or members of his (or her) family. Any action to the contrary shall render a Government servant liable for departmental action.

(No.11013/7/2008-Estt. (A) dated the 6th October, 2008)

(10D) Permission to avail of mileage points earned by Government servants on tickets purchased for official travel.

The undersigned is directed to refer to the Department of Personnel and Training's O.M. of even number dated 06.10.2008 on the abovementioned subject and to say that the instructions regarding Travelling Allowance Rules were issued by the Department of Expenditure, Ministry of Finance, Government of India vide their O.M. No. 19030/3/2008-E.IV dated 23.09.2008. In terms of these instructions, all mileage points earned by Government employees on tickets purchased for official travel shall be utilized by the concerned Department for other official travel by their officers. These instructions are applicable in the case of mileage points earned after the date of issue of that O.M. i.e. 23.09.2008. It is accordingly clarified that the instructions issued by the DOPT vide the aforementioned O.M. of even number dated 06.10.2008 are applicable to cases of mileage points earned by Government servants on tickets purchased for official travel after 23.09.2008.

[DOPT's O.M. No.11013/7/2008-Estt. (A) dated 18th November, 2008]

14. Public demonstrations in honour of Government servants

No Government servant shall, except with the previous sanction of the Government, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour; or in the honour of any other Government servant:

Provided that nothing in this rule shall apply to-

(i) a farewell entertainment of a substantially private and informal character held in honour of a Government servant or any other Government servant on the occasion of his retirement or transfer or any person who has recently quitted the service of any Government; or

(ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

NOTE :- Exercise of pressure or influence of any sort on any Government servant to induce him to subscribe towards any farewell entertainment if it is of a substantially private or informal character and the collection of subscriptions from Class III or Class IV employees under any circumstances for the entertainment of any Government servant not belonging to Class III or Class IV, is forbidden.

Government of India Decisions

(1) Public demonstrations in honour of Government servant – Clarification of the provisions contained in the Conduct Rules.

As Ministries of the Government of India are aware, Rule 11 of the Central Civil Services (Conduct) Rules, 1955 (now Rule 14) prohibits Government servants, except

with the previous sanction of Government and subject to certain minor exceptions, from receiving, any complimentary or valedictory address or accepting any testimonial or attending any meeting or entertainment held in their honour or in honour of any other Government servant. The question has been raised whether it should be in consonance with the spirit of this Rule for Government servants, to accept invitations to declare buildings, etc., open or to lay the foundation stones of new buildings or to allow roads, bridges, buildings, parks or public institutions such as hospitals, schools or colleges to be named after them. The matter has been considered carefully in consultation with the Comptroller and Auditor General. The Government of India consider that it would not only be against the spirit or Rule 11 (now Rule 14) of the Government Servants' Conduct Rules for Government servants to act in the manner set-forth above but would indeed be inappropriate and inconsistent with the role of detached impartiality legitimately expected of Government servants, and that it would generally have an unwholesome effect.

2. While it is possible that there may be occasions when Government servants may have to participate in such functions which have a cultural and sociological significance, especially in remote areas, they should, as far as possible refrain from associating themselves with such functions. In cases where they are in doubt, they would be well advised to take the prior permission of their superior officers.

3. It is requested that the above decision may be brought to the notice of all Government servants employed in or under the various Ministries.

4. These instructions are issued with the concurrence of the Comptroller and Auditor-General in so far as employees of the Indian Audit and Accounts Department are concerned.

[MHA, OM o. 25/24/57-Ests.(A), dated 16.09.1957]

(2) Acceptance of gifts by Government servants on the occasion of their transfer or retirement –

See Government of India Decision No. 2 under rule 13.

(3) Acceptance of awards by Government servants – Clarification regarding.

References are being received seeking clarification in the matter of acceptance of awards by Government servants. Attention, in this connection is invited to rule 14 of the CCS (Conduct) Rules which provides that "no Government servant shall, except with the previous sanction of the Government, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour; or in the honour of any other Government servant."

2. While there is no specific rule regarding the acceptance of awards conferred on officers by private organizations, however, the policy of the Government has been that if a Government servant has done any outstanding work, there are various methods open to Government itself to recognize his merits and service and it would not be appropriate for him to accept such an award from a private body. In some isolated cases, however, the acceptance of awards was not objected to where the body giving the award was highly respected and the award did not include any

monetary component.

3. It is relevant to point out that the activities of the Government extend over wide ranging fields, some of which are well publicized and some are not; this could lead to an unintended preference in recognition for persons engaged in the former category which is not desirable. Some of the bodies which institute awards may also be involved in activities which may prove embarrassing for the Government. Moreover it has been accepted that a civil servant should not strive to seek publicity or public recognition since his job is to act in a fair manner within the framework of the policy laid down by the political executive, seeking awards instituted by Private bodies can affect such functioning. Finally, the achievement which may be attributed to a Government servant is almost always a result of coordinated efforts and thinking by a number of individuals and not the achievement of one person alone. Therefore, it is felt that, in general, awards sought to be given by private bodies and institutes to Government servants do not need to be encouraged. In case there are exceptional circumstances like rewarding the merit of an officer for work done outside the purview of his functions in Government or where Government otherwise thinks that an individual deserves a particular award, it is left to the discretion of the competent authority to decide such issues in a reasonable and judicious manner.

4. The main criteria which may be followed in granting permission to individual Government servant to accept awards from private organizations is that such awards should not have a monetary component. The competent authority must also take their decisions on a case to case basis since instructions cannot precisely encompass the multitude of possibilities that can crop up in such matters.

[DOPT, OM No. 11013/2/99-Estt.(A), dated 24.02.1999]

(3A) Acceptance of awards by Government servants

Reference is invited to OM of even number dated 24.02.1999 (decision 3 above) on the subject mentioned above wherein detailed guidelines on the subject matter have been laid down.

2. These guidelines have further been reviewed and keeping in view the policy in the matter it has been decided that the Government servants should not be allowed to accept awards of monetary benefits instituted by private trusts/foundations etc.

[DOPT, OM No. 11013/2/99-Estt.(A), dated 17.02.2000]

15. Private trade or employment

(1) Subject to the provisions of sub-rule (2), no Government servant shall, except with the previous sanction of the Government-

(a) engage directly or indirectly in any trade or business, or

(b) negotiate for, or undertake, any other employment, or

(c) hold an elective office, or canvass for a candidate or candidates for an elective office, in any body, whether incorporated or not, or

(d) canvass in support of any business of insurance agency, commission agency, etc., owned or managed by any member of his family, or

(e) take part except in the discharge of his official duties, in the registration, promotion or management of any bank or other company registered or required to be registered, under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force, or of any co-operative society for commercial purposes.

(f) participate in or associate himself in any manner in the making of-

(i) a sponsored media (radio or television) programme; or

(ii) a media programme commissioned by Government media but produced by a private agency; or

(iii) a privately produced media programme including video magazine:

Provided that no previous permission shall be necessary in case where the Government servant participates in a programme produced or commissioned by Government media in his official capacity.

(2) A Government servant may, without the previous sanction of the Government,-

(a) undertake honorary work of a social or charitable nature, or

(b) undertake occasional work of a literary, artistic or scientific character, or

(c) participate in sports activities as an amateur, or

(d) take part in the registration, promotion or management (not involving the holding of an elective office) of a literary, scientific or charitable society or of a club or similar organisation, the aims or objects of which relate to promotion of sports, cultural or recreational activities, registered under the Societies Registration Act, 1860 (21 of 1860), or any other law for the time being in force, or

(e) take part in the registration, promotion or management (not involving the holding of elective office) of a co-operative society substantially for the benefit of Government servants, registered under the Co-operative Societies Act, 1912 (2 of 1912), or any other law for the time being in force:

Provided that -

(i) he shall discontinue taking part in such activities, if so directed by the Government; and

(ii) in a case falling under clause (d) or clause(e) of this sub-rule, his official duties shall not suffer thereby and he shall, within a period of one month of his taking part in such activity, report to the Government giving details of the nature of his participation.

(3) Every Government servant shall report to the Government if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

(4) Unless otherwise provided by general or special orders of the Government, no Government servant may accept any fee for any work done by him for any private or public body or any private person without the sanction of the prescribed authority.

EXPLANATION- The term 'fee' used here shall have the meaning assigned to it in Fundamental Rule 9 (6-A).

15 A. Sub-letting and vacation of Government accommodation.

(1) Save as otherwise provided in any other law for the time being in force, no Government servant shall sub-let, lease or otherwise allow occupation by any other person of Government accommodation which has been allotted to him.

(2) A Government servant shall, after the cancellation of his allotment of Government accommodation vacate the same within the time-limit prescribed by the allotting authority.

Government of India Decisions

(1) Joining of Educational Institutions by Government servants outside normal office hours.

It has been brought to the notice of this Ministry on behalf of Government servants belonging to Scheduled Castes/Scheduled Tribes, that certain Ministries/Departments do not permit members of their staff belonging to these communities to join educational institutions outside the normal office hours.

2. As the Ministries are aware, it was proposed in this Ministry's OM No. 25/27/52-Est., dated the 3rd May, 1952 (not reproduced) to issue general instruction on the subject. The replies received to that OM however revealed that while some Departments found that efficiency was suffering on account of Government servants attending a regular course of study for University Degree even outside office hours, a great majority of the Ministries was able to permit their employees to pursue such studies without detriment to official duties and that no serious problems had been created in most of the Departments by Government servants joining educational institutions. It was, therefore, not considered necessary to issue any specific instructions on the subject. Ordinarily there can be no objection to the pursuit of knowledge by Government servants in their leisure hours. But this must be subject to the condition that such pursuit does in no way detract from their efficiency. Wherever found necessary, the administrative authorities may require that Government servants under their control should take prior permission before joining educational institutions or courses of studies for University Degrees as the joining of educational institutions involves advance commitment about attendance at specific hours and absence from duty during periods of examinations. Ordinarily, permission is to be granted but with a view to summarily dealing with cases where it is noticed that the

Government servant has been neglecting his duties for the sake of his studies, a condition may be attached saying that the permission may be withdrawn at any moment without assigning any reason. This will, of course, be without prejudice to any other departmental action being taken where mere withdrawal of the permission is not considered adequate..

3. Government servants belonging to the Scheduled Castes/Scheduled Tribes may be allowed to take full advantage of the educational facilities subject to the policy stated above.

4. These instructions have been issued with the concurrence of the Comptroller and Auditor General in so far as persons serving under him are concerned.

[MHA OM No. 130/54-Ests.(A), dated 26.02.1955.]

(1A) Period of tenure of the official should be taken into account while granting permission

It is clarified for information, and compliance by the Ministry of Finance, etc., that while taking into account the various administrative considerations in deciding upon a request for permission to attend courses of study outside office hours, the period of tenure of the Government servant concerned should also be taken into account so that in the ordinary course, occasions do not arise to ask for extension of tenure to cover the period of the course attended by him which may continue beyond the expiry of the tenure. Should a case of permission to a tenure officer to join an educational course the completion of which would require the extension of tenure of the officer concerned come up for consideration, this Department may please be consulted before the permission is granted.

[MHA OM No. 11013/4/77-Ests.(A), dated the 21st May, 1977]

(2) Participation in Shramdan activities organized by Government departments or the Bharat Sewak Samaj

A question was raised recently whether central Government servants can be permitted to participate in a "Shramdan" drive organized by a State Government with the object of enabling the participants to devote some time and labour in furthering of the objects and work of public utility. Participation of a Government servant in such activity in his spare time is not only unobjectionable but even welcome subject, of course, to the consideration that such activity does not interfere with the performance of his official duties. It is, in fact, considered desirable that Government servants should be encouraged to participate in such activities so long as official duties of the employees concerned are not unduly interfered with.

The Ministry of Finance etc. are requested to inform the Departments and offices under them accordingly. It should however, be made clear that these instructions apply only to activities organized by Government departments or the Bharat Sevak Samaj and not by private organizations.

[MHA OM No. 25/8/55-Ests. (A), dated 03.05.1955]

(3) Permission to participate in the AIR programmes and to receive honorarium therefor

A reference is invited to this Ministry's Office memorandum No. 25/05/47-Est., dated the 16th June, 1947, on the subject mentioned above (not reproduced). With the issue of the Central Civil Services (Conduct) Rules, 1955 Government servants are now not required to obtain any sanction to broadcast on All India Radio if such broadcasts are purely literary, artistic or scientific character. In such cases the onus of ensuring that the broadcasts are of such a character rests on the Government servant concerned.

2. A Question has, however, arisen whether the permission of competent authority is now necessary for the purpose of acceptance of honorarium under F.R. 46(b) by a Government servant in such cases. The matter has been considered by this Ministry in consultation with the Ministries of Finance and Information and Broadcasting and it has been decided that in cases in which no sanction is required for such broadcasts, no permission is necessary for Government servants to receive the honorarium.

3. In cases where sanction to broadcast is necessary, such sanction, if given, should be taken to carry with it also the sanction to receive the honorarium.

4. These orders have been issued after consultation with the Comptroller and Auditor General and are applicable to employees of the Indian Audit and Accounts Department also.

[MHA OM No. 25/32/56-Ests.(A), dated 15.01.1957]

(4) Acceptance of part-time employment Examinership of examination papers set by recognized Universities.

It is felt that the offers of Examinership are generally of a casual nature, occurring once or twice a year for a few days when the answer books etc. may have to be evaluated. There may, therefore, be no serious objection to giving permission in such cases.

[MHA OM No. 25/5/56-Ests.(A), dated 06.09.1957 to the Ministry of Defence]

(5) Part-time lectureship amounts to regular remunerative occupation attracting need for sanction under supplementary Rule 11.

A question has been raised whether a Government servant who is permitted under SR11 Supplementary to undertake a part-time job of a lecturer in an educational institution should also obtain sanction of the Government in terms of Rule 12 of the Central Civil (Conduct) Rules, 1955, (now Rule 15) before accepting the assignment.

2. It has been decided in consultation with the Comptroller and Auditor General of India and the Ministry of Home Affairs that the powers delegated under S.R. 11 should only be exercised in cases where a Government servant undertakes to perform some work of a causal or occasional nature but where the work done is of the nature of a regular remunerative occupation, Conduct Rule 12 (now Rule 15) will be attracted and the sanction of Government will be necessary. Accordingly, the

acceptance of a part-time lectureship in the case referred to is to be regarded as regular remunerative occupation which requires the sanction of Government under Conduct Rule 12 [now Rule 15 of the CCS (Conduct) Rules, 1964].

[Min. of Finance OM No. F.10(94)-E-II(B)/58, dated 13.09.1958]

(6) Acceptance of part-time employment of Government servants after office hours ordinarily not to be allowed.

Instances have come to notice in which Government servants have been allowed to accept regular part-time employment in other Government, quasi-Government or private institutions. Such employment, even though it is outside office hours, is contrary to the principle embodied in rule 12 of the Central Civil Services (Conduct) Rules, 1955 (now Rule 15), prohibiting engagement in any trade or undertaking of any employment by a Government servant other than his public duties. It may result in some deterioration in his efficiency because if he does part-time work in addition to his full working hours in his office, he may not get sufficient time for rest and recreation and will, therefore, be unable to give undivided attention to his work even during office hours. Moreover, such part-time work by Government servants leads generally to depriving unemployed people of work which they would otherwise have got.

2. Having regard to all these consideration, it has been decided that while the competent authority may permit a Government servant under S.R. 11 to undertake work of a casual or occasional character, a whole time Government servant should not ordinarily be allowed to accept any part-time employment whether under Government or elsewhere, even though such employment may be after office hours. In rare cases where it is proposed to give permission to a Government servant to accept part-time employment, prior sanction of Government should be obtained. In this connection a reference is also invited to the Ministry of Finance, Office memorandum No. F.10(94)-E-II(B)/58 dated 13th September, 1958 on the subject (Decision No. 6).

3. In so far as the personnel serving in the Audit and Accounts Department are concerned, these orders have been issued after consultation with the Comptroller and Auditor General.

[MHA OM No. 25/42/58-Ests.(A), dated 16.10.1958]

(7) Enforcement of the restriction against canvassing by Government servants of the business of Life Insurance Agency, Commission Agency owned or managed by members of his family.

Sub-rule (1) of rule 12 of the Central Civil Services (Conduct) Rules, 1955 (Now rule 15), inter alia lays down that no Government servant shall, except with the previous sanction of the Government, engage directly or indirectly in any trade or business or undertake any employment. It has been further emphasized in the 'explanation' thereunder that canvassing by a Government servant in support of the business of insurance agency, commission agency, etc., owned and managed by his wife or any other member of his family shall be deemed to be a breach of this sub-rule.

2. In spite of specific provisions in this rule, during the past two years quite a number of cases have been reported to the Special Police Establishment in which Government servants have been found carrying on life insurance business on their own or in the names of their wives or dependent, etc.

3. It appears that the Government servants have either not realized the full importance of the above rule or are willfully ignoring it. This rule should, therefore, be brought to the notice of all Government servants under the Ministry of WHS etc., and the importance of observing the rule impressed on them.

[MHA DO No. 24/10/61-AVD, dated 01.01.1962]

(8) Joining Civil Defence Service permissible

Enquiries have been made whether Government servants employed in the offices or establishments under the Central Government in Delhi and elsewhere could be allowed to join as volunteer in the Civil Defence Service. These volunteers have to play an important and useful role in the lives of the citizens. The Ministries are, therefore, requested to permit Government servants working under them to join this service and also to provide them necessary facilities for this purpose. Such of the Government servants as are holding key posts and who cannot be released during an emergency need not be permitted to join the Service.

As far as possible, it is envisaged that the normal period of training will be outside office hours. However, if in an emergency, a Government Servant, who is enrolled as a member of the Civil Defence is required under the C.D. Service Rules, 1962 to perform any duties and functions during office hours, the period of absence shall be treated as special casual leave. The Government servants concerned may also be permitted to receive in addition to their civil pay, such allowances as may be prescribed for them under the Civil Defence Service Rules, 1962.

These orders are not applicable to Government servants desiring to join Civil Defence Organisation on a whole time paid basis. Such Government Servants would be sent on deputation basis if they are permanent, and other individual cases should be examined on merits.

As regards employees of Semi-Government organisation and Public Undertakings, the Ministry of Finance etc., are requested if there is no objection to take action on the above lines in respect of the undertakings under their control.

[MHA OM No. 47/7/63-Ests.(A) dated 23.05.1963]

(9) Medical practice during spare time – Permission to be given to only those holding recognized qualifications

The Government of India have had under consideration the question of permission to Central Government servants to practice medicine on a purely charitable basis during their spare time. Since such practice of medicine by unqualified and untrained persons will be harmful to the community, it has been decided that permission to central Government servants to undertake practice in any system of medicine should not be granted unless they hold recognized qualifications. Only persons holding

recognized qualifications in any system of medicine and registered under the relevant law in force in the State or Union Territory concerned, should be allowed to undertake medical practice. Head of departments may grant the required permission, provided the practice is undertaken during spare time, on a purely charitable basis, without detriment to the official duties of the Government servant concerned.

2. Past cases, if any, in which permission has been granted to Government servants to undertake medical practice during their spare time, may be reviewed in the light of the above decision.

3. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue in consultation with the Comptroller and Auditor General of India.

[MHA OM No. 25/4/64-Ests.(A), dated 29.02.1964]

(10) Commercial employment – negotiations for, while in service

Instances have come to notice where Government servants enter into negotiations with private firms to secure commercial employment even while they are in service under Government. A Government servant is under an obligation to devote his energies whole-heartedly to the performance of his duties and not to divide his attention and efforts in search of employment elsewhere. It is, moreover, likely that in initiating such negotiations, the Government servant may in some measure utilise his official position or the official position of his friends and colleagues to further his interest in securing commercial employment or at any rate give reason for an impression that he might have done so. It has, therefore, been decided that no Government servant should negotiate for commercial employment without obtaining the prior permission of the Head of Department, or, if he is a Government servant serving in a Ministry of Department of the Government of India or a class I (Group A) Officer serving in an office under its control, of the Ministry or Department administratively concerned. It has been further decided that such permission should not be given unless there are any special reasons for doing so.

[MHA OM No. 29/3/66/Ests.(A), dated 08.02.1966]

(11) Incentive to Central Government servants who are members of St. John Ambulance Brigade

Under the Ministry of Home Affairs OM No. F.25/21/49-Ests dated 31st May, 1949 (not reproduced), Central Government servants may in suitable cases be permitted by the Head of Office etc., concerned to enroll themselves as members of St. John Ambulance Brigade and to receive the necessary training subject to the condition that the grant of permission in such cases would not interfere with the efficient discharge of their official duties by the Government servants concerned. In regard to the treatment of the absence of the Government servant from duty while receiving training, it was declared that in cases where Government servants who may be permitted to join the Brigade and required to undergo the necessary training, etc., during office hours there will be no objection to the period of training etc. being treated as casual leave to the extent such leave is due and to the extent such leave is

not due, as special casual leave. The question what should be allowed to the Government servants who are the members of the Brigade and who are detailed for duty by the Brigade on the first-aid posts organized by them in Fairs and on important occasions, has been receiving attention of the Government of India for some time. It has now been decided that special casual leave not exceeding three (3) days per annum may be allowed to Government servants who are members of the Brigade to cover their absence on any special duties that may assigned to them by the Brigade provided that –

(i) such duties are performed during office hours on working days; and

(ii) if the duties so performed extend only to half a day only half day's special casual leave should be allowed.

[CS (Deptt. of Personnel) OM No. F.27/5/70-Ests.(B), dated 12.01.1971]

(12) Sub-letting of Government accommodation by Government servants – Departmental action against.

Where Government servants are found guilty of letting out the accommodation allotted to them by Directorate of Estates, action is taken against them under the provisions of Allotment of Government Residence (General Pool in Delhi) Rules, 1963. The question whether any departmental disciplinary action may be taken against such employees, apart from the action taken against them under the Allotment Rules, has been considered carefully. It has been decided that in all cases where a Government servant has been found guilty of letting out the Government residential accommodation allotted to him/her, the Directorate of Estates will intimate to the administrative authority concerned the details of the case and action taken against the employees under the Allotment Rules and the concerned disciplinary authority after considering the facts of the case may take suitable departmental disciplinary action under the disciplinary rules for imposition of a suitable penalty on grounds of unbecoming conduct of the Government employees involving violation of Rule 3 (1) (iii) of the CCS (Conduct) Rules, 1964 or any other similar rule governing them. Similarly, disciplinary action may be taken in those cases also where the accommodation in question is controlled by an authority other than the Directorate of Estates.

[DOPT OM No. 11013/14/85-Estt.(A), dated 06.03.1986]

(13) Canvassing in support of business owned or managed by members of family

Under Rule 15 (1) (d) of the CCS (Conduct) Rules, 1964, no Government servant shall, except with the previous sanction of the Government, canvass in support of any business of insurance agency, Commission etc. owned or managed by any member of his family. Sub-rule (3), ibid, further provides that every Government servant shall report to the Government if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

2. The business of advertising agencies carried on by a member of the family of a Government servant besides other similar services, is thus covered under the

aforesaid rules. A Government servant shall not, except with the previous sanction of the Government, canvass in support of any such business.

[DOPT OM No. 11013/1/89-Estt.(A), dated 11.03.1989]

(14) Participation of Government servants in competitions/events organized by Private companies etc. with the objective of promoting their products.

Instances have come to notice where Government servants participated in competitions and other social events organized by some private companies and organizations with the objective of promoting their business interests. Attention in this regard is invited to the provisions of Rule 15 of the CCS (Conduct) Rules, 1964 which provides, inter alia, that while a Government servant may undertake honorary work of a social or charitable nature or take part in sports activities as an amateur, he should not, except with the previous sanction of the Government, engage directly or indirectly in any trade or business or take part in the registration, promotion or management of any company or co-operative society etc. for commercial purposes.

2. The social events and competitions promoted by various private companies can be put into different categories;

(i) where the social events are organized purely with an intention to promote the business interests of the company and the competitiveness amongst the participants is not relevant;

(ii) where the competition by way of games and sports are sponsored by private companies and the spirit of the competitiveness amongst the participants is very much evident.

The nature of events referred to in item (i) above are quite distinct from those referred to in item (ii) as in the latter case, it is the competition or the event which remains in the forefront and not the sponsors and as such the involvement of the private companies as sponsors cannot be taken as solely for the purpose of promotion of their business interests.

3. The Government servants are advised not to take part in any competition or social event referred to in item (i) of para 2 organised by private companies or organizations, the primary objective of which is only to promote their business activities or their products, without the prior sanction of the Government. Such a participation without the previous sanction is liable to be construed as a violation of the provisions of Rule 15 of the Conduct Rules. However, the participation in the events referred to in item (ii) of the preceding para does not require any previous sanction of the Government.

[DOPT OM No. 11013/2/89-Estt.(A), dated 28.03.1989]

(15) Rule 15 of the CCS (Conduct) Rules, 1964 - Clarification regarding

The Staff Side in the National Council (JCM), has pointed out that officials in some of the Departments are being prohibited from holding elective offices in Government cooperative societies and in that context has urged for suitable amendment to Rule

15 of the CCS (Conduct) Rules, 1964. The Official Side, while holding that no amendment of the rule is necessary has however, agreed to issue clarificatory instructions in the matter.

2. Rule 15(1)(c) of the CCS (Conduct) Rules provides for previous sanction of the Government being taken by a Government servant for holding an elective office in any body, whether incorporated or not. Rule 15 (2) (d) provides that a Government servant may, without previous sanction of the Government take part in the registration, promotion or management (not involving the holding of elective office) of a literary, scientific or charitable society or of a club or similar organization, the aims or objects of which relate to promotion of sports, cultural or recreation activities, registered under the Societies Registration Act, 1960 or any law for the time being in force. Thus, there is no bar, as such, on a Government servant holding an elective office and the rules only provide for previous sanction of the Government being taken for this purpose. Holding an elective office in a body or society covered under Rule 15 (1) (c) and 15 (2) (d) would generally involve exercise of some administrative responsibilities in that organization. Subject to the administrative authority satisfying itself that this will not interfere in any manner with the discharge of official duties by the Government servant concerned, the question of permitting Government servants to hold elective office can be considered.

3. The position under the rules, as clarified in the preceding para, may be kept in view by the Ministries/Departments while considering the requests of Government servants for permission to seek/hold elective office in a body or society covered under Rule 15 (1) (c) and 15 (2) (d) of the CCS (Conduct) Rules, 1964.

[DOPT OM No. 35014/6/92-Estt.(A), dated 10.06.1993]

(16) Rule 15-Contesting in elections to sports bodies etc.

As the Ministries/Departments are aware, previous sanction of the Government in required as per Rule 15 (1) of the CCS (Conduct) Rules, 1964 for a Government servant to hold an elective office or canvass for a candidate or candidates for an elective office, in any body whether incorporated or not. Under Rule 12 of the CCS (Conduct) Rules, previous sanction of the Government or of the prescribed authority is also necessary for a Government servant associating himself with raising of any funds or other collections in pursuance of any object whatsoever. It hardly needs to be emphasized that the entire time of the Government servant, particularly a senior officer, should be available to the Government and no activities unconnected with his official duties should be allowed to interfere with the efficient discharge of such duties. The need for curbing the tendency on the part of a Government servant to seek elective office in sports federations/associations at the national/state level has been considered carefully and it has been decided that the following principles should be followed while considering requests from Government servants for seeking election to or holding elective offices in sports federations/associations :-

(i) No Government servant should be allowed to hold elective office in any sports association/federation for a term of more than 4 years, or for one term whichever is less.

(ii) While seeking office (for which prior permission of Government should be obtained) or supporting the candidature of any person for election to sports bodies, a Government servant should not indulge in conduct unbecoming of a Government servant.

(iii) A Government servant must refrain from raising of funds or other collections from official as well as non-official sources for the promotion of sports at any level.

(iv) Prior clearance from the Government of India must be obtained for any travels abroad in connection with the work or other activities of any sports federation/association. While seeking such clearance, the officer must indicate the source of funding for the foreign trip including travel, hospitality and other expenses and when permitted to go, he must do so by availing of leave due and admissible to him.

[DOPT OM No. 11013/9/93-Estt.(A), dated 22.04.1994]

(17) Subletting of Government accommodation – Departmental action against

The Hon'ble Supreme Court in its order passed on 29.11.1996 in Writ Petition No. 585/94 (S.S.Tiwari Vs. UOI & Others) had directed that disciplinary proceedings be initiated against the Government servants who sublet their accommodation allotted to them by the Government. It was also directed that the findings of the Directorate of Estates regarding subletting shall be binding on the disciplinary authority for the purpose of initiating the disciplinary proceedings. The relevant extract from the order of the Supreme Court is reproduced below :

"Rule 15-A has been inserted under the Central Civil Services (Conduct) Rules, 1964 by the Notification dated August 16, 1996 as published in the Government Gazette dated August 31, 1996. The said rule is as under :-

15-A. Sub-letting and vacation of Govt accommodation.

(1) Save as otherwise provided in any other law for the time being in force, no Government servant shall sub-let, lease or otherwise allow occupation by any other person of the Government accommodation which has been allotted to him.

(2) A Government servant shall, after the cancellation of his allotment of Government accommodation vacate the same within the time-limit prescribed by the allotting authority.

It is thus obvious that a Government servant who sub-lets the Government accommodation or otherwise allows occupation by any other person of the said accommodation, that would per se amount to misconduct. Even otherwise, keeping in view the shortage of Government accommodation and thousands of Government employees on wait list for years together (even today, according to Mr. Harcharanjit Singh, the wait list in certain types of houses is 20 years), the sub-letting of the Government accommodation by the Government servant for pecuniary gain is a grave misconduct. It is, therefore, obligatory for the disciplinary authority of the department concerned to initiate disciplinary proceedings against concerned Government servant

under Rule 14 of the CCS (CCA) Rules, 1965. As soon as the allotment is cancelled by the Directorate of Estate on the ground of sub-letting, the disciplinary authority of the Department concern shall initiate disciplinary proceedings against the Government servant concerned. The findings of the Directorate of Estates regarding sub-letting shall be binding on the disciplinary authority for the purpose of initiating the disciplinary proceedings. Once the disciplinary proceedings are initiated, the procedure laid down under the CCS (CCA) Rules shall take its own course. Since the disciplinary proceedings in such cases would be initiated on a charge of grave misconduct, the competent authority may consider placing the delinquent Government servant under suspension."

2. All Ministries/Departments/Offices etc. are requested to bring the above ruling of the Supreme Court to the notice of all concerned under their control and to ensure that disciplinary proceedings are initiated against the Government servants in whose cases subletting of allotted Government residential accommodation has been established by the Directorate of Estates. It may be ensured that charge sheets are issued immediately in cases where persons are likely to retire shortly or those cases which are likely to become time-barred by virtue of the misconduct being more than four years old.

[DOPT OM No. 11012/2/97-Estt.(A), dated 31.12.1997]

(18) CCS(Conduct) Rules, 1964 – Provisions of rule 15 regarding the holding of elective office by Government servants in Co-operative Societies etc.

As a number of references are being received in this Department regarding the need for obtaining permission by Government servants to hold elective offices in Co-operative Societies and other bodies, the necessity to reiterate the relevant provisions of the CCS(Conduct) Rules, 1964 has been felt. Rule 15(1) (c) of the CCS (Conduct) Rules, 1964 provides that no Government servant shall, except with the previous sanction of the Government hold an elective office, or canvass for a candidate or candidates for an elective office, in any body, whether incorporated or not. Under Rule 15 (2)(d), a Government servant may, without the previous sanction of the Government, take part in the registration, promotion or management (not involving the holding of an elective office) of a literary, scientific or charitable society or of a club or similar organization, the aims or objects of which relate to promotion of sports, cultural or recreational activities, registered under the Societies Registration Act, 1860 (21 of 1860), or any other law for the time being in force.

Rule 15 (2)(e) provides that no previous permission is required for taking part in the registration, promotion or management (not involving the holding of elective office) of a co-operative society substantially for the benefit of Government servants, registered under the Co-operative Societies Act, 1912 (2 of 1912), or any other law for the time being in force.

2. It needs to be stressed that the entire time of the Government servant should be available to the Government and that no activities unconnected with his or her official duties should be allowed to interfere with the efficient discharge of such duties.

All Ministries are requested to ensure that the participation of Government servants in

the activities of cooperative societies conform to the above provisions and does not interfere with the discharge of their official duties.

3. The relevant Acts and bye-laws of the Co-operative Societies contain necessary provisions regarding eligibility of candidates to contest election including restrictions on tenure/number of terms.

4. The request from Government servants for permission to participate in the activities of Co-operative Societies and other bodies may also be examined keeping in view the provisions of the relevant Act and bye`-laws governing the activities of such societies apart from the aforesaid provisions of rule 15(1) & (2) of the CCS(Conduct) Rules, 1964.

[DOP&T O.M. No. 11013/4/2007-Estt.(A) dated 13th November, 2007]

16. Investment, lending and borrowing

(1) No Government servant shall speculate in any stock, share or other investment:

Provided that nothing in this sub-rule shall apply to occasional investments made through stock brokers or other persons duly authorised and licensed or who have obtained a certificate of registration under the relevant law.

Explanation - Frequent purchase or sale or both, of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

(2)

(i) No Government servant shall make, or permit any member of his family or any person acting on his behalf to make, any investment which is likely to embarrass or influence him in the discharge of his official duties. For this purpose, any purchase of shares out of the quotas reserved for Directors of Companies or their friends and associates shall be deemed to be an investment which is likely to embarrass the Government servant.

(ii) No Government servant who is involved in the decision making process of fixation of price of an Initial Public Offering or Follow-up Public Offering of shares of a Central Public Sector Enterprise shall apply, either himself or through any member of his family or through any other person acting on his behalf, for allotment of shares in the Initial Public Offerings or Follow-up Public Offerings of such Central Public Sector Enterprise.

(3) If any question arises whether any transaction is of the nature referred to in sub-rule (1) or sub-rule(2), the decision of the Government thereon shall be final.

(4)

(i) No Government servant shall, save in the ordinary course of business with a bank or a public limited company, either himself or through any member of his family or any other person acting on his behalf, -

(a) lend or borrow or deposit money, as a principal or an agent, to, or from or with, any person or firm or private limited company within the local limits of his authority or with whom he is likely to have official dealings or otherwise place himself under any pecuniary obligation to such person or firm or private limited company; or

(b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid:

Provided that a Government servant may give to, or accept from, a relative or a personal friend a purely temporary loan of a small amount free of interest, or operate credit account with a bona fide tradesman or make an advance of pay to his private employee:

Provided further that nothing in this sub-rule shall apply in respect of any transaction entered into by a Government servant with the previous sanction of the Government.

(ii) When a Government servant is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-rule (2) or sub-rule (4), he shall forthwith report the circumstances to the prescribed authority and shall thereafter act in accordance with such order as may be made by such authority.

Government of India Decisions

(1) Wherever any rule stipulates the obtaining of prior permission from Government in any matter, such prior sanction must invariably be obtained by Government servants before making any move, requests for ex-post-facto sanction to be severely discouraged.

Attention is invited to the provisions of rule 14(3) (now Rule 16 (4) and 15 (now Rule 18) of the Central Civil Services (Conduct) Rules, 1955, in which it has been stated that Government servants should not lend money to any person possessing land or valuable property within the local limits of their authority or at interest to any person and that they should not acquire or dispose of any immovable/movable property without the previous sanction of the prescribed authority. Instances have come to the notice of the Government where certain Government servants have entered into transactions regarding movable and immovable property without the previous sanction of the prescribed authority and they have afterwards sought ex-post-facto sanction. Such a procedure renders the provisions of the rules completely ineffective and defeats the purpose for which the rules have been framed. The Ministry of Finance etc., are, therefore, requested to impress upon the Government servants concerned the need to adhere to the provisions of the rules strictly and to obtain the sanction of the prescribed authority, wherever necessary, before entering into such transactions.

2. These instructions will apply, mutatis mutandis, to the provisions of the other rules which require previous knowledge, consent or sanction of the prescribed authority.

[MHA OM No. 25/25/61-Estt. (A), dated 26.06.1961]

(2) Surety :-

Senior Officers cautioned not to approach their subordinates for standing surety for loans taken by them or by their relatives.

The Ministry of Home Affairs have examined the question whether it would be proper for Government servants to stand surety for loans taken from private sources by their official superiors. Where a Government servant stands surety for loans taken by his official superiors or their friends or relatives, it might create an impression that official pressure has been exerted for this purpose. Apart from this, the superior officer will be putting himself under obligation to the subordinate and such a situation is not conducive to efficient office management and maintenance of discipline. It has, therefore, been decided that all officers should be advised not to approach their subordinates for standing surety for loans taken from private sources either by them or by their relatives or friends.

[MHA OM No. 25/5/66-Ests.(A), dated 25.05.1966]

(3) Purchasing shares out of the quotas reserved for the friends and associates of Directors of Companies not allowed

A Question has been raised whether Government servants can purchase shares of Companies out of the quotas reserved for the friends and associates of the Directors of Companies. The provisions of Rule 16 (2) make it clear beyond doubt that a Government servant should be circumspect in the matter of making investment and there is room for the inference that purchase of shares in a Company out of the quota reserved for friends and associates of Directors is likely to embarrass him in the discharge of his official duties at some time or other. In the circumstances, keeping in view the provisions of Rule 16 (2), Government servants should not purchase shares out of the quota reserved for friends and associates of Directors of Companies.

[C.S. Deptt. of Personnel, No. 25/9/72-Ests.(A), dated the 18th September, 1976]

(4) Fixed Deposits with Banks and Companies

1. Fixed Deposits with public limited companies, whether in the private sector or the public sector, will be covered by the saving clause in the Rule 16 (4) of the CCS (Conduct) Rule, 1964 as public limited companies receive deposits from the public on authorization given by the Government under the Companies (Acceptance of deposit from the public) Rules, 1975. However, where the amount of deposit with a public limited company exceeds the monetary limits laid down in Rule 18 (3) of the CCS (Conduct) Rules, 1964, then a report to prescribed authority in regard to the deposit will be necessary under that rule.

2. Deposits with private limited companies and firms are in the nature of loans to these companies and firms and they should be regulated with reference to the provisions of Rule 16 (4) of the CCS (Conduct) Rules, 1964.

3. Fixed Deposits with Bank are, as already provided in Rule 16 (4) of the CCS (Conduct) Rules, 1964, exempted from the operation of this rule. However, in regard to Fixed Deposits with Bank also, a report should be made to the prescribed authority

under Rule 18 (3) of the CCS (Conduct) Rules, 1964, if the monetary limit laid down therein are exceeded. The clarification contained in para 4 of this Department Office Memorandum No. 11013/12/76-Ests.(A) dated 04.10.1976 will stand modified to this extents.

[D.P. & A.R.'s OM No. 11013/5/81-Estt. (A), dated 12.05.1982]

17. Insolvency and habitual indebtedness

A Government servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Government servant against whom any legal proceeding is instituted for the recovery of any debt due from him or for adjudging him as an insolvent, shall forthwith report the full facts of the legal proceedings to the Government.

NOTE. - The burden of proving that the insolvency or indebtedness was the result of circumstances which, with the exercise of ordinary diligence, the Government servant could not have foreseen, or over which he had no control, and had not proceeded from extravagant or dissipated habits, shall be upon the Government servant.

Government of India Decision

(1) Channel of submission of report to, and their disposal by Government in matters relating to habitual indebtedness taking part in politics and lending and borrowing

Rule 4 (2) (Taking part in politics), 13 (6) (lending and borrowing) and (habitual indebtedness) of the CCS (Conduct) Rules, 1955, (now Rules, 5, 16 and 17),a lay down that a Government servant shall make a report to Government of habitual indebtedness or insolvency and certain facts regarding himself or members of his family in the circumstances specified in those rules. Such report should be submitted by the Government servant to his immediate superior who should forward it through the normal channels to the authority competent to remove or dismiss him from service. Except where such authority require guidance or clarification from a higher authority it shall consider the report and pass appropriate orders on it. If any penalty is to be imposed on the Government servant, the procedure prescribed in the Central Civil Services (Classification, Control and Appeal) Rules will have to be followed. These instructions may be brought to the notice of all Government servants to whom these rules apply.

[MHA O.M. No. 25/40/55-Ests.(A), dated 22.02.1956]

18. Movable, immovable and valuable property

(1) (i) Every Government servant shall on his first appointment to any service or post submit a return of his assets and liabilities, in such form as may be prescribed by the Government, giving the full particulars regarding -

(a) the immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of

any member of his family or in the name of any other person;

(b) shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired, or held by him;

(c) other movable property inherited by him or similarly owned, acquired or held by him; and

(d) debts and other liabilities incurred by him directly or indirectly.

NOTE 1.- Sub-rule (1) shall not ordinarily apply to Group 'D' servants but the Government may direct that it shall apply to any such Government servant or class of such Government servants.

NOTE 2.- In all returns, the values of items of movable property worth less than Rs.10000 may be added and shown as a lump sum. The value of articles of daily use such as clothes, utensils, crockery, books, etc. need not be included in such return.

NOTE 3.- Where a Government servant already belonging to a service or holding a post is appointed to any other civil service or post, he shall not be required to submit a fresh return under this clause.

(ii) Every Government servant belonging to any service or holding any post included in Group 'A' and Group 'B' shall submit an annual return in such form as may be prescribed by the Government in this regard giving full particulars regarding the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person.

(2) No Government servant shall, except with the previous knowledge of the 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 prescribed authority shall be obtained by the Government servant if any such transaction is with a person having official dealings with him

(3) Where a Government servant enters into a transaction in respect of movable property either in his own name or in the name of the member of his family, he shall, within one month from the date of such transaction, report the same to the prescribed authority, if the value of such property exceeds twenty thousand rupees in the case of a Government servant holding any Group 'A' or Group 'B' post or fifteen thousand rupees in the case of a Government servant holding any Group 'C' or Group 'D' post:

Provided that the previous sanction of the prescribed authority shall be obtained by the Government servant if any such transaction is with a person having official dealings with him.

(4) The Government or the prescribed authority may, at any time, by general or special order, require a Government servant to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the Government or by the prescribed authority, include the details of the means by which, or the source from which, such property was acquired.

(5) The Government may exempt any category of Government servants belonging to Group 'C' or Group 'D' from any of the provisions of this rule except sub-rule (4). No such exemption shall, however, be made without the concurrence of the Cabinet Secretariat (Department of Personnel).

Explanation I. - For the purposes of this rule -

(1) the expression "movable property" includes-

(a) jewellery, insurance policies, the annual premia of which exceeds Rs.10,000/- or one-sixth of the total annual emoluments received from Government, whichever is less, shares, securities and debentures;

(b) all loans, whether secured or not, advanced or taken by the Government servant;

(c) motor cars, motor cycles, horses or any other means of conveyance; and

(d) refrigerators, radios radiograms and television sets.

2. "Prescribed authority" means-

(a) (i) the Government, in the case of a Government servant holding any Group 'A' post, except where any lower authority is specifically specified by the Government for any purpose;

(ii) Head of Department, in the case of a Government servant holding any Group 'B' post;

(iii) Head of Office, in the case of a Government servant holding any Group 'C' or Group 'D' post;

(b) in respect of a Government servant on foreign service or on deputation to any other Ministry or any other Government, the parent department on the cadre of which such Government servant is borne or the Ministry to which he is administratively subordinate as member of that cadre.

Explanation II.- For the purpose of this rule '*lease*' means, except where it is obtained from, or granted to, a person having official dealings with the Government servant, a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent.

Government of India Decisions

(1) General instructions regarding submission of the return for immovable property-House-building is clearly a transaction in immovable property-'prescribed' authorities, who would exercise authority-returns to be treated as secret and kept along with character rolls.

Under sub-rule 3 of Rule 15 of the Central Civil Service (Conduct) Rules, 1955 (now Rule 18 of 1964 Rules) every member of Class I (Group A) and Class II (Group B) services shall, on first appointment to Government service and thereafter at intervals of 12 months, submit a return of immovable property owned, acquired or inherited by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person. It has been decided that this return shall be submitted in the form (Annexure) attached to this Office Memorandum, to the authority prescribed in Explanation (a) to sub-Rule 15 (1) [now Rule 18 (2)] of these rules within a month of their appointment and subsequently in the month of January every year. The initial return should show the position as on the date of their appointment and subsequent returns as on the 1st January of the year in which they are submitted. In the case of persons already in service, the first return, if one has not already been submitted, shall indicate the position as on the 1st January, 1956.

2. These returns shall be treated as secret and shall, after such scrutiny as may be considered necessary, be kept in the custody of the authority which maintains the Character rolls of the officers concerned; they should not, however, be filed in the Character roll itself, but kept separately.

3. Reference is invited to Explanation (a) (i) under rule 15 (1) [now Explanation I (2) of Rule 18] of the Central Civil Services (Conduct) Rules, 1955. The question has been raised as to which authority in Government should appropriately exercise the functions of the prescribed authority as mentioned in this Explanation. In respect of Class I (Group A) officers intended to man posts in or under more than one Ministry, the Ministry administratively concerned with the post or service of which the Government servant is a member, should act as the prescribed authority in this connection. In the latter case, the functions of the prescribed authority would be discharged by the Ministry which controls the service in question. An instance of a service of this nature is the Central Secretariat Service which is controlled by the Home Ministry but is intended to man posts in and under the various Ministries. For a Class I (Group A) officer of this service, therefore, the prescribed authority for purposes of Rule 15 (Now rule 18) would be the Ministry of Home Affairs. In the case of Class II and Class III (Group B and Group C) officers of this and such other services, however, Explanation (a) (ii) and (a) (iii) would apply and the functions of the prescribed authority would be discharged by the Head of the Department or the Head of the Office in which he is for the time being employed, as the case may be.

4. A question has also been asked whether construction of a house requires the previous knowledge or sanction, as the case may be, of the prescribed authority under rule 15 (now Rule 18) of the Conduct Rules. Since such construction results in the acquisition of an immovable property, the provisions of this rule are clearly attracted. A Government servant should, therefore, report to, or seek the permission

of, the prescribed authority as the case may be, before commencing the construction of, or addition to, any building.

ANNEXURE

FORM

Statement of Immovable property on first appointment for the year

1. Name of officer (in full) and service to which the officer belongs…….

2. Present post held……

3. Present pay ……..

Name of district sub-Division, Taluk and Village in which property is situated.	Name and details of property		*Present Value	If not in own name state in whose name held and his/her relationship to the Government servant.	How acquired-Whether by purchase lease, mortgage, inheritance gift or otherwise, with date-of-acquisition and name with details of persons from whom acquired	Annual Income from the property	Remarks
	Housing and other buildings	Lands					
1.	**2.**	**3.**	**4.**	**5.**	**6.**	**7.**	**8.**

Signature……

Date……

Inapplicable clause to be struck out.

*In case where it is not possible to assess the value accurately the approximate value in relation to present conditions may be indicated.

@n Includes short-term lease also.

Note – The declaration form is required to be filled in and submitted by every member of Class I and Class II (Group A and Group B) services under rule 15 (3) of the Central Civil Services (Conduct) Rules, 1955, [now rule 18 (1) of the CCS (Conduct) Rules, 1964] on the first appointment to the service and thereafter at the interval of every twelve months, giving particulars of all immovable property owned, acquired or inherited by him or held by him on lease or mortgage, either in his own name or in the name of any members of his family or in the name of any other person.

[MHA OM No. 25/10/55-Estt.(A), dated 12.01.1956]

(2) Question whether report of conclusion of a transaction in immovable property should be made forthwith in cases where prior permission to purchase such property was obtained and the amount involved was/was not indicated.

A point was raised whether it is necessary for a Government servant once he had got permission of Government to the purchase of immovable property, report the actual acquisition of it immediately on the conclusion of the transaction. If the first sanction specifies the details of the transaction and the amount involved, a further report is not necessary but if such details are not furnished at the time of sanction, a further report after the acquisition giving full details should be made. The property should, of course, figure in his subsequent annual returns of immovable property in either case.

[Min. of W.H. & S.O.M. No. AV(37) dated 05.12.1956]

(3) Form of report standardized for cases involving purchase of land, construction of building and additions alterations to an existing building.

In para 4 of the orders cited at Decision No. (10) it is explained that the construction of a house amounted to acquisition of immovable property for which the previous knowledge or sanction, as the case may be, of the prescribed authority was required under Rules 15 (now Rule 18) of the Central Civil Service (Conduct) Rules. A question has been raised whether the purchase of movable property required for the construction of the house comes within the scope of rule 15 (2) [now Rule 18 (3)] of the Central Civil Services (Conduct) Rules, which requires that a report of such transactions shall forthwith be sent to the prescribed authority. It would obviously be cumbersome and inconvenient if such reports have to be made in respect of purchases made in connection with the building of the house. At the same time, the purpose of the rule would be defeated if a check is not kept on such purchases merely because permission has been given for the building of the house just before the construction begins. It has, therefore, been decided that whenever a Government servant wishes to build a house the following procedure should be followed.

Before starting construction of the house, he should report or seek permission, as the case may be, in Form I and after completion of the house, he should report in Form II to the prescribed authority.

[MHA OM No. 25/21/57-Ests.(A), dated 11.06.1957]

(4) Reference Ministry of Home Affairs OM No. 25/21/57-Ests.(A), dated the 11th June, 1957 (Decision No. 3 above)

It has further been decided that –

(i) the details in the proforma prescribed should be furnished whenever it is possible to do so. Where, however it is not possible to furnish these details, the Government servant concerned should mention the covered area on which the building is proposed to be erected and the estimated cost of the building;

(ii) In cases where the expenditure to be incurred on repairs or minor construction work in respect of any immovable property belonging to a Government servant is estimated to exceed Rs. 1,000 (now Rs. 10,000) the provisions of the Office Memorandum mentioned above will also apply to such cases;

(iii) the existing caption in Form I may be amended as follows :-

"[Form of report/application (for permission) to the prescribed authority for the building of or addition to a house]" and the existing caption in Form II as –

"(Form of report to the prescribed authority after completion of the building/extension of a house)".

[MHA OM No. 25/21/51-Ests.(A), dated 18.12.1957]

(5) Prohibition of Government servants from bidding at Government auctions (either personally or by proxy)

A question has been raised whether a specific provision should be added to the Central Civil Services (Conduct) Rules regarding participation by Government servants in auctions of property owned or confiscated by Government. Even if the transaction is, in fact, free of any element of undue influence or dishonesty, the suspicion that all is not above board is bound to arise in case where property sold at Government auctions is purchased by Government servants particularly by buyers belonging to the same Ministry or Department as the one by which or under whose orders the auction is conducted. While, therefore, it may not be necessary to frame a specific Conduct Rule for the purpose, it is obviously undesirable for Government servants to bid at auctions arranged by their own Ministries or Departments. Any Government servant who does so would be regarded as indulging in conduct unbecoming of a Government servant within the meaning of the Conduct Rules.

[MHA OM No. 25/12/57-Ests.(A), dated 21.01.1958]

(6) "On account" payment to be transaction in movable properties

"On account" payment to Co-operative House-building Societies for purchase, development, etc. of land are to be treated as transaction concerning movable properties.

[MHA OM No. 21/38/58-Estt. (A), dated 16.04.1958]

(7) No regular and continuous scrutiny necessary in case of returns of immovable property submitted by officers of the Central Secretariat Service and the Central Secretariat Stenographer's Service.

Paragraph 2 of this Ministry's Office Memorandum No. 25/10/55-Ests.(A) dated the

12th January, 1956, (Decision No. 10 above) stated that the returns of immovable property required to be submitted under Rule 15 of the Central Civil Services (Conduct) Rules, 1955, (now Rule 18), shall be treated as secret and shall after such scrutiny, as may be considered necessary be kept in the custody of the authority which maintains the character rolls of the officers concerned. It has now been decided that in so far as the Central Secretariat Service and the Central Secretariat Stenographers' Service are concerned, there need be no regular and continuous scrutiny of the property returns submitted by the officers of these Services and that the returns need be scrutinized by the officers only if and when there is ground for suspicion in any particular case. The Ministries etc., need not therefore, undertake any regular scrutiny of these returns when submitted by the officers and the returns may, as and when they are received from the officers, be passed on to the authority which maintains Character Roll of the officers.

2. As the Character Rolls of offices of the Selection Grade and Grade I-III of the Central Secretariat Service, and also those of officers of Grade I of the Central Secretariat Stenographers' Service are maintained by the Establishment Officer to the Government of India (Ministry of Home Affairs), the returns of immovable property of these officers should, no receipt from the officers, as be directly transmitted to the Office of the Establishment Officer for record.

[MHA OM No. 12/9/58-CS (A), dated 21.06.1958]

(8) Sale of a car purchased on an advance from the Government of India, required two sets of sanctions – one under the G.F.Rs. and the other under the CCS (Conduct) Rules.

A question has been raised whether the sanction of the competent authority under para 256 (v) of the General Financial Rules for the sale of a car or other conveyance purchased with advance from Government, before repayment of the advance together with interest, can be deemed to carry with it the permission of the competent authority under Rule 15 (2) [now Rule 18 (3)] of the Central Civil Services (Conduct) Rules, 1955, relating to transactions of movable property.

2. The matter has been considered by the Ministry in consultation with the Comptroller and Auditor General and the Ministry of Finance. Since the objects of according sanctions under the two sets of Rules are entirely different it has been decided that separate sanctions under the General Financial Rules and under the Conduct Rules should be taken by a Government servant when the sale of the conveyance is made otherwise than through a regular or reputed dealer or agent.

3. In all cases, whether the sanctioning authorities under the two sets of rules are the same or different, in order to obtain the required sanctions expeditiously, the Government servant will be well advised to obtain first the sanction under the General Financial Rules, as at that stage he will not be required to furnish details of the prospective purchaser, sale price etc., which would be required before the permission under the Conduct Rules is given. After obtaining this sanction, he may settle the details with the intending purchaser and apply for permission under the Conduct Rules stating clearly that necessary sanction under the General Financial Rules had already been obtained. The authority issuing sanction under the General Financial

Rules should specify in the sanction itself that the actual sale of the car, if made otherwise than through a reputed or regular dealer or agent, would be subject to the condition that the Government servant also obtains the prior sanction of the competent authority under the Conduct Rules for the sale of his car, so that this requirement is not overlooked by the Government servant.

4. In so far as the personnel serving in the Indian Audit and Accounts Departments are concerned, these instructions have been issued after consultation with the Comptroller and Auditor General.

[MHA OM No. 28/47/58-Estt.(A), dated 05.03.1959]

(9) Clarification of the provisions in the CCS (Conduct) Rules, 1955 regarding transaction in movable and immovable properties –

detailed probe into the private affairs of Government servants and harassment to them to be avoided – transactions made out of funds of dependants – how to account for.

Certain difficulties are being experienced by administrative authorities in interpreting Rule 15 of the Central Civil Services (Conduct) Rules, 1955 (now Rule 18) relating to transaction of movable and immovable property and submission of property returns especially in regard to transactions entered into by members of the family of a Government servant.

2. In order to ensure that Government servants do not indulge in benami transactions or ostensible transfers and acquisitions to secret assets illegally earned, and at the same time to ensure that unnecessary restraint is not imposed on either Government servants or their dependants, or harassment caused to them, the following executive instructions are issued for the guidance of administrative authorities.

> (i) All transactions both of immovable and movable property made out of the funds of the Government servant (irrespective of the person in whose name the transaction is made) should be governed strictly by Rule 15 (now Rule 18) that is :

(a) Transactions in immovable property : In all cases, the transaction should be with the previous knowledge of the prescribed authority.

(b) Transaction in movable property : In all cases a full report to the prescribed authority immediately after completion of the transaction, is necessary.

Note :- Cases falling under sub-paragraph (iv) below will not be governed by these instructions.

(ii) All transactions of both, immovable and movable property made out of the funds (including stridhan, gifts, inheritance, etc.) of the dependants of the Government servants, irrespective of the person in whose name the transaction is made should be reported in the following manner.

(a) Transactions in immovable property : These should be reported alongwith the

annual property return but in a separate form. No other report is necessary.

(b) Transactions in movable property : These should be reported immediately on completion or immediately after the Government servant comes to know of them.

In both the types of cases, prior permission of the prescribed authority is not necessary.

(iii) A Government servant who transfers any immovable property or movable property exceeding Rs. 1,000 (now Rs. 10,000) in value to a member of his family, should report or obtain sanction of the prescribed authority in accordance with Rule 15 (now rule 18).

(iv) Transactions as members of Hindu undivided joint family do not require Government's prior permission. In such cases transactions in immovable property should be included in the annual property returns and those in movable property should be reported to the prescribed authority immediately after completion or immediately after the Government servant comes to know of them. If a Government servant is unable to give an idea of his share of such property, he may give details of the full property and the names of the members who share it.

3. The above instructions may be implemented liberally in order to avoid a detailed probe into the private affairs of the Government servants or their dependants, but cases in which suspicious circumstances exist should be investigated with firmness and speed.

4. The above instructions may be brought to the notice of all concerned.

5. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these instructions are issued in consultation with the Comptroller and Auditor General of India

[MHA OM No. 25/18/59-Ests.(A), dated 28.08.1959]

(10) Transactions in immovable property – Points to be ensured

In the Ministry of Home Affairs Office Memorandum No. 25/22/59-Ests.(A), dated the 7th February, 1959, (not reproduced) powers were delegated to the Administrative Ministries/Departments to deal with certain matters relating to the application of the Central Civil Services (Conduct) Rules, 1955 in respect of officers of the Service controlled by the Ministry of Home Affairs. It has now been decided that cases relating to the acquisition/disposal of immovable property by Class I (Group A) Officers of the Central Secretariat Service, which are, under the existing instructions, required to be referred to this Ministry, may also be dealt with and finally decided by the administrative Ministries/Departments concerned.

The intention underlying the provision in the CCS (Conduct) Rules, 1955, vide rule 15 (1) [now rule 18(2)] laying down that no transactions relating to immovable property shall be entered into by the officers subjected to these rules except with the previous knowledge of the prescribed authority and, in the case of transactions with a person having official dealings with the prior sanction of such prescribed authority is to

ensure that –

(i) The transaction proposed to be entered into is for bonafide purposes;

(ii) the acquisition/sale of the property in question is at fair prevailing market prices and does not involve any element of profiteering or speculation;

(iii) there is no reasonable ground to hold that the transaction in question is the result of the exercise of any undue official influence by the officers (e.g. in return for any official favours conferred or likely to be conferred upon the prospective seller/buyer of the property); and

(iv) there is nothing otherwise objectionable in relation to the proposed transaction.

Ministries/Departments may therefore deal with the individual references relating to transactions in respect of immovable property entered into or proposed to be entered into by the Class I officers of the CSS serving under them, in the light of the above guiding principles. Annual Returns of immovable property owned by officers of the Selection Grade and Grade I-III of the Central Secretariat Service should, however, as at present, continue to be sent regularly to the Ministry of Home Affairs, (Office of the Establishment Officer) for purpose of record.

[MHA OM No. 12/6/60-CS (A), dated 10.03.1960]

(11) Requirement of seeking prior permission

See Government of India decision No. (1) under rule 16, according to which it has been impressed on Government servant to obtain prior permission, where required and on authorities to severely discourage ex post facto sanctions.

{MHA OM No. 25/25/61-Ests. (A) dated 26.06.1961]

(12) Reference this Ministry's OM No. 25/21/57-Ests.(A) dated the 11th June, 1957 (Decision No. 3 above), on the above subject, the attached Form I may be substituted for the Form I circulated with the OM under reference.

[MHA OM No. 25/2/64-Ests.(A), dated 31.01.1964]

(13) Question whether a charge of corruption should be held proved in case the officer concerned is unable to account satisfactorily possession by himself or by any other person on his behalf of pecuniary resources or property disproportionate to his know sources of income.

A presumption of corruption fairly and reasonably arises against an officer who cannot account for large accretion of wealth which he could not possibly have saved from his known sources of income. This principle has received statutory recognition in section 5 (3) of the Prevention of Corruption Act, 1947, and its application in a departmental inquiry against an officer charged with corruption could not, therefore, be unjust or inequitable. In fact, this principle has recently been upheld by the Supreme Court in the case of G.R. Manker Vs. Union of India (Civil Appeal No. 160 of 1963)

2. Ministry of Finance etc., are requested to ensure that in a departmental enquiry against an officer charged with corruption and found to be in possession of assets disproportionate to his known sources of income, the Presenting officer concerned brings the legal position, as set out in para 1 above, to the notice of the Enquiry Officer.

3. This Ministry's Office Memorandum No. 39/19/51-Ests., dated 08.10.1952 (not printed) may be treated as cancelled.

[MHA OM No. 39/19/63-Ests.(A), dated 16.12.1964]

(14) "Pagri" charged by Government servants in renting their houses and flats – amounts to corruption

Recommendation No. 32, contained in para 6.19 of the Report of the Committee on Prevention of Corruption reads as follows :-

> 32. To buy and sell properties at prices much greater than those recorded in the conveyance deeds has become a common method of cheating the Central Government of the income-tax and other taxes and the State Government of the stamp duty and a convenient methods of transferring black money. If, in some manner, the Central and State Governments, or some special corporations setup for the purpose, can be empowered to step in and acquire such properties at the stated value, or even at a small premium when it is considered that the properties have been deliberately undervalued, it will strike a blow against black money.

The habit of charging "pagri" or "premium" for renting houses and flats in a similar sources of corruption for which some drastic steps have to be taken."

2. This recommendation has been considered carefully in the light of the comments received from Ministries/Departments etc., Government of India's decision on the recommendations is as follows :-

The changes made in the Income Tax Act 1964 substantially achieve the purpose underlying a part of the recommendation Government are, however, advised on legal and constitutional grounds that it would not be possible to accept the part of the recommendation regarding the setting up of special corporations for the acquisition of such properties.

As regards the part of the recommendation relating to "pagri" the State Governments have been requested to take appropriate action in the matter.

[MHA OM No. 43/49/64-AVD, dated 19.11.1965]

(15) All purchases made at the same time, in the same place (Shop, etc.) and charged for the same bill should be treated as one transaction for the purpose of Rule 18 (3) whether or not they relate to the same item.

[MHA OM No. 25/8/57-Ests.(A), dated 25.03.1967 and OM No. 71/33/58-Ests.(A), dated 03.04.1958]

(16) Heads of Departments declared as "prescribed Authorities" for Class I (Group A)Officers :

The Central Government hereby directs that the powers exercisable by it and the Comptroller and Auditor-General of India under sub-rules (2) & (3) of Rule 18 shall, subject to any general or special instructions issued by the Central Government in this behalf, be also exercisable, by the Heads of Department in respect of Class I (Group A) Officers serving under their control, subject to the following conditions, namely :

(a) in relation to the Heads of Department themselves, the said powers shall continue to be exercised by the Central Government or the Comptroller and Auditor-General of India, as the case may be; and

(b) all cases of sanction accorded by the said Heads of Department shall be reported to the Central Government or the Comptroller and Auditor General of India, as the case may be.

[MHA No. 25/11/68-Ests.(A), dated 05.08.1968]

(17) Order -

In pursuance of Sub-rule (1) of rule 18 of the Central Civil Services (Conduct) Rules, 1964 read with Note III thereto, the Central Government hereby-

(a) prescribes the forms specified in the Schedule to this order, as the forms in which the return referred to in the said rule shall be submitted by –

> (i) every Government servant on his first appointment after the date of issue of this order to any service or post, and
>
> (ii) every Government servant who is in service on the date of issue of this order.'

(b) directs that –

> (i) the first return in respect of a Government servant on his first appointment to any service or post shall be as on the date of such appointment and shall be submitted within three months from that date and every such return, after the first, shall be submitted as on, and by, the date specified in clause (c) in respect of returns after the first return, provided that if the interval between the date of submission of the first return and the date on which a subsequent return is due is less than six months, the later return need not be submitted.
>
> (ii) the first return in respect of every Government servant who is in service on the date of issue of this order, shall be as on the

31st December, 1972 and specifies the 31st day of March, 1973, as the date on or before which such return shall be submitted.

(c) further directs that every Government servant shall submit such returns, after the first at an interval of five years, on or before the 31st day of March of the year immediately following the year to which the return relates and every such return shall be as on the 31st day of December of the year immediately proceeding the said 31st day of March; and

(d) also directs that every such return shall be handled as secret document and the provisions of rule 11 of the Central Civil Services (Conduct) Rules, 1965, as far as may be, apply thereto.

THE SCHEDULE

[See Rule 18 (1)]

Return of Assets and Liabilities on First Appointment on the 31st December, 19

1. Name of the Government servant in full…….

(in block letters)

2. Service to which he belongs……..

3. Total length of service upto date……

(i) in non-gazetted rank.

(ii) in gazetted rank.

4. Present post held and place of posting…….

5. Total annual income from all sources during the Calendar year immediately proceeding the 1st day of January 19.

6. Declaration

I hereby declare that the return enclosed namely, Forms I to V are complete, true and correct as on…….to the best of my knowledge and belief, in respect of information due to be furnished by me under the provisions of sub-rule (1) of rule 18 of the Central Services (Conduct) Rules, 1964.

Date……. Signature……

Note 1. This return shall contain particulars of all assets and liabilities of the Government servant either in his own name or in the name of any other person.

Note 2. If a Government servant is a member of Hindu Undivided Family with coparcenary rights in the properties of the family either as a 'Karta' or as a member,

he should indicate in the return in Form No. I the value of his share in such property and where it is not possible to indicate the exact value of such share, its approximate value. Suitable explanatory notes may be added wherever necessary.

FORM NO. 1

Statement of immovable property on first appointment as on the 31st December, 19

(e.g. Lands, House, Shops, Other Buildings, etc.)

Sl. No.	Description of property	Precise location (Name of District, Division, Taluk and Village in which the property is situated and also its distinctive number, etc.)	Area of land (in case of land and buildings)	Nature of land in case of landed property	Extent of interest	If not in own name, state in whose name held and his/her relationship, if any to the Government servant
1	2	3	4	5	6	7

Date of acquisition	How acquired (whether by purchase, mortgage, lease inheritance, gift or otherwise) and name with details of person/persons from whom acquired (address and connection of the Government servant, if any, with the person/persons concerned) Please see Note 1 below)	Value of the property (see Note 2 below	Particulars of sanction of prescribed authority if any	Total annual income from the property	Remarks
8	9	10	11	12	13

Date…….. Signature…….,.

Note (1) For purpose of Column 9, the term "lease" would mean a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent. Where, however, the lease of immovable property is obtained from a person having official dealings with the Government servant, such a lease should be shown in this Column irrespective of the term of the lease, whether it is short term or long term, and the periodicity of the payment of rent.

Note (2) In Column 10 should be shown -

(a) where the property has been acquired by purchase, mortgage or lease, the price or premium paid for such acquisition;

(b) where it has been acquired by lease, the total annual rent thereof also; and

(c) where the acquisition is by inheritance, gift or exchange, the approximate value of the property so acquired.

FORM NO. II

Statement of liquid assets on first appointment as on the 31st December, 19

(1) Cash and Bank balance exceeding 3 months' emoluments.

(2) Deposits, loans, advances and investments (such as shares, securities, debentures, etc.)

Sl. No.	Description	Name & Address of Company, Bank etc.	Amount	If not in own name, name and address of person in whose name held and his/her relationship with the Government servant	Annual income derived	Remarks
1	2	3	4	5	6	7

Date……..

Signature……..

Note 1. In column 7, particulars regarding sanctions obtained or report made in respect of the various transactions may be given.

Note 2. The term "emoluments" means the pay and allowances received by the Government servant.

FORM NO. III

Statement of movable property on first appointment as on the 31st December, 19

Sl. No.	Description of items	Price or value at the time of acquisition and/or	If not in own name, name and address of the person in	How acquired with approximate	Remarks

		the total payments made upto the date of return, as the case may be, in case of articles purchased on hire purchase or instalment basis	whose name and his/her relationship with the Government servant	date of acquisition	
1	2	3	4	5	6

Date…… Signature……..

Note 1. In this Form information may be given regarding items like (a) jewellery owned by him (total value); (b) silver and other precious metals and precious stones owned by him not forming part of jewellery (total value), (c) (i) Motor Cars (ii) Scooters/Motor Cycles; (iii) refrigerators/air-conditioners, (iv) radios/radiograms/television sets and any other articles, the value of which individually exceeds Rs. 1,000 (d) value of items of movable property individually worth less than Rs. 1,000 other than articles of daily use such as cloths, utensils, books, crockery, etc., added together as lumpsum.

Note 2 : In column 5, may be indicated whether the property was acquired by purchase, inheritance, gift or otherwise.

Note 3 : In column 6, particulars regarding sanction obtained or report made in respect of various transactions may be given.

FORM NO. IV

Statement of Provident Fund and Life Insurance Policy on First Appointment as on the 31st December, 19

S. No.	Policy No. and date of policy	Name of Insurance Company	Sum insured date of maturity	Amount of annual premium	Type of Provident Funds /GPF / CPF, (Insurance Policies) account No.	Closing balance as last reported by the Audit/ Accounts Officer alongwith date of such balance	Contribution made subsequently	Total	Remarks (if there is dispute regarding closing balance the figures according to the Government servant should also be mentioned in this column)
1	2	3	4	5	6	7	8	9	10

Date…… Signature ……

FORM NO. V

Statement of Debts and Other Liabilities on First Appointment as on 31st

Sl. No.	Amount	Name and address of Creditor	Date of incurring Liability	Details of Transaction	Remarks
1	2	3	4	5	6

Date …….. Signature…….

Note 1. Individual items of loans not exceeding three months emoluments or Rs. 1,000 whichever is less, need not be included.

Note 2. In column 6, information regarding permission, if any, obtained from or report made to the competent authority may also be given.

Note 3. The term "emoluments" means pay and allowances received by the Government servant.

Note 4. The statement should also include various loans and advances available to Government servants like advance for purchase of conveyance, house building advance, etc. (other than advances of pay and travelling allowance), advance from the GP Fund and loans on Life Insurance Policies and fixed deposits.

[Cab. Sectt. DP&AR O.M. No. 25/7/65-Ests. (A) dated 6th January, 1973]

(18) Central Civil Services (Conduct) Rules, 1964 – Rule 18 – Return of Assets and Liabilities – forms and periodicity.

Under Rule 18 (1) of the Central Civil Services (Conduct) Rules, 1964, read with Note III thereto, every Government servant shall on his first appointment to any service or post and thereafter at such intervals as may be specified by the Government, submit a return of his assets and liabilities in such form as may be prescribed by the Government giving the full particulars as indicated in that rule. The forms in which the said return should be furnished, and its periodicity have been notified in the Order No. 25/7/65-Estt. (A) dated 6th January, 1973, a copy of which has been endorsed to the various Ministries/Departments separately.

2. The return of assets and liabilities in the prescribed forms is required to be submitted by only Class I Class II and Class III (Group A, Group B and Group C) officers, excepting those to whom the provisions of sub-rules (1), (2) and (3) of rule 18 of the Central Civil Services (Conduct) Rules, 1964, do not apply by virtue of the

second proviso to sub-rule (3) of rule 18. Government servants in Class IV (Group D) services and posts are not required to submit these returns by virtue of Note I below rule 18 (1).

3. As regards Government servants in Class III (Group C) services/posts, the Head of the Department may recommend to Ministry/Department concerned for the exclusion of any specified categories of such employees from the requirement of furnishing the return, in pursuance of sub-rule (5) of Rule 18, if the nature of work of such employees justifies the exemption. The Ministry/Department to whom the recommendation is made would take a decision thereon with the concurrence of he Cabinet Secretariat, Department of Personnel; in regard to such employees working in a Ministry/Department itself, a decision thereon could similarly be taken by it in consultation with the Department of Personnel.

4. The first return on the prescribed form will be as on 31st December, 1972, in respect of Government servants who are already in service and should be submitted by them by the 31st March, 1973, even if they have already submitted the return of immovable property for the year 1972 under the earlier orders. The subsequent returns will be as on 31st December, 1977, 31st December, 1982 and so on and will be submitted by the 31st March of the succeeding year. As regards persons appointed to services/posts after the date of issue of the Order, they will submit their first return as on the date of appointment within three months of their appointment. The second and subsequent returns will be submitted by them as on the crucial date for those who are already in service subject, however, to the proviso to sub-clause (i) of clause (b) of the Orders referred to in para 1 above.

5. The return will be submitted by the Government servants to the prescribed authority through the Administration Wing of the Ministry/Department Office in which the Government servant is for the time being serving. On receipt of the return, it would be scrutinized with reference to sanctions/report etc., already on record and thereafter forwarded with such remarks as may be necessary in the light of the scrutiny through the Vigilance Officers of the Ministry/Department/Office to the prescribed authority. The prescribed authority on receipt of the return and the remarks thereon will make such further scrutiny and also take such further action as may be necessary and will retain the returns in its custody.

6. It will be the responsibility of the prescribed authority to ensure that the returns in respect of all the officers are received by the due date and are properly scrutinized and kept on record. As regards officers on deputation, the prescribed authority in the parent department will be responsible for obtaining, scrutinizing and keeping the returns on record.

[Cabinet Sectt., Department of Personnel OM No. 25/7/65-Ests.(A), dated 8th January, 1973]

(19) Action be held in abeyance

Pending a further review of the question of submission of the return of Assets and Liabilities by Government servants as prescribed in this Department's order No.

25/7/65-Ests.(A), dated the 6th January, 1973 (at 17) the Central Government in exercise of the powers conferred by sub-rule (1) of rule 18 of the Central Civil Services (Conduct) Rules, 1964 and all other powers enabling it in this behalf, directs that action in pursuance of the aforesaid order be held in abeyance until further orders.

[Cabinet Sectt., DP&AR OM No. 25/7/65-Ests.(A), dated 4th July, 1973]

(20) Central Civil Services (Conduct) Rules, 1964 – Amendments introduced therein by the Central Civil Services (Conduct) Amendment Rules, 1973 – Lease of immovable property.

The undersigned is directed to invite the attention of the Ministry of Finance, etc. to the Central Civil Services (Conduct) (Amendment) Rules, 1973 issued under the Department of Personnel Notification No. 25/57/64-Ests.(A) dated 05.01.1973 which seeks to amend rule 18 of the CCS (Conduct) Rules, 1964 in certain respects and also introduces a new Rule, namely, Rule 18A.

2. Clause (1) (d) of the Explanation below Rule 18 has been expanded to include specifically 'television sets' as well amongst the categories of movable properties mentioned in that clause and a new Explanation II has been added to the effect that for purposes of Rule 18, the term 'lease' would mean, except where it is obtained from, or granted to, a person having official dealings with the Government servant, a lease of immovable property from year to year or for any terms exceeding one year of reserving a yearly rent. Thus where the lessee or the lessor is a person having official dealings with the Government servant the general meaning of the term 'lease' as given in Section 105 of the Transfer of Property Act, 1882 would apply; it would include any agreement giving rise to the relationship of tenant or any conveyance, grant or devise of reality for designated period of conveyance of interest in real property for limited term with conditions attached, irrespective of the duration of such agreement, etc., or the mode of payment of rent or other consideration. This general meaning of the term 'lease' would also apply to the new Rule 18A which has been introduced by Rule 3 of the CCS (Conduct) (Amendment) Rules, 1973 relating to a transaction entered into by a Government servant in respect of immovable property situated outside India as also to any transaction with a foreigner, foreign Government, foreign organisation or concern in respect of any immovable property.

[Cabinet Secretariat, DP & AR OM No. 25/57/64-Ests.(A), dated 5th February, 1973]

Transfer of Property Act, 1882

Chapter V

Of Lease of Immovable Property

Lease defined

105. A lease of immovable property is a transfer of a right to enjoy such property, made for certain time, express or implied, or in perpetuity in consideration of a price paid or promised, or of money, a share of crops, service or any other thing of value,

to be rendered periodically or on specified occasions to the transferor by the transferee who accepts the transfer on such terms.

Lessor, Lessee, premium and rent defined

The transferor is called the lessor, the transferee is called the lessee, the price is called the premium, and the money, share service or other thing to be so rendered is called the rent.

(21) Form of property return to be obtained from officers governed by the CCS (Conduct) Rules, 1964 – for the year ending 1973.

In continuation of this Department's OM No. 25/7/65-Ests (A) dated 04.07.1973, (decision No.8) the Ministry of Home Affairs, etc., are requested to obtain the return of immovable property as on 01.01.1974 from I and Class II (Group A and Group B) Government servants in the proforma which was in vogue prior to the issue of this Department's order No. 25/7/65-Ests.(A), dated 06.01.1973 (at 17) since the review contemplated in the aforesaid OM has not yet been completed.

[CS DP&AR OM No. 25/27/73-Estt. (A), dated 07.01.1974]

(22) Form for report/permission -

It has been decided that the existing forms of report/application to prescribed authority for building of or addition to a house should also include a column to indicate the "source of finance" with full details thereof. Accordingly, in supersession of the existing forms in this regard, the Forms enclosed may be used.

[CS DP&AR OM No. 11013/5/75-Ests.(A), dated 20.06.1975 – 13.08.1975]

FORM I

Form of report/application (for permission) to the prescribed authority for the building of, or addition to, a house

Sir,

This is to report to you that I propose to build a house/to make an addition to my house.

This is to request that permission may be granted to me for the building of a house/the addition to the house.

The estimated cost of the land and material for the construction/extension are given below :-

Land

(1) Location (Survey number, village, district, State),

(2) Area

(3) Cost

Building Materials Etc.

(1) Bricks (Rate/quantity/cost)

(2) Cement (Rate/quantity/cost)

(3) Iron and Steel (Rate/quantity/cost)

(4) Timber (Rate/quantity/cost)

(5) Sanitary Fittings (Cost)

(6) Electrical Fittings (Cost)

(7) Any other special fittings (Cost).

(8) Labour Charges

(9) Other charges, if any.

Total Cost of Land and Building

*2 The construction will be supervised by myself/The ……. Will be done by…… @

I do not have any official dealings with the contractor nor did I have any official dealings with him in the past.

I have/had official dealings with the contractor and the nature of my dealings with him is/was as under :

3. The cost of proposed contraction will be met as under :-

Amount

(i) Own savings

(ii) Loans/Advances with

Full details

(ii) Other sources with details.

Yours faithfully,

FORM II

(Form of report to the prescribed authority after completion of the buildings/extension of a house)

Sir,

In my letter No…….dated……I had reported that I

Permission was granted to me in Order No…… dated……..

proposed to build a house

for the building of a house. The house has since been completed and I enclose a Valuation Report, duly certified to by (A firm of Civil Engineers or a Civil engineer of repute)

2. The cost of construction indicated in the enclosed valuation report was financed as under :-

Amount

(i) Own Savings

(ii) Loans/Advances with

details

Yours faithfully,

(Signature)

Date :

(Note :- Variations, if any, between the figures given above and the figures given in Form I may be explained suitably)

VALUATION REPORT

I/We hereby certify that I/We have valued House(Here enter details of the house) ……..…….constructed by Shri/ Shrimati……and I/We give below the value at which we estimate the cost of the house under the following heading :-

Headings Cost

Rs. Ps.

(1) Bricks

(2) Cement

(3) Iron and Steel

(4) Timber

(5) Sanitary Fittings

(6) Electrical Fittings

(7) Any other special fittings

(8) Labour Charges

(9) Other charges, if any.

.....

Total cost of the building_____

(Signature of the Valuation authority)

Date :

(23) Appropriate authorities not to sanction acceptance of substantial amount as advance rent if it is in violation of the concerned State's Act.

A survey conducted has revealed that there is a fairly wide-spread practice among Government servants to accept substantial amount as "advance rent" from the prospective tenants even in cases not covered by regular agreement entered into under the provisions of the Delhi Rent Control Act or other State Rent Control Acts. In this connection, attention is invited to the provisions contained in Section 5(2) (b) and Section 5 (4) (b) of the Delhi Rent Control Act which are reproduced below :-

5 (2) (b) No person shall, in consideration of the grant renewal or continuance of a tenacy or sub-tenacy of any premise except with the previous permission of the Controller claim or receive the payment of any sum exceeding one month's rent of such premises as rent in advance.

5(4) (b) Nothing in this section shall apply to any payment made under an agreement by any person to a landlord for the purpose of financing the construction of the whole or part of any premises on the land belonging to, or taken on lease by, the landlord, if one of the conditions of the agreement is that the landlord is to let to that person the whole or part of the premises when completed for the use of that person or any members of his family provided that such payment does not exceed the amount of agreed rent for a period of five years of the whole or part of the premises to be let to such person.

2. When a Government servant lets out the premises to a tenant, it obviously constitutes a transaction in immovable property under Rule 18 (2) of the CCS

(Conduct) Rules, 1964 which inter-alia provides that no Government servant shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale etc. Such a Government servant is required to obtain the previous sanction of the prescribed authority of the transaction is :-

(a) With a person having official dealings with the Government servant; or

(b) otherwise than through a regular or reputed dealer.

3. The appropriate authorities should refrain from sanctioning acceptance of substantial amounts as advance rent, if this is proposed to be done in violation of the provisions of the Delhi Rent Control Act. For this purpose if necessary, the concerned authorities should ask for production of the lease agreement and examine it with a view to seeing that the conditions stipulated in Section 5 (4) (b) of the aforesaid Act or similar provisions in the State Rent Control Acts are satisfied.

4. The Ministry of Finance, etc. are, therefore, requested to bring to the notice of all persons working under them the contents of the Delhi Control Act and Rule 18 (2) of the CCS (Conduct) Rules, 1964 so that these provisions and similar other provisions in other States Acts, wherever they are applicable are strictly observed by Government servants.

[C.S. Deptt. of Personnel), OM No. 11013/18/75-Estt. (A), dated 21.02.1976]

(24) Chit Funds/Life Insurance Policies/Fixed Deposits in Banks by Government servants-Clarification regarding –

Clarification have been sought by Ministries/Departments from time to time on the following points :-

> (i) Whether a Government servant requires permission of the Government for joining Chit Funds;
>
> (ii) Whether a Government servant should report to or seek prior permission from the prescribed Authority for taking Life Insurance Policies; and
>
> (iii) Whether a Government servant should obtain prior permission from the Prescribed Authority for making Fixed Deposits in Banks?

The above points are clarified in the succeeding paragraphs.

2. The subscriptions which a Government servant gives to a chit fund would be a transaction in movable property with-in the meaning of sub-rule (3) of Rule 18 of the CSS (Conduct) Rules, 1964. If the annual subscription to the chit fund exceeds the monetary limits, prescribed in Rule 18 (3) the Government servant has to report it to the prescribed authority under the aforesaid rule. Previous sanction of the Government would be necessary only if the Government servant concerned has official dealings with the chit fund and if it is not a registered chit fund company.

The amount that the Government servant may receive from the chit fund can be classified into two categories :-

(i) receiving the amount of the sum total of the contributions payable by all subscribers for any one installment less the discount or commission payable to the Chit Fund Company by bid before the expiry of the period upto which the subscription is to be made; and

(ii) receiving the amount at the time of maturity.

2.2. As regards 2 (i) above, since the amount received by a subscriber from the chit fund by bid would be more than the amount subscribed by him and the difference will have to be made good by him by future subscriptions upto the total period of the chit fund, the amount received in such case would amount to a loan received from the Chit Fund Company. Since the Chit Fund Company is not a banking company and the provisions of the Banking Regulations Act, 1949, are not, therefore, applicable to such companies, the loan received from the Chit Fund Company as explained above, may be regulated under sub-rule (4) of rule 16 of the CCS (Conduct) Rules, 1964. As regards (ii) above, if the amount received from the Chit Fund exceeds the prescribed limits in sub-rule (3) of rule 18 ibid the Government servant has to report to the prescribed authority under that sub-rule because the amount received by him would not be exclusively the amount subscribed by him but will also include the commission payable by the Chit Fund Company.

3.1 As regards the second point in para 1 (ii), it is clarified that a Government servant need not obtain prior permission from the Prescribed Authority for taking a Life Insurance Policy. He should, however, submit a report to the Prescribed Authority, if the annual premium on an insurance policy exceeds the monetary limits laid down in Rule 18 (3) of the CCS (Conduct) Rules, 1964. If , in any case, the annual premium initially determined was less than the monetary limits prescribed in the aforesaid rule 18 (3), but on conversion, the annual premium exceeds the said limits, a report to the Prescribed Authority is necessary at that stage. When a Government servant receives the sum assured as survival benefit/on maturity of the policy, he need not submit any report in this regard.

3.2 A Government servant need not report to the Prescribed Authority the fact of his having taken an insurance policy, if the annual premium thereon is less than the monetary limits prescribed in rule 18 (3) of the CCS (Conduct) Rules, 1964. He should, however, submit a report to the Prescribed Authority at the time of receiving the sum assured as survival benefit/on maturity of the policy.

4. Regarding the point raised in para 1 (iii) it is clarified the Fixed Deposits in Bank or Deposits in a Savings Bank account made by a Government servant from out of his salary or of accumulated savings would not come within the purview of rule 18 (3) of the CCS (Conduct) Rules, 1964.

[Cabinet Sectt. DP&AR OM No. 11013/12/76-Estt. (A), dated the 4th October, 1976].

(25) CCS (Conduct) Rules, 1964 – Prescription of time limits for grant of permission under certain rules thereunder.

The undersigned is directed to say that Government have had under consideration the question of imposing time-limits for action under the various rules of the CCS (Conduct) Rules, 1964, so that in matters governed by these rules where the exercise of a right available to a Government employee or the availing of an opportunity which may come his way, is subject to Government's prior permission, the exercise of the right or the availing of the opportunity may not become in-fructuous because of any delay on the part of Government to grant necessary permission.

2. Accordingly, the matter has been examined with reference to the various provisions of the Conduct Rules in which taking of prior permission is visualized and the following time-limits are prescribed for granting or refusing permission in respect of some of the provisions. The time-limit is to be reckoned from the date of receipt of the request of the Government employee for the necessary permission under the relevant conduct rule. It, therefore, follows that an acknowledgement showing the date of receipt may be given to the employee when a request for permission is received.

Rule 8 (2), 13 (4), 18 (2) and (3) and 18-A -30days

Rule 19 (1) -6 weeks

In the event of failure on the part of the competent authority to communicate its decision to the Government employee concerned within the time-limits indicated above, the Government employee shall be free to assume that permission has been granted to him.

3. The above decision of the Government may be given wide publicity and all the authorities exercising powers under Conduct Rules advised suitably so that they may ensure that all requests of Government servants under the aforesaid rules are dealt with expeditiously and ordinarily no occasion need arise where a Government employee may be enabled to act on the assumption that permission has been granted in his case on account of the failure of the competent authority to convey its decision within the stipulated time.

[MHA, DP&AR OM No. 11013/17/77-Ests.(A), dated 19th April, 1978]

(26) CCS (Conduct) Rules, 1964 – Transaction entered into by the spouse and other members of family of a Government servant out of their own funds.

The undersigned is directed to say that references are being received in this Department from time to time from various Ministries and Departments seeking clarification regarding the applicability of provisions of sub-rules (2) and (3) of Rule 18 of the CCS (Conduct) Rules, 1964, to transactions entered into by the spouse and other members of family of a Government servant out of their own funds (including stridhan, gifts, inheritance etc.) as distinct from the funds of Government servant himself. It is hereby clarified that transactions entered into by the spouse or any other member of family of a Government servant out of his or her own funds (including stridhan, gifts inheritance etc.) as distinct from the funds of the Government servant himself, in his or her own name and in his or her own right,

would not attract the provision of sub-rules (2) and (3) of rule 18 of the CCS (Conduct) Rules, 1964.

2. In view of the position-stated above, paragraph 2 (ii) of the Ministry of Home Affairs Office Memorandum No. 25/18/59-Estt.(A), dated the 28th August, 1959 (decision No. 8) may accordingly be treated as modified.

[MHA, Department of Personnel & AR OM No. 11013/13/78-Estt.(A), dated the 11th September, 1978]

(27) CCS (Conduct) Rules, 1964 – Fixed Deposits with Banks and Companies – Clarification regarding.

Fixed Deposits with public limited companies, whether in the private sector or the public sector, will be covered by the saving clause in the Rule 16 (4) of the CCS (Conduct) Rule, 1964 as public limited companies receive deposits from the public on authorization given by the Government under the Companies (Acceptance of deposit from the public) Rules, 1975. However, where the amount of deposit with a public limited company exceeds the monetary limits laid down in Rule 18 (3) of the CCS (Conduct) Rules, 1964, then a report to prescribed authority in regard to the deposit will be necessary under that rule.

Fixed Deposits with Banks are, as already provided in Rule 16 (4) of the CCS (Conduct) Rules, 1964, exempt from the operation of this rule. However, in regard to Fixed Deposits with Banks also, a report should be made to the prescribed authority under Rule 18 (3) of the CCS (Conduct) Rules, 1964, if the monetary limit laid down therein are exceeded. The clarification contained in para 4 of this Department Office Memorandum No. 11013/7/76-Ests.(A) dated 04.10.1976 will stand modified to this extent.

Day-to-Day Savings Bank transactions, either with a Bank or with a post-office would not, however come within the purview of Rule 18 (3) of the CCS (Conduct) Rules, 1964 as already provided in para 4 of this Department office Memorandum No. 11013/12/76-Ests.(A) dated the 4th October, 1976.

[Deptt. of Personnel & AR's OM No. 11013/5/81-Ests.(A), dated 12.05.1982]

(28) Transactions of property coming within the purview of Rules 18 (2) & (3) – Forms for obtaining permission/giving intimation

In accordance with the provisions of sub-rule (2) of Rule 18 of the CCS (Conduct) Rules, 1964, all Government servants coming within the purview of these Rules are required to make a report to the prescribed authority before entering into any transaction of immovable property in their own name or in the name of a member of family. If the transaction is with a person having any official dealings with the Government servant, the Government servant is required to obtain prior sanction of the prescribed authority. Sub-rule (3), ibid provides that all Government servants should give an intimation to the prescribed authority within one month of entering into any transaction of movable property, the value of which exceeds the monetary limits prescribed in that Rule. In case any such transaction is with a person having

official dealing with the Government servant, prior sanction of the prescribed authority is necessary.

2. The question of streamlining the procedure for obtaining prior sanction or making a report about the transactions of property by Government servants has been considered and it has been decided that all requests for obtaining prior sanction and making intimation about transactions in immovable and movable property may be made in the enclosed standard Forms I and II, respectively, devised for this purpose. These forms contain the basic information required by the prescribed authority in all cases for considering a request for grant of permission or taking note of an intimation given by the Government servant. The prescribed authority concerned, if it so desires, may seek any additional information/clarification about the transaction entered into by the Government servant, depending upon the facts and circumstances of the case.

3. The applications for obtaining sanction or making prior intimation regarding construction of a house will continue to be made in the form prescribed vide this Departments OM No. 11013/5/75-Estt. (A), dated 20th June, 1975. (Decision No. 10).

FORM – I

Form for giving prior intimation or seeking previous sanction under Rule 18 (2) of the CCS (Conduct) Rules, 1964 for transaction in respect of immovable property.

1.	Name and Designation.	
2.	Scale of Pay and present pay.	
3.	Purpose of application-sanction for transaction/prior intimation of transaction.	
4.	Whether property is being acquired or disposed of.	
5.	Probable date of acquisition/disposal of property.	
6.	Mode of acquisition/disposal	
7.(a)	Full details about location, viz. Municipal No., Street/Village, Taluk, District and State in which situated.	
(b)	Description of the property, in the case of cultivable land, dry or irrigated land.	
(c)	Whether freehold or leasehold.	
(d)	Whether the applicant's interest in the property is in full or part. (in case of partial	

	interest, the extent of such interest must be indicated).	
(e)	In case the transaction is not exclusively in the name of the Government servant. Particulars of ownership and share of each member.	
8.	Sale/purchase price of the property. (Market value in the case of gifts)	
9.	In cases of acquisition, source or sources from which financed/proposed to be financed :- (a) Personal savings (b) Other sources giving details.	
10.	In the case of disposal of property, was requisite sanction/intimation obtained/given for its acquisition (A copy of the sanction/acknowledgement should be attached).	
11. (a)	Name and address of the party with whom transaction is proposed to be made.	
(b)	Is the party related to the applicant? If so, state the relationship.	
(c)	Did the applicant have any dealings with the party in his official capacity at any time, or is the applicant likely to have any dealings with him in the near future?	
(d)	How was the transaction arranged? (Whether through any statutory body or a private agency through advertisement or through friends and relatives. Full particulars to be given).	
12.	In case of acquisition by gift, whether sanction is also required under Rule 13 of the CCS (Conduct) Rules, 1964.	
13.	Any other relevant fact which the applicant may like to mention.	

DECLARATION

I, …… hereby declare that the particulars given above are true. I request that I may be given permission to acquire/dispose of property as described above from/to the party whose name is mentioned in item 11 above.

OR

I, …….. hereby intimate the proposed acquisition/disposal of property by me as detailed above. I declare that the particulars given above are true.

Station :

Signature :

Date :

Designation :

Note :1. In the above form, different portions may be used according to requirement.

2. Where previous sanction is asked for, the applicantion should be submitted at least 30 days before the proposed date of the transaction.

……..

FORM-II

Form for giving intimation or seeking previous sanction under Rule 18 (3) of the CCS (Conduct) Rules, 1964 for transaction in respect of movable property.

1.	Name of the Government servant.	
2.	Scale of Pay and present pay.	
3.	Purpose of application-sanction for transaction/prior intimation of transaction.	
4.	Whether property is being acquired or disposed of.	
5. (a)	Probable date of acquisition or disposal of property.	

(b)	If the property is already acquired/disposed of – Actual date of transaction.	
6. (a)	Description of the property (e.g. car/Scooter/Motor Cycle/Refrigerator/radio/radiogram/jewellery/loans/insurance policies etc.)	
(b)	Make, model (and also registration No. in case of vehicles), where necessary.	
7.	Mode of acquisition/disposal (Purchase/sale, gift, mortgage, lease or otherwise).	
8.	Sale/purchase price of the property. (Market value in the case of gifts)	
9.	In case of acquisition, source or sources from which financed/proposed to be financed :- (a) Personal savings (b) Other sources giving details.	
10.	In the case of disposal of property, was requisite sanction/intimation obtained/given for its acquisition (A copy of the sanction/acknowledgement should be attached).	
11. (a)	Name and address of the party with whom transaction is proposed to be made/has been made.	
(b)	Is the party related to the applicant? If so, state the relationship.	
(c)	Did the applicant have any dealings with the party in his official capacity at any time, or is the applicant likely to have any dealings with him in the near future?	
(d)	Nature of official dealings with the party.	
(e)	How was the transaction arranged? (Whether through any statutory body or a private agency through advertisements or through friends and relatives. Full particulars to be given).	
12.	In the case of acquisition by gifts, whether sanction is also required under Rule 13 of the CCS (Conduct) Rules, 1964.	
13.	Any other relevant fact which the applicant may like to mention.	

DECLARATION

I, …… hereby declare that the particulars given above are true. I request that I may be given permission to acquire/dispose of property as described above from/to the party whose name is mentioned in item 11 above.

OR

I, …….. hereby intimate the proposed acquisition/disposal of property by me as detailed above. I declare that the particulars given above are true.

Station :

Signature :

Date :

Designation :

Note :1. In the above form, different portions may be used according to requirement.

2. Where previous sanction is asked for, the application should be submitted at least 30 days before the proposed date of the transaction.

……..

[DOPT OM No. 11013/11/85-Estt.(A), dated 23.06.1986]

(29) Rule 18 (4) of CCS (Conduct) Rules, 1964 calling of a statement of movable or immovable property at any time.

A question has been raised whether in addition to the return of assets and liabilities to be submitted at the time of initial appointment and the annual return of immovable property in case of Group A and Group B officers, the Government servants can be asked to furnish, at any time, the details of movable or immovable property held by them or on their behalf. Attention in this regard is invited to sub-rule (4) of Rule 18 of the CCS (Conduct) Rules, 1964, which provides that the Government or an authority prescribed under these rules, may at any time by a general or special order require any Government servant to furnish a full and complete statement of movable or immovable property held or acquired by him or on his behalf or by a member of his family. The Government servant can also be asked to indicate the means by which, or the source from which, such property was acquired.

[DOPT OM No. 11013/6/86-Estt.(A), dated 03.07.1986]

(30) Amendment to Rule 18 of the Central Civil Services (Conduct) Rules,

1964.

Reference is invited to Explanation I below Rule 18 of the Central Civil Services (Conduct) Rules, 1964 wherein it has been inter-alia clarified that the expression "movable property" used in this rule will include "loans advanced by such Government servants whether secured or not". It has been decided that loans taken by Government servants should also be brought within the purview of Rule 18 of the CCS (Conduct) Rules, 1964. A formal amendment to Explanation I giving a clarification to this affect is being issued separately. In the meanwhile, the above position may be brought to the notice of all Government servants so that necessary sanction is obtained or intimation made in respect of all loans which require prior sanction/intimation under Rule 18 (3) of the CCS (Conduct) Rules, 1964 by virtue of this clarification.

[DOPT O.M. No. 11013/1/87-Estt.(A) dated 27.03.1987]

(31) Provision regarding expenditure incurred on repairs or minor construction work in respect of movable property.

According to the existing provisions of Rule 18 of the CCS (Conduct) Rules, 1964, prior permission of the prescribed authority is required for transaction in immovable property with a person, who is having official dealings with the Government servant concerned. In other cases, only a prior intimation is to be given.

2. The instructions contained in this Department's OM No. 25/21/57-Estt. (A), dated 18.12.1957 (decision 14)provide, inter-alia, that where the expenditure incurred on repairs or minor construction work in respect of any immovable property belonging to a Government servant is estimated to exceed Rs. 1,000/-, sanction of the prescribed authority is necessary. The provisions have been reviewed in the light of the amendments to Rule 18 of CCS (Conduct) Rules, 1964 carried out from time to time and it has been decided that in respect of the expenditure incurred on repairs and minor additions to an immovable property by a Government servant, an intimation shall be necessary to be given to the prescribed authority only if the estimate exceeds Rs. 10,000/-. However, prior sanction of the prescribed authority should be obtained in all cases regardless of amount involved, where the transaction regarding the material purchased or contract for such repairs or minor construction, is with a person with whom the Government servant concerned has official dealings.

[DOPT OM No. 11013/9/89-Estt.(A), dated 27.11.1990]

(32) Transactions in sale and purchase of shares and debentures etc.

The provisions of sub-rule (4) of Rule 18 of the CCS (Conduct) Rules, 1964 provides that the Government or the prescribed authority may, at any time, by general or special order, require a Government servant to furnish within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the Government or by prescribed authority, include the details of the means by which or the source from which, such property was acquired.

2. Sub-rule (1) of Rule 16 also provides that no Government servant shall speculate in any stock, share or other investment. It has also been explained that frequent purchase or sale or both, of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

3. It has been brought to the notice of the Government that a number of employees are investing in shares, securities and debentures etc. frequently. With a view to enable the administrative authorities to keep a watch over such transactionS, it has been decided that an intimation may be sent in the enclosed proforma to the prescribed authority in the following cases :-

(i) Group 'A' and 'B' Officers – If the total transaction in shares, securities, debentures or mutual funds scheme etc. exceeds Rs. 50,000/- during the calendar year.

(ii) Group 'C' & 'D' Officers – If the total transactions in shares, securities, debentures or mutual funds scheme etc. exceeds Rs. 25,000/- during the calendar year.

4. It is clarified that since shares, securities, debentures etc. are treated as movable property for the purpose of Rule 18 (3) of the CCS (Conduct) Rules, 1964 if an individual transaction exceeds the amount prescribed in Rule 18 (3), the intimation to the prescribed authority would still be necessary. The intimation prescribed in para 3 will be in addition to this, where cumulative transaction(s) i.e. sale, purchase or both in shares, securities, debentures or mutual funds etc. in a year exceed the limits indicated in para 3.

Form for giving intimation under Rule 18 (4) of CCS (Conduct) Rules, 1964 for transactions in shares, securities, debentures and investment to mutual fund schemes etc.

1. Name and designation.

2. Scale of pay and present pay

3. Details of each transaction made in shares securities, debentures, mutual funds scheme etc. during the calender year.

4. Particulars of the party/firm with whom transaction is made :-

(a) Is the party related to the applicant?

(b) Did the applicant have any dealings with the party in his official capacity at any time or is the applicant likely to have any dealings with him in the near future.

5. Source or sources from which financed :-

(a) Personal savings.

(b) Other sources giving details

6. Any other relevant fact which applicant may like to mention.

Declaration :-

I hereby declare that the particulars given above are true.

Signature

Station :

Designation

Date :

[DOPT OM No. 11013/6/91-Estt.(A), dated 08.04.1992]

(33) Submission of annual returns by Group 'A' and Group 'B' officers regarding immovable property

In accordance with the provisions of clause (ii) of Rule 18 (1) of the CCS (Conduct) Rules, 1964, every Government servant holding a Group 'A' or 'B' post is required to submit an annual return giving full particulars regarding the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person. It has been prescribed in MHA OM No. 25/10/55-Estt. (A) dated 12.01.1956 that such reports shall be submitted in the month of January, every year. The form used for this purpose has also been prescribed under the said OM. The need for obtaining these returns regularly and making careful scrutiny of the same was reiterated from time to time.

2. It has, however, been noticed that these returns are not submitted in time in many cases. Ministries/Departments are, therefore, requested to ensure that these returns are submitted by all Group 'A' and 'B' officers under their control in respect of every calender year by 31st January of the next year. It may be impressed upon them that failure on the part of a Government servant to comply with the requirement of the aforesaid rule can form good and sufficient reason for instituting disciplinary proceedings against him. Strict action may be taken against employees who fail to submit the returns in time or furnish wrong information.

[DOPT OM No. 11013/12/93-Estt.(A), dated 24.01.1994]

(34) Transaction in immovable property under General Power of Attorney – applicability of CCS (Conduct) Rules

Reference are being received seeking clarification whether transaction in immovable properties made through Power of Attorney by Government servants would attract the provisions of the Conduct Rules. The matter has been examined in consultation with the Ministry of Law. The Ministry of Law has observed that acquisition/disposal of immovable property for a consideration through Power of Attorney effects de-facto transfer of possession of the immovable property. Hence the transaction of immovable property under Power of Attorney will attract the provisions of CCS (Conduct) Rules.

2. It is, therefore, clarified that transaction in immovable properties made by Government servants through Power of Attorney will attract the provisions of sub-rule (2) of rule 18 of the CCS (Conduct) Rules, 1964.

[DOPT OM No. 11013/9/98-Estt.(A), dated 29.12.1998]

18-A. Restrictions in relation to acquisition and disposal of immovable property outside India and transactions with foreigners, etc.

Notwithstanding anything contained in sub-rule (2) of Rule 18, no Government servant shall, except with the previous sanction of the prescribed authority -

(a) acquire, by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family, any immovable property situated outside India;

(b) dispose of, by sale, mortgage, gift or otherwise or grant any lease in respect of any immovable property situated outside India which was acquired or is held by him either in his own name or in the name of any member of his family;

(c) enter into any transaction with any foreigner, foreign Government , foreign organisation or concern,-

(i) for the acquisition, by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family, any immovable property;

(ii) for the disposal of, by sale, mortgage, gift or otherwise, or the grant of any lease in respect of any immovable property which was acquired or is held by him either in his own name or in the name of any member of his family.

Explanation.- In this rule "prescribed authority" has the same meaning as in Rule 18.

19. Vindication of acts and character of Government servant

(1) No Government servant shall, except with the previous sanction of the Government, have recourse to any Court or to the Press for the vindication of any official act which has been the subject-matter of adverse criticism or an attack of a defamatory character.

Provided that if no such sanction is received by the Government servant within a period of three months from the date of receipt of his request by the Government, he shall be free to assume that the permission as sought for has been granted to him.

(2) Nothing in this rule shall be deemed to prohibit a Government servant from vindicating his private character or any act done by him in his private

capacity and where any action for vindicating his private character or any act done by him in private capacity is taken, the Government servant shall submit a report to the prescribed authority regarding such action.

Government of India Decisions

(1) Conviction of Government servants – requirement regarding intimation to departmental superiors.

Attention is invited to rules 55 and 55A of the Central Civil Services (Classification, Control and Appeal) Rules and Section 240 (3) of the Government of India, Act, 1935 (also article 311 of the Constitution) which provide that the procedure thereunder need not be followed in cases where a departmental penalty is to be imposed on a Government servant on the basis of facts which have led to his conviction in a criminal court. Dismissal etc. in such cases is not to be automatic; each case should be examined on its merits and orders imposing the appropriate penalty passed only where the charges against the Government servant on which his conviction is based show that he was guilty of moral turpitude or of grave misconduct which is likely to render his further retention in service undesirable or contrary to public interest.

2. In order that the departmental authorities of a Government servant who has been convicted by a court of law, may be in a position to consider his case and pass suitable orders thereon, every Government servant is ordinarily expected to inform his departmental superior of such conviction, whether the offence is of a serious nature or is purely technical. Since, however, there is no specific requirement at present to do so, cases frequently occur in which Government servants concerned omit to inform their official superior of the fact of their conviction which comes to light later from other sources. In these circumstances it has been decided, and it is hereby made clear, that it shall hereafter be the duty of a Government servant who may be convicted in a criminal court, to inform his official superiors of the fact of his conviction and the circumstances connected therewith, as soon as it is possible for him to do so. Failure on the part of any Government servant so to inform his official superiors will be regarded as suppression of material information and will render him liable to disciplinary action on this ground alone, apart from the penalty called for on the basis of the offence on which his conviction was based.

3. It is requested that the position as in para 2 above may kindly be caused to be explained to all Government servants with whom the Ministry of Finance etc. may be concerned.

[MHA OM No. 25/70/49-Ests., dated 20.12.1949]

(2) Government servants seeking redress in Courts of Law of their grievances arising out of their employment or conditions of service.

In supersession of orders contained in this Ministry's Office Memorandum No. 25/52/52-Ests. Dated the 11th October, 1952 (Not reproduced) on the above subject, the following instructions are issued :-

(a) Government servants seeking redress of their grievances arising out of their employment or conditions of service should, in their own interest and also

consistently with official propriety and discipline, first exhaust the normal official channels of redress before they take the issue to a court of law.

(b) Where, however, permission to sue Government in a court of law for the redress of such grievances is asked for by any Government servant either before exhausting the normal official channels of redress or after exhausting them, he may be informed that such permission is not necessary.

[MHA OM No. 25/3/59-Ests.(A), dated 21.04.1959]

(3) Allegations made in the Press or by individuals against a Government servant in respect of his official conduct – procedure for dealing with.

The First Five Year Plan contained a suggestion that when specific allegations were made in the Press against individual public officers, they should be asked to clear their names in court. This was accompanied by a recommendation that the legal expenses in such cases should be sanctioned by Government on the understanding that if the officer lost his case, he would have to reimburse to Government and if damages were awarded to him, the cost of legal proceedings would be the first charge on them. The suggestions have been carefully considered and the following conclusions have been reached.

2. When allegations are made in the Press or by individuals against a Government servant in respect of his conduct in the discharge of his public functions, a preliminary confidential enquiry by a senior officer should be ordered by Government.

3. If such an enquiry leads to the conclusion that the allegations are based on ignorance, insufficient information or even malice, it should be further considered whether, having regard to the nature and circumstances of the case, any action in a Court of Law is necessary to vindicate the conduct of the Government servant, for in some cases, mere publication of the results of the enquiry may not always carry conviction with the public. If it is decided to have resort to a Court of Law, it should also be considered whether Government should themselves initiate proceedings in a Court of Law against the party which made the allegations or whether the Government servant should be required to initiate such proceedings. If, on the other hand, it is considered as a result of enquiry that there are reasonable grounds to doubt the propriety and correctness of the conduct of the Government servant, or if the enquiry is not conclusive, Government may entrust the case to the Special Police Establishment for investigation or order a full departmental enquiry under the Central Civil Services (Classification, Control and Appeal) Rules, or require the Officer to vindicate his conduct by resorting to a Court of Law.

4. In cases where Government decide to initiate criminal proceeding themselves, the provision of Section 198B of the Criminal Procedure Code should be made use of. According to these provisions the complaint can be filed within six months of the date of the alleged offence, by the Public Prosecutor directly in a Court of Sessions with the previous sanction of the Government and the case will thereafter be pursued by Government. Where the Government decided to institute civil proceedings, the usual procedure for institution of civil proceedings by Government may be followed.

5. In cases where the Government servant is required to vindicate his conduct in a

Court of Law Government will give financial assistance as laid down in sub-paragraph 2 (d) of MHA OM No. F45/5/53-Ests.(A), dated the 8th January, 1959 (Decision No. 4 below).

6. When a Government servant desires to institute proceedings suo moto to vindicate the conduct in the course of the discharge of his official duties, he will have to obtain the previous sanction of the Government as required in Rule 16 of the Central Civil Services (Conduct) Rules, 1955 (Now Rule 19).

If Government decide to grant such sanction, no question of reimbursement of any expenses to the Government servant will arise, but advances may be granted as laid down in sub-paragraph (c) (ii) of paragraph 2 of Ministry of Home Affairs OM No. F45/5/53-Ests.(A), dated the 8th January, 1959 (Decision No. 4 below).

7. The appropriate authority for taking a decision in each case will be the administrative Ministry of the Government of India concerned who will consult the Finance and Law Ministries, where necessary. The Comptroller and Auditor General of India will exercise the powers of an administrative Ministry in respect of the Indian Audit and Accounts Department.

8. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders are issued in consultation with the Comptroller and Auditor General

[MHA OM No. 25/32/54-Ests.(A), dated 08.01.1959]

(4) Legal and financial assistance to Government servants involved in law suits arising out of their official work and conduct.

The question has been raised whether, and if so under what circumstances, Government should provide legal and financial assistance to a Government servant for the conduct of legal proceedings by or against him. The following decisions which have been taken in consultation with the Ministries of Law and Finance and the Comptroller and Auditor General are circulated for information and guidance.

2. (a) Proceedings initiated by Government in respect of matters connected with the official duties or position of the Government servant.

Government will not give any assistance to a Government servant for his defence in any proceedings, civil or criminal instituted against him by the State in respect of matters arising out of, or connected with, his official duties or his official position. Should, however, the proceedings conclude in favour of the Government servant, Government will entertain his claim for reimbursement of costs incurred by him for his defence, and if Government are satisfied from the facts and circumstance of the case that the Government servant was subjected to the strain of the proceedings without proper justification, they will consider whether the whole or any reasonable proportion of the expenses incurred by the Government servant for his defence should be reimbursed to him.

(b) Proceedings in respect of matters not connected with official duties or position of the Government servant.

Government will not give any assistance to a Government servant or reimburse the expenditure incurred by him in the conduct of proceedings in respect of matters not arising out of or connected with, his official duties or his official position, irrespective of whether the proceedings were instituted by a private party against the Government servant or vice versa.

(c) Proceedings instituted by a private party against a Government servant in respect of matters connected with his official duties or position.

(i) If the Government on consideration of the facts and circumstances of the case, consider that it will be in the public interest that Government should themselves undertake the defence of the Government servant in such proceedings and if the Government servant agrees to such a course, the Government servant should be required to make a statement in writing as in Annexure 'A' and thereafter Government should make arrangements for the conduct of the proceedings as if the proceedings had been instituted against Government.

(ii) If the Government servant proposes to conduct his defence in such proceedings himself, the question of reimbursement of reasonable costs incurred by him for his defence may be considered in case the proceedings conclude in his favour. In determining the amount of costs to be so reimbursed, Government will consider how far the court has vindicated the acts of the Government servant. The conclusion of the proceedings in favour of the Government servant will not by itself justify reimbursement.

To enable the Government servant to meet the expenses of his defence, Government may sanction, at their discretion an interest-free advance not exceeding Rs. 500/- or the Government servant's substantive pay for three months, which ever is greater, after obtaining from the Government servant a bond in the form reproduced as Annexure B. The amount advanced would be subject to adjustment against the amount, if any, to be reimbursed as above.

The Government servant may also be granted from any provident fund to which he is a subscriber, an advance not exceeding thee months' pay or one-half of the balance standing to his credit, whichever is less; this advance will be repayable in accordance with the rules of the Fund.

(d) Proceedings instituted by a Government servant on his being required by Government to vindicate his official conduct.

A Government servant may be required to vindicate his conduct in a Court of Law in certain circumstances [vide Ministry of Home Affairs OM No. F. 25/32/54-Ests.(A), dated 8th January, 1959] (Decision No.3). The question whether costs incurred by the Government servant in such cases should be reimbursed by the Government and if so, to what extent, should be left over for consideration in the light of the result of the proceedings. Government may, however, sanction in interest-free advance, in suitable instalments, of an amount to be determined by them in each case on the execution of a bond by the Government servant in the form reproduced in Annexure 'B'.

In determining the amount of cost to be reimbursed on the conclusion of the proceedings, the Government will consider to what extent the Court has vindicated the acts of the Government servant in the proceedings. Conclusion of the proceedings in favour of the Government servant will not by itself justify reimbursement.

(e) Proceedings instituted by a Government servant suo moto with the previous sanction of Government to vindicate his conduct arising out of or connected with his official duties or position.

If a Government servant resorts to a Court of Law with the previous sanction of Government to vindicate his conduct arising out of or connected with his official duties or position, though not required to do so by Government, he will not ordinarily be entitled to any assistance but Government may, in deserving cases, sanction advances in the manner indicated in sub-para (c) (ii) above but no part of the expenses incurred by the Government servant will be reimbursed to him, even if he succeeds in the proceedings.

3. Sub-clause (d) of article 320 (3) of the Constitution requires consultation with the Union Public Service Commission on any claim by a Government servant for the reimbursement of the costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in execution of his duty. In other cases, consultation with the Union Public Service Commission is not obligatory, but it will be open to Government to seek the Commission's advice, if considered necessary.

4. The question whether a case falls under 320 (3) (d) of the Constitution so as to require consultation with the Commission may at times be difficult to determine. It may be stated generally that though consultation is obligatory in a case where a reasonable connection exists between the act of the Government servant and the discharge of his official duties, the act must bear such relation to the official duties that the Government servant could lay a reasonable but not a pretended or a fanciful claim that he did it in the course of the performance of his duties.

5. The appropriate authority for taking decision in each case will be the administrative Ministry of the Government of India concerned who will consult the Finance and Law Ministries, where necessary. The Comptroller and Auditor General of India will exercise the powers of an administrative Ministry in respect of the personnel of the Indian Audit and Accounts Department.

6. In so far as persons serving in the Indian Audit and Accounts Department as concerned, these orders are issued in consultation with the Comptroller and Auditor General.

[MHA OM No. F-45/5/53-Ests.(A), dated 08.01.1959]

ANNEXURE 'A'

(Here enter description of the proceedings)

The Government of India having been pleased to undertake my defence in the above proceedings, I hereby agree to render such assistance to Government as may be

required for my defence and further agree that I shall not hold Government in any way responsible if the proceedings end in a decision adverse to me.

Date……..

Signature of the

Government Servant

ANNEXURE 'B'

[MHA OM NO. F.45/5/53-Ests.(A), dated 08.01.1959]

[This has been substituted vide decision No. (5) below].

(5) Government servants involved in legal proceedings – Provision for legal and financial assistance

Attention is invited to the instructions issued in this Ministry's Office Memorandum No. F.45/5/53-Ests.(A), dated the 8th January, 1959 (Decision No. 4) regarding the grant of legal and financial assistance to the Government servants involved in legal proceedings. In connection with these instructions the following decision have been taken and are circulated for information and guidance :-

(i) Where, in a civil suit Government servant is sought to be made liable for damages for acts for negligence in discharge of his official duties of civil nature and Government is impleaded on the ground of vicarious liability, the Government should arrange for the defence of the Government servant also, provided the defence of the Government and the Government servant are substantially the same and there is no conflict of interest. Each case should be examined in consultation with the Law Officers before undertaking common defence. If it is decided to arrange for the defence of the Government servant, the Government servant should be required to make a statement in writing as in Annexure 'A' of the Ministry OM referred to above (Decision No. 4 above).

(ii) In cases falling under para 2 (d) of the OM referred to above the amount of the interest-free-advance will also not exceed Rs. 500 or the Government servant's substantive pay for three months whichever is greater.

(iii) The authority competent to sanction the advances under para 2 (c) (ii), 2 (d) and 2 (e) of the above OM will be the Administrative Ministry concerned or the Comptroller and Auditor General in respect of staff serving under him.

(iv) No second advance in respect of the same proceedings will be admissible. There will, however, be no objection to the grant of more than one advance if they relate to different proceedings against a Government servant.

(v) The recovery of the advance may be made in not more than twenty-four equal monthly instalments, the exact number being determined by the sanctioning authority provided the advance is recovered before the date of retirement. The recovery of the advance should commence on the first issue of Pay/leave salary/subsistence allowance following the month in which the advance is drawn. The advance is recoverable from each issue of pay/leave salary/subsistence allowance till it is repaid in full. At the time of reimbursement of legal expenses the entire balance of advance outstanding against the Government servant should be recovered from the amount reimbursed to him. If the amount reimbursed is less than the outstanding balance of the advance the remaining amount will be recovered in installments as already fixed. In the case of grant of more than one advance, the recovery of such advances should run concurrently.

(vi) Where advance under the above instructions is sanctioned to a temporary/quasi-permanent Government servant, he should be asked to furnish a surety of a permanent central Government servant of equivalent or higher status in the attached form (Annexure 'C')

(vii) The amount of advance sanctioned under the above instructions is debitable under the Minor Head "Other Advances" subordinate to Major Head "Loans and Advances by the Central Government".

(viii) The form of the bond at Annexure 'B' to the instructions of the 8th January, 1959 (Decision No. 4 above) is hereby substituted by the one attached herewith.

2. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders are issued in consultation with the Comptroller and Auditor General of India.

[MHA OM No. 45/1/61-Ests.(A), dated 26.11.1963]

ANNEXURE 'B'

BY THIS BOND I……having taken an advance of Rs……..(Rupees ……..only) from the President of India (herein after called the Government) promise to pay to the Government the sum of Rs…….in …….equal monthly installments of Rs…….by the 10th of every month commencing from……

2. AND I agree that in case I cease to be in Government service for any reason whatsoever the entire balance of the amount shall become at once due and payable and that in case I fail to pay the same before the date of expiry of six months from the date I cease to be in Government service or before the date on which the payment of the last instalment under this bond would have become due but for my ceasing to be in Government service, whichever date is earlier, the Government without prejudice to any other right to which it shall be entitled under any law for the time being in force, shall recover the entire balance of the amount from me.

Dated this ……day of……19.

Witness to Signature (Signature of Government servant)

1……

2……..

Accepted

Signature

(Designation)

For and on behalf of the President of India

ANNEXURE 'C'

SURETY FORM

Know all men by these presents that I……son of Shri ……..resident of ……..in the district of……at present employed as a permanent ……..in the …….. (hereinafter called 'the surety') am held and firmly bound to the President of India (hereinafter called 'the Government') which expression shall include his successors and assignees in the sum of Rs…….(Rupees……only) with all costs between attorney and client and all charges and expenses that shall or may have incurred by or occasioned to the Government to be paid to the Government for which payment to be well and truly made I hereby bind myself, my heirs, executors, administrators and representatives firmly by these presents. As witness my hand this …… day of ……..one thousand nine hundred and …….

Whereas the Government has agreed to grant to Shri…….son of Shri……..a resident of ……..in the District of ……..at present employed as temporary/quasi-permanent in the …….(hereinafter called 'the borrower') at the borrower's own request an advance of Rs…….. (Rupees…….only) for the ……. and whereas the borrower has undertaken to repay the said amount in …….. equal monthly instalments.

And whereas in consideration of Government having agreed to grant the aforesaid advance to the borrower the surety has agreed to execute the above bond with such condition as hereunder is written.

Now the condition of the above written bond is that if the said borrower shall, while employed in the said ……. duly and regularly pay or cause to be paid to the Government the amount of the aforesaid advance owing to the Government by installments, then this bond shall be void otherwise the same shall be and remain in full force and virtue.

But so nevertheless that if the borrower shall die or become insolvent or at any time cease to be in service of the Government the whole or so much of the said sum of Rs…… (Rupees …… only) as shall then remain unpaid shall

immediately become due and payable to the Government and be recoverable from the surety in one installment by virtue of this bond.

The obligation undertaken by the surety shall not be discharged or in any way affected by an extension of time or any other indulgence granted by the Government to the said borrower whether with or without the knowledge or consent of the surety.

The Government have agreed to bear the stamp duty, if any, for this document.

Signed & delivered by

the said…….

at……..

this……

of ……19.

Signature
of
Surety

Designation

Office
to
which
attached

In
the
presence
of

1.

2.

Signature

Address & Occupation of witness

Accepted

(Signature)

Designation

For
and
on
behalf
of
the

President
of
India

(6) Retired Government servants involved in legal proceedings – Provision of legal and financial assistance

Question has been raised whether, and if so, under what circumstances, Government should provide legal and financial assistance to a retired Government servant for the conduct of legal proceedings instituted against him by a private party in respect of matters connected with his official duties or position before his retirement. This has been considered by Government and it has been decided that the provisions contained in paragraph 2 (c) of the Ministry of Home Affairs O.M. No. 45/5/53-Estt. (A) dated 8th January, 1959 (Copy enclosed) should be extended also to retired Government servants. Accordingly, the provisions contained in the aforesaid paragraph, with the exception of the provision regarding grant of advance from Provident Fund, will apply also to Government servants who have retired from service, other than those who have been compulsorily retired from service as a measure of punishment. Further, the amount of interest free advance that may be granted to a retired Government servant will be subject to a maximum limit of Rs. 500/-

2. The form of declaration to be obtained from a retired Government servant when the Government undertakes his defence and the form of Bond to be obtained from him, if advance is granted to cover legal expenses, are enclosed as Annexure 'A' and 'B' to this Office Memorandum.

3. The provisions regarding consultation with Union Public Service Commission and the authority competent to take decision in each case will be the same as those contained in Ministry of Home Affairs Office Memorandum dated 8th January, 1959.

ANNEXURE A

(here enter description of the proceedings)

The Government of India having been pleased to undertake my defence in the above proceedings, I hereby agree to render such assistance to Government as may be required for my defence and further agree that I shall not hold Government in any way responsible if the proceedings end in a decision adverse to me.

Date…….

Signature of the retired Government servant.

ANNEXURE B

BY THIS BOND I_____a retired Government servant at present residing at _____having taken an advance of Rs._____ (Rupees _____ only) from the President of India (hereinafter called the "Government") promise and undertake to refund and pay to the Government the said sum of Rs. _____ in _____%_____ equal monthly instalment of Rs._____ payable by the 10th of every month commencing from _____$_____.

2. And I agree that in case I fail to pay any of the above mentioned instalment on due date, the entire balance of the amount then remaining due shall at once become due and payable by me to the Government and if I fail to pay the same within six months from the date on which the balance of the amount thus becomes due for payment, the Government shall have the right to recover the same from me by the due process of Law.

Dated this_____day of _____19 .

(Signature of the retired Government servant)

Accepted.

Witnesses to signature.

1._____

2._____

Z (Signature)

(Designation)

for and on behalf of the President of India

* Here give the name and other particulars of retired Government servant including the post held by him before retirement.

% Here mentioned the number of instalments.

$ Here mention the date of commencement of the first instalment.

Z Here mention the designation of the officer who is authorized to execute the bond under article 299(1) of the Constitution.

[DOPT O.M. No. 28022/1/75-Ests.(A) dated 20th January, 1977]

(7) Vindication of the actions of Government servants – going to press without permission of the Government

The staff side of the National Council (JCM) had recently suggested that the provisions contained in Rule 19 (1) of the Central Civil Services (Conduct) Rules, 1964, should be amended suitably to allow Unions or Associations of Government Employees whose activities were maligned in the Press to vindicate themselves, without obtaining the previous sanction of the Government.

This matter was discussed in the meeting of the Committee of the National Council set up to consider the suggestions of the staff side for amending the Conduct Rules. While the suggestion that the rule should be so amended that individual employees are enabled to go to the Press to vindicate their position without prior permission was not favoured, it was decided to issue further instructions to provide that Government should take significant or positive steps in the circumstances where the adverse criticism of Government employees in public was found to be based on wrong premises.

As the Ministry of Finance etc., are aware, instructions regarding action to be taken in the event of allegations against Government servants in the Press are contained in the them Ministry of Home Affairs (now Department of Personnel and Training) Office Memorandum No. 25/32/54-Estt. (A) dated the 8th January, 1959 (Decision No. 3). Attention is particularly invited to para 3 to this Office Memorandum. It is considered that the provisions contained therein should be invoked where it is found on an enquiry that the allegations in the Press against individual Government servant are based on ignorance, insufficient information or even malice.

It is requested that the contents of this Office Memorandum may be brought to the notice of all concerned.

[DP&AR OM No. 11013/21/76-Estt. (A), dated 24.02.1977]

(8) Legal assistance to Government employees for proceedings instituted in respect of his official duty or position by another Government employee.

Attention is invited to the Ministry of Home Affairs Office Memorandum No. 45/5/53-Ests.(A) dated the 8th January, 1959, on the above mentioned subject and to say that Government have had occasion to consider whether Government should undertake the defence of a Government employee against whom a case is filed by another Government employee or reimburse the reasonable costs incurred by the former for his defence if such cases are in respect of the matters connected with the former's official position or duties. It has been decided that, whether on a consideration of the facts and circumstances of the case, it is considered that it would be in public interest to defend a Government employee in a case filed against him by another Government employee in respect of matters connected with the former's official duties or position, the latter may be treated as a 'private party' and assistance given to the former in terms of para 2 (c) of the Office Memorandum referred to above. But this will not apply to cases in which the Government employee(s) has/have been impleaded as co-

respondent(s) by other Government employee (s) in suite against the Government in regard to conditions of service such as seniority etc.

[DOPT O.M. No. 28020/1/78-Ests.(A) dated 6th October, 1978]

20. Canvassing of non-official or other outside influence

No Government servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government.

Government of India Decisions

(1) Representation on service matters by relatives should be discouraged –

Relatives of a Government servant sometime make representations concerning service matters affecting the Government servant. This is done in some cases in the hope of reviving a representation which the Government servant had himself made and which had been turned down. In some cases, the procedure is resorted to in order to get round the requirements that the Government servant should submit his representation through his official superiors. The practice is obviously undesirable and should be strongly discouraged. It has accordingly been decided that no notice should be taken of a representation on service matters submitted by a relative of a Government servant. The only exception may be cases in which because of the death or physical disability, etc. of the Government servant, it is impossible for the Government servant himself to submit a representation.

[MHA OM No. F25/21/63-Ests.(A), dated 19.09.1963]

(2) Prohibition on brining any political or outside influence in respect of matters pertaining to service under the Government

Rule 20 of the CCS (Conduct) Rules, 1964 provides that no Government servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. Instructions have been issued from time to time bringing to the notice of all Government servants the aforesaid rule provisions. Instances have come to notice where individual Government servants have approached the Ministry of Urban Development (Directorate of Estate) for out of turn allotment of residential accommodation, or for a departure from the allotment rules through Members of Parliament, prominent persons, politicians etc. Since the allotment of Government accommodation to a Government servant is made only because of his service under the Government, such canvassing for out of turn allotment through MPs and other political persons etc. constitutes a violation of the provisions of Rule 20 of the CCS (Conduct) Rules, 1964. The Government servants are, therefore, advised to refrain from such practice. They should not bring or attempt to bring any political or other out side influence to further their interests in respect of matters pertaining to their service under the Government, including allotment of residential accommodation.

[DOPT OM No. 11013/6/90-Estt.(A), dated 30.03.1990]

(3) Procedure for dealing with the Government servants attempting to further their service interests through non-Governmental influence-instructions with reference to rule 20 of the CCS (Conduct) Rules, 1964-regarding.

Rule 20 of the CCS (Conduct) Rules, 1964 provides that no Government servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his/her service under the Government. The Government of India has, from time to time, emphasized that Government servants should not approach Members of Parliament or State Legislatures or other political/outside authorities to sponsor their cases in respect of service matters. As per the existing instructions, vide OM No. 11013/7/85-Estt. (A), dated 22.05.1985, the following action should be taken against Government servants approaching Members of Parliament or State Legislatures for sponsoring individual cases :

(i) A Government employee violating the aforesaid provisions of the Conduct Rules for the first time should be advised by the appropriate disciplinary authority, to desist from approaching Members of Parliament /Members of State Legislature to further his/her interest in respect of matters pertaining to his/her service conditions. A copy of this advice need not, however, be placed in the CR dossier of the employee concerned.

(ii) If a Government employee is found guilty of violating the aforesaid provisions of the Conduct Rules a second time despite the issue of advice on the earlier occasion, a written warning should be issued to him/her by the appropriate disciplinary authority and a copy thereof should be placed in his/her CR dossier.

(iii) If a Government employee is found guilty of violating the aforesaid provisions of the Conduct Rules, despite the issue of warning to him/her, disciplinary action should be initiated against him/her by the appropriate disciplinary authority under the provision of CCS (CCA) Rules, 1965.

2. In spite of these instructions, cases of individual Government servants continue to be sponsored by pubic representatives/outside authorities. After careful consideration of all aspects of the matter it has been decided that the following procedure may be adopted for dealing with communications from public representatives/outside authorities relating to the service matters of Government employees:

(a) Communications received from public representatives regarding problems of groups/categories of Government functionaries must be entertained and dealt with on a time-bound basis. In all such cases, after due examination, appropriate replies would continue to be issued at the level of the Minister concerned.

(b) All communications from public representatives relating to the grievances of the retired personnel should receive the same consideration and be dealt with in the same way as outlined in (a) above.

(c) In cases in which a public representative sponsors the cause of an individual Government servant (e.g. recruitment, appointment, promotion, posting to particular station, appointment to a specific position, complaints against supersession, expunction of adverse remarks, allotment of Government accommodation, etc.) a

formal reply should continue to be sent from the Minister acknowledging the receipt of the communication stating that the contents of the letter have been noted and where necessary, suggesting that the person whose case has been recommended, may be advised to represent his case through proper official channels. All such communications addressed to the Minister shall be replied to at, his/her level. In all such cases the formal reply given by the Minister shall be deemed to dispose off the communication unless there are further directions from the Minister in the matter.

[DOPT OM No. 11013/12/94-Estt.(A), dated 12.01.1995]

(4) Canvassing of non-official or other outside influence by Government servants

As the Ministries/Departments are aware, bringing or attempting to bring any political or other outside influence by a Government servant to bear upon any superior authority to further his interest in respect of service matters pertaining to his service under the Government is prohibited under the provisions of the Conduct Rules. Detailed procedure for dealing with the Government servants attempting to further their service interests through non-Governmental influence has been prescribed in this Department's OM No. 11013/12/94-Estt.(A) dated 12.01.1995.

2. In spite of these instructions, it has come to the notice of this Department that certain Government servants are bringing to bear outside influence indirectly to further their service interests. It is clarified that brining of indirect influence by Government servant would also attract the provisions of rule 20 of the CCS (Conduct) Rules, 1964.

3. All Ministries/Departments/Offices etc. are requested to bring the existing instructions/rules to the notice of all concerned under their control and to take effective action against the Government servants who bring or attempt to bring outside influence to further their service interests, as prescribed in the OM dated 12.01.1995.

[DOPT OM No. 11013/11/97-Estt.(A), dated 06.11.1997]

(5) Representation from Government servants on service matters.

Reference is invited to the Ministry of Home Affairs O.M. No. 118/52-Ests. Dated 30th April, 1952 on the subject mentioned above.

2. It has been envisaged in the Ministry of Home Affairs OM No. 118/52-Ests. Dated 30th April, 1952 on the subject mentioned above (copy enclosed for ready reference) that whenever, in any matter connected with his service rights or conditions, a Government servant wishes to press a claim or to seek redress of a grievance, the proper course for him is to address his immediate official superior, or the Head of his office, or such other authority at the lowest level as he is competent to deal with the matter. Of late, it is observed that there has been a tendency on the part of officers at different levels to by-pass the prescribed channels of representation and write directly to the high functionaries totally ignoring the prescribed channels. The problem is more acute in large Departments where often very junior employees at

clerical level address multiple representations to the Minister, Prime Minister and other functionaries. Apart from individual representations, the service unions have also developed a tendency to write to the Ministers and Prime Minister on individual grievances. Some of these representations are often forwarded through Members of Parliament, in violation of Rule 20 of the CCS (Conduct) Rules, 1964.

3. Existing instructions clearly provide that representations on service matters should be forwarded through proper channel. The stage at which an advance copy of the representation may be sent to higher authorities has also been indicated. In MHA OM No. 25/34/68-Estt.(A), dated 20.12.1968 – (copy enclosed) time limits for disposal of various types of representations have been prescribed. If it is anticipated that an appeal or petition cannot be disposed of within a month of its submission, an acknowledgement or interim reply should be sent to the individual within a month.

4. Thus adequate instructions are available in the matter of submission of representations by the Government servants and treatment of the representations by the authorities concerned. As such submission of representations directly to higher authorities by-passing the prescribed channel of communication, has to be viewed seriously and appropriate disciplinary action should be taken against those who violate these instructions as it can rightly be treated as an unbecoming conduct attracting the provisions of Rule 3 (1) (iii) of the CCS (Conduct) Rules, 1964.

[DOPT OM No. 11013/7/99-Estt.(A), dated 01.11.1999]

Copy of the Office Memorandum No. 25/34/68-Estt.(A) Dated 20.12.1968

Representations from Government servants on service matters – Treatment of

Reference is invited to the Ministry of Home Affairs Office Memorandum No. 118/52-Ests. Dated the 30th April, 1952 on the subject mentioned above (copy enclosed for ready reference). It has been brought to the notice of the Ministry of Home Affairs that undue delay occurs very often in the disposal of representations from Government servants in regard to matters connected with the service rights or conditions which causes hardship to the individuals concerned.

2. The representations from Government servants on service matters may be broadly classified as follows :-

(1) Representations/complaints regarding non-payment of salary/allowances or other dues;

(2) Representations on other service matters;

(3) Representations against the orders of the immediate superior authority; and

(4) Appeals and petitions under statutory rules and orders (e.g. Classification, Control and Appeal Rules and the petition Instructions).

3. In regard to representations of the type mentioned at (1) and (2) above, if the individual has not received a reply thereto within a month of its submission, he could address, or ask for an interview with the next higher officer for redress of his

grievances. Such superior officer should immediately send for the papers and take such action as may be called for, without delay.

4. Representations of the type mentioned at (3) above, would be made generally only in cases where there is no provision under the statutory rules or orders for making appeals or petitions. Such representations also should be dealt with as expeditiously as possible. The provisions of the preceding paragraph would apply to such representations also, but not to later representations made by the same Government servant on the same subject after his earlier representation has been disposed off appropriately.

5. In regard to the representations of the type mentioned at (4) above, although the relevant rules or orders do not prescribe a time limit for disposing of appeals and petitions by the competent authority, it should be ensured that all such appeals and petitions receive prompt attention and are disposed within a reasonable time. If it is anticipated that an appeal or a petition cannot be disposed of within a month of its submission, an acknowledgement or an interim reply should be sent to the individual within a month.

6. The instructions contained in paragraph 2 of this Ministry's Office Memorandum No. 118/52-Ests. Dated the 30th April, 1952, will stand modified to the extent indicated in the paragraphs 3,4 and 5 above.

Copy of the Office Memorandum No. 118/52-Ests. Dated 30th April, 1952

Representations from Government servants on service matters – advance copies.

Reference are frequently received in this Ministry enquiring whether the submission of advance copies of representations to higher authorities is permissible and as to the treatment that should be accorded to such copies. The matter has been carefully considered and the following instructions are issued for the guidance of all concerned.

2. Whenever, in any matter connected with his service rights or conditions, a Government servant wishes to press a claim or to seek redress of a grievance, the proper course for him is to address his immediate superior official, or the Head of office, or such other authority at the lowest level as he is competent to deal with the matter. An appeal or representation to a higher authority must not be made unless the appropriate lower authority has already rejected the claim or refused relief or ignored or unduly delayed the disposal of the case. Representations to still higher authorities (.e.g. those addressed to the President, the Government or to Hon'ble Minister) must be submitted through the proper channel (i.e. the Head of Office, etc. concerned). There will be no objection at that stage, but only at that stage to an advance copy of the representation being sent direct.

3. The treatment by the higher authorities of advance copies of representations so received should be governed by the following general principles –

(a) If the advance copy does not clearly show that all means of securing attention or redress from lower authorities have been duly tried and exhausted, the representation should be ignored or rejected summarily on that ground, the reasons

being communicated briefly to the Government servants. If the Government servant persists in this prematurely addressing the higher authorities, suitable disciplinary action should be taken against him.

(b) If the advance copy shows clearly that all appropriate lower authorities have been duly addressed and exhausted, it should be examined to ascertain whether on the facts as stated, some grounds for interference or for further consideration, prima facie exist. Where no such grounds appear, the representation may be ignored or summarily rejected, the reasons being communicated briefly to the Government servant.

(c) Even where some grounds for interference or further consideration appear to exist, the appropriate lower authority should be asked, within a reasonable time, to forward the original representation, with its report and comments on the points urged. There is ordinarily no justification for the passing of any orders on any representation without thus ascertaining the comments of the appropriate lower authority.

4. Some Government servants are in the habit of sending copies of their representations also to outside authorities, i.e. authorities who are not directly concerned with the consideration thereof (e.g. other Honorable Minister, Secretary, Members of Parliament, etc.) This is a most objectionable practice, contrary to official propriety and subversive of good discipline and all Government servants are expected scrupulously to eschew it.

(6) Recommendations of the Committee on Service Litigations regarding representations made by the Government employees, requiring examination in the Ministries/Departments.

On the above subject the following decision has been taken by this Department :-

(a) A representation made by a Government employee requiring examination only in a Ministry/Department, should be disposed of within a maximum period of six weeks and if requiring inter-departmental consultation, such representation should be replied to normally within a maximum period of three months.

(b) Final reply sent to a Government servant on his representation should be self-contained, cover all the points raised by him and in a case where the representation of the Government servant is rejected, the grounds therefore, should be clearly indicated.

[DOPT OM No. 28034/6/2002-Estt.(A), dated 11.01.2002]

(7) Submission of representations by Government Servants - instruction regarding.

The undersigned is directed to refer to this Department's O.M. No. 11013/7/99-Estt. (A) dated 01.11.1999 on the abovementioned subject which indicates that the categories of representations from Government servants on service matters have

been broadly identified as follows :-

(i) Representations/complaints regarding non-payment of salary/ allowances or other issues.

(ii) Representations on other service matters.

(iii) Representations against the orders of the immediate official superior authority; and

(iv) Appeals and petitions under statutory rules and orders (such as Central Civil Services (Classification, Control and Appeal) Rules, 1965 and the petition instructions.

(Apart from the above, sometimes, Government servants also submit advance copy of their representations to the authorities higher than the appropriate/Competent Authority.)

2. Necessary guidelines to deal with such representations are contained in the aforesaid O.M. which are to be followed by the administrative authorities. However, it is observed that some officials resort to the practice of sending repeated representations on the same issue which involves repeated examination of the same issue and bogs down the official machinery to the detriment of consideration of more important and time-bound issues. The matter has been considered by this Department. It needs to be emphasized that Government servants should desist from making frequent and numerous representations on the same issue. The second representation on the same issue will be examined only if it contains any fresh points regarding new developments or facts having a bearing on the issue. It has been decided that when representations have already been considered and replied, further representations exceeding two on the same issue will henceforth be ignored. A Government servant may make a representation to an authority higher than the lowest competent authority only when he is able to establish that all the points or submissions made therein have not been fully and properly considered by his immediate official superior, or the Head of Office concerned or such other authority at the lowest level competent to deal with the matter. Government servants should desist from prematurely addressing the higher authorities.

[DOP&T's O.M. No.11013/4/2010-Estt. (A) Dated the 19th April, 2010].

21. Restriction regarding marriage

(1) No Government servant shall enter into, or contract, a marriage with a person having a spouse living; and

(2) No Government servant having a spouse living, shall enter into, or contract, a marriage with any person:

Provided that the Central Government may permit a Government servant to enter into, or contract, any such marriage as is referred to in clause (1) or

clause (2), if it is satisfied that -

(a) such marriage is permissible under the personal law applicable to such Government servant and the other party to the marriage; and

(b) there are other grounds for so doing.

(3) A Government servant who has married or marries a person other than of Indian nationality shall forthwith intimate the fact to the Government.

Government of India Decisions

(1) Procedure for dealing with requests from Government servants for permission to remarry while first wife is still living.

Cases under this rule have been referred to the Home Ministry for advice whether the permission sought should be given, without any preliminary enquiry into the facts alleged. Such references have caused unnecessary loss of time as no advice can be given without ascertaining to what extent the facts alleged are correct. It is, therefore, requested that before such cases are referred to the Home Ministry, the Ministry or Department concerned should cause an enquiry to be made on the following lines.

The first point to be scrutinized when an application for permission is received, is whether such marriage is permissible under the personal law applicable to the applicant. If so, the question arises whether there are sufficient grounds for allowing an exception to Government's general policy. The alleged grounds given in support of the request should be scrutinized to see whether the allegations are true and well-founded. In case the wife also joins the applicant, it should be ascertained whether she has willingly consented and whether any letter etc., purporting to proceed from her is genuine and is the outcome of her own free will. For this purpose, higher officers in the department concerned may, if necessary send for the applicant and his wife and make personal enquiries. Where the first wife's views have not been stated, they should, if possible, be ascertained. If permission is sought on grounds of alleged sickness of the wife, as much information as possible should be obtained in consultation with the medical authorities. The arrangements made by the husband for the maintenance of the first wife should also be ascertained and it should examined whether they are satisfactory.

It is requested that the procedure suggested should be brought to the notice of all the subordinate authorities who may have occasion to deal with such cases.

[MHA OM No. 219/51-Ests. dated 16.02.1955]

(2) Inclusion of a provision in all rules of recruitment to the effect that the restrictions against bigamy will apply to female Government servants also.

The Central Civil Services (Conduct) Rules, 1955 have now been amended by incorporating therein the following further provision as rule 18 (2) (now rule 21) :-

" No female Government servant shall marry any person who has a wife living without

first obtaining the permission of Government."

2. The above principle should govern the recruitment and conditions of service of central Government servants. Accordingly, a provision to the effect that no female candidate who has married a person having already a wife living, will be eligible for recruitment to a service or post unless Government specially exempt such a candidate from the operation of this provision, may be added by the Ministries etc., in rules or orders relating to recruitment to services and posts with which they are concerned.

[MHA OM No. 25/5/55-Ests., dated 31.05.1956]

(3) Form of declaration to be obtained from new entrants regarding their having one or more than one wife.

Attention is invited to paragraph 3 of this Ministry's Office Memorandum No. 219-51-Ests., dated the 16th October, 1954 regarding plural marriage of Government servants. It was prescribed therein that candidates for employment should be asked to indicate whether they had more than one wife living and that, if it transpired that a declaration in the negative given by a Government servant was incorrect, he would be liable to be dismissed from service. A model form for obtaining a declaration from new entrants is attached to this Office Memorandum. It will be seen that the declaration will apply to new entrants of both sexes. It is, accordingly, requested that necessary instructions may be given to appointing authorities under the control of the Ministry of Finance, etc. that a declaration as in the attached form should be obtained from every entrants to Government service hereafter.

[MHA OM No. 25/52/57-Ests.(A), dated 02.01.1958]

DECLARATION TO BE OBTAINED FROM NEW ENTRANTS TO GOVERNMENT SERVICE

[As amended by MHA OM No. 25/37/69-Ests.(A), dated 22.04.1970]

1. I, Shri/Shrimati/Kumari ……declare as under :-

(i) * That I am unmarried/a widower/a widow;

(ii) * That I am married and have only one spouse living;

(iii) * That I have entered into or contracted a marriage with a person having a spouse living. Application for grant of exemption is enclosed.

(iv) That I have entered into and contracted a marriage with another person during the life-time of my spouse. Application for grant of exemption is enclosed.

2. I solemnly affirm that the above declaration is true and I understand that in the event of the declaration being found to be incorrect after my appointment, I shall be liable to be dismissed from service.

Date…….

Signature……

*Note : Please delete clause/clauses not applicable

Application for Grant of Exemption

(Vide para 1 (iii)/1(iv) of Declaration)

To

The……

……

Sir,

I request that in view of the reasons stated below, I may be granted exemption from the operation of restriction on the recruitment to service of one having more than one wife living/ a woman who is married to a person already having one wife or more living.

Reasons

Yours faithfully,

Dated…….

Signature……..

(5) In accordance with the existing orders (vide Decision No. 2)

(i) No person who has more than one wife living shall be eligible for appointment to the Service :

Provided that the Central Government may if satisfied that there are special grounds for doing so, exempt any person from the operation of this rule.

(ii) No female candidate who has married a person having already a wife living will be eligible for recruitment to a service or post, unless Government specially exempts such a candidate from the operation of this provision.

A question has been raised whether the rules prohibiting bigamous marriage are at all attracted by a case in which a male candidate for Government service contracts a second marriage but the woman with whom the second marriage is contracted does not under the law, acquire the status of a wife or when a female candidate contracts a marriage with a person which is void by reason of his already having a wife living. It is hereby clarified that even a marriage which is legally null and void by reason of there being a spouse living at the time of the marriage, would disqualify the person concerned for appointment to Government service.

2. It is, therefore, suggested that the recruitment rules for various services may be amended to provide as follows :-

(a) No person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life-time of such spouse, shall be eligible for appointment to service; and

(b) 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 service;

Provided that the Central Government may, if satisfied that there are special grounds for so ordering exempt any person from the operation of this rule.

3. The standard form of declaration which was circulated with this Ministry's Office Memorandum No. 25/52/57-Ests.(A), dated 2nd January, 1958 [Decision No. (3) above] may also be modified accordingly on the lines indicated below :

(See up-to-date amendment form under Decision No. 3)

4. The Ministry of Finance etc., are requested to take necessary action in so far as the rules relating to services under their administrative control are concerned.

[MHA OM No. 25/35/60-Ests.(A), dated 09.12.1960]

22. Consumption of intoxicating drinks and drugs

A Government servant shall -

(a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;

(b) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;

(bb) refrain from consuming any intoxicating drink or drug in a public place;

(c) not appear in a public place in a state of intoxication;

(d) not use any intoxicating drink or drug to excess.

EXPLANATION.- For the purpose of this rule 'public place' means any place or premises (including a conveyance) to which the public have, or are permitted to have access, whether on payment or otherwise.

Government of India's decisions

(1) Public Place – Clarification regarding

The following questions have been raised by some Ministries/Departments :-

(i) whether the definition of public place should include a club meant exclusively for the members where it is permissible for members to invite non-members as guests, and

(ii) whether a hotel would be a public place or not for the purpose of the said rule.

2. The position in regard to the above two points is clarified as under :-

i) The club of the nature mentioned above would be a public place not only for the non-member guests but also for members who may be Government servants.

ii) Drinking in the lodging room in a hotel will not attract the provisions of rule 22 but drinking at the bar or restaurant where the public is permitted would attract the aforesaid rule.

3. In their letter No. 20-10/75-SD, dated 21st February, 1976 to all Chief Secretaries, a copy of which was also forwarded to all Ministries and Departments, the Department of Social Welfare had advised the State Governments to make certain special provisions in the interests of Foreign Missions, foreign visitors, tourists and others in the context of the programme for reducing consumption of alcoholic beverages. The special provisions are as follows :-

(a) There need be no restrictions on serving of liquor in the precincts of foreign embassies; foreign embassies may be allowed to serve liquor in halls/lounges of hotels and clubs provided such halls/lounges or exclusively reserved or taken on hire by them to entertain a select number of invitees.

(b) The exemption referred to in (a) above may also be extended to parties hosted by others in honour of foreigners, subject to the condition that the number of invitees does not exceed 100, and those hosting such parties obtain permits from the Deputy Commissioner/District Magistrate concerned.

(c) Service of drinks to foreigners in bars or special rooms earmarked for the purpose in hotels and restaurants approved by the Ministry of Tourism and Civil Aviation may be permitted. In such approved hotels, there may not also be objection to the service of beer both to foreigners and Indians, but the facility of service of wine in dining rooms should be restricted to foreigners only.

(d) Clubs may be permitted to provide for service of drinks in their bar rooms only; beer however, may be permitted to be served anywhere within the precincts of such clubs.

(e) Alcoholic beverages may be permitted to be served in official parties hosted by the Government of India/State Governments in "Closed lounges" in hotels, clubs etc., where important foreign visitors are required to be entertained.

4. A question has been raised whether consumption of intoxicating drinks by Government servants in the places and under the circumstances mentioned in the preceding paragraph would amount to violation of Rules 22 of the CCS (Conduct) Rules, 1964. The position is clarified below, seriatim :-

(a) In terms of the clarifications given in para 2 above, a Government servant cannot take drinks in the clubs or in the Halls/Lounges. However, where officers are required to attend official entertainments arranged by Foreign Missions in Halls/Lounges of Hotels and Clubs, in the discharge of their official duties, taking drinks at such official entertainments will not attract rule 22 of the CCS (Conduct) Rules, 1964, provided the places where the entertainments are arranged are exclusively reserved or taken on hire by the Foreign Missions to entertain a select number of invitees.

(b) The clarification at (a) above would apply to this circumstance also, subject to the condition that the parties are hosted by Government or any Organisation controlled by Government, like autonomous bodies, Public Sector Undertakings, etc.

(c) & (d) Government servants will not be exempted from the operation of rule 22 of the CCS (Conduct) Rules, 1964 in the places and circumstances, referred to.

(e) The provisions of Rule 22 of the CCS (Conduct) Rules, 1964 would not apply to Government servants invited to such parties in their official capacity.

[DP&AR Letter No. 11013/16/74-Estt.(A), dated 30th October, 1976]

(2) Consumption of intoxicating drinks by Government servants in receptions arranged by Foreign Missions, etc.

The undersigned is directed to invite reference to Rule 22 of the CCS (Conduct) Rules, 1964 which regulates consumption of intoxicating drinks of drugs by Government servants and to the further clarifications in this regard issued vide this Department OM No. 11013/16/76-Estt. (A), dated 30th October, 1976.

2. In the context of the present policy of the Government aimed at progressive introduction of prohibition in the country, the position regarding consumption of intoxicating drinks by Government servants has been reviewed. In partial modification of 4 (a), (b) and (e) of this Department OM of 30th October, 1976, it has been decided that Government servants should refrain from consuming intoxicating drinks even at official parties arranged by Foreign Missions whether within the Mission premises or in halls/lounges exclusively reserved. The same position would obtain in respect of consumption of intoxicating drinks at parties arranged by Government or semi-Government organizations where foreigners are entertained or at similar parties hosted by others.

[MHA DP&AR OM No. 11013/10/77-Estt. (A), dated the 7th December, 1977]

(3) Programme for reducing the consumption of alcoholic beverages – Instructions relating to Government servants.

1. The provisions of the CCS (Conduct) Rules are of special importance in the context of the latest endeavour to reduce the consumption of alcoholic beverages. While it is expected that every Government servant will scrupulously adhere to the provisions of the CCS (Conduct) Rules mentioned above, it is also expected of the disciplinary authorities to keep a strict watch on the conduct of Government servants in regard to matters covered by the aforesaid provisions. Violation of any of the provisions of rule

22 of the CCS (Conduct) Rules will constitute a good and sufficient reason for taking disciplinary action against a Government servant. While any of the penalties specified in rule 11 of the CCS (CCA) Rules, 1965 can be imposed on a Government servant for good and sufficient, reason after following the prescribed procedure, the disciplinary authorities should take a very serious view of any violation of rule 22 of the CCS (Conduct) Rules, 1964 and should not hesitate to impose the severest punishment on which Government servants who are proved guilty of violating the said rule.

[Cabinet Sectt. DP&AR OM No. 11013/17/75-Estt. (A), dated 28th November, 1975]

Government's attention has been drawn recently to a few instances of violation of the above mentioned conduct rules and instructions. It is, therefore, once again reiterated that –

(i) every Government servant should scrupulously adhere to the provisions of the Conduct Rules relating to the consumption of intoxicating drinks or drugs;

(ii) the disciplinary authorities should keep a strict watch on the conduct of Government servants in regard to matters covered by the aforesaid provisions of the Conduct Rules; and

(iii) the disciplinary authorities should take very serious view of any violation of rule 22 of the CCS (Conduct) Rules, 1964 and should not hesitate to impose the severest punishment on such Government servants who are proved guilty of violating the said rule.

[DP&AR's OM No. 11013/3/84-Estt.(A), dated 29.03.1984]

22-A. Prohibition regarding employment of children below 14 years of age.

No Government servant shall employ to work any child below the age of 14 years.

23. Interpretation

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

Government of India Decisions

(1) Government of India is fully competent to modify, relax or dispense with any rules to prevent hardships in any individual case.

Where the Central Government is satisfied that the operation of any rule regulating the conditions of service of Union Government servants, or any class of such Government servants, causes undue hardship in any particular case, it may, by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary, for dealing with the case in a just and equitable manner.

In this rule, the expression "Union Government servants" means all persons whose

conditions of service may be regulated by rules made by the President under the proviso to Article 309 or clause (5) of Article 148 of the Constitution.

[MHA Notification No. 108/54-Ests.(A), dated 20th November, 1954]

(2)

Under the proviso to Article 309 of the Constitution, the power to make rules regulating the recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union vests in the President or such persons as he may direct. It is automatic that the authority which is competent to make rules is competent also to amend or interpret them. The Government of India Act, 1935, expressly recognized the principle that the highest Government authority has the inherent power to relax the provisions of any service rule in individual cases of hardship where some allowance or concession, not permissible under the strict terms of the rules, is justified. Sub-section (5) of Section 241 of the Government of India Act, 1935, accordingly provided :-

"No rules made, under this Section shall be construed to limit or abridge the power of the Governor-General or a Governor to deal with the case of any person serving His Majesty in a civil capacity in India in such manner as may appear to him to be just and equitable :

Provided that, where any such rule is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by that rule……."

2. The absence of a similar provision in the Constitution created some doubt as to whether such inherent power is not enjoyed by the President. In order, therefore, to remove any doubts and to make the position in this respect clear, the rule was promulgated in the Ministry of Home Affairs Notification No. 108/54-Ests.(A), dated the 20th November, 1954 (Decision No. 1 above), making express provisions on the lines of sub-section (5) of Section 241 of the Government of India Act, 1935.

3. This rule does not introduce a new principle or procedure which was not already in vogue, but merely serves to make explicit the position which was assumed to have prevailed heretofore. The power of the Central Government to relax a rule as and when considered necessary to deal with any particular case in a just equitable manner in intended, as in the past, to be invoked only in rare and exceptional cases. Such action should only be taken in accordance with the accepted procedure hitherto followed in dealing with such cases. Before an order of relaxation is passed in any case, the Ministry which made the rule proposed to be relaxed, and other Ministries, e.g. Ministry of Home Affairs and/or Ministry of Finance as may be appropriate with reference to the facts and circumstances and subject matter of each case, should be consulted and any existing rules of business or procedure of the Government of India Secretariat having a bearing on the subject, should be complied with.

4. In any case in which it is agreed by the Ministry or Ministries concerned that it is a fit case in which the power to relax any rule should be exercised by the Central Government, the reasons for such relaxation should be placed on record on the

appropriate file, but these should not form part of the formal order itself to be issued by the Central Government in this behalf.

5. It should be noted that the order of the Central Government which may be issued dispensing with or relaxing the requirement of any rule in any particular case should be authenticated as an order of the President in accordance with the requirements of Article 77 of the Constitution.

[MHA OM No. 180/54-Ests.(A), dated 25.03.1955]

24. Delegation of Powers

The Government may, by general or special order, direct that any power exercisable by it or any Head of Department under these rules (except the powers under Rule 23 and this rule) shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.

Government of India Decisions

(1) Delegation of powers to the Chief Administrative Officer and others in respect of civilians in the Defence Services

In exercise of the powers conferred by Rule 24 of the Central Civil Services (Conduct) Rules, 1964, The Central Government hereby direct that the powers exercisable by it under sub-rule (2) of Rule, 8, Rule 13, Clause (ii) of sub-rule (4) of Rule 16 and sub-rules (2) and (3) of Rule (18) of the said Rules shall, subject to any general or special instructions issued in this behalf, be exercisable also by the authorities specified in column 2 of the Table below in respect of such civilian personnel belonging to Class II, Class III and Class IV Services in the Armed Forces Headquarters and Inter-service Organisation, as are specified in the corresponding entry in column 3 of the said Table.

TABLE

Rule	**Competent authority**	**Categories of civilian personnel in respect of whom power is delegated.**
1.	2.	3.
8(2)	Chief Administrative Officer, Ministry of Defence	Class II, III & IV Services in Armed Forces Headquarters and Inter-Service Organisations.
13.	Do	Do
16(4)	Chief Administrative	Class II, III & IV Services
(ii)	Officer, Ministry of	Armed Forces Headquarters

	Defence	and Inter-Service Organisations
18(2) & 18(3)	Do	Class II Services in Armed Forces Headquarters and Inter-Service Organisations
	Assistant Chief Administrative Officers Ministry of Defence	Class III and IV Services in Army Headquarters and Inter-Service Organisations
	Director of Civilian	Class III and IV Services
	Personnel Naval Headquarters	Naval Headquarters
	Deputy Director of Personnel (Civilians), Air Headquarters	Class III and IV Services in Air Headquarters

[MHA Order No. 25/19/66-Ests.(A) dated 18th May, 1965]

(2) Delegation of powers to the D.G.T.D. in respect of Class I Officers in regard to transactions in movable and immovable property.

The Central Government hereby directs that the powers exercisable by it under sub-rules (2) and (3) of Rule 18 of the said rules shall also be exercisable by the Director General of Technical Development in respect of Class I Officers serving under his control, subject to the conditions that all cases of sanctions accorded by him shall be reported to the Central Government.

[MHA OM No. 25/25/65-Ests.(A), dated 8th June, 1965]

(3) Delegation of powers to the Administrators of Union Territories

(i) The powers exercisable by Central Government under sub-rule (2) of Rule 8, Rule 10, Rule 13, Rule 14, sub-rule (1) to sub-rule (3) of Rule 15, and sub-rule (2) of Rule 19 of the Central Civil Service (Conduct) Rules, 1964, shall, subject to any general or special instructions issued in this behalf be also exercisable by the Administrators of each of the Union Territories of Andaman and Nicobar Islands, Dadra and Nagar Haveli, Delhi, Goa, Daman and Diu, Himachal Pradesh, Laccadive, Minicoy and Aminidivi Islands, Manipur and Tripura in respect of persons holding Central Civil posts in the Departments and Offices under their control, other than Class I officers of Central Government on deputation to the Union Territories.

[MHA Order No. 25/30 (i)/65-Ests.(A), dated 8th September, 1965]

(ii) The powers exercisable by Central Government under sub-rule (2) of Rule 4 and

Explanation of 2(a) (i) to Rule 18 of the Central Civil Services (Conduct) Rules, 1964, shall subject to any general or special instructions issued in this behalf, be also exercisable by the Administrators of each of the Union Territories of Andaman and Nicobar Islands, Dadra and Nagar Haveli, Delhi, Goa, Daman and Diu, Himachal Pradesh, Laccadive, Minicoy and Amindivi Islands, Manipur and Tripura, in respect of persons holding Central Civil Posts, Class I in the Departments and Offices under their control other than officers of the Central Civil Services, Class I and holders of Central Civil posts, Class I who are serving on deputation in the Union Territories.

[MHA Order No. 25/30 (2)/65-Ests.(A), dated 8th September, 1965]

(iii) In exercise of the powers conferred by Rule 24 of the Central Civil Services (Conduct) Rules, 1964, the Central Government hereby directs that the powers exercisable by it under sub-rule (1) of Rule 8 and sub-rule (4) of Rule 16 of the Central Civil Services (Conduct) Rules, 1964, shall, subject to any general or special instructions issued in this behalf, be also exercisable by the Administrators of each of the Union Territories of Andaman and Nicobar Islands, Dadra and Nagar Haveli, Delhi, Goa, Daman and Diu, Himachal Pradesh, Laccadive, Minicoy and Amindivi Islands, Manipur and Tripura in respect of persons holding Central Civil Posts, Class II , Class III and Class IV in Departments and Offices under their control.

[MHA Order No. 25/30(3)/65-Ests.(A), dated the 8th September, 1965]

(iv) In exercise of the powers conferred by Rule 24 of the Central Civil Services (Conduct) Rules, 1964, the Central Government hereby directs that the powers exercisable by it under sub-rule (2) of Rule 4 and Explanation 2(a) (i) to Rule 18 of the Central Civil Services (Conduct) Rules, 1964, shall, subject to any general or special instructions issued in this behalf, be also exercisable by the Administrators of each of the Union Territories of Andaman and Nicobar Islands, Dadra and Nagar Haveli, Delhi, Goa, Daman and Diu, Himachal Pradesh, Laccadive, Minicoy and Aminidivi Islands, Manipur and Tripura, in respect of persons holding Civil Service Posts, Class I in the Departments and Offices under their control other than officers of the Central Civil Services, Class I and holders of Central Civil Posts, Class I who are serving on deputation in the Union Territories.

[MHA Order No. 25/30(2)/65-Ests.(A), dated the 6th October, 1965]

(4) Delegation of Powers to Heads of Departments

In exercise of the powers conferred by Rule 24 of the Central Civil Services (Conduct) Rules, 1964, the Central Government hereby directs that the powers exercisable by it under sub-rule (4) of Rule 13 and clause (i) of sub-rule (4) of Rule 16 of the said rules shall, subject to any general or special instructions issued by Government in this behalf, be exercisable also be Heads of Departments in respect of Class II, Class III and Class IV Government servants under their control.

[MHA Order No. 25/30(i)/65-Ests.(A), dated 6th October, 1965]

(5) The 'prescribed authority' under the various rules of the Central Civil Services (Conduct) Rules, 1964, will be as under :-

Rule	Prescribed authority
1	**2**
Rule 4(2) (ii) & Rule 8 (2)	All Government servants serving in Ministries or Departments of the Government of India and Class I Officers serving in offices under their control – "The Administrative Ministry or Department" Any other Government servant – "Head of Department"
Rule 15 (4)	Authority competent under supplementary Rule 11
Rule 16 (4) (ii)	All Government servants – "Authority competent to remove or dismiss the Government servant from service i.e. the Appointing Authority."
Rule 19 (2)	All Government servants serving in Ministries or Departments of the Government of India and Class I Officers serving in offices under their control – "The Administrative Ministry or Department." any other Government servant – "Head of Office"

It is not proposed to specify any authority as "prescribed authority" under Rule 12 (subscriptions) of the CCS (Conduct) Rules, 1964. Accordingly, the power under this Rule will be exercisable by the Administrative Ministry or Department concerned in the case of all Government servants.

2. The "prescribed authority" for purposes of the rules mentioned above in relation to a Government servant on foreign service, or on deputation to any other Ministry, or to any other Government will be the appropriate authority in his parent Ministry of Department.

[MHA Order No. 25/36(2)/65-Ests.(A), dated 6th October, 1965]

(6) The authorities competent to receive various reports which are required to be submitted by Government servants to "Government " under different rules of the Central Civil Services (Conduct) Rules, 1964, shall be as under :-

Rule	**Authority competent to receive reports in the Government**
Rule 5(2)	All Government servants – Authority competent to dismiss or remove the Government servant i.e. the Appointing Authority."
Sub-Rule (2) & (3) of Rule 13 & Sub-rule (2) of Rule 15	All Government servants serving in Ministries or Departments of the Government of India and Class I Officers serving in Officers under their control – The Administrative Ministry or Department." Any other Government servant except Class IV Government servants – "Head of Department." Class IV Government servants- "Head of Office."
Rule 17	All Government servants – "Authority competent to remove or dismiss the Government servant i.e. the Appointing Authority."

[MHA Order No. 25/36(3)/65-Ests.(A), dated the 6th October, 1965.]

(7) Under sub-rule (2) and (3) of rule 18 for class I (Group A)

In exercise of the powers conferred by rule 24 of the Central Civil Services (Conduct) Rules, 1964, and after consultation with the Comptroller and Auditor General of India

in relation to the persons serving in the Indian Audit and Accounts Department, the Central Government hereby directs that the powers exercisable by it and the Comptroller and Auditor General of India under sub-rule (2) and (3) of rule 18 of the said rules shall, subject to any general or special instructions issued by the Central Government in this behalf, be also exercisable by the Heads of Department in respect of Class I (Group A) Officers serving under their control, subject to the following conditions, namely :

(a) In relation to the Heads of Department themselves, the said powers shall continue to be exercised by the Central Government or the Comptroller and Auditor General of India, as the case may be; and

(b) All cases of sanction accorded by the said Heads of Department shall be reported to the Central Government or the Comptroller and Auditor General of India as the case may be.

[MHA Notification No. 25/11/68-Ests.(A), dated the 5th August, 1968]

(8) Delegation of powers to Ministries in respect of services controlled by the Ministry of Home Affairs.

The undersigned is directed to say that the following types of administrative cases arising out of the Central Civil Services (Conduct) Rules, 1955, Article 531-B of Civil Service Regulations etc., are being referred to this Ministry by the various administrative Ministries :-

(i) scrutinizing and passing any article, essay, book or radio talk prepared by an officer for publication or broadcast;

(ii) giving permission to officers for the employment of their near relatives in commercial firms;

(iii) giving permission to retired officers for taking up employment in commercial firms;

(iv) giving permission to an officer to give evidence before an inquiry conducted by a person, committee or authority;

(v) the giving and acceptance of gifts to and by Government servants on occasions such as weddings;

(vi) granting of permission for farewell parties to officers;

(vii) annual returns of immovable property to be made by Government servants;

(viii) purchase and sale of movable property worth more than Rs. 1,000 at a time such as motor cars, refrigerators, shares, securities, etc. by Government servants.

2. In respect of services, not controlled by the Ministry of Home Affairs, as the Ministries are aware, powers under the Conduct Rules have already been delegated to Head of Department and Heads of Office in regard to Class II, Class III and Class IV

(Group B, Group C and Group D) services. As regards Class I (Group A) services and in respect of rules where the powers have not been delegated but continue to vest in 'Government', the powers are to be exercised by the administrative Ministries themselves; no reference to the Ministry of Home Affairs is necessary unless there is any doubt about any particular rule or its interpretation.

3. As regards services controlled by the Ministry of Home Affairs (All India Services, Central Secretariat Services, Industrial Management Pool), it has been decided that day to day administration of the rules and their application to members of the above services serving in different Ministries and Offices of the Central Government need not continue to be centralized in the Ministry of Home Affairs but can be left to the different Ministries and Departments. Accordingly no reference is necessary to this Ministry in regard to any case of the type mentioned in paragraph 1 above except in regard to item (vii) relating to submission of annual returns of immovable property. Such returns of officers belonging to any of the above services serving in the various Ministries or Offices of the Central Government should continue to be sent to the Ministry of Home Affairs in accordance with the instructions in the Ministry's Office Memorandum No. 25/10/55-Ests.(A), dated the 12th January, 1956.

[MHA OM No. 25/2/59-Ests.(A), dated 7th February, 1959 as amended by MHA OM No. 16/1/59-IMP, dated the 10th December, 1959]

(9) Delegation of powers to Ministries in respect services controlled by the Ministry of Home Affairs.

Reference item (iii) of the decision No. 8 above. On reconsideration, it has been decided that, in the interest of uniformity, such cases, in so far as they relate to retired officers of the All India Services and officers of the Central Secretariat Service of the rank of Under Secretary and above, should hereafter be referred to the Ministry of Home Affairs for decision.

[MHA OM No. 29/2/63-Ests(A), dated 17th April, 1963

25. REPEAL AND SAVING

Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to the Government servants to whom these rules apply, are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules:

Provided further that such repeal shall not affect the previous operation of the rules so repealed and a contravention of any of the said rules shall be punishable as if it were a contravention of these rules.

MISCELLANEOUS

(1) Time limits for grant of permission

The time limits prescribed in O.M. No. 11013/17/77-Estt. (A) dated 19.04.1978 (Decision No. 25 under rule 18) have been reviewed and it has been decided to prescribe the following time limits in supersession of the earlier order, with immediate effect :-

Sl. No.	Rule Nos.	Provision relating to	Time limit for grant of permission
1	8(2)	Connection with press or radio	} 30 days
	13(4)	Gifts	}
	18(2)	Transactions in movable and immovable property	}
	18(3)		}
2	19(1)	Vindication of acts and character of Government servant	6 weeks
3	18-A	Transactions in immovable property out side India or with foreigners	60 days

2. The above time limits are to be reckoned from the date of the receipt of the request of the Government employee for grant of permission under the relevant rules. An acknowledgement showing the date of receipt may be given to the employee, whenever the request is received. In the event of failure on the part of the competent authority to communicate its decision to the Government employee concerned within the time-limits indicated above, the employee concerned shall be free to assume that permission has been granted to him.

3. These instructions may be brought to the notice of all authorities exercising powers under the various provisions of the Central Civil Services (Conduct) Rules, 1964 and they may be advised to ensure that all requests of Government servants under the aforesaid rules are dealt with expeditiously so that no occasion arises where a Government servant may be enabled to action the assumption that permission has been granted in his case on account of the failure of the competent authority to convey its decision within the stipulated time.

[DOPT OM No. 11013/2/88-Estt. (A) dated 07.07.1988 and 30.12.1988]

(2) Emigration of Central Government Servants to other Countries

References are received from Ministries/Departments seeking clarifications regarding grant of 'No Objection Certificate' to Government employees for seeking emigration to foreign countries. The matter has been considered carefully and it has been decided that no Government servant should apply for or seek emigration to any other country so long as he is in Government service. The question of issuing 'No Objection

Certificate' to a Government servant, who wishes to migrate to a foreign country, therefore, does not arise.

[DOPT OM No. 28034/34/86-Estt. (A) dated 14.07.1988]

(3) Court orders against Government of India instructions on service matters – consultation with Ministry of Law and DoP&T on the question of filing appeals, before implementation of Court's orders

It has come to the notice of this department that in cases where the Courts have passed orders against the Government of India instructions, the administrative Ministry/Department has not consulted the Law Ministry on the question of filing appeal against such orders, before implementation of such orders.

2. The matter has been considered in this Department and it has been decided that whenever there is any Court order against the Government of India instructions on service matters, the administrative Ministry/Department/Office shall consult the Department of Legal Affairs and the Department of Personnel and Training n the question of filing appeal against such an order, as far as possible, well in time, that is before the time limit, if any, prescribed in such order or before the time limit for filing appeal. No such orders shall be implemented by the concerned Departments/Ministries without first referring the matter to the Department of Legal Affairs for advice and to Department of Personnel and Training.

[DOPT OM No. 28027/9/99-Estt. (A) dated 1st May, 2000]

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