# 10. [1]THE ALL INDIA SERVICES (CONDUCT) RULES, 1968

In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government after consultation with the Governments of the State concerned, hereby makes the following rules, namely:—

1.**Short title and commencement. —**

1(1) These rules may be called the All India Services (Conduct) Rules, 1968.

2. **Definitions—**In these rules, unless the context otherwise requires—

2.(a) "Government" means—

(i) in the case of a member of the Service serving in connection with the affairs of the Union, the Central Government; or

(ii) in the case of a member of the Service serving under a Foreign Government or outside India (whether on duty or on leave), the Central Government; or

(iii) in the case of a member of the Service serving in connection with the affairs of a State, the Government of that State;

*Explanation*—A member of the Service whose services are placed at the disposal of a company, corporation or other organisation or a local authority by the Central Government or the Government or the Government of a State shall for the purpose of these rules, be deemed to be a member of the Service serving in connection with the affairs of the Union or in connection with the affairs of that State, as the case may be, notwithstanding that his salary is drawn from the sources other than the Consolidated Fund of India or the Consolidated Fund of that State;

2.(b) **'member of family'**, in relation to a member of the service, includes—

(i) the wife or husband as the case may be of such member, whether residing with (such member)[2] or not, but does not include a wife or husband separated from the member of the Service by a decree or order of competent court;

(ii) the son or daughter or the step-son or step-daughter of such member and wholly dependent 1(on such member) but does not include a child or step-child who is no longer in any way dependent (on such member) or of whose custody the member of the Service has been deprived by or under any law; and

(iii) any other person related, whether by blood or marriage, to such member or to his or her wife or husband, as the case may be, and wholly dependent on such member.

[1]Published vide Notification No.8/91/62—AIS(III) dated 18.12.1968 (GSR No.3 dt. 04.01.1969)

[2] Substituted vide DP&AR Notification No.11017/23/77—AIS(II) dated 19.04.78 (GSR No.583 dt. 06.05.1978)

2.(c) **"member of the Service**" means a member of an All India Service as defined in section 2 of the All India Services Act, 1951 (61 of 1951)

[3](cc)**Non—Governmental Organisation (NGO)** means any organization other than an Organisation owned or controlled by the Central Government, a State Government or an International Organisation or agency;

*Explanation:*—International Organisation in this rule will include a multilateral body at the International level in which India is a member.

[4](d) "Private undertaking" includes a company, firm or association or body of individuals.

3. **General**.— 3(1)Every member of the Service shall at all times maintain absolute integrity and devotion to duty and shall do nothing which is unbecoming of a member of the Service.

[5](1A) Every member of the Service shall maintain:-

(i) high ethical standards, integrity and honesty;

(ii) political neutrality;

(iii) promoting of the principles of merit, fairness and impartiality in the discharge of duties;

(iv) accountability and transparency; (v) responsiveness to the public, particularly to the weaker section;

(vi) courtesy and good behavior with the public.

3(2) Every member of the Service shall take all possible steps to ensure integrity of, and devotion to duty by, all Government servants for the time being under his control and authority.

[6](2A)Every member of the service shall in the discharge of his duties act in a courteous manner and shall not adopt dilatory tactics in his dealings with the public or otherwise.

[7](2B) Every member of the Service shall:-

(i) commit himself to and uphold the supremacy of the Constitution and democratic values;

(ii) defend and uphold the sovereignty and integrity of India, the security of State, public order, decency and morality;

(iii) maintain integrity in public service; (iv) take decisions solely in public interest and use or cause to use public resources efficiently, effectively and economically;

(v) declare any private interests relating to his public duties and take steps to resolve any conflicts in a way that protects the public interest;

[3] Inserted vide Notification No.11017/18/96—AIS(III),dated 16.11.1998 (GSR No.228 dt.28.11.1998)
[4] Inserted Vide DP&T Notification No. 11017/27/93—AIS(III) dated 13.01.1995(GSR No.52 dt. 04.02.1995) [5]Inserted Vide DP&T Notification No. 11017/01/2014—AIS(III) dated 06.08.2014(GSR No.573 (E) dt. 08.08.2014) [6] Substituted vide DP&AR Notification No. 11017/27/93-AIS(III) dated 13.01.1995 (GSR No. 52 dt. 04.02.1995) [7]Inserted Vide DP&T Notification No. 11017/01/2014—AIS(III) dated 06.08.2014(GSR No.573 (E) dt. 08.08.2014)

(vi) not place himself under any financial or other obligations to any individual or organisation which may influence him in the performance of his official duties;

(vii) not misuse his position as civil servant and not take decisions in order to derive financial or material benefits for himself, his family or his friends;

(viii) make choices, take decisions and make recommendations on merit alone;

(ix) act with fairness and impartiality and not discriminate against anyone, particularly the poor and the under-privileged sections of society;

(x) refrain from doing anything which is or may be contrary to any law, rules, regulations and established practices

(xi) maintain discipline in the discharge of his duties and be liable to implement the lawful orders duly communicated to him;

(xii) be liable to maintain confidentiality in the performance of his official

duties as required by any laws for the time being in force, particularly with regard to information, disclosure of which may prejudicially affect the sovereignty and integrity of India, the security of State, strategic, scientific or economic interests of the State, friendly relation with foreign countries or lead to incitement of an offence or illegal or unlawful gains to any person;

(xiii) perform and discharge his duties with the highest degree of professionalism and dedication to the best of his abilities.

3(3) [8](i) No member of the Service shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his own best judgment to be true and correct except when he is acting under the direction of his official superior.

(ii) The direction of the official superior shall ordinarily be in writing. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter.

(iii) A member of the Service who has received oral direction from his official superior shall seek confirmation of the same in writing, as early as possible and in such case, it shall be the duty of the official superior to confirm the direction in writing.

[9]*Explanation I.*— A member of the Service who habitually fails to perform a 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 the sub-rule (1);

*Explanation II:*— Nothing in clause (i) of sub-rule (3) 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.

[8] Inserted vide DP&AR Notification No. 11017/2/79—AIS(III) dated 24.08.1979 (GSR No. 1122 dt. 08.09.1979) [9] Substituted vide DP&AR Notification No. 11017/39/86—AIS(III) dated 01.01.1987 (GSR No. 34 dt. 17.01.1987)

[10](iv) **Prohibition regarding employment of children below 14 years of age:—** No member of the Service shall employ to work any child below the age of 14 years.

4. **Employment of near relatives in companies or firms.—** 4.(1) No member of the Service shall use his position or influence directly or indirectly to secure employment for any member of his family with any private undertaking or [11]Non- Government Organisation.

4(2)(a) No member of the Service shall, except with the previous sanction of the Government, permit (a member of his family) to accept employment with any private undertaking or [12]NGO having official dealings with the Government.

Provided that where the acceptance of such employment cannot await the sanction 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 sanction of the Government.

4(2)(b) A member of the Service shall, as soon as he becomes aware of the fact of acceptance by a member of his family of an employment with any private undertaking or [13]NGO report to the Government the fact of such acceptance and also whether he has or has had any official dealings with that private undertaking or [14]NGO

Provided that no such report shall be necessary if the member of the Service has already obtained sanction of, or sent a report to, the Government under clause (a).

4(3)(a) No member of the Service shall in the discharge of his official duties, deal with any matter relating to, or award any contract in favour of a private undertaking NGO or

any other person, if any members of his family is employed in that private undertaking or NGO under that person or if he or any member of his family is interested in such private undertaking or NGO or other person in any other manner.

4(3)(b) In any case referred to in clause (a), the member of the Service shall refer the matter to his official superior and the case shall thereafter be disposed of according to the instructions of the official superior.

5. **Taking part in politics and elections.—** 5(1) No member of the Service 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, or subscribe in aid of, or assist in any other manner, any political movement or political activity.

5(2) It shall be the duty of every member of the Service to endeavour to prevent any member of his family from taking part in or subscribing in aid of or assisting in any other manner, any movement of, activity which is, or

[10] Inserted vide DOP&T Notification No. 11017/25/99—AIS(III) dated 01.02.2000 (GSR No. 51 dt. 12.02.2000) [11] Inserted vide Notification No. 11017/18/96—AIS(III) dated 16.11.9198 (GSR No.228 dated 28.11.1998) [12] Inserted vide Notification No. 11017/18/96—AIS(III) dated 16.11.1998 (GSR No. 228 dated 28.11.1998) [13] Inserted vide Not. No. 11017/18/96—AIS(III) dated 16.11.1998 (GSR No.228 dated 28.11.1998)
[14] Inserted vide Not. No. 11017/18/96—AIS(III) dated 16.11.1998 (GSR No.228 dated 28.11.1998)

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

5(3) If any question arises whether any movement or activity falls within the scope of this rule, the question shall be referred to the Government for its decision.

5(4) No member of the Service 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 member of the Service qualified to vote at any 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, and

(ii) a member of the Service shall not be deemed to have contravened the provisions of this sub-rule by reason only that he has assisted 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 member of the Service, 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.

[15]6. **Connection with press or radio—**Previous sanction of the Government shall not be required when the member of the service, in the bonafide discharge of his duties or otherwise, publishes a book or contributes to or participates in a public media.

Provided that he shall observe the provisions of rules and at all times make it clear that the views expressed, are of his own and not those of the Government.

7. **Criticism of Government.—**No member of the Service shall, in any radio broadcast [16]or communication over any public media or in any document published anonymously, pseudonymously or in his own name 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; or

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

iii. which is capable of embarrassing the relations between the Central Government and the Government of any Foreign State:

[15] Substituted vide Notification No.11017/27/93—AIS(III) dated 13.01.1995 (GSR No. 52 dt. 04.02.1995) [16] Inserted vide Notification No. 11017/27/93—AIS(III) dated 13.01.1995 (GSR No. 52 dt. 04.02.1995)

Provided that nothing in this rule shall apply to any statement made or views expressed by a member of the Service in his official capacity and in the due performance of the duties assigned to him.

(GOI Instructions: D.P. & A.R. letter No. 11017/9/75—AIS(III), dated the 2nd March, 1976, reproduced under Miscellaneous Executive Instructions at the end of these Rules)

8. **Evidence before committees, etc.—**

8(1) Save as provided in sub-rule (3), no member of the Service shall except with the previous sanction of the Government, give evidence in connection with any inquiry conducted by any person, committee or other authority.

8(2) Where any sanction has been accorded under sub-rule (1) no member of the Service giving such evidence shall criticize the policy or any action of the Central Government or of a State Government.

8(3) Nothing in this rule shall apply to—

8(3) (a) evidence given at any inquiry before an authority appointed by the Government, or by Parliament or by a State Legislature; or

8(3) (b) evidence given in any judicial inquiry; or

8(3) (c) evidence given at departmental inquiry ordered by any authority subordinate to the Government.

8(4) No member of the Service giving any evidence referred to in sub-rule (3) shall give publicity to such evidence.

9. **Unauthorised communication of information.—** No member of the Service shall except in accordance with any general or special order of the Government or in the performance in good faith of duties assigned to him, communicate directly or indirectly any official document or part thereof or information to any Government servant or any other person to whom he is not authorised to communicate such document or information.

*Explanation*.—Quotation by a member of the Service (in his representations to the Head of Office or Head of Department or President) of, or from, any letter circular or office memorandum or from the notes on any file to which he is not authorised to have access, or which he is not authorised to keep in his personal custody or for personal purposes, shall amount to authorised communication of information within the meaning of this rule.

10. **Subscriptions.—**No member of the Service shall, except with the previous sanction of the Government or of such authority as may be empowered by it in his behalf ask for, or accept, contributions to or otherwise associate himself with the raising of any fund or other collections in cash or in kind in pursuance of any object whatsoever.

[17]11. **Gifts**

11(1) A member of the service may accept gifts from his near relatives or from his personal friends having no official dealings with them, on occasions such as wedding, anniversaries, funerals and religious functions when the

[17] Inserted vide Notification No. 11017/27/93—AIS(III) dated 13.01.1995 (GSR No. 52 dt. 04.02.1995)

making of gifts is in conformity with the prevailing religious and social practice, but he shall make a report to the Government if the value of such gift exceeds [18]Rs.25,000/— .

*Explanation*—For the purposes of this rule "gift" includes free transport, free boarding, free lodging or any other service or pecuniary advantage when provided by a person other than a near relative or personal friend having no official dealings with the member of the Service but does not include a casual meal, casual lift or other social hospitality.

11(2) Save as otherwise provided in sub-rule (1), no member of the service shall accept any gift without the sanction of the Government if the value of gift exceeds [19]Rs.5,000/—.

11(3) Member of the Service shall avoid accepting lavish hospitality or frequent hospitality from persons having official dealings with them or from industrial or commercial firms or other organisations.

**11—A. Giving or taking of dowry.—** No member of the Service shall—

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

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

*Explanation*.— For the purpose of the rule, "dowry" has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961).

12. **Public demonstrations in honour of Government Servants.—**

12(1) No member of the Service 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 member of the Service or any other Government servant on the occasion of his retirement or transfer or of any person who has recently quit service of Government; or

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

12(2) No member of the Service shall exercise pressure of any sort on any Government servant to induce him to subscribe towards any farewell entertainment even if it is of a substantially private and informal character.

13. **Private trade or employment.—**[20]13(1) Subject to the provisions of sub-rule (2), no member of the Service shall except, with the previous sanction of the Government,—

(a) engage directly or indirectly in any trade or business, or

[18]Substituted vide DP&T Notification No.11017/31/1999—AIS(III), dated 10.04.2015 (GSR No. 280 (E) dt. 10.04.2015 [19]Substituted vide DP&T Notification No.11017/31/1999—AIS(III), dated 10.04.2015 (GSR No. 280 (E) dt. 10.04.2015 [20] Substituted vide DP&T Notification No.11017/39/86—AIS(III), dated 01.01.1987 (GSR No. 34 dt. 17.01.1987) & 25.01.1989

(b) negotiated 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.

[21](f) Participate in, or associate himself in any manner, in the making of:—

(i) a sponsored media (including radio, television programme, or

(ii) a media programme commissioned by Government media, but produced by an outside agency, or

(iii) a privately produced radio or television or other media programme including a video magazine.

Provided that no previous permission shall be necessary in the case a member of the service participates in a programme produced by the Doordarshan on a subject dealt with by him in his official capacity.

[22](g) Involve or engage himself in the registration, promotion, management of other kinds of activities of any non-Governmental organization if the same is aided by the Central Government, State Government or an international organization or agency;

13 (2) A member of the Service 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 objectives of which relate to promotion of sports, cultural, or recreation 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 an elective office) of a co-operative society substantially for the benefit of the members of the Service or government servants

[21] Inserted vide Notification No. 11017/27/93—AIS(III) dated 13.01.1995 (GSR No. 52 dt. 04.02.1995) [22] Inserted vide Notification No. 11017/1/86—AIS(III) dated 16.11.1998 (GSR No. 229 dt. 28.11.1998)

registered under the Co-operative Societies Act, 1912 (2 of 1912), or any other law for the time being in force in any State :

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.

[23]13(3) Every member of the Service shall, if any member of his family is engaged in a trade or business, or owns or manages an insurance agency or commission agency, report that fact to the Government.

13(4) No member of the Service shall accept any fee for any work done for any public body or for any private person without the sanction of the Government.

*Explanation*:—Fee means a recurring or non-recurring payment made, whether directly or indirectly to a member of the Service from a source other than the Consolidated Fund of India or the Consolidated Fund of a State, but does not include :—

(a) unearned income such as income from property, dividends and interest on securities; and

(b) Income from literary, cultural, artistic, scientific, or technological efforts and income from participation in sports activities as an amateur.

[24]13(5) Contesting election to sports bodies etc.:- Subject to the provisions of sub-rule (2) of rule 13, no member of the service shall, except with the previous sanction of the Central Government:-

(i) hold an elective office in any sports association/ federation/ body, by whatever name known at State/ National level for a term of more than 4 years or for one term, whichever is less: provided that this restriction will not apply to functionaries like the District Magistrate, Superintendent of Police etc. when they hold posts in ex-officio capacity at Divisional/ District/ Sub-divisional/ Taluk levels;

(ii) Canvass either for his own candidature or for any other person for holding elective office in such sports bodies is mentioned in clause (i) above.

(iii) While canvassing for contesting elections either on his own behalf or any other person, indulge in conduct and becoming a member of the service.

(iv) Shall proceed on travel abroad in connection with the work or other activities of any sports bodies described in clause (i) above without prior cadre clearance from the Central Government

[23] Substituted vide DP&T Notification No. 11017/39/86—AIS(III) dated 01.01.1987 (GSR No. 34 dt. 17.01.1987) & 25.01.1998
[24] Inserted vide Notification No. 11017/9/92—AIS(III) dated 27.09.1995 (G.S.R. No. 452 dt. 14.10.1995)

[25]**13—A Use of Government accommodation:—** No member of the service shall sub-let, lease or otherwise allow occupation by any other person, of Government accommodation which has been allotted to him.

14. **Investment, lending and borrowing.—**

[26]14 (1) No member of the Service shall speculate in any stock, share or other investments but this provision will not apply to occasional investment made through Stock-brokers or other persons duly authorised on licence 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.

14 (2) No member of the service 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 from out of the quotas reserved for Directors or their friends and associates, shall be deemed to be an investment which is likely to embarrass the Government Servant.

14 (3) If any question arises whether any transaction is of the nature referred to in sub-rule (1) or sub-rule (2), it shall be referred to the Government for its decision.

14 (4) (i) No member of the Service shall save in the ordinary course of business with a bank or a public limited company, himself or through any member of his family or any person acting on his behalf.

(a) lend or borrow or deposit money as a principle or 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 pecuniary obligation to such person or firm; or

(b) lend money to any person at interest or in manner whereby return in money or kind is charged or paid;

Provided that a member of the Service may give to, or accept from a relative or a personal friend a purely temporary loan of small amount free of interest or operate a credit account with a bonafide 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 member of the Service with the previous sanction of the Government.

14(4)(ii) When a member of the Service 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 Government and shall thereafter act in accordance with such order as may be made by the Government.

[25] Inserted vide Notification No. 11017/27/93—AIS(III) dated 13.1.95 [26] Inserted vide Notification No. 11017/27/93—AIS(III) dated 13.1.95

15. **Insolvency and habitual indebtedness.—**

15 (1) A member of the Service shall so manage his private affairs as to avoid habitual indebtedness or insolvency.

15 (2) A member of the Service against whom any legal proceedings is instituted for recovery of any debt due from or for adjudging him as an insolvent, shall forthwith report the full acts of such legal proceedings to the Government.

15 (3) The burden of proving that indebtedness or insolvency is the result of circumstances which, with the exercise of ordinary diligence, the member of the Service could not have foreseen or over which he had no control, and has not proceeded from extravagant or dissipated habits, shall be upon him.

16. **Movable, immovable and valuable property.—**

16 (1) Every person shall, where such person is a member of the Service at the commencement of these rules, before such date after such commencement as may be specified by the Government in this behalf, or where such person becomes a member of the Service after such commencement, on his first appointment to the Service, 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 owned by him, or inherited 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, postal Cumulative Time Deposits 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 I. In all returns, the values of items of movable property worth less than an amount equal to two months basic pay of the member of Service*, in value may be added and shown as a lump sum. The value of articles of daily use such as clothes, utensils, crockery and books need not be included in such return

NOTE II. Where a member of an All India Service is appointed as a member of another All India Service, he shall not be required to submit a fresh return under this sub-rule.

[27]16(2) Every member of the Service 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

[27] Substituted vide Notification No.11017/45/76—AIS(III) dated 11.01.1978 (GSR No.151 dt, 28.01.1978) *Substituted vide Notification No.11017/5-A/2011—AIS(III) dated 05.05.2011 (GSR No. 363(E) dt. 05.05.2011)

name or in the name of any member of his family or in the name of any other person.

16(3) No member of the Service shall, except with the previous knowledge of the Government,—

(a) acquire any immovable property by lease, mortgage, purchase, gift or otherwise, either in his own name or in the name of any member of his family; or

(b) dispose of by lease, mortgage, sale gift or otherwise any immovable property owned by him or held by him either in his own name or in the name of any member of his family:

[28]Provided that the previous sanction of the Government shall be obtained if any such transaction is with a person having official dealings with the member of the Service.

16 (4) Every member of the Service shall intimate the Government in respect of each transaction, whose value exceeds [29]two months basic pay of the member of Service within a month of the completion of such transaction.

[30]Provided that the previous sanction of the Government shall be obtained if any such transaction is with a person having official dealings with the member of the Service.

16 (5) The Government or any authority empowered by it in this behalf may, at any time, by general or special order, require a member of the Service 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 and such statement shall if so required by the Government or by the authority so empowered, include details of the means by which, or the source from which such property was acquired.

[31]*Explanation I.*— For the purpose of this rule, the expression movable property includes inter alia the following property, namely :—

(a) jewellery, insurance policies the annual premia of which exceeds *two months basic pay of the member of Service, shares, securities and debentures;

(b) loans advanced by or to such member of the Service, whether secured or not;

(c) motor cars, motor cycles, horses, or any other means of conveyance; and

(d) refrigerators, radiograms and television sets.

*Explanation II*.— For the purpose of this rule, 'lease' means, except where it is obtained from, or granted to, a foreign national or foreign mission or a foreign organisation controlled by, or associated with, foreign missions, or a person having

[28] Substituted vide DP&T Notification No. 11017/85/84—AIS(III) dated 15.10.1985 (GSR No. 1009 dt. 02.11.1985) [29] Substituted vide Notification No.11017/5-A/2011—AIS(III) dated 05.05.2011 (GSR No. 363(E) dt. 05.05.2011) [30] Substituted vide DP&T Notification No. 11017/85/84—AIS(III) dated 15.10.1985 (GSR No. 1009 dt. 02.11.1985) [31] Explanation renumbered as Explanation, words "and radiograms" Substituted by words "radiograms and televisions sets" and Explanation II inserted vide DP&T Not.No.5/23/72 AIS(III) dt.27.07.1774 (GSR No.834 dt. 10.08.1974) *Substituted vide Notification No.11017/5-A/2011—AIS(III) dated 05.05.2011 (GSR No. 363(E) dt. 05.05.2011)

official dealings with the member of the Service, a lease of immovable property from year to year or for any term exceeding one year or receiving a yearly rent.

**16A. Transaction in immovable property outside India:**—Notwithstanding anything contained in sub-rule (3) of rule 16, no member of the Services shall except with the previous sanction of the Government,—

16A (a) acquire by lease, mortgage, purchase, gift or otherwise, either in his own name or in the name of any member of his family, any immovable property situated outside India; or

16A (b) dispose of by mortgage, sale, 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; or

16A (c) enter into any transaction with any foreigner, foreign Government, foreign organisation or concern,—

(i) for the acquisition, by lease, mortgage, purchase, gift or otherwise, either in his own name or in the name of any member of his family, or any immovable property.

(ii) for the disposal of, by mortgage, sale, 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 inthe name of any member of his family

17. **Vindication of acts and character of members of the Service**:—No member of the Service shall, except with the previous sanction of the Government have recourse to any court or to the press for the vindication of official act which has been the subject matter of adverse criticism or attack of a defamatory character.

[32]Provided that if no such sanction is conveyed to by the Government within 12 weeks from the date of receipt of the request, the member of the service shall be free to assume that the sanction sought for has been granted to him.

*Explanation.*—Nothing in this rule shall be deemed to prohibit a member of the Service from vindicating his private character or any act done by him in his private capacity. Provided that he shall submit a report to the Government regarding such action.

[33]17A. **Observance of cultural norms:**— Every member of the service in his personal capacity or otherwise shall —

(i) observe strictly, the existing policies regarding age of marriage, preservation of the Environment, Wild Life and Cultural heritage:

(ii) observe the existing policies regarding crime against women and

(iii) observe the two children family norms.

18. **Canvassing**.— No member of the Service shall bring or attempt to bring any political or other influence to bear upon any superior authority to further interests in respect of matters pertaining to his service under the Government

[34]19. **Restriction regarding marriage**.—

[32] Inserted vide Notification No.11017/27/93—AIS(III) dated 13.01.1995 (GSR No. 52 dt. 04.02.1995)
[33] Inserted vide Notification No. 11017/27/93—AIS(III) dated 13.01.1995 (GSR No. 52 dt. 04.02.1995)
[34] Substituted/Added vide DP&AR Notification No. 9/32/70—AIS(III) dated 10.03.1971 (GSR No. 419 dt. 27.03.1971)

19 (1) No member of the Service shall enter into, or contract a marriage with a person having a spouse living; and

19 (2) no member of the Service having a spouse living, shall enter into, or contract, a marriage with any person:

Provided that the Government may permit a member of the Service 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 member of the Service and the other party to the marriage and

(b) there are other grounds for so doing.

19 (3) A member of the Service who has married or marries a person other than of Indian Nationality shall forthwith intimate the fact to the Government.

20. **Consumption of intoxicating drinks and drugs.**—A member of the Service shall—

20(a) strictly abide by any law relating in intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;

[35]20(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;

[36]20.(bb) not consume any intoxicating drink or drug in a public place;

20(c) not appear in a public place in a state of intoxication;

20(d) not use such drinks or drugs to excess.

[37]*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.

21. **Interpretation.—** If any doubt arises as to the interpretation of these rules, the Central Government shall decide the same.

22. **Delegation of powers**.— The Government may, by general or special order, direct that any power exercisable by it under these rules (except the power under rule 21 or the power under 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.

23. **Ceaser and saving**.— The All India Services (Conduct) Rules, 1954 (hereinafter referred to as the said rules), shall cease to be in force:

Provided that the ceaser shall not affect—

(a) the previous operation of, or anything duly done or suffered under, the said rule; or

(b) any right, privilege, obligation, liability acquired, accrued or incurred under the said rules; or

[35] Substituted vide MHA Notification No. 9/2/70—AIS(III) dated 23.05.1970 (GSR No. 876 dt. 10.08.1974) [36] Inserted vide DP&AR Notification No.5/23/72—AIS(III) dated 27.07.1974 (GSR No. 834 dt. 10.08.1974) [37] Inserted vide DP&AR Notification No.5/23/72—AIS(III) dated 27.07.1974 (GSR No. 834 dt. 10.08.1974)

(c) any penalty or punishment incurred under the said rules; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability penalty or punishment as aforesaid; and any

such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed as if the said rules had not ceased to be in force.

[No. 8/91/62—AIS(III), dated 18-12-1968. (GSR No. 3, dt. 4-1-69)].

## MISCELLANEOUS EXECUTIVE INSTRUCTIONS

### I. FORMS USED TO PROVIDE INFORMATION/RETURNS UNDER VARIOUS RULES

**FORM I**

[*See* Government of India's Instructions (1) and (2) below rule 16.]

**Statement of Immovable property on appointment for the year.....**

1. Name of Officer (in full) and Service .....

to which the officer belongs.

2. Present post held .....

3. Cadre of the state on which borne.....

4. Present Pay: .....

Inapplicable clause to be struck out.

| Name of districts, sub-Division, Taluk and village in which property is situated | Name and details of Property 1.Housing and other buildings 2. Lands | Present Value | If not in own name, state in whose name held and his/her relationship to the members of the Service | How acquired whether by purchase, lease, mortgage, inheritance, gift or of otherwise with date of acquisition and name with details of person/ persons from whom acquired. | Annual income from property | Remarks |
|---|---|---|---|---|---|---|
| | | | | | | |

Signature ..... Date .....

Note.— This declaration form is required to be filled in and submitted by every member of the IAS/I.P.S. under rule 16(5) of the All India Services (Conduct) Rules, 1968 on 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 or in the name of any member of his family or in the name of any other person.

**FORM—II**

[See Government of India's Instruction 27 below Rule 16.]

***Form for giving prior intimation of seeking previous sanction under Rule 16(3) of the AIS (Conduct) Rules, 1968 for transactions in respect of immovable property.***

1. Name and designation :

2. Scale of pay and present pay :

3. Purpose of application— sanctions 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 lease hold :

(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 in 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 case of acquisition, source or sources from which financed/proposed to be financed:— :

(a) personal savings :

(b) other source 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 to 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 the case of acquisition by gifts, whether sanction is also required under Rule 11 of the AIS (Conduct) Rules, 1968. :

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 form/ 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 : Designations:

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 30days before the proposed date of the transaction.

**FORM—III**

[See Government of India's Instruction 27 below Rule 16.]

***Form for giving intimation or seeking previous sanction under Rule 16(4) of AIS (Conduct) Rules, 1968 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/ intimation of transaction :

4. Whether property is being acquired or disposed of :

5. (a) Probable date of acquisition/disposal of property :

   (b) If property is already acquired/disposal of, Actual date of transaction. :

6. (a) Description of the property e.g. Car/Scooter/ Motorcycle/Refrigerator/Radio/ Radiogram/ jewellery/loans/insurance policies etc.) :
   (b) Make, model (and also registration number, in case of vehicles), where necessary :

7. Mode of acquisition/disposal(purchase, sale, gift, mortgage, lease or otherwise). :

8. Scale/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 source 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 to 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. Nature of official dealing with the party. ;

   e. 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 the case of acquisition by gifts, whether sanction is also required under Rule 11 of the AIS (Conduct) Rules,1968. :

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 the above form/ 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 : Designations:

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 30days before the proposed date of the transaction.

(DP&T Letter No. 11017/14/95—AIS(III)dated 16.5.1995.)

**FORM—IV**

[*See* Govt. of India's decision No. 4 below rule 16].

***Form of report/application for permission of the Govt. for the building of or addition to, a house.***

Sir,

This is to report to you that I propose to build a house/make an addition to my house.

This is to request that permission may be granted to me for the building of a house/making addition to my house.

The estimated cost of the land and materials for the construction/extension of the house is given below:—

LAND :

(1) Location (Survey numbers, 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 construction 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 construction will be met as under:— Amount

(i) Own Savings

(ii) Loans/Advances with full details.

(iii) Other sources with full details.

Yours faithfully

**FORM—V**

[*See* Govt. of India's decision No.4 below rule 16.]

***Form of report to the Government after completion of the building of a house/addition of the house.***

Sir,

In my letter No ..... dated ..... I had reported that I proposed to build a house or make addition to my house/Permission was granted to me in Order No..... dated the..... for the building of house or making addition to my house. The construction of the house or the addition to the house has since been completed and I enclosed a Valuation Report duly certified by

2. The cost of construction indicated in the enclosed valuation report was financed as under:—

Amount

(i) Own Savings.

(ii) Loans/Advances with full details.

Yours faithfully, ( )

Dated:

(Note— Variation, if any, between the figures given above and the figures given in

Form II may be explained suitably).

*Valuation Report*

I/We hereby certify that I/We have valued House ..... constructed by Shri/Shrimati ..... and I/We give below the value at which we estimate the cost of the house under the following headings:—

Cost

Rs. N.P.

1. Bricks.
2. Cement.
3. Iron and Steel
4 Timber.
5. Sanitary fittings.
6. Electrical fittings.
7. All other special fittings.
8. Labour charges.
9. All other charges.

Total cost of the building:

(Signature of the valuation authority)

Date:

**II. INSTRUCTIONS REGARDING CONTACT OF MEMBERS OF THE ALL INDIA SERVICES WITH FOREIGN NATIONAL/MISSIONS**

1.***Utmost discretion should be exercised in contacts with foreign nationals*: -**Officers should exercise the utmost discretion in their contact with foreign correspondents, members of foreign missions/organisations and other foreign nationals in India. They should also avoid any conversation likely to reveal, even inadvertently, information on matters of secret nature. They should scrupulously avoid over-patronisation and indiscriminate and frequent acceptance of hospitality, particularly of an informal nature, from foreign nationals or Indian nationals employed by foreign missions. Such excessive hospitality could place the recipient under obligation to the host and may thus impair the impartial and judicious exercise of his functions in the eyes of others.

2. ***Private Correspondence with foreign missions etc. should be avoided: -*** Private correspondence with foreign Embassies/ Missions/High Commissions should be avoided. Similarly, no private or personal correspondence on matters of an official nature should be entered into directly with members of foreign missions in India.

3. ***Rules should be kept in mind in exchange of gifts with foreign nationals/Missions*: -** In the matter of exchange of gifts with foreign national/ members of a foreign mission or acceptance of foreign articles from them the relevant provisions of the A.I.S. (Conduct) Rules, 1968, should be borne in mind and prior permission taken wherever necessary under the rules. It is to be noted that it would be illegal to bring foreign exchange into this country save as provided for in the foreign Exchange Regulations.

4. ***Prior permission is required for attendance at National Day Receptions by foreign Missions:-*** Officers shall attend National Day Receptions by foreign Missions only after obtaining the prior permission of the Government.

5. ***Invitations/Hospitality may be accepted only when these are from an officer of equivalent higher diplomatic status; prior permission for Under***

***Secretaries/Deputy Secretaries:-***

(i) Officers should normally accept invitations for formal or informal entertainment offered by foreign diplomats only when the invitations is from an officer of a corresponding or higher diplomatic status.

(ii) Officers of the Ranks of Under Secretary and Deputy Secretary and comparable ranks should not accept any invitations except with the prior and specific approval of the Secretary concerned.

6. ***Official and social calls should not be initiated and kept limited to appropriate official level: -*** Officers shall not initiate action for paying official/social calls on Heads of Missions/Consulates of other countries or members of the staff.

2. Officers should particularly ensure that the contacts with representatives of other countries limited to their appropriate officials level.

7. ***Report of conversations at social functions:-*** All officers who accept or are permitted to accept invitations to social functions from foreign diplomats/representatives of foreign mission should report to their senior officers any conversation with diplomats/representative of foreign missions, on matter of interest and importance to Government, on such occasions.

8. ***Return of hospitality accepted from foreign Mission/Consulates by local officers is limited and not a quid pro quo basis*:-** It is well recognised everywhere that diplomats are specially paid to enable them to entertain local officials and that the local officer's capacity to return their hospitality is limited. There need not, therefore, be anything like a quid pro quo basis maintained in the matter entertainment between diplomats and local officers.

9. ***Supply of information to members of Missions/Consulates and nationals of other countries should not be made by the officer on his own:*** The Supply of information to foreign Mission/Consulates or their members or foreign nationals is the responsibility of the Central Government. Any officer, on his own, should not do this directly or by implication. The contacts by junior officers with Personnel Assistants and Secretaries in foreign diplomats or foreign national abroad with the permission should on any account maintain contacts with junior diplomats personnel in foreign Missions/Consulates except with the express approval of the Government.

10. ***Officers should not stay with foreign diplomats/national as guests in India and should not invite diplomats to stay with them*:-**

(a) Officers should not stay as guest with foreign diplomats or foreign nationals in India. They could, however, stay with foreign diplomats or foreign national abroad with the permission of the Government.

(b) Officers should not invite foreign diplomats to stay with them as their guests in India.

11. ***Permission should be obtained before seeking employment of wives/dependants of officers in foreign mission: -*** An officer whose wife or dependant intends to take up employment under a foreign mission in India or with any foreign organisation (including a commercial concern) should apply to Government for permission.

12. ***Lifts in aircraft belonging to foreign Embassies in India or foreign Governments abroad should normally not be accepted: -*** No officer should accept, or permit his wife or dependants to accept passage money or free air transport from a foreign Mission/Government organisation. Exceptional cases where humanitarian or compassionate grounds are involved should be referred to Government for grant of permission.

2. Relaxation of this rule is permissible only in cases which are covered by specific agreements or memoranda of understanding entered into by the Government of India with foreign Governments or organisations and which might still be in force. In regard to invitations to visits abroad, which may be accepted only after consultation with the Ministry of External Affairs, the convention in respect of senior officers is that while local hospitality offered by foreign Governments may be accepted from the host such hospitality is not accepted from non-Government societies ,organisations, private parties etc.

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

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

13. ***Previous knowledge of the Government is required for Disposal of immovable property by lease to foreign nationals: -*** Under rule 16(3) of the AIS (Conduct) Rules, 1968, no officer shall, except with the previous knowledge of the Government acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift otherwise, either in his own name or in the name of any member of his family, provided that the previous sanction of the competent authority shall be obtained by the officer, if any such transaction is with a person having official dealings with the officer or otherwise than through a regular or a reputed dealer the term 'lease' occurring in this rule covers letting out accommodation on rent, either by written or oral agreement whether for a short period or for a long one. It is clarified that prior permission should be taken or prior intimation given, as the case may be, in regard to all transactions in immovable properties, including lease as explained above with foreign nationals/ member of foreign Missions/ organisations controlled by or associated with foreign Mission.

14.***Prior permission of the Government is required for joining of foreign language classes: -***Officers who are desirous of joining foreign language classes conducted by foreign Missions and Embassies in India or organizations controlled by, or associated with foreign Missions or Indo—foreign cultural organisation should seek prior permission from the Government**.**

**III. ASSOCIATION WITH INDO-FOREIGN CULTURAL ORGANISATIONS**

1. ***Officer should not associate with Indo-foreign cultural organisations without the permission of the Government: -***Officers should not be members of, or actively participate in the activities of Indo—foreign cultural organisation without the permission of the Government.

[M.H.A. letter No. 9/31/69—AIS(III), dated 14-1-1970 read withM.H.A. O.M. No. 25/34(S)/67—Estt.(A), dated 22-5-1969].

2. ***State Governments should obtain prior approval of the Central Government for granting permission to AIS officers for association with Indo-foreign cultural organisations:*** - In accordance with item 15 of extracts from Ministry of Home Affairs Office Memorandum No. 25/34(S)/67—EStt. (A), dated the 22nd May, 1969 officers should not be members of, or actively participate in the activities of Indo-foreign cultural organisation without the permission of the Government. In view of the fact that Foreign Affairs is the subjectmatter of the Central Government, a question arose whether permission as envisaged in the said Office Memorandum should be granted by the Central Government or the State Government.

2 It has been decided after careful consideration of the matter that so far as members of All India Services working in connection with the affairs of the State are concerned, permission should not be granted by the State Government without the prior approval of the Central Government. It is

accordingly requested that individual cases of IAS/IPS/IFS Officers be referred to the Department of Personnel and Administrative Reforms, Ministry of Home Affairs and the Ministry of Environment & Forests respectively for approval of the Central Government.

[DP & AR letter No. 5/21/72—AIS(III), dated 4-12-1972]

3. ***Association of moS with Indo-Foreign cultural organization would normally be avoided:*** - It has been decided that, while Indo-Foreign cultural organization, may in suitable cases, be looked upon with favour and assisted, the association of member of the Service with such organizations, would be avoided.

[DP & AR letter No. 11017/9/75—AIS(III), dated 2-3-1976]

4. ***A moS should obtain prior permission of the government before he becomes a member of a book club run by a foreign agency and accept books as gift:*** - It has been decided that a member of the Service should obtain prior permission of the government before he becomes a member of a book club run by a foreign agency if the membership of the book club entitles such a member of the service to receive books as gift. A member of the service while holding a post has been given permission, to become a member of such book club, should consequent upon his transfer or appointment to any other post, intimate the Government about his membership of the book club concerned and thereafter act in accordance with such order as may be made by the Government. For receiving books by way of gifts the question of acceptance of such gifts would be governed by rule 11 of the All India Service (Conduct) Rules, 1968.

[D.P. & A.R. No. 5/17/72—AIS(III), dated 23-4-1973 and dt. 16-9-74.]

5. ***A moS should obtain prior permission of the Government before he becomes a member of a foreign centre with multifaceted activities which includes Library or book club facility:*** - It was clarified in the Department of Personnel and A.R. letter No. 5/17/72—AIS(III), dated the 23rd April, 1973 that a Member of All India Services should obtain prior permission of the Government before he becomes a Member of a book club run by a foreign agency. It was further clarified in the Department of Personnel and A.R. letter No. 5/17/72—AIS(III), dated the 6th September, 1974 that prior permission for accepting membership of a book club or Library run by a foreign agency would be necessary only if the membership entitles such a member of the service to receive books as gifts.

2. A question has now been raised whether a member of an All India Service should obtain permission from Government for accepting membership of a foreign centre, which extends book club facility in addition to providing cultural and other activities. It is
clarified that a member of an All India Service should obtain prior permission of the Government before he becomes a member of a foreign centre with multifaceted activities which includes Library or book club facility.

**IV. PROCEDURE TO BE FOLLOWED IN ACCEPTING OFFERS OF SCHOLARSHIPS/ FELLOWSHIPS AND OTHER KINDS OF GRANTS FROM FOREIGN/ INTERNATIONAL INSTITUTIONS.**

(i) Offers from correspondence with foreign Governments/institutions for visits abroad/grant of scholarships/fellowships or grants.—

The State Governments or the members of the All India Services individually should not negotiate directly with foreign Governments/institutions/agencies and international organisations including Indo-Foreign Cultural Organisations for the grant of Scholarships/fellowships/grants to the members of the All India Services or offers to visit abroad. When such offers of fellowships etc., or offers to visit abroad are received by the State Governments not meant for a particular member of the Service directly from the foreign Governments or organizations the State Government should forward the

communication together with the names of the members of All India Services, whom the State Government would like to sponsor for the scholarships, fellowships, etc., to the Ministry/Department of the Government of India who are concerned with the particular Service. (At the same time the State Government should acknowledge receipt of the offers from the foreign Government of organisation concerned and inform them that all future correspondence in the matter should be addressed by them to the Government of India, Ministry of External Affairs). In other words, such invitations are not to be processed by the State Government or accepted by the members of the All India Services without the approval of the Ministry of External Affairs through the (i) Department of Personnel and Administrative Reforms in the case of the members of the Indian Administrative Service, (ii) the Ministry of Home Affairs in the case of the members of the Indian Police Service and (iii) the Ministry of Environment &Forests in the case of the members of the Indian Forest Service.

If however, such offers of fellowship, etc. or offers to visit abroad are addressed to a member of the Service direct or addressed to the State Government intended for a particular member of the Service by the foreign Government, foreign organisation etc., the State Government should straightaway reject the offer made by the foreign Government or foreign organisations, without approaching the Central Government seeking the I concurrence for permitting the members of the service concerned to accept the offer. The question of selection of a member of the Service for fellowship or travel a grant should be left to the Government to decide and not the foreign Governments, foreign organisations etc. The intention behind this restriction is to discourage the possibility of foreign Governments, foreign organisations etc. exercising patronage by means of travel grants etc., and conversely the possibility of members of the Service compromising their positions in some way as a result of these facilities. The names of the members of the All India Services whom the State Government would like to recommend for such fellowships, training courses or travel grants in response to such offers should be sent to the concerned Ministry/Department referred to above who would process the case in consultation with the other Ministries of the Government of India.

(ii) Open advertisements by Central Ministries for foreign fellowships.— Applications of members of the All India Services response touch advertisements may be forwarded by the State Governments to the concerned Ministries direct.

(iii) Open advertisements by foreign agencies for foreign fellowships.— Applications of the members of the All India Services in response to such advertisements should be routed through (i) the Department of Personnel and Administrative Reforms in the case of the members of the Indian Administrative Service, (ii) the Ministry of Home Affairs in the case of the Members of the Indian Police Service, and (iii) the Ministry of Environment and Forest in the case of the members of the Indian Forest Service.

(iv) Officers who wish to go abroad for higher studies at their own cost.—Members of the All India Services who wish to go abroad for higher studies at their own cost may be permitted to seek admission in foreign educational institutions for higher studies in subjects which are advantageous for, or directly relevant to, the discharge of the duties usual o the service to which they belong, provided they do not apply for financial assistance in the form of fellowships, scholarships, travel grants etc. from the educational institutions. If they want to make any request for financial assistance they should rout their requests through (i) the Department of Personnel and Administrative Reforms in the case of the members of the Indian Administrative Service, (ii) the Ministry of Home Affairs in the case of the Indian

Police Service and (iii) the Ministry of Environment & Forests in the case of the member of the Indian Forest Service.

2. Whenever a member of an All India Service goes abroad for a fellowship, training course etc., a copy of the orders issued by the State Governments may be endorsed to the (i) Secretary to the Government of India, Department of Personnel and Administrative Reforms and the Establishment officer to the Government of India, in the case of a member of the Indian Administrative Service, (ii) Secretary to Government of India, Ministry of Home Affairs in the case of a member of the Indian Police Service, and (iii)Secretary to Government of India, Ministry of Environment & Forests the case of members of the Indian Forest Service.

3. The present procedure has been reviewed in the light of the Government's policy to encourage higher studies in specialized areas by officers in order to gain greater knowledge and exposure to the international environment and also to special areas of learning. In view of the fact that the present system is far too stringent and causes difficulties and delays in the processing of applications because by which officer might miss the opportunity of getting admission etc. The procedure has been simplified as under:-

(i) A member of the service applying for higher studies to a reputed foreign university/training institution would require no prior permission of the Government but would be required to keep Government informed of his intention to apply to such universities and also indicate the subjects of study he proposes to pursue.

(ii) In case the member of the service is applying for financial assistance to the concerned university which is of standard nature and is available on open merit based criteria, namely, university fellowships, teaching assistantship
research assistantship or tuition waiver, Government may only be kept informed.

(iii) In case the member of the service proposes to receive financial assistance from any other foreign source which is not of the type mentioned in (ii) above, prior permission of the Government would have to be taken.

(iv) The question of taking leave or study leave is a separate issue and would have to be dealt with after the officer obtains admission and applies for the leave.

4. The Government may, however, at any time disallow the officer from pursuing his application for admission of financial assistance in cases where Govt. is of the view that a member of the service has utilized his official influence to obtain the same or if the Government feels that such course of action is not in the interest of the Government.

[Letter No. 11017/18/91-AIS(III)dated 1.7.91.]

5. The above instructions are issued in super session of Ministry of Home Affairs letter No. 6/14/69—AIS(III), dated 21-7-1970 and letter of the same number dated the 6th July, 1971 of the (Deptt of Personnel).

[Deptt. of Personnel and A.R. letter No. 9/26/71—AIS(III), dated 25-7-1973].

**V. PARTICIPATION IN CONFERENCES/SEMINARS ETC.**

1. ***State Governments can permit a member of the Service working under them to attend programmes organised by the various foreign cultural centres in India which are properly scrutinised by MEA: —*** A question has been raised as to the procedure to be followed and the authority competent to give permission to members of All India Services for participating in conferences/seminars organised by United States information Service/British Council similar "Cultural" Organisation of foreign mission etc. in India.

2. This Department have examined this matter carefully. The programmes organised by the various foreign cultural centres in India such as the United States information Service and British Council etc. are properly scrutinised by the Ministries of External Affairs, Home Affairs and Education and Social

Welfare. In view of this, the State Government can permit a member of the Service working under them to attend such conferences or seminars without a reference to this Department. While giving the permission to a member of the Service to participate in any such seminar or conference, he should be asked to keep in mind the provisions contained in the All India Services (Conduct) Rules, 1968, particularly rule 7 thereof.

3. As regards members of the Service who are working under the Central Government, the Ministry or Department in which the officer is working can give such permission without obtaining the concurrence of this Department.

[D.P. & A.R. letter No. 11017/9/75—AIS(III) dt. 2.3.1976].

2. ***Clearance of MHA under FCRA Act, 1976 is required to visit abroad to participate international seminars:*** - In the case of visits abroad by Government servants to participate in international seminars etc., it is necessary, among other things

to obtain the clearance of the Ministry of Home Affairs, Government of India under the provisions of the Foreign Contribution (Regulation) Act, 1976. For this purpose, a format has been prescribed in which the particulars of the officers sponsored for the visit abroad are required to be furnished to the Ministry of Home Affairs. A copy of the format, form FC-2, is annexed.

2. While forwarding proposals for participation of Members of the All India Services in international seminars etc. in foreign countries, the particulars in form FC-2, should invariably be sent along with the proposal.

[G.I. DP&AR letter No. 11017/66/81—AIS(III), dated 23rd January, 1982].

*ANNEXURE to DP & AR Letter No. 11017/66/81—AIS(III), dated 23rd January, 1982].*

**FORM FC—2**

[*See* rule 3 (b)].

Application for seeking prior permission of the Central Government to accept foreign hospitality.

[Section 9 read with sections 10(a) and 11(I) of the Foreign Contribution (Regulation) Act, 1976].

1. Name in full (in block letters)
2. Date of Birth
3. Name of father.
4. Present address.
5. Permanent address.
6. Passport Particulars (if already in possession of) 7. Status.

   Member of a Legislature.

   Office bearer of a political party.
   Employee of a Company/Corporations
   Any person or class of person specified in Section 9.

8. Names of countries/places to be visited with duration of stay.
9. The countries and places where foreign hospitality is to be accepted.
10. Duration and purpose of visit to the country (ies)/ place(s) mentioned in column 9.
11. Particulars of host(s):—

(a) If an individual, his personnel particulars including name, present address, permanent address, nationality, profession.

(b) If an Organisation/ Institution/ Association/ Trust/ Foundation Trade Union, etc. full particulars thereof including:—

i. Full Name and complete Address.

ii. Address of head Officer-Principal officer.

iii. Aims and objects.

iv. Particulars of important office bearers.

12. Full particulars as in serial II (a) & (b) of the foreign source in case the actual source extending the hospitality is located in the country other than actually proposed to be visited.
13. Nature and duration of hospitality proposed to be accepted (give specific details).
14. Nature of connection/dealings with the host and/or foreign source extending the hospitality.
15. Approximate expenditure to be incurred on hospitality.
16. Any other information of significance, which the applicant may like to furnish.

DECLARATION

I hereby declare that the above particulars furnished by me are true and correct.

Place:

Date:

Signature of the Applicant.

3.***Conditions for acceptance of invitations from Foreign Bodies/International organizations to attend studies/seminars etc.:*** - In some cases Central Government officers are receiving invitations

from foreign governments/foreign/organizations/ international organizations etc., for delivering lectures or presenting 'papers' at

Conference/Seminars/Workshops etc. For this purpose, these foreign organizations/bodies are meeting expense on airfare, boarding and lodging but also giving remuneration or honorarium to these officers. In large number of such cases, the Screening Committee of Secretaries has been taking a view that these offices should take leave as they are going abroad in their personal capacity. However, since there are no guidelines in this regard, the matter has been considered and it has now been decided that in cases where: —

(a) the invitation is received by the Government of India and the Government of India selects an officer to attend such a workshop/ to present papers/ to deliver lectures etc.; the officer may be treated as on official deputation;

(b) in cases where the invitation in received by the officer directly in his personal capacity, the officer should be treated as on a personal visit and he may be asked to proceed on leave.

2. In this connection, it becomes imperative to reiterate the guidelines mentioned in Cabinet Secretariat's O.M. No. 21/1/7/94—Cab, dated 30th March, 1995, that generally no Government of India officer will accept free passage or hospitality, the approval of the Screening Committee of Secretaries or PM should be ensured to be taken before accepting invitation in this connection.

3. As regard accepting remuneration honorarium, the orders given in SR—II and SR—12(FR—SR—Part—I) and Government of India orders printed below them should be strictly followed.

4. Proposals be regulated accordingly.

[OM No. 19036/1/2000-E-IV dated 21st March, 2000 of Ministry of Finance, Department of Expenditure]

**VI. EMIGRATION OF MEMBERS OF ALL INDIA SERVICE TO OTHER COUNTRIES**

1. ***No member of the service should apply for or seek emigration to any other country so long as he is in Government service: -*** A question has been raised as to whether a member of the service can correspond with foreign missions in regard to emigration and whether they can be granted 'no-objection-certificate' for seek such emigration to foreign countries. The matter has been considered carefully and decided that no member of the service should apply for or seek emigration to any other country so long as he is in Government service. Issuing a no-objection-certificate to any member of the service, who wishes to migrate to a foreign country does not arise.

[Letter No.11017/70/93—AIS(III) dated 30.12.93.]

**VII. APPLYING FOR JOBS AGAINST ADVERTISEMENTS:**

1. ***Cadre clearance is not required for applying jobs in response to advertisements, however, prior permission is required after selection under respective Cadre rules***: - A question has been raised as to whether the members of the All India Services can be permitted to apply for posts advertised in the Press by the Government, Public Sector Undertakings etc. The Govt. of India are of the view that applications should be forwarded only in case where Government servants in lower services with inadequate prospects seek further advancement. In the Indian conditions, the All India Services offer the best available prospects for regular advancement and a fair share of deputation posts in the Public Sector Undertakings etc. Therefore, the members of the All India Services should not be permitted to apply for any post advertised in the Press. Members of the Indian Police Service and in the Indian Forest Service may, however, be permitted to apply for the combined competitive examination for appointment to the Indian Administrative Service and Central Civil Services Class I.

[D.P. & A.R. letter No. 5/21/72—AIS(III), dated 4-12-1972.]

2. The aforesaid instruction has, affected the prospects for regular advancement in career of the members of the Service; therefore it has been decided that in response to advertisements issued n the

press by UPSC etc. the applications of the members of the All India Services may be forwarded for consideration for the said posts. If the Recruitment Rules for the post so advertised provide for 'transfer on deputations' also as one of the methods of recruitment in the event of the selection, the officer may be allowed to proceed on deputation if it is administratively feasible for the State Government to spare the officer. In case the Recruitment Rules for the post do not have any provision for 'transfer on deputations' the member of the service may be requested to giver an undertaking at the time of making a request for forwarding the application to the effect that, in the event of selection, he/she is willing to seek retirement or resignation, as the case may be.

3. The deputation of the members of the All India Services to a post which has 'transfer on deputations'' as one of the methods of recruitments, will be subject to the conditions laid down in rule 6 of respective Cadre Rules of IAS, IPS and IFS, which requires all deputations to be made with the concurrence/approval of the Central Government.

[DP&T letter Nos. 11017/9/91—AIS(III) dated 7.2.91 and 11017/9/91—AIS(III) dated 19.7.94]

**VIII. JOIN CORRESPONDENCE/EVENING COURSES**

1. ***Permission to join correspondence/evening courses may be given if it is not detrimental to official duties and can be withdrawn at any time:*** - References are being received in the Department from various Ministries/Departments of the Government of India regarding requests of members of all India Services for Government's permission for joining correspondence courses, evening classes, language classes etc.

2. The Ministry/Department may examine case on merits and grant necessary permission subject to the following conditions:—

(i) The permission does not ipso facto confer any right on the member of the service for his continued posting at a particular station for the duration of the course.

(ii) Pursuit of studies by the member of the service should be without detriment to the efficient discharge of his official duties.

(iii) The grant of permission will not entitle the member of the service to leave office by any particular time every day. On occasions requiring his presence in office beyond the office hours, he will stay in office till the time required.

(iv) The Government will accept no responsibility for his failure to complete the percentage of compulsory attendance prescribed for the course if any, of this account.

(v) The permission will not entitle the member of the service to claim leave either for preparation or for the duration of examination. Leave, if any, required for this purpose will be sanctioned subject to title of any exigencies of work.

(vi) The Government reserves the right to withdrawn the permission at any time without assigning any reason.

[DP & AR O.M. No. 11017/44/77—AIS(III), dt. 29-12-77.]

**IX. LEGAL ASSISTANCE TO ALL INDIA SERVICE OFFICERS IN CONNECTION WITH LITIGATION ACTION TAKEN BY THEM IN THE CASE OF THEIR OFFICIAL DUTIES**

1. ***Government can provide assistance to a moS in public interest, with litigation action taken by them in the cases of their official duties:*** - I am directed to refer this Department's letter No. 45/5/53—Estt. (A) dated 8.1.59 on the above subject and to say that an increasing tendency has been observed among certain sections to lodge legal complaints against members of the All India Services in their personal name for official acts done by these officials in the case of their official duties.

2. While State Governments and the Central Government vide DP&AR letter No. 45/5/53—Estt(A) dated 8.1.59 do have provisions to undertake the defence of such government servants in case it is in the public interest, whereupon all arrangements are made by the Government, there in often a tendency for the State Governments to ask the officer to undertake the defence on his own and consider reimbursement of the legal expenses only in case such officer is successful in the legal proceedings. In other cases, the State Governments may agree to provide legal expenses but subject to the condition that in case is lost, the officer has to bear the entire cost of litigation. The practice of
asking officers to defend themselves in such legal proceedings in bound to cause harassment for such officers in addition to expense, the reimbursement of which by the State Government and the extent thereof being uncertain.

3. In the performance of the official acts, the officer usually is only implementing the decision of the Government and it is not unjust to expect that the Government would undertake the defence of all government servants who have been impleaded in such legal action. For this purpose, there appears no need to make a distinction as to whether the complaint has been filed against the officers in their official designation or in their individual name.

4. While the State Governments are themselves the best judge of the public interest in respect of acts done by officers working for them the above may please be kept in mind while examining the case in which officers are subjected to harassment through such legal action.

[Letter No.11017/17/93—AIS(II) dated 15/9/93]

**X.ACCEPTANCE OF 'FREE COMPANION TICKET' BY GOVERNMENT SERVANTS AND MEMBERS OF THEIR FAMILIAR UNDER THE 'COMPANION FREE SCHEME' INTRODUCED FROM TIME TO TIME BY VARIOUS AIRLINES.**

1. ***Government servants may be permitted to accept the Free Companion Tickets if benefits are restricted to travel by the national carriers***: - The undersigned is directed to refer to this Department's O.M. No. 11013/13/93—Estt.(A) dated 9.12.93 and dated to say that 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.)

[O.M. No. 11013/2/97—Estt. (A) of Government of India, Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training) dated the 5th March, 1997]

2. ***No objection to Government servants accepting the free tickets earned by them under Flying Returns scheme of Air India/Indian Airlines***: - The undersigned is directed to refer to this Department's O.M if even number dated 5th March, 97 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 O.M. dated 5.3.97 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 scheme of Air India/Indian Airlines.

[O.M. No—11013/2/97—Estt.(A) of Government of India, Ministry of Personnel, Public Grievances and Pensions(Department of Personnel & Training) dated the 5th March, 1997) dated the 15th September, 1998.]

3. ***No objection to Government servants availing of the benefit of "Frequent Flier Programme" of Flying Return Programmers" of other Airlines:*** - The undersigned is directed to refer to this

Department's O.M. of even number dated the 19th August, 1997 on the above subject wherein 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 permissions to avail such "Frequent Flier/Flying Return Programmers" of other Airlines including foreign airlines.

3.2 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" of Flying Return Programmers" 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.

[O.M. No. 11013/2/97—Estt.(A) of Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) dated the 15th Sept., 1998.]

**XI. BRINGING POLITICAL OR OUTSIDE INFLUENCE TO FURTHER SERVICE INTERESTS**

***Action should be taken against Government servants approaching Members of Parliament or State Legislature for sponsoring individual cases:*** - 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 interest in respect of matters pertaining to 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 O.M. No. 11013/7/85—Estt.(A) dated 22.5.95, the following action should be taken against Government servants approaching Members of Parliament or State Legislature 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 Parliaments/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 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 provisions of CCS(CCA) Rules, 1965.

2. In spite of those instructions, cases of individual Government servants continue to be sponsored by public 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 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 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.

3. All Ministries/Departments/Offices etc. are requested to bring the above instructions to the notice of all concerned under their control and take action against the Government servants who violate the provisions of the Conduct Rules as prescribed in para 1.

[Copy of DP&T O.M. No. 11013/12/94—Estt.(A) dt. 12.1.95]

**XII. OBSERVANCE OF THE PROVISIONS MANUAL OF OFFICE PROCEDURE REGARDING ACTION ON ORAL INSTRUCTION**

1. I am directed to forward herewith a copy of this Department's Office Memorandum No. 11013/4/88—Estt. (A) dated 19th April, 1988 on the above subject and to say that the instructions (herein apply mutatis mutandis in respect of All India Service Officers.

2. It is requested that the instructions may be brought to the notice of the members of the All India Services serving in the State. The State Governments may also consider issuing suitable instructions in the light of regulations relating to Officer Procedure in the States corresponding to the instructions in the Manual and Office Procedure enclosed with this letter.

[D.P. & A.R. letter No. 11017/21/80—AIS (III) dt. 5-5-89, addressed to All State Governments and copy endorsed to all Ministries/ Departments to the Government of India, etc.]

*Copy of DP & Trg. O.M. No. 11013/4/88—Estt.(A) dt. 19-4-88 addressed to all Ministries/Departments etc, to Govt. of India.*

1. The undersigned is directed to invite attention 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 (extracts enclosed for ready reference) 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 decisions. 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.

3. Ministry of Agriculture etc. may please bring the above position to the notice of all administrative authorities under their control.

**Extract from Manual of Office Procedure.**

**CHAPTER V**

**25. Oral Discussions—**

(1) All points emerging from discussions between two or more officers of the same department and the conclusions reached will be recorded on the relevant file by the officer authorising action.

(2) All discussions/instructions/decisions which the officer recording them considers to be important enough for the purpose, should be got confirmed by all those who have participated in or are responsible for them. This is particularly desirable in cases where the policy of the Government is not clear or where some important departure from the prescribed policy is involved or where two or more levels differ on significant issues or the decision itself, though agreed upon by all concerned, is an important one.

**25A. Oral instructions by higher officers—**

(1) Where an officer is giving direction for taking action in any case in respect of matters on which he or his subordinate has powers to decide, he shall ordinarily do so in writing. If, however the circumstances of the case are such that there is no time for giving the instructions in writing, he should follow it up by a writing confirmation at his earliest.

(2) An officer shall, in the performance of his official duties, or in the exercise of powers conferred on him, act in his best judgement except when he is acting under instructions of an official superior. In the latter case, he shall obtain the directions in writing wherever practicable before carrying out the instructions, and where it is not possible to do so, he shall obtain written confirmation of the directions as soon thereafter as possible. If the officer giving the instructions is not his immediate superior but one higher to him in the hierarchy, he shall bring such instructions to the notice of his immediate superior at the earliest.

**25B. Oral orders on behalf of or from Minister—**

(1) Whenever a member of the personal staff of a Minister communicates to any officer an oral order on behalf of the Minister, it shall be confirmed by him in writing immediately thereafter.

(2) If any 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 where the officer concerned is working in or under a non-secretariat organisation.

(3) If any 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, he should seek further clear orders from the secretary (or the head of the department in case he is working in or under a non-secretariat organisation) 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.

**25C. Confirmation of oral instructions**

(1) If an officer seeks confirmation of an oral instruction given by his superior, the latter should confirm it in writing whenever such confirmation is sought.

(2) Receipt of communications from junior officer seeking confirmation of oral instructions should be acknowledged by the senior officers or their personal staff, or the personal staff of the Minister, as the case may be.

**XIII. BAN ON PARTICIPATION OF CERTAIN ORGANISATIONS**

1. ***Ban on participation in certain organisations like R.S.S., Jamat-e-Islami, Anand Marg and CPM(L) etc that have been banned by rule 33 of the Defence and Internal Security of India Rules, 1971:*** - I am directed to say that certain organisations like the R.S.S., Jamat-e-Islami, Anand Marg and CPM(L) have been banned under the provisions of rule 33 of the Defence and Internal Security of India Rules, 1971 vide Ministry of Home Affairs Gazette Notifications dated 3rd and 4th July, 1975 (copies enclosed for ready reference). This rule, inter alia provides that no person shall :—

(a) manage or assist in managing any organisation to which the rule applies;

(b) promote or assist in promoting a meeting of any members of such organisation, 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 organisation or otherwise in any way assist the operations of such organisation.

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. Sub-rule (1) of rule 5 of the All India Services (Conduct) Rules, 1968, provides that no members of the service shall be a member of, or be otherwise associate with any political party or any organisations which takes part in politics nor shall he take part in, or subscribe in aid, or assist in any other manner, any political movement or political activity. Members of the service who are found to have connections with these banned organisations 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.

3. I am to request that these instructions may be brought to the notice of all members of the All India Services working under the State Government.

[O.M. No. 11017/50/75—AIS(III), Dated 6th March, 1976 addressed to All State Governments and the Ministries/Deptts. of the Government of India, etc.]

*Rule 33 of the Defence and Internal Security of India Rules, 1971 (vide M.H.A. Gazette Notification Dated 3rd and 4th July, 1975).*

**S.O. 304(E).**— Whereas the Central Government is satisfied with respect to the organisations specified in the schedule below that they are organisations which are and whose members and the persons in control whereof are, indulging in activities prejudicial to the internal security, the public safety and the Maintenance of public order:

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 33 of the Defence and Internal Security of India Rules, 1971, the Central Government hereby directs that the said rule shall apply to the organisations specified in the schedule below.

**The Schedule**

1. Anand Marg.
2. Proutist Forum of India.
3. Proutist Block of India.
4. Vishya Sanskranti Seva also known as Volunteer Social Service.
5. Sewa Dharm Mission.
6. Education, Relief and Welfare Section.
7. Pragatisheel Bhojpuri Samaj.
8. Angika Samaj.
9. Baghelkhand Samaj.
10. Universal Proutist Labour Federation.
11. Universal Proutist Students Federation.
12. Renaissance Universal Club.
13. Renaissance Artists and Writers Association.
14. Anand Marg Universal Relief Team.

[No. II/16013/5/75—S & P(D.II)]

**S.O.305(E)**.— Whereas the Central Government is satisfied with respect of the organisations specified in the schedule below that they are organisations which are and whose members and the persons in control whereof are, indulging in activities prejudicial to the internal security, the public safety and the maintenance of public order:

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 33 of the Defence and Internal Security of India Rules, 1971, the Central Government hereby directs that the said rule shall apply to the organisations specified in the schedule below.

**The Schedule**

1. Communist Party (Marxist-Leninist) (Charu Mazumdar Group-Pro-Lin Piao Faction.
2. Communist Party (Marxist-Leninist) (Charu Mazumdar Group-anti-Lin-Piao Faction).
3. United Communist Party (Marxist-Leninist) (S.N. Singh—Chandra pulla Reddy Group).
4. The Andhra Pradesh Communist Committee (Revolutionaries) (T. Negi Reddy Group).
5. Communist Party (Marxist-Leninist) (Suniti Ghosh-Sharma Faction).
6. Eastern India Zonal Consolidation Committee of the Communist Party (Marxist-Leninist).
7. The Maoist Communist Centre.
8. The Mukti Yadha Group.
9. Unity Centre of Communist Revolutionaries of India (Marxist-Leninist).
10. Centre of Indian Communists.

[No. II/16013/5/75—S & P (D.II)]

**S.O.306 [E]**—Whereas the Central Government is satisfied with respect to the organisations known as Rashtriya Sawyam Sevak Sangh that it is an organisations which is and whose members and the persons in control whereof, are indulging in activities prejudicial to the internal security, the public safety and the Maintenance of public order:

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 33 of the Defence and Internal Security of India Rules, 1971, the Central Government hereby directs that the said rule shall apply to the Rashtriya Sawyam Sevak Sangh aforesaid.

[No. II/16013/5/75—S & P (D.II)]

MINISTRY OF HOME AFFAIRS Notification No. 234 dt. 4.7.1975:—

**S.O. 307(E)**.— Whereas the Central Government is satisfied with respect to the organisations specified in the schedule below that they are organisations which are and whose members and the persons in control whereof are, indulging in activities prejudicial to the internal security, the public safety and the Maintenance of public order:

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 33 of the Defence and Internal Security of India Rules, 1971, the Central Government hereby directs that the said rule shall apply to the Jammat-e-Islami-e-Jammu and Kashmir aforesaid.

[No. II/60/5/75—S&P(D—II)]

**S.O.307(E)**.— Whereas the Central Government is satisfied with respect of the organisations specified in the schedule below that they are organisations which are and whose members and the persons in control whereof are, indulging in activities prejudicial to the internal security, the public safety and the maintenance of public order:

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 33 of the Defence and Internal Security of India Rules, 1971, the Central Government hereby directs that the said rule shall apply to the Jammat-e-Islami-e-Jammu and Kashmir aforesaid.

[No. II/60/5/75—S&P(D—II)]

2. ***Action will be taken against the Government Servant found participating in banned organisations under normal service rules:*** - The undersigned is directed to refer to this Department's Office Memorandum No. 18011/1/S/75—Estt.(B) dated the 28th November, 1975 on the subject mentioned

above and to say that consequent upon the lifting of the ban on organizations may be treated as deleted. Hereafter, action may be taken against Central Government employees if they come to notice for participation in the activates of the political organizations, under the normal service rules, such as rule 5 of the Central Civil Service (Conduct) Rules 1964, or corresponding rules governing the service conditions of other categories of the employees.

The Ministry of Finance etc. are requested to bring the contents of this Office Memorandum to the notice of all concerned including those working in their attached and subordinate offices.

[OM No. 34013/4/(S)/77—Estt. (B) of Government of India Ministry of Home Affairs Departments if Personnel and Administrative Reforms dated the 23rd April, 1977]

3. ***Ban on association with Anand Marg or any of its organisations:*** - It has been decided that the instructions contained in Department of Personnel & A.R. letter No. 15014/6(S)/80—Estt.(B), dated the 31st December, and 5th Aug. 81C regarding association of Govt. servants with the activities of Anand Marg will apply to members of All India Service also.

2. According to Rule 5 of the All India Services (Conduct) Rules 1968, no member of an All India service shall be a member of, or be otherwise associated with any political party or any other organisation which takes part in politics, nor shall take part in, or subscribe in aid of, or assist in any other manner, any political movement or political activity. Membership of or association of a member of an All India Service with the Activities of the Anand Marg movement would attract the provisions of the above rule and any member of the Service who contravenes the provisions of the above rules would be liable to disciplinary action.

[G.I. M.H.A. D.P.&A.R letter no.11017/68/81-AIS(III) dated 34d March, 1982]

*G.I., M.H.A. D.P. & A.R. letter No.15014/6/(S)/80—Estt.(B), dated 31st December, 1980 to the Chief Secretaries of all State Governments on association of Government servants with the activities of Anand Marg.*

I am directed to say that the Government of India consider that a Government servant's membership of or association with the activities of movement known as Anand Marg would attract the provisions of sub-rule(1) of Rule 5 of the Central Civil Services (Conduct) Rules, 1964 which lays down that no Government servant shall be a member of, or be otherwise associated with any political party of any organization which takes
part in politics nor shall be take part in, subscribe in aid of, or assist in any other manner, any political movement or activity. Instructions have been issued to Ministries etc. at the Centre that a Government Servant who contravenes the provisions of the above rule and takes part in the activities etc. of Anand Marg or any of its organizations (see list in Annexure) would be liable to disciplinary action.

2. I am to request that if there is no objection the State Government may also consider the question of issuing similar instructions in the case of the State Government servants.

1. VSS (Volunteer Social Service).
2. Amra Bengali.
3. The Progressive Fenderation of India.
4. The . Proutist Forum of India.
5. Angika Samaj.
6. Pragatisheel Bhojpuri Samaj.
7. Nagpuri Samaj
8. Maithill Samaj
9. Pragatisheel Bhojpuri Samaj.
10. Braj Samaj.
11. Awadhi Samaj.

12. Bundeli Samaj
13. Garhwali Samaj
14. Kumaoni Samaj
15. Pragatisheel Haryana Samaj
16. Asia Punjabi
17. Proutist League.

*Copy of MHA DP&AR OM No. 15014/6/(5)/80—Estt.(B) dated 5-8-1981.*

SUBJECT *: Association of Government servants with the activities of Anand Marg.*

The undersigned is directed to invite the attention of the Ministry of Finance etc. to this Department's O.M. No. 15014/6/(S)/80—Estt.(B), dated the 31st December, 1980 on the above subject and to say that in the Annexure to the said O.M., the Organisations as per list enclosed may be added.

I. The Ministry of Finance, etc. are requested to bring the above to the notice of all Government employees working in or under them.

LIST OF FRONT ORGNISATIONS OF ANAND MARG

18. Education, Relief and Welfare Section.
**19. Sewa Dharm Mission**
**20. Anand Marg Universal Relief Team.**
**21. Women's Welfare Department.**
**22. Girl Volunteers.**
**23. Spiritual Sports & Adventures Club.**
24. Proulist Bloc 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 Farmer's Federation
31. Renaissance Artists' & Writers' Association.
32. Renassance Universal
33. Ek Manav Samaj
34. Bhojpuri Samaj
35. Chhatisgarh Samaj
36. Malwi Samaj
37. Vidarbha Samaj
38. Telangana Samaj
39. Circal Samaj
40. Utkal Samaj
41. Kosal Samaj
42. Navya Malayalam Samaj
43. Konkani Samaj
44. Kannad Samaj
45. Tulu Samaj
46. Dogri Samaj
47. Haryanavi Samaj
48. Pahari Samaj
49. Haroti Samaj
50. Sahvadri Samaj

51. Gurjar Samaj
52. Coorgi Samaj
53. Tamil Samaj
54. Rayalaseeema Samaj
55. Assam Unnayan Samaj
56. Mewari Samaj
57. Marwari Samaj
58. Kathiawari Samaj

## XIV. OBSERVANCE OF PROPER PROCEDURE IN OFFICIAL DEALINGS BETWEEN THE ADMINISTRATION AND MEMBERS OF PARLIAMENT AND STATE LEGISLATURES

1. ***Procedure for corresponding with Members of the Parliament/State Legislature:***- With regard to the correspondence with the Members of Parliament, a copy of the guidelines(O.M. No. 25/19/64—Estt.(A) dated 8.11.1974) on the subject issued by the Government of India is enclosed for necessary action. A separate O.M. No. 11013/2/2000—Estt.(A) dated the 23rd May, 2000 giving the details about official dealings between the Administration and Members of Parliament and Members of State Legislatures is also enclosed. Extracts of the relevant portion of the Central Secretariat Manual of Office Procedure are also enclosed herewith for guidance.

2. As regards the availability of the members of the All India Services on telephones, it is indicated that even though the members of the Service may not always be available on telephone because of the exigencies of work, they are supposed to make suitable arrangements for getting recorded during their absence the message received from the
Members of Parliaments and the messages received from the Members of State Legislatures and getting back to them as soon as they are in a position to do and also for talking suitable actions on the basis of the message received from the Hon'ble Members. Suitable arrangements must be made so that the members of the Parliament are not put to inconvenience and any indifferent attitude in this respect should be strongly dealt with under AIS(D&A) Rules, 1969.

3. It is requested that copies of these instruction /guidelines may kindly be circulated among all the members of the Service for strict compliance.

[letter No. 28011/3/2000—AIS (III) dated 11.7.2000]

*Copy of O.M. No.11013 /2/2000—Estt. (A) of Government of India Ministry of Personnel, Public Grievances & Pensions (Department of Personnel and Training) dated the 23rd May, 2000.*

1. The undersigned is directed to say that the broad guidelines to govern the official dealings between the Administration and Members or Parliament and State Legislature were issued vide Personnel & A..R. O.M. No. 25/19/64—Estt.(A) dated 8th November, 1974. Although these guidelines were reiterated from time-to-time vide Department of Personnel & Training O.Ms. dated 21.12.92 and 29.10.96 yet there are instances where the laid down procedure and protocol has not been observed property. The Parliamentary Committee during the course of meeting on demands for grants of Ministry of Home Affairs raised a point that there is a need to issue fresh instructions in the matter, as the earlier instructions are not available in most of operative officers. The Committee also observed that letters are not replied in some cases by the person who has been addressed by Members of Parliament/Members of Legislative Assembly.

2. As the members of Parliament and State Legislatures occupy, in our democratic set up, a very important place as accredited representative of people, they have important functions to perform under the Constitution and they find it necessary to seek information from the Ministries/Departments of the Govt. of India or the State Governments, or make suggestions for their consideration or ask for

interviews with the officers in connection with their Parliamentary and allied duties. In this connection, certain well recognized principles and conventions to govern the relations between Members of Parliament and of State Legislatures and Government servants have already been established. The existing instructions emphasise that it should be endeavour of every officer to help Members of Parliament and State Legislature to the extent possible in the discharge of their functions under the Constitution. The basis principles to be borne in mind by the Govt. 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 may have to say, they should always act according to their own best judgement.

(ii) That while they should consider carefully of listen patiently to what the Members of Parliament and 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 organised by a Govt. office. Proper and comfortable seating arrangements at public functions to be made for Member 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.

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

*Paras 57, 60 & 122 of Central Secretariat Manual of Office Procedure (Eleventh Edition, 1998)*

57. Correspondence with Member of Parliament

(1) Communications received from Members of Parliament should be attended to promptly.

(2) Where a communication is addressed to a Minister, it should, as far as practicable, be replied to by the Minister himself. In other cases, a reply should normally be issued over the signature of an officer of the rank of Secretary only.

(3) Where, however, a communication is addressed to the head of an attached or subordinate office, Public Sector Undertaking ) financial institutions (including nationalized banks) Division/Branch In charge in a Ministry/ Department/ Organisation, it should be replied to by the addressee himself. In routine matters not involving question of policy, he may send an appropriate reply on his own. In matters involving questions of policy the officer should have prior consultation with higher authorities before sending a reply. It should, however, be ensured that minimum level at which such replies are sent to Members of Parliament is that of Under Secretary and that also in letter form only.

(4) Normally Information sought by a Member should be supplied it is such a nature that it would have been denied to him even if asked for on the floor of the Houses of Parliament.

(5) As far as possible, in corresponding with Members of Parliament, pre- printed or cyclostyled copies should be avoided.

(6) In case reference from an Ex-Member of Parliament (or MP who has not been re-elected) is addressed to a Minister or Secretary, reply to such reference may be sent by the concerned Divisional Head after obtaining approval of the Secretary of the Ministry/Department. In case the reference is addressed to a lower level officer reply to such reference could be sent by the officer on his own in non-policy cases and after obtaining approval of the higher authorities in policy cases. However, the minimum level at which reply could be sent should be that of an Under Secretary and that too in letter form only.

60. Prompt response to letters received

(1) Each communication received from Members of Parliament, a member of the public, a recognized association or a public body will be replied to within 15days.

(2)Where (i) delay is anticipated in sending a final reply, or (ii) information has to be obtained from another Ministry or another office, an interim reply will be sent within a fortnight indicating the possible date by which a final reply can be given.

(3) If any such communication is wrongly addressed to a department, it will be transferred promptly(within three days) to the appropriate department under intimation to the party concerned.

(4) Where the request of a Member of the Public cannot be acceded to for any reason, reasons for not acceding to such a request should be given.

(5) As far as possible, requests from members of public should be looked at from the user's point of view of what may be administratively convenient.

122. **Watch on disposal of communication received from Members of Parliament.**

The personal section of each Joint Secretary/Director (if the director submits cases direct to secretary/additional secretary) will maintain a separate register of communications received from Members of Parliament in the form given in Appendix 45. The serial number at which a letter is entered in this register will be prominently marked on that letter together with its date of registration e.g., ' '25/JS/P/MP)' 20.3.96

a. To keep a special watch on speedy disposal of communication received from Members of Parliament, each section will;

i. maintain a register as in form at Appendix 46; and

ii. Make out prominently those communications finally disposed of by rounding off the serial numbers of the register in red ink.

b. If for any reason an M.P.'s letter is received by a section without being registered in the personal section of the Joint Secretary/Director, immediate steps will be taken to get it registered there.

c. On the 1st and 15th day of each month, each section will submit the register along with the report in the form at Appendix 47 to the Under Secretary/Deputy Secretary. Particulars of communications pending for more than a fortnight will be given in the form at Appendix 48. The report, with the remarks of Under Secretary/Deputy Secretary, will be submitted to the Director/Joint Secretary and register will be returned to the section.

d. The personal section of the Joint Secretary/Director will check whether all the communications entered in its register figure in the reports sent by the sections. If any discrepancy is found, it should be reconciled. Thereafter, the report will be submitted to the Joint Secretary/Director for scrutiny and for such other action, as he may consider appropriate.

e. Ministries may through departmental instructions include additional columns in the forms at Appendix 45, 46,47 and 48 to suit local needs.

2. ***Instructions to all Ministries/Departments of Government of India with copy to all State Governments and LBSNAA regarding guidelines to deal with the Members of the Parliament/State Legislatures:*** - The undersigned is directed to refer to this Department O.M. No. 11013/2/92—Estt.(A) dated 21.12.92 on the subject mentioned above wherein broad guidelines to govern dealings between the Administration and Members of Parliament and State Legislatures have been reiterated . The instructions emphasise that it should be the endeavour of every officer to help Members of Parliament and State Legislatures to the extent possible in the discharge of their functions under the Constitution. It has also been laid down that the two basic principals to be borne in mind by the Government servants while interacting with the Members of Parliament and State Legislatures are that (i) the Govt. 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.

2. The Lok Sabha Secretariat has brought to the notice of this Department that of late complaints have been received from Hon'ble Members about non-observance by some of the authorities of instructions/guidelines regarding courtesy to be extended to people's representatives in relation to public functions. The Hon'ble Speaker has directed that it is has to be ensured that Members of Parliament are invariably apprised of the function being held/organized in their respective parliamentary constituencies.

3. In this connection, attention of Ministries/Departments is invited to para 5 of the instructions contained in the O.M. dated 21.12.92 wherein it has been prescribed that Ministries/Departments should issue instructions to ensure that in a public function organised 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. It has also been prescribed in these instructions that proper and comfortable seating arrangements at public functions should be made for Members of Parliament who appear above the officers of the rank of Secretary of Government of India in Warrant of Precedence.

4. Ministries/Departments are requested to ensure that these instructions are followed by all concerned in letter and spirit. It may also be impressed on all concerned that violation of these instructions will be viewed seriously.

[O.M. No. 11013/9/96—Estt. (A) 29th October, 1996]

*Copy of O.M. No 11013/2/92—Estt.(A) of Government of India, Ministry of Personnel, P.G. & Pensions (Department of Personnel & training) dated the 21-12-92.*

1. The undersigned is directed to refer to Department of Personnel & A.R. O.M. No No. 25/19/64—Estts.(A) dated the 8th Nov., 1974 wherein broad guidelines were laid down to govern official dealings between the Administration and the Members of Parliament and State Legislatures. These guidelines were re-circulated on 23.6.1988 and again on 23.4.91 with the request to bring these instructions to be 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, there by 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 O.M. dated 8th November, 1974 are observed strictly at all levels.

3. It has further been noted that references from Committee 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 senior officer at the level of Joint-Secretary or equivalent who should be charged with the responsibility of ensuring that the references are attend to promptly.

4. As regards treatment of letters received from members of Parliament/State Legislature, attention in invited to the para 7 contained in the instruction issued by the Government of India in 1974.

5. It has also been decided that Ministries/Departments should issue instructions to ensure that in a public function organized by any of its officers in any part of the country, the members of Parliament /States 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 Parliaments, proper protocol conforming to their position in the Warrant of precedence (Copy enclosed) should be observed. In all official correspondence, where the name of an MP is to appear along with others, the name should be listed according to the position assigned to the MPs in the Warrant of Procedure. Care should also be taken to address each of them as member of Parliament (or MP) and not as Member of Parliament 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 of 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.

*Copy of O.M. No. 25/19/64—Estt(A) of Government of India/Cabinet Secretariat/Department of Personnel & Administrative Reforms dated the 8th November, 1974.*

1. The undersigned is directed to state that Members of Parliament and State Legislature 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 form the Ministries/Departments of the Government of India or the State Governments, of make suggestions for their consideration or ask for interview with Officers in

connection with their parliamentary and allied public duties. In this connection, certain well-recognized principle 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 (new Department of Personnel and Administrative Reforms) Office Memorandum No. 25/29/56—Estts (A) dated the 28th August, 1957 and ) Office Memorandum No. 25/6/68—Estts (A) dated the 27th March, 1968. copies enclosed as Enclosure—I and II respectively. 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 State Legislature and Government servants. The instructions in this regard are contained in the subsequent paragraphs. The Ministry of Finance etc. are requested to bring the contains 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 of Members of Parliament and of the State Legislatures and (ii) that while they should consider carefully or listen patently to what the Member 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 in 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 realize 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 visitors has come by previous appointment and a Member of Parliament of a State Legislature his 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 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 a State Legislature comes 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 dealing with Members of Parliament and of State Legislatures.

6. Similarly, seating arrangement at public functions 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 procedure approved by the President. M.Ps. appear at Article 30 above officers of the rank of full Central 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 Lokl Sabha, Ambassadors, etc. A further provision in the instructions is that the Members of State Legislatures who, owing to their presence in Delhi happen to be invited to State functions, should be assigned rank just after Member of Parliament. To convenience to Members of Parliament and of seats meant for them should be kept reserved till 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 request.

8. While the official dealings of Government servants with Members of Parliament and of State Legislature 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 bringing 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 servants is not expected to approach a Member of Parliament or of a State Legislature for sponsoring his individual case.

*Copy Ministry of Home Affairs(now Department of Personnel & Administrative Reforms), Office Memorandum No. 25/29/56—Estt. (A) dated the 28th August, 1957.—(Enclosure—I)*

1. It has been brought to the notice of the Government by certain Members of Parliament that instances have occurred in which Members of Legislatures have not been accorded by Government officers the consideration and regard which their position in the public life of the country requires. Government of India have no doubt that, lapses, if any, in this respect cannot be intentional, and that there in no desire to be discourteous or rude. Nevertheless, 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 endeavour 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 suggestions of Members of Parliament, the reasons for the office'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.

2. Ministry of Finance etc. are requested to bring these instructions to the notice of all concerned.

*Copy of O.M. No. 25/6/68—Estt(A) dated 27.3.1968.(Enclosure—II)*

1. As the Ministry of Finance etc. are aware, instructions were issued on 28.8.57(Vide copy enclosed) emphasizing the need for observance of proper courtesies by officers of the Govt. in their dealings with Members of Parliament. In continuation of these instructions, it is further emphasized that where any meeting convened by Govt. 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.

2. Ministry of Finance etc. are requested to bring the above instructions to the notice of all concerned.

**PRESIDENT'S SECRETARIAT**

No. 33—Pres/79 dated the 26th July, 1979.

a. In suppression of all previous notifications issued on the subject, the following Table, with respect to the rank and precedence of the persons named therein which has been approved by the President, is published for general information:

1. President

2. Vice President

3. Prime Minister

4. Governors of States within their respective States

5. Former Presidents

5(A) Deputy Prime Minister

6. Chief Justice of India.

Speaker of the Lok Sabha

(7) Cabinet Ministers of the Union.

Chief Ministers of States within their respective States

Deputy Chairman, Planning Commission

Former Prime Ministers.

Leaders of Opposition in the Rajya Sabha and the Lok Sabha. 7(A) Holders of the Bharat Ratna Decoration

8 Ambassadors Extraordinary and Plenipotentiary and High Commissioners of Commonwealth countries accredited to India.

Chief Ministers of States outside their respective States/Governor of States outside their respective States.

9 Judges of Supreme Court

9-A. Chief Election Commissioner

Comptroller & Auditor General of India.

10 Deputy Chairman, Rajya Sabha

Deputy Chief Ministers of States

Deputy Speaker, Lok Sabha

Members of the Planning Commission

Ministers of State of the Union and other Minister in the Ministry of Defence for defence matters.

11. Attorney General of India.

Cabinet Secretary

Lieutenant Governors within their respective Union Territories.

12. Chiefs of Staff holding the rank of full General or Equivalent rank 13. Envoys Extraordinary and Ministers Plenipotentiary accredited to India. 14. Chairman and Speakers of State Legislatures within their respective States

Chief Justice of High Courts within their respective jurisdictions.

15. Cabinet Ministers in States within their respective States.

Chief Ministers of Union Territories and

Chief Executive Councillor, Delhi, within their respective Union Territories, Deputy Ministers of the Union

16. Officiating Chief of Staff holding the rank of Lieutenant General or equivalent rank.

17. Chairman, Central Administrative Tribunal
Chairman, Minorities Commission
Chairman, Scheduled Castes and Scheduled Tribes Commission Chairman, Union Public Service Commission
Chief Justices of High Courts outside their respective jurisdictions.

Puisne Judges of High Courts within their respective jurisdictions.

18. Cabinet Ministers in States outside their respective States.
Chairman, and Speakers of State Legislatures outside their respective States.

Chairman, Monopolies and Restrictive Trade Practices Commission.

Deputy Chairman and Deputy Speaker of State legislature within their respective States.

Ministers of States in States within their respective States
Ministers of Union Territories and Executive Councillors, Delhi, within their respective Union Territories.

Speakers of Legislative Assemblies in Union Territories and Chairman of Delhi Metropolitan Council within their respective Union Territories.

19. Chief Commissioner of Union Territories not having Councils of Ministers, within their respective States.

Deputy Ministers in States within their respective States.

Deputy Speaker of Legislative Assemblies in Union Territories and Deputy Chairman, of Metropolitan Council, Delhi, within their respective Union Territories.

20. Deputy Chairman and Deputy Speaker of States Legislatures, outside their States.
Ministers of State in, States outside their States
Puisne Judge of High Courts outside their respective jurisdictions.

21. Member of Parliament

22. Deputy Ministers in their States outside their respective States.

23. Army Commanders/Vice Chief of the Army Staff or equivalent in other Services.
Chief Secretaries to State Governments within their respective States.
Commissioner for Linguistic Minorities.

Commissioner for Scheduled Castes and Scheduled Tribes.

Members, Minorities Commission.

Member, Scheduled Castes and Scheduled Tribes Commission.
Member, Scheduled Castes and Scheduled Tribes Commission
Officers of the rank of full General or equivalent rank
Secretaries to the Government of India (including officers holding this office ex-officio)
Secretary, Minorities Commission
Secretary, Scheduled Castes and Scheduled Tribes Commission Secretary, to the President
Secretary to the Prime Minister
Secretary, Rajya Sabha, Lok Sabha

Solicitor General

Vice-Chairman, Central Administrative Tribunal

24. Officers of the rank of Lieutenant General or equivalent rank.

25. Additional Secretaries to the Government of India.

Additional Solicitor General

Advocate General's of States.

Chairman, Tariff Commission

Charges Affairs and Acting High Commissioners a pied and ad interim.

Chief Ministers of Union Territories and Chief Executive Councillor, Delhi, outside their respective Union Territories.

Chief Secretaries of States Governments outside their respective States.

Deputy Comptroller and Auditor General

Deputy Speaker of Legislative Assemblies in Union Territories and Deputy Chairman, Delhi Metropolitan Council, outside their respective Union Territories.

Director, Central Bureau of Investigation

Director, General, Central Reserve Police.

Director, Intelligence Bureau.

Lieutenant Governors outside their respective Union Territories.

Members, Central Administrative Tribunal.

Members, Monopolies and Restrictive Trade Practices Commission

Members, Union Public Service Commission

Ministers of Union Public Territories and Executive Councillor, Delhi, outside their respective Union Territories.

Principal Staff officers of the Armed Forces of the rank of Major General or equivalent rank

Speaker of Legislative Assemblies in Union Territories and Chairman of Delhi Metropolitan Council, outside their respective Union Territories.

26. Joint Secretaries to the Government of India and Officers of equivalent rank.

*Officers of the rank of Major-General or equivalent rank.*

NOTE 1— The order in this Table of Precedence is meant for State and Ceremonial occasions and has no application in the day-to-day business of Government.

NOTE 2— Persons in the Table of Precedence will take rank in order of the number of the articles. The entries in the same article are arranged alphabetically. Those included in the same article will take precedence inter se according to date of entry into that article. However, where the dignitaries of different States and Union Territories included in the same article are

present at function outside their States or Union Territories and there in difficulty in ascertaining their dates of entry, they may be assigned precedence inter se in the alphabetical order of the name of States and Union Territories concerned after those whose precedence is determined according to date of entry into that article.

NOTE 3— In Article 7, the former Prime Ministers will take precedence over the Cabinet Ministers of the Union and the Leaders of Opposition in the Rajya Sabha and the Lok Sabha. The Chief Ministers of States within their respective States will take precedence over the Cabinet Ministers of the Union of official functions held in the respective States.

NOTE 4 — In Article 8—

(a) Ambassadors Extraordinary and Plenipotentiary and High Commissioners of Commonwealth countries accredited to India will en bloc rank above Governors of State outside their respective States.

(b) Governors of States outside respective States will en bloc rank above chief Ministers of States outside their respective States.

NOTE 5— The Ministry of External Affairs may assign appropriate ranks to foreign dignitaries and Indian Ambassadors, High Commissioners and Ministers Plenipotentiary during their visit to India.

NOTE 6— Notwithstanding the procedure laid down in Note 2, the rank inter se and precedence of the persons in Article 10 shall be assigned in the following order: —

1. Deputy Chairman, Rajya Sabha.
2. Deputy Speaker, Lok Sabha
3. Ministers of State of Union and any other Minister in the Ministry of Defence for defence matters,
4. Deputy Chief Ministers of States.
5. Members of the Planning Commission However, the Deputy Chief Ministers of States outside their respective States will always rank below all other dignitaries figuring in this article.

NOTE 7— The Chairman of State Legislative Councils will rank above the Speakers of Legislative Assemblies in case where they were elected on the same date.

NOTE 8— When Members of Parliaments are invited en block to major State functions, the enclosures reserved for them should be next to the Chief Justice, Speaker of the Lok Sabha, Ambassadors etc.

NOTE 9— Speakers of Legislative Assemblies in Union Territories and Chairman of the Delhi Metropolitan Council, Delhi, will take precedence over Ministers and Executive Councillors, included in the same article.

NOTE 10. In Article 23—

(a) Secretaries in the Ministry of External Affairs other than the Foreign Secretary between themselves, will take precedence in the order of their seniority in Grade I of the Indian Foreign Service and both of them will take precedence after the Foreign Secretary;

(b) Member of the Minorities Commission and the Scheduled Castes and Scheduled Tribes Commission will always take precedence over the Secretaries of these Commissions;

(c) In official functions held at Delhi/New Delhi, Army Commanders/Vice Chief of the Army Staff or equivalent in other Services will always rank after Secretaries to the Government of India.

NOTE 11— In Article 25—

(a) Additional Secretaries in the Ministry of External Affairs among themselves will take Precedence in the order of their seniority in Grade II of the Indian Foreign Service;

(b) Additional Solicitor General will take precedence above the Advocate Generals of States;

(c) Lieutenant Governors will take precedence over the Chief Ministers and Chief Executive Councillor, Delhi, and the latter will take precedence over Speakers of Legislative Assemblies and Chairman , Metropolitan Council, Delhi;

(d) Deputy Speaker of Legislative Assemblies of Union Territories and Deputy Chairman of Delhi Metropolitan Council will take precedence after Ministers of Union Territories and Executive Councillors, Delhi.

NOTE 12—For the purpose of Article 26, the posts equivalent to the posts of Joint Secretaries to the Government of India will be determined by the Ministry of Home Affairs.

## GOVERNMENT OF INDIA'S DECISIONS

### GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 3

1. ***Participation in proselytising activities may be treated as good and sufficient reason for taking disciplinary action against a moS:*** - A question was raised whether members of the Service were prohibited from taking part in proselytising activities under these Rules. The Government of India have decided that although, under the Constitution of India, servants of the States are entitled in their private lives to profess, practice or propagate any religion freely, they should so conduct themselves in public as to leave no room for an impression that they are likely in their official dealings to favours persons belonging to any particular religion. Such an impression is bound to arise in respect of a member, who participates in bringing 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.

2. Although a specific provision in this regard is not made in these Rules, participation in proselytising activities may be treated as good and sufficient reason for taking disciplinary action against a member under the All India Service (Discipline and Appeal) Rules, 1955.

3. The provisions contained in the proceeding paragraph may be kept in view by the State Governments, while examining the conduct of members of the Service in this regard.

[G.I., M.H.A. letter No.(IS)503/58-AIS(III), dated 30th May, 1958, read with O.M. No. 25/50/57-Esst.(A), dated 15th January, 1958-M.H.A. F.No.16/39/58-AIS(III)].

### GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 5

1. ***Permission should not be given to a moS to publish articles in the journals, souvenirs etc., of political parties:*** - A doubt has been raised whether members of the All India Services can be permitted to publish articles in the journals, souvenirs etc., of political parties.

2. The matter has been examined in this Department and it has been decided, that in all such cases, permission should not be given.

[DP&T letter No. 11017/30/93 AIS (III), dated 21/06/93]

### GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 10

1. ***A moS may be permitted to participate in Flag Day Collection:*** - According to Rule 10 of the All India Services (Conduct) Rules, 1968, no member of the service shall except with the previous sanction of the Government or such authority as may be empowered by it in this behalf ask for or accept contributions to or otherwise associate himself with the raising of any funds or other collections in cash or any kind or in pursuance of any object whatever. For the purpose of this rule, Government in

the case of the member of the service serving in connection with the affairs of the Union is the Central Government and in the case of a member of the service serving in connection with the affairs of State the Government of that State.

2. A question was raised whether members of All India Services may be permitted to associate themselves with the raising of funds in connection with the Armed Force Flag Day. So far as the Central Government servants are concerned, Government of India has decided to relax the provision of the Rule 12 of the CCS (conduct) Rules and to allow Central Government servants to participate in such collections on voluntary basis, keeping in view the object underlying the Flag Day Collection, vide Ministry of Home Affairs' Memo. No. 25/33/55—Estt., dated 31st October, 1955.

3. It was decided to extend the provisions of the Ministry of Home Affairs Memorandum cited above to the members of the All India Services serving under the Central Government.

4. The State Governments were requested to consider adopting the same policy in respect of the members of All India Services working under them.

[DP & AR letter No. 11017/80/82—AIS(III), dated 16-11-82.]

**GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 11**

1. ***The criteria to decide acceptance of gift my a moS or his members of the family is whether it is inspired by his official position:*** - The main criteria to be followed in deciding whether a member of the Service or a member of his family, should be permitted to retain a gift would be whether it has been inspired by his official position and also whether it is likely to embarrass or influence him, either immediately or prospectively in the discharge of his official duties.

[G.I. M.H.A. letter No. 7/15/56—AIS (II), dated 10th April, 1956].

2. ***No officer should be given permission to accept gifts of more than trifling value, at the time of transfer:*** - Instances have come to the notice of the Government in which senior officers and others were presented, on the occasion of their retirement or transfer expensive gifts for the purchase of which the members of staff contributed. Though farewell entertainment of substantially private and informal character may be held in the honour of officers on the eve of their retirement or transfer, yet it is hardly healthy or desirable to allow the practice of accepting gifts from the staff. It has, therefore, been decided that in future no officer should be given permission to accept gifts of more than trifling value, at the time of transfer.

2. There is, however, no objection to the officer's accepting gifts at the time of his retirement from members of the staff subject however to prior permission of Government wherever such permission is necessary.

3. The State Government may, if there be no objection follow these instructions while dealing with the similar cases of officers serving in connection with the affairs of the State.

[G.I. M.H.A. letter No. 8/51/62—AIS(III), dated 30th November 1962]

3. ***Procedure for disposal of presents received by a moS by visiting foreign dignitaries:*** - The Government of India have decided that presents made to members of the Service by visiting foreign 'dignitaries' as distinguished from 'foreigners' shall be disposed of in the following manner:—

(i) Presents, which are of a symbolic and not of any practical value, like swords ceremonial robes etc., may be retained by the recipients;

(ii) Presents of trivial value, which for this purpose shall be *Rs. 3000/ may be retained by the recipients; and

(iii) Presents not covered by the above two categories shall be deposited at the Government Toshakhanna (in the Ministry of External Affairs), from where the

recipients may be given the option to purchase them at prices fixed by the authorities in charge.

[G.I. M.H.A/ letter No. 25/49/55—Estt., dated 31st March, 1956, read with Dep't. of Personnel and A.R. letter No. 5/28/73—AIS—(III), dated 10-1-1974 and No. 11017/55/76—AIS (III), dated 8-12-1976]

4. ***Presents received by a moS from foreign firms will also be covered under the procedure above: -*** A question has been raised whether the instructions contained in letter No. 5/28/73—AIS (III), dated 10-1-1974 could be applied in the case of gifts received by members of the service from foreign firms.

2. This question has been carefully considered in this department. According to the normal policy no permission is granted, save in exceptional circumstances, for acceptance of gifts made to members of the services by firms, whether foreign or indigenous, with whom the members of the service concerned has had or has or is likely to have official dealings, either directly or indirectly by virtue of his official position. Permission should also not be normally granted for the acceptance of gifts by members of the All India Services from firms, which are contracting firms with the Government even if the contract is entered into by Ministry of Department other than one in or under which the member of the service 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 firms concerned is neither a firm contracting with the Government where it is proposed to grant permission for acceptance of the gifts made by a foreign firm the procedure laid down in this department letter of even number dated 10-1-1974 referred to above should be followed.

[D.P. & A.R. letter No. 5/28/73—AIS (III), dated 22-10-1975].

5. ***Procedure for contacts with business firms:*** - I am directed to invite attention to sub-rule (4) of Rule 11 of AIS (Conduct) Rules, 1968 and to forward herewith a copy of this Department's office Memorandum No. 11013/1/88—Estt. (A) dated the 10th May, 88 on the subject mentioned above. I am further directed to say that the instructions stipulated therein shall apply mutatis mutandis to members of the All India Services also.

2. It is requested that the above instructions may be brought to the notice of the members of the All India Services serving in the State/Central Government of the Compliance

[Letter No. 11017/25/88—AIS(III) dated 12-7-1988]

*Copy of O.M. No. 11013/1/88—Estt.(A) dated 10.5.88 of Government of India, Ministry of Personnel, P.G. & Pensions, Department of Personnel & Training*

1. The undersigned is directed to invite attention to Note (II) below Rule 13(I) of the Central Civil Services (Conduct) Rules, 1964 which lays down that a Government servant shall avoid accepting lavish hospitality or frequent hospitality from any 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 of firm of any other person if he or any member of his family is interested in such matter in any manner. These instruction have been issued to ensure that Government servants are extremely careful and discreet while coming in contact which 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/businesses 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.

3. The aforesaid instructions are brought to the notice of all Ministries/ Departments for strict compliance by Government servants of all categories.

**GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 12**

1. ***The members of the Services should refrain from declaring building etc. open and should take prior permission if necessary:*** - A question was raised whether it would be in consonance with the spirit of this rule for members of the Service to accept invitations to declare buildings, etc. open, or to lay the foundation-stones of new buildings, or to allow bridges, road, buildings, parks or public institutions such as hospitals, schools or colleges be named after them. The Government of India have decided that it would not only be against the spirit of this rule, for members of the Service to act in the manner set forth above, but it would be inappropriate and inconsistent with the rule of detached impartiality legitimately expected of them and that it would generally have an unwholesome effect.

2. While it is possible that there may be occasion when members may have to participate in such functions, which have a cultural or 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. The State Government may issue similar orders in respect of members of the Service serving under them.

[M.H.A. letter No. 6/79/57—AIS(II), dated 28th October, 1957 read with O.M. No. 25/24/57—Estt.(A) dated 16-9-1957].

2. ***The members of the Services should not accept awards conferred by private organisations***: - This Department has been receiving references from various Ministries/Departments recommending grant of Awards from organisations of National/ International repute and also from Private Bodies, to members of All India Services.

2. In this connection, I am directed to invite the attention of all Ministries/Departments to the clarification issued in this Department's letter No.11017/48/93-AIS(III) dated 20th October, 1993 and to say that it is not appropriate for members of All India Services to accept awards from Private Bodies.

{DOPT Letter No.11017/71-93-AIS(III) dated 9th August, 1994]

Copy of the DOPT Letter No.11017/48/93-AIS(III) dated 20th October, 1993 regarding acceptance of awards conferred by private organisations.

1. As per rule 12(1) of the All India Services (Conduct) Rules, 1968, a member of the Service is required to take the previous sanction of Government, which may be subject to such conditions and provisions as may be specified therein, before receiving any complimentary or valedictory address or testimonial or attending any meeting or entertainment held in his honour. While there is no specific rule regarding the acceptance of awards conferred on officers by private organisations, 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 themselves to recognise 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.

2. It is relevant to point out that the activities of the Government extend over wide ranging fields, some of which are well publicised 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 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 public servant or member of the Service 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 members of the Services 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.

3. The main criteria which may be followed in granting permission to individual officers to accept awards from private organisations 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.

**GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 13**

1. ***Income from literary, cultural or artistic efforts, which are not aided by the knowledge acquired by the member in the course of his service, is not `fee' for the purpose of SR 12 and can be retained by the officer in full:*** - A question arose, whether a member of the service could accept royalty of the publication of a book of literary, artistic, or scientific character and also whether such royalties were to be treated as 'Fee' under supplementary Rule 12. Consequent to updation of Government of India Decision issued vide letter No. 16/12/59-AIS(III) dated 15th June, 1959, ***It has now been decided that the income from literary, cultural or artistic efforts, which are not aided by the knowledge acquired by the member of Service in the course of his service, is not `fee' for the purpose of SR 12 and can be retained by the member of Service in full. In other cases, SR 12 will apply and one-third of any fees in excess of Rs. 1,500/- paid to a member of service in a financial year shall be credited to the Consolidate Fund of India/State***.

[DOPT's letter No. 11017/02/2015-AIS-III, dated 14th August, 2015].

2. ***There is nothing in this rule prohibiting a member of the Service from becoming a member of any Co-operative Society.***

[G.I. M.H.A. letter No. 8/50/61—AIS(III), dated 29th November, 1961]

3. ***Members of the Services are not permitted to act as a sleeping partner:*** - Instances have come to the notice or the Government of India, when members of the service sought permission to continue, as a sleeping partner to keep their interests alive in the joint family concern or otherwise. As a rule the Government are averse to the continued association of an all India Service Officer with a commercial firm in his own State of Allotment.

[G.I. M.H.A. letter No. 8/6/63—AIS (III), dated the 15th May, 1963].

4. ***Members of the Services may be discouraged to hold Elective posts in University Senate:*** - Seeking election to a University Senate is neither in the scheme of social nor literary work. In fact the work of the University Senate itself cannot be regarded as of social, or literary character. In a large number of Universities, elections to the Senate are hotly contested by nominees of the major political parties and the senate bodies are considered another forum for political activity.

2. In view of the considerations mentioned above it has been decided that elective post of the nature referred to above should not be held by the members of the All India Services and that they may be discouraged from seeking such election.

[M.H.A. letter No. 8/88/65—AIS(III), dated 8-12-1965].

5. ***Power of the Central Government to grant previous sanction under rule 13(1) has not been delegated to the Central Ministries/Departments:*** - Rule 13(1) of All India Services (Conduct) Rules, 1968 as amended by this Department's Notification No. 5/23/72—AIS (III), dated, the 27th July, 1974

provides that no member of the service shall except with the previous sanction of the Government, engage directly or indirectly in any trade or business or negotiate for or undertake any employment. The powers of the Central Government under this rule are exercisable by the Department of Personnel and Administrative Reforms, as these powers have not been delegated to the administrative Ministries/Departments. The Ministry of Finance etc. are therefore, requested to ensure that proposals for grant of permission under this rule to the members of the All India Services working in, or under, them are invariably referred to this Department for prior concurrence.

[Department of Personnel and A.R. O.M. No. 11017/3/75—AIS (III), dated 9-4-1975].

6. ***State Governments are not competent to nominate or appoint any member of the AIS on Central deputation to any executive or semi-executive positions under the State Government without the specific approval of the Central Government:*** - Instances have come to notice where members of All India Services while on Central deputation have been nominated/appointed to specific executive semi-executive positions under the State Governments. Not only does this practise create avoidable embarrassment, it is also contrary to the rules. According to sub-rule (1) rule 13 of the AIS(Conduct) Rules read with clause (a) of rule 12 ibid no member of the Service serving in connection with the affairs of the Union, or serving under a foreign Government or outside India whether on duty or on leave, shall, except with the previous sanction of the Central Government undertake any employment under a State Government. In view of these provisions State Government are not competent to nominate or appoint any member of the AIS on Central deputation to any executive or semi-executive positions under the State Government without the specific approval of the Central Government. The concurrence of the Central Government cannot be presumed. The basic assumption is that the entire time of a Government servant, particularly a senior one, should be available to the Central or State Government depending on where he is working. Moreover, it is necessary that while an officer is serving in the Government of India, he is not subject to any kind of control by a State Government.

2. If an officer in a State Government is holding certain positions in the State, it is not necessary that he should continue to do so, even when he comes on deputation to the Centre. For one thing, he will be able to devote the same time which he may have done while he was in the State and this may be against the interest of the institution(s) with which he was associated. For another, such step may tend to cause demoralization
amongst officers in the State as it implies that there is no one competent enough to take over the responsibility.

3. For the above reasons, it has been decided that, as a matter of principle, members of the All India Services who are serving at the Centre will not be permitted to occupy executive or semi-executive position under a State Government or Public sector organisation etc. controlled by the State Government except, where they are nominated by the Central Government to represent the interests of that Government.

[DPAR letter No. 11017/10/78—AIS (III), dated 20-7-1978].

7. ***Details of the trade or business, the family members of the moS is engaged in, should invariably be furnished:*** - Under sub-rule (3) or rule 13 or the All India Service (Conduct) Rules, 1968, every member of the Service shall, if any member of his family is engaged in a trade or business, or owns or manages an insurance agency or commission agency, report that fact to the Government. It is, however, noticed that in a number of cases in the past, members of the All India Services did not furnish details relating to the trade/business started by their family members while making their reports to the Government under the aforesaid sub-rule with the result that Government had no information in this regard. Hereafter whenever a report is made by a member of the All India Services (Conduct) Rules, 1968, elementary details like nature of and name under which trade/business is being done, its location, whether with or without partners, amount invested and the source of the amount invested etc. should invariably be furnished.

[G.I., M.H.A., DP&AR letter No. 11017/15/79—AIS(III), dated the 30th July, 1979]

8. ***A moS should not stand guarantee/surety for loans taken by their relatives for business purposes:*** - A question was raised whether an All India Service Officer can stand surety/guarantee to a loan being taken by his wife for business purposes.

2. It has been clarified that members of the All India Service should not stand guarantee/surety for loans taken by their relatives for business purposes as in this way indirect interest in business and financial commitments are created attracting the provisions of Rules 13 and 15 of the All India Services (Conduct) Rules, 1968.

[G.I.DP&AR letter No. 11017/46/82—AIS(III), dated 4th September, 1982]

9. ***A moS can enrol with bar association with a condition that he should not engage in legal profession while in government service:*** - A question has arisen whether a member of an All India Services could enrol himself with bar association. It has been decided that a member an All India Services can be permitted to enrol himself as an advocate, on condition that he should not engage himself in the legal profession either independently or otherwise for so long as he continues in Government Services.

[DP&T No. 11017/55/92 AIS(III), dated 22/12/92]

10. ***Secretaries of the Government of India should not associate themselves with Boards of Public Sector Undertakings:*** - Instances have come to the notice of the Government in which the Secretaries of the Government of India have associated themselves with the Public Sector Undertakings, as members of their Board of Directors.

2. The matter has been carefully considered in this Department and with the approved of Prime Minister, 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.

[DP&T Letter No. 11017/11/93—AIS(III) dated 12.7.93]

11. ***A moS should obtain prior permission of the Government before negotiating for consultancies and other appointments:*** - Under Rule 13(1) (b) of the AIS(Conduct) Rules 1968 the members of All India Services are required to obtain prior permission of the Government before they negotiate for, or undertake, any other employment.

2. It has come to the notice of the Government of India that some members of AIS have taken up consultancies and other appointments without obtaining the prior permission of the Government. The matter has, been viewed seriously and it is again reiterated that members of All India Services should not negotiate for, or undertake, any other employment without the previous sanction of the Government.

3. It is requested that this may be brought to the notice of all the members of the All India Service, and that all the State Governments should maintain strict control in this matter.

[Letter no. 11017/52/93—AIS(III) dated 2.12.94]

**GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 6 AND RULE 13(4)**

1. ***There is no objection to radio broadcasts or contributions to newspapers, periodicals, etc. on matter relating to sports being made by members of the Service without prior sanction of the Government.***

[G.I. M.H.A. letter No. 7/23/56—AIS II, dated 27th April, 1956]

2. ***State Governments can permit a moS to submit thesis for Ph.D. etc. if there are not likely to interfere his due discharge of duties:*** - A question arose, whether members of the Service can be permitted to submit thesis for Ph.D. etc., the Govt. of India advised that the State Governments themselves could decide each individual case on merits. If the State Government are satisfied that the

proposed course of studies is not likely to Interfere with the efficient discharge of officer's duties, they may, at their discretion, permit the officer.

[G.I. M.H.A. F. No. 8/76/62—AIS(III) dated]

3. ***Sanction of the Government is not necessary for publication of books/articles of literary, artistic or scientific character:*** - Sanction of the Government is not necessary for publication of a book or article by a member of the service if the 'work' is of literary, artistic or scientific character and is not aided by his official duties but the officer should take care that in publishing the book he does not contravene provisions of rule 6 or any other provisions of the All India Services (Conduct) Rules, 1968.

2. Provisions of S.R. 12 are also not attracted in such cases.

[G.I. M.H.A. F. No. 8/35/62—AIS(III)]

5. ***Prior sanction of the Government is necessary under rule 13(4) for accepting remuneration for publication of books/articles of purely literary, artistic or scientific character, though permission is not required for their publication under rule 6:*** - According to rule 6 of the All India Services (Conduct) Rules, 1968, a member of an All India service is not required to obtain the previous sanction of the Government for publishing a book or for contributing an article to a newspaper, periodical etc. If the subject matter of the book or contribution is of a purely literary, artistic or scientific character and, in the case of a book, it is published through a publisher. A question has been raised as to whether in such cases a member of an All India Service should obtain the sanction of the Government for accepting remuneration for such publication.

2. Sub-rule (4) of rule 13 ibid provides that no member of an al India Service shall accept any fee for any work done for any public body on for any private person without the sanction of the Government. This provision is independent of the provision contained in rule 6. As such even though a member of an All India Service is not required to obtain the sanction of the Government for publishing a book etc. on a purely literary artistic or scientific subject he has to obtain the sanction of the Government for accepting any remuneration, for the work from a source other than the Consolidated Fund of India or the Consolidated Fund of a State. Similarly, in cases where a member of an All India Services, is required to obtain the sanction of the Government, under rule 6, for the publication of the book etc. the sanction under rule 6, does not automatically imply sanction of the Government under sub-rule (4) of rule 13, and, in cases where the provisions of the sub-rule are attracted, specific sanction there under is necessary.

3. The question whether any portion of the fee, received for the work, should be credited to the Government, is to be decided in accordance with Supplementary Rule 12, as far as the members of and All India Service serving in connection with the affairs of the Union are concerned. In the case of a member of an I.A.S. serving in connection with the affairs of a State, this matter may be regulated by the rules, regulations and orders, applicable to the members of the State Civil Service Class I of that State.

(Department of Personnel and A.R. No. 5/4/73—AIS(III), dated 27-4-73).

5. ***Greater care/discretion should be taken about the provisions of the Official Secrets Act, 1923, while giving permission to serving/retired officers to publish books/articles:*** - It has been brought to the notice of the Government that some retired officers have published books/articles, which revealed sensitive information on certain operation pertaining to the security of the State/having a bearing on the sovereignty and integrity of India. It has also been noted that such disclosures are not only likely to embarrass the Govt. and the officers concerned, whose names has been revealed, but they are also likely to perilously affect cordial and friendly relations with foreign States. Administrative Ministries/ Departments/Authorities should very carefully and critically review such instances and ensure that necessary follow-up action as envisaged in the Official Secrets Act, 1923/relevant Pension Rules

governing the conditions of pension of retired Govt. servants, are taken in time, as and when necessary. Even more important would be the need to exercise greater care/discretion at the time of according permission to serving the case may be, for publication of material which would attract the provisions of the Official Secrets Act, 1923.

(DP&T letter No. 11017/48/92—AIS(III) dated 4.2.1993)

**GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 10 AND RULE 13**

1. ***No objection if individual members of the trainee took part in the variety of performance organised by the public organising committee, but collection of contribution is not allowed:*** - In connection with the Tagore Centenary Celebrations, sanction of the Government of India was sought by members undergoing training at the Central Police Training College to collect funds in aid of the Viswa Pharaoh University and to stage a variety performance. While the sanction to collect contributions was not given it was indicated that there would be no objection if individual members of the trainees took part in the variety performance, organised by the public organising committee.

(G.I. M.H.A. letter No. 8/22/61—AIS(III), dated 4th May, 1961).

2. ***A moS should not be allowed to collect any contributions/donations in connection with the celebrations of the Anniversaries of Independence etc.:*** - A question has been raised as to whether District Magistrates/ Deputy Commissioners/District Collectors can be authorised to raise voluntary contributions in connection with the celebrations of the 25th Anniversary of Independence. The Central Government have considered the matter carefully and are of the view that association of Government servants with such collections is bound to evoke public criticism. It has therefore, been decided that members of the All India Services should not be allowed to collect any contributions/donations in connection with the celebrations of the 25th Anniversary of Independence.

[D.P. & A.R. Letter No. 5/13/72—AIS (III), dated 9-8-1972]

3. ***Members of the Services may not be allowed to be a member of the societies/bodies which collect funds/accept contributions***: - A member of an All India Service, who is permitted under rule 13(3) of the All India Services (Conduct) Rules, 1968 to associate himself with Societies which have a specific objective like
building schools/hospitals or celebrating centenaries etc. of eminent public men/institutions etc. cannot, under rule 10 ibid accept contribution to the society or otherwise associate himself with the raising of any fund or other collections in cash or in kind for that society without the previous sanction of the State Government if he is serving in connection with the affairs of the State and with the previous sanction of the concerned Ministry/Department if he is serving in connection with the affairs of the Centre. If a member of the Service is working in connection with the affairs of the State Government, it is for that Government to decide, while permitting him under rule 13(3), whether any previous Sanction under rule 10 is to be given to him in his capacity as Chairman/Office Bearer of the body to collect funds or to associate himself with collection of funds by that body. If the State Government are of the view that such previous sanction should not be given for any reason and, if the body concerned is likely to raise funds for any specific purpose, then State Government will be well advised not to permit the member of the service to associate himself with that Society under rule 13(3). If, however, State Government are of the view that previous sanction under rule 10 be given then there is no bar to the member of the Service to collect funds or associate himself with the collection of funds by that society as the requirements of rule 10 will stand fulfilled as far as he is concerned.

2. However, it should be remembered that association of AIS officers who hold responsible positions with fund collection for societies/bodies is bound to evoke public criticism. It would, therefore, be appropriate that members of the Service in Districts are not permitted under rule 13 to associate themselves with such bodies whose specific objectives can be fulfilled only by collection of funds. In

fact, Government of India Decision No.2 below rule 10 of the Rules ibid stipulates that members of All India Services should not be allowed to collect any contribution/donations in connection with the celebrations of the 25th anniversary of Independence.

3. The State Governments are advised that, in view of the circumstances explained in para 1above, it would be but proper not to permit members of the All India Services to be associated with such societies/bodies lest the credibility of the officers in the eyes of the public should be eroded.

[DPAR letter No. 11017/44/81—AIS(III), dated the 29th October, 1981]

**GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 14**

1. ***It has been decided that taking of loans from reputable firms or banks does not require previous sanction of the Government under this rule.***

[M.H.A. O.M. 8/79/62—AIS(III), dated 24th October, 1962].

2. ***'Small amount' under sub-rule 4 depends on case to case basis:*** - A question having arisen and it was decided that the definition of small amount used in proviso to sub-rule (4) depends on the circumstances of each individual cases and no hard and fast criteria can be laid down e.g., what constitute a small loan for an officer drawing Rs. 2,250 may not be shall amount for another officer drawing Rs. 500.

[M.H.A. No. 8/69/73—AIS (III), dated 30-12-1963].

3. ***If a moS, holding shares of a particular company, subsequently appointed to a post which requires to deal with the affairs of that company, he may not be permitted to such post or he may be asked to dispose of his shares of that company:*** - Instances have come to notice of this Department where members of the All India Services had purchased shares from Company, etc., with which they were not having any official dealings but later on they were appointed/transferred to a post, which required them to deal with the company etc., of which he had purchased the shares earlier. The question whether they may be allowed to retain such shares has been considered and it has been held that it would be necessary to abide by the provisions of Rule 14(4)(ii) of the All India Service (Conduct) Rules, 1968 in letter and in spirit. Accordingly, in such cases, either the work concerning the company in question may be withdrawn from the concerned officer or he may be asked to dispose of his shares, irrespective of the fact that the holdings of the officer or any member of his family in the company concerned may be nominal.

2. It is requested that the above decision may be uniformly applied in all such cases.

[D.P. & A.R letter No. 11017/2/77—AIS(III), dated 22nd April, 1977].

4. ***Procedure for treatment of fixed deposits with companies and banks:*** - Questions have been raised, from time to time in regard to the treatment to be accorded to fixed deposits with companies and banks. Doubts have been raised particularly on the point whether in regard to such deposits, the provisions of Rule 14(4) of the AIS (Conduct) Rules, 1968,will be attracted. The matter has been examined and the position is clarified as under :

(1) Fixed deposits with public limited companies, whether in the private sector or the public sector, will be covered by the saving clause in Rule 14(4) of the AIS (Conduct) Rules, 1968, as public limited companies receive deposits from the public on authorisation given by the Central Government under the companies (Acceptance of deposits from the public) Rules, 1975. However, where the amount of deposit with a public limited company exceeds the monetary limits laid down in Rule 16(4) of the AIS (conduct) Rules, 1968, then a report to the 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 those companies and firms and they should be regulated with reference to the provision or Rule 14(4) of the AIS (Conduct) Rules, 1968.

(3) Fixed deposits with banks are, as already provided in Rule 14(4) of the AIS (Conduct) Rules, 1968, 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 16(4) of the AIS (Conduct) Rules, 1968, if the
monetary limits laid down therein are exceeded. The clarification contained in Prar 4 of the Department letter No. 5/8/73—AISIII, dated 1-7-74 will stand modified to this extent.

(4) Day-to-day Savings Bank transactions, either with a bank or with a post-office would not, however, come with in the purview of Rule 16(4) of the AIS (Conduct) Rules, 1968.

[DP & AR letter No. F. 11017/24/81—AIS(III), dated 22-6-82]

5. ***A moS should not purchase nor should he permit any member of his family to purchase shares from out of the quota reserved for friends and associates of Directors of Companies***: - A question has raised whether a member of All India Services can purchase share of companies from out of a quota reserved for the friends and associates of the Directors of Companies. The provisions of rule 14(2) of the AIS Conduct Rules 1968, makes it clear beyond doubt that a member of All India Services should be circumspect in the matter of making investments and their is room for the inference that purchase of shares in a company from 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, and keeping in view of the provisions of rule 14(2) of the AIS Conduct Rule, 1968 member of AIS should not purchase nor should he permit any member of his family to purchase shares from out of the quota reserved for friends and associates of Directors of Companies.

(DP&T No. 11017/52/92 AIS(III), dated 27/1/1993)

**GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 16**

1. ***Declaration of immovable property to be made in Form-I in duplicate, one to the concerned State Government and the other to the Establishment Officer of the Government of India:*** - The members of the Service serving in connection with the affairs of the Union or serving under a Foreign Government or outside India shall submit the declaration under sub-rule 1 & 2 in Form 1. The declaration shall be submitted in duplicate, one copy being forwarded to the State Government, on whose cadre the member is borne, and the other to Establishment Officer to the Government of India. As far as the members of the Service serving in connection with the affairs of the State are concerned, the State Governments may adopt the same form, subject to such changes, if any, as they may consider necessary in the light of local conditions. In their case also, the declaration shall be submitted in duplicate, one copy being forwarded to the Government of India in the Ministry of Home Affairs.

2.The returns shall be submitted in separate sealed covers subscribed as follows:—

"Statement of immovable property furnished under rule 16 (1) of the All India Services (Conduct) Rules, 1954, on the first appointment for the year.

Name (In block letters)

(Service, Cadre) and

Designation of Officer,"

3.The returns in respect of members serving in connection with the affairs of the Union etc., will be kept in separate folders. When the return relating to a particular year is received from such a member it would be added to the relevant letter and retained in safe custody, after it is scrutinised by the Deputy

Secretary (Vigilance). The State Governments may also adopt the same course in respect of returns of members serving under them.

[G.I., M.H.A. letter and O.M. No. 8/2/54—AIS (II), dated 8th November, 1955, and O.M. No. 18/2/55—AIS (III), dated 23rd May, 1956 read with letter No. 12(2)—E.O. III/69, dated 13th November, 1959].

2. ***The return of immovable property shall be submitted by the moS within one month on his first appointment to the Service and subsequently in the month of January every year:*** - The return of immovable property shall be submitted by the members of the Service on their first appointment to the Service within a month of such appointment and subsequently in the month of January every year. The initial return shall 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.

[G.I., M.H.A. No. 8/9/60—AIS (III), dated 16th February, 1960.]

3. ***The moS should report the share in a joint family property and require to obtain prior permission of the Government for the disposal, if necessary:*** - Under this rule, a member of the Service who has share in a joint family property is required to report it. He is also required to obtain Government's permission for the disposal of his share in the joint family property, when such permission is necessary under sub-rule (4).

[G.I., M.H.A. U.O. No. 6/34/57—AIS (II), dated 7th May, 1957.]

4. ***The moS should seek prior permission before starting construction/extension of a house and should report details after construction: -*** The Govt. of India have decided that the purchase of any movable property exceeding Rs.15,000 in value by a member of the Service for the construction or extension of a house shall be reported to the prescribed authority in the following manner:

(i) before starting the construction/extension, he shall report or seek permission, as the case may be, in

(ii) after completing the construction/extension, he shall report in

Form V.

2. The details in Forms IV and V shall be furnished wherever it is possible to do so. Where however it is not possible to furnish details, the members shall mention the covered area, on which the building is proposed to be erected, and the estimated cost of the building.

The decision should be construed to have been issued under Rule 16.

[G.I. M.H.A. letter No. 6/5/57—AIS (III), dated 12th September, 1957, read with letter No. 11017/25/75—AIS (II), dated 9th September, 1975 and letter No. 11017/40/75—AIS (III), dated 11th November, 1975.]

5. ***If construction of a house is being done by a contractor, the moS should indicate whether he has any official dealing with him or not:*** - It should inter alia also be mentioned in the prescribed

form I whether the construction etc. would be done by any contractor. If the construction is to be done by a contractor he should also indicate whether he had or has any official dealings with the contractor.

[M.H.A. letter No. 8/55/63—AIS (III), dated 1st February, 1964.]

6. ***Interest in joint family property, which is non-existent if governed by Dayabhai School, need note be reported***: - In the case of a member of the Service governed by the Dayabhai School, he has no right in the ancestral property, so long as father is alive. His interest in the joint family property, which is non-existent, is not therefore, to be included in the return prescribed in sub-rule (3).

[letter no.6/37/57-AIS-II dated 18.11.1957]

7. ***Transaction of movable property by the wife or by a member of the family of a moS from his/her won funds, need not be reported, however, transaction of immovable property in this regard need to be reported separately:*** - A question was raised whether a transaction involving purchase of movable property exceeding Rs.2000/- in value by the wife or by an other member of the family of an All India service Officer, entirely from his/her funds, is required to be reported to the Government and whether such property should be included in the property return which the State Government may call for under sub rule (5).

2. It has been decided that such transaction in movable property need not be reported to the Government. As regards similar transactions in immovable property by the family members of an All India Services officers, while they are not required to be reported as and when they are entered into, they have to be included, as separate items in the returns of immovable property prescribed in sub-rule (2) .

3. As regards return which the State Government may prescribed under sub-rule (5), it is not, circumscribed by the provision of sub-rule(2). Thus, though there is no mention of the members of their families in the return prescribed by them under sub-rule (5).

[G.I. M.H.A. letter No. 16/33/59—AIS—(III), dated 9th September, 1959]

8. ***Fixed deposits in banks from the savings of the salary of the moS need not be reported, but all purchases of Postal or National Saving Certificate exceeding Rs.2,000 in value need to be reported:*** - The Government of India have decided that, while fixed deposits in a bank or deposit in a saving bank account made by a member of the Service from out of his salary or accumulated savings would not come within the scope of sub-rule (2), it would be necessary for the member to report to the Government all purchases of Postal or National Saving Certificate exceeding Rs.2,000 in value, from such accumulated savings or deposits in banks or post offices, as the Postal or National Saving Certificates come in the same category as insurance policies, shares, securities and debentures mentioned in Explanation I of rule 16(5).

[G.I., M.H.A. letter No. 16/59/59—AIS (III), dated 12th January, 1960.]

9. ***Provisions of this rule apply to transactions, even though they are with persons outside the jurisdiction of a member of the Service or outside the State, on whose cadre he is borne:*** - Provisions of this rule apply to transactions, even though they are with persons outside the jurisdiction of a member of the Service or outside the State, on whose cadre he is borne. In such cases, the procedure to be followed before grant of sanction approval to the purchase or sale of immovable property by the member is, that the State Government may ascertain from the local authorities, in the case of property situated within the State, whether the price to be paid or the sale price is reasonable in the case of sale or purchase of immovable property situated outside the State the State Government concerned may be addressed in the matter.

[G.I. MHA letter No. 8/4/60—AIS(III) dt. 30th January 1960.]

10. ***Sanction of the Government is necessary for contribution towards construction of a building on a plot owned by a member of the family:*** - A doubt

was raised whether sanction of the Government was necessary where a member of the Service contributed towards the construction of a building on a plot of land owned by a member of his family.

2. Such a transaction would come within the scope of sub-rule (4) if the contribution in cash or kind exceeds Rs.2,000 in value. The requirement of this sub-rule should, therefore, be complied with by the officer.

[M.H.A. letter No. 8/6/61—AIS (III), dated 16th February, 1961.]

11. ***Where a member of the Service enters into a transaction in immovable property with the Government no prior sanction is necessary.***

[M.H.A. letter No. 8/36/61—AIS (III), dated 25th August, 1961.]

12. ***Construction/extension of a house financed entirely by a member of the family of the moS need not be reported:*** - The intention behind the forms prescribed in Government of India's decision (4) above is that the immovable property that would be acquired during the construction/extension should be reported to the Government as required by sub-rule (4). If the construction/ extension is financed entirely by a member of the family of the officer, rule 16 would not be attracted and hence it would not be necessary for him to submit the reports; but where such construction/extension is financed wholly or partly by a member of the Service in his own name or in the name of any member of his family, reports will have to be submitted.

[M.H.A. letter No. 8/19/62—AIS (III), dated 15th March, 1962.]

13. ***The Government of India have decided that a 'Co-operative Society' can be termed as a regular/reputed dealer for purposes of rules 16(3) and 16(4) of the All India Services (Conduct) Rules, 1968.***

[M.H.A. letter No. 8/69/62—AIS (III), dated 4th September, 1962.]

14. *Sub-rules (3) and (4) extend to gifts made by a member of the Service to his wife relative dependents etc. When a gift is made by a member of the Service to his relative or dependents the question of approaching a dealer or an agent would not arise. The proviso to sub-rules (3), (4) of rule 16 have therefore, no application where the nature of transaction is such as to exclude the possibility of the engagement of a dealer or agent. In view of this, a member of the Service need not obtain the prior permission of the Government for making gifts to his wife or relatives or any one else. It would suffice if he makes a report to the Government under rule 16(3) or 16(4) as the case may be for information.*

[Deptt. of Personnel and A.R. letter No. 9/15/71—AIS (III), dated 26th August, 1971.]

15. ***Properties acquired by the members of the family of the moS from out of their own funds need not to be included in the property return of the moS***: - Sub-rules (3) and (4) of rule 16 of the All India Services (Conduct) Rules, 1968, apply only to properties acquired etc. by the members of the Service either in their own names or in the names of the members of their families. In other words, the properties either acquired by the members of the families of the officers from out of their own funds or inherited by them would not attract the provisions of the rules. As such, the movable/ immovable properties owned, etc. by the members of the families of the officers, which are either inherited by them or acquired by them from out of their own funds, are not required to be included in the property returns envisaged in sub-rule (2) of rule 16 ibid

(Letter No 5/4/74—AIS (III), dated 21st February, 1974.]

16. ***No prior permission is needed for acquiring any movable/immovable property by inheritance, but reported to the Government (if value exceeds Rs.2000/- in case of movable property***) ; - A question has arisen as to whether a member of All India Services should report to, or seek permission of, Government under sub-rule (3) and (4) of the rule 16 of the All India Services (Conduct) Rules,

1968 for acquiring immovable and movable properties by inheritance. The following clarification is issued for the guidance of the State Government:—

16.2 Sub-rule 3 of rule 18 provided that no member of the Service shall, except with the previous knowledge fo the Government: -

(a) acquire any immovable property by lease, mortgage, purchase, gift or otherwise, ether in his own name or in the name of the member of this family; or

(b) dispose by lease, mortgage, sale, gift or otherwise any immovable property owned by him or held by him either in his own name or in the name of any member of his family.

The proviso below this sub-rule envisages that previous sanction of the Government shall be obtained by a member of the Service for entering into any such transaction if it is with a person having official dealings with him or otherwise than through a regular reported dealer.

3. The word 'or otherwise' occurring in the sub-rule could cover property acquired by a member of the Service by inheritance also. When a member of the Service inherits any immovable property, the question of approaching a dealer or agent would not arise and the proviso below this sub-rule will have no application in such types of transaction. A member of the Service need not, therefore, obtain prior permission of the Government for acquiring any immovable property by inheritance. He should, however, submit a report to the Government giving full details of the property so acquired.

3.1 Acquiring movable properties (including cash) by member of the Service by inheritance, would amount to transaction in movable property, for the purpose of sub-rule (4) of rule 16 ibid. In this type of transaction also, since the proviso below this sub-rule would have no application as member of the Service need not obtain prior sanction of the Government for acquiring any movable property (including cash) by inheritance. He should, however, report to the Government the details of the movable property (including cash) inherited by him if the value of such property exceeds rupees two thousand.

[D.P. & A.R. letter No. 5/19/74—AIS (III), dated 3rd July, 1974.]

17. ***A moS need not report to seek permission from the Government for depositing money in and receiving final payment from the Cumulative Time Deposit Account whether operated with a bank or a post office even if the amount in question exceeds Rs.2,000 and also deposits/withdrawals of amounts exceeding Rs.15,000/- from his back account:*** - A question has been raised whether investment in Unit Trust of India, Treasury Savings Deposits, National Savings Certificates, Post Office Time Deposits etc. is a transaction in movable property for the purpose of sub-rule (4) of rule 16. It is clarified that sale or purchase of Units of Unit Trust of India, Treasury Savings Deposits, National Saving Certificates is a transaction in movable property if the value of any such transaction exceeds Rs.15,000 member of the service has to report to the Government about such transaction as provided for in sub-rule (4). Prior permission of the Government is not necessary for entering into such type of transactions. It has also been decided that a member of the Service need not report to seek permission from the Government for depositing money in and receiving final payment from the Cumulative Time Deposit Account whether operated with a bank or a post office even if the amount in question exceeds Rs.2,000.

2. Similarly, a member of the Service is not required to report to the Government about the deposits and withdrawals of amounts exceeding Rs.15,000 to and from his account in a bank.

[Deptt. of Personnel and A.R letter No. 5/32/74—AIS(III), dated 22nd November, 1974 and No. 11017/12/75—AIS(III), dated 14th July, 1975.]

18. ***Procedure for prior permission for joining chit fund, taking life insurance policies, making fixed deposits in banks:*** - A question has arisen whether:—

(a) a member of an All India Service should obtain permission of the Government for joining chit fund;

(b) a member of an All India Service should report to the Government or seek prior permission of the Government for taking life insurance policies; and

(c) a member of the Service should obtain permission of the Government for making fixed deposits in banks.

The correct position is explained in the following paragraphs:

2. The subscriptions which a member of an All India Service gives to a chit fund would be a transaction in movable property within the meaning of sub-rule (4) of rule 16 of the All India Services (Conduct) Rules, 1968. If the annual subscription to the chit fund exceeds Rs. 2,000 a member of the Service has to report to the Government under the aforesaid rule previous sanction of the Government would be necessary only if the member of the service concerned has official dealings with the chit fund and if it is not a registered chit fund company. The amount that a member of the service may receive from the chit fund can be classified into two categories.

(i) receiving the amount of the sum total of the contribution payable by all subscribers for any one instalment 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.

2.1 As regard (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 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, a member of the Service has to obtain permission of the Government under proviso to sub-rule (4) of rule 16 of the All India Services (Conduct) Rules, 1968 for receiving the money from the chit fund companies in such cases. As regards (ii) if the amount received from the chit fund exceeds Rs.2,000 a member of the Service has to report to the Government under sub-rule (4) of the rule 16 ibid because the amount received by him would not be exclusively the amount subscribed by him but would also include the commission payable by the chit fund company.

3. As regards (b), a member of the Service need not obtain prior permission of the Government for taking a life insurance policy. He will have, however, to submit a report to the Government as laid down below:

(i) A member of the Service should submit a report to the Government while taking an insurance policy if the annual premium of it exceeds Rs.15,000/-. However, if the annual premium first determined is less then Rs.15,000/- but on conversion, it exceeds Rs.15,000/- a report to the Government is necessary at the stage. When he receives the sum assured as survival benefit/on maturity of the policy he need not submit any report to the Government.

(ii) A member of the Service need not report to the Government while taking an insurance policy annual premium of which is less than Rs.2,000/-. He should however, submit a report to the Government as the time of receiving the sum assured as survival benefit/on maturity of the policy.

4. As regards (c) while fixed deposits in a bank or deposits in a Savings Bank account made by a member of the service from out of his salary or accumulated savings would not come with in the scope of sub-rule (2), it would be necessary for the member of the service to report to the Government all purchase of Postal or National Savings Certificates exceeding 15Rs. 2,000 in value, from such accumulated Savings.

(M.H.A., letter No. 16/59/59—AIS(III), dt. 13-1-1960 read with DP. & AR. letter No. 5/8/73—AIS(III), dated 1-7-1974).

19. ***No prior sanction of Government is necessary in transaction of immovable property with the State Housing Boards for purchasing flats etc., but the Government should be informed in advance:*** - In cases of transactions in immovable property with the State Housing Boards in regard to purchase of residential flats etc. no prior sanction of the Government is necessary. However, the officers have to inform the Government in advance. Attention is also invited to Government of India decision 14 below rule 16 of the A.I.S. (Conduct) Rules, 1968 (reproduced at p. 104 of AIS Manual Part I corrected upto 1-8-1984).

(G.R. DP & AR O.M. No. D2456/83— AIS(III), dt. 3-12-1983.)

20. ***Rental value of property exceeding Rs.10,000/- for a year to be shown in the annual property returns and rental value exceeding Rs.15,000/- need to be reported to the Government:*** - A question has been raised whether the house/flat let out a member of All India Services, the rental value of which does not exceed 10,000/- p.m., is required to be reported to the Govt. It has been decided that the property return is filled on annual basis, therefore, if the rental value of property exceed Rs.10,000/- for a year, it is be shown in the annual property returns. The rental value of the property exceeding Rs.15,000 it to be reported to the Govt.

(DP&T No. 11017/37/92 AIS(III), dated 2/9/92),)

21. ***Powers of the Central Government in respect of IPS officers working in the Central Police Organisation in ranks upto D.I.G. shall be exercised by the heads of the organisations concerned under delegated powers:*** - In exercise powers vested under rule 22 of the All India Services (Conduct) Rules, 1968, it has been ordered that the powers of the Central Govt. under sub-rule (4) of rule 16 of the All India Services (Conduct) Rules, 1968 in respect of I.P.S. officers working in the Central Police Organisation in ranks upto D.I.G. shall be exercised by the heads of the organisations concerned. Copies of sanctions issued in this regard will, however, be endorsed to the Ministry of Home Affairs (I.P.S. Section).

[Order No. 11017/22/78—AIS(III), dated 5-7-79.]

22. ***transaction entered into by the officer on behalf of a Trust need to be reported to the Government if the moS or his wife is a Trustee***: - A question has been raised whether transactions made by a Trust are to be reported to the Govt. if the Trustee is a member of the All India Services or his wife is a Trustee—

2. It has been decided that any transaction entered into by the officer on behalf of the Trust will be dealt with under the All India Services (Conduct) Rules, 1968 as if the transaction(s) were entered into in his personal capacity. In other words, the provisions of the All India Services (Conduct) Rules, 1968 attract also the transactions entered into by the member of the Service on behalf of the Trust.

[Deptt. of Personnel & Trg. letter No. 11017/95/84—AIS(III), dated March, 1985]

23. ***The moS, while reporting to the Govt. or seeking the permission of a transaction, has to indicate whether he has had any official dealings with the person with whom he has entered into of proposes to enter into the transactions in movable of immovable property:*** - As per the existing provisions of Rules 16(3) of the AIS (Conduct) Rules 1968, a member of the service is not allowed either in his own name or in the name of any member if his family to acquire or dispose of any immovable property without the previous knowledge of the Government. It is also provided that pervious sanction of the Govt. shall be obtained if any such transaction is with a person having official dealings with the person.

2. Attention is invited to this department's letter No. 5/18/73—AIS(III) dated the 20th July 1973 wherein it has been clarified that a member of the service has to obtain the pervious sanction of Govt. in the following types of transactions:

(i) transactions with persons having official dealings with the member of the services;

(ii) transactions with persons having no official dealings with the member of the service.

3. When a member of the service reports to the Govt. or seeks the permission of a transaction, he has to indicate whether he has had any official dealings with the person with whom he has entered into of proposes to enter into the transactions in movable of immovable property. It is therefore for the Government to decide whether the transaction is in accordance with the provisions of the transactions thereon especially in regard to Rule 3(1) ibid, and to grant or refuse permission accordingly.

[letter No. 11017/95/84—AIS(III), dt. 4.5.1993]

24. ***State Governments should ensure that every moS should furnish their annual property returns in respect of every calendar year, by the 31st January of the next year***: - In accordance with the provisions of Rules 16(2) of the AIS (Conduct) Rules, 1968, every member of the service 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 of in person. It has been prescribed in Government of India's instruction Nos. 1 & 2 below Rule 16 ibid that the return of immovable property in

form I shall be submitted by the members of the service on their first appointment to the service within a month of his appointment and subsequently in the month of January every year. The need for obtaining these returns regularly and making careful scrutiny of the same has also been reiterated from time to time.

2. It has however, been noticed that in many cases these returns are not being submitted on time. All State Governments etc. are therefore requested to ensure that the returns of immovable property are submitted by all members of the service under their control, in respect of every calendar year, by the 31st January of the next year. It may also be impressed upon them that failure on the part of the members of the Service to
comply with the requirements of the aforesaid rules constitutes good and sufficient reason for institution of disciplinary proceedings against them.

[letter No. 11017/74/93—AIS(III) dated 4.1.94]

25. ***All moS should scrupulously follow the provisions of this rule while submitting the property returns lapses of would attract action under AIS(D&A) Rules, 1969***: - I am directed to refer to the provisions contained in sub-rule(1) and (2) of Rule 16 of the All India Services(Conduct) Rules, 1968 Rules in regard to submission of immovable/movable and valuable property returns to be filed by the members of the All India Services and to state a review of the application of the said provisions has revealed certain short-falls, namely:

a. While filling the annual immovable property returns, in some cases, officers had not initially furnished information of acquisition of property in the years when they were due but the return subsequently filed contained information of acquisition/disposal that had not been initially given.

b. There have been cases where the returns have not been filled by officers in respect of the years when no property was acquired/disposed.

c. There have been cases where property returns have not been filed even though the transactions have been taken place.

d. Cases where property transactions have been duly reported to the administrative authorities and the relevant information recorded or the necessary permission obtained and the sources of funding such property fully explained but the annual property returns were not filled.

e. Case where the intimation or permission required were not given to or asked for from the administrative authorities concerned and where the intimation has been given but full details of the sources of acquisition or the income from disposal have not been fully explained and the annual immovable property statements were not submitted.

2. After careful consideration of all the aspects involved in dealing with the above kinds of cases on receipt of complaints of allegations, the Government of India are of the considered view that the State Governments/Union Territories Administration should scrupulously follow the provisions contained in the All India Services(Conduct) Rules and orders issued thereunder in order to avoid instances of such cases, by bringing relevant portions thereof to the notice of the members of the All India Services.

3. Disciplinary action should invariably by taken against the officers concerned under the A.I.S.(D&A) Rules, 1969 in case of lapse. However, in the case of minor lapses such as those indicated in para (ii) and (iv), where the authorities are of the view that the lapses are minor and of technical in nature, a lenient view can be taken depending upon the circumstances of the case.

[letter No. 11017/33/92—AIS(III) dated 7.7.92]

26. ***Prior sanction/report is required by a moS whenever entering into transaction under sub-rule 3 and 4 in prescribed forms***: - I am directed to say that the procedure for obtaining prior sanction or making a report about the transactions of property by a member of the Service under Rule 16(3) and

16(4) of AIS(Conduct) Rules in a prescribed forms has already been circulated to all State Governments vide this department's letter no.11017/46/86-AIS(III) dated 20.1.1987 (copy enclosed)

2. It has come to the notice of the Government that some state Governments have not followed the procedure prescribed in the above said circular. It is however, reiterated that whenever a member of Service enter into transaction under sub rule 3 and 4 or Rule 16 of the AIS(Conduct) Rules, 1968, he/she may obtain prior sanction or make a report, as the case may be, in prescribed forms, copies of which are attached.

[Letter no.11017/14/95-AIS(III) dated 16.05.1995]

*Copy of letter No.11017/46/86-AIS(III) dated 20.1.1987 regarding calling of a statement of movable or immovable property at any time*

1. I am directed to say that 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, the members of the Service 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 (5) of Rule 16 of the AIS(Conduct) Rules, 1968, which provides that the Government or any authority empower4d by it in this behalf, may at any time, by general or special order, require a member of the Service to furnish a full and compete statement of such movable or immovable property held or acquired by him on his behalf or by any member of his family. The member of the Service can also be asked to indicate the means by which, or the source from which such property was acquired. The State Governments are requested to bring the above provisions to the notice of all administrative authorities with the advice that thy may make use of these provisions, as and when considered necessary.

2. The question of streamlining the procedure for obtaining prior sanction or making a report about the transactions of property by the members of the Service under sub-rules (3) and (4) of Rule 16, has also been considered and it has been decided that all requests for obtaining prior sanction and making intimation about transaction in immovable and movable property may be made in the enclosed standard Forms I and II respectively. 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 members of the Service, depending upon the fact and circumstances of the case.

3. The application for obtaining sanction or making prior intimation regarding construction of house or additions to the house will continue to be made in the form already prescribed.

4. The State Governments are requested to circulate these forms among all the authorities under their control, who are required to deal with the requests for grant of permission and receive intimation about transactions of property.

[Forms are given as Form-II and Form-III under heading of Forms]

**GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 19**

1. ***A moS who marries to a person other than Indian Nationality should intimate the facts to the Government and this aspect will be kept in view while deciding his posting:*** - I am directed to say that a member of the All India Service who has married or marries a person other than of Indian Nationality shall forthwith intimate the fact to the Govt. under Rule 19(3) of the AIS(Conduct) Rules, 1968.

2. The Central Govt. had issued certain instructions on the subject vide O.M. No. 25/34(S)/67—Estt.(A) dated the 16th March, 1970. A copy thereof is sent herewith for the information of the State Govts. in dealing with such cases.

[DOP&T letter No. 11017/31/90—AIS(III) dated 16.10.90]

*Copy of MHA, DOP&T OM No. 24/34/(S)/67—Estt(A) dt. 16.3.70 regarding Government servants marrying foreigners—Action to be taken*

The undersigned is directed to say that the question of Government servants marrying foreigners has been considered. So far as officers of the Indian Foreign Service are concerned, they are governed by the Indian Foreign Service (Conduct& Discipline) Rules, 1961, and orders on the subject issued by the Ministry of External Affairs. So as far as the Government servants working in or under other Ministries/Departments are concerned, it is considered that some security risk is likely to be involved when a Government servant has, as his wife a foreigner, especially if the foreigner belongs to a country with which India's relations are not quite happy and accordingly, this aspect has to be kept in mind while ordering the posting or transfer of the officer concerned. It has been decided that a provision should be made in the Conduct Rules to the effect that a Government servants who has married/marries a foreign national should inform the Government of such marriage and that the fact of such marriage should be kept on record in the character roll or personal file of the officer, so that this aspect is kept in view while deciding the posting of the officer. Amendment of the Conduct Rules will be issued separately. An officer having a foreigner as wife should not be appointed to a post, which is considered "sensitive". The above decision would also apply mutatis mutandis to the husbands of female Government servants.

**GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 20**

1. ***Every moS should scrupulously follow the rules relating consumption of intoxicating drinks and violation of this rule is a good and sufficient reason for taking disciplinary action against him and imposing any of the penalties specified in rule 6 of the All India Services (Discipline and Appeal) Rules, 1969***: - Rule 20 of the All India Services (Conduct) Rule, 1968 provides that:—

(i) the members of the All India Services shall 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;

(ii) he shall not be under the influence of any 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 drinks or drugs;

(iii) he shall not consume any intoxicating drink or drug in a public place;

(iv) he shall not appear in a public place in a state of intoxication; and

(v) he shall not use any intoxicating drink or drug to excess.

The rule further defines public place as any place or premises (including a conveyance) to which the public have, or are permitted to have, access whether on payment or otherwise.

2. The above provisions of the All India Services (Conduct) Rules, 1968, are of special importance in the context of the latest endeavour to reduce the consumption of alcoholic beverages and drug. While it is expected that every member of an a All India Services will scrupulously adhere to the provisions of the All India Services (Conduct) Rules, 1968, mentioned above, it is also expected of the disciplinary authorities to keep a strict watch on the conduct of members of the All India Services in regard to matter covered by the aforesaid Rule. Violation of any of the provisions of rule 20 of the All India Services (Conduct) Rules, 1968, will constitute a good and sufficient reason for taking disciplinary action against a member of the All India Service. While any of the penalties specified in rule 6 of the All India Services (Discipline and Appeal) Rules, 1969 can be imposed on a member of an All India Service for good and sufficient reason after following the prescribed procedure the disciplinary authorities should take a very serious view of any violation of rule 20 of the All India Services (Conduct) Rules, 1968 and should not hesitate to impose the severest punishment on such members of the All India Service who are proved guilty of violating the said Rule.

[ DP & AR letter No. 11017/1/76—AIS(III), dated the 5th February, 1976]

2. ***Definition of public places and special provisions for foreign Missions/visitors/ tourists etc:*** - Following points have been raised with reference to rule 20.

(i) Whether the definition of Public place would include a club meant exclusively for members where it is permissible for the 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 the members of the All India Services.

(ii) Drinking in the logging 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 21-2-1976 to all Chief Secretaries 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 follow :—

(a) here need be no restriction on serving of liquor in the precincts of foreign embassies, foreign embassies may also be allowed to serve liquor in halls/lounges of hotels and clubs provided which halls/lounges are exclusively reserved or taken on 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 invites does not exceed 100, and these hosting such parties obtain permits from the Deputy Commissioner/District Magistrate concerned.

(c) & (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 on “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 the members of All India Services in the place and under the circumstances mentioned in the preceding paragraph would amount

to violation of Rule 20 of the All India Services (Conduct) Rules, 1968. The position is clarified below, Seriatim:—

(a) In terms of the clarifications given in para 2 above a member of the All India Services 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 Hotel and Clubs, in the discharge of their official duties, taking drinks at such official entertainments will not attract rule 20 of the All India Services (Conduct) Rules, 1968, provided the places where the entertainments arranged are exclusively reserved or taken on hire by the Foreign Mission to entertain a select number of invitees.

(b) The clarification at (a) above would apply to the 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) Members of the All India Services will not be exempt from the operation of rule 20 of the All India Services (Conduct) Rules, 1968 in the places and circumstances, referred to.

(e) The provisions of Rule 20 of the All India Services (Conduct) Rules, 1968 would not apply to the members of the All India Services invited to such parties in their official capacity.

[DP & AR letter No. 11017/66/76—AIS(III), dated 18th January, 1977]

3. ***Members of the All India service should refrain from consuming intoxicating drinks even at official parties arranged by Foreign Mission whether in the Mission premises or in halls-lounges exclusively reserved***: - 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 paragraph 4(a), (b) and (c) of this Department's letter dated the 18th January, 1977, referred to in the above paragraph it has been decided that members of the All India service should refrain from consuming intoxicating drinks even at official parties arranged by Foreign Mission whether in 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 Organisations where foreigners are entertained or at similar parties hosted by others.

[DP & AR letter No. 11017/62/77—AIS(III), dated 9-1-1978]

4. ***Members of the All India Services should strictly comply with the provisions contained in rule 20 relating to the consumption of intoxicating drinks and drugs:-*** The Home Minister in his D.O. letter No. 11013/3/84—Estt.(A), dated 30th March, 1984 to the Chief Ministers of the States has emphasised the need for the Government servants, serving both under the Central Government and under the State Governments, to observe scrupulously and abide by any law relating to intoxicating drinks or drugs.

2. The members of the All India Services should strictly comply with the provisions contained in rule 20 of the All India Services (Conduct) Rules, 1968 relating to the consumption of intoxicating drinks and drugs. Besides, there are also detailed executive instructions about the role of disciplinary authorities in enforcing compliance by the members of the All India Services, with the rules and orders on the subject.

[D.O. letter No. 11017/23/84—AIS(III), dated the 31st May,1984 from Secretary, MHA, Deptt. of Personnel & AR to the Chief Secretaries of All India Services].

**GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 22**

1. ***Delegation of certain powers of the Central Government under these Rules to the Ministries/Departments of the Government of India:*** - Power of the Central Government under rules

4, 6, 8, 11, 12, 14,15, 16(3), 16(4) and 16(5) of the All India Services (Conduct) Rules, 1968 have been delegated to each Ministry/Department in respect of members of the Service working in or under them.

2. It has been decided in partial modification of the instructions contained in the said O.M. No. 9/4/69—AIS(III), dated 23.1.1969 that reports submitted for information under Rule 16(4) of the All India Services(Conduct) Rules, 1968 may be submitted, in the cases of officers of the level of Joint-Secretary to the Additional Secretary/Secretary and in the cases of officers of the level of Additional Secretary to the Secretary in the Administrative Ministry concerned; in the cases of officers of the level of Secretary, may be submitted to the Minister, in-Charge of the Ministry/Department.

[DP & Trg. O.M. No. 11017/18/85—AIS(III), dated 17-6-85.]

2. ***Delegation of powers of the Central Government under rule 5(2) and rule 15(2) to the Ministries/Departments of the Government of India:*** - In continuation of the Ministry of Home Affairs O.M. No.9/4/69—AIS(III), dated the 23rd January, 1969, it has been decided to delegate to Ministries/Departments, the powers of the Central Government under sub-rule (2) of Rule 5 and sub-rule (2) of Rule 15 of the All India Services (Conduct) Rules, 1968, in regard to All India Services Officers working in or under them.

2. If on submission of a report under sub-rule (2) of Rule 5 or sub-rule (2) of Rule 15 of the All India Services (Conduct) Rules, 1968, it is proposed to take any action in relation to such reports, the matter maybe referred to this Department in the case of Indian Administrative Service officers, to the Ministry of Environment & Forests in the case of Indian Forest Service officers and the Ministry of Home Affairs in the case of Indian Police Service officers.

[DP & AR letter No. 11017/63/77—AIS(III), dated 22-3-78.]

Copy of the letter No. 11017/47/2005-AIS-III dated 27/12/2005 addressed to the Chief Secretaries of all States/Union Territories

Subject: - AIS(Conduct) Rules, 1968 – Rule 13(1)(b) of AIS(Conduct) Rules, 1968 - obtaining of prior approval of he Government before negotiating for or taking up of any employment by the members of the All India Services.

As per the provisions of Rule 13(1)(b) of AIS(Conduct) Rules, 1968, members of the All India Services are required to obtain prior permission of the Government before they negotiate for, or undertake any other employment.

2. It has come to the notice of the Government of India that some members of Service have negotiated private employment without the specific permission of the Government. Instances have also come to light where a member of Service has joined a private sector company without waiting further for the final acceptance of his resignation. It has been viewed seriously and has been decided that violation of the provisions of the aforesaid Rule is a grave misconduct entailing initiation of disciplinary proceedings for major penalty under Rule 6 of AIS (D&A) Rule, 1969. All the members of All India Services are therefore, advised to obtain prior permission of the Government before negotiating for or undertaking any other employment.

3. It is requested that these instructions may be brought to the notice of all the members of the All India Services.

Copy of the letter No. 11017/07/2008-AIS-III dated 01/07/2008 addressed to the Chief Secretaries of all States/Union Territories

Subject: - Acceptance of part-time employment by the members of the All India Services.

It has come to the notice of this Department that there is some doubt about allowing members of the All India Services to accept part-time employment in other Government, quasi-Government or an autonomous body not controlled by the Government or a private body. Such employment, even though it is outside office hours, is contrary to the principle embodied in rule 13(1) of the All India

Services (Conduct) Rules, 1968, which stipulates that no member of the Service shall except, with the previous sanction of the Government, engage directly or indirectly in any trade or business, or negotiate for or undertake, any other employment.

2. Allowing a member of the Service to take part-time employment before/after office hours in other organisations 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 members of All India Services leads generally to depriving unemployed people of work, which they would otherwise have got.

3. Having regard to all these considerations, it has been decided that while the competent authority may permit a member of the Service to undertake work of a casual or occasional character, a whole time member of the Service 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.

4. These instructions may please be brought to the notice of all the members of the All India Services.

Copy of the D.O. letter No. No.11017/04/2010-AIS-III dated 03/03/2010 from Cabinet Secretary addressed to the all Secretaries of the Government of Indian and Chief Secretaries of all States/Union Territories

Observance of ethics by Civil servants-Letter of Cabinet Secretary to Secretaries of all Ministries/Departments of the Government of India.

Of late there have been some disturbing incidents which call for serious introspection by civil servants. It is important that we ponder over the manner in which we discharge our duties and fulfil our responsibilities and what we need to do to refurbish our image.

2. Civil servants are appointed on the basis of a fair and open competition. We must respond in full measure to the faith that citizens have reposed in us and meet their hopes and aspirations of good governance. Integrity, honesty, objectivity, impartiality, transparency, accountability and devotion to duty are the core values which civil servants should cherish and which should form an integral part of our decisions and actions.

3. The issue of corruption needs to be addressed fairly and squarely. The Government's policy of zero tolerance for corruption must beimplemented fully and effectively. Preventive vigilance should be strengthened. Transparency must be introduced in decision making and in all our systems. Stringent action must be taken against officers found guilty. Disciplinary proceedings must be expedited.

4. We need to stand by and uphold our core values. Senior officers must set an example and mentor their colleagues. The Civil Services must work wholeheartedly to provide good governance.

5. Please share these sentiments with all officers. Let us resolve to serve the nation and the citizens in a committed manner.