

ALL INDIA SERVICES (CONDUCT) RULES, 1968

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ALL INDIA SERVICES (CONDUCT) RULES, 1968

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

1. Short title and commencement :-

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

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

In these rules, unless the context otherwise requires,-

(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 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;

(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 ¹[such member] or not, but does not include a wife or husband separated from the member of the Service by a decree or order of a competent court;

(ii) the son or daughter or the step-son or step-daughter of such member and wholly dependent ²[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;

(c) "member of the Service" means a member of an All India Service as defined in Rule 2.

(cc) "non-Government Organisation" means any organisation 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.

³ [(d) "private undertaking" includes a company, firm or association or body of individuals.]

GOVERNMENT OF INDIA'S DECISIONS: It has been decided that cases under these Rules arising in respect of the Indian Civil Service Officers permanently seconded to the Indian Foreign Service will be dealt with in the Ministry of External Affairs and not in the Ministry of Home Affairs. [G.I., M.H.A.O.M. No. 7/1/56.AIS(II), dated 15th June, 1956.]

1. Subs. by D.P. and A.R. Notification No. 11017/23/77-A.I.S.(III),

dated 19th April, 1978 i.e. G.S.R. 583, dated 6th May, 1978.

2. Subs. by Subs. by D.P. and A.R. Notification No. 11017/23/77-A.I.S.(III), dated 19th April, 1978 i.e. G.S.R. 583, dated 6th May, 1978.

3. Ins. by DP and AR Notification No.11017/23/77.AIS (III), dated 19th April, 1978 i.e. G.S.R. 583 dated 6th May, 1978.

3. Generals :-

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(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.

(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.

¹(2-A) 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.

²[(3)

(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.)

3[Explanation 1.- A member of 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 sub-rule (1).]

4[Explanation II]:- Nothing in Cl. (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.

GOVERNMENT OF INDIA'S DECISIONS : (1) A question was raised whether members of the Service were prohibited from taking part in the All India Services (Discipline and Appeal) Rules, 1955. (3) The provisions contained in the preceding 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- Ests. (A), dated 15th January, 1958- M.H.A.F. No. 16/39/58-AIS(III)]. EXECUTIVE INSTRUCTIONS Letter No. 11017/41/78-AIS(III), dated 12-10-1978 (Annexure I). O.M. No. 11017/44/77-AIS(III), dt. 29-12-77 (Annexure II). Object of suspension of Government servant indicated- The suspension of a member of an All India Service or for that matter of any civil servant against whom disciplinary proceedings are initiated is not to be intended as a punishment. The order of suspension should not normally depend merely on the gravity of charges but should depend upon a consideration of the question whether it is necessary to keep him away from the post or office that he occupies. The effect of passing an order of suspension is to keep such officer away from his office for the time being and is intended to deprive him of the powers of the office temporarily. Its objective is to remove him from his sphere of influence during the investigation into and trial of the charges against him and this may be necessary to avoid embarrassment to the officer as well as his

subordinates and associates in office. It may be that some or many of the records which are in his custody may have to be looked into. His colleagues or subordinates or sometimes even his superiors in office may have to be questioned. To keep the officer in his office when there is necessity to find out facts from people working under him or with him, and to examine papers in his office would be causing considerable embarrassment, if not annoyance, to him as well as to others. There may be cases where such suspension may be justified also to avoid misuse of the authority of his office, misuse which may result in obstruction to the proper trial of the charges against him. The situation could be met by the officer being kept under suspension or in some cases merely by transferring the officer away from the scene, the choice necessarily depending upon the exigencies of the situation. There may be yet another set of cases where criminal proceedings are pending against an officer, and in such cases the officer is to be kept away from the office for avoiding embarrassment to all concerned. If a Court called upon to review an order of suspension finds that the Government purported to act on the basis of materials available to it and such materials are not irrelevant to the issue, there will be no scope for the Court to form an independent opinion on the necessity of suspension. But where neither on the basis of the order of suspension nor on the materials disclosed in the case any relevance is shown to justify resort to suspension or where the considerations resulting in the suspension or the objects intended to be served by the suspension are irrelevant and extraneous the Court should not be slow to act. ⁵Rules interpreted.- The Government has prescribed by Conduct Rules a Code of Conduct for the members of All India Services. Rule 3 is of a general nature which provides that every member of the Service shall at all times maintain absolute integrity and devotion to duty. Lack of integrity, if proved, would undoubtedly entail penalty. Failure to come up to the highest expectations of an officer holding a responsible post or lack of aptitude or qualities of leadership would not constitute as failure to maintain devotion to duty. The expression "devotion to duty" appears to have been used as something opposed to indifference to duty or easy going or light hearted approach to duty. If Rule 3 was the only rule in the Conduct Rules, it would have been rather difficult to ascertain what constitutes misconduct in a given situation. But Rule 4 to Rule 18 of the Conduct Rules prescribed Code of Conduct for members of Service and it can be safely stated that an act or omission contrary to or in breach of

prescribed rules of conduct would constitute misconduct for disciplinary proceedings. This Code of Conduct being not exhaustive it would not be prudent to say that only act of omission would constitute misconduct for the purpose of Discipline and Appeal which is contrary to the various provisions in the Conduct Rules. The inhibitions in the Conduct Rules, clearly provide that an act or omission contrary thereto so as run counter to the expected Code of Conduct would certainly constitute misconduct. Some other act or omission may as well constitute misconduct. Allegations in the various charges do not specify any act or omission in derogation of or contrary to Conduct Rules save the general Rule 3 prescribing devotion to duty. It is, however, difficult to believe that lack of efficiency, failure to attain the highest standard of administrative ability while holding a high post would themselves constitute misconduct. If it is so, every officer rated average would be guilty of misconduct. Charges in this case as stated earlier clearly indicate lack of efficiency, lack of foresight and indecisiveness as serious lapses on the part of the respondent. These deficiencies in personal character or personal ability would not constitute misconduct for the purpose of disciplinary proceedings. ⁶Summary or gist of Rule 3 to Rule 20.- After laying down a rigorous Code by framing Rule 3 to ensure that members of such service discharge their duties and functions with absolute integrity and do nothing which is unbecoming of a member of the Service, the Central Government has provided by Rule 4 to Rule 20 the various constraints under which the members of the Service must function. These rules necessarily form part of their conditions of service under subsection (1) of Sec. 3 of the All India Services Act. Rule 4 places a restraint on the use of position or influence to secure directly or indirectly employment of near relations in a private organisation, Rule 5 on taking part in politics and contesting election, Rule 6 on having connection with the mass media, the press or the radio, Rule 7 on engaging in criticism of Government, Rule 8 on giving evidence before any committee, person or other authority except with the previous sanction of the Government, and where such sanction has been accorded, on giving evidence criticising the policy or any action of the Government, Rule 9 on unauthorised communication of information, Rule 10 on asking for or accepting contributions to or raising of public subscription, Rule 11 on accepting gifts, Rule 11A on giving or taking of dowry, Rule 12 on taking part in public demonstration, Rule 13 on private trade or employment, Rule 14 on investment, lending Rule 15 on insolvency

and habitual indebtedness, Rule 16 on acquisition of property, moveable or immovable, Rule 17 on having recourse to any Court or the press for the vindication of an official act or character, Rule 18 on canvassing for others, Rule 19 on taking a second spouse and Rule 20 on consumption of intoxicating drinks and drugs.⁷

1. Inserted vide " ALL INDIA SERVICES (CONDUCT) RULES, 1968" Dt. 4th February, 1995 Published in Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 52, dated January 13, 1995, published in the Gazette of India, Part II, Section 3(i), dated 4th February, 1995, pp. 229-230, No. 5 [No. 11017/27/93-AIS (III) [L]

2. Subs. by D.P. and A.R. Notification No. 11027/2/79 A.I.S. (III), dated 24th August, 1979 if. G.S.R. 1122, dated 8th September, 1979.

3. Ins. by G.S.R. 34, dated 17th February, 1987.

4. Original "Explanation" renumbered as "Explanation IT, by Ins. by G.S.R. 34, dated 17th February, 1987.

5. R.K. Ramankutty v. State of Kerala, (1972) II L.L.J. 509 at pp. 522,523 (Ker.).

6. Union of India v. Shri J. Ahmed, 1979 (1) S.L.R. 840 at p. 846 (SC).

7. Government of Tamil Nadu v. Badrinath, 1988(1) LLJ 23 at p. 26 (S.C).

4. Employment of near relatives in companies or firms :-

(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).

(2)

(a) No member of the Service shall, except with the previous sanction of the Government, permit ¹ [a member of his family] to accept employment with any (private undertaking) 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.

(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] report to the Government the fact of such acceptance and also whether he has or has had any official dealings with that [private undertaking]: 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 Cl. (a).

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

(b) In any case referred to in Cl. (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.

1. Subs. by G.S.R. 583, dated 6th May, 1978.

5. Taking part In politics and elections :-

(1) No member of the Service shall be a member of, or be otherwise associated with, any political party or any organisation which takes part in politics, nor shall he take part in; or subscribe

in aid of, or assist in any other manner, any political movement or political activity.

(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 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

(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.

(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.

EXECUTIVE INSTRUCTIONS: D.P. and A.letter No. 11017/50/75-

AIS(III), dated 6th March, 1976 (Annexure III). D.P. and A.R. letter No. 11017/68/81-AIS(III), dated 3rd March, 1982 (Annexure IV).

6. XXX XXX XXX :-

. ¹ Connection with press, radio or other media, previous sanction of the Government shall not be required when a member of the service, in the bona fide 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 Rule 7, and at all times make it clear that the views expressed, are of his own and not those of the Government.

1. Substituted for " 6 . Connection with press or radio .- (1) No member of the Service shall, except with previous sanction of the Government, own wholly or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication. (2) No member of the Service shall except with the previous sanction of the Government or any other authority empowered by it in this behalf, or except in the bona fide discharge of his duties- (a) publish a book himself or through a publisher, or contribute an article to a book or a compilation of articles, or (b) participate in a radio broadcast or contribute an article or write a letter to a newspaper or periodical, either in his own name or anonymously or pseudonymously or in the name of any other person: Provided that no such sanction shall be required- (i) if such publication is through a publisher and is of a purely literary, artistic or scientific character, or (ii) if such contribution, broadcast or writing is of a purely literary, artistic or scientific character.

GOVERNMENT OF INDIA'S DECISIONS: 1. There is no object to radio broadcasts or contributions to newspapers, periodicals, etc. on matters 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. According to the proviso to sub-rule (2) of rule 6 of the All India Service (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. 2.1. Sub-rule (4) of rule 13 Ibid provides that no member of an All India Service shall accept any fee for any work

done for any public body or 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 Service, 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 thereunder is necessary. 2.2. 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 an All India Service serving in connection with the affairs of the Union are concerned. In the case of a member of an A.I.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 27th April, 1973]. (3) A question arose, whether members of the Service can be permitted to submit thesis for PhD. etc. the Government 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 officers duties, they may, at their discretion, permit the officer. [G.I M.H.A. F. No. 8.76/62-AIS(III)]. (4) 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 . Provisions of S.R. 12 are also not attracted in such cases. [G.I. M.H.A. P. No. 8/35/62-AIS(III)]. ", vide " ALLINDIA SERVICES (CONDUCT) RULES, 1968" Dt.4th February, 1995 Published in Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 52, dated January 13, 1995, published in the Gazette of India, Part II, Section 3(i), dated 4th February, 1995, pp. 229-230, No. 5 [No. 11017/27/93-AIS (III) [L]

7. Criticism of Government :-

. - No member of the Service shall, in any radio broadcast 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 decent 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: 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.

[Also refer to D.P. and A.R. letter No. 14017/9/75-AIS(III), dated the 2nd March, 1976, reproduced under Miscellaneous Executives Instructions at the end of these Rules.] Scope of rule defined- Rule not ultra vires of Art. 10.- It is true that Rule 7(i) if read in isolation, would give an impression that employees right to criticise the Government in relation to his legitimate service conditions would also encompass within Rule 7(i). But on a conjoint reading of all the relevant Rules, it would be clear that his right to discuss and express his opinion regarding the service conditions would be outside the pale of the rules. Even if it is considered to be within Rule 7(i), the rule must be read down so as to exclude from its purview the legitimate expression of opinion or views relevant to the service conditions in either case in an appropriate form like the service association of the petitioners cadre, but not elsewhere or in a public speech. Under these circumstances, one unhesitatingly holds that R.7(i) of the Conduct Rules is not ultra vires of Art. 19(1) (a) nor void under Art. 19(2) of the Constitution and, therefore, it is perfectly legal and valid and the petitioner is bound thereby. ¹

1. M.V.S. Prasada Rao v. State of A.P., 1985 Lab. I.C. 438 at p. 456 (A.P.)

8. Evidence before committees, etc :-

(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.

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

(3) Nothing in this rule shall apply to-

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

(b) evidence given in any judicial inquiry; or

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

(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 the 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 unauthorised 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 OK 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.

GOVERNMENT OF INDIA'S DECISIONS: (1) 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 Bharathi 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 or 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 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. and A.R. letter No. 5/13/72-AIS(III), dated 9th August, 1972] (3) A member of an All India Service, who is permitted under Rule 13(3) 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, the 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. 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(3) 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. 2. "The State Government are advised that, in view of the circumstances explained in para 1 above, 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. [D.P. and A.R. Letter No. 11017/44/81-A.I.S.(III), dated the 29th October, 1981.]

11. Gifts :-

(1) Save as provided in these rules no member of the Service shall accept, or permit his wife or any other member of his family or any other person acting on his behalf to accept any gift exceeding ¹[one hundred and fifty rupees] in value without the previous sanction of the Government.

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.

(2) Where it is not practicable for a member of the Service to obtain the previous sanction of the Government under sub-rule (1) for accepting, or permitting his wife or any other member of his family or any other person acting on his behalf to accept, any gift exceeding ¹[one hundred and fifty rupees] in value, he shall, within one month of the acceptance of such gift make report to the Government stating the circumstances under which such gift was accepted and if the Government does not approve of such acceptance, he shall return the gift to the donor.

[***]

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

GOVERNMENT OF INDIA'S DECISIONS: (1) 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) 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. 1000 may be retained by the recipients; and (w) presents not covered by the above two categories shall be deposited at the Government Toshakhana (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-Ests. dated 31st March, 1956, read with Deptt. of Personnel and A.R. letter No. 5/28/73-AIS-(111), dated 10th January, 1974 and No. 11017/55/76-AIS (III), dated 8th December, 1976.] (3) A question has been raised, whether the instructions contained in letter No. 5/28/73-AIS (III), dated 10th January, 1974 could be applied in the case of gifts received by members of the Service from foreign firms. 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 a Ministry or Department other than the 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 nor one with which the member of the Service concerned has had or has or is likely to have official dealings and there is no reason to doubt the bona fides of the gifts by the foreign firms. In such cases, 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. and A.R. letter No. 5/28/73-AIS (III), dated 22nd October, 1975.] (4) 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 a

substantially private and informal character, may be held in the honour of the 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 objections to officers 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.

1. Subs. by G.S.R. 189, dated 22nd February, 1988, for "seventy-five rupees".

3. Ins. by G.S.R. 1017, dated 17th July, 1976.

11A. 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 purposes of this rule, "dowry" has the same meaning as in Dowry Prohibition Act, 1961 .

12. Public demonstrations in honour of Government Servants :-

(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.

(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.

GOVERNMENT OF INDIA'S DECISIONS: 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 role 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. 235/24/57-Ests. (A) dated 16th September, 1957].

13. Private trade or employment :-

[

(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

(b) negotiate for, or undertake, any other employment; or

(c) hold an elective office, or canvass for a candidate or candidates for an elective office, in any body, whether incorporated or not; or

(d) canvass in support of any business of insurance agency, commission agency, etc. owned or managed by any member of his family; or

(e) take part, except in the discharge of his official duties in the registration, promotion or management of any bank or other company registered or required to be registered under Companies Act, 1956 or any other law for the time being in force, or of any co-operative society for ¹["commercial purposes, or"].

²(f) Participate in, or associate himself in any manner, in the making of

(i) a sponsored media (including radio, televisions) 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 :

(g) involve or engage himself in the registration, promotion, management of other kinds of activities of any non-Governmental

organisation if the same is aided by the Central Government, State Government or an international organisation or agency.

(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 literary, artistic or scientific character; or

(c) participate in sports activities as 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 Societies Registration Act, 1860 or any other law for the time being in force; or

(e) take part in the registration, promotion or management (not involving the holding of elective officer of a co-operative society substantially for the benefit of the members of the Service or Government servants Co-operative Societies Act, 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.

(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.]

(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.

3 [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.]

GOVERNMENT OF INDIA'S DECISIONS: (1) A question arose, whether a member of the Service could accept royalty for 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. It has been decided that the 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 S.R. 12 and can be retained by the officer in full. In other cases S.R. 12 will apply and the amount above Rs. 250 will have to be credited to the Consolidated Fund of India/State. [G.I., M.H.A. letter No. 16/12/59-AIS (III), dated 15th June, 1959.] (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) Instances have come to the notice of 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 15th May, 1963.] (4) A question was referred to the Government of India whether, wives of All India Services Officer, should be permitted to enter into business or become partners in firms of a commercial nature. [M.H.A. letter No. 8/62/64-AIS(III), dated 14th January, 1965. Rule 4. [M.H.A. letter No. 9/3/66-AIS (III), dated 28th March, 1966.] (7) [Cancelled vide DP and AR letter No. 11017/50/80-AIS (III), dated 15th October, 1982.] (8) Instances have come to notice where members of All India Services while on Central deputation have been nominated/appointed to specific executive or semi-executive positions under the State Government. Not only does this practice create avoidable embarrassment, it is also contrary to the rules. According to sub-rule (1) of Rule 13 read with Cl. (a) of Rule 2 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 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. 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 not 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 a step may tend to cause demoralisation 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

positions under a State Government or Public sector organisations etc. controlled by a State Government except, where they are nominated by the Central Government to represent the interest of that Government. [D.P. and A.R. letter No. 11017/10/78-AIS (III), dated 20th July, 1978.] (9) Sub-rule (1) of Rule 13 as amended by this Departments 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 arc 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. arc therefore, requested to ensure that proposals for grant of permission under this rule to the members of All India Services working in, or under, them arc invariably referred to this Department for prior concurrence. [D.P. and A.R O.M. No. 11017/3/75-AIS (III), dated 9th April, 1975.] (10) In supersession of the order contained in the Department of Personnel and A.R letter No. 5/20/72-AIS (III), dated 25th May, 1973, No. 11017/39/78-AIS (III), dated the 28th December, 1978 and No. 11017/7/79-AIS (III), dated the 5th September, 1979, it has been decided that each case for grant of permission under the second proviso to sub-rule (3) of Rule 13 should be decided on merits. [G.I., MHA, DP and AR, Letter No. 11017/50/80-AIS (III), dated 6th February, 1981.] (11) 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 Services 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 Rule 13 and Rule 15. [G.I., DP and AR letter No. 11017/46/82-AIS(III), dated 4th September, 1982.] (12) Under sub-rule (2) of Rule 13, 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 Service under sub-rule (2) of Rule 13 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., D.P. and A.R. letter No. 11017/15/79-AIS (III), dated 30th July, 1979.]

1. Substituted for "commercial purposes", vide " ALL INDIA SERVICES (CONDUCT) RULES, 1968" Dt.4th February, 1995 Published in Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 52, dated January 13, 1995, published in the Gazette of India, Part II, Section 3(i), dated 4th February, 1995, pp. 229-230, No. 5 [No. 11017/27/93-AIS (III) [L]

2. Inserted vide " ALL INDIA SERVICES (CONDUCT) RULES, 1968" Dt.4th February, 1995 Published in Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 52, dated January 13, 1995, published in the Gazette of India, Part II, Section 3(i), dated 4th February, 1995, pp. 229-230, No. 5 [No. 11017/27/93-AIS (III) [L]

3. Ins. by D.P. and A.R. Notification No. 11017/8/80.A.I.S. (III), dated, 13th October, 1980 i.e. G.S.R. 1103, dated 25th October, 1980.

13A. Use of Government accommodation :-

. ¹ .-No member of the service shall sublet, lease or otherwise allow occupation by any other person, of Government accommodation which has been allotted to him.

1. Inserted vide " ALL INDIA SERVICES (CONDUCT) RULES, 1968" Dt. November 16, 1998 Published in [75] Ministry of Personnel, P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 229, dated November 16, 1998, published in the Gazette of India, Part II, Section 3(i), dated 28th November, 1998, p. 874, No. 44 [F. No. 11017/18/96-AIS(III) [L]

14. Investment, lending and borrowings :-

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¹(1) No member of the service shall speculate in stocks, share or

other investments but this provision may not apply to occasional investment made through stock brokers or other persons duly authorised or licensed under the relevant law. Explanation.- Frequent purchase or sale or both, of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

2 (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.

(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.

(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 principal 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 where by return in money or kind is charged or paid:

(it) 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.

GOVERNMENT OF INDIA'S DECISIONS: (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. No. 8/79/62-AIS (III), dated 24th October, 1962.] (2) A question having arisen it was decided that the definition of small amount used in proviso to sub-rule (4) depends on the circumstances of each individual case 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 small amount for another officer drawing Rs. 500. [M.H.A. No. 8/69/73-AIS (III), dated 30th December, 1963.] (3) 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 share 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) 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. It is requested that the above decision may be uniformly applied in all such cases. [D.P. and A.R. letter No. 11017/2/77-AIS (III), dated 22nd April, 1977.] GOVERNMENT OF INDIA'S INSTRUCTIONS: (DP and AR letter No. 11017/24/81-AIS (III), dated 22nd June, 1982. (Annexure VI).]

1. Substituted for " (1) No member of the Service shall speculate in any stock, share or other investments. 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. ", vide " ALL INDIA SERVICES (CONDUCT) RULES, 1968" Dt. 4th February, 1995 Published in Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel and Training), Noti.

No. G.S.R. 52, dated January 13, 1995, published in the Gazette of India, Part II, Section 3(i), dated 4th February, 1995, pp. 229-230, No. 5 [No. 11017/27/93-AIS (III) [L]

2. Substituted for " (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. ", vide " ALL INDIA SERVICES (CONDUCT) RULES, 1968" Dt.4th February, 1995 Published in Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 52, dated January 13, 1995, published in the Gazette of India, Part II, Section 3(i), dated 4th February, 1995, pp. 229-230, No. 5 [No. 11017/27/93-AIS (III) [L]

15. Insolvency and habitual Indebtedness :-

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

(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.

(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 :-

¹[(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, submits 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 Rs. 2,000 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.

²(2) Every member of the service shall intimate the Government in respect of each transaction, whose value exceeds rupees fifteen thousand within a month of the completion of such transaction.

(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:

³[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.]

(4) A member of the Service shall report to the Government within one month from the date of every transaction entered into by him either in his own name or in the name of a member of his family in respect of movable property if the value of such property exceeds ⁴[five thousand rupees]: ⁵[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.]

(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 unmovable 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.

⁶[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 ⁷[five thousand rupees] or one-sixth of the total annual emoluments received by the member of the Service from the Government, whichever is less, 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, radios, ⁸[radiograms and television sets.]

⁹[Explanation II.- For the purposes 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 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.]

GOVERNMENT OF INDIA'S INSTRUCTIONS : (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 (3) 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 15(3), 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 Rule 16 have been delegated to the Heads of the organisations concerned in respect of I.P.S. officers working in the Central Police organisation concerned. Copies of sanctions issued in this regard will, however, be endorsed to the Ministry of Home Affairs (IPS) Section. [G.I.,M.H.A. DP and AR Order No. 11017/2/78-AIS (III), dated the 15th July, 1979.]

GOVERNMENT OF INDIA'S DECISIONS : (1) 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 Governments 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.] (2) The

Government of India have decided that the purchase of any movable property exceeding ¹⁰[Rs. 2,000] 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 Form II, and (ii) after completing the construction extension, he shall report in Form III.

2. The details in Forms II and III 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. This 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.] (3) 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.] (4) In the case of a member of the Service governed by the Dayabhaga 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). Modified as a result of amendments by D.P. and AR. Notification No. 11017/64/76-AIS (III), dated 12th May, 1977 i.e. G.S.R. No. 678, dated 4th June, 1977 (G.I., M.H.A. letter No.6/37/57-AIS (II), dated 18th November, 1957.) (5) The Government of India have decided that in cases, where the expenditure to be incurred on repairs or minor construction work in respect of an immovable property belonging to a member of the Service exceeds ¹⁰[Rs. 2,000] prior sanction of the prescribed authority is necessary and the procedure outlined in Government of India's Decision (2) above shall be followed. [G.I., M.H.A. letter No. 6/50/57-AIS (II), dated 7th January, 1958.] (6) A question arose whether repairs costing more than ¹⁰[Rs. 2,000] to a joint family property, in which a member of the Service had interest, should be reported to the prescribed authority, when the expenditure was being met from the joint family fund. The Government of India had decided that permission would be necessary only if the share of the member of the joint family funds is such, that the ^ proportionate share of

liability falling on him would exceed **10**[Rs. 2,000.] [G.I., M.H.A., U.O. No. 16/64/58-AIS (III), dated 2nd August, 1958.] (7) I.C.S. officers permanently seconded to the I.F.S. are required to submit one copy of the return of immovable property to the State Government concerned. [G.I., M.H.A. letter No. 16/11/59-AIS (III), dated 1st September, 1959.] (8) A question was raised whether a transaction involving purchase of movable property exceeding **10**[Rs. 2,000] in value by the wife or by any 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 (4). (8.2) It has been decided that such transactions 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 Service Officer, 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 return of immovable property prescribed in sub-rule (3). (8.3) As regards return which the State Governments may prescribe under sub-rule (4), it is not circumscribed by the provision of sub-rule (2). Thus, though there is no mention of the members of the family in sub-rule (2), the State Governments are not precluded from requiring from their officers to include movable or immovable properties held or acquired by- the members of their families in the return prescribed by them under sub-rule (4). [G.I., M.H.A. letter No. 16/33/59-AIS (III), dated 9th September, 1959.] (9) 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 **10**[Rs. 2,000] in value, from such accumulated savings or deposits, in banks or post offices, as the Postal or National Savings Certificates come in the same category as insurance policies, shares, securities and debentures mentioned in Explanation (a). [G.I., M.H.A., letter No. 16/59/59-AIS (III), dated 12th January, 1960.] (10) 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., M.H.A., letter No. F. 8/4/60-AIS (III) dated, 30th January, 1960.]

(11) 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. ¹⁶[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.]

(12) 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.]

(13) The intention behind the forms prescribed in Government of India's decision (2) above is that the movable 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.]

(14) The Government of India have decided that a Cooperative Society can be termed as a regular/reputed dealer for purposes of Rule 16(3) and Rule 16(4). [M.H.A., letter No. 8/69/62-AIS (III), dated 4th September, 1962.]

(15) 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. [D.P. and A. R. letter No. 9/15/71-AIS (III), dated

26th August, 1971.] (16) A question has arisen whether- (a) clauses (i) and (ii) of the proviso to sub-roles (3) and (4) of Rule 16 are mutually exclusive; and (b) it is in order if an officer submits an ex post facto report of a transaction in immovable property conducted through or with a regular or reputed dealer. The correct position is explained in the succeeding paragraphs. 2 Clauses (i) and (ii) of proviso to sub-rules (3) and (4) of role 16 ibid are not mutually exclusive. The proviso is attracted if the transactions in movable and immovable properties come under either of the clauses, thereof. Thus, a member of the Service has to obtain the previous sanction of the Government in the following types of transactions:- (i) transaction with a person having official dealings with the member of Service, even though it is through a regular or reputed dealer; (ii) transaction with a person having no official dealings with the member of the Service, if it is not through a regular or reputed dealer, and (iii) transaction with a regular reputed dealer having official dealing; with the member of the Service. When a member of the Service reports to the Government, or seeks permission of the Government for a transaction, he has to indicate whether he has had any official dealings with the person with whom he has entered into or proposes to enter into, transactions in movable or immovable properties. Rule 16 ibid provides that no member of the Service shall enter into a transaction in immovable property, without the previous knowledge of the Government. That is to say cases, where a member of the Service is not required to obtain previous sanction of the Government for entering into a transaction in immovable property, he has to give prior intimation to the Government about the transaction. In view of this requirement, submitting an ex post facto report to the Government about a transaction in immovable property conducted through a regular or reputed dealer is not in accordance with the provisions of the rules. As regards transactions in movable property entered to with a person having no official dealings with the member of the Service, he has to report to the Government within one month of the transaction, if such transaction was finalised through a regular or reputed dealer. [D.P. and A.R. letter No. 5/18/73-AIS(III), dated 20th July, 1973.] (17) Under proviso to sub-rules (3) and (4) the term regular or reputed dealer used in these rules should be interpreted to mean one who has regular business premises, who keeps regular accounts for his transactions and transactions done through whom can be verified at any time. [M.H.A. letter No. 11017/46/75-AIS (III), dated 13th

April, 1976.] (18) Sub-rules (3) and (4) of Rule 16, 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.]

(19) A question has arisen as to whether a member of All India Services should report to, or seek permission of, Government under sub-rules (3) and (4) of Rule 16 for acquiring immovable and movable properties by inheritance. The following clarification is issued for the guidance of the State Government:- (19.2) Sub-rule (3) of Rule 16 provides that 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. 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 or reputed dealer. (19.3) The words or otherwise occurring in the sub-rule would 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 transactions. 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. (19.3.1) 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 transactions also, since the proviso below this sub-rule would have no application a 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. and A.R. letter No. 5/19/74-AIS (III), dated 3rd July, 1974.] (20) 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 ¹⁷[Rs. 2,000] a 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 ¹²[Rs. 2,000.] Similarly, a member of the Service is not required to report to the Government about the deposits and withdrawals of amount exceeding [Rs. 2,000] to and from his account in a bank. [D.P. 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.] (21) A question has arisen whether:- (a) a member of an All India Service should obtain permission of the Government for joining chit fund; (6) 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. If the annual subscription to the chit fund exceeds ¹²[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 regards (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 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 for receiving the money from the chit fund companies in such cases. As regards (if) if the amount received from the chit fund exceeds ¹²[Rs. 2,000] a member of the Service has to report to the Government under sub-rule (4) of 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 (6) 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 ¹²[Rs. 2,000]. However, if the annual premium first determined is less than Rs. 2,000 but on conversion, it exceeds ¹²[Rs. 2,000] a report to the Government is necessary at that stage. When he receives the sum assured as survival benefit/on maturity of the policy he need not submit any report to the Government. ²³[Rs. 2,000]. He should however, submit a report to the Government at 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 within the scope of sub-rule (2), it would be necessary for the member of the Service to report to the Government all purchases of Postal or National Savings Certificates exceeding ¹³ [Rs. 2,000] in value, from such accumulated Savings. [M.H.A., letter No. 16/59/59-AIS(III) dated 13th January, 1960 read with DP. and A.R. letter No. 5/8/73-

AIS(III), dated 1st July, 1974.](22) 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 has to inform the Government in advance. Attention is also invited to Government of India decision 14 below Rule 16 (reproduced at p. 104 of AIS Manual Part I corrected upto 1st August, 1984). [C..R. DP and AR O.M. No. D 2456/83-AIS(III), dated 3rd December, 1983.] (2) In exercise of the power vested under Rule 22, it has been ordered that the powers of the Central Govt. under sub-rule (4) of Rule 16 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). [F. No. 11017/22/78-AIS (III), dated 15th May, 1979.]

1. Subs. by G.S.R. 151 dated 28th January, 1978.

2. Substituted for " 2 [(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 name or in the name of any member of his family or in the name of any other person.] ", vide " ALL INDIA SERVICES (CONDUCT) RULES 1968" Dt.4th February, 1995 Published in Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 52, dated January 13, 1995, published in the Gazette of India, Part II, Section 3(i), dated 4th February, 1995, pp. 229-230, No. 5 [No. 11017/27/93-AIS (III) [L]

3. Subs. by G.S.R. 1009, dated 15th October, 1985.

4. Subs. by G.S.R. 34, dated 17th January, 1987.

5. Subs. by C.S.R. 1009, dated 15th October, 1985.

6. Renumbered by D.P. and A.R Notification No. 5/23/72.A.I.S. (III), dated 27th July, 1974.

7. Subs. by G.S.R. 34, dated 17th January, 1987.

8. Subs. by Subs. by G.S.R. 34, dated 17th January, 1987, for "and radiograms".

9. Ins. by Subs. by Subs. by G.S.R. 34, dated 17th January, 1987,

for "and radiograms".

10. Modified as a result of amendment by D.P. and A.P. Notification No. 11017/64/76-AIS (III), dated 12th May, 1977 i.e. G.S.R No. 678, dated 4th June, 1977.

16. Modified as a result of amendments under Notification No. 11017/64/76-AIS (III) dated 12th May, 1977, i.e. G.S.R. No. 67B dated 4th June, 1977.

17. Modified as a result of amendments made under Notfi. No. 11017/64/76-AIS (III), dated 12th May, 1977, in the main rule. i.e. G.S.R. No. 678, dated 4th June, 1977.

23. Modified as a result of amendments made under Notifi. No. 11017/64/76. AIS(III). dated 12th May, 1977 in the main rule i.e. G.S.R. No. 678 dated 4th June, 1977.

16A. Transaction in immovable property outside India :-

[Notwithstanding anything contained in sub-rule (3) of Rule 16, no member of the Service shall except with the previous sanction of the Government,-

(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

(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

(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, of 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 in the 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.

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.

¹Provided that if no such sanction is conveyed to by the Government within twelve 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.

1978 the Government refused to grant the permission applied for to respondent No. 1. Against the refusal respondent No. 1 moved the High Court under Art. 226 of the Constitution for issuance of a writ of mandamus and other appropriate writs, directions and orders. A learned Single Judge (V. Ramaswami, J.) by his judgment and order dated 23rd January, 1979 dismissed the writ petition. Aggrieved, respondent No. 1 preferred an appeal under Cl. 15 of the Letters Patent. A Division Bench (M.N. Chandurkar, C.J., and Sathiadev, J., by its judgment and order dated 20th December, 1984 allowed the appeal. Respondent No. 1 Thiru Badrinath made a speech incidentally at a time when he was holding the post of the Commissioner of Archives and Historical Research, at a function organised by the History Association of the Presidency College, Madras. He was invited to make a speech on the occasion presumably for his attainments in the field. But the speech delivered by him on the occasion could not be treated to be an official act of his and therefore the suit brought by him against respondent No. 2 Thiru V. Karthikeyan, the then Chief Secretary of Tamil Nadu could not be treated to be a suit for the vindication of his official act. According to its plain terms, Rule 17 is in the nature of a restraint on a member of the All India Services from bringing a suit for damages for defamation for an act done in the exercise of his official duties as a public servant or from going to the press in vindication of his official act or character. Explanation to Rule 17 seeks to restrict the scope and effect of the restraint placed by Rule 17. No member of the service is prohibited from vindicating his private character for any act done by him in his private capacity. Proviso thereto however casts on him a duty to report to the Government regarding such action. Accordingly, the appeals must succeed and are allowed. The judgment and order passed by the Division Bench of the High Court are set aside and that of the learned Single Judge

dismissing the writ petition restored. ²

1. Inserted vide " ALL INDIA SERVICES (CONDUCT) RULES, 1968" Dt.4th February, 1995 Published in Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 52, dated January 13, 1995, published in the Gazette of India, Part II, Section 3(i), dated 4th February, 1995, pp. 229-230, No. 5 [No. 11017/27/93-AIS (III) [L]

2. Government of Tamil Nadu v. Badrinath, 1988 (1) L.L.J. 23 at pp. 24 to 28. (S.C.)

17A. Observance of Cultural Norms :-

.¹ .-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, wildlife and cultural heritage;

(ii) Observe the existing policies regarding crime against women; and

(iii) observe the two children family norms.

1. Inserted vide " ALL INDIA SERVICES (CONDUCT) RULES, 1968" Dt.4th February, 1995 Published in Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 52, dated January 13, 1995, published in the Gazette of India, Part II, Section 3(i), dated 4th February, 1995, pp. 229-230, No. 5 [No. 11017/27/93-AIS (III) [L]

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. [Please refer to confidential letters No. 9/17/71-AIS (III) dated 16th September, 1971 and No. 11017/24/78-AIS (III) dated 8-6-1978.]

19. Restriction regarding marriage :-

[

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

(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 Cl. (1) or Cl. (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.]

¹ [(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.]

1. Added by G.S.R. 419, dated 27th March, 1971.

19A. XXX XXX XXX :-

XXX XXX XXX

20. Consumption of intoxicating drinks and drugs :-

A member of the Service shall-

(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;

¹[(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;]

²[(bb) not consume any intoxicating drink or drug in a public place;]

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

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

² {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.}

EXECUTIVE INSTRUCTIONS : [(1) DP and AR letter No. 11017/1/76-AIS (III), dated 5th February, 1976 (Annexure VII). (2) DP and AR letter No. 11017/66/76-AIS (III), dated 19th January, 1977 (Annexure VIII), (3) DP and AR letter No. 11017/62/77-AIS (III), dated 9th January, 1978 (Annexure IX). (4) DP and AR D.O. letter No. 11017/23/84-AIS (III), dated 31st May. 1984 (Annexure X)].

1. Subs. by M.H.A. Notification No.9/2/70-AIS (III), dated 23rd May, 1970 i.e. G.S.R. 876, dated 6th June, 1970.

2. Ins. by D.P. and A.R. Notification No. 5/23/72-AIS (III), dated 27th July, 1974, i.e. G.S.R. 834, dated 10th August, 1974.

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 rules; or

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

(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,

MISCELLANEOUS EXECUTIVE INSTRUCTIONS(1) INSTRUCTIONS REGARDING CONTACT OF MEMBERS OF THE ALL INDIA SERVICES WITH FOREIGN NATIONALS/MISSIONS 1. Contacts in general.- 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 scrupulously avoid any conversation likely to reveal, even inadvertently, information on matters of secret nature. They should also 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.-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. Gifts.-In the matter of exchange of gifts with foreign nationals/members of foreign

missions or acceptance of foreign articles from them the relevant provisions of 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. Attendance at National Day Receptions.- Officers shall attend National Day Receptions by foreign Missions only after obtaining the prior permission of the Government.

5. Acceptance of Invitations/Hospitality.- (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.- (1) 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 official 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 missions 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.

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

9. Supply of information to members of Missions/Consulates and nationals of other countries.- The Supply of information to foreign Missions/Consulates or their members or foreign nationals is the responsibility of the Central Government. This should not be done directly or by implication by any officer, on his own. The contacts by junior officers with Personal Assistants and Secretaries in foreign missions should be avoided. No officer should on any account maintain contacts with junior diplomats personnel in foreign Missions/Consulates except with the express approval of the Government.

10. Putting up or staying with foreign nationals and guests.- (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. (6) Officers should not invite foreign diplomats to stay with them as their guests in India. 11: Employment of wives/dependants of officers.-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. Acceptance of lifts in aircraft belonging to foreign Embassies in India or foreign Governments abroad.-No officer should accept, or permit his wife or dependants to accept a passage money or free air transport from a foreign Mission/Government or organisations. Exceptional cases where humanitarian or compassionate grounds are involved should be referred to Government for grant of permission. 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 also such hospitality is not accepted from non-Government societies, organisations, private parties, etc. 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. 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. Disposal of immovable property by lease to foreign nationals.-Under Rule 16(3), no officer shall, except with the previous knowledge of the Government acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family, provided that the previous sanction of the 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 Missions.

14. Joining of foreign language classes.-Officers who are desirous of joining foreign language classes conducted by foreign Missions and Embassies in India or organisations controlled by, or associated with foreign Missions or Indo-Foreign Cultural organisation should seek prior permission from the Government.

15. Association of officers with Indo-Foreign Cultural Organisations.-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 14th January, 1970 read with M.H.A. O.M. No. 25/34(S)/67-Estt.(A), dated 22nd May, 1969.] (2) 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 Culture organisation without-the permission of the Government. In view of the fact that Foreign Affairs is the subject-matter 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 a Personnel and Administrative Reforms, Ministry of Home Affairs and the Department of Agriculture respectively for approval of the Central Government. [DP and AR letter No. 5/6/74-AIS(III), dated 5th March, 1975.] (3) Power of the Central Government under Rule 4, Rule 6, Rule 8, Rule 11, Rule 12, Rule 14, Rule 15, Rule 16(3), Rule 16(4) and Rule 16(5) have been delegated to each

Ministry/Department in respect of members of the Service working in or under them. 2. The cases of members of All India Services of the rank of Joint Secretary and above falling under any of the aforesaid rules should be submitted to the Minister for orders. [Ministry of Home Affairs O.M. No. 9/4/69-AIS(III), dated 23rd January, 1969.] (4) 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, 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, it is proposed to take any action in relation to such reports, the matter may be referred to this Department in the case of Indian Administrative Service officers, to the Department of Agriculture in the case of Indian Forest Service officers and the Ministry of Home Affairs in the case of Indian Police Service officers. [D.P. and AR letter No. 11017/63/77-AIS(III), dated 22nd March, 1978.] (5) 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 scholarship/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 organisations 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 or 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 Agriculture, 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 Governments, foreign organisations etc., the State Government should straightaway reject the offer made by the foreign Government or foreign organisations, without approaching the Central Government seeking their 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 All India Services in response to such advertisements may be forwarded by the State Governments to the concerned Ministries direct. (iii) Open advertisements by foreign agencies for foreign fellowships.- Applications of members of 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 Agriculture 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 to 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 route 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 members of the Indian Police Service and (iii) the Ministry of Agriculture in the case of the members 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 the Government India, Ministry of Home Affairs in the case of a member of the Indian Police Service, and (iii) Secretary to the Government of India, Department of Agriculture in the case of members of the Indian Forest Service.

3. The above instructions are issued in supersession of Ministry of Home Affairs letter No. 6/14/69-AIS(III), dated 21st July, 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 25th July, 1973.) [Also please see Dp and AR letter No. 11017/66/81-AIS (III), dated 23rd January, 1982] (Annexure XI.)

(6) A question has been raised as to the procedure to be followed and the authority competent to give permission to members of the All India Services for participating in conferences/seminars organised by United States Information Service/British Council similar Cultural* Organisation of foreign missions 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. and A.R. letter No. 14017/9/75-AIS (III), dated 2nd March, 1976.] (7) 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 who, 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. P.P. and A.R. No. 5/17/72-AIS (III), dated 23rd April, 1973 and dated 16th September, 1974.] (8) It was classified 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 16th 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. 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. [G.I., M.H.A., DP and AR Letter No. 11017/21/79-AIS(III), dated the 26th November, 1979.] (9) 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 Government 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 the Central Civil Services Class 1. [D.P. and A.R. letter No. 5/21/72-AIS (III), dated 4th December, 1972.]

(10) It has been decided that, while Indo-Foreign Cultural Organisation may in suitable cases, be looked upon with favour and assisted, the association of members of the Service with such organisations, would be avoided. [M.H.A. letter No. 5/25/57-AIS (III), dated 10th July, 1957.]