

ALL INDIA SERVICES (CONFIDENTIAL ROLLS) RULES, 1970

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ALL INDIA SERVICES (CONFIDENTIAL ROLLS) RULES, 1970

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

1. Short title, commencement and application :-

(1) These rules may be called the All India Services (Confidential Rolls) Rules, 1970.

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

(3) They shall apply to the writing and the maintenance of the confidential reports on the members of the Service.

2. Definitions :-

In these rules, unless the context otherwise requires :-

¹[(a) "accepting authority" means such authority or authorities supervising the performance of the reviewing authority as may be specifically empowered in this behalf by the Government;]

²[(aa) confidential report means the confidential report referred to in rule 5;]

³[(b) confidential roll means the compilation of the confidential reports written on a member of the Service and includes such other documents as may be specified by the Central Government, by general or special order, in this behalf;

(c) Government means-

(i) in the case of a member of the Service serving in connection with the affairs of the Union or of a Union Territory, or serving under a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government, or serving under a local body set up by an Act of Parliament, or serving under an international organisation, an autonomous body not controlled by the Central Government or a State Government, or a private body, the Central Government;

(ii) in the case of a member of the Service serving in connection with the affairs of a State, or serving under a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Government of a State, or serving under a local body set up by an Act of the Legislature of a State, the Government of that State;]

(d) member of the Service means a member of an All India Service

as defined in Section 2 of the All India Service Act, 1951 (61 of 1951);

¹[(e) "reporting authority" means such authority or authorities supervising the performance of the member of the Service reported upon as may be specifically empowered in this behalf by the Government;]

¹[(f) "reviewing authority" means such authority or authorities supervising the performance of the reporting authority as may be specifically empowered in this behalf by the Government; and]

(g) State means a State specified in the First Schedule to the Constitution and includes a Union territory;

⁶[(h) State Government means the Government of the State on whose cadre the member of the Service is borne and in relation to a member of an All India Service borne on a Joint Cadre the Joint Cadre Authority.]

⁷[Explanation- "The authority or authorities supervising the performance" referred to in Cls. (a), (e) and (f) shall not necessarily mean an authority or authorities belonging to the same Service to which the reviewing authority, the member of the service reported upon or the reporting authority, as the case may be, belongs.]

GOVERNMENT OF INDIA'S ORDERS⁸In pursuance of Cl. (b) of rule 2 of the All India Services (Confidential Rolls) Rules, 1970, the Central Government hereby specifies the following documents to be included in the Confidential roll, as defined in that clause namely:-

(i) Letters of appreciation/Resolution issued by the Government to a member of the All India Service; record about any medals, award, etc., awarded to him in recognition of his services.

(ii) Copy of order imposing on the member of the Service any of the penalties specified in the All India Services (Discipline and Appeal) Rules, 1969.

6 [(iii) Copy of the Communication addressed to a member of the Service warning him or conveying the displeasure or reprimand of Government, to which a reference is made in the Confidential Report for the relevant period.]

(iv) Record of final result of the inquiry into the charges or allegations against a member of the Service; mentioned in his confidential report.

(v) Copies of certificates regarding languages learnt by the member of the Service.

(vi) Copies of certificates regarding educational qualifications acquired by the member of the Service after entering the Service.

(vii) Copies of certificates regarding training received by a member of the Service.

(viii) Record about any books, articles and other publications brought out by a member of the Service or for the publication of which he may be responsible.

NOTE 1.-Mention of items (v) and (vi) may also be made on the first page of the C.R. Dossier in the Columns "Languages Known" and "Educational qualifications" respectively.

NOTE 2.-Details of the training under item (vii) may also be mentioned on the first page of the C.R. Dossier below the column "Educational Qualifications".

NOTE 3.-Information relating to item (viii) may be entered in a separate list to be kept in the C.R. Dossier, Copies of the articles, books and other publications need not be kept in the C.R. Dossier.

1. Subs. by G.S.R. 959, dated 8th December, 1987.
2. Ins. by Notification No. 34/4/71, A.I.S. (III), Vol. I-A, dated 11th September, 1973.
3. Subs. by Ins. by Notification No. 34/4/71, A.I.S. (III), Vol. I-A, dated 11th September, 1973.
6. Subs. by D.P. and A.R. Notification No. 13/4/71-AIS-I dated 11th January, 1972.
7. Ins. by G.S.R. 959, dated 8th December, 1987.
8. Vide F. No. 110 59/16/79-A.I.S. (III), dated 25th May, 1980.

3. Maintenance and custody of confidential rolls :-

(1) A confidential roll shall be maintained in respect of every member of the Service by the State Government as well as by the Central Government.

(2) The State Government as well as the Central Government may specify the manner in which the aforesaid confidential rolls shall be maintained and kept by it.

4. Form of the Confidential report :-

The confidential report shall be written by the reporting authority in such form as may be specified by the Central Government,¹ ["and the officer reported upon as well as the reporting, reviewing and accepting authorities shall ensure that the portions of the forms which are to be filled in by them are completed by them within the time-limit as specified in this behalf by the Central Government."]: Provided that the Government may make such additions in the form so specified as may be considered necessary or desirable by it to suit local conditions or requirements.

1. Inserted vide " ALL INDIA SERVICES (CONFIDENTIAL ROLLS) RULES, 1970" Dt.31st July, 1993 Published in Ministry of Personnel, P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 385, dated July 12, 1993, published in the Gazette of India, Part H, Section 3(i), dated 31st July, 1993, pp. 1220-1221, SI. No. 31 [11059/17/92-AIS (III)] [C][A]

5. Confidential reports :-

(1) A confidential report assessing the performances, character, conduct and qualities of every member of the Service shall be written for each financial year, or calendar year, as may be specified by the Government, ¹[ordinarily within two months of] the close of the said year: ²[Provided that where a member of the Service is on deputation to an international organisation, confidential reports in respect of such member may be written-

(i) for the entire period of his tenure with the said organization even in a case where the period of such tenure exceeds one year; or

(ii) for such shorter period as may be considered convenient or necessary by the reporting authority having regard to the circumstances of each case, ordinarily within three months of the close of the said period:]

²[Provided further that a confidential report may not be written in such cases as may be specified by the Central Government, by general or special order.]

(2) A confidential report shall also be written when either the reporting authority or the member of the Service reported upon relinquishes charge of the post, and, in such a case, it shall be written at the time of the relinquishment of his charge of the post or ⁴[ordinarily within one month thereafter]: ⁵[Provided that a confidential report may not be written in such cases as may be specified by the Central Government, by general or special order.]

(3) Where more than one confidential reports are written on a member of the Service during the course of a financial year or a

calendar year, as the case may be, each such report shall indicate the period to which it pertains.

⁴(4) Where the reporting authority has not seen, and the reviewing authority has seen, the performance of a member of the Service for at least three months during the period for which the Confidential report is to be written, the Confidential report of any such member for any such period shall be written by the reviewing authority, and where, both the reporting authority and the reviewing authority have not seen, and the accepting authority has seen, the performance as aforesaid of any such member during any such period, the confidential report shall be written by the accepting authority.]

⁷[(5) Where the authority writing the Confidential Report under sub-rule (2) or sub-rule (4) is a Government Servant, such report shall be written before he retires from service.]

⁸[(6)] Where the reporting authority, the reviewing authority and the accepting authority have not seen the performance of a member of the Service for at least three months during the period for which the report is to be written, an entry to that effect shall be made in the confidential report for any such period by the Government.

⁹ [(7) Notwithstanding anything contained in sub-rules (1), (2) and (4), it shall not be competent for the reporting authority, the reviewing authority or the accepting authority, as the case may be, where the authority writing the confidential report is not a Government servant, to write a confidential report after he demits office.

Explanation.-For the purpose of this rule, a Minister shall not be treated as having demitted office if he continues to be a Minister in the Council of Ministers with a different portfolio or in the Council of Ministers immediately reconstituted after the previous Council of Ministers of which he was a Minister with the same or a different

portfolio.

GOVERNMENT OF INDIA'S DECISIONS According to the provisions contained in sub-rule (1) of Rule 5 of the Indian Administrative Service (Confidential Rolls) Rules, 1970, a confidential report assessing the performances, character, conduct and qualities of every member of the service shall be written for each financial year, or calendar year, as may be specified by the Government, ordinarily within two months of the close of the said year. Further Sub-

1. Subs. by DP and AR Notification No.8/6/72-AIS-III, dated 2nd, January 1975.
2. Subs by Notification No. 34/4/71-AIS-III, Vol. 1-A, dated 11 September, 1973.
4. Subs. by G.S.R. 71, dated 21st January, 1987.
5. Subs. by Notification No. 34/4/71-AIS-111 Vol. 1-A, dated 11th September 1973.
7. Ins-by Subs. by Notification No.34/4/71-AIS-111 Vol. 1-A, dated 11th September 1973.
8. Re numbered by Ins-by Subs. by Notification No. 34/4/71-AIS-111 Vol. 1-A, dated 11th September 1973.
9. Subs, by Re numbered by Ins-by Subs. by Notification No. 34/4/71-AIS-111 Vol. 1-A, dated 11th September 1973.

6. Review of the confidential report :-

¹(1) The reviewing authority shall, within one month of the receipt of the Confidential Report, record his remarks on the said report.

(2) Where the report is written by the reviewing authority under sub-rule (4) of Rule 5, or where the reviewing authority has not seen, and the accepting authority has seen, the performance of a member of the Service for at least three months during the period for which the confidential report is written, the confidential report of any such member for any such period shall be reviewed by the

accepting authority, ordinarily within one month of its being written.

(3) It shall not be competent for the reviewing authority, or the accepting authority, as the case may be, to review any such confidential report unless it has seen the performance of the member of the Service for at least three months during the period for which the report has been written, and in every such case an entry to that effect shall be made in the confidential report.

² (4) Notwithstanding anything contained in sub-rules (1) and (2), it shall not be competent for the reviewing authority or the accepting, as the case may be, to review any such confidential report-

(a) where the authority reviewing the confidential report is a Government servant after one month of his retirement from service, and

(b) in other cases, after one month of the date on which he demits office.

1. Substituted for " (1) The confidential report shall be reviewed by the reviewing authority ordinarily within one month of its being written : Provided that this requirement may be dispensed within such cases as may be specified by the Government, by general or special order. ", vide " ALL INDIA SERVICES (CONFIDENTIAL ROLLS) RULES, 1970" Dt.31st July, 1993Published in Ministry of Personnel, P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 385, dated July 12, 1993,published in the Gazette of India, Part H, Section 3(i), dated 31st July, 1993, pp. 1220-1221, SI. No. 31 [11059/17/92-AIS (III)] [C][A]

2. Substituted for " (4) Notwithstanding anything contained in sub-rules (1) and (2), it shall not be competent for the reviewing authority or the accepting authority, as the case may be, to review any such confidential report- (a) where the authority reviewing the confidential report is a Government servant, after he retires from service, and (b) in other cases, after he demits office. 1 [Explanation.- For the purpose of this rule, a Minister shall not be treated as having demitted office if he continues to be a Minister in

the Council of Ministers with a different portfolio or in the Council of Ministers immediately reconstituted. after the previous Council of Ministers of which he was a Minister with the same or a different portfolio.] ", vide " ALL INDIA SERVICES (CONFIDENTIAL ROLLS) RULES, 1970" Dt.31st July, 1993 Published in Ministry of Personnel, P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 385, dated July 12, 1993, published in the Gazette of India, Part H, Section 3(i), dated 31st July, 1993, pp. 1220-1221, SI. No. 31 [11059/17/92-AIS (III)] [C][A]

6A. Acceptance of the confidential report :-

[

1(1) The accepting authority shall within one month of its review, record his remarks on the confidential report and may accept it, with such modifications as may be considered necessary, and countersign the report.

2 (2) Notwithstanding anything contained in sub-rule (1), it shall not be competent for the accepting authority to accept and countersign any such confidential report-

(a) where the accepting authority is a Government servant, after one month of his retirement from service, and

(b) in other cases, one month after the date of which he demits office.

1. Substituted for " (1) The confidential report, after review, shall be accepted, with such modifications, as may be considered necessary, and countersigned, by the accepting authority, ordinarily within one month of its review: Provided that this requirement may be dispensed with in such cases as may be specified by the Government, by general or special order : Provided further that where the accepting authority has not seen the performance of any member of the Service for at least three months during the period for which the confidential report has been written, it shall not be necessary for the accepting authority to accept any such report. NOTE.- An entry to this effect shall be made in the confidential report. ", vide " ALL INDIA SERVICES (CONFIDENTIAL ROLLS) RULES, 1970" Dt.31st July, 1993 Published in Ministry of Personnel,

P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 385, dated July 12, 1993, published in the Gazette of India, Part H, Section 3(i), dated 31st July, 1993, pp. 1220-1221, SI. No. 31 [11059/17/92-AIS (III)] [C][A]

2. Substituted for " (2) Notwithstanding anything contained in sub-rule (1), it shall not be competent for the accepting authority to accept and countersign any such confidential report- (a) where the accepting authority is a Government servant, after he retires from service, and (b) in other cases, after he demits office. 1 [Explanation.- For the purpose of this rule a Minister shall not be treated as having demitted office if he continues to be a Minister in the Council of Ministers with a different portfolio or in the Council of Ministers immediately reconstituted after the previous Council of Ministers of which he was a Minister with the same or a different portfolio]. ", vide " ALL INDIA SERVICES (CONFIDENTIAL ROLLS) RULES, 1970" Dt.31st July, 1993 Published in Ministry of Personnel, P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 385, dated July 12, 1993, published in the Gazette of India, Part H, Section 3(i), dated 31st July, 1993, pp. 1220-1221, SI. No. 31 [11059/17/92-AIS (III)] [C][A]

6B. Cases in which the accepting authority writes or reviews the confidential report :-

[Notwithstanding anything contained in Rule 5 or Rule 6, where the accepting authority writes or reviews the confidential report of any member of the Service, it shall not be further necessary to review or accept any such report.]

7. Communication of the confidential report to the Central Government and the State Government :-

A certified true copy of the confidential report shall be sent to the Central Government or the State Government or both to the Central Government and the State Government, according as the member of the Service is serving in connection with the affairs of the State, on whose cadre he is borne, or the Union, or a State to which he has been deputed : ¹ [Provided that, if the confidential report is written in a language other than Hindi or English, it shall be accompanied by an authentic certified translation in Hindi or English.]

1. Ins. by Notifn. No. 8/5/72-A.I.S. III, dated 25th August, 1973.

8. Communication of adverse remarks :-

[

(1) Where the confidential report of a member of the service contains an adverse remark, it shall be communicated to him in writing together with a substance of the entire confidential report by the Government or such other authority as may be specified by the Government ordinarily within two months of the receipt of the confidential report and a certificate to this effect shall be recorded in the confidential report.

(2) Where the reporting authority or the reviewing authority or the accepting authority records an adverse remark, he shall record a note to the effect that the remark is an adverse remark: Provided that the question whether a particular remark recorded in the confidential report of a member of the service is an adverse remark or not shall be decided by the Government: Provided further that in the event of any difference of opinion between the Central Government and the Government of a State whether a particular remark is to be deemed an adverse remark or not, the opinion of the Central Government shall prevail. Explanation.- For the purpose of these rules an adverse remark means a remark which indicates the defects or deficiencies in the quality of work or performance or conduct of an officer, but does not include any word or words in nature of counsel or advice to the officer.] ¹ Government Decision; Average reports are not treated as adverse.

1. Vide D.P. and A.R. Memo 21011/7/76-Est.A.D., dated 30th March, 1976.

9. Representation against adverse remarks :-

A member of the Service may represent to the Government against the remark communicated to him under Rule 8 within ¹[forty five days] of the date of its receipt by him : Provided that the Government may entertain a representation within ² [three months] of the expiry of the said period if it is satisfied that the member of the service had sufficient cause for not submitting the representation in time.

1. Subs. by G.S.R. 71, dated 21st January 1987, for "three

months".

2. Subs. by Subs. by G.S.R. 71, dated 21st January 1987, for "three months", for "one year".

10. Consideration of representation against adverse remarks :-

(1) The Government shall, and if it considers necessary, in consultation with the reporting authority, the reviewing authority or the accepting authority, consider the representation made under Rule 9 by a member of the Service and pass orders as far as possible within three months of the date of submission of the representation-

(a) rejecting the representation, or

(b) toning down the remark, or

(c) expunging the remark : [* * *]

(2) The order so passed on the representation shall be Final and the member of the Service concerned shall be informed suitably.

10A. Generals :-

The Central Government may issue such instructions, not inconsistent with the provisions of these rules, as it may consider necessary, with regard to the writing of the confidential reports, the maintenance of the confidential rolls and the effect of the confidential, reports on the conditions of service of a member of the Service.]

11. Interpretation :-

Where any doubt arises as to the interpretation of any of the

provisions of these rules, the matter shall be referred to the Central Government who shall decide the same.