

No. 11013/18/76-Estt(A)
Government of India/Bharat Sarkar
Cabinet Secretariat/Mantramandal Sachivalaya
Department of Personnel and Administrative Reforms
(Karmik Aur Prashasnik Sudhar Vibhag)

.....
New Delhi, the 7 Feb., 1977.

OFFICE MEMORANDUM

Subject: C.C.S. (Conduct) Rules, 1964 - Third Report of the Committee of the National Council (J.C.M.) set up to consider the item 'Amendment of the C.C.S. (Conduct) Rules, 1964' - Matters arising out of -

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The undersigned is directed to say that a Committee of the National Council (J.C.M.) has examined some provisions of the Central Civil Services (Conduct) Rules, 1964 relating to (a) general conduct of Government servants and (b) the unauthorised communication of official information. During discussions in the Committee, the Staff Side urged consideration of the following points in relation to the provisions of rules 3 and 11 of the aforesaid rules :

- (i) The scope of rule 3(1) of the Central Civil Services (Conduct) Rules, 1964 is too wide. It is being used to cover all types of cases many of which are of a trivial nature. This tendency is particularly noticeable at lower levels where frivolous complaints are also brought into the ambit of this Rule.
- (ii) Where action is taken against a Government servant for violation of clause (iii) of rule 3 (1) of the Central Civil Services (Conduct) Rules, 1964, the acts of misbehaviour on the basis of which disciplinary action is proposed should be simultaneously intimated to the Government servant.
- (iii) Rule 3(2) (i) of Central Civil Services (Conduct) Rules, 1964, is not followed in practice by supervisory staff at all levels.
- (iv) Rule 3(2)(ii) of the Central Civil Services (Conduct) Rules, 1964 does not offer any protection when the supervisory officer refuses to give written confirmation of the directions given by him orally.
- (v) Rule 11 of the Central Civil Services (Conduct) Rules, 1964 should not be a bar to communicating routine or statistical information on request by recognised unions and associations of Government employees.

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

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

2.2 Rule 3(1) of the Central Civil Services (Conduct) Rules, 1964 provides that a Government servant shall at all times maintain absolute integrity and devotion to duty and do nothing unbecoming of a Government servant. This rule serves the specific purpose of covering acts of misconduct not covered by other specific provisions of the Rules. It is, therefore, necessary that disciplinary authorities should first satisfy themselves that the alleged acts of misconduct do not attract the provisions of any specific rule before taking recourse to rule 3(1) ibid. Where action is taken under rule 3(1) particularly on grounds of unbecoming conduct, special care should be taken to eliminate cases of a trivial nature. Supervisory officers should look into this matter during periodic inspections and ensure that disciplinary proceedings under rule 3(1) are not initiated on grounds which are unjustified.

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

2.4 Rule 3(2)(ii) of the Central Civil Services (Conduct) Rules, 1964, provides that when a Government servant acts under the directions of his official superior, he should obtain the direction in writing wherever practicable and where it is not practicable he shall obtain written confirmation of the direction as soon thereafter as possible. Clearly, it is the duty of the superior officer giving a direction to confirm it in writing when such confirmation is sought

by his subordinate. It is not open to the superior to refuse to confirm in writing the directions given by him orally, just as it is open to him to state immediately that no such direction was given.

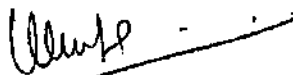
3.1 Rule 11 ibid provides that no Government servant shall, without prior permission, communicate directly or indirectly any information to any other Government servant or any other person to whom he is not authorised to communicate such information.

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

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

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

4. Ministry of Finance, etc., are requested to bring the above clarifications to the notice of all Government servants serving under their control.



(R.C. Gupta)

UNDER SECRETARY TO THE GOVERNMENT OF INDIA.

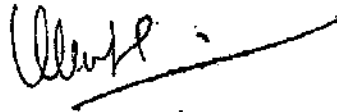
To

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4. Lok Sabha Secretariat/Rajya Sabha Secretariat.
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Copies to the Secretary and Members, Staff Side (JCM).
