

No. 25/ S. 11 /67-Ests.(A)  
Government of India  
Ministry of Home Affairs  
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New Delhi - 1, the 13th April, 1967  
23rd Chaitra, 1899

OFFICE MEMORANDUM

Subject- Central Civil Services (Conduct) Rules, 1964 -  
Participation in "GHERAO" by Central Government servants.

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

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

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

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

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

2. The above instructions may please be brought to the notice of all administrative authorities concerned.

*R. M. Shroff*

(Smt.) (R.M. SHROFF)

DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA

To

all Ministries/Departments of the Government of India only.