

No. 39/59/54-Ests-(A).
Government of India
Ministry of Home Affairs.

New Delhi-2, the 25th February, 1955.

Office Memorandum.

Subject:- Government servants arrested on criminal charge -
Requirement regarding information to departmental
superiors.

In the administrative instruction contained in para 2 of section IV of Appendix 3 in Volume II of the Compilation of the Fundamental Rules and Supplementary Rules issued by the Government General Posts and Telegraphs, it has been laid down that a Government servant against whom a criminal charge or a proceeding for arrest for debt is pending should be placed under suspension by the issue of specific orders to this effect during periods when he is not actually detained in custody or imprisoned (e.g. while released on bail), if the charge made or proceeding taken against him is connected with his position as a Government servant or is likely to embarrass him in the discharge of his duties or such or involves moral turpitude. There is a similar position in article 194-A of the Civil Service Regulations. It has been noticed that on occasions action to place Government servants under suspension as enjoined in the above instructions cannot be taken by the competent authorities because in a number of cases the fact of the arrest of the person concerned does not come to their notice at all or comes to notice only when it is too late. This has been in part due to the fact that there is no specific requirement that Government servants should intimate the fact of arrest to their official superiors. In these circumstances it has been decided and it is hereby laid down that it shall be the duty of a Government servant who may be arrested for any reason to intimate the fact of his arrest and the circumstances connected therewith to his official superiors promptly even though he might have subsequently been released on bail. On receipt of the information from the person concerned or from any other source the departmental authorities should decide whether the facts and circumstances leading to the arrest of the person call for his suspension. Failure on the part of any Government servant to so inform his official superiors will be regarded as suppression of material information and will render him liable to disciplinary action on this ground alone, apart from the action that may be called for on the outcome of the police case against him.

It is requested that the above position may kindly be explained to all Government servants with whom the Ministry of Defence, etc. may be concerned.

K. N. Subbanna

(K. N. Subbanna)

Deputy Secretary to the Govt. of India.

To

All Ministries of the Government of India including
Ministry of Finance (Defence) (Revenue) and (I. & C.) Division
Department of Economic Affairs; Department of Parliamentary
Affairs; Cabinet Secretariat; Cabinet Secretariat (OGS Division)
South Block; Partition Secretariat; Lok Sabha Secretariat; Rajya
Sabha Sectt; Director Intelligence Bureau; Director General

Resettlement and Employment; Director General Posts and Telegraphs; Director of Co-ordination (Police Wireless); Director Secretariat Training School; Principal, Indian Administrative Service Training School; Commandant Central Police Training College, Mount Abu; Inspector General, Special Police Establishment; Union Public Service Commission; Office of the Election Commission; Military Secretariat to the President; Secretary to the President; Establishment Officer to the Government of India; Comptroller and Auditor General; Planning Commission; Supreme Court; Community Projects Administration (Planning Commission); Backward Classes Commission; Commissioner for Scheduled Castes and Scheduled Tribes; State Re-organisation Commission; Department of Atomic Energy, Apollo Bazar Road, Bombay-1 (with four spare copies).

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Bilhora,
23.2.55.