

## **CONDUCT RULES**

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## Conduct Rules

[ Swamy's — CCS (Conduct) Rules ]

### 1. Do's and Don'ts — for you

#### Do's.—

1. Maintain absolute integrity at all times.
2. Maintain absolute devotion to duty at all times.
3. Those holding responsible posts — maintain independence and impartiality in the discharge of your duties.
4. Maintain a responsible and decent standard of conduct in private life.
5. Render prompt and courteous service to the public.
6. Observe proper decorum during lunch break.
7. Report to superiors the fact of your arrest or conviction in a Criminal Court and the circumstances connected therewith, as soon as it is possible to do so.
8. Keep away from demonstrations organized by political parties in the vicinity/neighbourhood of Government offices.
9. Maintain political neutrality.
10. Manage private affairs in such a way as to avoid habitual indebtedness or insolvency.
11. If any legal proceedings are instituted for the recovery of any debt due from you or for adjudging you as an insolvent, report the full facts of such proceedings to the Competent Authority.
12. Act in accordance with Government policies.
13. Observe courtesy and consideration to Members of Parliament and State Legislatures.
14. In performance of duties in good faith, communicate information to a person in accordance with the 'Right to Information Act, 2005' (22 of 2005) and the rules made thereunder.
15. Commit yourself to and uphold the supremacy of the Constitution and democratic values;
16. Defend and uphold the sovereignty and integrity of India, the security of the State, public order, decency and morality;
17. Maintain high ethical standards and honesty;

18. Promote the principles of merit, fairness and impartiality in the discharge of duties;
19. Maintain accountability and transparency;
20. Maintain responsiveness to the public, particularly to the weaker section;
21. Maintain courtesy and good behaviour with the public;
22. Take decisions solely in public interest and use or cause to use public resources efficiently, effectively and economically;
23. Declare any private interests relating to your public duties and take steps to resolve any conflicts in a way that protects the public interest;
24. Make choices, take decisions and make recommendations on merit alone;
25. Act with fairness and impartiality and not discriminate against anyone, particularly the poor and the under-privileged sections of society;
26. Refrain from doing anything which is or may be contrary to any law, rules, regulations and established practices;
27. Maintain discipline in the discharge of your duties and be liable to implement the lawful orders duly communicated to you;
28. Maintain confidentiality in the performance of your official duties as required by any laws for the time being in force, particularly with regard to information, disclosure of which may prejudicially affect the sovereignty and integrity of India, the security of the State, strategic, scientific or economic interests of the State, friendly relation with foreign countries or lead to incitement of an offence or illegal or unlawful gain to any person;
29. Perform and discharge your duties with the highest degree of professionalism and dedication to the best of your abilities.

— Rule 3.

**Don'ts.—**

1. Do not make joint representations in matters of common interest.
2. Do not indulge in acts unbecoming of a Government servant.
3. Do not be discourteous, dishonest and partial.
4. Do not adopt dilatory tactics in your dealings with the public.
5. Do not convey oral instructions to subordinates. (If done for unavoidable reasons, confirm them in writing as soon as possible.)
6. Do not practise untouchability.
7. Do not associate yourself with any banned organizations.
8. Do not join any association or demonstration whose objects or activities are prejudicial to the interest of the sovereignty and integrity of India, public order or morality.
9. Do not give expression to views on Indian or foreign affairs, while visiting foreign countries.

10. Do not get involved in unauthorized communication of any official document or any part thereof or classified information to any Government servant or any other persons to whom you are not authorized to communicate such document or classified information.
11. Do not join or support any illegal strike.
12. Do not enter into any private correspondence with Foreign Embassies or Missions/High Commissions.
13. Do not accept lavish or frequent hospitality from any individual, industrial or commercial firms, organizations, etc., having official dealings with you.
14. Do not accept any offer of the cost of passage to foreign countries or hospitality by way of free board and lodging there, if such offers are from foreign firms contracting with Government.
15. Do not accept invitations to you and members of your family for free inaugural flights offered by Air India, Indian Airlines Corporation or Foreign Airlines.
16. Do not give or take or abet giving or taking of dowry or demand any dowry directly or indirectly from the parent or guardian of a bride or bridegroom.
17. Do not accept any gift from any foreign firm which is having official dealings.
18. Do not engage yourself in canvassing business of Life Insurance Agency, Commission Agency or Advertising Agency owned or managed by the members of your family.
19. Do not lend money to or borrow money from or deposit money as a member or agent, with any person, firm or private company with whom you are likely to have official dealings. Do not otherwise place yourself under pecuniary obligation with such person, firm or private company.
20. Do not approach your subordinates for standing surety for loans taken from private sources either by you/your relations/friends.
21. Do not undertake private consultancy work.
22. Do not speculate in any stock, share or other investment.
23. Do not purchase shares out of the quota reserved for friends and associates of Directors of Companies.
24. Do not bid at any auction of property where such auction is arranged by your own officers.
25. Do not stay as guest with Foreign Diplomats or foreign nationals in India.
26. Do not invite any Foreign Diplomat to stay with you as your guest in India.
27. Do not accept or permit your wife or dependants to accept passage money or free air transport from a Foreign Mission/ Government or Organization.

28. Do not bring any political influence in matters pertaining to your service.
29. Do not consume any intoxicating drinks or drugs while on duty.
30. Do not appear in public place in a state of intoxication.
31. Do not indulge in any act of sexual harassment of any woman at her work place.
32. Do not employ children below 14 years of age.
33. Do not accept award of monetary benefits instituted by Private Trusts/Foundations, etc.
34. Do not address the higher authority prematurely on the same issue unless it is established that all the points or submissions made earlier have not been fully considered by the immediate superior or Head of Office or any other authority at the lowest level competent to deal with that matter.
35. Do not use your official position or influence directly or indirectly to secure employment for any member of your family in any company or firm.
36. Do not place yourself under any financial or other obligations to any individual or organization which may influence you in the performance of your official duties;
37. Do not misuse your position as civil servant and take decisions in order to derive financial or material benefits for yourself, your family or your friends; — *GIDs below Rules 3-A to 3-C.*

## **2. Acts, conduct and commissions which amount to misconduct**

[ Swamy's — CCS (Conduct) Rules ]

The following acts, conduct and commissions of a Government servant amount to misconduct:—

1. If the act or conduct is prejudicial or likely to be prejudicial to the interests of the master or to the reputation of the master.
2. If the act or conduct is inconsistent or incompatible with the due or peaceful discharge of his duty to his master.
3. If the act or conduct of a servant makes it unsafe for the employer to retain him in service.
4. If the act or conduct of the servant is so grossly immoral that all reasonable men will say that the employee cannot be trusted.
5. If the act or conduct of the employee is such that the master cannot rely on the faithfulness of his employee.
6. If the act or conduct of the employee is such as to open before him temptations for not discharging his duties properly.

7. If the servant is abusive or if he disturbs the peace at the place of his employment.
8. If he is insulting and insubordinate to such a degree as to be incompatible with the continuance of the relation of master and servant.
9. If the servant is habitually negligent in respect of the duties for which he is engaged.
10. If the neglect of the servant, though isolated, tends to cause serious consequences.
11. Wilful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior.
12. Infidelity, unfaithfulness, dishonesty, untrustworthiness, theft and fraud, or dishonesty in connection with the employer's business or property.
13. Strike, picketing, gherao, striking work or inciting others to strike work in contravention of the provisions of any law, or rule having the force of law.
14. Gross moral misconduct, acts subversive of discipline, riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline.
15. Riotous and disorderly behaviour during and after the office hours or in office premises.
16. Habitual late attendance.
17. Negligence or neglect of work or duty amounting to misconduct. Habitual negligence or neglect of work.
18. Habitual absence without permission and overstaying leave.
19. Conviction by a Criminal Court.

NOTE.— The terms 'servant' and 'master' have been used in Court judgments to indicate the relationship between a subordinate Government servant and his superiors in the hierarchy of all Central Government Offices.

— *Rule 3, GID (23).*

### **3. Activities requiring permission/sanction**

[ Swamy's — CCS (Conduct) Rules ]

Prior permission/sanction of the prescribed authority is necessary—

1. To join educational institution or course of studies for University degree. — *Rule 3, GID (4).*
2. To join Civil Defence Service. — *Rule 3, GID (7).*
3. To enrol as member of St. John Ambulance Brigade. — *Rule 3, GID (8).*

4. To join Territorial Army. — *Rule 3, GID (10).*
5. To join Home Guards Organization. — *Rule 3, GID (9).*
6. To join foreign language classes conducted by Indo-Foreign Cultural Organization. — *Rule 5, GID (14).*
7. To own wholly or in part or conduct or participate in the editing or management of any newspaper or other periodical publication or electronic media. — *Rule 8 (1).*
8. To give evidence in connection with any enquiry conducted by any person, committee or authority.

*Exception—*

- (i) Giving evidence at an enquiry before an authority appointed by Government, Parliament or a State Legislature; or
  - (ii) Giving evidence in any judicial enquiry; or
  - (iii) Giving evidence at any departmental enquiry ordered by authorities subordinate to the Government. — *Rule 10 (1) to (3).*
9. To ask for or accept contributions to or otherwise associate himself in the raising of any funds or other collections in cash or in kind in pursuance of any object whatsoever. — *Rule 12.*
  10. To accept gifts from near relatives and personal friends, when the value exceeds prescribed limits. — *Rule 13 (2), (3) & (4).*
  11. To accept membership of Book Clubs run by Foreign Agencies. — *Rule 13, GID (8).*
  12. To 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.

*Exception—*

- (i) To take part in informal farewell entertainment held on occasions like retirement or transfer.
  - (ii) To attend and speak at functions and ceremonies performed by others in respect of purely non-political or cultural institutions. — *Rule 14, GID (1).*
13. To accept International awards. — *Rule 14, GID (3).*
  14. To engage directly or indirectly in any trade or business, or hold an elective office, or canvass for a candidate for an elective office, in any body, or canvass in support of any business of insurance agency, commission agency, etc., owned or managed by any member of his family. — *Rule 15 (1).*
  15. To accept fee for work done for any private or public body or person. — *Rule 15 (4).*

16. Acceptance of a part-time lecturership in an educational institution which is in the nature of a regular remunerative occupation.  
— *Rule 15, GID (2).*
17. To enrol himself as an Advocate with the Bar Association (subject to the condition that the Government servant does not engage himself in the legal profession so long as he continues in Government service).  
— *Rule 15, GID (12).*
18. To accept remuneration for services rendered regularly to co-operative societies.  
— *Rule 15, GID (4).*
19. To undertake medical practice during spare time on purely charitable basis, if registered as a practitioner in any system of medicine.  
— *Rule 15, GIDs (9) & (13).*
20. To enter into negotiations with private firms to secure commercial employment even while in service.  
— *Rule 15, GID (10).*
21. To hold an elective office in Co-operative Societies and other bodies.  
— *Rule 15, GID (16).*
22. To acquire or dispose of any immovable property, either directly or through Power of Attorney by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family, if the above transaction is with a person having official dealings with the Government servant. — *Rule 18 (2), GID (29).*
- 22-A. Regardless of amount involved, where the transaction regarding the material purchases or contract for any repairs or minor construction to an immovable property, is with a person with whom the Government servant concerned has official dealings. Intimation is necessary to incur expenditure on repairs and minor additions to an immovable property with the estimate exceeding two months' Basic Pay.  
— *OM, dated 17-12-2018.*
23. To enter into transactions in movable property, if its value exceeds prescribed limits and if the transaction is with a person having official dealings with the Government servant.  
— *Rule 18 (3).*
24. (a) To acquire by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family any immovable property situated outside India.  
(b) To dispose of, by sale, mortgage, gift or otherwise or grant any lease in respect of any immovable property situated outside India which was acquired or held by him either in his own name or in the name of any member of his family.  
(c) To enter into any transaction with any foreigner, foreign Government, foreign organization or concern  
(i) For the acquisition, by purchase, mortgage, lease, 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 sale, mortgage, gift or otherwise, or the grant of any lease in respect of 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.

— Rule 18-A.

25. To have recourse to any Court or to the press for the vindication of any official act which has been the subject-matter of adverse criticism or an attack of a defamatory character. — Rule 19 (1).
26. To stay with Foreign Diplomats and foreign nationals abroad. — Para. 10, Appendix-III.
27. To be members of or actively participate in the activities of Indo-Foreign Cultural Organizations. — Para. 15, Appendix-III.
28. In the case of pensioners who, immediately before retirement, were Group 'A' Officers, to accept any commercial employment before the expiry of one year from the date of retirement. — Rule 10 (1), CCS (Pension) Rules.

In the case of Items 8, 9, 22, 23, 24 and 25 above, if the permission sought for is not refused within the time-limit specified below, a Government servant is free to assume that the permission sought for has been granted.

Item No.	Time-limit
22, 23	30 days.
24	60 days. — Rule 8, GID.
25	3 months. — Rule 19 (1).

#### 4. Activities not requiring permission/sanction

[ Swamy's — CCS (Conduct) Rules ]

In the following cases, permission of the prescribed authority is not necessary:—

- To seek redress in Courts of Law or in Central Administrative Tribunals of grievances arising out of employment or conditions of service. — Rule 3, GID (11).
- To participate during spare time in 'Shramdhan' organized by Government Departments or Bharat Sewak Samaj. — Rule 3, GID (6).
- To become members of Samyuktha Sadhachar Samithi. — Rule 5, GID (13).
- To publish a book himself or through a publisher, in the bona fide discharge of his duties. — Rule 8 (2).
- To submit Memoranda before Pay Commissions by individual Government servants in their individual capacity (individual grievances should not be put to the Commission). — Rule 10, GIDs (3) and (4).

6. To participate in Flag Day Collections on a voluntary basis.  
— Rule 12, GID (3).
7. To participate in the fund raising efforts of the "National Foundation for Communal Harmony".  
— Rule 12, GID (6).
8. To undertake honorary work of a social or charitable nature.  
— Rule 15 (2).
9. To undertake occasional work of a literary, artistic or scientific character.  
— Rule 15 (2).
10. To participate in sports activities as an amateur. — Rule 15 (2).
11. To 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 organization or a co-operative society substantially for the benefit of Government servants.  
— Rule 15 (2).

## 5. Unauthorized absence — Break in service

[ Swamy's — FR & SR, Part - I ]

1. **Wilful absence** from duty not covered by grant of leave will be treated as *dies non* for all purposes, viz., increment, leave and pension. Such absence without leave standing singly and not in continuation of any authorized leave of absence will constitute an interruption in service entailing forfeiture of past service for the purpose of pension and requires condonation by the Appointing Authority for counting past service for pension. Condonation of such break for pension should be considered *suo motu* and cannot be refused as a matter of course, except in exceptional and grave circumstances. Regularization of unauthorized absence for pension purpose is to be considered under the CCS (Pension) Rules. Only in cases where the Disciplinary Authority is satisfied that the grounds adduced for unauthorized absence are justified, the leave of the kind applied for and due and admissible may be granted to him under the CCS (Leave) Rules.  
— OM, dated 28-3-2013.

2. Unauthorized absence after leave, will be debited against his half pay leave account, excess, if any, being treated as extraordinary leave. However, he will not be entitled to any leave salary.

3. All cases of unauthorized absence from duty or in continuation of leave, will render a Government servant liable to disciplinary action, treating it as misconduct.

4. **Unauthorized absence** will be deemed to cause an interruption or break in service with attendant disabilities—

- (a) During a strike — declared illegal — of employees working in industrial establishments.
- (b) Acting in combination or in concerted manner, such as during a strike of other employees.

(c) Remaining absent unauthorisedly or deserting of post — by an individual employee.

“Strike” includes a general, token, sympathetic, go-slow, sit-down, pen-down, stay-in, mass abstention from work without permission (which is wrongly described as “mass casual leave”), or similar strike and participation in a bandh or similar activities.  
— *Rule 17-A, GIO (2)*

**5. Order on break in service is to be invoked** under FR 17-A after issuing notice and hearing representation, if any.

**6. Disabilities:** Ineligibility to LTC, to appear in departmental examinations if prescribed minimum continuous service is affected by the order.

**7. The order will not affect special pay and special allowances and promotion through DPC.**

**8. The Appointing Authority will act on the representation for condonation of break in service in the light of the guidelines prescribed.** The fact that break in service has not been condoned for FR 17-A disabilities, should and need not influence adversely in deciding the question of condonation for pension.

**9. Dies non.**— Only individual cases of unauthorised absence from duty, which is not in pursuance of concerted action by a group of employees acting in combination, is to be treated as *dies non*. *Dies non* does not constitute break in service, but only the days treated as *dies non* are not counted as duty for any purpose.

— *Rule 27, CCS (Pension) Rules, FR 17-A & GID thereunder; Rule 25, CCS (Leave) Rules, & GIDs thereunder & Chapter 7, CCS (CCA) Rules.*

## 6. Government servants and politics

[ Swamy's — CCS (Conduct) Rules ]

**Activities considered objectionable.**— 1. To be a member of any political party or organization taking part in politics.

2. To be a member or otherwise associated with or having connection with any banned organization and other extremist left parties.

3. Taking part in, subscribing in aid of, or assisting in any way, any political movement in India relating to Indian affairs.

4. Attending meetings organized by political parties not in the nature of a public meeting and held contrary to any prohibitory order or without permission.

5. Taking active part in holding rallies in support of any political party by arranging for crowds and arranging transport for bringing crowds.

6. Getting mixed up with demonstrations organized by political parties held in or passing through the vicinity of the Government office.

7. Speaking at or taking active or prominent part in organizing or conducting meetings of any political party.

8. Proposing or seconding the nomination of a candidate at an election.

9. Canvassing or otherwise interfering with or using his influence in connection with or taking part in an election to any legislature or local body.

10. Acting as election agent, polling agent or counting agent of a candidate at election.

11. Displaying on his person, vehicle or residence of any electoral symbol in connection with an election.

12. A Government servant should endeavour to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any other manner any movement or activity which is (or tends to be directly or indirectly) subversive of the Government. If he is unable to do so, he should make a report to that effect to the Government.

13. Associating with and participating in the activities of Dharma Parcharak Sanstha and Door Darshi Party.

14. Government servant should not bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government.

**Activities which are permitted.**— 1. In due performance of a duty imposed on him, making normal arrangements during election tours of Ministers to enable them to carry out their responsibilities as Ministers.

2. Exercising his right to vote in an election. He should not give any indication of the manner in which he proposes to vote or has voted.

3. Participating with due permission in the activities of non-official and non-political organizations not interfering with due discharge of his official duties.

4. Occasional attendance in political meetings. — *Rule 5 and GIDs.*

## 7. Property Transactions

[ Swamy's — CCS (Conduct) Rules ]

**1. Transactions by Government servant out of own funds.**— (i) *Immovables.*— When a Government servant acquires, or disposes of any immovable property or through Power of Attorney, directly by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family, he should give prior intimation to the prescribed authority regarding such transactions.

(ii) *Movables.*— Any transaction in movable property by the Government servant either in his own name or in the name of any member of his family should be reported to the prescribed authority within one month of such transaction, if the value of such property exceeds two months basic pay of the Government servant.

In both the cases, if the transaction is with a person having official dealings with the employee, previous sanction of the prescribed authority is necessary.

— *Rule 18 (2) & (3).*

Movable property includes—

- (a) Jewellery.
- (b) Insurance Policies, the annual premia of which exceeds two months basic pay of the Government servant.
- (c) Shares, Securities and Debentures.
- (d) Loans advanced or taken by such employees, whether secured or not.
- (e) Motor cars, motor cycles, horses and other means of conveyance, and
- (f) Radios, television sets, radiograms and refrigerators.

— *Explanation, Rule 18.*

NOTE.— In addition, if the total transactions in shares, securities, debentures, mutual funds, etc., during a calendar year exceed ₹ 50,000 by a Group 'A'/'B' officer and ₹ 25,000 in the case of a Group 'C'/'D' employee, intimation is to be sent to the prescribed authority.

In respect of all Government servants, if the total transactions in shares, securities, debentures, mutual funds scheme, etc., exceeds six months' Basic Pay of a Government servant during the calendar year, intimation is to be sent to the prescribed authority (to be submitted by 31st January of subsequent calendar year).

— *Rule 18, OM, dated 7-2-2019.*

*Prescribed authority.*— The Head of Department for Group 'A' and Group 'B' Officers, and Head of Office for others. — *Explanation to Rule 18, GID (15).*

**2. Transactions of family members.**— Transactions entered into by the family members of a Government servant out of their own funds (including stridhan, gifts, inheritance, etc.) in their own names, need not be reported to Government (such transactions do not attract Conduct Rules).

— *Rule 18, GID (8), Para. 2 (ii).*

**3. Annual property returns, by 31st January.**— All Government servants belonging to Group 'A', 'B', 'C' and erstwhile Group 'D' Officers shall submit an annual return "as on 31st December" every year giving full particulars of immovable property inherited/owned/acquired/held by them on lease or mortgage either in their own name, or in any of their family member's name, or in any other person's name. If there is no change, in any year, it is enough if an entry "No change" or "same as last year" is made in the return. All these Government servants are required to file their returns by 31st January, in the prescribed forms under CCS (Conduct) Rules, 1964, in terms of Rule 18(4) of the CCS (Conduct) Rules.

— *Rule 18 (1) (ii), GID (16) and OM, dated 5-1-2016.*

If the officers fail to submit the return by 31st January, vigilance clearance should be denied to them and they should not be considered for empanelment for senior level posts in Government.

— *Rule 18, GID (31).*

**4. Transactions with foreigners or in property outside India.**— Transaction in immovable property situated outside India and transaction in immovable property with any foreigner/foreign Government/foreign organization/

foreign concern require previous sanction of the prescribed authority whether the transaction is in the official's name or in any of his family member's name.

— *Rule 18-A.*

**5. Construction of house.**— Construction of a house amounts to acquisition of immovable property for which intimation/sanction, is required. This is independent of sanction of Government loan. Same is the case where the expenditure incurred on repairs or minor construction work in respect of any house is estimated to exceed ₹ 10,000.

— *Rule 18, GID (4).*

**6. Time-limit for permission.**— If the prescribed authority does not communicate/refuse its sanction within sixty days of the receipt of the request in respect of cases covered by 4 above and within thirty days in all other cases, the official is free to assume grant of sanction.

— *Rule 8, GID.*

**7. Punitive action.**— Non-furnishing of returns in time or furnishing wrong information will be 'good and sufficient reason' for taking disciplinary action against the officer.

— *Rule 18, GID (23).*

**8. Participation by Government servants in auctions of property owned or confiscated by Government.**— Government servants are prohibited from participating in bidding where auctions are arranged by their own Ministries or Departments.

— *Rule 18, GID (5).*

# 11. Sexual Harassment of working women

[ Swamy's — CCS (Conduct) Rules ]

**1. Sexual Harassment defined.**— Unwelcome sexually determined behaviour, whether directly or by implication, such as:—

1. Physical contact and advances.
2. Demand or request for sexual favours.
3. Sexually coloured remarks.
4. Showing pornography.
5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

**1-A.** The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:—

- (i) implied or explicit promise of preferential treatment in employment, or
- (ii) implied or explicit threat of detrimental treatment in employment; or
- (iii) implied or explicit threat about her present or future employment status; or
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) humiliating treatment likely to affect her health or safety.

**1-B. 'Workplace' includes:—**

- (i) any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the Central Government;
- (ii) hospitals or nursing homes;

- (iii) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;
- (iv) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;
- (v) a dwelling place or a house; — *Rule 3-C.*

**2. Unbecoming of a Government servant.**— Any act of sexual harassment of women employees attracts the provisions of Rule 3 (1) (iii) of Conduct Rules as an act unbecoming of a Government servant and amounts to misconduct.

**3. Criminal Proceedings.**— If such an act of sexual harassment amounts to any specified offence under the Indian Penal Code or under any other law, complaint should be made to the appropriate authority for taking criminal action for such misconduct.

**4. Complaint Mechanism.**— (i) An appropriate complaint mechanism should be created in every organization for redress of such complaints and time-bound treatment of the complaints should be ensured. Victims or witnesses should not be victimized or discriminated against while dealing with such cases. The report of the Complaints Committee shall be treated as an enquiry report.

— *Rule 3-C, GIDs (25) and (25-A to 25-D).*

(ii) An online complaint management system titled “Sexual Harassment electronic-Box (SHe-Box)” has been launched. Complaints filed in SHe-Box will be sent directly to the Internal Complaint Committee of the Ministry/ Department/ PSU/AB concerned, which has the jurisdiction to inquire into the complaint. Progress of inquiry can also be monitored.

— *OM, dated 1-11-2017.*

**5. Composition of the Complaints Committee.**— It should be headed by a woman and not less than half of its members should be women. To prevent the possibilities of any undue pressure or influence from senior levels, the committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment. — *Rule 3-C, GID (25-C).*

**5. (a)** The mechanism of the complaints committee, provided under Vishakha guidelines relating to sexual harassment should be strictly in accordance with the judgment, to ensure that the committee is effective and functional at all times.

The Complaints Committee, shall at all times be in existence and any changes in composition of committee should be publicized. — *Rule 3-C, GID (25-F).*

It is clarified that there is no bar either in the CCS (CCA) Rules or under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 to the Chairperson of the Complaints Committee being junior to the suspect officer or the charged officer. — *Rule 3-C, GID (25-H).*



**6. Request Transfer.**— The victims of sexual harassment have the option to seek transfer of the perpetrator or their own transfer. — Rule 3-C.

### Steps for Conduct of Inquiry in Complaints of Sexual Harassment

1. Internal Complaints Committee is to be set up at every workplace, headed by a woman having at least half of its members being women. To prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committees should involve a third party, either an NGO or some other body which is familiar with the issue of sexual harassment.

2. The Committee will have the powers to recommend:—

- (a) to transfer the aggrieved woman or the charged officer to any other workplace; or
- (b) to grant leave to the aggrieved woman up to a period of three months. (The leave will not be deducted from her leave account.)

3. The Complaints Committee inquiring into such complaints shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority and shall hold the inquiry as far as practicable in accordance with the procedure laid down in the Rule 14.

4. As per Section 9 (1) of the Act, the aggrieved woman or complainant is required to make a complaint within three months of the incident and in case there has been a series of incidents, three months of the last incident. The Complaints Committee may however extend the time-limit for reasons to be recorded in writing, if it is satisfied that the circumstances were such which prevented the complainant from filing a complaint within the stipulated period.

5. On receipt of a complaint, facts of the allegation are required to be verified. This is called preliminary enquiry / fact-finding enquiry or investigation. The Complaints Committee conducts the investigation. They may then try to ascertain the truth of the allegations by collecting the documentary evidence as well as recording statements of any possible witnesses including the complainant. If it becomes necessary to issue a charge-sheet, Disciplinary Authority relies on the investigation for drafting the imputations, as well as for evidence by which the charges are to be proved. Therefore, this is a very important part of the investigation.

6. The Complaints Committee would normally be involved at two stages. The first stage is investigation already discussed in the preceding para. The second stage is, when they act as Inquiring Authority. It is necessary that the two roles are clearly understood and the inquiry is conducted as far as practicable as per Rule 14 of CCS (CCA) Rules, 1965. Failure to observe the procedure may result in the inquiry getting vitiated.

7. The Complaints Committee when investigating the allegations should make recommendations on whether there is a *prima facie* substance in the allegations which calls for conducting a formal inquiry. They should avoid making any judgmental recommendations or expressing views which may be construed to have prejudiced their views while conducting such inquiry.

8. On receipt of the Investigation Report, the Disciplinary Authority should examine the report with a view to see as to whether a formal charge-sheet needs to be issued to the Charged Officer. As per Rule 14 (5), a decision on conducting the inquiry has to be taken after consideration of the reply of the Charged Officer.

9. If the Charged Officer admits the charges clearly and unconditionally, there will be no need for a formal inquiry against him and further action may be taken as per Rule 15 of the CCS (CCA) Rules.

10. If the Charged Officer denies the charges, Formal Inquiry is then conducted.

11. The Complaints Committee would, thereafter, summon the Presenting Officer and the Charged Officer. The Charged Officer is also entitled to engage a Defence Assistant.

12. Examination and Cross examination of witnesses are done.

13. The Inquiring Authority would also maintain a document called Daily Order Sheet.

14. Defence evidence would be taken.

15. Both the Presenting Officer and the Charged Officer may be allowed reasonable time for submission of their brief.

16. Inquiry Report is then submitted by the Complaints Committee along with their recommendations. — *OM, dated 16-7-2015.*

**Guidelines regarding prevention of Sexual Harassment of Women at the work place.**— In cases of allegations of Sexual Harassment, the following procedure shall be adopted:—

I. Where a Complaint Committee has not recommended any action against the employee against whom the allegations have been made in a case involving allegations of sexual harassment, the Disciplinary Authority shall supply a copy of the Report of the Complaint Committee to the complainant and shall consider her representation, if any submitted, before coming to a final conclusion. The representation shall be deemed to be an appeal under Section 18 (1) of the Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. — *Rule 3-C, GID (25-G).*

II. (1) All Ministries/Departments shall include in their Annual Reports information related to the number of such cases and their disposal.

(2) The inquiry in the cases should be completed within 1 month and in no case it should take more than 90 days as per the limit prescribed under this Act.

(3) For a period of five years after a decision in a proven case of sexual harassment, a watch should be kept to ensure that she is

not subjected to vendetta. She should not be posted under the Respondent, or any other person where there may be a reasonable ground to believe that she may be subjected to harassment on this account. In case of any victimization, the complainant may submit a representation to the Head of the Organization. The representations should be dealt with sensitivity, in consultation with the Complaints Committee and a decision taken within 15 days of the submission of the same.

— *Rule 3-C, GID (25-I)*.

## 12. Assistance to Government servants in legal proceedings

[ Swamy's — CCS (Conduct) Rules ]

**1. Matters unconnected with official duties.**— Government will not give any financial assistance to a Government servant in the conduct of any legal proceedings on matters not connected with his official position or duties.

**2. Matters connected with official duties.**— Government assistance will, however, be admissible in the conduct of legal proceedings instituted against him or by him regarding matters connected with his official position or duties, to the following extent:—

(i) *Cases filed by Government against the Government servant.*— No assistance is admissible in such proceedings — civil or criminal. In case the proceedings conclude in the employee's favour, reimbursement of the whole or any reasonable proportion of the expenses will be considered by the Government, if it is satisfied that he was subjected to the strain of the proceedings without proper justification.

(ii) *Cases filed by private parties against the Government servant.*— If it is considered in public interest that Government itself should arrange for the conduct of the proceedings, it may do so, on the Government servant agreeing to it. Otherwise, reimbursement to the Government servant of reasonable cost incurred by him in conducting his defence will be considered by the Government, not merely if the proceedings conclude in his favour but on consideration how far the Court has vindicated the acts of the Government servant. An interest-free advance equal to his substantive pay for three months and advance from his GPF are, however, admissible, for the purpose of his defence.

(iii) *Cases filed by a Government servant on his being required to vindicate his official conduct.*— Interest-free advance will be sanctioned to him for the purpose. The extent of reimbursement by the Government will be decided considering to what extent the Court has vindicated the acts of the Government servant in the proceedings.

(iv) *Cases filed by a Government servant to vindicate his conduct requiring prior sanction of Government.*— In deserving cases, Government will sanction interest-free advance for the conduct of the proceedings; but no part of the

expenses will be reimbursed by the Government even if the Government servant succeeds in the proceedings.

If permission sought for is not refused within 3 months, the Government servant is free to assume that the permission sought for has been granted.

(v) *In a civil suit where both the Government servant and the Government are impleaded.*— The Government servant for his liability to damages for negligence in discharge of official duties of civil nature and the Government for its vicarious liability — if the defence is substantially the same for both — Government will arrange for its employee's defence also.

(vi) *Cases filed against the Government servant by another Government servant in respect of matters connected with the former's official position / duties.*— Same as at Item (ii) above. This will not apply if he is impleaded as co-respondent in suits against the Government in regard to conditions of service, seniority, etc.

— Rule 19, GIDs (1), (2) and Appendix-I.

**3. Complaints against Secretaries to the Government of India, procedure for handling.**— In order to scrutinize the complaints carefully and to take appropriate action, a group under the Chairmanship of the Cabinet Secretary will take a view on such complaints. If after scrutiny, it is felt that there is some substance in the complaint, the group will decide the nature of investigation and recommend to the Disciplinary Authority for action deemed fit.

— Rule 19, GID (3).

**4. Anonymous/Pseudonymous complaints in Ministries/Departments.**— No action is required to be taken on anonymous/pseudonymous complaints subject to instructions of OMs, dated 29-6-1999 and 31-1-2002 and such complaints should be filed. — Rule 19, GID (6) and OM, dated 8-10-2018.

**5. Clarifications on action on Anonymous/Pseudonymous Complaints.**—

- (i) Where the action was initiated on anonymous/pseudonymous complaints prior to the issue of CVC's Circular, dated 29-6-1999 and was pending as on 29-6-1999, it can be pursued further to its logical end.
- (ii) Where action was initiated between the period 11-10-2002 and 25-11-2014 with prior concurrence of CVC but is pending, further action is permissible on such complaints.
- (iii) Material/evidence gathered during the investigation/verification of anonymous complaints when the action was prohibited on such complaints (i.e. between 29-6-1999 and 11-10-2002), or where such enquiry was initiated without the approval of CVC, can be utilized for further initiation of disciplinary proceedings on misconduct noticed in such verification/enquiry.

— Rule 19, GID (7).

### 13. Annual Return of Assets and Liabilities

[ Swamy's — Lokpal and Lokayuktas Act ]

**I.** Every public servant should furnish the Annual Return of Assets and Liabilities in the prescribed format on first appointment or as on 31st March of every year in Forms I to IV.

**II.** Details of Forms in which the Annual Returns are to be filed are as follows:—

Form No. I : Details of public servant, his/her spouse and dependent children.

Form No. II : Statement of movable property like Cash and Cash Balance, etc., valuing individually over two months' basic pay or ₹ 1.00 lakh.

NOTE 1.— Details of deposits in the foreign banks to be given separately.

NOTE 2.— Investments above ₹ 2 lakhs to be reported individually. Investments below ₹ 2 lakhs may be reported together.

NOTE 3.— Value indicated in the first return is not to be revised in subsequent returns as long as no new composite item had been acquired or no existing items had been disposed of during the relevant year.

Form No. III : Statement of immovable property like Lands, House, Shops, Other Buildings, etc. held by the public servant, his/her spouse and dependent children.

Form No. IV : Statement of Debts and other liabilities of the Government servant, his/her spouse and dependent children.

NOTE 1.— Individual items of loans not exceeding two months' basic pay or ₹ 1 lakh in other items, should not be included.

NOTE 2.— Loans and advances (exceeding two months' basic pay and ₹ 1 lakh in other items) taken from banks, companies, financial institutions, Central/State Government and from individuals should be included.

**III. Exemption of assets from filing the information.**— The Competent Authority can exempt from filing the information of any asset, if the value of such Asset does not exceed four months' basic pay of the public servant or ₹ 2 lakhs, whichever is higher. — *Sec. I, Rule 45, GID and OM, dated 26-12-2014.*

**IV. Submission of first return under Lokpal Act.**— All Central Government servants (Group 'A', 'B', 'C' and erstwhile Group 'D') should file the first return of assets and liabilities as on 1-8-2014 and 31-3-2015, on or before the 31st day of December, 2016. — *GIDs (1), (3) and OMs, dated 27-4-2015, 23-7-2015, 12-4-2016 and 29-7-2016.*

**V. The date for submission of Annual Return for each year.**— The Annual Return as on 31st March every year should be submitted on or before 31st July of that year. — *Sec. IV, Rule 4, GID (8).*