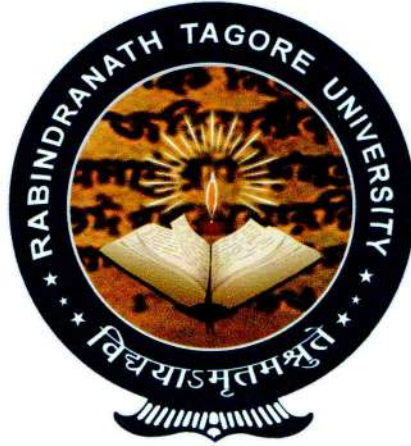




RABINDRANATH THAKUR VISHWAVIDYALAYA

EMPLOYEES DISCIPLINE & APPEAL RULE AND SERVICE CONDUCT RULE ORDINANCE- 2026

(Approved in 18th and 19th meeting of Executive Council held respectively on 6th January 2026 and 25th February 2026 and in the 6th meeting of the University Court held on 3rd July 2026 and further approved in 24th meeting of Executive Council held on 12th October 2026)



RABINDRANATH THAKUR VISHWAVIDYALAYA

HOJAI, ASSAM

PIN-782436

PREAMBLE

The 18th and 19th meeting of the Executive Council of Rabindranath Thakur Vishwavidyalaya held on 06/01/2026 and 25/02/2026 vide resolution no RTU/EC/18/3/06.02.2016 and RTU/EC/19/2/25.02.26 unanimously resolved to adopt Assam Services (Discipline & Appeal) Rules 1964 and Assam Civil Service Conduct Rules (1965) respectively as the Discipline & appeal rule and Conduct rules for the Employees of the University. The 6th meeting of the University Court vide resolution no RTV/CM/06/04/03.07.2026 held on 03.07.2026 has also resolved the same.

Subsequently the 24th meeting of the Executive Council held on 12/10/2026 vide resolution no. RTV/EC/03/12.10.2026 has unanimously resolved to make Assam Services (Discipline & Appeal) Rules 1964 and Assam Civil Service Conduct Rules (1965) as the Discipline & appeal and Conduct rules for the Employees of the University incorporating the same as Ordinance of the University.

Assam Services (Discipline & Appeal) Rules (1964) and Assam Civil Service Conduct Rules (1965) are therefore incorporated here in this ordinance in toto without any modification or any changes.


Registrar I/c
Rabindranath Thakur Vishwavidyalaya
Hojai (Assam)



:: RABINDRANATH THAKUR VISHWAVIDYALAYA :: HOJAI :: ASSAM ::

COPY OF RESOLUTION NO. 3 OF THE 24th EXECUTIVE COUNCIL MEETING OF RABIBDRANATH THAKUR VISHWAVIDYALAYA, HELD ON 12-10-2026 UNDER THE CHAIRMANSHIP OF PROF. MANABENDRA DUTTA CHOUDHURY, VICE CHANCELLOR, RABINDRANATH THAKUR VISHWAVIDYALAYA, HOJAI.

Agenda No. 3

RTV Ordinance Matter

Vice Chancellor narrated that Executive Council and University Court have already adopted the Assam Services (Discipline and Appeal) Rule 1964 and Assam Civil Service (Conduct) Rule 1965 as the Discipline and Appeal Rule and Conduct Rule for the Employees of the University. Now following the pattern of Dibrugarh University, the said rules may be made as part of 2nd Ordinance of the University. In this regard, Vice Chancellor placed before the House the letter he wrote to the Vice Chancellor of Dibrugarh University and the reply received in this regard.

Resolution No. RTV/EC/24/03/12.10.2026

The House discussed the matter and found it appropriate to make ordinance on the said rule as the second oldest university of the state has already done it. Accordingly, it is Unanimously resolved that Assam Services (Discipline and Appeal) Rule 1964 and Assam Civil Service (Conduct) Rule 1965 shall be incorporated as the 2nd Ordinance of the University as Discipline and Appeal Rule and Conduct Rule for the Employees of the University as per section 48 of Rabindranath Tagore University Act 2017.

Sd/-
(*Prof. Manabendra Dutta Choudhury*)
Vice Chancellor
Rabindranath Thakur Vishwavidyalaya
Hojai, Assam

Certified to be true copy


(*Dr. Sandip Ratna*)

Registrar (i/c)

Rabindranath Thakur Vishwavidyalaya

Hojai, Assam

Registrar i/c

Rabindranath Thakur Vishwavidyalaya

Hojai (Assam)



:: RABINDRANATH THAKUR VISHWAVIDYALAYA :: HOJAI :: ASSAM ::

COPY OF RESOLUTION NO. RTV/CM/06/04/03.07.2026 OF THE 6TH COURT MEETING OF RABINDRANATH THAKUR VISHWAVIDYALAYA, HOJAI, ASSAM, HELD ON 03/07/2026 UNDER THE CHAIRMANSHIP OF PROF. MANABENDRA DUTTA CHOUDHURY, VICE CHHANCELLOR, RABINDRANATH THAKUR VISHWAVIDYALAYA, HOJAI, ASSAM

Agenda No. 4

Adoption of Service Rules of the University

The Hon'ble Vice Chancellor informed the House that the Executive Council, in its 18th Meeting held on 06.01.2026 and 19th Meeting held on 25.02.2026, adopted the Assam Services (Discipline and Appeal) Rules, 1964 and the Assam Civil Services (Conduct) Rules, 1965, respectively, as the Service Rules governing the Teaching employees and Officers of the University.

He also informed the house that the Executive Council has framed and adopted fresh service rules for the Non-teaching staffs of below Officer rank.

The Executive Council of the University, vide **Resolution No. RTV/EC/22/25(a)/24.06.2026**, resolved to forward both the adopted Service Rules to the University Court for necessary incorporation into the Statutes of the University, as per the directive of the Hon'ble Gauhati High Court vide its order dated 08.06.2026 in WA No. 175/2026 and WA No. 176/2026, so that the same may be forwarded to the Hon'ble Chancellor for His kind assent.

Hon'ble Vice chancellor also informed that in case of all Service Rules, Hon'ble Chancellor shall be the appellate authority of all employees of the university.

Accordingly, the matter was placed before the Hon'ble Court of the University for its consideration and approval.

Resolution No. RTV/CM/06/04/03.07.2026

Resolved that the Hon'ble Members of the Court considered the Service Rules adopted by the Executive Council in its 18th and 19th Meetings held on 06.01.2026 and 25.02.2026, respectively, and unanimously resolved to forward the same to the Hon'ble Chancellor for His kind assent.

Further resolved that Hon'ble Chancellor shall be the appellate authority in case of all Service Rules of the university.

Resolved further that the adopted Service Rules shall be incorporated into the Statutes of the University after obtaining the assent of the Hon'ble Chancellor.

Sd/-
(Prof. Manabendra Dutta Choudhury)
Vice Chancellor
Rabindranath Thakur Vishwavidyalaya,
Hojai, Assam

Certified to be true copy


(Dr. Sandip Ratna)

Registrar (i/c)

Rabindranath Thakur Vishwavidyalaya,
Hojai, Assam

Registrar I/c

Rabindranath Thakur Vishwavidyalaya
Hojai (Assam)



::RABINDRANATH THAKUR VISHWAVIDYALAYA:: HOJAI :: ASSAM::

COPY OF RESOLUTION NO.2 OF THE SPECIAL (19th E.C) EXECUTIVE COUNCIL MEETING OF RABIBDRANATH TAGORE UNIIVERSITY, HELD ON 25-02-2026 UNDER THE CHAIRMANSHIP OF PROF. MANABENDRA DUTTA CHOUDHURY, VICE-CHANCELLOR, RABINDRANATH TAGORE UNIVERSITY, HOJAI

Agenda No. 2: Adoption of Assam Civil Services (Conduct) Rules, 1965

The Secretary to the Executive Council placed before the House Assam Civil Service (Conduct) Rules, 1965 for adoption as Service Conduct Rules for all the employees of Rabindranath Tagore University, Hojai, Assam.

Resolution No. RTU/EC/19/2/25.02.2026:

The House unanimously resolved to adopt the **Assam Civil Services (Conduct) Rules, 1965** in toto as Service Conduct Rules for all the employees of Rabindranath Tagore University, Hojai, Assam.

Sd/-
(Prof. Manabendra Dutta Choudhury)
Vice Chancellor
Rabindranath Thakur Vishwavidyalaya
Hojai, Assam

Certified to be true copy


(Dr. Sandip Raina)
Registrar (i/c)
Rabindranath Thakur Vishwavidyalaya
Hojai, Assam
Registrar I/c
Rabindranath Thakur Vishwavidyalaya
Hojai (Assam)



:: RABINDRANATH THAKUR VISHWAVIDYALAYA :: HOJAI :: ASSAM ::

COPY OF RESOLUTION NO. 3 OF THE 18th EXECUTIVE COUNCIL MEETING OF RABIBDRANATH THAKUR VISHWAVIDYALAYA, HELD ON 06-01-2026 UNDER THE CHAIRMANSHIP OF PROF. MANABENDRA DUTTA CHOUDHURY, VICE-CHANCELLOR, RABINDRANATH THAKUR VISHWAVIDYALAYA, HOJAI.

Agenda No.3: Adopting Assam Civil Service Rule (Discipline & Appeal) 1964 for Teaching and Administrative staff.

Secretary to Executive Council Dr. Sandip Ratna placed before the house the copies of Assam Civil Service Rule (Discipline & Appeal) 1964 for consideration of the house.

Resolution No. RTU/EC/18/3/06.02.2026

After details discussion the house resolved to adopt Assam Civil Service Rule (Discipline & Appeal) 1964 as the service rule (Discipline & Appeal) for Rabindranath Tagore University **Teachers and Administrative staff with immediate effect**. It is resolved that in case of controversy between Assam Civil Service Rule and RTU Act and Statute, the provisions of Act and Statute shall prevail. During all advertisement the service rule should clearly be mentioned for avoiding controversy in future.

Sd/-
(*Prof. Manabendra Dutta Cjoudhury*)
Vice Chancellor
Rabindranath Thakur Vishwavidyalaya
Hojai, Assam

Certified to be true copy

SRatna
(*Dr. Sandip Ratna*) 07/07/2026

Registrar (i/c)

Rabindranath Thakur Vishwavidyalaya

Hojai, Assam

Registrar I/c

Rabindranath Thakur Vishwavidyalaya
Hojai (Assam)



GOVERNMENT OF ASSAM

**THE ASSAM CIVIL SERVICES
(CONDUCT) RULES,
1965**

PERSONAL (B) DEPARTMENT



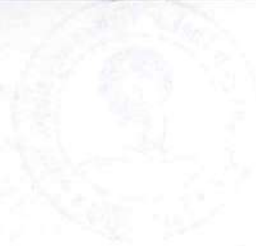
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The 12th February, 1966

No. AAP.77/65/35. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Assam hereby makes the following rules, namely -

THE ASSAM CIVIL SERVICES (CONDUCT) RULES, 1965

1. Short title, commencement and application. -

- (1) These rules may be called the Assam Civil Services (Conduct) Rules, 1965.
- (2) They shall come into force at once.
- (3) Save as otherwise provided in these rules, these rules shall apply to every person appointed to a Civil Service or post in connection with the affairs of the State:

Provided that nothing in these rules shall apply to any Government Servant who is -

- (a) a member of an All-India Service,
- (b) a holder of any post in respect of which the Governor has, by a general or special order, directed that these rules shall not apply.



2. Definitions. -

In these rules, unless the context otherwise requires, -

- (a) **“the Government”** means the Government of Assam;
- (b) **“Government Servant”** means any person appointed by Government to any Civil Service or post in connection with the affairs of the State;

Explanation. -

A Government servant whose services are placed at the disposal of a Company, Corporation, Organisation or a local authority by the Government shall, for the purposes of these rules, be deemed to be a Government servant serving under the Government notwithstanding that his salary is drawn from sources other than the consolidated Fund of the State;

- (c) **“members of family”** in relation to the Government servant includes :-
 - (i) the wife or husband as the case may be, of the Government Servant whether residing with the Government Servant or not but does not include a wife or husband, as the case may be, separated from the Government servant by a decree or order of a competent Court;



(ii) son or daughter or step-son or step-daughter of the Government servant and wholly dependent on him but does not include a child or step-child who is no longer in any way dependent on the Government servant or of whose custody the Government servant has been deprived of by or under any law;

(iii) any other person related, whether by blood or marriage, to the Government servant or to the Government servant's wife or husband, and wholly dependent on the Government servant.

3. General. -

(1) Every Government servant shall at all times: -

(i) maintain absolute integrity;

(ii) maintain devotion to duty; and

(iii) do nothing which is unbecoming of a Government servant.

(2) (i) Every Government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government



servants for the time being under his control and authority;

- (ii) No Government servant shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the direction in writing, wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible.

Explanation. -

Nothing in clause (ii) of sub-rule (2) shall be construed as empowering, a Government Servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

4. Gifts. -

- (1) Save as otherwise provided in these rules, no Government servant shall accept or permit any



member of his family or any person acting on his behalf to accept, any gift.

Explanation. -

The expression "gift" shall include free transport, boarding, loading or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the Government servant.

Note (1). - A casual meal, lift or other social hospitality shall not be deemed to be a gift.

Note (II). - A Government servants shall avoid accepting lavish hospitality of frequent hospitality from any individual having official dealings with him or form industrial or commercial firms, organization, etc.

(2) On occasions, such as weddings, anniversaries, funerals or religious functions, when the making of gift is in conformity with the prevailing religious, or social practice, a Government servant may accept gifts from his near relatives but he shall make a report to the Government if the value of any such gift exceeds -

- (i) Rs. 500.00 in the case of a Government servant holding any Class I or Class II posts;



(ii) Rs. 250.00 in the case of Government servants holding any Class III posts; and

(iii) Rs. 100.00 in the case of Government servants holding any Class IV post.

(3) On such occasions are specified in sub rule (2), a Government servant may accept gifts from his personal friends having no official dealing with him, but he shall make a report to the Government if the value of any such gift exceeds -

(i) Rs. 200.00, in the case of Government servant holding any Class I or Class II posts;

(ii) Rs. 100.00, in the case of a Government servant holding any Class III posts; and

(iii) Rs.50.00, in the case of a Government servant holding any Class IV post.

(4) In any other case, a Government servant not accept any gift without the sanction of the Government if the value thereof exceeds -

(i) Rs. 75.00, in the case of a Government servant holding any Class I or II posts; and



- (ii) Rs. 25.00, in the case of a Government servant holding any Class III or Class IV post.

5. Public demonstration in honour of Government Servants.-

No Government servant shall, except with the previous sanction of the Government receive any complementary 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:

Provided that nothing in this rule shall apply to -

- (i) a farewell entertainment of a substantially private and informal character held in honour of a Government servant or any other Government servant on the occasion of the retirement or transfer or any person who has recently quit the service of any Government; or
- (ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

Note: - Exercise of pressure of influence of any sort on any Government servant to induce him to subscribe towards any farewell entertainment even if it is of a substantially private or informal character, and the



collection of subscriptions from Class III or Class IV employees under any circumstances for the entertainment of any Government servant not belonging to Class III or Class IV, is forbidden.

6. Presentation of trowels, etc., at ceremonial functions. -

No Government servant shall, except with the previous sanction of the Government, receive any trowel, key or other similar article offered to him at a ceremonial function, such as the laying of a foundation stone or the opening of a public building.

7. Criticism of Government. -

No Government servant shall, in any radio broadcast or in any document published in his own name or anonymously, pseudonymously or in the name of any other person or in any communication to the press or in any public utterance, make any statement of fact or opinion -

- (i) which has the effect of an advance criticism of any current or recent policy or action of the Central Government or State Government.
- (ii) which is capable of embarrassing the relations between the Central Government and the Government of any State; or



- (iii) which is capable of embarrassing the relations between the Central Government and the Government of any foreign State :

Provided that nothing in this rule shall apply to any statements made or views expressed by a Government servant in his official capacity or in the due performance of the duties assigned to him.

8. Subscriptions. -

No Government servant shall, except with the previous sanction of the Government or of the prescribed authority, ask for or accept contributions to, or otherwise associate himself with the raising of, any funds or other collections in cash or in kind in pursuance of any object whatsoever.

9. Consumptions of intoxicating drinks and drugs and vicious habits. -

A Government servant shall -

- (a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- (b) take due care that the performance of his duties is not affected in any way by the influence of any intoxicating drink or drug;



- (c) not appear in public place in a state of intoxication;
- (d) not habitually use any intoxicating drink or drug to excess;
- (e) not indulge in vicious habit, like sex and gambling which reduce his efficiency and utility as public servant or damage Government or official generally in public esteem.

10. Investment, leading and borrowing. -

- (1) No Government servant shall speculate in any stock, share or other investment.

Explanation. -

Frequent purchase or sale or both, of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

- (2) No Government servant shall make, or permit any member of his family or any person acting on his behalf to make, any investment which is likely to embarrass or influence him in the discharge of his official duties.



(3) If any question arises whether any transaction is of the nature referred to in sub-rule (1) or sub-rule (2), the decision of the Government thereon shall be final.

(4) (i) No Government servant shall, save in the ordinary course of business with a bank or a firm of standing duly authorised to conduct banking business, either himself or through any member of his family or any other person acting on his behalf, -

(a) lend or borrow money, as principal or agent, to or from any person within the local limits of his authority or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person, or

(b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid;

Provided that Government servant may, give to, or accept from, a relative or a personal friend, a purely temporarily loan of a small amount free of interest, or operative a credit account with a bona fide tradesman or make an advance of pay to his private employee;



Provided further that nothing in this sub-rule shall apply in respect of any transaction entered into by a Government servant with the previous sanction of the Government;

- (ii) When a Government servant is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-rule (2) or sub-rule (4), he shall forthwith report the circumstances to the prescribed authority and shall thereafter act in accordance with such order as may be made by such authority.

- (5) This rule in so far as it relates to the leading to or borrowing by Government servants from Co-operative Societies registered under Act. II of 1912 shall be subject to any general or special restrictions or relaxations made or permitted by the Government.

Note - 1. - (a) Gazetted Officers of all Departments and Non-Gazetted Officers of the Co-operative Department may borrow money from such Co-operative Societies registered under Act. II of 1912 as are intended for Government servants only;



- (b) Non-Gazetted Officers belonging to Departments other than the Co-operative Department may borrow money from any non-agricultural co-operative society registered under Act. II of 1912;
 - (c) Non-Gazetted Government servant other than Officers of the Co-operative Department are permitted to deposit or investment are permitted to deposit or invest with non-agricultural societies registered under Act. II of 1912 without restrictions;
 - (d) all Government servants will be free to invest money in Central Banks as well as in the Provincial Bank;
 - (e) Government servants, Gazetted or Non-Gazetted, may be allowed to become members of Agricultural Co-operative Farms, provided that no Government servant shall take office in such a venture without the consent of the Head of his Department or office.
- II (a) Non-Gazetted Government servants belonging to Department other than the Co-operative and Police Departments may borrow money form any Agricultural Co-operative Societies registered under Act II of 1912; and



- (b) Non-Gazetted Government servants other than Officers of the Co-operative and Police Departments are permitted to deposit; or invest with agricultural societies registered under Act II of 1912;

Provided that relaxation II (a) and (b) are permitted subject to the condition that Officers wishing to join agricultural societies or to take loans from such societies must obtain the previous permission of the Head of the Department concerned or of any other Officer to whom the Head of the Department may delegate the powers to grant such permission, and the application for permission to join a society or to take loan shall be forwarded to such Officer through the Inspector of Co-operative Societies of the Circle concerned and the Assistant Registrar of the division.

- III. There is no bar to Gazetted or non-Gazetted Government servants joining thrift and savings societies registered under Act II of 1912, though Government do not encourage them to join such societies.



11. Movable, Immovable and valuable property. -

(1) Every Government servant shall on his first appointment to any service or post and thereafter at such intervals as may be specified by the Government submit a return of his assets and liabilities, in such form as may be prescribed by Government, giving the full particulars regarding: -

- (a) the immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;
- (b) shares, debentures and cash, including bank deposits inherited by him or similarly owned, acquired, or held by him;
- (c) other movable property inherited by him or similarly owned, acquired or held by him;
- (d) debts and other liabilities incurred by him directly or indirectly.

Note (I). - Sub-rule (1) shall not ordinarily apply to Class IV servants but the Government may direct that it shall apply to any such Government servant or class of such Government servants.



Note (II). - In all returns, the values of items of movable property worth less than Rs. 1,000.00 may be added and shown as a lump-sum. The value of articles of daily use such as clothes, utensils, crockery, books, etc., need not be included in such return.

Note (III). - Every Government servant who is in service on the date of commencement of these rules shall submit a return under this sub-rule on or before such date as may be specified by the Government after such commencement.

- (2) No Government servant shall, except with the previous knowledge of the prescribed authority acquired or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family:

Provided that the previous sanction of the prescribed authority shall be obtained by the Government servant if any such transaction is -

- (i) with a person having official dealings with the Government servant; or residing, possessing immovable property of carrying on business within the local limits of his official authority; or



(ii) otherwise than through a regular or reputed dealer.

(3) Every Government servants shall report to the prescribed authority every transaction entered into by him either in his own name or in the name of the member of his family in respect of movable property, if the value of such property exceeds Rs.1,000.00 in the case of a Government servant holding any class I or class II post or Rs.500 in the case of a Government servant holding any class III or class IV post :

Provided that the previous sanction of the prescribed authority shall be obtained, if any, such transaction is -

(i) with a person having official dealings with Government servant, or

(ii) otherwise than through a regular or reputed dealer.

(4) The Government or the prescribed authority may, at any time, by general or special order, require a Government servant to furnish within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall,



if so, required by the Government or by the prescribed authority include the details of the means by which, or the source from which such property was acquired.

- (5) The return as mentioned in sub-rule (1) or statement as mentioned in sub-rule (2) must be verified by the Government servant as true to his knowledge and belief.
- (6) Any Government servant concealing any of his assets and/or liabilities which he is liable to declare under sub-rule (1) or (4) above shall be considered liable to such disciplinary action as the Government may deem proper, provided that bonafide omission or mistakes shall not make him so liable.
- (7) If any Government servant or any other person on his behalf or by any member of his family is found in possession of pecuniary resources or property which appear to the Government to be disproportionate to his known sources of income, the Government shall presume, unless the contrary is proved, that the Government servant acquired such property by dishonest means and the Government shall take such action against the Government servant concerned as it deems necessary.



The Government may exempt any category of Government servants belonging to class III or Class IV from any of the provisions of the rule except sub-rules (4), (5), (6) and (7).

EXPLANATION

- (1) For the purposes of this rule the expression 'movable property' includes -
 - (a) Jewellery, insurance policies the annual premia of which exceeds Rs.1,000 or one-sixth of the total annual emoluments received from Government whichever is less, shares, securities and debentures;
 - (b) loans advanced by such Government servant whether secured or not;
 - (c) motor cars, motor cycles, horses or any other means of conveyance; and
 - (d) refrigerator's, radios and radiograms.
- (2) "Prescribed authority" means, -
 - (a) (i) the Government, in the case of a Government servant holding any class I post, except where any lower authority is specifically specified by the Government for any purpose;



- (ii) Head of Department, in the case of a Government servant holding any Class II post;
- (iii) Head of office, in the case of a Government servant holding any Class III or Class IV post;
- (b) in respect of a Government servant on foreign service or on deputation to any other Government, the parent department on the cadre of which such Government servant is borne.

12. Private trade of employment. -

- (1) No Government servant shall, except with the previous sanction of the Government, engage directly or indirectly in any trade or business or undertake any other employment:

Provided that a Government Servant may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer; but he shall not undertake, or shall discontinue, such work if so directed by the Government.



Explanation. -

Canvassing by a Government Servant in support of the business of insurance agency, commission agency, etc, owned or managed by his wife or any other member of his family shall be deemed to be a breach of this sub-rule.

- (2) Every Government Servant shall report to the Government if any member of his family is engaged in a trade of business or his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.
- (3) No Government Servant shall without the previous sanction of the Government, except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 1956 (1 of 1956), or any other law for the time being in force or any Co-operative Society for commercial purposes:

Provided that a Government Servant may take part in the registration, promotion or management of a Co-operative Society substantially for the benefit of Government Servants, registered under the Co-operative Societies, Act, 1912 (2 of 1912), or any other law for the time being in force or of a literary, scientific



or charitable society registered under the Societies Registration Act, 1860 (21 of 1860) or any corresponding law in force.

- (4) No Government Servant may accept any fee for any work done by him for any public or any private person without the sanction of the prescribed authority.

(13) Prosecution of studies by Government servants in Educational institutions. -

No Government Servant while in Government servant shall join or attend any educational institution for the purpose of preparing himself for or shall appear at any examination of a recognised Board or University without obtaining previous permission from the appointing authority:

Provided that the appointing authority may refuse such permission in the interest of public service on consideration that such joining or attending any educational institution or appearing at any examination may create dislocation of work or stand in the way of the efficient discharge of his duties by the Government Servant concerned. Permission or study leave or any other kind of leave granted for the purpose of joining or attending any educational institution shall be subject to the condition that the Government servant shall not seek election to or hold any elective office in Students Unions or other Associations



of Students except Associations formed for purely literary academic or athletic pursuits.

Explanation. -

Normally no one should be allowed to continue studies beyond the Degree Course. Persons doing executive work should not normally be given permission to prosecute studies. Moreover, where giving permission means leaving a big gap in the working strength of the office, permission may be refused by the Appointing Authority at his discretion.

14. Insolvency and habitual indebtedness. -

A Government servants shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Government servant against whom any legal proceeding is instituted for the recovery of any debt due from him or for adjudging him as an insolvent shall forthwith report the full facts of the legal proceedings to the Government.

NOTE. -

The burden of proving that the insolvency or indebtedness was the result of circumstances which, with the exercise of ordinary diligence, the Government servant could not have foreseen, or over which he had no control, and had not proceeded from extravagant or dissipated habits, shall be upon the Government servant.



15. Unauthorised communication of information.-

No Government servant shall, except in accordance with any general or special order of the Government or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or information to any Government servant or any other person to whom he is not authorised to communicate such document or information.

16. Connection with Press or Radio. -

- (1) No Government servant shall, except with the previous sanction of the Government, own wholly or in part, or conduct or participate in the edition or management or, any newspaper or other periodical publication.
- (2) No Government servant shall, except with the previous sanction of the Government or the prescribed authority, or in the **Bonafied** discharge of his duties, participate in a radio broadcast or contribute any article or write any letter either in his own name or anonymously, pseudonymously or in the name of any other person to any newspaper for periodical:

Provided that no such sanction shall be required if such broadcast or such contribution is of a purely, literary, artistic or scientific character.



17. Evidence before committed or any other authority. –

- (1) Save as provided in sub-rule (3), no Government servant shall, except with the previous sanction of the Government, give evidence in connection with any enquiry conducted by any person, committee or authority.
- (2) Where any sanction has been accorded under sub-rule (1), no Government servant giving such evidence shall criticise the policy or any action of the Central Government or a State Government.
- (3) Nothing in this rule shall apply to –
 - (4) evidence given at an enquiry before an authority appointed by the Government, Parliament or a State Legislature; or
 - (5) evidence given in any judicial enquiry; or
 - (6) evidence given at any departmental enquiry ordered by authorities subordinate to the Government.

18. Taking part in politics and elections. –

- (1) No Government servant shall be a member of, or be otherwise associated with, any political party or any



organisation which takes part in politics nor shall he take part in, subscribe in aid or, or assist in any other manner, any political movement or activity.

- (2) No Government servant shall permit any person dependent on him for maintenance or under his care or control to take part in, or in any way assist, any movement or activity which is, or tends directly or indirectly to be subversive of Government as by law established in India.

Explanation. -

A Government servant shall be deemed to have permitted a person to take part in, or assist a movement or activity within the meaning of sub-rule (2) if he has not taken every possible precaution and done everything in his power to prevent such person so action, or if, when he knows or has a reason to suspect that such person is so acting, he does not at once inform the State Government or the Officer to whom he is subordinate.

- (3) If any question arise whether any movement or activity falls within the scope of this rule, the decision the Government thereon shall be final.



- (4) No Government servant shall canvass or otherwise interfere or use his influence in connection with or take part in, election to any legislature or local authority:

Provided that -

- (i) a government servant who is qualified to vote at such election may exercise his right to vote, but where he does so, shall give no indication of the manner in which he proposes to vote or has voted;
- (ii) a Government servant shall not be deemed to contravene the provisions of this rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.
- (iii) the Government may permit a Government servant to offer himself as a candidate for election to a local authority and the Government servant so permitted shall not be deemed to have contravened the provisions of this rule.

Explanation. -

The display by a Government servant on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election, within the meaning of this sub-rule.

(5) A Government servant who issues an address to electors or in any other manner publicly announces himself or allows himself to be publicity announced as a candidate or prospective candidate for election to a legislative body shall be deemed for the purpose of sub-rule (4) to take part in election to such body.

(6) The provisions of sub-rule (4) and (5) shall so far as may be apply to election authorities or bodies, save in respect of Government servants required or permitted by or under any law, or order of Government for the time being in force to be a candidate at such elections.

***Note -** A Government servant eligible for election as member of a Municipal Board or any other local body must obtain the permission of the Head of the Office before his nomination paper is filled”.



19. Employment of near relatives of Government servants in private undertakings enjoying Government patronage. -

(1) No Government servant shall use his position or influence directly or indirectly to secure employment for any member of his family in any private undertakings.

(2) (i) No Class I Officer shall, except with the previous sanction of the Government, permit his son, daughter or other dependant to accept employment in any private undertaking with which he has official dealings or in any other undertaking having official dealing with the Government :

Provided that where the acceptance of the employment cannot await prior permission of the Government or is otherwise considered urgent, the matter shall be reported to the Government; and the employment may be accepted provisionally subject to the permission of the Government.

(ii) A Government servant shall, as soon as he becomes aware of the acceptance by a member of his family of an employment in any private undertaking, intimate such acceptance to the



prescribed authority and shall also intimate whether he has or has had any official dealings with that undertaking:

Provided that no such intimation shall be necessary in the case of a Class I Officer if he has already obtained the sanction of, or sent a report to, the Government under clause (i).

- (3) No Government servant shall in the discharge of his official duties deal with any matter or give or sanction any contract to any undertaking or any other person if any member of his family is employed in that undertaking or under that person or if he or any member of his family is interested in such matter or contract in any other manner and the Government servant shall refer every such matter or contract to his official superior and the matter or contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

20. Demonstration and strikes. -

No Government servant shall -

- (i) Engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or



morality, or which involves contempt of Court, defamation or incitement to an offence, or

- (ii) resort to or in any way abet any form or Strike in connection with any matter pertaining to his service or the service of any other Government servant.

21. Vindication of acts and character of Government servant. -

- (1) No Government servant shall, except with the previous sanction of the Government 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.
- (2) Nothing in this rule shall be deemed to prohibit a Government servant from vindicating his private character or any act done by him in his private capacity and where any action for vindicating his private character or any act done by him in private capacity is taken, the Government servant shall submit a report to the prescribed authority regarding such action.



22. Canvassing of non-official or other influences. -

No Government servant shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government.

23. Membership of the service Association and Recognition of association of non-industrial Government servants. -

No Government servant shall be member, representative or officer of any association representing or purporting to represent Government servants unless such Association is recognised, and no official recognition shall be given to such Association which does not comply with the conditions set out below:-

- (1) Membership of the Association or Associations shall be confined to Government servants only; its office bearers including the President, shall be selected to or elected from among its members.
- (2) The Association shall not be in any way connected with or affiliated to -
 - (i) any Association which does not or
 - (ii) any federation of Associations which do not satisfy the provisions of sub-rule (1).



- (3) The Association shall not be in any way connected with any political party or organisation, or engaged in any political activity.
- (4) The Association shall not in respect of any election to a Legislative body whether in India or elsewhere or to a local authority or body, -
- (a) Pay or contribute towards any expenses incurred in connection with his candidature by a candidate for such election;
 - (b) by any means support the candidature of any person for such election; or
 - (c) undertake or assist in the registration of electors, or the selection of a candidate for such election;
 - (d) maintain or contribute towards the maintenance of any member of legislative body whether in India or elsewhere or of any member of a local authority or body.
- (5) The Association shall not -
- (i) issue or maintain any periodical publication except in accordance with any general or special



order of the State Government and such permission shall be given by Government only on condition that writing in the publication is confined to the members of the Association only and that no letters or articles under a nom-de-plume or pseudonym, criticism of or comments on any Government communique, individual grievances against orders passed by a competent authority notices of strikes or of organised action with a view to discrediting Government are published;

- (ii) except with the previous sanction of the State Government publish any representation on behalf of its members, whether in the Press or otherwise.

(6) The Association shall not-

- (a) except with the previous sanction of the State Government select or elect a non-official President;
- (b) allow any outsider to attend its meeting; or
- (c) pay or contribute towards the expenses of any Trade Union which has constituted a fund under Section 16 of the Indian Trade Union Act, 1926 (XVI of 1926).



(7) Procedure for recognition shall be as follows :-

- (a) the employees of a department or an officer who desire to form an association shall convene a meeting and pass a Resolution to form themselves into an Association and seek Government's recognition. The Resolution signed by all the members present at the Convention together with a copy of the Constitution of the Association shall be forwarded to the Head of the Office or Department. The Head of the Office or Department shall scrutinise the Constitution to ensure that it does not contain any provision contrary to the instructions issued by State Government in the matter.

If any amendment in the Constitution are necessary, he shall ask the conveners to have them carried out. He shall then forward the Resolution and proposed Constitution to the Chief Secretary to the Government of Assam in the Appointment Department, who shall be the competent authority in this regard;

- (b) subject to fulfillment of provisions of Rule 7(a), the Chief Secretary may grant recognition to the Association subject to such conditions as are considered necessary.



(8) The Association shall submit the copies of the rules of the Association and the annual statement of its accounts and lists of its members to the Government in the Appointment Department, through proper channel: -

(i) all communications as well as representations shall be addressed and submitted to the Chief Secretary through the Head of Department or office and to no other authority.

(ii) any amendment of a substantial character proposed to be made in the rules of the Association shall be first communicated through proper channel to the Chief Secretary to the Government of Assam in the Appointment Department and made only with his concurrence. Any other amendment of minor importance shall be communicated through proper channel to the Chief Secretary to the Government of Assam.

(9) The officer who is empowered to grant leave to a Government employees shall so far as is possible grant casual leave to an employee who is representative of a recognised Association to attend duly constituted meetings of the Association to attend duly constituted meetings of the Association. The grant of such leave shall be subject to the exigencies of public service of which the officer in question shall be sole judge.



24. Recognition of Association of work-charged staff. -

The provisions of the rule 23 shall not apply to any Government Servant drawing a pay of Rs.200 (Two hundred) or less per mensem and holding a non-gazetted post in the Public Works establishments, in so far as they relate to the work-charged staff.

Explanation. -

For the purpose of this Rule, establishment does not include any office mainly concerned with administrative, managerial, supervisory, security or welfare functions.

25. Joining of Associations by Government Servants. -

No Government servant shall join, or continue to be a member of an Association, the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality.

26. Bigamous marriages. -

- (1) No Government servant who has a wife living shall contract another marriage without first obtaining the permission of the Government, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.



- (2) No female Government servant shall marry any person who has a wife living without first obtaining the permission of the Government.

27. Interpretation. -

If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

28. Delegation of powers. -

The Government may, by general or special order, direct that any power exercisable by it or any head of department under these rules (except the powers under rule 23 and this rule) shall, subject to such conditions, if any, as may be specified in the order be exercisable also be such officer of authority as may be specified in the order.

29. Repeal and Saving. -

Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to the Government servants to whom these rules apply are hereby repealed:



Provided that any orders made or action taken under the rules shall be deemed to have been made or taken under the corresponding provisions of these rules.

A.N. KIDWAI,

Chief Secretary to the
Government of Assam.



NOTIFICATION

The 20th August 1983

No. ABP. 216/81/22. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India the Governor of Assam hereby makes the following rules further to amend the Assam Civil Services (Conduct) Rules 1965 hereinafter called the principal rules in the manner hereinafter appearing, namely: -

1. Short title and commencement. -

- (1) These rules may be called the Assam Civil Services (Conduct) (Amendment) Rules, 1983.
- (2) They shall come into force with immediate effect.

2. Amendment of Rule - 23 -

In the Principal Rules, in sub-rule (6) clause (a) shall be deleted and clauses (b) and (c) be renumbered as clauses (a) and (b) respectively.

K.K. BARUA,

Secretary to the Govt. of Assam,
Department of Personnel (B).

AGP.2/89(Personnel)-5,000-6-11-89.

GOVERNMENT OF ASSAM



सत्यमेव जयते



THE ASSAM SERVICES (DISCIPLINE AND APPEAL)

RULES

1964

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in November, 1964

61.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Assam is pleased to make the following rules, namely :—

**THE ASSAM SERVICES (DISCIPLINE AND APPEAL)
RULES, 1964**

PART I—GENERAL

1. Short title and commencement.—(a) These rules may be called the Assam Services (Discipline and Appeal) Rules, 1964.

(b) They shall come into force from the date of publication of this Notification.

2. Interpretation.—In these rules, unless there is anything repugnant in the subject or context ;

(a) "Appellate Authority" means the authority to whom appeal lies.

(b) "Appointing Authority", in relation to a Government Servant at any particular time, means the authority empowered to appoint him to the post which he is holding at that time ;

(c) "Commission" means the Assam Public Service Commission ;

(d) "Disciplinary Authority", in relation to the imposition of a penalty on a Government Servant, means the authority competent under these rules to impose on him that penalty ;

(e) "Government Servant" means a person who is a member of a service or who holds a civil post in connection with the affairs of the State of Assam and includes any person whose services are temporarily placed at the disposal of the Central Government or any State Government or a local or other authority and also any person in the service of a State Government or the Central Government or a local or other authority whose services are temporarily placed at the disposal of the Government of Assam ;

(f) "Schedule" means the schedule to these rules ;

(g) "Service" means a civil service of the State of Assam.



3. Application.—(1) These rules shall apply to all Government servants ^{if no such state-} except—

- (a) persons in casual employment ;
- (b) persons for whose appointment and other matters covered by these rules, special provisions are made by or under any law for the time being in force or in any agreement in regard to the matters covered by such law or such agreement ;
- (c) members of the All-India Services.

(2) Notwithstanding anything contained in sub-rule (1) these rules, shall apply to every Government servant temporarily transferred to a service or post coming within exception (b) in sub-rule (1) to whom, but for such transfer, these rules would apply.

(3) Notwithstanding anything contained in sub-rule (1) the Governor may, by notification published in the official Gazette, exclude from the operation of all or any of these rules any Government servant or class of Government servant to whom the Governor shall declare that the rules cannot suitably be applied and these rules shall thereupon to the extent of such exclusion cease to apply accordingly :

Provided that no such declaration shall be made in respect of any Government servant who holds a pensionable post or hold a permanent whole-time post.

(4) If any doubt arises as to whether these rules or any of them apply to any person, the matter shall be referred to the Governor, whose decision thereon shall be final.

4. Protection of rights and privileges conferred by any law or agreement.—Nothing in these rules shall operate to deprive any Government servant of any right or privilege to which he is entitled—

- (a) by or under any law for the time being in force, or
- (b) by the terms of any agreement subsisting between such person and the Governor at the commencement of these rules.

PART II—APPOINTING AUTHORITIES

5. Appointments to State Services.—All appointment to State Services shall be made by the authorities specified in the Schedule :

Provided that the Governor may by notification in the official Gazette, amend the Schedule from time to time.





PART III—SUSPENSION

6. **Suspension.**—(1) The Appointing Authority or any authority to which it is subordinate or any other authority empowered by the Governor in that behalf may place a Government servant under suspension—

- ✓ (a) Where a disciplinary proceeding against him is contemplated or is pending, or
- (b) Where a case against him in respect of any criminal offence involving moral turpitude is under investigation or trial:

Provided that where the order of suspension is made by an authority lower than the Appointing Authority such authority shall forthwith report to the Appointing Authority the circumstances in which the order was made.

(2) A Government servant who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours shall be deemed to have been suspended with effect from the date of such detention, by an order of the Appointing Authority and shall remain under suspension until further orders:

Provided that where the detention is made on account of any charge not connected with his position as a Government servant or continuance in office is not likely to embarrass the Government or the Government servant in the discharge of his duties or the charge does not involve moral turpitude, the Appointing Authority may vacate the suspension order made or deemed to have been made when he is released on bail or is not otherwise in custody or imprisonment.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the Appointing Authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

✓ (5) An order of suspension made or deemed to have been made under this rule may at any time be revoked by the Authority to which made or is deemed to have made the order or by any Authority to which that Authority is subordinate.

PART IV—DISCIPLINE

7. Nature of penalties.—The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely :—

- (i) Censure ;
- (ii) Withholding of increments or promotion ;
- (iii) recovery from pay of the whole or part of any pecuniary loss caused by negligence or breach of orders to the Government of Assam or the Central Government or any other State Government, or any local or other authority to whom services of a Government servant had been lent ;
- (iv) reduction to a lower Service, grade or post, or to a lower time-scale, or to a lower stage in a time-scale
- (v) compulsory retirement ;
- (vi) removal from service which shall not be a disqualification for future employment ;
- (vii) dismissal from service which shall ordinarily be a disqualification for future employment.

Explanation.—The following shall not amount to a penalty within the meaning of this rule—

- (a) withholding of increments of a Government servant for failure to pass a departmental examination or successfully undergo training prescribed in accordance with the rules or orders governing the service or post or the terms of his appointment ;
- (b) stoppage of a Government servant at an efficiency bar in the time-scale on the ground of his unfitness to cross the bar ;
- (c) non-promotion whether in a substantive or officiating capacity of a Government servant, after due consideration of his case to a Service, grade or post for promotion to which he is eligible ;
- (d) reversion to a lower Service, grade or post of a Government servant officiating in a higher Service, grade or post on the ground that he is considered, after trial, to be unsuitable for such higher Service, grade or post or on administrative grounds unconnected with his conduct ;
- (e) reversion to his permanent Service, grade or post of a Government servant appointed on probation to another Service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation ;
- (f) Compulsory retirement of a Government servant after completion of 25 years qualifying service or 30 years qualifying service as the case may be under the provisions of Articles 103, 104 of the Assam Pension Manual and Rule 1(2) of Section I of the Assam Liberalised Pension Rules ;
- (g) Termination of the Services—
 - (i) of a Government servant appointed on probation, during or at the end of the period on probation, in accordance with the terms of his appointment or the rules and orders governing probation ; or
 - (ii) of a Government servant employed under an agreement in accordance with the terms of such agreement ;



(iii) of a Government servant whose term of appointment provides for the termination of service by either party giving notice for a specified period;

✓ (iv) of a Government servant in whose case the appointment is expressly stated to be on temporary basis and to have been sanctioned until further orders and it is also provided that his services may be terminated at any time without notice.

8. Disciplinary Authority.—(1) The Governor may impose any one or more of the penalties specified in rule 7 on any Government servant.

(2) Without prejudice to the provisions of sub-rule (1), but subject to the provisions of sub-rule (3) any one or more of the penalties specified in rule 7 may be imposed on a member of a State Service by the Appointing Authority or by any other authority empowered in this behalf by a general or special order of the Governor.

(3) Notwithstanding anything contained in this rule no penalty specified in clauses (iv) to (vii) of rule 7 shall be imposed by an authority lower than the Appointing Authority.

9. Procedure for imposing penalties.—(1) Without prejudice to the provisions of the Public Servants (Inquiry) Act, 1850, no order imposing on a Government servant any of the penalties specified in rule 7 shall be passed except after an inquiry, held as far as may be, in the manner hereinafter provided.

✓ (2) The Disciplinary Authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges together with a statement of the allegations on which they are based, shall be communicated in writing to the Government servant, and he shall be required to submit, within such time as may be specified by the Disciplinary Authority, a written statement of his defence and also to state whether he desires to be heard in person.

Explanation.—In this sub-rule and in sub-rule (3), the expression “the Disciplinary Authority” shall include the authority competent under these rules to impose upon the Government servant any of the penalties specified in rule 7.

(3) The Government servant shall, for the purpose of preparing his defence, be permitted to inspect and take extracts from such official records as he may specify, provided that such permission may be refused if, for reasons to be recorded in writing, in the opinion of the Disciplinary Authority such records are not relevant for the purpose or it is against the public interest to allow him access thereto:

Provided that when a Government servant is permitted to inspect and take extracts from official records due care shall be taken against tampering removal or destruction of records.



(4) On receipt of the written statement of defence, or if no such statement is received within the time specified, the Disciplinary Authority may itself inquire into such of the charge as are not admitted or, if it considers it necessary so to do, appoint for the purpose a Board of inquiry or an Inquiring Officer.

(5) The Disciplinary Authority may nominate any person to present the case in support of the charges before the Authority inquiring into the charges (hereinafter referred to as the Inquiring Authority). The Government servant may present his case with the assistance of any other Government servant approved by the Disciplinary Authority, but may not engage a legal practitioner for the purpose unless the person nominated by the Disciplinary Authority as aforesaid is a legal practitioner or unless the Disciplinary Authority, having regard to the circumstances of the case, so permits.

(6) The Inquiring Authority shall, in the course of the inquiry consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The Government servant shall be entitled to cross-examine witnesses examined in support of the charges and to give evidence in person, and to adduce documentary and oral evidence in his defence. The person presenting the case in support of the charges shall be entitled to cross-examine the Government servant and the witnesses examined in his defence. If the Inquiring Authority declines to examine any witness or to admit any document in evidence on the ground that his evidence or such document is not relevant or material, it shall record its reasons in writing.

(7) At the conclusion of the inquiry, the Inquiring Authority shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefor.

(8) The record of the inquiry shall include—

- (i) the charges framed against the Government servant and the statement of allegations furnished to him under sub-rule (2);
- (ii) his written statement of defence, if any;
- (iii) the oral evidence taken in the course of the inquiry;
- (iv) the documentary evidence considered in the course of the inquiry;
- (v) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry; and
- (vi) a report setting out the findings on each charge and the reasons therefor.

(9) The Disciplinary Authority shall, if it is not the Inquiring Authority, consider the record of the inquiry and record its findings on each charge.



Copy
Copy of Govt. Notification Memo No. ADP.471/77/G-A
dt. 18.1.78 from Under Secretary to the Govt. of Assam,
Personnel (D) Branch to the Deputy Commissioner, Karap, Gauhati
& others etc., etc.

N O T I F I C A T I O N

Dated Dispur, the 18th January, 1978.

No. ADP.471/77/G :- In exercise of the powers conferred by the
proviso to Article 309 of the Constitution of India, the
Governor of Assam is pleased to amend the Assam Services
(Discipline and Appeal Rules, 1964, hereinafter called the
said ' Rules ' in the manner hereinafter appearing, namely :-

Short title and
commencement.

1.(a) These Rules may be called the Assam
Services (Discipline and Appeal)
(Amendment) Rules, 1978.

(b) They shall come into force at once.

2. In the said Rules, in the second proviso to
sub-rule (3) of Rule 15(A) after the sentence " The person
so nominated would not be a legal practitioner", the following
shall be inserted, namely :-

" except in a case where the officer is allowed
to be represented by a legal practitioner."

Sd/ DEBANKAR BARUA,
UNDER SECRETARY TO THE GOVERNMENT OF ASSAM
PERSONNEL (D) BRANCH.

ccccc





copy obtained from D. C. 10/15/22
GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL & ADMIN REFORM PERSONNEL (D) BRANCH
GAUHATI.

NOTIFICATION
Dated Dispr, the 7th Oct/77.

HO.ARP-189/77/3 : In exercise of the powers conferred by the provide to Article 309 of the Constitution of India, the Governor of Assam is pleased to make the following further amendment to the Assam Services (Discipline & Appeal) Rules, 1964 hereinafter called the said Rules in the manner hereinafter ~~subsequent to the~~ appearing, namely :-

In the said Rules, in Rule 9, below sub-rule (i) the following explanation shall be inserted, namely :-

" Explanations - If in the opinion of the enquiring authority the proceedings of the enquiry establishment any article of charge different from the original article of the charge, it may record its findings on such article of charge.

Provided that the findings on such article of charge shall not be recorded unless the Government servant has either admitted the facts on which such article of charge is based or has a reasonable opportunity of defending himself against such article of charge".

This shall come into force with immediate effect.

SECRET
GOVERNMENT OF ASSAM
PERSONNEL (D) DEPTT.
Sd/- BHASKAR DASS
SECRETARY TO THE GOVERNMENT OF
PERSONNEL (D) DEPTT.



1) Major Penalties—

- (i) If the Disciplinary Authority, having regard to its findings on the charges, is of the opinion that any of the penalties specified in clauses (iv) to (vii) of rule 7 should be imposed, it shall—
 - (a) furnish to the Government servant a copy of the report of the Inquiring Authority and, where the Disciplinary Authority is not the Inquiring Authority, a statement of its finding together with brief reasons for disagreement if any, with the findings of the Inquiring Authority; and
 - (b) give him a notice stating the penalty proposed to be imposed on him and calling upon him to submit within a specified time such representation as he may wish to make on the proposed penalty only on the basis of the evidence adduced during the inquiry.
- (ii) The Disciplinary Authority shall consider the representation, if any, made by the Government servant as aforesaid and determine what penalty, if any, should be imposed on the Government servant. If such representation contains statements, references, requests, demands, etc., not based on the evidence adduced during the inquiry, such statements, etc., should be ignored and this fact should be brought out in the final orders passed in the case.
- (iii) In every case in which it is necessary to consult the Commission, the record of the inquiry, together with a copy of the notice given under clause (i) above, and the representation made in response to such notice, if any, as well as the penalty determined by the Disciplinary authority under clause (ii) above shall be forwarded to the Commission for its advice.
- (iv) On receipt of the advice of the Commission and taking such advice into consideration, the Disciplinary Authority shall pass appropriate orders on the case.
- (v) In any case in which it is not necessary to consult the Commission, the Disciplinary Authority shall consider the representation, if any, made by the Government servant in response to the notice under clause (i) above and determine what penalty, if any, should be imposed on the Government servant and pass appropriate orders.
- (vi) Orders passed by the Disciplinary Authority shall be communicated to the Government servant who shall also be supplied with a copy of the report of the Inquiring Authority and, where the Disciplinary Authority is not the Inquiring Authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the Inquiring Authority unless they have already been supplied to him under clause (i) and also a copy of the advice, if any, given by the Commission and, where the Disciplinary Authority has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance.

**(11) Minor Penalties—**

If the Disciplinary Authority, having regard to its findings on the charges, is of the opinion that any of the penalties specified in clauses (i) to (iii) of Rule 7 should be imposed, it shall, pass appropriate orders and in every case in which it is necessary to consult the Commission, shall do so, after consulting the Commission.

(12) (a) Notwithstanding anything contained in this rule, it shall not be necessary to follow the procedure laid down in the preceding sub-rules in cases where it appears to the authority competent to impose the penalty at the initial stage of the proceedings that the penalty of censure would be adequate, but if at any later stage it is proposed to impose any other penalty specified in Rule 7, the procedure laid down in the said rules shall be followed.

(b) No order imposing the penalty of censure shall however be passed, except after—

- (i) the Government servant is informed in writing of the proposal to take action against him and of the allegations on which it is proposed to be taken and given an opportunity to make any representation he may wish to make; and
- (ii) such representation, if any, is taken into consideration by the Disciplinary Authority.

10. Special procedure in certain cases.—Notwithstanding anything contained in Rule 9—

- (i) where a penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge; or
- (ii) where the Disciplinary Authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in the said; or
- (iii) where the Governor is satisfied that in the interest of the security of the State, it is not expedient to follow such procedure,—

the Disciplinary Authority may consider the circumstances of the case and pass such orders thereon as it deems fit:

Provided that the Commission shall be consulted before passing such orders in any case in which such consultation is necessary.

11. Provisions regarding lent officers.—(1) Where the services of a Government servant are lent to the Central Government, any State Government or to local or other Authority (hereinafter in this rule referred to as "the Borrowing Authority"), the Borrowing Authority shall have the powers of the Appointing Authority for the purpose of placing him under suspension and of the Disciplinary Authority for the purpose of taking a disciplinary proceeding against him:

Provided that the Borrowing Authority shall forthwith inform the Authority which lent his services (hereinafter in this rule referred to as "the Lending Authority") of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding taken against the Government servant—

- (i) if the Borrowing Authority is of the opinion that any of the penalties specified in clauses (i) to (iii) of Rule 7 should be imposed on him, it may, in consultation with the Lending Authority pass such orders on the case as it deems necessary :

Provided that in the event of a difference of opinion between the Borrowing Authority and the Lending Authority, the services of the Government servant shall be replaced at the disposal of the Lending Authority ;

- (ii) if the Borrowing Authority is of the opinion that any of the penalties specified in clauses (iv) to (vii) of Rule 7 should be imposed on him, it shall replace his services at the disposal of the Lending Authority and transmit to it the proceedings of the inquiry and thereupon the Lending Authority may, if it is the Disciplinary Authority, pass such orders thereon as it deems necessary, or, if it is not the Disciplinary Authority submit the case to the Disciplinary Authority which shall pass such orders on the case as it deems necessary :

Provided that in passing any such order the Disciplinary Authority shall comply with the provisions of sub-rule (10) of Rule 9.

Explanation.—The Disciplinary Authority may make an order under clause (ii) of sub-rule (2) on the record of the inquiry transmitted by the Borrowing Authority, or after holding such further inquiry as it may deem necessary.

12. Provisions regarding borrowed officers.—(1) Where an order of suspension is made or a disciplinary proceeding is taken against a Government servant whose services have been borrowed from the Central Government, any State Government or a local or other authority, the authority lending his services (hereinafter in this rule referred to as “the Lending Authority”), shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding as the case may be.

(2) In the light of the findings in the disciplinary proceeding taken against the Government servant—

- (i) if the Disciplinary Authority is of the opinion that any of the penalty specified in clauses (i) to (iii) of Rule 7 should be imposed on him, it may, subject to the provisions of Rule 9 and in consultation with the Lending Authority pass such orders on the case as it deems necessary :

Provided that in the event of a difference of opinion between the Borrowing Authority and the Lending Authority the services of the Government servant shall be replaced at the disposal of the Lending Authority ;

- (ii) if the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (iv) to (vii) of Rule 7 should be imposed on him it shall replace his services at the disposal of the Lending Authority and transmit to it the proceedings of the inquiry for such action as it deems necessary.





PART V—APPEALS

13. Every Government servant shall be entitled to appeal, as hereinafter provided against an order passed by an authority:—

(a) placing him under suspension under rule 6 ;

(b) imposing upon him any of the penalties specified in rule 7.

14. **Appeals against orders of suspension.**—A Government servant may appeal against an order of suspension to the authority to which the authority which made or is deemed to have made the order is immediately subordinate.

15. **Appeals against orders imposing penalties.**—A Government servant may appeal against an order imposing upon him any of the penalties specified in rule 7 to the appellate authority specified in this behalf in the schedule. There shall be no appeal against the orders of the appellate authority.

Explanation.—In this rule the expression “Government servant” include a person who has ceased in Government service.

16. **Appeals against other orders.**—(1) A Government servant may appeal against an order which—

(a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by any rules or by agreement, or

(b) interprets to his disadvantage the provisions of any such rules or agreement—

to the Authority to which the authority passing such order is immediately subordinate.

(2) An appeal against an order—

(a) stopping a Government servant at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar ;

(b) reverting to a lower service, grade or post, a Government servant officiating in a higher service, grade, or post, otherwise than as a penalty ;

(c) reducing or withholding the pension or denying the maximum pension admissible under the rules ;

(d) determining the pay and allowances for the period of suspension to be paid to a Government servant on his reinstatement or determining whether or not such period shall be treated as a period spent on duty for any purpose ; and



(e) placing a Government servant under suspension, shall lie—

(i) in the case of an order made in respect of Government servant on whom the penalty of dismissal from services can be imposed only by the Governor to the Governor ; and

(ii) in the case of an order made in respect of any other Government servant, to the authority to whom an appeal against an order imposing upon him the penalty of dismissal from service would lie.

Explanation:—In this rule—

(i) the expression "Government servant" includes a person who has ceased to be in Government service ;

(ii) the expression "Pension" includes additional pension, gratuity and any other retirement benefit.

17. Period of limitation for appeals.—No appeal under this part shall be entertained unless it is submitted within a period of three months from the date on which the appellants receives a copy of the order appealed against:

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

18. Form and contents of appeal.—(1) Every person submitting an appeal shall do so separately and in his own name.

(2) The appeal shall be addressed to the authority to whom the appeal lies, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.

19. Submission of appeals.—Every appeal shall be submitted to the authority which made the order appealed against and, in the case of serving officers, through the head of the office in which the appellant is serving for the time being:

Provided that a copy of the appeal may be submitted direct to the appellate authority.

20. Withholding of appeal.—The authority which made the order appealed against may withhold the appeal if—

(i) it is an appeal against an order from which no appeal lies ; or

(ii) it does not comply with any of the provisions of rule 18 ; or

(iii) it is not submitted within the period specified in rule 17; and no sufficient cause is shown for the delay ; or

(iv) it is a repetition of an appeal already decided and new facts or circumstances of material importance are adduced:

provided that an appeal withheld on the ground only that it does not comply with the provisions of rule 18 shall be returned to the appellant and, if resubmitted within one month thereof after compliance with the said provisions, shall not be withheld:

Provided further that where an appeal is withheld, the appellant shall be informed of the fact and the reasons therefor.

21. Submission of return of appeals withheld.—Within fifteen days from the commencement of each quarter a list of the appeals withheld by any authority during the previous quarter, together with the reasons for withholding them, shall be furnished by that authority to the appellate authority.

22. Transmission of appeals.—(1) The authority which made the order appealed against shall, without any avoidable delay which in no case shall exceed one month, transmit to the appellate authority every appeal which is not withheld under rule 20, together with its comments thereon and the relevant records.

(2) The authority to which an appeal lies may direct transmission to it of any appeal withheld under rule 20 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

23. Consideration of appeal.—(1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of rule 6 and having regard to the circumstances and gravity of the case the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in rule 7, the appellate authority shall consider—

- (a) Whether the procedure prescribed in these rules has been complied with, and, if not whether such non-compliance has resulted in violation of any provisions of the Constitution or in failure of justice ;
- (b) whether the findings are justified ; and
- (c) whether the penalty imposed is excessive, adequate or inadequate ;
and, after consultation with the Commission if such consultation is necessary in the case, pass orders—
 - (i) setting aside, reducing, confirming or enhancing the penalty ; or
 - (ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit, in the circumstances of the case:

Provided that—

- (i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose ;
- (ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty ; and



(iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (iv) to (vii) of rule 7 and an inquiry under rule 9 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 10, itself hold such inquiry or direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry and after giving the appellant an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.

(3) In the case of an appeal against any order specified in rule 16 the appellate authority shall consider all the circumstances of the case and pass such orders as it deems just and equitable.

(4) While the considering an appeal it will not be necessary to hear the officer in person by the appellate authority.

24. Expeditious disposal of appeals.—When an appeal under these rules is preferred it shall be disposed of as expeditiously as possible and in any case with a period of three months from the date of receipt of the appeal by the appellate authority.

25. Implementation of orders in appeal.—The authority which made the order appealed against shall forthwith give effect to the orders passed by the appellate authority.

PART VI—REVIEW

26. Governor's power to review.—Notwithstanding anything contained in these rules, the Governor may, on his own motion or otherwise call for the records of the case and review any order which is made or is appealable under these rules or the rules repealed by rule 28 and, after consultation with the Commission where such consultation is necessary—

- (a) Confirm, modify or set aside, the order ;
- (b) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by the order ;
- (c) remit the case to the authority which made the order or to any other authority directing such further action or inquiry as he considers proper in the circumstances of the case ; or
- (d) pass such other orders as he deems fit:

Provided that —

- (i) an order imposing or enhancing a penalty shall not be passed without affording the person concerned an opportunity of making any representation which he may wish to make against such enhanced penalty ;
- (ii) if the Governor proposes to impose any of the penalties specified in clauses (iv) to (vii) of rule 7 in a case where an inquiry under rule 9 has not been held, he shall subject to the provisions of rule 10, direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry and after giving the person concerned an opportunity of making any representation which he may wish to make against such penalty, pass such orders as he may deem fit.



27. Review of orders in disciplinary cases.—The authority to which an appeal against an order imposing any of the penalties specified in rule 7 lies may, of its own motion or otherwise, call for the records of the case in a disciplinary proceeding, review any order passed in such a case and, after consultation with the Commission where such consultation is necessary, pass such orders as it deems fit, as if the Government servant had preferred an appeal against such order:

Provided that no action under this rule shall be initiated more than one year after the date of the order to be reviewed.

PART VII—MISCELLANEOUS

28. Repeal and savings.—(1) The Civil Services (Classification, Control and Appeal) Rules and the rules contained in the Notification of the Government of India in the Home Department No.F.9-10/30 Ests, dated 27th February 1932, and any notifications issued and orders made under any such rules to the extent to which they apply to persons to whom these rules apply are hereby repealed:

Provided that—

- (a) such repeal shall not affect the previous operation of the said rules, notifications and orders or anything done or any action taken thereunder;
- (b) any proceedings under the said rules, notifications or orders pending at the commencement of these rules shall be continued and disposed of as far as may be, in accordance with the provisions of these rules.
- (2) Nothing in these rules shall operate to deprive any person to whom these rules apply of any right of appeal which had accrued to him under the rules, notifications or orders repealed by sub-rule (1) in respect of any order passed before the commencement of these rules.
- (3) An appeal pending at or preferred after the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be passed, in accordance with these rules.

29. Removal of doubts.—Where a doubt arises as to who is the Head of any office or as to whether any authority is subordinate to or higher than any other authority or as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Governor whose decision thereon shall be final.

A. N. KIDWAI,
Chief Secretary to the Government of Assam.



SCHEDULE

Description of Service (1)	Appointing Authority (2)	Appellate Authority (3)
Assam Civil Service Class I	Governor	Governor.
Assam Civil Service Class II	Do	Do.
Assam Judicial Service (Senior) Grade I ...	Do	Do.
Assam Judicial Service (Senior) Grade II ...	Do	Do.
Assam Judicial Service (Junior) Grade I ...	Do	Do.
Assam Judicial Service (Junior) Grade II ...	Do	Do.
State Legal Service	Do	Do.
All Gazetted Staff (excluding the ministerial gazetted staff) of the offices of the Military Secretary and Private Secretary to the Governor of Assam.	Do	Do.
All Gazetted Officers of the office of the Assam Public Service Commission.	Do	Do.
All Gazetted Officers under Community Development.	Do	Do.
All Gazetted Officers under Panchayat ...	Do	Do.
All Gazetted Officers under Co-operation Department.	Do	Do.
All Gazetted Officers under Education (P.T.M.) Department.	Do	Do.
All Gazetted Officers under Education (General) Department.	Do	Do.
All Gazetted Officers under Agriculture Department.	Do	Do.
All Gazetted Officers under Finance (E) Department.	Do	Do.
All Gazetted Officers under Finance (Tax) Department.	Do	Do.
All Gazetted Officers under Finance (Budget I) Department.	Do	Do.
All Gazetted Officers under Forest Department.	Do	Do.
All Gazetted Officers under General Administration Department.	Do	Do.
Assam Police Service Class I	Do	Do.
Assam Police Service Class II	Do	Do.
Other Gazetted Officers under Home Department.	Do	Do.
All Gazetted Officers under Labour Department.	Do	Do.
All Gazetted Officers under Health Department.	Do	Do.
All Gazetted Officers under Planning and Development Department.	Do	Do.
All Gazetted Officers under Revenue (Land Revenue) Department.	Do	Do.
All Gazetted Officers under Revenue (Settlement) Department.	Do	Do.





Description of Service (1)	Appointing Authority (2)	Appellate Authority (3)
All Gazetted Officers under Revenue (Reforms) Department.	Governor	Governor
All Gazetted Officers under Supply Department.	Do.	Do.
All Gazetted Officers under Transport and Commence Department.	Do	Do.
All Gazetted Officers under Tribal Areas and Welfare of Backward Classes Department.	Do	Do.
All Gazetted Officers under Town and Country Planning Department.	Do	Do.
All Gazetted Officers under Industries Department.	Do	Do.
All Gazetted Officers under Industries (S. and W.) Department.	Do	Do.
All Gazetted Officers under Power (Electricity) Department.	Do	Do.
All Gazetted Officers under Excise and Registration Department.	Do	Do.
All Gazetted Officers under Veterinary Department.	Do	Do.
All Gazetted Officers under Printing and Stationery Department.	Do	Do.
All Gazetted Officers under Election Department.	Do	Do.
All Gazetted Officers under Public Works Department (Roads and Buildings Wing)	Do	Do.
All Gazetted Officers under Public Works Department (Flood Control and Irrigation Wing).	Do	Do.
All Gazetted Officers under Municipal Administration Department.	Do	Do.
Assam Secretariat Service (Deputy Secretary)	Do	Do.
Assam Secretariat Service (Under-Secretary)	Do	Do.

Description of Service	Appointing Authority	Appellate Authority
(1)	(2)	(3)
Stenographers Service—		
(i) Selection Grade ...	Governor	Governor.
(ii) Senior Grade .		
Keeper of Records-cum-Librarian ...	Do	Do.
Personal Assistants to Commissioner's of Divisions.	Do	Do.
Assam Secretariat Service (Superintendent).	Chief Secretary	Do.
Assam Secretariat Subordinate Services--		
(i) Assistant Superintendent ...	Do	Do.
(ii) Upper Division Assistant ...		
(iii) Lower Division Assistant ..		
(iv) Typist		
Instructor, Stenography Classes, Assam Secretariat Training School.	Do	Do.
Stenographers Grade I, Grade II and Grade III in the Assam Secretariat.	Do	Do.
All Ministerial Gazetted Staff of the office of the Military Secretary to Governor of Assam.	Military Secretary to the Governor of Assam.	Chief Secretary.
All non-Gazetted Staff of the office of the Military Secretary to the Governor of Assam.	Do	Do.
All non-Gazetted Staff of the office of the Private Secretary to the Governor of Assam.	Private Secretary to the Governor of Assam.	Do.





Description of Service	Appointing Authority	Appellate Authority
(1)	(2)	(3)
All non-Gazetted Staff of the Assam Public Service Commission.	Secretary to the Commission.	Chairman of the Commission.
All Grade IV Staff in the Assam Civil Secretariat.	Deputy Secretary or Under-Secretary, Secretariat Administration Department.	Chief Secretary.
All Grade IV Staff in the Assam Secretariat (P.W.D.)—		
(i) Roads and Building Wing ...	Secretary, P.W.D. (R. & B. Wing).	Do.
(ii) Flood Control and Irrigation Wing.	Secretary, P.W.D. (F. C. and I. Wing).	
Stenographers Grade II and Grade III in Heads of Departments.	Heads of Department.	Secretary of the Department.
Stenographers Grade II and Grade III in Deputy Commissioner's Office.	Deputy Commissioner.	Commissioner of Division.
All non-Gazetted posts under the Control of a "Heads of Department" other than the posts in respect of which specific provisions have been made separately.	Heads of Department.	Secretary of the Department.
All non-Gazetted posts in the Office of the Deputy Commissioners and Sub-divisional Officers and other District and Subdivisional Officers under the Heads of Department.	Head of the Office	Heads of Department.
All non-Gazetted posts in the Assam Government Press.	Superintendent Assam Government Press.	Secretary of the Department