

PAPER – I (GENERAL LAW)

(A) SELECTED SECTIONS ON THE INDIAN PENAL CODE, 1860

(1) Chapter - II

Section 12: “Public” –

The word “public” includes any class of the public or any community.

Section 21: “Public servant” –

The words “public servant” denote a person falling under any of the descriptions hereinafter following, namely:-

First. – (Omitted by the A.O. 1950)

Second. – Every Commissioned Officer in the Military, Naval or Air Forces of India;

Third. – Every Judge including any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory functions;

Fourth. – Every officer of a Court of Justice (including a liquidator, receiver or commissioner) whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorized by a Court of Justice to perform any of such duties;

Fifth. – Every juryman, assessor, or member of a panchayat assisting a Court of Justice or public servant;

Sixth. – Every arbitrator or other person to whom any cause or matter has been referred for decision or report

by any Court of Justice, or by any other competent public authority;

Seventh. – Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

Eighth. – Every officer of the Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

Ninth. – Every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of the Government, or to make any survey, assessment or contract on behalf of the Government or to execute any revenue-process, or to investigate, or to report, on any matter affecting the pecuniary interests of the Government, or to prevent the infraction of any law for the protection of the pecuniary interests of the Government;

Tenth. – Every officer whose duty it is, as such officer, to take, receive, keep or expend any property, to make any survey or assessment or to levy any rate or tax for any secular common purpose of any village, town or district, or to make, authenticate or keep any document for the ascertaining of the rights of the people of any village, town or district;

Eleventh. – Every person who holds any office by virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;

Twelfth. – Every person –

(a) in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty by the Government;

(b) in the service or pay of a local authority, a corpo-

ration established by or under a Central, Provincial or State Act or a Government company as defined in Section 617 of the Companies Act, 1956 (1 of 1956).

Explanation 1. – A persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

Explanation 2 – Whether the words “public servant” occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to holds that situation.

Explanation 3 – The word “election” denotes an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of selection to which is by, or under, any law prescribed as by election.

Section 29: “Document” –

The word “document” denotes any matter expressed or described upon any substance by means of letters, figures, or marks, or by more than one of those means, intended to be used, or which may be used, as evidence of that matter.

Explanation 1. – It is immaterial by what means or upon what substance the letters, figures or marks are formed, or whether the evidence is intended for, or may be used in, a Court of Justice, or not.

Explanation 2. – Whatever is expressed by means of letters, figures or marks as explained by mercantile or other usage, shall be deemed to be expressed by such letters, figures or marks within the meaning of this section, although the same may not be actually expressed.

Section 40: “Offence”. –

Except in the Chapters and sections mentioned in clauses 2

& 3 of this section, the word “offence” denotes a thing made punishable by this Code.

In Chapter IV, Chapter V-A and in the following sections, namely, Section 64, 65, 66, 67, 71, 109, 110, 112, 114, 115, 116, 117, 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389 and 445, the word “offence” denotes a thing punishable under this Code, or under any special or local law as hereinafter defined.

And in sections 141, 176, 177, 201, 202, 212, 216 and 441, the word “offence” has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine.

Section 41: “Special law”. –

A “special law” is a law applicable to a particular subject.

Section 42: “Local law”. –

A “local law” is a law applicable only to a particular part of India.

Section 44. “Injury”. –

The word “injury” denotes any harm whatever illegally caused to any person, in body, mind, reputation or property.

Section 51. “Oath” –

The word “oath” includes a solemn affirmation substituted by law for an oath, and any declaration required or authorized by law to be made before a public servant or to be used for the purpose of proof, whether in a court of justice or not.

(2) Chapter IX

Section 167. Public servant framing an incorrect document with intent to cause injury. –

Whoever, being a public servant, and being, as such public servant, charged with the preparation or translation of any document, frames or translates that document in manner which he knows or likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Section 168. Public servant unlawfully engaging in trade. –

Whoever, being a public servant, and being legally bound as such public servant not to engage in trade, engages in trade, shall be punished with simple imprisonment for a term which may extent to one year, or with fine, or with both.

Section 170. Personating a public servant. –

Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(3) Chapter X

Section 177. Furnishing false information. –

Whoever, being legally bound to furnish information on any

subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;

or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment or either description for a term which may extend to two years, or with fine, or with both.

Explanation. – In Section 176 and this section the word “offence” includes any act committed at any place out of India, which, if committed in India, would be punishable under any of the following sections, namely 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459, and 460; and the word “offender” includes any person who is alleged to have been guilty of any such act.

Section 179. Refusing to answer public servant authorised to questioned. –

Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant in the exercise of the legal powers of such public servant, shall be punished, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Section 180. Refusing to sign statement. –

Whoever refuses to sign any statement made by him, when required to sign that statement by a public servant legally

competent to require that he shall sign that statement, shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Section 181. False statement on oath or affirmation to public servant or person authorised to administer an oath or affirmation. –

Whoever, being legally bound by an oath or affirmation to state the truth on any subject to any public servant or other person authorized by law to administer such oath or affirmation, makes, to such public servant or other person as aforesaid, touching that subject, any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Section 182. False information, with intent to cause public servant to use his lawful power to the injury of another person. –

Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant –

(a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or

(b) to use the lawful power of such public servant to the injury or annoyance of any person,

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Section 186. Obstructing public servant in discharge of public functions. –

Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Section 187. Omission to assist public servant when bound by law to give assistance. –

Whoever, being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both;

and if such assistance be demanded of him by a public servant legally competent to make such demand for the purposes of executing any process lawfully issued by a Court of Justice, or of preventing the commission of an offence, or of suppressing a riot, of affray, or of apprehending a person charged with or guilty of an offence, or of having escaped from lawful custody, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Section 189. Threat to injury to public servant. –

Whoever holds out any threat of injury to any public servant, or to any person in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act, or to forbear or delay to do any act, connected with the exercise of the public functions of such

public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Chapter XI

Section 191. Giving false evidence. –

Whoever, being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.

Explanation 1. – A statement is within the meaning of this section, whether it is made verbally or otherwise.

Explanation 2. – A false statement as to the belief of the person attesting is within the meaning of this section, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know.

Section 192. Fabricating false evidence –

Whoever causes any circumstance to exist or makes any false entry in any book or record, or makes any document containing a false statement, intending that such circumstance, false entry or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before an arbitrator, and that such circumstance, false entry or false statement, so appearing in evidence may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an errone-

ous opinion touching any point material to the result of such proceeding, is said :to fabricate false evidence.”

Section 193. Punishment for false evidence. –

Whoever intentionally gives false evidence in any stage of a Judicial proceedings, or fabricates false evidence for the purpose of being used in any stage of judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Explanation 1. – A trial before a Court-martial is a judicial proceeding.

Explanation 2. – An investigation directed by law preliminary to a proceeding before a Court of Justice, is a stage of judicial proceeding, though that investigation may not take place before a Court of Justice.

Section 195. Giving or fabricate false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment. –

Whoever gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which by the law for the time being in force in India is not capital, but punishable with imprisonment for life, or imprisonment for a term of seven years or upwards, shall be punished as a person convicted of that offence would be liable to be punished

Section 203. Giving false information respecting an offence committed. –

Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows, or believes to be false, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Explanation. – In Sections 201 and 202 and in this section the word “offence” includes any act committed at any place out of India, which, if committed in India, would be punishable under any of the following Sections, namely 302, 304, 382, 392, 393, 394, 395, 397, 398, 399, 402, 435, 436, 450, 457, 458, 459 and 460.

Section 204. Destruction of document to prevent its production as evidence. –

Whoever secretes or destroys any document which he may be lawfully compelled to produce as evidence in a Court of Justice, or in any proceeding lawfully held before a public servant, as such, obliterates or renders illegible the whole or any part of such document with the intention of preventing the same from being produced or used as evidence before such Court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Section 223. Escape from confinement or custody negligently suffered by public servant. –

Whoever, being a public servant legally bound as such public servant to keep in confinement any person charged with or convicted of any offence or lawfully committed to custody, negligently suffers such person to escape from confinement, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with

both.

Section 224. Resistance or obstruction by a person to his lawful apprehension. –

Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself for any offence with which he is charged or of which he has been convicted, or escapes or attempts to escape from any custody in which he is lawfully detained for any such offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Explanation. – The punishment in this section is in addition to the punishment for which the person to be apprehended or detained in custody was liable for the offence with which he was charged, or of which he was convicted.

(4) Chapter XVI

Section 307. Attempt to murder. –

Whoever does any act such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as he is hereinafter mentioned.

Attempts by life convicts. –

When any person offending under this section is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death.

Section 319. Hurt. –

Whoever causes bodily pain, disease or infirmity to any per-

son is said to cause hurt

Section 320. Grievous hurt. –

The following kinds of hurt only are designated as “grievous”:-

First. – Emasculation.

Secondly. – Permanent privation of sight of either eye

Thirdly. – Permanent privation of the hearing of either ear.

Fourthly. – Privation of any member or joint.

Fifthly. – Destruction or permanent impairing of the powers of any member or joint

Sixthly. – Permanent disfiguration of the head or face.

Seventhly. – Fracture or dislocation of the head or face.

Eighthly. – Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits.

Section 321. Voluntarily causing hurt. –

Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said “voluntarily to cause hurt”

Section 322. Voluntarily causing grievous hurt. –

Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said “voluntarily to cause grievous hurt”

Explanation. – A person is not said to voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if intending or knowing himself to be likely to cause grievous

hurt of one kind, he actually causes grievous hurt of another kind.

Section 330. Voluntarily causing hurt to extort confession, or to compel restoration of property. –

Whoever voluntarily causes hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Section 331. Voluntarily causing grievous hurt to extort confession, or to compel restoration of property. –

Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Section 340. Wrongful confinement. –

Whoever wrongfully restrains any person in such a manner

as to prevent that person from proceeding beyond certain circumscribing limits, is said “wrongfully to confine” that person.

Section 348. Wrongful confinement to extort confession, or compel restoration of property.–

Whoever wrongfully confines any person for the purpose of extorting from the person confined or any person interested in the person confined any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the person confined or any person interested in the person confined to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Section 375. Rape. –

A man is said to commit “rape” who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions:–

First – Against her will.

Second. – Without her consent.

Thirdly. – With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt.

Fourthly. – With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

Fifthly. – With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

Sixthly. – With or without her consent, when she is under sixteen years of age.

Explanation. – Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

Exception. – Sexual intercourse by a man with his own wife, the wife not being under fifteen years of age, is not rape.

Section 375-B. Intercourse by public servant with woman in his custody. –

Whoever, being a public servant, takes advantage of his official position and induces or seduces, any woman, who is in his custody as such public servant or in the custody of a public servant subordinate to him, to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

(6) Chapter XVII

Section 383. Extortion. –

Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits “extortion”.

Section 384. Punishment for extortion. –

Whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

(7) Chapter XXI

Section 449. House-trespass in order to commit offence punishable with death. –

Whoever commits house-trespass in order to the committing of any offence punishable with death, shall be punished with imprisonment for life, or with rigorous imprisonment for a term not exceeding ten years, and shall also be liable to fine.

Section 500. Punishment for defamation. –

Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

**(B) SELECTED SECTIONS ON THE CODE OF
CRIMINAL PROCEDURE, 1973**

(1) Chapter - I

Section 1: Short title, extent and commencement. –

(1) This Act may be called the Code of Criminal Procedure, 1973.

(2) It extends to the whole of India except the State of Jammu and Kashmir:

Provided that the provisions of this Code, other than those relating to Chapters VIII, X and XI thereof, shall not apply –

(a) to the State of Nagaland,

(b) to the tribal areas.

but the concerned State Government may, by notification, apply such provisions or any of them to the whole or part of the State of Nagaland or such tribal areas, as the case may be, with such supplemental, incidental or consequential modifications, as may be specified in the notification.

Explanation. – In this section, “tribal areas” means the territories which immediately before the 21st day of January, 1972 were included in the tribal areas of Assam, as referred to in paragraph 20 of the Sixth Schedule to the Constitution, other than those within the local limits of the municipality of Shillong.

(3) It shall come into force on the 1st day of April, 1974

Section 2. Definitions. –

In this Code, unless the context otherwise requires, –

(a) “bailable offence” means an offence which is shown as bailable in the First Schedule, or which is made bailable by any other law for the time being in force; and “non-bailable

offence” means any other offence;

(b) “charge” includes any head of charge when the charge contains more heads than one;

(c) “cognizable offence” means an offence for which, and “cognizable case” means a case in which, a police officer may, in accordance with the First Schedule or under any other law for the time being in force, arrest without warrant;

(d) “complaint” means any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown has committed an offence, but does not include a police report;

Explanation. – A report made by a police officer in a case which discloses after investigation, the commission of a non-cognizable offence shall be deemed to be a complaint; and the police officer by whom such report is made shall be deemed to be the complainant.

(e) “High Court” means –

(i) in relation to any State, the High court for that State;

(ii) in relation to a Union Territory to which the jurisdiction of the High court for a State has been extended by law, that High Court;

(iii) in relation to any other Union territory, the Highest Court of criminal appeal for that territory other than the Supreme Court of India;

(f) “India” means the territories to which this Code extends;

(g) “inquiry” means every inquiry, other than a trial, conducted under this Code by a Magistrate or Court;

(h) “investigation” includes all the proceedings under this Code for the collection of evidence conducted by a police officer or by any person (other than a Magistrate) who is authorised by a Magistrate in this behalf;

(i) “judicial proceeding” includes any proceeding in the course

of which evidence is or may be legally taken on oath;

(j) “local jurisdiction”, in relation to a Court or Magistrate, means the local area within which the Court or Magistrate may exercise all or any of its or his powers under this Code [and such local area may comprise the whole of the State, or any part of the State, as the State Government may, by notification specify] {Ins. by Act 45 of 1978, Section 2 (w.e.f. 18.12.1978)}

(k) “metropolitan area” means the area declared, or deemed to be declared, under Section 8, to be a metropolitan area;

(l) “non-cognizable offence” means an offence for which, and “non-cognizable case” means a case in which, a police officer, has no authority to arrest without warrant;

(m) “notification” means a notification published in the Official Gazette;

(n) “offence” means any act or omission made punishable by any law for the time being in force and includes any act in respect of which a complaint may be made under Section 20 of the Cattle Trespass Act, 1871 (1 of 1871);

(o) “officer-in-charge of a police station” includes, when the officer-in-charge of the police station is absent from the station-house or unable from illness or other cause to perform his duties, the police officer present at the station-house who is next in rank to such officer and is above the rank of constable or, when the State Government so directs, any other police officer so present;

(p) “place” includes a house, building, tent, vehicle and vessel;

(q) “pleader”, when used with reference to any proceeding in any court, means a person authorised by or under any law for the time being in force, to practise in such Court, and includes any other person appointed with the permission of the Court to act in such proceeding;

- (r) “police report” means a report forwarded by a police officer to a Magistrate under sub-section (2) of Section 173;
- (s) “police station” means any post or place declared generally or specially by the State Government, to be a police station, and includes any local area specified by the State Government in this behalf;
- (t) “prescribed” means prescribed by rules made under this code;
- (u) “public prosecutor” means any person appointed under Section 24, and includes any person acting under the directions of a Public Prosecutor.
- (v) “sub-division” means a sub-division of a district;
- (w) “summons-case” means a case relating to an offence, and not being a warrant-case;
- (x) “warrant-case” means a case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding two years;
- (y) words and expressions used herein and not defined but defined in the Indian Penal Code (45 of 1860) have the meanings respectively assigned to them that Code.

Section 5. Saving. –

Nothing contained in this Code shall, in the absence of a specific provision to the contrary, affect any special or local law for the time being in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed, by any other law for the time being in force.

Chapter II

¹[Section 24. Public Prosecutors. –

- (1) For very High Court, the Central government or the State

¹ subs by Act 45 of 1978, Section 8.

Government shall, after consultation with the High Court, appoint a Public Prosecutor and may also appoint one or more Additional Public Prosecutors, for conducting in such Court, any prosecution, appeal or other proceeding on behalf of the Central Government or State Government, as the case may be.

(2) The Central Government may appoint one or more Public Prosecutors, for the purpose of conducting any case or class of cases in any district, or local area.

(3) For every district, the State Government shall appoint a Public Prosecutor and may also appoint one or more Additional Public Prosecutors for the district:

Provided that the Public Prosecutor or Additional Public Prosecutor appointed for one district may be appointed also to be a Public Prosecutor or an Additional Public Prosecutor as the case may be, for another district.

(4) The District Magistrate shall, in consultation with the Sessions Judge, prepare a panel of names of person, who are, in his opinion, fit to be appointed as Public Prosecutors or Additional Public Prosecutors for the District.

(5) No person shall be appointed by the State Government as the Public Prosecutor or Additional Public Prosecutor for the district unless his name appears in the panel of names prepared by the District Magistrate under sub-section (4).

(6) Notwithstanding anything contained in sub-section (5), where in a State there exists a regular Cadre of Prosecuting Officers, the State Government shall appoint a Public Prosecutor or and Additional Public Prosecutor only from among the person constituting such Cadre;

Provided that where, in the opinion of the State Government, no suitable persons is available in such Cadre for such appointment that Government may appoint a person as Public Prosecutor or Additional Public Prosecutor, only from

among the persons constituting such panel by the District Magistrate under sub-section (4).

(7) A person shall be eligible to be appointed as a Public Prosecutor or an Additional Public Prosecutor under sub-section (1) or sub-section (2) or sub-section (3) or sub-section (6), only if he has been in practice as an advocate for not less than seven years.

(8) The Central Government or the State Government may appoint, for these purposes of any case or class of cases, a person who has been in practice as an advocate for not less than ten years as a Special Public Prosecutor.

(9) For the purposes of sub-section (7) and sub-section (8), the period during which a person has been in practice as a pleader, or has rendered (whether before or after the commencement of this Code) service as a Public Prosecutor or as an Additional Public Prosecutor or Assistant Public Prosecutor or other Prosecuting Officer, by whatever name called, shall be deemed to be the period during which such person has been in practice as an advocate.]

Section 25. Assistant Public Prosecutor. –

(1) The State Government shall appoint in every district one or more Assistant Public Prosecutors for conducting prosecutions in the Courts of Magistrates.

[(1-A) The Central Government may appoint one or more Assistant Public Prosecutors for the purpose of conducting any case or class of cases in the Courts of Magistrates.] (Ins. by Act 45 of 1978, Section)

(2) Save as otherwise provided in sub-section (3), no police officer shall be eligible to be appointed as an Assistant Public Prosecutor.

(3) Where no Assistant Public Prosecutor is available for the purposes of any particular case, the District Magistrate may

appoint any other person to be the Assistant Public Prosecutor in charge of that case;

Provided that a police officer shall not be so appointed

—

(a) if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted;

or

(b) if he is below the rank of Inspector

Chapter - III

Section 26. Courts by which offences are triable. —

Subject to the other provisions of this Code, —

(a) any offence under the Indian Penal Code (45 of 1860) may be tried by —

(i) the High Court, or

(ii) the Court of Session, or

(iii) any of the Court by which such offence is shown in the First Schedule to be triable;

(b) any offence under any other law shall, when any Court is mentioned in this behalf in such law, be tried by such Court and when no Court is so mentioned, may be tried by —

(i) the High court, or

(ii) any other Court by which such offence is shown in the First Schedule to be triable.

Section 28. Sentences which High Courts and Sessions Judges may pass. —

(1) A High Court may pass any sentence authorised by law.

(2) Sessions Judge or Additional Sessions Judge may pass any sentence authorised by law; but any sentence of death passed by any such Judge shall be subject to confirmation by

the High Court.

(3) An Assistant Sessions Judge may pass any sentence authorised by law except a sentence of death or of imprisonment for life or of imprisonment for a term exceeding ten years.

Section 29. Sentences which Magistrates may pass. –

(1) The Court of a Chief Judicial Magistrate may pass any sentence authorised by law except a sentence of death or of imprisonment for life or of imprisonment for a term exceeding seven years.

(2) The Court of a Magistrate of the first class may pass a sentence of imprisonment for a term not exceeding three years, or of fine not exceeding five thousand rupees, or both.

(3) The Court of a Magistrate of the second class may pass a sentence of imprisonment for a term not exceeding one year, or of fine not exceeding one thousand rupees, or both.

(4) The Court of a Chief Metropolitan Magistrate shall have the powers of the Court of a Chief Judicial magistrate and that of a Metropolitan Magistrate, the powers of the Court of a Magistrate of the first class.

Chapter - V

Section 41. When police may arrest without warrant. –

(1) Any police officer may without an order from a Magistrate and without a warrant, arrest any person–

(a) who has been concerned in any cognizable offence, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned; or

(b) who has in his possession without lawful excuse, the

burden of proving which excuse shall lie on such person, any implement of house-breaking; or

(c) who has been proclaimed as an offender either under this Code or by order of the State Government; or

(d) in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing; or

(e) who obstructs a police officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody; or

(f) who is reasonably suspected of being a deserter from any of the Armed Forces of the Union; or

(g) who has been concerned in, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been concerned in, any act committed at any place out of India which, if committed in India, would have been punishable as an offence, and for which he is, under any law relating to extradition, or otherwise, liable to be apprehended or detained in custody in India; or

(h) who, being a released convict, commits a breach of any rule, made under sub-section (5) of section 356; or

(i) for whose arrest any requisition, whether written or oral, has been received from another police officer, provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made and it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition.

(2) Any officer-in-charge of a police station may, in like manner, arrest or cause to be arrested any person, belonging to one or more of the categories of persons specified in Section

109 or Section 110.

Section 42. Arrest on refusal to give name and residence. –

(1) When any person who, in the presence of a police officer, has committed or has been accused of committing a non-cognizable offence refuses, on demand of such officer, to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.

(2) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate if so required:

Provided that, if such person is not resident in India, the bond shall be secured by a surety or sureties resident in India.

(3) Should the true name and residence of such person not be ascertained within twenty-four hours from the time of arrest or should he fail to execute the bond, or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.

Section 43. Arrest by private person and procedure on such arrest. –

(1) Any private person may arrest or cause to be arrested any person who in his presence commits a non-bailable and cognizable offence, or any proclaimed offender, and, without unnecessary delay, shall make over or cause to be made over any person so arrested to a police officer, or, in the absence of a police officer, take such person or cause him to be taken in custody to the nearest police station.

(2) If there is reason to believe that such person comes un-

der the provisions of Section 41, a police officer shall re-arrest him.

(3) If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a police officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 42; but if there is no sufficient reason to believe that he has committed any offence, he shall be at once released.

Section 44. Arrest by Magistrate.—

(1) When any offence is committed in the presence of a Magistrate, whether Executive or Judicial, within his local jurisdiction, he may himself arrest or order any person to arrest the offender, and may thereupon, subject to the provisions herein contained as to bail, commit the offender to custody.

(2) Any Magistrate, whether Executive or Judicial, may at any time arrest or direct the arrest, in his presence, within his local jurisdiction, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

Section 45. Protection of members of the Armed Forces from arrest. —

(1) Notwithstanding anything contained in Section 41 to 44 (both inclusive), no member of the Armed Forces of the Union shall be arrested for anything done or purported to be done by him in the discharge of his official duties except after obtaining the consent of the Central Government.

(2) The State Government may, by notification, direct that the provisions of sub-section (1) shall apply to such class or category of the member of the Forces charged with the maintenance of public order as may be specified therein, wher-

ever they may be serving, and thereupon the provisions of that sub-section shall apply as if for the expression “Central Government” occurring therein, the expression “State Government” were substituted.

Section 46. Arrest how made. –

(1) In making an arrest the police officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

(2) If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such police officer or other person may use all means necessary to effect the arrest.

(3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with imprisonment for life.

Section 47. Search of place entered by person sought to be arrested. –

(1) If any person acting under a warrant of arrest, or any police officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, any person residing in, or being in charge of, such place shall, on demand of such person acting as aforesaid or such police officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

(2) If ingress to such place cannot be obtained under sub-section (1), it shall be lawful in any case for a person to be arrested has entered into, or is within, any place, any person acting under a warrant and in any case in which a warrant may issue, but cannot be obtained without affording the person to be arrested an opportunity of escape, for a police

officer to enter such place and search therein, and in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance;

Provided that, if any such place is an apartment in the actual occupancy of a female (not being the persons to be arrested) who, according to custom, does not appear in public, such person or police officer shall, before entering such apartment, give notice to such female that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

(3) Any police officer or other person authorised to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

Section 48. Pursuit of offenders into other jurisdictions.—

A police officer may, for the purpose of arresting without warrant any person whom he is authorised to arrest, pursue such person into any place in India.

Section 49. No unnecessary restraint. —

The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Section 50. Person arrested to be informed of grounds

of arrest and of right to bail. –

(1) Every police officer or other person arresting any person without warrant shall forthwith communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest.

(2) Where a police officer arrests without warrant any person other than a person accused of a non-bailable offence, he shall inform the person arrested that he is entitled to be released on bail and that he may arrange for sureties on his behalf.

Section 51. Search of arrested person. –

(1) Whenever a person is arrested by a police officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail, and

whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail,

the officer making the arrest or, when the arrest is made by private person, the police officer to whom he makes over the person arrested, any search such person, and place in safe custody all articles, other than necessary wearing-apparel, found upon him and where any article is seized from the arrested person, a receipt showing the articles taken in possession by the police officer shall be given such person.

(2) Whenever it is necessary to cause a female to be searched, the search shall be made by another female with strict regard to decency.

Section 52. Power to seize offensive weapons.–

The officer or other person making any arrest under this Code may take from the person arrested any offensive weapons

which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the officer or person making the arrest is required by this Code to produce the person arrested.

Section 53. Examination of accused by medical practitioner at the request of police officer. –

(1) When a person is arrested on a charge of committing an offence of such a nature and alleged to have been committed under such circumstances that there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission acting at the request of a police officer not below the rank of sub-inspector, and for any person acting in good faith in his aid and under his direction, to make such an examination of the person arrested as is reasonably necessary in order to ascertain the facts which may afford such evidence, and to use such force as is reasonably necessary for that purpose.

(2) Whenever the person a female is to be examined under this section, the examination shall be made only by, or under the supervision of, a female registered medical practitioner. Explanation.— In this section and in section 54, “registered medical practitioner” means a medical practitioner who possesses any recognized medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956 (102 of 1956), and whose name has been entered in State Medical Register.

Section 54. Examination of arrested person by medical practitioner at the request of the arrested person.—

When a person who is arrested, whether on a charge or otherwise, alleges, at the time when he is produced before a Magistrate or at any time during the period of his detention

in custody that the examination of his body will afford evidence which will disprove the commission by him of any offence or which will establish the commission by any other person of any offence against his body, the Magistrate shall, if requested by the arrested person so to do direct the examination of the body of such person by a registered medical practitioner unless the Magistrate considers that the request is made for the purpose of vexation or delay or for defeating the ends of justice.

“Section 54-A. Test identification of the accused. –

When a person is arrested on a charge of committing an offence and his test identification by any witness is considered necessary by any court having jurisdiction, it shall be lawful for an Executive Magistrate acting at the instance of such court, to hold test identification of the person arrested.”

Section 55. Procedure when police officer deposes subordinate to arrest without warrant. –

(1) When any officer-in-charge of a police station or any police officer making an investigation under Chapter XII requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested and the offence or other cause for which the arrest is to be made and the officer so required shall, before making the arrest, notify to the person to be arrested the substance of the order and, if so required by such person, shall show him the order.

(2) Nothing in sub-section (1) shall affect the power of a police officer to arrest a person under Section 41.

Section 56. Person arrested to be taken before Magistrate or officer-in-charge of a police station. –

A police officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer-in-charge of a police station.

Section 57. Person arrested not to be detained more than twenty-four hours. –

No police officer shall detain in custody a person arrested without warrant for a long period than under all the circumstances of the case is reasonable, and such period shall not in the absence of a special order of a Magistrate under Section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

Section 58. Police to report apprehensions. –

Officer-in-charge of police station shall report to the District Magistrate, or, if he so directs, to the Sub-Divisional Magistrate, the cases of all persons arrested without warrant, within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.

Section 59. Discharge of person apprehended. –

No person who has been arrested by a police officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate.

Section 60. Power, on escape, to pursue and re-take. –

(1) If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and arrest him in any place in India.

(2) The provisions of Section 47 shall apply to arrests under sub-section (1) although the person making any such arrest is not acting under a warrant and is not a police officer having authority to arrest.

Chapter VI

Section 62. Summons how served.—

(1) Every summons shall be served by a police officer, or subject to such rules as the State Government may make in this behalf, by an officer of the Court issuing it or other public servant.

(2) The summons shall, if practicable, be served personally on the person summoned, by delivering or tendering to him one of the duplicates of the summons.

(3) Every person on whom a summons is so served shall, if so required by the serving officer, sign a receipt therefore on the back of the other duplicate.

Section 64. Service when person summoned cannot be found.—

Where the person summoned cannot, by the exercise of due diligence, be found, the summons may be served by leaving one of the duplicates for him with some adult male member of his family residing with him, and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefore on the back of the other duplicate.

Explanation.—A servant is not a member of the family within the meaning of this section.

Section 65. Procedure when service cannot be effected as before provided.—

If service cannot be exercise of due diligence be effected as provided in Section 62, Section 63 or Section 64, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides; and thereupon the Court, after making such inquiries as it thinks fit, may either declare that the summons has been duly served or order fresh service in such manner as it considers proper.

Chapter VII

Section 100. Person in-charge of closed place to allow search.—

(1) Whenever any place liable to search or inspection under this Chapter is closed, any person residing in, or being in charge of, such place, shall, on demand of the officer or other person executing the warrant, and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein

(2) If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in the manner provided by sub-section (2) of Section 47.

(3) Where any person in or about such place is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched and if such person is a woman, the search shall be made by another woman with strict regard to decency.

(4) Before making a search under this Chapter, the officer or other person about to make it shall call upon two or more independent and respectable inhabitants of the locality in which the place to be searched is situate or of any other locality if no such inhabitant of the said locality is available

or is willing to be a witness to the search, to attend and witness the search and may issue an order in writing to them or any of them so to do.

(5) The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses; but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it.

(6) The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person.

(7) When any person is searched under sub-section (3), a list of all things taken possession of, shall be prepared, and a copy thereof shall be delivered to such person.

(8) Any person who, without a reasonable cause, refuses or neglects to attend and witness a search under this section, when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under Section 187 of the Indian Penal Code (45 of 1860).

Chapter XII

Section 154. Information in cognizable cases.—

(1) Every information relating to the commission of a cognizable offence, if given orally to an officer -in-charge of a police station, shall be reduced to writing by him or under his discretion, and be read over to the informant; and every

such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf.

(2) A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant.

(3) Any person aggrieved by a refusal on the part of an officer-in-charge of a police station to record the information referred to in sub-section (1) may send the substance of such information, in writing and by post, to the Superintendent of police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer-in-charge of the police station in relation to that offence.

Section 155. Information as to non-cognizable cases and investigation of such cases.—

(1) When information is given to an officer-in-charge of a police station of the commission within the limits of such station of a cognizable offence, he shall enter or cause to be entered the substance of the information in a book to be kept by such officer in such form as the State Government may prescribe in this behalf, and refer the informant to the Magistrate.

(2) No police officer shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial.

(3) Any police officer shall investigate such order may exercise the same powers in respect of the investigation (except

the power to arrest without warrant) as an officer-in-charge of a police station may exercise in a cognizable case.

(4) Where a case relates to two or more offences of which at least one is cognizable, the case shall be deemed to be a cognizable case, notwithstanding that the other offences are non-cognizable.

Section 156. Police officer's power to investigate cognizable case.—

(1) Any officer-in-charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII.

(2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

(3) Any Magistrate empowered under Section 190 may order such an investigation as above-mentioned.

Section 157. Procedure of investigation.—

(1) If from information received or otherwise, an officer-in-charge of a police station has reason to suspect the commission of an offence which he is empowered under Section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the State Government may, by general or special order, prescribe in this behalf, to proceed, to the spot, to investigate the facts and circumstances of the case, and if necessary to take measures for the discovery and arrest of

the offender:

Provided that—

- (a) when information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer-in-charge of a police station need not proceed in person or depute a subordinate officer to make an investigation on the spot;
- (b) if it appears to the officer-in-charge of a police station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

(2) In each of the cases mentioned in clauses (a) and (b) of the proviso to sub-section (1), the officer-in-charge of the police station shall state in his report his reasons for not fully complying with the requirements of that sub-section, and in the case mentioned in clause (b) of the said proviso, the officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the State Government the fact that he will not investigate the case or cause it to be investigated.

Section 158. Report how submitted.—

- (1) Every report sent to a Magistrate under Section 157 shall, if the State Government so directs, be submitted through such superior officer of police as the State Government, by general or special order, appoints in that behalf.
- (2) Such superior officer may give such instructions to the officer-in-charge of the police station as he thinks fit, and shall after recording such instructions on such report, transmit the same without delay to the Magistrate.

Section 159. Power to hold investigation or preliminary inquiry.—

Such Magistrate, on receiving such report, may direct an investigation, or, if he thinks fit, at once proceed, or depute any Magistrate subordinate to him to proceed, to hold a preliminary inquiry into, or otherwise to dispose of, the case in the manner provided in this Code.

Section 160. Police officer's power to require attendance of witnesses. —

(1) Any police officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station, who from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case; and such person shall attend as so required:

Provided that no male person under the age of fifteen years or woman shall be required to attend at any place other than the place in which such male person or woman resides.

(2) The State Government may, by rules made in this behalf, provide for the payment by the police officer of the reasonable expenses of every person, attending under sub-section (1) at any place other than his residence.

Section 161. Examination of witnesses by police.—

(1) Any police officer making an investigation under this Chapter, or any police officer not below such rank as the State Government may, by general or special order, prescribe in this behalf, acting on the requisition of such officer, may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) Such person shall be bound to answer truly all questions relating to such case put to him by such officer, other than

questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture. (3) The police officer may reduce into writing any statement made to him in the course of an examination under this section; and if he does so he shall make a separate and true record of the statement of each such person whose statement he records.

Section 162. Statement to police not to be signed : Use of statements in evidence.—

(1) No statement made by any person to a police officer in the course of an investigation under this Chapter shall, if reduced to writing, be signed by the person making it; nor shall any statement or any record thereof, whether in a police diary or otherwise, or any part of such statement or record, be used for any purpose, save as hereinafter provided, at any inquiry or trial in respect of any offence under investigation at the time when such statement was made;

Provided that when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing as aforesaid, any part of his statement, if duly proved may be used by the accused and with the permission of the Court, by the prosecution, to contradict such witness in the manner provided by Section 145 of the Indian Evidence Act (1 of 1872); and when any part of such statement is so used, any part thereof may also be used in the re-examination of such witness, but for the purpose only of explaining any matter referred to in his cross-examination.

(2) Nothing in this section shall be deemed to apply to any statement falling within the provisions of clause (1) of section 32 of the Indian Evidence Act, 1872 (1 of 1872), or to affect the provisions of Section 27 of that Act.

Explanation.— An omission to state or circumstance in the

statement referred to in sub-section (1) may amount to contradiction if the same appears to be significant and otherwise relevant having regard to the context in which such omission occurs and whether any omission amounts to a contradiction in the particular context shall be a question of fact.

Section 163. No inducement to be offered.—

(1) No police officer or other person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in Section 24 of the Indian Evidence Act, 1872 (1 of 1872).

(2) But no police officer or other person shall prevent, by any caution or otherwise, any person from making in the course of any investigation under this Chapter any statement which he may be disposed to make of his own free will:

Provided that nothing in this sub-section shall affect the provisions of sub-section (4) of Section 164.

Section 164. Recording of confessions and statements.—

(1) Any metropolitan Magistrate or Judicial Magistrate may, whether or not he has jurisdiction in the case, record any confession or statement made to him in the course of an investigation under this Chapter or under any other law for the time being in force, or at any time afterwards before the commencement of the inquiry or trial:

Provided that no confession shall be recorded by a police officer on whom any power of a Magistrate has been conferred under any law for the time being in force.

(2) The Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that, if he does so, it may be used as evidence against him; and the Magistrate shall not record any such confession unless upon, questioning the person

making it, he has reason to believe that it is being made voluntarily.

(3) If at any time before the confession is recorded, the person appearing before the Magistrate states that he is not willing to make the confession, the Magistrate shall not authorise the detention of such person in police custody.

(4) Any such confession shall be recorded in the manner provided in Section 281 for recording the examination of an accused person and shall be signed by the person making the confession; and the Magistrate shall make a memorandum at the foot of such record to the following effect:—

“I have explained to (name) that he is not bound to make a confession and that if he does so, any confession he may make may be used as evidence against him and I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

(Signed) A.B.

Magistrate

(5) Any statement (other than a confession) made under subsection (1) shall be recorded in such manner hereinafter provided for the recording of evidence as is in the opinion of the Magistrate best, fitted to the circumstances of the case; and the Magistrate shall have power to administer oath to the person whose statement is so recorded.

(6) The Magistrate recording a confession or statement under this section shall forward it to the Magistrate by whom the case is to be inquired into or tried.

Section 165. Search by police officer. —

(1) Whenever an officer-in-charge of a police station or a

police officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorised to investigate may be found in any place within the limits of the police station of which he is in charge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief and specifying in such writing, so far as possible, the thing for which search is to be made, search, or cause search to be made for such thing in any place within the limits of such station.

(2) A police officer proceeding under sub-section (1), shall, if practicable, conduct the search in person.

(3) If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may, after recording in writing his reasons for so doing, require any officer subordinate to him make the search, and he shall deliver to such sub-ordinate officer an order in writing, specifying the place to be searched, and so far as possible, the thing for which search is to be made and such subordinate officer may thereupon search for such thing in such place.

(4) The provisions of this Code as to search-warrants and the general provisions as to searches contained in Section 100 shall, so far as may be apply to a search made under this section.

(5) Copies of any record made under sub-section (1) or sub-section (3) shall forthwith be sent to the nearest Magistrate empowered to take cognizance of the offence, and the owner or occupier of the place searched shall, on application, be furnished, free of cost, with a copy of the same by the Magistrate.

Section 166. When officer-in-charge of police station may require another to issue search-warrant.—

(1) An officer-in-charge of a police station or a police officer not being below the rank of sub-inspector making an investigation may require an officer-in-charge of another police station, whether in the same or a different district, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made, within the limits of his own station.

(2) Such officer, on being so required, shall proceed according to the provisions of section 165, and shall forward the thing found, if any, to the officer at whose request the search was made.

(3) Whenever there is reason to believe that the delay occasioned by requiring an officer-in-charge of another police station to cause a search to be made under sub-section (1) might result in evidence of the commission of an offence being concealed or destroyed, it shall be lawful for an officer-in-charge of a police station or a police officer making any investigation under this Chapter to search, or cause to be search, any place in the limits of another police station in accordance with the provisions of Section 165, as if such place were within the limits of his own police station.

(4) Any officer conducting a search under sub-section (3) shall forthwith send notice of the search to the officer-in-charge of the police station within the limits of which such place is situate, and shall also send with such notice a copy of the list (if any) prepared under section 100, and shall also send to the nearest Magistrate empowered to take cognizance of the offence, copies of the records referred to in sub-sections (1) and (3) of Section 165.

(5) The owner or occupier of the place search shall, on application, be furnished free of cost with a copy of any record

sent to the Magistrate under sub-section (4)

¹Section 166-A. Letter of request to competent authority for investigation in a country or place outside India. –

(1) Notwithstanding anything contained in this Code, if, in the course of an investigation into an offence, an application is made by the investigating officer or any officer superior in rank to the investigating officer that evidence may be available in a country or place outside India, any Criminal Court may issue letter of request to a Court or an authority in that country or place competent to deal with such request to examine orally any person supposed to be acquainted with the facts and circumstances of the case and to record his statement made in the course of such examination and also to require such person or any other person to produce any document or thing which may be in his possession pertaining to the case and to forward all the evidence so taken or collected or the authenticated copies thereof or the thing so collected to the Court issuing such letter.

(2) The letter or request shall be transmitted in such manner as the Central Government may specify in this behalf.

(3) Every statement recorded or document or thing received under sub-section (1) shall be deemed to be the evidence collected during the course of investigation under this Chapter.

Section 166-B. Letter of request from a country or place outside India to a Court or an authority for investigation in India. –

(1) Union receipt of a letter of request from a Court or an authority in a country or place outside India competent to issue such letter in that country or place for the examination

¹ Ins by Act 10 of 1990, Section 2 (w.e.f. 19.2.1990)

of any person or production of any document or thing in relation to an offence under investigation in that country or place, the Central Government may, if it thinks fit—

- (i) forward the same to the Chief Metropolitan Magistrate or Chief Judicial Magistrate or such Metropolitan Magistrate or Judicial Magistrate as he may appoint in this behalf, who shall thereupon summon the person before him and record his statement or cause the document or thing to be produced; or
- (ii) send the letter to any police officer for investigation, who shall thereupon investigate into the offence in the same manner,

as if offence had been committed within India.

- (2) All the evidence taken or collected under sub-section (1), or authenticated copies thereof or the thing so collected, shall be forwarded by the Magistrate or police officer, as the case may be, to the Central Government of transmission to the court or the authority issuing the letter of request, in such manner as the Central Government may deem fit.

Section 167. Procedure when investigation cannot be completed in twenty-four hours.—

- (1) Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by Section 57, and there are grounds for believing that the accusation or information is well-founded, the officer-in-charge of the police station or the police officer making the investigation, if he is not below the rank of Sub-inspector, shall forthwith transmit to the nearest Judicial Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has no jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole, and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction.

Provided that—

¹ [(a) the Magistrate may authorise the detention of the accused person, otherwise than in the custody of the police, beyond the period of fifteen days, if he is satisfied that adequate grounds exists for doing so, but no Magistrate shall authorise the detention of the accused person in custody under this paragraph for a total period exceeding,—

(i) ninety days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than ten years;

(ii) sixty days, where the investigation relates to any other offence,

and, on the expiry of the said period of ninety days, or sixty days, as the case may be, the accused person shall be released on bail if he is prepared to and does furnish bail, and every person released under the provisions of Chapter XXXIII for the purposes of that Chapter.]

(b) no Magistrate shall authorise detention in any custody under this section unless the accused is produced before him;

(c) no Magistrate of the second class, not specially empowered in this behalf by the High Court, shall authorise detention in the custody of the police.

² [Explanation I.— For the avoidance of doubts, it is hereby declared that, notwithstanding the expiry of the period speci-

1 Subs by Act 45 of 1978, Section 13(a).

2 Explanation 1 ins. by Act no 45 of 1978, Section 13 (b)

fied in paragraph (a), the accused shall be detained in custody so long as he does not furnish bail].

¹[Explanation II.— If any question arises whether an accused person was produced before the Magistrate as required under paragraph (b), the production of the accused person may be proved by his signature on the order authorising detention.]

²[(2 A) Notwithstanding anything contained in sub-section (1) or sub-section (2), the officer-in-charge of the police station or the police officer making the investigation, if he is not below the rank of a sub-inspector, may, where a Judicial Magistrate is not available, transmit to the nearest Executive Magistrate, on whom the powers of a Judicial Magistrate, or metropolitan Magistrate have been conferred, a copy of the entry in the diary hereinafter prescribed relating to the case, and shall, at the same time, forward the accused to such Executive Magistrate, and thereupon such Executive Magistrate may, for reasons to be recorded in writing, authorise the detention of the accused person in such custody as he may think fit for a term not exceeding seven days in the aggregate; and, on the expiry of the period of detention so authorised, the accused person shall be released on bail except where an order for further detention of the accused person has been made by a Magistrate competent to make such order; and, where an order for such further detention is made, the period during which the accused person was detained in custody under the orders made by an Executive Magistrate under this sub-section, shall be taken into account in computing the period specified in paragraph (a) of the proviso to sub-section (2);

Provided that before the expiry of the period aforesaid, the Executive Magistrate shall transmit to the nearest Judicial Magistrate the records of the case together with a

1 Renumbered by Act No 45 of 1978, Section 13(b)

2 Ins by Act no 45 of 1978, Section 13(c)

copy of the entries in the diary relating to the case which was transmitted to him by the officer-in-charge of the police station or the police officer making the investigation, as the case may be]

(3) A Magistrate authorising under this section detention in the custody of the police shall record his reasons for so doing.

(4) Any Magistrate other than the Chief Judicial Magistrate making such order shall forward a copy of his order, with his reasons for making it, to the Chief Judicial Magistrate.

(5) if in any case triable by a Magistrate as a summon-case, the investigation is not concluded within a period of six months from the date on which the accused was arrested, the Magistrate shall make an order stopping further investigation into the offence unless the officer making the investigation satisfies the Magistrate that for special reasons and in the interests of justice the continuation of the investigation beyond the period of six months is necessary.

(6) Where any order stopping further investigation into an offence has been made under sub-section (5), the Sessions Judge may, if he is satisfied, on an application made to him or otherwise, that further investigation into the offence ought to be made, vacate the order made under sub-section (5) and direct further investigation to be made into the offence subject to such directions with regard to bail and other matters as he may specify.⁴

Section 168. Report of investigation by subordinate police officer.—

When any subordinate office has made any investigation under this Chapter he shall report the result of such investigation to the officer-in-charge of the police station.

1 As per section 1406, Act No 45 of 1978. The provisions of section 167 of the principal Act, as amended by this Act, shall apply to every investigation pending immediately before the commencement of this Act, if the period of detention of the accused person, otherwise than in the custody of the police, had not, at such commencement, exceeded sixty days.

Section 169. Release of accused when evidence deficient. –

If, upon an investigation under this Chapter, it appears to the officer-in-charge of the police station that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a police report, and to try the accused or commit him for trial.

Section 170. Cases to be sent to Magistrate when evidence is sufficient. –

(1) If, upon an investigation under this Chapter it appears to the officer-in-charge of the police station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police report and to try the accused or commit him for trial, or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance from day to day before such Magistrate until otherwise directed.

(2) When the officer-in-charge of a police station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant (if any) and so many of the persons who appear to such officer to be acquainted with the facts and circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate as thereby di-

rected and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

(3) If the Court of the Chief Judicial Magistrate is mentioned in the bond, such Court shall be held to include any court to which such Magistrate may refer the case for inquiry or trial, provided reasonable notice of such reference is given to such complainant or person.

(4) The officer in whose presence the bond is executed shall deliver a copy thereof to one of the person who executed it, and shall then send to the Magistrate the original with his report.

Section 171. Complainant and witnesses not to be required to accompany police officer and not to be subjected to restraint—

No complainant or witness on his way to any Court shall be required to accompany a police officer, or shall be subjected to unnecessary restraint or inconvenience or required to give any security for his appearance other than his own bond;

Provided that, if any complainant or witness refuses to attend or to execute a bond as directed in Section 170, the officer-in-charge of the police station may forward him in custody to the Magistrate, who may detain him in custody until he executes such bond, or until the hearing of the case is completed.

Section 172. Diary of proceedings in investigation. —

(1) Every police officer making an investigation under this Chapter shall day by day enter his proceedings in the investigation in a diary setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his in-

vestigation.

(2) Any Criminal Court may send for the police diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial.

(3) Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but if they are used by the police officer who made them to refresh his memory, or if the Court uses them for the purpose of contradicting such police officer, the provisions of section 161 or section 145, as the case may be, of the Indian Evidence Act, 1972 (1 of 1872), shall apply.

Section 173. Report of police officer on completion of investigation.—

(1) Every investigation under this Chapter shall be completed without unnecessary delay.

(2) (i) As soon as it is completed, the officer-in-charge of the police station shall forward to a Magistrate empowered to take cognizance of the offence on a police report, a report in the form prescribed by the State Government, stating.—

(a) the names of the parties;

(b) the nature of the information;

(c) the names of the persons who appears to be acquainted with the circumstances of the case;

(d) whether any offence appears as to have been committed and, if so, by whom;

(e) whether the accused has been arrested;

(f) whether he has been released on his bond, if so, whether with or without sureties;

(g) whether he has been forwarded in custody under Section 170;

(ii) The officer shall also communicate, in such manner as may be prescribed by the State Government, the action taken by him, to the person, if any, by whom the information relating to the commission of the offence was first given.

(3) Where a superior officer of police has been appointed under Section 158, the report shall, in any case in which the State Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer-in-charge of the police station to make further investigation.

(4) Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

(5) When such report is in respect of a case to which Section 170 applies, the police officer shall forward to the Magistrate along with the report—

(a) all documents or relevant extracts thereof on which the prosecution proposes to rely other than those already sent to the Magistrate during investigation;

(b) the state recorded under Section 161 of all the persons whom the prosecution proposes to examine as its witnesses.

(6) If the police officer is of opinion that any part of any such statement is not relevant to the subject-matter of the proceedings or that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interest, he shall indicate the part of the statement and append a note requesting the Magistrate not exclude that part from the copies to be granted to the accused and stating his reasons for making such request.

(7) Where the police officer investigating the case finds it convenient so to do, he may furnish to the accused copies of all or any of the documents referred to in sub-section (5)

(8) Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (2) has been forwarded to the Magistrate and, where upon such investigation, the officer-in-charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form prescribed; and the provisions of sub-section (2) to (6) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (2).

Chapter XIV

Section 190. Cognizance of offences by a Magistrate. –

(1) Subject to the provisions of this Chapter, any Magistrate of the first class, and any Magistrate of the second class specially empowered in this behalf under sub-section (2), may take cognizance of any offence—

- (a) upon receiving a complaint of facts which constitute such offence;
- (b) upon a police report of such facts;
- (c) upon information received from any person other than police officer, or upon his own knowledge, that such offence has been committed:

(2) The Chief Judicial Magistrate may empower any Magistrate of the second class to take cognizance under sub-section (1) of such offences as are within his competence to inquire into or try.

Section 193. Cognizance of offences by Courts of Session. –

Except as otherwise expressly provided by this Code or by

any other law for the time being in force, no Court of Session shall take cognizance of any offence as a Court of original jurisdiction unless the case has been committed to it by a Magistrate under this Code.

Chapter XVII

Section 216. Court may alter charge.—

- (a) any court may alter or add to any charge at any time before judgements is pronounced.
- (2) Every such alteration or addition shall be read and explained to the accused.
- (3) If the alteration or addition to a charge is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused in his defence or the prosecutor in the conduct of the case, the court may, in its discretion, after such alteration or addition has been made, proceed with the trials if the altered or added charge had been the original charge.
- (4) If the alteration or addition is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused or the prosecutor as aforesaid, the Court may either direct a new trial or adjourn the trial for such period as may be necessary.
- (5) If the offence state in the altered or added charge is one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the altered or added charge is founded.

Section 223. What persons may be charged jointly.—

The following person may be charged and tried together, namely:—

- (a) persons accused of the same offence committed in the course of the same transaction;
- (b) persons accused of an offence and person accused of abetment of, or attempt to commit, such offence;
- (c) persons accused of more than one offence of the same kind, within the meaning of section 219 committed by them jointly within the period of twelve months;
- (d) person accused of different offences committed in the course of the same transaction;
- (e) person accused of an offence which includes theft, extortion, cheating, or criminal misappropriation, and persons accused of receiving or retaining, or assisting in the disposal or concealment of, property possession of which is alleged to have been transferred by any such offence committed by the first named persons, or of abetment of or attempting to any such last-named offence;
- (f) persons accused of offences under section 441 and 414 of the Indian Penal Code (45 of 1860) or either of those sections in respect of stolen property the possession of which has been transferred by one offence;
- (g) persons accused of any offence under Chapter XII of the Indian Penal Code (45 of 1869) relating to counterfeit coin and person accused of any other offence under the said Chapter relating to the same coin, or abetment of or attempting to commit any such offence; and the provisions contained in the former part of this Chapters shall, so far as may be, apply to all such charges:

Provided that where a number of persons are charged with separate offences and such persons do not fall within any of the categories specified in this section, the Magistrate may, if such persons by an application in writing, so desire,

and if he is satisfied that such persons would not be prejudicially affected thereby, and it is expedient so to do, try all such person together.

Chapter XXI

Section 260. Power to try summarily.—

(1) Notwithstanding anything contained in this Code—

- (a) any Chief Judicial Magistrate;
- (b) any Metropolitan Magistrate;
- (c) any Magistrate of the first class specially empowered in this behalf by the High Court.

may, if he thinks fit, try in a summary way all or any of the following offences—

- (i) offences not punishable with death, imprisonment for life or imprisonment for a term exceeding two years;
- (ii) theft, under Section 379, Section 380 or Section 381 of the Indian Penal Code (45 of 1860), where the value of the property stolen does not exceed two hundred rupees;
- (iii) receiving or retaining stolen property, under Section 411 of the Indian Penal Code (45 of 1860), where the value of the property does not exceed two hundred rupees;
- (iv) assisting in the concealment or disposal of stolen property, under section 414 of the Indian Penal Code (45 of 1860), where the value of such property does not exceed two hundred rupees;
- (v) offences under Section 454 and 456 of the Indian Penal Code (45 of 1860)
- (vi) insult with intent to provoke a breach of peace, under Section 504, and criminal intimidation, under Section 506 of the Indian Penal Code (45 of 1860);
- (vii) abetment of any of the foregoing offences;
- (viii) an attempt to commit any of the foregoing offences,

when such attempt is an offences;

(ix) any offence constituted by an act in respect of which a complaint may be made under Section 20 of the Cattle Trespass Act, 1871 (1 of 1871)

(2) When, in the course of summary trial it appears to the Magistrate that the nature of the case is such that it is undesirable to try it summarily, the Magistrate shall recall any witnesses who may have been examined and proceed to rehear the case in the manner provided by this Code.

Chapter XXIV

Section 302. Permission to conduct prosecution.—

(1) any Magistrate inquiring into or try a case may permit the prosecution to be conducted by any person other than a police officer below the rank of Inspector; but no person, other than the Advocate-General or Government Advocate or a Public Prosecutor or Assistant Public Prosecutor, shall be entitled to do so without such permission:

Provided that no police officer shall be permitted to conduct the prosecution if he has taken part in the investigation into the offence with respect to which the accused is being prosecuted.

(2) Any person conducting the prosecution may do so personally or by a pleader.

Section 306. Tender of pardon to accomplice. —

(1) With a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to an offence to which this section applies, the Chief Judicial Magistrate or a Metropolitan Magistrate at any stage of the investigation or inquiry into, or the trial of, the of-

fence, and the Magistrate of the first class inquiring into or trying the offence, at any stage of the inquiry or trial, may tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof.

(2) This section applies to—

(a) any offence triable exclusively by the Court of Session or by the Court of a Special Judge appointed under the Criminal Law Amendment Act, 1952 (46 of 1952);

(b) any offence punishable with imprisonment which may extend to seven years or with a more severe sentence.

(3) Every Magistrate who tenders a pardon under sub-section (1) shall record—

(a) his reasons for so doing;

(b) whether the tender was or was not accepted by the person to whom it was made;

and shall, on application made by the accused, furnish him with a copy of such record free of cost.

(4) Every person accepting a tender of pardon made under sub-section (1)—

(a) shall be examined as a witness in the Court of the Magistrate taking cognizance of the offence and in the subsequent trial, if any;

(b) shall, unless he is already on bail, be detained in custody until the termination of the trial.

(5) Where a person has accepted a tender of pardon made under sub-section (1) and has been examined under sub-section (4), the Magistrate taking cognizance of the offence shall, without making any further inquiry in the case,—

(a) commit it for trial—

(i) to the Court of Session if the offence is triable exclusively

by that Court or if the Magistrate taking cognizance is the Chief Judicial Magistrate;

(ii) to a Court of Special Judge appointed under the Criminal Law Amendment Act 1952 (45 of 1952), if the offence is triable exclusively by that Court;

(b) in any other case, make over the case to the Chief Judicial Magistrate who shall try the case himself.

Chapter XXVII

Section 360. Order to release on probation of good conduct or after admonition.—

(1) When any person not under twenty-one years of age is convicted of an offence punishable with fine only or with imprisonment for a term of seven years or less, or when any person under twenty-one years of age or any woman is convicted of an offence not punishable with death or imprisonment for life, and no previous conviction is proved against the offender, if it appears to the Court appears to the Court before which he is convicted, regard being had to the age, character or antecedents of the offender, and to the circumstances in which the offence was committed, that it is expedient that the offender should be released on probation of good conduct, the Court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period (not exceeding three years) as the Court may direct and in the meantime to keep the peace and be of good behaviour:

Provided that where any first offender is convicted by a Magistrate of the second class not specially empowered by the High Court, and the Magistrate is of opinion that the

powers conferred by this section should be exercised, he shall record his opinion to that effect, and submit the proceeding to a Magistrate of the first class, forwarding the accused to, or taking bail for his appearance before, such Magistrate, who shall dispose of the case in the manner provided by sub-section (2).

(2) Where proceedings are submitted to a Magistrate of the first class as provided by sub-section (1), such Magistrate may thereupon pass such sentence or make such order as he might have passed or made if the case had originally been heard by him, and, if he thinks further inquiry or additional evidence on any point to be necessary, he may make such inquiry or take such evidence himself or direct such inquiry or evidence to be made or taken.

(3) In any case in which a person is convicted of theft, theft in a building, dishonest misappropriation, cheating or any offence under the Indian Penal Code (45 of 1860) punishable with not more than two years imprisonment or any offence punishable with fine only and on previous conviction is proved against him, the Court before which he is so convicted may, if it thinks fit, having regard to the age, character, antecedents or physical or mental condition of the offender and to the trivial nature of the offence or any extenuating circumstances under which the offence was committed, instead of sentencing him to any punishment, release him after due admonition.

(4) An order under this section may be made by any Appellate court or by the High Court or Court of Session when exercising its powers of revision.

(5) When an order has been made under this section in respect of any offender, the High Court or Court of Session may, on appeal when there is a right of appeal to such Court, or when exercising its powers of revision, set aside such or-

der, and in lieu thereof pass sentence on such offender according to law :

Provided that the High court or Court of Session shall not under this sub-section inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted.

(6) The provisions of Section 121, 124 and 373 shall, so far as may be, apply in the case of sureties offered in pursuance of the provisions of this section.

(7) The Court, before directing the release of an offender under sub-section (1), shall be satisfied that an offender or his surety (if any) has a fixed place of abode or regular occupation in the place for which the Court acts or in which the offender is likely to live during the period named for the observance of the conditions.

(8) If the Court which convicted the offender, or a Court which could have dealt with the offender in respect of his original offence, is satisfied that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension.

(9) An offender, when apprehended on any such warrant, shall be brought forthwith before the Court issuing the warrant, and such Court may either remand him in custody until the case is heard or admit him to bail with sufficient surety conditioned on his appearing for sentence and such Court may, after hearing the case, pass sentence.

(10) Nothing in this section shall affect the provisions of the Probation of Offenders Act, 1958 (20 of 1958), or the Children Act, 1960 (60 of 1960), or any other law for the time being in force for the treatment, training or rehabilitation of youthful offenders.

Section 361. Special reasons to be recorded in certain

cases.-

Where in any case the Court could have dealt with, -

(a) an accused person under Section 360 or under the provisions of the Probation of Offenders Act, 1958 (20 of 1958), or

(b) a youthful offender under the Children Act, 1960 (60 of 1960), or any other law for the time being in force for the treatment, training or rehabilitation of youthful offenders,

but has not done so, it shall record in its judgment the special reasons for not having done so.

Chapter - XXIX

Section 377. appeal by the State Government against sentence.-

(1) Save as otherwise provided in sub-section (2), the State Government may, in any case of conviction on trial held by any court other than a High Court, direct the Public Prosecutor to present an appeal to the High court against the sentence on the ground of its inadequacy.

(2) If such conviction is in a case in which the offence has been investigated by the Delhi Special Police Establishment, constituted under the Delhi Special Police Establishment Act, 1946 (25 of 1946), or by any other agency empowered to make investigation into an offence under any Central Act other than this code, ¹[the Central Government may also direct] the Public Prosecutor to present an appeal to the High Court against the sentence on the ground of its inadequacy.

(3) When a appeal has been filed against the sentence on the ground of its inadequacy, the High Court shall not enhance the sentence except after giving to the accused a reasonable opportunity of showing cause against such enhancement and

1 Ins. by Act no 63 of 1980, Section 4

while showing cause, the accused may plead for his acquittal or for the reduction of the sentence.

Section 378. Appeal in case of acquittal.—

(1) Save as otherwise provided in sub-section (2) and subject to the provisions of sub-sections (3) and (5), the State Government may, in any case, direct the Public Prosecutor to present an appeal to the High Court from an original or appellate order of acquittal passed by any Court other than a High Court ¹[or an order of acquittal passed by the court of Session in revision.]

(2) If such an order of acquittal is passed in any case in which the offence has been investigated by the Delhi Special Police Establishment constituted under the Delhi Special Establishment Act, 1946 (25 of 1946), or by any other agency empowered to make investigation into an offence under any Central Act other than this Code, the Central Government may also direct the Public Prosecutor to present an appeal, subject to the provisions of sub-section (3), to the High Court from the order of acquittal.

(3) No appeal under sub-section (1) or sub-section (2) shall be entertained except with the leave of the High Court.

(4) If such an order of acquittal is passed in any case instituted upon complaint and the High Court, on an application made to it by the complainant in this behalf, grants special leave to appeal from the order of acquittal, the complainant may present such an appeal to the High Court.

(5) No application under sub-section (4) for the grant of special leave to appeal from an order of acquittal shall be entertained by the High Court after the expiry of six months, where the complainant is a public servant, and sixty days in every other case, computed from the date of that order of acquittal.

¹ Subs by Act no 63 of 1980, Section 5(a)

(6) If in any case, the application under sub-section (4) for the grant of special leave to appeal from an order of acquittal is refused, no appeal from that order of acquittal shall lie under sub-section (1) or under sub-section (2).

Chapter XXXIII

Section 436. In what cases bail to be taken. –

(1) When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer-in-charge of a police station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceeding before such Court to give bail, such person shall be released on bail:

Provided that such officer or court, if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as here-in-after provided:

Provided further that nothing in this section shall be deemed to affect the provisions of sub-section (3) of Section 116 ¹[or Section 446-A]

(2) Notwithstanding anything contained in sub-section (1), where a person has failed to comply with the conditions of the bail-bond as regards the time and place of attendance, the Court may refuse to release him on bail, when on a subsequent occasion in the same case he appears before the Court or is brought in custody and any such refusal shall be without prejudice to the powers of the Court to call upon any person bound by such bond to pay the penalty thereof under Section 446.

Section 437. When bail may be taken, in case of non-bailable offence. –

¹ Ins. by Act no 63 of 1980, Section 4

¹(1) When any person accused of, or suspected of, the commission of any non-bailable offence is arrested or detained without warrant by an officer-in-charge of a police station or appears or is brought before a Court other than the High Court or Court of Session, he may be released on bail, but—
(i) such person shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life;
(ii) such person shall not be so released if such offence is a cognizable offence and he had been previously convicted of an offence punishable with death, imprisonment for life or imprisonment for seven years, or more, or he had been previously convicted on two or more occasions of a non-bailable and cognizable offence:

Provided that the Court may direct that a person referred to in clause (i) or clause (ii) be released on bail if such person is under the age of sixteen years or is a woman or is sick or infirm:

Provided that further that the Court may also direct that a person referred to in clause (ii) be released on bail if it is satisfied that it is just and proper so to do for any other special reason:

Provided also that the mere fact that an accused person may be required for being identified by witnesses during investigation shall not be sufficient ground for refusing to grant bail if he is otherwise entitled to be released on bail and gives an undertaking that he shall comply with such directions as may be given by the Court.

(2) If it appears to such officer or Court that at any stage of the investigation, inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed a non-bailable offence, but that there are sufficient grounds for further inquiry into his guilt, ²[the

1 Subs by Act no 63 of 1980, Section 5(a)

2 Subs by Act no 63 of 1980, Section 5(b)

accused shall, subject to provisions of Section 446-A and pending such inquiry, be released on bail] or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as here-in-after provided.

(3) When a person accused or suspected of a commission of an offence punishable with imprisonment which may extend to seven years or more or of an offence under chapter VI, Chapter XVI or Chapter XVII of the Indian Penal Code (45 of 1860) or abetment of, or conspiracy or attempt to commit, any such offence, is released on bail under sub-section (1), the Court may impose any condition which the court considers necessary—

(a) in order to ensure that such person shall attend in accordance with the conditions of the bond executed under this Chapter, or

(b) in order to ensure that such person shall not commit an offence similar to the offence of which he is accused or of the commission of which is suspected, or

(c) otherwise in the interests of Justice,

(4) An officer or a Court releasing any person on bail under sub-section (1) or sub-section (2), shall record in writing his or its ¹[reasons or special reasons] for so doing.

(5) Any court which has released a person on bail under sub-section (1) or sub-section (2), may, if it considers it necessary so to do, direct that such person be arrested and commit him to custody.

(6) If, in any case triable by a Magistrate, the trial of a person accused of any non-bailable offence is not concluded within a period of sixty days from the first date fixed for taking evidence in the case, such person shall, if he is in custody during the whole of the said period, be released on bail to the satisfaction of the Magistrate, unless for reasons to be

1 Subs by Act no 63 of 1980, Section 5(c)

recorded in writing, the Magistrate otherwise directs.

(7) If, at any time after the conclusion of the trial of a person accused of a non-bailable offence and before judgement is delivered, the Court is of opinion that there are reasonable grounds for believing that the accused is not guilty of any such offence, it shall release the accused; if he is in custody, on the execution by him of a bond without sureties for his appearance to hear judgement delivered.

Section 438. Direction for grant of bail to person apprehending arrest. –

(1) When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

(2) When the High court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including–

(i) a condition that a person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permissions of the Court;

(iv) such other conditions as may be imposed under sub-section (3) of section 437, as if the bail were granted under that section.

(3) If such person is thereafter arrested without warrant by an officer-in-charge of a police station on such accusation, and is prepared either at the time of arrest or at any time while in the custody of such officer to give bail, he shall be released on bail; and if a Magistrate taking cognizance of such offence decides that

a warrant should issue in the first instance against that person, he shall issue a bailable warrant in conformity with the direction of the Court under sub-section (1)

Section 439. Special powers of High court or Court of Session regarding bail.—

(1) A High Court or court of Session may direct—

(a) that any person accused of an offence and in custody be released on bail, and if the offence is of the nature specified in sub-section (3) of section 437, may impose any condition which it considers necessary for the purposes mentioned in that sub-section;

(b) that any condition imposed by a Magistrate when releasing any person on bail be set aside or modified:

Provided that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence which is triable exclusively by the court of Session or which, though not is triable, is punishable with imprisonment for life, give notice of the application for bail to the Public Prosecutor unless it is, for reasons to be recorded in writing, of opinion that it is not practicable to give such notice.

(2) A High court or Court of Session may direct that any person who has been released on bail under this Chapter be arrested and commit him to custody.

Chapter XXXVII

Section 475. Delivery to commanding officers of persons liable to be tried by Court-Martial.—

(1) The Central Government may make rules consistent with this Code and the Army Act 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957), and the Air Force Act, 1950 (45 of 1950) and any other law, relating to the Armed Forces of the

Union, for the time being in force, as to cases in which persons subject to military, naval or air force law, or such other law, shall be tried by a Court to which this Code applies or by a Court-martial; and when any person is brought before a Magistrate and charged with an offence for which he is liable to be tried either by a Court to which this Code applied or by a Court-martial, such Magistrate shall have regard to such rules, and shall in proper cases deliver him, together with a statement of the offence of which he is accused, to the commanding officer of the nearest military, naval or air force station, as the case may be, for the purposes of being tried by a Court-martial.

Explanation.— In this section—

- (a) “unit” includes a regiment, corps, ship, detachment, group, battalion or company.
- (b) “court-martial” includes any tribunal with the powers similar to those of a Court Martial constituted under the relevant law applicable to the Armed Forces of the Union.
- (2) Every Magistrate shall, on receiving a written application for that purpose by the commanding officer of any unit or body of soldiers, sailors or airmen stationed or employed at any such place, use his utmost endeavours to apprehend and secure any person accused of such offence.
- (3) A High court may, if it thinks fit, direct that a prisoner detained in any jail situated within the state be brought before a Court-martial for trial or to be examined touching any matter pending before the Court-martial.

(C) SELECTED ARTICLES ON CONSTITUTION OF INDIA

PART – III

Article 20. Protection in respect of conviction for offences.-

(1) No person shall be convicted of any offence except for violation of the law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

(2) No person shall be prosecuted and punished for the same offence more than once.

(3) No person accused of any offence shall be compelled to be a witness against himself.

Article 21. Protection of life and personal liberty.-

No person shall be deprived of his life or personal liberty except according to procedure established by law.

Article 22. Protection against arrest and detention in certain cases.-

(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a

magistrate.

(3) Nothing in clauses (1) and (2) shall apply –

(a) to any person who for the time being is an enemy alien; or

(b) to any person who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless-

(a) an Advisory board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention:

Provided that nothing in this sub-clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (b) of clause (7); or

(b) such person is detained in accordance with the provisions of any law made by Parliament under sub-clauses (a) and (b) of clause (7).

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.

(6) Nothing in clause (5) shall require the authority making any such order as referred to in that clause to disclose facts which such authority considers to be against the public interest to disclose.

(7) Parliament may by law prescribe-

(a) the circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (a) of clause (4).

(b) the maximum period for which any person may in any class or classes of cases detained under any law providing for preventive detention; and

(c) the procedure to be followed by an Advisory Board in an inquiry under sub-clause (a) of clause (4)

PART - IV

Article 50. Separation of judiciary from executive -

The state shall take steps to separate the judiciary from the executive in the public services of the State.

Article 51 A. Fundamental duties :-

It shall be the duty of every citizen of India-

(a) to abide by the constitution and respect its ideals and institutions, the National Flag and National Anthem;

(b) to cherish and follow the noble ideals which inspired our national struggle for freedom;

(c) to uphold and protect the sovereignty, unity and integrity of India;

(d) to defend the country and render national service when called upon to do so;

(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;

(f) to value and preserve the rich heritage of our composite culture;

(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

(h) to develop the scientific temper, humanism and the spirit of inquiry and reform;

(i) to safeguard public property and to adjure violence;

(j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

PART - V

Article 141. Law declared by Supreme Court to be binding on all courts -

The law declared by the Supreme Court shall be binding on all courts within the territory of India

PART - XIV

Article 309. Recruitment and conditions of service of persons serving the Union or a State-

Subject to the provisions of this Constitution, Act of the appropriate Legislature may regulate the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the Union or of any State;

Provided that it shall be competent for the President or such person as he may direct in the case of services and posts in connection with the affairs of the Union, and for the Governor of a State or such person as he may direct in the

case of services and posts in connection with the affairs of the State, to make rules regulating the recruitment, and the conditions of service of persons appointed, to such services and posts until provision in that behalf is made by or under an Act of the appropriate Legislature under this article, and any rules so made shall have effect subject to the provisions of any such Act.

Article 311. Dismissal, removal or reduction in ranks of persons employed in civil capacities under the Union or a State-

(1) No person who is a member of a civil service of the Union or an all-India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed.

(2) No such persons as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(Provided that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed :

Provided further that this clause shall not apply-)

- (a) where a person is dismissed or removed in rank on the ground of conduct which has led to his conviction on a criminal charge; or
- (b) where the authority empowered to dismiss or remove a person or to reduce him in rank is

satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry; or

- (c) where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State it is not expedient to hold such inquiry.

(3) If, in respect of any such person as aforesaid, a question arises whether it is reasonably practicable to hold such inquiry as is referred to in clause (2), the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank shall be final).

PART - XXI

Article 371-G. Special provision with respect to the State of Mizoram-

Notwithstanding anything in this Constitution,-

- (a) No Act of Parliament in respect of –

- (i) religious or social practices of the Mizos,
- (ii) Mizo customary law and procedure,
- (iii) Administration of civil and criminal justice involving decision according to Mizo customary law.
- (iv) Ownership and transfer of land,

Shall apply to the State of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution so decides :

Provided that nothing in this clause shall apply to any Central Act in force in the Union territory of Mizoram immediately before the commencement of the Constitution (Fifty-third Amendment) Act, 1986.

(b) The Legislative Assembly of the State of Mizoram shall consist of not less than forty members.

Para 12-B of the Sixth Schedule :

Application of Acts of Parliament and of the Legislature of the (State) of Mizoram to autonomous districts and autonomous regions in the (State) of Mizoram.-
Notwithstanding anything in this Constitution,-

- (a) if any provision of a law made by a District Council or a Regional Council in the (State) of Mizoram with respect to any matter specified in sub-paragraph (1) of paragraph 3 of this Schedule or if any provision of any regulation made by a District Council or a Regional Council in that (State) under paragraph 8 or paragraph 10 of this Schedule, is repugnant to any provision of a law made by the Legislature of the (State) of Mizoram with respect to that matter, then, the law or regulation made by the District Council or, as the case may be, the Regional Council, whether made before or after the law made by the Legislature of the (State) of Mizoram, shall, to the extent of repugnancy, be void and the law made by the Legislature of the (State) of Mizoram shall prevail;
- (b) the President may with respect to any Act of Parliament, by notification, direct that it shall not apply to an autonomous district or an autonomous region in the (State) of Mizoram, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have

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retrospective effect.

Entry 51 of List – II of the Seventh Schedule :

Duties of excise on the following goods manufactured or produced in the State and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in India :-

- (a) alcoholic liquors for human consumption;
- (b) opium, Indian hemp and other narcotic drugs and narcotics; but not including medicinal and toilet preparations containing alcohol or any substance included in sub-paragraph (b) of this entry.

PAPER – II (DEPARTMENTAL LAW)

*[These books are not made available with this
hand book]*

**(A) 1. The Narcotic Drugs and Psychotropic
Substances Act, 1985 and Rules**

**2. The Prevention of Illicit Traffic in Narcotic Drugs
and Psychotropic Substances Act, 1988**

(B) The Mizoram Excise Act, 1973 and Rules

**(C) The Mizoram Liquor Total Prohibition Act,
1995 and Rules, 1996**

PAPER – III (SERVICE RULES)

(1) SERVICE RULES

(a) SELECTED RULES ON THE FUNDAMENTAL RULES & SUPPLEMENTARY RULES –II (TRAVELLING ALLOWANCE)

CHAPTER III – T.A. Admissible for different classes of journey

SECTION IX – JOURNEY ON TOUR SUB-SECTION (1) – GENERAL RULES

Definition of headquarters

S.R. 59. The headquarters of a Government servant shall be in such place as a Competent Authority may prescribe.

Limits of sphere of duty

S.R. 60. A Competent Authority may define the limits of the sphere of duty of any Government servant.

Definition of tour

S.R. 61. A Government servant is on tour when absent on duty from his headquarters either within or, with proper sanction, beyond his sphere of duty. For the purposes of this section, a journey to a hill station is not treated as a journey on tour.

S.R. 62. In case of doubt a Competent Authority may decide whether a particular absence is absence on duty for

the purpose of rule 61.

Restrictions on the duration and frequency of tours

S.R. 63. A Competent Authority may impose such restrictions as it may think fit upon the frequency and duration of journeys to be made on tour by any Government servant or class of Government servants.

Government servants who are not entitled to travelling allowance for journeys on tour

S.R.64. If a Competent Authority declares that the pay of a particular Government servant or class of Government servants has been so fixed as to compensate for the cost of all journeys, other than journeys by rail or steamer, within the government servant's sphere of duty, such a Government servant may draw no travelling allowance for such journeys though he may draw mileage allowance, for journeys by rail or steamer. When travelling on duty, with proper sanction, beyond his sphere of duty, he may draw travelling allowance calculated under the ordinary rules for the entire journey, including such part of it as is within his sphere of duty.

S.R. 64-A. As a partial exception to rule 64, a Cash Overseer in the Indian Posts and Telegraphs Department may, in cases where two stations are connected by railway as well as by public motor service or by boat service, claim the actual motor or boat fare for journeys for conveyance of cash subject to the condition that in no case the motor or boat fare shall exceed the railway fare claimable under the preceding Rule.

General principle on which travelling allowance is drawn for journeys on tour

S.R. 65. The travelling allowance drawn by a Government servant on tour ordinarily takes the shape of either permanent travelling allowance or daily allowance, if either of these is admissible to him. Permanent travelling allowance and daily allowance may, however, in certain circumstances be exchanged for mileage allowance or for the whole or part of the actual cost of travelling. In certain other circumstances, actual cost may be drawn in addition to daily allowance for journeys for which no daily allowance is admissible.

S.R. 66. (a) A Competent Authority may prescribe the scale of Government tents to be supplied to any Government servant or class of Government servants for office or, if it thinks fit, for personal use.

(b) When such tents are used by a government servant or tour for office purposes only, they may be carried at government expense. When used partly for office and partly for private purposes, the government servant must, except as provided in Rule 81, pay half the cost of carriage. When used wholly for private purposes, the Government servant must, except as provided in Rule 81, pay the entire cost of carriage.

SUB-SECTION (II) – GOVERNMENT SERVANTS IN RECEIPT OF PERMANENT TRAVELLING ALLOWANCE

Actual expenses in addition to or in exchange for Permanent Travelling Allowance

S.R. 67. A permanent travelling allowance is intended to cover the cost of all journeys within the sphere of duty of

the Government servant who draws it, and such Government servant may not draw any other travelling allowance in place of or in addition to permanent travelling allowance for such journeys: provided that-

(1) a class of Government servants to which a Competent Authority may extend this concession may draw, in addition to permanent travelling allowance, single fare for a journey by rail, and

(2) a Competent Authority may, by general or special order, permit a Government servant whose sphere of duty extends beyond the limits of a single district to draw, in addition to permanent travelling allowance, whenever his actual travelling expenses for a duly authorized journey by public conveyance exceed double the amount of his permanent travelling allowance for the period occupied in such journey, the difference between such double permanent travelling allowance and the mileage allowance calculated for the journey.

Mileage Allowance in exchange for Permanent Travelling Allowance

S.R. 68. When a Government servant in receipt of permanent travelling allowance travels on duty, with proper sanction, beyond his sphere of duty, he may draw mileage allowance for the entire journey including such part of it as is within his sphere of duty, and may draw, in addition, permanent travelling allowance for any day of his absence for which he does not draw mileage allowance. This rule does not apply to a Government servant who travels beyond his sphere of duty in the course of a journey from one place within that sphere to another such place, or to a Government servant who makes, by road alone, a journey not exceeding thirty-two kilometres.

NOTE.- The term mileage allowance referred to in this Rule means the mileage allowance only as defined in Supplementary Rule 29. It does not include daily allowance even if the Government servant in receipt of permanent travelling allowance halts on duty at a station beyond his sphere of duty. However, if that station is an expensive locality for which higher rate of daily allowance has been prescribed in Supplementary rule 51, the Government servant may draw the difference between the ordinary and the higher rates of daily allowance, provided the rate of permanent travelling allowance has been fixed on the basis of the ordinary rates of daily allowance.

SUB-SECTION (III) – GOVERNMENT SERVANT NOT IN RECEIPT OF PERMANENT TRAVELLING ALLOWANCE

SUB-DIVISION (1) – DAILY ALLOWANCE

General Rule

S.R. 69. Except where otherwise expressly provided in these rules, a government servant not in receipt of permanent travelling allowance draws travelling allowance for journeys on tour in the shape of daily allowance.

Drawn during absence from headquarters on duty

S.R. 70. Daily allowance may not be drawn except during absence from headquarters on duty. A period of absence from headquarters begins when a Government servant actually leaves his headquarters and ends when he actually returns to the place in which his headquarters are situated whether he halts there or not.

Distance to be travelled before daily allowance is admissible.

S.R. 71. Daily allowance may not be drawn for any day on which a government servant does not reach a point outside a radius of eight kilometres from the duty point (i.e., the place/office of employment) at his headquarters or return to it from a similar point.

NOTE.- The term “radius of eight kilometres” should be interpreted as meaning a distance of eight kilometres by the shortest practicable route by which a traveller can reach his destination by the ordinary modes of travelling.

GOVERNMENT OF INDIA'S ORDERS

(1) Regulation of Daily Allowance.- Daily allowance for the entire absence from headquarters, i.e., starting with departure from headquarters and ending with arrival at headquarters, will be regulated as follows. Full daily allowance may be granted for each completed calendar day of absence reckoned from midnight to midnight. For absence from headquarters for less than twenty-four hours, the daily allowance will be admissible at the following rates:-

For absence not exceeding six hours	Nil
For absence exceeding six hours but	
Not exceeding twelve hours	70%
For absence exceeding twelve hours	Full

2. In case the period of absence from headquarters falls on two days, it is reckoned as two days and daily allowance is calculated for each as above. The concept of twenty-four hours is no longer operative. Similarly, daily allowance for days of departure from and arrival at headquarters, will also be regulated accordingly.

3. Where the second tour commences on the same day on which a Government servant returns from the first

tour, each tour may be treated separately and daily allowance may also be calculated separately subject, of course, to the condition that daily allowance calculated separately for each tour on any calendar day shall not exceed one daily allowance (half daily allowance for local journeys).

4. The entire absence from headquarters will be reckoned in the following manner:-

(i) *Journey by rail.*- With reference to the scheduled departure/arrival time of the train from/at the railway station. However, where the train is late by more than fifteen minutes, actual arrival time will be taken into account.

(ii) *Journey by bus.*- With reference to the actual departure/arrival time from/at the bus stand.

(iii) *Journeys by air.*- With reference to scheduled reporting/arrival time from/at the airport. However, where the plane is late by more than fifteen minutes, actual arrival time will be taken into account.

Halt on tour

S.R. 72. Subject to the conditions laid down in Rules 73 and 74, daily allowance may be drawn during a halt on tour on a holiday occurring during a tour.

GOVERNMENT OF INDIA'S ORDERS

(1) Entitlement of D.A. on Sunday, holiday, casual leave and restricted holiday.- The Government of India have decided to reaffirm the order-

(a) that a Government servant who takes casual leave or restricted holiday while on tour is not entitled to draw daily allowance during such leave; and

(b) that daily allowance is not admissible for any day, whether Sunday or holiday, unless the

officer is actually and not merely constructively in camp.

S.R. 73. Not printed – See GIO (1) below.

GOVERNMENT OF INDIA'S ORDERS

(1) D.A. for continuous halt.- In modification of SR 73, the admissibility of daily allowance at a place outside Government servant's headquarters for a continuous halt up to 180 days or more during tour/temporary transfer/training shall be as follows:-

(i)	First 180 days	Full	daily
		allowance	

(ii)	Beyond 180 days	Nil.
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2. The intention is to relate the limit to halt and not to the entire absence. Full daily allowance will be admissible for 180 days of continuous halt at any one place.

S.R. 74. Not printed.

**SUB-DIVISION (II) – MILEAGE ALLOWANCE
AND ACTUAL EXPENSES IN PLACE OF OR IN
ADDITION TO DAILY ALLOWANCE**

*Exchange of daily allowance for mileage allowance during
the whole period of a tour*

S.R. 75. Not printed.

*Exchange of daily allowance for mileage allowance on
particular journeys*

S.R. 76. Not printed

S.R. 76-A. Not printed.

S.R. 77. Not printed.

S.R. 78. Deleted.

Actual expenses of maintaining camp during a sudden journey away from it

S.R. 79. Not printed.

Actual expenses on first and last journey of an extensive tour

S.R. 80. Not printed

Actual expenses of conveying camp equipment, etc.

S.R. 81. (a) When a competent authority is satisfied that it is in the interests of the public service that a particular Government servant on tour should send his horses, camels, motor cars, motor cycles, bicycles or camp equipment by railway or steamer, or by country craft when no steamer service exists capable of conveying the goods or animals or when such means of carriage is cheaper or more expeditious, it may, by special order in each case, permit him to recover in addition to mileage allowance or daily allowance or both, the actual cost or part of the actual cost of transporting them.

(b) A competent authority may by general or special order prescribe limitations on the weight of camp equipment and the number of conveyances and animals to be carried at Government expenses under Clauses (a) and (c) of this rule by a particular Government servant or class of Government servants.

(c) When a competent authority is satisfied that it is in the interests of the public service that a particular Government servant on tour should carry camp equipment between places connected by road only, it may by special order in each case, permit him to recover, in addition to mileage allowance or daily allowance or both, the actual cost of carriage of camp equipment, not exceeding the cost at the scheduled rate, if any.

S.R. 82. (a) the following provisions are applicable to-

(i) to (iv) Not printed.

(v) any other Government servant or class of Government servants, whose duties involve constant travelling by railway, to whom a competent authority may declare them to be applicable.

(b) When such a Government servant makes a journey by railway on tour –

(i) He is entitled to a free pass under the Free Pass rules of the railway.

(ii) He may draw daily allowance for any day on which he is absent from his headquarters for more than eight consecutive hours.

(i) He may not exchange for mileage allowance, the allowances admissible under sub-clauses (i) and (ii) of this clause.

(ii) If he combines with a railway journey a journey by steamer or road, he may, if he travels to a place distant at least eight kilometres from the point where he leaves the railway or returns to the railway from a place similarly distant, draw mileage allowance for the journey by steamer or road, in addition to daily allowance, if any, admissible under this rule; provided that the time spent on the journey by steamer or road shall be deducted in calculating the duration of his absence from his headquarters.

Inspectors of maintenance on the Indian Railways

S.R. 83. Not printed.

Railway and Telegraph servants travelling on unopened line of Railway

S.R. 84. Not printed.

Postal Officials

S.R. 85. The following provisions apply to Deputy/ Assistant Superintendents and Inspectors of the Railway Mail Service, when they travel on duty by railway:-

(a) For a journey by railway, they are entitled to free conveyance and may draw in addition a single fare of the lowest class for one servant on their certifying that the fare was actually paid.

(b) Not printed.

(c) For a journey by road combined with a journey by railway they may draw mileage allowance irrespective of the distance travelled;

S.R. 86. An Inspector of Post Offices may not exchange daily allowance for mileage allowance on journeys by road. When travelling by railway, by sea or by river steamer, he may draw, in addition to his daily allowance, a single fare of the class to which his grade entitles him and a single fare of the lowest class for one servant, if actually paid. Daily allowance is, however, not admissible when an Inspector avails himself of board provided on a steamer, the cost of which is included in the cost of the fare.

S.R. 86-A. As a partial exception to Rule 86, an Inspector of Post Offices may, in cases where two stations are connected by railway, as well as by public motor service, claim, in addition to his daily allowance, the actual fare paid to the motor company for himself and his servant subject to

the condition that in no case should the motor fare exceed the railway fare claimable under the preceding rule.

Survey of India Department

S.R. 87. (a) Except as provided in Clauses (b) and (c) of this rule, a Government servant of the Survey of India Department may not exchange daily allowance for mileage allowance for a journey in the field.

(b) With the sanction in each case of the Surveyor-General or Administrative Superintendent, a Government servant in the Survey of India Department may be granted the following concessions:-

(i) He may exchange his daily allowance for mileage allowance under rule 76 for a journey in the field if he is required to travel by public or hired conveyance, or in a motor car/motor cycle owned by him or if he is employed on special duty.

(ii) Whenever his actual travelling expenses for a journey to or from the field, or for any other journey on which he has to travel with camp equipment, exceed the mileage allowance calculated for the journey under the ordinary rules, he may draw such actual expenses, in place of daily allowance. In calculating actual expenses he may include the cost of transporting, whether by public or hired conveyance or otherwise, both himself and such scale of servants, baggage and camp equipment as the President may prescribe; provided that

(1) in applying this rule a journey must be treated as a whole, and a Government servant may not draw actual expenses for a part of a journey and mileage allowance for the remainder; and

(2) actual expenses may not be drawn under this rule for a journey in the field by road only unless the conditions

of sub-clause (i) of this clause are fulfilled.

(iii) Whenever, for such part of a month as he spends in the field, the actual cost of carrying camp equipment and baggage on the scale prescribed under sub-clause (ii) above exceeds half the amount of daily allowance admissible for the month, he may retain half of his daily allowance and exchange the other half for such actual cost.

(c) Actual expenses under Clause (b) of this rule must be drawn on a bill prepared in detail and countersigned by the sanctioning authority.

Geological Survey of India

S.R. 88. (a) (i) Except as provided in Clause (ii) of this Rule a Government servant of the Geological Survey of India Department may not exchange daily allowance for mileage allowance for a journey in the field.

(ii) With the sanction in each case of the Director of the Geological Survey, a Government servant of the Geological Survey of India Department may be granted the concessions specified in sub-clauses (i), (ii) and (iii) of Clause (b) of Rule 87 on the conditions prescribed in Clause (c) of that rule.

(b) The Director of the Geological Survey may permit, in any particular case on public grounds, a Government servant of the Geological Survey of India Department, at the beginning or the end of a field season, to send a portion of his servants, baggage and camp equipment by the direct route to or from the field, when he himself travels by another route, in order to undertake an economic or engineering enquiry or inspection work on the way, and to recover the actual cost of transporting such servants, baggage and camp equipment not exceeding the scale permissible under Rule 87 (b) (ii), in addition to traveling

allowance admissible under the rules for the journey undertaken by himself.

S.R. 88-A. As partial exception to Rules 87 and 88, in the case of halts on tour, half the daily allowance ordinarily admissible under these rules may be drawn in addition to mileage allowance or actual expensed, as the case may be, on the day of arrival of the Government servant, at a place of halt and on the day of departure, provided that no daily allowance will be permissible in respect of a place of halt from which a Government servant departs on the same day on which he arrived at it or vice versa.

S.R. 88-B. Deleted.

SUB-DIVISION (III) – TRAVELLING ALLOWANCE ADMISSIBLE FOR JOURNEYS AND HALTS WITHIN EIGHT KILOMETRES OF HEADQUARTERS OR TEMPORARY HEADQUARTERS

Conveyance hire

S.R. 89. A Competent Authority may, by general or special order, permit any Government servant or class of Government servants to draw the actual cost of hiring a conveyance on a journey for which no traveling allowance is admissible under these rules.

NOTE 1.- Reimbursement to Government servants of the cost of hiring conveyance on journeys within a radius of 8 kilometres, for which no traveling allowance is admissible under these rules, is regulated under the provisions of Delegation of Financial Powers rules, 1978.

NOTE 2.- Heads of Departments who have been declared as such with reference to Rule 2 (10) of Supplementary Rules and Heads of Offices under them to

whom the Delegation of Financial Powers Rules, 1978, do not apply will also exercise in this regard the same powers as in item No. 3 of the Annexure to Schedule V of the Delegation of Financial Powers Rules, as amended from time to time.

Ferry charges, tolls and railway fare

S.R. 90. A Government servant traveling on duty within eight kilometers of his headquarters is entitled to recover the actual amounts which he may spend in payment of ferry and other tolls and fares for journeys by railway or other public conveyance.

Actual expenses of maintaining camp equipage during a halt at headquarters

S.R. 91. On the following conditions and any other conditions which it may think fit to impose, a competent authority may, by general or special order, permit any government servant or class of Government servants to recover the actual cost of maintaining camp equipage during a halt at headquarters or within eight kilometers of headquarters or during the interval between the Government servant's departure from or arrival at headquarters and that of his camp equipage.

- (a) The amount drawn, together with any amounts recovered under Rule 90, should not exceed the daily allowance of his grade.
- (b) The period of the halt or interval for which it is granted should not exceed ten days. An absence on duty from the halting place for less than three nights should not be treated as interrupting the halt or interval.
- (c) The Government servant must certify that he has maintained the whole or part of his camp

equipage during the halt or interval and that the expense of maintenance has not been less than the amount drawn. In the case of a non-Gazetted or Class IV servant, the Head of Office must certify that such maintenance was necessary.

SUB-DIVISION (IV) – SPECIAL RULES FOR HIGH OFFICIALS

High officials traveling by reserved railway accommodation

S.R. 92. Not printed.

S.R. 93 to S.R. 103. Deleted.

Amount of luggage admissible

S.R. 104. Except where otherwise expressly provided in these rules the amount of luggage which may be transported, free of cost by a Government servant traveling in reserved accommodation, is the amount covered by the number of tickets which a member of the public would have to purchase in order to reserve such accommodation.

SECTION – XIX JOURNEY ON A COURSE OF TRAINING

S.R. 164. When a Government servant or student not already in Government service is selected to undergo a course of training, a competent authority may decide the scale, if any, on which he shall draw –

- (a) traveling allowance for the original journey to and the last journey from the place of

- training, and for halts at such place;
- (b) in the case of training at a school, college or similar institution, traveling allowance for similar journeys on the occasion of holidays and vacations; and
 - (c) traveling allowance for journeys, during the course of training:

Provided that the scale so fixed shall not exceed that admissible to Government servants of similar status on duty at the place of training.

GOVERNMENT OF INDIA'S ORDERS

(1) No T.A. for training at headquarters.- It has been decided that in the case of Government servants deputed for training at centres/institutions located at their headquarters station that such centres/institutions should be deemed to be their temporary headquarters during the period of training. No traveling/daily allowance is admissible in such cases whatever be the distance between their normal duty point and the institutions/schools to which they are deputed for training.

2. Doubts have been expressed as to whether a Government servant is entitled to traveling allowance on a day when he is detailed for study/training, etc., by the training institution at another place at the same station and he visits that place directly from his residence. It is clarified that no traveling allowance is admissible in such cases.

3. Where, however, on any day the Government servants under training are required, under proper orders, to attend two or more places at the headquarters station in connection with their training, the actual conveyance expenses by public conveyance between one local place of training and the other such place(s) may be reimbursed to

them. They will be entitled to conveyance expense by Rickshaw/Tonga or other cheapest mode of conveyance at the rate fixed by local authorities at that place, where public conveyance like Bus/Tram/Train are not in operation. Wherever possible, two Government servants may hire a rickshaw or four Government servants may hire a tonga and claim the proportionate charges.

(2) T.A. entitlement to Government servants deputed to undergo a course of training in India.- Consequent on the issue of the revised traveling allowance orders, the question has been raised regarding the regulation of traveling allowance/daily allowance of Government servants deputed to undergo a course of training in India. It has been decided that the grant of traveling allowance/daily allowance in such cases will continue to be governed by S.R. 164. However, the following changes are hereby made in regard to the extent of power delegated to competent authorities under item No. 49 of Appendix – 1 in this part:-

- (i) The distinction between Gazetted and non-gazetted officers is removed.

- (ii) If the period of training does not exceed 180 days in duration and if the pay and allowances of the officer deputed for training have not been increased to meet the expenses of training, he may be allowed traveling allowance and daily allowance at the sliding scales as on tour, viz.,

When boarding and lodging are not provided –

First 180 days Full D.A.

Beyond 180 days	Nil.
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Training institutes where boarding and lodging facilities exist –

First 30 days

Next 150 days

Half D.A.

(iii) Government servants deputed to undergo training in India for periods exceeding 180 days in duration may be given the option to draw either traveling allowance as on transfer or traveling allowance as on tour with daily allowance at the above scale for the first 180 days as at (ii) above.

S.R. 164-A. A Military Officer in civil employ, while detailed to attend a military course of instruction, is entitled to draw mileage and daily allowance at rates admissible to a military officer in military employ in similar circumstances.

**(b) SELECTED RULES ON
Fundamental Rules & Supplementary Rules - Part III
CENTRAL CIVIL SERVICE (LEAVE) RULES, 1972**

CHAPTER IV

Kinds of Leave due and admissible

**26. Earned leave for Government servants serving in
Departments other than Vacation Departments**

(1) (a) (i) The leave account of every Government servant (other than a military officer who is serving in a Department other than a Vacation Department, shall be credited with earn leave, in advance, in two instalments of 15 days each on the first day of January and July of every calendar year.

(ii) When a Government servant joins a new post without availing full joining time by reasons that –

(a) he is ordered to join the new post at a new place of posting without availing of full joining time to which he is entitled,

or

(b) he proceeds alone to the new place of posting and joins the post without availing full joining time and takes his family later within the permissible period of time for claiming traveling allowance for family,

the number of days of joining time as admissible under sub-rule (4) of Rules 5 of the Central Civil Services (Joining Time) Rules, 1979, subject to the maximum of 15 days reduced by the number of days actually availed of, shall be credited to his leave account as earned leave :

Provided that the earned leave at his credit together with the unavailed joining allowed to be so credited shall not exceed ¹[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while his service)].

(b) The leave at the credit of a Government servant at the close of the previous half-year, subject to the condition that the leave so carried forward *plus* the credit for the half-year do not exceed the maximum limit of ¹[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)].

Provided that where the earned leave at the credit of Government servant as on the last day of December or June is ¹[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)]. Or less but more than ²[285] days, the advance credit of 15 days earned leave on the first day of January or July to be afforded in the manner indicated under sub-rule (i) of clause (a) of sub-rule (1) shall instead of being credited in leave account be kept separately and first adjusted against the earned leave that the Government servant takes that during half-year and the balance, if any, shall be credited to the leave account at the close of the half-year, subject to the condition that balance of earned leave *plus* leave already at credit do not exceed the maximum limit of ¹[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)].

(c) (i) Where a Government servant not in permanent employ or quasi-permanent employ is appointed without interruption of service substantively to a permanent post or

declared as quasi-permanent, his leave account shall be credited with the earned leave which would have been admissible, if his previous duty had been rendered as a Government servant in permanent employ diminished by any earned leave is already taken.

(ii) *Not printed*

NOTE. – *Not printed.*

(d) A period spent in foreign service shall count as duty for purposes of this rule, if contribution towards leave salary is paid on account of such period.

EXCEPTION. – *Not printed.*

(2) Subject to the provisions of Rules 7 and 39 and sub-rules (1)

and (3) of the rule, the maximum earned leave that may be granted at a time shall be –

(i) 180 days in the case of any Government servant employed in India, or

(ii) *Not printed.*

Earned leave may be granted to a Government servant in Class I or Class II service or to a Government servant mentioned in the Exception to sub-rule (1), for a period exceeding 180 days but not exceeding ¹[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)]. If the entire leave so granted or any portion thereof is spent outside India, Bangladesh, Bhutan, Burma, Sri Lanka, Nepal and Pakistan :

Provided that where earned leave for a period exceeding 180 days, is granted under this sub-rule, the period of such leave spent in India shall not in the aggregate exceed the aforesaid limits.

29. Half pay leave :

(1) The half pay leave account of every Government servant (other than a military officer and those covered by Rule 28¹) shall be credited with half pay leave in advance, in two instalments of ten days each on the first day of January and July of every calendar year.

(2) (a) The leave shall be credited to the said leave account at the rate of 5/3 days for each completed calendar month of service which he is likely to render in the half-year of the calendar year in which he is appointed.

(b) The credit for the half-year in which a Government servant is due to retire or resigns from the service shall be allowed at the rate of 5/3 days per completed calendar month up to the date of retirement or resignation.

(c) When a Government servant is removed or dismissed from service or dies while in service, credit of half pay leave shall be allowed at the rate of 5/3 days per completed calendar month up to the end of the calendar month proceeding the calendar month in which he is removed or dismissed from service or dies in service.

(d) Where a period of absence or suspension of a Government servant has been treated as *dies non* in a half-year, the credit to be afforded to his half pay leave account at the commencement of next half-year, shall be reduced by one-eighteenth of the period of *dies non* subject to a maximum of ten days.

(3) A Government servant who is eligible for Departmental leave under Rule 49, shall be entitled to half pay leave of twenty days on completion of twelve months of actually duty.

(4) The leave under this rule may be granted on medical certificate or a private affairs.

(3) While affording credit of half pay leave, fraction of a day shall be rounded off to the nearest day :

Provided that in the case of Government servant not in permanent employ or quasi-permanent employ, no half pay leave shall be granted unless the authority competent to grant leave has reasons to believe that the Government servant will return to duty on its expiry except in the case of a Government servant who has been declared completely and permanently incapacitated for further service by a Medical Authority.

30. Commuted leave :

(1) Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate to a Government servant (other than a military officer), subject to the following conditions :-

- (a) The authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry :
- (b) *Deleted*
- (c) *Deleted*
- (d) When commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due ;
- (e) *Deleted.*

(1-A) Half pay leave up to a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) where such leave is utilized for an approved course of study certified to be in the public interest by the leave sanctioning authority.

(2) Where a Government servant who has been granted commuted leave resigns from service or at his request permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave shall be recovered :

Provided that no such recovery shall be made if the retirement is by reason of ill-health incapacitating the Government servant for further service or in the event of his death.

NOTE. - Commuted leave may be granted at the request of the Government servant even when earned leave is due to him.

31. Leave not due :

(1) Save in the case of leave preparatory to retirement, Leave Not Due may be granted to a Government servant in permanent employ or quasi-permanent employ (other than a military officer) limited to a maximum of 360 days during the entire service on medical certificate subject to the following conditions :-

- (a) The authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry;
- (b) Leave Not Due shall be limited to the half pay leave he is likely to earn thereafter;
- (c) Leave Not Due shall be debited against the

half pay leave the Government servant may earn subsequently.

(1-A) Leave Not Due may also be granted to such of the temporary Government servants as are suffering from TB, Leprosy, Cancer or Mental illness, for a period not exceeding 360 days during entire service, subject to fulfillment of conditions in Clauses (a) to (c) of sub-rule

(1) and subject to the following conditions, namely :-

- (i) that the Government servant has put in a minimum of one year's service;
- (ii) that the post from which the Government servant proceeds on leave is likely to last till his return to duty; and
- (iii) that the request for grant of such leave is supported by medical certificate as envisaged in Clauses (c) and (d) of sub rule (2) of Rule 32.

(2) (a) Where a Government servant who has been granted Leave Not Due resigns from service or at his request permitted to retire voluntarily without returning to duty, the Leave Not Due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commenced, and the leave salary shall be recovered.

(b) Where a Government servant who having availed himself of Leave Not Due returns to duty but resigns or retires from service before he has earned such leave, he shall be liable to refund the leave salary to extent the leave has not been earned subsequently:

Provided that no leave salary shall be recovered under Clause (a) or Clause (b) if the retirement is by reason of ill-health incapacitating the Government servant for further service or in the event of his death:

Provided further that no leave salary shall be recovered under Clause (a) or Clause (b), if the Government servant is compulsorily retired prematurely under Rule 48 (1) (b) of the Central Civil Services (Pension) Rules, 1972, or is retired under Fundamental Rule 56 (j) or Fundamental Rule 56 (l).

32. Extraordinary leave :

(1) Extraordinary leave may be granted to a Government servant (other than a military officer) in special circumstances :-

- (a) When no other leave is admissible:
- (b) When other leave is admissible, but the Government servant applies in writing for the grant of extraordinary leave.

(2) Unless the President in view of the exceptional circumstances of the case otherwise determines, no Government servant, who is not in permanent employ or quasi permanent employ, shall be granted extraordinary leave on any one occasion in excess of the following limits :-

- (a) three months
- (b) six months, where the Government servant has completed one year's continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months' extraordinary leave under Clause (a) and his request for such leave is supported by a medical certificate as required by these rules;
- (c) *Deleted.*
- (d) eighteen months, where the Government servant who has completed one year's continuous service is

undergoing treatment for –

(i) Pulmonary tuberculosis or Pleurisy of tubercular origin, in a recognized sanatorium;

NOTE :- The concession of extraordinary leave up to eighteen months shall be admissible also to a Government servant suffering from Pulmonary Tuberculosis or Pleurisy of tubercular origin who receives treatment at his residence under a tuberculosis Specialist recognized as such by the State Administrative Medical Officer concerned and produces a certificate signed by that Specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

(ii) Tuberculosis of any other part of the body by a qualified Tuberculosis Specialist or a Civil Surgeon or Staff Surgeon; or

(iii) Leprosy in a recognized leprosy institution or by a civil Surgeon or Staff Surgeon or a Specialist in leprosy hospital recognized as such by the State Administrative Medical Officer concerned;

(iv) Cancer or for mental illness, in an institution recognized for the treatment of such disease or by a Civil Surgeon or Staff Surgeon or a Specialist in such disease.

(e) twenty-four months, where the leave is required for the purpose of prosecuting studies certified to be in the public interest, provided the Government servant concerned has completed three years continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months extraordinary leave under Clause (a).

(3) (a) Where a Government servant is granted extraordinary leave in relaxation of the provisions contained in Clause (e) of sub-rule (2), shall be required to execute a Bond in Form 6 undertaking to refund to the Government the actual amount of expenditure incurred by the government during such leave

plus that incurred by any other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of three years after return to duty.

(b) The Bond shall be supported by Sureties from two permanent Government servant having a status comparable to or higher than that of the Government servant.

(4) Government servants belonging to the Scheduled Castes or the Scheduled Tribes may, for the purpose of attending the Pre-Examination Training Course at the centres notified by the Government from time to time, be granted extraordinary leave by Head of Department in relaxation of the provisions of sub-rule (2).

(5) Two spells of extraordinary leave, if intervened by any other kind of leave, shall be treated as one continuous spell of extraordinary leave for the purposes of sub-rule (2).

(6) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

CHAPTER – V

43. Maternity Leave

(1) A female Government servant (including an apprentice) with less than two surviving children may be granted maternity leave by an authority competent to grant leave for a period of [135 days] from the date of its commencement.

(2) During such period, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

NOTE.- In the case of a person to whom the Employees State Insurance Act, 1948 (34 of 1948), applies, the amount of leave salary payable under this rule shall be

reduced by the amount of benefit payable under the said Act for the corresponding period.

(3) Maternity leave not exceeding 45 days may also be granted to a female Government servant (irrespective of the number of surviving children) during the entire service of that female Government servant in case of miscarriage including abortion on production of medical certificate as laid down in Rule 19:

Provided that the maternity leave granted and availed of before the commencement of the CCS (Leave) Amendment rules, 1995, shall not be taken into account for the purpose of this sub-rule.

(4) (a) Maternity leave may be combined with leave of any other kind.

(b) Notwithstanding the requirement of production of medical certificate contained in sub-rule (1) of Rule 30 or sub-rule (1) of Rule 31, leave of the kind due and admissible (including commuted leave for a period not exceeding 60 days and leave not due) up to a maximum of one year may, if applied for, be granted in continuation of maternity leave granted under sub-rule (1)

(5) Maternity leave shall not be debited against the leave account.

43-A. Paternity leave

(1) A male Government servant (including an apprentice) with less than two surviving children, may be granted Paternity Leave by an authority competent to grant leave for a period of 15 days, during the confinement of his wife for childbirth, i.e., up to 15 days before, or up to six months from the date of delivery of the child.

(2) During such period of 15 days, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) The Paternity Leave may be combined with leave of any other kind.

(4) The Paternity Leave shall not be debited against the leave account.

(5) If Paternity Leave is not availed of within the period specified in sub-rule (1), such leave shall be treated as lapsed.

NOTE.- The Paternity Leave shall not normally be refused under any circumstances.

43-B. Leave to a female Government servant on adoption of a child

A female Government servant on adoption of a child, may be granted leave of the kind due and admissible (including leave not due and commuted leave not exceeding 60 days without production of medical certificate) for a period up to one year or till such time the child is one year old, whichever is earlier. However, this facility will not be admissible in case she is already having two surviving children at the time of adoption.

**(c) SELECTED RULES ON
CENTRAL CIVIL SERVICE (CONDUCT) RULES
1964**

Rule 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 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;

(iii) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;

(iv) A Government servant who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

EXPLANATION I.- A Government servant who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty

within the meaning of Clause (ii) of sub-rule (1).

EXPLANATION II- 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.

3-A. Promptness and courtesy

No Government servant shall-

- (a) In the performance of his official duties, act in a discourteous manner;
- (b) In his official dealings with the public or otherwise adopt dilatory tactics or willfully cause delays in disposal of the work assigned to him.

3-B. Observance of Government's policies

Every Government servant shall, at all times-

- (i) act in accordance with the Government's policies regarding age of marriage, preservation of environment, protection of wildlife and cultural heritage;
- (ii) Observe the Government's policies regarding prevention of crime against women.

3-C. Prohibition of sexual harassment of working women

(1) No Government servant shall indulge in any act of sexual harassment of any woman at her work place.

(2) Every Government servant who is in-charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

EXPLANATION.- For the purpose of this rule, "sexual harassment" includes such unwelcome sexually determined behaviour, whether directly or otherwise, as –

- (a) physical contact and advances;
- (b) demand or request for sexual favours;
- (c) sexually coloured remarks;
- (d) showing any pornography; or
- (e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

Rule 5. 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 organization which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) It shall be the duty of every Government servant to 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 directly or indirectly to be, subversive of the Government as by law established and where a Government servant is unable to prevent a member of his family from taking part in, or subscribing in aid of, or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Government.

(3) If any question arises whether a party is a political party or whether any organization takes part in politics or whether any movement or activity falls within the scope of sub-rule (2), the decision of the Government thereon shall be final.

(4) No government servant shall canvass or otherwise interfere with, or use his influence in connection with or take part in an election to any Legislature or Local Authority:

Provided that-

- (i) a Government servant qualified to vote at such election may exercise his right to vote,

but where he does so, he 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 have contravened the provisions of this sub-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.

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.

Rule 7. 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 of strike or coercion or physical duress in connection with any matter pertaining to his service or the service of any other Government servant

Rule 22. CONSUMPTION OF INTOXICATING DRINKS AND DRUGS

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) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug :

(bb) refrain from consuming any intoxicating drink or drug in a public place :

(c) not appear in a public place in a state of intoxication;

(d) not use any intoxicating drink or drug to excess.

EXPLANATION.- For the purpose of this rule '**public place**' means any place or premises (including a conveyance) to which the public have, or are permitted to have, access, whether on payment or otherwise.

**(d) SELECTED RULES ON CENTRAL CIVIL
SERVICE (CLASSIFICATION,
CONTROL & APPEAL) RULES 1965**

**PART – IV
SUSPENSION**

Rule 10. Suspension :

(1) The Appointing Authority or any authority to which it is subordinate or the Disciplinary Authority or any other authority empowered in that behalf by the President, by general or special order, may place a Government servant under suspension-

(a) where a disciplinary proceeding against him is contemplated or is pending; or

(aa) where, in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State; or

(a) where a case against him in respect of any criminal offence is under investigation, inquiry or trial :

Provided that, except in case of an order of suspension made by the Comptroller and Auditor-General in regard to a member of the Indian Audit and Accounts Service and in regard to an Assistant Accountant-General or equivalent (other than a regular member of the Indian Audit and Accounts Service), 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 shall be deemed to have been placed under suspension by an order of appointing Authority-

(a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or

otherwise, for a period exceeding forty-eight hours;

(b) with effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

EXPLANATION.- The period of forty-eight hours referred to in Clause(b) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(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 action 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 :

Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case.

(5) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where a Government servant is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in suspension until the termination of all or any of such proceeding

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

PART – V

PENALTIES AND DISCIPLINARY AUTHORITIES

Rule 11. Penalties :

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely:-

Minor penalties :

- (i) censure;
- (ii) withholding of his promotion;
- (iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the

Government by negligence or breach of orders;

(iii)(a) reduction to a lower stage in the time-scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting his pension

(iv) withholding of increments of pay;

Major penalties :

(v) save as provided for in Clause (iii)(a), reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;

(vi) reduction to lower time-scale of pay, grade, post or Service which shall ordinarily be a bar to the promotion of the Government servant to the time-scale of pay, grade, post or Service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or Service from which the Government servant was reduced and his seniority and pay on such restoration to that grade, post or Service;

(vii) compulsory retirement;

(viii) removal from service which shall not be a disqualification for future employment under the Government;

(ix) dismissal from service which shall ordinarily

be a disqualification for future employment under the Government :

Provided that, in every case in which (the charge of possession of assets disproportionate to known sources of income or the charge of acceptance) from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in Clause (viii) or Clause (xi) shall be imposed :

Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

EXPLANATION.- The following shall not amount to a penalty within the meaning of this rule, namely :-

- (i) withholding of increment of a government servant for his failure to pass any departmental examination in accordance with the rules or orders governing the Service to which he belongs or post which he holds or the terms of his appointment;
- (ii) stoppage of a Government servant at the Efficiency Bar in the time-scale of pay on the ground of his unfitness to cross the Bar;
- (iii) non-promotion of a Government servant, whether in a substantive or officiating capacity, after consideration of his case, to a Service, grade or post for promotion to which he is eligible;
- (iv) reversion of a Government servant officiating in a higher Service, grade or post to a lower Service, grade or post, on the ground that he is considered to be unsuitable for such higher Service, grade or post or on any

administrative ground unconnected with his conduct;

- (v) reversion of a Government servant appointed on probation to any other Service, grade or post, to his permanent 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 such probation;
- (vi) replacement of the Services of a Government servant, whose Services had been borrowed from a State Government or any authority under the control of a State Government, at the disposal of the State Government or the authority from which the Services of such Government servant had been borrowed;
- (vii) compulsory retirement of a Government servant in accordance with the provisions relating to his superannuation or retirement;
- (viii) termination of the services –
 - (a) of a Government servant appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation, or
 - (b) of a temporary Government servant in accordance with the provisions of sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965, or
 - (c) of a Government servant, employed under an agreement, in accordance with terms of such agreement.

PART – VI

PROCEDURE FOR IMPOSING PENALTIES

Rule 14. Procedure for imposing major penalties

(1) No order imposing any of the penalties specified in Clauses (v) to (ix) of Rule 11 shall be made except after an inquiry held, as far as may be, in the manner provided in this rule and rule 15, or in the manner provided by the Public Servants (inquiries) Act, 1850 (37 of 1850), where such inquiry is held under that Act.

(2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government servant, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof.

EXPLANATION.- Where the Disciplinary Authority itself holds the inquiry, any reference in sub-rule (7) to sub-rule (20) and in sub-rule (22) to the Inquiring Authority shall be construed as a reference to the Disciplinary Authority.

(3) Where it is proposed to hold an inquiry against a government servant under this rule and Rule 15, the Disciplinary Authority shall draw up or cause to be drawn up –

(i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge;

(ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain-

(a) a statement of all relevant facts including any admission or confession made by the

Government servant;

- (b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained

(4) The Disciplinary Authority shall deliver or cause to be delivered to the Government servant a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article or charges is proposed to be sustained and shall require the government servant to submit, within such time as may be specified, a written statement of his defence and state whether he desires to be heard in person.

(5) (a) On receipt of the written statement of defence, the Disciplinary authority may itself inquire into such of the articles of charge as are not admitted, or, if it considers it necessary to do so, appoint under sub-rule (2), an

Inquiring Authority for the purpose, and where all the articles of charge have been admitted by the Government servant in his written statement of defence, the Disciplinary Authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in rule 15.

(b) if no written statement of defence is submitted by the Government servant, the disciplinary Authority may itself inquire into the articles of charge, or may if it considers it necessary to do so, appoint, under sub-rule (2), an Inquiring Authority for the purpose.

(c) Where the Disciplinary Authority itself inquires into any article of charge or appoints an Inquiring authority for holding any inquiry into such charge, it may, by an order, appoint a Government servant or a legal practitioner, to be known as the “Presenting Officer” to present on its behalf the case in support of the articles of charge.

(6) The Disciplinary authority shall, where it is not the Inquiring Authority, forward to the Inquiring Authority —

- (i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
- (ii) a copy of the written statement of the defence, if any, submitted by the Government servant;
- (i) a copy of the statements of witnesses, if any, referred to in sub-rule (3);
- (ii) evidence proving the delivery of the documents referred to in sub-rule (3) to the Government servant; and
- (iii) a copy to the order appointing the “Presenting Officer”

(7) The Government servant shall appear in person before the Inquiring Authority on such day and at such time within ten working days from the date of (receipt by the Inquiring Authority) of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the Inquiring Authority may, by notice in writing, specify, in this behalf, or within such further time, not exceeding ten days, as the Inquiring Authority may allow.

(8) (a) The Government servant may take the assistance of any other Government servant posted in any office either at his headquarters or at the place where the inquiry is held, to present the case on his behalf, but may not engage a legal practitioner for the purpose, unless the Presenting Officer appointed by the Disciplinary Authority is a legal practitioner, or, the Disciplinary Authority, having regard to the circumstances of the case, so permits :

Provided that the Government servant may take the assistance of any other Government servant posted at any other station, if the Inquiring Authority having regard to the

circumstances of the case, and for reasons to be recorded in writing so permits.

(b) The Government servant may also take the assistance of a retired Government servant to present the case on his behalf, subject to such conditions as may be specified by the President from time to time by general or special order in this behalf.

(9) If the Government servant who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the Inquiring Authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the Government servant thereon.

(10) The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the Government servant pleads guilty.

(11) The Inquiring authority shall, if the Government servant fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to later date not exceeding thirty days, after recording an order that the Government servant may, for the purpose of preparing his defence

(i) inspect within five days of the order or within such further time not exceeding five days as the Inquiring Authority may allow, the documents specified in the list referred to in sub-rule (3);

(ii) submit a list of witnesses to be examined on his behalf;

NOTE.- If the government servant applies orally or in writing for the supply of copies of the statements of witnesses

mentioned in the list referred to in sub-rule (3), the Inquiring Authority shall furnish him with such copies as early as possible and in any case not later than three days before commencement of the examination of the witnesses on behalf of the Disciplinary Authority

- (i) give a notice within ten days of the order or within such further time not exceeding ten days as the Inquiring Authority may allow, for the discovery or production of any documents which are in the possession of Government but not mentioned in the list referred to in sub-rule (3).

NOTE.- the Government servant shall indicate the relevance of the documents required by him to be discovered or produced by the Government.

(12) The Inquiring Authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition :

Provided that the Inquiring Authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

(13) On receipt of the requisition referred to in sub-rule (12), every authority having the custody or possession of the requisitioned documents shall produce the same before the Inquiring Authority :

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the State, it shall inform the Inquiring

Authority accordingly and the Inquiring authority shall, on being so informed, communicate the information to the Government servant and withdraw the requisition made by it for the production or discovery of documents.

(14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to proved shall be produced by or on behalf of the Disciplinary Authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the government servant. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the Inquiring Authority. The Inquiring Authority may also put such questions to the witnesses as it thinks fit.

(15) If it shall appear necessary before the close of the case on behalf of the Disciplinary Authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the Government servant or may itself call for new evidence or recall and re-examine any witness and in such case the Government servant shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The Inquiring Authority shall give the Government servant an opportunity of inspecting such documents before they are taken on the record. The Inquiring Authority may also allow the Government servant to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interests of justice.

NOTE.- New evidence shall not be permitted or called for

or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

(16) When the case for the Disciplinary Authority is closed, the Government servant shall be required to state his defence, orally or recorded, and the Government servant shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.

(17) The evidence on behalf of the Government servant shall then be produced. The Government servant may examine himself in his own behalf if he so prefers. The witnesses produced by the Government servant shall then be examined and shall be liable to cross-examination, re-examination and examination by the Inquiring Authority according to the provisions applicable to the witnesses for the Disciplinary Authority.

(18) The Inquiring Authority may, after the Government servant closes his case, and shall, if the Government servant has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the Government servant to explain any circumstances appearing in the evidence against him.

(19) The Inquiring Authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed and the Government servant, or permit them to file written briefs of their respective case, if they so desire.

(20) If the Government servant to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified

for the purpose or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of this rule, the Inquiring authority may hold the inquiry *ex parte*.

(21) (a) Where a Disciplinary Authority competent to impose any of the penalties specified in Clauses (i) to (iv) of Rule 11 (but not competent to impose any of the penalties specified in Clauses (v) to (ix) of Rule 11), has itself inquired into or caused to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any Inquiring Authority appointed by it, is of the opinion that the penalties specified in Clauses (v) to (ix) of Rule 11 should be imposed on the Government servant, that authority shall forward the records of the inquiry to such Disciplinary Authority as is competent to impose the last mentioned penalties.

(b) The Disciplinary Authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, recall the witnesses and examine, cross-examine and re-examine the witnesses and may impose on the Government servant such penalty as it may deem fit in accordance with these rules.

(22) Whenever any Inquiring Authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction herein, and is succeeded by another Inquiring Authority which has, and which exercises, such jurisdiction, the Inquiring Authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself :

Provided that if the succeeding Inquiry Authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may recall, examine, cross-examine any such witnesses as hereinbefore provided.

23 (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain-

(a) the articles of charge and the statement of the imputations of misconduct or misbehaviour;

(b) the defence of the Government servant in respect of each article of charge;

(c) an assessment of the evidence in respect of each article of charge;

(d) the findings on each article of charge and reasons therefor.

EXPLANATION.- If in the opinion of the Inquiring Authority the proceedings of the inquiry establish any article of charge different from the original articles 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 had a reasonable opportunity of defending himself against such article of charge.

(ii) The Inquiring Authority, where it is not itself the Disciplinary Authority, shall forward to the Disciplinary Authority the records of inquiry which shall include-

(a) the report prepared by it under Clause (i);

(b) the written statement of defence, if any, submitted by the Government servant;

(c) the oral and documentary evidence produced in the course of the inquiry;

(d) written briefs, if any, filed by the

Presenting Officer or the Government servant or both during the course of the inquiry; and

- (e) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.

Rule 16. Procedure for imposing minor penalties

(1) Subject to the provisions of sub-rule (3) of Rule 15, no order imposing on a Government servant any of the penalties specified in Clause (i) to (iv) of Rule 11 shall be made except after-

- (a) informing the Government servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him reasonable opportunity of making such representation as he may wish to make against the proposal;

- (b) holding an inquiry in the manner laid down in sub-rules (3) to (23) of rule 14, in every case in which the Disciplinary Authority is of the opinion that such inquiry is necessary;

- (c) taking the representation, if any, submitted by the Government servant under Clause (a) and the record of inquiry, if any, held under clause (b) into consideration;

- (d) recording a finding on each imputation of misconduct or mis-behaviour; and

- (e) consulting the commission where such consultation is necessary.

(1-A) Notwithstanding anything contained in Clause (b) of sub-rule (1), if in a case it is proposed after considering the representation, if any, made by the Government servant under clause (a) of that sub-rule, to withhold increments of

pay and such withholding of increments is likely to affect adversely the amount of pension payable to the Government servant or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an inquiry shall be held in the manner laid down in sub-rules (3) to (23) of Rule 14, before making any order imposing on the Government servant any such penalty.

(2) The record of the proceedings in such cases shall include-

(i) a copy of the intimation to the Government servant of the proposal to take action against him;

(ii) a copy of the statement of imputations of misconduct or misbehaviour delivered to him;

(iii) his representation, if any;

(iv) the evidence produced during the inquiry;

(v) the advice of the Commission, if any;

(vi) the findings on each imputation of misconduct or misbehaviour; and

(vii) the orders on the case together with the reasons therefore.

**(2) OFFICE PROCEDURE, GENERAL FINANCIAL
RULES AND
CENTRAL TREASURY RULES**

**(a) SELECTED RULES ON
CENTRAL SECRETARIAT – MANUAL OF OFFICE PROCEDURE**

**CHAPTER – III
DAK – RECEIPT, REGISTRATION AND
DISTRIBUTION**

7. Receipt of Dak.-

(1) During office hours, the entire dak of a department, including that addressed to Ministers/Officers by name, will be received in the central registry. Where, however, immediate/important dak addressed to Ministers/Officers by name is sent through special messengers directly to the addressees themselves, it will be received by them or their personal staff.

(2) Outside office hours, dak will be received by the addressee himself at his residence, if marked 'immediate' and addressed by name. In such cases, the officer will normally be intimated in advance over telephone about the dak being delivered at his residence. In all other cases, dak will be received, outside office hours by –

- (a) the night duty clerk of the department concerned, or
- (b) where no such arrangements exist, by the officer designated by the department concerned to receive such dak.

8. Acknowledgement of dak.-

The receipt of dak, except ordinary postal dak, will be acknowledged by the recipient signing his name in full and in ink with date and designation.

9. Registration of dak.-

(1) Urgent dak will be separated from other dak and dealt with first.

(2) All covers, except those addressed to Ministers/Officers by name or those bearing a security grading, will be opened by the central registry.

(3) On opening dak, the central registry will check enclosures and make a note of any found missing.

(4) All opening dak, as well as the covers of unopened classified dak, will be date-stamped (vide specimen in the margin)

Department of
Received on.....
C.R. No.....
Sec. Dy. No.....

(5) The entire dak will then be sorted out section-wise (and officer-wise if addressed by name). To facilitate this, the central registry will keep a list showing the allocation up-to-date of the subjects to various sections.

(6) The following categories of dak will be registered by the central registry in the dak register (Appendix I) :-

- (a) telegrams, savingrams, wireless messages and telex messages;
- (b) registered postal dak;
- (c) inter-departmental files;
- (d) court summons and receipts enclosing

valuable documents, e.g., service books, agreements, etc.;

- (e) parliament questions, resolutions, cut motions and references seeking information relating to them;
- (f) unopened inner covers containing classified dak;
- (g) letters from Members of Parliament; and
- (h) any other category covered by departmental instructions.

(7) The central registry will maintain one or more dak registers as may be found convenient. In no case, however, will a single register be operated upon by two or more clerks. Where more than one dak register is maintained, each register will be identified with an alphabetical code letter 'A', 'B', 'C' and so on.

(8) The C.R. No. assigned to dak in the dak register, will be exhibited on the dak in the appropriate place in the stamp affixed on it

10. Distribution of dak.-

(1) The central registry will prepare an invoice (Appendix 2) separately for each section to which the dak is to be distributed. The dak, along with invoice, will be sent to the section concerned and acknowledged by the diarist. The invoice, duly signed, will then be returned to the central registry, where it will be filed section-wise and date-wise.

(2) Alternatively, dak may be distributed and acknowledgement obtained in messenger books or dak register maintained section-wise

(3) The above procedure will also apply to the dak meant for Ministers/Officers which will be acknowledged by their personal staff.

(4) Urgent dak will be distributed as and when received. Other dak may be distributed at suitable intervals (i.e., 11 a.m., 2 p.m. and 4 p.m.). Such part of the ordinary dak as is received too late to be included in the last daily round, will be kept ready for distribution early next day. The official in charge of the central registry will ensure –

- (a) that, as far as possible, sorting, registration and invoicing of dak is completed on the day of its receipt;
- (b) that, to the extent to which the above work cannot be completed during the day, and without prejudice to the processing of urgent dak, the night duty staff attends to it; and
- (c) that the total number of receipts pending at the end of the day for sorting, registration and invoicing are noted in a register and the signatures of the night duty staff are obtained on it in token of their having taken custody of these.

(5) Urgent dak received outside office hours will be sent to the sections concerned if there is staff on duty. In other cases, such dak will be dealt with in accordance with the instructions issued by the department concerned.

CHAPTER – IV

RECEIPTS – SUBMISSION AND DIARISATION

11. Perusal and marking of receipts.-

The diarist will submit all receipts to the Section Officer who will –

- (1) go through the receipts;
- (2) mark mis-sent receipts to the sections concerned;
- (3) separate those which, either under the departmental instructions or in his discretion, should be seen by

higher officers before they are processed and mark them to such officers;

- (4) mark to himself such of the remaining receipts as are of a difficult nature or present any special features requiring his personal attention;
- (5) mark other receipts to the dealing hands concerned, and, where necessary, indicate urgency grading and give directions regarding line of action;
- (6) keep a note in his diary of important receipts requiring prompt action or disposal by a specified date; and
- (7) submit the case to the officer who last noted on it, if it is one returned by another department.

12. Diarising of receipts in sections.-

(1) Each section will maintain a section diary (Appendix 3). Devanagari script will be used for diarising Hindi receipts.

(2) The diarist will diarise in the section diary (appendix 3) all receipts except the following before they are submitted to the officers concerned or distributed among the dealing hands:-

- (a) receipts which, as a class, are adequately taken care of by a register specially devised for the purpose (e.g., telephone bills which are entered in telephone bill register);
- (b) receipts which are diarised in a computer;
- (c) communications received from Members of Parliament for which a separate register is maintained for watching their disposal vide para 122;
- (d) unsigned communications on which no instructions have been recorded by officers and on which no action is to be taken;

- (e) identical copies of representations, save the one received first;
- (f) post copies of telegrams unless the endorsement contains a message in addition to that contained in the telegrams;
- (g) petty contingent vouchers such as those relating to night duty or overtime claims of the staff, claims for coolie hire or conveyance hire, chits asking for articles of furniture, stationery, etc.;
- (h) routine acknowledgements;
- (i) casual leave applications;
- (j) copies of miscellaneous circulars, office memoranda, extracts, etc., circulated by any section for general information, e.g., orders of general application, telephone lists, notices of holidays, tour programmes, etc.; and
- (k) any other types of receipts which under departmental instructions are not required to be diarised.

(3) Inter-departmental notes, telegrams, or any other category of receipts sought to be distinguished from the rest, may be entered in the section diary in red ink.

(4) Papers referred to another department will be diarised each time they are received back. For those referred under diary numbers, however, previous and later entries in the diary will be linked by giving the earlier and the later diary numbers against each entry.

(5) If a receipt is diarised after a lapse of more than 15 days from the date it bears, the entry regarding date in column (3) of the section diary will be circled in red ink.

(6) The diary number of a receipt will be indicated in the space provided for the purpose in the stamp affixed by the central registry vide para. 9(4).

(7) The Section Officer will scrutinize the section diaries once a week to see that these are being properly maintained and append his dated initials in token of scrutiny.

13. Diarising of receipts received by officers.-

1. The personal staff of officers of the rank of Deputy Secretary and above will diarise receipts received by their officers in the respective personal section diary (Appendix 4)
2. No receipt will be diarised more than twice. A communication once diarised above the section level will not be diarised a second time till it reaches the section, where it will be diarised in the section diary. For example, a communication received by the Minister and diarised by his personal staff need not be diarised at the level of Secretary, Additional Secretary/Joint Secretary, Director/Deputy Secretary, etc.

14. Movement of receipts.-

(1) Receipts submitted to officers will move in pads conspicuously labeled as 'Receipts Pad'. Their movement and perusal will receive prompt attention.

(2) The Section Officer will keep a careful watch on any hold-up in the movement of receipts. The diarist will bring to his notice any receipts which are not received back from officers within 24 hours.

15. Action by higher officers.-

Officers to whom receipts are submitted will-

- (1) go through the receipts and initial them;
- (2) remove receipts which they may like to dispose of without assistance from section or to submit to higher officers;
- (3) enter the diary numbers of the receipts removed

[vide (2) above] on the movement slip (appendix 5);

- (4) where necessary, give directions regarding line of action to be taken on other receipts; and
- (5) return the receipts together with movement slip, if any, to the Section Officer for action in terms of paras. 11 (4) and 11 (5) above.

16. Allocation of disputed receipts.-

If a section feels that it is not concerned with a mis-sent receipt forwarded to it vide para. 11 (2), the same should be brought to the notice of the officer designated by the department for deciding allocation of disputed receipts.

CHAPTER – VI HANDLING OF RECEIPTS UNDER DESK OFFICER SYSTEM

41. General.-

The general principles governing the action on receipts given in para. 17 will apply to the Desk Officer System of functioning also. While the general drill for receipt, distribution and handling of dak has been laid down in Chapters III, IV and V, the special features that distinguish the desk-pattern from the section-based functioning are given below.

42. Receipt of dak.-

The R & I Section will send dak along with invoice (Appendix 2) direct to the desk functionary who will acknowledge its receipt on the invoice. Each desk functionary will maintain a desk diary (Appendix 3).

43. Action by desk functionary.-

(1) the desk functionary will examine the receipt and will

- in simple situations draft and issue a reply; and
- in other cases submit a draft to DS/Dir./JS for approval/signature without any elaborate note.

In case of any doubt he will take appropriate action after discussion with DS/Dir./JS.

(2) Occasionally a communication may give rise to a problem requiring to be solved. In such cases the paper writing technique described in para. 24 (2) will be adopted.

(3) The supporting staff and the stenographer attached to a desk functionary will *inter alia* assist him in

- dealing with simple cases including issue of acknowledgements, forwarding of papers, etc.;
- compilation of data in given forms;
- maintaining codes, Manuals and other relevant research and reference material;
- records management; and
- typing work.

44. Maintenance of reference materials.-

Each desk functionary will develop a reliable documentation-cum-reference system comprising aids to processing described in para. 30.

CHAPTER – VII

FORMS AND PROCEDURE OF COMMUNICATION

45. Forms of written communications.-

The different forms of written communications generally used by a department are described below. Each

form has a use and, in some cases, a phraseology of its own. Specimens of these forms are given in Appendix 9.

(1) Letter.- This form is used for corresponding with foreign Governments, State Governments, the Union Public Service Commission, Heads of attached and subordinate offices, public enterprises, statutory authorities, public bodies and members of the public generally. A letter begins with the salutation “Sir(s)” or “Dear Sir(s)”, as may be appropriate.

(2) Demi-official letter.- (a) This form is generally used in correspondence between Government officers for an inter-change or communication of opinion or information without the formality of the prescribed procedures. It may also be used when it is desired that a matter should receive personal attention of the individual addressed. Since demi-official letter is written in the first person in a personal and friendly tone, it should be addressed by an officer in a Ministry/Department who is ordinarily not more than one or two levels below the officer to whom such communication is addressed.

NOTE.- For the purpose of determination of level, Secretary/Additional Secretary and Director/Deputy Secretary will be considered as one level.

(b) Communications to non-officials can also take the form of a demi-official letter.

(3) Office Memorandum.- This form is generally used for corresponding with other departments or in calling for information from or conveying information to its employees. It may also be used in corresponding with attached and subordinate offices. It is written in the third person and bears no salutation or supersession except the name and designation of the officer signing it.

(4) Inter-departmental note.- (a) this form is generally

employed for obtaining the advice, views, concurrence or comments of other departments on a proposal or in seeking clarification of the existing rules, instructions, etc. it may also be used by a department when consulting its attached and subordinate offices and vice versa.

(b) The inter-departmental note may either be recorded on a file referred to another department or may take the form of an independent self-contained note.

(5) Telegram.- (a) this form is used for communicating with outstation parties in matters demanding prompt attention. The text of the telegram should be as brief as possible. As a rule, no telegram should be issued if an express letter or a letter marked 'Immediate' or 'priority' can serve the purpose.

(b) Telegrams are of two kinds, viz., enclaire telegrams and cypher code telegrams. The former are worded in plain language. The latter are expressed in secret language (code or cypher or both) but a combination in the same telegram of figures and letters having a secret meaning is not permitted. In editing, numbering and issuing of cipher/code telegrams, the instruction issued by the Ministry of External Affairs in respect of external telegrams and by the Ministry of Home affairs in the case of internal telegrams, should be carefully observed.

(c) there are four gradings of urgency authorized for use in State telegrams, viz., 'SVH', 'Most Immediate', 'Operation Immediate' and 'Immediate'. The use of these gradings is regulated by the rules issued by the Department of Telecommunications. Relevant extracts from these rules are contained in Appendix 10.

(d) Telegrams, other than cypher and code telegrams, should normally be followed by post copies.

(6) Telex message.- In urgent and important matters,

departments having telex facilities may send a telex message instead of a telegram in communicating with outstation parties.

(7) Express letter.- This form is used in communicating with outstation parties in matters warranting urgent attention at the receiving end but not justifying the expense of a telegram. It is worded exactly like a telegram but transmitted through a post office instead of a telegraph office.

(8) Office order.- This form is normally used for issuing instructions meant for internal administration, e.g., grant of regular leave, distribution of work among officers and sections.

(9) Order.- This form is generally used for issuing certain types of financial sanctions and for communicating Government orders in disciplinary cases, etc., to the officials concerned.

(10) Notification.- This form is mostly used in notifying the promulgation of statutory rules and orders, appointments and promotions of Gazetted Officers, etc., through publications in the Gazette of India. The composition of the Gazette, the types of matters to be published in each part and section thereof, the instructions for sending the matter for publication therein and for sending copies thereof are indicated in Appendix 11.

(11) Resolution.- This form of communication is used for making public announcement of decisions of Government in important matters of policy, e.g., the policy of industrial licensing, appointment of committees or commissions of enquiry. Resolutions are also usually published in the Gazette of India.

(12) Press communiqué/note.- This form is used when it is proposed to give wide publicity to a decision of

Government. A press communiqué is more formal in character than a press note and is expected to be reproduced intact by the press. A press note, on the other hand, is intended to serve as a hand-out to the press which may edit, compress or enlarge it, as deemed fit.

(13) Endorsement.- This form is used when a paper has to be returned in original to the sender, or the paper in original or its copy is sent to another department or office, for information or action. It is also used when a copy of a communication is proposed to be forwarded to parties other than the one to which it is addressed. Normally this form will not be used in communicating copies to State Governments. The appropriate form for such communication should be a letter.

46. Telephonic communications.-

(1) Appropriate use of the medium of telephone may be made by departments for intra and inter-departmental consultation and for communication of information between parties situated locally.

(2) In matters of urgency, departments may communicate with outstation parties also over the telephone.

(3) The provisions of para. 45(5)(c) also apply to official telephone trunk calls.

(4) Telephonic communications, wherever necessary, may be followed by written communications by way of confirmation.

(5) Resort to STD and trunk calls will be regulated by departmental instructions.

47. Correspondence with attached and subordinate offices.-

(1) Departments may correspond with attached and

subordinate offices under the control of other departments subject to such general instructions as the latter may issue.

(2) In the case of their own attached offices and subordinate offices placed directly under them, i.e., without the intervention of an attached office, as are located in Delhi/ New Delhi – referred to herein as ‘Non-Secretariat Organisation’ (NSO) for convenience – the departments will introduce the Single File System of correspondence, details of which are in para. 48.

NOTE.- The Single File System will not apply to correspondence between a department and any statutory, corporate or other autonomous body which might be owned or controlled by it.

48. Single File System (SFS).-

(1) This will apply to matters which have to be referred by the NSO to the department for seeking a sanction/ order, i.e., a decision not within its own delegated powers.

(2) the file cover of a SFS case should prominently show the name of the (originating) NSO and likewise indicate that it follows the SFS system.

(3) the SFS file need not bear a I.D. No. or other formal method of transmission, but will be sent as though it is from one officer to another in the same organisation.

(4) The SFS file should be complete in all respects, so as to enable the department to take a decision expeditiously; hence the NSO will ensure that -

- (a) every point for decision/order is clearly brought out;
- (b) all relevant connected papers are placed on the file, properly arranged and referred to;
- (c) draft orders/sanctions are put up, where they are appropriate to the suggested disposal by the

department; and

(d) the availability of funds, etc., is certified where additional expenditure is involved in the proposal.

(5) The officer last dealing with the SFS case in the NSO will mark it to the appropriate officer in the department, by name; policy files will, however, be referred to the department at appropriate levels to be determined by the department and the NSO concerned, through a general order.

(6) All SFS files will be invariably routed through the central registry of the department concerned. Their receipt will be entered in a separate register which will also record, against the relevant receipt entry, the despatch of the file on its return to the NSO.

(7) As a rule, all notings in the department will be on the NSO file. However, where sensitive or delicate matters in the sphere of personnel, policy issues and finance are involved, general or special orders may be issued by the department, permitting the recording, at a particular stage of the SFS case or at or above a particular level, of notes, in 'duplicate' files, with the final decision thereafter being suitably recorded on the SFS file.

(8) As a convention, the secretariat noting on a SFS file will start on a new page and the noting done sequentially – save in matters of the nature referred to in (7) above.

(9) Action to implement the Government decision in SFS case, will be initiated in and by the NSO on the return of the file. Orders so issued should specifically state that they have received the concurrence of Government in the department concerned. Copies of every sanction/order so issued by the NSO, will be endorsed without fail to all the officers concerned in the department.

49. Inter-departmental consultation.-

(1) Inter-departmental consultation may take the form of inter-departmental notes, inter-departmental meetings or oral discussions.

(2) In making written inter-departmental references, the following points should be observed:-

- (a) Inter-departmental references, will normally be made under the directions of an officer not below the rank of Under Secretary or as may be provided by the departmental instructions.
- (b) The points on which the opinion of other departments is sought or which it is desired to bring to their notice should be clearly stated.
- (c) Where possible, the drafts of the orders proposed to be issued may also be shown to the departments sought to be consulted.
- (d) When it is necessary to consult more than one department on a case, such consultation may be effected simultaneously by self-contained inter-departmental notes unless-
 - (i) it involves copying of a large number of documents available on the file; or
 - (ii) In case any of the Ministries so consulted is not in a position to send its comments/concurrence within the prescribed time-limit; it should write back promptly, and in any case, before the prescribed time-limit and indicate the additional time they would require for furnishing their final reply.
- (b) When such a reference does not require such concurrence under the Rules, the originating Ministry need not wait for the comments of other Ministry beyond the prescribed time-limit, and it should feel free to go ahead with

its scheme/proposal without waiting any longer.

(c) The initiating Ministry should always feel free to recall its file from another Ministry, to which such a reference has been made on a file, if such a course is required to be adopted for expediting the process of decision-making in the case. Such a decision to recall a file should be taken at a level not lower than that of a branch Officer in the originating Ministry.

(4) Inter-departmental meetings may be held where it is necessary to elicit the opinion of other departments on important cases and arrive at a decision within a limited time. No such meeting will normally be convened except under the orders of an officer not below the level of Joint Secretary. In respect of such meetings, it will be ensured that-

- (a) the representatives attending the meeting are officers who can take decisions on behalf of their departments;
- (b) an agenda setting up clearly the points for discussion is prepared and sent along with the proposals for holding the meeting, allowing adequate time for the representatives of other departments to prepare themselves for the meeting; and
- (c) a record of discussions is prepared immediately after the meeting and circulated to the other departments concerned, setting out the conclusions reached and indicating the departments responsible for taking further action on each conclusion.

(5) On occasions it may be necessary to have oral discussions with officers of other departments, e.g., when-

- (a) a preliminary discussion between the officers of the departments concerned is

- likely to help in the disposal of the case;
- (b) it is desirable to reach a preliminary agreement before proceeding further in the matter;
- (c) inter-departmental noting reveals a difference of opinion between two or more departments; or
- (d) it is proposed to seek only information or advice of the department to be consulted.

The result of such oral consultation should be recorded in a single note on the file by the officer of the department to which the case belongs. The note will state clearly the conclusions reached and the reasons therefore. A copy of the note will also be sent to the departments consulted in order that they have a record of the conclusions reached.

50. Nodal Ministries/Departments.-

In order that the number of inter-departmental references are minimized so as to facilitate reduced paper work and faster decision making, nodal Ministries/Departments such as Law, Finance, Personnel, Electronics, Environment, etc., may lay down clear guidelines on their respective subjects for individual departments to follow. Guidelines should be so framed that reference to nodal departments will be necessary in exceptional cases only.

51. Reference to the Attorney-General of India.-

References to the Attorney-General will be made only by the Ministry of Law, Justice and Company Affairs.

52. References to the Comptroller and Auditor-General of India.-

References to the Comptroller and Auditor-General for his

views or advice can be made only by or through the Ministry of finance. In matters of day-to-day administration, departments may, however, correspond direct with the comptroller and Auditor-General at their discretion.

53. References to the Union Public Service

Commission.-

References to the Union Public Service commission will normally be made in the form of letters addressed to the Secretary. In certain matters, e.g., requisitions for recruitment, formal references should ordinarily be preceded by personal discussions at appropriate levels.

54. Correspondence with Union territory

Administrations.-

All communications of a routine nature which are clearly relatable to the business of a particular department, will ordinarily be addressed to the Secretary in the appropriate department. Other communications may be addressed to the chief Secretary or the Administrator depending upon the importance of the matter.

55. Correspondence with State Governments.-

(1) Communications on the subjects clearly relatable to the business of a particular department will normally be addressed to the Secretary of that department. Other communications including those of special nature or importance warranting attention at higher levels, may be addressed to the chief Secretary. Demi-official letters can also be sent to officers of State Governments. Since a demi-official letter is written in the first person in a personal and friendly tone, it should be addressed by an officer who is not more than one or two levels below the officer to whom such

a communication is addressed. In case of demi-official communications to the chief Secretary of a State, this level will not be below the level of joint Secretary.

(2) Communications other than those of a purely routine nature, e.g., acknowledgement, will not ordinarily be addressed to State Governments except with prior approval and over the signature of the branch Officer. Purely routine communications can, however, be signed by a Section Officer.

56. Correspondence with the Lok Sabha and the Rajya Sabha Secretariats.-

Communications meant for the Lok Sabha Secretariat or the Rajya Sabha Secretariat and requiring urgent or high level attention may be addressed to the Secretaries concerned and not to the Speaker or the chairman direct.

57. Correspondence with Members of Parliament.-

(1) Communications received from Members of Parliament should be attended to promptly.

(2) Where a communication is addressed to a Minister, it should, as far as practicable, be replied to by the Minister himself. In other cases, a reply should normally be issued over the signature of an officer not below the rank of Joint Secretary.

(3) Where, however, a communication is addressed to the head of an attached or subordinate office, it should be replied to by the addressee himself. In routine matters not involving questions of policy, he may send an appropriate reply on his own. In matters involving questions of policy, however, the officer should have prior consultation with higher authorities before sending a reply.

(4) Normally information sought by a Member should

be supplied unless it is of such a nature that it would have been denied to him even if asked for on the floor of the Houses of Parliament.

(5) As far as possible, in corresponding with Members of Parliament, pre-printed or cyclostyled replies should be avoided.

**(b) SELECTED RULES ON
GENERAL FINANCIAL RULES**

**CHAPTER – 4
POWERS OF SANCTION**

**I. POWERS OF VARIOUS AUTHORITIES IN
THE MATTER OF
SANCTIONING EXPENDITURE**

GENERAL

Rules 34. Powers of Subordinate Authorities.-

The financial powers of Government, which have not been delegated to a subordinate authority, shall vest in the Finance Ministry.

Rule 35. Unless otherwise provided by any special rule or order, it shall be within the competence of an authority to exercise the financial powers delegated to another authority subordinate to it.

**II. POWERS IN REGARD TO CERTAIN
SPECIAL MATTERS**

Rule 36. Except in pursuance of the general delegation made by, or with the approval of the President, a subordinate authority shall not, without the previous consent of the Finance Ministry, issue an order which-

(i) involves any grant of land, or assignment of revenue, or concession, grant, lease or licence of mineral or forest rights or rights to water power or any easement or privilege of such concessions, or

(ii) involves relinquishment of revenue in any way.

Rule 37. Report of Losses.-

Every case of loss of cash in treasuries whether in the course of remittance or out of treasury balance, small coin depot or currency chest, shall be reported to, and dealt with in

accordance with the instructions of the finance Ministry.

Rule 38. Remission of disallowances by Audit and writing off of overpayment made to Government servants.-

The remission of disallowances by Audit and writing off of overpayments made to Government servants by competent authorities shall be in accordance with the provisions of the Delegation of Financial Powers rules, 1978, and instructions issued thereunder.

III. COMMUNICATION OF SANCTIONS

Rule 39. All financial sanctions and orders issued by a competent authority shall be communicated to the Audit Officer and/or the Accounts Officer, as the case may be, in accordance with such procedure as may be prescribed by general or special orders.

Rule 40. Sanctions accorded by competent authority to grants of land and alienation of land revenue, other than those in which assignments of land revenue are treated as cash payment, shall be communicated to the Audit and/or the Accounts Officer, as the case may be, in a consolidated monthly return giving the necessary details.

IV. INDICATION OF THE DETAILS OF THE PROVISIONS IN THE RELEVANT GRANT OR APPROPRIATION IN SANCTIONS TO EXPENDITURE

Rules 41. All sanctions to expenditure shall indicate the details of the provisions in the relevant grant or appropriation wherefrom expenditure is to be met.

V. DATE OF EFFECT OF SANCTION

Rule 42. Subject to fulfillment of the provisions of Rule 6 of the Delegation of Financial Powers rules, 1978, all rules,

sanctions or orders shall come into force from the date of issue unless any other date from which they shall come into force is specified therein.

VI. RETROSPECTIVE SANCTION

Rule 42-A. Retrospective effect shall not be given by competent authorities to sanctions relating to revision of pay or grant of concessions to Government servants, except in very special circumstances without the previous consent of the Finance Ministry.

VII. LAPSE OF SANCTIONS

Rule 43.- A sanction for any fresh charge shall, unless it is specifically renewed, lapse if no payment in whole or in part has been made during a period of twelve months from the date of issue of the sanction.

Provided that-

- (i) when the period of currency of the sanction is prescribed in the departmental regulations or is specified in the sanction itself, it shall lapse on the expiry of such periods; or
- (ii) when there is a specific provision in a sanction that the expenditure would be met from the Budget provision of a specified financial year, it shall lapse at the close of that financial year; or
- (iii) in the case of purchase of stores, a sanction shall not lapse, if tenders have been accepted (in the case of Central Purchases) on the Central Purchase Organization within the period of one year of the date of issue of that sanction, even if the actual payment in whole or in part has not been made during the said period.

EXPLANATION.- The provisions in this rule are of general nature and apply to all sanctions in respect of any expenditure.

Rule 44.- Notwithstanding anything contained in Rule 43, a sanction in respect of an addition to a permanent establishment, made from year to year under a general scheme sanctioned by a competent authority, or in respect of an allowance sanctioned for a post or for a class of Government servants, but not drawn by the officer or officers concerned, shall not lapse.

CHAPTER – 6

ESTABLISHMENT

Rule 76. Alterations of Establishment.-

All proposals for additions to establishment, whether permanent or temporary, or for an increase in the emoluments of the existing posts, shall be scrutinized and submitted to the sanctioning authority in accordance with such instructions as may be prescribed in this behalf.

Rule 77. Adjustment in Appointments.-

In the case of non-Gazetted establishments divided into separate units or cadres carrying different scales of pay, an authority competent to make appointments in that establishment on both the units or cadres may make excess appointments in a lower unit or cadre against an equal or greater number of vacancies left unfilled in the higher unit or cadre.

Rule 78. Transfer of Officer.-

A report of transfer of a Gazetted Government servant duly made in Form TR 1 or GFR 33 and signed both by the relieved and relieving Government servants, shall be sent on the same day to the Audit Officer and/or the Accounts Officer, as the case may be. A copy of the report of transfer of charge shall be sent simultaneously to the Treasury Officer, and Head of the Department or other Controlling Officer concerned.

NOTE.- Administrative instructions relating to the place where charge of office should be handed over are contained in Section II (a) of Appendix 3 to the P & T Compilation of FR & SR, Volume-II

Rule 79. Date of Birth.-

(1) Every person newly appointed to a service or a post under Government shall at the time of the appointment declare the date of birth by the Christian era with as far as possible confirmatory documentary evidence such as a Matriculation Certificate, Municipal Birth Certificate and so on. If the exact date is not known an approximate date shall be given.

Rule 79. (2) The actual date or the assumed date determined under rule 80 shall be recorded in the History of Service, Service Book, or any other record that may be kept in respect of the Government servant's service under Government and, once recorded, it cannot be altered, except in the case of a clerical error, without the previous orders of a Department of the Central Government or an Administrator.

NOTE 1.- Heads of Departments are authorized to exercise the powers delegated to a Department of the Central Government and an Administrator under Rule 79 in the case of non-Gazetted Government servants under their control.

NOTE 2.- For the purpose of Rule 79 (2), the Comptroller and Auditor-General exercises the powers of Department of the Central Government in regard to persons serving in the Indian Audit and Accounts Department.

NOTE 3.- See Notes below FR 56.

Rule 80. (1) If a Government servant is unable to state his exact date of birth but can state the year or year and month of birth, the 1st July or the 16th of the month, respectively, shall be treated as the date of his birth.

Rule 80. (2) If he is only able to state his approximate age,

his date of birth shall be assumed to be the corresponding date after deducting the number of years representing his age from his date of appointment.

Rule 80. (3) When a person who first entered Military employ is subsequently employed in a Civil Department, the date of birth for the purpose of the Civil employment shall be the date stated by him at the time of attestation, or if at the time of attestation he stated only his age, the date of birth shall be deducted with reference to that age according to sub-rule (2) of this rule.

Rule 81. Service Books.-

At a fixed time early in the year the Service Books shall be taken up for verification by the Head of the Office who, after satisfying himself that the services of the Government servants concerned are correctly recorded in each of the Service Books, shall record in each case a certificate in the following form over his signature:-

“Service verified up to (date) from (the date record from which the verification is made).”

NOTE 1.- The verification of service referred to above is intended to ensure that the Head of the Office has satisfied himself that the Government servant's entire service, whether permanent, quasi-permanent, provisional, temporary, or officiating, as recorded in the Service Book, is completely borne out by actual facts.

NOTE 2.- Questions affecting pension or the pensionable service of a Government servant which for their decision depend on circumstances known at the time should be considered as soon as they arise and should not be left over for consideration until the Government servant retires or is about to retire. Definite decisions should be arrived at on all such questions in consultation with the Audit Officer

and/or the Accounts Officer, as the case may be, where necessary and recorded in the Service Book quoting reference to the orders of the competent authority.

NOTE 3.- The detailed rules regarding the maintenance of Service Books are contained in the Supplementary Rules 197 to 203.

NOTE 4.- No certificate of verification need be recorded by the Head of Office in respect of periods of foreign service, if any. The entry made in the Service Book by the audit Officer under the Provisions of Supplementary Rule 203 will be sufficient for this purpose.

Rule 82. Arrear Claims.-

Save as provided in Rule 136 of the Treasury Rules/Rule 32 of the Central Government Account (Receipts and Payments) Rules, 1983, any claim of a Government servant which is preferred within two years of its becoming due shall be settled by the Drawing and Disbursing Officer/Accounts Officer, as the case may be, after usual checks.

EXPLANATION.- For the purpose of provisions contained in this chapter, the date on which the claim is presented at the Treasury or any other office of disbursement should be considered to be the date on which it is preferred.

NOTE 1.- The right of a Government servant to travelling allowance, including daily allowance, is forfeited or deemed to have been relinquished if the claim is not preferred to the Head of Office or the controlling Officer within one year from the date on which it became due.

NOTE 2.- If the travelling allowance claim is not preferred by the administrative authority concerned for payment within one year from the date of its becoming due, it shall not be paid unless reasons for delay are investigated in detail by authority competent to sanction investigation of the claim under rule 83 and a specific sanction issued by it. If

the investigation shows that the claim could not be preferred in time due to administrative delay without adequate and cogent reasons, suitable action may be taken against the officer(s) concerned so that such delays do not recur.

Rule 83. A claim of a Government servant which has been allowed to remain in abeyance for a period exceeding two years, should be investigated by the Head of the Department concerned. If the Head of Department is satisfied about the genuineness of the claim on the basis of the supporting documents and there are valid reasons for the delay in preferring the claims, the claims should be paid by the Drawing and Disbursing Officer/Accounts Officer, as the case may be, after usual checks.

Claims which are six years or older should be entertained and paid after pre-check if all supporting records are available and there are valid reasons for its non-submission in time. Where the relevant records are not available, prior approval of the Government will be necessary for making the payment on ad hoc base.

NOTE.- For the purpose of rule 83, the comptroller and Auditor-General exercises full powers to sanction investigation of arrear claims in regard to persons serving in the Indian audit and Accounts Department.

Rule 84. A Head of a Department may delegate the powers, conferred on him by rule 83, to a subordinate authority which appoints a Government servant by whom the claim is made.

Rule 85. Claims against Government which are time-barred under the provisions of Section 3 read with the Schedule of the Limitation Act, 1963 (Act 36 of 1963), or under any other provision of law relating to limitation, shall be dealt with in accordance with the provisions of rule 83, but payments arising out of such claims shall not be made without

the previous consent of the Integrated Finance of the Ministry/ Department concerned.

NOTE.- For this purpose, the comptroller and Auditor-General exercises full powers in so far as the staff of the Indian Audit and Accounts Department is concerned.
Rule 86. Deleted.

Rule 87. The provisions of rules 82 to 86 shall apply mutatis mutandis to arrear claims preferred against Government by persons not in Government service.

Rule 88. Claims of Government against Railways for overcharges and claims of Railways against Government for undercharges shall be admitted if they are preferred within six months from the date of payment in the case of cash payment, and from the date of presentation of bill by the Railways in case of warrants and credit notes.

EXPLANATION.- In this rule, the terms “over-charges” and “under-charges” mean over-charges and under-charges of railway freight and fares only. They refer to shortages and excesses in the items included in a bill which has already been rendered. The omission of an item in a bill is not an “under-charge” nor is the erroneous inclusion of an item an “over-charge”.

CHAPTER – 7

CONTINGENT AND MISCELLANEOUS EXPENDITURE

I. GENERAL

Rule 89. A subordinate authority shall not incur contingent or miscellaneous expenditure except in accordance with Rules 284 to 318 of the Treasury Rules (relating to the general rules of procedure different classes of contingent charges and the conditions governing them), Rule 13 of the

Delegation of Financial Powers rules, 1978 and Rules 90 to 97 of these rules.

NOTE.- Contingent charges shall be recorded and treated in the accounts charges of the month in which they are actually disbursed from treasury.

II. PERMANENT ADVANCES

Rule 90. Subject to observance of the following conditions, Departments of Central Government, Administrators and Heads of Departments are competent to decide in consultation with their Internal Financial Adviser the amount of Permanent Advance in respect of themselves and all organizations subordinate to them :-

(a) The quantum of such advance for any organization should not as a rule exceed the monthly average of contingent expenditure for the preceding twelve months. The application for the advance by an office/organization should be accompanied by a statement showing month-wise contingent expenditure for the preceding twelve months. In case of a new organization, the amount of advance should be fixed on a conservative basis subject to review after six months.

(b) The advance should be recouped at least twice a month so that the amount sanctioned does not exceed half the amount of the average monthly contingent expenditure calculated as in (a) above.

(c) As these advances involve the permanent retention of money outside the treasury, the amount of such an advance must not be larger than is absolutely necessary.

(d) These advances should not be multiplied unnecessarily.

NOTE.- The amount of permanent advance should be adequate enough to meet the needs of every Branch of the Department, offices or organization so as to avoid the necessity of applying for separate advances for their subordinates.

(e) The advance is primarily intended for meeting emergent contingent expenditure. However, the holder of the advance may, at this discretion, utilize it to meet any other bona fide expenditure on Government account except for grant of advance of pay to Groups 'A' and 'B' officers.

(f) The accountability for the advance and its utilization on bona fide Government account in accordance with these rules and regulations shall rest wholly on the holder.

(g) Copies of sanctions along with monthly statements of expenditure showing the amount of contingent bills cashed with classified details of items of expenditure should be furnished to the sanctioning authority in the following month.

(h) In the event of transfer of charges and annually on the 15th April, each officer in whose favour the permanent advance is sanctioned shall send an acknowledgement of the amount due from and accountable for by himself as on 31st March, preceding to the authority which sanctioned the permanent advance, viz., Departments of the Central Government, Administrators and Heads of Departments, as the case may be, and the said authority will maintain suitable record to watch receipt of such acknowledgements and endorse a copy of the same to his accredited PAO/

III. CONTROL OF CONTINGENT EXPENDITURE

Rule 91. Subject to the detailed instructions regarding the general procedure for the control of expenditure against appropriation contained in Chapter 5 of these rules, the control of contingent expenditure against appropriation shall be regulated by such special procedure as may be prescribed by finance Ministry.

Rule 92. (1) Departments of the Central Government or Administrator may, for purposes of control and audit of contingent expenditure, issue orders specifying the nature

or object of contingent charges of a particular Disbursing Officer which shall be classed as countersigned contingent charges.

Rule 92. (2) Departments of the Central Government or Administrator may, in respect of specified items of countersigned contingent charges require the detailed contingent bills to be sent to the head of Department or the Controlling Officer concerned for his scrutiny and countersignature before it is presented payment.

NOTE 1.- Countersigned contingent charges shall be drawn and accounted for in accordance with the procedure prescribed in rules 308 to 315 of the Treasury Rules.

NOTE 2.- The provisions of this rule do not apply to contingent charges of a Head of Department or a Controlling Officer which will be drawn and accounted for in accordance with the procedure laid down in the Government of India's Decision (1).

Rule 93. A Department of the Central Government, an Administrator, or a Head of a Department may issue such instructions, supplementary to Rules 295 and 296 of the Treasury Rules, as may be necessary for the guidance of Controlling and Disbursing Officers under their respective control.

CHAPTER – 14

ADVANCES TO GOVERNMENT SERVANTS

I. GENERAL

Rule 178. (1) A competent authority may grant advances from public funds in accordance with the provisions contained in this Chapter.

Rule 178. (2) The competent authority shall charge simple interest at such rates as may be specified by the Ministry of

Finance from time to time for this purpose.

Rule 179. A subordinate authority empowered to sanction a cash grant may sanction any advance not exceeding the amount of the cash grant.

Rule 180. An advance from public funds shall not be granted to a government servant without a substantive appointment, except as provided in rule 181, and the grant of the advance shall be subject to such general or special instructions as may be issued from time to time by the finance Ministry:

Provided that this restriction shall not apply in the case of advances which may be sanctioned under Section XII of this Chapter.

Rule 181. A Government servant without a substantive appointment may be granted an advance from public funds provided he furnishes, along with his application for the grant of such advance, a surety Bond in Form GFR 21, from a permanent central Government servant having a status comparable to, or higher than, that of the Government servant who applies for the advance.

EXPLANATION.- A permanent employee of a State Government, on deputation to the Central Government, is not required to furnish a Surety Bond.

NOTE.- State Governments have agreed to accord reciprocal treatment, in the matter of grant of advances to permanent central Government employees, on deputation for service under the State Governments.

Rule 182. If an advance is granted to Government servant who is due to retire or whose services are likely to be terminated within the maximum period prescribed for its repayment, the number of instalments shall be so regulated that the repayment of advance with interest, if any, is completed before retirement, or termination of service, as

the case may be.

Rule 183. (1) Amount of Advance.-

The amount of advance, after it is determined in accordance with provisions contained in this Chapter should be rounded off to the nearest multiple of Rs.50:

Rule 183. (2) Instalments of Repayment.-

Each instalment on account of repayment of advance except the last one shall be a number of whole rupees; the amount of the last instalment being raised or reduced, if necessary, to admit of the fixation of such instalment and recovery of the balance including any fraction of a rupee.

Rule 184. Variation in the amount of instalments.-

Where the advance is adjusted by repayment in monthly instalments, an authority competent to sanction an advance may, in exceptional cases, vary the amount of such instalments provided that-

- (i) in the case of interest-bearing advances, the whole amount of advance is completely recovered in the number of instalments not exceeding that initially fixed for repayment of the advance;
- (ii) the amount of monthly instalment shall not be reduced only on the ground that the Government servant is drawing leave salary or subsistence allowance as distinct from pay.

Rule 185. Availability of funds.-

No sanction for the payment of an advance shall be issued unless the authority competent to sanction the advance has satisfied himself that funds are available in the year in which the amount of the advance is to be paid and every such sanction must clearly indicate that funds are so available.

‘Pay’ shall mean pay as defined in FR 9 (21) (a) (i).

NOTE 1.- In the case of a Government servant, who has not opted for the revised scale of pay in terms of the

Central Civil Services (Revised Pay) Rules, 1997, pay for the purpose of these rules shall mean basic pay as drawn in the existing scale and shall include dearness allowance up to AICPI 1510, Interim Reliefs I and II as were admissible as on 31-12-1995.

NOTE 2.- Non-Practising Allowance sanctioned to medical posts may be treated as part of 'Pay' for the purposes of sanctioning of advances contained in Chapter 14.

Rule 187. Detailed Accounts of Individual Advances.-

(a) Heads of Offices will effect recovery of the advances granted in accordance with the provisions of the rules contained in this Chapter, and of interest, if any, recoverable, and see that the conditions attached to each advance are fulfilled.

(b) Subject to such general or specific directions as may be given by the Controller-General of Accounts on the advice of the Comptroller and Auditor-General in this behalf, detailed accounts of individual advances in respect of advances paid under the rules contained in Sections III and XVII of this Chapter (generally referred to as 'long term' advances) will be maintained by the Accounts Officers.

(c) Heads of Offices will maintain detailed accounts of advances granted to Government servants in terms of the rules contained in Sections IV, V, V-A, X, XI and XV of this Chapter (generally referred to as 'short term' advances) and submit returns to Accounts Officers, in the manner indicated in Annexure 'A' to this Chapter.

Rule 188. Irrecoverable advances.-

An officer who is responsible for the detailed, control, accounting and supervision of advances shall, as soon as any advance is found to be irrecoverable, take necessary steps to get the advances written off the accounts under the sanction

of the appropriate authority and advise the Accounts Officer accordingly in order that he may make the necessary adjustment in the accounts and shall also maintain a record of advances so written off in order that any possible recovery may be eventually effected.

Rule 189. Deleted.

Rule 190, Date of drawal of an Advance.-

For the undermentioned purposes the date of drawal of an advance sanctioned for the purchase of a conveyance shall be-

- (a) the date of issue of the cheque by the Treasury Officer/Accounts Officer where personal cheques are drawn in favour of the Government servant; and
- (b) the date of actual disbursement of the Government servants whose pay is drawn on establishment bills and who are disbursed the advance by the Head of Office after drawing the money from the Treasury/Bank-
- (j) Recovery of the first instalment towards repayment of the advance (vide Rule 202)
- (ii) Completion of negotiations and purchase of the motor car/motor cycle (vide Rule 206).
- (iii) furnishing of particulars of conveyance purchased and the cash receipt therefor for conveyance other than those mentioned in (ii) above (vide Rule 215)
- (iv) Calculation of interest (vide rule 198).

INTEREST-BEARING ADVANCES

II. GENERAL CONDITIONS OF GRANT OF ADVANCES FOR THE PURCHASE OF CONVEYANCES

Rule 191. Powers of Sanction.-

- (1) A Department of the Central Government, an

Administrator, or a Head of a Department may sanction an advance, for the purchase of conveyances, to government servants under their respective administrative control.

Rule 191. (2) A Head of Office may sanction an advance for the purchase of a bicycle to a Government servant under his administrative control.

EXPLANATION.- In this rule the expression “Government servants” includes employees of a State Government on deputation to the central Government vide Ministry of Finance, O.M. No.F.16(61)-E. II(A)/56, dated the 27th November, 1957, but does not include a government servant on deputation abroad.

NOTE.- An authority competent to sanction advance for the purchase of conveyances may not sanction such an advance to itself. In all such cases sanction of the next higher administrative authority will be required.

Rule 192. (1) a foreign employer may, with the concurrence of the authority specified in rule 191, grant to a government servant, lent to him on foreign service, an advance for the purchase of a conveyance, provided that-

- (i) the advance is granted from the funds of the foreign employer; and
- (ii) the advance is regulated by the same conditions as would apply if the government servant were serving directly under government.

Rule 192. (2) Notwithstanding the provisions contained in sub-rule (1) above, in special cases, under orders of the authority specified in rule 191, the advance may be met from Government funds.

Rule 192-A. an employee of an industrial or commercial undertaking or autonomous organization or corporation wholly or substantially owned or controlled by the Central

Government or a State Government, when on deputation for service under the Central Government may be granted an advance for the purchase of a motor vehicle by an authority specified in rule 191, subject to the fulfillment of the following conditions in addition to those laid down in this Chapter:-

- (i) the employee holds a permanent post in the Undertaking/Organization/Corporation from which he is on deputation and likely to continue to be on deputation under the central Government for a period of not less than three years from the date of drawal of the advance.
- (ii) The parent Undertaking/Organization/Corporation concerned has no objection to the grant of the advance and executes an Agreement in Form GFR 23-A to the effect that, in the event of the reversion of the borrowing officer from the post under central Government before the completion of the repayment of the advance together with interest accrued thereon, it will remit the amount remaining outstanding together with interest, in instalments as originally fixed within seven days from the date of payment of salary and allowances to the borrowing officer, to the Audit Officer/Accounts Officer in whose records the advance stands originally booked by means of a cheque or a demand draft on a scheduled Bank.
- (iii) The applicant furnishes a surety in Form GFR 21 from a permanent Central Government servant of a comparable or higher status.

Rule 193. Conditions of Eligibility.-

A Government servant may be granted an advance for the purchase of a motor car/motor cycle/scooter/moped provided

that-

- (i) the authority competent to sanction the advance is satisfied that the Government servant has the capacity to repay the advance;
- (ii) the advance for the purchase of a motor car shall be granted to those Government servants whose basic pay is Rs.10,500 (Rupees ten thousand five hundred) per month or more. The Secretary of an Administrative Ministry/Department shall be competent to relax this condition in deserving case;
- (iii) the advance for the purchase of motor cycle/scooter/moped shall be granted to those government servants whose basic pay is Rs.4,600 (Rupees Four thousand six hundred) per month or more. The authority competent to sanction this advance may, however, relax this condition in deserving cases.

Rule 194. Deleted.

Rule 195. Deleted.

Rule 196. An advance for the purchase of a conveyance shall not be granted to a Government servant, who has already purchased the conveyance and paid for it, unless the conveyance has been purchased within a period of three months commencing from the date the advance was applied for, and has been paid for by raising a temporary loan.

NOTE.- The Government servant who, having applied for the advance for the purchase of a conveyance as admissible under the rules could not be sanctioned such an advance due to non-availability of funds or in whose case due to anticipated delay in sanctioning the advance there is an obvious need for raising temporary loans to purchase the

conveyance, should obtain prior permission from the prescribed authority under the relevant Conduct rules applicable to him for raising a temporary loan to meet the expenditure on the purchase of conveyance and if this authority is different from the advance sanctioning authority, he should keep the advance sanctioning authority informed of the permission obtained under the conduct Rules.

Rule 197. An advance for the purchase of a conveyance shall not, except with the concurrence of the Finance Ministry, be sanctioned unless the outstanding balance in respect of an advance previously granted for the same purpose, together with interest thereon, has been fully repaid.

Rule 198. Interest.-

Simple interest at such rates as may be fixed by Government from time to time shall be charged on advances granted to Government servants for the purchase of conveyances. Such interest shall be calculated on balance outstanding on the last day of each month.

**III. SPECIAL CONDITIONS OF GRANT OF
ADVANCES FOR THE PURCHASE OF MOTOR
CARS AND MOTOR CYCLES**

A. MOTOR CARS

Rule 199. (1) Amount of Advance.-

The total amount of advance which may be granted to a Government servant for the purchase of a motor car for the first occasion shall not exceed Rs. 1,80,000 (Rupees One lakh eighty thousand) or eleven months basic pay of the Government servant, or the anticipated price of the motor car, to be purchased by the Government servant, whichever is the least. If the actual price of the motor car purchased by the Government servant is less than the amount of advance, then he shall refund the balance to Government forthwith.

Rule 199. (2) Quantum of advance.-

The quantum of advance that may be granted on the second or subsequent occasions for the purchase of a motor car shall not exceed Rs.1,60,000 (Rupees One lakh sixty thousand) or eleven months basic pay of the Government servant or the anticipated price of motor car to be purchased, whichever is the least.

Such second or subsequent advances for the purchase of a motor car will be admissible only after four years, reckoned from the date of drawal of the last advance, have elapsed. Provided that this restriction of 4 years shall not apply in the following cases:-

- (a) Where an advance had been allowed earlier for the purchase of a motor cycle but it is desired to draw the advance for the purchase of motor car.
- (b) Where a Government servant disposes of his motor car in India prior to his posting abroad or deputation/training abroad lasting more than one year and returns to India without a motor car.
- (c) Where a Government servant is appointed to a regular post abroad and does not take his motor car along with him.

NOTE 1.- The word “price” used in the above sub-rules includes the Registration money paid for in advance by the government servant to the dealer while booking for the new car and which is later adjusted by the dealer on allotment/delivery towards the price of the new car.

NOTE 2.- Where a Government servant desires to keep two vehicles of different types, i.e., a motor car and a motor cycle/scooter and has purchased one type of vehicle with the advance drawn from the government and wants to

have advance for purchasing a different type of vehicle, he may be sanctioned the same under the provisions of General Financial rules, as amended from time to time, without being required to sell the previous vehicle, provided he repays the outstanding amount of advance with interest before drawing the fresh advance. An advance given in such a case will be treated as second advance.

Rule 199. (3) A Government servant holding regular post abroad or on training/deputation abroad for period exceeding one year who is otherwise eligible for the grant of motor car advance under these rules may be granted an advance admissible to him in the above sub-rules in two instalments – first at the time of purchase of the car abroad and the second at the time of payment of customs duty on the car brought in India on completion of his tenure

NOTE 1.- In this rule, the expression “actual price” includes sales tax and the cost of such items, e.g., spare wheel, tyre and a tube or a pillion seat in a scooter, on the purchase of which the purchaser has no choice. It does not, however, cover the cost of certain accessories, e.g., radio in a car, plastic covers, which are not essential and are purchased by the customer of his own volition. Insurance and registration charges of the vehicle are also not included in “actual price”.

NOTE 2.- The expression “actual price” used in this rule shall also cover in the case of first purchase, the following items:-

- (i) the cost of transportation of the conveyance up to the place of the duty of Government servant concerned at the time of purchase irrespective of whether the transport is arranged by the distributors or by the Government servant himself; and
- (ii) the octroi charges actually paid.

NOTE 3.- The maximum amount of the advance for the purchase of a motor car by officers of the Indian foreign Service or central Government servants holding regular posts abroad will be the amount specified in this rule or the amount admissible from the foreign exchange angle, whichever is less. In this case, the 'actual price' may also include purchase tax payable outside India and customs duty payable in India.

Rule 199. (4) A Government servant who fulfils the conditions specified in rule 199(3) for the grant of advance for payment of customs duty and who has not drawn advance in terms of Rules 199 (1) and (2) for the purchase of motor car, may be sanctioned the advance for payment of customs duty levied on the car brought along with him to India , in one instalment, as per his entitlement in terms of rule 199 (1). The advance paid for payment of customs duty should be regulated in accordance with the provisions of rules for sanctioning advance for the purchase of motor car.

Rule 199. (5) The authority competent to sanction an advance for the purchase of a motor car in terms of rule 191 may sanction an advance not exceeding Rs.80,000 (Rupees Eighty thousand) on first occasion and Rs. 75,000 (Rupees Seventy-five thousand) on second or subsequent occasions or the anticipated price (excluding customs duty, if any), whichever is less, to a Government servant who is otherwise eligible for the grant of motor car advance in terms of rule 193 for purchase of a personal computer.

Rule 200. Notwithstanding anything contained in Rules 193 to 195, an advance for the purchase of a conveyance shall not be granted to a Government servant who is under suspension and, if an advance has already been sanctioned to him before he was placed under suspension, he shall not be permitted to draw such advance during the period of his

suspension.

Rule 201. Recovery of Advance.-

The amount of advance granted to a government servant for the purchase of motor car under Rule 199 shall be recovered from him in such number of equal monthly instalments as he may elect, not exceeding 200. The Government servant may at his option repay more than one instalment in a month.

Rule 202. The recovery of the amount of an advance shall commence with the first issue of pay, leave salary or subsistence allowance, as the case may be, after the advance is drawn.

Rule 203. Recovery of Interest.-

The amount of interest calculated under rule 198 shall be recovered in the minimum number of monthly instalments; the amount of each such instalment being not greater than the amount of the instalment fixed under Rule 201.

Rule 204. The recovery of the amount of interest shall commence from the month immediately following that in which the repayment of the advance for the purchase of a motor car is completed.

Rule 205. Sale or Transfer.-

A Government servant shall not sell or transfer a motor car for so long as the amount of advance together with the interest on such amount is not completely repaid, except with the permission of the competent authority.

Rule 206. Unless Government servant, who is sanctioned an advance for the purchase of a motor car, completes the purchase of, and pays for, the motor car within one month from the date on which he draws the advance, he shall refund forthwith the full amount of the advance drawn together with interest on that amount for one month.

NOTE 1.- A Department of Central Government, an Administrator or a Head of Department may, in exceptional cases, extend the period of one month prescribed in this rule to two months.

NOTE 2.- Where a Government servant refunds the full amount of the advance before the end of the month in which it was drawn for the purchase of a car, the interest may be recovered for the actual period the advance was retained by the Government servant.

Rule 207. Agreement and Mortgage Bonds.-

A Government servant shall, before he draws an advance for the purchase of a motor car, execute an agreement in form GFR 22, if the advance is granted to him under rule 193, or in form GFR 23, if the advance is granted to him under rule 196. On completing the purchase of a motor car, he shall also execute a mortgage bond in Form GFR 24 and/or GFR 25, as the case may be, hypothecating the motor car to the President as security for the advance.

NOTE.- Where only one advance is sanctioned, i.e., for the purchase of a motor car or for the payment of customs duty or where only one advance is sanctioned for both the purchase of a motor car and the payment of customs duty, the mortgage bond should be executed in Form GFR 24 with the necessary changes. Where an advance for the payment of customs duty is sanctioned, after the motor car has been purchased with an earlier advance, a bond in form GFR 25 should be executed.

Rule 208. Insurance.- Deleted.

Rule 209. Deleted.

B. MOTOR BOATS

Rule 210. Deleted.

C. MOTOR CYCLES

Rule 211. Subject to the provisions of rule 193, an authority competent to sanction the advance for the purchase of a motor car, may sanction to a government servant an advance for the purchase of a motor cycle/scooter/moped. Such an advance shall be subject to the same conditions regulating the advance for purchase of a motor car except provision contained in Rule 207:

Provided that notwithstanding anything contained in rule 199, the amount of such advance for the first occasion shall not exceed Rs. 30,000 (Rupees Thirty thousand) or six months basic pay or the anticipated price of the motor cycle/scooter/moped, whichever is the least.

The quantum of advance that may be granted on the second or subsequent occasions for the purchase of a motor cycle/scooter/moped shall be restricted to Rs. 24,000 (Rupees Twenty-four thousand) or five months basic pay or the anticipated price of the motor cycle/scooter/moped, whichever is the least:

Provided further that notwithstanding anything contained in rule 201, the amount of advance granted to government servant for the purchase of motor cycle/scooter/moped shall be recovered from the Government in such number of equal monthly instalments as he may elect but such number shall not be more than seventy.

IV. SPECIAL CONDITIONS OF GRANT OF ADVANCES FOR THE PURCHASE OF OTHER CONVEYANCES INCLUDING BICYCLES

A. BICYCLES

Rule 212. A Government servant, who is in receipt of basic pay not exceeding Rs. 5,000 (Rupees Five thousand) per month may be granted an advance for the purchase of a

bicycle:

Provided that:-

- (i) the amount of such advance shall not exceed Rs. 1,500 (Rupees One thousand five hundred) and shall be restricted to the anticipated price, inclusive of sales tax, of the bicycle. If the actual price of the bicycle paid by the Government servant is less than the amount of the advance sanctioned, he shall refund the balance to government forthwith.
- (ii) the amount of such advance shall be recovered in the manner prescribed in Rules 201 and 202 in equal monthly instalments not exceeding thirty;
- (iii) the amount of interest calculated under rule 198 shall be recovered in the manner prescribed in rules 203 and 204.

Rule 213. If a Government servant, without a substantive appointment, is granted an advance for the purchase of a bicycle, but ceases to be in Government service before the amount of the advance and the interest thereon is completely repaid, the balance shall, to the extent possible, be adjusted against the pay and allowances due to the government servant. Any amount, as then remains unpaid, shall be recovered forthwith from the surety, if any.

B. OTHER CONVEYANCES

Rule 214. Deleted.

C. GENERAL

Rule 215. Deleted.

XVII. SPECIAL CONDITIONS FOR GRANT OF ADVANCES TO GOVERNMENT SERVANTS FOR BUILDING HOUSES, ETC.

Rule 269. Advances to Government servants for the purpose

of building houses, etc., shall be regulated by the rules issued by Government from time to time.

NOTE.- The Rules to regulate the grant of advances to Central Government servants for building, etc., of houses, issued by the Department of Works, Housing and Urban Development with the concurrence of the Finance Ministry have been published separately.

(c) SELECTED RULES ON THE CENTRAL TREASURY RULES

MAIN RULES

(1) Part I – General Principles and Rules

1 Short Title

These rules may be called the “Treasury Rules of the Central Government”.

1-A Application

These shall apply to—

- (a) Union Territories of Chandigarh, Lakshadweep and Dadra and Nagar Haveli;
- (b) payments of pensionary benefits to the Government pensioners in the Central Government and Union Territories; and
- (c) an office authorised to hold and operate on a Departmental Treasury Chest.

1-B If the Government considers it necessary or expedient so to do for avoiding any hardship or removing any difficulty that may arise as a result of the application of these rules, it may, subject to such restrictions and conditions, if any, as it may think fit to impose, dispense with or relax the provisions of any of these rules in any case or class of cases.

2 Definitions

In these rules, unless the context otherwise requires, the following expressions have the meaning hereby assigned to them, that is to say:—

- (a) “*Accountant-General*” means the Head of an Office of

Accounts and audit subordinate to the Comptroller and Auditor -General of India. When used in relation to a treasury, this expression refers to the authority to whom the accounts of the treasury are rendered.

(b) “*Account Officer*” means the Head of an Office of Accounts set up under the scheme of departmentalisation of Government Accounts.

Chief Accounts Officer in relation to accounts of Railways means the Head of a Railway Accounts Office.

(c) “*Administrator*” means the Administrator of a Union Territory specified in the First Schedule to the Constitution.

(d) “*Audit Officer*” means any officer subordinate to, or under the superintendence of, the Comptroller and Auditor-General, who exercise audit functions.

(e) “*The Bank*” means any office or branch of the Banking Department of the Reserve Bank of India, any branch of the State Bank of India acting as the agent of the Reserve Bank of India in accordance with the provisions of the Reserve Bank of India Act, 1934 (2 of 1934) and any branch of a Subsidiary Bank as defined in Section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), which is authorised to transact Government business as agent of the State Bank of India or any other agency appointed by the Reserve Bank of India.

“*Reserve Bank*” means the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934 (2 of 1934).

(f) “*Collector*” means the Head of a district and includes any other officer for the time being authorised to discharge

the duties of the Collector for the purpose of these rules.

(g) “*Competent Authority*” means the Government or any other authority to whom the relevant powers may be delegated by the Government

(h) “*Comptroller and Auditor-General*” means the Comptroller and Auditor-General of India.

(i) “*Constitution*” means the Constitution of India.

(j) “*District*” includes any area whether described as a district or by any other name which is served by a treasury placed in direct relation with an Accountant-General and the term ‘District Treasury’ shall be construed accordingly.

(k) “*the Government*” means the Central Government.

(l) “*Government Account*” means the account relating to the Consolidated Fund, the Contingency Fund or the Public Account.

“*Consolidated Fund*” means the Consolidated Fund of India as referred to in clause (1) of Article 266 of the Constitution.

“*Public Account*” means the Public Account of India as referred to in clause (2) of Article 266 of the Constitution.

“*Contingency Fund*” means the Contingency Fund of India as established under the Contingency Fund of India Act, 1950 (49 of 1950) in pursuance of Article 267(1) of the Constitution.

(m) “*State*” means any State specified in the First Schedule to the Constitution.

(n) “*Treasury*” includes a sub-treasury.

“*Bank Treasury*” means a treasury the cash business of which is conducted by the Bank and a ‘*non-Bank Treasury*’ means a treasury other than a Bank Treasury.

“*Central Treasury*” means and includes any treasury or sub-treasury not being a treasury or sub-treasury under the control of a State Government.

Note 1. – Treasuries in Union Territories are Central Treasuries.

¹ [Note 2. – References to “Treasury” in these rules may be deemed to include a Pay and Accounts Office set up under the scheme of departmentalisation of Accounts, unless the context requires otherwise.]

(o) “*Union Territory*” means any Union Territory specified in the First Schedule to the Constitution and includes any other territory comprised within the territory of India but not specified in that Schedule

3. Location of moneys credited to Government Account

Unless otherwise prescribed, moneys credited to Government Account shall be held either in a Central Treasury or in the Bank.

The deposit of such moneys in the Bank shall be governed by the terms of the agreement made with the Bank

¹ Inserted vide C.S. No. 1/77-5, dated the 7th November, 1977.

under Section 21 of the Reserve Bank of India Act, 1934 (2 of 1934).

Note—The Agreement with the Bank is printed as Appendix I to these rules in Volume II of this compilation.
[Not reproduced]

General System of Control over Central Treasury

4. District Treasuries

(1) There shall be a Central Treasury at such places as the Government may direct after consultation with the Comptroller and Auditor General. If moneys standing in the Government Account are, in any district so specified, not deposited in the Bank, the treasury of that district shall be divided into two departments: a department of accounts under the charge of an Accountant and a department of cash, stamps and opium under the charge of a Treasurer.

Subject as hereinafter provided in this rule, the general procedure of and conduct of business in a district treasury shall be regulated by the provisions contained in Part II.

(2) The treasury shall be under the general charge of the Collector who may entrust the immediate executive control to a Treasury Officer subordinate to him but may not divest himself of administrative control. The Collector shall be responsible for the proper observance of the procedure prescribed by or under these rules and for the punctual submission of all returns required from the treasury by the Government, the Comptroller and Auditor General, the Account-General and the Bank.

(3) The duty of verifying and certifying monthly cash balance, if any, in the Central Treasury and of submitting the monthly accounts of such balance, in such form and after such verification as the Comptroller and Auditor General

may require, shall be undertaken by the Collector or by such other officer as may be authorised by or under these rules to act in this behalf. It must be performed by the Collector in person at least once in every period of six months.

The procedure to be observed for the verification of cash balances if any in a Central Treasury shall be regulated by the provisions contained in this behalf in Part IV.

(4) When a new Collector is appointed to a district, he shall at once report his appointment to the Accountant -General and shall certify to the Accountant General the amount of the cash balance and stamp and opium stores, if any, which he has taken over. The certificate shall be submitted after the method of verification specified in Part IV has been applied.

(5) No portion of the responsibility for the proper management and working of treasuries shall devolve upon the officers of the Indian Audit and Accounts Department. The inspection of treasuries by officers of the Indian Audit and Accounts Department shall not relieve the Collector of his responsibilities for management and inspection.

5. Sub-Treasuries

In the event of establishment of one or more sub-treasuries under a district treasury, the arrangements for the administration thereof and for the proper conduct of business therein shall be such as may be prescribed by the Administrator after consultation with the Accountant-General. Where a Central sub-treasury renders accounts to a district treasury under the control of a State Government, the arrangements for the administration thereof and for the proper conduct of business therein shall be such as may be settled by the Government after consultation with the Accountant-General and the State Government concerned.

The daily accounts of receipts and payments of mon-

eys at a sub-treasury must be included in the accounts of the district treasury.

6. Other Collecting and Disbursing Offices.

(1) Officers-in-charge of Military Treasure Chests and such offices of the Posts and Telegraphs Department or of any other department of the Government as are authorised to maintain separate departmental cash balances outside the balances of the Government in the treasury or in the Bank may, subject to the Provisions of these rules, perform all or any prescribed part of the duties of a Treasury Officer in respect of claims against the Government that may be presented to them for disbursement and in respect of moneys that may be tendered to them for credit to the Government Account.

(2) An Accountant-General may, subject to such conditions and limitations, if any, as the Government may think fit to impose, perform all or any prescribed part of the duties of a Treasury Officer in respect of claims against the Government that may fall due for disbursement and moneys that may be tendered for credit to the Government Account at the office or within the jurisdiction of the said Accountant-General:

provided that the performance by the Accountant-General of such duties shall be subject to the consent of, and such conditions as may be prescribed by, the Comptroller and Auditor-General.

7. Payment of revenues of the Government into the Government Account

(1) Subject to sub-rules (2) below, all moneys received by or tendered to Government Officers on account of the revenues of the Central Government shall, without undue delay be

paid in full into a treasury and shall be included in the accounts of the Central Government. Moneys received as afore-said shall not be appropriated to meet departmental expenditure, nor otherwise kept apart from the accounts of the Government.

(2) Notwithstanding anything contained in sub-rule (1) of this rule, direct appropriation of departmental receipts for departmental expenditure is authorised in the following cases, that is to say:—

(1) In the case of cash receipts utilised in accordance with departmental regulations by Postmasters and other Heads of offices of the Posts and Telegraphs Department for departmental purposes;

(2) In the case of moneys received on account of the service of summons, diet-money of witnesses and similar purposes, in Civil, Revenue and Criminal cases and in the case of diet - money of witnesses deposited by assesseees with the Income Tax Officers and also of deposits made on account of travelling allowance and daily allowance of witnesses with the Customs and Central Excise Officers;

(3) In the case of deposits received at a civil Court and utilised by the Court to meet claims for the refund of such deposits;

(4) In the case of fees received by Government servants appointed Notaries Public under the Negotiable Instruments Act, 1881 (26 of 1881) and utilised to defray legal expenses incurred by them in the discharge of their duties as such Notaries Public;

(5) In the case of the Public Works, Civil Aviation and other similar departments for utilisation under departmental regulations of cash receipts temporarily for current works expenditure, or in every exceptional cases for disbursement of pay and travelling allowance charges wherever this course

has been authorised by the Accountant-General to prevent any abnormal delay in payment;

(6) In the case of cash collection of the Customs Collectorate utilised under special authorisation of the Government in meeting payments on account of departmental expenditure as well as drawbacks to passengers on board and refunds of deposits to commercial travellers;

(7) In the case of cash received by the Forest Department and utilised in meeting immediate local expenditure;

(8) In the case of cash found on the persons of prisoners at the time of their admission to jail and used for repayment by Jai Superintendents under departmental regulations of similar sums due to other prisoners on their release;

(9) In the case of cash receipts of Railways utilised under Departmental regulations or with the previous approval, general or special, of the Government, for departmental purposes;

(10) In the case of the National Library, Calcutta, or any other Government Library, to permit the replacement of books belonging to the library, which are not returned by borrowers, out of their deposit money;

(11) In the case of Botanical Survey of India, to permit the refund to indentors of quinine and purchases of seeds and plants, out of the amount deposited by them, of such amount as may be in excess of the cost of quinine or of seeds and plants including incidental charges on packing, remittance etc., connected therewith;

(12) Deleted

(13) Deleted

(14) In the case of the Survey of India Department, to permit the refund to indentors of maps or other priced publications, out of the amount deposited by them, of such amounts as may be in excess of the cost of maps or publications in-

cluding incidental charges on packing, forwarding, etc., connected therewith; the payment of commission to selling agents out of sale receipts and to permit refund to indentors/private publishers of maps, etc., of royalty charges and scrutiny charges for checking of external boundary of India from out of amount deposited in exceeds by them;

(15) In the case of officers subordinate to the Ministry of External Affairs and stationed outside India where a branch of the Bank or a Government of India treasury does not exist, to permit the direct utilisation of fees and other receipts realised by them towards their departmental expenditure;

(16) In the case of Branch Military Dairies located at stations where there is no treasury, Military Treasure Chest or authorised bank, to enable the sale proceeds of dairy produce being utilised for meeting their current expenditure, the equivalent amounts of being remitted into the treasury by the parent Dairy Farm;

(17) In the case of sale proceeds of office furniture, etc., purchased from the Office Allowance Fund of a military Unit or Office, and utilised under departmental regulations for their purposes of the fund;

(18) In the case of the Publications Division of the Ministry of Information and Broadcasting to permit the payment of commission to the agents and refund of moneys deposited in advance in excess of the amounts actually due for the supply of publications, out of the sale proceeds of the publications;

(19) In the cas of All India Radio, to permit payment of commission to (i) sale agents of All India Radio programme journals, and (ii) to advertising agencies, out of the sale proceeds of the journals and of advertising time in Commercial Service of All India Radio, respectively;

(20) Deleted

(21) In the case of the Delhi Milk Scheme to permit refunds

on account of the cost of milk not drawn by customers out of their monthly quota for which they have made advance deposits;

(22) In the case of the Regional Poultry Farms, Hassarghatta, Bangalore, Bombay and Bhubaneswar, to permit refunds to private poultry farmers of amounts paid in advance by them in excess of the cost of chicks, etc., supplied to them including incidental charges connected therewith;

(23) In the case of Department of Publication, to permit—

(i) the remittance by the sole concessionaire of the amounts due towards advertisements in Government publications after deducting the commission payable to him; and

(ii) the refund of moneys deposited in advance by indentors for supply of publications, out of sale proceeds of the publications;

(24) In the case of Films Division to permit payment of commission of commission agents out of sale proceeds of films for non-commercial exhibitions in India;

(25) Deleted.

(26) In the case of the units of Assam Rifles to permit cash collections of field post offices for departmental expenditure;

(27) In the case of the Social Welfare and Rehabilitation Departments to utilise the cash received on private order work for the payment of wages to labour employed on that work;

(28) In the case of Central Research Institute, Kasauli, to utilise with effect from 1st April, 1997, the cost received on account of sale of sera and vaccines produced at the Institute, for refund to the indentors of the excess amount received from them:

Provided that the authority hereby given to appropriate departmental receipts for departmental receipts for

departmental expenditure shall not be construed as authority to keep the departmental receipts and expenses defrayed therefrom outside the account of the payments into and the withdrawals from the Consolidated Fund.

(3) In special cases authorised by the Government, moneys received or tendered on account of the revenues of the Central Government may be deposited with a bank other than the Reserve Bank or its agent for the purpose of Government transactions. The conditions under which such deposits may be made and the manner in which the balances of such deposits shall be included in the Government Account will be decided by the Government in each case after consultation with the Comptroller and Auditor -General.

8. Deleted.

9. A Government officer may not, except with the special permission of the Government, deposit in a bank, other than the Reserve Bank or its agent for the purpose of Government transactions, moneys withdrawn from the Government Account under the provisions of Rule 12 to 25.

10. The procedure to be adopted by Government officers and other authorised collecting agencies in receiving moneys on account of the Central Government revenues, granting receipts for such moneys and bringing them in the Government Account, and by the treasury and the Bank in receiving such moneys and granting receipts for them shall be regulated by the provisions contained in Part –III.

11. Custody of money relating to or standing in the Government Account

(1) Save as provided in sub-rule (1) of Rule 33, the proce-

dures for the safe custody of moneys in the hands of Government officers or held in a Central Treasury, shall be regulated by the provisions contained in Part IV.

(2) The Bank is responsible for the safe custody of Government moneys deposited in the Banks.

12. Withdrawal of moneys from the Government Account

In Rule 13 to 25, the term 'withdrawal' with its cognate expressions refers to the withdrawal of funds from the Government Account for disbursements of or on behalf of the Government.

13. Save as expressly provided by or under these rules, or unless the Government after consultation with the Comptroller and Auditor General otherwise direct in any case, moneys may not be withdrawn from the Government Account without the written permission of the Treasury Officer or of an officer of the Indian Audit and Accounts Department authorised in this behalf by an Accountant-General.

14. An Accountant-General may, within the limit of his own jurisdiction, permit withdrawal for any purpose. Unless expressly authorised by these rules or by any special orders of the Government, an Accountant-General may not permit withdrawal at a place outside the limits of his own jurisdiction.

15. (1) Subject as hereinafter provided, a Treasury Officer may permit withdrawal for all or any of the following purposes, namely:—

(i) To pay sums due from the Government to the drawing

officer;

(ii) To provide the drawing officer with funds to meet claims likely to be presented against the Government in the immediate future by other Government servants or by private parties;

(iii) To enable the drawing officer to supply funds to another Government officer from which to meet similar claims;

(iv) To pay direct from the Treasury or from the Bank sums due by the Government to a private party;

(v) In the case of a Government officer or authority empowered to make investments of moneys, standing in the Government Account, for the purpose of such investments;

(vi) To pay sums to the drawing officer on account of permanent advance sanctioned to his office;

(vii) To pay sums on account of loans and advances;

(viii) To pay sums on account of grants-in-aid, contributions, scholarships, stipends, etc.

Note.— The term grants-in-aid, contributions, etc., includes such classes of expenditure as grants to local bodies, religious, charitable or educational institutions, contributions to public exhibitions and fairs, expenditure from the discretionary grants and compensations to Government servants, both Gazetted and non-Gazetted, for accidental losses, etc.

(2) Unless expressly authorised by an Accountant-General, a Treasury Officer shall not permit withdrawal for any purpose not specified in sub-rule (1) of this rule.

16. Except as provided in Rules 24 and 25, a Treasury Officer shall not permit withdrawal for any purpose unless the claim for withdrawal complies with the provisions contained in Part V as to the person by whom and the form in which the claim shall be preferred and the checks to which the claim shall be submitted by the Treasury officer before directing

payment thereof.

17. A Treasury officer has no general authority to make payments on demand presented at the treasury, his authority being strictly limited to making of payments authorised by or under these rules. If a demand of any kind is presented at a treasury for a payment which is not authorised by or under these rules, or is not covered by a special order received from the Account-General, the Treasury Officer shall decline payment for want of authority. A Treasury Officer has no authority to act under an order of the Government sanctioning a payment unless the order is an express order to him to make the payment; and even such special orders should, in the absence of urgency, be sent through the Accountant-General.

18. A Treasury Officer shall not honour a claim which he considers to be disputable. He shall require the claimant to refer it to the Accountant -General.

19. Except as otherwise provided in Section 1 of Part V, a payment shall only be made in the district in which the claim arises.

20. Deleted.

21. No withdrawal shall be permitted on a claim for the first of any series of payment in a district, of pay or allowances to a Government servant other than a person newly appointed to Government service, unless the claim is supported by a last pay certificate in the prescribed form. A Treasury Officer may not permit any withdrawal in respect of pay or allowances of a Government servant to whom he has granted

a last pay certificate unless the certificate is first surrendered.

Note 1.— Withdrawal for a claim for travelling allowance in respect of journey, by a retiring Government servant and his family, from his last place of duty to a place where he wishes to reside, may be permitted by a treasury officer even without surrendering the last pay certificate.

Note 2.— In the event of death, retirement or discharge of a Government servant, the children's educational allowance admissible to such Government servant should be drawn and disbursed by the Head of the Office in which the Government servant was last employed and withdrawal of funds, for the purpose may be permitted by the Treasury Officer even without surrendering the last pay certificate.

21-A. Deleted

22. The Treasury Officer shall be responsible to the Accountant-General for acceptance of the validity of a claim against which he has permitted withdrawal and for evidence the payees has actually received the sum withdrawn.

23. The Treasury Officer shall obtain sufficient information as to the nature of every payment he is making and shall not accept a claim which does not formally present that information unless there are valid reasons which he shall record in writing for omitting to enquire it.

24. The Treasury Officer may correct an arithmetical inaccuracy or an obvious mistake in any bill presented to him for payment, but shall intimate to the drawing officer any correction which he makes.

25. A Collector may, in circumstances of urgency, by an or-

der in writing authorise and require a Treasury Officer to make a payment, not being a payment of pension, without complying with the provisions of these rules. In any such case, the Collector shall at once forward a copy of his order and a statement of the circumstances requiring it, and the Treasury Officer shall at once report the payment, to the Accountant-General.

Note.— The need for exercising the special power under this rule should not arise at all in normal conditions. The power should be used only in real cases of urgency, e.g., floods, earthquake and the like, and withdrawals of money under this rule should, as far as possible, exclude all personal claims of Government servants.

26. Transfer of moneys standing in the Government Account

(1) The transfer of moneys from one Central Treasury to another, between currency chest balance and treasury balance of a Central Treasury and between a Central Treasury and the Bank shall be governed by such instructions as may be issued in this behalf by the Government after consultation with the Reserve Bank.

Subject as provided above, the provisions of Part XI and any subsidiary instructions issued thereunder shall regulate the procedure with regard to the matters aforesaid.

(2) The transfer of moneys from or to a small coin depot to or from a treasury shall be governed by the procedure specified in Part XI.

27. Responsibility for moneys withdrawn

If a Treasury Officer receives intimation from the Accountant-General that moneys have been incorrectly withdrawn and that a certain sum should be recovered from a drawing

officer, he shall effect the recovery without delay and without regard to any correspondence undertaken or contemplated with reference to the retrenchment order; and the drawing officer shall without delay repay the sum in such manner as the Accountant-General may direct.

28. (1) Subject as hereinafter provided in this rule, the procedure to be observed by a Government officer in regard to moneys withdrawn from the Government Account for expenditure shall be regulated by the provisions made in this behalf in Part V.

(2) A Government Officer supplied with funds for expenditure shall be responsible for such funds until an account of them has been rendered to the satisfaction of the Accountant General concerned. He shall also be responsible for seeing that payments are made to persons entitled to receive them.

(3) If any doubt arises as to the identity of the Government officer by whom an account of such funds shall be rendered, it shall be decided by the Government.

29. Inter-Government transactions

(1) Save as provided hereinafter in Rule 31 and 32, no transaction of the Central Government with a State shall be adjusted against the balance of the Central Government except in accordance with the direction as may be given by the Comptroller and Auditor -General with the approval of the Government to regulate the procedure for the accounting of such transactions.

(2) All adjustments against the balance of the Central Government by debit or credit to the account of a State Government shall be made through the Central Accounts Section of the Reserve Bank.

30. Receipts and disbursements in a State on behalf of the Central Government shall be adjusted, as far as practicable, directly against the balance of the Central Government held by the Bank, but where such transactions are temporarily taken into account against the balance of the State Government, the Accountant -General of the State will, on receipt of intimation from the treasury, make the requisite adjustments in respect of the aforesaid transactions through the Central Accounts Section of the Reserve Bank against the balance of the Central Government held by the Bank.

31. (1) The Treasury Officer-in-charge of a Central Treasury may, subject to any general or specific direction of the Government in this behalf, receive or authorise the Bank to receive moneys tendered on behalf of a State and may, if so required by the Accountant-General, make or authorise payment of any claim against a State. The necessary credits or debits in respect of such receipts and payments against the balance of the State Accounts Section of the Reserve Bank, but until such adjustments are made, the credits and debits shall be entered in the Central Government Account.

(2) Moneys paid or received in the Office of an Accountant-General on behalf of a State or book entries made in the Office of an Accountant-General affecting the accounts of a State, where such moneys or book entries are credited or debited in the first instance against the balance of the Central Government, shall be adjusted against the balance of the State concerned in accordance with such directions as may be given in this behalf by the Comptroller and Auditor -General with the approval of the Government.

(3) The provisions of the preceding sub-rules shall apply, with or without modification, to payments made or moneys received on behalf of the Railways, Posts and Telegraphs

and Defence Departments.

32. (1) In order that the transactions pertaining to the Central Government may be correctly recorded against the balance of the Central Government, all challans, billls, cheques, vouchers, etc., which serve as evidence for payments into or withdrawals from the Government Account, or on authority of which adjustments in the initial accounts are made against the balance of the Central Government by Treasuries and the Bank, shall be printed on blue paper:

Provided that in the case of any particular kind of document aforesaid the Government may after consultation with the Comptroller and Auditor General suspend or waive the operation of this rule. This is subject to the condition that whenever forms other than those of blue colour are used, such forms must invariably be so prominently marked as to indicate clearly that they pertain to transactions of the Central Government.

(2) The requirements of this rule shall not apply to transactions of the Government in the United Kingdom which are governed by the provisions of Rule 33.

33. Receipts and Disbursements of the Central Government in the United Kingdom

(1) Except as expressly provided in these rules, the procedure in respect of the receipt and safe custody of moneys received in the United Kingdom on account of the revenues of the Government, the payment of such moneys into the Government Account, withdrawal of moneys from the Government Account for disbursement in the United Kingdom and any matters connected with or ancilliary to the matters aforesaid shall be such as may be prescribed by the Government after consultation with the Comptroller and Auditor-

General.

(2) Until other provision is made by a State Government in this behalf, moneys received in the United Kingdom on account of the revenues of the State, may be paid into, and funds required for disbursements of or on behalf of the State in that country may be withdrawn from the Public Account of India in accordance with such procedure as may be prescribed under sub-rule (1). These transactions shall be adjusted in India at the earliest opportunity against the balance of the State Government according to such directions as may be given in this behalf by the Comptroller and Auditor General with the approval of the President.

34. Supplemental

An Accountant-General shall, in exercise of any of his functions under these rules, be subject to the general control of the Comptroller and Auditor - General. An Account Officer shall exercise the functions subject to the general control of the financial authority concerned, which will act generally in consultation with the Comptroller and Auditor - General in all matters where his powers and duties as respects accounts are involved.

35. Nothing in these rules shall have effect so as to impede or prejudice the exercise by the Comptroller and Auditor-General of the powers vested in him by or under the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971, to give directions regulating the submission to the Indian Audit and Accounts Department of the accounts kept in treasuries or in departmental offices, accompanied by such vouchers in support thereof as the Comptroller and Auditor-General may require for purposes of audit or for the purpose of keeping the accounts for which he

is responsible.

36. Nothing contained in, or in the application of, these rules shall have effect so as to impose upon the Bank in connection with the business of the Government any responsibility not imposed upon the Bank by the terms of the agreement referred to in Rule 3.

37. (1) Where, under the provisions of these rules, the detailed procedure with respect to any matter is required to be prescribed or regulated by departmental regulations, such regulations to be observed by particular departments shall be made by the Government, or with the approval of the Government, by such departmental authorities as may be authorised by the Government to act in this behalf.

(2) Nothing contained in this rule affects the validity of any order, instruction or direction contained in any authorised departmental regulation except in so far as such order, instruction or direction is inconsistent with or repugnant to any distinct provision contained in these rules.

Annexure A – Deleted.

Part - III Receipt of Government Money and Payment of such Money into the Government Account

General Rules—

¹76. General instructions for handling cash

Government dues or other moneys receivable on Government account may be realised in cash, (i.e., in legal tender coins or notes), or by cheques ² [or drafts drawn on any local branch of a scheduled bank] or by money order or by postal

¹ Substituted vide C.S. No. 1/80-27, dated the 27th October, 1980

² Inserted vide C.S. No. 1/81-32, dated the 13th March, 1981

order or in such other forms as may be prescribed by Government. Dues, etc., of Ministries, Departments of Government of India and of their attached/subordinate offices are generally received by Departmental officers or by specified branches of the Banks accredited to them in the form of crossed local drafts or cheques or in cash unless otherwise specially notified. In the case of Union Territory Governments/ Administrators, dues may be received either by Departmental officers or by Pay and Accounts Officers, or by Treasuries or by Banks attached to Treasuries, as the case may be. In the case of Departmental Officers, the amount receivable in cash will not, however, exceed Rs. 100.00 in each case or such higher amounts as they may be authorised to receive.

Note 1.— The term ‘local branch’ as used in this rule and in Rule 79 means a branch of a Bank located in the Station in which a departmental office with cheque drawing powers /a pay and accounts office or a departmental office without cheque drawing powers (set up under the Scheme of departmentalisation of Accounts) or a Bank treasury, as the case may be, is situated.

2. In the case of departmental officers not having cheque drawing powers, local cheques/demand drafts should be accepted in favour of the concerned Pay and Accounts Officers. However, when cheques /demand drafts are received in the name of former officers under any Rule or Act or otherwise, these may be endorsed by them for payment to their respective Pay and Accounts Officers only. Government dues, etc., received in cash by such departmental officers functioning at places other than those of their Pay and Accounts Offices may be remitted to the latter officers by means of crossed bank drafts, for being credited into Government account.

77A. Save as otherwise expressly provided in these rules or in any authorised departmental regulations, the following rules shall be observed by all Government officers who are required to (a) receive Government dues and handle cash and/or (b) perform the functions of drawing and disbursing officers (with or without cheque drawing powers):-

(i) Every such officer (referred to in this rule as the Head of Office) should maintain a cash book in Form T.R. -4

(ii) All monetary transactions should be entered in the cash book as soon as they occur and attested by the Head of the Office in token of check.

Exception:-(a) "An Account Payee" crossed cheque/bank draft drawn in the personal name of a recipient (Government servant or third party) by a Pay and Accounts Officer (or by a cheque drawing D.D.O.) and routed through a departmental office merely for the purpose of delivery to the recipient thereof need not be entered by the latter office in its cash book; the delivery, etc., of such a cheque/demand draft to the concerned party may be recorded in and watched through a separate register.

Exception:-(b) Cheques issued by Cheque Drawing D.D.Os are required to be entered in a "Register of Cheques" issued in Form T.R. -74. Therefore, only those cheques drawn by him which are encashable in his capacity as Disbursing Officer for arranging payments in cash, need be entered in the cash book.

¹ [Exception:-(c) Receipts in the form of local cheques/bank drafts (to be crossed) in favour of Pay and Accounts Officers (or received in favour of D.D.Os under any Rule or Act but endorsed in favour of P.A.Os) accepted by non-cheque drawing D.D.Os need not be entered in the cash book, but should be entered in the register of valuables (Form T.R. -75) and remitted into the accredited bank, duly supported

1 Substituted vide C.S. No. 1/88/63, dated the 13th April, 1989

by challans for credits to Government Account.]

(iii) The cash book should be closed regularly and completely checked. The Head of the Office should verify the totalling of the cash book or have this done by some responsible subordinate other than the writer of the cash book and initial it as correct.

(iv) At the end of each month, the Head of the Office should verify the cash balance in the cash book and record a signed and dated certificate to that effect. In regard to any discrepancy notice therein, instructions contained in Rule 16 of G.F.Rs. should be followed.

(v) Entries made in the cash book regarding remittance of receipts to the accredited bank for credit into Government accounts should be attested by the Head of Office after verifying them with reference to the bank's receipts recorded on the pay-in-slip or challans. When the credit appears in the receipt scroll from the bank the actual date of realisation of the cheque/bank draft should be indicated ¹ [by cheque drawing D.D.Os] against the original entry in the cash book so as to keep track of outstanding items.

(vi) An erasure or overwriting of an entry once made in the cash book is strictly prohibited. If a mistake is discovered, it should be corrected, by drawing the pen through the incorrect entry and inserting the correct one in red ink between the lines. The Head of the Office should initial every such correction and invariably date his initials.

(vii) A Government officer who handles Government money should not, except with the special sanction of the Head of the Office, be allowed to handle also in his official capacity, money which does not belong to the Government officer deals with both Government and non-Government money in his official capacity, the Government money should be kept in a cash box separate from the Non-Government money

and the transactions relating to the latter should be accounted for in a separate set of books and kept entirely out of the Government account.

(viii) The employment of peons to fetch or carry money should be discouraged. When it is absolutely necessary to employ one for this purpose, a man of some length of service and proved trustworthiness should only be selected and in cases where the amount to be handled is large, one or more guards should accompany the messenger.

Note 1.— The duties imposed by clauses (ii) to (vi) of this rule on the Head of the Office may be entrusted to a subordinate Gazetted Officer nominated by the Head of the Office for this purpose.

Note 2.— The cash books should be bound in convenient volumes and their pages machine-numbered. Before bringing a cash book into use, the Head of the Office or the officer nominated by him under Note 1 should count the number of pages and record a certificate of count on the first page of the cash book.

Note 3.— If a large number of bank drafts/cheques are received by any departmental office, receipt thereof and remittance into bank need not be entered individual item-wise in the cash book. It would be sufficient if the total of the daily entries pertaining to the same classification from the register of valuables (Form T.R. - 75) maintained for the purpose is carried to the cash book giving cross reference in the latter to the serial numbers thereof in the former.

PART - V Withdrawal of money from Government Account

Section - I - General Rules

Claims for withdrawals

130. Mode of withdrawals

Save as otherwise specially provided in these rules, money may not be withdrawn from the Government Account except by presentation of bills.

The purposes for which and the conditions under which money may be withdrawn by cheques are specified in this and subsequent Parts.

Explanation.—A bill is a statement of claims against the Government containing specification of the nature and amount of the claim, either in gross or by items, and includes such a statement presented in the form of a simple receipt.

A bill or a cheque becomes a voucher only when it is receipted and stamped “paid”

131. Presentation of Claims

Save as hereinafter provided, bills presented by a departmental officer, personal claims preferred by a Government officer and all cheques tendered at the treasury or at an authorised office of disbursement shall be duly stamped, where necessary, for all other payments made on bills shall be given at the time of payment.

At places where the cash business of the treasury is conducted by the Bank this rule shall apply subject to the provisions of Part VI.

138. Preparation and Form of Bills

The following instructions with regard to the preparation and form of bills shall be observed:—

- (i) Printed forms of bills as prescribed under these rules or other departmental regulations should be drawn in separate forms printed in red ink on white paper.
- (ii) If, in any case, the use of a bill purely in Hindi or any regional language becomes unavoidable, a brief abstract

should be endorsed in English under the signature of the preferring officer stating the amount, the name of the payee and the nature of the payment.

Note.— It shall not be necessary to endorse an abstract in English in case of bills prepared in Hindi in the States of Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Maharastra, Rajasthan, Uttar Pradesh and Union Territory of Delhi subject to the condition that only international numerals are used therein.

(iii) All bills must be filled in and signed in ink; entries and signature with ballpoint pens are also permissible provided the same are clear and legible. The amount of each bill should, as far as whole rupees are concerned, be written in words as well as in figures. The fraction of a rupee may, however, be written in figures after the words stating the number of rupees, but in the event of there being no fraction of a rupee, the word 'only' must be inserted after the number of whole rupees and care should be taken to leave no space for interpolation as in the following examples: "Rupees twenty-six only", "Rupees twenty-five and 25 paise".

(iv) All corrections and alterations in the total of a bill whether made in words or figures should be attested by the full signature, with date, of the person signing the receipt as many times as such corrections and alterations are made.

Erasures and over-writings in any bill are absolutely forbidden and must be avoided; if any correction be necessary, the incorrect entry should be cancelled neatly in red ink and the correct entry inserted. Each such correction or any interpolation deemed necessary should be authenticated by the drawing officer setting his full signature with date against each.

(v) The full accounts classification must be recorded on each bill by the drawing officer, the classification in the Budget

being taken as a guide. The classification should also show whether the expenditure is voted or charged and as far as practicable its allocation between departments or Governments, where necessary.

(vi) Charges against two or more major heads should not be included in one bill, but the Treasury Officer or any other disbursing officer will not take exception to a bill on this ground, unless the items require different action in his office such entry in different registers.

This does not apply to the allowances of a Government servant drawn with pay, as in such cases, the whole of the allowances, even if belonging to two or more major heads of accounts, should be drawn on a single bill, if debitable wholly to the Central Government.

(vii) When bills are presented on account of charges incurred under any special orders, the orders sanctioning the charge should be quoted. Copies of sanctions accompanying a bill must be duly certified by a Gazetted Officer or by a responsible subordinate specially authorised in this behalf by the Head of the Office.

This provision does not authorise a Treasury Officer or any other Disbursing Officer to refuse payment of a bill on the ground that the charge has not been sanctioned. The responsibility for incurring unsanctioned charges rests with the drawing officer.

(viii) Dates of payment should, when possible, be noted by the payees in their acknowledgements in sub-vouchers, acquittance rolls, etc. If, for any reason, such as illiteracy or the presentation of the receipts in anticipation of payment it is not possible for the dates of payment to be noted by payees, the dates of actual payment should be noted by disbursing officers on the documents under their initials either separately for each payment or by groups as may be found con-

venient.

(ix) When the drawing officer requires payment to be made through some other person or agency, he must specially endorse an order or furnish such authorisation as may be necessary to pay to that specified person or agency.

Note.— The general position in regard to endorsements on bills is set out in Rule 171.

(x) When payment is desired wholly or partly by a Bank draft, or in cases where payments are made by the treasuries, like the treasuries in New Delhi, by cheques in favour of another payee a formal application for the draft or cheque should accompany the bill and the manner in which the payment is desired should also be indicated in the drawer's receipt on the bill.

(xi) When it is desired that either the whole or a part of the amount of a bill should be remitted to a person or persons by Postal Money Order, the bill should be accompanied by a properly prepared money order form or forms, as the case may be. The amount of the money order as well the amount of commission due thereon should be shown as deductions in the bill. The purpose of the money order must be briefly stated on the acknowledgement portion of the money order form in continuation of the entry "Received the sum specified on the reserve on", sufficient space being left below the manuscript entry thus made for the signature or thumb-impression of the payee.

Note.— The provisions of this clause apply only bills prepared by the treasury itself, when the whole or a part of the amount of the bill is required to be remitted to a person or persons by Postal Money Order.

(xii) The spaces left blank either in the money column or in the columns for particulars of the bill should invariably be covered by oblique lines.

(xiii) A note to the effect that the amount of the bill below a specified amount expressed in whole rupees, which is slightly in excess of the total amount of the bill, should invariably be recorded in the body of the bill in red ink.

141. Signature and countersignature on bills

Unless the Government have expressly authorised it in the case of any specified office, no payment may be made on a bill or order signed by a clerk instead of by the Head of an office, although in the absence of the latter the clerk may be in the habit of signing letter for him. Nor may any money be paid on a bill or order signed with a stamp. When the signature on the bill is given by a mark or seal or thumb/great toe-impression, it shall be attested by some known person. Signature in Indian characters other than Hindi must always be transliterated.

Note 1.— bills affixed with facsimile signature of the authorised officer presented by the Posts and Telegraphs Department for telegram and trunk call charges, by the Municipalities and Corporations for water and electricity charges and by the Air India on account of their dues against Government (for passage fares, cargo and excess luggage charges), forming sub-vouchers of the contingent bills may be accepted for payment, if otherwise in order. Similarly, the recovery claims and credit notes affixed with facsimile signature of the authorised officer of the Marine, Shipping, Electricity and Forest departments of the Andaman and Nicobar Administration may be accepted, if they are otherwise in order.

Note 2.— Unsigned bills, prepared on computer, presented by the Indian Airlines on account of its dues against the Government (for passage fares, cargo and excess luggage charges) forming sub-vouchers of the contingent bills may be accepted for payment if otherwise in order. The disbursing officer

should, however, maintain a record containing the complete details of journeys, etc., so that the claim when presented can be verified.

145. Duplicate and Copies of Bills, etc.

(1) No Government officer may issue duplicates or copies of bills or other documents for the payment of money which has already been paid, on the allegation that the originals have been lost, If any necessity arise for such a document, a certificate may be given that on a specified day a certain sum was paid to a certain person. This prohibition extends only to the issue of duplicates on the allegation that the originals have been lost and does not apply to cases, if any, in which by any rule or order, duplicates have to be prepared and tendered with the originals.

(2) In the case of a bill passed by the Drawing Officer /Controlling Officer for presentation at a treasury but lost either before payment or before presentation at the treasury, the Government officer, who drew the original bill, shall ascertain from the treasury that payment has not been made on it before he issues a duplicate thereof. The duplicate copy if issued must bear distinctly on its face the word ‘duplicate’ written in red ink. The fact that duplicate bill has been issued shall be immediately communicated to the Treasury Officer with instructions to refuse payment on the original bill if presented.

Note.— For the purposes of this rule, the Treasury Officer on receipt of a request from any Drawing /Controlling Officer shall, after due verification from his records furnish a certificate in the following form:—

“Certified that Bill No, dated, for
Rs (Rupees) reported by
.....[drawing officer] to have been drawn by him on

this Treasury in favour of has not been paid, and will not be paid if presented hereafter.”

(3) When any kind of bill is required to be prepared in duplicate or triplicate, only one copy shall be signed or countersigned in full and other copy or copies may be only initialled. If the pre-audit by the Accountant General is required only the original copy shall be sent to that authority.

Section II – Personal Claims of Government servants – General Rules

220. Form and Preparation of Bills

(1) Bills for pay, fixed allowances (including permanent travelling allowance, conveyance allowance) and leave salary shall be prepared in Form T.R. - 22. Bills for travelling allowances, other than permanent or fixed allowances, shall be presented in Form T.R. - 25.

Exception.— Pay and fixed allowances of President, Vice - President, Ministers and Officers appointed under the seal of the President, and non-officials appointed on Committees, etc., set up by Government will be claimed on bills in Form T.R. - 16; their travelling allowance claims will be presented on bills in Form T.R. - 20.

¹ [(2) A separate pay bill should be prepared for –

- (i) establishment whose charges are debitable to different heads of accounts;
- (ii) personnel to whom salary is payable individually by cheques; and
- (iii) Group ‘D’ employees.

Each of the bills may be prepared by including both permanent and temporarily establishments, and divided into separate sections comprising the establishments and indicat-

1 Substituted vide C.S. No. 1/80-20, dated the 15th January, 1980

ing the description of each section prominently along with sanctioned number of posts included therein. (In the case of large establishments, separate bills may be prepared for different sections, if administratively found convenient). While for permanent posts, the sanctioned strength need only be indicated at the top of each section of posts, in the case of temporary posts, the number and date of the sanction letter(s) shall also be indicated. In cases where sanction(s) for continuance of posts has been applied for, the Drawing and Disbursing Officer shall indicate this fact in the bill and draw pay and allowances of the persons concerned at earlier rate. Except as provided in sub-rule (4) of this rule, the name of every incumbent shall be shown against each posts and the rates of pay and allowances claimed for each shall also be shown. When pay and allowances are drawn for a portion of a month only, the actual period for which these payments are claimed shall be mentioned against the concerned Government servant(s) in the body of the bill, the other instructions printed on the form of the bill should also be carefully followed.]

(3) The entries in all the money columns of the bill shall be totalled separately under each section /part and the totals written in red ink. The totals must be checked by the drawing officer himself or by some responsible person other than the person preparing the bill.

If, for any reason, the leave salary admissible to a Government servant on leave is not known (as for example, when the kind of leave to be granted to him has not been finally decided by the sanctioning authority) the amount of pay to which he would have been entitled had he remained on duty shall be entered in the money column of the form which is intended to show leave salary, the amount being left undisbursed and treated as held over pending the fixation of

the mount of his leave salary.

(4) Names of non-gazetted Government servants of the following categories shall be omitted from pay bills:—

- (a) all persons in Central Services Group 'D';
- (b) all head constables and constables.

The Government may, in consultation with the Comptroller and Auditor-General extend the provisions of this rule to other specified classes of establishments where entry of names in the pay bills is not essential for audit purposes.

Provided that in all such cases a certificate in the following form shall be endorsed on the bill:—

“Certified that all persons whose names are omitted from, but whose pay has been drawn in, this bill have actually been employed during the month, that full details of the emoluments drawn for them working up to the total included in this bill have been duly shown in the Pay Bill Register and that the emoluments drawn are according to the relevant rules and orders”.

The claims of Government servants whose names are omitted under the provisions of this rule shall not be lumped together and entered as a single item in the bills but the bills must show separately the numbers on different rates of pay or with different designations.

Note. — A Pay Bill Register in Form T.R.-22-A and an abstract of Pay Bill in Form T.R.-22-B shall be maintained, the former being in the form of a ledger for recording the dues payable and deductions made in respect of each claim for pay and allowances of a Government servant and the latter being an abstract of pay and allowance bills presented at a treasury. No office copy of a regular monthly pay and allowances bill need be maintained.

220-A. Absentee Statement

(1) The monthly bill shall be supported by an absentee statement in Form T.R. -23 if a Government servant, other than that belonging to any of the categories covered by sub-rule (5) of 220, was absent during the month either on special duty or suspension, or with or without leave other than casual leave, or when a post is left vacant substantively whether any officiating arrangements have or have not been made against it.

(2) In the case of amalgamated establishments, a consolidated absentee statement showing the complete chain of arrangements shall be separately furnished by the controlling authority within a period fixed by the Accounts Officer. No separate absentee statement need be furnished by the drawer of the bill along with the monthly pay bills, but in cases in which the power to sanction leave and officiating arrangements within the office has been delegated to Head of Offices, the requisite absentee statements shall be furnished by them along with the pay bill and such vacancies and arrangements shall not be included in the consolidated absentee statement to be furnished by the controlling authority.

Note.— In the case of amalgamated establishments on time-scale of pay, the arrangement made by Heads of Offices should be reported to the controlling authority for inclusion in the consolidated absentee statement.

220-B. Increment Certificate

(1) To the first bill in which a periodical increment is drawn for a Government servant, a certificate in Form T.R. - 24 shall be appended. In the case of Government servants whose names are omitted from pay bills under sub-rule (5) of Rule 220 such certificates need not be attached to the pay bills but should be made available for test check during local audit.

(2) Of the two alternative certificates printed in Form T.R. - 24, the former may be used in any case in which the increment becomes due to the Government servant concerned for having been incumbent of the post specified for the prescribed term counting from the date of the last increment or of appointment to the post, excluding periods of absence from duty not counting for increment and absence on extraordinary leave, etc., and if he has held post in an officiating capacity, or if the post held by him substantively was a temporary post, kinds of leave which are shown in the tabular portion of the certificate.

In all other cases, the second alternative form shall be used and it will be supported by an explanatory memorandum showing briefly but clearly the grounds on which the increment is claimed.

(3) When an increment claimed operates to carry a Government servant over an efficiency bar, it must be supported by a declaration from the authority empowered to allow the increment that it has satisfied itself that the Government servant concerned is fit to cross the bar.

Deductions from Bills

221. Fund deductions

The duty of noting the proper deduction to be made from pay bills on account of Provident and other funds shall devolve on the drawer of the bill but no discretion is allowed in carrying out any order received from the Accounts Officer to make any particular deduction. The procedure to be followed in making such deductions is laid down in Part VIII.

224. Recoveries ordered by Accounts officer

Deductions on account of sums disallowed from pay bills shall be made strictly in accordance with the instructions is-

sued by the Accounts Officer. The recovery of a sum disallowed from a pay bill may be made from the next pay bill. A sum disallowed from a travelling allowance bill may be recovered from the next payment of travelling allowance, or in cash or from the next pay bill if the Government servant concerned does not, within a month, present any other travelling allowance bill.

225. Attachment for Debt

When the pay of Government servant is attached by any order of a Court of Law, it is the duty of the officer receiving the attachment order to see that the proper deduction is made in satisfaction of such order from the pay of the Government servant concerned, and to keep a record of such deductions in Form T.R.-13.

If a Government servant is adjudged insolvent, the attachable portion of his salary vests in the Court that passed the order of insolvency or the Receiver appointed by the Court. The amounts which have been under attachment in execution of the decree against the insolvent shall also, after the orders of insolvency, vest in such court or the Receiver, and the attached mounts in such cases, in stead of being sent to the various Courts which issued the orders of attachment, should be sent to the Insolvency Court or the Receiver for *pro rata* distribution among all the creditors of the insolvent Government servant.

230. First Payment of Pay, Allowances, etc.

When the name of a Government servant appears for the first time in a pay bill, the bill shall be supported by a Last Pay Certificate in Form ¹[T.R.-73] prescribed for the purpose; if the government servant did not previously hold any post under the Government or is re-employed after resigna-

1 Substitued vide C.S. No. 1/81-37, dated the 21st April, 1981

tion or forfeiture of past service, a certificate by the drawing and disbursing officer to the effect that the medical certificate of fitness in the prescribed form has been obtained in respect of the Government servant must accompany the bill in conformity with and if so required by any rule or order governing the conditions of the service to which he belongs.

Where the competent authority under any rule or order authorises the drawal of pay and allowances of a newly appointed Government servant for a period not exceeding two months without a medical certificate of fitness, a certificate to this effect shall be furnished in the first pay bill.

If a pensioner is re-employed, the fact shall be stated in the bill.

¹[Note.— Deleted]

Section III – Contingent Charges

General Rules

287. Classification of Charges

Contingent charges incurred on the public service are divided into the following classes, the classification adopted in each department or office being determined by orders of competent authority:—

- (i) Contract contingencies— those for which a lump sum is placed annually at the disposal of a disbursing officer for expenditure without further sanction of any kind. The generally consist of charges, the annual incidence of which can be averaged with reasonable accuracy.
- (ii) Scale-regulated contingencies— to compromise such contingent charges as may be regulated by scales laid down by competent authority, e.g., rewards for destruction of wild animals, etc.
- (iii) Special contingencies— to include such contingent

¹ Delete vide C.S. No. 1/81-37, dated the 21st April, 1981

charges, whether recurring or non-recurring, as cannot be incurred without the previous sanction of superior authority.

(iv) Countersigned contingencies— to include such contingent charges as may require approval of some controlling authority before they can be admitted as legitimate expenditure against the Government, such approval usually taking the form of countersignature after payment on a detailed bill submitted to the Pay and Accounts Officer/Accountant-General.

(v) Fully vouched contingencies— to comprise contingent charges which requires neither special sanction nor countersignature, but may be incurred by the Head of the office on his own authority subject to the necessity of accounting for them. These may be passed on fully vouched bills without countersignature.

Note.— The five classes of contingencies set forth above are not necessarily mutually exclusive. There may be case in which special contingencies may be regulated by scales, or in which a bill for scale-regulated contingencies may require countersignature. When a contingent bill falls within two or more classes, the procedure prescribed in Rule 302 to 315 for each of these classes should, as far as possible, be applied to.

288. Permanent advances

Government officers who have make payments for contingent expenditure before they can place themselves in funds by drawing contingent bills on the ¹[Pay and Accounts Office/Treasury] may make such payments out of permanent advances or imprest which they may be permitted to hold under the orders of competent authority, subject to recoupment on presentation of contingent bills. ²[All such

1 Substituted vide C.S. No. 1/79/18, dated the 20th December, 1979

2 Substituted vide C.S. No. 1/87/55, dated the 9th April, 1987

claims up to Rs. 500 may be disbursed out of permanent advance or imprest.]

¹[Note.— The monetary limit will not apply in regard to claims relating to telephone, electricity and water bills in the case of a non-cheque drawing DDO stationed at a place different from that at which the accredited PAO /Cheque Drawing DDO authorised to pay his contingent bills, as the case may be, is located.]

289. General limitations

All charges actually incurred must be paid and drawn at once, and under no circumstances may they be allowed to stand over to be paid from the grant of another year.

295. Responsibility of drawing officers

Every Government officer shall exercise the same vigilance in respect of petty contingent expenses as a person of ordinary prudence may be expected to exercise in spending his own money. The drawing officer is further responsible for seeing that the rules regarding the preparation of bills are observed, that the money is either required for immediate disbursement or has already been paid from the permanent advance, that the expenditure is within the available appropriation and that all steps have been taken with a view to obtaining an additional appropriation if the original appropriation has either been exceeded or is likely to be exceeded, and that in the case of contract contingencies, the proposed expenditure does not cause any excess over the contract grant.

296. Responsibility of controlling authority

The countersigning officer shall be responsible for seeing that the items of expenditure included in a contingent bill are

1 Inserted vide C.S. No. 1/82/43, dated the 3rd March, 1982

of obvious necessity and are at fair and reasonable rates, that previous sanction for any item requiring it is attached, that the requisite vouchers are all received and are in order, that the calculations are correct, and specially that the grants have not been exceeded nor are they likely to be exceeded and that the Accountant-General has been informed either by a note on the bill or otherwise of the reason for any excess over the monthly proportion of the appropriation. If expenditure be progressing too rapidly, he shall communicate with the drawing officers and insist on its being checked.

Record of contingent Expenditure

298. Contingent Register

A register form of the contingent shall be kept in each office and the initials of the Head of the office, or of a Gazetted Officer to whom this duty has been delegated by the Head of the office, shall be entered against the date of payment of each item.

299. The standard form of the contingent register will be as in Form T.R.-29. The actual details such as the number of columns to be opened, the sub-heads and detailed heads and such further detailed classification as may be required for the purpose of control, may be settled by the Accountant-General and the controlling authority to suit the conditions of each department or office.

As a general rule, the most common sub-heads and detailed head may have separate columns with appropriations noted at the top. The less important and trivial items may be lumped together in one column when each of the separate items need not be accounted for or watched separately. Any charge falling under any of the separate column

but requiring explanation may be described in the column "Description" though the amount of it is entered only in its special column; the same "Description" column will serve also for note of the month or period to which any recurring charges entered in the other columns belong.

Note 1.— If more convenient, a separate register may be maintained for each class of contingent charges.

Note 2.— IF during the absence of the Head of the Office and of the Gazetted Officer to whom the duty of maintenance of contingent register has been delegated, the entries in the contingent register have been initialled by a non-gazetted Government Officer, the register must be reviewed and the entries re-initialled by the Head of the Office or such Gazetted Officer on return to duty at the Headquarters.

300. As each payment is made, entries must be made in the contingent register of the date of payment, the name of payee and the number of sub-voucher in the three columns to the left, and the amount in the proper column, and in the case of any charge requiring explanation, the initials of the officer incurring it shall be taken against the description.

301. To enable the disbursing officer to watch the progress of the expenditure under each detailed head as compared with the appropriation for it, a progressive total of all the columns must be made immediately after the monthly total so as to include all payments under each head, as also charges adjusted by book transfer under Rule 316 from the commencement of the year up to the end of the last expired month.

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GOVERNMENT OF MIZORAM
EXCISE & TAXATION DEPARTMENT

NOTIFICATION

No. A.34012/1/93 - EXC Dated the 18th Feb., 1999: In exercise of the power conferred under Rules 6 of the Mizoram Excise Department (Group 'A' posts) Recruitment Rules, 1992 published vide Notification No. A12018/2/91 - P&AR(GSW) dated the 23rd Feb., 1993 and in supersession of Notification vide No.A.34012/1/93 - EXC/18-21 Dt. 6.8.93, the Governor of Mizoram is pleased to prescribed syllabus for Departmental examination and training course to be performed by *Inspector of Excise* for promotion to the post of *Superintendent of Excise* as follows:

SYLLABUS OF EXAMINATION

1. The papers on general and departmental laws are intended to test the acquaintance of a candidate with the principles embodied in the Acts and Rules specified below and shall consist of the following papers, i.e. Paper-I and Paper - II:

PAPER - I : GENERAL LAWS

(A) : Indian penal Code:

- (1) Chapter - II : Secs. 12, 21, 29, 40, 41, 42, 44, 51
- (2) Chapter - IX: Secs. 167, 168, 170
- (3) Chapter - X : Secs. 177, 179, 180, 181, 182, 186, 187 & 189
- (4) Chapter - XI: Sec. 191, 192, 193, 195, 203, 204, 223 & 224
- (5) Chapter - XVI : Secs. 307, 319, 320, 321, 322, 330, 331, 340, 348, 375, 376-B

(B) : Code of Criminal Procedure, 1973:

- (1) Chapter - I : Secs. 1, 2, 5
- (2) Chapter - II : Secs 24 & 25
- (3) Chapter - III: Secs 26, 28 & 29
- (4) Chapter - V : Secs. 41 to 60
- (5) Chapter VII : Sec. 100
- (6) Chapter - X : Secs 154 to 173
- (7) Chapter - XIX : Secs. 190, 193
- (8) Chapter - XVII : Secs. 216, 223
- (9) Chapter - XXI : Sec. 260
- (10) Chapter - XXIV : Secs 302, 306

- (11) Chapter - XXVII : Secs 360, 361
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- (13) Chapter-XXXIII : Secs 436, 437, 438, 439
- (14)Chapter-XXXVII : Sec 475

(C) : Constitution of India:

- (1) Part - III : Article 20, 21, 22
- (2) Part - IV : Article 50
- (3) Part - IV(A) : Article 51-A
- (4) Part - V : Article 141
- (5) Part - XIV : Article 309, 311
- (6) Part - XXI : Article 371-G
- (7) Para 12-B of the Sixth Schedule
- (8) Entry 51 of List- II of the Seventh Schedule

PAPER - II : DEPARTMENTAL LAWS

(A) 1. The Narcotic Drugs and Psychotropic Substances Act, 1985 and Rules

2. The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Act, 1988

(B) The Mizoram Excise, 1973 and Rules

(C) The Mizoram Liquor Total Prohibition Act, 1995 and Rules, 1996

PAPER - III : (Service Rules and General English)

1. Service Rules:

(a) FR &SR - II (Travelling Allowances) Chapter III Secs. IX and XIX

(b) FR&SR-III, Central Civil Services (Leave) Rules, 1972–

Chapter IV Rules 26, 29, 30, 31 & 32 and Chapter V Rule 43

(c) The Central Civil Service(Conduct) Rules, 1964 - Rules 3, 5, 7 and 22

(d) The Central Civil Service(Classification, Control and Appeal) Rules, 1965 - Rules 10, 11, 14 and 16

2. Office procedure, G.F.R. & C.T.R.

(a) Central Secretariat – Manual of Office Procedure Chapter III, IV, VI & VII

(b) General Financial Rules–

(1) Chapter 4 – Power of sanction

(2) Chapter 6 – Establishment

- (3) Chapter 7 – Contingent and Miscellaneous expenditure
Section I, II, III
- (4) Chapter 14 – Advance to Government servant
Sections I, II, III, IV & XVII
- (c) Central Treasury Rules
 - (1) Part I – General principles
 - (2) Part III – Receipt of Government money: Rules 76, 77-A
 - (3) Part V – Withdrawal of money from Government Account
Section I – General Rules: Rules 130, 131, 138, 141, 145
Section II – Personal Claims: Rules 220, 220-A, 220-B,
221, 224, 225 & 230
Section - III – Contingent charges:
Rules, 287, 288, 289, 295, 296, 299, 300 & 301
- (d) General English : It should be of an elementary character
 2. Service Rules, Office Procedures, General English, GFR and CTR shall consists of one paper. This paper is intended to test the acquaintance of a candidate with service rules and office procedures including his knowledge of English and for basic knowledge of General Financial Rules and Central Treasury Rules. The paper shall be of a fairly elementary character.
 3. The Total marks carried by each paper together with the minimum pass marks in each paper and time allowed for answering the questions shall be as indicated below:

Sl No	Paper	Full Marks	Minimum Pass Marks	Time allowed
1.	Paper - I (General Law)	100	40	3 hrs
2.	Paper - II (Departmental Law)	100	40	3 hrs
3.	Paper - III (Service Rules, Office Procedures, General English, GFR & CTR)	100	40	3 hrs

TRAINING COURSE

Training Course have been designed for the Excise Officers for improvement of their efficiency in the administration of Excise and Narcotic Laws. The Training Course shall cover the following :-

- (1) Basic Training in Physical Training (PT) and drill with and without arms.
- (2) Excise Training – Excise Laws, Collecting of evidence, Prosecution, Collection of Excise Revenue
- (3) Drugs Laws and Enforcement.

Sd/- LALNGHETA SAILO
Secretary to the Govt. of Mizoram,
Excise Department.

Memo No A.34012/1/93 - EXC : Dated Aizawl, the 18th Feb, 1999
Copy to:

1. Secretary to the Governor of Mizoram.
2. P.S. to Chief Minister, Mizoram, Aizawl.
3. P.S. to all Ministers/Minister of State, Mizoram
4. P.A. to Speaker/Deputy Speaker, Mizoram.
5. P.S. to Chief Secretary, Mizoram.
6. All Administrative Departments.
7. All Heads of Departments.
8. Commissioner of Excise.

Sd/- ZULAWMA
Under Secretary to the Govt. of Mizoram,
Excise & Taxation Department.

GOVERNMENT OF MIZORAM
EXCISE & TAXATION DEPARTMENT

NOTIFICATION

No. A.23012/1/93 - EXC Dated the 18th Feb., 1999: In exercise of the power conferred under Rules 6 of the Mizoram Excise Department (Group 'B' posts) Recruitment Rules, 1995 published vide Notification No. A12018/2/91 - P&AR(GSW) dated the 14th July, 1995 and in supersession of Notification vide No.A.34012/1/93 - EXC/16-18 Dt. 6.8.97, the Governor of Mizoram is pleased to prescribe syllabus for Departmental examination and training course to be performed by *Sub-Inspector of Excise* for promotion to the post of *Inspector of Excise* as follows:

SYLLABUS OF EXAMINATION

1. The papers on general and departmental laws are intended to test the acquaintance of a candidate with the principles embodied in the Acts and Rules specified below and shall consist of the following papers, i.e. Paper-I and Paper - II:

PAPER - I : GENERAL LAWS

(A) : Indian penal Code:

- (1) Chapter - II : Secs. 29, 41, 42, 51
- (2) Chapter - X : Secs. 177, 180, 182, 186
- (4) Chapter - XI: Sec. 203, 204, 224
- (5) Chapter-XVI : Secs. 319, 320, 330, 331, 340, 348, 375, 376-B

(B) : Code of Criminal Procedure, 1973:

- (1) Chapter - I : Secs 2
- (2) Chapter - V : Secs. 41, 43, 45, 46, 50, 51, 53, 57
- (3) Chapter VII : Sec. 100
- (4) Chapter - X : Secs 154, 157, 158, 160, 161, 162, 164, 165, 167, 169, 172, 173
- (5) Chapter - XIX : Sec. 190
- (6) Chapter - XVII : Sec. 223
- (7) Chapter-XXXIII : Secs 437, 438

(C) : Constitution of India:

- (1) Part - III : Article 22

- (2) Part - XIV : Article 311
- (3) Part - XXI : Article 371-G
- (4) Para 12-B of the Sixth Schedule

PAPER - II : DEPARTMENTAL LAWS

(A) 1. The Narcotic Drugs and Psychotropic Substances Act, 1985

- (1) Chapter - I : Sec. 2
- (2) Chapter - III : Sec. 8
- (3) Chapter - IV : Secs 18, 20, 21, 22, 23, 25, 27, 27-A, 28, 29, 31, 32-A, 33, 36-A, 37, 39
- (4) Chapter - V : Secs. 41, 42, 43, 50, 51, 52-A, 53, 53-A, 54, 57, 58, 60
- (5) The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Act, 1985

(B) The Mizoram Excise, 1973 and Rules

- (1) Chapter - I : Sec. 2
- (2) Chapter - IV : Secs 15, 17
- (3) Chapter - VII : Secs 36, 37, 38
- (4) Chapter - VIII : Secs. 48, 49, 55, 57, 58, 60, 61, 62, 64, 65, 66, 69, 70, 71
- (5) The Mizoram Excise Rules, 1983

(C) The Mizoram Liquor Total Prohibition Act, 1995

- (1) Chapter - I : Sec. 2
- (2) Chapter - II : Sec. 3
- (3) Chapter - III : Secs 7, 8, 9, 10, 15, 16, 19, 20, 21, 22, 24, 25
- (4) Chapter - IV : Secs. 28, 29, 30, 31, 32, 33, 36, 37, 39, 40, 41, 43, 44, 45, 46, 47, 48
- (5) Chapter - V : Secs 50, 51, 52, 53, 54, 55, 56, 57, 58
- (6) Chapter - VI : Secs 59, 60, 66, 67
- (7) The Mizoram Liquor Total Prohibition Rules, 1996 –
Parts - III, IV & V

PAPER - III : (Service Rules and General English)

(1) Service Rules:

- (a) FR&SR-III, Central Civil Services (Leave) Rules, 1972–
Chapter IV Rules 26, 29, 30, 31 & 32

(b) The Central Civil Service(Conduct) Rules, 1964 - Rules 3, 5 and 22

(c) The Central Civil Service(Classification, Control and Appeal) Rules, 1965 - Rules 10, 11, 14 and 16

2. Service Rules and General English shall consists of one paper. This paper is intended to test the acquaintance of a candidate with Service Rules including his knowledge of English. The paper shall be of a fairly elementary character.

3. The Total marks carried by each paper together with the minimum pass marks in each paper and time allowed for answering the questions shall be as indicated below:

Sl No	Paper	Full Marks	Minimum Pass Marks	Time allowed
1.	Paper - I (General Law)	100	40	3 hrs
2.	Paper - II (Departmental Law)	100	40	3 hrs
3.	Paper - III (Service Rules and General English)	100	40	3 hrs

TRAINING COURSE

Training Course have been designed for the Excise Officers for improvement of their efficiency in the administration of Excise and Narcotic Laws. The Training Course shall cover the following :-

- (1) Basic Training in Physical Training (PT) and drill with and without arms.
- (2) Excise Training – Excise Laws, Collecting of evidence, Prosecution, Collection of Excise Revenue
- (3) Drugs Laws and Enforcement.

Sd/- LALNGHETA SAILO
Secretary to the Govt. of Mizoram,
Excise Department.

Memo No A.23012/1/93 - EXC: Dated Aizawl, the 18th Feb, 1999

Copy to:

1. Secretary to the Governor of Mizoram.
2. P.S. to Chief Minister, Mizoram.
3. P.S. to all Ministers/Minister of State, Mizoram
4. P.A. to Speaker/Deputy Speaker, Mizoram.
5. P.S. to Chief Secretary, Mizoram.
6. All Administrative Departments.
7. All Heads of Departments.
8. Commissioner of Excise.

Sd/- ZULAWMA
Under Secretary to the Govt. of Mizoram,
Excise & Taxation Department.

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GOVERNMENT OF MIZORAM
EXCISE & TAXATION DEPARTMENT

NOTIFICATION

No. A.34012/1/93 - EXC Dated the 18th Feb., 1999: In exercise of the power conferred under Rules 6 of the Mizoram Excise Department (Group 'B' posts) Recruitment Rules, 1995 published vide Notification No. A12018/2/01 - P&AR(GSW) dated the 14th July, 1995, the Governor of Mizoram is pleased to prescribe syllabus for Departmental examination and training course to be performed by *Asst. Sub-Inspector of Excise* for promotion to the post of *Sub-Inspector of Excise* as follows:

SYLLABUS OF EXAMINATION

1. The papers on general and departmental laws are intended to test the acquaintance of a candidate with the principles embodied in the Acts and Rules specified below and shall consist of two papers, i.e. Paper-I and Paper - II:

PAPER - I : GENERAL LAWS

(A) : *Indian penal Code:*

- (1) Chapter - X : Secs. 182, 186
- (4) Chapter - XI: Sec. 203, 223
- (5) Chapter - XVI : Secs. 319, 320, 330, 331, 340, 348

(B) : *Code of Criminal Procedure, 1973:*

- (1) Chapter - I : Secs 2
- (2) Chapter - V : Secs. 46, 50, 51, 53, 57
- (3) Chapter VII : Sec. 100
- (4) Chapter - X : Secs 154, 157, 158, 160, 161, 162, 164, 165, 167, 173

PAPER - II : DEPARTMENTAL LAWS

(A) 1. *The Narcotic Drugs and Psychotropic Substances Act, 1985*

- (1) Chapter - I : Sec. 2
- (2) Chapter - III: Sec. 8
- (3) Chapter - IV: Secs 18, 20, 21, 22, 25, 27, 36, 36-D, 37, 39
- (4) Chapter - V : Secs. 41, 42, 50, 52-A, 53, 53-A, 57, 58, 60, 61, 62, 64-A

(B) The Mizoram Excise, 1973 and Rules

- (1) Chapter - I : Sec. 2
- (2) Chapter - IV : Secs 15, 17
- (3) Chapter - VII : Secs 37, 38
- (4) Chapter - VIII : Secs. 48, 55, 58, 61, 69, 70, 71

(C) The Mizoram Liquor Total Prohibition Act, 1995

- (1) Chapter - III : Secs 7, 8, 21, 22, 24
- (2) Chapter - IV : Secs. 29, 31, 37, 44, 45, 46
- (3) Chapter - V : Secs 50, 51, 55, 56, 57

PAPER - III : (Service Rules and General English)

(1) Service Rules:

- (a) FR&SR-III, Central Civil Services (Leave) Rules, 1972– Rule 7, 12, 19, 26
- (b) The Central Civil Service(Conduct) Rules, 1964 - Rules 3, 5 and 22

- (2) General English - It should be an elementary character

2. Service Rules and General English shall consists of one paper. This paper is intended to test the acquaintance of a candidate with Service Rules including his knowledge of English. The paper shall be of a fairly elementary character.

3. The Total marks carried by each paper together with the minimum pass marks in each paper and time allowed for answering the questions shall be as indicated below:

Sl No	Paper	Full Marks	Minimum Pass Marks	Time allowed
1.	Paper - I (General Law)	100	40	3 hrs
2.	Paper - II (Departmental Law)	100	40	3 hrs
3.	Paper - III (Service Rules and General English)	100	40	3 hrs

TRAINING COURSE

Training Course means Basic Training in Physical Training (PT) and drill with and without arms.

Sd/- LALNGHETA SAILO
Secretary to the Govt. of Mizoram,
Excise Department.

Memo No A.34012/1/93 - EXC : Dated Aizawl, the 15th Oct, 2001
Copy to:

1. Secretary to the Governor of Mizoram.
2. P.S. to Chief Minister, Mizoram, Aizawl.
3. P.S. to all Ministers/Minister of State, Mizoram
4. P.A. to Speaker/Deputy Speaker, Mizoram.
5. P.S. to Chief Secretary, Mizoram.
6. All Administrative Departments.
7. All Heads of Departments.
8. Commissioner of Excise.

Sd/- ZULAWMA
Under Secretary to the Govt. of Mizoram,
Excise & Taxation Department.

GOVERNMENT OF MIZORAM
EXCISE & TAXATION DEPARTMENT

Dated Aizawl, the 15th March, 2005

NOTIFICATION

No. A.34012/1/93 - EXC: In exercise of the power conferred under Rules 6 of the Mizoram Excise Department (Group 'C' posts) Recruitment Rules, 1997 published vide Notification No. A12018/2/91 - P&AR(GSW) the 7th April, 1997 and in supersession of Notification vide No.A23012/1/98 - EXC Dt. 18th Feb., 1999, the Governor of Mizoram is pleased to prescribe syllabus for Departmental examination and training course to be performed by ***Wireless Operator, Head Excise Constable and Matriculate Excise Constable*** for promotion to the post of ***Assistant Sub-Inspector of Excise*** as follows:

SYLLABUS FOR EXAMINATION

1. The papers on general and departmental laws are intended to test the acquaintance of a candidate with the principles embodied in the Acts and Rules specified below and shall consist of the following papers:

PAPER - I : GENERAL LAWS (*With Books*)

(A) : *Indian penal Code:*

- (1) Chapter - XI: Sec. 223
- (2) Chapter - XVI : Secs. 319, 320, 321, 322, 330, 331, 340, 348

(B) : *Code of Criminal Procedure, 1973:*

- (1) Chapter - I : Sec. 2
- (2) Chapter - V : Secs. 41, 46, 50, 53, 57
- (3) Chapter VI : Secs 62, 64, 65
- (4) Chapter - VII : Secs 154, 153, 161, 167

PAPER - II : DEPARTMENTAL LAWS (*With Books*)

(A):*The Narcotic Drugs and Psychotropic Substances Act, 1985:*

- (1) Chapter - I : Sec. 2
- (2) Chapter - III: Sec. 8
- (3) Chapter - IV: Secs 18, 20, 21, 22, 25, 27, 27(A), 29, 37

(B) : The Mizoram Excise Act, 1973:

- (1) Chapter - I : Sec. 2
- (2) Chapter - IV: Sec. 15
- (3) Chapter - VII : Secs. 37, 38
- (4) Chapter - VIII : Secs. 48, 69, 70, 71

(C) : The Mizoram Liquor Total Prohibition Act, 1995:

- (1) Chapter - III : Secs. 7, 8, 21, 22, 24
- (2) Chapter - V : Secs 50, 51, 55, 56, 57

PAPER-III: GENERAL ENGLISH AND GENERAL KNOWLEDGE

2. The Total marks carried by each paper together with the minimum pass marks in each paper and the time allowed for answering the questions shall be as indicated below:

SI No	Paper	Full Marks	Minimum Pass Marks	Time allowed
1.	Paper - I	100	40	3 hrs
2.	Paper - II	100	40	3 hrs
3.	Paper - III	100	40	3 hrs

TRAINING COURSE

Training Course means Basic Training with Physical Training (PT) and Drill with and without Arms etc.

Memo No A.34012/1/93 - EXC: Dated Aizawl, the 15th March, 2005
Copy to:

- 1. Secretary to the Governor of Mizoram.
- 2. P.S. to Chief Minister, Mizoram, Aizawl.
- 3. P.S. to all Ministers/Minister of State, Mizoram
- 4. P.A. to Speaker/Deputy Speaker, Mizoram.
- 5. P.S. to Chief Secretary, Mizoram.
- 6. All Administrative Departments.

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7. All Heads of Departments.
8. Controller, Printing & Stationery with 6(six) spare copies for publication in the Official Gazette.
9. Commissioner of Excise.
10. Guard File.

Sd/- CHAWNGHMINGLIANI
Under Secretary to the Govt. of Mizoram,
Excise & Taxation Department.

-257-
GOVERNMENT OF MIZORAM
EXCISE & TAXATION DEPARTMENT

Dated Aizawl, the 14th March, 2005

NOTIFICATION

No. A.34012/1/93 - EXC: In exercise of the power conferred by Rules 6 of the Mizoram Excise Department (Group 'C' posts) Recruitment Rules, 1997 notified under Notification No. A12018/2/91 - P&AR(GSW) Dt. 14.5.1996, and No. A. 12018/3/2003 - P&AR(GSW) Dt. 15th Oct., 2003, the Governor of Mizoram is pleased to prescribe syllabus for Departmental examination and training course to be performed by *Excise Constable* with at least 5 years regular service in the grade for promotion to the post of *Wireless Operator* as follows:

**SYLLABUS FOR DEPARTMENTAL EXAMINATION TO BE
PERFORMED BY EXCISE CONSTABLE FOR PROMOTION
TO THE POST OF WIRELESS OPERATOR**

PAPER - I : GENERAL LAWS (*With Books*)

(A) : *Indian Penal Code(IPC):*

- (1) Chapter - XI : Sec. 223
- (2) Chapter - XVI : Secs. 319, 320, 330, 331, 340, 348

(B) : *Code of Criminal Procedure, 1973:*

- (1) Chapter - V : Secs. 41, 46, 50, 57

PAPER - II : DEPARTMENTAL LAWS (*With Books*)

(A) : *The Mizoram Excise Act, 1973:*

- (1) Chapter - VII : Sec. 38
- (2) Chapter - VIII : Secs. 48, 58

(C) : *The Mizoram Liquor Total Prohibition Act, 1995:*

- (1) Chapter - III : Secs. 7, 8, 24
- (2) Chapter - V : Secs 55, 55A, 57

**PAPER - III : GENERAL ENGLISH AND GENERAL
KNOWLEDGE**

The Total marks carried by each paper together with the minimum pass marks in each paper and the time allowed for answering the questions shall be as indicated below:

Sl No	Paper	Full Marks	Minimum Pass Marks	Time allowed
1.	Paper - I	100	40	3 hrs
2.	Paper - II	100	40	3 hrs
3.	Paper - III	100	40	3 hrs

TRAINING COURSE

Training Course means Basic Training with Physical Training (P.T.) and Drill with and without Arms etc.

Sd/- K. NARSIMHA
Secretary to the Govt. of Mizoram,
Excise Department.

Memo No A.34012/1/93 - EXC : Dated Aizawl, the 14th March, 2005
Copy to:

1. Secretary to the Governor of Mizoram.
2. P.S. to Chief Minister, Mizoram, Aizawl.
3. P.S. to all Ministers/Minister of State, Mizoram
4. P.A. to Speaker/Deputy Speaker, Mizoram.
5. P.S. to Chief Secretary, Mizoram.
6. All Administrative Departments.
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