

दूरभाष / Telephone : 044-28331156

फेक्स / Fax : 044-28331099



भारत सरकार / GOVERNMENT OF INDIA

वित्त मंत्रालय / MINISTRY OF FINANCE

राजस्व विभाग / DEPARTMENT OF REVENUE

केन्द्रीय उत्पाद शुल्क के मुख्य आयुक्त का कार्यालय, चेन्नै अंचल  
OFFICE OF THE CHIEF COMMISSIONER OF CENTRAL EXCISE  
CHENNAI ZONE

26/1, महात्मा गांधी मार्ग, नुंगम्बाक्कम, चेन्नै-600 034

26/1, Mahatma Gandhi Road, Nungambakkam, Chennai 600 034

सी.सं./C.No.II/3/21/2012 -सं.नि.प्रा.-स्था./CCA.Estt

दिनांक/Date : .09.2015

To,  
The General Secretary,  
All India Association of Central Excise Gazetted Executive officers,  
Chennai Unit.

Sub: Lunch Hour Demonstration - Denial of permission – reg.

This is with reference to your letter dated 01.09.2015 regarding conducting Lunch Hour Demonstration on 02.09.2015 at this office premises.

In this connection, it is to inform that your intimation for conducting Lunch Hour Demonstration within office premises cannot be acceded to as there is a meeting with trade scheduled in office at the same time. It may please be noted that demonstration within office premises is in contravention of Rule 7(i) of CCS Conduct Rules, 1964.

This issues with the approval of Competent Authority.

Yours faithfully,

*R. Jagannathan*  
(R. JAGANNATHAN)

ADDITIONAL COMMISSIONER(CCA)

*Recd by me  
at 11:58 AM / 02.09.15*

ALL INDIA ASSOCIATION OF CENTRAL EXCISE GAZETTED EXECUTIVE OFFICERS :  
CHENNAI UNIT

Lr.No.Nil / 2015

Dated : 02.09.2015

To

The Competent Authority  
Central Excise  
Chennai Zone.

Sir,

Sub : Lunch Hour Demonstration – Denial of permission - Holding of meeting  
in the office premises – Nationwide general strike today i.e., 02.09.2015  
- Reg.

Ref : Competent Authority's letter in C.No.II/3/21/2012-CCA:Estt. dt.Nil.

Through the above reference, it has been intimated that demonstrations within office premises is in contravention of Rule 7(i) of CCS(Conduct) Rules,1964 and consequently permission has been denied to hold lunch hour meeting within office premises. In this regard, I invite your kind attention to Rule 7(i) of CCS(Conduct) Rules,1964 which states that –

Quote : No Government servant shall engage himself or participate in any demonstration which is prejudicial to the interests of the Sovereignty & 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 – Unquote. (copy enclosed).

Government of India decision 4 in this regard specifically prescribes requirement of permission for demonstrations which are in contravention of Rule 7(i) (G.I Ministry of W.&H.A.V, No.366 dt.the 10<sup>th</sup> June 1969).

The proposed demonstration are not in anyway relevant to the proscription under Rule 7(i). Consequently there is no requirement of any permission that is to be obtained as the proposed demonstration is to merely express our solidarity with the Central Government Employees who are sitting on a strike today, i.e., 2<sup>nd</sup> September 2015 demanding their legitimate expectations on pay and service related matters which are going to benefit all Government Employees including Group 'A'.

In deference to the fact that a trade meeting is taking place in this Office, the demonstration is not being held in the Central Excise Office premises and is being held elsewhere.

However, it is recorded that the denial of permission to a recognised association is akin to muzzling its legitimate functioning.

Yours truly,



(R.CHANDRAMOULI)  
General Secretary

- Copy to (i) The President / Secretary General, AICEGEO, Chennai / New Delhi.  
(ii) The Secretary, Confederation of Central Government Gazetted Officers' Organisation.  
(iii) The Secretary, Income Tax Gazetted Officers' Association .  
(iv) The Secretary, Staff side, National Council, JCM.  
(v) The Secretary, CCGE&WF, Chennai.  
- for taking up the issue in the National Council, JCM /-Departmental Council, JCM.

- (v) Announcements relating to matters of general interest to the members of Association/Union provided—
- (a) they are not in the nature of criticism;
  - (b) they are not subversive of discipline;
  - (c) they do not contain objectionable or offensive language; and
  - (d) they do not contain attacks on individuals, directly or indirectly.

(2) Authority competent to decide whether the objects or activities of an Association attract the provisions of Rule 6.—In the meeting of the Committee of the National Council (NCM) held on 28th January, 1977, the Staff Side referred to their request that it should be clearly laid down as to how it should be decided whether the objects or activities of an Association attract the provisions of Rule 6 of the CCS (Conduct) Rules, 1964, as, without such clarification, it was possible for any competent authority at any level to proceed against an employee for violation of the aforesaid rule, without proper justification. The views of the Staff Side have been considered carefully by Government. As a comprehensive and exhaustive enumeration of various objects or activities which would attract Rule 6 of the CCS (Conduct) Rules, 1964, is not practicable and as the apprehension of the Staff Side was mainly in regard to the possibility of arbitrary action at lower levels, it has been decided that action for alleged violation of Rule 6 of CCS (Conduct) Rules, 1964, can be taken by a disciplinary authority only when an authority not below the level of a Head of Department has decided that the objects or activities of the Association concerned are such as would attract Rule 6 *ibid.* Where the Head of Department is himself in doubt, he shall seek the advice of the Administrative Ministry/Department concerned before action for the alleged violation of Rule 6 of CCS (Conduct) Rules, 1964, is initiated.

Ministry of Finance, etc., are requested to bring the above decision to the notice of all concerned serving under their control.

[ G.I., M.H.A., O.M. No. 11013/2/77-Est. (A), dated the 7th June, 1978. ]

## 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.

## GOVERNMENT OF INDIA'S DECISIONS

(1) Government servants who are office-bearers of service associations, not to deal in their official capacity with matters connected with those associations.—Reference Home Ministry's Office Memorandum No. 24/23/57-Est. (B), dated the 3rd March, 1959 (*not reproduced*), on the above subject, a point has been raised whether after the promulgation of the Central Civil Services (Recognition of Service Associations) Rules, 1959, the convention that an officer who may be required to deal in a responsible capacity with representation from a Service Association, should not be an office-bearer or a member of the Executive Committee of that Association would continue to be observed. It has been decided that any Government servant who is an office-bearer or a member of the Executive Committee of a Service Association should not himself deal in his official capacity with any representation or other matters connected with that Association.

[ G.I., M.H.A., O.M. No. 24/1/60-Est. (B), dated the 25th January, 1960. ]

(2) Interpretation of what constitutes a 'strike' under the Conduct Rules.—Rule 7 (ii) of the Central Civil Services (Conduct) Rules, 1964, provides that no Government servant shall resort to or in any way abet any form of strike in connection with any matter pertaining to his service or the service of any other Government servant. Instances have come to the notice of Government where employees resort to various methods of protests for redress of grievances, some of which are tantamount to strike. References have been received seeking clarification whether certain acts are covered under the definition of 'strike' and if so, whether action can be taken against such employees for violation of the Conduct Rules.

It is, therefore, clarified that 'strike' means refusal to work or stoppage or slowing down of work by a group of employees acting in combination, and includes—

- (i) mass abstention from work without permission (which is wrongly described as "mass casual leave");
- (ii) refusal to work overtime where such overtime work is necessary in the public interest;
- (iii) resort to practices or conduct which is likely to result in or results in the cessation or substantial retardation of work in any organization. Such practices would include, what are called, 'go-slow', 'sit-down', 'pen-down', 'stay-in', 'token', 'sympathetic' or any other similar strike; as also absence from work for participation in a Bandh or any similar movements.

Government servants who resort to action of the above kind violate Rule 7 (ii) of the Central Civil Services (Conduct) Rules, 1964, and disciplinary action can be taken against them. It may be noted that the list of activities which are covered under the definition of strike as enumerated

above is only illustrative and not exhaustive. It only clarifies the position in respect of practices which are often resorted to at present.)

[ G.I., M.H.A., O.M. No. 25/23/66-Ests. (A), dated the 9th December, 1966. ]

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

- (i) Disciplinary action should be taken against the prominent participants in the "Gherao" for contravention of Rules 3 and 7 of the CCS (Conduct) Rules, 1964. In the charge-sheet to be served in pursuance of such disciplinary action, it should be specified to the extent that the facts justify, that demonstration prejudicial to public order and involving criminal offences, namely, wrongful restraint, wrongful confinement, criminal trespass and incitement to such offences, have been held; that such conduct was subversive of discipline and harmful to the public interest; and that the conduct was wholly unbecoming of a Government servant.
- (ii) Absence from work on account of participation in "Gherao" should in all cases be treated as unauthorized absence involving break in service. The absence should not be regularized as leave of any kind.
- (iii) Whenever there is a case of "Gherao", wrongful restraint, wrongful confinement or criminal trespass or of any other cognizable offence, a written report should be made to the Officer-in-charge of the Police Station having jurisdiction, requesting him to register the offence and to take action under the law. The names of the offenders to the extent known, and of responsible witnesses to the offences should be included in the written report. Copies of the report should be endorsed to the Police Commissioner/Superintendent of Police and the

Home Secretary to the State Government concerned for necessary action according to law.

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

[ G.I., M.H.A., O.M. No. 25/(S)/11/67-Ests. (A), dated the 13th April, 1967. ]

While taking action to file a complaint before the appropriate Magistrate, the assistance of the officer of the Central Bureau of Investigation, if any, available locally, may also be taken in drafting the complaints and deciding the manner, in which evidence should be collected and produced.

[ G.I., M.H.A., O.M. No. 25/(S)/11/67-Ests. (A), dated the 15th April, 1967. ]

(4) **Holding of meetings/demonstrations by Government servants within office premises is violative of Rule 7 (f).**—It has been noticed that demonstrations are sometimes held by Government servants in contravention of Rule 7 (f). The Government of India hereby want to make it clear that holding of meeting/demonstration by any Government servant(s) without permission within his/their office premises is strictly prohibited and any violation of these instructions will be taken serious note of and those concerned will be dealt with suitably under the disciplinary rules by which they are governed.

[ G.I., Ministry of W. & H.A.V., No. 366, dated the 10th June, 1969. ]

## 1[ 8. Connection with press or other media

(1) **No Government servant shall, except with the previous sanction of the Government, own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication or electronic media.**

(2) **Nothing in sub-rule (1) shall apply in case a Government servant in the bona fide discharge of his official duties publishes a book or participates in a public media.**

(3) **A Government servant publishing a book or participating in a public media shall at all times make it clear that the views expressed by him are his own and not that of Government.** ]

1. Substituted by G.I., Dept. of Per. & Tg., Notification No. 11013/4/93-Estt. (A), dated the 12th July, 1995 and published as GSR 355 in the Gazette of India, dated the 29th July, 1995.