

114. SUPREME COURT OFFICERS AND SERVANTS (CONDITIONS OF SERVICE AND CONDUCT) RULES, 1961

1. Short title and application.—(1) These rules shall be called the Supreme Courts Officers and Servants (Conditions of Service and Conduct) Rules, 1961.

(2) They shall apply to all officers and servants of the Court and shall come into force at once.

2. Definitions.—In these rules unless the context otherwise requires,—

- (a) the words and expressions 'Constitution', 'Court', 'Chief Justice', 'Judge', 'Registrar', 'Advocate', and 'Advocate on Record' used in these rules and not defined shall have the meanings respectively assigned to them in the Supreme Court Rules, 1966, as amended from time to time.
- (b) "*Court servant*" means any officer or servant appointed to or borne on the cadre of staff of the Supreme Court shown in the First Schedule as amended from time to time.
- (c) "*Post*" means a post in Class I, Class II, Class III, or Class IV according as such post is specified in Class I, Class II, Class IV, as the case may be, in the First Schedule as amended from time to time.
- (d) "*deputation*" means either the temporary loan by an outside authority of the services of one of its servants to the Court or the temporary loan by the Court of the temporary loan by the services of a Court servant to any outside authority.

An outside authority lending the services of one of its servants to the Court shall be called the 'Lending Authority'.

An outside authority borrowing the services of a Court servant shall be called the 'Borrowing Authority'.

- (e) "*Schedule*" means the schedule to these rules.
- (f) "*Disciplinary Authority*" in relation to the imposition of a penalty on a Court servant means the authority competent under these rules to impose on him that penalty.
- (g) "*Members of the family*" in relation to a Court servant means the wife, child or step-child of such Court servant whether residing with him or not and in relation to a Court servant who is a woman, the husband residing with her and dependent on her, but does not include a wife legally separated from the Court servant or child or step-child who is no longer in any way dependent on

him or of whose custody the Court servant has been deprived of by law.

PART II

Strength, appointment and conditions of service

3. Strength and composition of the staff of the Court.—(1) There shall be in the Court such number of permanent and temporary posts of the categories in Classes I, II, III and IV, respectively, as is specified in the first three columns of the First Schedule and the rates or scales of pay to which the holders of the said post shall be respectively entitled shall be those specified in the fourth column of that schedule.

(2) The Chief Justice may, from time to time, amend the First Schedule by increasing or decreasing the number of permanent or temporary posts of the categories or character specified therein :

Provided that :—

- (a) the power to create permanent posts in Class IV may be exercised by the Chief Justice in full ; and
- (b) the power to create permanent posts in Class III may be exercised by the Chief Justice in regard to the creation of such posts only as carry a scale of pay the maximum of which does not exceed Rs. 700 :

Provided further that—

- (c) the power of the Chief Justice to create temporary posts in Classes I, II, III and IV shall be limited to the creation of such posts for any specified period not exceeding two years ; and
- (d) the power of the creation of permanent as well as temporary posts as aforementioned shall be subject to the general conditions laid down in Rule 10 of the Book of Financial Powers.

4. Method of recruitment.—(1) Recruitment to a post or class of posts may be made by one or more of the following, namely :—

- (a) by promotion of a person already employed in the Court ;
 - (b) by transfer or deputation of a person serving outside the Court in connection with the affairs of the Union or of a State;
 - (c) by direct recruitment.
- (2) The Chief Justice may, from time to time, by general or special order—
- (a) specify the method or methods by which recruitment to a post or class or posts shall be made ;
 - (b) determine the proportion of vacancies to be filled by each method in case of recruitment by more than one such method ; and
 - (c) specify the manner in which such recruitment shall be made in case of direct recruitment.

5. Qualifications for appointment.—The qualifications required for appointment to the various categories of posts by departmental promotion

or otherwise shall be such as the Chief Justice may, from time to time, by general or special order, specify.

6. Appointing authority.—All appointments of Court servants shall be made by the Chief Justice in his absolute discretion :

Provided that the Chief Justice in exercise of the powers conferred upon him under Article 146(1) of the Constitution may, by general or special order, direct any other person specified in the said article to make appointments to any post or class of posts in the Court.

7. Probation.—(i) Every person appointed to a post by direct recruitment shall be on probation for a period of two years.

(ii) Every person of the Court appointed to a post by promotion shall be on probation for a period of one years :

Provided that the period of probation may, in the case of any particular person, be extended or reduced by order of the authority competent under Rule 6 to make appointment to the post for the time being held by such person.

Explanation.—If a Court servant competes with outsiders pursuant to a general advertisement and is appointed to the post he shall, for the purpose of probation, be deemed to have been appointed by direct recruitment and shall be on probation for a period of two years.

8. Seniority.—The seniority of Court servants shall be determined in accordance with such provisions as the Chief Justice may, from time to time, by general or special order make.

9. Conditions of service.—In respect of all such matters regarding the conditions of service of Court servants for which no provision or insufficient provision has been made in these rules, the rule and orders for the time being in force and applicable to servants holding corresponding posts in the Government of India shall regulate the conditions of service of Court servants subject to such modifications, variations or exceptions, if any, in the said rules and orders, as the Chief Justice may, from time to time, specify :

Provided that no order containing modifications, variations or exceptions in rules relating to salaries, allowances, leave or pensions shall be made by the Chief Justice except with the approval of the President :

Provided further that the powers exercisable under the rules and orders of the Government of India by the President or by any authority subordinate to the President shall be exercisable by the Chief Justice or by such person as he may, by general or special order direct.

Explanation.—For the purpose of this rule the posts specified in column 1 of the Second Schedule shall correspond to the posts in the Government of India shown against them in column 2 of that Schedule.

PART III

Control and Discipline

10. Control.—All Court servants shall be subject to the superintendence and control of the Chief Justice.

11. Penalties.—The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Court servant, namely,—

- (i) censure ;
- (ii) withholding of increments or promotion ;
- (iii) recovery from pay of the whole or part of any pecuniary loss caused to the Union by negligence or breach of orders ;
- (iv) reduction in rank including reduction to a lower posts or time scale, or to a lower stage in the time-scale ;
- (v) Compulsory retirement ;
- (vi) removal from service which shall not be a disqualification for future employment.
- (vii) dismissal from service which shall ordinarily be a disqualification for future employment.

Explanation.—(1) The termination of employment of a Court servant or revision of a Court servant to the post originally held by him during or at the end of the period of probation, or the termination of employment of a temporary Court servant in accordance with the terms of his appointment or in accordance with the terms of the agreement under which he is employed, or the replacement of the service of a Court servant whose services have been borrowed from any office outside the Court at the disposal of the authority which had lent the services ; does not amount to removal or dismissal within the meaning of this rule.

(2) The stoppage of a Court servant at the efficiency bar in the time scale of his pay on the ground of his unfitness to cross the bar does not amount to withholding of increment or promotion within the meaning of this rule.

(3) The non-promotion of a Court servant, after due consideration of his case, to a post or grade to which promotions are made by selection, does not amount to withholding of promotions within the meaning of this rule.

(4) The reversion to a lower post of a Court servant who is officiating in a higher post, after trial in the higher post or for administrative reasons (such as, the return of the permanent incumbent from leave or deputation, availability of a more suitable officers, and the like) does not amount to reduction in rank within the meaning of this rule.

(5) The compulsory retirement of a Court servant in accordance with the provisions relating to his superannuation or retirement shall not amount to a penalty under this rule.

(6) The withholding of increments of a Court servant for failure to pass a departmental examination in accordance with the rules or orders governing the post or the terms of his appointment does not amount to withholding of increment within the meaning of this rule.

12. Disciplinary Authorities.—(1) Subject to the provisions of clause (2) of Article 311 of the Constitution and Rule 17 of these rules, the Chief Justice shall have power to impose any of the penalties specified in Rule 11 on the Registrar or any other Court servant.

(2) Subject to the provisions of CIS (1) and (2) of Article 311 of the Constitution and Rule 17 of these rules and any special orders of the Chief Justice, the Registrar shall have power to impose any of the penalties specified in Rule 11 on any Court servant other than a Court servant in Class I :

Provided that no penalty specified in clauses (v) to (vii) of Rule 11 shall be imposed by any authority lower than the Appointing Authority.

13. Procedure for imposing major penalties.—(1) No order imposing on a Court servant any of the penalties specified in clauses (iv) to (vii) of Rule 11 shall be passed except after any enquiry, held as far as may be, in a manner hereinafter provided.

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

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

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

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

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

(7) At the conclusion of the inquiry, the Disciplinary Authority where it is itself the Inquiring Authority, or the Inquiring Authority where one is appointed shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefor, if in the opinion of such authority the proceedings of the inquiry establish charges different from those originally framed it may record findings on such charges provided that findings on such charges shall not be recorded unless the Court servant has admitted the facts constituting them or has had an opportunity of defending himself against them.

(8) The record of the inquiry shall include—

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

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

(10) (i) If the Disciplinary Authority, having regard to its finding on the charges, is of the opinion that any of the penalties specified in clauses (iv) to (vii) of Rule 11 should be imposed, it shall,—

- (a) furnish to the Court servant a copy of the report of Inquiring Authority and, where the Disciplinary Authority is not the Inquiring Authority, a statement of its finding together with brief reasons for disagreement, if any, with the finding of the Inquiring Authority ; and
- (b) give him a notice stating the action proposed to be taken in regard to him and calling upon him to submit within a specified time such representation as he may wish to make against the proposed action.

(ii) The Disciplinary Authority shall consider the representation, if any, made by the Court servant in response to the notice under clause (i) and determine what penalty, if any, should be imposed on the Court servant and pass appropriate orders on the case.

(11) In a case where one of the penalties specified in clauses (iv) to (vii) of Rule 11 is imposed on the Court servant on the ground of conduct which has led to his conviction on a criminal charge or where the Disciplinary Authority is satisfied that for some reason to be recorded by that authority in writing, it is not reasonably practicable to give to the Court servant an opportunity of showing cause before imposing any of the aforementioned penalties, it shall be lawful for the Disciplinary Authority to waive the requirements of any of the provisions of this rule.

(12) Orders passed by the Disciplinary Authority shall be communicated to the Court servant who shall also be supplied with a copy of the report of the Inquiring Authority and, where the Disciplinary Authority is not the Inquiring Authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the Inquiring Authority, unless they have already been supplied to him.

14. Procedure for imposing minor penalties.—(1) No order imposing any of the penalties specified in clauses (i) to (iii) of Rule 11 shall be passed except after—

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

(1-A) Notwithstanding anything contained in sub-rule (1), if after considering the representation (if any), made by the Court servant under clause (b) of that sub-rule, it is proposed to withhold increments of pay for a period, exceeding 3 years or with cumulative effect for any period, or to such an extent as is likely to effect adversely the amount of pension payable to such servant, an inquiry shall be held in the manner laid down in sub-rules (2) to (12) of Rule 13, before the penalty is imposed.

(2) The record of proceeding in such cases shall include—

- (i) A copy of the intimation to the Court servant of the proposal to take action against him ;
- (ii) a copy of the statement of allegation communicated to him ;
- (iii) his representation, if any ; and
- (iv) the orders on the case together with the reasons therefor.

15. Suspension.—(1) The Disciplinary Authority may place a Court 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
- (b) where a case against him in respect of any criminal charge is under investigation or trial :

Provided that—

- (i) in the case of a Court servant on deputation outside the Court, the Borrowing Authority shall be requested to place him under suspension, pending the conclusion of the inquiry and the passing of the final order in the case ; and
- (ii) in the case of a servant on deputation to the Court, the Registrar shall without delay inform the Lending Authority of the circum-

stances in which that Court servant has been placed under suspension.

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

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Court servant under suspension is set aside in appeal 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) Whether a penalty of dismissal, removal or compulsory retirement from service imposed upon a Court servant is set aside or declared void or ended 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 Court servant shall be deemed to have been placed under suspension from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

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

16. Disciplinary action against a Court servant on deputation to an outside authority.—(1) Where the services of a Court servant are borrowed by an outside authority the Borrowing Authority shall have the powers of the Disciplinary Authority under these rules for the purpose of placing him under suspension and for the purpose of taking disciplinary proceedings against him :

Provided that the Borrowing Authority shall forthwith inform the Court of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding, as the case may be.

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

- (a) if the Borrowing Authority is of the opinion that any of the penalties specified in clauses (i) to (iii) of Rule 11 should be imposed on such Court servant, it may in consultation with the Court pass such orders on the case as it deems necessary:

Provided that, in the event of a difference of opinion between the Borrowing Authority and the Court, the service of such servant shall be replaced at the disposal of the Court ;

- (b) if the Borrowing Authority is of the opinion that any of the penalties specified in clauses (iv) to (vii) of Rule 11 should be

imposed on such Court servant, it shall replace his services at the disposal of the Court and transmit to it the proceedings of the inquiry, and thereupon the Disciplinary Authority may pass such orders on the case as it deems necessary after complying with the provisions of sub-rules (9) and (10) of Rule 13 :

Provided that the Disciplinary Authority may, instead of making an order under this clause on the record of the inquiry transmitted by the Borrowing Authority, hold such further inquiry as it may deem necessary.

17. Disciplinary action against a Court servant on deputation to the Court from an outside authority.—(1) Where an order of suspension is made or a disciplinary proceeding is taken by the Court against a Court servant whose services have been lent to the Court by an outside authority, the Lending Authority shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding against him, as the case may be.

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

- (a) if the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (i) to (iii) of Rule 11 should be imposed on such Court servant, it may after consultation with the Lending Authority, pass such orders on the case as it deems necessary :

Provided that, in the event of a difference of opinion between the Court, and the Lending Authority, the services of such servant shall be replaced at the disposal of the Lending Authority :

- (b) if the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (iv) to (vii) of Rule 11 should be imposed on such Court servant, the services of such servant shall be replaced at the disposal of the Lending Authority and the record of the inquiry shall be transmitted to such authority for such action as it deems necessary.

19. Appeals against orders imposing penalties.—(1) An appeal shall lie to the Chief Justice from an order passed by the Registrar imposing any penalty specified in Rule 11.

(2) An appeal shall lie to a Bench of not less than three Judges of the Court from an order passed by the Chief Justice imposing any penalty specified in Rule 11 otherwise than on appeal from an order of the Registrar.

20. Period of limitation for appeals.—An appeal under this part shall be filed within one month from the date of the receipt of the order appealed against :

Provided that the Chief Justice or the Bench of Judges, as the case may be dealing with the appeal may, if satisfied that the appellant had sufficient cause for not submitting that appeal in time, entertain the appeal after the expiry of the said period.

21. Submission of appeals.—Every appeal shall be addressed to the Chief Justice and shall be submitted to the Registrar. It shall contain all

material statements and grounds on which the appellant relies and shall be complete in itself. It shall not contain any disrespectful or improper language.

22. Implementation of the orders in appeal.—The Registrar should give effect to the orders passed in appeals submitted under Rule 18.

23. Powers of Chief Justice.—Nothing in the rules in this part shall be construed to limit or abridge the power of the Chief Justice to deal with the case of any Court servant in such manner as may appeal to him to be just and reasonable :

Provided that where any rule is applicable to the case of a Court servant, his case shall not be dealt with in a manner less favourable to him than that provided by said rule.

PART IV

Conduct

24. General.—(1) Every Court servant shall at all times maintain absolute integrity and devotion to duty.

(2) No Court servant shall act in a manner in prejudicial to discipline and good order in the Registry.

24-A. Consumption of intoxicating drinks and drugs.—A Court 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 fit the time being ;
- (b) not be under the influence of any intoxicating drink or drug during 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.

25. Absence from duty.—(1) Every Court servant shall be punctual in attendance and shall not absent himself from duty without previous permission except as provided under sub-rule (2).

(2) In case of absence due to sudden illness or some other unforeseen circumstances beyond his control, a Court servant shall give intimation thereof to the office without delay.

(3) All applications for leave for more than three days on grounds of ill-health shall be supported by a medical certificate from a registered medical practitioner provided that the Court servant may be called upon to

produce a medical certificate from his authorised medical attendant or the Civil Surgeon.

26. Taking part in politics and elections.—(1) No Court servant shall be a member of, or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) No Court servant shall canvass or otherwise interfere or use his influence in connection with, or take part, in an election to any Legislature or local authority :

Provided that—

- (i) a Court 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 Court servant shall not be deemed to have contravened to provisions of this rule by reason only that he assist in the conduct of an election in the due performance of a duty imposed be him by or under any law for the time being in force.

Explanation.—The display by a Court 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 rule.

27. Connection with press, or radio.—(1) No Court servant shall, except with the previous permission of the Registrar, own wholly or in part, or conduct, or participate in the editing or meaning of, any newspaper or other periodical publication.

(2) No Court servant shall, except with the previous permission of Registrar or except in the *bona fide* discharge of his duties—

- (a) Publish a book himself or through a publisher or contribute an article to a book or a compilation of articles, or
- (b) participated in a radio broadcast or contribute an article or write a letter to a newspaper or periodical either in his own name or anonymously or in the name of any other person :

Provided that no such permission shall be required :—

- (i) if such publication is through a publisher and is of purely literary, artistic or scientific character ; or
- (ii) if such contribution, broadcast or writing is of a purely literary, artistic or scientific character.

28. Evidence before committees.—(1) No Court servant shall, except with the previous permission of the Chief Justice, give evidence before any Public Committee.

(2) Nothing in this rule shall apply to—

- (a) evidence given before committee, which has power to compel the attendance or witness or the production of documents ;

- (b) evidence given before an authority holding any judicial or departmental inquiry.

29. Unauthorised communication of information.—No Court servant shall, except in accordance with any general or special order of the Chief Justice or the Registrar or in the performance in good faith of the duties assigned to him, communicate directly or indirectly to any other Court servant or to a Government servant or to any private person or to the press, any document or information which has come into his possession in the course of his official duties or has been prepared or collected by him in the course of those duties :

Provided, however, that in the case of giving information to the Press, the Registrar alone, unless the Chief Justice authorises some other officer, shall meet the representatives of the Press and give information. He shall however, submit for the information of the Chief Justice, the gist subjects discussed.

Explanation.—Quotation by a Court servant (in his representation to the Registrar or the Chief Justice) of or from any letter, circular or office memorandum or from the notes of any file to which he is not authorised to have access, or which he is not authorised to keep in his personal custody or for personal purposes, shall amount to unauthorised communication of information within the meaning of this rule.

30. Collecting subscription for public causes.—(1) No Court servant shall, without the permission of the Registrar, circulate amongst other Court servants or persons connected with the business of the Court, appeals for subscription for public cause or raise any subscriptions by exercising his official position or influence.

(2) No Court servant shall assist any outsider to have access for such purposes to any Court-room or the registry.

31. Gifts.—Save as otherwise provided under these rules, no Court servant shall, except with the previous permission to the Registrar, accept from any person directly or indirectly or permit any member of his family to accept, any gift, gratuity or reward of more than a trifling value :

Provided that gifts of a value, reasonable in all circumstances of the case, may be accepted from relations and personal friends or presented to such persons on occasions such as weddings, anniversaries, funerals and religious functions, when the making or receiving of such gifts is in conformity with the prevailing religious or social customs.

32. Public demonstrations in honour of Court servants.—No Court servant shall, except with the previous permission of the Registrar, receive any complementary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour :

Provided that nothing in this rule shall apply to—

- (i) a farewell entertainment of a substantially private and informal character held in honour of a Court servant, on the occasion of his retirement or transfer ; or

- (ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

33. Private trade or employment.—No Court servant shall, except with the previous permission of the Registrar, engage directly or indirectly, in any trade or business or undertake any employment :

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

Explanation.—Canvassing by a Court servant in support of the business of insurance agency, commission agency, *etc.*, owned or managed by his wife or any other member of his family shall be deemed to be a breach of this rule.

34. Investments, lending and borrowing.—(1) No Court servant shall speculate in any investment.

Explanation.—The habitual purchase or sale of securities of a notoriously fluctuating value shall be deemed to be speculation in investments within the meaning of this sub-rule.

(2) No Court servant shall make, or permit his wife to make any investment likely to embarrass or influence him in the discharge of his official duties.

(3) No Court servant shall engage himself in the business of money lending.

(4) No Court servant shall, save in the ordinary course of business with a bank or a firm of standing, borrow money from or otherwise place himself under pecuniary obligation to any person with whom he is likely to have official dealings, nor shall he permit any member of his family, except with the previous permission of the Registrar, to enter into any such transaction :

Provided that a Court servant may accept a purely temporary loan of small amount from a personal friend or relative or operate a credit account with a *bona fide* tradesman.

35. Insolvency and habitual indebtedness.—A Court servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Court servant who becomes subject to a legal proceeding for insolvency shall forthwith report the full facts thereof to the Registrar.

36. Movable, immovable and valuable property.—(1) No Court servant shall, except with the previous knowledge of the authority mentioned in the explanation below, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family.

(2) A Court servant who enters into any transaction concerning any movable property exceeding one thousand rupees in value, whether by way of purchase, sale or otherwise, shall forthwith report such transaction to the authority specified below.

Explanation.—The authority for the purpose of sub-rules (1) and (2) above shall be—

(i) The Chief Justice in the case of the Registrar and other Court servants holding a Class I post.

(ii) The Registrar in the case of all other Court servants.

(3) Every Class I servant of the Court and such other categories of servants as may be specified by the Chief Justice by a general or special order shall on first appointment in the service of the Court and thereafter at intervals of every twelve months submit a return in such form as the Chief Justice may prescribe in this behalf, of all immovable property owned, acquired or inherited by him in lease or mortgage, either in his name or in the name of any member of his family or in the name of any other person.

(4) The Chief Justice may, at any time, by general or special order, require a Court servant to submit, within a period specified in the order, a full and complete statement of such movable and immovable property held or acquire by him or by any members of his family as may be specified in the order. Such statement shall, if so required, include details of the means by which, or the source from which, such property was required.

37. Vindication of acts and character of Court servants.—(1) No Court servant shall, without the previous permission of the Registrar, have recourse to any Court or to the press for the vindication of his official acts or character, which have been the subject-matter of adverse criticism or an attack of defamatory character. In granting permission to the recourse to a Court, the Registrar shall, in each case, decide whether the Court shall bear the costs of the proceedings or whether the servant concerned should institute the proceedings at his own expense, and if so, whether in the event of a decision in his favour, the Court shall reimburse to the extent of the whole or any part of the costs.

(2) Nothing in this rule shall be deemed to prohibit or otherwise affect of the Court servant from vindicating his private character or any act done by him in his private capacity.

38. Canvassing of non-official or other outside influence.—No Court servant shall bring or attempt to bring and political or outside influence to bear upon any superior authority to further his interests in respect of matter pertaining to his service in the Court.

39. Relations with Advocates or Advocates on Record.—(1) No Court servant shall have any business dealing with an Advocate or on Advocate on Record, nor shall, save with the express permission of the Registrar, share any residential accommodation with any such Advocate or Advocate on Record.

(2) The provisions of this rule shall apply notwithstanding that the Court servant is related to the Advocate or Advocate on Record concerned.

(3) This rule does not debar a Court servant from accepting an invitation from an Advocate or an Advocate on Record to a marriage party or to a social gathering.

40. Seeking of redress from Court in respect of service matters.—(1) A Court servant may seek redress for the Registrar or from the Chief

Justice with the permission of the Registrar in the matter of grievance arising out of his employment or conditions of service.

(2) A Court servant who resorts to a Court of law, even in case where such remedy is legally admissible, without first exhausting all the remedies available to him under the rules regulating his conditions of service, shall render himself liable to disciplinary action under the rules in Part III of these rules.

41. Demonstrations and strikes.—No Court servant shall participate in demonstration or resort to any form of strike in connection with any matter pertaining to his conditions of service.

Explanation.—‘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 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 the Supreme Court or any department of the Supreme Court. Such practices would include.

What are called, ‘go-slow’, ‘sit-down’, ‘pen-down’, ‘stay in’, ‘token’, ‘sympathetic’ or any other similar strike; absence from work for participation in a Bandh or any similar movements.

42. Joining of Association by Court servants.—No Court servant shall join or continue to be a member of a Service Association which has not, within a period of six months from the date of these rules or from its formation, obtained the recognition of the Chief Justice, or recognition in respect of which has been refused by the Chief Justice.

43. Arrests on a criminal charge.—It shall be the duty of a Court servant who has been arrested on a criminal charge made or a proceeding taken against him in connection with his position as a Court servant or otherwise which is likely to embarrass him in the discharge of his duties or which involves moral turpitude, to intimate the fact of his arrest and the circumstances connected therewith, to the Registrar promptly in writing even though he might have subsequently been released on bail. Failure on the part of the Court servant concerned to so inform, will be regarded as suppression of a material information and will render him liable to disciplinary action on this ground alone, apart from any action that may be taken against him on the conclusion of the case against him.

44. Court property.—No Court servant shall take out any article or property belonging to the Court outside the Court-house or premises without the express permission of the Registrar.

45. Contravention of laws and conviction by a Court of Law.—(1) Any contravention of any law by a Court servant, which involves moral turpitude, shall be regarded as a serious matter, of which notice shall be taken departmentally.

(2) Where such contravention is followed by a conviction in a Court of Law, the Court servant may be punished departmentally on the basis of that conviction alone without following the procedure laid down for departmental enquiries.

46. Contravention of the rules.—(1) Any Court servant contravening the provisions of any of the rules in this part shall render himself liable to disciplinary action under the rules in Part III of these rules.

(2) The Chief Justice shall have the power to take any action against the Registrar, for contravention of the rules in this part. In relation to matters pertaining to the conduct of the Registrar, the Chief Justice shall be the competent authority for granting the requisite permission to the Registrar in respect of anything which is required to be done with the previous permission of a superior authority under any of the rules in this part.

PART V

Miscellaneous

47. Residuary powers.—Nothing in these rules shall be deemed to affect the power of the Chief Justice to make such orders, from time to time, as he may deem fit in regard to all matters incidental or ancillary to these rules not specifically provided for herein regard to matter all matters incidental or ancillary to these rules not specifically provided for herein or in regard to matters as have not been sufficiently provided for :

Provided that if any such order relates to salaries, allowances, leave or pensions of Court servants, the same shall be made with the approval of the President.

48. Interpretation.—All questions relating to the interpretation of these rules shall be referred to the Chief Justice, whose decision thereon shall be final :

Provided that all questions relating to the interpretation of any rule in Part II of these rules insofar as it relates to salaries, allowances, leave or pensions shall be decided by the Chief Justice with the approval of the President.

49. Repeal and Savings.—The Supreme Court (Conditions of Service of Staff) Rules, 1951, are hereby repealed :

Provided that any order already made under the repealed rules shall continue in force and be deemed to have been under the provisions of these rules :

Provided further that any action taken or proceedings started under the repealed rules and pending at the commencement of these rules shall be continued and disposed of, as far as may be, in accordance with the provisions of these rules.
