

Bill No. 61 of 2023

THE GOVERNMENT SERVANTS (REGULATION OF
SERVICES) BILL, 2023

By

SHRI OMPRAKASH BHUPALSINH RAJENIMBALKAR, M.P.

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BILL

*to make provisions to deal with misconduct of Government servants
and for matters connected therewith.*

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Government Servants (Regulation of Services) Act, 2023.

Short title,
extent and
commencement.

5 (2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appointing authority”, in relation to a Government servant, means—

(i) the President or the authority empowered by the President to make appointments to the service of which the Government servant is for the time being a member or to the grade of the Service in which the Government servant is for the time being included, or 5

(ii) the authority empowered to make appointments to the post which the Government servant for the time being holds, or

(iii) the authority which appointed the Government servant to such Service, grade or post, as the case may be, or 10

(iv) where the Government servant having been a permanent member of any other Service or having substantively held any other permanent post, has been in continuous employment of the Government, the authority which appointed him to that Service or to any grade in that Service or to that post, 15

(b) “disciplinary authority” means the authority competent under section 5 to impose any of the penalties specified under section 4 on a Government servant;

(c) “Government servant” means a person who—

(i) is a member of a Service or holds a civil post under the Union; 20

(ii) is a member of a Service or holds a civil post under a Central Government and whose services are temporarily placed at the disposal of the State Government;

(iii) is in the service of the Central Government and whose services are temporarily placed at the disposal of the local or other authority; 25

(d) “prescribed” means prescribed by rules made under the Act.

Evaluation of
Government
servants.

3. (1) The Central Government shall evaluate the functioning of every Government servant through feedback from the citizens in such manner as may be prescribed.

(2) For the purpose of sub-section (1), the Central Government shall establish unitary feedback system in each of its department. 30

Penalties.

4. The Central Government may, for good and sufficient reasons and as hereinafter provided, impose the following penalties on a Government servant, namely:—

(a) minor penalties including,— 35

(i) censure; or

(ii) withholding of his promotion; or

(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; or

(iv) reduction to a lower stage in the time-scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his pension; or 40

(v) withholding of increments of pay;

(b) major penalties including,—

(i) save as provided for in sub-clause (iv) of clause (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 may earn increments of pay during the period of such reduction and whether on the expiry of such period:

Provided that the reduction may or may not have the effect of postponing the future increments of his pay;

(ii) reduction to lower time-scale of pay, grade, post or service for a period to be specified in the order of penalty, which shall be a bar to the promotion of the Government servant during such specified period to the time-scale of pay, grade, post or service from which he was reduced, with direction as to whether or not, on promotion on the expiry of the said specified period;

(iii) the period of reduction to time-scale of pay, grade, post or service shall operate to postpone future increments of his pay;

(iv) compulsory retirement;

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

(vi) 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 sub-clauses (v) or (vi) of clause (b) shall be imposed:

Provided further that where a Government servant delays performing an official act requested by any citizen under his jurisdiction by giving illogical and unnecessary reasons, the penalty mentioned in sub-clauses (i), (ii), or (iii) of clause (b) shall be imposed:

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

Explanation.— For the purposes of this section, the following shall not amount to a penalty, namely:—

(i) withholding of increments of pay 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 timescale 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) repatriation of a Government servant whose services had been borrowed from a State Government or an 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; and

(vii) compulsory retirement of a Government servant in accordance with the provisions relating to his superannuation or retirement.

Disciplinary
Authorities.

5. (1) The President may, through the appointing authority or by any other authority empowered in this behalf by a general or special order, impose any of the penalties specified in section 4 on any Government servant who is,—

(a) a member of a Central Civil Service other than the General Central Service;

(b) a person appointed to a Central Civil Service included in the General Central Service,

(2) The power to impose any of the penalties specified in section 4 may also be exercised, in the case of a member of a Central Civil Services, Group 'C' (other than the Central Secretariat Clerical Service), or a Central Civil Service, Group 'D',—

(a) if he is serving in a Ministry or Department of the Government of India, by the Secretary to the Government of India in that Ministry or Department; or

(b) if he is serving in any office, by the head of that office, except where the head of that office is lower in rank than the authority competent to impose the penalty under section 4.

Procedure for
imposing
major
penalties.

6. (1) No order imposing any of the penalties specified in section 4 shall be made except after an enquiry held, as far as may be, in the manner provided by the Public Servants (Inquiries) Act, 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:

Provided that where there is a complaint of sexual harassment within the meaning of rule 3 C of the Central Civil Services (Conduct) Rules, 1964, the Complaints Committee established in each Ministry or Department or

Office for inquiring into such complaints, shall be deemed to be the inquiring authority appointed by the disciplinary authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the Complaints Committee for holding the inquiry into the complaints of sexual harassment, the inquiry as far as practicable in accordance with the procedure laid down in those rules.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act not in
derogation of
other law.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, make such provisions or give such directions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Power to
remove
difficulties.

Provided that no such order or direction shall be made or given after the expiry of two years from the commencement of this Act.

9. (1) The Central Government may, by notification and in consultation with the Chief Justice of India, make rules for carrying out the provisions of this Act.

Power to make
rules.

(2) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Bureaucrats are an essential component of government machinery. They work in government for the improvement of society and to help their fellow citizens. However, they are frequently found to be misbehaving and refusing to cooperate with the people they are obligated to serve. Many individuals frequently complain about how government employees waste their time. Even if we now have a number of rules in place to govern the behaviour of government officials, yet a robust legislation regulating the conduct of erring officials to benefit individuals and the country as a whole is urgently required.

Hence this Bill.

NEW DELHI;
February 13, 2023.

OMPRAKASH BHUPALSINH RAJENIMBALKAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall establish unitary feedback system in each of its department for having feedback on the functioning of every government servant. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one thousand crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

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