

F.No.11018/01/2023-AIS-III
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

North Block, New Delhi
Dated the 15th June, 2023

To,

The Chief Secretaries of all the States / UTs,

Subject: Clarification under Rule 3(2) of AIS (D&A) Rules, 1969 - reg.

Sir/Madam,

I am directed to refer to Rule 3(2) of AIS (D&A) Rules, 1969 and to say that this Department has been receiving a number of queries regarding the issue of deemed suspension and the requirement of confirmation of suspension by the Central Government.

2. In this context, reference is invited to Rule 3(2) of AIS (D&A) Rules, 1969, which provides that "*a member of the Service who is detained in official custody whether on a criminal charge or otherwise for a period longer than forty-eight hours, shall be deemed to have been suspended by the Government concerned under this rule*"


3. The matter has been examined in light of 3(2) of AIS(D&A) Rules, 1969. Accordingly, it is clarified that in the cases of deemed suspension under Rule 3(2), the confirmation of suspension by Central Government is not required for the period that the Government Servant remains in detention/custody.

The question of confirmation of suspension would arise only when, after release from detention/custody, the Government intends to continue with suspension. In this event, if period of suspension exceeds 30 days, the confirmation of suspension order by Central Government as envisaged under Rule 3(1) will be required within 30 days from the date of release or the date on which the fact of his release comes to the knowledge of the Government.

4. The aforesaid clarification may kindly be brought to the notice of all officials / authorities concerned for necessary action.

5. This issues with the approval of Competent Authority.

Yours faithfully,

 15/06/23

(Ram Lakhan)

Under Secretary to the Government of India

Tel. No. 011-23093479

Copy to:

1. The Secretary, Ministry of Home Affairs, New Delhi.
2. The Secretary, Ministry of Environment, Forest & Climate Change, New Delhi.
3. The Joint Secretary, (UTS - I), Ministry of Home Affairs, North Block, New Delhi.