

No. 59/1/84-6 GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioner, Ambala and Hissar Divisions, All Deputy Commissioners and all Sub-Divisional Officers in Haryana.
2. The Registrar, Punjab & Haryana High Court and all Districts and Sessions Judges in Haryana.

Dated Chandigarh, the 4th February, 1988.

**Subject** —Suspension of Government servants involved in cases of dowry deaths.

Sir,

I am directed to refer to the subject cited above and to say that Rule 4 A(I) of the Haryana Civil Service (Punishment and Appeal) Rules, 1987, provides *inter alia* that a Government Servant may be placed under suspension where a disciplinary proceedings against him is contemplated or is pending or where a case against him in respect of any criminal offence is under investigation, inquiry or trial. Sub-rule (2) of the same rule lays down that a Government Servant shall be deemed to have been placed under suspension by an order of the appointing authority w.e.f. 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.

2. As Government takes a very serious view of offences against women, Government has received the provisions in the rules in regard to placing a Government servant under suspension if he is accused of involvement in a case of "dowry death" as defined in Section 304-B of the India Penal Code. The section reads as follows. :—

"304-B (I) Where the death of a women is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty of harrasement by husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death."

**Explanation.**—For the purposes of this sub-section "dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961.

3. If a case has been registered by the Police against a Government servant under Section 304-B of the I.P.C., he shall be placed immediately under suspension in the following circumstances by the competent authority by invoking the provisions of rule 4-A of the Haryana Civil Services (Punishment & Appeal) Rules, 1987 :—

- (i) If the Government servant is arrested in connection with the registration of the police case, irrespective of the period of his detention;
- (ii) If he is not arrested, on submission of a police report under sub-section (2) of section 173 of the Code of Criminal Procedure, 1973 to the Magistrate.

4. I am to request you to observe these instructions strictly.

5. The receipt of these instructions may kindly be acknowledged.

Yours faithfully,

Sd/-