

## **C I R C U L A R No. 90**

Subject :- Grant of assistance to Government servants who have to defend civil or criminal proceedings in respect of acts done by them in the discharge of their legal duties.

A criminal prosecution has been filed by a member of the public against an Inspector in the Greater Bombay Region alleging that certain acts done by him in the discharge of his official duties amount to offences. The question for consideration is whether the Inspector is entitled to grant of assistance to defend the criminal prosecution filed against him.

Attention of all Regional Offices is invited to Rule 189 of the Rules for the Conduct of the Legal Affairs of Government which is reproduced in the appendix to this Circular for facility of reference. This rule provides that a Government servant, who intends to defend civil or criminal proceedings filed against him and desires to obtain assistance from Government to do so must immediately refer that matter to his official superior. It further provides that the head of the department to which the Government servant concerned belongs should immediately refer the matter for the orders of Government and if there is no time to do so sanction the employment of a counsel at Government expense, subject to the approval of Government to be obtained at once.

If any Government servant of the Charity Organisation is sued or prosecuted in respect of acts done by him in the discharge of his official duties, the Regional Officer concerned should report the matter immediately

to the Charity Commissioner for considering the question of grant of assistance for defending such proceedings.

D. R. Pradhan  
Charity Commissioner, Bombay.

Dated 2<sup>nd</sup> February 1956.

### **APPENDIX**

Rule 189 :- Grant of assistance to Government servants who have to institute or defend civil or criminal proceedings in respect of acts done by them in the discharge of their official duties.

(1) The assistance which Government may grant to its officers who have to institute or defend civil or criminal proceedings in respect of acts done by or purported to have been done by them in the discharge of their duties may consist of :-

- (a) engagement at Government expense of counsel to appear in such proceedings on behalf of the officer concerned; or
- (b) reimbursement to the officer concerned of whole or part of the expenses incurred by him in such proceedings.

(2) A Government servant, who intends to institute or defend such proceedings or who has instituted or defended such proceedings and who desires to obtain assistance from Government must immediately refer the matter to his official superior.

(3) In the City of Bombay, the head of the department to which the Government servant concerned belongs should, if there is time, immediately refer the matter for the orders of Government. If time does not permit of such reference, he may sanction the employment of counsel at Government expense, subject to the approval of Government, but should at once report his action to government.