

പതിനാലാം കേരള നിയമസഭ
പതിമൂന്നാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നമിടാത്ത
ചോദ്യം നമ്പർ 19

28.11.2018 ൽ മറുപടിക്ക്

ഐ.പി.എസ്. ഉദ്യോഗസ്ഥരുടെ പേരിലുള്ള അച്ചടക്ക നടപടികൾ

ചോദ്യം:

ശ്രീ.പി.സി.ജോർജ്ജ്

ഉത്തരം :

**പിണറായി വിജയൻ
മുഖ്യമന്ത്രി**

(എ) ഈ സർക്കാർ അധികാരത്തിൽ വന്നശേഷം എത്ര ഐ.പി.എസ്. ഉദ്യോഗസ്ഥരുടെ പേരിൽ അച്ചടക്ക നടപടികൾ സ്വീകരിച്ചിട്ടുണ്ട്; പേര് സഹിതം വ്യക്തമാക്കാമോ; കേസിന്റെ വിശദാംശങ്ങൾ പ്രത്യേകം പ്രത്യേകമായി വിവരിക്കുമോ;

(എ) ഈ സർക്കാർ അധികാരത്തിൽ വന്നശേഷം 5 ഐ.പി.എസ്. ഉദ്യോഗസ്ഥർക്കെതിരെ അച്ചടക്ക നടപടി സ്വീകരിച്ചിട്ടുണ്ട്.

1. ശ്രീ.ജേക്കബ് തോമസ് ഐ.പി.എസ്.
2. ശ്രീ.ഇ.ജെ.ജയരാജ് ഐ.പി.എസ്.
3. ശ്രീമതി.ആർ.നിശാന്തിനി ഐ.പി.എസ്.
4. ശ്രീ.എ.വി.ജോർജ്ജ് ഐ.പി.എസ്.
5. ശ്രീ.പി.എ.വൽസൻ ഐ.പി.എസ്.(വിട്ട.)

കേസിന്റെ വിശദാംശങ്ങൾ അനുബന്ധം-I ആയി ചേർക്കുന്നു.

(ബി) ഈ സർക്കാർ സസ്പെന്റ് ചെയ്ത ഐ.പി.എസ്. ഉദ്യോഗസ്ഥർ എത്ര പേർ; പ്രസ്തുത ഉദ്യോഗസ്ഥരുടെ പേരും ഔദ്യോഗിക വിലാസവും സസ്പെന്റ് ചെയ്ത ഉത്തരവിന്റെ പകർപ്പും ലഭ്യമാക്കുമോ;

(ബി) ഈ സർക്കാർ അധികാരത്തിൽ വന്നശേഷം മൂന്ന് ഐ.പി.എസ്. ഉദ്യോഗസ്ഥരെ സസ്പെന്റ് ചെയ്തിട്ടുണ്ട്. അവർ ഇൻസ്റ്റിറ്റ്യൂട്ട് ഓഫ് മാനേജ്മെന്റ് ഇൻ ഗവൺമെന്റ് ഡയറക്ടർ ജനറലായിരുന്ന ശ്രീ.ജേക്കബ് തോമസ് ഐ.പി.എസ്., ഇൻസ്റ്റിറ്റ്യൂട്ട് ജനറൽ ഓഫ് പോലീസ് (ക്രൈംസ്) ആയിരുന്ന ശ്രീ.ഇ.ജെ.ജയരാജ് ഐ.പി.എസ്., കേരള പോലീസ് അക്കാദമി അസിസ്റ്റന്റ് ഡയറക്ടറായിരുന്ന ശ്രീ.എ.വി.ജോർജ്ജ് ഐ.പി.എസ് എന്നിവരാണ്. ഉത്തരവുകളുടെ പകർപ്പുകൾ അനുബന്ധം-II ആയി ചേർക്കുന്നു.

(സി) പ്രസ്തുത ഉദ്യോഗസ്ഥർക്ക് എത്ര തവണ സർക്കാർ മെമ്മോ നൽകിയിട്ടുണ്ട്; ഇതിന്റെ പകർപ്പ് ലഭ്യമാക്കുമോ; ഈ ഓരോ മെമ്മോയ്ക്കും ഐ.പി.എസ്. ഉദ്യോഗസ്ഥർ മറുപടി നൽകിയിട്ടുണ്ടോ; ഇതിന്റെ പകർപ്പ് ലഭ്യമാക്കുമോ; മറുപടികൾ തൃപ്തികരമാണോ; എങ്കിൽ വിശദമാക്കുമോ;

(സി) ശ്രീ.ജേക്കബ് തോമസ് ഐ.പി.എസിന് രണ്ട് തവണയും ശ്രീ.ഇ.ജെ.ജയരാജ് ഐ.പി.എസ്., ശ്രീ.എ.വി.ജോർജ്ജ് ഐ.പി.എസ് എന്നിവർക്ക് ഓരോ തവണയും മെമ്മോ (Articles of Charge and Statement of Imputations) നൽകിയിട്ടുണ്ട്. ഐ.പി.എസ്. ഉദ്യോഗസ്ഥർ മെമ്മോകൾക്കുള്ള മറുപടി നൽകിയിട്ടുണ്ട്. നൽകിയ മെമ്മോകളുടെയും, മറുപടികളുടെയും പകർപ്പുകൾ


(ഡി) മുൻ വിജിലൻസ് ഡയറക്ടർ ശ്രീ.ജേക്കബ് തോമസ് ഐ.പി.എസി-നെ സസ്പെന്റ് ചെയ്യുവാനുള്ള കാരണം എന്താണ്; വിശദമാക്കുമോ; അദ്ദേഹത്തിന് കൊടുത്ത കുറ്റാരോപിത മെമ്മോയുടെയും സസ്പെന്റ് ചെയ്ത ഉത്തരവിന്റെയും പകർപ്പുകൾ ലഭ്യമാക്കുമോ;

(ഇ) ശ്രീ.ജേക്കബ് തോമസ് ഐ.പി.എസിന് ശമ്പളം/അനുതാപബത്ത നൽകിയിട്ട് എത്ര നാളുകൾ ആയി; ശമ്പളം/അലവൻസ് നൽകുന്നില്ലെങ്കിൽ കാരണം വ്യക്തമാക്കുമോ?

അനുബന്ധം-III ആയി ചേർക്കുന്നു. ഉദ്യോഗസ്ഥർ നൽകിയ വിശദീകരണങ്ങൾ തൃപ്തികരമല്ലായെന്ന് കണ്ടതിനാൽ ടിയാളുകൾക്കെതിരെ അഖിലേന്ത്യാ സർവ്വീസ് (ഡിസിപ്ലിൻ & അപ്പീൽ) ചട്ടങ്ങൾ പ്രകാരം ഉത്തരവായിട്ടുള്ള നടപടികൾ സ്വീകരിച്ചുവരികയാണ്.


(ഡി) സർക്കാർ നയങ്ങളെ പൊതുജനമധ്യത്തിൽ വിമർശിച്ച് സംസാരിച്ചതിനാലാണ് ശ്രീ.ജേക്കബ് തോമസ് ഐ.പി.എസിനെ സസ്പെന്റ് ചെയ്തത്. കൂടാതെ 'സ്രാവുകൾക്കൊപ്പം നീന്തുന്മാർ', 'കാര്യവും കാരണവും' എന്നീ പുസ്തകങ്ങൾ സർക്കാർ അനുമതിയില്ലാതെ പ്രസിദ്ധീകരിക്കുകയും, ആയതിൽ ആൾ ഇന്ത്യാ സർവ്വീസ് ജീവനക്കാരുടെ പെരുമാറ്റ ചട്ടങ്ങൾ പാലിക്കാതെ സർക്കാരിന്റെ പ്രവർത്തനങ്ങളെ നിശിതമായി വിമർശിക്കുകയും ചെയ്ത എന്ന ആരോപണത്തിന്റെ അടിസ്ഥാനത്തിലാണ് നടപടി സ്വീകരിച്ചിരിക്കുന്നത്. സസ്പെന്റ് ചെയ്ത ഉത്തരവുകളുടെ പകർപ്പുകൾ അനുബന്ധം-II ലും മെമ്മോകളുടെ പകർപ്പുകൾ അനുബന്ധം-III ലും ഉള്ളടക്കം ചെയ്തിട്ടുണ്ട്.

(ഇ) ശ്രീ.ജേക്കബ് തോമസ് ഐ.പി.എസ്. നിലവിൽ സസ്പെൻഷനിലായതിനാൽ സസ്പെൻഷൻ പ്രാബല്യ തീയതി മുതൽ അനുതാപബത്തയാണ് നൽകിവരുന്നത്. ഇപ്രകാരം 2018 ഒക്ടോബർ മാസം വരെയുള്ള അനുതാപബത്ത നൽകിയിട്ടുണ്ട്.


സെക്ഷൻ ഓഫീസർ

അച്ചടക്ക നടപടിയുമായി ബന്ധപ്പെട്ട കേസുകളുടെ വിശദാംശങ്ങൾ

ക്രമ നം.	ഉദ്യോഗസ്ഥന്റെ പേര്	കേസുകളുടെ വിശദാംശങ്ങൾ
1	ശ്രീ.ജേക്കബ് തോമസ് ഐ.പി.എസ്.	09.12.2017-ൽ തിരുവനന്തപുരം പ്രസ് ക്ലബ്ബിൽ നടന്ന ഒരു പൊതു ചടങ്ങിൽ സർക്കാരിന്റെ പ്രവർത്തനങ്ങളെ വിമർശിച്ച് സംസാരിച്ചുവെന്ന വിഷയത്തിലാണ് ശ്രീ.ജേക്കബ് തോമസ് ഐ.പി.എസ്-നെ സസ്പെന്റ് ചെയ്ത് അച്ചടക്ക നടപടി സ്വീകരിച്ച് വരുന്നത്. കൂടാതെ 'സ്രാവുകൾക്കൊപ്പം നീന്തുമ്പോൾ', 'കാര്യവും കാരണവും' എന്നീ പുസ്തകങ്ങൾ സർക്കാർ അനുമതിയില്ലാതെ പ്രസിദ്ധീകരിക്കുകയും ആയതിൽ സർക്കാരിന്റെ പ്രവർത്തനങ്ങളെ നിശിതമായി വിമർശിക്കുകയും ചെയ്തതിന്റെ പേരിൽ അച്ചടക്കനടപടി സ്വീകരിച്ച് വരുന്നു.
2	ശ്രീ.ഇ.ജെ.ജയരാജ് ഐ.പി.എസ്.	ഔദ്യോഗിക കൃത്യനിർവ്വഹണത്തിലിരിക്കെ 25.10.2017 തീയതി മദ്യപിച്ച് പൊതുജന മദ്ധ്യത്തിൽ ഉത്തരവാദിത്തപ്പെട്ട ഉന്നത ഉദ്യോഗസ്ഥന് ചേരാത്തവിധം പെരുമാറ്റകവഴി ഗുരുതരമായ സ്വഭാവദുഷ്യവും കൃത്യവിലോപവും ടിയാന്റെ ഭാഗത്തുനിന്നുണ്ടാകുകയും, അതുമൂലം പോലീസ് സേനയ്ക്ക് അവമതിപ്പുണ്ടാക്കിയെന്ന് കണ്ടതിനാലുമാണ് ടിയാനെ സസ്പെന്റ് ചെയ്ത് അച്ചടക്ക നടപടി സ്വീകരിച്ചിരിക്കുന്നത്.
3	ശ്രീമതി. ആർ.നിശാന്തിനി ഐ.പി.എസ്.	തൊടുപുഴ യൂണിയൻ ബാങ്ക് സീനിയർ ബ്രാഞ്ച് മാനേജരായിരുന്ന ശ്രീ.പേഴ്സി ജോസഫ് ഡെസൂണ്ട് എന്ന വ്യക്തിയെ അറസ്റ്റ് ചെയ്തതുമായി ബന്ധപ്പെട്ട് ടിയാളുടെ ഭാഗത്തുനിന്നും അധികാര ദുർവിനിയോഗവും ഗുരുതരമായ പെരുമാറ്റദുഷ്യവും സംഭവിച്ചു എന്ന ആരോപണത്തിൻമേലാണ് അച്ചടക്ക നടപടി സ്വീകരിച്ചിരിക്കുന്നത്.
4	ശ്രീ.എ.വി.ജോർജ്ജ് ഐ.പി.എസ്.	എറണാകുളം ജില്ലയിലെ വാരാപ്പുഴ പോലീസ് സ്റ്റേഷനിൽ ശ്രീജിത്ത് എന്ന യുവാവ് കസ്റ്റഡിയിൽ മരണപ്പെട്ടു എന്ന ആരോപണത്തിൻമേൽ ടി സമയത്ത് എറണാകുളം റൂറൽ ജില്ലാ പോലീസ് മേധാവിയായിരുന്ന ടിയാന്റെ ഭാഗത്ത് നിന്ന് ഗുരുതരമായ വിഴ്ചകൾ സംഭവിച്ചു എന്ന ആരോപണത്തിൻമേലാണ് സസ്പെന്റ് ചെയ്ത് അച്ചടക്ക നടപടി സ്വീകരിച്ചിരിക്കുന്നത്.
5	ശ്രീ.വൽസൻ.പി.എ ഐ.പി.എസ്. (റീട്ട)	ക്രൈം നമ്പർ 131/2003 കേസിൽ ബഹു. തലശ്ശേരി സെഷൻസ് കോടതി പുറപ്പെടുവിച്ച വിധിന്യായത്തിലെ പരാമർശങ്ങളുടെ അടിസ്ഥാനത്തിൽ 09.04.2013-ലെ സ.ഉ.(സാധാ.) നം. 977/2013/ആഭ്യന്തരം പ്രകാരം പോലീസുദ്യോഗസ്ഥർക്കെതിരെ ഉത്തരവായ അന്വേഷണം കുറ്റക്കാരനന്ന് കോടതി പരാമർശിച്ച ഉദ്യോഗസ്ഥരെ സഹായിക്കുവാനുതകുന്ന വിധത്തിൽ നിരുത്തരവാദിത്തപരമായി നടത്തി എന്ന ആരോപണത്തിൻമേലാണ് അച്ചടക്ക നടപടി സ്വീകരിച്ചിരിക്കുന്നത്.


 സെക്ഷൻ ഓഫീസർ

23



GOVERNMENT OF KERALA
Abstract

All India Service (Discipline and Appeal) Rules, 1969 - Shri.Jacob Thomas IPS (KL:1985), Director General, Institute of Management in Government, Thiruvananthapuram -- Placed under Suspension - orders issued.

GENERAL ADMINISTRATION (SPECIAL C) DEPARTMENT

C.O (Rt) No.8044 /17/GAD Dated, Thiruvananthapuram 19.12.2017

ORDER

Shri.Jacob Thomas IPS (KL:1985), Director General, Institute of Management in Government, Thiruvananthapuram made some blatant and provocative comments against various activities, policy decisions and functioning of the State Government in power at a public function at Press Club, Thiruvananthapuram on 09/12/2017. He is reported to have commented that there is a total breakdown of law and orders in the State. He alleged that the State Government is not functioning for the poor but for the rich and corrupt elements and the people in the power are compromising with corruption. He also criticized the endeavors of the State Government with regard to its rescue operations for the missing fishermen and rehabilitative measures initiated for the coastal people victimized by the disastrous Ockhi Cyclone. His statement that rulers are unpopular and cannot win the confidence of ordinary people is also unbecoming conduct and misleading too.

2) In the wake of the natural cyclone calamity, the statements made

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by the above officer are certainly inflammatory in nature and were prima facie aimed to exacerbate such feelings which could have had serious repercussions on the law and order and peace along the coast. Such actions which could create dissatisfaction and displeasure among people about the administrative mechanism of the state are unwarranted and unbecoming of an officer of his stature and is prejudicial to the security of the state. Considering that he is the senior most IPS officer of the state in the cadre of DGP, he has also damaged the dignity and decorum of the post he holds.

3) The action of the above officer warrants suspension and disciplinary action according to the provisions under Rule 3 (IA) of the All India Service (Discipline & Appeal) Rules 1969 which says:

“(IA) If the Government of a State or the Central Government, as the case may be, is of the opinion that a member of the service has engaged himself in activities prejudicial to the interests of the security of the State, that Government may – (a) if the member of the Service is serving under that Government pass an order placing him under suspension”.

4) Government have examined the matter in detail and found that the above acts of Shri. Jacob Thomas IPS (KL:1985), Director General, IMG, Thiruvananthapuram prima facie amount to official misconduct and violation of provisions under Rule 7 (i) of AIS (Conduct) Rules 1968 and prejudicial to the interests of the society of the state and therefore consider it necessary to place Shri. Jacob Thomas IPS (KL:1985) under suspension pending disciplinary action against him.

5). Accordingly, Shri. Jacob Thomas IPS (KL:1985), Director General, IMG, Thiruvananthapuram is placed under suspension under Rule 3 of All India Services (Discipline & Appeal) Rules 1969 with

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immediate effect against contemplated disciplinary action.

6) Shri. Jacob Thomas IPS (KL:1985) will be eligible for subsistence allowance under Rule 4 All India Service (Discipline & Appeal) Rules 1969.

By order of the Governor

Dr.K.M.Abraham
Chief Secretary to Government

To

Shri.Jacob Thomas IPS (KL:1985), Director General,
Institute of Management in Government, Thiruvananthapuram
(through State Police Chief,Thiruvananthapuram)
The Principal Accountant General,Kerala, Thiruvananthapuram
The Principal Accountant General ,Kerala, Thiruvananthapuram
The Secretary to Government of India, Ministry of Home Affairs,
New Delhi-110001.
The Director General of Police & State Police Chief, Kerala,
Thiruvananthapuram
The General Administration (SC/Accounts J) Department.
The Home Department
The Director, Information & Public Relations Department.
The Web & New Media Division of I&PRD

Copy to:-

The Chief Principal Secretary to Chief Minister
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The Additional Secretary to Chief Secretary
The P.A to Additional Chief Secretary (Home & Vigilance)
The P.A to Additional Secretary, General Administration
(Special A&C) Department
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[Signature]
Section Officer

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20/4/18



GOVERNMENT OF KERALA

Abstract

All India Services (Discipline and Appeal) Rules, 1969 – Dr.Jacob Thomas IPS (KL:1985) under suspension – continuation of suspension – orders issued.

GENERAL ADMINISTRATION (SPECIAL C) DEPARTMENT

G.O.(Rt.) No.2455/2018/GAD

Dated, Thiruvananthapuram, 17.04.2018.

Read:- 1. G.O. (Rt.) No. 8044/2017/GAD dated 19/12/2017.

2. Letter No. 1003563/Spl.C3/2016/GAD dated 20.03.2018.

ORDER

Dr. Jacob Thomas IPS (KL:1985) has been placed under suspension vide order first cited above under Rule 3 of the All India Services (Discipline & Appeal) Rules, 1969 against contemplated disciplinary action. Dr.Jacob Thomas IPS was served with Articles of Charges and Statement of Imputations on 18.01.2018. Government was not satisfied with the written statement of defence submitted by Dr.Jacob Thomas IPS, and therefore instituted an enquiry against him under All India Services (Discipline & Appeal) Rules, 1969 on 03.03.2018.

2. Government, under Rule 8 of the All India Services (Discipline & Appeal) Rules, 1969, has served another Articles of Charges and Statement of Imputations vide letter second cited above to Dr.Jacob Thomas IPS for violation of the provisions of Rules 3(1A) (ii), 3 (2B) (i) & (ii), 6 & 7 (i), 9, and 13 (4) of AIS (Conduct) Rules, 1968 and 3(1) (c) of The Police Forces (Restriction of Rights) Act, 1966, seeking his written statement of defence and intent to be heard in person, to which the written statement of defence from Dr.Jacob Thomas IPS is yet to be received.

3. The Statement of Imputations and Articles of Charges as served upon Dr.Jacob Thomas IPS is enclosed with this order.

4. In the stated circumstances as above, Government is of the view and is satisfied that Dr. Jacob Thomas IPS (KL:85) should be continued under suspension for Articles of Charges as served upon him on 20.03.2018.

5. Rule 3(7) (b) of All India Services (Discipline and Appeal) Rules, 1969 provides that 'Where a member of the All India Service is suspended ...whether in connection with any disciplinary proceeding or otherwise, and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded in writing, direct that the Member of Service shall continue to be under suspension subject to sub-rule (8)'.

6. Accordingly, in exercise of the powers vested under Rule 3 (7) (b) of All India Services (Discipline and Appeal) Rules, 1969, Government hereby order

continuation of the suspension of Dr.Jacob Thomas IPS till further orders in view of the Articles of Charges as served upon him on 20.03.2018.

(By Order of the Governor),

Paul Antony,

Chief Secretary to Government.

To

Dr.Jacob Thomas IPS, Director General of Police (U/S) (Through the Director General of Police & State Police Chief).

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.

The Principal Accountant General (A&E), Kerala, Thiruvananthapuram.

The Secretary to Government of India, Ministry of Home Affairs,
New Delhi - 110 001.

The Director General of Police & State Police Chief, Kerala, Police
Headquarters, Thiruvananthapuram.

The General Administration (SC/Accounts J) Department.

The Home Department.

The Web & New Media Division in I&PRD.

Copy to:-

The Chief Principal Secretary to Chief Minister

The Private Secretary to Chief Minister.

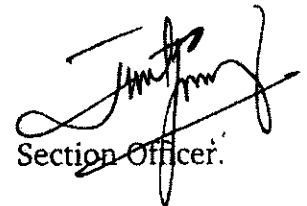
The Additional Secretary to Chief Secretary

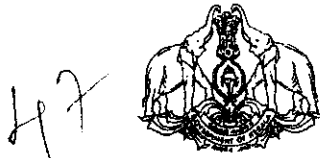
The P.A to Additional Chief Secretary (Home & Vigilance)

The P.A to Additional Secretary, General Administration
(Special A&C) Department

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GOVERNMENT OF KERALA
Abstract

All India Services (Discipline and Appeal) Rules, 1969 – Shri.E.J.Jayaraj IPS (KL:1994),
Inspector General of Police, Crimes, North Zone, CBCID(HQ) Placed under Suspension –
Orders issued.

GENERAL ADMINISTRATION (SPECIAL C) DEPARTMENT

G.O.(Rt.) No.6878/2017/GAD

Dated, Thiruvananthapuram, 31/10/2017

Read:- Letter No.T2-170252/2017/PHQ dated 26.10.2017 from State Police Chief, Kerala,
Thiruvananthapuram.

ORDER

The State Police Chief as per the letter read as first paper above has forwarded a special report stating the official misconduct on the part of Sri.E.J.Jayaraj IPS, Inspector General of Police (IGP), Crimes, North Zone, CBCID(HQ) by tarnishing the image of the department. It has been reported that Sri.E.J.Jayaraj IPS, IGP, Crimes, North Zone, CBCID (HQ) along with his driver Sri.Santhosh, Driver SCPO 5707 had visited the house of one Sunil at Kottarakkara in the departmental vehicle bearing the register no.KL01/BX-428 Innova Car and returned in an inebriated condition. The Driver due to the influence of liquor was unable to drive the departmental vehicle and the local people reportedly interfered in the matter. Sri.E.J.Jayaraj IPS was also quite inebriated and not in control of himself and was himself a spectacle in public. Hence the State Police Chief has requested to initiate appropriate disciplinary action against Sri.E.J.Jayaraj IPS, IGP Crimes, North Zone, CBCID(HQ) for his misconduct, in misbehaving in a drunken stupor in public.

2. Government have examined the matter in detail based on the special report forwarded by the State Police Chief and have found that the above acts of Shri.E.J.Jayaraj IPS prima facie amount to official misconduct and violation of All India Services (Conduct) Rules, 1968 and therefore consider it necessary to place Sri.E.J.Jayaraj IPS (KL:1994), IGP Crimes, North Zone, CBCID(HQ) under suspension, pending disciplinary action against him.

3. Accordingly, Sri.E.J.Jayaraj IPS (KL:1994), IGP Crimes, North Zone, CBCID(HQ) is placed under suspension under Rule 3 of All India Services (Discipline & Appeal) Rules, 1969, with immediate effect, against contemplated disciplinary action.

4. Shri.E.J.Jayaraj IPS will be eligible for subsistence allowance under Rule 4 of All India Services (Discipline & Appeal) Rules 1969.

(By Order of the Governor),

DR.K.M.ABRAHAM

Chief Secretary to Government.

To,

Sri.E.J.Jayaraj IPS, IGP Crimes, North Zone, CBCID(HQ) .

(Through Director General of Police & State Police Chief, Kerala).

The Principal Accountant General (Audit) Kerala, Thiruvananthapuram.

The Principal Accountant General (A&E), Kerala, Thiruvananthapuram.

The Secretary to Government of India, Ministry of Home Affairs, New Delhi-110001.

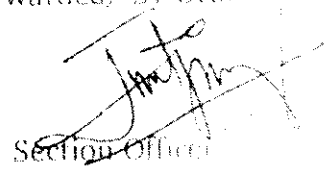
The Director General of Police & State Police Chief, Kerala, Thiruvananthapuram.

The General Administration (SC/Accounts J) Department.
The Home Department
The Director, Information & Public Relations Department.
The Web & New Media Division of I& PRD.

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The P.A to Additional Secretary, General Administration (Special A&C) Department.
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GOVERNMENT OF KERALA
Abstract

All India Service (Discipline and Appeal) Rules, 1969 – Shri.A.V.George IPS (KL:2005), Assistant Director (Training), KEPA – Placed under Suspension – orders issued.

GENERAL ADMINISTRATION (SPECIAL C) DEPARTMENT

G.O (Rt) No.3065/2018/GAD

Dated, Thiruvananthapuram, 11.05.2018

Read :- Letter No. T9-69344/2018/PHQ dated 11.05.2018 of the Director General of Police & State Police Chief, Kerala, Thiruvananthapuram.

ORDER

As per the letter read above, the State Police Chief has forwarded a Special Report of Inspector General of Police (Crimes), CBCID, HQ, Thiruvananthapuram, the Chief of the Special Investigating Team (SIT) which is investigating the case relating to the death of one Sreejith at Varapuzha and connected cases.

2.As per the PHQ Proceedings No.D2/52987/2018/PHQ dated 10.04.2018, cases in Crime No.310/2018, 312/2018 & 321/2018 are being investigated by the Special Investigation Team (SIT) since 11.04.2018. The Crime No. 321/2018 U/S 323, 218, 342, 302 & 34 IPC was registered on 10.04.2018 in connection with the custodial death of one Sreejith from Dewaswompadam and the Crime No. 312/2018 U/S 144, 147, 149, 323, 427, 450, 307, 202, 212 r/w 149 IPC and 27(1) of Arms Act was registered on 06.04.2018 in connection with the house trespass and attack on one Vasudevan from Dewaswompadam suspecting his involvement in the case in Crime No. 312/2018.

3. The deceased Sreejith was taken into Police Custody from his house by 3 Civil Police Officers of AR Camp, Kalamassery viz. Santhoshkumar, Jithin Raj and Sumesh, who were the members of the Rural Tiger Force (RTF) functioning under the direct command and control of Shri.A.V.George IPS, the then DPC, EKM Rural.

4. The investigation so far conducted, prima facie reveals supervisory lapses and conduct unbecoming of an officer on the part of Shri.A.V.George, IPS.

5. The above said acts of Shri.A.V.George IPS is seen gross violation of the Rule 3(1), sub-rule (1A)(vi) of Rule 3, sub-rule(2B)(iii), (x) and (xi) of Rule 3 of All India Service (Conduct) Rules, 1968. The special report also reveals that the above officer has breached the provisions of Section 3, 4(b),(n),(r), 29(2) and 50 of The Kerala Police Act 2011 and various orders and circulars issued by the State Police Chief from time to time.

6. The State Police Chief has therefore recommended for initiating disciplinary action for major penalty against Shri.A.V.George IPS (KL:2005), Assistant Director (Training), KEPA (former District Police Chief, Ernakulam Rural) based on the facts explained therein and for placing him under suspension in the interest of a fair, impartial and unprejudiced investigation.

7. Government have examined the matter in detail and decided to place Shri.A.V.George IPS (KL:2005), Assistant Director (Training), KEPA [former District Police Chief, Ernakulam Rural] under suspension under Rule 3 of All India Services (Discipline & Appeal) Rules 1969 with immediate effect against contemplated disciplinary action and issue orders accordingly.

8. Shri.A.V.George IPS (KL:2005) will be eligible for subsistence allowance under Rule 4 of the All India Service (Discipline & Appeal) Rules 1969.

By order of the Governor

PAUL ANTONY
Chief Secretary to Government

To

- Shri.A.V.George IPS, Assistant Director (Training), Kerala Police Academy,
Thrissur. (through State Police Chief, Thiruvananthapuram)
- The Principal Accountant General, (Audit)Kerala,Thiruvananthapuram
- The Principal Accountant General,(A&E)Kerala, Thiruvananthapuram
- The Secretary to Government of India, Ministry of Home Affairs,
New Delhi-110001.
- The Director General of Police & State Police Chief, Kerala,
Thiruvananthapuram
- The General Administration (SC/Accounts J) Department.
- The Home Department
- The Director, Information & Public Relations Department.
- The Web & New Media Division of I&PRD

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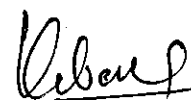
The Chief Principal Secretary to Chief Minister

The Private Secretary to Chief Minister.
The Additional Secretary to Chief Secretary
The P.A to Additional Chief Secretary (Home & Vigilance)
The P.A to Additional Secretary, General Administration
(Special A&C) Department

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GOVERNMENT OF KERALA

No.1003563/Spl.C3/2016/GAD

General Administration
(Special-C)Department,
Thiruvananthapuram,
Dated:20.03.2018

Articles of Charges against Dr.Jacob Thomas IPS (KL:1985)

That you, Dr.Jacob Thomas IPS, while holding the post of Director, Vigilance & Anti-Corruption Bureau, Thiruvananthapuram, without obtaining sanction of Government, published an autobiography titled 'Sravukalkoppam Neenthumpol', whose contents has the effect of adverse criticism of the policies and actions of State Government in violation of the provision of Rule 6 and 7(1) of the AIS (Conduct) Rules, 1968.

2. That you, Dr.Jacob Thomas IPS, while holding the post of Director General, Institute of Management in Government, Thiruvananthapuram, without obtaining sanction of Government, published a book titled 'Karyavum Karanavum', which also has the effect of adverse criticism of the policies and actions of State Government in violation of the provision of the Rules mentioned at para 1 above.
3. An examination of the contents of your book shows that it is not just a work of literary, artistic or scientific character that is not aided by your official duties.
4. Rule 3(2B)(i) stipulates that every member of the Service shall commit himself to and uphold the supremacy of the Constitution and democratic values. Rule 3(2B)(ii) requires a member of the service to defend and uphold the sovereignty and integrity of India, the security of State, public order, decency and morality. In violation of these Rules, you, Dr. Jacob Thomas, IPS have ridiculed the functioning of Government organisations and Departments, the High Court and the Lok Ayuktha in your two books and portrayed them in poor light, belittling them in the public eye. Your writings in both the books have thus the effect of mocking democratic institutions and values, which the Rules require you to uphold.
5. You, Dr.Jacob Thomas, IPS have made negative references to several political leaders and their functioning in Government in both your books; whereas Rule 3(1A)(ii) of the All India Services (Conduct) Rules, 1968 requires you as a member of the Service to maintain political neutrality.
6. Rule 9 states that no member of the Service shall communicate directly or indirectly any official document or part thereof or information to any person to whom he is not authorised to communicate such document or information. In flagrant violation thereof, you, Dr. Jacob Thomas, IPS have quoted extensively from your alleged experience in various Government organisations and Departments and have communicated information you were privy to in the course

of your work in those Government organisations and Departments without authorisation, thus violating that Rule.

7. Insofar as these books have drawn from your alleged experience in the posts under the Police Force, you, Dr. Jacob Thomas, IPS have also violated the provisions of section 3(1)(c) of the Police Forces (Restriction of Rights) Act, 1966.
8. Rule 13(4) states that a member of the Service shall accept income from literary efforts only with the prior permission of Government. This provision is independent of the provision contained in Rule 6. As such, even where a member of the Service is not required to obtain the sanction of the Government for publishing a book on a purely literary subject, he has to obtain the specific sanction of the Government for accepting any remuneration. Furthermore, sanction of the Government, under Rule 6 for the publication of the book under Rule 6 does not automatically imply sanction of the Government under Rule 13(4), and separate sanction thereunder is necessary. Yet you, Dr. Jacob Thomas, IPS have not sought approval of the Government for accepting remuneration for the books under Rule 13(4).
9. You are therefore required to show cause, why disciplinary action as contemplated under Rule 8 of the All India Services (Discipline and Appeal) Rules, 1969 should not be taken against you. You are allowed 15 days' time to submit your Written Statement of Defence from the date of receipt of this communication. You are also required to state whether you desire to be heard in person. You may peruse the relevant records mentioned in the Statement of Imputations and this Articles of Charges and take down extracts from them if so desired, in the presence of the Additional Secretary, General Administration (Special A & C) Department, on any day prior to the due date for submission of your Written Statement of Defence, which will be fixed in advance at your request. If no Written Statement of Defence is received within the said period, the matter will be proceeded with, on the presumption that you have no statement of defence to offer.
10. A Statement of Imputations on which Articles of Charges are based is appended.



PAUL ANTONY
Chief Secretary to Government.

To

Dr. Jacob Thomas IPS (under suspension)
Director General of Police.
(Through the Director General of Police & State Police Chief).

Statement of Imputations

Dr. Jacob Thomas IPS while holding the post of Director, Vigilance & Anti-Corruption Bureau had sought permission to publish a book titled 'Sravukalkoppam Neenthumpol' as per letter No. 43/Camp/DVACB/2016 dated 01.11.2016, stating that it contains personal experiences with a focus on Management and Human Resources Development themes and is of purely literary in nature. Before obtaining the prior sanction of Government, he had published the book through Current Books, Thrissur in Malayalam and printed copies were made available for sale. A reading of the book shows that he has violated Rule 3(1A)(ii), 3(2B)(i) and 3(2B)(ii), 7(i), 9 and 13(4) of the All India Services (Conduct) Rules, 1968.

2. The following references/remarks on various issues mentioned in different chapters of the book, 'Sravukalkoppam Neenthumpol' cannot be treated as purely literary or artistic work within the provisions under Section 3(1)(c) of the Police Forces (Restriction of Rights) Act, 1966, and Rule 6 of the All India Services (Conduct) Rules, 1968.

ക്രമ നമ്പർ	വിഷയം	അദ്ധ്യായം/തലക്കെട്ട്	പുറം
1	മഅദനിയുടെ അറസ്റ്റുമായി ബന്ധപ്പെട്ട വിഷയം	അദ്ധ്യായം 7. ഏപ്രിൽ ഫുളാക്കാൻ ഇങ്ങനെയും വഴികളുണ്ട്	80-81
2	കെ.ബാബു.വി.എസ്., ശിവകുമാർ, അടൂർ പ്രകാശ് ഇവരുടെ പേരുകൾ 164 മൊഴിയായി ബിജു രമേശ് നല്ലി	അദ്ധ്യായം 10. തീയെന്ന് പറഞ്ഞാൽ തന്നെ പൊള്ളലേൽക്കാം	105
3	മുൻമുഖ്യമന്ത്രി തന്നെ ജനവിരുദ്ധൻ എന്ന് നാമകരണം ചെയ്ത് പത്ര സമ്മേളനം നടത്തി	അദ്ധ്യായം 10. തീയെന്ന് പറഞ്ഞാൽ തന്നെ പൊള്ളലേൽക്കാം	109
4	സപ്തകോയിൽ അഴിമതി തടയാൻ ശ്രമിച്ചപ്പോൾ സ്ഥലം മാറ്റി.	അദ്ധ്യായം 12. വെള്ളത്തിലേയും കരയിലേയും മാഫിയകൾ	126
5	അഴിമതിക്കേസ് CBI അട്ടിമറിച്ചു. CBI യും ആരോപണവിധേയരും ഒത്തുകളിച്ചു.	അദ്ധ്യായം 12. വെള്ളത്തിലേയും കരയിലേയും മാഫിയകൾ	127
6	ജോയിന്റ് ട്രാൻസ്ഫോർട്ട് കമ്മീഷണറായി സേവനമനുഷ്ഠിച്ച കാലം - സ്ഥലംമാറ്റൽ നടപ്പാക്കുന്നതിൽ അഴിമതി - മുൻമന്ത്രി ബാലകൃഷ്ണപിള്ളയെക്കുറിച്ച് പരാമർശം	അദ്ധ്യായം 13. ചലനം ചലനം ചലനം	139
7	പാറ്റൂർ കേസ് - ലോകായുക്ത തീരുമാനം കൈക്കൊള്ളുന്നതിന് കാലതാമസം വരുത്തി (അഴിമതി കാണുമ്പോൾ അങ്കലാപ്പിലാവുന്ന അവസ്ഥ)	അദ്ധ്യായം 15. ആരാണു സർക്കാർ? എന്താണു സർക്കാർ?	151-156
8	വിജിലന്റ് കേരള പദ്ധതി	അദ്ധ്യായം 17.	172

	സ്വർഗ്ഗകുമാരികളെ ഭൂമിയിൽ വരുത്താനുള്ള ശ്രമങ്ങൾ	
9 ഇസ്ര - അഗ്രോടെക് (തമിഴ്നാട്ടിലെ രാജപാലയത്തിനടുത്ത് സ്ഥലം ഏറ്റെടുക്കുന്നത് സംബന്ധിച്ച് (50+50 ഏക്കർ സ്ഥലം തന്നെയും ഭാര്യയുടെയും പേരിൽ വാങ്ങിയെന്നതും തുക കമ്പനി നൽകിയെന്നതും)	അദ്ധ്യായം 18. ജേക്കബ് തോമസിന്റെ രണ്ട് ക്രൂരകൃത്യങ്ങൾ	180-181
10 തുറമുഖ വകുപ്പിന്റെ കീഴിലുള്ള കേരള സ്റ്റേറ്റ് മാരിടൈം ഡവലപ്മെന്റ് കോർപ്പറേഷനിൽ മണ്ണുമാന്തിയന്ത്രം (ഡ്രൈവർ) വാങ്ങിയതു സംബന്ധിച്ച്	അദ്ധ്യായം 19.	186-188
11 ബാർ കോഴ അന്വേഷണത്തോട് മുൻ ആഭ്യന്തര മന്ത്രിക്ക് അനുകൂല നിലപാടായിരുന്നു. മാണി, കെ ബാബു എന്നിവരുടെ കേസുകളിൽ അദ്ദേഹം ഇടപെട്ടിട്ടില്ല	അദ്ധ്യായം 20. ചുവപ്പ് കാർഡ് കണ്ട് പുറത്തേക്ക്.	191
12 നിയമക്രമം തെറ്റിച്ച് ശങ്കർ റെഡ്ഡിയെ വിജിലൻസ് ഡയറക്ടറാക്കി നിയമിച്ചത്	അദ്ധ്യായം 20. ചുവപ്പ് കാർഡ് കണ്ട് പുറത്തേക്ക്.	192

3. Further, Dr.Jacob Thomas IPS, while holding the post of Director General, Institute of Management in Government, Thiruvananthapuram, as per letter No. 207/DG/IMG/2017 dated 20.06.2017, has informed Government about the book titled "Karyavum Karanavum" to be written and published by him which is according to him is a book in the genre of Management intended for Capacity Building/ Capacity Development. He has also informed that this Management book is a scientific and literary work which will be beneficial to Management students, Managers and Executives in various types of organisations and all those who are interested in capacity building for superior and sustainable performance. He has also claimed that the book would be useful for capacity building in training institutions and development sector and stated that DC Books, Kottayam will be the publisher of the book. He has furnished a hard copy of the manuscript.

4. This book titled 'Karyavum Karanavum' written by Dr.Jacob Thomas IPS contains 30 chapters in 6 parts. The following references/examples/ illustrations mentioned at various chapters of this book are completely based on his experiences gained while serving in various Governmental departments/ institutions/ boards, etc., including his service as part of the Police Force starting from his career as an IPS officer and up to his posting as Director General, IMG and his alleged experiences during his entire past service, which cannot be treated as purely literary or artistic. Rule 9 states that no member of the Service shall communicate directly or indirectly any official document or part thereof or information to any person to whom he is not authorised to communicate such document or information. In flagrant violation thereof, he has quoted extensively from his alleged experience in various Government organisations and Departments and have communicated information he was privy to in the course of his work in those Government organisations and

Departments without authorisation, thus violating that Rule.

ക്രമ നമ്പർ	വിഷയം	അദ്ധ്യായം/തലക്കെട്ട്	പുറം
1	വിടരുത്. ജനപ്രതിനിധിയെ	ഭാഗം 1 അദ്ധ്യായം 2. കാര്യശേഷിവികസനം നടപ്പിലാക്കേണ്ടവർ	28
2	സിവിൽ സർവ്വീസ് പഠനകാര്യശേഷി	ഭാഗം 1 അദ്ധ്യായം 3. തൊഴിൽ മേഖല തിരഞ്ഞെടുക്കാനുള്ള കാര്യശേഷി	31
3	എവിടംവരെ ഉയരാം? അറിഞ്ഞിരിക്കുക	ഭാഗം 1 അദ്ധ്യായം 3. തൊഴിൽ മേഖല തിരഞ്ഞെടുക്കാനുള്ള കാര്യശേഷി	36-37
4	സ്വാതന്ത്ര്യം എല്ലാവർക്കും	ഭാഗം 1 അദ്ധ്യായം 4. പഠനം, പരിശീലനം, പ്രായോഗികത	44
5	പാഴായ കോടികൾ എങ്ങോട്ട്?	ഭാഗം 2 അദ്ധ്യായം 5. നാടുന്നനാക്കാനുള്ള കാര്യശേഷി വികസനം	50-51
6	കമ്പ്യൂട്ടർ വരട്ടെ!	ഭാഗം 2 അദ്ധ്യായം 6. സാങ്കേതിക വിദ്യയുടെ സഹായത്തോടെ കാര്യശേഷി വികസനം	56
7	പിടിപാട്, ഉന്നതങ്ങളിൽ	ഭാഗം 2 അദ്ധ്യായം 6. സാങ്കേതിക വിദ്യയുടെ സഹായത്തോടെ കാര്യശേഷി വികസനം	59
8	അഴിമതിയുടെ ചില്ലറമൊത്തവ്യാപാരത്തിന് ഷട്ടറിട്ട കഥ ഇ-ടെൻഡർ!	ഭാഗം 2 അദ്ധ്യായം 7. സംവിധാന പരിഷ്കാരത്തിലൂടെ കാര്യശേഷി വികസനം	61
9	തീരദേശറോഡുകൾ	ഭാഗം 2 അദ്ധ്യായം 8. നിയമം നടപ്പാക്കലിലൂടെ കാര്യശേഷി വികസനം	68
10	ഡ്രസ്സിങ്	ഭാഗം 2 അദ്ധ്യായം 8. നിയമം നടപ്പാക്കലിലൂടെ കാര്യശേഷി വികസനം	69
11	പാറ്റൂർ ഭൂമിയിടപാട്	ഭാഗം 2 അദ്ധ്യായം 9. അഴിമതിനിരോധന സംവിധാനങ്ങൾ	77
12	പാറ്റൂർ ഭൂമിയിടപാട്	ഭാഗം 2 അദ്ധ്യായം 9. അഴിമതിനിരോധന സംവിധാനങ്ങൾ	78
13	മെഡിസിറ്റിയും പാടംനീക്കത്തലും	ഭാഗം 2 അദ്ധ്യായം 9. അഴിമതിനിരോധന സംവിധാനങ്ങൾ	79
14	മെഡിസിറ്റിയും പാടംനീക്കത്തലും	ഭാഗം 2 അദ്ധ്യായം 9. അഴിമതിനിരോധന സംവിധാനങ്ങൾ	80
15	സ്റ്റേക്ക് ഹോൾഡേജ്	ഭാഗം 2 അദ്ധ്യായം 10. അഴിമതി ആർ അവസാനിപ്പിക്കും	85
16	അഴിമതിക്ക് എൻട്രി	ഭാഗം 3 അദ്ധ്യായം 11. ചിന്തയ്ക്കു തീപിടിച്ച ഫയർഫോജ് കാലം	93

17	അനുഭവങ്ങൾ, പാഠങ്ങൾ	ഭാഗം 3 അദ്ധ്യായം 11 ചിന്തയ്ക്കു തീപിടിച്ച ഫയർഫോക്സ് കാലം	95
18	വിജിലൻസിലേക്കുള്ള രണ്ടാംവരവ്	ഭാഗം 3 അദ്ധ്യായം 12 വിജിലൻസിലേക്കുള്ള രണ്ടാംവരവ്	96
19	വിജിലൻസിലേക്കുള്ള രണ്ടാംവരവ്	ഭാഗം 3 അദ്ധ്യായം 12 വിജിലൻസിലേക്കുള്ള രണ്ടാംവരവ്	97
20	വിജിലൻസ് നിസർച്ച് ആൻഡ് ട്രെയിനിങ്	ഭാഗം 3 അദ്ധ്യായം 12 വിജിലൻസിലേക്കുള്ള രണ്ടാംവരവ്	103
21	വിജിലൻസ് നിസർച്ച് ആൻഡ് ട്രെയിനിങ്	ഭാഗം 3 അദ്ധ്യായം 12 വിജിലൻസിലേക്കുള്ള രണ്ടാംവരവ്	104
22	ഭരണം നന്നാവട്ടെ	ഭാഗം 3 അദ്ധ്യായം 13 നല്ല ഭരണസംവിധാനത്തിനായുള്ള കാര്യശേഷിവികസനം	106
23	ഭരണം നന്നാവട്ടെ	ഭാഗം 3 അദ്ധ്യായം 13 നല്ല ഭരണസംവിധാനത്തിനായുള്ള കാര്യശേഷിവികസനം	109
24	നേതൃത്വവൈവിധ്യം, നല്ല നേതാവ്, നാടിന് ഊർജം, നാട്ടുകാർക്ക് ഉയർച്ച	ഭാഗം 4 അദ്ധ്യായം 16 നേതൃത്വവൈവിധ്യം, നല്ല നേതാവ്, നാടിന് ഊർജം, നാട്ടുകാർക്ക് ഉയർച്ച	133
25	വ്യക്തിപ്രഭാവം, ബൗദ്ധികമികവ്	ഭാഗം 4 അദ്ധ്യായം 16 നേതൃത്വവൈവിധ്യം, നല്ല നേതാവ്, നാടിന് ഊർജം, നാട്ടുകാർക്ക് ഉയർച്ച	137
26	അഴിമതിവിരുദ്ധ നേതൃത്വം	ഭാഗം 4 അദ്ധ്യായം 16 നേതൃത്വവൈവിധ്യം, നല്ല നേതാവ്, നാടിന് ഊർജം, നാട്ടുകാർക്ക് ഉയർച്ച	139
27	വ്യക്തിത്വ പരിശീലനം	ഭാഗം 4 അദ്ധ്യായം 17 നേതൃത്വകാര്യശേഷി വികസനരീതികൾ	141-142
28	സംഘടനകളും നേതൃശേഷിയും	ഭാഗം 4 അദ്ധ്യായം 17 നേതൃത്വകാര്യശേഷി വികസനരീതികൾ	146
29	ഗുണങ്ങൾ പലവിധം വ്യക്തിബന്ധമെന്ന മൂലധനം	ഭാഗം 4 അദ്ധ്യായം 18 നേതൃത്വഗുണങ്ങളിൽ കാര്യശേഷി വികസനം	147
30	കാഴ്ചപ്പാട്/ദീർഘവീക്ഷണം	ഭാഗം 4 അദ്ധ്യായം 18 നേതൃത്വഗുണങ്ങളിൽ കാര്യശേഷി വികസനം	149
31	പരാജയത്തിന്റെ പാഠം	ഭാഗം 4 അദ്ധ്യായം 18 നേതൃത്വഗുണങ്ങളിൽ കാര്യശേഷി വികസനം	151
32	ഗുണഫലം എവിടെ?	ഭാഗം 5 അദ്ധ്യായം 19 ഗവേഷണ കാര്യശേഷിവികസനം	158
33	ഗുണഫലം എവിടെ?	ഭാഗം 5 അദ്ധ്യായം 19 ഗവേഷണ കാര്യശേഷിവികസനം	159
34	ഇരുട്ടറയിൽ പൂഴ്ത്തിവെച്ച സമ്പത്ത്	ഭാഗം 5 അദ്ധ്യായം 20 വൈരുദ്ധ്യങ്ങൾക്കിടയിൽ കേരളത്തിനു	162

		വേണ്ട പ്രത്യേക കാര്യശേഷികൾ	
35	ജനത്തെ കള്ളുകുടിപ്പിച്ചുള്ള പണം എന്തിന്	ഭാഗം 5 അദ്ധ്യായം 20 വൈര്യങ്ങൾക്കിടയിൽ കേരളത്തിനു വേണ്ട പ്രത്യേക കാര്യശേഷികൾ	163
36	ജനത്തെ കള്ളുകുടിപ്പിച്ചുള്ള പണം എന്തിന്	ഭാഗം 5 അദ്ധ്യായം 20 വൈര്യങ്ങൾക്കിടയിൽ കേരളത്തിനു വേണ്ട പ്രത്യേക കാര്യശേഷികൾ	164
37	വ്യവസായം, ഐടി, വിദ്യാഭ്യാസം	ഭാഗം 5 അദ്ധ്യായം 20 വൈര്യങ്ങൾക്കിടയിൽ കേരളത്തിനു വേണ്ട പ്രത്യേക കാര്യശേഷികൾ	168
38	കോസ്റ്റൽപ്പിങ് പദ്ധതി	ഭാഗം 5 അദ്ധ്യായം 20 വൈര്യങ്ങൾക്കിടയിൽ കേരളത്തിനു വേണ്ട പ്രത്യേക കാര്യശേഷികൾ	172
39	കേരള മാരിടൈം ഇൻസ്റ്റിറ്റ്യൂട്ട്	ഭാഗം 5 അദ്ധ്യായം 20 വൈര്യങ്ങൾക്കിടയിൽ കേരളത്തിനു വേണ്ട പ്രത്യേക കാര്യശേഷികൾ	174
40	കേരള മാരിടൈം ഇൻസ്റ്റിറ്റ്യൂട്ട്	ഭാഗം 5 അദ്ധ്യായം 20 വൈര്യങ്ങൾക്കിടയിൽ കേരളത്തിനു വേണ്ട പ്രത്യേക കാര്യശേഷികൾ	174
41	കേരള മാരിടൈം ബോർഡ്	ഭാഗം 5 അദ്ധ്യായം 20 വൈര്യങ്ങൾക്കിടയിൽ കേരളത്തിനു വേണ്ട പ്രത്യേക കാര്യശേഷികൾ	176-177
42	ഗോപ്യ് ഓൺ ഓർക്കിസ്റ്റ് പദ്ധതി	ഭാഗം 5 അദ്ധ്യായം 20 വൈര്യങ്ങൾക്കിടയിൽ കേരളത്തിനു വേണ്ട പ്രത്യേക കാര്യശേഷികൾ	179
43	ദൗത്യം, ദർശനം, നയോപായ കാര്യശേഷി	ഭാഗം 5 അദ്ധ്യായം 21 സ്ഥാപനം, പ്രസ്ഥാനം, കാര്യശേഷിവികസനം	183-184
44	പ്രശ്നം പലതരം	ഭാഗം 5 അദ്ധ്യായം 22 പ്രശ്നപരിഹാരം ഒരു കലയാണ്	195
45	പരാതികൾ കൈകാര്യം ചെയ്യുമ്പോൾ	ഭാഗം 5 അദ്ധ്യായം 22 പ്രശ്നപരിഹാരം ഒരു കലയാണ്	198
46	പരാതികൾ കൈകാര്യം ചെയ്യുമ്പോൾ	ഭാഗം 5 അദ്ധ്യായം 22 പ്രശ്നപരിഹാരം ഒരു കലയാണ്	199
47	ടി.ബ്രാഞ്ച്	ഭാഗം 5 അദ്ധ്യായം 23 പോരായുകൾ പരിഹരിക്കുന്നതിനുള്ള കാര്യശേഷിവികസനം	205
48	സ്ഥാപനദൗത്യം മറന്ന ട്രേഡ് യൂണിയനുകൾ	ഭാഗം 5 അദ്ധ്യായം 23 പോരായുകൾ പരിഹരിക്കുന്നതിനുള്ള കാര്യശേഷിവികസനം	206
49	എല്ലാം നല്ലതോ?	ഭാഗം 6 അദ്ധ്യായം 24 മാറ്റങ്ങൾ സ്വാഗതം ചെയ്യുന്നതിനുള്ള കാര്യശേഷി വികസനം	214
50	സമീപനം പ്രധാനം - പ്യാരിലാലിന്ററെ കഥ	ഭാഗം 6 അദ്ധ്യായം 24 മാറ്റങ്ങൾ സ്വാഗതം ചെയ്യുന്നതിനുള്ള	216

		കാര്യശേഷി വികസനം	
51	നിയമം നടപ്പിലാക്കുമ്പോൾ - കടമ്പകൾ	ഭാഗം 6 അദ്ധ്യായം 24 മാറ്റങ്ങൾ സ്വാഗതം ചെയ്യുന്നതിനുള്ള കാര്യശേഷി വികസനം	218
52	എഴുതിത്തള്ളരുത്	ഭാഗം 6 അദ്ധ്യായം 25 സാധ്യതകൾ കണ്ടെത്താനുള്ള കാര്യശേഷി വികസനം	220
53	ഭ്രാജഡി ഒഫ് ദ് കോമൺസ്	ഭാഗം 6 അദ്ധ്യായം 26 പ്രകൃതിയുമൊത്ത് ജീവിക്കുന്നതിനുള്ള കാര്യശേഷി വികസനം	223
54	യോഗ അഥവാ ചേർച്ച	ഭാഗം 6 അദ്ധ്യായം 26 പ്രകൃതിയുമൊത്ത് ജീവിക്കുന്നതിനുള്ള കാര്യശേഷി വികസനം	228
55	വിശ്വസിക്കുന്നവന് ദൃഷ്ടാന്തങ്ങളുണ്ട്!	ഭാഗം 6 അദ്ധ്യായം 27 സാമ്പത്തിക വളർച്ചയ്ക്കുവേണ്ട കാര്യശേഷി വികസനം	230
56	പ്രിൻസിപ്പൽ - ഏജന്റ്	ഭാഗം 6 അദ്ധ്യായം 27 സാമ്പത്തിക വളർച്ചയ്ക്കുവേണ്ട കാര്യശേഷി വികസനം	231-232
57	മോണിറ്ററിങ്ങിനും വിലയിരുത്തലിനും മേൽനോട്ടത്തിനുമുള്ള കാര്യശേഷി	ഭാഗം 6 അദ്ധ്യായം 27 സാമ്പത്തിക വളർച്ചയ്ക്കുവേണ്ട കാര്യശേഷി വികസനം	233

5. This book of Dr. Jacob Thomas IPS, as evident from the descriptions above, contains several adverse comments on Government actions and policies which have the effect of adverse criticism in violation of provision under Rule 7(i) of the All India Services (Conduct) Rules, 1968. He has also not obtained prior sanction from Government for publishing the book which is against the provisions under Rule 3(1)(c) of Police Forces (Restriction of Rights) Act, 1966. He has made negative references to several political leaders and their functioning in Government in both his books; whereas Rule 3(1A)(ii) of the All India Services (Conduct) Rules, 1968 requires him as a member of the Service to maintain political neutrality, showing that he has violated this Rule. Rule 3(2B)(i) stipulates that every member of the Service shall commit himself to uphold the supremacy of the Constitution and democratic values. Rule 3(2B)(ii) requires a member of the service to defend and uphold the sovereignty and integrity of India, the security of State, public order, decency and morality. In violation of these Rules. He has ridiculed the functioning of Government organisations and Departments, the High Court and the Lok Ayukta in his two books and portrayed them in poor light, belittling them in the public eye. His writings in both the books have thus the effect of mocking democratic institutions and values, which the Rules require him to uphold.

6. Therefore as per Letter No. 1581268/Spl.C3/2017/GAD dated 15.12.2017, Government have requested him to furnish his explanation in this regard. As per Letter dated 28.12.2017, he has furnished a reply that was evasive and has not properly answered allegations of the adverse criticism of policies and actions of Government made in his books. Since the explanation furnished by the officer is found

unsatisfactory, Government have decided to initiate disciplinary proceedings against him.

Hence the charges.



PAUL ANTONY

Chief Secretary to Government.

Documents relied upon.

1. Letter No. 43/Camp/DVACB/2016 dated 01.11.2016 from Dr.Jacob Thomas IPS.
2. Copy of the book "Sravukalkoppam Neenthumpol"
3. G.O.(Rt.) No. 3995/2017/GAD dated 24.06.2017.
4. Minutes of the Committee.
5. Government Letter No. 1003563/Spl.C3/2016/GAD dated 04.12.2017.
6. Letter No. 265/DG/IMG/2017 dated 16.12.2017 from Dr.Jacob Thomas IPS.
7. Letter No. 207/DG/IMG/2017 dated 20.06.2017 from Dr.Jacob Thomas IPS.
8. Copy of the book "Karyavum Karanavum"
9. Government Letter No. 1581268/Spl.C3/2017/GAD dated 15.12.2017
10. Letter dated 28.12.2017 from Dr. Jacob Thomas IPS.

No: 28/JT/CS/Book/2018

From

Dr. Jacob Thomas IPS
Director General of Police
Thejus, Mannamoola, Peroorkada PO
Thiruvananthapuram – 695005.

To

Mr. Paul Antony IAS
Chief Secretary, Govt of Kerala.
Thiruvananthapuram.

Sir,

Sub: Explanation to Articles of charges and statement of imputations, on writing Sravukalkoppam Neenthumbol and Karyavum Karanavum published through two leading Literary publishers in Malayalam Lanaguage - reg:

Ref: Letter No: 1003563/spl.c3/2018/GAD dated 24.03.2018

First of all, the above referred second Articles of charges of 2018 in which the date is put as 20.03.2018 is received in my email from General Administration Department at 15.29 Hrs on 17.04.2018, almost after a month of the date mentioned. This delay in date of the document and its dispatch through email is mysterious.

A. Through GO(Rt) No. 3995/2017/GAD dated 24.06.2017, a five member Committee was constituted by Government to examine the book 'Sravukalkoppam Neenthumbol' as to whether it is a piece of literary and artistic work. The Committee is chaired by Mr. Subrato Biswas IAS,

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with mother tongue Bengali, to examine the Book written in Malayalam. The Chairman, convened the meeting vide letter No. Home SSA 2/108/2017 – Home dated 26.09.2017, on 6.10.2017. Even though Government constituted a five member Committee, on 6.10.2017, Sri.Subrato Biswas IAS along with two members decided about the literary and artistic nature of the Book, excluding two other members. This is a biased and incomplete process. Articles of charges entirely depended on the partial committee report on 'Sravukalkoppam Neenthumbol' to fabricate the allegations. There are conflicts of interest also for the members. For the book 'Karyavum Karanavum', such a committee to examine the book was not even constituted by the Government. But 57 instances are mischievously chosen in different pages by some interested persons, who are unknown. Thus two separate procedures are adopted for the two books that are mentioned in the same Articles of Charges.

- B. The two books are published through established and well reputed publishers in Malayalam Language. The second book was in fact published at Sharjah International Book Fair which was informed to Government through Letter no.207/DG/IMG/2017 dated 4.11.2017. The Book was released by writer C Radhakrishnan and first copy received by MP and former Education and Culture Minister of Kerala Mr M A Baby. It was released in Kottayam Book Fair by Justice K T Thomas. The first book was agreed to be released by the Chief Minister of the State.
- C. I never heard of a policy by the State Government ruling now, that prohibits freedom of expression by citizens residing in Kerala and any ban on writing books in Malayalam. Instead I am aware that Government of Kerala is promoting Malayalam language as part of the policy of promoting Malayalam, even though the two books are wrongly alleged as against the policy. While the stated policy being promoting expressions in Malayalam, this Memo of charge is purely a retaliatory action for the firm stand taken against corruption and sending a disclosure –complaint to CVC on 26.2.2018 through chief Secretary on giving 'clean-chit' to corrupt persons who are in high positions of power.

191

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Promoting reading habit in Malayalam language through these books is, now stated as anathema through this Memo of Charges.

- D. Participation and Transparency are two important principles of good governance, which are part of policies and programs. While I was posted in KHDP, I was trained extensively on the methods and best practices of participation and transparency in governance which are the democratic values of higher order as well. Effective participation requires that, citizen gets all information and details in order to know what is done in their name, using any form of public money and public assets. Transparency principle enjoins upon governance systems to provide through all means and methods adequate information to citizen for effective participation. The two books enhance democratic values when viewed from these two principles of good governance and I understand good Governance is a professed policy of the State.
- E. Government announced a policy of zero tolerance to corruption on 24.06.2016, which means, corrupt people and all forms of corruption are not tolerated by any citizen of Kerala. The other side of this policy is that those who speak up and stand against corruption are rewarded and appreciated. Government of Kerala instituted a Whistleblower protection policy vide GO (MS) No. 25/11/Vig dated 6.9.2011. Government also instituted a Whistle Blowers Award who expose corruption vide GO (Rt)No. 16/2017/Vig dated 25.1.2017. The two books are published through reputed publishers after these policies are announced by Government. The repeated vengeful actions by misusing the All India Service Rules by the powers in Kerala are retaliation against me, for implementing the Anti-corruption Policy and the whistleblowers policy. Since I had tenures as Addl DGP in Lokayukta, Addl DGP in Vigilance and as Director of Vigilance and Anti-corruption Bureau of the State, I have learnt the best practices of Anti-corruption and Whistle-blowing in the World as part of implementing the United Nations Convention Against Corruption. I believe it is my duty to create

33 J 199 193

awareness about such best practices through all means and methods of communication.

- F. I was placed under suspension and relieved from the post of Director General of IMG on 20.12.2017, for participating in the United Nations declared Anti-Corruption Day of December 9th. Exactly on the date of completion of three months (the time limit for review of suspension) another Memo of Charges are issued vide Letter No. 1003563/Spl./C3/2016/GAD on 20.03.2018. This Articles of Charges was communicated through email on 17th April. On this day of 17th April one more event occurred in Secretariat. On 17.04.2018 vide GO(Rt) No. 2455/2018/GAD arising from File No. SPL-C3/115/2018-GAD, the Articles of charges dated 20.03.2018 is cited as the reason for keeping me out of job without paying salary. The Articles of Charges dated 20.03.2018 was issued through email only on 17.04.2018, and not served on me as per due process. This alone shows the malefide intention behind creating this new Articles of Charges as a retaliatory action for the stand I have taken against corrupt practices perpetrated by some powerful persons in the helm of affairs in the State. It is also pertinent to note the date of 20.3.2018, exactly the date of completion of three months of coming into effect of the suspension on account of participating in the United Nations Anti Corruption Day Seminar on 9th December. Therefore this Articles of charges is mischievous, vicious and with malefide intention to give a reason in the due three-month review of suspension, to keep me out.
- G. Mr. Paul Antony IAS, The Chief Secretary who issued the Articles of Charges was an accused along with the then Minister for Industries belonging to the present Ruling party, in a corruption case registered in a Vigilance unit after proper preliminary enquiry, while I was Director of Vigilance. The Minister resigned upon the Party enquiry finding him guilty, whereas his co-accused is continuing in position of power as Chief Secretary. Therefore there are reasons for personal vengeance and conflict of Interest.

All the allegations and averments on the above referred memo of Charges is expressly denied except those that are specifically admitted hereunder.

3573/201 195

1. I have informed the Government about writing the Autobiography "Sravukalkoppam Neethumbol, as soon as the title is finalized by the publishers, M/s Current Books, Thrichur. M/s Current Book Thrissur is a leading publisher of literary books in Malayalam Language including those great literary works of M.T Vasudevan Nair. An Autobiography written in simple local language of events, places and people that are intricately connected to my life and life experiences is a literary work.
2. The conceptual framework of the book given in page no: 259 to 263 of Karyavum Karanavum was developed while posted in the State's Apex Training Institution, IMG. The conceptual framework in pages 259 to 263 is developed based on the felt need of capacity building of various stakeholders of good governance in a democratic set up. "Pursuit of excellence in governance" is the vision of IMG under my charge of leading and managing. The book "Karyavum Karanavum" is a book on capacity building in pursuit of excellence in governance. One of my predecessors in charge of IMG, Ms Padma Ramachandran IAS has authored five books during her tenure in IMG.
3. Artistic work means showing imaginative skill in arrangement or execution. Scientific means done in an organized way that agrees with the methods and principles of science. Literary means relating to or having the characteristics of humane learning and having excellence of form or expression. Imagination as artistry is required even for thinking and deciding the chapters, layout and design of a book. Expressions in the form of prose also require imagination. The conceptual framework that structures a book also is a result of imagination. Therefore both the books Sravukalkoppam Neethumbol and Karyavum Karanavum are works of artistic, literary character.
4. There is nothing in both the books against our Great Nations Constitution with the Preamble "We the people gave unto ourselves..... In fact the books are Expressions to enhance the learning of citizen which is aligned to the constitution. The books of learning enhance participation and therefore further democratic values. I also understand that democratic values promote transparency,

37 75 2019 197

accountability, civic engagement, strategic vision, effectiveness, responsiveness and ethics. I also believe that integrity of the nation can be protected only if corrupt persons are identified and brought before the due process, which is a very difficult and risky task, often retaliated against in places with systematic corruption. What I have learnt in history is that healthy democracy, civilized societies and democratic values are not only very tolerant to authors and books, but promote and value books and authors. How the leaders of a society treats and values authors and books is a clear indicator and parameter of their culture.

5. How mentioning the names of individuals and political neutrality are connected or related and what is meant by political neutrality in a democratic country where every citizen has right to participate is not understood from paragraph 5 of your Article of charges. Names of individuals intrinsically connected to the course and events of my life only are mentioned in the autobiography Sravukalkoppam Neenthumbol. Names, places, events, concepts in the book Karyavum Karanavum are from published materials, Research and Literature review.
6. Sravukalkoppam Neenthumbol is autobiographical, and autobiography as a literary form is entirely experiential and unique to the life course of the author. Moreover an autobiography bares the author before his/her fellow travelers on this planet-earth, for the purpose of learning. Thus the intention of Sravukalkoppam Neeethumbol is altruistic and testing my literary/writing skills in Malayalam language. There are no age and no particular style prescribed for writing autobiography. Karyavum Karanavum is written after referring about 500 scientific articles and upon contextualizing the learning. All the scientific articles which formed the primary basis for the book are given in page 264 to 289 of the book Karyavum Karanavum. The definitions used on the concepts in the book are given in pages 255 to 258. All the information in the book are available in public domain or in scientific articles or in other published works or materials. Moreover I was in charge of an organization during the period I was writing the book Karyavum Karanavum, whose vision was pursuit of excellence in governance. Good governance does not hide

39 27 199

- documents and information but shares with citizens as per democratic values and principles of participation and transparency.
7. I was having experience of working as part of the State Police Force engaged in Law and Order maintenance duties, under the Head of Police Force for less than one year about 20 years ago in 1997-1998 as Commissioner of Police, Kochi City and as ASP about 30 years ago. The Police forces Act of 1966 was enacted in 1966 , is applicable to officers charged with the maintenance of public order and enacted upon a specific incident that happened in Delhi Police at that time. Dragging such laws into writing a book is akin to finding fault with a brand new vehicle on the road by a corrupt inspecting party, in order to charge some offence. The vehicle is functional in all respects and just released on to the road, but a fault-finding team or officer is likely to find some faults on the vehicle and its driver somehow, if there is animosity with the driver/owner of the vehicle by the fault-finding team or their masterminds.
 8. I shall apply for sanction to accept income from these two Malayalam books before receiving any, if the laws of India including case law and precedents point to that. However, it is to be understood that production and research costs of a literary or scientific work are not income.
 9. Since it is hoped that a very impartial, unbiased and judicious appreciation of this reply will be made by a fair and just disciplinary authority, the 10 records mentioned in the statement of imputations is not required to be perused at this point in time. However I request for copies of the note files and correspondence file and copies of dispatch register relating to all retaliatory actions starting from the Note file of Letter No. 1003563/Spl.C3/2016/GAD, Constitution of the 5 member committee vide GO (Rt) No. 3995/2017/GAD dated 24.6.2017, till File No.Spl.C3/115/2018-GAD dated 17.4.2018, in order to provide more complete reply to the Articles of charges.
 10. Sravukalkoppam Neenthumbol and Karyavum Karanavum as books have focus on Human Resources Development, which is a core

44 29 207 201

Management subject with emphasis on development of individuals through more knowledge, skills, attitude, visioning, synergy building, intrinsic motivation, overcoming challenges, energizing, mentoring, coaching, quality of life, need satisfaction, success dimensions, happiness, horizontal spirituality etc. The Books can be viewed as results of Action Research with participant observation and case analysis as the scientific method. The book Karyavum Karanavum is in pursuit of excellence in governance through awareness creation in larger public interest on various facets of capacity building such as individual capacity, institutional capacity, policy capacity, societal capacity building etc. A more elaborate classification schema of capacity building is given in page 18 of the book Karyavum Karanavum. Page 18 of the book is given as Annexure 1. All references as part of literature Review are listed and given in pages 264 to 289 as a 'Resource' for further reading. Awareness creation, capacity building, extension services and publication are aspects of work of IMG also.

11. The 12 imputations of Sravukalkoppam Neenthumbol listed in the Statement of Imputations that is from different pages and chapters of the book are mostly events/incidents of corruption related aspects that surfaced which are widely discussed in public media and much more information is available, if any researcher diligently checks the media archives of each of those incidents. The author did research on information available in public domain and media. Regarding vigilantkerala, it was an anti-corruption platform implemented with people's participation in 44 panchayats in 2014-15, which was not taken forward beyond the pilot project phase after I was transferred out of Vigilance in 2015. This was not part of normal duty entrusted by senior authorities, but entirely voluntary effort of societal, institutional and individual capacity building for Anti-Corruption. Huge effort during out of office hours have gone into researching and designing such an action research program. Had this project, been implemented earnestly, Kerala would have been a much better place in terms of quality of life and good governance. All expressions in both the books are in furtherance of knowledge. Creating new Knowledge is the purpose of research, which is the essence of science and therefore both the books are scientific also.

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12. As a public servant serving the people of this country, I am duty bound to communicate matters for the greater benefit of the larger public, even if it antagonizes the corrupt persons at the helm of affairs. The Hon'ble Supreme Court of India has held in judgments that Corruption is a bigger enemy than external threat. Therefore for the continued sustainability of the State, all types of corruption, methods and mechanisms of corruption, facilitators of Corruption are to be brought open to the citizen, from whom the corrupt persons hide information, and retaliate against any person who dares to communicate with the citizen through books, seminars, workshops, articles, and other forms of citizen interaction. Corruption education is a much needed subject, especially grand Corruption upon which larger public have very low knowledge. And Grand Corruption corrodes a society, as several examples illustrate.
13. An officer is a citizen of this country first, and therefore his/her higher loyalty and obligation are to the larger public in national interest, than protecting the interests of a few corrupt persons, who might be in positions of power. An officer to be a learner throughout his life, to be of benefit to the nation, and learning mostly is experiential, gained as one goes along in life. The knowledge of a public servant increases when the knowledge is shared with the public, whom he/she serves: The two way free flow of communication between the larger public and public servants is a great democratic value and is as per the spirit and soul of our Nations Constitution, that starts as "We the people -----". Therefore in the scheme of things as per the constitution, hiding any form of knowledge from our brothers and sisters by not freely communicating is against the democratic values.
14. 57 items are alleged as violation, in the book 'Karyavum Karanavum' as per the statement of imputations sent. The 57 subjects are listed with page numbers and chapters where what is crafted for capacity building is felt by the powers at helm of affairs in the state, as threatening or unpalatable or uncovering the opaque schemes by the makers of this Article of charges. Instead of enquiring or researching or debating diligently each of the aspects, for improving and modernizing the

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system, the messenger is blamed through this Article of Charges. Disasters happen to societies when alarms and warning messages are ignored and the person who communicates openly is castigated.

- 15. The first and second allegation, in the list for the book 'Karyavum Karanavum' can be illustrated for example, of castigating the author as a retaliatory measure, out of vengeance for the unbiased anti-corruption actions and disclosures, I have taken while working in Vigilance, and other organizations, which has antagonized the powerful corrupt persons.

The first subject in Karyavum karanavum, 'Vidaruthu Janaprathinidhiye' describes societal capacity building and Individual capacity building aspects in the book in page 28. Page 28 of the book referred in the Article of Charges is given as Annexure 2. A reading of page 28 by any person of sound mind, some intellect and love for the Nation finds its intent and spirit of capacity building, which is the subject of the Book Karyavum Karanavum.

" The second subject 'civil service padanakaryaseshi in page 31 of the book guides individual capacity on preparing for a competitive exam which is educational .The page referred in the Articles of charges is given in annexure 3.

- 16. Similar to the above two examples, all other imputations are nothing against the larger public interest and the purpose is educational and capacity building. The feedback and reviews of both the books Sravukalkoppam Neenthumbol and Karyavum Karanavum , received from several prominent citizen from all walks of life points to their value as literary, artistic and scientific character. In a healthy democracy, citizen readers are the fair judges and beneficiaries of books.
- 17. Government of Kerala has published in the official Gazette the Whistleblower Protection Act vide Kerala Gazette No. 26 dated 30.06.2015. This law of protection against victimization on speaking up or standing up against corruption is a recent legislation compared to 50

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year old AIS Conduct Rules of 1968. And an Act precedes Rules in the hierarchy of Law. Nation needs strong action on anti-corruption front in the wake of scams and loss of public money and public assets through corruption (Tragedy of Commons), instead of silencing whistleblowers. The insider-whistleblowers have better and concurrent knowledge about corruption than anyone else and they require more proactive and comprehensive system of career protection from victimization. Government of Kerala also initiated a Whistleblower Policy through GO(Ms) No. 25/11/Vig dated 6.9.2011. The report of July 2012 of Government of Kerala submitted by the 4 member committee headed by former Chief secretary details the definition of whistleblower and the required system of career protection to those who dare to speak up against corruption. Government of Kerala instituted Whistleblower Award vide Go(Rt) No. 16/2017/Vig.dated 25.01.2017. Thus all the allegations made in the Articles of Charges and Statement of imputations are null and void as per the recent, emerging law and policy on Whistleblowing in India and in all progressive societies world over.


18. The disciplinary authority on one side which issues the Articles of charges has a retinue of advisers, legal experts and resources at the beck and call, whereas a whistleblower like me is without any legal aid, advisers, office support and resources, which is a totally unequal situation, and not a level playing field. I am thrown out to survive on mere subsistence and expect to reciprocate to an unequal party on time, on every challenge and hardship hurled at me.
19. Two separate IAs are filed in WP(C) No. 12125/2010 as IA 712/2018 and IA 4679/2018 and the aspects of the two books is subject of the IA, which is pending before the Hon'ble High Court of Kerala. Paragraphs 3, 4, 5, 6, and 7 in IA 712/2018 along with Exhibits 23; 24, 25, 26, and Exhibit 27 are pertaining to the books. Thus the subject matter of the two books are sub judice.

Above is the explanation for writing two literary/artistic/scientific books that are published by reputed literary publishers, Current Books and DC Books. Moreover all stages of writing Sravukalkoppam Neenthumbol was informed to Government.

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This Memo of Charges is intended only to put me into continued ignominy, stigma, losses and blocking further career advancements as a retaliation for the anti corruption actions and disclosures made without fear or favour. All the charges and allegations are thus denied, as the procedure and intention are vitiated with male fide intention from your side. If your good self finds if any further answers are to be given in addition to the above, please feel free to send me such questions or clarifications through another written communication, which I shall respond and reply.

Sincerely yours,


21.4.18
Dr. Jacob Thomas

Enclosed : Annexures 1,2,3.



GOVERNMENT OF KERALA

No.2050993/Spl.C3/2017/GAD

General Administration
(Special-C)Department,
Thiruvananthapuram,
Dated:18.01.2018.

Articles of Charges against Shri.Jacob Thomas IPS (KL:1985)

That you, Shri.Jacob Thomas IPS, while holding the post of Director General, Institute of Management in Government, Thiruvananthapuram while attending a public function at Press Club, Thiruvananthapuram on 09.12.2017, has committed the following acts which amount to grave misconduct.

- 1) That you had not sought prior sanction of the Government to attend a public function which is beyond the purview of your official duty and entrusted responsibility. Further, you addressed the public media with an ulterior motive i.e., to tarnish the image of the State Government in power in public. Your action amounts to a serious misconduct and indiscipline. Thus, you violated the provisions under Rule 6 of All India Service (Conduct) Rules, 1968 which warrants disciplinary action.
- 2) That you delivered a provocative speech at the above function which was neither casual nor spontaneous but intentional and pre-meditated. You made the speech with the support of an electronic device so that you could express your views and comments on various programmes of the Government as you scripted, planned and coded. You criticized various policy decisions and measures of the State Government of which you are also a part purposely to belittle the State Government's initiatives and lower its administrative excellence among general public in violation of Rule 3(1) and Rule 7(1) of All India Service (Conduct) Rules, 1968 which also warrants disciplinary action against you.

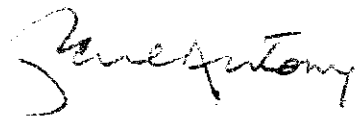
- 3) That you, according to the reports of media, alleged in your speech that there is no rule of law and there is a total break down of law and order in the State of Kerala. You also commented that all rulers are tainted and there is an understanding between rulers and corrupt elements in dealing with corruption and that steps will be taken against those who point out such matters to silence them. By making such offensive comments and accusations against the State Government, you damaged the dignity and decorum of the post you hold and breached the discipline of the entire police force you are part of. That you are a member of service and the senior most IPS officer in the Cadre of DGP of the State, you ought to have behaved in a manner and in disciplined way so as to be a role model to other officers and to refrain from doing anything which is or may be contrary to any law, rules, regulations and established practices. Thus you acted against the conditions stipulated under Rule 3 (2B) (x) and (xi) of AIS (Conduct) Rules, 1968 which also attracts disciplinary action against you.
- 4) The irresponsible statements made by you on the above occasion had the effect of creating misgiving and misunderstanding among the ordinary people about the way of functioning of the State Government to a certain extent. Your comment that rulers are unpopular and cannot win the confidence of ordinary people, is also unbecoming conduct and misleading too. In a democratic set up, the primary responsibility of a member of service is to protect the interests of the State. But you failed to discharge your duties and responsibilities which amounts to gross dereliction of duty.
- 5) Further more, you made speech inflammatory in nature aimed to exacerbate the feelings of the people affected by Cyclone Ockhi that would cause serious repercussions on the law and order and peace along the coast by alleging that there are serious lapses on the part of the Government in rescue operations for victims of the Cyclone, adding that the attitude of the Government would have been different if those who had gone to sea and died had been rich people. The statements made by you especially, in the aftermath of the natural Cyclone

67

Calamity that caused much damage and casualty in the coastal area where there was tremendous outpouring of grief and anger are capable of inciting affected people into wide spread agitation against Government and are prejudicial to the maintenance of harmony. So your act is not merely a matter of criminal misconduct under Rule 3 (1 A) of the All India Service (Discipline & Appeal) Rules, 1969 but also a criminal offence under Section 153 A, IPC.

4. You are therefore required to show cause, why disciplinary action as contemplated under Rule 8 of the All India Services (Discipline and Appeal) Rules, 1969 should not be taken against you. You are allowed 15 days time to submit your Written Statement of Defence from the date of receipt of this communication. You are also required to state whether you desire to be heard in person. You may peruse the relevant records mentioned in the Statement of Imputations and this Articles of Charges and take down extracts from them if so desired, in the presence of the Additional Secretary, General Administration (Special A & C) Department, on any day prior to the due date for submission of your Written Statement of Defence, which will be fixed in advance at your request. If no Written Statement of Defence is received within the said period, the matter will be proceeded with, on the presumption that you have no statement of defence to offer.

A Statement of Imputations on which Articles of Charge are based is appended.



PAUL ANTONY
Chief Secretary to Government.

To

Shri. Jacob Thomas IPS
Director General of Police.
(Through the Director General of Police & State Police Chief).

69

Statement of Imputations

Shri.Jacob Thomas IPS (KL:1985), Director General, Institute of Management in Government, Thiruvananthapuram made some blatant and provocative comments against various activities, policy decisions and functioning of the State Government in power at a public function at Press Club, Thiruvananthapuram on 09/12/2017. As per the reports of the media he commented that there is a total breakdown of law and orders in the State. He alleged that the State Government is not functioning for the poor but for the rich and corrupt elements and the people in the power are compromising with corruption. He also criticized the endeavors of the State Government with regard to its rescue operations for the missing fishermen and rehabilitative measures initiated for the coastal people victimized by the disastrous Ockhi Cylone. His statement that rulers are unpopular and cannot win the confidence of ordinary people is also unbecoming conduct and misleading too.

2) In the wake of the natural cyclone calamity, the statements made by the above officer are certainly inflammatory in nature and were prima facie aimed to exacerbate such feelings which could have had serious repercussions on the law and order and peace along the coast. Such actions which could create dissatisfaction and displeasure among people about the administrative mechanism of the state are unwarranted and unbecoming of an officer of his stature and is prejudicial to the security of the state. Considering that he is the senior most IPS officer of the state in the cadre of DGP, he has also damaged the dignity and decorum of the post he holds.

3) The action of the above officer warrants suspension and disciplinary action according to the provisions under Rule 3 (1 A) of the All India Service (Discipline & Appeal) Rules, 1969 which says:

“(1 A) If the Government of a State or the Central Government, as the case may be, is of the opinion that a member of the service has engaged himself in activities prejudicial to the interests of the security of the State, that Government may – (a) if the member of the Service is serving under that Government pass an order placing him under suspension”. Accordingly he has been placed under suspension from service vide G.O.(Rt.) No. 8044/17/GAD dated 19.12.2017.

4) Prima facie the above acts committed by the Officer are grave violation of All India Services Conduct Rules. The Officer has deliberately used the words that there has been a "breakdown of the law and order machinery" in the State. Incidentally, these words convey essentially the same meaning as provided in Article 356 of the Constitution that refers to President's rule in the event of breakdown of constitutional machinery.

5) Moreover, in the future, many officers will utter such grave and provocative sentences and use this example to escape from punitive action. The above acts amount to grave misconduct and indiscipline. Thus he breached the provisions under Rule 3(1), 3(2B) (x) and (xi) and Rule 7(1) of AIS (Conduct) Rules, 1968, which attract disciplinary action against him.

Hence the charges.



PAUL ANTONY
Chief Secretary to Government.

Document relied upon.

1. Note from the AD, I&PRD
2. News paper cuttings of Malayala Manorama
3. News paper cuttings of Mathrubhoomi
4. News paper cuttings of Indian Express
5. News paper cuttings of Times of India
6. Video clippings

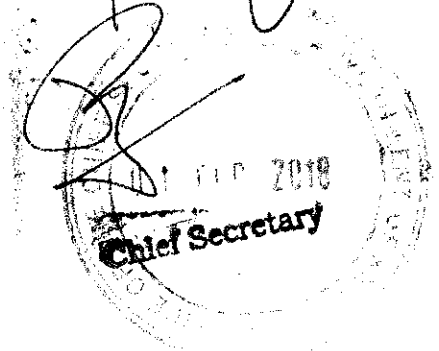
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30th January 2018

From
Dr. Jacob Thomas IPS
Director General of Police

To
The Chief Secretary
General Administration (SpecialC) Dept.
Government of Kerala



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Sub: Explanation to Memo of Charges
Ref: Letter No. 2050993/Spl.C3/2017/GAD dtd. 18.01.2018

This is in response to the Articles of charges sent vide letter No. 2050993/Spl.C3/2017/GAD dated 18.01.2018, for attending a Seminar in connection with the Anti-corruption Day on 9.12.2017 in Thiruvananthapuram. All the allegations and averments in the memo dated 18.1.18 are expressly denied except those that are specifically admitted hereunder.

1. 9th December is Anti-corruption Day declared by the United Nations, and India is a signatory to the United Nations Convention against Corruption(UNCAC) since 2011.(Reference: Times of India dated 13.5.2011) Therefore it is in National Interest to participate in a Seminar organized in connection with the Anti-corruption Day of the United Nations. Copy of the UN document on how corruption affects everyone, according to UNCAC is produced as Annexure 1. Raising awareness regarding the existence, causes and gravity of and the threat posed by corruption; undertaking information dissemination activities that contribute to non-tolerance of corruption is mandated among the Articles of the UN Convention against Corruption to which our Nation is a signatory.
2. The seminar is organized by Gandhi Smaraka Nidhi having specific values and objectives which are in National interest. The motive of the seminar and the talk is to check corruption and I talked only to the citizens of this State, who are participants in the democracy. Document issued by the United Nations on how to stand and fight against corruption is given in Annexure 2. Started by the United Nations, International Anti-Corruption Day was created to raise awareness of corruption and how it can be combated and prevented around the world.

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3. The hall in Press Club was hired by paying the rent of the hall by Gandhi SmarakaNidhi for the conduct of this seminar conducted by this organization, as Gandhi SmarakaNidhi was having another training program in their own hall at Thycaud in Thiruvananthapuram. Therefore the venue happened to be at the rented seminar hall at Press Club and media happened to be there, doing their functions. Copy of the receipt for paying rent is given as Annexure 3.
4. The Training Policy of Government published vide GO (P) No.9/2017/P&ARD dated 7.2.2017 provide the general direction of activities that everyone at IMG needs to follow as the nodal organization. Citizen-centric capacity building for corrupt-free, ethical public servants and good governance are part of this policy being implemented by the Government. Countries with more incidences of corruption are proven to have higher child mortality rates, weaker democratic processes, fewer employment opportunities for women and minorities, an accelerated depreciation of the environment, and decreased resources for health care, education, sanitation, and clean water.
5. The Vision, Mission and Objectives of IMG are to "pursue Excellence in Governance", Capacity Building for Good Governance in this knowledge society, awareness creation etc. The vision, mission and the main five objectives of IMG taken from the Annual Report of IMG of 2013¹³ is given as Annexure 4. Therefore the duty and responsibility includes spreading messages for good governance, which is corruption free governance in essence. B
6. It is not the first time that Thiruvananthapuram and Kerala seeing December 9th International Anti -corruption Day. Four years ago, on 9.12.2014, a function was organized in VJT Hall in connection with the December 9th Anti-corruption day and a pledge was taken by all participants. A copy of the Government letter on Anti-corruption Day celebration organized as a State responsibility is given as Annexure 5.
7. In the year 2016, a function was organized at VJT Hall in connection with the December 9th Anti-corruption Day. In this function the Chief Minister of the state released two participatory Anti-corruption mobileApps, designed to be implemented with people who see corruption in their neighborhood at the first level. The Government letter, along with a pledge and badge is given as

83 ✓

Annexure 6. Organizing seminar is also a part of the December 9th Anticorruption day as per this Government letter. [Similar to this day's function, I have talked about corruption as a menace, and the policy of Government as I understand is "Zero Tolerance to Corruption which is visible and felt". But if this policy announced on 24.06.2016 is changed to 30% tolerance or 50% tolerance to corruption, I have not seen any formal notification from Government yet.]

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8. The themes/Concepts/Slogans/messages of UN Anti-corruption Day on 9th December is decided by the United Nations, each year, for all signatory countries to follow through Seminars, pledges, wearing badges and other awareness creation and capacity building initiatives. The Theme on 9.12.2017 was 'United Against Corruption'. A copy of the concept, Theme and Campaign name issued by the United Nations for 9.12.2017 is produced as Annexure 7.
9. Previous years the Slogan/Themes propagated by the United Nations on 9th December had been "Break the Corruption Chain", "Zero Corruption – 100% Development", "Say No to Corruption", and "ACT against Corruption". [The Hon'ble Supreme Court of India in Niranjan Hemachandra Sashittal vs State of Maharashtra AIR .2013 SC 1682 observed that "corruption is not to be judged by degree, for corruption mothers disorders, destroys societal will to progress, accelerates undeserved ambitions, kills the conscience, jettisons the glory of the institutions, paralyses the economic health of a country, corrodes the sense of civility and mars the marrows of governance". Having known this message from the Hon'ble Supreme Court, I believe it is my duty to do everything possible to check corruption in the state where I live.]
10. The Supreme Court of India in Subramanian Swamy Vs Man Mohan Singh (2012) 3 SCC 64 states that corruption is a bigger enemy than external enemy. The same judgment speaks that corruption devalue human rights, chokes development and undermines justice, liberty, equality, and fraternity which are the core values in the Indian preambular vision. Supreme Court in Niranjan Hemachandra Sashittal and Another Vs State of Maharashtra 2013, KHC 205 states that corruption corrodes marrows of economy and causes incurable concavity in Rule of Law and Good Governance. Therefore [sharing knowledge about how corruption affects each one of the citizen in a democracy is of paramount salience for assuring quality of life to me as a resident here, my dear and near ones and other fellow-citizens, which alone I intended on 9th December, 2017.]

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85

11. Again Supreme Court in judgment of Jayalalitha case in January 2017 also stated the necessity to check the malady of corruption perpetrated by the powerful in a State. In Vineet Narain and Ors Vs Union of India and Another (1998) 1-SCC 226, Supreme Court observed that "it is trite that the holders of public offices are entrusted with certain powers to be exercised in public interest alone. Whenever Public interest, or collective interest is made subservient to personal interest in its various forms by persons entrusted with power, which becomes a case study of corruption in academic discussions and seminars.
12. (I gave an academic/professional talk in the seminar on the Topic "Conflict of Interest in Governance in Kerala" which is a subject of governance, in line with the vision and mission of IMG, where I was posted by the Government. I would not have talked on such a topic related to governance on 9th December, if Government had not posted me in IMG, as I was constrained to talk in line with its vision of Pursuit of Excellence in Governance. Governance has 10 principles that IMG propagates, which are given below:) F

- i. Participation of people
- ii. Transparency in the decisions and actions of all authorities
- iii. Responsiveness to the needs and expectations of people
- iv. Rule of Law
- v. Accountability
- vi. Efficiency
- vii. Effectiveness
- viii. Consensus orientation
- ix. Strategic vision for a better quality future for everyone
- x. Equity, enabling equal opportunities and equal information

The above are the principles of good governance followed by United Nations Development Program, which is an active participant in the united stand against corruption, on 9.12.2017.

13. There was no script prepared beforehand, except the power point slides, which is a normal method of any professional academic talk in a seminar. The presenter gives examples in the actual talk to illustrate the points in the slide and sometimes elaborate certain points for easy understanding of the audience in a seminar, which are spontaneous.

- 87
14. I have not criticized any current policy of the State Government or the Central Government. And I firmly believe that State Government has a policy of 'Zero Tolerance to Corruption which is visible and felt' announced in the Governor's speech on 24.06.2016 in the State Assembly, and not Zero Tolerance to Anti-corruption initiatives such as awareness creation about various aspects of corruption in the Anti-corruption Day of 9th December. 16
15. Rule of Law is the first casualty when there is even a slight tolerance to corruption such as even 10% tolerance to corruption, where the Anti-corruption Law or Pollution Law or Mining law, or Biodiversity law, Lokayukta Act, Food Safety Act, Whistleblowers Act, Fire Act, Sewerage and water supply Act, Pesticide Act, waste management laws, building laws, or Motor Vehicles Law or Land laws or anti-corruption decisions of Supreme Court are applied differentially or negligently or ineffectively. Equal application of Laws, Application of Laws without fear or favor, Applications of Laws equally to all situations are aspects of Rule of Law discussed in the seminar as a principle of Good Governance, in the context of the topic 'Conflict of Interest in Governance in Kerala'. If at all I have mentioned anywhere in the talk the word order that means predictability of the application of law. As far as my training and knowledge goes there is no ban on talking about the subject Rule of law or Accountability or Governance or Corruption in this Nation, and that too on the international anti-corruption day.
16. My intention was to be a responsible participant in the United Nation's efforts on the Anti-corruption Day 9th December, India being a signatory to the UN convention against corruption since 2011. I believe that I have an obligation and duty to my homeland to see that it has a corruption free governance as is announced by the Hon'ble Governor in the Assembly on 24.06.2016, which in paragraphs 6,7,10,11,15 and 204 unequivocally states the policy intent of a corruption-free, inclusive, participatory, eco-friendly and professional governance. 17
17. Governor of the State announced in the State Assembly on 23.02.2017 in paragraph 234, 235 and 253 of the speech that anti-corruption policy of the state will be implemented with people's participation. Participation is an important principle of Good Governance. Participation also means that people should get sufficient/adequate information, in order to enable them to participate. This is ensured by the Principle of Transparency, which is a policy and law in this country in the form of Right to Information Act. The Apex Court

89

in Central Board of Secondary education and Another Vs Aditya Bandhopadhyay and others 2011(3)KCT SN 120, held that every citizen have the right to all information held by or under the control of any public authority except those excluded or exempted under RTI Act. The object of the Act is to empower the citizens to fight against corruption. In Lee V.S. and others Vs State of Kerala and others (2010(1) KLT 691, the High Court of Kerala also observed that "in spite of being a democratic nation, the citizen stood effectively excluded from contribution to the transparency in the functioning of the State and its governance and containing corruption in the instrumentalities which and through which the governing process is carried out. The Court adds that "the people being the ultimate repository of the sovereign power have the right to know". Therefore my conduct has been in consonance with the national interest and collective interest of the people of this State.

18. I talked on 9th December, the Anti-corruption day with the responsibility of a citizen of this nation, nation being a collective of the people residing here with its more than 5000 years of culture, traditions, values, norms, mores and expectations. I am not trained from my village upbringing to be a negligent citizen or lazy citizen or irresponsible citizen, or to be a silent spectator when there are symptoms of the risk of corruption or bad governance or corrupt governance, as that will put the nation in peril. I
19. [I believe that in a democratic set up, the primary responsibility of a public servant is to the people whom he or she serves. I have intended to serve the collective interests of the people, which is not to tolerate corruption or nepotism or bad governance, as that will affect adversely the well-being of common citizen of this nation.] Being the senior-most IPS Officer of the State, I believe it is my responsibility to be a role model in upholding all the principles of good governance, be on the side of the poor and marginalized segments of the people, be on the side of the people who are sad, grieved, feeling helpless, feeling vulnerable or feeling excluded. [The intention of my talk and all my actions while discharging my functions as DG, IMG was to be a role model in the above manner to other public servants.] I
20. [I do not believe that it is a good model for me to be in the safe haven of the comfortable office complex when the people out there, for whom a public servant exists, laments, just as we all despise the ruler in the saying "when the Rome is burning, Nero is playing fiddle".] I also believe that we as a culture K

91

despise the French saying attributed to Mary Antoinette "If there is no cake, give them bread".

21. The first warning Bulletin No. 01(BOB 07/2017) came to the Chief Secretary of the State at 11.50 am on 29th November 2017, followed by Bulletin No. 02 at 2.15 PM on 29th November, 3rd Bulletin at 7.15 PM on 29th November with the following warning to the fisherman in para iii. "(iii) Fishermen warning: Fishermen along and off south Tamil Nadu and South Kerala coasts are advised not to venture into sea during next 48 hours and along and off Lakshadweep Islands are advised not to venture into the sea on 01st and 02nd December".

As per above, the matter of warning to fishermen by the Disaster Management Authority of the state, was due immediately after 11.50 am on 29th November, considering the principle of Accountability and Effectiveness in Good Governance. My talk was on subsequent month, on 9th December on the International Anti-corruption day. Disaster Management Law, Disaster management Plan, and Policy are matters of Governance with its Principles of Accountability, Rule of Law, Participation, Transparency, Effectiveness, etc. Allegations that the talk in the afternoon of 9th December, 11 days after the first warning intended for fishermen came to the state created Okhi disaster related incidents is a too much stretching of the imaginations of the persons, who falsely created this memo of charges, as a retaliatory step for my stand and actions against corruption.)

22. I have treaded the responsibility as a public servant, appointed by the Government of India, with the belief that the footprints I leave behind are as important as the path I follow in serving the people of this nation. On 9.12.2017 also I followed this path.)

23. [I believe that beyond blind obedience, national interest and human life are of paramount importance, when one observes both intent and action or inaction, especially when human life is involved as in Okhi disaster management or Tsunami disaster and rehabilitation management.] At that time, I was in the Institute of Management in Government, and governance includes disaster management functions of the Government also. Thus both management and governance were my duty of capacity building areas. In management and governance, I have been learning and trying to apply the best practices. Best practices that I believe and do are not like comparing my state with another worse managed state.)

93

in the Transparency International ranking or Well-being Index, but the best governed democratic nations such as Denmark, New Zealand, Singapore. Communication to the people I serve, such best practices, is considered as my duty as Director General of Institute of Management in Government.

24. I have a right and obligation to say against corruption in national interest. What I have done by taking a pledge against corruption on 9.12.2017 and make others present there to take the pledge of Anti-corruption is my obligation, duty to the Nation and part of my service as India is a signatory to the UN Convention against Corruption. [If I did not do that, I would have been going away from my obligation to this nation as a senior person who is given opportunities, to develop the capacity to become a great nation.]
25. Recently I watched in all media, four senior Supreme Court Judges, communicating to the people through the media that they are answerable to people, people should know what is going on inside the institution in which they are a part. Newspaper reports on judges speaking to media during working hours are attached as Annexure 8. Judges are senior public servants, who know Conduct Rules more than senior IPS Officers, when it comes to duty, obligation which they categorically declared that it is to people. Thus the senior judges demonstrated that obligation and duty to people comes first to public servants when corruption or bad governance puts institutions and instrumentalities of governance at risk. [When constitutional mechanisms and instrumentalities through which governance happens do not protect or deliver, approaching people through media is the solution.]
26. Article 51A of the Indian Constitution enjoins upon citizens, the fundamental duty to develop "the scientific temper". Scientific temper includes respecting and valuing facts, data and empirical knowledge based on analysis. Scientific temper also includes critiquing with a view to advance knowledge on matters of value and matters of concern to human life and quality of Life. [Judging a person on the basis of a talk in a seminar on Anti-corruption Day to limited audience, who are all mature people, is total lack of scientific temper, by the powers at State level who took the decision to suspend me as a retaliatory action, based on media reports.]
27. The excelkerala website (www.excelkerala.in) focuses on corruption as an

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objectives in Agenda 2030 of the United Nations. I firmly believe in what the United Nations say and recommend in its what to do Section about the several actions that every responsible citizen need to adopt for taking the nation to sustainable development and corruption-free governance.

28. Panama Papers, Paradise papers, and several investigations of grand corruption in countries in Asia, Latin America, Africa, and Eastern Europe demonstrate clearly the collusion between rulers and corrupt elements in a corruption chain and the steps taken in those instances to silence those who point out corruption. The theme of a previous year by the United Nations was Break the Corruption Chain, by understanding this alarming fact. One can close one's eye to facts about corruption and its new methods only at the society's peril in the form of less than desired development and low quality of life of people, while corrupt powers and their progeny enjoy a higher quality of life out of proceeds of corruption.

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29. The intention of deciding on the stigmatizing, career blocking and humiliating suspension order referred in the statement of imputations para 5 that "in the future, many officers will utter such grave and provocative sentences and use this example to escape from punitive action" amply makes it clear 'silencing' intent. This intent of the Authority wielding power to silence me, to punish me and eager to punish me is not only against the basic tenets of this Nation's Fundamental Law, but also against the Principles of Good Governance.

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30. Talking facts and truths by a public servant, especially the facts and truths relating to corrupt practices and inefficacies of people entrusted with power, by the citizens of the State is not any misconduct, but responsible citizenship, which is clearly evidenced from the talk of Justice Chelameswar of the Supreme Court of India. The CD of the talk of Justice Chelameswar on 20.04.2017, who is a senior public servant of this Nation, is produced as Annexure 9. My talk on 9th December 2017 is after this inspiring talk by a more senior public servant on this society being more and more intolerant, irrational, and inconsistency with constitutional dictates on liberties and obligations. Smiling corruption away, as an indifferent citizen is not a course of action open to any responsible citizen of this nation.

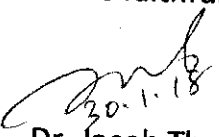
31. Loyalty and love towards our nation demands loving adoption of all the principles of good governance. Love for India that we gave unto ourselves as a socialist, democratic sovereign requires love for transparency, participation.

97
responsiveness, equity and effectiveness. When I open my heart to patriotism and love for Kerala, there is no tolerance to corruption, nepotism, banal talk of policy and ineffective compliance to the UN Convention against Corruption, being part of an interconnected whole. T

The above is the explanation for the seminar talk made on the International Anti-corruption Day for which I was placed under suspension vide letter No GO (Rt.) No. 8044/17/GAD dated 19.12.2017, thereby putting me into great ignominy, permanent stigma, loss of self-esteem, in addition to loss of further career opportunities, while stating in the Memo of Charges that I am the senior most in DGP Rank in the State.

[All the charges and allegations are thus denied by me.] The intent, reasons and justifications of the alleged actions and disclosures are well explained in the forgoing paragraphs. If your good-self find if any further answers are to be given in addition to the above, please feel free to send me such questions or clarifications through another written communication, which I shall respond and reply. V

Yours faithfully,


30.1.18
Dr. Jacob Thomas



GOVERNMENT OF KERALA

No.1919663/Spl.C3/2017/GAD

General Administration
(Special-C)Department,
Thiruvananthapuram,
Dated: 24.11.2017

Articles of Charges against Shri. E.J.Jayaraj IPS (KL:1994)

That you, Shri. E.J.Jayaraj IPS while holding the post of Inspector General of Police, Crimes, North Zone, CBCID committed official misconduct and grave dereliction of duty by misbehaving in a drunken stupor in public on 25.10.2017 and thereby lowering the image of the State Police force before the general public, during office hours.

2. That you, on 25.10.2017 misused the departmental vehicle bearing the register No. KL 01/BX-428 (Innova Car) for visiting the house of one Shri.Sunil at Kottarakkara for personal matter, during office hours. By the aforesaid action, you have violated Rule 3 of All India Service (Conduct) Rules 1968 which warrants disciplinary action against you, for the above charges.

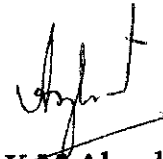
3. That you, as a senior police officer who is duty bound to enforce the law caused to drive the vehicle by a police driver who consumed alcohol and who in an unebriated condition and thereby committed grave misdemeanour.

4. That you were involved in similar incidents earlier in which proceedings were initiated against you and appropriate action taken and repetition of the same offences attributes more gravity to the instant case.

4. You are therefore required to show cause, why disciplinary action as contemplated under Rule 8 of the All India Services (Discipline and Appeal) Rules, 1969 should not be taken against you. You are allowed 15 days time to submit your Written Statement of Defence from the date of receipt of this communication. You are also required to state whether you desire to be heard

in person. You may peruse the relevant records mentioned in the Statement of Imputations and this Articles of Charges and take down extracts from them if so desired, in the presence of the Additional Secretary, General Administration (Special A & C) Department, on any day prior to the due date for submission of your Written Statement of Defence, which will be fixed in advance at your request. If no Written Statement of Defence is received within the said period, the matter will be proceeded with, on the presumption that you have no statement of defence to offer.

2. A Statement of Imputations on which Articles of Charge are based is appended.



Dr.K.M.Abraham
Chief Secretary to Government.

To

Shri. E.J.Jayaraj IPS
Inspector General of Police.
(Through the Director General of Police (Head of Police Force) & State Police Chief).



159

Statement of Imputations

The District Police Chief, Kollam Rural vide Letter No. Additional Director General of Police (Intelligence) vide letter No.566/Camp/DPC/17-QR dated 26.10.2017 submitted a Special Report against Shri.E.J.Jayaraj IPS, Inspector General of Police, Crimes, North Zone, CBCID (HQ) to the State Police Chief. The report reveals that around noon 25.10.2017, Shri,E.J.Jayaraj IPS had visited the house of one Shri.Sunil at Kottarakkara for personal matters in departmental vehicle bearing Reg. KL_01/BX-428 (Innova car) driven by Shri.Santhosh, Driver SCPO 5707, the driver on official duty, during office hours. While on the said personal visit Shri.E.J.Jayaraj IPS along with his driver on duty, had consumed alcohol during office hours and returned in the same official vehicle in an inebriated condition, on account of which the driver was unable to drive the departmental vehicle. Shri. E.J.Jayaraj IPS and the driver were spectacle in public, thereby lowering the image of the State Police Force before the general public considerably.

2. The local people reportedly interfered in the matter leading to the registration of Crime Case No. 2059/2017 u/s 279 IPC and 185 of the Motor Vehicles Act in the Anchal Police Station against Shri.Santhosh, Driver SCPO 5707. The medical certificates reveal that both the officers were under the influence of liquor.

3. The State Police Chief vide Lr. No. T2-170252/2017/PHQ dated 26.10.2017 forwarded the Special Report to Government recommending disciplinary action against Shri.E.J.Jayaraj IPS, Inspector General of Police, Crimes, North Zone CBCID HQ.

4. It is clearly established from the Special Report, documents and the statements of witnesses that-

- (i) Shri.E.J.Jayaraj, IPS misused official vehicle and official powers vested with him for his personal gain.
- (ii) That the officer lowered the image of the State Police Force before the general public considerably by his irresponsible conduct.
- (iii) That the officer has not shown integrity and devotion to duty

and thereby committed dereliction of duty.

- (iv) That the above actions of Shri.E.J.Jayaraj IPS are not expected or befitting to any Government servant, least of all of a high ranking Police Officer of the Indian Police Service and they amount to misbehaviour and misconduct and consequent violation of Rule 3 of All India Service (Conduct) Rules, 1968.

5. In view of the report of the State Police Chief recommending disciplinary action against the delinquent officer, Government have examined the matter in detail and found that the above acts of Shri.E.J.Jayaraj IPS, Inspector General of Police, Crimes, North Zone, CBCID (HQ) prima facie amount to official misconduct and violation of All India Service (Conduct) Rules, 1968 and consequently placed him under suspension under Rule 3 of the All India Services (Discipline & Appeal) Rules, 1969, with immediate effect, vide G.O.(Rt.) No. 6878/2017/GAD dated 31.10.2017 pending disciplinary action against him. The Government, therefore, proposes to initiate disciplinary action against Shri.E.J.Jayaraj IPS, Inspector General of Police (under suspension), for violation of Rule 3 of the All India Services (Conduct) Rules, 1968.

Hence the charges.



Dr.K.M.Abraham
Chief Secretary to Government

Witness Questioned

1. Shri. Aravindan, SI (G), Anchal Police Station.
2. Shri. Deepak.T, CPO 6553, Anchal Police Station.
3. Shri. Anas.S.J., CPO 6745, Anchal Police Station.
4. Shri. Radhakrishnan, ASI (G), Anchal Police Station
5. Dr. Tom V.Thomas, Asst. Surgeon, Punalur, THQ.

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(b)

Document relied upon.

1. True copy of the Special Report bearing Lr.No. 566/Camp/DPC/17-QR dated 26.10.2017 submitted to the State Police Chief by District Police Chief, Kollam Rural.
2. True copy of the FIR in Crime No. 2059/2017 dated 25.10.2017 of Anchal Police Station.
3. True copy of the Lr. No. T2-170252/2017/PHQ dated 26.10.2017 of the State Police Chief.
4. True copy of the medical certificates.
5. True copy of the G.O.(Rt.) No. 6878/2017/GAD dated 31.10.2017.

42
203

**BEFORE THE CHIEF SECRETARY TO GOVERNMENT, GOVERNMENT
OF KERALA, THIRUVANANTHAPURAM**

Written statement of defence submitted by E.J.Jayaraj IPS, Inspector General of Police, Crime, North Zone, Crime Branch C.I.D, Thiruvananthapuram.
(Under Suspension)

Respectfully submitted:

As per Articles of Charges No. 1919663/Spl.C3/2017/GAD dated 24.11.2017 the following charges have been framed against me and I have been directed to submit my written statement of defence.

“That you Shri. E.J.Jayaraj IPS while holding the post of Inspector General of Police, Crimes, North Zone, CBCID committed official misconduct and grave dereliction of duty by misbehaving in a drunken stupor in public on 25.10.2017 and thereby lowering the image of the State Police force before the general public, during office hours.

(2) That you, on 25.10.2017 misused the departmental vehicle bearing the Register No. KL-01/BX-428 (Innova Car) for visiting the house of Shri. Sunil at Kottarakkara for personal matter, during office hours. By the aforesaid action, you have violated Rule 3 of All India Service (Conduct) Rules, 1968 which warrants disciplinary action against you, for the above charges.

(3) That you, as a Senior Police Officer who is duty bound to enforce the law caused to drive the vehicle by a police driver who consumed alcohol and who is in an inebriated condition and thereby committed grave misdemeanor.

(4) That you were involved in similar incidents earlier in which proceedings were initiated against you and appropriate action taken and repetition of the same offences attributes more gravity to the instant case.”

A statement of allegations purported to provide a basis for the charges has also been served on me.

I plead not guilty to the charges. All the imputations set forth in the Articles of Charges are hereby denied. I am completely innocent and such charges have been framed against me without considering the attending facts and circumstances. Let me allow to deny and refute the charges as they are falsely and incorrectly foisted.

It is submitted that on 25.10.2017 at about 12.00 noon I got a telephone call from one Sunil, Kottarakkara, an authorised agent for Hyundai Cars in Kollam area informing that a good condition second hand Hyundai Car is available for sale and if I reach urgently there I can inspect the car so that I can purchase the same as I told him earlier that I intent to purchase a second hand car. Accordingly I proceeded to Kottarakkara in my official car KL-01/BX-428 (Innova Car) with driver Santhosh for seeing the car and when I reached at Kottarakkara by 01.30 pm I was

205

told that the car was stationed at Punalur and accordingly from Kottarakkara I proceeded to Punalur and after seeing the car the said Sunil left for Kottarakkara and I left for Thiruvananthapuram. On the way to Thiruvananthapuram when my car was about to reach at Anchal junction, driver Santhosh stopped the car for a while near to Kolara bridge for his urination. All of a sudden a Police Jeep arrived there and a Sub Inspector alongwith Policemen approached driver Santhosh and questioned him in such a manner and seeing this the nearby residents and the people who are travelling in the busy stretch of Anchal – Punalur road gathered there enquiring about what had happened. By the time the Sub Inspector loudly declared that the driver of the Police car had consumed alcohol and is under the control of intoxication. Hearing this the people gathered there demanded that the driver of my vehicle has to be taken into custody and the Police took my car to Anchal Police Station and after reaching the police station driver Santhosh was arrested by Anchal Police alleging that he had consumed alcohol. It may be noted that before myself and car reached the Anchal Police Station, the Anchal Police for reasons best known to them had sent the news to the print and visual media and also through the social media about the taken of my car into custody and when my car reached at the Police Station a number of people gathered there and the visual media had begun to telecast the news in an exaggerated manner quoting that the driver of the Police vehicle as well as myself had consumed alcohol. Thereafter myself and driver Santhosh were taken to Taluk Headquarters Hospital, Punalur and was subjected to medical examination as a preplanned and prearranged manner.

It is submitted that for the last one year I was undergoing prolonged Homoeopathic medical treatment under Dr. M.Sreekumar, BSc, BHMS, Kollam for higher hypertension, cholesterol and for sleeplessness at night and is consuming homoeopathic medicines regularly and as usual on the noon of 25.10.2017 I consumed the said medicines while I was at Kottarakkara without taking my noon food and while I was heading for Anchal I was in a drowsiness mode and I was unaware about the stopping of the car at Kolara bridge near to Anchal by the driver. It was at this juncture the Police party of Anchal Police Station reached there and taken my car to the Police Station for reasons best known to them.

The 1st charge levelled against me is that I had committed official misconduct and grave dereliction of duty by misbehaving in a drunken stupor in public on 25.10.2017 and thereby lowering the image of the State Police force before the general public, during office hours. I may submit that this allegation is fully incorrect and baseless and raised without a reasonable or probable cause or basis. I had not committed official misconduct and grave dereliction of duty by misbehaving in a drunken stupor in public on 25.10.2017 and that there is no case against me by the Anchal Police that I had committed any official misconduct and misbehavior in a drunken stupor in public as alleged. Instead when my car was stopped for a while near the Kolara bridge near to Anchal, the Anchal Police waylaid the car and questioned the driver Santhosh and openly declared in the gathered nearby residents and passerby travellers that the driver of the vehicle had consumed alcohol and hence he is to be

207

taken into custody and my vehicle was taken to the Police Station and without any hesitation or resistance on my part and I obeyed the instructions of the Sub Inspector and accompanied him to the Police Station and thereafter as directed by the Anchal Police I was subjected to medical examination at Taluk Headquarters Hospital, Punalur and also that I had obeyed at the directions and instructions issued by the Anchal Police then and there irrespective of my position. I had not lowered the image of the State Police force before the general public at any point of time as alleged. In the absence of any allegation or complaint or case against me either by the Anchal Police or by any general public who witnessed the alleged incidents about any misconduct or misbehavior in a drunken stupor, the allegation that I had committed official misconduct and grave dereliction of duty by misbehaving in a drunken stupor in public on 25.10.2017 and thereby lowered the image of the State Police force before the general public is untenable and not at all sustainable. It is an admitted fact that I was undergone medical examination at Taluk Headquarters Hospital, Punalur and the Anchal Police obtained a certificate of drunkenness in which it shows that there was smell of alcohol. It is submitted that due to the administration of Homoeopathic medicine by myself, it is quite natural that there was smell of alcohol. The Homoeopathic medicine which I consumed contains mostly ethyl alcohol and which had a smell close resemble to that of alcohol while the Doctor subjected me for medical examination. Though I had tried to convince the Doctor that I had consumed homoeopathic medicine, the Doctor under the influence of the local Police noted in the certificate that "the above person has consumed alcohol but he is not under its influence".

The 2nd charge raised against me is that, on 25.10.2017 I had misused the departmental vehicle bearing the register No. KL-01/BX-428 (Innova Car) for visiting the house of one Shri. Sunil at Kottarakkara for personal matter, during office hours and by the aforesaid action, I had violated Rule 3 of All India Service (Conduct) Rules, 1968. With regard to this allegation I may submit that I had used the departmental vehicle bearing KL-01/BX-428 (Innova Car) for visiting one Shri. Sunil at Kottarakkara on 25.10.2017. As stated hereinabove, I visited Sunil, who is an authorised agent for Hyundai Motors, Kollam area to discuss about the purchase of a second hand Hyundai Car since the owner of the second hand car was waiting at Punalur. I was constrained to proceed to Kottarakkara and then to Punalur during office hours considering the urgency of the matter. It is also submitted that the charges for my private use of the departmental vehicle KL-01/BX-428 for 160 kilometers amounting to Rs. 960/- at the prevailing rate of Rs. 6/- KM has been remitted at Sub Treasury, Vellayambalam on 27.10.2017. A copy of the Chalan showing the remittance of the hire charges of the vehicle is attached herewith for favour of kind perusal. It is also submitted that being a member of All India Service, I am discharging my official duties with absolute integrity and devotion to duty and had not violated the Service Rules which can be termed as unbecoming of a member of the service.

209

The 3rd charge levelled against me is that as a Senior Police Officer who is duty bound to enforce the law caused to drive the vehicle by a Police driver who consumed alcohol and who is in an inebriated condition and thereby committed grave misdemeanor. As far as this allegation is concerned I may submit that Driver SCPO 5707 Santhosh was my driver for the last 1 year and that he was discharging his duties loyally, faithfully and diligently without giving any room or occasion to any complaints earlier. I was of the firm belief that somebody had given him alcohol with ulterior motive and with malafide intention while I was discussing with Shri. Sunil in order to endanger my life while on driving and thereby to wreak vengeance against me and that those men given alcohol to Santhosh may have telephoned to the Anchal Police with a culpable desire to tarnish my image in the department and in the general public. Being a member of the disciplined force and duty bound to enforce the law, I have not caused to drive the vehicle by a Police driver who consumed alcohol. It is submitted that while on going to Kottarakkara the driver had not consumed alcohol and it may be from Kottarakkara he was intoxicated by some unknown persons with ulterior motives and with malafide intention. The allegation that I caused to drive the vehicle by a Police driver who consumed alcohol is not at all correct and true to facts since I am fully aware that drunken driving will endanger my own life. Facts being so, the allegation that I had caused to drive the vehicle by a Police driver who consumed alcohol and who is in an inebriated condition is not at all correct and contrary to real facts.

The 4th charge levelled against me is that I was involved in similar incidents earlier in which proceedings were initiated against me and appropriate action taken and repetition of the same offences attributes more gravity to the instant case. I may earnestly submit that this charge has been raised against me with a culpable desire to attribute more gravity to the present charges and thereby to penalize me at any cost for reasons beyond my knowledge. Admittedly, there was an allegation that on 29.08.2011 at about 06.20 pm while I was travelling in C2 coach in Janashadabdi Express train from Thrissur to Ernakulam one passenger kept a laptop for charging in the seat allotted to me and when I asked to remove the same from my seat he was reluctant and there arose an altercation between myself and the owner of the laptop and for which an allegation was falsely fabricated against me that I caused public nuisance in the coach. Accordingly the Railway Police, Ernakulam registered Crime 70/2011 which was charge sheeted before the Hon'ble Judicial First Class Magistrate Court-I, Ernakulam, as C.C.5036/2011 and after trial I was found not guilty on the charges and honorably acquitted me by the judgment dated 21.07.2017. Facts being so, the charge that I was involved in similar incidents earlier is not at all correct and that appropriate actions had already been taken against me for the allegations then and there and this allegation is now tied up with the present one which cannot but be raised with ulterior motive and with malafide intention.

In the statement of imputations it is stated that from the special report of the Additional Director General of Police (Intelligence) reveals that "around noon on 25.10.2017, Shri. E.J. Jayaraj IPS had visited the house of one Shri. Sunil at

211

Kottarakkara for personal matters in departmental vehicle bearing Reg. KL-01/BX-428 (Innova Car) driven by Shri. Santhosh, driver SCPO 5707, the driver on official duty, during office hours. While on the said personal visit Shri. E.J. Jayaraj IPS along with his driver on duty, had consumed alcohol during office hours and returned in the same official vehicle in an inebriated condition, on account of which the driver was unable to drive the departmental vehicle. Shri. E.J. Jayaraj IPS and the driver were spectable in public, thereby lowering the image of the State Police Force before the general public considerably." This allegation is fully incorrect and contrary to real facts. As stated hereinabove, I had not consumed alcohol during office hours alongwith the driver on duty and returned in the vehicle in an inebriated condition as alleged. As stated hereinabove, while on my journey from Punalur to Thiruvananthapuram, my vehicle was stopped for a while near to Kolara bridge near to Anchal for urination of the driver. Meanwhile the Anchal Police arrived there in a prearranged manner and driver Santhosh was taken into custody and I was instructed to attend the Anchal Police and without any hesitation or resistance I accompanied the Police party and when I reached at the Police Station, the Station House officer directed me to undergo a medical examination which I obeyed scrupulously. The allegation that after consuming alcohol during office hours I returned in the official vehicle in an inebriated condition and on account of which the driver was unable to drive the vehicle is untenable and that it is a fabricated and manipulated allegation in order to establish that my driver and myself were in an inebriated condition. In fact it was only after the arrival of the Anchal Police party near to the Police vehicle the nearby residents and passerby travellers assembled there and after the open declaration of the Police that myself and the driver Santhosh were in an intoxicated condition, I inform the Police that myself and my driver be medically examined and as demanded by the public my vehicle was taken to Anchal Police Station.

It is also submitted that it was under the instance of the Anchal Police under the instructions from some quarters waylaid my vehicle at Kolara bridge near to Anchal and thereby the nearby residents and passerby travelers interfered in the matter which leading to the registration of Crime Case No. 2059/2017 u/s 279 IPC and 185 of the Motor Vehicles Act in the Anchal Police Station against driver Santhosh.

The allegation that I misused official vehicle and official powers vested with me for my personal gain is also absolutely incorrect and contrary to real facts. I had not misused the official vehicle and official powers at any point of time and that, as stated hereinabove I used the official vehicle for my personal use for an urgent journey to Kottarakkara for which I had remitted the hire charges of the departmental vehicle. I had not gained anything as alleged but instead I lost my image and personal reputation in the department and before the public at large at the instance of the Anchal Police. It is also submitted that I had not committed any irresponsible conduct, criminal offence and engaged in any illegal activity for lowering the image of the State Police force before the general public as alleged. It is also submitted that I had not committed any dereliction of duty as alleged and that I have always

213
47

discharging my official duties loyally, faithfully and diligently without giving any room or occasion to any complaints to my official superiors and performing my duties with absolute integrity and devotion to duty.


It is further submitted that I had not committed any misbehavior or misconduct to any of the policemen of Anchal Police Station or to the general public at any point of time and instead I obeyed the instructions issued by my subordinate officers then and there and had not raised any objection for their illegal and irresponsible activities. Facts being so, the allegation that I had committed misbehavior and misconduct and violated Rule 3 of All India Service (Conduct) Rules, 1968 is untenable and not at all sustainable.

In the circumstances explained above it is humbly prayed that this explanation may kindly be accepted as satisfactory and thereby I may be absolved from the charges and allegations and that orders may kindly be issued to reinstate me in service at an early date.

I also request that I may be granted a personal hearing

Thiruvananthapuram
20.12.2017

Yours faithfully


(E.J. Jayaraj IPS)



48

GOVERNMENT OF KERALA

No.2505916/Spl.C3/2018/GAD

General Administration
(Special-C) Department,
Thiruvananthapuram,
Dated: 02.09.2018.

Articles of Charge against Shri.A.V.George IPS (KL:2004)
formerly District Police Chief , Ernakulam Rural

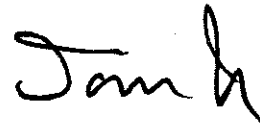
That you, Shri.A.V. George IPS, formerly District Police Chief, Ernakulam Rural, have committed a number of omissions and commissions by forming and maintaining Rural Tiger Force (RTF) under your direct control and supervision, in violation of PHQ Circular No. 29/2010 and utilizing their services for apprehending accused persons in several cases contrary to the directions from PHQ and the Government. In this particular instance, also, you unauthorizedly facilitated the apprehension of Sreejith and thus committed supervisory failures. You have thus abused your power and official position and have committed the following omissions and commissions unbecoming of a senior police officer.

- 1) You formed and maintained Rural Tiger Force (RTF) by violating existing circulars from PHQ.
- 2) You used their services unauthorizedly and improperly by using them for various investigations without assigning them properly to work under the command and control of investigating officers.
- 3) You did not ensure supervision of the Rural Tiger Force (RTF) by subordinate officers and made them report directly to you. You also did not exercise proper command and control over them.
- 4) After the deceased Sreejith was arrested on 06.04.2018, he was brutally assaulted and serious injuries were inflicted on him by the above RTF personnel and he was wrongly confined in the lockup of Varappuzha Police Station. As a result of such serious injuries, he died on 09.04.2018

while he was undergoing treatment in Aster Medicity Hospital, Ernakulam. In this case, you, without conducting a proper enquiry to ascertain facts relating to custodial death, in a very unprofessional manner. You failed as a supervisory officer during the investigation of the case relating to arrest of Sreejith.

- 5) You also, irresponsibly gave statements to the media without ascertaining proper facts and thereby misled media and the public, creating a very negative image about the police force.
- 6) Your above acts amount to gross violation of the Rule 3(1), Sub Rule (1A) (vi) of Rule 3(1) of All India Services (Conduct) Rules, 1968 and Sub Rule (2B) (iii), (x) and (xi) of Rule 3(2) of All India Services(Conduct) Rules, 1968 and breach of provisions of under section 3, 4(b), (m), (n), (r), 29(2) and 50 of the Kerala Police Act 2011. You are allowed 15 days time to submit your Written Statement of Defence from the date of receipt of this communication. You are also required to state whether you desire to be heard in person. You may peruse the relevant records mentioned in the Statement of Imputations and this Articles of Charges and take down extracts from them if so desired, in the presence of the Additional Secretary, General Administration (Special C) Department, on any day prior to the due date for submission of your Written Statement of Defence, which will be fixed in advance at your request. If no Written Statement of Defence is received within the said period, the matter will be proceeded with, on the presumption that you have no statement of defence to offer.

Statement of Imputations on which Articles of Charge are based are also appended herewith.



Tom Jose
Chief Secretary to Government.

To

Shri.A.V.George IPS
(Through the Director General of Police & State Police Chief, Kerala).

345

Statement of Imputations

As per the letter No.T9-69344/2018/PHQ dated 11.05.2018, the State Police Chief forwarded a Special Report of Inspector General of Police (Crimes), CBCID, Headquarters, Thiruvananthapuram, the Chief of the Special Investigation Team (SIT), which is investigating the case relating to the death of one Sreejith at Varappuzha and connected cases to State Government with the recommendation to initiate departmental action against Shri.A.V.George IPS (KL:2005), Assistant Director (Training), KEPA [former DPC, Ernakulam Rural] to impose major penalty and also recommended to place him under suspension in the interest of a fair, impartial and unprejudiced investigation. As per the PHQ Proceedings No.D2/52987/2018/PHQ dated 10.04.2018 of State Police Chief, cases in Crime No.310/2018, 312/2018 & 321/2018 are being investigated by the Special Investigation Team (SIT) since 11.04.2018. The Crime No. 321/2018 U/s 323, 218, 342, 302 & 34 IPC was registered on 10.04.2018 in connection with the custodial death of one Sreejith from Dewaswompadam and the Crime No. 312/2018 U/s 144, 147, 149, 323, 427, 450, 307, 202, 212 r/w 149 IPC and 27(1) of Arms Act was registered on 06.04.2018 in connection with the house trespass and attack on one Vasudevan from Dewaswompadam suspecting his involvement in the case in Crime No. 312/2018.

2. The deceased Sreejith was taken into Police Custody from his house by 3 Civil Police Officers of AR Camp, Kalamassery viz. Santhoshkumar, Jithin Raj and Sumesh, who were the members of the Rural Tiger Force (RTF) functioning under the direct command and control of Shri.A.V.George IPS, the then District Police Chief, Ernakulam Rural. After he was taken into custody from his house at around 22:30 Hrs on 06.04.2018 he was brutally assaulted and serious injuries were inflicted on him by the above RTF officials and he was wrongly and illegally confined in the lockup of Varappuzha Police Station. He was later assaulted by the then SHO of Varappuzha PS Sri.Deepak also. As a result of such serious injury, he died on 09.04.2018 while undergoing treatment in Aster Medicity Hospital, Ernakulam.

347

3. Prima facie the following lapses on the part of Shri.A.V.George IPS have come to light.

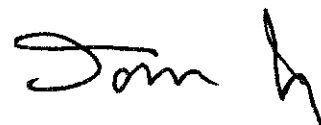
- (i) In violation of the guidelines of the PHQ Circular No. 29/2010, Shri.A.V.George IPS formed the Rural Tiger Force with 21 members for the last one year for unspecified tasks like general detections and prevention of crimes.
- (ii) The RTF was given full freedom by the officer to act independently in apprehending various accused in a number of crimes during the last one year.
- (iii) Many a time, without involving local investigating officers, the RTF personnel were used for such apprehensions and detections made by them.
- (iv) Many cases were registered Suo-motu, without any actual senior local officer supervising them. The members of the RTF were constantly motivated by the District Police Chief himself, individually and severally, by rewards accorded to them for many apprehensions, without observing the legal formalities.
- (v) The formation and maintenance of such a Force under the direct control and supervision of the DPC and utilizing their services for such instances, which were not in consonance with the existing norms and circulars; is highly unbecoming of a senior police officer of the stature of District Police Chief.
- (vi) Shri.A.V.George IPS, then District Police Chief had failed to ensure that they were functioning under the command and control of the Investigating Officer concerned.
- (vii) The officer also justified the actions taken by the RTF, even after the allegations of atrocity by the officials against Sreejith, the deceased, came to the fore.

(viii) The officer Shri.A.V.George failed to supervise the case(s) properly and failed to give proper directions in time.

(ix) The manner in which he addressed the media, justifying the police personnel, came in for a lot of criticism from various quarters and has tarnished the image of the police to a large extent.

4. The above said acts on the part of Shri.A.V.George IPS, then District Police Chief, Ernakulam Rural is seen gross violation of the Rule 3(1), sub-rule (1A)(vi) of Rule 3(1) and sub-rule(2B)(iii), (x) and (xi) of Rule 3(2) of All India Services (Conduct) Rules, 1968 and the provisions of Section 3, 4(b), (m), (n), (r), 29(2) and 50 of The Kerala Police Act 2011 and various orders and circulars issued by the State Police Chief from time to time.

5. Hence the charges.



Tom Jose
Chief Secretary to Government.

Documents relied upon

1. Letter No.T9-69344/2018/PHQ dated 11.5.2018 from the State Police Chief, Thiruvananthapuram.
2. Letter No.112/Camp/IGP Crimes/2018 dated 11.5.2018 of Inspector General of Police (Crimes)

371

From

Mr.A.V.George I.P.S., (KL : 2004)
Superintendent of Police,
(Internal Security),
SBCID HQrs, Thiruvananthapuram.

(Formerly Superintendent of Police, Ernakulam Rural)

To

**The Chief Secretary to Government,
General Administration (Special –C) Department,
Government Secretariat,
Trivandrum.**

(Through proper channel)

Sir,

Sub :- Articles of charges and statement of imputations- Reply submission- reg

Ref :- No.2505916/Spl.C3/2018/GAD dated 02-09-2018

I submit the following written statement to the Articles of Charges and Statement of Imputations levelled against me.

1. At the outset itself, I deny all the allegations, insinuations and charges levelled against me. I am totally innocent of the charges levelled against me.
2. I joined as District Police Chief, Ernakulam Rural on 07-01-2017. I had been discharging my duties honestly, sincerely and efficiently. Hitherto I have never been served with any memo of charges or notices. No disciplinary proceedings had been initiated as against me. I am the recipient of the Presidents' Police Medal for distinguished service in 2015. There are a number of appreciation letters, good service entries to my credit. Considering my meritorious service and track record, I am selected and appointed in Indian Police Service.
3. While working as District Police Chief, Aluva Rural on 06-04-2018, at about 04:20 P.M., I received a call, in my official mobile phone, informing about alleged murder of one Vasudevan within the limits of Varappuzha Police Station. I was also informed that the situation is tense and will flare up if appropriate steps are not taken. I was also informed that a hartal was called on 07-04-2018 by a local political party.
4. Considering the grave situation gathered from the said informant, I through wireless, contacted the Sub Divisional Officer, Aluva and also the Sub Inspector, Inspector of Police, Aluva Sub Division and issued a general direction to proceed to the spot to tackle the situation and to ensure law and order situation and to proceed in accordance with law. At that time, I was in a video conference with the State Police Chief. After 1 ½ hours of my instructions, the Deputy Superintendent of Police, Aluva informed me that it was not a case of murder but a suicide. I was also informed that the situation in the area was tense and police picketing and patrolling were intensified

and the situation was brought under control. I instructed the Deputy Superintendent of Police to register cases against all those who have indulged in violence and committed cognizable offences.

5. On 07-04-2018, at about 07:30 A.M., I was informed by the Deputy Superintendent of Police, Aluva that 10 persons were arrested and crimes were registered and investigation was going on in respect of all the crimes. Since the Deputy Superintendent of Police, Aluva was supervising the investigation, no further information has been furnished to me either by the Deputy Superintendent of Police or by the Investigating Officers or the Special Branch about the progress of investigation. Since Deputy Superintendent of Police, Aluva was supervising and monitoring the law and order situation and the investigation, necessarily, there was no room to doubt the progress of investigation.
6. On 08-04-2018, at about 08:30 P.M., the Special Branch informed me that one Sreejith, who was arrested along with other 9 persons and were admitted in Aster Medicity, Ernakulam due to severe stomach pain. On receipt of the above information, I called the Deputy Superintendent of Police, Aluva and directed him to submit a report about the entire incident. The Deputy Superintendent of Police, Aluva submitted a report dated 08-04-2018 to me on 09-04-2018. In the report, it was stated that Crime Nos.310 of 2018 ; 312 of 2018 ; 316 of 2018 of Varappuzha Police Station were registered on two incidents. It was also informed that, in connection with Crime No.310/2018 and 312/2018, 10 persons were arrested and 9 of them were remanded to judicial custody. It was also informed that as a sequence of the attack of the house of one Vasudevan, he committed suicide and a hartal was held on 07-04-2018. After narrating the sequence of events which led to the offences for which the three crimes were registered, it was also informed that the 12th accused Sreejith complained of stomach pain in the early mornings of 08-04-2018 and he was admitted in Aster Medicity, Ernakulam, and the Doctors advised for an operation. It was also informed that the relatives of Sreejith were told about his admission in the hospital and the necessity for operation. It was further stated that, with the consent of the relatives of Sreejith, the Doctors conducted the operation. It was also informed that none of the accused when produced before the Jurisdictional Magistrate complained about the police. It was also stated that there were altercation between two groups and assaulted each other and there were brick bats and it was further informed that because of the assault, Sreejith would have sustained injuries on his stomach. It was also stated that there was no lapses or negligence on the part of the police officers. A true copy of the report dated 08-04-2018 of the Deputy Superintendent of Police, Aluva, which was delivered to my office on 09-04-2018 is produced as **Annexure-A** for reference. Since the Sub Divisional Officer, who had been supervising the investigation and had been at the place of occurrence immediately after the incident, submitted **Annexure-A** report, there was no room to suspect the bonafides or truth of the report. I could never take it as a false or misleading report. I relied upon the report, which was on the basis of the information directly collected by the Deputy Superintendent of Police who had been at the spot on 06-04-2018 onwards.

- 7. On 09-04-2018, I was informed that Sreejith died in the hospital. I was informed by the Deputy Superintendent of Police, Special Branch that the Doctor, who saw Sreejith in the hospital for the first time, recorded in the case sheet that the cause of the stomach pain was due to assault by 2 police officers.

- 8. On 09-04-2018, the Deputy Superintendent of Police, Special Branch forwarded a copy of the report send to A.D.G.P.(Intelligence), Trivandrum to me. In the report, it was stated that the arrest of all the 10 accused were recorded on 07-04-2018 at 10 A.M. For the purposes of producing before the jurisdictional Magistrate, all the 10 accused were subjected to medical examination at Taluk Head Quarters Hospital, N.Paravoor. The Doctor who examined all the accused including Sreejith did not note any injury or stomach pain was complained of by Sreejith. It was also reported that all the accused including Sreejith were produced in the residence of the jurisdictional Magistrate on 07-04-2018 itself. It was also stated that the Magistrate was not in station and asked to produce the accused at 08:00 A.M. on 08-04-2018. Thereafter, the accused were brought back to the police station and kept in the lock-up. It was also reported that at 12:00 A.M. in the night between 07-04-2018 and 08-04-2018, Sreejith complained of severe stomach pain and was taken to the Taluk Head Quarters Hospital , North Paravur for treatment. After examination, the duty Doctor referred Sreejith to Medical College Hospital, Kalamassery. It was further informed that at Medical College Hospital, Kalamassery, his pulse became very weak and emergent treatment was given but did not responded and the Doctor enquired with him, when he disclosed that he was assaulted and kicked on his stomach by the police. It was further stated that by about 03:00 A.M. on 08-04-2018 Sreejith was referred to Aster Medicity where he had undergone CT Scan and it was diagnosed that he had internal bleedings and subjected to emergent operation. It was also reported that on 06-04-2018 at about 10:30 P.M.,three police officers in Mufti who claims to be the members of the Special Squad of the District Police Chief caught hold of Sreejith from his residence and assaulted and kicked and beaten him as a result of which Sreejith sustained injuries. It was further informed that Sreejith succumbed to the injuries at 07:00 A.M. on 09-04-2018 at Aster Medicity while undergoing treatment. A copy of the report dated 09-04-2018 of the Special Branch is produced herewith and marked as **Annexure-B** for reference.

- 9. On receipt of **Annexure-B** report, I placed the three police officers under suspension. Three police officers who were alleged to have apprehended Sreejith and assaulted him and placed under suspension are CPO 12593 – Sumesh M.S. ; CPO 12948 – Jithin Raj and CPO 12510 – Santhosh Kumar P.P. of District Head Quarters, Kalamassery with immediate effect. A true copy of suspension order dated 11-04-2018 placing three police officers under suspension w.e.f. 10-04-2018 is produced as **Annexure-C** for reference.

- 10. Crime No.321 of 2018 of Varappuzha Police Station was registered under Section 174 of Criminal Procedure Code on the death of Sri.Sreejith. Thereafter the investigation of all the crimes were entrusted to the CBCID. A Special investigation Team was constituted and Crime Nos.310 of 2018 ; 312 of 2018 ; 316 of 2018 and 321 of 2018

were entrusted to SIT on 11-04-2018. The SIT altered the Sections of Crime No.321 of 2018 to Sections 302, 323, 342, r/w Section 34 I.P.C.

11. It is submitted that as the District Police Chief, on receiving intimation about violence within the Varapuzha Police Station on 06-04-2018, I immediately mobilized the police force, including the Sub Divisional Officer, Aluva ; Sub Inspector and others of the nearby police stations as well. The Sub Divisional Officer was monitoring the law and order situation and he was physically present in Varapuzha Police Station immediately after my intimation. The Sub Divisional officer, Aluva has been supervising the entire law and order situation and also the registration of crimes and investigation. I bonafide acted on the report of the Sub Divisional Officer. There was no supervisory lapses on my part.
12. I was placed under suspension on 11-05-2018.
13. In this connection, I may humbly submit that the Government of Kerala, Home (A) Department issued G.O.P.No.268/10/home dated 10-12-2010 on the basis of the report from the State Police Chief. **PAGE 9** of the said order deals with formation of a Special Force in District Head Quarters for emergency assistance to police stations in tackling crime, law and order and traffic and persons in distress and for other purposes. A true copy of G.O.P.No.268/2010/Home dated 10-12-2010 is enclosed as **Annexure-D** for reference. I bonafide believed that I can frame a special force on the basis of **Annexure-D**.
14. I formed the Special Squad on 24-02-2017 namely Rural Tiger Force (RTF). The formation of RTF was necessitated on the allegation of sexual assault in a vehicle on a cine actress which was very sensational throughout the country. The Special Force was created in consonance with **Annexure-D** G.O. to prevent heinous crimes like highway robbery, dacoity, kidnapping and so on. Moreover, incidents involving organisations which are indulging in anti-national activities have been in vogue within the District which resulted in various heinous crimes, like brutal attack on Prof. Joseph at Thodupuzha by fundamentalists, Camps conducted by members of SIMI, which is banned by the Central Government, with its head quarters within the limits of Binanipuram Police Station. The members of SIMI hailing from various parts of India participated in a camp conducted at Vagamon. In such circumstances it was highly essential to have a watchdog to report the movements of fundamentalists which also necessitated the formation of the Special Force.
15. I had never instructed the members of the Special Force to arrest any of the suspect in connection with the crimes registered in Varappuzha Police Station or to conduct any investigation. I only instructed the members of the RTF to provide necessary assistance to the Inspector of Police, North Paravoor in the maintenance of law and order only. It is the duty of the Sub Inspector of Police, Varappuzha Police Station and Circle Inspector of Police, North Paravoor under the supervision of Deputy Superintendent of Police, Aluva to conduct the investigation, apprehend the suspect and maintain law and order situation. If the members of the Special Squad acted without authority the responsibility cannot be mulcted upon me. It would appear that

the members of the Special Force interfered with the investigation with the consent and knowledge of Circle Inspector of Police, North Paravoor. It is submitted that I was never informed about the role if any played by the members of the task force by any of the police officers. More over the Circle Inspector of Police, North Paravur could have prevented the members of the task force if they exceeded their authority. The alleged intervention of the members of the task force was under the nose of the Sub Divisional Officer and C.I. of police. It is submitted that they could have very well prevented the members of the task force if they interfered in the investigation. In view of the above factual position, I may respectfully submit that the allegations levelled against me are totally incorrect, baseless and unfounded.

16. The allegation in Articles of Charges that I formed and maintained RTF by violating the circulars from PHQ is incorrect. I relied upon the Government order for formation of RTF which I honestly believe that such Government order permits me to form such RTF.
17. The allegation that I used the services of members of the RTF unauthorizedly and improperly by using them for various investigations without assigning them properly to work under the command and control of investigating officers is incorrect and hence denied.
18. The allegation in the Articles of Charges that I did not ensure supervision of Rural Tiger Force by subordinate officers and made them report directly to me is incorrect. The further allegation that I did not exercise proper command and control over them is also incorrect. I submit that the members of the RTF, after detection of the crime has been instructed to report to the jurisdiction police station. I submit that the members of the RTF had been reporting detection of crimes to the concerned police stations, on the basis of which various crimes were registered. Hence the allegation that they were directly reporting before me is baseless and unfounded.
19. The allegation that I did not conduct proper enquiry to ascertain facts related to custodial death in a very unprofessional manner is incorrect and hence denied. The further allegation that I failed as Supervisory Officer during the investigation of the case relating to arrest of Sreejith is also incorrect. As District Police Chief, I discharge my duties in a responsible and professional manner.
20. The further allegation that I gave statements to media without ascertaining proper facts and thereby mislead media and public creating a very negative image about the police force is incorrect and hence denied. As stated above, I relied upon **Annexure-A** report to answer the queries of media.
21. At the risk of repetition, I may submit that I had no role to play in the arrest of the accused in Crime No.312 of 2018 or any of the crimes registered in connection with the incident on 06-04-2018. I respectfully submit that as the head of the District Police, on getting information of cognizable offence, I instructed the subordinates to proceed to the place of occurrence and to discharge their duties in accordance with law. In giving such instructions to my subordinates, I only discharged my duties as a

- dutiful officer. I had no personal knowledge or any connection with the complainant or anybody involved in the above crimes. I have not interfered with the investigation of the crimes at any stage. As the head of the District, I only issued instructions to my subordinates to proceed to the place of occurrence and take steps in accordance with law which cannot be interpreted as interference with investigation.
22. The arrest of suspected persons on 06-04-2018 and the alleged assault were beyond my control. Since I received a report about the misconduct of three RTF personals, I immediately placed them under suspension and initiated disciplinary proceedings against them. I may respectfully submit that the arrest of the accused in the above crimes and their detention in the police station were not informed to me by any of the police officers including the members of RTF. For the first time, I got information of Sri.Sreejith being admitted to Aster Medicity, Ernakulam only on 08-04-2018 at 08:30 A.M. Immediately, I called for the report of Deputy Superintendent of Police which is produced as **Annexure-A**, which is self-speaking. When a responsible Sub Divisional Officer gives me a report as authentic, of about what transpired, there was no room to doubt his bonafides and the report. I never dreamed that the Sub Divisional Officer through **Annexure-A** will submit a false report or will mislead me. I bonafidely acted upon the **Annexure-A** report. I have not failed in discharging my duties as alleged. I have not violated any of the provisions of All India Service (Conduct) Rules, 1968 or provisions of Kerala Police Act, 2011.
23. It is true that I formed a Special Force with 21 members with the avowed object mentioned above. For the formation of the Special Force, I followed **Annexure-D** Government order. In this connection, I may respectfully submit that in all the Districts Special Police Force have been formed by the respective District Police Chief or the Police Commissioner of the Cities in accordance with **Annexure-D**. It is common knowledge that in all the cities there are Special Task Force under the Police Commissioner. I may place on record the constitution of Special police Force in Kottayam District as **Annexure-E**. A print out from the official website of the City Police Commissioner, Kochi about the functioning of Special Task Force under him is produced as **Annexure-F**. The Deccan Chronicle dated 27-10-2016 which contains the details of Special Police Force under the I.G. Cochin Range is produced as **Annexure-G**.
24. I understand that Circular No.29 of 2010 of the Police Headquarters has been superceded by the G.O. dated 10-12-2010. I followed the G.O. dated 10-12- 2010 and hence it is incorrect to state that I formed the Special Force contrary to the guidelines contained in Circular 29/2010. I only followed the Government order in the formation of the Special Force as provided in the G.O. **Annexure-D**. Hence, the allegation that I violated circular No.29/2010 is contrary to the admitted position. The further allegation that I gave full freedom to the members of Special Force to act independently and waywardly is false and baseless. The Special Force on getting information of any offence, has to inform the same to the jurisdictional police Station. The duty of the Special Force ceases on furnishing such information. They have never been authorised to detain, register a case or arrest the suspect or conduct any kind of investigation.

383

The Special Force is meant only as an informant, nothing more, nothing less. No cases were registered without involving local Investigating Officers. The RTF never made any apprehensions but only detections and promptly reported to jurisdictional police station.

25. The alleged custodial torture and subsequent death of Sri.Sreejith has unnecessarily been discussed in the visual and print media. Whenever there is any alleged lapse on the part of the police officers, it will necessarily give rise to heated debates in visual / print media without ascertaining the truth. For example, the kidnapping and sad death of Sri. Kevin in Kottayam District was the subject matter of heated debates in visual / print media and unnecessary accusations against the police. In all sensational criminal cases, the debates in visual and print media are concentrated to harm the reputation of police personnel's. It is of common knowledge that nobody can prevent the visual / print media from creating a furore by such heated debates against police personnel's. I am not liable or responsible for any debates in the visual and print media on the alleged custodial torture of Sreejith. By making such allegations as against me, I may respectfully submit that those allegations are without any substance. I have not crossed the discipline of police force and has not breached or undermined the practices in violations of the provisions of AISR 1968 or Kerala Police Act, 2011.
26. Immediately on getting information about the admission of Sreejith in the hospital, I called for report from Deputy Superintendent of Police, Aluva. I also acted on the report of the Special Branch. I immediately placed the three suspected officers involved in the alleged torture of Sreejith on suspension. The allegation that without enquiring into the real facts regarding the complicity of the deceased, I justified the action taken by RTF is baseless and unfounded.
27. When I was informed about the admission of Sreejith in the hospital, I obtained **Annexure-A** report dated 08-04-2018 from the Deputy Superintendent of Police, Aluva. Moreover, a signed statement recorded by the Inspector of Police, North Paravoor dated 07-04-2018 of one Mr.P.K.Parameswaran, who is a witness in the above crime was made available to me, a true copy of which is produced herewith and marked as **Annexure-H**.
28. When the people from visual media sought my comments on 11-04-2018 about the incident, I replied on the basis of **Annexure-A** report of Deputy Superintendent of Police and **Annexure-H** statement of Sri.P.K.Parameswaran recorded by the Investigating Officer. I solely relied upon the report referred above. I never attempted to screen any of the offenders and has not committed any misbehaviour, indiscipline or total lack of duty as alleged.
29. I respectfully submit that I have not violated any of the provisions of the AISR 1968 and any of the provisions of Kerala Police Act, 2011.
30. The allegations in the statement of imputations are not fully correct and hence denied.
31. It is true that three police officers mentioned therein are members of the Special Force formed by me under **Annexure-D** Government Order. The Special Force was formed

for a specific purpose like watchdogs to prevent crimes and to watch the goondas and fundamentalists and act as informants to the jurisdictional police station. The members of the Special Force has not been authorised to meddle with the investigation, arrest any suspect, which are all duties imposed upon the Investigating Officer.

32. The allegation that I formed the Special Force with 21 members for unspecified tasks like general detections and prevention of crimes in violation of circular No.29/2010 is incorrect and hence denied. I relied upon **Annexure-D** Government Order for the formation of the Special Force and only for the purposes mentioned therein and detailed above. The members of the Task Force are not entrusted with detection but to prevent crimes, to watch goondas and fundamentalists.
33. The allegation that the RTF was given full freedom to act independently in apprehending various accused in a number of crimes is totally baseless and unfounded. I may respectfully submit that to my knowledge, and information, the RTF had never arrested any of the suspects in any crime. But on the other hand, on information received from RTF, the jurisdictional police arrest suspects and thereby prevents the commission of offences.
34. I may respectfully submit that after the formation of RTF no serious crimes were reported in the District including the activities of fundamentalists.
35. The allegation that without involving local investigating officers, the RTF personnel's were used for apprehension and detection of crimes is baseless and unfounded.
36. The allegation that many cases were registered suo moto without any supervision of local officer is totally incorrect. It is of common knowledge that only the S.H.O. of a police station can register a crime. There cannot be any registration of F.I.R. by any officer other than S.H.O. Hence the allegation that cases were registered suo moto is only a bald allegation without any substance. As a motivation to the sincerity and honesty, all police officers are rewarded with good entry services. The Good entry services if any awarded to a member of the Special Force can be attributed only to his efficiency in preventing commission of offence.
37. The allegation that the formation of the Special Force and utilizing their services were not in consonance with the existing norms and circulars is totally baseless and unfounded. I may respectfully submit that the force was created as per **Annexure-D** Government Order. A Special Force is created in consonance with the Government order cannot be said to be unbecoming of a senior police officer.
38. Except the strange incident in Varappuzha there has been no complaint of functioning of the members of RTF. If at all the members of RTF exceeded their authority the concerned Investigating Officer has to be blamed and has to be booked. I have not justified the action taken by RTF at any point of time.
39. I never addressed the media as alleged. While I was entering into the official car from my office the media sought my comments on the incident dated 06-04-2018 within the

limits of Varappuzha Police Station. I based on **Annexure-A** report of Deputy Superintendent of Police, Aluva and **Annexure-H** statement recorded by Circle Inspector (investigating officer), I made my comments. I made such comments solely on the basis of the information furnished by the Deputy Superintendent of Police and Inspector of Police (Investigating Officer) **Annexure-A & E**. I have not tarnished the image of the police. I only devoted myself to uplift the fame and discipline of police force. My entire career in State Police will reveal that no incidents to undermine my bonafides and efficiency has ever been commented by any superior officer. I may wish to point out that my confidential reports reveal my integrity and devotion to duty since the entries in all the ACRs are excellent and outstanding.


40. I respectfully submit that I have not violated any provisions of AICSR 1960 and Kerala Police Act 2011 and various orders issued by State Police Chief from time to time.
41. I reiterate that I am innocent of the allegations levelled against me. I have evidence to adduce. I may be heard if your goodself decides to proceed with the matter.

I may request your goodself to accept the explanation, drop the proceedings and exonerate me from all the charges levelled against me.

Place : Thiruvananthapuram


Date : 22/09/2018

Yours faithfully,

 22/09/18

A.V. GEORGE IPS

Advance copy send for immediate action


 6/10/18 03:12 PM