

To
The Chief Secretary,
Govt. of Andhra Pradesh,
Velagapudi.

Amaravati,
29-3-2021.

Sir,

Sub: Explanation

Ref: 1. Memo.No.GAD01-PERS0IPS/4/2022.SC.D dated 22-03-2022
2. My letter dated 21-3-2022 (copy enclosed)

I'm in receipt of the memo cited above on 27-3-2022.

The memo alleges that I have contravened Rule 17 of the All India Services (Conduct) Rules, 1968.

Rule 17 is quoted in the memo. It reads:

No member of the Service shall, except with the previous sanction of the Government have recourse to any court or to the press for the vindication of official act which has been the subject matter of adverse criticism or attack of a defamatory character.

Provided that if no such sanction is conveyed to by the Government within 12 weeks from the date of receipt of the request, the member of the service shall be free to assume that the sanction sought for has been granted to him.

Explanation.—Nothing in this rule shall be deemed to prohibit a member of the Service from vindicating his private character or any act done by him in his private capacity. Provided that he shall submit a report to the Government regarding such action.

I am to inform that, complying with Rule 17, I addressed a letter to the Government on 21-3-2022 itself seeking permission to file defamation cases against

certain individuals and organisations. I am prepared to wait for 12 weeks for Government's permission/sanction in this regard.

Hence, the question of contravening Rule 17 with regard to seeking previous sanction of the Government does not arise.

In the said letter (copy enclosed), I had informed the Government that I would be addressing the media on this issue of immediate public importance.

In that context, I stated that I would be conducting myself strictly within the confines of AIS (Conduct) Rules, 1968 and I scrupulously adhered to that commitment.

I'm enclosing the media reports and statements by individuals that compelled me to address the media to clear the dark clouds surrounding issues of immediate public interest.

Coming back to the memo dated 22-3-2022, at the outset, I aver that the explanation is already incorporated within the notice issued to me.

The notice, rightly, quotes Rule 6 of AIS (Conduct) Rules, 1968 that:

previous sanction of the Government shall not be required when the member of the Service, in the bona fide discharge of his duties or otherwise, publishes a book or contributes to or partclpates in a public media.

Also, Rule 17 and the Explanation thereof too were quoted in the notice which reads that:

Nothing in this rule shall be deemed to prohibit a member of the Service from vindicating his private character or any act done by him in his private capacity. Provided that he shall submit a report to the Government regarding such action.

The memo says that I had addressed the media on 21-3-2022 on the issue of Pegasus. This is factually correct.

Pegasus is either an official issue or a private issue. It can't be both at the same time. However, as can be gleaned from the allegations and media reports enclosed, the issue of Pegasus was connected to me and my tenure as Head of Intelligence

Department, AP and allegations derogatory to my private character and the character of my family members were made.

The issues raised in public domain by several prominent persons as well as print and electronic media were regarding the alleged purchase of Pegasus software, more particularly, that it was purchased by Government of AP through me as ADG/DG, Intelligence department of AP. To that extent, the issue is one in which my bona fide discharge of duties was questioned and to that extent, it was an official issue and I was the official concerned with the issue at hand.

Hence, it was imperative that I had to clarify the various doubts raised and to assert that there was no wrong doing on the part of the government and more specifically, no wrong doing on my part while discharging my duties during the relevant period of time.

Thus, to such an extent as explained above, I was strictly complying with Rule 6.

Secondly, there was an avalanche of allegations against me and my family members (on our private character) concerning acts alleged to have been done in our private capacity.

I am enclosing, among others, one such allegation, issued in the form of a tweet by Mr.Vijaya Sai Reddy, member of RS.

Thus, if you go through the wild, unsubstantiated, unscrupulous, scurrilous allegations and insinuations that were flying through various media channels starting from 18-3-2022, it was clear that my fundamental right to life with dignity as assured by Article 21 of the constitution of India was at great peril.

As such, I would have been failing in my duty as a conscientious citizen and a responsible head of family if I had not used my rights under Rule 17 and defended myself, my honour, my dignity and my family's reputation from irresponsible, deliberate, malicious, false rhetoric/propaganda created by individuals and certain channels of media with vested interests that caused irreparable damage to myself along with my immediate family members.

While Rule 6 empowers members of All India Services to defend their bona fide discharge of duties, Rule 17 empowers members of service to defend themselves from attacks on their private lives and private character.

I am glad to inform that I did use both the Rules to face the immediate challenges thrown up.

I intend to draw your attention to the fact that I defended the action of the Government in declaring, through an answer dated 12-8-2021, to the RTI question posed to the DGP office, that Pegasus software was never purchased by their office.

I also made it clear that the only purpose of addressing media was to clear the air regarding purchase and use of Pegasus software while I was heading the Intelligence department (all of which is covered by Rule 6) and to defend my private character which was under attack (an action by a member of service covered under the 'Explanation' part of Rule 17) and that I was not there to criticise any action or policy of the Government which, I am aware, I am barred from doing, on legal, administrative as well as moral grounds as long as I continue to be a member of service (thus observing in letter and spirit the bar placed by Rule 7).

The conduct Rules also mandate me as an AIS officer, to comply with Rule 3(1A)(iv) which says, "**Every member of the Service shall maintain accountability and transparency**" and as such, I had to be accountable and transparent with regard to the question and the controversy pertaining to purchase and/or use or otherwise of Pegasus software and I discharged my responsibilities as such.

When false, unsubstantiated, scurrilous attacks were going on in public media regarding the role of Intelligence department in the purchase and use of Pegasus software, the present incumbent of Head of Intelligence Department, Government of AP should have consulted the records and clarified to the agitated public with facts. Unfortunately, it was not done.

As a result, when my tenure as Head of Intelligence department was being called into question and I was, by name, being alleged to have purchased and used the spyware called Pegasus to illegally invade privacy of citizens and my family members too were being dragged into this false narrative, I had no option but to invoke my fundamental

right under Article 21 and my rights as an AIS officer under Rules 6 and 17, to protect myself and my family from the onslaught.

I expect the Government, at least now, to come to my defense by declaring that no wrong doing was committed by me while I was ADG/DG, Intelligence, Andhra Pradesh specifically with regard to Pegasus software and that such software was never purchased by either the Intelligence department or any other department/wing/arm of the state government of AP until May 2019.

In view of the above elaboration, I firmly affirm that I have made conscious efforts not to contravene any of the AIS (Conduct) Rules, 1968 and that no further action is called for in this regard.

I request that this reply may be treated as my report to the Government as required to be submitted as per the 'explanation' part of Rule 17.

With regards,

Yours sincerely,

A.B.Venkateswara Rao IPS

DGP, Under Suspension

Encl: As above